



**MAGHULL
TOWN
COUNCIL**

Scheme of Delegation
May 2018

1. Introduction

- 1.1 This Scheme of Delegation forms part of the Council's Financial Regulations and will be reviewed at least annually or earlier, for example when there are staffing changes.
- 1.2 Those with delegated responsibility are referred to by job title, therefore any changes in job titles will trigger a review of this scheme.
- 1.3 One of the purposes of the document is to clearly define the parameters within which Officers of the Council are able to act without reference to either their line managers or Members. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.
- 1.4 Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.
- 1.5 The other purpose of the document is to capture the various delegated powers throughout the council, including those delegated by the Council to its various committees. This element of the scheme incorporates the Terms of Reference of the committees.
- 1.6 The powers and duties set out in this scheme are delegated to the Chief Executive Officer. The Chief Executive Officer may delegate these duties and powers to other Officers within the Council.

2. Powers Reserved To Council

Membership: All Councillors

Quorum: One third of the total membership.

Matters to be resolved only by Council

- Issuing the precept
- Borrowing money
- Approving the end of year Accounts and Annual Return.
- Incurring capital expenditure over and above the Council's approved budget.
- Incurring revenue expenditure which is over and above the Council's approved budget and is in excess of £500 per item (unless incurred already under Financial Regulations 3)
- The Council has ultimate responsibility to ensure financial balance and probity.
- Initiating requests for boundary reviews and commenting during the course of such reviews
- Amending Standing Orders and Financial Regulations

- Setting the number of Committees, and the names and number of Members appointed to each Committee.
- Determining the functions and constitution of Committees and Sub-Committees.
- Setting the dates of routine meetings of the Council and its Committees.
- Filling of Member vacancies occurring on any Committee or Council
- Appointing or nominating persons to fill vacancies on outside bodies.
- Confirming the appointment of, and dismissing the Chief Executive.
- All other matters which must, by law, be reserved to the full Council.

3. Delegation to Committees

3.1 Safeguards

3.1.1 The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a Committee or Officer.

3.1.2 Matters delegated to Committee may be referred to full Council at the request (written or verbal) of two Members of the Council prior to the resolution of the matter.

3.1.3 In accordance with Standing Order 13 the Council may, under specified conditions, reverse a Committee (or Council) decision within 6 months.

4. Committee Chairs

In liaison with the Chief Executive, the Committee Chairs have the authority to cancel or postpone a meeting owing to lack of business or in an emergency.

5. Audit & Governance Committee

Membership: 6 Councillors

Quorum: 3 Councillors.

Matters to be resolved by Audit & Governance Committee

- The Committee shall elect a Chairman and Vice Chairman for each civic year.
- To monitor annually the performance and effectiveness of external and internal auditors, and to make recommendations to the Council concerning their re-appointment, where appropriate.
- To consider and advise the Council on the appointment and terms of engagement of the internal audit service, the audit fee.
- To report to the Council the Committee's recommendations on issues relating to risk management and internal controls.
- To consider the annual financial statements, the auditor's formal opinion, Members' responsibilities and the statement of internal control in accordance with audit regulations.
- To review the letter of representation of the external auditors, the annual report of the internal auditors and management response to both documents.

- Recommending changes to the Constitution, Financial Regulations and Powers and Duties of Committees
- Monitoring the complaints procedure
- To oversee the Council's policy on fraud and irregularity, including being notified of any action taken under that policy.
- To ensure that all significant losses have been properly investigated and that the internal and external auditors have been informed.
- To satisfy itself that satisfactory arrangements are in place to promote economy, efficiency and effectiveness.
- To monitor the implementation of agreed audit-based recommendations.
- To review internal auditors' audit needs assessment and the audit plan; to consider major findings of internal audit investigations and management's response; and promote coordination between internal and external auditors. The Committee will ensure that the resources made available for internal audit are sufficient to meet the needs.
- To receive quarterly reports from the Responsible Finance Officer on the Council's governance arrangements including arrangements for the conduct of reviews of the effectiveness of the Town Council.
- To review the Council's Risk Register, Risk Policy and to oversee corporate risk management.
- To scrutinise the workings of Maghull Community Enterprise, the Council's trading company.

6. Finance & Amenities Committee

Membership: All Councillors

Quorum: One third of total membership.

Matters to be resolved by Finance & Amenities Committee

- To propose, monitor and review such projects as the Committee considers necessary to achieve the Council's long term aims and objectives.
- To monitor payments with budget heads.
- To receive quarterly update from the Responsible Finance Officer on the budget to date.
- To review income and expenditure against budget.
- To monitor and review the management of the Council's assets, the financial health of the Council, expenditure against budget allocations including the total level of expenditure of the Council, and reporting to Council as necessary.
- To advise the Council generally as to its financial and economic policies and as to the allocation and control of its financial resources.
- To make recommendations to Council on:- a) the annual estimates of revenue and capital expenditure. b) the management of the Council's finances

and the budgetary framework and processes. c) Scrutiny of the Town Council's resources.

- To review the play area inspection and maintain to ensure that the sites are fit for purpose. To investigate grants to provide new play equipment.
- To formulate a plan and monitor the Town Centre events and annual town events.
- To enhance the environment of the town.
- To consider additional service provision to meet the needs of the town.

7. Community Engagement and Support Committee

Membership: 7 Councillors

Quorum: 3 Councillors.

Matters to be resolved by Community Engagement and Support Committee

- To support where possible adequate provision of health, housing and social services
- Managing community support activities including provision and maintenance of facilities, liaison with other bodies and cultural support
- Allocate the grant award to local community groups within the town.
- To promote adequate provision of environmental facilities and services
- To support organisations that contribute to the cultural life and diversity of Maghull
- Work closely with the police and other organisations to reduce crime and anti-social behaviour, secure convictions, and assist in improving public perceptions & confidence in policing, in so far as it is possible within MTC's sphere of influence
- To increase awareness in the public and on the Town Council of environmental, social and cultural issues and events
- To work with other organisations and partners to influence where possible the provision of health and social services; affordable housing; public toilets; street cleaning, litter maintenance and bins; rubbish collections; kerb-side recycling, waste transfer facilities, seagulls, reduction of fly-posting, and related matters
- To consider policies and projects relating to the quality of life for residents within MTC's area.
- The Committee is authorised to establish sub-committees and working groups, and to appoint advisers as and when necessary to assist in its work.

8. Personnel Committee

Membership: 7 Councillors

Quorum: 3 Councillors.

Matters to be resolved by Personnel Committee

- Key areas covered: Staffing (structure, recruitment, appraisals and recommendations to Council), Health & Safety reviews.
- To exercise the delegated powers and duties of the Council with respect to the key areas listed above.
- To review the Council's staffing arrangements on a regular basis
- To ensure the Council complies with all legislative requirements relating to the employment of staff.
- In respect of the Proper Officer & Responsible Finance Officer to recommend to the Town Council appropriate staffing arrangements for this post and relevant salary scales and conditions;
- In respect of the Proper Officer & Responsible Finance Officer to provide the Town Council with related Job Description and Person Specification
- In respect of the Proper Officer & Responsible Finance Officer to propose to the Town Council such recruitment and selection processes as are required for appointment of the post
- For all other staff to determine terms and conditions for posts established by the Town Council; agree and implement appropriate recruitment and selections processes for each post; and formally confirm appointments
- To consult with the Chief Executive in connection with all staffing related matters.
- To oversee the Council's appraisal process.
- To review and address staff training and development needs
- To review and address councillor training and development needs
- To address issues involving conduct, performance, competence of the Council's staff
- To review employment and recruitment policies for adoption.
- To review and make recommendations to the Council with regard to the appointed Legal / Personnel consultancy service
- To review the Council's staffing budget throughout the year
- To authorise Councillor absence under S85 Local Government Act 1972
- The Committee is authorised to establish sub-committees and working groups, and to appoint advisers as and when necessary to assist in its work.

9. Grievance and Disciplinary Panel

- 9.1 Council has granted the necessary delegated decision making powers to the Grievance and Disciplinary Panel in relation to staff grievance and disciplinary issues.
- 9.2 The Panel shall entirely consist of Councillors and shall number three.
- 9.3 Meetings will be called on an ad hoc basis as required, called by the Chief Executive and with notice given to the relevant employee.
- 9.4 A minute taker will be present throughout the proceedings.

9.5 The Panel will follow the procedure set out in the Town Council's Grievance and Disciplinary Procedures.

10. Appeals Panel

10.1 Council has granted the necessary delegated decision making powers to the Appeals Panel in relation any appeal against the decision of the Disciplinary Panel or the outcome of a Grievance.

10.2 Any Member who has been involved in the original Grievance or Disciplinary Panel shall not form part of the Appeals Panel.

10.3 The Appeals Panel will be appointed when any appeals against dismissal, grading, disciplinary proceedings and grievances by employees of the Council are made.

10.4 The Chief Executive will call the meeting and notice will be given to the employee.

10.5 A minute taker will be present throughout the proceedings.

10.6 The Panel will follow the procedure set out in the Town Council's Disciplinary Procedure.

11. Neighbourhood Plan Steering Group

11.1 Purpose of the Steering Group

11.1.1 Maghull Town Council is the qualifying body for the preparation of a Neighbourhood Plan for their civil parish area. The Town Council has invited the Neighbourhood Plan Steering Group to facilitate the creation of the plan. The Steering Group sits as the Project Board for project management and decision making purposes and will lead the preparation of the Maghull Area Neighbourhood Plan. The Group will guide and agree the content of the Plan and all associated evidence and analysis up to Preferred Option Consultation Draft stage.

11.1.2 The Group will:

- provide a locally accountable and representative lead for creating the neighbourhood plan;
- agree a project timetable and endeavour to secure compliance;
- agree a project communication, consultation and engagement strategy;
- agree a project budget and seek confirmation from Maghull Town Council;
- agree the initial scope of the Plan prior to early public engagement;
- confirm, subject to consultation with the Town Council, the scope of the Plan

11.1.3 Following analysis of early and subsequent community engagement;

- approve all background and evidence based reports prior to publication;
- agree all consultation documents prior to publication;

- agree a final submission version of the Maghull Area Neighbourhood Plan, for ratification by the Town Council;
- actively support and promote the preparation of the Maghull Area Neighbourhood
- plan throughout the duration of the project; and
- Ensure all activities comply with the Data Protection Act, including the storing of confidential information.

11.1.4 The Steering Group will be established for a time-limited period. The project is intended to run until a Plan has been presented for independent examination. The Steering Group will remain active until the independent examiners report is published.

11.2. Steering Group Objective

11.2.1 The objective of the Steering Group is to produce a sound Neighbourhood Plan for the Civil Parish of Maghull that defines the spatial planning policy priorities identified by the community taking into account all representations made during the plan-making process and having regard to all relevant existing plans and evidence. The Plan will include or be supported by an appropriate delivery plan setting out, where relevant, the means by which these policy priorities may be implemented.

11.3. Reporting and Communication

11.3.1 The Steering Group chairman will report regularly to the Town Council setting out progress on its work.

11.3.2 The process will be supported by the Town Council as local authority and qualifying body. The Town Council will approve the Submission Draft Neighbourhood Plan prior to publication for consultation and independent examination.

11.3.3 All communications, publications, consultation and community engagement exercises will be endorsed directly by the Steering Group.

11.4 Meetings

11.4.1 Steering Group meetings will take place regularly, by agreement. All meetings should take place in Maghull Parish. The Town Council will arrange appropriate venues for the meetings.

11.4.2 The Steering Group will elect a chair and vice-chair from its membership, both of whom will be town councillors. The chair will be reviewed as part of the Town Council's annual committee review.

11.4.3 Decisions made by the Steering Group should normally be by consensus at Steering Group meetings. Where a vote is required each member shall have one vote. A minimum of five members shall be present where matters are presented for decisions to be taken. A simple majority will be required to support any motion. The Chair, or in their absence the Vice-Chair shall have one casting vote.

11.4.4 Steering Group members shall declare Interests at meetings where appropriate.

11.5 Support

11.5.1 The Town Council will provide all secretarial services required by the Steering Group.

11.6 Conduct

11.6.1 The Steering Group will follow the code of conduct set out by Maghull Town Council. The Steering Group as a whole is accountable to the wider community for ensuring that the Plan reflects their collective expectations. The Steering Group will achieve this through applying the following principles:

- Work with mutual trust and respect, and combine their expertise;
- Be clear when their individual roles or interests are in conflict;
- Provide feedback from Steering Group meetings to their Topic Groups;
- Assist their Topic Groups to bring appropriate ideas and concerns to the attention of the Steering Group;
- Inform the Steering Group when they are unable to deliver agreed actions;
- Treat everyone with dignity, courtesy and respect regardless of their age, gender, sexual orientation, ethnicity, ability, or religion and belief; and
- Actively promote equality of access and opportunity.

Delegated financial powers within the approved budget (with regard to budget headings listed: Neighbourhood Plan)

12. Delegation to Officers

12.1 Chief Executive / Responsible Finance Officer (Proper Officer)

12.1.1 The Chief Executive is designated and authorised to act as Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.

12.1.2 Provided that such authorisation is not prohibited by statute the Chief Executive Officer to whom a power, duty or function is delegated may authorise another Officer to exercise that power, duty or function, subject to:

- only be given to an Officer below the delegating officer in the organisational structure
- only being given where there is significant administrative convenience in doing so
- the Officer authorised by the Chief Executive Officer acting in the name of the Chief Executive Officer
- such authorisation not being prohibited by statute.

12.2 General Matters

12.2.1 The Chief Executive is authorised:-

- To sign on behalf of the Council any document necessary to give effect to any decision of the Council;
- Managing the Council's public relations activities including social media
- To notify the Returning Officer of all casual vacancies arising in the membership of the Council as required by statute and to liaise with him or her regarding the conduct of elections
- To take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council;
- To institute, defend and appear in any legal proceedings authorised by the Council
- To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Maghull);
- The Chairman will instruct the Proper officer to alter the date or time of a Council /committee meeting,
- To decide arrangements for the closure of the Council offices in the Christmas/New Year period, subject to consultation with the Leader of the Council;
- To manage the Council's facilities and assets, including parks, open spaces, amenity areas, Town Hall and other buildings and assets.
- To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
- To deal with requests from Members for secretarial or administrative support in connection with their duties
- To implement national pay awards and conditions of service
- Under the Regulation of Investigatory Powers Act 2000 to authorise directed surveillance or the use of a human intelligence source.
- To act as the Council's Proper Officer as per section 281 Local Government Act 1972.

12.3 Financial Matters

The Chief Executive is authorised as follows:-

- To incur expenditure up to a maximum of £5,000 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution.
- Authorisation of expenditure on works up to a maximum £5,000
- To be responsible for the provision and management of information and communication technology provided throughout the Council including the replacement of out-dated equipment or the purchase of new equipment within the approved Budget

- To use the Repairs and Maintenance Budgets for the maintenance, replacement or repair of existing property or equipment.
- To recommend to the relevant Council/committee quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:-
 - 1) the cost not exceeding the amount of the approved budget;
 - 2) the tender being the lowest or the one showing best added value to the Council according to the criteria set out in the tender documentation;
 - 3) all the requirements of the Council's Financial Regulations being complied with.
- To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.
- To recommend to the relevant Council / committee on investing monies held by the Council with a view to obtaining the optimum financial return.
- Debt monitoring and recovery to be the responsibility of the Council (above a de minimis level).

12.4 Staffing Matters

- 12.4.1 The Chief Executive is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:-
- The appointment of senior officer interviews will be carried out by a panel of two members from the personnel (or other relevant) committee and the Chief Executive;
 - All other appointments to be recruited by the Chief Executive or relevant senior manager;
 - The employment of temporary employees;
 - Control of staff performance and discipline and performance, including the power of suspension and dismissal, in accordance with the policies set by the Personnel Committee and approved by Council.
 - Payment of expenses and allowances in accordance with the Council's scheme;
 - Dismissing members of staff;
 - To present to the Personnel Committee guidance on recommendations for employees' salary reviews, in accordance with the Council's staff appraisal system.

12.5 Property Matters

- 12.5.1 The Chief Executive is given authority to manage the land and property of the Council including:-
- Agreeing the terms of any lease, licence, conveyance or transfer approved by Council.
 - The granting or refusal of the Council's consent under the terms of any lease;

- Variations of restrictive covenants of a routine nature;
- Recommending to Council on the granting of easements, wayleaves and licenses over Council land;
- Initiating legal action or proceedings against unauthorised encampments on Council land.

12.6 Urgency

12.6.1 The Chief Executive is authorised to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council or relevant committee. The Leader of the Council and the Chair of any relevant committee are to be consulted before such action is taken.

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