

# Flitwick Town Council



## Scheme of Delegations

Adopted and approved at the Town Council meeting?

## **FUNCTIONS DELEGATED TO COMMITTEES**

### **1. DELEGATED POWERS - TOWN COUNCIL COMMITTEES**

Members will be advised by the Town Clerk whether a particular item under discussion is within the Committee's delegated powers, if so then the minutes will then record the decision as "**Resolved**".

If the matter is not within the Committee's delegated powers, then the minutes will show the decision as "**Recommended**", and the matter will then be brought to the Council's particular attention by the Chairman of the Committee at the next meeting of the Council. This item can be discussed in full by the Town Council. In any case where a Committee Chairman and Vice Chairman is either unsure whether or not any matter falls within delegated powers, or whether or not any matter should be determined by them, they should refer that matter to the next highest level of decision.

A Committees' delegated power need not always be exercised. Committee Chairs should be mindful that it may better serve the Town Council and be more democratic to have significant decisions considered by the full Town Council, especially when considering matters that are strategic in nature, or could cause controversy.

**It is Unlawful to delegate powers to any individual Councillor, including Committee Chairs and Vice Chairs.**

2. Town Council
3. Planning Committee
4. Business Services
5. Corporate Services
6. Community Services
7. Personnel
8. Appeals

## **2. Town Council**

The Town Council can take **all decisions**, or it may appoint one or more Committees or sub Committees for the purposes of discharging its functions. The Council may also delegate some of its functions to officers of the Council.

The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committees may make recommendations thereon for the Councils consideration.

- Resolving actions incurring expenditure that do not fall under the remit of the Committees.
- Setting the Precept
- Borrowing Money
- Approval of the Councils Annual Accounts and completion of the Annual Return.
- Making and amending, Standing Orders, Financial Regulations or this Scheme of Delegation.
- Making, amending or revoking by laws.
- Making of orders under any statutory powers.
- Deal with matters of principle or policy.
- Nominate and appoint representatives of the Council to any other authority, organisation or body.
- To conduct a half yearly appraisal of the budgets based on September figures.
- To receive estimates of expenditure in for the forthcoming financial year from other Committees of the Council, to set a recommendation for the Precept for approval at the January Council meeting.
- To request the agreed Precept amount from Central Bedfordshire Council, or their successors.
- To review the internal audit procedures annually and to appoint an Internal Auditor.
- To form Sub-Committees as required.
- To elect members to outside bodies.
- To approve and monitor all tenders and contracts, after review by other Committees as relevant.
- To do anything calculated to facilitate or conducive or incidental to the discharge of any of their functions. (LGA 1972, s 111), General Power of Competence, (Localism Act 2011).
- To manage policy with regard to promotion and publicity of the Council.
- To monitor Central Bedfordshire Council Policies and Plans that could affect the town.
- To monitor proposals from developers under Section 106 Agreements.
- To monitor and control office procedures, office facilities and equipment.
- To keep minutes.

### **Other responsibilities:**

- Control and development and continued improvement of the Council.
- Health and Safety – to ensure compliance with all health and safety.
- Fire precautions – to ensure measures are in place to deal with fire.
- Liaising with the Unitary Authority on matters pertaining to the Council.
- Liaising with the Police and other outside bodies on matters pertaining to the Council.

### **3. Planning Committee**

The Committee has delegated authority to make decisions and deal with matters listed below, only where sufficient budgetary provision exists or can be vired from within the approved budget of the Committee.

The Committee may decide not to exercise its delegated power and may instead make recommendations to Council.

The Committee is required to submit a list of resolutions and recommendations to the next available meeting of the Council.

Responsible for the control and development of:

- To Consider all planning applications on their merit and to make comment and pass resolutions in respect of these.
- When considering planning applications, to take the statements of any adopted Master Plan, Town Plan or Neighbourhood Plan into consideration.
- To respond to Central Bedfordshire Council on all planning applications within the set time scales.
- Street naming.
- Licencing.
- Mineral Plans, Waste Plans and regional Plans or any other plans or studies as considered appropriate.
- To comment on behalf of the Council in relation to any consultations on footpath diversions, modifications or adoptions.
- To appoint Members or instruct officers to attend Central Beds Councils Development Management meetings to make representations on behalf of the Council where necessary.
- Approval of its minutes as true and correct records.
- Any other matters that may be delegated to it by the Council from time to time.

#### **Other responsibilities:**

To consider a Neighbourhood Plan.

### **4. Business Services**

The Committee has delegated authority to make decisions and deal with matters listed below, only where sufficient budgetary provision exists or can be vired from within the approved budget of the committee.

Capital projects are referred to the Town Council as an application to access the rolling capital fund.

The Committee may decide not to exercise its delegated power and may instead make recommendations to Council.

The Committee is required to submit a list of resolutions and recommendations to the Council.

Responsible for the control and development of:

- Monitor and make recommendations to the Council for the use of Earmarked Reserves.
- Review the Financial Regulations annually.
- Track and review the budget vs actual spending across the Council based on September figures providing a report with recommendations to the Town Council.
- Receive and review the reports from the Internal Auditor before presentation to Town Council for adoption.
- Development of business strategy for commercial activities as well as the development of the Rufus Centre buildings including the provision of office space.
- Management of the Rufus Centre buildings including maintenance and cleaning contracts.
- Reviewing tenant rent rates, conference rates and function rates with the objective of ensuring the business remains financially viable.
- Rufus Centre Marketing related to commercial activities.
- Considering investment opportunities.
- [Develop the Strategy for Barclays Bank.](#)
- Debt management, (considering bad debt write-off proposals at year end).
- IT (split with Corporate Services) – responsibility to IT infrastructure and systems used by FTC as well as service and maintenance contracts with the exception of the FTC Website.
- Recycling and Environmental Impact including energy efficiency
- Approval of its minutes as true and correct records.
- Any other matters that may be delegated to it by the Council from time to time.

**Other responsibilities:**

- Health and Safety – to ensure compliance with health and safety.
- Liaising with the Unitary Authority on matters pertaining to the Committee.
- Liaising with the police and other outside bodies on matters pertain to the Committee.
- S106 applications and grant funding from external sources that fall within the committee's areas of responsibility.
- Commuted sums that fall within the committee's areas of responsibility.

**5. Corporate Services**

The Committee has delegated authority to deal with matters listed below.

The Committee may decide not to exercise its delegated power and may instead make recommendations to Council.

The Committee is required to submit a list of resolutions and recommendations to the next available meeting of the Council.

Responsible for the control and development of,

- Business Continuity.
- Policies and procedures, Member/Officer Protocol, Code of Conduct.
- Initiation of new Projects (i.e., On completion, project move to the relevant committee. ~~e.g. (new burial ground to Community Services)~~).
- S106 applications and grant funding from external sources., that fall within the committee's areas of responsibility.
- Elections/Councillor vacancies, Town Mayor/Dep Town Mayor, regalia, etc.
- Honorary Citizenship.
- Town Council Communications – e.g. Flitwick Papers, website, leaflets, etc.

- FTC Website.
- Town Council Strategy, vision, mission statement, objectives etc.
- Communications and Marketing Strategy
- Marketing related to Corporate activities.
- Training – Councillors and staff.
- Development of Plans – e.g. corporate plan, emergency plan.
- Approval of its minutes as true and correct records.
- Any other matters that may be delegated to it by the Council from time to time.

**Other responsibilities:**

- Health and Safety – to ensure compliance with health and safety.
- Liaising with the Unitary Authority on matters pertaining to the Committee.
- Liaising with the police and other outside bodies on matters pertain to the Committee.
- Commuted sums that fall within the committee’s areas of responsibility.

Specific duties:

- To oversee loans, leases, property and vehicle insurance, mortgages ([Includes Barclays Bank lease](#)).

**6. Community Services**

The Committee has delegated authority to deal with matters listed below.

The Committee may decide not to exercise its delegated power and may instead make recommendations to Council.

The Committee is required to submit a list of resolutions and recommendations to the next available meeting of the Council.

Responsible for the control and development of,

- General Ground Services
- Manor Park and Millennium Park
- [Organising events on and making enhancements to - Frontage Barclays Bank](#)
- Play Areas and Open Spaces including considering requests for use
- Football pitches and reviewing charges
- All Burial Ground matters
- Organising of all Community Events
- Organising of all Civic Events
- Discussing youth provision in Flitwick
- Noting minutes of the Allotment Liaison Committee
- Receiving reports from the Highways meetings
- Resident Driven Projects Grant Scheme. Considering Grant applications
- Dealing with Community Safety matters
- Approval of its minutes as true and correct records.
- Any other matters that may be delegated to it by the Council from time to time.

**Other responsibilities:**

- Health and Safety – to ensure compliance with health and safety.
- Liaising with the Unitary Authority on matters pertaining to the Committee

- S106 applications and grant funding from external sources that fall within the committee's areas of responsibility.
- Liaising with the police and other outside bodies on matters pertaining to the Committee.

## **7. Personnel**

The Committee has delegated authority to deal with matters listed below, only where sufficient budgetary provision exists or can be vired from within the approved budget of the committee. The Committee may decide not to exercise its delegated power and may instead make recommendations to Council.

The Committee is required to submit a list of resolutions and recommendations to the next available meeting of the Council.

Responsible for the control, development and continued improvements to:

- Recruitment, Selection and the policies, procedures and contracts relating to.
- Training, Development and the policies and procedures relating to.
- Appraisal, to ensure accurate assessments of performance is carried out.
- Reward, to review and agree proposed annual and interim pay awards to Council Employees
- Absence Management and the policies and procedures relating to.
- Disciplinary, Grievance and the policies and procedures relating to.
- Maternity, Paternity and the policies and procedures relating to.
- Equal Opportunities and the policies and procedures relating to.
- Recommend policy change within their area of responsibility.
- Approval of its minutes as a true record.
- Any other matters that may be delegated to it by the Council from time to time.

### **Other responsibilities:**

- Health and Safety – to ensure compliance with health and safety.
- Ensuring individual work records are maintained.
- Liaising with the Unitary Authority on matters pertaining to the Committee.
- Liaising with the police and other outside bodies on matters pertaining to the Committee.

## **8. Appeals**

### **Responsibilities – To Consider Evidence or Gather Further Evidence.**

The Committee has delegated authority to deal with matters listed below.

The Committee may decide not to exercise its delegated power and may instead make recommendations to Council.

The Committee is required to submit a list of resolutions and recommendations to the next available meeting of the Council.

Responsible for:

- Considering and deciding whether individual appeals have established grounds for appeal according to the disciplinary or grievance procedures.

- To gather further evidence at appeal committee hearings and to decide, on the basis of that information, whether an appeal should be upheld or rejected.
- Approval of its minutes as a true record.
- Any other matters that may be delegated to it by the Council from time to time.

**Other responsibilities:**

- Liaising with the Unitary Authority on matters pertaining to the Committee.
- Liaising with the police and other outside bodies on matters pertaining to the Committee.

**5. RESPONSIBILITIES DELEGATED TO TOWN COUNCIL OFFICERS**

The Town Clerk is the Proper Officer 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.

**General Matters the Town Clerk is authorised:**

1. to sign on behalf of the Council any document necessary to give effect to any decision of the Council.
2. 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.
3. to institute, defend and appear in any legal proceedings authorised by the Council.
4. 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 residents of Flitwick).
5. to alter the date or time of a Council/committee meeting but, before doing so, shall consult with the relevant Chairman about the need for the change and about convenient alternative dates and times.
6. to decide arrangements for the closure of the Council offices in the Christmas/ New Year period, subject to consultation with the Mayor.
7. to manage the Council's facilities and assets, including allotments, open spaces, amenity areas, cemetery, and any other buildings and assets.
8. to act as the Council's designated officer for the purposes of the Freedom of Information Act 2000. Data Protection Officer now designated to Comms & Marketing Manager
9. to act as the Council's proper officer as per any statute or Local Government Act 1972.

**Financial Matters the Town Clerk is authorised as follows:**

1. To incur expenditure up to the amount specified in the financial regulations. 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 Standing Orders and Financial Regulations.



2. To use the repairs and maintenance budgets for the maintenance, or repair of existing plant, vehicles or equipment.
3. To accept quotations or tenders (where tenders are required by the Council's Financial Regulations) for work supplies or services subject to:
  - a. the cost not exceeding the amount of the approved budget.
  - b. 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.
  - c. all the requirements of the Council's Financial Regulations being complied with.
4. To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.
5. Having consulted with the Council, to invest monies held by the Council with a view to obtaining the optimum financial return.

### **Staffing Matters**

The Town Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget.

With the exception of cases of gross misconduct, the Town Clerk must seek permission from the Personnel Committee before dismissing a member of staff.

### **Property Matters**

The Town Clerk is given authority to manage the land and property of the Council including:

1. agreeing the terms of any lease, licence, conveyance or transfer approved by Council, authorised to be signed by the Mayor or Deputy Mayor.
2. the granting or refusal of the Council's consent under the terms of any lease variations of restrictive covenants of a routine nature.
3. the granting of easements, wayleaves and licenses over Council Land approved by the Council.
4. initiating legal action or proceedings against unauthorised encampments on Council land.
5. hiring of open spaces for activities that benefit the residents of Flitwick.

### **Urgency**

The Town Clerk 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 or sub-committee. The Mayor, Deputy Mayor or Chairman of the relevant committee are to be consulted before such action is taken.

The Town Clerk may decide not to exercise his delegated power and may instead make recommendations to Council or the relevant Committee.

