

Flitwick Town Council



Scheme of Delegations

Adopted and approved at the Town Council meeting 17/10/23

FUNCTIONS DELEGATED TO COMMITTEES

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.

1. Town Council
2. Business Improvement & Development Board
3. Community Services
4. HR
5. Appeals
6. Responsibilities Delegated to Officers.

1. 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 Council's consideration.

- 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).
- Deal with matters of principle or policy.
- Nominate and appoint representatives of the Council to any other authority, organisation or body.
- To elect members to outside bodies.
- To form Sub-Committees as required.
- To manage policy with regard to promotion and publicity of the Council.
- Policies and procedures, Member/Officer Protocol, Code of Conduct (Committee-specific policies and procedures to be agreed at Committee level).
- Elections/Councillor Vacancies, Town Mayor/Deputy Town Mayor, Regalia etc.
- Honorary Citizenship
- Making, amending or revoking bylaws.
- Making of orders under any statutory powers.
- To approve and monitor all tenders and contracts, after review by other Committees as relevant.
- To monitor and control office procedures, office facilities and equipment.
- Control and development and continued improvement of the Council.
- 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.
- Licencing.
- Business Continuity.
- IT (split with Business Improvement & Development Board) – responsibility of IT infrastructure and systems used by the Council as well as service and maintenance contracts with the exemption of the Rufus Centre website.
- Organising of all civic events.
- Annual residents survey.
- Initiation of major projects with high expenditure.
- To keep minutes.

Strategy

- Town Council Strategy, Vision, Mission Statement, Objectives etc. (Reviews to be undertaken via a Task & Finish Group).
- Development of Corporate Plan.

Finance

- Resolving actions incurring expenditure that do not fall under the remit of the Committees (e.g. Rolling Capital Fund applications)

- 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.
- To review the internal audit procedures annually and to appoint an Internal Auditor.
- To request the agreed Precept amount from Central Bedfordshire Council, or their successors.
- 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 oversee loans, property and mortgages where relevant.
- Monthly reviews of statutory finance reports.

Planning

- To appoint Members or instruct officers to attend Central Beds Councils Development Management meetings to make representations on behalf of the Council where necessary.
- To consider major planning applications on their merit and to make comment and pass resolutions in respect of these.
- When considering major planning applications, to take the statements of any adopted Master Plan, Town Plan or Neighbourhood Plan into consideration.
- To monitor Central Bedfordshire Council Policies and Plans that could affect the town.
- To monitor proposals from developers under Section 106 Agreements.
- To respond to Central Bedfordshire Council on all planning applications within the set time scales.
- Street naming.
- To comment on behalf of the Council in relation to any consultations on footpath diversions, modifications, or adoptions.

Other responsibilities

- Mineral Plans, Waste Plans and regional Plans or any other plans or studies as considered appropriate

2. Business Improvement & Development Board

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:

- Development of business strategy for commercial activities as well as the development of the Rufus Centre building including the provision of office space.
- Management of the Rufus Centre building 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.
- Develop the Strategy for 3 Station Road.
- Tenant lease for 3 Station Road.
- Rufus Centre website.
- IT (split with Council) – responsibility to IT infrastructure and systems used by the Rufus Centre as well as service and maintenance contracts with the exception of the FTC Website.
- Recycling and Environmental Impact including energy efficiency for the Rufus Centre.
- 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:

- 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.
- (Committee specific policies and procedures to be agreed at Committee level
- Communications and Marketing Plan for the business.
- Recycling and environmental impact including energy efficiency for the Rufus Centre.
- Scrutiny of the Rufus Centre and Rendezvous Café figures, as well as business forecasting (with the Finance Scrutiny Working Group focusing on their overall performance in the two cost centres).
- Creation and review of policies that come under the Committee's remit.
- Management of projects that come under the Committee's remit.
- Creation and review of surveys relevant to the Committee.
- Implementing elements of the Environmental Policy and Action Plan

3. 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
- Street Lighting
- All green spaces including Manor Park, Millennium Park, Hinksley Road
- Develop design and implement a Nature Park for Maulden Road
- Implementing elements of the Environmental Policy and Action Plan.
- Development of emergency plan.
- Organising events on and making enhancements to – Flitwick Town Square
- All Play Areas and Open Spaces including considering requests for use
- Football pitches and reviewing charges
- All Burial Ground matters
- Arts and Culture, to include developing a strategy.
- Organising of all Community Events
- Discussing youth provision in Flitwick
- Noting minutes of the Allotment Liaison Committee and setting allotment fees.
- Receiving reports from the Highways meetings
- Resident Driven Projects Grant Scheme. Considering Grant applications
- Dealing with Community Safety matters
- Setting up and servicing the Town councils Youth Committee.
- To comment on behalf of the Council in relation to any consultations on footpath diversions, modifications, or adoptions.
- To consider any maintenance and repair works on footpaths and public rights of way.
- Other matters relating to Highways.
- To comment on behalf of Council in relation to any Tree Preservation Orders (TPO).
- To consider issues relating to traffic calming and signage, car parking, street lighting, CCTV and other highway matters.
- Fleet Reviews for Public Realm Team vehicles.
- 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:

- 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.
- Creation and review of policies that come under the Committee's remit.

- Creation and review of surveys relevant to the Committee.
- Management of projects that come under the Committee's remit.
- Recycling and Environmental Impact for the public realm.
- To oversee community building leases, the Village Hall Car Park licence agreement and vehicle insurance (fleet).

4. HR

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.
- (Committee specific policies and procedures to be agreed at Committee level
- Creation and review of policies that come under the Committee's remit.
- Creation and review of surveys relevant to the Committee.

5. **Appeals**

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 evidence or to gather further evidence.
- 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.

6. 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 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 HR 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.

The Town Clerk and Community Services & Amenities Manager

Are delegated to deal with and respond to all non – major planning applications.

[Major Planning Applications will be classed as any development over 1 Property or House].

Officers objecting to planning applications

- Will take the statements of any adopted Master Plan, Town Plan or Neighbourhood Plan into consideration.
- Will use the Town Council's adopted Planning Guide and Planning Policy when responding to non – major planning applications.
- Will post on the website and social media a link to the weekly list of applications received relating to Flitwick and inform the public of how they can object using the Central Bedfordshire Council Planning process.

Officers will move to Council:

- a. Applications which are significantly contrary to the Local Plan.
- b. Applications which are submitted by members of staff directly involved in the consideration of planning applications, Councillors and Officers of the Council
- c. Applications attracting objections from statutory consultees.
- d. Applications which are submitted by Council, or which relate to land in the ownership of the Council or in which the Council has a financial interest.