

St Ives Town Council

Scheme of Delegation

to

Council, Committees and Officers

This Scheme of Delegation authorises the Proper Officer and Responsible Finance Officer (which may be one and the same person), Standing Committees and Sub-Committees of the Council to act with delegated authority in the specific circumstances detailed.

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Revised by Council: 2 May 2019 (addition of Staffing Committee, associated amendments to Facilities and Finance & General Purposes Committee).

Section 1

Delegation to Committees and Sub-Committees

Council

Lead officer – Town Clerk

The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations for the Council's consideration.

- a) Approval of Budget and setting the Precept
- b) Approval of the Annual Return and Audit of Accounts
- c) Authorisation of borrowing
- d) The power of incurring capital expenditure not specifically included in the Council's annual budget
- e) Adopting or changing all policies including Standing Orders, Financial Regulations and the Scheme of Delegation
- f) Making of Orders under any statutory powers
- g) Making, amending or revoking by-laws
- h) Appointment of Standing Committees
- i) Filling of vacancies occurring on any Committee of the Council during the Council year
- j) The appointment to or co-option on a Committee or Sub-Committee of a person (on a strictly non-voting basis) who is not a Member of the Council or the Committee
- k) Appointing or nominating Council representatives to outside bodies
- l) Matters of principle or policy
- m) Agreement to take on new, including devolved services, subject in all cases to a fully costed business plan, to be recommended by the Finance and General Purposes Committee.
- n) Decision to create, approve or review the Area Neighbourhood Plan
- o) Prosecution or defence in a court of law other than an Employment Tribunal
- p) Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to a committee
- q) The appointment or dismissal of the Town Clerk
- r) Dismissal of members of staff
- s) Dates of meetings of the Council
- t) All other matters which must, by law, be reserved to the full Council.

Delegation to Committees

The following matters are delegated to the Council's Committees to make decisions on behalf of the Council. The delegated decision making by Committees must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget. Where they are delegated to the Committee, so far as is legally permissible, they be deemed the acts and proceedings of the Council.

The Council may at any time, following resolution, revoke any delegated authority, without prejudice to executive action already taken.

Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council. Similarly where a Committee has no delegated power to make a decision it makes a recommendation to Council.

The Council and each Committee is authorised to establish Sub-Committees and working groups, and to appoint advisers as and when necessary to assist in its work. The work of a working group will be decided upon at the time it is formed by means of a Minute detailing the terms of reference. Each working group will report back with recommendations to the Council or the Committee that formed it.

Finance & General Purposes Committee

Lead officer – Town Clerk

The Finance & General Purposes Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- a) Approval of its Minutes as true and correct records
- b) Ensuring the Annual Return (Statement of Accounts) is completed in accordance with requirements and recommend to Council accordingly;
- c) All other matters relating to Finance (excluding the setting of a precept or any amount to be borrowed) (also excluding the approval of unbudgeted capital expenditure)
- d) Budget monitoring, taking action where required to vire (transfer) unspent provision to ensure that the overall budget strategy is maintained.
- e) Approval of expenditure on items within the committee's area of responsibility and included in the approved Council budget up to the amount specified in the budget
- f) All matters relating to internal and external audit. To ensure that an adequate and effective system of internal controls is in place to secure the integrity of finances and any other information, including the introduction of effective systems of risk management, and consideration of and action on all reports emanating from the internal and external auditors.
- g) To ensure the preservation of probity and good financial and other practices within the Council, including accountability for debt monitoring and recovery

- h) Insurances
- i) Approval of Risk Management Strategy
- j) To formulate and update health and safety policy, for recommendation to Council for adoption
- k) To receive regular reports on health and safety matters, which should include claims, accidents, incidents and insurance issues, along with reports on scheduled health and safety checks and procedures
- l) To receive risk assessments for activities across the council
- m) To ensure that all works carried out on the Council's properties have due regard to Health and Safety, Disability Discrimination Act and comply with all legislation in terms of public safety
- n) To ensure the co-ordination of an effective culture of health and safety throughout the Council in order to ensure compliance with the HASAW Act 1974 and other legislation, liaising as appropriate with other committees
- o) Responsibility for overseeing the council's complaints policy and procedure
- p) Receipt of formal complaints and responsibility for investigating and deciding on whether complaints should be upheld or dismissed
- q) Ability to appoint a complaints committee with set terms of reference
- r) Electoral matters
- s) Grants and Donations
- t) The maintenance of a Fixed Asset Register covering all items purchased exceeding £500. The safe custody and upkeep of all assets and objects of interest or value in the ownerships or custodianship of the Council.
- u) The maintenance and safe custody of the civic regalia and ceremonial dress
- v) Corporate management, Council administration and policy
- w) Management of the Council's tenancies, rent reviews and tenancy agreements
- x) To negotiate any changes to existing lease agreements, and negotiate terms for all new lease agreements
- y) To make recommendations to Council on the review of the Council's Financial Regulations, Standing Orders, Scheme of Delegation and Council policies
- z) To make recommendations to Council on the Budgets of the Committee, and all Standing Committees
- aa) To consider the Scale of Charges recommended by the Facilities Committee in the context of the income and expenditure requirements of the Council, and making recommendations to Council on the proposed Scale of Charges each year
- bb) Acting as lead Committee in respect of any partnership initiative of a corporate nature with Cornwall Council or any other public bodies, making recommendations on terms of reference and constitutional matters
- cc) Any other matter which may be delegated to it by the Council from time to time.

Planning Committee

Lead officer – Support Services Manager

The Planning Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- a) Approval of its Minutes as true and correct records
- b) To make observations on all planning, treeworks, highways, licensing applications and consultations, and submit those observations to the appropriate authority. When necessary, hold meetings with residents, developers or planning officers to assist with the formulation of those observations
- c) To identify, comment upon and refer to the relevant authorities any matters considered to be in breach of planning permission
- d) To comment upon and monitor Tree Preservation Orders and to seek approval for further TPO's if deemed necessary
- e) Street Naming
- f) To respond to all consultations and to take part in any discussions which could result in changes to the Local Development Framework, Planning Policy Statements, Town & Country Planning Act etc.
- g) The Planning Committee will consider all applications in a consistent manner, including those submitted by or on behalf of members of the council or on behalf of the council itself.
- h) Any other matter which may be delegated to it by the Council from time to time.

Facilities Committee

Lead officer – Facilities Manager, with the Support Services Manager and Visit St Ives Information Centre Manager as appropriate

The Facilities Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- a) Approval of its Minutes as true and correct records
- b) To oversee all aspects relating to the running and operation of all properties of the council, including recommending to Finance & General Purposes Committee the Scale of Charges
- c) All matters relating to the maintenance and operation of:
 - i. The Guildhall and Concert Hall
 - ii. To oversee the running of the Visit St Ives Information Centre, including recommendation of charges to Finance & General Purposes Committee for inclusion in the Scale of Charges.
 - iii. Public Conveniences (including forward planning, maintenance, operation and recommendation to Finance & General Purposes Committee of charges for inclusion in the Scale of Charges)
 - iv. Market House (maintenance and repair)

- v. Huers Hut
 - vi. St Nicholas Chapel and St Leonard's Chapel
 - vii. The Fishermens Lodges
 - viii. The Malakoff
 - ix. The Island Centre
- d) The maintenance, improvement and general upkeep of all the councils' properties within the agreed budget
 - e) Approval of expenditure on items within the committee's area of responsibility and included in the approved Council budget up to the amount specified in the budget
 - f) To submit Committee Budget recommendations to the Finance & General Purposes Committee, to be taken into account when recommending the complete Budget to Council.
 - g) Any other matter which may be delegated to it by the Council from time to time.

Community & Environment Committee

Lead officer – Support Services Manager, with the Facilities Manager as appropriate

The Community & Environment Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- a) Approval of its Minutes as true and correct records
- b) Civic and Community activities organised by the Council
- c) To exercise the delegated powers and duties of the Council with respect to open spaces, recreation areas and allotment areas of the Council, whether owned, leased or managed by the Council
- d) The provision of agency services for Cornwall Council including maintenance of public footpaths
- e) To be lead committee in respect of all matters falling under the purview of the Council that impact upon the environment and its protection, including St Ives in Bloom, waste management and recycling and seagull control, authorisation to make all Council responses to consultations on environmental matters and to endeavour to ensure that the Council and its Committees make decisions, take actions and carry out projects with full regard to the protection of the environment
- f) To make recommendations to Council on matters of a strategic nature including proposed road schemes and parking strategies for example
- g) Co-ordination of any town council community safety initiatives
- h) Street weeding
- i) Bus shelters
- j) Benches
- k) Notice boards
- l) Events

- m) Community pride
- n) Beach Dog Control Orders – consultation and review, and the making of recommendations on any changes to policy to the Council
- o) St Ives Area Neighbourhood Plan – the committee responsible for overseeing the process of implementation, monitoring and review of the Neighbourhood Plan (including public consultation), to ultimately be subject to recommendation to Council
- p) Approval of expenditure on items within the committee’s area of responsibility and included in the approved Council budget up to the amount specified in the budget
- q) Any other matter which may be delegated to it by the Council from time to time.

Staffing Committee

Lead officer – Town Clerk

Composition: Five elected members (voting)

Councillors appointed to the Staffing Committee must be willing to commit to undertake employment law training as soon as they are elected to the committee. The Council recognises that a stable membership of the committee is desirable and as such membership of the committee should be seen as a long-term commitment.

Non-members Any member of the Council is able to attend and may participate at the discretion of the Chairman, but must leave the room whenever the press and public are excluded.

There will be no public participation at the meetings of the committee

Extra Terms: A member will not be eligible for nomination to the committee if they have been the subject of an upheld grievance or finding of a breach of the Code of Conduct by or relating to a member of staff during the previous 12 months.

Meetings: [*insert number of meetings per annum or ‘as required’*]

Quorum : Three members

The Committee is delegated the following responsibilities:

Personnel and Staffing

- a) To consider such matters as may be delegated by the Council from time to time
- b) To draft and keep under review the staffing structure of the Council and make recommendations as appropriate
- c) To keep under review all staff contracts of employment, terms and conditions and make recommendations to full council.

- d) To keep under review staff work/life balance, working conditions and well-being, including the monitoring of absence.
- e) To monitor the Council's employment policies and procedures in respect of changes to legislation and make recommendations to Council where appropriate.
- f) To undertake the recruitment of the Clerk, including making the appointment with any associated expenditure.
- g) To oversee the recruitment and selection process for all other staff and where required, assist the Clerk in the recruitment of new staff.
- h) To maintain confidentiality over all staffing matters as required under Data Protection legislation and the Code of Conduct

Performance

- i) To oversee the staff appraisal process
- j) To make recommendations on personnel related expenditure to the Finance Committee of the Council
- k) To identify training requirements through appraisal and agree staff training programmes
- l) To consider any matters raised under the Council's Capability Policy with delegated approval (including financial if necessary) to manage the performance issue.

Complaints

- m) To receive and consider any matters raised under the Council's *Resolution* Procedure
- n) To receive and consider any complaints made under the Council's Grievance and Disciplinary Procedure
- o) To investigate and, where appropriate, appoint a panel to hear complaints made under the Council's Resolution, Grievance and Disciplinary Procedures with full delegated responsibility to take whatever action necessary. If felt necessary, it has the delegated approval (including financial) to seek outside professional assistance in order to conclude a disciplinary or grievance matter

Matters not delegated to the Committee:

Any matter falling within the remit of the committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy. In such cases the Committee will make recommendations for approval by Full Council.

Devolution Panel

Lead officer – Town Clerk

The Devolution Panel has no delegated powers. The Panel makes recommendations to the Council or to the Finance & General Purposes Committee / Facilities Committee as appropriate, on matters relating to services being devolved to the town council. The Panel may:

- a) Approve its Minutes as true and correct records
- b) Lead on discussions and negotiations with Cornwall Council for devolved services, facilities and functions
- c) Liaise with partners and organisations to consult, and where a joint approach to devolved services may be considered
- d) To support a recommendation to Council to accept a devolved service, preparation of business plans and supporting documents.

Neighbourhood Plan Steering Group

Lead officer: Neighbourhood Plan Project Officer

1. Purpose of the Steering Group

1.1 St Ives 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 St Ives 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.

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 St Ives 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 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 St Ives Area Neighbourhood Plan, for ratification by the Town Council;
 - actively support and promote the preparation of the St Ives 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.

1.3 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.

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

Urgent matters

In the event of any matter arising which requires an urgent decision the Town Clerk will consult with the Mayor and Deputy Mayor (and also with the Chairman and Vice-Chairman of the Finance and General Purposes Committee if the matter involved expenditure not provided for in the annual budget or other decision of the Council), before acting on behalf of the Council in respect of the particular matter then under consideration.

Before the Town Clerk exercised the delegated powers granted by the above paragraph, those Members consulted shall consider whether the matter is of sufficient interest to justify the summoning of an extra meeting of either the Council or the appropriate Committee.

Section 2

Delegation to Officers

Responsible Finance Officer

The Town Clerk shall be the Responsible Finance Officer to the Council and shall be responsible for the Town Council's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time.

Proper Officer

The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

- a) Receive declarations of acceptance of office
- b) Retain a copy of every Councillor's register of interests
- c) Receive and retain plans and documents
- d) Sign Notices or other documents on behalf of the Council
- e) Receive and retain copies of by-laws made by Cornwall Council
- f) Certify copies of by-laws made by the Council and other such Orders as adopted by the Council
- g) Sign summonses to attend meetings of the Council
- h) Keep proper records for all meetings; and

- i) Receive from Cornwall Council's Monitoring Officer any documents in relation to complaints received under the Members' Code of Conduct and report this at the next convenient meeting of the Council.

In addition, the Town Clerk, has the delegated authority to undertake the following matters on behalf of the Council:

- a) The day to day administration of services, together with routine inspection and control
- b) Manage all Council staff, either directly or indirectly
- c) Authorisation of routine expenditure within the agreed budget
- d) Emergency expenditure up to £5,000 outside the agreed budget (sums greater than £5,000 only in consultation with the Mayor and the Chairman of the Finance & General Purposes Committee, with full report to the next meeting of the Council).
- e) Act on behalf of the Council in an urgent situation and report back to the Council as soon as practicable
- f) Authorisation to call any extra meetings of the Council or any Committee as necessary, having consulted with the Mayor and/or the Chairman of the appropriate Committee.
- g) Authorisation to respond immediately to any correspondence requiring or requesting information or relating to previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its Committees.
- h) Manage the provision of Council services, buildings, land and resources (indirectly where service managers have delegated responsibility)
- i) Hold the Council's Seal and apply it to documents as approved
- j) Deal with dispensation requests from Members under the Code of Conduct
- k) Deal with matters specifically delegated by Council or Committee
- l) Oversee the appointment of all employees in accordance with the Council's staff structure and the provisions set out below:
 - a. Town Clerk to be appointed by the Council (the Council may delegate this task to a recruitment panel of specific Councillors)
 - b. Service Managers to be appointed by a recruitment panel of the Town Clerk, Town Mayor and Chairman of the relevant Committee
 - c. All other staff to be appointed by the Town Clerk, relevant Service Manager and Chairman of the relevant Committee
- m) Deal with all disciplinary hearings in accordance with the Council's Disciplinary Policy
- n) Responsible for the overall management of all budgets in accordance with Council policies
- o) Authorised to issue press releases on any Council activity exercised in accordance with Council policy
- p) Editorial control of the Council's website and social media

Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.

Support Services Manager

- a) Proper administration of the Council's financial affairs
- b) Manage accounting policies, records and control systems
- c) Manage the bookings functions of the Guildhall, Concert Hall and Island Centre
- d) Day to day management of all employees within section
- e) Matters specifically delegated by Council or Committee
- f) Responsible for the management of the Community & Environment budget in accordance with Council Policy

Facilities Manager

- a) Day to day management of land, buildings and other resources
- b) Management of maintenance contracts
- c) Day to day management of all employees within section
- d) Matters specifically delegated by Council or Committee
- e) Responsible for the management of the Facilities budget (except the Visit St Ives Information Centre element) in accordance with Council Policy

Visit St Ives Information Centre Manager

- a) Day to day management of the Visit St Ives Information Centre and its associated activities
- b) Day to day management of all employees within section
- c) Matters specifically delegated by Council or Committee
- d) Responsible for the management of the Visit St Ives Information Centre budget in accordance with Council Policy

Where a senior officer authorisation is required this should always be approved in writing

AUTHORITY	LIMIT	OFFICER	COMMENTS
1. To Incur expenditure (Financial Regulation 3.1 & 10.1) i.e. raising of official orders.	Within budget	Town Clerk	As Proper Officer for the Council, the Clerk is tasked with enacting the decisions of the Council and does this within approved budget parameters.
	Less than £1,000 and within budget headings Administration, Civic, Hospitality, Services & Projects	Support Services Manager	Items above this amount to be counter-signed by the Town Clerk.
	Less than £1,000 and within budget headings Property, Public Conveniences.	Facilities Manager	Items above this amount to be counter-signed by the Town Clerk.
	Less than £1,000 and within budget headings Concert Hall & Guildhall, Island Centre.	Support Services Manager or Facilities Manager as appropriate	Recognising the crossover between roles – so hiring related expenditure to be authorised by the Support Services Manager and maintenance related expenditure to be authorised by the Facilities Manager. Items above this amount to be counter-signed by the Town Clerk.
	Less than £1,000 and within budget	Finance Officer or Administration Assistant	Placing of regular stationery orders and placing of other orders with the authorisation of the Town Clerk and Service Managers
	Less than £1,000 and within budget	V&IC Manager	Items above this amount to be counter-signed by the Town Clerk.
	Less than £1,000 and within budget	V&IC Assistant Manager	And with the agreement of the V&IC Manager.
	Within NP budget	Neighbourhood Plan Project Officer	And with the agreement of the Town Clerk
	Less than £200	Caretaker	And with the agreement of the Town Clerk / Support Services Manager

	Less than £100	Volunteers (Guildhall / V&IC)	For materials linked to their volunteering duties at town council property, but essential that the expenditure is first approved by the Town Clerk or in their absence the Support Services Manager
2. Emergency Expenditure (Financial Regulation 3.4)	Less than £5,000	Town Clerk	Report to next Council meeting
	Less than £2,500	Support Services Manager or Facilities Manager	In the absence of the Clerk, or acting on behalf of the Clerk, the Support Services Manager or Facilities Manager (as appropriate) are authorised to also action emergency measures when necessary.
3. Certification of Invoices (Financial Regulation 6.2 & 6.3)	All except V&IC invoices	Town Clerk / Support Services Manager	As the Finance Officer carries out the majority of the data input into the accounts system, they carry out another level of checks whilst analysing and coding.
	V&IC invoices	V&IC Manager / Assistant Manager	As the Finance Officer carries out the majority of the data input into the accounts system, they carry out another level of checks whilst analysing and coding.
4. Petty Cash (Financial Regulation 6.5), the following may incur petty cash expenditure up to the values set out.	Less than £50	All Staff, provided authorised by the Town Clerk on each occasion.	Ordinarily petty cash will be used for postage, small office purchases and supplies and will rarely be above £20.
5. Bad debts (Financial Regulation 9.4)	Less than £100	Town Clerk	Decision to be made in consultation with the Chairman and Vice-Chairman of the Finance & General Purposes Committee and reported to Council.
	Greater than £100, less than £1,000	Decision needed by Finance & General Purposes Committee	
	Greater than £1,000	Decision needed by Council	

