

MAESTEG TOWN COUNCIL

SCHEME OF DELEGATION

**This Scheme of Delegation was adopted by the Town Council
At a Full Council meeting on 02/07/2024**

CONTENTS

| | Page (s) |
|--|-----------------|
| 1 Discharge of the Scheme | 2 |
| 2 Principles of Delegation | 2 |
| 3 Authority to Act | 2 |
| 4 Conflicts of Interests | 3 |
| 5 Council Reserved Powers | 3 |
| 6 Delegation to Committees - Safeguards | 4 |
| 7 Delegation to Committees – Current Committees agreed at the AGM 21/06/2024: | 4 |
| (a) Ward Fund | 4 |
| 8 Delegation to Officers | 4 |
| (a) Town Clerk | 4 |
| (b) Responsible Financial Officer | 5 |
| (c) Deputy Town Clerk | 5 |

1. DISCHARGE OF THE SCHEME

- 1.1 This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Order 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.

2. PRINCIPLES OF DELEGATION

- 2.1 Section 101 of the Local Government Act 1972 provides:
 - That a Council may delegate its powers (except those incapable of delegation) to a committee; or an officer.
 - A Committee may delegate its powers to an officer.
 - The delegating body may exercise Powers that have been delegated.
- 2.2 Any delegation to a Committee or the Proper Officer shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and with the law.
- 2.3 The Proper Officer may nominate another named Officer to carry out any powers and duties, which have been delegated to the Proper Officer.
- 2.4 In an emergency the Proper Officer is empowered to carry out any function of the Council
- 2.5 Where officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chair of the relevant committee, and the officers must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

3. Authority to Act

- 3.1 Subject to those matters that are reserved for Committee; all members of staff shall be responsible and shall have delegated authority as outlined in this scheme.
 - 3.1.1 Any matter not reserved for Committee (i.e. any matter falling outside the criteria) shall be regarded as falling within the day to day operation and management of the relevant department and shall be delegated to the appropriate member of staff and shall be exercised in accordance with this delegation scheme.
- 3.2 It will be appropriate for the Officers of the Council to refer a matter:

- To the Clerk where the determination of the matter raises issues of corporate priorities or the co-ordination of the discharge of various functions of the Council,
- To the Council where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for councillors to determine; or could, by its scale or complexity expose the Council to major corporate risk.

3.3 All officers have the responsibility to act within the Councils approved policies, procedures and framework and within the law in conjunction with this delegated scheme.

4 CONFLICTS OF INTEREST

4.1 Under the Local Government Act 1972, section 117; Officers must make a formal declaration about council contracts where the employee has a financial interest. Every officer is responsible for identifying whether he/she has any conflict of interest in any matter which is under consideration, actual or perceived, within the Council, and notifying the Town Clerk.

4.2 Where an Officer has a conflict of interest in any matter, he/she shall not participate in that matter in his/her capacity as an Officer except with the prior approval of the Town Clerk. Any approval granted by the Town Clerk shall be formally recorded in the Council minutes. Where such approval has been granted for the Officer to participate in a Council meeting of that subject matter, he/she must ensure that the disclosure of interest is also declared at the start of the Council meeting under the disclosures of interests for members and officers.

5 COUNCIL RESERVED POWERS

5.1 Each Committee has delegated authority to decide matters within their terms of reference as incorporated in this delegation scheme except for the following matters, which are to be resolved only by Council:

- Appointment of the Town Clerk, Responsible Financial Officer and other council officers following a recommendation from the Human Resources Committee
- To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies
- To approve and adopt the Policy Framework.
- To approve and adopt the Budget.
- To determine the Council's Corporate Priorities.
- To appoint the Mayor and Deputy Mayor.
- To agree and/or amend the terms of reference for Committees, deciding on their composition and making appointments to them.
- To adopt the schedule of meetings for the ensuing year.
- To consider the recommendations of any Remuneration Panel (where one is in existence) and adopt the level of allowances that can be claimed by Members of the Council in respect of authorised or approved duties.
- To make any decisions which would be contrary to the Policy Framework.
- To determine matters involving expenditure for which budget provision is not made or is exceeded.
- To determine matters which do not fall within the remit of any Committee.
- To determine matters affecting or likely to affect, another Committee or where consultation with or approval of that other Committee is required.
- To determine any matters referred to it by a Committee in accordance with Standing Orders.
- To set the Precept.
- To make byelaws.
- To borrow money.

- To annually approve the statutory annual return
- To annually approve the Council strategy, aims and objectives including the Terms of Reference for the Council committees
- To receive statutory reports from the Town Clerk/Responsible Financial Officer
- To consider any matter required by law to be considered by Council.

6 DELEGATION TO COMMITTEES - SAFEGUARDS

- 6.1 The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a Committee or Officer.
- 6.2 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.
- 6.3 In accordance with Standing Order 11 the Council may, under specified conditions, reverse a Committee (or Council) decision within 6 months. The written notice whereof bears the names of at least 10 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- 6.4 Members will be advised by the Town Clerk whether or not a particular item under discussion is within the Committee's (or Sub-Committee's) delegated powers. The minutes will then record the decision as "RESOLVED". If it is not, then the minutes will show the decision as "RECOMMENDED", and will then be brought to the Council's particular attention by the Chairman of the Committee at the next meeting of the Council when seeking approval and adoption of the Committee's minutes. This item can be discussed in full by the Town Council.
- 6.5 In any case where a Committee (or Sub) Chairman and Vice Chairman are 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 power delegated does not always have to be exercised.

7 DELEGATION TO COMMITTEES

At the AGM on 21/05/2024 Minute#22 it was agreed that the Ward Specific Funds be given delegated powers as a trial to spend their budgets.

8 DELEGATION TO OFFICERS

(a) Town Clerk

1. The Town Clerk is designated and authorised to act as the 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.
2. In the case of an emergency, the Clerk shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Mayor (if practicable in the circumstances).
3. The Clerk will have the authority to dispose of the Council's assets (excluding land and building assets) subject to the estimated value of any one tangible; moveable item does not exceed £50 (see financial regulation 13.2). The Clerk is responsible for ensuring any disposal details including the disposal values are recorded in the assets register.
4. Power to authorise staff to attend relevant training courses provided the expense can be met from approved budgets having taken into account the training needs of the employees.

5. The Clerk is the manager for all staff employed by the Council and is given delegated powers to manage the council staff in accordance with the Council's policies, procedures and budget
6. Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council
7. As Proper Officer, to sign all documents on behalf of the Council including the Summons to Elected Members to attend Council Meetings in accordance with paragraph 4 and Schedule 12 of the Local Government Act, 1972; The delegated authority from the Town Clerk is given to the following Clerks to send Council meeting summons for the Council meetings.

(b) Responsible Financial Officer

1. The Responsible Financial Officer will be responsible for all financial records of the Council and the careful administration of its finances and accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time and with the policies and procedures set by the Council and within the law
2. The Responsible Financial Officer will have the power to release any financial related report or document to the Council or it's committees in discharge of the Responsible Financial Officer responsibilities
3. The Responsible Financial Officer shall ensure the approved precept is issued to the billing authority and shall supply each member with a copy of the approved annual budget.

(c) Deputy Town Clerk

In the absence of the Town Clerk and RFO the Deputy Town Clerk shall have the same delegated powers as the Town Clerk and RFO

This policy was reviewed by the Policy committee on 18/06/2024

Policy Accepted and adopted by a Hybrid meeting of the Council held on 02/07/2024

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Mayor

Review Date: To be reviewed every 5 years unless any issues arise.