

LLANGOLLEN TOWN COUNCIL



SCHEME OF DELEGATION

1. SUMMARY

- 1.1 Town and Community Councils are corporate bodies defined by statute as such they are not exempt from or above the law. If a Town or Community Council makes an illegal decision which is implemented it is the Council and Councillors who are liable not the Clerk who is responsible for implementation. Decisions made by the Town Council, all have a legal implication, and Councillors have a duty to make themselves familiar with the requirements contained in the statutes and financial regulations as they are jointly and severally legally liable .
- 1.2 With a few statutory exceptions, only the Full Council is able to make decisions on behalf of the corporate body, *unless* it makes explicit provision to delegate powers to either a committee or officer (or in some cases, another authority). These delegated powers are often enshrined in the Council's key governance documents, its Standing Orders, Financial Regulations, and committee terms of reference, as well as other policies. responsible.
- 1.3 The purpose of the Scheme of Delegation is to consolidate these delegated powers into one document:
- providing a single point of reference to inform decision-making;
 - ensuring that that there is no conflict between different governance documents;
 - clarifying lines of accountability;
 - and confirming where statutory responsibilities sit.
- 1.4 The scheme covers all aspects of the Council decision-making process, and it is therefore intended as a key reference document for all staff and councillors, particularly: the Town Mayor, Committee Chairs and the Town Clerk. It will be publicly available and published on the Town Councils website to provide those members of the community attending Council meetings with a guide to how the Council makes decisions.

2. THE POWER TO DELEGATE

- 2.1 The Council's statutory power to delegate its functions is laid down in Local Government Act 1972 s101. This states that power can be delegated to a committee, sub-committee, or officer of the authority, or to another authority.
- 2.2 By virtue of the absence of any provision in s101, city, town and community council functions cannot be delegated to an individual councillor. However, when acting as the Chair of a meeting, a Councillor has ex officio powers to regulate conduct in the meeting, as defined later in this scheme.

3. TOWN COUNCIL.

- 3.1 The following matters are reserved to the Town Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations for the Council's consideration:
- Approval of the budget.
 - Setting the precept.
 - Approval of the Annual Return and Audit of Accounts.
 - Agreement to write off bad debts.

- Approval by resolution, before payment, of any grant or single commitment in excess of £5,000.
 - Authorisation as to terms and purpose for any application for Borrowing Approval and subsequent arrangements for the loan.
 - Approval of any financial arrangement which does not require formal borrowing approval from Welsh Government (e.g., hire purchase or leasing of tangible assets)
 - Approval of purchase, acquisition by other means, sale, lease or disposal of tangible moveable property over £250.
 - Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interests in land).
 - Approval of the virement of unspent and available amounts to other budget headings or reserves.
 - Approval of changes in earmarked reserves as part of the budgetary process.
 - Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
 - Making, amending or revoking by-laws.
 - Making of Orders under any statutory powers.
 - Matters of principle or policy.
 - Appointment of Standing Committees.
 - Appointing Council representatives to outside bodies.
 - All other matter which much, by law, be reserved to the full Council.
3. From May 2022 the following additional matters are reserved to the Town Council for decision:
- Declaring eligibility for the General Power of Competence.
 - Preparing and publishing a report about the Council's priorities, activities and achievements.
 - Consider training for councillors and community council staff, and publish training plans.

4. DELEGATION TO OFFICERS

- 4.1 The following matters are delegated to the Council's Officers to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.
- 4.2 The Council may at any time, following resolution, revoke any delegated authority. Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to a Committee or the Council. Similarly, where Officers have no delegated power to make a decision they report the matter to Committee or the Council for a decision.
- 4.3 Responsible Financial Officer
The Town Clerk as the Responsible Financial Officer of Llangollen Town Council shall be responsible for:

- the Town Council's accounting procedures the accounting system and the form of their accounting statements and supporting accounting records in accordance with the Accounts and Audit Regulations (Wales) in force at any given time.
- Ensuring that the accounting systems are observed and that the accounts and supporting records of the body are maintained in accordance with proper practices and kept up to date.
- Ensuring the Council has an adequate and effective system of internal control.
- Producing all financial management information, including, completing the annual financial statements of the Council.
- Maintaining a record of the assets and liabilities of the Council.
- Following the annual risk assessment shall effect all insurances and negotiate all claims on the Council.

4.4 Proper Officer

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

- To receive Declarations of Acceptance of Office.
- To retain a copy of every councillor's register of interests.
- To receive and record notices disclosing personal and prejudicial interests.
- To receive and retain plans and documents.
- To sign notices or other documents on behalf of the Council.
- Signing summonses to attend meetings of the Council.
- Keeping a proper record for all meeting
- To receive copies of by-laws made by the local authority.
- To certify copies of by-laws made by the Council.
- To arrange insurance

4.5 In addition, the Proper Officer has the delegated authority to undertake the following matters on behalf of the Council:

- The day-to-day administration of services, together with routine inspection and control of assets and procedures.
- Postponing a meeting or calling an additional meeting of the Council or any committee, as necessary, in consultation with the Town Mayor or appropriate committee.
- Responding to any correspondence requiring or requesting information or relating to previous decision of the Council.
- Managing the provision of Council services, buildings, land, and resources (indirectly where service managers have delegated responsibility), including the temporary closure of any such facilities, as may be required.
- Prosecuting a debtor, where such prosecution is through the small claims process, or approving the write off of any debt up to the value laid down in Financial Regulations.
- Applying for any grants and other funding on the Council's behalf.
- Disposing of or selling any equipment or consumables, save where the estimated value of any one item of tangible movable property exceeds any amount laid down in Financial Regulations.

- Renewing any existing leasing or licencing agreements, save where the estimated value exceeds any amount laid down in the Financial Regulations, or where the lease term exceeds one year.
- Entering into negotiations on any matter on behalf of the Council, it being understood that the Town Clerk shall not be authorised to confirm any agreement without the consent of the Council or relevant committee.
- Authorising the issue of all official Town Council press releases, and editorial control of the Council's website and social media content.
- Dealing with such matters as specifically delegated by the Council or committee.
- Day to day supervision and control of all staff employed by the Council.
- The day-to-day administration and oversight for organised events and activities.
- Authorisation of routine expenditure with the agreed budget.
- Emergency expenditure up to £1,000.
- Matters specifically delegated by resolution by Council or Committee.

5. Town Mayor.

5.1 No matter may be delegated to the Town Mayor except for the following:

- Convening an extraordinary meeting of the Full Council.
- Receiving the resignation of any member.
- When attending a Full Council meeting, the powers granted to a chair of a meeting.
- Attending a civic function (it being understood that the contents of any speeches must not purport to being the view of the Council unless previously agreed).

6. Chair of a meeting.

6.1 When a Councillor acts in the role of the Chair of a meeting, they shall have the power to:

- Convening an extraordinary meeting of the relevant Council or committee.
- Direct the order of speaking.
- Direct any response to a question posed during public participation.
- Permitting an individual to be seated whilst speaking.
- Suspend or close a meeting.
- In the case of an equality of votes on any matter, exercising a casting vote.
- Determining the rules of debate, in accordance with the Council's Standing Orders.
- Determining a point of order.
- Putting a motion to the vote.
- Signing the minutes of a previous meeting, once confirmed by a resolution as an accurate record.
- Moving that a person be silenced or excluded from the meeting for disorderly conduct.

7. Councillors.

7.1 No matter may be delegated to an individual Councillor, except that:

- Two Councillors may convene an extraordinary meeting of the Council, should the Town Mayor refuse to do so.

- Three Councillors when members of a committee may convene an extraordinary meeting of the Committee, if the chairman of a Committee does not call such a meeting within 7 days of having been requested to do so by 3 Councillors.
- In the event of disorderly conduct at meetings any Councillor may move that a person be silenced or excluded from the meeting for disorderly conduct.
- Matters may be delegated to an officer to determine in consultation with one or more Councillors, it being understood that the officer shall not overrule any reasonable request of that member(s), but that the officer's decision shall be final.
- A Councillor may arrange or attend a meeting regarding Council business, it being understood that any representations made by the Councillor are in their personal capacity and may not represent the views of the Council.
- A Councillor may contact an outside body regarding Council business, it being understood that any representations made by the Councillor are in their personal capacity and may not represent the views of the Council.
- A Councillor may assist in discharging any council policy or procedure, if it is expressly permitted in the policy, or if prior approval has been obtained.
- No Councillor may issue an instruction to an officer but may highlight any issue that they believe requires the attention of the Council.
- Any issue regarding staff performance may only be raised with the Town Clerk or through the appropriate committee.

8. COMMITTEES.

8.1 Best practice on the constitution of committee's states that:

"there should be no more standing committee than are necessary, the membership of the committees should be small, their terms of reference should be clearly specified, and their relationship to the rest of the decision-making structure clearly defined. Each committee should be concerned with matters that can only be dealt with at member level, i.e., there should ordinarily be no involvement in matters of day-to-day administration and operation business that is properly the responsibility of officers."¹

8.2 Matters are delegated to the Council's Committees to make decisions on behalf of the Council must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

8.3 The Council may at any time, following resolution, revoke any delegated authority. 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.

8.4 Membership of Committees shall be ratified at the Annual Council Meeting in May of each year. Committee composition shall be a no more than five Councillors with not less than three members of Committee constituting a quorum.

¹ Knowles on Local Authority Meetings, 8th edition by Philip McCourt, 2016,

- 8.5 All correspondence shall be conducted through the Clerk of the Town Council wherever possible. Minutes of all meetings shall be kept by the Clerk and forwarded to Members of the Town Council.
- 8.6 All Committees are constituted as a Standing Committee of Llangollen Town Council within specific terms of reference and have delegated powers to:
- Elect a Chair and Vice Chair from within the Membership of that Committee.
 - Approve the minutes of the last meeting of the Committee.
 - Spend money from budget headings under that Committee's remit up to the limit of the budget and/or named reserve.
 - Make recommendations on the budget requirement for the Committee for the coming Financial Year.
 - Delegate any of their functions to a Sub-Committee or Officer of the Council
 - Operate in compliance with Llangollen Town Councils Standing Order and Financial Regulations.

COMMITTEES SPECIFIC TERMS OF REFERENCE

Asset Management.

1. The Asset Management Committee shall be administered and managed in accordance with scheme of delegation and these Terms of Reference.
2. The Asset Management Committee shall meet at least four times a year and the dates shall be included in the Schedule of Meetings.
3. The objective of the Asset Management Committee shall be to ensure that all facilities and land under the Council's ownership and control are managed effectively to provide a pleasant and safe environment for residents and visitors to the town in an efficient and cost-effective manner.
4. The Asset Management Committee may co-opt non-voting members and appoint appropriate Subcommittees or Working Groups to facilitate the work of the Committee.
5. The Asset Management Committee shall have delegated powers to:
 - a) To spend to the amount specified in the allocated cost centres.
 - b) administer and maintain and insure the Council's facilities, assets, services and activities including, but not limited to, the following:
 - i) The Town Hall.
 - ii) War Memorial and associated land and structures.
 - iii) Pen y Bryn Cemetery.
 - iv) CCTV.
 - v) Street furniture/ bus shelters.
 - vi) Chain Bridge
 - c) Carry out works under contract under agreement or under licence from third parties including, but not limited to, the following:
 - i) Llangollen Recreation Ground.
 - d) act upon or commission any services as deemed appropriate and in accordance with the annual budget and terms of reference of the Committee, including applying for any external grant funding.
 - e) advise the Council on the acquisition of land for the purposes of leisure, amenity and recreational activities.
 - f) advise the Council on the provision of new and the modification of existing buildings and equipment related to the leisure, recreation, or amenity aspects of the Council's business.
 - g) prepare and submit for the Council's consideration fees for all chargeable areas under the Committee's remit.
 - h) assemble and submit to the Town Council estimates of income and expenditure for each financial year.
 - i) purchase items of plant, equipment within approved budgets.

- j) acquire office equipment and assets as required enabling the staff to carry out their duties.
- k) exercise the management of health and safety issues in respect of all Town Council assets.
- l) co-ordinate events organised by the Town Council.
- m) liaise and co-operate with the Tidy Towns Team
- n) manage and develop the Town Council's IT infrastructure, data storage, websites and social media pages.

Cittaslow Committee.

1. The Cittaslow Committee shall be administered and managed in accordance with scheme of delegation and these Terms of Reference.
2. The Cittaslow Committee shall meet at least four times a year and the dates shall be included in the Schedule of Meetings.
3. The objective of the Cittaslow Committee shall be to improve the quality of life in Llangollen by progressing the Cittaslow aims in an efficient and cost-effective manner.
4. The Cittaslow Committee may co-opt non-voting members and appoint appropriate Subcommittees or Working Groups to facilitate the work of the Committee.
5. The Cittaslow Committee shall have delegated powers:-
 - a) To spend to the amount specified in the allocated Cittaslow cost code.
6. The Cittaslow Committee's remit shall extend to:-
 - a) Ensuring on-going community involvement.
 - b) Supporting and promoting local culture and local traditions.
 - c) Working for a more sustainable environment.
 - d) Raising awareness and appreciation of local produce and local businesses.
 - e) Promoting healthy eating and healthy living.
 - f) Encouraging and celebrating diversity.
 - g) Co-ordinate initiatives and grant applications in line with the agreed strategy for the future of the town.
 - h) Assisting with and where appropriate delivering projects.

Human Resources Committee.

1. The Human Resources Committee shall be administered and managed in accordance with scheme of delegation and these Terms of Reference.
2. The Town Mayor and Deputy Town Mayor are standing members of the committee.
3. The Human Resources Committee shall meet at least four times a year and the dates shall be included in the Schedule of Meetings.
4. The objective of the Human Resources Committee shall be to ensure that are managed effectively and in an efficient and cost-effective manner.
5. The Human Resources Committee shall have delegated powers to: -
 - a) To spend to the amount specified in the allocated budget staff costs cost centre.
 - b) To authorise the Chair of the Committee or in his absence, the Vice Chair to conduct a review of the performance and annual appraisal of the work of the Town Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Human Resources Committee.
 - c) Subject to the Council's policy regarding absences from work receive from the Council's most senior member of staff to notify the chairman of the Human Resources Committee or, if he is not available, the vice-chairman of the Human Resources Committee of absence occasioned by illness or other reason and that person shall report such absence to the Human Resources Committee at its next meeting.
 - d) Determining the staffing levels necessary to efficiently discharge the work required by the Council and to approve job descriptions and review workloads periodically.
 - e) Establishing the grading, remuneration and terms and conditions of employment for Council employees including contracts of employment.
 - f) Establishing and review the Council's employment policies and procedures.
 - g) Approving all staff recruitment, appointments, training and dismissals but excluding decisions relating to the Town Clerk which will be considered by the Town Council.
 - h) Reviewing and engaging with schemes for the employment of people under training programmes.
 - i) Ensuring that all disciplinary and grievance policies are dealt with in line with the Council's procedures.
 - j) Determining the training and development policy of the Council.
 - k) Determining the provision of office accommodation.
 - l) Establishing the health, safety and welfare policies of the Council and overseeing implementation and compliance.

TASK AND FINISH GROUPS

Task and Finish Groups may be formed by resolution of the Council or a Committee at any time. The work of such a group will be decided upon at the time it is formed by means of a minute detailing the terms of reference. Each group will report back with recommendations to the Council or the Committee that formed it.

