



## **STOTFOLD TOWN COUNCIL**

### **SCHEME OF DELEGATION TO COUNCIL, COMMITTEES AND OFFICERS**

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## 1. INTRODUCTION

The Town Council's Scheme of Delegation is a policy designed to enable the Town Council to run effectively and efficiently. Without this, every decision would have to be taken by the Full Council. Decision making powers are given to both Committees and Officers to enable the Town Council to react to circumstances and operate effectively.

Power cannot be legally delegated to individual Councillors or Working Parties/Task and Finish Groups.

Working Parties or Task and Finish Groups are ordinarily established to investigate and/or review particular matters then report back to the relevant committee or Full Council with its findings, which may include recommendations.

This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders and will be reviewed annually or earlier, for example when there are staffing changes.

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 Members.

Where consultation with others is a requirement of the ability to act it is clearly set out with whom the consultation should take place.

Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the deviation occurred.

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. THE POWER TO DELEGATE

- 2.1 The power to delegate functions by local councils is set out in the Local Government Act 1972 S.101. Local Government Act 1972 S. 101. Arrangements for discharge of function by local authorities
- a) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions: (a) by a Committee, a sub-Committee, or an officer of the authority, or (b) by any other local authority
  - b) Whereby virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee of the authority, then unless the local authority or the committee otherwise direct, the subcommittee may arrange for the discharge of any of those functions by an officer of the authority.
  - c) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, subcommittee, officer, or local authority shall

not prevent the authority or committee by whom the arrangements are made from exercising those functions.

- d) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.
- e) A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority.

### 3. FULL COUNCIL FUNCTIONS

3.1 The following matters are to be dealt with by the Full Council:

- a) To do anything calculated to facilitate or conducive or incidental to the discharge of any of their functions (LGA 1972, s111), General Power of Competence (Localism Act 2011).
- b) Appointment of Mayor and Deputy Mayor of the Council.
- c) Approval of Budget and setting the Precept.
- d) Approval of the Annual Return and Audit of Accounts.
- e) Authorisation of borrowing.
- f) Adopting or changing all policies including Standing Orders, Financial Regulations, and the Scheme of Delegation.
- g) Agree or amend the terms of reference for Committees, deciding on their composition and making appointments to them.
- h) Filling any vacancies occurring on any committee of the Council during the municipal year.
- i) Making of Orders under any statutory powers.
- j) Making, amending, or revoking By-laws.
- k) Appointment of Standing Committees.
- l) Appointing Town Council representatives to outside bodies.
- m) Co-option of Members when a casual vacancy arises.
- n) All other matters which must, by law, be reserved to the Full Council.
- o) Appointment of the Clerk/RFO.
- p) To adopt the schedule of meetings for the ensuring year.
- q) Declaring the eligibility of the General Power of Competence.
- r) Approve any commitment in excess of £10,000 providing that it is within that Committee's budget.
- s) Agreement to take on new, including devolved services, subject in all cases to a fully costed business plan to be recommended by the Governance & Resources Committee.
- t) To determine matters involving expenditure for which budget provision is not made or is exceeded.

### 4. DELEGATION TO COMMITTEES

The following are delegated to the Town Council's Committees to make decisions on behalf of the Town Council. Committees are delegated plenary decision-making powers in respect of matters delegated. They must be exercised in accordance with the law,

Town Council Standing Orders and Financial Regulations and any approved policy framework and budget.

Full 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 Full Council. Similarly, where a Committee has no delegated power to decide, it makes a recommendation to Full Council.

#### 4.1 All Committees

- a) Creation and appointment of Working Groups or Task and Finish Groups.
- b) Appointment of non-councillors to Working Groups/Task and Finish Groups where they bring additional expertise or knowledge, subject to confidentiality arrangements consistent with those required of Councillors.

#### 4.2 Governance & Resources Committee

All matters except for creating Council Policy relating to:

##### a) Finance & Risk Management

- The setting up and monitoring of internal control systems for the oversight of Council expenditure.
- The periodic review of the Internal Audit arrangements and monitoring reports with reports and any recommendations being adopted by Council.
- The periodic review of the Risk Management arrangements with recommendations for adoption by the Town Council.
- Resolve actions incurring expenditure within its budget.
- Prepare estimates of expenditure in October for the forthcoming financial year for consideration by the Town Council.
- To conduct a half yearly appraisal of the budgets based on September figures.
- To receive estimates of expenditure in December for the forthcoming financial year from other committees of the council, to set a recommendation for the Precept for approval by full council.
- Review budgets and reserves prior to year-end, determining actions to be required and any virements required.
- Responsibility for the control of the Legacy Account and associated matters.

##### b) Human Resources

- To oversee the conditions of service for employees.
- To monitor staff contracts of employment, terms and conditions and policies relating to the employment of staff including but not exclusively:
  - Annual review of absence levels
  - Confirmation that annual performance management has been undertaken
  - Pension arrangements
  - Staffing levels
  - Staffing policies and staff handbook
  - To review staff salaries and contracts when information from NALC is available.
  - To form sub-committees for staff appointments, grievances and appeals as required.

**c) Policy**

- The development of policy for recommendation to Council.
- The periodic review of the Council's standing orders and financial regulations with recommendations for amendments to be ratified by Council.
- Ensure that the Town Council complies with strategic health and safety regulations.
- The implementation and operation of the Council's Public Sector Equality Duty
- In all considerations and actions, follow the council's adopted corporate strategic plan.
- Review all documents pertaining to this Committee.
- To seek nominations and decide on winner of the Citizens Award scheme – to be kept confidential within committee until the Annual Town Meeting, when award presentations will take place.

**4.3 Public Realm Committee**

**a) Open Spaces**

- Management, control, and development of all playing fields, sports grounds, open spaces, play areas, skate parks and other leisure and recreational facilities.
- Prepare and maintain grass cutting schedules for all open spaces and recreational facilities.
- Arrange repairs and maintenance of the following sites:
  - Hitchin Road Recreation Ground
  - Riverside Playing Fields
  - Greenacre Park
  - Arlesey Road Recreation Ground
  - Multi Use Games Areas (Arlesey Road and Riverside)
  - The Green
  - Pix Brook Play Area
  - Prince Charles Avenue Play Area and open space, associated play equipment
  - Jubilee Meadow and open space
  - Public conveniences and car park at Brook Street/High Street
  - Public conveniences at Arlesey Road Recreation Ground.
- Liaise with and support the local environmental group, TEASEL, particularly with their support work on Town Council open space, including Centenary Wood.
- Maintain and improve landscape throughout the town.
- Monitor and protect the footpath and bridleway network within the town.
- Arrange spraying of foreign growth on footpaths as designated by the committee.
- Have overall responsibility for Town Council owned sporting facilities and public open spaces.
- Provision and maintenance of litter bins, bus shelters and seats within the town.
- Maintenance of flowerbeds, tubs, troughs, and any other areas held by the Council on lease or licence.
- Maintain a rolling programme of maintenance and major projects.
- Review contracts for maintenance for MUGAs and all-weather pitches, Pix Brook play area, Arlesey Road, Hitchin Road recreation ground, Greenacre Park, and Riverside Recreation ground.
- To ensure that the Town Council complies with health and safety regulations in relation to open spaces, streetlights, cemetery, and recreational facilities.
- Review all documents pertaining to this Committee.
- In all considerations and actions, follow the council's adopted Corporate Strategic Plan.

- b) Highways**
- Liaise with Central Bedfordshire Council on matters relating to improvements on roadways, footways, footpaths, car parking and drains within the town.
- c) Allotments**
- Management of Town Council owned allotments.
  - Management of Common Road Allotments on behalf of the Eleemosynary Charity of William Field.
- d) Streetlights**
- Responsibility for the maintenance and supply of Stotfold Town Council owned street lighting.
  - To liaise with Central Beds Council for the repair and upkeep of all lighting columns within the town, owned by them.
  - Responsibility for the street lighting maintenance contract and tenders on a six-yearly basis.
  - In all considerations and actions, follow the Council's adopted corporate strategic plan.
- e) Trees**
- To take decisions on landscaping and tree planting in consultation with the Town Council's Tree Warden and following inspections as per council's Tree Management Policy.
  - Maintain and manage trees on Town Council owned land, according to the council's adopted Tree Management Policy.
- f) Cemetery**
- To continue improvements to the site for its use as a burial ground.
  - To monitor, review and determine the Rules and Regulations pertaining to Interments and Memorials.
  - To monitor the capacity of the present site and consider future expansion.
  - To review the leases for the Chapel of Rest and Mast, and renew, reissue, or seek new tenants as required.
  - To undertake visits to the Cemetery for monitoring and assessments of maintenance and repair works needed.
  - To arrange an inspection of the stability of the memorials every five years.
  - Maintain a rolling programme of maintenance and major projects relating to the cemetery.
- g) Finance**
- Resolve actions incurring expenditure within its budget.
  - Prepare estimates of expenditure in October for the forthcoming financial year for consideration by the Council, via the Establishment Committee.
  - Conduct a half yearly appraisal of the budgets based on September figures.
  - Review budgets and reserves prior to year-end, determining actions to be required and any virements required.
  - To review and determine the list of charges annually relating to the cemetery fees and open spaces.
  - Responsibility for the leases relating to Town Council owned land and their review, as required.

- Review and set charges and lease rents.

#### 4.5 Building Management Committee

- Be responsible for the overall management and maintenance of:
  - Memorial Hall
  - Greenacre Centre
  - Simpson Centre
  - Site leased to Stotfold (Mossman Centre)
  - Site leased to Stotfold Scouts
  - Site leased to Stotfold Bowls Club
  - Site leased to Stotfold Football Club including clubhouse and surrounding areas (excluding grass and planting) including car park.
  - Cemetery Toilets and Chapel
- To ensure development and maintenance of the council's buildings and premises under this committee's remit, follows existing council and committee policy
- Maintain a rolling programme of maintenance and major projects.
- To ensure that the Town Council complies with health and safety regulations in relation to its built assets.
- To maintain lettings policy for Council owned buildings.
- To review and determine hall hire charges on an annual basis as part of the budget setting process.
- Responsibility for leases relating to Town Council owned buildings within this committee's remit, and their review.
- Resolve actions incurring expenditure within its budget.
- Conduct a half yearly appraisal of the budgets based on September figures.
- Prepare estimates of expenditure in October for the forthcoming financial year for consideration by the Council, via the Governance & Resources Committee.
- Review budgets and reserves prior to year-end, determining actions to be required and any virements required.
- In all considerations and actions, follow the Council's adopted Corporate Strategic Plan.
- Review all documents pertaining to this Committee.

#### 4.5 Community Engagement Committee

- The committee has delegated powers to deal with all the implementation and management of events that are promoted by the Town Council and its partners.
- To consider all aspects relating to planning and hosting of Council events, including health and safety requirements, road closures and notifications to Safety Advisory Group.
- To monitor and review each event.
- To include the annual Christmas celebration including the provision of festive lights.
- The Committee will endeavour to ensure that the Town Council and its committees make decisions, take actions, and carry out projects that support the diverse communities within Stotfold.
- The Committee is to deal with day-to-day events related matters; making recommendations to Council when required.
- To formulate a budget request for revenue expenditure/capital for the next financial year, ready to recommend to Governance and Resources Committee's November meeting. This includes any charges for events including vendors, funfairs, catering etc.

- The Committee has delegated powers to spend within budget, other requests will be forwarded to the Governance & Resources Committee.
- The Committee is authorised to establish time expired sub-committees and working groups, and to appoint advisers as and when necessary to assist in its work.
- Communication and Consultation, including website, social media, and surveys.
- To seek nominations and decide on winner of the Citizens Award scheme – to be kept confidential within committee until the Annual Town Meeting, when award presentations will take place.
- Delegated authority is given to the Town Clerk, Democratic Services Manager, and the Community Engagement Officer to take decisions on the arrangements for council events.

#### 4.6 Planning Committee

- To consider any planning application which meets the criteria of the Planning Policy and to make comment and pass resolutions in accordance with national and local planning policy.
- To respond to Central Bedfordshire Council on all planning applications within the set timescales.
- To appoint members to attend Central Bedfordshire Council's Development Management Committee meetings to make representations on behalf of the Council where necessary.
- To request a Central Bedfordshire Council Ward Member to call in applications to be referred to the Central Bedfordshire Council's Development Management Committee for consideration.
- To monitor Central Bedfordshire Council policies and Plans that could affect the town.
- To respond to consultations on local or national planning policy.
- To consider all matters of relevance to planning issues within Stotfold or its immediate environs that are or could be the subject of planning applications, and which have a relevance to the town of Stotfold and its inhabitants and to make recommendations thereon.
- In all considerations and actions, follow the Town Council's adopted Corporate Strategic Plan.
- This Committee may make recommendations to the Town Council on relevant matters for which it has no delegated authority and may be given delegated powers by full Council to act on relevant matters.

### 5. DELEGATION TO OFFICERS

The following matters are delegated to the Town Council's Officers to make decisions on behalf of the Town Council. These decisions must be exercised in accordance with the law, the Town Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

Full 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 Full Council. Similarly, where Officers have no delegated power to decide, they report the matter to Committee or Full Council for a decision.



## 5.1 Town Clerk

- a) The Town Clerk shall be Proper Officer of the Town Council as defined in law.
- b) See the table below for delegated responsibilities and the individuals to cover these in the absence of the Town Clerk
- c) The table below, whilst not comprehensive, seeks, to clarify responsibility in respect of at least some of these matters.

Delegated Responsibility	Responsible in Absence
The responsibilities and duties of the role of Proper Officer as set out within the law and Council policies.	Public Realm Manager
Issue all statutory notifications	Democratic Services Manager
Receive Declarations of Acceptance of Office	Democratic Services Manager
Receive and record notices disclosing pecuniary interests	Democratic Services Manager
Receive and retain documents and plans	Democratic Services Manager
Sign notices or other documents on behalf of the Council	Public Realm Manager
Receive copies of By-Laws made by Principal Authority	Democratic Services Manager
Certify copies of By-Laws made by the Council	Public Realm Manager
Sign Summons to attend meetings	Public Realm Manager
Ensure compliance with Standing Orders	Democratic Services Manager
To take proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council	Public Realm Manager
To appear or make representation to any tribunal or public inquiry into any matter which the Council has an interest (in its own right or on behalf of the residents of Stotfold)	Public Realm Manager
To act at the Council's designated officer for the purposes of the Freedom of Information Act 2000.	Democratic Services Manager
Manage all Town Council staff, either directly or indirectly, taking advice from HR provider where appropriate including: <ul style="list-style-type: none"> <li>➤ Appointment to posts where no changes in contractual arrangements are proposed</li> <li>➤ Staff performance, discipline, and dismissal</li> <li>➤ Payment of expenses</li> <li>➤ Approval of increments</li> <li>➤ Implement national pay awards and conditions of service in line with the National Joint Council Scheme of Conditions of Service as amended by the Local Agreement</li> <li>➤ The establishment of new posts and changes to posts or terms and conditions, which would have implications for the budget, shall be subject to approval by the Governance &amp; Resources Committee.</li> </ul>	Democratic Services Manager or Public Realm Manager depending on staff member
Manage the provision of Council services, land, and resources	Public Realm Manager

<b>Delegated Responsibility</b>	<b>Responsible in Absence</b>
Incur expenditure in an emergency up to £3,000 whether budgeted or not	Public Realm Manager
Act on behalf of the Council in an urgent situation and report back to the Council as soon as practical	Public Realm Manager
Deal with dispensation requests from Members under the Code of Conduct	Democratic Services Manager
Deal with matters specifically delegated by Council or Committee	Democratic Services Manager or Public Realm Manager
To take decisions relating to the training of Councillors and staff	Democratic Services Manager or Public Realm Manager
Appoint casual/temporary members of staff as needed to meet the business needs of the Council and within existing budgets.	Public Realm Manager
Authorise additional hours of work for existing staff on a temporary basis to support the needs of the Council	Public Realm Manager
Deal with all disciplinary matters and hearings in accordance with the Council's Disciplinary Policy, including suspending employees as deemed necessary	Public Realm Manager
Enter into settlement agreements with employees up to a maximum of two months' salary where this is the prudent option for the Council	Public Realm Manager
Responsible for the overall management of all budgets in accordance with Council policies.	Public Realm Manager
Authorised to issue press releases on any Council activity exercised in accordance with Council policy	Public Realm Manager
Overall responsibility for Health and Safety across all Council owned sites	Public Realm Manager
To determine the outcome of employee probationary periods, following a probationary review having taken place	Public Realm Manager
In consultation with the relevant Chairs, amendments may be made to the meeting timetable by the Town Clerk where justified and required, ensuring that this does not reduce the number of Full Council or Committee meetings held during the Municipal Year.	Democratic Services Manager
Dealing with and resolving complaints received by the Council (except those regarding the actions of Councillors or Council employees) in accordance with the Complaints Procedure	Democratic Services Manager
Proper administration of the Council's Financial Affairs	Finance Officer
Report to External Auditor matters under Local Government Finance Act 1988 s114.	Finance Officer
Ensure compliance with financial regulations	Finance Officer
Ensure compliance with all financial procedures	Finance Officer
Determine accounting policies, records, and control systems	Finance Officer
Manage risk management of the Council	Public Realm Manager
Having consulted with the relevant Chair of Committee at the year end to earmark any	Finance Officer

Delegated Responsibility	Responsible in Absence
underspends in the overall Town Council budget. Any such decisions are to be communicated promptly to the Governance & Resources Committee	
Arrange and manage the Council's insurance arrangements	Finance Officer
Management of Council salaries in accordance with contracts of employment	Finance Officer

## 5.2 Public Realm Manager

- a) Those responsibilities delegated in the absence of the Town Clerk as the table above.
- b) Day to day management of land, buildings, and other resources.
- c) Project development, with the Projects Officer, for consideration by relevant Committee.
- d) Management of maintenance contracts.
- e) Day to day management of all employees in this section.
- f) Matters specifically delegated by Council or Committee.
- g) Developing income generating activities.
- h) Responsible for the management Public Realm and Building Management budgets in accordance with Council Policy.
- i) Authorising purchase orders for matters agreed by Committee or Council up to £1,000. Any purchase orders above this to be authorised by the Town Clerk.

## 5.3 Democratic Services Manager

- a) Those responsibilities delegated in the absence of the Town Clerk as referred to in the table above.
- b) Authorised to issue press releases on any Town Council activity exercised in accordance with the Town Council Policy, save for press releases which are felt to be controversial, or regarding a specific campaign, which will be signed off by the Town Clerk or in their absence, the Town Mayor.
- c) Day to day management of civic functions for the Council.
- d) Day to day management of the Council's website and social media.
- e) Day to day management of employees within section.
- f) Authorising expenditure within budgeted levels in areas of responsibility and those delegated by Town Clerk.
- g) Authorising purchase orders for matters agreed by Committee or Council up to £500. Any purchase orders above this to be authorised by the Town Clerk.
- h) Matters specifically delegated by Council or Committee.

## 6. REPORTING DELEGATED DECISIONS

The Town Clerk's delegated decisions must be reported **regularly and transparently** to ensure proper accountability to the council and compliance with best practice guidance from NALC and SLCC.

### 6.1 Legal Basis for Reporting Delegated Decisions

The requirement for reporting decisions made under delegated authority is outlined in the **Local Government Act 1972, Section 101**, which permits delegation but retains overall accountability with the council. It is important that decisions made by officers

under delegated powers are **reported back to the council in a clear and timely manner** to maintain transparency.

## 6.2 When and How Often Should Reports Be Made?

The Town Clerk should provide regular reports on delegated decisions at each ordinary meeting of the council or relevant committee. These reports should include:

- Decisions made under financial delegation (e.g., payments approved within delegated limits).
- Personnel decisions (e.g., appointments, staff performance reviews).
- Urgent decisions made in consultation with the Mayor or Chair of relevant committee (if applicable).

## 6.3 Format of Delegated Decision Reports

### a) Standard Delegated Decisions Report Template

*Examples in italics below*

Decision Date	Decision Taken	Reason/Authority	Financial Implication	Consultation (if any)	Outcome/Action
10/01/2025	<i>Approval of emergency tree removal</i>	<i>Health and safety (Delegation Scheme)</i>	<i>£500</i>	<i>Chair of Public Realm Committee</i>	<i>Contractor instructed</i>

### b) Key Elements to Include in the Report

- **Summary of Decision:** Brief description of the decision made.
- **Reason for Decision:** State the authority under which the decision was made (e.g., scheme of delegation, financial regulations).
- **Consultation:** If relevant, indicate any consultation with the Chair or committee members.
- **Financial Implication:** Any associated costs or budget impact.
- **Outcome:** Action taken as a result of the decision.

## 6.4 Reporting Personnel Decisions

If the Town Clerk makes decisions relating to staff (e.g., recruitment, appraisals, or disciplinary actions), a confidential staffing report should be provided to the Governance & Resources Committee, ensuring GDPR compliance and protecting employee confidentiality.

The report should only be shared with members on a **need-to-know basis** to protect employee confidentiality.

Employee	Decision Taken	Reason	Outcome/Next Steps
<i>Staff Member A</i>	<i>Completed appraisal</i>	<i>Routine annual appraisal</i>	<i>No further action required</i>
<i>Staff Member B</i>	<i>Verbal Warning</i>	<i>Performance management</i>	<i>Monitor performance</i>

## 6.5 Where to Record Delegated Decisions

- **Full Council Minutes:** A summary of key delegated decisions should be included in the minutes to ensure transparency.
- **Minutes:** Sensitive staffing decisions are reported in a confidential report and minuted without providing any personal or confidential information in the minutes.
- **Delegated Decision Log:** The Town Clerk should maintain a **Delegated Decision Log** for audit purposes, which can be reviewed during the **Annual Governance and Accountability Return (AGAR)** process.

### **Example Minute Entry for a Delegated Decisions Report:**

**Minute 23/01/05: Town Clerk's Delegated Decisions Report** The Town Clerk presented a report on decisions taken under delegated authority since the last meeting. The report was noted.