



# <sup>1</sup>Scheme of Delegation

## Principles of Delegation

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. Any delegation to a Committee or the Proper Officer<sup>2</sup> shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and within the law.
3. The Proper Officer may nominate another named Officer to carry out any powers and duties, which have been, delegated to that Officer.
4. In an emergency the Proper Officer is empowered to carry out any function of the Council.
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 Members, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

### Delegation to The Proper Officer

#### Matters reserved for Council or Committee

6. Subject to urgent items (see paragraph 7 below), the following matters shall be referred to the relevant Committee or Council, where appropriate.  
Any matter which:
  - (a) requires a new policy; or
  - (b) requires an alteration to an existing policy (other than a minor amendment); or
  - (c) would be contrary to the policy framework; or
  - (d) involves expenditure or a reduction in income, for which there is no sufficient budgetary provision;
  - (e) is an issue of principle as determined by The Council; or
  - (f) in the opinion of the Proper Officer, cannot in law or in accordance with the Standing Orders be decided by an Officer; or
  - (g) upon which a Committee has requested a report; or
  - (h) a Member has requested an item to be put on an agenda under Standing Orders; or
  - (i) in the opinion of the officer concerned, should be determined by a Committee; or

<sup>1</sup> YLCA template and some additions, namely paras 20 and 21, reference Leyburn.

<sup>2</sup> Wherever the Proper Officer (the Clerk) is referred to in this document it shall be understood that the Deputy Clerk can deputise for the Clerk both in the absence of the Proper Officer (the Clerk) and to enable the efficient and effective running of the Town Council.



### Urgent Items

7. Matters of urgency, as determined by the Proper Officer (or in his/her absence another Officer) shall be delegated to the relevant officer in consultation with the Chairman and Vice-Chairman of the appropriate Committee subject to a report being made to the next meeting of the appropriate Committee.

### Delegation to Committees

8. Each Committee has delegated authority to decide matters within their terms of reference **except** for the following matters, which are reserved for Council:
  - To adopt and change the Standing Orders.
  - To approve and adopt the Policy Framework.
  - To approve and adopt the Budget.
  - To determine the Council's Corporate Priorities.
  - To appoint the Chairman and Vice-Chairman
  - To appoint Committee Chairmen and Vice-Chairmen.
  - 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 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 make decisions concerning district boundaries and electoral divisions.
  - To set the Precept.
  - To make byelaws.
  - To borrow money.
  - To consider any matter required by law to be considered by Council.

### Authority to Act

9. Subject to those matters that are reserved for Committee (see paragraph 1 above) all members of staff shall be responsible and shall have delegated authority for the day-to-day operation and management of his/her department and of the Services for which he/she is responsible.
10. Any matter not reserved for Committee (i.e. any matter falling outside the criteria contained in paragraph 1 above) 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 the principles of delegation.
11. In the absence of the Proper Officer, the Deputy Clerk shall have the authority to sign and seal any official notices and documents on behalf of the Council.
12. The Proper Officer shall have authority to issue written authorisation to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties.
13. Delegations to members of staff in respect of financial matters are set out in the Standing Orders and Financial Regulations.
14. The Proper Officer shall have authority to issue tenders as set out in the financial Regulations.



# LEYBURN TOWN COUNCIL

## Market and Burial Authority

15. The Proper Officer shall have authority to issue renewal leases, licenses and agreements that are due for renewal.
16. The Proper Officer shall also have delegated management authority for personnel, media and corporate issues.
17. The Proper Officer has delegated authority to decide on the final content, editing and layout of the Website and Social Media.
18. The Proper Officer shall be responsible for signing all the Council's Official Notices and for witnessing the signing of Council documents. The Council does not have a seal.
19. The Proper Officer shall be the Proper Officer for any function of the Council in the absence of any other appointment as specified within this Delegation Scheme.
20. The Proper Officer shall:
  - i. arrange for interments in the Council's cemeteries
  - ii. approve monuments
  - iii. grant exclusive rights of burial
  - iv. grant transfer of purchased graves
  - v. maintain up to date records in all Burial Registers.
  - vi. arrange for the annual inspection of benches within the Parish, contacting the person responsible for upkeep if repairs are necessary.
  - vii. arrange for the annual inspection of Grit Bins within the Parish and purchase the necessary salt/grit refills
  - viii. arrange for the annual service of the mower at Simon Winstanleys
  - ix. get quotes for and appoint a contractor for the following:
    - repairs to Kelberdale toilets.
    - assistance with the inspection of the memorials in the cemetery when necessary.
    - maintenance and updating of the council's noticeboards and signs as required, signs on property etc.
    - Annual and quarterly play area inspections.
  - x. keep all land and property under review and take such emergency action as may be necessary for the protection of the public or the Council's property.
  - xi. undertake day to day management and maintenance of Council property.
  - xii. call any extra meetings of the Council as necessary, having consulted with the Chairman of the Council in advance.
  - xiii. respond to any correspondence, requiring or requesting information or relating to previous decisions of the Council.
  - xiv. act as the Council's designated officer for the purposes of the Freedom of Information Act 2000 and respond to Freedom of Information requests.
  - xv. arrange for the payment of invoices where appropriate (e.g. where approved by the council or by the use of delegated authority as specified above) that will be overdue by the next scheduled meeting or where discount for the Council will be lost.
  - xvi. make grant applications after identifying suitable funds and submit monitoring/outcome statements where grant applications were successful.
  - xvii. have the authority to refuse to deal with matters or to put them on the agenda if they are outside the council's remit, areas of interest and/or civil matters but the clerk will continue to inform in the first response to a correspondent/caller where to refer matters if known and if appropriate.
  - xviii. Planning: have the delegated authority to respond to:
    - planning applications for non material amendments as responses have to be made within 10 working days
    - Planning Applications, because the time limit for a response can fall between meetings.
    - Listed Building Applications, because the time limit for a response can fall between meetings.



# LEYBURN TOWN COUNCIL

## Market and Burial Authority

---

- xix. keep councillors informed of training courses and book them on request.
  - xx. identify and book training courses for staff.
  - xxi. renew subscriptions and pay annual fees to the YLCA, the ICO, Scribe, Moneysoft Payroll Manager and any other subscriptions, contractors or utilities paid by the Council currently (These would be listed on the regular payments list, approved by the Council annually).
  - xxii. request that two councillors authorise the payment of invoices between meetings for salaries (including those with variable hours), and all items specifically budgeted for, contracted for or expenditure agreed by council at a meeting. Councillors will receive a Payments list of transactions at the meeting following payment.
21. In addition the Proper Officer has authorisation for expenditure on: (note: standing orders allow for emergency expenditure up to £1,500)
- i. the defibrillators as required – all consumables as required.
  - ii. works to play equipment at the Shawl up to a maximum of £1,500 where safety is of concern (in consultation with Councillors over email) .
  - iii. routine maintenance of play equipment up to £750 (in consultation with Councillors over email).
  - iv. office administrative materials and equipment as required.
  - v. purchasing janitorial supplies for the Caretakers and Kelberdale Toilets
  - vi. purchasing dog waste bags for refilling the dispensers.
  - vii. cloud storage/working facilities.
  - viii. virtual meeting costs.
  - ix. the Council resolved to give the Clerk authority to refuse to deal with matters or to put them on the Agenda if they are outside the council's remit, areas of interest and/or civil matters but the clerk will continue to inform in the first response to a correspondent/caller where to refer matters if known and if appropriate.