

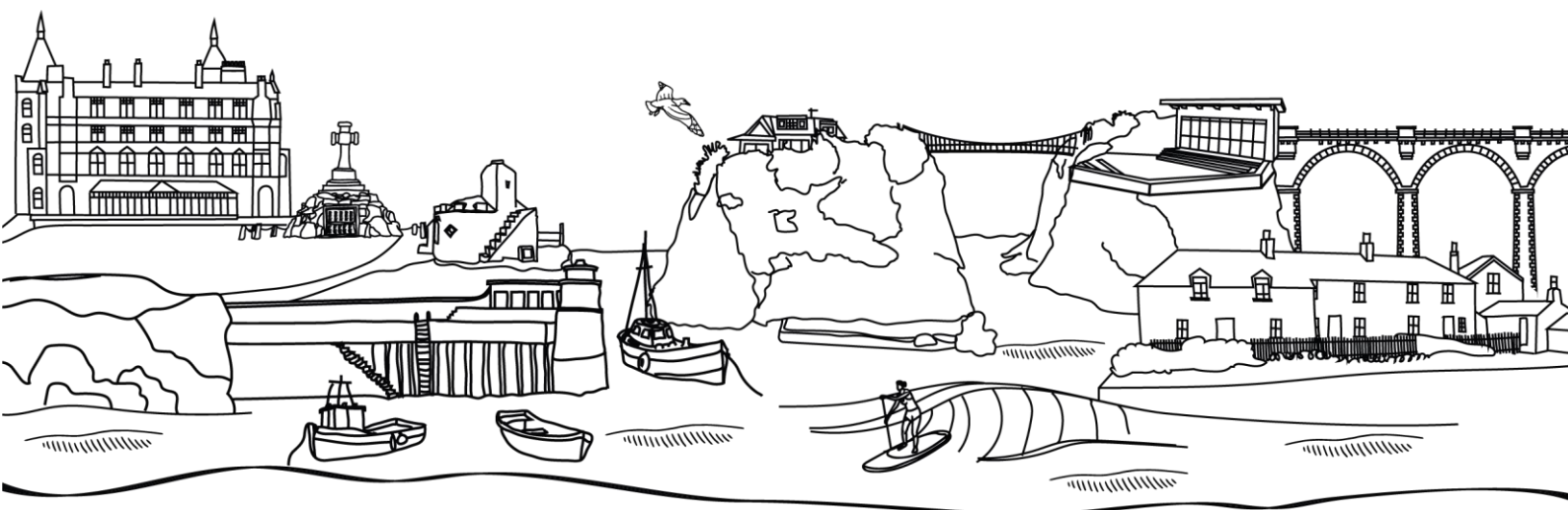


NewquayCouncil

CorporateService

Name of Policy: **Scheme of Delegation 2022**

Date of Inception: **04 May 2022**



Scheme of Delegation

This is a Policy or Procedure document of Newquay Town Council and as such must be fully adhered to by both councillors and employees.

Current Status

Version	0.1	Approving Body	Full Council
Date	07/04/2022	Date of Approval	04/05/2022
Responsible Officer	Town Clerk & Chief Executive (TC&CE)	Minute Reference	
Oversight Committee	Governance and Resources	Review Date	May 2023

Version History

Date	Version	Author/Editor	Comments
08.11.2015	1.0	TC&CE	Pre-Committee Draft
21.06.2016	1.1	TC&CE	Minor amendments pre committee
02.01.2017	2.0	TC&CE	Review and Update
07.02.2018	2.0	TC&CE	Review and Update
01.05.2019	2.0	TC&CE	Review and Update
19.05.2020	3.0	TC&CE	Review and Update
19.04.2021	(2021) 0.1	TC&CE	Full Review (amendments highlighted)
07.04.2022	(2022) 0.1	TC&CE	Annual Review (no changes)

Review Record

Date	Type of Review Conducted	Stage Completed	Summary of Actions Taken or Decisions Made	Completed By
02.01.2017	Full	Yes	Updated Scheme for adoption by F&P and Full Council.	TC&CE
07.02.2018	Annual	Yes	Minor Updates	TC&CE
01.05.2019	Annual	Yes	Minor Updates	TC&CE
19.05.2020	Annual	Yes	Minor Updates	TC&CE
19.04.2021	Full	Yes	Amendments identified by tracked changes	TC&CE
07.04.2022	Annual		No material changes	TC&CE

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1.0 Policy Background

- 1.1 This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (which may be the same person), and Standing Committees to act with delegated authority in the specific circumstances detailed.
- 1.2 This policy should be used in conjunction with the committee Terms of Reference and any statutory obligations/regulations in force at the time.

2.0 Policy Statement

- 2.1 Newquay Town Council recognises that it has a responsibility to ensure the effective running of the Council and its services. In order to achieve this, some delegated functions and responsibilities have to be made and will be outlined within this Scheme of delegation.
- 2.2 The Council is committed to efficient working practises which minimise the impact on the local ratepayers and so this scheme has been tailored to try and balance control measures with effectiveness.

3.0 Policy Objectives

- 3.1 The policy aims to:
 - 3.1.1 Further clarify the roles and delegated responsibilities of officers, members and committees
 - 3.1.2 Ensure adequate control measures are in place to protect the Council's finances
 - 3.1.3 Ensure the Council is acting in accordance with the Audit and Accounts regulations.

4.0 General Delegations

4.1 Responsible Financial Officer

- 4.1.1 The Town Clerk shall be the Responsible Financial 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.
- 4.1.2 The Town Clerk may obtain advice and guidance from external professionals (which may bear a cost) in order to ensure 4.1.1 is achieved effectively.

4.2 Proper Officer

- 4.2.1 The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:
- *Receive declarations of acceptance of office*
 - *Receive and record notices disclosing personal interests*
 - *Receive and retain plans and documents*
 - *Sign Notices or other documents on behalf of the Council*
 - *Receive copies of bylaws made by a principal local authority*
 - *Certify copies of bylaws made by the Council*
 - *Sign summons to attend meetings of the Council*
 - *Seal documents, deeds, contracts and agreements following a resolution to do so from Council or one of its committees*
- 4.2.2 In addition, the Clerk to the Council has the delegated authority to undertake the following matters on behalf of the Council:
- *Day to day administration of services, together with routine inspection, control and compliance*
 - *Day to day supervision and control of all staff employed by the Council*
 - *Authorisation to call any extra meetings of the Council or any Committee as necessary, having consulted with the Mayor of the Council, and/or the Chairman of the appropriate Committee*

- *Authorisation to cancel meetings during emergencies or where a lockdown has been initiated at a local, national or an organisational basis*
- *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 one of its Committees*
- *Authorisation of routine recurring expenditure within the agreed budget*
- *Emergency expenditure identified in Financial Regulation 4.5*
- *Authorisation of expenditure in line with Financial Regulation 4.1*
- *Authorisation to do anything necessary to protect/prevent the Council, its members and its officers from any litigation, complaints or serious compliance failures.*
 - *Such action should follow relevant professional advice obtained or held at the time.*
- *To authorise anything to be done that the Council is legally able or authorised to do, where a meeting or the Council is or becomes inquorate.*
 - *Such decisions should only be taken through a majority view obtained from the available committee/Council membership via email.*
 - *This is not to be used as an alternative to holding scheduled formal committee or full council meetings and should be based on urgency/need/appropriateness in the circumstances at the time, to maintain the effective running of the Council and its service(s).*
- *Authorised to hold/host virtual consultation events and briefing sessions between members and officers from time to time where it is too high risk to hold a physical meeting.*
 - *This item should only be triggered where the local CALC has advised it is appropriate to do so in the circumstances i.e. a large enough venue is not available to hold a safe meeting and urgent decisions need to be made.*
 - *The majority view of those members consulted will be actioned.*
- *Authorised to implement any reasonable infrastructure or spend to achieve hybrid meetings or webcasting of formal meetings to the public.*

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

4.3 Council

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

- *Appointment of the Town Clerk / RFO following a recommendation from the Human Resources committee*
- *Setting the Precept*
- *Borrowing money*
- *Approval of the Council's Annual Accounts and the Annual Return*
- *Making, amending or revoking Standing Orders, Financial Regulations or this*
- *Scheme of Delegation*
- *Making, amending or revoking bylaws*
- *Making of orders under any statutory powers*
- *Matters of principle or policy*
- *Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings)*
- *Any proposed new undertakings (following a recommendation from the Clerk or a committee)*
- *Responses to legislative and other allied consultations*
- *Prosecution or defence in a court of law other than an Employment Tribunal*
- *Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to a committee.*
- *To co-opt members to fill casual vacancies where we are authorised to do so by Cornwall Council.*

4.4 Urgent matters

4.4.1 In the event of any matter arising which requires an urgent decision the Town Clerk shall forthwith consult with the Mayor and Deputy-

Mayor (or if more appropriate the Chair/Vice Chair of the respective committee, copying in the Mayor/Deputy-Mayor afterwards for information) before acting on behalf of the Council in respect of the particular matter then under consideration.

4.4.1.1 If for whatever reason the Mayor cannot be reached, then the consultation made with the Deputy Mayor shall be sufficient (and vice-versa). The same principle applies to Chair/Vice Chair of a committee.

4.4.1.2 If for whatever reason both the Mayor and Deputy Mayor (or committee Chair/Vice Chair) cannot be contacted by all reasonable means of communication, then the Town Clerk is authorised to exercise their judgement and proceed if the matter is of such an urgent nature that timing is critical.

4.4.2 Before the Town Clerk exercises 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 a Special Meeting of the appropriate Committee and where a meeting is so summoned the Committee concerned shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.*
- *Before exercising the delegated power granted by the above paragraph, the Chairman and Vice-Chairman of the Committee concerned shall consider whether the matter is of sufficient importance to justify recommending to the Mayor that a Special Meeting of the Council should be called.*
- *Whenever any action is taken in this way, full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next available meeting of the Committee concerned and of the Council.*

5.0 Delegations to Officers

5.1 The following table, whilst not comprehensive, seeks to clarify responsibility in respect of at least some of these matters. Needless to say, the delegations are subject to them being implemented in accordance with the law, the Council's Standing Orders and Financial

Regulations, within the accepted policy framework, following a decision of the Council and where budgetary provision exists or is otherwise authorised in accordance with Financial Regulations.

- 5.2 Whilst the Town Clerk may be identified as an Officer who is ultimately responsible and delegated below, the Town Clerk may also delegate an element of responsibility to other suitably placed officer(s) as required to ensure the effectiveness of the Council's operations. As an example, the Town Clerk may delegate to a manager the responsibility for the Health & Safety of their respective Team. Such delegations shall be recorded on file and can change as deemed necessary by the Town Clerk.

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Service Area	Function	Officer(s)	Parameters/Other Information
Audit	To maintain a continuous audit	Town Clerk Financial Administrator	Members remain responsible for internal control checks, ensuring adequate provisions are made for independent internal audit and observance of the relevant external audit requirements.
Business Continuity	To act as the Lead Officer under the Business Continuity Plan and to take any and all steps to protect the Council, its staff, resources or critical infrastructure.	Town Clerk	The Business Continuity Plan must be observed at all times.
Communications	To deal with all press and public relations on behalf of the Council	Town Clerk Deputy Town Clerk	Members may be contacted directly for comment in line with the communications policy. Members will also respond to any politically focused enquiries, whilst observing the code of conduct.
Documents	To seal/sign documents on behalf of the Council	Town Clerk	This includes entering into agreements, contracts and placing of orders.
Elections	To notify the Returning Officer of all casual vacancies arising in the membership of the Council as required by statute and to liaise with him or her regarding the conduct of elections	Town Clerk	
Emergency Planning	To lead the Council's response in the case of a major emergency in consultation with and/or under the direction of the Bronze, Silver, Gold or COBRA Commander/delegated officer.	Town Clerk	The Emergency Plan must be observed at all times. Said plan outlines what should happen if the Town Clerk is unavailable/not in Newquay.
Finance	To administer the Council's Bank Balances and accounts	Town Clerk Financial Administrator	Acting as account administrator
	To maintain adequate insurance cover for the Council's activities and property	Town Clerk Financial Administrator	
	To act as Responsible Financial Officer for the purposes of the Accounts and Audit Regulations 1996	Town Clerk	
	To authorise the payment of accounts	Town Clerk	
	To write-off outstanding debts in accordance with	Town Clerk	Following a decision of Full Council

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	Financial Regulation (1.13)		
	To authorise procurement and placing of orders from budget lines as identified in the table below (found later in this policy).	Town Clerk	The Payment Authorisation Policy must be followed. Payments over the relevant threshold or outside the set parameters require member/committee or Full Council approval.
Freedom of Information	To have overall responsibility for the Council's Freedom of Information Publication Scheme	Town Clerk	This may involve seeking independent advice (including incurring a cost for such advice).
Information & Communication Technology	To be responsible for the provision, procurement and management of information and communication technology provided throughout the Council including the replacement of out-dated equipment or the purchase of new equipment within the approved Budget.	Town Clerk	Authorised to spend up to the budget for those items. The Council's IT policy should be observed.
Land and Property	To purchase necessary goods and supplies for the proper effective running of all property and land owned or controlled by the Council in accordance with Financial Regulations 13.1 – 13.4 inclusive.	Town Clerk Deputy Town Clerk	Subject to the Payment Authorisation Policy.
	To maintain the Council's offices and property in accordance with Financial Regulations 14.1 – 14.5 inclusive and relevant policies and procedures	Town Clerk Deputy Town Clerk	Subject to the Payment Authorisation Policy.
	To adjust the grass cutting frequencies in relation to the maintenance of the various open areas for which the Council is responsible	Town Clerk	Subject to the Payment Authorisation Policy.
Lettings	To authorise casual lettings of the Council's various properties subject to payment in accordance with the approved scale of charges where appropriate	Town Clerk	Subject to any Charges Policy which may apply. Should the Policy not identify a particular charge, the Town Clerk shall exercise their judgement until such time as said charging structure is put in place.
Members Support	To deal with requests from members for secretarial or administrative support in connection with their duties.	Town Clerk Deputy Town Clerk	Authorise officer support. Support is provided for genuine Council projects or member queries in relation to items relation to the Council. The Town Clerk can refuse support if resources are not available or the matter is against Council policy.
Motor Vehicles and	To maintain, repair and renew the Council's motor	Town Clerk	Subject to the Payment Authorisation Policy.

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Plant	vehicles and lease vehicles, plant and equipment		
Proper Officer	To act as Proper Officer for the purposes set out in Standing Order 15 (inclusive) and for all other purposes prescribed by law	Town Clerk	
Staffing	To undertake the duties of Head of Paid Service, including the authorising of Training for staff under the requisite budget. Where appropriate to handle disciplinary and Grievance related issues as well as annual reviews in line with Policy also acting as the Council's lead on Safeguarding matters.	Town Clerk	Subject to the Payment Authorisation Policy. Subject to all relevant staff policies. In conjunction with the Council's HR Advisors.
	To implement national pay awards and conditions of service	Town Clerk	Should an overspend be forecast, the Town Clerk should report this to the Human Resources Committee in order to identify funds to cover this and obtain the requisite EMR Release approvals from Council.
	Within the approved budget and in accordance with Standing Order 19 to administer the staffing establishment and the national agreement on pay and conditions of service	Town Clerk	
	To engage temporary or seasonal workers and determine their wages and conditions of service	Town Clerk	In accordance with Financial Regulation 4.1.
	To ensure the health and safety of all employees and volunteers	Town Clerk	In conjunction with the Council's H&S Advisers. Subject to the Payment Authorisation Policy.

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Budgets Controlled by the Town Clerk under the auspices of the Payment Authorisation Policy and/or Financial Regulations (including those relevant financial thresholds which may change from time to time):

Code	Budget Account Name	Any other limitations	Other information	Requires Consultation
4000	Salaries and Wages	Subject to Employment Contracts		
4020	Temporary/Casual Staff	Subject to Contracts	Only in times of significant service issues or workloads	
4030	Staff Training		Should meet Training needs assessment	
4040	Staff Travel	Subject to contract	Requires pre-authorisation from Town Clerk	
4045	Other Staff Expenses, incl. WFH	Subject to contract		
4050	Staff Recruitment Costs		Filling a vacancy	
4055	Staff Medical Related			
4060	Conference Fees			
4070	Workwear	Subject to H&S/Staff wellbeing		
4075	Employee Subscriptions			
4080	Health and Safety			
4081	Licenses Staff			
4090	Employment Consultancy			
4099	Non-Distributed Pension Costs	Subject to legislation/contracts		
4100	Rent	Subject to contract/Operational need		
4101	Room Hire Costs	Subject to contract/Operational need		
4110	Rates			
4115	Water & Sewerage	Subject to contract		
4120	Gas	Subject to contract		
4122	Electricity	Subject to contract		
4130	Insurance	Subject to Accounts and Audit Regulations		

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Code	Budget Account Name	Any other limitations	Other information	Requires Consultation
4140	Legionella Testing	Subject to H&S		
4150	Cleaning Costs			
4155	Cleaning Materials			
4160	Window Cleaning			
4170	Building Maintenance	Subject to contract /H&S /Planned Improvement Scheme	If not part of Town Council estate or owned land, requires member approval	Sometimes
4174	Building Security Systems			
4175	Maintenance Contracts			
4176	Equipment Rent/Lease			
4180	Repairs and Renewals			
4181	Plumbing Contract	Subject to contract and H&S		
4182	Plumbing Remedial Works	Subject to contract and H&S		
4185	Equipment Maintenance	Subject to contract and H&S		
4186	Charging Unit Maintenance	Subject to contract and H&S		
4190	Building Refurbishment	Subject to procurement		
4195	Fix. & Fittings Replacements			
4199	Maintenance, Repairs & Renewals			
4200	Grounds Maintenance	If land not controlled by Town Council, landowner consent required		
4220	Play Area Inspections			
4230	Play Area Maintenance	Subject to H&S		
4235	Play Equipment	New equipment (not replacing existing) requires approval		Sometimes
4240	Grass Cutting			
4250	Tree Works			
4260	Ground Maintenance Equipment			
4270	Litter Bins	Subject to contract		

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Code	Budget Account Name	Any other limitations	Other information	Requires Consultation
4275	Dog Bins	Subject to contract		
4280	Clinical Waste	Subject to contract and H&S		
4281	General Waste	Subject to contract and H&S		
4285	Temporary Toilets	Subject to contract	Requires member decision if in relation to Heron Centre toilets	Sometimes
4290	Security			
4300	Vehicle Maintenance			
4310	Vehicle Replacement	Subject to contract		
4320	Vehicle Hire	Subject to contract	Requires member consultation on operational requirements if discussing new vehicles	Sometimes
4330	Vehicle Fuel & Oil			
4340	Road Tax	Subject to DVLA requirements		
4350	Vehicle Insurance	Subject to DVLA requirements		
4360	Vehicle Security Systems	Subject to contract		
4400	Stationary			
4405	Photocopier Hire	Subject to contract	Requires member consultation on operational requirements if discussing new copiers	Sometimes
4410	Printing & Photocopying Costs	Subject to contract		
4420	Newsletter			
4425	General Advertising			
4430	Publications			
4431	Guide Design Costs	Subject to contract		
4435	Marketing & Publicity			
4440	Telephones and Broadband	Subject to contract and operational need		
4450	Radio Hire	Subject to contract and H&S		
4455	Postage & Delivery Costs			
4460	Subscriptions	Subject to contract		

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Code	Budget Account Name	Any other limitations	Other information	Requires Consultation
4470	Office Consumables			
4480	Computing Costs (inc Software)	Subject to contract and legislative requirements		
4490	Website			
4500	Mayor's Allowance	Subject to policy	Release to be in accordance with HMRC rules and within budgeted amount	
4520	Member's Expenses	Subject to policy	Relates to claimable allowances that are duly checked and authorised by the Town Clerk as being valid	
4525	Member's Training		Should meet Training needs assessment	
4530	Civic Expenses			
4540	Twinning Expenses		Requires Council/committee approval on spend limits and requirements from the outset	Yes
4550	Bank & Transaction Charges	Should be accounted for		
4555	Legal Expenses			
4560	Accounting Support			
4570	Audit Internal	Subject to Accounts and Audit regulations	Requires Council approval on appointment of Internal Auditor	Sometimes
4580	Audit External	Subject to Accounts and Audit regulations	Legal Requirement	
4585	Professional Fees	Subject to contract		
4590	Election Expenses			
4595	GDPR Compliance			

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Code	Budget Account Name	Any other limitations	Other information	Requires Consultation
4600	Festivals and Promotions		Requires Committee approval on activities for the year	Yes
4601	Summer Finale		Requires Committee approval on activities for the year	Yes
4602	T&L Grants		Requires Committee approval on activities for the year	Yes
4603	St Pirans		Requires Committee approval on activities for the year	Yes
4604	Banners/Flags		Requires Committee approval on activities for the year	Yes
4610	Band Concerts	Subject to contract	Requires Committee approval on activities for the year	Yes
4615	Town Security			
4620	Fireworks Displays	Subject to contract	Requires Committee approval on level of activities for the year	Yes
4621	Xmas Events	Subject to contract	Requires Committee approval on activities for the year	Yes
4630	Contract Services			
4640	Lighting Operation Costs	Subject to contract	Requires Committee approval on activities for the year	Yes
4650	Community Projects			
4651	Projects Commissioned Work		If not part of Town Council estate or owned land, requires member approval	Sometimes
4655	Other Toilets Expenditure			
4660	Hanging Baskets	Subject to contract	Requires Committee approval on activities for the year	Yes
4700	Stock for Resale			
4702	TIC Newquay Voice			
4703	TIC Stamps			
4705	Map costs			

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Code	Budget Account Name	Any other limitations	Other information	Requires Consultation
4710	Tickets for Resale			
4711	Tickets Boardmasters			
4712	Tickets Air Day			
4713	Tickets MM Tours			
4714	Tickets Fish Festival			
4715	Tickets Eden Project			
4716	Tickets National Express			
4717	Tickets Retallack AquaPark			
4719	Tickets Contra			
4730	Licenses General			
4750	Catering Costs			
4800	General Grants	This is in relation to the awarding of grants under the Councillor Community Fund	Town Clerk can release subject to consultation with two appropriate members	Yes
4805	General Grants	This is in relation to the awarding of grants under the Emergency Resilience Fund	Town Clerk can release subject to consultation with Mayor and Deputy Mayor	Yes
4899	Miscellaneous Expenses			
4900	Capital Purchases	Subject to contract	Requires Council/Committee approval on any new significant building work spends (in accordance with Financial Regulation 4.1).	Sometimes
4901	Capital Refurbishments	Subject to contract	Requires Council/Committee approval on any new significant building work spends (in accordance with Financial Regulation 4.1)	Sometimes
4905	Low value Capital			
4995	Cost Reallocations			
4999	Accruals Transfer			

6.0 Other Authority Giving Documents

Document	Committee
Terms of Reference	Governance and Resources Human Resources Community and Tourism Environment and Facilities Planning and Licensing Legal and Regulatory
Financial Regulations	
Standing Orders	
Business Continuity Plan	
Staff Handbook (and employment policies and procedures)	
Emergency Plan	
Emergency Temporary Powers	

7.0 Alternative Formats

7.1 Equality Act 2010 – copies of this document in large print (A3 Format) or larger font size can be made available for those with sight impairment on request from the Council Office or by telephoning 01637 878388 or e-mailing the Town Clerk’s Office.

8.0 Freedom of Information

8.1 In accordance with the Freedom of Information Act 2000, this Document will be posted on the Council’s Website www.newquay.gov.uk.

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