

LISKEARD TOWN COUNCIL

(DRAFT) PROPOSED COUNCIL AND COMMITTEE SCHEME OF DELEGATION AND TERMS OF REFERENCE (April 2016)

INTRODUCTION

Section 101 of the Local Government Act 1972 allows local Councils to appoint one or more Committees or Sub-Committees to discharge any of its functions. It is not necessary for the Council to ratify Committee decisions where delegation applies. The membership and terms of office of Committees is fixed by the Council, and of Sub-Committees and of Working Parties by the appointing Committee. In constituting such Sub-Committees and Working Parties the Council or Committee as appropriate shall have full regard to the implications on the Officer and Member workload of such creation, and such shall only be established following consideration of a written report outlining the purposes of such body, why the matters in question cannot be dealt with direct by the main committee, and proposed terms of reference.

The scheme outlined below may be amended at any time by the Council with or without any recommendation from a Committee, Sub-Committee or other body.

DEFINITIONS

In this scheme, the following words and phrases shall be given the meanings outlined below:

“Council” refers to Liskeard Town Council

“Council matters” means those items specifically included in the approved Terms of Reference as falling within the specific purview of Council.

“Committee” means one of the following Committees:

Planning Committee
Facilities committee
Communications and Engagement Committee
Finance and General Purposes Committee

“Corporate policy” refers to any policy matter, which may affect or relate to the work of more than one Committee of the Council.

“Committee overlap” refers to any matter other than one of policy which is related to the work of more than one Committee

“Service Policy” refers to any policy matter which does not affect more than one function of the Council and does not relate to the work of more than one Committee.

GENERAL

Compliance with the law: The Council Committees and Sub-Committees can only act within the law and in accordance with the Council’s approved Standing Orders and Financial regulations.

Budgets: Committees can only exercise delegated powers if there is budgetary provision for any proposed expenditure. They can vire monies within their overall budget in accordance with the provisions of the Council’s Financial Regulations. If no budgetary provision is available, delegated powers may only be exercised subject to obtaining approval for a supplementary estimate, and this must be done through referring the matter firstly to the Finance and General Purposes Committee, which will then make a recommendation to the full Council.

Committee Conflict: there may be occasions, particularly when there is conflict between Committees regarding which one has powers to deal with a particular matter. In such cases, the matter shall be referred to the Finance and General Purposes Committee, and that Committee shall in turn make a recommendation or refer the matter to the Council. The Council shall then determine the matter.

Council Matters: where Committees are considering Council matters they shall not have delegated powers to determine such matters, but shall report or make recommendations to Council.

Concurrent powers: The Council may at any time exercise any of the duties and powers within the scheme which are delegated to the Council’s Committees or Sub-Committees. A Committee may at any time exercise any of the duties and powers of its Sub-Committees.

Committee membership: The Town Mayor and Deputy Town Mayor are ex-officio voting member of all the Council’s standing Committees, but not of sub-committees or working parties. The Mayor may not be Chair of any standing Committee. A member may not be Chair of more than one standing Committee.

Considerations with regard to decision-making: In making any decisions or recommendations each Committee should consider the implications in relation to: Best practice, and any Council Corporate and Service objectives/policies.

RESERVATIONS WITH REGARD TO TERMS OF REFERENCE

1. The terms of reference of all committees are subject to the following reservations:
 - a. That powers be exercised in accordance with any policy adopted, or directions given, by the Town Council.
 - b. That any proposal which involves any major changes in the existing policies approved by Council, shall be submitted to the Town Council for approval.
 - c. Urgent/emergency matters which would normally be referred to a committee may be dealt with through the convening of a special meeting although if, in the opinion of the appropriate Committee Chairman, this is not practical, they shall be dealt with by the Town Clerk in consultation with the Chairman and Vice Chairman of Committee and be subject to written report to the next appropriate Committee or Full Council meeting, whichever comes first.
 - d. All meetings of standing committees will normally commence at 7.00 pm.
 - e. At the commencement of each public meeting there will be a period of time allocated for members of the public to speak and ask questions about any matter within the remit of that meeting. This is subject to a separate scheme.

PROPOSED COUNCIL TERMS OF REFERENCE (May 2016)

- (a) The Power of raising loans, approving the annual budget, and setting the Precept;
- (b) The power of incurring capital expenditure not specifically included in the Council's approved estimate of expenditure for the time being;
- (c) The appointment to or co-option on a Committee or Sub-Committee of a person (on a strictly non-voting basis) who is not a Member of the Council or the Committee;
- (d) Standing Orders and the functions and constitution of Committees and Sub-Committees;
- (e) Approval of the Annual Return and Statement of Internal Controls;
- (f) Appointment or nomination by the Council of persons to fill vacancies on outside bodies arising during the Council year;
- (g) Filling of vacancies occurring on any Committee or Sub-Committee of the Council during the Council year;
- (h) The appointment or dismissal of the Town Clerk;

- (i) The creation of any new Council service, including through devolution from Cornwall Council;
- (j) Cessation of any Council service;
- (k) Granting of civic honours, and
- (l) Any other matter required by law to be determined by the Council and which cannot be delegated to a Committee, sub-Committee or officer, or which the Council may determine as Council business.

PROPOSED COMMITTEE TERMS OF REFERENCE (May 2016)

Note on delegated powers – Committees can resolve all matters within their terms of reference except Council and Corporate matters.

POWERS AND DUTIES OF STANDING COMMITTEES

Subject to the foregoing, and to observance of decisions of the Council on matters of principle or policy, all the Council's powers and duties shall be delegated to the Standing Committees in accordance with the following terms of reference unless otherwise specified.

The acts and proceedings of a Committee shall:

- (a) Where they are delegated to the Committee, so far as is legally permissible be deemed the acts and proceedings of the Council;
- (b) As regards other matters, be subject to confirmation by the Council, and when confirmed shall be deemed the acts and proceedings of the Council;
- (c) In all respects be subject to the provisions of the Council's Standing Orders and Financial Regulations except as otherwise determined by the Council.
- (d) The Council may at any time without prejudice to executive action already taken revoke any executive power delegated to a Committee.

PLANNING COMMITTEE

- (a) The making of representations to the Local Planning Authority on applications for planning permission which have been notified in accordance with relevant legislation;
- (b) The making of representations in respect of appeals against the refusal of planning permission;
- (c) The undertaking of street naming under powers delegated by Cornwall Council, and to make representations regarding house naming and street numbering;
- (d) To consider and monitor strategic, Unitary and other developmental plans, proposed listed buildings, conservation areas, tree preservation orders and building preservation orders which impact upon Liskeard, and the making of all appropriate representations.
- (e) The facilitation of economic development initiatives for the benefit of the Town and the making of recommendations on all related matters and liaison as appropriate with other agencies;
- (f) To co-ordinate the Council's work in respect of Neighbourhood Planning
- (g) The making of representations to the appropriate Planning Authority in respect of other planning matters not otherwise referred to in Terms of Reference (a) - (f) above.
- (h) To consider all matters relating to highways, footpaths and bridleways, and to make representations to other authorities regarding these matters.
- (i) To consider all matters relating to transportation and car parking issues, including traffic and parking regulations orders, and to make representations to other authorities regarding these matters.
- (j) To consider and to make representations to other authorities in respect of applications for liquor, gaming and public entertainments licences.
- (k) To consider and to make representations to other authorities in respect of any other public service matters and consultations that may impact upon Liskeard.

FACILITIES COMMITTEE

(a) Dealing with all properties and amenity services matters falling within the purview of Liskeard Town Council, and the management and effective control of all budgets, including for:

- (i) Thorn Park and Rapson's Skate Park and all facilities/leases therein;
 - (ii) Other parks, recreation grounds, public open spaces and other amenity land in the ownership or under the control of the Town Council;
 - (iii) Public Toilets and associated stores;
 - (iv) Allotments;
 - (v) Car Parks;
 - (vi) Christmas Lights;
 - (vii) Civic Pride/Street scene/Hanging baskets;
 - (viii) War memorial;
 - (viii) Community and Environmental Enforcement work, including for example fly posting, illegal tipping and litter picking;
 - (ix) Street Furniture including litter bins, salt bins, bus shelters, notice boards and Council signage;
 - (x) Any other devolved services transferred from Cornwall Council
 - (xi) To assist in the manning of and arrangements for Council events.
- (b) To establish service policies, approve programmes of work, monitor performance and take decisions in respect of those matters detailed in the budget schedule above and to provide reports on the implementation of service policies.
- (c) To manage and review all arrangements within the town relating to services directly provided by the Town Council.

(d) To make recommendations to the Finance and General Purposes Committee regarding staffing requirements relating to the staff primarily engaged undertaking the Committee's work.

COMMUNICATIONS AND ENGAGEMENT COMMITTEE

- (a) Tourism and visitor information services.
- (b) Day to day management and operation of the Tourist Information office.
- (c) The council's web site and social media.
- (d) The council's communications strategy.
- (e) Council publications, including The Town Crier
- (f) Museum grant and liaison.
- (g) Management of the council's community events programme.
- (h) To establish service policies, approve programmes of work, monitor performance and take decisions in respect of those matters detailed in the approved budget schedule and to provide reports on the implementation of service policies.
- (i) To make recommendations to the Finance and General Purposes Committee regarding staffing requirements relating to the staff primarily engaged undertaking the Committee's work.

FINANCE & GENERAL PURPOSES COMMITTEE

- (a) The making of recommendations in respect of items (a) to (h) of the matters to be dealt with solely by the Council;
- (b) Dealing with all matters relating to the day-to-day administration and good governance of the Council;
- (c) Dealing with matters specifically referred by the Council or any other Standing Committee and with all matters not specifically referred or delegated to any other Standing Committee;
- (d) Dealing with all matters pertaining to the Council's staffing including recruitment, performance, terms and conditions of service, and superannuation of the Council's staff, relying on, where appropriate, the Scheme of Conditions of

Service of the National Joint Councils, the National Association of Local Councils, and any approved Local Conditions of Service;

(e) Dealing with all aspects of the Council's Corporate Governance including the management and control of budgets for central services, administration, the Council's civic and Mayoral services and related events, corporate management, external and internal audit, performance management and democratic representation.

(f) To establish service policies, approve programmes of work, monitor performance and take decisions in respect of those matters detailed in the schedule above and to provide reports on the implementation of service policies;

(g) To recommend to Council the annual budget, variations and supplementary estimates relating to budgets of the standing Committees, and any Corporate plans, strategies and policies;

(h) To act as lead Committee in respect of any partnership initiative of a corporate nature with Cornwall Council and any other public body;

(i) To advise the Council on financial matters, particularly the financial implications and funding of any capital or revenue projects;

(j) To advise the Council in relation to matters of legislation, policy and procedure and to ensure that the Council is in full compliance with any statutory obligations at all times;

(k) To receive Auditors' reports and to make recommendations regarding any matters arising from such reports;

(l) To monitor the performance management of the Council the drafting of the Annual Report/ Forward Plan, the operation of service reviews and any necessary recommendations to the Council for implementation;

(m) To approve payments of accounts in accordance with the Standing Orders, to monitor the level of Council income/expenditure compared with the Council's approved estimates and to control the management of the Council's financial resources including bank accounts and investments and to ensure that detailed reports on such are considered at each meeting of the committee.

(n) To consider financial grants to organisations with the exception of the Town Museum;

- (o) To control the collection of income and the write-off of irrecoverable debts to a limit as agreed in the Council's financial regulations with any sum greater than this requiring full Council agreement;
- (p) To ensure that the training needs of councillors and staff are met, and to ensure that the Council provides a safe working environment with regard to health and safety and other statutory obligations.
- (q) To maintain any Council archives and civic treasures.
- (r) To establish service policies, approve programmes of work, monitor performance and take decisions in respect of those matters detailed in the approved budget schedule and to provide reports on the implementation of service policies.

Urgent Action

The Town Clerk, in consultation with the Chairmen and Vice Chairmen of appropriate Committees, is authorised to take action deemed desirable on any matters which the Committee concerned have delegated powers but which require urgent action. Such actions shall immediately be notified to all councillors in writing and confirmed by written report to the next meeting of council or the appropriate committee.

Authority to Officers

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (which may be one and the same person), to act with delegated authority in the specific circumstances detailed.

Proper Officer

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

- (i) Receive declarations of acceptance of office;
- (ii) Receive and record notices disclosing pecuniary interests;
- (iii) Receive and retain plans and documents;
- (iv) Sign Notices or other documents on behalf of the Council;
- (v) Receive copies of By-laws made by a Primary local authority;
- (vi) Certify copies of By-laws made by the Council;
- (vii) Sign summonses to attend meetings of the Council;
- (viii) To receive documents in relation to Complaints received under The Members' Code of Conduct and report this at the next convenient meeting of the Council;
- (ix) Ensure compliance with all legal requirements impacting upon the business of the Council

In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- (i) The day to day administration of services, together with routine inspection and control.
- (ii) Day to day supervision and control of any staff employed by the Council.
- (iii) Undertake training or attendance at Conferences as previously authorised within budget.

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

Responsible Financial Officer

It will be for Council, considering recommendations of the Finance & General Purposes Committee at any time, to determine whether the Town Clerk shall be the Responsible Financial Officer to the Council and as such accountable for the accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time, or whether the post should be filled by some other more qualified person.