

# CULLOMPTON TOWN COUNCIL



## SCHEME OF DELEGATION

REVISED APRIL 2014, Revised April 2015, Revised May 2017, Revised May 2018, Revised March 2019

### HOW THE COUNCIL OPERATES

Councillors agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. A copy of this Code is available on the Council's website [www.cullomptontowncouncil.gov.uk](http://www.cullomptontowncouncil.gov.uk) or on request from the Council office.

All Councillors meet together once a month. The Council conducts its business through Committees. The responsibilities of each committee are set out in Section 4 and are reviewed annually. It is in the Committees that the Councillors decide the Council's overall policies and set the budget for each year. The Council retains certain powers and duties to itself and delegates to committees, sub-committees and on occasion to officers.

Membership of the various committees, sub-committees, working groups and outside bodies representatives are appointed at the Council's Annual Meeting in May of each year. The Committees themselves set the dates for their meetings.

### 1. MATTERS TO BE RESOLVED ONLY BY THE FULL COUNCIL

- Issuing the precept demand.
- Borrowing money.
- Approving the end of year Accounts and Annual Report.
- Incurring capital expenditure over and above the council's approved budget.
- Incurring revenue expenditure which is over and above the council's approved budget and is in excess of £5,000 per item.
- Amending Standing Orders and Financial Regulations.
- Reviewing the Council's Committee structure and procedures as necessary and **defining** the number of Committees together with the number of members appointed to each Committee.
- Determining the functions and constitution of Committees.
- **Setting** the dates of routine meetings of the Council. Individual Committees shall be delegated authority to agree the dates of their meetings.
- Filling of member vacancies on the council and any of its Committees.

- Appointing or nominating members to fill vacancies on outside bodies on behalf of the council and receiving reports from the meetings of outside bodies.
- To review the administrative functions of the council.
- To exercise the council's power to direct as to the custody of parish property and documents in accordance with the provisions of the Local Government Act 1972 Section 226.
- To consider legislation and the consequences thereof upon the council and disseminate such information to all members of the authority and its staff.
- To decide upon matters referred by Committees.
- To receive reports on issues dealt with at Committee.
- The election of the Town Mayor and Deputy Town Mayor.
- Confirming the appointment or dismissal of the Town Clerk.

## 2. COMMITTEE RULES AND STRUCTURES

- The composition of Committees shall be no more than 7 (seven) members of the council excluding the Town Mayor and Deputy Town Mayor.
- The Town Mayor and Deputy Town Mayor shall be ex-officio members of all Committees with full voting rights.
- Each Committee shall be responsible for the election of Committee Chairman and, if required, Vice-Chairman annually.
- All members of the council may attend all meetings of the Committees and speak with the permission of the Committee Chairman but may not vote unless appointed as a member of the Committee.
- Three members of a Committee shall constitute a quorum.
- If a Committee is not quorate then any Council member present at the meeting, but not a member of that committee, can be co-opted onto the Committee and have full voting rights for that meeting only.
- Committees have delegated powers to make binding decisions on behalf of the council as indicated in their delegated responsibilities provided that in all cases the meeting is quorate. If the number of members present, not including those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.
- Committees shall form Sub-Committees as required to deal with specific issues as necessary.
- ***Non-council members may be co-opted onto all Council Committees, Sub-Committees and Working Groups at the discretion of the members of that Committee, Sub-Committee or Working Group with the exception of the Policy, Finance and Personnel Committee, the Appeals Committee and the Audit Sub-Committee. Non council members of Council Committees will have no voting rights.***
- Individual Committee Terms of Reference shall be reviewed by the Committee and ratified by the council annually.

### 3. RESPONSIBILITY DELEGATED TO CULLOMPTON TOWN COUNCIL OFFICERS

**The Proper Officer.** The Town Clerk is designated and authorised as Proper Officer for the purpose of all relevant sections of the Local Government Act 1972, the Localism Act **2011** and any other statute requiring the designation of a Proper Officer.

- a. **General Matters:**
  - i. To sign on behalf of the council any document necessary to give effect to any decision of the council.
  - ii. In consultation with the Council, to take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation to the council.
  - iii. To institute, defend and appear in any legal proceedings authorised by the council.
  - iv. To make representations to any tribunal or public inquiry into any matter in which the council has an interest either in its own right or on behalf of the citizens of Cullompton.
  - v. To decide arrangements for the closure of the ***council's premises***.
  - vi. To manage the council's facilities and assets including allotments, open space, amenity areas, cemeteries, the Town Hall and other building and assets.
  - vii. To grant grave spaces.
- b. **Financial Matters:** The Town Clerk is authorised to incur emergency expenditure up to a maximum of £1,000 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the council's Financial Regulations.
- c. **Staffing Matters.** The Town Clerk is given delegated powers to manage council staff in accordance with the council's policies, procedures and budget including:
  - i. Control of staff performance and discipline.
  - ii. Payment of expenses and allowances in accordance with the council's scheme.
  - iii. To present to the Policy, Finance and Personnel Committee recommendations for employees' increments in accordance with the council's staff appraisal scheme.
- d. **Urgency.** The Town Clerk is authorised to act on behalf of the council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the council or relevant Committee or Sub-Committee. Where possible, the Town Mayor and the Chairman of any relevant Committees are to be consulted before such action is taken.

## 4. COMMITTEE STRUCTURE

### COMMITTEES

- **Appeals:** To hear appeals against decisions taken
- **Cemetery and Town Hall:** The care, management and improvement of Cullompton's Cemetery, Town Hall and **CCTC system**
- **Community Well-Being:** Health, community safety, community events, play areas, allotments, community bus service, Public Rights of Way, street furniture and floral enhancement of the town and the general well-being of the people that live in Cullompton parish.
- **Planning & Licencing:** Planning and Licencing applications
- **Policy, Finance and Personnel:** Finance, personnel and policy matters
- **Town Centre & Economic Development:** Management and promotion of the outdoor market, St Andrews car park, public toilets, town centre revitalisation, Codners Corner and the War Memorial.

### SUB-COMMITTEES

- **Audit Sub-Committee:** To undertake and make the appropriate recommendations on financial risk management matters to the Policy, Finance and Personnel Committee.
- **Gift of a Burrow for Allotments:** Responsible for matters relating to Burrows Field allotments, reports to Community Wellbeing Committee.

### STEERING AND WORKING GROUPS

- **Christmas Lights Event Working Group:** Organisation of Cullompton's Annual Christmas Lights event. Reports to Community Wellbeing Committee.
- **Community Bus Working Group:** Research ways in which to provide Cullompton with a community bus service. Reports to Community Wellbeing Committee.
- **Neighbourhood Plan Steering Group:** Preparation of a Neighbourhood Plan for the Parish of Cullompton. Reports to Planning & Licencing Committee.
- **Policy Review Working Group:** Review Council's policy and procedural documents. Reports to Policy, Finance and Personnel Committee.
- **Youth Services Working Group:** Make recommendations to Full Council relating to the provision of youth services in Cullompton and prepare a youth strategy for Cullompton.

### PROPERTY FOR WHICH THE COUNCIL IS THE SOLE TRUSTEE

Upcott Recreation Field and Gift of A Burrow for Allotments

#### 4.1. APPEALS COMMITTEE

- Considering and deciding whether individual appeals have established grounds for appeal according to the disciplinary or grievance procedures.

- To gather further evidence at appeal committee hearings and to decide, on the basis of that information, whether an appeal should be upheld or rejected.

## **4.2 CEMETERY AND TOWN HALL COMMITTEE**

- The care, maintenance and regulation of the cemetery and Town Hall.
- Review annually the Council's fees and charges for the cemetery and Town Hall.
- To control the finances of the cemetery and Town Hall, subject to the limits of the budget agreed by the Council.
- To undertake quarterly reviews of expenditure against the approved budget and to report to the council highlighting any concerns.
- To develop, fund and bring to fruition projects for the improvement of the cemetery and Town Hall.
- Health and safety matters impacting on the cemetery and Town Hall.

## **4.3 COMMUNITY WELLBEING**

- i. Any matters which impacts on the general health and wellbeing of those living in Cullompton parish.
- ii. To make appropriate representations to any relevant agency in relation to any incident event or action which, in the opinion of the Council, is detrimental to the health of the community in its area.
- iii. To work with other authorities to maintain, develop and promote the public footpaths within the Parish through schemes such as the Parish Paths Partnership.
- iv. To organise the Christmas lighting display and other community events.
- v. Public safety and crime and disorder.
- vi. To prepare, monitor and review the town's emergency plan.
- vii. To prepare, monitor and review the Council's Sport and Leisure Strategy.
- viii. To oversee the Council's archive project.
- ix. To establish and foster civic relationships with such bodies or organisations as the Council may authorise.
- x. The care, maintenance and regulation of the War Memorial
- xi. The care maintenance and regulation of play areas and play equipment under the control of the Council and make recommendations in relation to play areas and public open space not in the control of the Town Council.
- xii. The care, maintenance and control of allotment sites, including regular review of fees.
- xiii. To investigate opportunities to improve transport links, to include community bus service.
- xiv. Public relations and promotion: including newsletter and appropriate communication documents.
- xv. The care and maintenance of the town's street furniture (ADD FROM TC&ED)
- xvi. The care and maintenance of the floral enhancement of the town (ADD FROM TC&ED)
- xvii. To control the Town Maintenance budget and undertake quarterly review of income and expenditure. (ADD FROM TC&ED)

## **4.4. PLANNING & LICENSING COMMITTEE**

### **Terms of reference**

- i. The Committee shall meet twice a month with the Chairman having discretion to call extraordinary meetings as required.

- ii. To respond to all planning and licensing applications where the Council is consulted having due regard for:
  - The National Planning Policy Framework.
  - The Planning Authority's Local Plan.
  - The Conservation Area Management Plan.
  - The Greater Exeter Strategic Plan
  - The Neighbourhood Plan
  - The view of parishioners as appropriate.
  - All other information and advice that may be available.
- iii. To represent the council at meetings of Mid Devon District Council's Planning & Licencing Committees and to make written or verbal representation on behalf of the council in the event of a planning or licencing application being appealed.
- iv. The Chairman shall refer any major or contentious planning application to the council for consideration.
- v. To advise the Council as required on all matters associated with the Local Development Plan and any other planning consultation documents.
- vi. To oversee the production and implementation of a Neighbourhood Plan.

#### **4.5 POLICY, FINANCE AND PERSONNEL COMMITTEE**

##### **Terms of Reference**

##### **a. Administration:**

- i. To maintain a continuous general oversight on the Council's administration.
- ii. To oversee the strategic and policy issues affecting the Council's acquisition and development of information technology.
- iii. To recommend on the acquisition and renewal of vehicles and ensure the maintenance and serviceability of vehicles in a roadworthy state.

##### **b. Finance**

- i. Control of the finances of the council including recommending and monitoring the annual budget.
- ii. Proposing the precept demand for the billing authority to be put before the council.
- iii. To undertake quarterly review of expenditure against the approved budget and to report to the council highlighting any variations.
- iv. To ensure the proper arrangements for the conduct of the statutory annual audit including the appointment of an internal auditor.
- v. To approve the Annual Statement of Accounts for submission to the council for adoption.
- vi. To consider virements as necessary.
- vii. To undertake regular review of the council's banking arrangements and investments.
- viii. To regularly review the council's insurance requirements.
- ix. To consider grant applications and make recommendations to the full council.
- x. To consider matters referred by the council.

**c. Personnel:**

- i. To recruit, retain and develop staff to undertake the work of the council.
- ii. The Chairman of the Policy, Finance & Personnel Committee or the Town Mayor or Deputy Town Mayor is to conduct the annual appraisal of the Town Clerk. agree objectives and bring a report back to the Committee
- iii. To agree and monitor training requirements for staff and councillors within an agreed budget.
- iv. To consider requests from members' and staff to attend conferences, courses and meetings relevant to the work of the council.
- v. To consider and bring to a final conclusion any matters emanating from grievance and disciplinary procedures contained in the Contract of Employment applicable to all members of staff employed by the council.
- vi. To receive and note annual and other appraisals and be the point of contact for any appeal.
- vii. To deal with any staff complaint concerning the Town Clerk.
- viii. To deal with any staff matters referred by the Town Clerk.
- ix. To deal with any other personnel matters.
  - x. To decide, with the Town Clerk and any other staff concerned, any issues relating to staffing levels and re-grading, pay levels and staffing structures.
  - xi. To ensure that the council complies with health and safety legislation.

**d. Policy:**

- i. To regularly review and update the policies of the Council.
- ii. To ensure that the Council's strategies, policies and procedures are undertaken in accordance with statutory and legislative requirements.
- iii. To make recommendations to the Council on matters which, notwithstanding that they fall within the powers and duties of one or more other committees, are concerned with new or unformulated policy or the utilisation of resources related to policy.
- iv. To consider and make recommendations to the Council on any policy or consultation documents received from other organisations and affecting the area and, in the event of time constraints which prevent consideration by the Council, making a direct response to those documents.

#### **4.6 TOWN CENTRE AND ECONOMIC DEVELOPMENT**

- i. To manage, monitor and regulate the Council's market activities.
- ii. The care, maintenance and provision of street furniture, including bus shelters (REMOVE TO COMMUNITY WELLBING)
- iii. The care, maintenance and regulation of the town's CCTV system. (REMOVE TO CEMETERY AND TOWN HALL)
- iv. The care, maintenance and regulation of St Andrews car park and Codners Corner.
- v. To control the finances the market. St Andrews car park and public toilet subject to the limits of the budget agreed by the Council and undertake quarterly review of income and expenditure.
- vi. To control the Town Maintenance budget and undertake quarterly review of income and expenditure. (REMOVE TO COMMUNITY WELLBEING)
- vii. The care, maintenance and regulation of public toilet facilities in the town centre.
- viii. Project and economic development to improve the viability of the town centre.