

# CULLOMPTON TOWN COUNCIL



<b>POLICY TITLE</b>	Scheme of Delegation
<b>POLICY NO</b>	9
<b>REVISION DATE</b>	April 2020 (Town Council 21.04.2020) June 2020 – Community Resilience Working Group ToR added August 2020 - No 19 High Street Development Committee Added September 2020 - Community Wellbeing TOR Updated November 2020 – Town Centre & Economic Development Committee TOR updated January 2021 - Town Centre & Economic Development Committee & Community Wellbeing Committee TOR updated, Youth Services Working Group ToR agreed February 2021 Planning & Licensing Committee ToR amended
<b>REPLACES POLICY</b>	
<b>POLICY AIM</b>	To set out how the Council operates and transacts its business.

## 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.

***Decision Making*** *The Town Council and its Committees, Working Groups and staff will endeavour to work within the policy framework set by the Town Council and Its Committees; if the Town Council or a Committee makes a decision which deviates from an agreed, existing policy the reason for the deviation will be included in the minute recording the decision. If a member of staff makes a decision which deviates from an agreed, existing policy the reason it will be reported to the next relevant Committee meeting.*

*All decisions will be made with due regard to the following principles:*

- *Legality*
- *Financial prudence and value for money*
- *The management of risk in a proportionate and considered manner*
- *The exercise of power must be proportionate to the desired outcome*
- *Account will be taken of consultation with partners and the public*
- *Proper consideration of advice from Officers and professional advisors*
- *Respect for human rights, diversity and equality*
- *Environmental impact and sustainability*
- *Council, Committee and Sub Committee decisions will be made in public whenever appropriate and possible*

*Specifically, decision makers will ensure that in arriving at a decision full and proper consideration is given to*

- *The likely effect on crime and disorder and the need for prevention (Crime and Disorder Act 198 S 17)*
- *The Town Council's duty to promote equality and diversity*
- *Human Rights Legislation*
- *Environmental impact and sustainability*
- *Health and safety*
- *Obtaining and delivering value for money"*

## 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
- Incurring revenue expenditure which 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 have 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, however, Full Council may appoint a Chairman if the position becomes vacant.
- 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 and Town Hall
- **Community Well-Being:** Health, community safety, community events, play areas, Top Field and Haymans Close Allotments, community transport, Public Rights of Way, Youth Service provision and the general well-being of the people that live in Cullompton parish.
- **Gift of A Burrow for Allotments:** The Burrows Allotment Field, a registered charity with its own bank account, for which the Council is the sole trustee.
- **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, CCTV, street furniture and floral enhancement of the town 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.
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## STEERING AND WORKING GROUPS

- **Christmas Lights Event Working Group:** Organisation of Cullompton's Annual Christmas Festival. Reports to Community Wellbeing Committee.
- **Community Resilience** To provide and support a co-ordinated approach to helping the parish of Cullompton during emergency situations and in the immediate months following any such emergency. (see page 10 for detailed ToR)
- **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, including an annual review of the Council's emergency plan. Reports to Policy, Finance and Personnel Committee (PFP)
- **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. Reports to Community Wellbeing.
- **Economic Development Working Group:** To explore the feasibility of acquiring 19 High Street (Cullompton) in order to improve the economic prospects for the benefit of the whole town.
- **ICT Working Group:** Information, Communication and Technology matters. Reports to PFP Committee

## 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**

##### **Terms of reference**

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

#### **4.3 COMMUNITY WELLBEING**

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

- 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 Council's Sport and Leisure Strategy.
- vii. To oversee the Council's archive project.
- viii. To establish and foster civic relationships with such bodies or organisations as the Council may authorise.
- ix. 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.
- x. The care, maintenance and control of the 'Top Field' and Haymans Close allotment sites, including regular review of fees.
- xi. To investigate opportunities to improve transport links, to include community bus service.
- xii. Public relations and promotion: including newsletter and appropriate communication documents.
- xiii. To have overall responsibility for the Emergency Plan

- xiv. To determine any requests for funding - grants or otherwise – for work on The Leat (as the committee is the budget holder)
- xv. To commission and manage youth service provision for Cullompton, including the agreement of the content of any related contract or Service Level Agreement
- xvi. To approve any expenditure regarding youth service provision where a budget has already been agreed by Council
- xvii. To consider the recommendations of the Youth Services Working Group regarding a Youth Strategy for Cullompton and refer the final draft to Council for approval
- xviii. To oversee and monitor the implementation of a youth service strategy for Cullompton

#### **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.
- vii. To have overall responsibility and decision-making authority regarding the public consultation to find out what local people want in a country park [in the context of the garden village and other development plans for Cullompton].
- viii. To monitor progress of planning for the new motorway junction to Planning and Licensing Committee working in conjunction with Devon County Council and Highways England and the Mid Devon Master-planning Group

#### **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 and councillors 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 referred by the Town Clerk from Members and staff to attend conferences, courses and meetings relevant to the work of the council.
  - v. To consider matters emanating from employment procedures contained in the Contract of Employment applicable to all members of staff employed by the council and to determine such matters in accordance with the Town Council's relevant policy and procedures.
  - 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**

Note: Committee composition, in addition to the nominated Councillors, the weekly market, the Farmers Market and Culm Valley In Business each have a representative on the Town Centre and Economic Development Committee and those representatives may participate in a meeting as a Committee member but do not have any voting rights (as the Committee has delegated authority to deal with some financial matters).

- i. To manage, monitor and regulate the Council's market activities.
- ii. To manage, control and regulate the town's CCTV system.
- iii. The care, maintenance and regulation of St Andrews car park and Codners Corner.
- iv. To control the finances of the market. St Andrews car park, CCTC system and public toilet subject to the limits of the budget agreed by the Council and undertake quarterly review of income and expenditure.
- v. The care, maintenance and regulation of public toilet facilities in the town centre.
- vi. The care, maintenance and regulation of the War Memorial
- vii. The care and maintenance of the town's street furniture
- viii. The care and maintenance of the floral enhancement of the town
- ix. To control the Town Maintenance budget and undertake quarterly review of income and expenditure.
- x. Project and economic development to improve the viability of the town centre

## **No 19 High Street Development Committee**

**Councillors No of Members:** 7 Town Councillors + Mayor & Deputy Mayor as Ex Officio voting members

**Frequency of Meetings:** As and when required

**Open to the Press and Public:** Yes (Unless a Resolution is made to exclude the press and public for a specific item / specific reason)

**Quorum:** 3 Committee members

**Reports to:** Town Council

### **Overall Purpose / Scope**

- (i) To explore the feasibility of acquiring 19 High Street, Cullompton in order to improve the economic prospects for the whole town and make recommendations to the Town Council
- (ii) To lead on the initial stages of agreeing site tenant, management structure and lease arrangements and make recommendations to the Town Council

### **Outputs:**

- Assessment of viability for the Town Council's involvement in the acquisition and development of 19 High Street, Cullompton
- Risk Assessments regarding the acquisition and development of 19 High Street
- Recommendations regarding tenant, management structures and terms of any lease regarding 19 High Street

**Decision Making Power:** None

### **Specific Responsibilities:**

- To make recommendations to the Town Council regarding the acquisition of 19 High Street, Cullompton including risk assessments
- To make recommendations to the Town Council regarding the site tenant for 19 High Street Cullompton
- To make recommendations to the Town Council regarding appropriate and effective management structures e.g. Community Interest Company.
- To make recommendations to the Town Council regarding the terms of any lease between the Town Council and the site tenant for 19 High Street, Cullompton.
- To assess the viability of any business plan associated with the acquisition and development of 19 High Street which involved the Town Council and report to the Town Council on that assessment
- To control and monitor the Town Council's budget regarding the acquisition and use of 19 High Street, Cullompton, including regular reviews of income and expenditure subject to any budgets and limits set by the Town Council.
- To have general oversight of the Town Council's involvement in the project
- To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to the likely effect on crime and disorder and the need for prevention (Crime & Disorder Act 1998 S17)

- To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to the Council's duty to promote equality and diversity
- To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to Human Rights legislation
- To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to environmental impact and sustainability
- To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to health and safety
- To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to obtaining and delivering value for money.

## Community Resilience Working Group

### Terms of Reference

(agreed by Town Council on 21 April 2020, amended 25 June 2020)

**Scope:** To provide and support a co-ordinated approach to helping the parish of Cullompton during emergency situations and in the immediate months following any such emergency.

**Note:** an emergency situation can range from a major accident, flooding, fire or health pandemic

**Reports to:** Full Town Council

**Membership:** Mayor, Chair of Policy, Finance and Personnel Committee, Chair of Community Wellbeing Committee (all three being ex officio appointments) (this means that should the Mayor / Chair be unable to attend the Deputy Mayor / Vice-Chair may deputise)

A maximum of 5 other Town Councillors

**Chair:** Mayor

**Standing Invitees:** Any relevant Volunteer Group / Organisation  
Food Bank  
Church  
Dr Surgeries  
Pharmacies  
District Councillors  
Blue Light Services

#### Outputs:

- A shared understanding of what help and services are available for people living within the parish of Cullompton
- A shared understanding of what help and services are available for businesses / organisations operating within the parish of Cullompton
- A shared understanding of what additional help/ services may be useful and who / how that can be provided
- Constructive and timely support from the Town Council during and immediately after the emergency situation
- Dissemination of accurate information

**Delegated Powers / Decision Making:** None (NB: The PFP Committee 12.03.2020 resolved that following consultation with the Mayor and Chair of PFP Committee that the Town Clerk is given delegated authority, following consultation with the Mayor and the Chair of the Policy, Finance and Personnel Committee, to take any necessary steps to deal with the emerging coronavirus situation, recognising that the health and safety of staff, councillors and the public is the priority.)

**Meeting Frequency:** As and when required; (meetings may be held by video conference)

## **Youth Services Working Group**

### **Terms of Reference**

#### **(agreed by Town Council on 28 January 2021)**

**Scope:** To enable and monitor youth service provision working with service providers to assess need and to encourage and support activities with the aim of fostering the personal development of young people

**Reports to:** Community Wellbeing Committee

**Membership:** Mayor and Deputy Mayor as ex officio members  
A maximum of 5 other Town Councillors

**Chair:** to be elected by the Working Group

**Standing Invitees:** Provider of youth service provision paid for by the Town Council  
Head of provision under the Service Level Agreement for youth service provision  
Chair of Youth Forum  
Youth Council representative  
Representative from St Andrew's Church Youth Work Team

#### **Responsibilities / Outputs:**

- A shared understanding of what youth services are available within the parish of Cullompton
- Identified needs for service provision and what form that provision should / could take, including what services exist and where there are gaps in provision
- Knowledge of additional help/ services that may be useful and who / how that can be provided
- To keep under review any contracts and service level agreements(SLA) regarding youth service provision that the Town Council is party to and make recommendations to the Community Wellbeing Committee as to future content
- To make recommendations on key performance indicators (KPIs) to be included in any contracts and service level agreements regarding youth service provision
- To monitor quarterly, using the agreed KPIs, actual service delivery compared to the contract or SLA provisions
- To ensure that services provided via the service level agreement offer value for money
- To produce and review at least every 3 years a youth strategy for Cullompton; the youth strategy having its basis in needs identified by the Youth Services Working group
- Liaison with organisations that provide services for young people in Cullompton and to facilitate at least 1 event a year for those organisations to network and share knowledge and experience
- Hold at least 1 event a year for young people where they can give their views on youth service provision in the town.

**Delegated Powers / Decision Making:** None

**Meeting Frequency:** As and when required but at least 1 meeting every 3 months;  
(meetings may be held by video conference)