

BINGLEY TOWN COUNCIL

Cottingley Community Centre, Littlelands, Cottingley, Bingley BD16 1AL



Delegation Scheme

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 shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and with 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

1. Subject to urgent items (see paragraph 2 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

Urgent Items

2. 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.

Authority to Act

3. 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 and land for which he/she is responsible.
4. 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.
5. 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.
6. Delegations to members of staff in respect of financial matters are set out in the Standing Orders and Financial Regulations.
7. Delegations to The Proper Officer in relation to the letting of contracts are set out in the Standing Orders.
8. Delegations to The Proper Officer in respect of land and premises are set out in the Standing Orders.
9. The Proper Officer shall also have delegated management authority for the following Services:
 - Central Resources

- Media and Corporate Issues
 - Personnel
10. The Proper Officer shall be responsible for signing all the Council's Official Notices and for sealing Council documents.
 11. 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
 12. The Proper Officer shall be responsible for deciding and submitting requests to statutory authorities such as Bradford Council and the Environment Agency for items such as potholes, overhanging branches, resident queries.
 13. The Proper Officer/Responsible Financial Officer to have budgetary delegations as contained in the annual budget.
 14. To authorise expenditure up to a maximum of £1,000 for emergency expenditure which in the clerk's judgement it is necessary to carry out.

Delegation to Committees

Each Committee has delegated authority to decide matters within their terms of reference **except** for the following matters, which are reserved for Council:

- To approve and adopt the Policy Framework.
- To approve and adopt the Budget.
- To determine the Council's Corporate Priorities.
- To appoint the Chair and Vice Chair.
- To appoint Committee Chairs and Vice-Chairs.
- To agree and/or amend the terms of reference for Committees, deciding on their composition and making appointments to them.
- To consider the recommendations of any Remuneration Panel (where one is in existence) and adopt the level of allowances that can be claimed by Members of the Council in respect of authorised or approved duties.
- 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, electoral divisions, Towns or polling districts.
- To set the Precept.
- To appoint the Head of Paid Service.
- To make byelaws.
- To borrow money.
- To receive statutory reports from the Proper Officer.
- To consider any matter required by law to be considered by Council.

Membership – up to 8 Members

(To be elected annually at the Annual Meeting of the Town Council each year)

- The Chair and Vice-Chair of the Council shall be ex-officio, a voting member of every Committee
- The Finance and General Purposes Committee is to consist of up to 8 members, Chair and Vice-Chair of the Council, plus up to 6 Town Councillors
- The Chair of the Committee is to be elected annually at the Annual Council meeting of Bingley Town Council and shall hold office until the next Annual Council meeting.
- The quorum of the committee is four

Aims

To provide effective, efficient and professional management of all financial matters relating to the council.

Objectives

To ensure that the council acts lawfully in relation to all expenditure and maintains adequate financial controls. To be accountable for audit purposes.

Meetings

The Town Clerk will call F&GP Committee meetings (once a month). Members will be summoned to attend meetings which will be held in a meeting room in the parish and Public Notice of the meeting shall be given in accordance with Schedule 12, Para 10(2) of the Local Government Act 1972.

Documentation

Minutes of all meetings will be recorded by the Town Clerk and circulated at full council meetings of Bingley Town Council. All resolutions and recommendations to full council shall be recorded in the minutes.

Accountability

The Finance and General Purposes Committee has delegated powers to act on behalf of the full council in relation to the defined terms of reference.

Dispensations

The committee has delegated authority to deal with dispensations in relation to items on the committee's agenda

Scope

- The F&GP committee to be responsible for reviewing the council's Financial Regulations and Standing Orders on an annual basis and making any necessary recommendations to the full council.
- The F&GP committee to be responsible for monitoring the council's Financial Regulations.
- The F&GP committee will receive, examine and implement the internal auditor's reports and recommendations and to ensure that recommendations are made to full council as necessary.

- To deal with and determine all requests for grants from the council.
- To be responsible for the appointment of the internal auditor and financial advisor. To make any recommendations to full council as necessary.
- To have delegated powers to review the effectiveness of internal control on an annual basis.
- To recommend the level of the precept to the full council on an annual basis.
- To be responsible for the risk assessment of all Town Council activities.
- To ensure there is adequate insurance provision for all Town Council activities and assets.
- To review the Town Council's Asset Register.
- To consider contracts for the council. The committee has delegated authority to award contracts up to £8,000
- To review the council's insurance at least annually or as required.
- To be responsible for the Town Council's allotments.
- To be responsible for the Town Council's communications including website, newsletters and promotional materials, social media platforms and events.
- To be responsible for the Town Council's work to regenerate, improve and maintain the physical environment of the parish
- To be responsible for the Town Council's involvement with the Bradford Council Emergency Plan
- To be responsible for and deal with the Abusive, Unreasonably Persistent or Vexatious Members of the Public policy
- To consider and make recommendations to the Town Council on other issues that are not directly covered by the remits of the other standing committees (i.e. Planning and Staffing).
- To deal with other matters referred to the Committee by the Town Council.
- This Committee may set up sub committees/ Working Groups for any of the areas within its scope of work.
- The F&GP Committee to have delegated powers through the Chair to issue press statements regarding financial matters on behalf of the full council.

Planning Committee Terms of Reference

Membership – up to 8 Members

(To be elected annually at the Annual Meeting of the Town Council each year)

- The Chair and Vice-Chair of the Council shall be ex-officio, a voting member of every Committee
- The Planning Committee to consist of up to 8 members, Chair and Vice-Chair of the Council plus up to 6 Town Councillors
- The Chair of the Committee is to be elected annually at the Annual Council meeting of Bingley Town Council and shall hold office until the next Annual Council meeting.
- The quorum of the committee is four

Aims

To act as an advisory body to Bradford Metropolitan District Council for all planning applications that directly relate to the parish area.

Objectives

To fully consider all planning applications and make response on behalf of the full council to all applications for planning permission and planning appeals referred to Bingley Town Council by the Bradford Metropolitan District Council.

Meetings

The Town Clerk will call Planning Committee meetings as and when necessary to ensure that all Planning Applications received can be discussed and replied to within the timescale. Members will be summoned to attend meetings which will be held in TBA (site meetings may be deemed necessary) and Public Notice of the meeting shall be given in accordance with Schedule 12, Para 10(2) of the Local Government Act 1972.

Documentation

Minutes of all meetings will be recorded by the Town Clerk and circulated at full council meetings of Bingley Town Council. All planning applications and observations shall be recorded in the minutes of the meetings.

Accountability

The Planning Committee has delegated powers to act on behalf of the full council in relation to the defined terms of reference.

Dispensations

The committee has delegated authority to deal with dispensations in relation to items on the committee's agenda

Scope

- The Planning Committee to have delegated powers to make observations on all planning applications and submit those observations to Bradford Metropolitan District Council and when necessary hold meetings with residents, developers or Planning Officers to assist with the formulation of those observations.

- The Planning Committee to have delegated powers to receive notification of any licensing applications and make any observations they deem necessary. The Planning Committee will also keep a watching brief on any licensing issue referring any concerns back to the Licensing Authority.
- The Planning Committee to have delegated powers to respond to all consultations on planning related matters and to take part in any discussions which could result in changes to the Local Development Plan, Local Development Framework, Planning Policy Guidance, Conservation Areas, Town & Country Planning Act etc. The Planning Committee reserves the rights to refer any decision back to full Council for discussion as and when they deem necessary.
- The Planning Committee to have delegated powers to submit proposals in respect of funding for any training requirements for staff and members to the Finance and General Purposes Committee (not later than the end of November each year)
- The Planning Committee to have delegated powers on behalf of the full council to appoint a representative to attend Planning Inquiries/Appeals and to make representations in respect of appeals against the refusal of planning permission and to communicate with the Planning Inspectorate.
- The Planning Committee is to have delegated powers to identify and make representations to the relevant authorities in respect of enforcement action or any matters considered to be breaches of planning regulations.
- The Planning Committee to have delegated powers through the Chairman to issue press statements regarding planning matters on behalf of the full council.

Staffing Committee Terms of Reference

Meetings

The Clerk will call Staffing Committee meetings as and when necessary. Members will be summoned to attend meetings which will be held in a meeting room within the parish and Public Notice of the meeting shall be given in accordance with Schedule 12, Para 10(2) of the Local Government Act 1972.

Documentation

Minutes of all meetings will be recorded by the Clerk and circulated at full council meetings of Bingley Town Council. All resolutions and recommendations to full council shall be recorded in the minutes of the meetings.

Accountability

The Staffing Committee has delegated powers to act/make decisions on behalf of the full council in relation to the defined terms of reference only; any recommendations outside the Staffing Committee's terms of reference shall be made to the full council.

Dispensations

The committee has delegated authority to deal with dispensations in relation to items on the committee's agenda

Scope

- The Staffing Committee to have full delegated powers for the recruitment and selection of all staff, with the exception of the post of Town Clerk/RFO (see below). The Committee will follow the provisions of the council's recruitment policy.
- The Staffing Committee will have delegated powers to recruit and short list applicants for the post of Town Clerk/RFO. The successful short listed applicants to be interviewed by the Staffing Committee. Short listed applicants will then be required to give a presentation to the full council on a topic relevant to current issues. A recommendation from the Staffing Committee will be submitted to full council to ratify the appointment of Town Clerk/RFO
- The Staffing Committee to have delegated powers to consider and implement any changes, which are required to comply with Employment Law, Health & Safety Law and Terms & Conditions of Service as laid down by the National Joint Council (NJC "Green Book") and recommended by National Association of Local Councils (NALC) and Society of Local Council Clerks (SLCC)
- The Staffing Committee to have delegated powers to administer the Discipline and Grievance Procedure, subject to agreement by both parties. If agreement cannot be reached then the matter will be referred to full Council.
- The Staffing Committee will appoint one of its members to act as Line Manager (Point of Contact) to the Clerk/Responsible Financial Officer. This member will receive notification of sickness, absence etc.
- The Staffing Committee to have delegated powers to carry out annual staff appraisals on the anniversary of the employee's appointment and to submit proposals in respect of salaries and training of all staff to the Finance and General Purposes Committee (not later than the end of November each year)
- The Staffing Committee to have delegated powers to consider and implement pay awards, increments and payroll management.
- The Staffing Committee to have delegated powers to review staff pension arrangements.
- The Staffing Committee to have delegated powers to review job descriptions, person specifications, staff establishment (including promotion and re-grading) and to approve contracts of employment.
- The Staffing Committee to have delegated powers to review the Staff Handbook and Councillors Handbook.