Cyngor Tref Trallwng Welshpool Town Council

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1. Introduction

1. This paper sets out the delegated powers to officers from the Council and should be read alongside the following:
    1. Standing Orders - Sections 15-16 and 19.
    2. Financial Regulations
2. The Scheme of Delegation authorises the Proper Officer, Town Clerk and Council Committees to act with delegated authority in specific circumstances.
3. In the absence of the Proper Officer, the delegated authority is passed to the Responsible Finance Officer after consultation, if necessary, with the Mayor.

2. Council

1. The following matters are reserved to Council for decision, notwithstanding that the appropriate Committee(s) or officers may make recommendations for the Council's consideration:
    1. Setting the precept and Budget.
    2. Variations to the Council Budget.
    3. The power of incurring capital or reserves expenditure not specifically included in the Council’s annual budget.
    4. Approval of local lottery schemes.
    5. Borrowing money.
    6. Consideration of the auditor’s report.
    7. Approval of the corporate risk assessment.
    8. Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
    9. Making, amending or revising the statutory Training Plan.
    10. Making, amending or revoking by-laws or making of orders under any statutory powers.

11. Matters of corporate principle or strategic or plan or policy.
12. Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings).
13. Any proposed new undertakings.
14. Prosecution or defence in a court of law.
15. Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town.
16. Determining the Council's' Committee structure.
17. Election to Committees.
18. Election of Mayor, Deputy Mayor.
19. Co-option to the Council.
20. Dates of pre-scheduled meetings of the Council and Committees.
21. Adoption of the Code of Conduct.
22. Any other matters which must, by law, be reserved to the Council.

3. Committees

1. Delegated powers and decisions made by the Committees and sub-committees are determined by the Terms of Reference for each Committee or sub-committee.
2. Any recommendation made by a Committee will be referred to the Council. Any recommendation made by a sub-committee, project/working/task group will be referred to its appointing body.
3. Other standing sub-committees of a Committee may be formed by resolution of the Council or parent Committee at any time and delegated powers may be decided upon at the time the sub-committee is formed by means of a minute detailing the terms of reference.
4. Working/task groups/parties may be formed by resolution of the Council or a Committee or sub-committee at any time. The work of such a working/task group/party will be decided upon at the time it is formed by means of a minute detailing the terms of reference. Each working/task group/party will report back with recommendations to the Council or the committee or subcommittee that formed it.

4. Proper Officer

1. The Town Clerk shall be the Proper Officer of the Council for any purpose in respect of which a proper officer is mentioned in any statue or in Standing Orders and specifically authorised to:
    1. To receive and retain declarations of acceptance of office.
    2. To receive and record notices disclosing personal and prejudicial interests.
    3. To receive and retain plans and documents.
    4. To sign notices or other documents on behalf of the Council (this includes declarations and notices required by law), except those requiring prior authorisation by Council which must first receive prior authorisation.
    5. To receive and retain copies of by-laws made by the principal authority.
    6. To certify copies of by-laws made by the Council.

7. To sign and issue summonses to attend meetings of the Council.
8. Give public notice of the time, place and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).
9. Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office.
10. To keep proper records for all Council meetings.

2. In addition, the Town Clerk as the Head of Paid Service has the delegated authority to undertake or to delegate to other staff the following matters on behalf of Council for the purpose of fulfilling approved business:
    1. To oversee and manage the day to day administration of services, facilities and assets together with routine inspection and control.
    2. To take responsibility as the competent person for development and day to day implementation of the Council's approved Health and Safety Policy and to require that all councillors, employees and others obey all lawful and reasonable safety directions and rules.
    3. To employ or comission the services of a person/persons with sufficient training and experience or knowledge and other qualities to allow them to assist with the preparation, implementation and monitoring of the Council's approved Health and Safety Policy/Policies.
    4. The recruitment arrangements and day to day supervision and control of all staff employed by the Council.
    5. Manage the staff professional development, appraisal and training activities including the budget line for these items.
    6. Authorise routine expenditure within the agreed Council budget.
    7. Emergency expenditure outside the agreed budget to the value specified in Financial Regulations.
    8. To institute, defend and appear in any legal proceedings authorised by the Council.
    9. To appear or make representations to any tribunal or public inquiry into any matter in which the Council has an interest.
    10. To sign the terms of any lease, licence, conveyance or transfer (the agreement is reserved to Council).
    11. The sign the granting of easements, wayleaves and licences over Council land (the agreement is reserved to Council).
    12. Variations of restrictive covenants of a routine nature.
    13. To determine the Council’s accounting system and the form of the accounts and supporting accounting records.
    14. The proper administration of the Council’s Financial Regulations and submitting revisions to the Council for approval.
    15. To issue press and media statements and deal with enquiries by members of the press or media.

16. To make applications for project and grants funding.
17. To enter the Council into Awards Schemes where in the opinion of the Proper Officer they will promote the work of the Council.

3. The Proper Officer shall act as the Council's designated officer for the purposes of the Freedom of Information Act 2000, Data Protection Act 2018 and act as the Council's Data Protection Officer.

5. Urgent Matters

1. In the event of any matter arising which requires an urgent decision the Town Clerk shall consult the Mayor and Deputy Mayor (and may consult Committee Chairs) and with the concurrence of those member(s) shall have the delegated power to act on behalf of Council in respect of the particular matter then under consideration.
2. Before exercising the delegated powers granted by paragraph above, the Town Clerk and those members consulted shall consider whether the matter is of sufficient interest to justify the summoning of a special meeting of the Council or appropriate committee.
3. Before exercising the delegated powers granted by paragraph above, the Committee concerned shall consider whether the matter is of sufficient import to justify recommending to the Mayor that a special meeting of the Council should be called in accordance with Standing Orders.
4. Any action is taken under this section must be reported with full details of the circumstances justifying the urgency and of the action taken to the next available meetings of the Committee concerned and of the Council.

6. Limitations

1. Committees and sub-committees and Proper Officer shall, at all times, act in accordance with statute, the Council’s standing orders, financial regulations and this scheme of delegation and, where applicable, any other rules, regulations, schemes, statutes, by-laws or orders made and with any directions given by the Council from time to time.