

## **ARTICLE 8**

### **SCHEME OF DELEGATION**

This Scheme of Delegation authorises the Proper Officer (Town Clerk), Responsible Financial Officer (Finance Manager), and Standing Committees and Sub-Committees of the Council to act with delegated authority in the specific circumstances detailed.

#### **1.0 Proper Officer**

- 1.1 The Town Clerk shall be the Proper Officer for any purpose in respect of which a Proper Officer is mentioned in any Statute.
- 1.2 The Town Clerk as Proper Officer is specifically authorised to:
  - (i) Receive declarations of acceptance of office from Members;
  - (ii) Receive and record notices disclosing Member's pecuniary interests;
  - (iii) Receive and retain plans and documents;
  - (iv) Sign notices or other documents on behalf of the Council and arrange for legal deeds to be sealed and witnessed in accordance with Standing Orders 14(a) and (b).
  - (v) Receive copies of Byelaws made by a Primary Local Authority;
  - (vi) Certify copies of Byelaws made by the Council;
  - (vii) Sign summonses to attend meetings of the Council.
- 1.3 In addition, the Town Clerk (or nominated deputy) has the delegated authority to undertake the following matters on behalf of the Council:
  - (i) The day-to-day supervision and administration of services, facilities, events and assets together with routine inspection and control;
  - (ii) Day to day supervision and control of all staff employed by the Council in accordance with the Council's policies, procedures and budget;
  - (iii) Authorisation of routine revenue expenditure within the agreed budgets and capital expenditure less than £5,500;
  - (iv) Authorisation of emergency expenditure because of an unforeseeable emergency involving immediate risk to persons, property or other assets or serious disruption to Council Services in accordance with the Standing Orders relating to Contract and Procurement 6.10 and 6.11;
  - (v) Authorisation of grants of grave space;
  - (vi) To seek legal advice, and institute, defend and appear in any legal proceedings authorised by the Council;
  - (vii) To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Great Aycliffe).

- (viii) To agree the terms of any lease, licence, conveyance or transfer.
  - (ix) Variations of restrictive covenants of a routine nature.
  - (x) The granting of easements, wayleaves and licenses over Council land.
  - (xi) To grant or determine (terminate) allotment tenancies.
  - (xii) To approve applications from allotment tenants for the erection of sheds, polytunnels and planting of fruit trees.
  - (xiii) To consider and respond to minor planning applications subject to discussion with the Chairman of the Planning Sub-Committee.
- 1.4 To act as the Council's designated officer for the purpose of the Freedom of Information Act 2000.
- 1.5 To act as the Nominated Individual for St Oswald's Pre-Schools as required by Ofsted.
- 1.6 Delegated actions of the Town Clerk shall be in accordance with Standing Orders relating to the Proceedings and Business of the Council, Financial Regulations, Standing Orders for Contracts and Procurement and this Scheme of Delegation and with any directions given by the Council from time to time.

## **2.0 Responsible Financial Officer**

- 2.1 The Finance Manager shall be the Responsible Financial Officer to the Council under Section 151 of the Local Government Act 1972.
- 2.2 The Finance Manager shall be the Responsible Financial Officer for any purpose in respect of a Responsible Financial Officer is mentioned in any statute.
- 2.3 The Finance Manager, as Responsible Financial Officer is specifically authorised:
- (i) To determine the Council's accounting system and the form of the accounts and supporting accounting records;
  - (ii) To be responsible for the proper administration of the Council's financial affairs which includes reviewing the Council's Financial Regulations and submitting any proposed revisions to the Council for approval.
  - (iii) Full details of the Responsible Financial Officer's financial responsibilities are set out in the Council's Financial Regulations.

### **3.0 Council**

3.1 The following Powers will only be exercised by the Full Council.

- (i) The power to issue a precept.
- (ii) The power to approve schemes for local lotteries.
- (iii) The determination of borrowing limits.
- (iv) The duty to consider an external auditor's report.

### **4.0 Functions Delegated to Committees and Sub Committees**

- 4.1 All decisions made by the Committees are subject to confirmation by the Council unless, delegated powers have been given to deal with particular matters.
- 4.2 Powers and Duties of Committees, Sub-Committees or Working Groups are set out in Article 3 of the Council's Constitution.
- 4.3 Decisions taken by Sub-Committees must be endorsed by their appointing Committee and by the Council unless they have been given delegated powers.
- 4.4 All decisions taken by Committees or Sub-Committees which have full delegated powers will be recorded as **"RESOLVED"**.
- 4.5 At all other Committees and Sub-Committee meetings the minutes will show the decision as **"RECOMMENDED"** and will then be subject to confirmation.

#### **Delegated Powers**

##### **4.6 Planning Sub-Committee**

The Planning Sub-Committee is appointed and is given delegated powers to deal with planning applications on a regular basis.

##### **4.7 Events Sub-Committee**

To consider and approve decisions relating to the planning of Council events, and to consider and approve applications from external providers who wish to hold events on Council land and set terms and conditions for use of the land.

##### **4.8 Personnel Sub-Committee – Member Appeal Panel**

The Personnel Sub-Committee Member Appeal Panel to be given delegated powers to determine appeals under the Council's Appeal Process and Procedure.

##### **4.9 Personnel Sub-Committee – Appointments Panel**

The Appointments Panel be given delegated powers to appoint staff with reference to Council Standing Order No. 21.

##### **4.10 Recreation, Environment and Policy and Resources Committees**

The above Committees are given delegated powers in order to consider member dispensation requests that are relevant to their Committee.