



TONYREFAIL & DISTRICT COMMUNITY COUNCIL

SCHEME OF DELEGATION

The Community Council's Scheme of Delegation is an essential policy to enable the Council to function efficiently and effectively. Without this, every decision would have to be taken by the Full Council. Decision making powers are given to both committees and officers to enable the Council to react to circumstances and operate effectively.

Powers cannot be legally delegated to individual Councillors or Working Parties.

Working parties are ordinarily established to investigate and/or review a particular matter then report back to the relevant committee or Full Council with its findings, which may include recommendations.

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1. Full Council Functions

The following matters are to be dealt with by the Full Council:

- 1.1 Approval of Budget and setting the Precept;
- 1.2 Approval of the Annual Return and Audit of Accounts;
- 1.3 Authorisation of borrowing;
- 1.4 Considering an Auditor's report made in the public interest;
- 1.5 Adopting or changing all policies including Standing Orders, Financial Regulations and the Scheme of Delegation;
- 1.6 Making of Orders under any statutory powers;
- 1.7 Making, amending or revoking by-laws;
- 1.8 Matters of principle or policy;
- 1.9 Appointment of Standing Committees;
- 1.10 Considering the recommendations of the Independent Remuneration Panel and adopt the level of allowances that can be claimed by Members of the Council in respect of authorised or approved duties;
- 1.11 Appointing Community Council representatives to outside bodies;
- 1.12 Approval of the Annual Report and arrangements for its publication;
- 1.13 All other matters which must, by law, be reserved to the Full Council.

2. Delegation to Committees

The following matters are delegated to the Community Council's Committees to make decisions on behalf of the Council. Committees are delegated plenary decision-making powers in respect of matters delegated. They must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

Full Council may at any time, following resolution, revoke any delegated authority.

Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to Full Council. Similarly, where a Committee has no delegated power to make a decision, it makes a recommendation to Full Council.

2.1 All Committees

- 2.1.1 Creation of, and appointment to Working Groups;
- 2.1.2 Appointment of non-Councillor members to Working Groups where they bring additional expertise or knowledge, subject to confidentiality arrangements consistent with those required of Councillors.

2.2 Finance & Governance Committee

All matters (except for creating Council Policy) relating to:

- 2.2.1 Review of Full Council budget position;
- 2.2.2 Consider annual budget request of all standing Committees for recommendation to Full Council;
- 2.2.3 Approval and award of grants and donations;
- 2.2.4 Consider and agree action to all Internal Audit reports;
- 2.2.5 Approval of Risk management strategy;
- 2.2.6 Any other matter which may be delegated to it by Council from time to time.

2.3 Open Spaces, Allotments and Rights of Way Committee

All matters (except for creating Council Policy) relating to:

- 2.3.1 Provision of Summer floral displays;
- 2.3.2 Street furniture including:
 - Noticeboards;
 - Benches, dog and litter bins;
 - Bus shelters;
 - CCTV;
- 2.3.3 Other open spaces including SSSI's;
- 2.3.4 Street lighting;
- 2.3.5 Management of Allotments;
- 2.3.6 Monitoring footpaths and other Public Rights of Way;
- 2.3.7 Collaboration with the Penrhys Pilgrimage Committee;
- 2.3.8 Creation, enhancement and promotion of walking, cycling and riding routes;
- 2.3.9 Any other matter which may be delegated to it by Council from time to time.

2.4 Cemetery Committee

All matters (except for creating Council Policy) relating to:

- 2.4.1 Trane Cemetery including:
 - The Garden of Remembrance;
 - War Memorial;
 - Public Toilets;
 - Council buildings

- 2.4.2 Authorise expenditure within the approved Cemetery budget and in line with the Council's Financial Regulations;
- 2.4.3 Enhancement of site bio-diversity under the Section 6 Biodiversity and Resilience of Ecosystems Duty;
- 2.4.4 Maintain a programme of memorial inspections;
- 2.4.5 Make recommendations to Full Council relating to Cemetery Regulations and Schedule of Fees;
- 2.4.6 Ensure compliance with Local Authorities Cemeteries Act Order 1977 as a burial authority;
- 2.4.7 Any other matter which may be delegated to it by Council from time to time.

2.5 Events Committee

All matters (except for creating Council Policy) relating to:

- 2.5.1 Provide a calendar of community events;
- 2.5.2 Oversee the installation of Christmas trees and lights;
- 2.5.3 Authorise expenditure within the approved Events budget and in line with the Council's Financial Regulations;
- 2.5.4 Any other matter which may be delegated to it by Council from time to time.

2.6 Wellbeing of Future Generations Committee

All matters (except for creating Council Policy) relating to:

- 2.6.1 Develop and review the Council's Strategic Plan;
- 2.6.2 Prepare the Council's Annual Report and Annual Well-being Report;
- 2.6.3 Prepare the Council's three-yearly S6 Biodiversity Report
- 2.6.4 Any other matter which may be delegated to it by Council from time to time.

2.7 Staffing Committee

All matters (except for creating Council Policy) relating to:

- 2.7.1 All personnel matters not delegated to officers or Sub-Committees;
- 2.7.2 Authorising or not, of all incremental pay rises following staff appraisals;
- 2.7.3 Amending staff structure to reflect the Council's performance needs so long as within budget. Any changes requiring additional budget require Council approval;
- 2.7.4 Authorising permission for staff to accept secondary employment;
- 2.7.5 Authorising adjustments to employees' Terms & Conditions of employment, including increases to employees' contracted hours of work;
- 2.7.6 Making recommendations to Full Council relating to salaries and staffing levels;
- 2.7.7 Arranging the appraisal of the Clerk;

2.7.8 Recruitment and appointment of Council staff (except for the appointment of the Clerk which is to be decided by the Full Council);

2.7.9 Any other matter which may be delegated to it by Council from time to time.

This committee may decide to refer a matter to Council for final decision for legal reasons.

2.8 Grievance / Disciplinary Sub-Committee

All matters (except for creating Council Policy or matters felt to be relevant for Full Council) relating to:

2.8.1 Consider and resolve all staff grievances unable to be dealt with by Officers in accordance with Grievance Policy, and to a final conclusion;

2.8.2 Consider and deal with all staff disciplinary matters unable to be dealt with by Officers in accordance with Disciplinary Procedure, and to a final conclusion;

2.8.3 Consider and deal with all staff capability matters unable to be dealt with by Officers in accordance with Staff Capability Policy, and to a final conclusion;

2.8.4 Consider and deal with all potential disciplinary matters relating to the Clerk including the commissioning of external advisors and/or investigation in accordance with the provisions of the Council's complaints and disciplinary procedures.

2.9 Appeals Sub-Committee

Note: The Sub-Committee cannot consider an appeal against a decision taken by the Full Council.

All matters (except for creating Council Policy or matters felt to be relevant for Full Council) relating to:

2.9.1 Consider and resolve all staff appeals concerning grievance, capability or disciplinary matters;

2.9.2 Consider and resolve all Freedom of Information Act appeals;

2.9.3 Consider and resolve appeals to decisions relating to a complaint, where this is unable to be dealt with by Officers;

2.9.4 Consider all appeals against decisions where this is available within a policy.

3. Delegation to Officers

The following matters are delegated to the Community Council's Officers to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

Full Council may at any time, following resolution, revoke any delegated authority.

Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to a Committee or Full Council. Similarly, where Officers have no delegated power to make a decision, they report the matter to Committee or Full Council for a decision.

3.1 Clerk and Proper Officer

The Clerk shall be the Proper Officer of the Council as defined in law, and as such, is authorised to:

- 3.1.1 Receive Declarations of Acceptance of Office;
- 3.1.2 Receive and record notices disclosing personal and prejudicial interests;
- 3.1.3 Receive and retain plans and documents;
- 3.1.4 Sign notices or other documents on behalf of the Council;
- 3.1.5 Sign summonses to attend meetings of the Council;
- 3.1.6 Sign on behalf of the Council any document to give effect to any decision of the Council.

In addition, the Clerk has delegated authority to undertake the following matters on behalf of the Council

- 3.1.7 Manage the Council's facilities, property and assets;
- 3.1.8 Day-to-day administration of services;
- 3.1.9 Day-to-day supervision and management of all staff employed by the Council;
- 3.1.10 Order the temporary closure of the Cemetery to vehicles and/or pedestrians on health and safety grounds based on an assessment of weather conditions or other safety factors;
- 3.1.11 Act on behalf of the Council as a designated officer with respect to complying with legislation;
- 3.1.12 Respond to Freedom of Information and Subject Access Requests;
- 3.1.13 Instigate and authorise the repair and maintenance of Council equipment, property or assets within an agreed budget;
- 3.1.14 Purchase equipment and supplies to be used by staff or contractors to repair or maintain Council equipment, property or assets within an agreed budget;
- 3.1.15 Dispose of Council equipment or assets with an estimated worth of less than £500;
- 3.1.16 Authorise routine expenditure within the agreed budget;
- 3.1.17 Emergency expenditure up to £1,000 outside the agreed budget;
- 3.1.18 Determine the Council's insurance requirements;
- 3.1.19 Authorise minor non-fiscal adjustments to contracts of employment and job descriptions to meet the needs of the Council;
- 3.1.20 Appoint casual / temporary members of staff as needed to meet the business needs of the Council and within existing budgets;
- 3.1.21 Authorise additional hours of work for existing staff on a temporary basis to support the business needs of the Council;

- 3.1.22 Deal with all disciplinary matters and hearings in accordance with the Council's Disciplinary Policy, including suspending employees as deemed necessary;
- 3.1.23 Determine the outcome of employee probationary periods, following a probationary review having taken place;
- 3.1.24 Retain overall editorial control of the Council websites and social media accounts;
- 3.1.25 Issue press releases on any Council activity exercised in accordance with Council policy;
- 3.1.26 The Clerk may authorise another officer or officers of the Council to exercise the powers of the Clerk in his/her absence, without removing the overall responsibility of the Clerk for any such decisions;
- 3.1.27 The power to delegate any delegated powers and other powers to any member of staff as appropriate.

Delegated actions of the Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.

3.2 Responsible Financial Officer

The Responsible Financial Officer to the Council shall be responsible for the Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time and as such is specifically authorised to:

- 3.2.1 Operate the Council's banking arrangements;
- 3.2.2 Pay all accounts properly incurred;
- 3.2.3 Pay all subscriptions to organisations to which the Council belongs;
- 3.2.4 Make provision for an internal and external audit service for the Council;
- 3.2.5 Incur expenditure on revenue and capital items within the approved budgets;
- 3.2.6 Enter into leasing and contract hire agreements for the acquisition of vehicles, machinery and equipment on such terms as are considered appropriate;
- 3.2.7 Carry out virement of sums between cost centres in accordance with the Council's Financial Regulations;
- 3.2.8 Manage investments;
- 3.2.9 Authorise action for the recovery of debts;
- 3.2.10 Maintain a Register of Assets.

3.3 Deputy Clerk

The Deputy Clerk will have the delegated powers to act as the Clerk, in the absence of the Clerk.

3.4 Cemetery Administrator

The Cemetery Administrator shall be responsible for the Council's burial records in accordance with Local Authorities Cemeteries Order 1977 and any other legislation or regulations in force at any given time and as such is specifically authorised to:

- 3.4.1 Book and arrange for interments in the Council's cemetery;
- 3.4.2 Approve monuments;
- 3.4.3 Grant exclusive rights of burial;
- 3.4.4 Carry out the transfers of plot ownership;
- 3.4.5 Maintain up-to-date records in all Burial Registers;
- 3.4.6 Collect all fees and charges in connection with the provision of Cemetery services.

4. Monitoring and review of this policy

- 4.1 The Council shall be responsible for reviewing this policy periodically to ensure that it meets legal requirements and reflects best practice.