

Biggleswade Town Council



Scheme of Delegations

Version 4

FUNCTIONS DELEGATED TO COMMITTEES

1. DELEGATED POWERS - TOWN COUNCIL COMMITTEES

Members will be advised by the Town Clerk whether a particular item under discussion is within the Committee's delegated powers, if so the minutes will then record the decision as "**Resolved**".

If the matter is not within the Committee's delegated powers, then the minutes will show the decision as "**Recommended**" and the matter will then be brought to the Council's particular attention by the Chairman of the Committee at the next meeting of the Council. This item can be discussed in full by the Town Council. In any case where a Committee Chairman and Vice Chairman is either unsure whether a matter falls within delegated powers, or whether a matter should be determined by them, they should refer that matter to the next highest level of decision. A Committees delegated power need not always be exercised.

It is Unlawful to delegate powers to Committee Chairmen, Vice-Chairmen. The standing committees are:

Public Lands and Open Spaces

Town Centre Management

Finance and General Purposes Committee

Personnel

Appeals

2. Town Council

The Town Council has full authority and its responsibilities include:

- Resolving actions incurring expenditure within its budget.
- Prepare estimates of expenditure in December for the forthcoming financial year.
- To conduct a half yearly appraisal of the budgets based on September figures.
- To receive estimates of expenditure in December for the forthcoming financial year from other Committees of the Council, to set a recommendation for the Precept for approval at the January Council meeting.
- To request the agreed Precept amount from Central Bedfordshire Council, or their successors.
- To review and monitor annually, Standing Orders, Financial Regulations, Terms of Reference for Committees and Guidelines for Chairmanship.
- To review the internal audit procedures annually and to appoint an Internal Auditor.
- To form Sub-Committees as required.
- To elect members to outside bodies.
- To approve and monitor all tenders and contracts, after review by other Committees as relevant.
- To approve both the amount and purpose of a Public Works Loan Board (PWLB) funding prior to committing any expenditure. Council re-approval shall be re-obtained if the Council is not contractually committed to PWLB expenditure within 6 months. For PWLB expenditure, the Financial Regulations in relation to delegation of authority to Sub-Committees or Officers shall not apply.
- To do anything calculated to facilitate or conducive or incidental to the discharge of any of their functions. (LGA 1972, s 111).
- To make provision for future agreed capital projects.
- To manage policy with regard to promotion and publicity of the Council.
- To consider all planning applications on their merit and to make comment and pass resolutions in respect of these.
- When considering planning applications, to take the statements of the NPPF (National Planning Policy Framework) adopted Local Plan, Neighbourhood Plan and Town Centre Masterplan into consideration.
- To respond to Central Beds Council on all planning applications within the set timescales.
- To appoint Members or instruct Officers to attend Central Beds Councils Development Control meetings to make representations on behalf of the Council where necessary.
- To request a Central Beds Council, Councillor to call in applications to be referred to the Central Beds Council's Development Control Committee for consideration.
- To monitor Central Beds Council policies and Plans that could affect the town.
- To consider all planning issues which have relevance to the Town of Biggleswade and its inhabitants and to make recommendations thereon.
- To monitor proposals from developers under Section 106 Agreements.
- To monitor and control office procedures, office facilities and equipment.
- To keep minutes.
- Control and development repairs, maintenance, and continued improvement to the Town Hall.
- Health and Safety – to ensure compliance with all health and safety.
- Fire precautions – to ensure measures are in place to deal with fire.
- Recycling.
- Liaising with the Unitary Authority on matters pertaining to the Council.

- Liaising with the police and other outside bodies on matters pertain to the Council.

3. Public Land and Open Spaces

The Committee has delegated authority to make decisions and deal with matters listed below, only where sufficient budgetary provision exists or can be vired from within the approved budget of the Committee.

Capital projects are referred to the Town Council as an application to access the capital fund.

The Committee may decide not to exercise its delegated power and may instead make recommendations to Council.

The Committee is required to submit a list of resolutions and recommendations to the next available meeting of the Council.

Responsible for the control and development, repairs, maintenance, continued improvements to:

- All Council play areas, equipment, buildings, fences, hiring of and the leases relating to.
- All Council Sports areas, equipment, buildings, fences, hiring of and the leases relating to.
- All Council Recreation areas, equipment, buildings, fences, hiring of and the leases relating to.
- Council Allotments, tenancy agreements, rents, infrastructure and wildflower meadow and the lease relating to.
- All Council flower beds, hanging baskets and planters.
- Council work depots and the lease relating to.
- All vehicles, equipment and tools.
- All trees, hedges, bushes and shrubs under the Council's control.
- Cleanliness of sites – litter collection.
- All seats, benches, litter bins and dog bins under the Council's control.
- River and river banks under the Council's control.
- Negotiations for commuted land, equipment and maintenance monies.
- All buildings, equipment, fences, walls.
- Cemetery Chapel and the hiring of.
- Pathways, walkways and road ways.
- Trees, hedges and shrubs.
- Memorials, interments and the rules and regulations relating to.
- To ensure by regular inspection the stability of memorials.
- The grounds of St Andrews Church, flowers beds, grass and trees (under the Central Bedfordshire Council contract pertaining to).
- To make provision for future agreed capital projects.
- Section 106 Monies that fall within the committee's areas of responsibility.
- Commuted sums that fall within the committee's areas of responsibility.
- Health and Safety – to ensure compliance with health and safety.

- Fire precautions – to ensure measures are in place to deal with fire.
- Chemical weeding in the areas under the Committees control.

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- Recycling for areas under the Committees control.
- Liaising with the Unitary Authority on matters pertaining to the Committee.
- Liaising with the police and other outside bodies on matters pertain to the Committee.

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4. Town Centre Management

The Committee has delegated authority to make decisions and deal with matters listed below, only where sufficient budgetary provision exists or can be vired from within the approved budget of the committee.

Capital projects are referred to the Town Council as an application to access the rolling capital fund.

The Committee may decide not to exercise its delegated power and may instead make recommendations to Council.

The Committee is required to submit a list of resolutions and recommendations to the of the Council.

Responsible for the control and development repairs, maintenance, continued improvements to:

- All Council owned car parks, parking charges and permits.
- All Council leased car parks, hiring of and the leases relating to.
- All Street lights under the Councils control.
- All Markets under the Councils control.
- All Market equipment under the Councils control.
- Public Toilets under the Councils control.
- CCTV cameras under the Council's control and contracts relating to.
- Street furniture in the Town Centre.
- Biggleswade War Memorial.
- Trees in the Town Centre.
- Consultation and expenditure on Christmas Lighting.
- Consultation on Parking strategy, improvements and developments.
- Chemical weeding in the Town Centre and areas under the Committees control.
- All salt bins under the Councils control.
- Cleanliness of sites – litter collection.
- Health and Safety – to ensure compliance with health and safety.
- Recycling in areas under the Committees control.
- Liaising with the Unitary Authority on matters pertaining to the Committee.
- Liaising with the police and other outside bodies on matters pertain to the Committee.
- To make provision for future agreed capital projects.
- Section 106 Monies that fall within the committee's areas of responsibility.
- Commuted sums that fall within the committee's areas of responsibility.
- All directly led Town Centre events.

5. Finance and General Purposes

The Finance Committee has delegated authority to deal with matters listed below.

The Committee may decide not to exercise its delegated power and may instead make recommendations to Council.

The Committee is required to submit a list of resolutions and recommendations to the next available meeting of the Council.

Specific duties:

- To prepare Budgets and precepts and submit them to Council for approval.
- To ensure adequate financial controls are in place to utilise and protect the Councils finances and assets – to include insurance of Buildings, property and maintenance of asset register.
- To review and amend Council's Financial Regulations annually.
- To monitor and effect compliance with laid down internal and external audit and other financial procedures, regulations and statutes.
- To monitor facilities, equipment and where appropriate purchase of capital items.
- To make provision for future agreed capital projects.
- To monitor the Councils financial risk assessments and changes where necessary.
- To establish and effect a clear policy for grant aid administration.
- To awards grants within budget where each individual grant is no more than £2000
- To review other Committees annual spending and budget levels.
- To monitor Council's income and expenditure quarterly.
- To ensure reserves are being managed in line with Council policy.
- To oversee loans (including Public Works Loan Board), leases, property and vehicle insurance, mortgages and debt recovery.
- To ensure Financial procedures are being carried out in accordance with Financial Regulations.
- To be responsible for dealing with requests for virements.
- To oversee the management of the Orchard Community Centre.

6. **Personnel**

The Committee has delegated authority to deal with matters listed below, only where sufficient budgetary provision exists or can be vired from within the approved budget of the Committee. The Committee may decide not to exercise its delegated power and may instead make recommendations to Council.

The Committee is required to submit a list of resolutions and recommendations to the next available meeting of the Council.

Responsible for the control, development and continued improvements to all HR policies procedures relating to:

- Recruitment, Selection and the policies, procedures and contracts relating to.
- Training, Development and the policies and procedures relating to.
- Appraisal, to ensure accurate assessments of performance is carried out.
- Absence Management and the policies and procedures relating to.
- Disciplinary, Grievance and the policies and procedures relating to.
- Maternity, Paternity and the policies and procedures relating to.
- Equal Opportunities and the policies and procedures relating to.
- Recommend policy change within their area of responsibility.
- Health and Safety – to ensure compliance with health and safety.
- Ensuring individual work records are maintained.
- Liaising with the Unitary Authority on matters pertaining to the Committee.
- Liaising with the police and other outside bodies on matters pertaining to the Committee.

7. Appeals

Responsibilities – To Consider Evidence or Gather Further Evidence.

The Committee has delegated authority to deal with matters listed below.

The Committee may decide not to exercise its delegated power and may instead make recommendations to Council.

The Committee is required to submit a list of resolutions and recommendations to the next available meeting of the Council.

Responsible for:

- 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.
- Liaising with the Unitary Authority on matters pertaining to the Committee.
- Liaising with the police and other outside bodies on matters pertaining to the Committee.

8. RESPONSIBILITIES DELEGATED TO TOWN COUNCIL OFFICERS

Proper Officer

The Town Clerk is designated and authorised to act as Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer or Responsible Financial Officer.

General Matters the Town Clerk is authorised:

1. to sign on behalf of the Council any document necessary to give effect to any decision of the Council.
2. to take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council limited to small claims.
3. to institute, defend and appear in any legal proceedings authorised by the Council.
4. 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 residents of Biggleswade).
5. to alter the date or time of a Council/committee meeting but, before doing so, shall consult with the relevant Chairman about the need for the change and about convenient alternative dates and times.
6. to decide arrangements for the closure of the Council offices in the Christmas/ New Year period, subject to consultation with the Mayor.
7. to manage the Council's facilities and assets, including allotments, open spaces, amenity areas, cemetery, and any other buildings and assets.
8. to act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
9. to act as the Council's proper officer as per Section 281 Local Government Act 1972.

Financial Matters the Town Clerk is authorised as follows:

1. To incur expenditure up to the amount specified in the Financial Regulations. 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 Standing Orders and Financial Regulations.
2. To use the repairs and maintenance budgets for the maintenance, or repair of existing plant, vehicles or equipment.
3. To accept quotations or tenders (where tenders are required by the Council's Financial Regulations) for work supplies or services subject to:
 - a. the cost not exceeding the amount of the approved budget.

- b. the tender being the lowest or the one showing best added value to the Council according to the criteria set out in the tender documentation.
- c. all the requirements of the Council's Financial Regulations being complied with.
4. To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.
5. To advise, source, and manage any loans including Public Works Loan Board in order to deliver positive strategic outcomes for the Town Council and community.
6. Having consulted with the Council, to invest monies held by the Council with a view to obtaining the optimum financial return.

Staffing Matters

The Town Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget. Recruitment of Tier 1 staff will be conducted in collaboration with Members.

Property Matters

The Town Clerk is given authority to manage the land and property of the Council including:

1. negotiating the terms of any lease, licence, conveyance or transfer approved by Council, authorised to be signed by the Mayor or Deputy Mayor. (rewrite)
2. the granting or refusal of the Council's consent under the terms of any lease variations of restrictive covenants of a routine nature.
3. the granting of easements, wayleaves and licenses over Council Land approved by the Council.
4. initiating legal action or proceedings against unauthorised encampments on Council land.
5. letting of open spaces for activities that benefit the residents of Biggleswade.

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. The Mayor, Deputy Mayor or Chairman of the relevant committee are to be consulted before such action is taken.

The Town Clerk may decide not to exercise his delegated power and may instead make recommendations to Council or the relevant Committee.