CREDITON
TOWN COUNCIL

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Scheme of Delegation

1. Principles of Delegation

1.1 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.

1.2 Any delegation to a Committee or the Proper Officer[1] shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and within the law.

1.3 The Proper Officer may nominate another named Officer to carry out any powers and duties, which have been, delegated to that Officer.

1.4 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.

2. Council Functions

2.1 The matters listed below are the responsibility of Full Council:

a) Adopting and changing the council's Standing Orders, Financial Regulations and Powers and Duties of Committees
(b) Approving the council's budget and the level of its precept levied on Mid Devon District Council
(c) Authorising borrowings
(d) Authorising the incurring of expenditure not provided for within the approved Budget or otherwise permitted under the council's Financial Regulations, unless an Oversight Committee meeting is planned prior to the date of the next Full Council meeting
(e) Appointing council representatives to outside bodies
(f) Confirming the appointment of the Town Clerk
(g) Making, amending, revoking, re-enacting, or adopting byelaws and promoting or opposing the making of local legislation

[1] Wherever the Proper Officer (the clerk) is referred to in this document it shall be understood that the Deputy Clerk can deputise for the Clerk both in the absence of the Proper Officer (the Town Clerk) and to enable the efficient and effective running of the council.

(h) All other matters which must, by law, be reserved to the full council.

Audit	Responsibility for maintaining a continuous internal audit system	Full Council
	Receiving and considering reports on internal audit and monitoring the implementation of approved action plans	Full Council
	Receiving and considering reports of the Council's Internal and External Auditors and monitoring the implementation of approved action plans	Full Council
Budgetary Control	Recommending the annual Budget and resolutions for level of precept	Full Council
	Managing budgetary control matters including the allocation of financial resources and virement of revenue expenditure other than within the approved budget of a committee (see para 2.1)	Full Council
Byelaws and local legislation	Recommending the making or adoption of byelaws	Full Council
	Recommending the sponsoring of local legislation	Full Council
	Enforcing byelaws including instituting legal proceedings	Full Council
Capital Expenditure	Recommending capital works and resourcing their implementation	Full Council
Car Parking	Commenting on all matters relating to the management of public car parks in the town	Full Council
Cemeteries	Commenting on all matters relating to the management of burial functions and responsibilities	Full Council
Legal Proceedings	To engage legal advisors and barristers as required	Full Council
	To institute, defend or settle any judicial or quasi-judicial proceedings	Full Council
Street Naming	To name new streets	Full Council

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3. Delegation to Committees

3.1 The matters listed below are the responsibility of Full Council, or otherwise delegated to the council's committees, sub-committees,. They must be exercised in accordance with the law, the council's
Standing Orders and Financial Regulations and approved policy framework.

3.2 Standing Committees shall be responsible for any matter not specifically assigned within their Terms of Reference, where responsibility is delegated by the Council's Standing Orders, Financial Regulations or by resolution of the Council.

3.2 Where a sub-committee or working group in lieu of exercising its delegation refers a matter to its parent committee the delegation is exercisable by Full Council. Nevertheless, the committee may decide not to exercise this delegated power and may instead make a recommendation to the council.

Service Area	Function	Committee
Agency Agreements	Recommending agency agreements and joint working practices	Full Council
Allotments	See Land Management	
Arts	Managing the Council's arts-related activities including direct promotions and liaison with other providers	Community Committee
Budgetary Control	Managing budgetary control matters within the approved budget of a committee (see para 2.1)	Oversight Committee
Civic Events	Organising Civic Events	Oversight Committee
Committee and Member Support	Recommending the annual calendar of meetings	Oversight Committee
	Managing all committee and member functions	Full Council
Community Support	Managing community support activities including provision and maintenance of facilities, liaison with other bodies and cultural support	Community Committee
Complaints	Monitoring the complaints procedure	Oversight Committee
Constitution	See Committee and Member Support	
Conservation	Commenting on proposals for the creation or modification of conservation areas	Community Committee
Culture	See Arts	

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Development Control	Commenting on planning applications referred to the Council for comment	Community Committee
Electoral Matters	Initiating requests for boundary reviews and commenting during such reviews	Full Council Oversight Committee
Entertainments	See Arts	
Environment	See Heritage	
Events	Community events coordination and facilitation	Community Committee
External Consultation and Representation	Commenting on consultation documents from other bodies	Full Council Community Committee Oversight Committee
Financial Matters	Managing the Council's financial affairs	Oversight Committee
Grants	Award of general revenue grants to local organisations and groups	Oversight Committee Grants Sub-Committee
	Award of cultural activities grants	Oversight Committee Grants Sub-Committee
Heritage	Dealing with general matters affecting the historic environment and heritage of Crediton Town	Community Committee
Highways	Commenting on proposals for highways maintenance and repairs and associated matters	Community Committee
	Commenting on highway policies	Community Committee
Insurance	Arranging and maintaining insurance cover in respect of the Council's assets and activities against a wide range of risks Overseeing the council's insurance arrangements, and making recommendations where appropriate	Full Council Oversight Committee
Land Management	Managing and maintaining Council's Buildings	Community Committee
	Maintaining the Council's various areas of amenity land, play areas, recreation grounds, allotments and	Community Committee

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	open spaces including setting hire charges	
Planning Policy	Commenting on proposed revisions of the Mid Devon District Local Plan and other service-specific long-term planning documents	Community Committee
Play Areas	See Land Management	
Policy Issues	Reviewing and approving Town Council policies	Oversight Committee
	Development of new policies or changes in policy	Oversight Committee
	Commenting on strategic policy documents and consultation papers issued by the Government and other bodies	Full Council Community Committee Oversight Committee
Public Lighting	Commenting on matters affecting public lighting provision or maintenance in the town	Community Committee
Public Toilets	Commenting on matters affecting public toilet provision in the town	Community Committee
Public Transport	Making observations on matters affecting public transport in and around the town	Community Committee
Public Footpaths	Making observations on matters affecting public footpaths in and around the town Maintaining public footpaths as part of the P3 (Devon County Council) scheme	Community Committee
Rights of Way	See Public Footpaths	
Risk Management	Managing the Council's risk management practices and procedures	Oversight Committee
Sports Grounds	See Land Management	
Staffing	Recommending changes to the Council's approved staffing establishment	HR Committee
	Reviewing and monitoring the Council's employment arrangements	HR Committee
Standing Orders	See Committee and Member Support	
Street Lighting	See Public Lighting	

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Town Clerk and Proper Officer	Recommending the appointment of the Town Clerk and Proper Officer	HR Committee
Traffic Issues	Making observations on matters affecting traffic management proposals in and around the town	Community Committee
Trees	Managing tree planting schemes	Community Committee
	Making observations on proposals to introduce new tree preservation orders or allow works to trees covered by existing tree preservation orders or within conservation areas	Community Committee
Twinning	Making arrangements for twinning visits and activities including liaison with twinning societies	Oversight Committee

Any new delegated authority to officers will be added to section 4

4. Scheme of Delegation to Officers

4.1 The Openness of Local Government Bodies Regulations 2014 (2014 SI No. 2095), which came into force on 6 August 2014, require a written record to be kept of certain decisions made by an officer of a parish council acting under delegated powers. The decisions are those:

- made under a 'specific express authorisation'
- made under a general authorisation where the effect of the decision is to; i) grant a permission or licence, ii) affect the rights of an individual
- award a contract or incur expenditure which, in either case, significantly affects the financial position of the Town Council.

4.2 The following table, whilst not comprehensive, seeks to clarify responsibility in respect of at least some of these matters. Needless to say, the delegations are subject to them being implemented in accordance with the law, the Council's Standing Orders and Financial Regulations, within the accepted policy framework and where budgetary provision exists or is otherwise authorised in accordance with Financial Regulations.

Service Area	Function	Officer
Audit	To maintain a continuous internal audit	Town Clerk
Communications	To deal with all press and public relations on behalf of the Council	Town Clerk
Documents	To sign documents on behalf of the	Town Clerk

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	Council	
Elections	To notify the Returning Officer of all casual vacancies arising in the membership of the Council as required by statute and to liaise with him or her regarding the conduct of elections	Town Clerk
Emergency Planning	To lead the Council's response in the case of a major emergency in consultation with and/or under the direction of the Emergency Planning Officers at Mid Devon District Council	Town Clerk
Events	Co-ordinating and facilitating Christmas in Crediton Events	Town Clerk
Finance	To administer the Council's bank balances	Town Clerk
	To maintain adequate insurance cover for the Council's activities and property	Town Clerk
	To act as Responsible Financial Officer for the purposes of the Accounts and Audit Regulations in place at the time	Town Clerk
	To authorise the payment of accounts	Town Clerk
	To write-off outstanding debts in accordance with Financial Regulations	Town Clerk
	Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget	Town Clerk
Floral Displays	To co-ordinate the provision of floral displays within Crediton	Town Clerk
Freedom of Information	To have overall responsibility for the Council's Freedom of Information Publication Scheme	Town Clerk
Information and Communication Technology	To be responsible for the provision and management of information and communication technology provided throughout the Council including the replacement of out-dated equipment or the purchase of new equipment within the approved Budget	Town Clerk
Land and Property	To purchase necessary goods and Supplies	Town Clerk

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	To maintain the Council's offices and Property Managing, maintaining, and monitoring demand and availability of allotment gardens	Town Clerk Town Clerk
	To deal with day to day matters in relation to the allotments functions, including the implementation of allotment terms, conditions and rules, allocation of allotment tenancies, issuing of non-cultivation notices and notices to quit.	Town Clerk
	To adjust grass cutting frequencies in relation to the maintenance of the various open areas for which the Council is responsible	Town Clerk
	To devise planting schemes for the various open areas for which the Council is responsible	Town Clerk
	To ensure that trees for which the Council is responsible are maintained in a safe condition in accordance with good arboricultural practice	Town Clerk
Lettings	To authorise casual lettings of the Council's various properties subject to payment in accordance with the approved scale of charges where appropriate	Town Clerk
Meetings	Arrange and call meetings of the Council, its Committees and Sub-Committees	Town Clerk
	Carry out and implement any Council, Committee or Sub-Committee decision	Town Clerk
Members Support	To deal with requests from Members	Town Clerk
Motor Vehicles and Plant	To maintain, repair and renew the Council's motor vehicles, plant and equipment	Town Clerk
Proper Officer	To act as Proper Officer for the purposes set out in Standing Order 15 and for all other purposes prescribed by law	Town Clerk

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Publicity	Managing the Council's public relations activities and the content and circulation of the bi-monthlynewsletter	Town Clerk
Staffing	Management of all employees, including the authority to take disciplinary action, excluding termination of employment under agreed procedures	Town Clerk
	To implement national pay awards and conditions of service	Town Clerk
	Within the approved budget and in accordance with Standing Orders to administer the staffing establishment and the national agreement on pay and conditions of service	Town Clerk
	To engage temporary or seasonal workers and determine their wages and conditions of service	Town Clerk

5. Urgent Matters

5.1 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 Chair and Vice-Chair of the appropriate committee subject to a report being made to the next meeting of the appropriate committee.

5.2 Subject to urgent items, 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

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(i) in the opinion of the officer concerned, should be determined by a committee.

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