

MIDDLEHAM TOWN COUNCIL BURIAL AUTHORITY

SCHEME OF DELEGATION



Middleham Town Council Scheme of Delegation

Adopted: 26th June 2024

Review Due: June 2025

CONTENTS

1. Principles of Delegation
2. Authority to Act
3. Conflicts of Interest
4. Council reserved Powers
5. Delegation to Committees -Safeguards
6. Delegation to Committees
7. Delegation to the Proper Officer

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 shall be exercised in compliance with the Councils 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 In an emergency the Proper Officer is empowered to carry out functions of the Council (inside of reserved powers).
- 1.5 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 Chair of the Council, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

2. Authority to Act

- 2.1 Where the determination of a matter is likely to be particularly controversial, raises issues of policy which would be appropriate for Councillors to determine, or could by its scale or complexity expose the Council to major corporate risk, it will be appropriate for the Officer to refer the matter to the Council.
- 2.2 The Officer and Committees hold the responsibility to act within the Councils approved policies, procedures and framework and within the law in conjunction with this delegated scheme.

3. Conflicts of Interest

- 3.1 Under the Local Government Act 1972 S117 the Officer must make a formal declaration about Council contracts which they have a financial interest.
- 3.2 Where the Officer has a conflict of interest in any matter, they shall not participate in that matter unless approved by the Council and this is formally recorded in the Council minutes.

4. Council Reserved Powers

- 4.1 The following matters are only to be resolved by the full Council:
- Appointment of the Parish Clerk/Responsible Financial Officer and other Council Officers following a recommendation from the Staffing Committee
 - To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation, and other Council policies.
 - To approve and adopt the Policy Framework.
 - To approve and adopt the Budget.
 - To agree and/or amend the terms of reference for Committees
 - To adopt the schedule of meetings for the ensuing year.

- To determine matters involving expenditure for which budget provision is not made or is exceeded.
- To set the Precept.
- To make bylaws.
- To borrow money.
- To annually approve the statutory annual return
- To approve eligibility for the General Power of Competence

5. Delegation to Committees – Safeguard

- 5.1 The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a Committee or Officer.

6. Delegation to Committees

6.1 Staffing Committee

Membership – 3 Councillors

Quorum – 3 Councillors

Meetings – When required to ensure that Middleham Town Council complies with the requirements of employment law, and follows best practices in providing good working conditions for staff

Terms of Reference

The Staffing Committee shall be responsible for the following:

- To establish and keep under review the staffing structure in consultation with the full council
- To administer and manage the recruitment process
- Salary recommendations for new staff and regrading recommendations for existing staff will be made to the full council and this body will decide these
- To have delegated powers to consider and implement/negotiate any changes to contract terms, which are required to comply with staffing law, health and safety law and terms and conditions of service as laid down by the National Joint Council (NJC “Green Book”) (excluding salary level decisions, see 3 above).
- The Committee will be the line manager of the Clerk and the Key Centre Administrator/Receptionist.
- The Committee will be responsible for agreeing overtime, annual leave and sick leave of all staff.
- To establish and review performance management (including staff appraisals, which will be held in October each year) and staff training programmes
- To manage the process leading to the redundancy of staff
- To monitor and address regular or sustained staff absence
- To make recommendations on any staffing related expenditure to the full council
- To consider any appeal against a decision in respect of pay
- To handle grievance or disciplinary matters (and any appeal (different councillors) in accordance with the adopted policies of the Council, which must accord with the ACAS Codes of Practice on grievance and disciplinary matters
- To implement, monitor and review staff pension arrangements

Middleham Town Council Scheme of Delegation

Adopted: 26th June 2024

Review Due: June 2025

6.2 Key Centre Sustainability Committee

Membership – 3 Councillors

Quorum – 3 Councillors

Meetings - The Clerk will convene The Key Centre Sustainability Committee meetings on a monthly basis or at such times that the Committee feels is appropriate. The Committee Chair may also convene meetings as felt necessary

Terms of Reference

The Key Centre Sustainability Committee will be responsible for:

- Considering any matters referred to it by the Council or other Committees.
- Making decisions on maintaining and developing the building taking into consideration the buildings function as a Community space.
- Seeking sources of funding streams to facilitate the development of the building.
- Submitting applications for any available streams of funding.
- Project managing any potential funding streams that materialise.

7. Delegation to the Parish Clerk/Responsible Financial Officer

- 7.1 In the case of an emergency, the Clerk/RFO shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Chair (if practicable in the circumstances).
- 7.2 Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council.
- 7.3 Power to release press statements on any activities of the Council subject to prior consultation with the Chair.
- 7.4 Power to act on own initiative to implement the Council's policies and objectives.
- 7.5 Power to take appropriate steps to ensure the Council does not exceed its powers.
- 7.6 Power to manage all the Council's facilities and resources in accordance with the Council's policies.
- 7.7 In liaison and after conferring with the Chair, to make such Civic arrangements as are necessary.
- 7.8 The Clerk/RFO shall have authority to issue written authorisation to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties.
- 7.9 The Clerk/RFO shall be responsible for signing all the Council's Official Notices as set out in the Standing Orders.
- 7.10 As Proper Officer/Responsible Financial Officer, the Clerk may incur expenditure on revenue items on behalf of the Council up to the amounts included in the approved budget.
- 7.11 The Parish Clerk/RFO, in consultation with Councillors, to make comment on planning applications submitted to Middleham Town Council by North Yorkshire Council and the National Parks Planning Authority within the statutory 21 day consultation period if the deadline is before the next Council meeting.
- 7.12 The Clerk/RFO will be responsible for all financial records of the Council and the careful administration of its finances and accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time and with the policies and procedures set by the Council and within the law.
- 7.13 The Clerk/RFO will have the power to release any financial related report or document to the Council in discharge of the Responsible Financial Officer

Middleham Town Council Scheme of Delegation

Adopted: 26th June 2024

Review Due: June 2025

- responsibilities.
- 7.14 The Clerk/RFO shall ensure the approved precept request is issued to the billing authority.
- 7.15 The Proper Officer shall have authority to issue tenders as set out in the financial Regulations.
- 7.16 The Proper Officer shall have authority to issue renewal leases, licenses and agreements that are due for renewal with the agreement of the Council.
- 7.17 The Proper Officer has delegated authority to decide on the final content, editing and layout of the Website and Social Media.
- 7.18 The Proper Officer shall be responsible for signing all the Council's Official Notices and for witnessing the signing of Council documents. The Council does not have a seal.
- 7.19 The Proper Officer shall:
- i. arrange for interments in the Council's cemeteries.
 - ii. grant exclusive rights of burial.
 - iii. grant transfer of purchased graves.
 - iv. maintain up to date records in all Burial Registers.
 - v. arrange for the annual inspection of benches within the Parish, contacting the person responsible for upkeep if repairs are necessary.
 - vi. arrange for the annual inspection of Grit Bins within the Parish and purchase the necessary salt/grit refills.
 - vii. get quotes for and appoint a contractor for the following:
 - assistance with the inspection of the memorials in the cemetery when necessary.
 - maintenance and updating of the council's noticeboards and signs as required, signs on property etc.
 - Annual and quarterly play area inspections.
 - viii. keep all land and property under review and take such emergency action as may be necessary for the protection of the public or the Council's property.
 - ix. undertake day to day management and maintenance of Council property.
 - x. call any extra meetings of the Council as necessary, having consulted with the Chairman of the Council in advance.
 - xi. respond to any correspondence, requiring or requesting information or relating to previous decisions of the Council.
 - xii. act as the Council's designated officer for the purposes of the Freedom of Information Act 2000 and respond to Freedom of Information requests.
 - xiii. arrange for the payment of invoices where appropriate (e.g. where approved by the council or by the use of delegated authority as specified above) that will be overdue by the next scheduled meeting or where discount for the Council will be lost.
 - xiv. make grant applications after identifying suitable funds and submit monitoring/outcome statements where grant applications were successful.
 - xv. have the authority to refuse to deal with matters or to put them on the agenda if they are outside the council's remit, areas of interest and/or civil matters but the clerk will continue to inform in the first response to a correspondent/caller where to refer matters if known and if appropriate
 - xvi. keep councillors informed of training courses and book them on request.
 - xvii. identify and book training courses for staff.
 - xviii. renew subscriptions and pay annual fees to the YLCA, the ICO, Scribe, SAGE Payroll Manager and any other subscriptions, contractors or utilities

paid by the Council currently (These would be listed on the regular payments list, approved by the Council annually).

- xix. request that two councillors authorise the payment of invoices between meetings for salaries (including those with variable hours), and all items specifically budgeted for, contracted for or expenditure agreed by council at a meeting. Councillors will receive a Payments list of transactions at the meeting following payment.

7.21 In addition the Proper Officer has authorisation for expenditure on: (note: standing orders allow for emergency expenditure up to £500.00)

- i. the defibrillators as required – all consumables as required.
- ii. works to play equipment up to a maximum of £500 where safety is of concern (in consultation with Councillors over email) .
- iii. routine maintenance of play equipment up to £500 (in consultation with Councillors over email).
- iv. office administrative materials and equipment as required.
- v. purchasing janitorial supplies as needed.
- vi. purchasing dog waste bags for refilling the dispensers.
- vii. cloud storage/working facilities.
- viii. virtual meeting costs.

