



# Skipton Town Council

## SCHEME OF DELEGATION

Adopted at Full Council 18<sup>th</sup> May 2023

This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders and will be reviewed every year.

Those with delegated responsibility are referred to by job title, Chief Officer (Proper Officer).

One of the purposes of the document is to clearly define the parameters within which Officers of the Council can act without reference to Councillors. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.

Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

The other purpose of the document is to capture the various delegated powers throughout the Council, including those delegated by the Council to its committees. This element of the scheme is the Terms of Reference of the committees.

### **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 Chief Officer shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and with the law.

1.3 The Chief 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 Chief Officer is empowered to carry out any function of the Council.

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 Members, and must ensure that they obtain appropriate legal, financial, and other specialist advice before action is taken.

## **2. Delegation to The Chief Officer**

### **2.1 Matters reserved for Council or Committee**

Subject to urgent items (See Item 3 below), the following matters shall be referred to the relevant Committee or Council, where appropriate.

Any matter which:

2.1.1 requires a new policy; or

2.1.2 requires an alteration to an existing policy (other than a minor amendment); or

2.1.3 would be contrary to the policy framework; or

2.1.4 involves expenditure or a reduction in income, for which there is no sufficient budgetary provision;

2.1.5 is an issue of principle as determined by The Council; or

2.1.6 in the opinion of the Chief Officer, cannot in law or in accordance with the Standing Orders be decided by an Officer; or

2.1.7 upon which a Committee has requested a report; or

2.1.8 a Member has requested an item to be put on an agenda under Standing Orders; or

2.1.9 in the opinion of the officer concerned, should be determined by a Committee;

## **3. Urgent Items**

3.1 Matters of urgency, as determined by the Chief Officer (or in his/her absence another Officer) shall be delegated to the relevant officer in consultation with the Chairman and Vice-Chairman of the appropriate Committee subject to a report being made to the next meeting of the Full Council or appropriate Committee.

#### **4. Authority to Act**

4.1 Subject to those matters that are reserved for the Council or Committee the Chief Officer shall be responsible and shall have delegated authority for the day-to-day operation and management of the Council's services and land.

4.2 Any matter not reserved for the Council or Committee (i.e. any matter falling outside the criteria contained in paragraph 1 above) shall be regarded as falling within the day to day operation and management of the Council and shall be delegated to the Chief Officer and shall be exercised in accordance with the principles of delegation.

4.3 The Chief Officer 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. The Deputy Clerk shall assume the role of Proper Officer in the absence of the Chief Officer.

4.4 Delegations to members of staff in respect of financial matters are set out in the Standing Orders and Financial Regulations.

4.5 The Chief Officer shall also have delegated management authority for the following Services:

4.5.1 The Council's assets and resources in accordance with the Council's Standing Orders, Financial Regulations and strategic framework.

4.5.2 Media and Corporate Issues

4.5.3 Line management of the Council's staff in accordance with the Council's employment and staffing policies. Power to authorise relevant training courses provided the expense can be met from approved budgets having taken into account the training needs of the employees and councillors.

4.6 The Proper Officer and Responsible Financial Officer shall be the Chief Officer for any function of the Council in the absence of any other appointment as specified within this Delegation Scheme.

4.7 The Chief Officer has the authority to sanction and authorise payment of overtime so long as the costs can be contained within the parameters of the approved budget. The Chief Officer shall have the authority to engage casual workers subject to budget and the Chief Officer shall consult with the Staffing Committee members when such work is to be sanctioned.

4.8 The Chief Officer has the power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council

4.9 The Chief Officer, in consultation with Councillors, to make comment on planning applications submitted to the planning authority within the statutory 21 day consultation period if the deadline is before the next Council meeting.

## **5. Delegation to Committees**

5.1 Each Committee has delegated authority to decide matters within their terms of reference except for the following matters, which are reserved for Council:

5.1.1 To adopt and change the Standing Orders.

5.1.2 To approve and adopt the Budget.

5.1.3 To determine the Council's Corporate Priorities.

5.1.4 To appoint the Mayor and Deputy Mayor.

5.1.5 To appoint Committee Chairmen and Vice-Chairmen.

5.1.6 To agree and/or amend the terms of reference for Committees, deciding on their composition and making appointments to them.

5.1.7 To adopt the schedule of meetings for the ensuing year.

5.1.8 To consider the recommendations of any Remuneration Panel (where one is in existence) and adopt the level of allowances that can be claimed by Members of the Council in respect of authorised or approved duties.

5.1.9 To determine matters involving expenditure for which budget provision is not made or is exceeded.

5.1.10 To determine matters which do not fall within the remit of any Committee.

5.1.11 To determine any matters referred to it by a Committee in accordance with Standing Orders.

5.1.12 To set the Precept.

5.1.13 The appointment of a Chief Officer.

5.1.14 To make byelaws.

5.1.15 To borrow money.

5.1.16 To receive statutory reports from the Chief Officer.

5.1.17 To consider any matter required by law to be considered by Council

## **6 Conflicts of Interest**

6.1 Under the Local Government Act 1972, section 117 the Chief Officer must make a formal declaration about council contracts which they have a financial interest.

6.2 Where the Chief Officer has a conflict of interest in any matter, he/she shall not participate in that matter unless approved by the Council and this is formally recorded in the Council minutes.

For Review May 2024