



APPENDIX 3

Camborne Town Council Scheme of Delegation

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (which may be one and the same person), Standing Committees and Sub-committees of the Council to act with delegated authority in the specific circumstances detailed.

1. Responsible Financial Officer

1.1 The Town Clerk shall be the Responsible Financial Officer to the Council and shall be responsible for the Town Council's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time.

2. Proper Officer

2.1 The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

- (a) Receive declarations of acceptance of office;
- (b) To retain a copy of every Councillor's register of interests;
- (c) Receive and retain plans and documents;
- (d) To sign Notices or other documents on behalf of the Council;
- (e) Receive and retain copies of By-laws made by Cornwall Council;
- (f) Certify copies of By-laws made by the Council and other such orders as adopted by the Council;
- (g) Sign summonses to attend meetings of the Council;
- (h) To keep proper records for all meetings, and
- (i) To receive from Cornwall Council's Monitoring Officer any documents in relation to Complaints received under The Members' Code of Conduct and report this at the next convenient meeting of the Council.

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

- (a) The day to day administration of services, together with routine inspection and control.
- (b) Day to day supervision and control of all staff employed by the Council.
- (c) Authorisation of routine expenditure within the agreed budget.
- (d) Authorise training or attendance at Conferences as agreed within budget.
- (e) Emergency expenditure up to £5,000 outside of the agreed budget subject to immediate report back to the next meeting of the appropriate Committee or Council, £10,000 for expenditure on the Passmore Edwards building.

2.3 Delegated actions of the Town 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. Council

3.1 The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration.

- (a) The Power of raising loans and setting the Precept;
- (b) The power of incurring capital expenditure not specifically included in the Council's approved estimate of expenditure for the time being;
- (c) The appointment to or co-option on a Committee or Sub-Committee of a person (on a strictly non-voting basis) who is not a Member of the Council or the Committee;
- (d) Standing Orders, Financial Regulations, the Scheme of Delegation, and the functions and constitution of Committees and Sub-Committees;
- (e) Dates of meetings of the Council;
- (f) Appointment or nomination by the Council of persons to fill vacancies on outside bodies arising during the Council year;
- (g) Filling of vacancies occurring on any Committee of the Council during the Council year;
- (h) The appointment or dismissal of the Town Clerk;

- (i) Agreement to take on new, including devolved services, subject in all cases to a fully-costed Business Plan to be recommended by Finance and General Purposes Committee;
- (j) Prosecution or defence in a court of law, and
- (k) Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to a committee.

4. Powers and Duties of Standing Committees

4.1 Subject to the foregoing, and to observance of decisions of the Council on matters of principle or policy, all the Council's powers and duties shall be delegated to the Standing Committees in accordance with the following terms of reference unless otherwise specified. The acts and proceedings of a Committee shall:

- (a) where they are delegated to the Committee, so far as is legally permissible be deemed the acts and proceedings of the Council;
- (b) as regards other matters, be subject to confirmation by the Council, and when confirmed shall be deemed the acts and proceedings of the Council;
- (c) in all respects be subject to the provisions of the Council's Standing Orders and Financial Regulations except as otherwise determined by the Council.

4.2 The Council may at any time without prejudice to executive action already taken revoke any executive power delegated to a Committee.

5. Finance and General Purposes Committee

5.1 The **Finance and General Purposes Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

- (a) Ensuring the Annual Return (Statement of Accounts) is completed in accordance with requirements and recommend to Council accordingly;
- (b) All other matters relating to Finance, including budget monitoring;
- (c) All matters relating to internal and external audit;
- (d) Insurances;
- (e) Grants and Donations, except any that fall within the purview of the delegated authority of any other Committee of the Council.
- (f) To make recommendations to Council on the Budgets of all Standing Committees;

- (g) General Administration;
- (h) Matters of Democratic Representation
- (i) Member Training;
- (j) Governance and Corporate Management;
- (k) All issues in relation to the Council offices including legal, maintenance and repair;
- (l) Partnership Working;
- (m) Civic Activities/Local Democracy;
- (n) Council Communications and Information Services;
- (o) Any other matter which may be delegated to it by the Council from time to time.

5.2 Committee may refer specific matters to the Council for a final decision if it so wishes.

6. Amenities Committee

6.1 The Amenities Committee

- (a) The provision of Amenity services and all issues relating to the maintenance of the Passmore Edwards building, Amenity workshop and public conveniences at Camborne Recreation Ground;
- (b) Dealing with the provision and maintenance, as appropriate, of street furniture and Town Council public owned facilities including the public clock, town square, public seats, public notice boards, and war memorials and the Trevithick Statue
- (c) Dealing with the provision and maintenance of allotments;
- (d) The co-ordination and direction of the Council's environmental improvement program; including summer planting, Camborne in Bloom and related initiatives;
- (e) Devolved and other services, including parks/recreation grounds, public open spaces, public conveniences, car parking, and burial services subject to policy determination on acceptance of such services resting with Council;
- (f) The provision of agency services for Cornwall Council including public footpaths and verge maintenance;

- (g) Co-ordination of any Town Council community safety initiatives including the local provision of CCTV;
- (h) The making of recommendations to the Staffing Committee regarding matters relating to the Town Council's staff engaged on community services;
- (i) Approval of environmental and community grants from within approved budgets;
- (j) Provision and organization of a Camborne events program, including Christmas activities, and
- (k) Any other matter which may be delegated to it by the Council from time to time.

7. Planning and Development Committee

7.1 The **Planning and Development Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

- (a) The making of representations to the Local Planning Authority on applications for planning permission which have been notified in accordance with relevant legislation;
- (b) The making of representations in respect of appeals against the refusal of planning permission;
- (c) The consideration of any pre-application consultations;
- (d) The making of representations regarding street naming;
- (e) To consider and monitor all developmental plans and heritage initiatives which impact upon Camborne and the making of all appropriate representations;
- (f) All matters, including grant awards, relating to consultation and community engagement.
- (g) The facilitation of economic development initiatives, including those pertaining to Town Centre matters, for the benefit of Camborne and the making of representations on all related matters and liaison as appropriate with other agencies;
- (h) The making of representations in respect of any highways consultations;
- (i) The making of representations in respect of any licensing matters, and

- (j) The making of representations to the appropriate Planning Authority in respect of other planning matters not otherwise referred to in Terms of Reference (a) - (h) above.
- (k) Any other matter which may be delegated to it by the Council from time to time.

8. Staffing Committee

8.1 Membership

- (a) The Staffing Committee shall consist of five members who shall be elected each year at the first meeting after the annual Council meeting and shall hold office until the first meeting after the next annual Council meeting.
- (b) It is expected that the ordinary members of the Staffing Committee will comprise at least one member from each of the Council's other standing committees. Where business is to be considered at a meeting of the Staffing Committee relating to another standing committee (for example the recruitment of an employee to carry out the functions of that standing committee) and an ordinary member of the Staffing Committee who is also a member of that other standing committee would not otherwise be present, the Staffing Committee may co-opt members of that standing committee to participate and vote at that meeting.
- (c) The quorum of the Staffing Committee will be 3 members.
- (d) A chair and vice-chair must be appointed by a majority vote to be the first item of business of the first meeting of the Staffing Committee each year.
- (e) Any other matter which may be delegated to it by the Council from time to time.

8.2 Meetings

The clerk and the chair shall call meetings when necessary. Members will be summoned to attend meetings which will be held in the Town Hall and open to the public unless these terms or the policies or procedures referred to provide otherwise or it is necessary to preserve the confidentiality of information relating to employees of the Council.

8.3 Documentation

- (a) The clerk or a deputy appointed by the Staffing Committee shall minute each meeting and provide administrative support to the Staffing Committee.
- (b) The Staffing Committee shall present the minutes of each meeting to the next appropriate meeting of the Council.

8.4 Decision making

- (a) The Staffing Committee may delegate functions to the clerk where these relate to the administrative functions of the Staffing Committee or the line management of employees.
- (b) The Staffing Committee may nominate a member to take advice from the Council's appointed solicitor.
- (c) In respect of personnel and human resources matters it is vital that the Staffing Committee as appropriate, keeps confidential its deliberations and decisions in cases of Grievance, Disciplinary and Capability hearings, because if an Appeal against a decision is received it must, legally and in the interests of fairness, be heard again by elected members with no prior knowledge of the case.
- (d) In order to ensure as far as possible that such matters as Appraisal, Grievance, Disciplinary and Capability issues are dealt with professionally and in accordance with Employment legislation, all members of any sub-committees set up to deal with such matters must agree to undertake training in these matters.

The Staffing Committee has the following delegated powers:

8.5 Recruitment

- (a) To consider and keep under review staffing requirements of the Council, including the appointment of new staff.
- (b) To advertise positions, select candidates for shortlisting and interviews and appointment
- (c) The Committee may delegate this process to the Town Clerk or an Officer of the Council.
- (d) To advertise, select candidates for shortlisting and interview for post of Town Clerk and make recommendation to Full Council for appointment.
- (e) To arrange for the execution of new employment contracts or changes to employment contracts.

8.6 Pay and employment contracts

To consider and keep under review the terms of employment, salaries, hourly wages, increments, bonuses and pensions of employees and where required to implement amendments to these.

8.7 Policies (Under review by South West Councils)

- (a) To establish, keep under review, amend and implement where required the following policies:

- (i) grievance procedure
 - (ii) complaints procedure
 - (iii) abnormal weather policy
 - (iv) flexible working policy
 - (v) training and development policy
 - (vi) annual leave policy
 - (vii) health and safety policy
 - (viii) pensions policy
 - (ix) Any other staff policies e.g. disciplinary, capability, redundancy
- (b) To consider and keep under review those parts of the Council's policies and procedures other than those referred to above which relate to the conduct of employees, the terms of their employment, working conditions or procedures and to present recommendations for amendments to the Council.

8.8 Training

- (a) To keep under review training undertaken by employees and members and to implement training required.
- (b) To establish and keep under review future training requirements for employees.
- (c) To implement training approved by the Staffing Committee.

8.9 Performance, conduct, capability and redundancy

To conduct any process relating to the performance, conduct, capability or redundancy of an employee in accordance with the Council's adopted policy.

8.10 Health and safety

- (a) To monitor and review employees' working conditions, practices and procedures to ensure they comply with the law and to present recommendations to the Council.
- (b) To monitor, maintain records of and report to the Council the following regarding employees:
 - (i) sickness

- (ii) absence
- (iii) injury.

9. Sub Committees

- 8.1 Every Committee may appoint Sub-Committees whose terms of reference and members shall be determined by the parent Committee as identified in Standing Orders. The Chairman and Vice-Chairman of the Committee shall be members of every Sub-Committee appointed by it unless they signify that they do not wish to serve.

10. Working Groups/Parties

- 10.1 Working Groups/Parties may be formed by resolution of the Council or a Committee at any time. The work of such a Working Group/Party will be decided upon at the time it is formed by means of a Minute detailing the Terms of Reference. Each Working Group/Party will report back with recommendations to the Council or the Committee that formed it. The Working Group will be disbanded by resolution of Council or the parent Committee to which it reports once it has completed its agreed objectives.

11 Delegation – Limitations

- 11.1 Committees, Sub Committees, Working Parties and Officers shall, at all times, act in accordance with the Councils Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, By-laws or orders made and with any directions given by the Council from time to time.