



# PADSTOW TOWN COUNCIL SCHEME OF DELEGATION

## POLICY/PROTOCOL/PROCEDURE

<b>Version</b>	Sept 2023 FINAL	<b>Comments</b>	Reviewed Annually
<b>Approval Date</b>	26 Sept 2023	<b>Responsible Officer</b>	Town Clerk
<b>Committee</b>	Relevant Cttees	<b>Approval by</b>	Full Council

## VERSION HISTORY

<b>Date</b>	<b>Version</b>	<b>Comments</b>
May/June 2023	June 2022	Annual review by each Committee. Annual Council (13 May 2023) updated Staffing Scheme of Delegation.
May / June Council meetings	June 2023 FINAL	Only changes made by FGP Cttee and updated Staffing Scheme of Delegation. Document placed in new template
September LTOS and Council	Sept 2023 FINAL	LTOS Cttee recommended update to include Community Hub. Council agreed LTOS mins and recommendations.

## REVIEW RECORD

<b>Date Review initiated</b>	<b>Review undertaken by i.e. officer/ Cttee/Council</b>	<b>Summary of any recommended updates/changes to be made</b>

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## **OVERVIEW**

### **Committees Delegated Powers**

Each committee agenda will clearly indicate if the item under discussion is within the Committees delegated powers. If the item is within delegated powers the minutes will record the decision as **RESOLVED**. If it is not within the delegated powers then the minutes will show **RECOMMENDED** and the item will then be brought to the Full Council for approval and adoption as appropriate.

A power delegated does not always have to be exercised and if a committee is unsure of a decision they may make a recommendation to Full Council.

### **Committees**

All Committees are appointed by and are solely responsible to Padstow Town Council. The Committee's duties are defined and agreed by the Full Council within these terms of reference. Alterations to the terms of reference may be made at any Full Council meeting provided an agenda item is included to amend.

All committees are required to make clear and concise formal resolutions at all times to avoid ambiguity in the minutes and to ensure that the intention of the resolution is conveyed to the members for them to vote on.

# Terms of Reference for the Planning Committee

## Membership

- The Committee will consist of 6 elected Councillors and the first item of business at its first meeting after the Annual Town Council meeting each year will be to elect a Chair for the year. It will also elect a Vice-Chair, if thought appropriate, although any elected member can preside by agreement in the Chair's absence. A quorum will be a minimum of 3 elected members.
- The Committee shall be able to constitute sub-committees and working groups to study any aspect of the Committee's sphere of activity and members of the public can be co-opted on to assist with the recommendations.

## Records of Proceedings

- The Committee will meet on the 2<sup>nd</sup> Tuesday of each month at 7pm
- Additional meetings will be arranged as required.
- Written minutes will be taken to record the Committee decisions and will be received at the next full council meeting and signed as a true record of the meeting at the next committee meeting. The Town Clerk will be responsible for arranging meetings and for the recording and distribution of minutes. The minutes will be available on the Town Council website.

## Responsibilities

The Committee **will have full delegated powers** in respect of –

1. The Council's response to all applications for development within Padstow Town Council area (including Listed Building, Conservation Area consent, consent for advertisement displays etc) received from Cornwall Council.
2. A response to consultation documents regarding tree preservation and other matters regarding general land development,
3. The consideration of all appeals against planning refusal by Cornwall Council within Padstow Town Council area and the submission of comments to the relevant bodies,
4. The consideration of any proposals for new and any review of Cornwall Council structure plans, local plans and any other consultation document of a planning nature,
5. The appointment of a member of the committee to represent the Council at Cornwall Council planning meetings as appropriate.
6. The consideration of recommendations of sub-committees, working groups etc under the control of the Planning Committee,
7. Consultation with other relevant bodies with similar interests including other Town Council committees and sub-committees and consideration of their recommendations,

## To make recommendations to Full Council

1. Any matter falling within the remit of the committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

# **Terms of Reference for the Highways, Roads & Transport Committee**

## **Membership**

- The Committee will consist of 7 elected Councillors and the first item of business at its first meeting after the Annual Town Council meeting each year will be to elect a Chair for the year. It will also elect a Vice-Chair, if thought appropriate, although any elected member can preside by agreement in the Chair's absence. A quorum will be a minimum of 4 elected members.
- The Committee shall be able to constitute sub-committees and working groups to study any aspect of the Committee's sphere of activity and members of the public can be co-opted on to assist with the recommendations.
- 

## **Records of Proceedings**

- The Committee will meet on the 1<sup>st</sup> Tuesday six times a year, to include June and October at 7pm
- Additional meetings will be arranged as required.
- Written minutes will be taken to record the Committee decisions and will be adopted at the next full council meeting and signed as a true record of the meeting at the next committee meeting. The Town Clerk will be responsible for arranging meetings and for the recording and distribution of minutes. The minutes will be available on the Town Council website.

## **Responsibilities**

The Committee **will have full delegated powers** in respect of –

1. The improvement maintenance and management of Town Council car parks subject to item 6,
2. The improvement maintenance and management of street lighting belonging to Padstow Town Council,
3. Working with Cornwall Council in respect of Traffic Regulation Orders and Parking Enforcement issues.
4. Setting and managing the Council policy on the issue and management of car park excess charges
5. Authorisation of expenditure within the committees budget provided that the payment is made from a budget that is within the limits previously approved by the Council. The committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the committees total budget must be authorized by the F&GP Committee,
6. Acceptance of tenders and supervision of contracted projects – provided expenditure is within the budgetary provision and is for areas within the scope of the committee,
7. All aspects of Health and Safety that fall within the remit of the committee,
8. The consideration of recommendations of sub-committees, working groups etc under the control of the HRT Committee,

9. The consideration of such matters as may be delegated by the Council from time to time,
10. Consultation with other relevant bodies with similar interests including other Town Council committees and sub-committees and consideration of their recommendations,

**To make recommendations to Full Council/F & GP** in respect of –

1. Making recommendations to the Council on all matters not within existing policy,
2. Reviewing the level of fees and charges of the committee's functions and making appropriate recommendations to the F&GP Committee before November of each year,
3. To consider and submit to the F&GP Committee annual estimates of income and expenditure on continuing services and capital expenditure for the forthcoming year during November of each year,
4. The consideration of new and reviews of consultation and policy documents of other bodies and any other consultation documents relating to car parks, highways or transport nature,
3. Any matter falling within the remit of the committee which involves the introduction of a new policy or changes to existing policy future direction and strategy.
4. Making recommendations to the Council on all matters not within existing policy,
5. Preparation and review of a plan for future requirements within the scope of the committee regardless of feasibility.

# Terms of Reference for the Leisure Tourism & Open Spaces Committee

## Membership

- The Committee will consist of 7 elected Councillors and the first item of business at its first meeting after the Annual Town Council meeting each year will be to elect a Chair for the year. It will also elect a Vice-Chair, if thought appropriate, although any elected member can preside by agreement in the Chair's absence. A quorum will be a minimum of 4 elected members.
- The Committee shall be able to constitute sub-committees and working groups to study any aspect of the Committee's sphere of activity and members of the public can be co-opted on to assist with the recommendations.

## Records of Proceedings

- The Committee will meet on the 1<sup>st</sup> Tuesday of every month bi-monthly at 7 pm
- Additional meetings will be arranged as required.
- Written minutes will be taken to record the Committee decisions and will be adopted at the next full council meeting and signed as a true record of the meeting at the next committee meeting. The Town Clerk will be responsible for arranging meetings and for the recording and distribution of minutes. The minutes will be available on the Town Council website.

## Functions

The Committee will have **full delegated powers in respect of** –

1. The improvement, maintenance and management of all open spaces, grounds, play areas, Padstow's Cemetery and St Petroc's closed Churchyard, allotments and public conveniences owned and/or managed by the Town Council subject to clause 7.
2. The monitoring, improvement and management of the Plantation,
3. The monitoring and management of the War Memorial.
4. The provision management and maintenance of Town Council notice boards.
5. The support of Padstow Tourist Information Centre.
6. Responsibility for the provision, management and maintenance of public seats, litter bins, dog bins and bus shelters.
7. The monitoring and management of Padstow Community Hub.
8. Authorisation of expenditure within the committees budget, provided that the payment is made from a budget within the limits previously approved by the Council. The Committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the Committees total budget must be authorized by the F&GP Committee.
9. Acceptance of tenders and supervision of contracted projects – provided expenditure is within the budgetary provision and is for areas within the scope of the committee.

10. All aspects of Health and Safety/Risk assessment that fall within the remit of the committee.
11. The implementation of agency agreements for the delegation of services from CC which fall within the remit of the committee.
12. To apply for any appropriate grants for the use of the Council
13. To consider such matters as may be delegated by the Council from time to time.

**To make recommendations to Full Council/F & GP in respect of:**

1. To consider and submit to the F&GP Committee annual estimates of income and expenditure on continuing services and capital expenditure for the forthcoming year by November each year.
2. Consultation with other relevant bodies with similar interests including other Town Council committees and sub-committees and consideration of their recommendations.
3. The consideration of new and reviews of consultation and policy documents of other bodies and any other consultation documents of a parks and recreation nature.
4. Any matter falling within the remit of the committee which involves the introduction of a new policy or changes to existing policy future direction and strategy.
5. Reviewing the level of fees and charges of the committee's functions and making appropriate recommendations to the F&GP Committee by November each year.
6. Making recommendations to the Council on all matters not within existing policy.
7. Preparation and review of a plan for future requirements within the scope of the committee regardless of feasibility.



## **Terms of reference for the Finance & General Purposes Committee**

### **Membership**

- The Committee will consist of eight elected Councillors and membership will comprise of the chairs of budget-holding Council Committees – HRT, LTOS and Staffing, the Mayor & Deputy Mayor and other members up to a maximum of 8. At its first meeting it will elect a Chair to preside at its future meetings and will also elect a Vice Chair if it wishes – to be re-elected each year, after the Annual Parish Council meeting. A quorum at the Committees meetings will consist of **four elected members**.
- There will be no non-Council members on the committee.
- The Committee shall be able to constitute working groups to study any aspect of the Committee's sphere of activity.

### **Record of Proceedings**

- The committee will meet four times a year. Additional meetings can be convened to deal with special events as they occur.
- Written minutes will be taken to record the Committee's decisions and will be circulated to all Councillors, with recommendations for the next Full Council meeting. The minutes will be published on the Council website. The Town Clerk will be responsible for arranging the recording and distribution of the minutes.

**Responsibilities: Primary Purpose: to manage the Council's financial resources in compliance with the Council's Financial Regulations and Standing Orders and to debate and recommend strategy and action on policy and operational matters concerned with the Council's finances, property, resources and land.**

The Finance Committee will have full **delegated authority** in respect of:

1. The carrying out of works to ensure that adequate financial controls are in place to utilise and protect the Council's finances and assets and to have charge over the financial and accounting arrangements of the Council. This will include the insurance of buildings and property and maintenance of an asset register to all Town Council property. It should ensure that the Council's registered title is held at the Land registry.
2. Any decision on the virement of funds between any Council budgets – any request for virement from committees will be sent as recommendations to F & GP.
3. Monitoring and effecting compliance with laid down internal and external audit and other financial procedures, regulations, and statutes. However, they **will make recommendations** in respect of any audit report.
4. Reviewing Council fees and charges, in partnership with other relevant committees on a regular annual basis.
5. Monitoring the Council's financial risk assessments and make changes where necessary.
6. Establishing a clear policy for grant aid administration and to approve grants awarded each year.
7. Approving the use of the Town Crest by any other organisation.

8. Deciding on publicity matters, not already delegated to the Town Clerk, which relate to the Town Council newsletter, website, publicity, and press releases.
9. Exercising the Town Council's powers to direct as to the custody of parish property and documents, in accordance with the provisions of the Local Government Act 1972 s. 226,
10. Negotiating all tenders and the acceptance of tenders and supervision of contracted projects (provided expenditure is within the budgetary provision),
11. Council leases including drafting and negotiating terms.
12. The renewal of leasing/licensing agreements.
13. Regarding the future provision of civic regalia.
14. All aspects of Health and Safety that fall within the remit of the committee.

**To make recommendations to Full Council in respect of: -**

1. The preparation of budgets, recommendation of precepts and budgets.
2. Amendments to the Council's Financial Regulations regularly and to ensure that the Council is observing the Regulations.
3. The provision for future capital projects and the use of Council reserves.
4. The securing and security of all Town Council property and land.
5. Regarding the prosecution or defence of any legal proceedings.
6. The use of powers to acquire by agreement, or to dispose of land in accordance with the provisions of the Local Government Act 1972 s.139.
7. The use of its powers to accept gifts, including land, in accordance with the provisions of the Local Government Act 1972 s. 139.
8. Consideration of requests to exercise Local Government Pension Scheme (LGPS) discretions, as outlined in the Council's Employer Discretions Policy.

## **Terms of reference for the Staffing Committee**

### **Membership**

- All members of the Committee will be elected Councillors.
- The Committee will consist of five elected Councillors.
- At its first meeting it will elect a Chairman to preside at its future meetings and will also elect a Vice Chairman if it wishes – to be re-elected each year at the first meeting after the Annual Town Council meeting.
- A quorum at the Committees meetings will consist of **three elected members.**
- The Committee shall be able to constitute Panel to address Grievance and Disciplinary Hearings (Appendix 1)

### **Record of Proceedings**

- The committee will meet quarterly – June, September, December & March
- Additional meetings will be convened to deal with urgent matters as they occur
- Written minutes will be taken to record the Committee’s decisions and will be circulated to all Councillors with recommendations for the next Full Council meeting apart from matters where the Committee has delegated powers. The Town Clerk will be responsible for arranging the recording and distribution of the minutes.

### **Responsibilities**

**Primary Purpose: to ensure the council complies with the requirements of employment law and follows best practice in providing good working conditions for staff, including health and safety.**

**The Committee has full delegated powers in respect of**

1. Administering the Council’s Grievance and disciplinary procedures and taking the appropriate action in accordance with Council policies.
2. Ensuring that all staff have an annual appraisal
3. Ensuring that the Council is kept up to date with developments in employment law by employing specialist HR support
4. To ensure the Health and Safety needs of staff employed are met by providing appropriate working spaces, tools and equipment and training in partnership with the appropriate committee.
5. To undertake training identified from time to time to support their role

**And will make recommendations to Full Council/F&GP in respect of: -**

1. To consider and submit to F&GP Committee any estimates of staffing and training costs for the forthcoming year by November each year.
2. A bi-annual review of contracts, staffing policies and procedures
3. Issues relating to recruitment, retention and development of all staff
4. The determination of the pay and conditions of employment of the staff and to review and update these as necessary to comply with the law and with good practice

5. The review of the staffing levels necessary to efficiently discharge the work required by the council and to review the workloads periodically based on reports from the Town Clerk
6. To undertake reviews of working practices and procedures of the Council as a whole when so requested and to make recommendations to Full Council
7. Consideration of requests to exercise Local Government Pension Scheme (LGPS) discretions as outlined in the Council's Employer Discretions Policy.
8. To consider any issues referred to the committee by Full Council

# PADSTOW TOWN COUNCIL

## **Grievance and Disciplinary Hearing Panel**

Terms of reference for the Panel for consideration and inclusion in the Staffing Committee's Terms of Reference are as follows:-

- Panel to consist of three panel members of mixed gender, wherever possible (from within the Staffing Committee);
- Two members acting as substitute Sub-Committee members (from within the Staffing Committee); if necessary;
- Where possible, all members serving on the Grievance and Disciplinary Hearing Panel to have undertaken appropriate training and/or taken actively take advice from Council's HR advisors;
- The Grievance and Disciplinary Hearing Panel to be given delegated power to make a decision on Grievance and Disciplinary matters on behalf of the Town Council reporting the Panel's decision to the Staffing Committee for information;
- Panel to follow Council policy in respect of any Grievance or Disciplinary matter;
- If changes to any Council policy or practice are required as a result of their considerations, the Panel to recommend such changes to the Staffing Committee for them to consider who in turn will recommend any changes to Council.

## **Dealing with Appeals:**

Only the Full Council can elect an Appeal Hearing Panel as follows:-

- Three panel member of mixed gender, wherever possible (who are not members of the Staffing Committee) with;
- Two additional members acting as substitute members, if necessary (who are not members of the Staffing Committee);
- Where possible, all members serving on the Appeal Hearing Panel to have undertaken appropriate training and/or taken actively take advice from Council's HR advisors;
- The Appeal Hearing Panel to be given delegated power to make a final decision on appeals matters on behalf of the Town Council reporting the Panel's final decision to the Staffing Committee for information.

## Staffing Scheme of Delegation

**Proper Officer:**

The Town Clerk is designated and authorised to act as the Proper Officer for the purpose of all relevant sections of the local Government Act 1972 and any other statute requiring the designation of a Proper Officer. The Responsible Financial Officer being the appropriate officer to act in financial matters of the Council.

**General Matters:** Members of staff have delegated powers as outlined below in addition to any delegations given for specific works/projects by Council or Committees with the appropriate delegated powers.

**Key:** TC – Town Clerk, RFO – Responsible Financial Officer,  
ATC/ARFO – Assistant Town Clerk/Assistant Responsible Financial Officer

	In the absence of the Town Clerk to exercise any functions delegated to the Town Clerk	ATC/ARFO and RFO
Staffing		
1	To engage temporary staff as and when required within budget	TC
2	To authorise overtime and staff expenses claims for all staff	RFO, TC
Finance		
1	To enter into contracts for the purchase and supply of goods and services, providing within budgets set in accordance with the Financial Regulations and relevant approval granted by Council	RFO, TC
2	To hire plant from contractors and engage specialist sub-contractors, providing within budgets set in accordance with the Financial Regulations and relevant approval granted by Council	RFO, TC
3	To sell or otherwise dispose of surplus materials, equipment and goods, salvage scrap and other waste providing not listed in asset register	TC, RFO
4	To use the repairs and maintenance budgets for the maintenance, replacement or repair of existing plant, vehicles or equipment.	RFO, TC

5	To incur urgent expenditure in respect of any H & S risk within the parish, until a meeting of the Council can be called and to designate officers to carry out emergency functions	TC
6	To operate the Councils banking arrangements	RFO and/or ATC/ARFO, set up payments, TC to authorise.
7	To pay salaries	RFO and/or ATC/ARFO, set up payments and TC to authorise
8	To collect all income due to the Council, including appropriate interest and costs	RFO and/or ATC/ARFO
9	To take any proceedings or other steps as necessary to enforce and recover any debt owing to the Council	RFO and/or ATC/ARFO
Legal		
1	Subject to prior consultation with the Mayor &/or other relevant Committee Chairs, to take all appropriate steps to secure the Council's legal position in cases of urgency with regard to its assets or in aid of its statutory functions.	TC, RFO
2	To make applications for all statutory consents necessitated by any approved Council proposal or development	TC
3	*To sign any document necessary to give effect to any decision of the Council on behalf of the Council	TC
Other		
1	To grant permissions for use of recreational open space in accordance with Council policy – if any and statutory requirements	TC
2	To issue free parking permits in accordance with council policy	TC
3	Subject to necessary approvals to erect or authorise street furniture, barriers signs etc	TC

4	To allocate burial spaces and issue deeds of exclusive rights and approve wording on memorials	TC
5	To alter the date or time of a Council or committee meeting following consultation with the appropriate Chair	TC
6	To decide arrangements for closure of the Council offices in the Christmas/New Year period subject to consultation with the Mayor	TC
7	Banners on railings – to agree to location of banners – HRT June 2012	TC

\*As per Council's Standing Orders legal deeds to be signed by 2 Councillors and witnessed by the Proper Officer