



PADSTOW TOWN COUNCIL

Scheme of Delegation and Committees' Terms of Reference

POLICY/PROTOCOL/PROCEDURE			
Version	V2.1 FINAL	Comments	
Approval Date	13 May 2025	Responsible Officer	Town Clerk
Committee	N/A	Approval by	Full Council
VERSION HISTORY			
Date	Version	Comments	
March 2025	Draft 2025	Draft 2025 agreed by FGP 18 Feb 2025 without change, minute ref FGP2024/25.	
25 March 2025	V1	Agreed and adopted by FC, to be operational from May 2025 (new Council).	
26 March 2025	V1.1	Town Clerk placed in template and minor typos (as agreed by FC), also included index.	
13 May 2025	V2 FINAL	Agreed and adopted by FC with some minor updates/amendments	
27 May 2025	V2.1 FINAL	Changes made to Planning and Highways Cttee ToR agreed by Council 24.2.26	
REVIEW RECORD			
Date Review initiated	Review undertaken by i.e. officer/ Cttee/ Council	Summary of any recommended updates/changes to be made	
February/March 2025	Town Clerk, Council officers, C & VC and Committee Chairs	Complete Committee structure review.	
May 2025	Town Clerk	New Council adoption with minor amendments.	

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Delegation to Committees

1

The following matters are delegated to Council Committees to make decisions on behalf of the Council. The delegated decision making by Committees must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget. Where they are delegated to Committee, so far as is legally permissible, they be deemed the acts and proceedings of the Council.

The Council may at any time, following resolution, revoke any delegated authority, without prejudice to execution action already taken. Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to Council. Similarly, where a committee has no delegated power to make a decision it makes a recommendation to Council.

The Council and each Committee is authorised to establish sub-committees and working groups, and to appoint advisors as and when necessary to assist in its work. The work of which to be decided upon at the time it is formed by means of a Minute detailing the terms of reference. To report back with recommendations to the Council or the Committee that formed it.

Written minutes will be taken to record the Committee's decisions. If the item is within delegated powers the minutes will record the decision as RESOLVED. If it is not within the delegated powers the minutes will show RECOMMENDED with the minutes taken to full Council for approval or adoption as appropriate, relevant Committee for consideration.

Padstow Town Council has established the following Committees with delegated responsibilities, their terms of reference detailing their delegations is attached, as well as the Staffing Scheme of Delegation:

Committee	Scope
Community and Facilities Committee	The Council has established this Committee to oversee all Council property/facilities whether owned, leased or managed and its community functions and activities.
Personnel and Staffing Committee	The Council has established this Committee whose primary purpose is 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. Overseeing the appraisal process and training programmes for both staff and Councillors.
Finance and General Purposes Committee	To oversee and monitor the Council's finances, ensuring adequate financial controls are in place to utilise and protect both Council finances and its assets, including insurance and lease matters in accordance with legislation, guidance and the Council's Financial Regulations and Standing Orders and compliance on regulatory matters such as FOI and Data Protection.
Planning and Highways Committee	To undertake the role of the Council as a statutory consultee, reviewing/commenting on planning applications as advised by the principal authority. Responding on any matters relating to heritage, highways, byways, footpaths and transport issues that affect the Parish. Responding to consultations on planning matters and be lead committee for the Parish's Neighbourhood Development Plan.

Community and Facilities Committee

Scope:	The Council has established this Committee to oversee all Council property/facilities whether owned, leased or managed and its community functions and activities.
Membership:	Seven elected Councillors
Quorum:	Four members
Meetings:	At least 6 meetings a year, to be scheduled on the first Tuesday bi-monthly at 7.00 pm. Additional meetings to be arranged as required.
Non-Members:	Any member of Council is able to attend and participate at the discretion of the Chair on items on the agenda but must be seated in the public area and must leave the room whenever the press and public are excluded.
Chair/Vice-Chair:	Council to appoint Committee Chair at the Annual Meeting of Council. First item of business at its first meeting after the Annual Town Council meeting to elect Vice-Chair , if Committee thought appropriate, although any elected Committee member can preside by agreement in the Chair's absence.
Sub-Committees/ Working Groups	Committee is able to constitute to study any aspect within the Committee's remit. Making recommendations to the parent Committee. Members of the public can be co-opted on to assist.

Delegated Functions:

Committee has **full delegated powers** to make decisions on behalf of the Council **provided that any expenditure is within the Committee budget and within the limits as detailed in the Council's Financial Regulations**, in the following matters:

1. Approval of its minutes as true and accurate records.
2. To manage its own work programme effectively, mindful of workload pressures.
3. Consideration of any recommendations of sub-committees/working groups under the Committee's control.
4. All matters relating to the maintenance, operation and activities within, of:

i.	All open spaces either owned or leased by Padstow Town Council which includes Stile Field, Wheal Jubilee Parc, Spritty Meadow, Plantation, The Green and Empty Purse (Trevone)
ii.	Play areas, including Multi-Use Games Area, skate park and Lawns U12's Play Park
iii.	Padstow Cemetery
iv.	St Petroc's Closed Churchyard
v.	War Memorials – Stile Field and Dennis Hill
vi.	Rope Walk Allotments
vii.	Railway and Lawns Car Parks
viii.	Public Conveniences Railway, Cory and North Quay
viiii.	Council buildings including Council Offices, Community Hub, Lawns Car Park buildings/garages
v.	Railway Car Park Red Phone Box
vi.	Any other property which shall be acquired from time to time.

5. All matters relating to and taking place in the public realm including:

i.	Public shelters and bus shelters
ii.	Public and Memorial seats
iii.	Litter/dog waste bins

iv.	Signage
v.	Noticeboards
vi.	Planters
vii.	Streetlights (Railway and Lawns Car Parks)
viii.	Flag poles – Station House and The Green (Trevone)

6. The maintenance, improvement and general upkeep of all Councils' properties/assets (detailed in 3 and 4 above) within the agreed budget and development of annual plans including tree management plans to support this.
7. To ensure that the Council has the appropriate equipment and vehicles to be able to administer 6 above.
8. To implement, monitor and manage Cornwall Council's Service Level Agreements within the remit of this Committee.
9. To ensure the effective planning and delivery of community events/initiatives.
10. To respond on behalf of the Council on any consultations within the remit of this Committee.
11. Acceptance of tenders and supervision of contracted projects within the remit of this Committee and provided within budget set by Council.
12. All aspects of Health and Safety that fall within the remit of Committee and within Council Policy to ensure compliance with the HASAW Act 1974 and other relevant legislation.
13. To apply for any grants, as appropriate.
14. To consider such matters as may be delegated by the Council from time-to-time.

Functions for Recommendation:

Committee to make **RECOMMENDATIONS** to **Full Council/Finance and General Purposes Committee** in the following matters:

For Council:

1. Any matter within the remit of the Committee which is not within the Committee's budget or within the limits as detailed in the Council's Financial Regulations .
2. Any matter falling within the remit of the Committee which involves the introduction of a new policy, changes to existing policy or not within any existing policy, future direction of strategy.
3. Any recommendations arising from joint working with other bodies or Council Committees.

For Finance and General Purposes Committee:

4. Consideration of annual estimates of income including level of fees and charges, expenditure on continuing services and capital expenditure for the forthcoming year to feed into the budget setting process.

Personnel and Staffing Committee

Scope:	The Council has established this Committee whose primary purpose is 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. Overseeing the appraisal process and training programmes for both staff and Councillors.
Membership:	Five elected Councillors
Quorum:	Three members
Meetings:	At least 5 meetings a year - June, September, November (budget), January (appraisals) & March at 7.00 pm. Additional meetings to be arranged as required.
Non-Members:	Any member of Council is able to attend and participate at the discretion of the Chair on items on the agenda but must be seated in the public area and must leave the room whenever the press and public are excluded.
Chair/Vice-Chair:	Council to appoint Committee Chair at the Annual Meeting of Council. First item of business at its first meeting after the Annual Town Council meeting to elect Vice-Chair , if Committee thought appropriate, although any elected Committee member can preside by agreement in the Chair's absence.
Standing Sub-Committee:	Grievance and Disciplinary Hearing Panel (Appendix 1). Has delegated power to make decisions on Grievance and Disciplinary matters on behalf of the Town Council reporting the Panel's decision to the Staffing Committee for information.
Sub-Committees/ Working Groups	Committee is able to constitute to study any aspect within the Committee's remit. Making recommendations to the parent Committee. Members of the public can be co-opted on to assist.

Delegated Functions:

Committee has **full delegated powers** to make decisions on behalf of the Council **provided that any expenditure is within the Committee budget and within the limits as detailed in the Council's Financial Regulations**, in the following matters:

1. Approval of its minutes as true and accurate records.
2. To manage its own work programme effectively, mindful of workload pressures.
3. To ensure the Council has best advice and kept up to date with developments in employment law by employing specialist HR support.
4. To oversee the staff appraisal process.
5. To oversee the management of the Town Clerk to include undertaking the annual appraisal by a member of the Staffing Committee (usually the Chair, unless the Chair of the Council) in consultation with the Chair of the Council.
6. To promote mutual trust, respect and courtesy for staff and councillors.
7. To keep under review staff work/life balance, working conditions, health and safety and wellbeing, including monitoring of absence and annual review of staff and Committee workloads.
8. To have oversight of matters relating to health and safety, liaising as appropriate with other Committees, to ensure the co-ordination of an effective culture of health and safety throughout the Council to ensure compliance with the HASAW Act 1974 and other relevant legislation.

9. To receive regular reports on health and safety matters which should include claims, accidents, incidents and insurance issues, along with reports on the annual health and safety review, liaising as appropriate with other Committees.
10. To administer the Council's Grievance and disciplinary procedures and taking the appropriate action in accordance with Council policies, including seeking any professional assistance to assist and resolve.
11. To oversee staff and councillor training programmes to include regular updates on training undertaken and training requirements.
12. To oversee the staff and councillor induction process.
13. To oversee the recruitment and selection process for all staff and where required, assist the Town Clerk in the recruitment of new staff.
14. To undertake the recruitment and selection process of the Town Clerk including making the appointment with any associated costs.
15. To consider such matters as may be delegated by the Council from time-to-time.

Functions for Recommendation:

Committee to make **RECOMMENDATIONS** to **Full Council/Finance and General Purposes Committee** in the following matters:

For Council:

1. Any matter within the remit of the Committee which is not within the Committee's budget or within the limits as detailed in the Council's Financial Regulations.
2. Any matter falling within the remit of the Committee which involves the introduction of a new policy, changes to existing policy or not within any existing policy, future direction of strategy.
3. Any matter relating to staff contracts of employment and their terms and conditions which require review to comply with the law and with good practice.
4. Any matter relating to staffing levels and pay and grading structures following review and to comply with the law and with good practice.
5. Any matter relating to recruitment, retention and development of all staff.
6. Any recommendations arising from joint working with other bodies or Council Committees.
7. Consideration of requests to exercise Local Government Pension Scheme (LGPS) discretions as outlined in the Council's Employer Discretions Policy.

For Finance and General Purposes Committee:

8. Consideration of staffing and training costs for the forthcoming year to feed into the budget setting process.

Committee: Personnel and Staffing Committee

Standing Sub-Committee:

Grievance and Disciplinary Hearing Panel

Panel terms of reference for consideration and inclusion in the Personnel and 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.

Finance and General Purposes Committee

Scope:	To oversee and monitor the Council's finances, ensuring adequate financial controls are in place to utilise and protect both Council finances and its assets, including insurance and lease matters in accordance with legislation, guidance and the Council's Financial Regulations and Standing Orders and compliance on regulatory matters such as FOI and Data Protection.
Membership:	Eight elected Councillors (to include Chair, Vice-Chair, Cttee Chairs (except Planning and Highways Cttee).
Quorum:	Four members
Meetings:	At least 6 meetings a year – April (grants), June, July, September, November (budget) and February at 7 pm. Additional meetings to be arranged as required.
Non-Members:	Any member of Council is able to attend and participate at the discretion of the Chair on items on the agenda but must be seated in the public area and must leave the room whenever the press and public are excluded.
Chair/Vice-Chair:	Council to appoint Committee Chair at the Annual Meeting of Council. First item of business at its first meeting after the Annual Town Council meeting to elect Vice-Chair , if Committee thought appropriate, although any elected Committee member can preside by agreement in the Chair's absence.
Sub-Committees/ Working Groups	Committee is able to constitute to study any aspect within the Committee's remit. Making recommendations to the parent Committee. There will be <u>no</u> non-Council members.

Delegated Functions:

Committee has **full delegated powers** to make decisions on behalf of the Council **provided that any expenditure is within the Committee budget and within the limits as detailed in the Council's Financial Regulations**, in the following matters:

1. Approval of its minutes as true and accurate records.
2. To manage its own work programme effectively, mindful of workload pressures.
3. 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.
4. To ensure the preservation of probity and good financial and other practices within the Council, including accountability for debt monitoring and recovery.
5. To ensure appropriate insurances are in place.
6. To maintain an asset register on all Town Council property liaising with other Committees, as appropriate.
7. To ensure that the Council's registered title is held at the Land registry liaising with other Committees, as appropriate.
8. To undertake budget monitoring and taking action where required on the virement (transfer) of funds between any Council budgets.
9. To ensure that an adequate and effective system of internal controls are in place to secure the integrity of Council finances. To ensure that both internal and external audits are undertaken and to monitor the implementation of any recommendations therein.
10. To ensure that all matters under the remit of this Committee are in accordance with legislation, statutes and the Council's Financial Regulations and Standing Orders.

11. To review Council fees and charges, liaising with relevant committees on an annual basis.
12. To monitor and review the Council's Risk Management Policy Statement and Risk Management Scheme.
13. To manage and review the Council's annual Community Grant scheme.
14. To decide on matters related to the Council's corporate identity to include branding, logo/crest, website and publicity matters, not already delegated to the Town Clerk.
15. To manage the Council properties in terms of tenancies and rent reviews.
16. To negotiate any changes to existing lease/licence arrangements and negotiate terms for all new lease/licence arrangements, whether acting as tenant or landlord.
17. 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.
18. To decide on matters regarding the future provision of civic regalia.
19. All aspects of Health and Safety that fall within the remit of the committee and liaising with other Committee to ensure appropriate budgets in place in this regard.
20. To manage the Council's IT and telephony provision.
21. To ensure Council is compliant in terms of FOI and Data Protection.
22. To have an overview of the Council's complaints policy and procedure.
23. To consider such matters as may be delegated by the Council from time-to-time.

Functions for Recommendation:

Committee to make **RECOMMENDATIONS** to **Full Council** in the following matters:

1. Any matter within the remit of the Committee which is not within the Committee's budget or within the limits as detailed in the Council's Financial Regulations.
2. Any matter falling within the remit of the Committee which involves the introduction of a new policy, changes to existing policy or not within any existing policy, future direction of strategy.
3. Any recommendations arising from joint working with other bodies or Council Committees.
4. The Council's annual budget following review and consultation with other Committees in its preparation. Council to also consider member allowances and precept.
5. Amendments to the Council's Financial Regulations and Council Standing Orders following regular review to ensure that the Council is observing the Regulations.
6. The Council's Annual Business Plan following review during the budget setting process.
7. The provision for future capital projects and the use of Council reserves.
8. The securing and security of all Town Council property and land.
9. Considerations arising from monitoring the implementation of recommendations within internal or external audit reports.
10. Regarding the prosecution or defence of any legal proceedings.
11. 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.
12. The use of its powers to accept gifts, including land, in accordance with the provisions of the Local Government Act 1972 s. 139.
13. Consideration of requests to exercise Local Government Pension Scheme (LGPS) discretions, as outlined in the Council's Employer Discretions Policy.

Planning and Highways Committee

Scope:	To undertake the role of the Council as a statutory consultee, reviewing/commenting on planning applications as advised by the principal authority. Responding on any matters relating to heritage, highways, byways, footpaths and transport issues that affect the Parish. Responding to consultations on planning matters and be lead committee for the Parish's Neighbourhood Development Plan.
Membership:	Six elected Councillors
Quorum:	Three members.
Meetings:	The Committee will meet on the 2 nd Tuesday of each month at 7pm. Additional meetings to be arranged as required.
Non-Members:	Any member of Council is able to attend and participate at the discretion of the Chair on items on the agenda but must be seated in the public area and must leave the room whenever the press and public are excluded.
Chair/Vice-Chair:	Council to appoint Committee Chair at the Annual Meeting of Council. First item of business at its first meeting after the Annual Town Council meeting to elect Vice-Chair , if Committee thought appropriate, although any elected Committee member can preside by agreement in the Chair's absence.
Sub-Committees/ Working Groups	Committee is able to constitute to study any aspect within the Committee's remit. Making recommendations to the parent Committee. Members of the public can be co-opted on to assist.

Delegated Functions:

Committee has **full delegated powers** to make decisions on behalf of the Council **provided that any expenditure is within the Committee budget and within the limits as detailed in the Council's Financial Regulations**, in the following matters:

Responsibilities

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

1. Approval of its minutes as true and accurate records.
2. To manage its own work programme effectively, mindful of workload pressures.
3. 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.
4. Responding to consultation documents regarding tree preservation and other matters regarding general land development (local and national policy).
5. 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.
6. 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.
7. The appointment of a member of the committee to represent the Council at Cornwall Council planning meetings as appropriate.
8. Consultation with other relevant bodies with similar interests including other Town Council committees and sub-committees and consideration of their recommendations.

9. To respond to any matters relating to heritage, highways, byways, footpaths and transport issues that affect the Parish i.e. Traffic Regulations Orders, public transport network and parking enforcement issues, liaising with other Committees as appropriate.
10. To respond on behalf of the Council on any consultations within the remit of the Committee
11. To be Lead Committee to oversee and review the Parish's Neighbourhood Development Plan.
12. To consider such matters as may be delegated by the Council from time-to-time.

Functions for Recommendation:

Committee to make **RECOMMENDATIONS** to **Full Council** in the following matters:

1. Any matter within the remit of the Committee which is not within the Committee's budget or within the limits as detailed in the Council's Financial Regulations.
2. Any matter falling within the remit of the Committee which involves the introduction of a new policy, changes to existing policy or not within any existing policy, future direction of strategy.
3. Any recommendations arising from joint working with other bodies or Council Committees.

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 authorise.
7	To pay salaries	RFO and/or ATC/ARFO set up payments and TC 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. <i>*As per Council's Standing Orders legal deeds to be signed by 2 Councillors and witnessed by the Proper Officer.</i>	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 (former Highways, Roads and Transport Committee June 2012)	TC
8	Subject to prior consultation with the Mayor/Chair or, in his/her absence, the Deputy Major/Chair to take appropriate actions arising from urgent matters or emergencies. Any action to be reported and ratified at the next available Council meeting. NB: This authority may not be used to decide on the following: i) anything contrary to Council policy, ii) issuing a precept, iii) determining borrowing limits, iv) approving a lottery scheme; and iv) considering an auditor's report.	TC