Agenda No

17

Shrewsbury Town Council

Scheme of Delegation to Officers of the Council June 2019

This Scheme of Delegation sets out how the Council delegates some of its powers and duties to Officers of the Council. These delegations are necessary for the effective day to day running of the Council and to prevent every decision having to come to a Council meeting for agreement. This Scheme of Delegation will be reviewed by Council annually alongside the review of Standing Orders and Financial Regulations.

This scheme does not delegate to Officers any matter that is reserved by law to the Council or may not be delegated to an Officer.

The Town Clerk may delegate any powers and duties to other Officers within the Council. A delegation to a subordinate Officer shall not prevent the Town Clerk from exercising the same power or duty at the same time

The Town Clerk shall exercise these powers in accordance with:

- approved budgets
- Council's Standing Orders & Financial Regulations
- Council's Policies
- All statutory common law and contractual requirements

The Scheme places an obligation on Officers to keep Members of the Council properly informed of any action arising under these delegations and to record decisions.

General Matters		
G1	To exercise any statute, regulation of order which confers functions or duties of the Proper Officer	Town Clerk
G2	To sign, or where appropriate, have sealed on behalf of the Town Council any Orders, Deeds or Documents necessary to give effect to any of the matters contained in reports or in any resolution passed by the Town Council	Town Clerk
G3	To Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation to the Council	Head of Resources
G4	To institute and appear in legal proceedings authorised by the council	Town Clerk
G5	To appear of make representations to any tribunal or public Inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Shrewsbury)	Town Clerk
G6	To alter the date or time of a Council, Committee, Working Group meeting but, before doing so shall consult the Mayor, Group Leaders or Committee Chairmen	Town Clerk
G7	To decide arrangements for the closure of the council Offices in the Christmas/New Year period, subject to consultation with the Mayor/Leader	Town Clerk
G8	To deal with the day to day matters relating to the use and hiring of Council Buildings	Office Manager
G9	To negotiate and enter into contractual arrangements for artistes/promoters in relation to events held in Shrewsbury organised by the Town Council	Outdoor Recreation & Assets Manager
G10	To act as the Council's Designated Officer for the purposes of the Freedom of Information Act 2000	Deputy Town Clerk
G11	To apply for planning consent for the carrying out of development by the Town Council.	Deputy Town Clerk
G12	To respond to consultations on planning applications and licensing applications subject to the comments of the Planning Committee	Deputy Town Clerk
G13	To authorise directed surveillance or the use of a human intelligence source under the Regulation of Investigatory Powers Act 2000	Office Manager Projects Manager
G14	To respond to complaints made under the Council's complaints procedure and to make such ex-gratia payments in settlement of such complaints as are considered justified, subject to ratification by the Finance & General Purpose Committee	Town Clerk
G15	To manage, monitor and review the Council's internal control procedures	Head of Resources
G16	To manage, monitor and review the Council's Corporate Risk Management Strategy	Town Clerk
G17	To receive the nomination of the relevant Group Leader to fill vacancies arising on anybody to which political balance rules apply	Town Clerk
G18	To arrange all civic ceremonies and ancillary events in consultation with the Mayor	Town Clerk
G19	To grant dispensations to the Councillors in relation to the declarations of interest	Town Clerk
G20	To maintain the Freedom Roll of Shrewsbury in accordance with s248 &249 Local Government Act 1972 and install new Freemen	Town Clerk
G21	To maintain the Council's Standing Orders	Town Clerk

Financial Matters		
F1	To be the Responsible Financial Officer for the purposes of s151 Local Government Act 1972	Head of Resources
F2	To determine the financial management and accounting procedures and form and extent of financial records	Head of resources
F3	To operate the Council's banking arrangements	Head of Resources
F4	To pay all accounts properly incurred	Head of Resources
F5	To pay all subscriptions to organisations to which Council belongs.	Head of Resources
F6	To pay salaries and allowances	Head of Resources
F7	To act as the Council's Scheme Administrator for the Shropshire Council Pension Fund	Head of Resources
F8	To collect all income due to the Council including appropriate interest and costs	Head of Resources
F9	To make all necessary arrangements for the provision of internal and external audit service for the Council	Head of Resources
F10	To submit appeals against valuations of Council property	Head of Resources
F11	To negotiate settlements in connection with claims made by and against the Council in consultation with the Council's Insurers where appropriate.	Head of Resources
F12	To incur expenditure on revenue items with the approved estimates and budgets	Head of Resources
F13	To incur expenditure on capital schemes within the Council's approved Capital Programme	Head of Resources
F14	To use the Repairs & Maintenance Budgets for the maintenance, replacement or repair of existing buildings, plant, vehicles or equipment	Head of Operations Deputy Town Clerk
F15	To enter into leasing and/or contract hire agreements for the acquisition of vehicles, machinery and equipment on such items as are considered appropriate	Head of Operations
F16	To accept quotations or tenders for work, supplies or services (where tenders are required by the Council's Financial Regulations) subject to: • The cost not exceeding the approved budget • The tender being the most economically advantageous to the Council according to the criteria set out in the tender documentation • All the requirements of the Council's Financial Regulations being complied with	Head of Resources
F17	To carry out virements of sums between cost centres in accordance with the Council's Financial Regulations	Head of Resources
F18	To exercise the powers of the Council to borrow and invest	Head of Resources
F19	To manage investments and raise and replay loans as appropriate and obtain such other sources of credit as are required in accordance with the Financial Regulations.	Head of Resources
F20	To authorise action for the recovery of debts	Head of Resources

F21	To write-off debts up to £1000 where the sum is considered irrecoverable.	Head of Resources
F22	To maintain a Register of Assets and Inventory of Equipment	Head of Resources
F23	To determine the Council's insurance requirements on behalf of the Council	Head of Resources
F24	To make all necessary arrangements for the Council's insurances.	Head of Resources
F25	To enter into contracts for the purchase and supply of goods and services for the use in their respective services within estimates	Head of Resources
F26	To prepare a draft budget for consideration by the Council	Head of Resources
F27	To prepare the final accounts for each financial year	Head of Resources
F28	To pay full compensation for loss where the Council is likely to be legally liable to pay compensation is sued	Town Clerk
F29	To pay any proved out of pocket expenses of complaints where complaint is upheld	Town Clerk
F30	To provide banking facilities for the Mayor's Charity Fund and to pay the Mayor's Annual Allowance as may be determined from time to time.	Head of Resources
F31	To maintain the Council's Financial Regulations	Head of Resources
F32	To determine any Councillor Grant applications up to the outstanding balance of that Councillor's fund, providing the application form has been signed off by the relevant Councillor.	Head of Resources

Staffing Matters		
S1	To exercise the functions of the Council's Head of Paid Service under S4 Local Government & Housing Act 1989	Town Clerk
S2	To manage the Council staff in accordance with the Council's Policies, Procedures and Budget	Town Clerk
S3	To appoint posts including apprentices	Head of Operations Deputy Town Clerk
S4	To appoint temporary employees as and when required within the budget estimates	Head of Operations
S5	To prepare job description and person specifications, placing of advertisements and short-listing	Deputy Town Clerk
S6	To approve individual salary grading within any job evaluation grading structure approved by Council	Town Clerk
S7	To manage staff performance	Deputy Town Clerk
S8	To control discipline and performance, including power of suspension and dismissal	Deputy Town Clerk
S9	To exercise Disciplinary & Grievance Procedures in accordance with the Council's Procedures	Deputy Town Clerk
S10	To determine approved duties for payment of travel, subsistence, relocation expenses, telephone and car allowances to Officers where they represent the Council	Head of Resources
S11	To determine approved duties for the payment of travel & subsistence allowance to Members where they represent the Council	Head of Resources
S12	To approve/refuse applications for re-grading, remove any bars in salary scales and to authorise salary increments and accelerated increments.	Town Clerk
S13	To grant long service awards; the awards of increments within salary grades and of honoraria in accordance with the criteria if the relevant conditions of service.	Town Clerk
S14	To approve the payment of overtime	Head of Operations
S15	To agree minor variations to the conditions of employment	Deputy Town Clerk
S16	To implement and monitor arrangements for annual leave, flexi-time, sickness absence, maternity and paternity leave in accordance with the Council's Policies	Office Manager
S17	To authorise training in line with Council's Policies	Head of Operations
S18	To authorise the provision of uniforms & PPE	Operational Logistics Manager
S20	To approve the payment of claims from employees for compensation for loss or damage to personal property	Head of Resources
S21	To negotiate and agree settlements on behalf of the Council in relation to any proceedings in the Employment Tribunal	Town Clerk
S22	To agree to premature retirement on the grounds of duly certified ill health	Town Clerk
S23	To terminate employment during probation and to review salary on completion of probationary periods.	Head of Operations

		Deputy Town Clerk
S24	To commission legal and professional advice on staffing matters	Town Clerk
S25	To represent the Council at any conference, meeting or inquiry to which the Council is invited unless the Council has indicated otherwise and to exercise any voting rights conferred by the corporate membership of any body	Town Clerk
S26	To offer training to Councillors	Town Clerk
S27	To exercise any functions delegated to the Town Clerk in his/her absence	Deputy Town Clerk

Property Matters		
P1	To manage land and property of the Council (excluding residential & commercial)	Head of Operations Deputy Town Clerk
P2	To agree the terms of any lease, licence, conveyance or transfer	Head of Resources
P3	To sell surplus materials, vehicles, plant, equipment and goods, salvage scrap and other waste	Projects Manager
P4	To grant/refuse the Council's consent under the terms of any lease	Head of Resources
P5	To vary restrictive covenants of a routine nature	Head of Operations
P6	To grant easements, wayleaves and licence over Council land	Town Clerk
P7	To refuse applications to purchase open space land from the Council, in consultation with the relevant Ward Councillor and Committee Chairman	Town Clerk
P8	To initiate legal action or proceedings against unauthorised encampments or encroachments on Council land	Town Clerk
P9	To direct the custody of Council property and documents in accordance with s226 Local Government Act 1972	Town Clerk
P10	To exercise responsibility for the safe custody and maintenance of the Civic Regalia and permit the display of the Council's plate and regalia on such occasions	Town Clerk
P11	To place architectural, quantity surveying, civil engineering and other similar specialist work with outside agencies within the appropriate fee scale and the Council's relevant estimates, standing orders and financial regulations	Head of Operations Head of Resources Deputy Town Clerk
P12	To appoint the Principal Contractor and Planning Supervisors for the purposes of the Construction (Design and Management) Regulations.	Projects Manager
P13	To requisition off site services in respect of any construction contract approved by the Council for which he acts as Architect or Contract Administrator	Projects Manager
P14	To make applications for all statutory consents necessitated by any approved Council proposal or development	Head of Operations
P15	To engage valuers or selling agents on behalf of the Council	Head of Resources
P16	To let and manage commercial premises under the control of the Council, including the review of rents	Head of Resources
P17	To exercise powers under the Public Health Acts with regards to the adoption of footway lighting	Head of Operations
P18	To erect/authorise street furniture, barriers, bus stops, signs etc subject to the necessary approvals	Projects Manager

Emergency Matters		
E1	To act on behalf of the Council in cases of urgency/emergency	Town Clerk
E2	To incur urgent expenditure in respect of any disaster within the Council's area until a meeting of eth Council can be called, and to designate officers to carry out emergency functions.	Town Clerk
E3	To implement the Council's Emergency and Business Continuity Plans and to incur any necessary expenditure in accordance with the Council's Standing Orders and Financial Regulations	Town Clerk

Procedural Matters		
M1	To authorise officers to exercise statutory powers of entry and inspection for the purpose of any function under their control.	Town Clerk
M2	To serve requests for information as to ownership, occupation and other interests in land for the purposes of any function under their control	Town Clerk
M3	To appoint consultants and other professionals to carry out any function and provide any service under their control, subject to the Council's Standing Orders and Financial Regulations	Town Clerk

Health & Safety Matters		
H1	To oversee the discharge of the Council's responsibilities under the Health & Safety at Work Act 1974	Town Clerk

Legal Matters		
L1	To take and discontinue legal proceedings in any court or at any tribunal	Town Clerk
L2	To take Counsel's advice or instruct Counsel to represent the Council	Town Clerk
L3	To seek injunctions and commence proceedings for the purposes of: • Enforcement in accordance with the Council's Policies • Recovering Money due to the Council • Recovering or otherwise preserving possession of the Council's land or property • Defending the interests of the Council • Appealing against a decision affecting the interests of the Council and responding to appeals against action taken by the Council	Town Clerk
L4	To represent the Council at Court or any tribunal or to make arrangements for appropriate representation	Town Clerk
L5	To negotiate and settle the terms of documents to give effect to a decision of the Council or any of the Committees or any officer acting under delegated powers	Town Clerk
L6	To apply the affixing of the Common Seal of the Council to documents in accordance with Standing Orders	Town Clerk
L7	To be the responsible officer for the co-ordination and operation of the legal requirements under the Data Protection Act and the Freedom of Information Act	Town Clerk
L8	To serve requisitions for information	Town Clerk
L9	To authorise any member of staff to swear affidavits as to matter within their knowledge in any court proceedings involving the Council	Town Clerk
L10	To authorise any member of staff to appear on behalf of the Council before a Magistrate's Court	Town Clerk

Leisure & Recreation		
R1	To grant permissions for the use of recreational open space in accordance with Council Policy and statutory requirements	Outdoor Recreation & Assets Manager
R2	To grant the use of the Quarry for the Annual Flower Show and other events in accordance with Council Policy and to close the Quarry and such other open spaces as deemed necessary for the period of the events	Outdoor Recreation & Assets Manager
R3	To authorise free use of Council facilities to persons entertaining parties from towns twinned with Shrewsbury or organisations holding Freedoms of the town	Outdoor Recreation & Assets Manager
R4	To organise sporting, recreational, cultural events and entertainments in accordance with approved budget provision and the Council's Financial Regulations	Outdoor Recreation & Assets Manager
R5	To exercise control and management of facilities, including control of access, security, sale of unclaimed lost property, lettings, hire of facilities, negotiation of charges not otherwise fixed by Council	Outdoor Recreation & Assets Manager
R6	To undertake the role of Designated Premises Supervisor in relation to Licensed activities within Council premises.	Outdoor Recreation & Assets Manager
R7	To liaise with the Safety Advisory Group and carry out any necessary actions arising from recommendations from that body.	Outdoor Recreation & Assets Manager
R8	To let and manage pitches for ice-cream sales	Outdoor Recreation & Assets Manager