



Scheme of Delegation

(Revised May 2018)

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (the Town Clerk) and Standing Committees to act with delegated authority in the specific circumstances detailed. It will be reviewed annually at the Annual Town Council Meeting.

Proper Officer and Responsible Financial Officer

Duties and Powers

1) Responsible Financial Officer

The Responsible Finance Officer to the Council 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

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

- Receive declarations of acceptance of office
- Receive and record notices disclosing interests
- Receive and retain plans and documents
- Sign Notices or other documents on behalf of the Council
- Receive copies of bylaws made by a principal local authority
- Certify copies of bylaws made by the Council
- Draw up agendas usually after consultation with the relevant Committee Chairman
- Sign summons to attend ordinary meetings of the Council

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

- Day to day administration of services, together with routine inspection and control
- Day to day supervision and control of all staff employed by the Council
- Authorisation to respond to any correspondence, requiring or requesting information or relating to previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its Committees

- Authorisation of routine recurring expenditure within the agreed budget
- Authorisation of expenditure on works up to a maximum of £2,500 within the agreed budget
- Authorisation of emergency expenditure up to £2,500 outside of an agreed budget.
- The Clerk may, in conjunction with the Chairman of the Council or Chairman of the Strategy and Resources committee, authorise emergency expenditure up to an additional £10,000

Delegated actions of the Clerk to the Council shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and in line with directions given by the Council from time to time and use of the Clerk's delegated powers shall be reported verbally to the next meeting of the full Council.

Council and its Committees

Duties and Powers

1) Council

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

- Setting the Precept
- Borrowing money
- Approval of the Council's Annual Accounts and the Annual Return
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
- Making, amending or revoking bylaws
- Making of orders under any statutory powers
- Approving and adopting the Council's Long Term strategy
- The appointment of the Town Clerk and Deputy Town Clerk taking into account the advice of the Human Resources Sub-Committee
- Appointment of all Standing Committees
- Matters of principle or policy
- Noting all the minutes approved by Committees
- Approval of application for the Local Council Award Scheme
- Nomination and appointment of representatives of the Council to any other authority, organisation or body
- Any proposed undertakings committing expenditure above £10,000
- Responses to legislative and other allied consultations excluding those dealt with by the Planning Committee
- Prosecution or defence in a Court of Law other than an Employment Tribunal
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to a Committee
- Decisions to adopt the General Power of Competence

2) Position of Leader of the Council

a) The Council will appoint a Leader of the Council who will normally hold the position of Chairman of the Strategy and Resources Committee.

b) Since no individual member may act alone in an executive capacity, the Clerk is delegated and directed to work with the Leader to undertake overall management of the business of the council. This includes:

- Day to day decisions on the implementation of Council Policy
- Overseeing work to implement Council Strategy
- Managing Urgent Business
- Liaising with political groups to propose a consensus on Council priorities.

3) Urgent Matters

a) In the event of any matter arising which requires an urgent decision, the Clerk to the Council shall forthwith consult with the Leader and Mayor and other relevant Committee Chairmen and/or Vice Chairmen before acting on behalf of the Council.

b) Before the Clerk exercises the delegated powers granted by the above paragraph, those Members consulted shall consider whether the matter justifies summoning an Extra-ordinary Meeting of the Council or appropriate Committee or Sub-Committee.

c) Whenever any action is taken in this way, full details of the circumstances justifying urgent action shall be submitted in writing to the next available meeting of the Committee concerned and/or Council.

4) Committees and Sub Committees

a) **The Strategy and Resources Committee** shall consider and determine the following matters:

- Consideration of the Council's budget and finance requirements
- Entering into any undertakings committing expenditure below £10,000 and which is included within the agreed budget
- Matters of Council administration and policy
- Budgetary control.
- Overseeing working relationship with Birmingham City Council including the development of joint working arrangements / charter / local devolution deal
- Town Centre Regeneration
- Jointly with the Highways and Planning Committee oversee Strategic Transport Issues
- Jointly with the Highways and Planning Committee oversee the Langley / Peddimore SUEs'
- Strategic and investment issues relating to Sutton Park
- Sustainable solutions for key community assets
- The maintenance of a Fixed Asset Register and negotiation of leases.
- Staff Establishment where it will act upon the recommendations of the Human Resources Sub-Committee
- Review and set charges for Council facilities and events

- The administration of any charities that fall within the Town Council's jurisdiction

b) **The Planning and Highways Committee** shall consider and determine the following matters:

- Recommend to Strategy and Resources Committee's budget for each financial year
- Entering into any undertakings committing expenditure below £10,000 and which is included within the agreed budget
 - to comment on all planning applications and to meet residents, developers or planning officers to assist with the formulation of these comments
 - respond to all consultations and contribute to the formulation of local planning policies through the development plan, supplementary planning documents and neighbourhood plans
 - Jointly with the Strategy and Resources Committee oversee Strategic Transport Issues
 - Jointly with the Strategy and Resources Committee oversee the Langley / Peddimore SUEs'
 - to comment to other authorities on public transport, highways, footways, parking and regeneration issues
 - Licensing matters
 - The Committee may refer specific matters to the Council for a final decision if it so wishes

c) The **Amenities, Leisure and Community Services Committee** shall in consider and determine the following matters:

- Recommend to Strategy and Resources the Committee's budget for each financial year
- Entering into an undertakings committing expenditure below £10,000 and which is included within the agreed budget
- The maintenance, improvement of Local Environmental Quality in Sutton Coldfield
- To respond to all consultations and contribute as appropriate to the preparation of local community plans
- Receive all applications for grant made under the Devolved Grants budget, ensure that such applications meet the agreed criteria and sign off the applications for payment
- Consider all applications for grant made under the Central Grants budget against the agreed criteria and make recommendations to Council on whether such grants should be agreed or refused
- Promote Health and Wellbeing and the implementation of the Council's social inclusion policy
- Oversee the development and improvement of play areas

- Oversee the development of festive lights, florals and the Council's entry in Bloom
- To be responsible for Health & Safety, Disability Discrimination Act and to comply with all legislation in terms of public safety
- The Committee may refer specific matters to the Council for a final decision if it so wishes.

5) Sub-Committees

A Standing Committee may, if it believes it would be appropriate, appoint a Sub-Committee. Any powers to be delegated to such a Sub-Committee may be detailed at the time the Sub-Committee is formed by means of a Minute detailing the Terms of Reference but such delegated powers must be approved by the Council. Single Issue or Time Bound Committees may not appoint sub-committees without a specific authorisation from the Council.

Human Resources Sub-Committee will report to Strategy and Resources Committee. Its membership shall be decided by Strategy and Resources Committee and it will meet as necessary. It shall consider and determine the following matters:

- Recruitment of staff and consultants
- Staff terms and conditions including salaries
- Discipline and grievance procedures

6) Working Groups/Advisory Committees

Working Groups/Advisory Committees may be formed by resolution of the Council or a Committee at any time. The work of such a Working Group/Advisory Committee will be decided upon at the time it is formed by means of a minute detailing the Terms of Reference. Such bodies must report back with recommendations to the Council or the Committee that formed it.

The Strategy Working Group shall be a cross party group reporting to Strategy and Resources Committee or to Full Council as appropriate. It will meet as necessary. Its responsibilities include:

- the strategic policy of the Council
- the implementation of the recommendations of BCC Scrutiny Committee to improve joint working between BCC and SCTC.
- The Working Group will refer specific matters to Committees or to the Council for a final decision.

8) Attendance of Members at Committee meetings

All Councillors have an absolute right to attend any Committee meeting. The Chairman of the Committee has at his absolute discretion the right to allow a non- member to speak but is encouraged to do so. As a courtesy and if possible, a non- member is required to notify the Chairman in advance if they wished to speak on an agenda item.

A non-member may make one statement per agenda item if invited by the Chairman not to exceed 2 minutes. Any further participation in the meeting of a non-member is at the invitation of the Chairman.

9) Transparency and Confidentiality

The Council believes in open and transparent governance wherever possible. However, a Committee has the right to exclude the press and public as per Public Bodies (Admission to Meetings) Act 1960 ss1&2 during any part of a meeting due to the special or confidential nature of the business to be transacted.

With the exception of the Human Resources Sub-Committee where personal and individual issues are discussed, Councillors who are non-members of a Committee that has passed a resolution excluding the press and public have an absolute right to remain in the meeting. If, in the opinion of the Human Resources Sub-Committee, the item is of a particularly sensitive or confidential nature, non-member Councillors will be asked to leave. In such circumstances, non-member Councillors will only be allowed to remain if they can demonstrate a 'need to know' as defined in the cases of *R v City of Birmingham District Council ex parte O* [1983] 1 AC 578 and *R v Hackney LBC ex parte Gamper* [1985] 1 WLR 1229. The decision of the Committee will be final.

11) Call-in Policy

Any three members may request the Clerk to call-in a decision taken by a committee for review by the Town Council at its next ordinary meeting. The Clerk must be notified of any call-in request six days in advance of the next ordinary meeting.