



Lostwithiel Town Council

Scheme of Delegation

Approved	05/05/26
Minute ref:	014/26
Review:	Annually
Next Review:	May-27

1. Introduction

1.1 Under the Local Government Act 1972 s101, a local council may delegate its functions to a committee, sub-committee, officer, or another authority. Functions that must by law be exercised by Full Council cannot be delegated.

This Scheme of Delegation consolidates all delegations approved by the Council into a single document to:

- provide a clear framework for decision-making;
- ensure consistency across Standing Orders, Financial Regulations, and Terms of Reference;
- clarify accountability and reporting lines; and
- confirm where statutory responsibilities sit.

1.2 This Scheme applies to all councillors and officers and should be used alongside Standing Orders, Financial Regulations, and committee Terms of Reference.

1.3 The Scheme shall be published on the Council's website to support transparency and public understanding.

1.4 A Scheme of Delegation is recommended by the National Association of Local Councils (NALC) and is required for councils seeking the Quality Award under the Local Council Award Scheme

1.5 No functions may be delegated to an individual councillor (LGA 1972 s101).

2. Full Council

2.1 The following matters are reserved to the Council for decision:

- a) Election of the Mayor and Deputy Mayor
- b) Approval of the annual budget and setting of the precept
- c) Appointment of internal and external auditors and approval of audit reports and the Annual Governance & Accountability Return
- d) Authorisation of borrowing

- e) Adoption or amendment of Standing Orders, Financial Regulations, policies, and this Scheme of Delegation
- f) Making or amending by-laws and statutory orders
- g) Establishing committees and appointing members (including co-options)
- h) Appointment of representatives to outside bodies
- i) Approval of neighbourhood plans and eligibility for the General Power of Competence
- j) All staffing matters relating to the Town Clerk/RFO
- k) Approval of legal proceedings (except routine debt recovery through the small claims process)
- l) Receiving and noting minutes of committees and working groups
- m) Approval of new major undertakings or projects
- n) Any matter required by law to be determined by Full Council
- o) Expenditure not otherwise delegated.

3. Town Clerk & Responsible Finance Officer

3.1 The Town Clerk acts as the Council's Proper Officer and Responsible Finance Officer (under s.151 LGA 1972), and is responsible for all statutory duties imposed upon these two offices. These include:

- a) Receiving declarations of acceptance of office;
- b) Retaining a copy of every councillor's register of interests;
- c) Signing notices or other documents on behalf of the Council (other than legal and financial documents requiring the signatures of members of the Council);
- d) Signing summons to attend meetings of the Council;
- e) Ensuring the Council meets its obligations in accordance with the Accounts and Audit Regulations in force at the time;
- f) The proper administration of the Council's financial affairs, including ensuring the Council has an adequate and effective system of internal control; and

- g) Producing all financial management information, including, completing the annual financial statements of the Council.
- h) Act as the Council's Data Protection Officer for the purposes of the freedom of Information Act and General Data Protection Regulations

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

- a) Notwithstanding any delegations to the Council, to manage the day-to-day operation of the Council's services, projects and all other assets for which the Council has responsibility, in line with the budgets, policies and procedures approved by Councillors and legislation;
- b) Managing all Council staff, directly or indirectly, including the preparation of recruitment packs for any existing post on a like-for-like basis, where such post is not a member of the Senior Management Team;
- c) Postponing a meeting, or calling an additional meeting of the Council or any committee, as necessary, in consultation with the Mayor of the Council or appropriate committee;
- d) Responding to any correspondence requiring or requesting information, or relating to previous decision of the Council, but not correspondence requiring an opinion to be taken by the Council or its committees;
- e) Managing the provision of Council services, buildings, land, and resources (including the temporary closure of any such facilities, as may be required);
- f) Dealing with all day-to-day staffing and disciplinary matters, act as line manager to all staff, direct the work of employees, administer all staff policies and procedures, conduct annual staff appraisals, provide guidance to the council's Staffing Committee on recommendations for employees' salary reviews in accordance with staff appraisals, authorise staff overtime and expenses, delegate duties to staff as appropriate, implement and monitor arrangements for leave, sickness etc, manage staff

performance, authorise staff training, commission legal and professional advice on staffing matters.

- g) Authorising the issue of all official Town Council press releases, and editorial control of the Council's website and social media content
- h) Applying for any grants and other funding on the Council's behalf;
- i) Entering into negotiations on any matter on behalf of the Council, it being understood that the Town Clerk shall not be authorised to confirm any agreement without the consent of the Council or relevant committee;
- j) Dealing with such matters as specifically delegated by the Council or committee
- k) Applying the Council's common seal to a deed required by law, in the presence of two members of the Council;
- l) Sign contracts for the purchase and supply of goods and services provided within budgets set and projects approved by Council.
- m) Authorise minor repairs/variations to council agreed contracts in accordance with specified limits listed in the Council's Standing Orders and Financial Regulations
- n) Incur expenditure up to the limit specified in the Council's Standing Orders & Financial Regulations on any repair and maintenance, general maintenance or emergency issue without prior reference to Council i.e. removal of a fallen tree, emergency tree works, removal of invasive plant, purchase of regular planting, extra grass cuts, play area repairs. Any such action is to be reported to the next meeting of the Council.
- o) Spend up to £250 monthly on Council signage, stationery, stamps & general office costs without the prior approval of the Council
- p) Appoint pest control for rats & moles to a maximum value of £300 without prior reference to Council.
- q) Make all decisions, in line with Council Policy, regarding charges for interments at Castle Hill Cemetery, charges and allocation of allotments & Hire of Town Council land.

- r) Lead the Council's response in the case of a major emergency in consultation with/under the direction of Cornwall Council and the Emergency Services.
- s) Responsible for the overall management of all budgets in accordance with Council Policies & management of the Council's Corporate payment card
- t) Take all appropriate steps to secure the Council's legal position in urgent circumstances with reference to its assets or statutory functions subject to prior consultation with the Mayor or Deputy Mayor.
- u) Manage Council land & property by initiating legal action or proceedings against unauthorised encampments or encroachments on Council land (having first taken legal advice)
- v) to institute, defend and appear in any legal proceedings authorised by the Town Council. All actions to follow the recommendations of the Council's solicitor. To appear or make representation 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 residents of Lostwithiel) having taken legal advice if appropriate. Prosecuting a debtor, where such prosecution is through the small claims process, or approving the write off of any debt.

3.3 Subject to consultation with the Mayor and/or Deputy Mayor of the Council, the Town Clerk is authorised to act on behalf of the Council on any matter where, in the Town Clerk's view, urgent action is needed to protect the interests of the Council. Such action will be reported back to the Council as soon as practicable thereafter.

3.4 Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations, this Scheme of Delegation and with any directions given by the Council from time to time.

4. Mayor

4.1 No executive or decision-making powers may be delegated to the Mayor. The Mayor may only exercise the following functions, which arise from statute or from the role of the Chair of the Council.:

- a) Convening an extraordinary meeting of the Full Council in accordance with Schedule 12 of the Local Government Act 1972;
- b) Receiving the resignation of any Councillor;
- c) Exercising the powers of the Chair when presiding at a meeting of the Council.
- d) Representing the Council at civic or ceremonial events, noting that any speeches or statements must not express the views of the Council unless previously agreed by resolution.

5. Chair of a meeting

5.1 When a councillor acts in the role of the chair of a meeting, they shall have the power to:

- a) Convening an extraordinary meeting of the relevant body where permitted by law.
- b) Directing the order of speaking.
- c) Managing public participation in accordance with Standing Orders.
- d) Permitting a speaker to be seated while addressing the meeting.
- e) Suspending or closing a meeting where disorder prevents the effective conduct of business, or where the meeting has resolved to adjourn.
- f) Exercising a casting vote in the event of an equality of votes.
- g) Determining the rules of debate in accordance with Standing Orders.
- h) Ruling on points of order.
- i) Putting motions and amendments to the vote.

- j) Signing the minutes of a previous meeting once approved as a correct record.
- k) Requiring a person to be silenced or excluded for disorderly conduct in accordance with Standing Orders.

6. Councillors

6.1 Councillors shall have the following powers and responsibilities:

- a) Two councillors may convene an extraordinary meeting of the Council if the Mayor refuses to do so, in accordance with Schedule 12 of the Local Government Act 1972.
- b) Councillors do not hold line-management authority over staff. The Staffing Committee oversees HR policy and the appraisal of the Town Clerk, in accordance with NALC and SLCC guidance.
- c) No decision-making powers may be delegated to individual councillors. Officers may be required to *consult* with named councillors before exercising a delegation, but the decision remains the responsibility of the officer.
- d) A councillor may attend meetings or discussions relating to Council business, but any views expressed are their own unless authorised by resolution of the Council.
- e) A councillor may assist in the delivery of Council policies or procedures where this is expressly provided for in the relevant policy or where prior approval has been given by the Town Clerk or the relevant committee.
- f) No councillor may issue instructions to any officer.
Councillors may raise concerns or highlight issues requiring attention, but matters relating to staff performance must be raised only with the Town Clerk or through the Staffing Committee.

7. Committees

- 7.1 Under s101 of the Local Government Act 1972, the Council may appoint committees to discharge any of its functions except those reserved to Full Council.

- 7.2 Committees shall be established only where necessary, with clearly defined Terms of Reference, and shall not involve themselves in day-to-day operational matters, which are the responsibility of officers.
- 7.3 A committee shall consist of no fewer than three voting members.
- 7.4 Any committee responsible for the oversight of the Council's finances must consist solely of councillors, in accordance with s102 of the Local Government Act 1972.
- 7.5 Unless the Council expressly directs otherwise, a committee may arrange for a sub-committee or an officer to discharge any function delegated to it, in accordance with s101(2) of the Local Government Act 1972.
- 7.6 Committee Terms of Reference must not conflict with Standing Orders or Financial Regulations. Where a conflict arises, Standing Orders and Financial Regulations shall take precedence.
- 7.7 The term "standing committee" refers to a committee appointed annually by the Council and does not confer any special statutory status.
- 7.8 Separate Terms of Reference shall set out the detailed delegations and responsibilities of each committee.

8. Specific Delegations

- 8.1 Where a scheduled meeting of the Council is inquorate and urgent business cannot reasonably be deferred, the Town Clerk is authorised to act in consultation with the Mayor or Deputy Mayor. Any action taken under this provision shall be reported to the next meeting of the Council.
- 8.2 The Town Clerk is authorised to exercise, or to authorise any officer to exercise, statutory powers of entry and inspection relating to any function under the Council's control.
- 8.3 The Town Clerk is authorised to use the Town Council crest for official Council correspondence and to issue operational correspondence on behalf of the Council. Statements of Council policy or position must be authorised by resolution or fall within an existing delegation.