

Cyngor Tref Aberystwyth Town Council

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Scheme of Delegation

SCHEME OF DELEGATION STATEMENT

This Scheme of Delegation should be read in conjunction with the Council's Financial Regulations and Standing Orders. It will be reviewed annually and when there is a change of Clerk/RFO. The purpose of this document is to clearly define the powers delegated by the Council to its Officers and Committees, and the circumstances surrounding the use of these delegated powers. This includes the parameters within which the Clerk/RFO can act without prior resolution by the Council and powers delegated to Committees and Committee Chairs .

Any breach of this scheme should be reported to the Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

PRINCIPLES OF DELEGATION

Section 101 of the Local Government Act 1972 provides:

- That a Council may delegate its powers (except those incapable of delegation) to a committee or an officer.
- A Committee may delegate its powers to an officer.
- The delegating body may exercise powers that have been delegated.

Any delegation to a Committee or the Clerk/RFO shall be exercised in compliance with the law, the Council's Standing Orders, Financial Regulations and any other policies or conditions imposed by the Council.

In an emergency the Clerk/RFO is empowered to carry out any function of the Council. Where the Clerk/RFO is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chair of the Council (Mayor) and must ensure that they obtain appropriate legal, financial, and other specialist advice before action is taken.

AUTHORITY TO ACT

It will be appropriate for the Clerk/RFO to refer a matter to the Council where the matter is likely to be particularly controversial or raises issues of policy which would be appropriate for councillors to determine.

The Clerk/RFO and Committees have a responsibility to act within the Council's approved policies, procedures and framework and within the law in conjunction with this scheme of delegation.

DELEGATION SAFEGUARDS

The Council may, at any time without prejudice to executive action taken already, revoke any power delegated to a Committee or Officer.

Council Reserved Powers

The following matters are only to be resolved by the Full Council:

1. Appointment of staff.
2. To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies.
3. To approve and adopt the Budget.
4. To appoint committees and working groups
5. To approve membership of all committees and working groups
6. To agree and/or amend the terms of reference for Committees
7. To adopt the schedule of meetings for the ensuing year.
8. To determine matters involving expenditure where budget provision is not made or is exceeded.
9. To set the Precept
10. To approve eligibility for the General Power of Competence
11. To award donations and grants to other bodies where lawful and appropriate in accordance with statute and the adopted Grants Policy.
12. To approve recommendations from the Clerk/RFO in respect of staff remuneration outside of budget allocation.
13. To approve recommendations from committees and working groups.

Delegation to Clerk/RFO

The following matters are considered to be delegated to the Clerk and/or RFO

1. The Clerk/RFO is designated and authorised to act as the Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.
2. In the case of an emergency, the Clerk shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Mayor (if practicable in the circumstances).
3. The Clerk will deal with all routine correspondence which does not commit ATC to enter into a legal agreement or give an opinion. The Clerk will also deal with any correspondence which is covered by delegated authority.
4. The Clerk/RFO may incur expenditure on revenue items on behalf of the Council as specified in the adopted Financial Regulations.
5. The Clerk will have the authority to dispose of the Council's assets (excluding land and building assets and assets of historical value or older than 25 years old) subject to the estimated value of any one tangible, moveable item not exceeding £250. The Clerk is responsible for ensuring details of any disposal, including the disposal values, are recorded appropriately.

6. The Clerk is the manager for all staff employed by the Council and is given delegated powers to manage the Council's staff in accordance with the Council's policies, procedures and budget.
7. Power to authorise relevant training courses, provided the expense can be met from approved budgets and having taken into account the training needs of the employees/ Councillors.
8. Power to act immediately on all Health and Safety or emergency issues without prior approval by the Full Council.
9. Power to release urgent press statements and responses on any activities, subject to prior consultation with the Mayor and in line with the Council's Press and Communications Policy
10. Power to act on own initiative to implement the Council's policies and objectives.
11. Power to manage all the Council's resources in accordance with the Council's policies.
12. Power to engage with the community and stakeholders to raise the profile of the Council and foster good working relationships.
13. Power to make grant applications on behalf of the Council for projects that align with the Council's policies and priorities, subject to a maximum cash match funding commitment of £25,000.
14. The Clerk/RFO is authorised to sign on behalf of the Council the following legal documents and agreements:
 - a. Allotment tenancy agreements
 - b. Grant applications
 - c. Grant agreements and contracts
 - d. Contracts for works and tender documents

Planning Committee Delegated Powers

The following matters are considered to be delegated to the Planning Committee

1. Powers to consider planning and to comment on planning applications without reference to Full Council.

Staffing Committee Delegated Powers

The following matters are considered to be delegated to the Staffing Committee

1. To annually review and agree contracts of employment, job descriptions and person specifications for staff.
2. To review staff salaries and terms of conditions and make recommendations to Full Council.
3. To appoint from its membership a recruitment panel when necessary and recommend appointments to Council. Recruitment panels will normally include three members plus the Clerk in the case of appointment to the Clerk or RFO posts; and two members plus the Clerk for all other posts. A recommendation from the Staffing Panel will be submitted to Full Council to ratify the appointment of any staff.

4. To appoint from its membership three members to act as a disciplinary panel as set out in the Council's Disciplinary Procedure.
5. To appoint from its membership three members to hear any formal grievance made by a member of staff, in accordance with the Council's Grievance Procedure, against elected members or other staff members.
6. To appoint from its membership three members to act as a panel to hear an appeal against any disciplinary action or the outcome of any grievance investigation. The members of any appeal panel shall not be members of the original panel.
7. To review health and safety at work for all Council employees.
8. To annually review, alongside the Standing Orders and Policy Committee, all Council policies that relate to staff employment.
9. To annually review and appraise the performance of employees and, if appropriate, to recommend adjustment of salary levels to the Full Council.
10. The Chair of the Staffing Committee is to provide the line manager function for the Clerk, including responsibility for day to day matters, such as authorisation of holiday, sick leave and absence from work. Appointment of any other councillor to this role may be made by Full Council on the recommendation of the Staffing Committee.
11. To ensure the Council complies with all legislative requirements relating to the employment of staff.

Finance Committee Delegated Powers

The following matters are considered to be delegated to the Finance and Establishments Committee

1. To amend the Council's bank mandate to add or remove signatories.
2. To appoint a member to review the bank reconciliations produced by the RFO, in accordance with section 2.6 of the Council's Financial Regulations.

Scheme adopted by Full Council: 10 February 2025

Next review: February 2026

This scheme was originally written in English.