



# Penrith Town Council

## DELEGATION SCHEME

### LAW

Section 101 of the Local Government Act 1972 provides:

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

## 1 INTRODUCTION

- 1.1 This Scheme of Delegation forms part of the Council's Financial Regulations and will be reviewed at least annually or earlier, for example when there are staffing changes
- 1.2 Those with delegated responsibility are referred to by job title, therefore any changes in job titles will trigger a review of this scheme
- 1.3 One of the purposes of the document is to clearly define the parameters within which Officers of the Council are able to act without reference to either their line managers or Members
- 1.4 Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place
- 1.5 Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.
- 1.6 The other purpose of the document is to capture the various delegated powers throughout the council, including those delegated by the Council to its various committees. This element of the scheme incorporates the Terms of Reference of the committees.

## 2. OVERVIEW

- 2.1 Members deal with all matters either through their collective Council membership or in liaison with the Clerk.
- 2.2 There are no circumstances where an individual Member can issue an instruction to the Clerk or a Contractor. Likewise, a Member must never act "on behalf of the Council" in the organisation of any function or service.
- 2.3 The officers are responsible for advising Members on the making of Council policy and for ensuring that such policy is carried out.
- 2.4 The Council's Terms of Reference determines which Committee deals with particular matters, and at which level decisions are taken.
- 2.5 Many matters are delegated to the officers, who can make decisions on them working within established Council policies.
- 2.6 The day-to-day management of Council services is the responsibility of the Clerk.
- 2.7 Both Members and the officers must work within the law.
- 2.8 Mutual respect between the officers and Members is essential in order for the Council to function effectively. Personal attacks on the officers should be avoided (and would be contrary to the Code of Conduct), as, under the convention of Local Government, Officers are unable to defend themselves from such comments in public.
- 2.9 Any delegation to a Committee or Town Clerk shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and with the law.
- 2.10 In making any decision, regard shall be had to the Council's strategic goals and priorities.
- 2.11 To validate membership of a committee each member should participate in appropriate training within twelve weeks of their appointment to that committee.
- 2.12 The Town Clerk may nominate another named Officer or professional to carry out any powers and duties, which have been delegated to that Officer. Such delegation should be recorded in writing.
- 2.13 In an emergency, the Town Clerk is empowered to carry out any function of the Council.
- 2.14 Where officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Members, and must ensure that they obtain appropriate advice from the Council's legal, financial and other specialist personnel before action is taken. A record of the decision taken pursuant to delegated powers must be published in accordance with the openness of local government bodies regulations 2014 (APPENDIX a)
- 2.15 Budgetary delegations are as approved and recorded in Appendix b.

### **3. MATTERS RESERVED FOR COUNCIL**

3.2 **Membership: All Councillors**

3.3 **Quorum: 3**

### **MATTERS TO BE RESOLVED ONLY BY COUNCIL**

- 3.4 To approve and adopt the budget.
- 3.5 To appoint the Mayor.
- 3.6 To appoint the Council Chair.
- 3.7 To appoint Committee Chairmen.
- 3.8 To agree and/or amend the terms of reference for Committees, deciding on their composition and making appointments to them.
- 3.9 To adopt the schedule of meetings for the ensuing year.
- 3.10 To consider the recommendations of any Remuneration Panel (Personnel
- 3.11 Committee) and adopt the level of allowances that can be claimed by Members of the Council in respect of authorised or approved duties.
- 3.12 To make any decisions which would be contrary to the policy framework.
- 3.13 To determine matters involving expenditure for which budget provision is not made or is exceeded.
- 3.14 To determine matters which do not fall within the remit of any Committee.
- 3.15 To determine matters affecting or likely to affect, another Committee or where consultation with or approval of that other Committee is required.
- 3.16 To set the Precept.
- 3.17 To borrow money.
- 3.18 To receive statutory reports from the Town Clerk.
- 3.19 To consider any matter required by law to be considered by Council.

### **4. SAFEGUARDS**

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

### **5. MEETINGS**

- 5.1 Meetings are scheduled according to the timetable approved by Council at the Annual Town Council Meeting with a recess in August.

## **6. DELEGATION TO COMMITTEES**

6.1 **COMMITTEE CHAIRMAN** - In liaison with the Town Clerk, the Committee Chairmen have the authority to cancel or postpone a meeting owing to lack of business or in an emergency.

### **6.2 MATTERS FOR COMMITTEES**

Each Committee has delegated authority to decide matters within their terms of reference.

6.3 Subject to urgent items (see paragraph 2 below), the following matters shall be referred to the relevant Committee or Full Council, where appropriate:

Any matter which:

- I. requires a new policy; or
- II. requires an alteration to an existing policy (other than a minor amendment); or
- III. would be contrary to the policy framework; or
- IV. involves expenditure, or a reduction in income, for which there is no sufficient budgetary provision; or
- V. in the opinion of the Town Clerk, cannot in law or in accordance with the Standing Orders be decided by an Officer; or
- VI. upon which a Committee has requested a report; or
- VII. a Member has requested an item to be put on an agenda or
- VIII. in the opinion of the officer concerned, should be determined by a Committee.

### **SUB- COMMITTEES**

6.4 Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the parent committee.

6.5 The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council.

6.6 Members of committees, sub-committees and task and finish groups who are not members of Council shall not have a vote.

6.7 The Council may appoint standing sub-committees or other committees or task and finish groups as may be necessary, and:

- shall determine their terms of reference;
- shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full Council;
- shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;

- shall, subject to standing orders 4(b) and (c) , appoint and determine the terms of office of members of such a committee;
- shall determine the place, notice requirements and quorum for a meeting of the sub-committee which shall be no less than three;
- shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- shall determine if the public may participate at a meeting of a subcommittee that they are permitted to attend;
- shall permit delegated areas of responsibility to sub committees including delegated financial powers within the approved budget, and
- may dissolve a committee.

## **TASK & FINISH GROUPS**

- 6.8 A Task and Finish Group must follow the direction set for it by the Committee of the Council or Full Council and for which it was convened. There is to be no transfer of delegated powers from the Committee which has authorized its establishment, otherwise the Council will be acting unlawfully. (LGA 1972s.101)
- 6.9 If urgent expenditure is necessary to enable a Task and Finish Group to achieve its objectives, then this can only be sanctioned through the emergency powers of the Town Clerk.
- 6.10 The Task and Finish Group shall not issue instructions to any officer if, in the opinion of the officer, it is likely to incur expenses or use excessive time without prior authority of the Committee.
- 6.11 Membership of the Task and Finish Group is to be decided at the creation of the group, when the need is identified by a Committee or by the Full Council for such an action. Membership of a Task and Finish Group need not be confined to Members of the Council and can be drawn from the wider community, where specialist skills or knowledge would be helpful to the Task and Finish Group in its work.
- 6.12 The quorum for a meeting of a Task and Finish Group is to be not less than two Councillors.
- 6.13 A Task and Finish Group will be convened solely to meet objectives defined by the appropriate Committee, or Full Council, for the specific task of undertaking a project or detailed study.
- 6.14 The Task and Finish Group shall advise and make recommendations to full Council or to the Committee from which it was formed.
- 6.15 The Chairman of a Task and Finish Group will be appointed by the Committee from which it was formed.
- 6.16 The Task and Finish Group shall be convened by its Chairman.
- 6.17 Meeting Notes and Reports from Task and Finish Groups shall be sent to the Town Clerk and Chairman within two weeks of a meeting taking place.
- 6.18 The Task and Finish Group shall report to the Council or Committee on a regular basis, depending on the length of time set for the Group to conclude its work.

- 6.19 A Task and Finish Group may meet without the need to give public notice and so be able to exclude the public and press without the formality of giving adequate reasons.
- 6.20 A Task & Finish Group may not necessarily have officer support but may seek advice from officers as and when required.

## **7. URGENT ITEMS**

- 7.1 Matters of urgency, as determined by the Town Clerk (or in his/her absence another Officer) shall be delegated to the relevant officer in consultation with the Chairman and Vice-Chairman of the appropriate Committee subject to a report being made to the next meeting of the appropriate Committee.  
(APPENDIX A)

## **8. EMERGENCY MATTERS**

- 8.1 Matters of emergency, as determined by the Town Clerk (or in his/her absence another Officer) shall be delegated to the Council Chairman and Chairmen of all Committees who may convene without public notice an emergency management meeting. The Chairman is required to report to Council at the earliest opportunity.
- 8.2 An emergency is defined as:
- I. A matter with significant financial implications greater than £10,000
  - II. A matter with significant legal implications
  - III. A matter related to the conduct of a councillor or an employee that would potentially amount to gross misconduct or bringing the Council into disrepute.

## **9. DELEGATION TO OFFICERS**

- 9.1 The Town Clerk is designated and authorised to act as 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.
- 9.2 Subject to those matters that are reserved for Committee (see paragraph 1 above) all members of staff shall be responsible and shall have delegated authority for the day-to-day operation and management of his/her department and of the Services and land for which he/she is responsible.
- 9.3 Any matter not reserved for Committee (i.e. any matter falling outside the criteria contained in paragraph 1 above) shall be regarded as falling within the day to day operation and management of the relevant department and shall be delegated to the appropriate member of staff and shall be exercised in accordance with the principles of delegation.
- 9.4 The Town Clerk shall have authority to issue written authorisation to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties.

- 9.5 Delegations to members of staff in respect of routine financial matters are set out in the Scheme of Delegation Appendix B.
- 9.6 Delegations to The Town Clerk in respect of land and premises are set out in the Scheme of Delegation.
- 9.7 The Town Clerk shall have delegated management authority for the following Services:
- Services
  - Resources
  - Personnel
- 9.8 The Town Clerk shall be responsible for signing all the Council's Official Notices and for sealing Council documents and is authorised to sign on behalf of the Council any document necessary to give effect to any decision of the Council.
- 9.9 The Town Clerk shall be the Proper Officer for any function of the Council in the absence of any other appointment as specified within this Delegation Scheme.

## **FINANCE**

- 9.10 As RFO the Town Clerk has authorisation to take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.
- Officers have authority to:**
- 9.11 Incur expenditure up to an approved maximum on any item for which provision is made in the appropriate budget provided that any action taken complies with any legislative provisions.
- 9.12 Use the Repairs Budget for the maintenance, replacement or repair of existing property or equipment.
- 9.13 Recommend to the relevant Council / committee quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to: -
- a. the cost not exceeding the amount of the approved budget;
  - b. the tender being the lowest or the one showing best added value to the Council according to the criteria set out in the tender documentation;
  - c. all the requirements of the Council's Financial Regulations being complied with.
- 9.14 To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.
- 9.15 To recommend to the relevant Council / committee on investing monies held by the Council with a view to obtaining the optimum financial return.

## **STAFF**

- 9.16 The Town Clerk is given delegated powers to recruit, appoint and manage the Council staff in accordance with the Council's policies, procedures and budget.
- The Town Clerk has authority to:**
- 9.17 Manage staff performance and discipline and performance, including the power of suspension and dismissal, in accordance with the policies set by the Staffing Sub Committee and as approved by Council.
- 9.18 Pay staff expenses and allowances.

9.19 Provide guidance to the Staffing Sub Committee on recommendations for employees' salary reviews, in accordance with the Council's staff appraisal system.

## **PROPERTY**

- 9.20 The Town Clerk is given authority to manage the land and property of the Council including: -
- 9.21 Agreeing the terms of any lease, licence, conveyance or transfer approved by the Council's solicitors and Finance & Business Committee.
- 9.22 Granting or refusal of the Council's consent under the terms of any lease.
- 9.23 Varying restrictive covenants of a routine nature.
- 9.24 Recommending to Council on the granting of easements, wayleaves and licenses over Council land.
- 9.25 Initiating legal action or proceedings against unauthorised encampments on Council land.

**Approved: May 2018**

**Review: May 2019**



## **10. TERMS OF REFERENCE FOR COMMITTEES**

- 10.1 Finance Committee
- 10.2 Staff Sub- Committee
- 10.3 Planning Committee
- 10.4 Penrith Neighbourhood Planning Group
- 10.5 Communities, Culture & Economic Growth
- 10.6 Management Committee

# Penrith Town Council

## FINANCE COMMITTEE

### KEY MATTERS:

Finance, staffing, property, communications, devolution, and resource management and monitoring.

### TERMS OF REFERENCE

<b>MEMBERSHIP</b>	EIGHT Members of Penrith Town Council
<b>QUORUM</b>	THREE Members of the Committee
<b>POWER</b>	Local Government Act 1972, Sections 101 and 102.
<b>TERMS</b>	The Council's Standing Orders apply to all meetings of the Committee.
	The Committee shall be appointed on an annual basis at the Annual Meeting of the Town Council.
	The first order of business of the first meeting of the Committee after its annual appointment will be to elect a Chairman
	Unless the Council directs otherwise, the Committee may arrange to devolve any of its functions to a Sub-Committee or to Officers of the Council
	The Committee will meet bi-monthly – as amended in Financial Regulations 2017 (after the commencement of electronic banking).
	Meetings shall be open to the public unless the Committee feels it appropriate to exclude the press and public for specific items
	Members of the Committee will receive an agenda and supporting papers in accordance with the Councils Standing Orders
	All Members of the Council will receive an agenda only, sent via email
	Notice of meetings will be published in accordance with the Councils Standing Orders
<b>LIMITATIONS</b>	Only Members of the Committee may vote on agenda items
	Non-Members of the Committee may attend in their capacity as a Councillor and will be allowed to speak on an agenda item with the agreement of the Chairman
	Non-Members of the Committee are subject to the same rules as Committee Members regarding confidentiality and the requirements of the Code of Conduct
	Non-Members of the Committee have no more rights at Committee meetings than members of the public.

## FINANCE COMMITTEE

<b>RESPONSIBILITIES</b>	<b>DELEGATED POWERS</b> <b>The committee has delegated authority:</b>
<b>To provide guidance to Committees and Council on overall levels of income and expenditure</b>	To review and monitor the income and expenditure of the Council as a whole.
<b>To consider the annual draft budget</b>	None
<b>To recommend the draft precept to Full Council</b>	None
<b>To authorise all income and expenditure</b>	To authorise all payments.
<b>To receive financial reports and monitor and Report to Full Council.</b>	To monitor income and expenditure.
<b>To vire funds between budget allocations, except staff costs, and bring forward funds from reserves as necessary</b>	To vire funds between budget headings EXCEPT from the budget for staff costs, noting that funds brought forward from reserves must not exceed £10,000 without the approval of Full Council.
<b>To consider and award contracts for work</b>	To consider and award contracts for work up to the value of £24,999
<b>To implement the procurement/tender procedures for contracts in excess of £25,000</b>	To ensure that lawful procurement procedures followed including the publication and results of tenders
<b>To review all policies and procedures related to financial matters</b>	To ensure that all policies and procedures are compliant with statutory requirements
<b>To review the Council's Asset Register</b>  <b>To review the Council's insurance on an annual basis and ensure that the Council's property is adequately insured</b>	Delegated authority to oversee insurance of the Council's property.
<b>To consider use, upkeep, leases, licences rents and fees for any facilities / buildings.</b>	To review and be responsible for the efficient and effective management of the Council's assets.
<b>To ensure the preservation of probity and good financial practices within the Council.</b>	To annually review the Financial practises of the Council.

<b>Debt monitoring and recovery to be the responsibility of the Committee (above a de minimis level of £7,000).</b>	To recover debts on behalf of the Council.
<b>To consider the Internal Audit and External Audit reports, and report findings and recommendations to Full Council.</b>	To review the Internal Audit and External Audit Reports implement any required actions.
<b>Delegated financial powers within the approved budget</b>	
<b>To ensure that PAYE, NI and pension payments are appropriately deducted from employees' salaries and paid as required by law</b>	To ensure that the Council complies with the employment law requirements.
<b>To appoint staff as required</b>	To resolve the recruitment of all staff except the appointment of the Town Clerk, which, by recommendation of this Committee, must be approved by Full Council.
<b>To monitor financial risk and ensure that adequate financial risk management is in place.</b>	To appoint an internal auditor, to approve the internal audit plan, to review the risk assessment related to finance, and to review internal systems of control to ensure adequate financial risk management. To monitor regular financial reports and bank reconciliations from the external accountancy service.
<b>To monitor risk management and ensure that adequate risk management is in place.</b>	To receive and review all the Councils risk assessments annually.
<b>To oversee the management of all of the Council's property and assets.</b>	To ensure that the Council's property is managed properly.
<b>To manage the Councils reserves. To delegate areas of responsibility to either a sub-committee, or an officer.</b>	To annually review the reserves strategy Power to delegate.
<b>To consider the recommendations of the Staffing Sub-Committee a standing subcommittee of the Finance and Resources Committee.</b>	To consider all recommendations related to staff  To make recommendations to Full Council on matters related to pay and pensions for the Town Clerk. To resolve pay, pensions & conditions for all other Council staff

# Penrith Town Council

## STAFFING SUB-COMMITTEE

## SUB-COMMITTEE OF THE FINANCE & RESOURCES

**COMMITTEE KEY MATTERS** Staffing - recruitment, appraisals, pay review, terms and conditions, personnel policies, grievance and disciplinary.

### TERMS OF REFERENCE

<b>MEMBERSHIP</b>	Six Members of the Councils Management Committee
<b>QUORUM</b>	THREE Members
<b>POWER</b>	Local Government Act 1972, Sections 101 and 102.
<b>TERMS</b>	<p>The Council's Standing Orders apply to all meetings of the Committee.</p> <p>The Committee shall be appointed on an annual basis at the Annual Meeting of the Town Council.</p> <p>The first order of business of the first meeting of the Committee after its annual appointment will be to elect a Chairman</p> <p>Unless the Council directs otherwise, the Committee may arrange to devolve any of its functions to a Sub-Committee or to Officers of the Council</p> <p>The Committee will meet monthly</p> <p>Meetings shall be open to the public unless the Committee feels it appropriate to exclude the press and public for specific items</p> <p>Members of the Committee will receive an agenda and supporting papers in accordance with the Councils Standing Orders</p> <p>All Members of the Council will receive an agenda only, sent via email</p> <p>Notice of meetings will be published in accordance with the Councils Standing Orders</p>
<b>LIMITATIONS</b>	<p>Only Members of the Committee may vote on agenda items</p> <p>Non-Members of the Committee may attend in their capacity as a Councillor and will be allowed to speak on an agenda item with the agreement of the Chairman</p> <p>Non-Members of the Committee are subject to the same rules as Committee Members regarding confidentiality and the requirements of the Code of Conduct</p> <p>Non-Members of the Committee have no more rights at Committee meetings than members of the public</p>

## STAFFING SUB-COMMITTEE

<b>RESPONSIBILITIES</b>	<b>DELEGATED POWERS</b> <b>The authority:</b>
<b>To deal with all employee issues</b>	To resolve
<b>To oversee the Council's appraisal process</b>	To identify an appraisal system and monitor its implementation
<b>To review and address staff training and development needs</b>	To ensure that training or developmental needs identified through appraisal or service changes are met
<b>To investigate complaints about Council administration and procedures.</b>	To resolve the outcome of an informal complaint  To refer a complaint to Full Council if necessary
<b>To investigate complaints about Council employees</b>	To resolve the outcome of a complaint.
<b>To arrange, develop consider and approve the Town Clerk's appraisal</b>	To approve and make recommendations to the Full Council
<b>To review recruitment and selections processes</b>	To approve
<b>To review contracts of employment.</b>	To approve
<b>To review employment policies</b>	To approve
<b>To review job descriptions</b>	To approve
<b>To review salaries and pay scales</b>	To make recommendations to F & R Committee
<b>To consult with the Town Clerk in connection with all staffing related matters</b>	To approve
<b>To review and make recommendations with regard to the appointed Legal / Personnel/ Accountancy services</b>	To make recommendations to F & R Committee
<b>To review the Council's staffing budget throughout the year</b>	To monitor the staffing budget in relation to work load management and meeting the Council's strategic priorities
<b>To formulate budget recommendations for the next</b>	

<b>financial year, for consideration by the F &amp; R Committee</b>	
<b>To delegate responsibilities and receive recommendations</b>	To establish sub-committees and Task & Finish groups, and to appoint advisers as and when necessary to assist in its work To delegate responsibilities to Council officers
<b>Grievance and Disciplinary Panel</b>	

- I. The Panel shall entirely consist of Councillors
- II. 3 Members are appointed to the Grievance and Disciplinary Panel from the Staffing Sub-Committee when required with a pool of deputies also appointed in event of conflict of interests from members of the Finance Committee and remaining members of the Staff Sub-Committee
- III. Meetings will be called on an ad hoc basis as required, called by the Town Clerk and with notice given to the relevant employee
- IV. A minute taker will be present throughout the proceedings
- V. The Panel will follow the procedure set out in the ACAS Grievance and Disciplinary Procedures
- VI. The Panel has no delegated financial powers

### **Appeals Panel**

- I.** Any Member who has been involved in the original Grievance or Disciplinary Panel shall not form part of the Appeals Panel
- II.** The Appeals Panel will be appointed when any appeals against dismissal, grading, disciplinary proceedings and grievances by employees of the Council are made
- III.** The Town Clerk will call the meeting and notice will be given to the employee.
- IV.** A minute taker will be present throughout the proceedings
- V.** The Panel will follow the procedure set out in the ACAS Disciplinary Procedure
- VI.** The Panel has no delegated financial powers

### **THE COMMITTEE MAY NOT CONSIDER:**

- a)** Complaints by one Council employee against another Council employee or between a Council employee and the Council as employer. These matters are dealt with under the Councils disciplinary and grievance procedures.
- b)** Complaints against Councillors. Complaints against Councillors are covered by the Code of Conduct for members adopted by the Council. Complaints will be referred to the District Councils Standards Committee.
- c)** Termination of employment of staff which is to be reserved for a Council decision.

# Penrith Town Council

## PLANNING COMMITTEE

**KEY MATTERS** – Planning application, listed planning applications, advertisement applications & Neighbourhood Planning.

### TERMS OF REFERENCE

<b>MEMBERSHIP</b>	EIGHT Members of Penrith Town Council
<b>QUORUM</b>	THREE Members of the Committee
<b>POWER</b>	Local Government Act 1972, Sections 101 and 102.
<b>TERMS</b>	<p>The Council's Standing Orders apply to all meetings of the Committee.</p> <p>The Committee shall be appointed on an annual basis at the Annual Meeting of the Town Council.</p> <p>The first order of business of the first meeting of the Committee after its annual appointment will be to elect a Chairman</p> <p>Unless the Council directs otherwise, the Committee may arrange to devolve any of its functions to a Sub-Committee or to Officers of the Council</p> <p>The Committee will meet monthly</p> <p>Meetings shall be open to the public unless the Committee feels it appropriate to exclude the press and public for specific items</p> <p>Members of the Committee will receive an agenda and supporting papers in accordance with the Councils Standing Orders</p> <p>All Members of the Council will receive an agenda only, sent via email</p> <p>Notice of meetings will be published in accordance with the Councils Standing Orders</p>
<b>LIMITATIONS</b>	Only Members of the Committee may vote on agenda items
	<p>Non-Members of the Committee may attend in their capacity as a Councillor and will be allowed to speak on an agenda item with the agreement of the Chairman</p> <p>Non-Members of the Committee are subject to the same rules as Committee Members regarding confidentiality and the requirements of the Code of Conduct</p> <p>Non-Members of the Committee have no more rights at Committee meetings than members of the public.</p>



## PLANNING COMMITTEE RESPONSIBILITIES

## DELEGATED POWERS The committee has delegated authority:

<b>To consider and provide responses to planning applications made to Eden District Council for planning permission</b>	To respond to all planning matters. Contentious and significant applications will be referred to full Council for consideration
<b>Consider and provide responses to any proposals by the Local Planning Authority to make Tree Preservation Orders</b>	To respond
<b>Consider consultation responses to the Government's Planning Inspectorate and other appropriate bodies.</b>	To respond
<b>Consider and provide responses with respect to the stopping up, diversion, maintenance or creation of public rights of way</b>	To respond
<b>Consider and provide responses with respect to footpath/bridleway creation orders, highway adoption orders and other highway notices</b>	To respond
<b>Consider and recommend responses to any proposals with respect to street naming</b>	To respond
<b>Consider and provide responses to proposals with respect to highway and traffic regulation issues and orders</b>	To respond
<b>To develop and implement a Neighbourhood Plan for Penrith</b>	To lead on the Neighbourhood Plan.
<b>To delegate areas of responsibility to either a sub-committee or to an officer</b>	To delegate
<b>To formulate budget recommendations for the next financial year, for consideration by F &amp; R Committee</b>	Delegated financial powers within the approved budget for expenditure related to the Neighbourhood Plan budget Authority to apply for grants for a Neighbourhood Plan and for related expenditure from the grant awards.
<b>To develop Planning Policy</b>	To design, develop and approve Planning Policy in collaboration with the Neighbourhood Plan Group

# Penrith Town Council

## PENRITH NEIGHBOURHOOD PLAN GROUP

### KEY MATTERS: Neighbourhood Plan

### TERMS OF REFERENCE

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## PENRITH NEIGHBOURHOOD PLAN GROUP (PNPG)

### 1. PURPOSE OF THE PNP

- 1.1 Penrith Town Council is the qualifying body for the preparation of a Neighbourhood Plan for their civil parish area. The Town Council has a standing Planning Committee which will oversee the Neighbourhood Plan
- 1.2 The Planning Committee may establish a Task & Finish Group to facilitate the creation of the plan. The PNP sits as the Project Board for project management and decision making purposes and will lead the preparation of the Penrith Neighbourhood Plan. The PNP will be known as the Penrith Neighbourhood Plan PNP (PNP) and will be established initially for two years after the designation of the parish
- 1.3 The PNP will guide and formulate the content of the Plan and all associated evidence and analysis up to Preferred Option Consultation Draft stage
- 1.4 The objective of the PNP is to produce a sound Neighbourhood Plan for the Parish of Penrith that defines the spatial planning policy priorities identified by the community taking into account all representations made during the plan-making process and having regard to all relevant existing plans and evidence. The Plan will include or be supported by an appropriate delivery plan setting out, where relevant, the means by which these policy priorities may be implemented

### 2. PURPOSE

The purpose of the PNP is to support Penrith to undertake the following:

- 2.1 Research and ensure support for the Neighbourhood Plan
- 2.2 Identify sources of funding support for the Neighbourhood Plan and prepare a budget
- 2.3 Put in place a monitoring system for checking on expenditure on the Neighbourhood Plan Project budget fund
- 2.4 Ensure there is a system of regular reporting back to the Town Council on all matters including the budget
- 2.5 Communicate and liaise with all relevant bodies to ensure the Neighbourhood Plan is effective
- 2.6 Ensure the involvement of the whole community in order to collect the views and opinions of as many diverse PNPs as exist in the community.
- 2.7 Identify appropriate types of surveys and questionnaires to be used in order to gather information and evidence to be used
- 2.8 Analyse the results of any surveys and questionnaires in order to prepare a report for inclusion in the final Plan
- 2.9 Prepare a Project plan identifying appropriate timescales and responsibilities including the lead bodies and organisations

- 2.10 Prepare the policies for inclusion within the Plan according to the wishes of the community identified through the engagement process
- 2.11 Submit the draft plan for testing and examination and be prepared to act on the result
- 2.12 Liaise with the Local Planning Authority to undertake and oversee the referendum

### **3. Membership**

- 3.1 No more than 12 members in total with a quorum of 5
- 3.2 To be made up of Town Councillors who are members of the Planning Committee and non-council members with expertise or an interest the proposed policy topics. It is anticipated that the non-council members may change as topics are completed which are listed for illustrative purposes only:
  - a. Housing
  - b. Built Environment
  - c. Open Spaces
  - d. Sustainability
  - e. Transport & Infrastructure
  - f. Cultural Heritage
  - g. Inclusivity
  - h. Economic Development
  - i. Amenities and Facilities
- 3.3 Penrith Town Council insurance will cover the activities of the PNPG and volunteers, but PNPG members, in liaison with the Clerk, will ensure that terms of the insurance are not breached
- 3.4 Town Councillors who are members of the PNPG, will be expected to act as a liaison between the PNPG and the Planning Committee and the Town Council. They are responsible for ensuring there is a regular agenda item for a regular report back to the Town Council
- 3.5 Mini Task and Finish Groups know as Topic Groups may be set up to undertake specific tasks identified by the PNPG such as data collection, data analysis, engagement, consultation and to focus on topic as listed a. to i. above.
- 3.6 The make-up and objectives of each of the Topic Group will be agreed by the PNPG and will be regularly reviewed by the full PNPG who will make any appropriate changes and additions if the need arises
- 3.7 The PNPG will ensure all that activities comply with the Data Protection Act, including the storing of confidential information
- 3.8 The PNPG will be established for a time-limited period
- 3.9 The project is intended to run until a Plan has been presented for independent examination
- 3.10 The PNPG will remain active until the independent examiners report is published.
- 3.11 All communications, publications, consultation and community engagement exercises will be endorsed directly by both the Planning Committee and the PNPG

## **4. MEETINGS**

- 4.1 PNPG meetings are informal and will take when required and dates will be added to the website. The Town Council will arrange the agenda and venue for the meetings
- 4.2 The PNPG will elect a chair and vice-chair from its membership, both of whom will be town councillors. The chair will be reviewed as part of the Town Council's annual scheme of delegation review
- 4.3 Decisions made by the PNPG should normally be by consensus at PNPG meetings. Where a vote is required each member shall have one vote and taken forward for approval to Full Council
- 4.4 A minimum of five members shall be present where matters are presented for decisions to be taken. A simple majority will be required to support any motion
- 4.5 The Chair, or in their absence the Vice-Chair shall have one casting vote
- 4.6 PNPG members shall declare pecuniary interests at meetings where appropriate

## **5. REPORTING AND COMMUNICATION**

- 5.1 The chairman will report regularly to the Planning Committee and Full Council setting out progress on its work
- 5.2 The process will be supported by the Town Council as local authority and qualifying body
- 5.3 The Town Council will approve the Submission Draft Neighbourhood Plan prior to publication for consultation and independent examination

## **6. SUPPORT**

- 6.1 The Town Council will provide a clerk to support the PNPG and an appropriately qualified planning consultant

## **7. CONDUCT**

- 7.1 The PNPG will follow the code of conduct set out by Penrith Town Council.
- 7.2 The PNPG as a whole is accountable to the wider community for ensuring that the Plan reflects their collective expectations.
- 7.3 The PNPG will achieve this through applying the following principles:
  - I. Work with mutual trust and respect, and combine their expertise;
  - II. Be clear when their individual roles or interests are in conflict;
  - III. Provide feedback from PNPG meetings;
  - IV. Inform the Steering PNPG when they are unable to deliver agreed actions;
  - V. Treat everyone with dignity, courtesy and respect regardless of their age, gender, sexual orientation, ethnicity, ability, or religion and belief; and
  - VI. Actively promote equality of access and opportunity.

# Penrith Town Council

## COMMUNITIES, CULTURE, & ECONOMIC GROWTH COMMITTEE

**KEY MATTERS** – community engagement, youth, culture, heritage, events, sponsorship, supporting the community plan actions grants and inward investment

### TERMS OF REFERENCE

<b>MEMBERSHIP</b>	EIGHT Members of Penrith Town Council
<b>QUORUM</b>	THREE Members of the Committee
<b>POWER</b>	Local Government Act 1972, Sections 101 and 102.
<b>TERMS</b>	<p>The Council's Standing Orders apply to all meetings of the Committee.</p> <p>The Committee shall be appointed on an annual basis at the Annual Meeting of the Town Council.</p> <p>The first order of business of the first meeting of the Committee after its annual appointment will be to elect a Chairman</p> <p>Unless the Council directs otherwise, the Committee may arrange to devolve any of its functions to a Sub-Committee or to Officers of the Council</p> <p>The Committee will meet monthly</p> <p>Meetings shall be open to the public unless the Committee feels it appropriate to exclude the press and public for specific items</p> <p>Members of the Committee will receive an agenda and supporting papers in accordance with the Councils Standing Orders</p> <p>All Members of the Council will receive an agenda only, sent via email</p> <p>Notice of meetings will be published in accordance with the Councils Standing Orders</p>
<b>LIMITATIONS</b>	<p>Only Members of the Committee may vote on agenda items</p> <p>Non-Members of the Committee may attend in their capacity as a Councillor and will be allowed to speak on an agenda item with the agreement of the Chairman</p> <p>Non-Members of the Committee are subject to the same rules as Committee Members regarding confidentiality and the requirements of the Code of Conduct</p> <p>Non-Members of the Committee have no more rights at Committee meetings than members of the public.</p>

# Penrith Town Council

## RESPONSIBILITIES

## DELEGATED POWERS

The committee has delegated authority:

<p><b>Delegated financial powers within the approved budget for expenditure related to all activities of the committee</b></p>	<p>To authorise all payments. To monitor income and expenditure associated with the activities of the committee</p>
<p><b>Ensure links and communication networks are made with voluntary and other community organisations within the local area</b></p>	<p>To lead</p>
<p><b>Make proposals in relation to the local visitor economy</b></p>	<p>To approve</p>
<p><b>Undertake periodic reviews of the Council's Community Engagement Policy and make any recommendations for amendment to the Council</b></p>	<p>To review and recommend</p>
<p><b>Delegated financial powers within the approved budget for expenditure related to the approval of grants relating to the awarding of financial support to organisations and events operating within the Council's area in accordance with the Council's Strategic Priorities and approved budgets</b></p>	<p>To consider and approve</p>
<p><b>Monitor the compliance and performance of beneficiaries of the grants and reporting to full council annually on the impact of the grants programme</b></p>	<p>To monitor and report</p>
<p><b>To encourage and sponsor arts, cultural and heritage events within the town within the budgetary provision previously agreed by the Council</b></p>	<p>To consider and approve</p>
<p><b>To maintain liaison with local bodies established for the promotion and/or management of arts and heritage</b></p>	<p>To maintain</p>

<b>To develop a Cultural Strategy for Penrith</b>	To lead on creating policy and recruiting specialist facilitators as required
<b>Provide support to initiatives that improve the health and wellbeing of the community, including sport and exercise</b>	To consider and approve
<b>Support local groups improving accessibility to Penrith by foot, cycle and for individuals with physical or sensory difficulties</b>	To support
<b>Work in partnership with organisations in the provision of activities that enhance the appearance, business opportunities and the quality of life in Penrith</b>	To support, consider and approve
<b>To delegate areas of responsibility to either a sub-committee or to an officer</b>	To delegate

# Penrith Town Council

## TERMS OF REFERENCE

### MANAGEMENT COMMITTEE

#### LIMITATIONS:

Non-Members of the Management Meeting may attend in their capacity as a Councillor and will be allowed to speak on a topic item with the agreement of the Chairman.

Non-Members of the Management Meeting are subject to the same rules as Management Team regarding confidentiality and the requirements of the Code of Conduct

Non-Members of the Management Meeting have no more rights at Committee meetings than members of the public.

## TERMS OF REFERENCE

### MANAGEMENT COMMITTEE

The Council's committee chairmen and vice chairmen, will meet informally. There will be no public notice of the meeting and no agenda. These meetings are not open to the public.

#### PURPOSE:

- To brief the chairmen on forthcoming events
- To be advised on items due for consideration at the forthcoming meetings
- To develop methods of communication
- To provide an opportunity to voice ideas, concerns, suggestions
- To review general administration of the council
- To monitor and improve Council communications
- To review risks and policies not covered by other committees.
- To provide an opportunity to develop chairing skills & knowledge
- To enhance a greater understanding of how town councils operate
- To deal with emergency matters at short notice

It should be noted that the Group has no powers to make conclusions or decisions on the events/items themselves nor can any preconceived policy line be determined.

### GROUP MEMBERSHIP

Membership is restricted to the Chairman and Vice Chairman of the Town Council together with the respective Chairmen and Vice Chairman of the Committees and officers of the Council.



## **CHAIRMAN**

The Chair at each meeting will be taken by the Chairman of Penrith Town Council or, in her/his absence, by the Vice Chairman of the Council.

## **RECORDS OF GROUP MEETINGS**

The briefing is an informal meeting which does not require a public notice nor agenda and the proceedings are not minuted formally in the style of the Council.

# Penrith Town Council

<b>RECORD OF DECISION TAKEN PURSUANT TO DELEGATED POWERS AND PUBLISHED IN ACCORDANCE WITH THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014</b>		
<b>1.</b>	<b>Date of decision</b>	
<b>2.</b>	<b>Name of officer making decision</b>	
<b>3.</b>	<b>Details of decision</b>	
<b>4.</b>	<b>Scheme of Delegation reference<sup>1</sup></b>	
<b>5.</b>	<b>Legal powers<sup>2</sup></b>	
<b>6.</b>	<b>Consultation undertaken (state dates)<sup>3</sup></b>	
<b>7.</b>	<b>Matters considered<sup>4</sup></b>	
<b>8.</b>	<b>Alternative options considered and rejected</b>	

<sup>1</sup> Paragraph of the Council's Scheme of Delegation delegating decision to Clerk or other officer

<sup>2</sup> Specify what statutory power enables the Council to make this decision.

<sup>3</sup> Specify what consultation has been undertaken, for example, with service users, the public, representative groups and with councillors.

<sup>4</sup> Where relevant you should include reference to matters the law requires the decision maker to have regard to.

<b>9.</b>	<b>Reason for decision<sup>5</sup></b>	
<b>10.</b>	<b>Financial/budgetary implications</b>	

**I confirm that the power to make this decision has been delegated to me pursuant to the Council’s Scheme of Delegation made under it, and that I have taken all relevant matters into account in making this decision.**

**Signed:**

**Job title:**

**Date:**

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<sup>5</sup> Delegated decisions may be challenged by judicial review, and reasons should therefore be given as to why the decision was taken.

NOTE: copy to meeting & finance

# Penrith Town Council Budget 18-19

## BUDGET/FINANCIAL DELEGATIONS

	<b>£</b>
Planning committee	30,000
CCEG committee	98,500
Finance committee	292,501
Contingency	4,796
CTRS grant	<u>-8,058</u>
Net Expenditure	417,739
Plus: Contribution to Reserves	<u>0</u>
Precept	<u>417,739</u>

### FINANCIAL DELEGATION TO OFFICERS

	<b>CARD PER DAY</b>	<b>EXPENDITURE VIA INVOICE</b>	<b>REPORTING</b>
Town Clerk	£300.00	£1,000	
Services & Contracts Manager	£300.00	£5,000	
All other officers	£300.00	£1,000 £1,000	Via payments report monthly to finance committee
External Accountancy Service		<ol style="list-style-type: none"> <li>1. All expenditure related to payroll, HMRC, pensions</li> <li>2. Payments approved annually by finance committee</li> </ol>	

**Approved: May 2018**

**Review: Annually**