



# Penrith Town Council

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## SCHEME OF DELEGATION

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### **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.

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## **1 PURPOSE:**

- 1.1 To clearly define the parameters within which Officers of the Council can act without reference to either their line managers or Members.
- 1.2 To clearly define the parameters within which a named Member of the Council can act without reference to Members.
- 1.3 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.
- 1.4 This Scheme of Delegation forms part of the Council's Constitution and will be reviewed at least annually or earlier if required.
- 1.5 Those with delegated responsibility are referred to by job title or name, therefore any changes in job titles will trigger a review of this scheme
- 1.6 Where consultation with others is a requirement of the ability to act, it is clearly set out with whom that consultation should take place.
- 1.7 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.

## **2. OVERVIEW**

- 2.1 Members deal with all matters either through their collective Council membership.
- 2.2 There are no circumstances where an individual Member can issue an instruction to the Clerk or a Contractor.
- 2.3 A Member must never act "on behalf of the Council" in the organisation of any function or service, without written delegated authority to do so.
- 2.4 The officers are responsible for advising Members on the making of Council policy and for ensuring that such policy is carried out.
- 2.5 The Council's Terms of Reference for Committees determines which Committee deals with matters, and at which level decisions are taken.
- 2.6 Many matters are delegated to the officers, who can make decisions on them working within established Council policies.
- 2.7 The day-to-day management of Council services, assets and council services is the responsibility of the Town Clerk.
- 2.8 Both Members and the officers must work within the law.
- 2.9 Mutual respect between the officers and Members is essential for the Council to function effectively. Personal/professional/verbal/written attacks on the officers must 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.
- 2.10 Any delegation to a Committee or Town Clerk shall be exercised in compliance with the Council's Standing Orders and this scheme, any other policies or conditions imposed by the Council and with the law.
- 2.11 In making any decision, regard shall be had to the Council's strategic goals and priorities.
- 2.12 To validate membership of a committee each member should participate in appropriate training within twelve weeks of their appointment to that committee.
- 2.13 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.

- 2.14 In an emergency, the Town Clerk is empowered to carry out any function of the Council.
- 2.15 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 Town Clerk, 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
- 2.16 Budgetary delegations are as approved and recorded in Appendix b.

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

- 3.2 **Membership:** All Councillors
- 3.3 **Quorum:** 5

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

- 3.4 To approve and adopt the budget.
- 3.5 To appoint the Council Chair and Mayor/ess.
- 3.6 To appoint the Council Vice Chair and Deputy Mayor/ess.
- 3.7 To appoint Committee Chair.
- 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 the Finance Committee and adopt the level of expenses that can be claimed by Members of the Council in respect of authorised or approved duties.
- 3.11 To make any decisions which would be contrary to the policy framework.
- 3.12 To determine matters involving expenditure for which budget provision is not made or is exceeded.
- 3.13 To determine matters which do not fall within the remit of any Committee.
- 3.14 To determine matters affecting or likely to affect, another Committee or where consultation with or approval of that other Committee is required.
- 3.15 To set the Precept.
- 3.16 To borrow money.
- 3.17 To receive statutory reports from the Town Clerk.
- 3.18 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 and December.

## **6. DELEGATION TO COMMITTEES**

- 6.1 In liaison with the Town Clerk, the Committee Chair have the authority to cancel or postpone a meeting owing to lack of business or in an emergency. Committee Chair have no other authority other than to chair a meeting of their committee.
- 6.2 Each Committee has delegated authority to decide matters within their terms of reference.
- 6.3 Subject to urgent items, 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 and sub-committees who are not members of Council shall not have a vote.
- 6.7 The Council may appoint standing sub-committees or other committees 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 or Sub-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.
- 6.12 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.
- 6.13 The quorum for a meeting of a Task and Finish Group is to be not less than two Councillors.
- 6.14 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.
- 6.15 The Task and Finish Group shall advise and make recommendations to full Council or to the Committee from which it was formed.
- 6.16 The Chair of a Task and Finish Group will be appointed by the Committee from which it was formed.
- 6.17 The Task and Finish Group shall be convened by its Chair.
- 6.18 Meeting Notes and Reports from Task and Finish Groups shall be sent to the Town Clerk and Chair within two weeks of a meeting taking place.
- 6.19 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.
- 6.20 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.
- 6.21 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 Chair and Vice-Chair of the appropriate Committee subject to a report being made to the next meeting of the appropriate Committee. (Appendix a)  
Consultation may be by virtual meeting, email or by telephone.

## **8. EMERGENCY MATTERS**

- 8.1 Matters of emergency, as determined by the Town Clerk or Council Chair, shall be delegated to the Town Clerk (or in his/her absence another Senior Officer) . The Town Clerk who will consult (consultation may be by virtual meeting, email or by telephone), with the Council Chair and Chair of each Committees (a minimum of three Members) who may convene without public notice as an Emergency Management Committee. The Chair is required to report to Council at the earliest opportunity.
- 8.2 In an emergency the Town Clerk is empowered to carry out any function of the Council other matters limited to Council (3.4 to 3.18) and has delegated authority to spend up to £5,000 per transaction where the Council has an approved budget.
- 8.3 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 amounts to gross misconduct or bringing the Council into disrepute.
  - IV. An emergency as defined in the Council's Emergency Plan:
    - a) Flooding
    - b) Loss of electricity
    - c) Pandemic
    - d) Emerging infectious disease
    - e) Multiple emergencies – e.g. Flooding resulting in a loss of power

## **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 Any delegation to the Proper Officer and Officers of the Council shall be exercised in compliance with the Council's Standing Orders, policies or any conditions imposed by the Council and within law
- 9.3 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.
- 9.4

- 9.5 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.
- 9.6 The Town Clerk shall have authority to issue authorisation to individual officers to as the Council's authorised officers in the performance of their statutory or other duties.
- 9.7 Delegations to members of staff in respect of routine financial matters are set out in the Scheme of Delegation Appendix b.
- 9.8 Delegations to The Town Clerk in respect of land and premises are set out in the Scheme of Delegation.
- 9.9 The Town Clerk shall have delegated management authority for the following Services:
- Services
  - Assets
  - Resources
  - Personnel
- 9.10 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.
- 9.11 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**

- 9.12 The Responsible Finance Officer 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:**
- 9.13 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.
- 9.14 Use the repairs budget for the maintenance, replacement or repair of existing property or equipment.
- 9.15 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.
- 9.16 To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.
- 9.17 To recommend to the relevant Council/committee on investing monies held by the Council with a view to obtaining the optimum financial return.



## **STAFF**

- 9.18 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:**
- 9.19 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.
- 9.20 Pay staff expenses and allowances.
- 9.21 Provide guidance to the Staffing Sub Committee on recommendations for employees' salary reviews, in accordance with the Council's staff appraisal system.

## **PROPERTY**

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

## 10. SUMMARY OF RESPONSIBILITIES FOR COMMITTEES NOT EXHAUSTIVE

<p><b>CULTURE, COMMUNITY AND ECONOMIC GROWTH COMMITTEE</b></p>	<ul style="list-style-type: none"> <li>• Regeneration &amp; development projects</li> <li>• Marketing, tourism and visitor economy</li> <li>• Town centre</li> <li>• Parking &amp; Movement</li> <li>• Employment &amp; skills</li> <li>• Arts &amp; culture</li> <li>• Market</li> <li>• Business</li> <li>• Sport, leisure, and play</li> <li>• Health and well-being</li> <li>• Physical health</li> <li>• Mental health</li> <li>• Promotion and support of the voluntary sector</li> <li>• Young people</li> <li>• Older people</li> <li>• Refugees</li> <li>• Community Engagement and liaison with community groups</li> <li>• Grants</li> </ul>
<p><b>Joint Committee when required</b></p>	<ul style="list-style-type: none"> <li>• Town Centre</li> <li>• Parking &amp; Movement</li> <li>• Regeneration &amp; development projects</li> <li>• In Bloom</li> <li>• Community Partnerships</li> </ul>
<p><b>PLANNING COMMITTEE</b></p>	<ul style="list-style-type: none"> <li>• Housing and Planning</li> <li>• Conservation and heritage</li> <li>• Street naming</li> <li>• Footpaths and rights of way</li> <li>• Highway and traffic regulations</li> <li>• Traffic calming</li> <li>• Tree preservation</li> <li>• Planning policy</li> <li>• Town Centre</li> <li>• Parking &amp; Movement</li> <li>• Regeneration &amp; development projects</li> <li>• Highways</li> <li>• Transport</li> <li>• Connectivity</li> <li>• Climate Change</li> <li>• Recycling</li> <li>• PECCAN</li> <li>• Community Partnerships</li> <li>• In Bloom</li> <li>• Green spaces</li> </ul>

<p><b>FINANCE COMMITTEE</b></p>	<ul style="list-style-type: none"> <li>• Risk management</li> <li>• Payroll</li> <li>• Internal and external audit</li> <li>• Procurement</li> <li>• Property, estates, and management of assets</li> <li>• Allotments</li> <li>• IT and Data security</li> <li>• Policy</li> <li>• HR and recruitment, retention, training and performance monitoring</li> <li>• Staff sub-committee</li> <li>• Health and Safety</li> <li>• Budget and payments management</li> <li>• Investments</li> <li>• Precept recommendation</li> <li>• Contract management</li> <li>• Public domain maintenance, street cleaning and litter</li> <li>• Lease, license, and fees management</li> <li>• Debt monitoring</li> <li>• Policy development and monitoring</li> </ul>
<p><b>STAFF SUB COMMITTEE</b></p>	<ul style="list-style-type: none"> <li>• Disciplinary and Grievance arrangements</li> </ul>

<p><b>FULL COUNCIL</b></p>	<ul style="list-style-type: none"> <li>• GPC and statutory obligations</li> <li>• Local Government Reorganisation and Devolution – negotiations, planning, infrastructure, and resources development, TUPE etc.</li> <li>• GDPR compliancy</li> <li>• Transparency compliancy</li> <li>• Corporate Governance Framework</li> <li>• Legal services</li> <li>• Elections, co-options, and Member’s support</li> <li>• Member training and development</li> <li>• Freedom of information</li> <li>• Complaints</li> <li>• Policy and performance</li> <li>• Code of Conduct</li> <li>• Register of attendance</li> <li>• Declarations of Interest</li> <li>• Emergency Planning</li> <li>• Borderlands</li> <li>• Civic pride/activities/ Mayoralty</li> </ul>
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# **11. FINANCE COMMITTEE TERMS OF REFERENCE**

**MEMBERSHIP:** SIX Members of Penrith Town Council.

**QUORUM:** THREE Members of the Committee.

## **TERMS:**

- a) The Council's Standing Orders apply to all meetings of the Committee.
- b) The Committee shall be appointed on an annual basis at the Annual Meeting of the Town Council when the Committee Chair will be appointed.
- c) The first order of business of the first meeting of the Committee after its annual appointment will be to elect a Vice-Chair.
- d) 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.
- e) The Committee will meet bi-monthly.
- f) Meetings shall be open to the public unless the Committee feels it appropriate to exclude the press and public for specific items.
- g) Members of the Committee will receive an agenda and supporting papers in accordance with the Councils Standing Orders.
- h) All Members of the Council will receive an agenda only, sent via email.
- i) Notice of meetings will be published in accordance with the Councils Standing Orders.

## **LIMITATIONS**

- a) Only Members of the Committee may vote on agenda items.
- b) 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 Chair.
- c) Non-Members of the Committee are subject to the same rules as Committee Members regarding confidentiality and the requirements of the Code of Conduct.
- d) Non-Members of the Committee have no more rights at Committee meetings than members of the public.

## **RESPONSIBILITIES**

- a) Ensure the preservation of probity and good financial practices within the Council and annually review the Financial practises of the Council.
- b) Provide guidance to Committees and Council on overall levels of income and expenditure.
- c) Consider the annual draft budget and recommend the draft precept to Full Council.
- d) Authorise all income and expenditure.
- e) Receive financial reports and monitor and report to Full Council.
- f) Review the Council's Investment Strategy and monitor compliance.
- g) Manage the Councils reserves and the arrangements for investments making recommendations to Council where appropriate.
- h) Consider and award contracts for work.
- i) Ensure that lawful procurement procedures followed including the publication and results of tenders.
- j) Implement the procurement/tender procedures for contracts in excess of £25,000.
- k) Review all policies and procedures ensuring that all policies and procedures are complaint with statutory requirements.

- l) Review the Council's Asset Register.
- m) Monitor financial risk and ensure that adequate financial risk management is in place.
- n) Review the Council's insurance on an annual basis and ensure that the Council's property is adequately insured.
- o) Consider use, upkeep, leases, licences rents and fees for any facilities / buildings.
- p) Responsible for the efficient and effective management of the Council's assets.
- q) Debt monitoring and recovery to be the responsibility of the Committee (above a de minimis level of £7,000).
- r) Consider the Internal Audit and External Audit reports, and report findings and recommendations to Full Council and implement any required audit actions.
- s) Ensure that PAYE, NI and pension payments are appropriately deducted from employees' salaries and paid as required by law.
- t) Make recommendations to Full Council on matters related to pay and pensions for the Town Clerk.
- u) Resolve pay, pensions & conditions for all other Council staff as required
- v) Recruitment of all staff except the appointment of the Town Clerk, which, by recommendation of this Committee, must be approved by Full Council.
- w) Delegate areas of responsibility to either a sub-committee, or an officer.
- x) Consider the recommendations of the Staffing Sub-Committee a standing subcommittee of the Finance and Resources Committee.

### **DELEGATED POWERS**

The committee has delegated authority:

- a) Review and monitor the income and expenditure of the Council as a whole
- b) Delegated financial powers within the approved budget
- c) Authority to oversee insurance of the Council's property
- d) Recover debts on behalf of the Council
- e) Award contracts
- f) Recruit staff

## **12. STAFF SUB-COMMITTEE TERMS OF REFERENCE**

**MEMBERSHIP: SIX** Members of Penrith Town Council.

**QUORUM: THREE** Members of the Committee.

### **TERMS:**

**MEMBERSHIP: SIX** Members of Penrith Town Council.

**QUORUM: THREE** Members of the Committee.

### **TERMS:**

- a) The Council's Standing Orders apply to all meetings of the Committee.
- b) The Committee shall be appointed on an annual basis at the Annual Meeting of the Town Council when the Committee Chair will be appointed.
- c) The first order of business of the first meeting of the Committee after its annual appointment will be to elect a Vice-Chair.
- d) 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.
- e) The Committee will meet bi-monthly.
- f) Meetings shall be open to the public unless the Committee feels it appropriate to exclude the press and public for specific items.
- g) Members of the Committee will receive an agenda and supporting papers in accordance with the Councils Standing Orders.
- h) All Members of the Council will receive an agenda only, sent via email.
- i) Notice of meetings will be published in accordance with the Councils Standing Orders.

### **LIMITATIONS**

- a) Only Members of the Committee may vote on agenda items.
- b) 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 Chair.
- c) Non-Members of the Committee are subject to the same rules as Committee Members regarding confidentiality and the requirements of the Code of Conduct.
- d) Non-Members of the Committee have no more rights at Committee meetings than members of the public.

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

- 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.
- 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.
- Termination of employment of staff which is to be reserved for a Council decision.

## **RESPONSIBILITIES**

- a) Investigate complaints about Council administration and procedures.
- b) Investigate complaints about Council employees
- c) Delegate responsibilities and receive recommendations
- d) Convene a panel for Grievance and Disciplinary arrangements and appeal

## **DELEGATED POWERS**

The committee has delegated authority:

- a) Resolve the outcome of a formal complaint.
- b) Refer a complaint to Full Council if necessary.
- c) Resolve the outcome of a complaint via Grievance and Disciplinary Panel.
- d) Approve and make recommendations to the Full Council via the Finance Committee.

## **Grievance and Disciplinary Panel Arrangements**

- The Panel shall entirely consist of Councillors.
  - 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.
  - Meetings will be called on an ad-hoc basis as required, called by the Town Clerk and with notice given to the relevant employee.
  - A minute taker will be present throughout the proceedings.
  - The Panel will follow the procedure set out in the ACAS Grievance and Disciplinary Procedures.
  - The Panel has no delegated financial powers.
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- **Appeals Panel Arrangements**
  - Any Member who has been involved in the original Grievance or Disciplinary Panel shall not form part of the Appeals Panel.
  - The Appeals Panel will be appointed when any appeals against dismissal, grading, disciplinary proceedings and grievances by employees of the Council are made.
  - The Town Clerk will call the meeting and notice will be given to the employee.
  - A minute taker will be present throughout the proceedings.
  - The Panel will follow the procedures set out in the Disciplinary Procedure.
  - The Panel has no delegated financial powers.

## **13. PLANNING COMMITTEE TERMS OF REFERENCE**

**MEMBERSHIP:** SIX Members of Penrith Town Council.

**QUORUM:** THREE Members of the Committee.

### **TERMS:**

- j) The Council's Standing Orders apply to all meetings of the Committee.
- k) The Committee shall be appointed on an annual basis at the Annual Meeting of the Town Council when the Committee Chair will be appointed.
- l) The first order of business of the first meeting of the Committee after its annual appointment will be to elect a Vice-Chair.
- m) 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.
- n) The Committee will meet bi-monthly.
- o) Meetings shall be open to the public unless the Committee feels it appropriate to exclude the press and public for specific items.
- p) Members of the Committee will receive an agenda and supporting papers in accordance with the Council's Standing Orders.
- q) All Members of the Council will receive an agenda only, sent via email.
- r) Notice of meetings will be published in accordance with the Council's Standing Orders.

### **LIMITATIONS**

- a) Only Members of the Committee may vote on agenda items.
- b) 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 Chair.
- c) Non-Members of the Committee are subject to the same rules as Committee Members regarding confidentiality and the requirements of the Code of Conduct.
- d) Non-Members of the Committee have no more rights at Committee meetings than members of the public.

### **RESPONSIBILITIES**

- a) Consider and provide responses to planning applications made to Eden District Council for planning permission
- b) Consider and provide responses to any proposals by the Local Planning Authority to make Tree Preservation Orders
- c) Consider consultation responses to the Government's Planning Inspectorate and other appropriate bodies.
- d) Consider and provide responses with respect to the stopping up, diversion, maintenance or creation of public rights of way
- e) Consider and provide responses with respect to footpath/bridleway creation orders, highway adoption orders and other highway notices
- f) Consider and recommend responses to any proposals with respect to street naming
- g) Consider and provide responses to proposals with respect to highway and traffic regulation issues and orders
- h) Develop and implement a Neighbourhood Plan for Penrith
- i) Delegate areas of responsibility to either a sub-committee or to an officer
- j) Formulate budget recommendations
- k) Develop policy



## **DELEGATED POWERS**

The committee has delegated authority:

- a) Respond to all planning matters referring contentious and significant applications to full Council for consideration.
- b) Design, develop and approve policy relevant to the Neighbourhood Plan and Climate Change Strategy.
- c) Financial powers within the approved budget for expenditure related to the Neighbourhood Plan budget

## **14. COMMUNITIES, CULTURE, & ECONOMIC GROWTH COMMITTEE TERMS OF REFERENCE**

**MEMBERSHIP:** **SIX** Members of Penrith Town Council.

**QUORUM:** **THREE** Members of the Committee.

### **TERMS:**

- a) The Council's Standing Orders apply to all meetings of the Committee.
- b) The Committee shall be appointed on an annual basis at the Annual Meeting of the Town Council when the Committee Chair will be appointed.
- c) The first order of business of the first meeting of the Committee after its annual appointment will be to elect a Vice-Chair.
- d) 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.
- e) The Committee will meet bi-monthly.
- f) Meetings shall be open to the public unless the Committee feels it appropriate to exclude the press and public for specific items.
- g) Members of the Committee will receive an agenda and supporting papers in accordance with the Councils Standing Orders.
- h) All Members of the Council will receive an agenda only, sent via email.
- i) Notice of meetings will be published in accordance with the Councils Standing Orders.

### **LIMITATIONS**

- a) Only Members of the Committee may vote on agenda items.
- b) 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 Chair.
- c) Non-Members of the Committee are subject to the same rules as Committee Members regarding confidentiality and the requirements of the Code of Conduct.
- d) Non-Members of the Committee have no more rights at Committee meetings than members of the public.

### **RESPONSIBILITIES**

- a) Ensure links and communication networks are made with voluntary and other community organisations within the local area.
- b) Make proposals in relation to the local visitor economy.
- c) Undertake periodic reviews of the Council's Community Engagement Policy and make any recommendations for amendment to the Council.
- d) Monitor the compliance and performance of beneficiaries of grants and reporting to Full Council annually on the impact of the grants programme.
- e) Encourage and sponsor arts, cultural and heritage events within the town within the budgetary provision previously agreed by the Council.
- f) Maintain liaison with local bodies established for the promotion and/or management of arts, culture, health, wellbeing, tourism and heritage.
- g) Develop a Cultural Strategy for Penrith.
- h) Provide support to initiatives that improve the health and wellbeing of the community, including sport and exercise

- i) Support local groups improving accessibility to Penrith by foot, cycle and for individuals with physical or sensory difficulties.
- j) Work in partnership with organisations in the provision of activities that enhance the appearance, business opportunities and the quality of life in Penrith

## **DELEGATED POWERS**

The committee has delegated authority:

- a) Delegate areas of responsibility to either a sub-committee or to an officer
- b) Delegated financial powers within the approved budget for expenditure related to all activities of the committee.
- c) 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

## **15. EMERGENCY MANAGEMENT COMMITTEE TERMS OF REFERENCE**

- a) The Committee will be summonsed to consider matters of emergency, as determined by the Town Clerk (or in his/her absence another Officer).
- b) The Membership shall be the Council Chair and Vice Chair and Chair of all Committees.
- c) Quorum is THREE.
- d) The Committee may have to convene without public notice as an Emergency Management Committee, depending on the timing and nature of the emergency.
- e) The meeting will be minuted.
- f) The Council Chair is required to report to Council at the earliest opportunity.
- g) 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.

## **16. MEMBERS FORUM**

- a) The Council's Members will meet informally.
- b) There will be no public notice of the meeting and no agenda.
- c) These meetings are not open to the public.
- d) The Forum has no powers to make conclusions or decisions on the events/items themselves nor can any preconceived policy line be determined.

### **PURPOSE:**

- To brief Members on forthcoming events.
- To improve communication.
- To provide an opportunity to voice ideas, concerns, suggestions.
- To provide an opportunity to develop skills & knowledge.
- To enhance a greater understanding of how Town Council operates.

### **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

## A) RECORD OF DECISION

TAKEN PURSUANT TO DELEGATED POWERS AND PUBLISHED IN ACCORDANCE WITH THE  
OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

<b>1.</b>	Date of decision	
<b>2.</b>	Name of officer making decision	
<b>3.</b>	Details of decision	
<b>4.</b>	Scheme of Delegation reference <sup>1</sup>	
<b>5.</b>	Legal powers <sup>2</sup>	
<b>6.</b>	Consultation undertaken (state dates) <sup>3</sup>	
<b>7.</b>	Matters considered <sup>4</sup>	
<b>8.</b>	Alternative options considered and rejected	
<b>9.</b>	Reason for decision <sup>5</sup>	
<b>10.</b>	Financial/budgetary implications	

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:

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<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.

<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

## **B) FINANCIAL DELEGATION TO OFFICERS**

- Town Clerk

**CARD PER DAY: £300**

**EXPENDITURE VIA INVOICE: £1000**

- Services & Contracts Manager

**CARD PER DAY: £300**

**EXPENDITURE VIA INVOICE: £10,000**

- Deputy Town Clerk

**CARD PER DAY: £300**

**EXPENDITURE VIA INVOICE: £10,000 NEIGHBOURHOOD PLAN**

- Economic Development Officer

**CARD PER DAY: £300**

**EXPENDITURE VIA INVOICE: £21,500 GREENING, IN BLOOM**

- All officers

**SMALL GRANTS AND GROW NATURE FUND: £1,000**

- All other officers

**EXPENDITURE VIA INVOICE: £1000**

- External Accountancy Service

**ALL EXPENDITURE RELATED TO PAYROLL, HMRC, PENSIONS**

**WEEKLY HSBC PAYMENTS**

**Approved: May 2015**

**Review: Annually**