



Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR
Tel: 01768 899 773 Email: office@penrithtowncouncil.gov.uk

SCHEME OF DELEGATION

Purpose

This Scheme of Delegation authorises the Proper Officer and Council Officers, committees, subcommittees and task and finish groups of the Council to act with delegated authority in the specific circumstances detailed within this scheme.

Where consultation with others is a requirement of the ability to act, it is clearly set out with whom that consultation should take place.

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.

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. Overview

- a) Members deal with all matters through their collective Council membership and there are no circumstances where an individual Member can issue an instruction to the Clerk or a Contractor. A Member must never act "on behalf of the Council" in the organisation of any function or service, or at any external meetings, without written delegated authority to do so.
- b) Mutual respect between the officers and Members is essential for the Council to function effectively.

- c) 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. Both Members and the officers must work within the law.
- d) The day-to-day management of Council services, assets and staff is the responsibility of the Town Clerk.
- e) Council officers are responsible for advising Members on the making of Council policy and for ensuring that such policy is carried out. Many matters are delegated to the officers, who can make decisions on them working within established Council policies.
- f) The Council's terms of reference for Committees determines which Committee deals with matters, and at which level decisions are taken.
- g) To validate membership of a committee each member should participate in appropriate training within twelve weeks of their appointment to that committee.
- h) The Town Clerk may nominate another named Officer or professional to carry out any powers and duties, which have been delegated to that Officer. 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.
- i) 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, if the scope of the decision extends beyond an agreed budget or if there is no budget and the matter is urgent in nature.

2. Safeguards

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

3. Delegation to Officers

- a) 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.
- b) 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.
- c) Subject to those matters that are reserved for Committee all members of staff shall be responsible and shall have delegated authority for the day-to-day operation and management of his/her/their department and of the services and land for which he/she/they are responsible.
- d) Any matter not reserved for Committee 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.
- e) The Town Clerk shall have authority to issue instructions to individual officers in the performance of their statutory or other duties.
- f) The Town Clerk shall have delegated management authority for the following Services: services, assets, resources, personnel, property, and finance.
- g) 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.
- h) 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.
- i) 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.
- j) 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:

- k) Manage staff performance and discipline and performance, including the power of suspension and dismissal, in accordance with the policies set and as approved by Council.
- l) Pay staff expenses and allowances.
- m) Provide guidance to the Finance Committee on recommendations for employees' salary reviews, in accordance with the Council's staff appraisal system or similar.

The Town Clerk has authority to manage the land and property of the Council including:

- n) Agreeing the terms of any lease, licence, conveyance, or transfer approved by the Council's solicitors and Finance Committee.
- o) Granting or refusal of the Council's consent under the terms of any lease.
- p) Varying restrictive covenants of a routine nature.
- q) Recommending to Council on the granting of easements, wayleaves, and licences over Council land.
- r) Initiating legal action or proceedings against unauthorised encampments on Council land.

Officers have authority to:

- s) Incur expenditure up to an approved maximum on any item for which provision is made in an appropriate budget provided that any action taken complies with any legislative provisions.
- t) Use the repairs budget for the maintenance, replacement or repair of existing property or equipment.
- u) Recommend to the relevant Council/committee quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations and Procurement Policy), subject to:
 - i. The cost not exceeding the amount of the approved budget.
 - ii. The quote/tender being the lowest or the one showing best added value to the Council according to the criteria set out in the tender documentation.
 - iii. All the requirements of the Council's Financial Regulations and Procurement Policy being complied with.
- v) Compile, approve, vary, and employ approved contractors subject to the requirements of the Council's Financial Regulations and Procurement Policy.
- w) Recommend to the relevant Council/committee on investing monies held by the Council with a view to obtaining the optimum financial return.

4. Urgent Items

- a) Matters of urgency, as determined by the Town Clerk (or in his/her/their absence the Services and Contracts Manager) 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)
- b) Consultation may be by virtual meeting, email or by telephone.

5. Emergency Matters

- a) In an emergency, the Town Clerk is empowered to carry out any function of the Council.
- b) Matters of emergency, as determined by the Town Clerk or Council Chair, shall be delegated to the Town Clerk (or in his/her/their absence the Services and Contracts Manager). The Town Clerk who will consult (consultation may be by virtual meeting, email or by telephone), with the Council Chair, Vice 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.
- c) In an emergency the Town Clerk is empowered to carry out any function of the Council other matters limited to Council and has delegated authority to spend up to £25,000 per transaction where the Council has an approved budget.
- d) An emergency is defined as:
 - i. A matter with significant financial implications greater than £25,000.
 - 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.
- e) An emergency as defined in the Council's Emergency Plan:
 - i. Flooding
 - ii. Loss of electricity
 - iii. Pandemic
 - iv. Emerging infectious disease
 - v. Multiple emergencies – e.g., Flooding resulting in a loss of power.
- VI. Matters to be Resolved only by Council:
 - a) Approve and adopt the budget.
 - b) Appoint the Council Chair and Mayor.
 - c) Appoint the Council Vice Chair and Deputy Mayor.
 - d) Appoint Committee Chair.
 - e) Agree and/or amend the terms of reference for committees, deciding on their composition and making appointments to them.
 - f) Adopt the schedule of meetings for the ensuing year.
 - g) 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.
 - h) Make any decisions which would be contrary to the policy framework.
 - i) Determine matters involving expenditure for which budget provision is not made or is exceeded.
 - j) Determine matters which do not fall within the remit of any Committee.
 - k) Determine matters affecting or likely to affect, another Committee or where consultation with or approval of that other Committee is required.
 - l) Set the Precept.
 - m) Borrow money.
 - n) Receive statutory reports from the Town Clerk.
 - o) Consider any matter required by law to be considered by Council.

6. Delegation to Committees

- a) 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.
- b) Committee Chair have no other authority other than to chair a meeting of their committee.
- c) Each Committee has delegated authority to decide matters within their terms of reference.
- d) Subject to urgent items, the following matters shall be referred to the relevant Committee or Full Council, where appropriate. Any matter which:
 - Requires a new policy.
 - Requires an alteration to an existing policy (other than a minor amendment).
 - Would be contrary to the policy framework.
 - Involves expenditure, or a reduction in income, for which there is no sufficient budgetary provision.
 - In the opinion of the Town Clerk, cannot in law or in accordance with the Standing Orders be decided by an Officer.
 - Upon which a Committee has requested a report.
 - A Member has requested an item to be put on an agenda.
 - In the opinion of the officer concerned, should be determined by a committee.

7. Sub-Committees

- a) 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.
- b) The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.
- c) Members of committees and sub-committees who are not members of Council shall not have a vote.
- d) 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, 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.
- May dissolve a committee.

8. Task & Finish Groups/Working Groups

- a) 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)
- b) 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.
- c) 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.
- d) 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.
- e) 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.
- f) The quorum for a meeting of a Task and Finish Group is to be not less than two Councillors.
- g) 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.
- h) The Task and Finish Group shall advise and make recommendations to full Council or to the Committee from which it was formed.
- i) The Chair of a Task and Finish Group will be appointed by the Committee from which it was formed.
- j) The Task and Finish Group shall be convened by its Chair.
- k) 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.
- l) 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.
- m) 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.
- n) A Task & Finish Group may not necessarily have officer support but may seek advice from officers as and when required.

Appendices

- A. Record of Decision
- B. Summary of responsibilities
- C. Terms of Reference for the Planning Committee
- D. Terms of Reference for Communities Committee
- E. Terms of Reference for the Finance Committee
- F. Terms of Reference for the Staff Sub-Committee
- G. Terms of Reference Assets Sub- Committee
- H. Terms of Reference Emergency Management Committee
- I. Informal Members Briefing Forum

Adopted 2015

Version Control Table

Title	Scheme of Delegation V1.052015			
Description	Governance Policy – requires annual review			
Created By	Town Clerk			
Date Created	May 2015			
Maintained By	Town Clerk/Legal			
Version Number	Modified By	Modifications Made	Date Modified	Status
V1	T/C and L	Accessibility	25/11/25	Live

NOTE FOR ACCESSIBILITY: THERE ARE TABLES IN THIS DOCUMENT



Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR
Tel: 01768 899 773 Email: office@penrithtowncouncil.gov.uk

Record of Decision		
Taken pursuant to delegated powers and published in accordance with the Openness of Local Government Bodies Regulations 2014		
1.	Date of decision	
2.	Name of officer making decision	
3.	Details of decision	
4.	Scheme of Delegation reference ¹	
5.	Legal powers ²	
6.	Consultation undertaken (state dates) ³	
7.	Matters considered ⁴	
8.	Alternative options considered and rejected.	
9.	Reason for decision ⁵	
10.	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:

¹ Paragraph of the Council's Scheme of Delegation delegating decision to Clerk or another officer

² Specify what statutory power enables the Council to make this decision.

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

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

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

Summary of Responsibilities for Council & Committees

Not exhaustive

FULL COUNCIL

- GPC and statutory obligations
- Local Government Reorganisation and Devolution – negotiations, planning, infrastructure, and resources development, TUPE etc.
- GDPR compliance
- Transparency compliance
- Corporate Governance Framework
- Legal services
- Elections, co-options, and Member's support
- Member training and development
- Freedom of information
- Complaints
- 4 Members to act as signatories to the Council's accounts and investments.
- Policy and performance
- Code of Conduct
- Register of attendance
- Declarations of Interest
- Emergency Planning
- Parking & Movement
- LCWIP
- Borderlands
- Civic pride/activities/ Mayoralty
- Grants
- Regeneration & development projects
- Marketing, tourism, and visitor economy
- Town centre

PLANNING COMMITTEE

- Housing and Planning
- Conservation and heritage
- Street Naming
- Footpaths and rights of way
- Highway and traffic regulations
- Traffic calming
- Tree preservation
- Planning policy
- Town Centre
- Parking & Movement
- Regeneration & development projects
- Borderlands
- Highways
- Transport
- Connectivity
- Climate Change mitigation for planning applications
- Recycling
- Community Partnerships
- Green spaces
- Parking & Movement
- Regeneration & development projects
- LCWIP

COMMUNITIES COMMITTEE

- Mental health
- Promotion and support of the voluntary sector
- Young people
- Older people
- Refugees
- Climate Strategy
- Arts & culture
- Business
- Sport, leisure, and play
- Health and well-being
- Physical health
- Community Engagement and liaison with community groups

FINANCE COMMITTEE

- Risk management
- Payroll
- Internal and external audit
- Procurement
- Property, estates, and management of assets
- Allotments
- IT and Data security
- Policy
- HR and recruitment, retention, training, and performance monitoring
- Staff sub-committee
- Health and Safety
- Budget and payments management
- Investments
- Precept recommendation
- Contract management
- Public domain maintenance, street cleaning and litter
- Lease, licence, and fees management
- Debt monitoring
- Policy development and monitoring
- Town Dressing – greening, in Bloom, bunting, Christmas lights

STAFF SUB COMMITTEE

- Disciplinary and Grievance arrangements
- Complaints

ASSETS SUB COMMITTEE

- Asset and service transfers from Westmorland and Furness Council
- Acquisitions from other organisations, authorities and bodies.

Planning Committee Terms of Reference

MEMBERSHIP: Up to **Eight** 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 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 Council's 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 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 Westmorland and Furness 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 office.
- j) Formulate budget recommendation.
- 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.
- c) Financial powers within the approved budget for expenditure related to the Neighbourhood Plan budget.

Communities Committee Terms of Reference

MEMBERSHIP: Up to **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 up to six times per year.
- 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 Councils 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 Councils Standing Orders.

Limitations

- e) Only Members of the Committee may vote on agenda items.
- f) 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.
- g) Non-Members of the Committee are subject to the same rules as Committee Members regarding confidentiality and the requirements of the Code of Conduct.
- h) Non-Members of the Committee have no more rights at Committee meetings than members of the public.

Responsibilities

- l) Responsible for the development and implementation of strategies, policies, and projects aimed at improving life at a local level in the context of the priorities identified by the community, the Council Plan, and other corporate strategies.
- m) Support and empower the community in Penrith to bring about social change, improve the quality of life in the local area and shape their own futures.
- n) Responsible for the delivery of Council Communications including forms of engagement which may be virtual, digital, printed or face to face.
- o) Responsible for the implementation, monitoring and review of the Council's Climate Strategy.

- p) The Committee has advisory responsibility for co-ordinating the Council's approach to equalities, democratic engagement, arts, culture, heritage, sustainability, health and well-being.
- q) The Committee meets up to six times a year.
- r) The Committee consists of 6 members, but it may invite representatives from community groups and others to attend with speaking rights.
- s) Members of the Council with an interest or experience in a priority may join the committee on a short-term basis.
- t) Delegated financial powers within the approved budget for expenditure related to all activities of the committee.
- u) Officers of the Council will report to the committee regarding progress on work plans and expenditure.
- v) The committee and officers have authority to respond to urgent emerging matters that impact upon service delivery or the community of Penrith.

Finance Committee Terms of Reference

MEMBERSHIP: No less than **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 a Council term basis.
- c The Committee Chair will be appointed on an annual basis at the Annual Meeting of the Town Council.
- d The first order of business of the first meeting of the Committee after its annual appointment will be to elect a Vice-Chair.
- e 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.
- f The Committee will meet bi-monthly.
- g Meetings shall be open to the public unless the Committee feels it appropriate to exclude the press and public for specific items.
- h Members of the Committee will receive an agenda and supporting papers in accordance with the Councils Standing Orders.
- i All Members of the Council will receive an agenda only, sent via email.
- j 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 practices 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 Council's 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 more than £25,000.
- k) Review all policies and procedures ensuring that all policies and procedures are compliant 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, land and assets.
- p) Responsible for the efficient and effective management and development of the Council's buildings, land and 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 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.

APPENDIX F Staff Sub-Committee Terms of Reference

MEMBERSHIP: SEVEN 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 made up of those Members who have been appointed to the Council's Finance Committee.
- c) The Committee Chair will be the same Member who is the approved Chair of the Finance Committee.
- d) The first order of business of the first meeting of the Committee after its annual appointment will be to elect a Vice-Chair.
- e) 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.
- f) The Committee will meet as required.
- g) Meetings shall be open to the public unless the Committee feels it appropriate to exclude the press and public for specific items.
- h) Members of the Committee will receive an agenda and supporting papers in accordance with the Council's Standing Orders.
- i) All Members of the Council will receive an agenda only, sent via email.
- j) 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.

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 Council's 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 Westmorland and Furness Council, Monitoring Officer.
- c) 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.
- e)

Grievance and Disciplinary Panel Arrangements

- a) The Panel shall entirely consist of Councillors.
- b) 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.
- c) Meetings will be called on an ad-hoc basis as required, called by the Town Clerk and with notice given to the relevant employee.
- d) A minute taker will be present throughout the proceedings.
- e) The Panel will follow the procedure set out in the ACAS Grievance and Disciplinary Procedures.
- f) The Panel has no delegated financial powers.

Appeals Panel Arrangements

- a) Any Member who has been involved in the original Grievance or Disciplinary Panel shall not form part of the Appeals Panel.
- b) The Appeals Panel will be appointed and be made up of three other Members of the Council when any appeals against dismissal, grading, disciplinary proceedings, and grievances by employees of the Council are made.
- c) The Town Clerk will call the meeting, and notice will be given to the employee.
- d) A minute taker will be present throughout the proceedings.
- e) The Panel will follow the procedures set out in the Disciplinary Procedure.
- f) The Panel has no delegated financial powers.

Terms of Reference : Assets Sub-Committee**1. Purpose and Scope**

The Asset Transfer Sub-Committee will:

- a) Be a subcommittee of the Finance Committee which can be convened to consider asset transfers from Westmorland and Furness Council or another body and asset acquisitions. The committee will report directly to the Finance Committee as required and must operate within these Terms of Reference.
- b) Lobby for the devolution of services, resources, and assets so that services and assets are retained in Penrith and are managed, maintained, and delivered efficiently and effectively.
- c) Represent the interest of the Council at formal meetings with Westmorland and Furness Council or with other organisations to establish a positive and constructive relationship at the earliest stage of asset acquisition or transfer.
- d) Research capital, revenue and maintenance costs, and provide informed recommendations to the Finance Committee and Full Council for their consideration and approval.
- e) Give strategic direction and recommend policy and approach to the Finance Committee and Full Council
- f) Consider the human resources impacts of asset transfers and make recommendations to the Finance Committee for future staffing requirements, or TUPE.
- g) Draft press releases in liaison with the TC and CSO, when appropriate, to update residents on the assets being transferred and the value being added by the Town Council.
- h) Be responsible for consulting with stakeholders to discuss options to develop informed recommendations.
- i) Prepare and present reports or recommendations ensuring clarity and alignment with the Council's Business Plan and previous resolutions related to expressions of interest for asset transfers.
- j) Have decision-making powers and can seek additional delegations of authority from Full Council to manage critical, and urgent matters reporting to Finance Committee and Full Council at the earliest opportunity.
- k) Have authority to spend from the Devolution Reserve up to the value of £30,000 to expediate a transfer or acquisition with critical deadlines which must be presented in line with The Council's adopted Financial Regulations.

2. Membership

- a) The committee should be made up of the lead councillor for assets, Council Chair or Vice Council Chair, Chair of the Planning Committee, Communities Committee, and Chair and Vice Chair of the Finance Committee.
- b) A lead councillor for assets will be nominated by the Full Council, and it is the responsibility of the lead to chair meetings and to coordinate the group's efforts and provide regular reporting back to the Finance Committee.
- c) In his/her absence the Chair or Vice Chair of the Finance Committee will chair the meeting.

- d) Additional members may be included in the sub-committee as required.
- e) Non council members may be invited to join.
- f) Membership may be reviewed by the Full Council as needed.

3. Meetings, agenda items, minutes and meeting papers

- a) Meetings will be convened as required and will be held in person.
- b) The agenda, with attached meeting papers, will be distributed at least five working days prior to the next scheduled meeting.
- c) The agenda and minutes of each meeting will be prepared by either the Services and Contracts Manager or Community Services Officer.
- d) Three Councillors are required to attend for the meeting to be quorate.

4. Reporting

- a) The minutes, including attachments, will be provided to the membership and will be available to Members of the Town Council.
- b) Minutes will be circulated to Members no later than five working days following each meeting.
- c) Confidential matters will be on pink paper and marked confidential.
- d) The Committee will make recommendations to the Council's Finance Committee in the first instance. If accepted and approved by the Finance Committee, these will then be ratified by Full Council at the earliest opportunity.
- e) The committee shall be notified by Council officers on any item or issue relevant to asset acquisition, transfer including but not limited to legal, financial, operational, or community-related considerations and a meeting will be convened if required.

5. Proxies/Deputies to meetings

Vice Chairs of the Planning Committee, Communities Committee will act as proxies/deputies.

6. Resources

- a) The committee will have access to Council staff for administrative support and will undertake desk top research to consider and research each asset, service, and contract to enable the Council to prioritise, develop business cases, consider the risks, costs and opportunities related to each asset transfer.
- b) The following officers would be expected to attend meetings: Town Clerk, RFO, Solicitor, Services and Contracts Manager, and Community Services Officer

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.

Informal Members Briefing 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:

- a) To brief Members on forthcoming events.
- b) To improve communication.
- c) To provide an opportunity to voice ideas, concerns, suggestions.
- d) To provide an opportunity to develop skills & knowledge.
- e) To enhance a greater understanding of how the 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.