



Kenilworth Town Council

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SCHEME OF DELEGATION

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Review Due – July 2027

Introduction

The purpose of the Scheme of Delegation is to consolidate a Council's delegated powers into one document:

- providing a single point of reference to inform decision-making;
- ensuring that there is no conflict between different governance documents;
- clarifying lines of accountability; and
- confirming where statutory responsibilities sit.

The Council's statutory power to delegate its functions is laid down in the Local Government Act (LGA) 1972 s101. This states that power can be delegated to a committee, sub-committee, or officer of the authority, or to another authority.

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (the Town Clerk) and Standing Committees to act with delegated authority in the specific circumstances detailed below.

Proper Officer and Responsible Financial Officer Duties and Powers

1. Responsible Financial Officer

- 1.1. The Town Clerk shall be the Responsible Financial Officer to the Council and shall be responsible for the Town Council's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time.

2. Proper Officer

- 2.1. The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

- Receive declarations of acceptance of office
- Receive and record notices disclosing interests
- Receive and retain plans and documents
- Sign Notices or other documents on behalf of the Council
- Receive copies of bylaws made by a principal local authority
- Certify copies of bylaws made by the Council
- Draw up agendas usually after consultation with the relevant Committee Chair
- Sign summons to attend meetings of the Council.

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

- Day to day administration of services.
- Day to day supervision and control of all staff employed by the Council.
- Authorisation to call any extra meetings of the Council or any Committee as necessary, having consulted with the Mayor of the Council, and/or the Chairman of the appropriate Committee.
- Authorisation to respond immediately to any correspondence, requiring or requesting information or relating to previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its Committees.
- Authorisation to deal with dispensation requests from members
- Authorisation of routine recurring expenditure within the agreed budget.
- Authorisation of expenditure on works up to a maximum of £1000.
- Emergency expenditure up to £1,000 outside of an agreed budget.
- After consultation with the Group Leaders, any action considered appropriate in a situation where the health and safety of public or staff is at risk.

- Authorisation of all payments using the HSBC Bank online payment system.
 - After consultation with the Chair of Planning, authorisation to issue responses on behalf of the Planning Committee for any matters which have been delegated to the Committee.
 - Authorisation to issue any press releases on behalf of the Council
 - Editorial control of the Council's website and social media
 - Day-to day liaison with Kenilworth Allotment Tenants Association.
 - Applying for any grants and other funding on the Council's behalf.
- 2.3. Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and in line with directions given by the Council from time to time.
- 2.4. The Town Clerk may nominate another named Officer to carry out any powers and duties which have been delegated to the Town Clerk.

Council and its Committees Duties and Powers

3. Council

- 3.1. The following are reserved matters for the Council to decide, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration.
- Appointment of the Town Clerk / RFO following consideration being given to a recommendation from the Staffing Committee
 - Approval of the Budget and setting the Precept
 - Borrowing money
 - Authorisation of capital expenditure not included in the annual budget
 - Approval of the Council's Annual Accounts and the Annual Return
 - Making, amending or revoking Standing Orders, Financial Regulations, this Scheme of Delegation and our Policy Framework.
 - Making, amending or revoking bylaws
 - Making of orders under any statutory powers
 - Appointment of all Standing Committees
 - Matters of principle or policy

- Noting of all minutes approved by Committees
- Approval of application for Quality Status and/or its equivalent
- Nomination and appointment of representatives of the Council to any other authority, organisation or body
- Any proposed undertakings committing expenditure above £5,000 and that outside of Committee Budgets which may be a charge to General Reserves
- Responses to legislative and other allied consultations excluding those dealt with by the Planning Committee
- Prosecution or defence in a Court of Law other than an Employment Tribunal
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to a Committee.
- Decisions with a view to the Council becoming eligible to exercise the General Power of Competence
- The maintenance of a Fixed Asset Register. The safe custody and upkeep of all accoutrements and objects of interest or value in the ownership of the Council.

3.2. Urgent matters:

- In the event of any matter arising which requires an urgent decision the Town Clerk shall forthwith consult with the Group Leaders before acting on behalf of the Council.
- Before the Town Clerk exercises the delegated powers granted by the above paragraph, those Members consulted shall consider whether the matter justifies summoning a Special Meeting of the Council or appropriate Committee.
- Whenever any action is taken in this way, full details of the circumstances justifying urgent action shall be submitted in writing to the next available meeting of the Committee concerned and/or Council.

4. Committees and Sub Committees

- ### 4.1. The **Finance Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

- Approval of its Minutes as true and correct records.
- All matters relating to financial management of the Council's affairs including legal matters, excluding the final setting of a precept or any amount to be borrowed.
- Following consultation with Group Leaders (as appropriate), to receive estimates from the RFO for all budget headings to enable the establishment of an overall budget estimate for recommendation to Full Council as laid down in Financial Regulations.
- Recommendation of the overall Council budget for each financial year.
- The monitoring of all budgets on an ongoing basis, taking action where required to vire (transfer) unspent provision to ensure that the overall budget parameters are maintained.
- Audit arrangements, including the selection and review of Internal Auditors.
- To negotiate any changes to existing lease agreements and negotiate terms for all new lease agreements remaining mindful of the Council's financial responsibilities.
- Corporate Management including matters of general policy ahead of recommendations to Full Council.
- Consideration and approval of all community grants.
- Reviewing the Council's Financial Regulations / Standing Orders and Council policies in consultation with other Council Committees (all amendments to be approved by Council).
- Any other matter that has been delegated to it by the Council from time to time.
- The Committee may refer specific matters to the Council for a final decision if it so wishes.

4.2. The **Staffing Committee** shall be delegated to make decisions on behalf of the Council in the following matters and will meet as necessary:

- Approval of its Minutes as true and correct records.
- The recruitment and selection of all staff with the exception of the Town Clerk / RFO.
- The short listing of applicants for the post of Town Clerk and RFO.
- To interview applicants for the post of Town Clerk / RFO and make recommendations to the Council thereon.
- To administer any discipline or grievance cases in accordance with the

Council's adopted policies.

- Prosecution or defence in any Employment Tribunal proceedings.
- To ensure all staff appraisals are being carried out in accordance with Town Council policy.
- To ensure that the Leader of the Council carries out staff appraisal of the Town Clerk.
- To approve any changes to the terms and conditions of employment of employees of the council.
- To approve changes to remuneration of any employee within the approved budget.

It is vital that the Council and Staffing Committee keeps confidential its deliberations and decisions around individual staff matters.

4.3. The **Planning Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

- Approval of its Minutes as true and correct records.
- To have delegated powers to make observations on all planning, highways, footpaths, licensing applications and related matters, and submit those observations to the appropriate authority. When necessary, hold meetings with residents, developers or planning officers to assist with the formulation of those observations.
- To respond to all consultations, and to take part in any discussions which could result in changes to the Core Strategy, Neighbourhood Plan, Planning Policy Statements, Town & Country Planning Act, etc.
- To oversee the process of implementation, monitoring and review of the Neighbourhood Plan.
- To respond to requests regarding street naming.
- Any other matter which may be delegated to it by the Council from time to time.
- The Committee may refer specific matters to the Council for a final decision if it so wishes.

4.4 The **General Services Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

- Approval of its Minutes as true and correct records
- In consideration and planning of:
 - Seasonal Lighting
 - Street Decoration
 - Town Twinning
 - Town Council Events
 - Coordination with businesses and voluntary communities
 - Council communications i.e., our website and digital media.
- Any other general purpose matter which the Clerk considers appropriate.

5. Sub-Committees

- 5.1. A Standing Committee may if it believes that it would be appropriate, appoint a Sub-Committee. Any powers to be delegated to such a Sub-Committee may be detailed at the time the Sub-Committee is formed by means of a Minute detailing the Terms of Reference but such delegated powers must be approved by the Council.

6. Delegation - Limitations

- 6.1 Committees and Sub-committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, bylaws or orders made and with any directions given by the Council from time to time. This does not apply to Working Groups.