



18<sup>th</sup> March 2025

Dear Councillor,

I hereby summon you to attend a meeting of the **Governance Committee** on  
**Tuesday, 25<sup>th</sup> March 2025** In the **Council Chamber, Shotton Hall,**  
**Peterlee, SR8 2PH, at 10.00 am**

Mr I Hall  
Town Clerk

**Membership:** Councillor R. Moore (Chairman,  
Councillor R. Burnip (Vice-Chairman) and

Councillors J. Black, B Fishwick, K. Hawley and A Stockport

Members of the public are very welcome to attend our meetings. We have a limited number of designated public seating in our Council Chamber and so any members of the public wishing to attend to observe the meeting are advised to contact the Council in advance so that we can reserve a seat for you: [council@peterlee.gov.uk](mailto:council@peterlee.gov.uk) or (0191) 5862491.

## AGENDA

### 1. Apologies for Absence

### 2. To receive declarations of interest

Members are reminded of the need to disclose any interests in items on this agenda, whether pecuniary or otherwise. Please seek advice from the Town Clerk or Deputy Town Clerk **prior to the meeting** if in doubt. Members are reminded that they can check their published declaration of interests here: <https://bit.ly/2wVyeLA>

### 3. Review of Standing Orders

To review the Council's Standing Orders. (Copy attached)

### 4. Review of Delegations

#### a. Delegations to Committees and Working Parties.

To consider the Council's Committee structure and review terms of reference. (Copy attached).

#### b. Delegations to Officers

To review the Council's scheme of delegations to officers. (Copy attached)

### 5. Further Reviews of Policies

To discuss



# PETERLEE TOWN COUNCIL STANDING ORDERS

## EXPLANATORY NOTE

These 'Standing Orders' set out how the Council regulates its business and proceedings. Our Standing Orders have been adopted from the National Associated of Local Councils model standing orders and this latest version was reviewed and adopted by Council in May 2022 with no substantive changes from the previous 2021 version

Ian Morris, Chief Officer & Town Clerk

Reviewed & Approved May 2023

## **PETERLEE TOWN COUNCIL**

### **STANDING ORDERS**

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## 1. Table of Amendments

No amendments from previous version

## 2. Rules of debate at meetings

**N.B Bold black print = mandatory standing orders**

Plain black print = discretionary standing order

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
- j Subject to standing order 2(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.

- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. in exercise of a right of reply.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 2(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the chairman of the meeting.

### 3. Disorderly conduct at meetings

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 3(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

#### 4. Meetings generally

Key:

- FC** Full Council meetings  
**CM** Committee meetings  
**SCM** Sub-committee meetings

**Bold black print = mandatory standing order**

Black print = discretionary standing order

- FC** a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- FC** b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- CM** c **The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting.**
- CM/FC** d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**  
  
(in line with the Government's 'Open and Accountable Local Government guide' (2014), examples of confidential information include discussing the conduct of employees, negotiations of contracts or terms of tender, or the early stages of a legal dispute)
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 4(e) above shall not exceed fifteen minutes unless directed by the chairman of the meeting. A public participation session is held each month prior to the start of the Council Meeting.
- g Subject to standing order 4(f) above, a member of the public shall not speak for more than 15 minutes.



- h In accordance with standing order 4(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak and may sit or stand when speaking.
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.

SCM/  
CM/FC

- l (i) In line with the Government's 'Open and Accountable Local Government guide' (2014) and s40 of the Local Audit and Accountability Act 2014 members of the public may film, photograph, make sound recordings or use social media to report the proceedings of any Council meeting at which they are entitled to be present.  
(ii) persons **may not orally report or comment** about a meeting as it takes place if he (she) is present at the meeting.

SCM/  
CM/FC

- m **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

FC

- n **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).**

FC

- o **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

p **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**

q **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

*See standing orders 5(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.*

r **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

s The minutes of a meeting shall include an accurate record of the following:

- i. the time and place of the meeting;
- ii. the names of councillors present and absent;
- iii. interests that have been declared by councillors and non-councillors with voting rights;
- iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- v. if there was a public participation session; and
- vi. the resolutions made.

SCM/  
CM/FC

t **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**

SCM/  
CM/FC

u **No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three.**

*See standing order 5d(viii) below for the quorum of a committee or subcommittee meeting.*

SCM/  
CM/FC

SCM/  
CM/FC

v **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.**

- w A meeting shall not exceed a period of 2 1/2 hours ( e.g. commencing at 6.30pm closing no later than 9.00pm).

## 5. Committees and sub-committees

- a **Unless the council determines otherwise, a committee may appoint a subcommittee whose terms of reference and members shall be determined by the 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 **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. 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;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 5(b) and (c) above, appoint and determine the terms of office of members of such a committee;
  - v. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - vi. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - vii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
  - viii. shall determine if the public may participate at a meeting of a committee;
  - ix. 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;
  - x. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xi. may dissolve a

## **6. Ordinary council meetings**

- a In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
- c The annual meeting of the council shall take place at 6.30pm.**
- d In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.**
- e The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.**
- f The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.**
- g The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include:**
  - i. In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;**

- ii. Confirmation of the accuracy of the minutes of the last meeting of the council;
- iii. Receipt of the minutes of the last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4 above;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;
- xv. Review of the council's and/or staff subscriptions to other bodies;
- xvi. Review of the council's complaints procedure;
- xvii. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- xviii. Review of the council's policy for dealing with the press/media; and
- xix. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

## 7. Extraordinary meetings of the council and committees and sub-committees

- a **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
- b **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**
- c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.

- d If the chairman of a committee [or a sub-committee] does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the committee [or the sub-committee], any 2 members of the committee [and the sub-committee] may convene an extraordinary meeting of a committee [and a sub-committee].

## 8. Previous resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 8(a) above has been disposed of, no similar motion may be moved within a further six months.

## 9. Voting on appointments

- a Where more than two persons have been nominated for a position to be filled by the council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exerciseable by the chairman of the meeting.

## 10. Motions for a meeting that require written notice to be given to the Proper Officer

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 10(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 10(b) above is not clear in meaning, the motion shall be rejected until the

mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 4 clear days before the meeting.

- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f Subject to standing order 10(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

## 11. Motions at a meeting that do not require written notice

- a The following motions may be moved at a meeting without written notice to the Proper Officer;
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a committee or sub-committee and their members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
  - xii. to not hear further from a councillor or a member of the public;
  - xiii. to exclude a councillor or member of the public for disorderly conduct;
  - xiv. to temporarily suspend the meeting;
  - xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);**
  - xvi. to adjourn the meeting; or
  - xvii. to close a meeting.

## 12. Handling confidential or sensitive information

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## 13. Draft minutes

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 11(a)(i) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.



## 14. Code of conduct and dispensations

*See also standing order 4(t) above.*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.**
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.
- f A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 14(d) and (f) above, dispensations requests shall be considered at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required.
- h A dispensation may be granted in accordance with standing order 14(e) above if having regard to all relevant circumstances the following applies:**
  - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**

- ii. **granting the dispensation is in the interests of persons living in the council's area or**
- iii. **it is otherwise appropriate to grant a dispensation.**

## 15. Code of conduct complaints

- a Upon notification by Durham County Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 12 above, report this to the council.
- b Where the notification in standing order 15(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 15(d) below.
- c The council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the County Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

## 16. Proper Officer

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
  - i. **at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda.**  
*See standing order 4(b) above for the meaning of clear days for a meeting of a full council and standing order 4 (c) above for a meeting of a committee.*

- ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**  
*See standing order 4(b) above for the meaning of clear days for a meeting of a full council and standing order 4(c) above for a meeting of a committee.*
- iii. subject to standing order 10 above, include on the agenda all motions in the order received unless a councillor has given written notice at least six days before the meeting confirming his withdrawal of it;
- iv. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- v. facilitate inspection of the minute book by local government electors;
- vi. **receive and retain copies of byelaws made by other local authorities;**
- vii. retain acceptance of office forms from councillors;
- viii. retain a copy of every councillor's register of interests;
- ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
- x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xii. arrange for legal deeds to be executed;  
*See also standing order 23 below.*
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xiv. record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the council to the next Committee available. Should it be a time of recess then details be sent to Members for immediate comment.
- xvi. manage access to information about the council via the publication scheme.
- xvii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- xviii. To Act with delegated authority as indicated in the Council's Scheme of Delegation.

## 17. Responsible Financial Officer

- a The council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

## 18. Accounts and accounting statements

- a “Proper practices” in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners’ Guide (England).
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council’s financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the council’s receipts and payments for each quarter;
  - ii. the council’s aggregate receipts and payments for the year to date;
  - iii. the balances held at the end of the quarter being reported

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the council’s receipts and payments for the last quarter and the year to date for information; and
  - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

## 19. Financial controls and procurement

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
  - v. procurement policies (subject to standing order 19(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £50,000.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in standing order 19(d) below.
- d Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender, (iv) whether tenders are to be assessed on the basis of lowest price, or a balance of price and quality, and (v) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper, on the government Contracts Finder website, and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.

- e The council shall, at its discretion, reject any tender that does not meet the requirements expressed in the tender documents, or which is submitted after the deadline date. Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, shall be compelled to award a contract. The council shall always reserve the right to cancel a tender process without awarding a contract.
- f Where the value of a contract is likely to exceed £164,176 (or other threshold specified by the Cabinet Office from time to time) the council must consider whether the Public Contracts Regulations 2015 or the Concession Contracts Regulations 2016 (or equivalent) apply to the contract..

## 20. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 12 above.
- b Matters pertaining to staff will be dealt with under the relevant Council policies as appropriate to the matter under consideration.
- c Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the committee of absence occasioned by illness or other reason and that person shall report such absence to the Resources Committee at its next meeting.
- d The chairman of the Council or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Town Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by Resources Committee.
- e Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee, the Town Clerk, shall contact the Mayor of Council or in his absence, the Deputy Mayor of Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Resources Committee.
- f Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by Town Clerk relates to the Mayor or Deputy Mayor of Council, this shall be communicated to another member of Council which shall be reported back and progressed by resolution of the Resources Committee.
- g Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.

- h The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected.
- i Only persons with line management responsibilities shall have access to staff records referred to in standing orders 20(f) and (g) above if so justified.
- j Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 20(f) and (g) above shall be provided only to the post holder and/or the Town Clerk.

## 21. Requests for information

- a Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Town Clerk & Proper Officer to the Mayor of the Council and full Council as required. The Town Clerk shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

## 22. Relations with the press/media

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

## 23. Execution and sealing of legal deeds

*See also standing orders 16(b)(xii) and (xvii) above.*

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.

**Subject to standing order 23(a) above, any two councillors may sign, (usually the Mayor and another) on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

## 24. Communicating with District and County or Unitary councillors

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of the County Council representing the area of the council.
- b Unless the council determines otherwise, a copy of each letter sent to the County Council shall be sent to the ward councillor(s) representing the area of the council.

## 25. Restrictions on councillor activities

- a. Unless authorised by a resolution, no councillor shall:
  - i. inspect any land and/or premises which the council has a right or duty to inspect;  
or
  - ii. issue orders, instructions or directions.

## 26. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 11 councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.



## Delegations to Committees and Working Parties

Committee Name:	<b>Peterlee Town Council</b>
Reports to:	n/a
Membership:	All 22 elected members of the Council (quorum = 8)
Chair & Vice Chair:	
Responsibilities:	<p>All business of the Council, including all statutory powers and duties of the Council. Specifically including:</p> <ul style="list-style-type: none"> <li>- Setting the final annual budget and the precept</li> <li>- Approving the annual return and accounting statements</li> <li>- Approving the annual governance statement</li> <li>- borrowing</li> <li>- declaring eligibility for the power of well-being</li> <li>- approve any grant, contract or single financial commitment of £30,000 or more</li> </ul>
Delegated authority:	n/a as the Council has authority for all council decisions
Budgets:	All budgets
Meeting Frequency:	Annual Meeting in May 2020 and then 4 <sup>th</sup> Monday of the month thereafter, with the exception of August and Bank holidays when it will be the third Monday
Public and Press access to meeting:	Yes, with specific public questions item on agenda. 10 minute open session at the start of the meeting
Council Officers advising the Committee:	Town Clerk and all senior Managers of the Council

Committee Name:	<b>Resources Committee</b>
Reports to:	Council
Membership:	All 22 elected members of the Council (quorum = 8)
Chair & Vice Chair:	
Responsibilities:	<p>Responsible for the overall control and management of the Council's money, people, building and land resources including:</p> <p><b>Finance</b></p> <ol style="list-style-type: none"> <li>1. Oversight of capital and revenue expenditure, budget process and financial performance (excluding agreement of final annual budget, accounts and governance statement);</li> <li>2. Payment of accounts;</li> <li>3. Arrangements for the collections of revenues and accounts due to the Council and to recommend necessary directions for their recovery;</li> <li>4. Receipt of quarterly budget reports;</li> <li>5. Consideration of applications for financial assistance and grants from outside bodies;</li> <li>6. Receiving reports and recommendations from both the Council's internal and external Auditors and monitoring the implementation of approved action plans;</li> </ol> <p><b>Corporate</b></p> <ol style="list-style-type: none"> <li>8. Response to consultation documents where other Committees do not take the lead;</li> <li>9. Advising the Council in the formulation of the Council Plan;</li> <li>10. Oversight of the development and delivery of the Council's performance management framework;</li> </ol>

	11. Oversight of insurance in respect of the Council's property, Members and employees; 12. Oversight of strategic and operational issues for the acquisition and development of Information Technology for the Council; 13. Oversight of the Council's Risk Management Strategy; 14. Reviewing standing orders and financial regulations as required and at least every 3 years; 15. To authorise Members attendance at conferences, courses and meetings; 16. To make appointments to outside bodies between Annual Meetings of the Council  <b>Asset Management</b> 17. To recommend on the acquisition and renewal of council vehicles, plant and machinery and the discharge of all statutory duties relating to their maintenance and condition; 18. To determine overall strategic asset management priorities on a medium term basis by maintaining the asset plan.
Specific delegated authority:	<ul style="list-style-type: none"> <li>- approval of expenditure of less than £30,000 provided that this is met from within approved budgets</li> <li>- virement between budgets of more than 15% of budget value (virement of 15% or less is delegated to the RFO)</li> <li>- reviewing and approving Council policies with the exception of standing orders, financial regulations and code of conduct</li> </ul>
Delegated Budgets:	Civic & Central Costs Democratic Costs Corporate Management Town Activities (including s137) Capital Projects
Meeting Frequency:	1 <sup>st</sup> Monday in every month except May and August.
Public and Press access to meeting:	Yes.
Council Officers advising the Committee:	Town Clerk and all senior Managers of the Council

Committee Name:	<b>Community &amp; Environment Committee</b>
Reports to:	Council
Membership:	All 22 elected members of the Council (quorum = 8)
Chair & Vice Chair:	
Responsibilities:	Responsible for the overall control and management of the Council's community and environment services including parks, play areas, recreation, sports and well-being, and community engagement activities, including:  <b>Public space, Parks &amp; Play Areas:</b> 1. Oversight of the use, care, management, regulation and control of all parks, play areas, sports and recreation grounds, open spaces, and amenity areas of the Council; 2. Exercising the powers and duties of the Council as burial authority including the provision, care and management of Peterlee cemetery; 3. Exercising the powers and duties of the Council for the provision of allotments (Leisure Gardens) across the council's two leisure gardens sites;

	<p><b>Sports and Wellbeing:</b></p> <ol style="list-style-type: none"> <li>Oversight for the provision of sports and wellbeing development by the Council, including support for sports clubs, societies, and classes;</li> <li>Promotion of physical and mental wellbeing improvement through the council's internal and external policies, services and resources;</li> <li>Oversight of the council's provision of events, conferences, weddings and other social occasions from the council's land or premises</li> </ol> <p><b>Council &amp; Democracy:</b></p> <ol style="list-style-type: none"> <li>Oversight of civic and ceremonial functions of the Town Council including public relations and marketing;</li> <li>Oversight of all electoral matters affecting the council;</li> <li>Promotion of public engagement in the council's services and functions.</li> </ol>
Specific delegated authority:	<p>For those services and budgets that fall within the auspices of the responsibilities of the committee:</p> <ul style="list-style-type: none"> <li>- approval of expenditure of less than £30,000 provided that this is met from within approved budgets</li> <li>- virement between budgets of more than 15% of budget value (virement of 15% or less is delegated to the RFO)</li> <li>- reviewing and approving Council policies</li> </ul>
Delegated Budgets:	<p>Shotton Hall Banqueting Suite, Bar &amp; Catering The Pavilion Lowhills Road Community Facility Lowhills Road &amp; Eden Lane Bowling Clubs Eden Lane Depot Woodhouse Park Sports Development Parks General Cemetery &amp; Burials Allotments Town Events</p>
Meeting Frequency:	2 <sup>nd</sup> Monday of every month except May and August.
Public and Press access to meeting:	Yes.
Council Officers advising the Committee:	<p>Town Clerk /Deputy Town Clerk Sport &amp; Wellbeing Manager Parks Manager</p>

Committee Name:	<b>Human Resources Sub-Committee</b>
Reports to:	Resources Committee
Membership:	<p>14 Members of the Council (quorum = 5) Due to the confidential nature of much of the business of this committee membership will not be available to non-councillors.</p>
Chair & Vice Chair:	
Responsibilities:	<ol style="list-style-type: none"> <li>To make recommendations to the Resources Committee with regard to Human Resources policies and practices for the Town Council;</li> </ol>

	2. To appoint an Appeals Panel if required under a council policy; 3. To appoint the Town Clerk's appraisal committee
Specific delegated authority:	- appointment of Appeals Panel - appointment of Town Clerk's appraisal committee
Delegated Budgets:	none
Meeting Frequency:	Quarterly or as required.
Public and Press access to meeting:	No.
Council Officers advising the Committee:	Town Clerk/Deputy Town Clerk

Committee Name:	<b>Health &amp; Safety Sub-Committee</b>
Reports to:	Resources Committee
Membership:	22 Members of the Council (quorum = 8) The Committee may appoint non-councillors as standing or co-opted members as required.
Chair & Vice Chair:	
Responsibilities:	1. To make recommendations to the Resources Committee with regard to Health & Safety issues, policies and practices for the Town Council; 2. To receive reports from council officers on accident and incident monitoring.
Specific delegated authority:	n/a
Delegated Budgets:	none
Meeting Frequency:	Quarterly or as required.
Public and Press access to meeting:	No.
Council Officers advising the Committee:	Town Clerk and all Senior Managers of the Council

Committee Name:	<b>Events Working Party</b>
Reports to:	Community & Environment Committee
Membership:	22 Members (quorum = 8) The Committee may appoint non-councillors as standing or co-opted members as required.
Chair & Vice Chair:	
Responsibilities:	1. To make recommendations to the Community & Environment Committee about the planning and delivery of social, civic and democratic events by the Town Council; 2. Oversight of the Town's main events, including Peterlee Show, Peterlee Fake Festival, Mayoral/civic calendar, Pantomime, Annual Parish Meeting, etc
Specific delegated authority:	- to oversee and agree the specification of services related to the planning and provision of events - to make recommendations to Council, Resources or Community & Environment Committees on expenditure for Town Events
Delegated Budgets:	Town Events (within individual budget heading limits agreed by Community & Environment Committee)
Meeting Frequency:	Monthly
Public and Press open access to meeting:	Yes.
Council Officers advising the Committee:	Town Clerk /Deputy Town Clerk Corporate Services Manager/Events Coordinator

Committee Name:	<b>Scrutiny &amp; Performance Committee</b>
Reports to:	Council
Membership:	14 Members (quorum = 5) The Committee may appoint non-councillors as standing or co-opted members as required.
Chair & Vice Chair:	
Responsibilities:	Without prejudice to the responsibilities of the service committees, to review the effectiveness of all of the Council's work and the standards and levels of service provided.
Specific delegated authority:	N/A
Delegated Budgets:	none
Meeting Frequency:	As required
Public and Press open access to meeting:	Yes.
Council Officers advising the Committee:	Town Clerk and appropriate Manager(s)

Committee Name:	<b>Governance Committee</b>
Reports to:	Council
Membership:	6 Members (quorum = 3)
Chair & Vice Chair:	
Responsibilities:	To reviewing and make recommendations to the Council in respect of new and existing policies, including Standing Orders and Financial Regulations.
Specific delegated authority:	None
Delegated Budgets:	None
Meeting Frequency:	As and when required.
Public and Press access to meeting:	Yes.
Council Officers advising the Committee:	Town Clerk and all senior Managers of the Council



# PETERLEE TOWN COUNCIL SCHEME OF DELEGATION

Reviewed & amended May 2024

## EXPLANATORY NOTE

This scheme of delegation sets out how the Council delegates some of its powers and duties to the Town Clerk and other Officers within the Council. These delegations are necessary for the effective day to day running of the Council and to prevent every decision having to come to a Council meeting for agreement. This scheme of delegation will be reviewed by Council at least annually along with the review of the Council's Standing Orders and Financial Regulations.

Ian Hall

Town Clerk

## **PETERLEE TOWN COUNCIL**

### **SCHEME OF DELEGATION**

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## **2. LIST OF AMENDMENTS**

The Scheme of Delegation was reviewed in May 2024. No amendments were made. The previous review carried out in February 2023 made the following amendments from the previous March 2019 version:

<b>Page</b>	<b>Item</b>	<b>Original</b>	<b>Revised</b>
10	Appendix 1	n/a	Table of signatories updated

## **3. INTRODUCTION**

- 3.1. The powers and duties set out in this scheme are delegated to the Town Clerk. The Town Clerk is the Council's Responsible Financial Officer and the Proper Officer and is responsible for the management of the organisation.
- 3.2. The Town Clerk may delegate these duties and powers to other Officers within the Council as per the Authorised Signatories list in Appendix 1, or as otherwise required following prior approval by Council or the relevant Committee.

## **4. EXTENT OF DELEGATION**

- 4.1. All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
- 4.2. The Town Clerk will exercise these powers in accordance with:
- approved budgets
  - the Council's Standing Orders and Financial Regulations
  - the Council's Policy Framework and other adopted policies of the Council
  - all statutory common law and contractual requirements
- 4.3. The Town Clerk may do anything pursuant to the delegated power, or duty, which it would be lawful for the Council to do including anything reasonably implied or incidental to that power or duty.
- 4.4. Provided that such authorisation is not prohibited by statute the Town Clerk to whom a power, duty or function is delegated may authorise another Officer to exercise that power, duty or function, subject to:
- such authorisations being in writing
  - only be given to an Officer below the delegating officer in the organisational structure
  - only being given where there is significant administrative convenience in doing so



- the Officer authorised by the Town Clerk acting in the name of the Town Clerk
  - such authorisation not being prohibited by statute.
- 4.5. A delegation to a subordinate Officer shall not prevent the Town Clerk from exercising the same power or duty at the same time.

## **5. GENERAL MATTERS**

- 5.1. The Town Clerk is authorised to:
- 5.2. Sign, or where appropriate, have sealed on behalf of the Town Council, any Orders, Deeds or Documents necessary to give effect to any of the matters contained in reports or in any resolution passed by the Town Council.
- 5.3. Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.
- 5.4. Institute and appear in any legal proceedings authorised by the Council.
- 5.5. To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Peterlee).
- 5.6. Alter the date or time of a Council Committee, Working Group, Panel or Task Group meeting but, before doing so, shall consult the Mayor of the Council, or chairman of the Committee or Task Group concerned and the Leaders of all political groups on the Council about the need for the change and about convenient alternative dates and times.
- 5.7. Decide arrangements for the closure of the Council offices in the Christmas/New Year period, subject to consultation with the Chairman and a resolution of appropriate Committee.
- 5.8. Deal with day to day matters relating to the use of office accommodation space.
- 5.9. Negotiate and enter into contractual arrangements for artistes and promoters in relation to events held in Peterlee organised by the Town Council.
- 5.10. Manage all of the Council's services including:
- Shows and events
  - Parks & Cemeteries

- Facilities Management including Shotton Hall and the Helford Road Pavilion
  - Services agreed under contract for other authorities and bodies
  - Websites and social media accounts relating to the council and council activities
- 5.11. In consultation where appropriate with the relevant Chairman, introduce, set and vary as necessary fees and charges for the delivery of Council services and for the issue of any license, registration, consent or approval.
  - 5.12. To act as the Council's designated Officer for the purposes of the Freedom of Information Act 2000.
  - 5.13. To apply for planning consent for the carrying out of development by the Council.
  - 5.14. To respond to consultations on planning applications and licensing applications subject to the comments by the Planning Committee.
  - 5.15. Under the Regulation of Investigatory Powers Act 2000 to authorise directed surveillance or the use of a human intelligence source.
  - 5.16. To respond to complaints made under the Council's complaints procedure and to make such ex gratia payments in settlement of such complaints as are considered justified, subject to ratification by an appropriate Committee.
  - 5.17. To manage, monitor and review the Council's internal control procedures.
  - 5.18. To manage, monitor and review the Council's Corporate Risk Management Strategy.

## **6. FINANCIAL MATTERS**

- 6.1. The Town Clerk is authorised to:
- 6.2. Be the Responsible Financial Officer for the purposes of Section 151 of the Local Government Act 1972.
- 6.3. Operate the Council's banking arrangements including arranging overdrafts.
- 6.4. Incur expenditure up to a maximum of £2,500 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution and Financial Regulations.

The clerk may also incur expenditure more than £2,500 and up to £5,000 in consultation with the Chairman of the Council and/or Chair of Resources Committee, as per Financial Regulations.

- 6.5. Pay all accounts properly incurred.
- 6.6. Pay all subscriptions to organisations to which the Council belongs.
- 6.7. Make all necessary arrangements for the provision of an internal and external audit service for the Council.
- 6.8. Negotiate settlements in connection with claims made by and against the Council in consultation with the Council's insurers where appropriate.
- 6.9. Incur expenditure on revenue items within the approved estimates and budgets.
- 6.10. Incur expenditure on capital schemes within the Council's approved capital Programme.
- 6.11. Use the Repairs and Maintenance Budgets for the maintenance, replacement or repair of existing plant, vehicles or equipment.
- 6.12. Enter into leasing and contract hire agreements for the acquisition of vehicles machinery and equipment on such terms as are considered appropriate.
- 6.13. Accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:
  - the cost not exceeding the approved estimate
  - the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation
  - all the requirements of the Council's Financial Regulations being complied with.
- 6.14. Carry out virement of sums between cost centres in accordance with the Council's Financial Regulations.
- 6.15. Manage investments and raise and repay loans as appropriate and obtain such other sources of credit as are required in accordance with the Financial Regulations.

- 6.16. Authorise action for the recovery of debts.
- 6.17. Write-off debts up to the level set by the Council.
- 6.18. Maintain a Register of Assets and Inventory of Equipment.
- 6.19. Determine the Town Council's insurance requirements on the Council's behalf.
- 6.20. Make all necessary arrangements for the Council's insurances.

## **7. STAFFING MATTERS**

- 7.1. The Town Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:
  - 7.2. Appointments to posts including apprentices.
  - 7.3. Employment of temporary employees.
  - 7.4. Preparation of the job description and person specification, placing of the advertisement and short-listing of applicants.
  - 7.5. Management of staff performance.
  - 7.6. Control of discipline and performance, including the power of suspension and dismissal.
  - 7.7. Exercise of disciplinary and grievance procedures in accordance with the Council's procedures.
  - 7.8. Determine approved duties for the payment of travel and subsistence expenses to Members and Officers where they represent the Council outside of the Town Council area.
  - 7.9. Approve or refuse applications for re-grading, remove any bars in salary scales and to authorise salary increments and accelerated increments.
  - 7.10. Approve payment of overtime.
  - 7.11. Agree minor variations to the condition of employment.
  - 7.12. Implement and monitor the arrangements for annual leave, flexi time, sickness absence, maternity and paternity leave in accordance with the Council's policies.

- 7.13. Authorise training in line with the Council's policies.
- 7.14. Authorise the provision of uniforms or protective clothing.
- 7.15. Approve payment of claims from employees for compensation for loss of or damage to personal property.
- 7.16. Negotiate and agree settlements on behalf of the Council in relation to any proceedings in the Employment Tribunal.
- 7.17. Agree to premature retirement on the grounds of duly certified ill health.
- 7.18. Terminate employment during probation and to review salary on completion of probationary periods.
- 7.19. Commission legal and professional advice on staffing matters.

## **8. PROPERTY MATTERS**

- 8.1. The Town Clerk is given authority to manage the land and property of the Council including:
- 8.2. Agreeing the terms of any lease, licence, conveyance or transfer.
- 8.3. The granting or refusal of the Council's consent under the terms of any lease.
- 8.4. Variations of restrictive covenants of a routine nature.
- 8.5. The granting of easements, wayleaves and licences over Council land.
- 8.6. Initiating legal action or proceedings against unauthorised encampments or encroachments on Council land.
- 8.7. Directing the custody of Town Council property and documents in accordance with the provisions of Local Government Act 1972 S226.
- 8.8. Exercising responsibility for the safe custody and maintenance of the civic regalia.

## **9. URGENCY**

- 9.1. The Town Clerk is authorised to act on behalf of the Council in cases of urgency or emergency.

- 9.2. Any such action is to be reported to the next meeting of the Council or relevant Committee or Working Group. The Chairman, the Leader of the Council (if appointed) and the Chairs of any relevant Committee or Working Group are to be consulted where possible before such action is taken.

## **10. EMERGENCY PLANNING**

- 10.1. The Town Clerk is authorised to implement the Council's Emergency Plan and to incur any necessary expenditure in accordance with the Council's Standing Orders and Financial Regulations.
- 10.2. Any such action is to be reported to the next meeting of the Council or relevant Committee or Working Group. The Mayor, the Leader of the Council (if appointed) and the Chairman of any relevant Committee are to be consulted where possible before such action is taken.

## **11. PROCEDURAL**

- 11.1. The Town Clerk can:
- 11.2. Authorise Officers to exercise statutory powers of entry and inspection for the purposes of any function under their control.
- 11.3. Serve requests for information as to ownership occupation and other interests in land for the purposes of any function under their control.
- 11.4. Appoint consultants and other professionals to carry out any function and provide any service under their control, subject to the Council's Constitution and Financial Regulations.

## **12. HEALTH AND SAFETY AT WORK ACT 1974**

- 12.1. The Town Clerk is authorised to oversee the discharge of the Council's responsibilities under the Act.

## **13. LEGAL PROCEEDINGS**

- 13.1. The Town Clerk is authorised to:
- 13.2. Take and discontinue legal proceedings in any Court or at any Tribunal.
- 13.3. Take Counsel's advice or instruct Counsel to represent the Council.

- 13.4. Seek injunctions and commence proceedings for the purposes of:
- enforcement in accordance with the Council's policies
  - recovering money due to the Council
  - recovering or otherwise preserving possession of the Council's land or property
  - defending the interests of the Council
  - appealing against a decision affecting the interests of the Council and responding to appeals against action taken by the Council.
- 13.5. Represent the Council at Court or any Tribunal or to make arrangements for appropriate representation.
- 13.6. Negotiate and settle the terms of documents to give effect to a decision of the Council or any of the Committees or of any Officer acting under delegated powers.
- 13.7. Apply the affixing of the Common Seal of the Council to documents in accordance with Standing Orders.
- 13.8. Be the responsible Officer for the co-ordination and operation of the legal requirements under the Data Protection Act and the Freedom of Information Act.
- 13.9. Serve Requisitions for Information.
- 13.10. Prepare a draft budget for consideration by the Council.
- 13.11. Prepare the final accounts for each financial year.

**Date of Adoption**

This Scheme of delegation was reviewed and adopted by Council on 27<sup>th</sup> February 2023.

## APPENDIX 1: AUTHORISED OFFICERS SIGNATORY LIST

	DEBIT CARD <sup>1</sup>	INVOICES <sup>2</sup>	PURCHASE ORDERS <sup>3</sup>	CONTRACTS <sup>4</sup>	TIMESHEETS <sup>5</sup>
<b>Chief Officer/Town Clerk</b>	X	X	X	X	X
<b>Deputy Town Clerk</b>	X	X	X	X	X
<b>Corporate Services Manager</b>	X	X	X	X	X
<b>Facilities Manager</b>	X	X	X		X
<b>Pavilion Manager</b>	X	X	X		X
<b>Neighbourhood Services Manager</b>	X	X	X		X
<b>Sports &amp; Wellbeing Manager</b>	X	X	X		X
<b>Facilities &amp; Pavilion Deputy/Duty Managers</b>	X	X	X		X
<b>Communications &amp; Marketing Officer</b> (as directed by Corporate Services Manager)	X		X		
<b>Maintenance &amp; Repairs Operative (SC4)</b> (as directed by a Senior Manager)	X				
<b>Neighbourhood Services Team Leaders (SC6)</b> (in Neighbourhood Services Manager's absence or as directed by Manager)	X		X		

<sup>1</sup> Debit card usage is restricted to expenditure under £2,500 from an identified budget with sufficient funds and with express advance approval from relevant SMT budget holder or Town Clerk. See Appendix 2 for pro forma debit card authorisation sheet

<sup>2</sup> Invoices can only be authorised in accordance with the Council's Standing Orders and Financial Regulations

<sup>3</sup> Purchase Orders can only be authorised in accordance with the Council's Standing Orders and Financial Regulations

<sup>4</sup> Contracts can only be authorised in accordance with the Council's Standing Orders and Financial Regulations

<sup>5</sup> Counter-signing of timesheets is subject to the Council's policy i.e no subordinate or peers to counter-sign timesheets.



## APPENDIX 2: DEBIT CARD AUTHORISATION PROFORMA

# Peterlee Town Council Debit Card Authorisation Sheet

The use of the council's debit card by an Officer is only authorised on the following basis:

- That there is an identified budget for the cost incurred
- That there are funds available in that budget to cover the cost incurred
- That the purchase is under £500 in value (gross) – any expenditure greater than this must be approved by the Town Clerk or Deputy Town Clerk
- And that the purchase has express approval from the budget holder or Town Clerk prior to the card being used.

Part 1: Authorisation			
Name of Officer receiving Card:		Reason for purchase:	
Budget Code/Heading:		Cost Code/Heading:	
Name of Manager who has authorised purchase:		Anticipated spend: (£ amount)	
Is there funding available in the identified cost centre?			Yes/No

Part 2: Issue/Return			
Date issued:		Time Issued:	
Issued to: (sig)		Issued by: (sig)	
Date Returned:		Time Returned:	
Returned by: (sig)		Received by: (sig)	
Receipt received?			Yes/No