WETHERBY TOWN COUNCIL

DELEGATION SCHEME

1. Principles of Delegation

1.1 Section 101 of the Local Government Act 1972 provides:

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

1.2 Any delegation to a Committee or the Town Clerk shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and with the law.

1.3 The Town Clerk may nominate another named Officer to carry out any powers and duties, which have been, delegated to that Officer.

1.4 In an emergency the Town Clerk is empowered to carry out any function of the Council.

1.5 Where officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Members, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

2. Delegation to The Town Clerk (Town Clerk)

2.1 Matters reserved for Council or Committee

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

Any matter which:

2.1.1 requires a new policy; or

2.1.2 requires an alteration to an existing policy (other than a minor amendment); or

2.1.3 would be contrary to the policy framework; or

2.1.4 involves expenditure or a reduction in income, for which there is no sufficient budgetary provision;

2.1.5 is an issue of principle as determined by The Council; or

2.1.6 in the opinion of the Town Clerk, cannot in law or in accordance with the Standing Orders be decided by an Officer; or

2.1.7 upon which a Committee has requested a report; or

2.1.8 a Member has requested an item to be put on an agenda under Standing Orders; or

2.1.9 in the opinion of the officer concerned, should be determined by a Committee;

2.2 Delegation of Powers to the Markets Officer

2.2.1 The Town Clerk shall have the delegated authority to act as the Council's Markets Officer. In the absence of the Town Clerk, the Deputy Town Clerk shall be designated as the Council's Markets Officer.

2.2.2 The Markets Officer shall have the delegated authority to consider and determine applications received to trade on the Council's markets and to issue licences and permits in accordance with the format agreed by the Markets Committee.

2.2.3 The Markets Officer shall have the delegated authority to allocate stalls on the Council's open market and in the antiques fair.

2.2.4 The Markets Officer shall have the delegated authority to determine the toll levied on each trader in accordance with the schedule agreed by the Markets Committee.

2.2.5 The Markets Officer shall have the delegated authority to implement, in their absolute discretion, the terms and conditions of the Open Market License, Casual Trader Rules and other agreements such as are necessary for the proper and efficient management of all the services of this Committee.

2.2.6 The Markets Officer shall have the delegated authority to issues necessary instructions on behalf of the Markets Committee and Full Council as are necessary for the proper and efficient management of all the services of this Committee.

2.2.7 The Markets Officer reserves the right to refer any decision back to the Markets Committee for consideration as and when necessary and to make recommendations for consideration and approval.

3. Urgent Items

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

4. Authority to Act

4.1 Subject to those matters that are reserved for Committee (see paragraph 1 above) the Town Clerk shall be responsible and shall have delegated authority for the day-to-day operation and management of the Council's services and land.

4.2 Any matter not reserved for Committee (i.e. any matter falling outside the criteria contained in paragraph 1 above) shall be regarded as falling within the day to day operation and management of the Council and shall be delegated to the Town Clerk and shall be exercised in accordance with the principles of delegation.

4.3 The Town Clerk shall have authority to issue written authorisation to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties. The Deputy Clerk shall assume the role of Proper Officer in the absence of the Town Clerk.

4.4 Delegations to members of staff in respect of financial matters are set out in the Standing Orders and Financial Regulations.

4.5 The Town Clerk shall also have delegated management authority for the following Services:

4.5.1 The Council's assets and resources in accordance with the Council's Standing Orders, Financial Regulations and strategic framework.

4.5.2 Media and Corporate Issues

4.5.3 Line management of the Council's staff in accordance with the Council's employment and staffing policies (staff handbook).

4.6 The Proper Officer and Responsible Financial Officer shall be the Town Clerk for any function of the Council in the absence of any other appointment as specified within this Delegation Scheme.

5. Delegation to Committees

5.1 Each Committee has delegated authority to decide matters within their terms of reference **except** for the following matters, which are reserved for Council:

5.1.1 To adopt and change the Standing Orders.

5.1.2 To approve and adopt the Budget.

5.1.3 To determine the Council's Corporate Priorities.

5.1.4 To appoint the Mayor and Deputy Mayor.

5.1.5 To appoint Committee Chairmen and Vice-Chairmen.

5.1.6 To agree and/or amend the terms of reference for Committees, deciding on their composition and making appointments to them.

5.1.7 To adopt the schedule of meetings for the ensuing year.

5.1.8 To consider the recommendations of any Remuneration Panel (where one is in existence) and adopt the level of allowances that can be claimed by Members of the Council in respect of authorised or approved duties.

5.1.9 To determine matters involving expenditure for which budget provision is not made or is exceeded.

5.1.10 To determine matters which do not fall within the remit of any Committee.

5.1.11 To determine any matters referred to it by a Committee in accordance with Standing Orders.

5.1.12 To set the Precept.

5.1.13 The appointment of a Town Clerk.

5.1.14 To make byelaws.

5.1.15 To borrow money.

5.1.16 To receive statutory reports from the Town Clerk.

5.1.17 To consider any matter required by law to be considered by Council.

This Delegation Scheme was prepared by Dianne Rickaby, Clerk and RFO to the Town Council.

Signed: Signature Redacted. Original can be viewed in the Town Council offices, Wetherby Town Hall.

Dated: 12/5/26.

This Delegation Scheme were adopted by the Town Council at its meeting held on 12th May 2026:

Signed: Signature Redacted. Original can be viewed in the Town Council offices, Wetherby Town Hall.

Councillor Connor Mulhall, Mayor of Wetherby

Dated: 12/05/2026

This Scheme was subsequently reviewed, and approved without amendment:

Date: **Signed by Chairman:**