

Elloughton cum Brough Town Council

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Scheme of Delegation

Document History

Adopted by Council – 15th May 2023

To be reviewed – May 2024

Philippa Beverley

Town Clerk

1. Introduction

1.1 The document sets out the scheme of delegation in operation at Elloughton cum Brough Town Council (Council). It clarifies the matters reserved by Council and those delegated to committees of the council and officers.

2. Reserved matters

2.1 The following matters are reserved by Council for decision, notwithstanding the fact that the appropriate committee of the Council may make recommendations:

- a) Adoption and alteration of Standing Orders, Financial Regulations and the Code of Conduct;
- b) Approving, adopting, or making material changes to the Council's committee structure, Terms of Reference or Scheme of Delegation;
- c) Approving the Town Council's budget and the precept levied on the principal authority;
- d) Authorising borrowings;
- e) Authorising all grant applications above £5,000;
- f) Authorising the incurring of expenditure above £3,000 not provided for within the approved budget or otherwise permitted under the Council's Financial Regulations;
- g) Appointing Council representatives to outside bodies;
- h) Confirming the appointment of the Town Clerk;
- i) Making, amending, revoking, re-enacting, or adopting byelaws and promoting or opposing the making of local legislation;
- j) The power of incurring capital expenditure not specifically included in the Council's budget or delegated to a committee;
- k) Establishing committees, sub-committees and working parties of the Town Council;
- l) Appointing the membership (including non-voting members) of all committees and working parties;
- m) Any agreement to assume devolved or new services and functions;
- n) Decision to create, approve or review a Neighbourhood Plan;
- o) Prosecution or defence in a court of law other than an Employment Tribunal;
- p) Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters delegated to a committee;
- q) Dismissal of members of staff;
- r) Dates for the meetings of the Council (Full Council), the Annual Parish Meeting and the Annual Town Council Meeting;
- s) To respond to public consultations on matters affecting the area other than those that are specifically delegated to a committee, and;
- t) All other matters which must by law be reserved to Council.

3. Limitations

- 3.1 Committees and officers shall act in accordance with Council's Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other rules, regulations, policies, procedures, schemes, statutes, by-laws or orders made and with any directions given by Council.
- 3.2 Any matter not explicitly set out in the Scheme of Delegation below will be treated as a reserved matter for consideration by Council.
- 3.3 Delegated powers must be exercised in line with the limitations described above and within the budget set out by Council.

4. Delegation to officers

- 4.1 The Council operates a limited scheme of delegations in relation to officers for certain matters which might be regarded as routine, managerial or falling within a statutory function (proper officer, responsible financial officer, etc.).
- 4.2 The Town Clerk and Responsible Financial Officer (RFO) as senior officer may, where it is appropriate to do so, delegate functions to other officers of the Council.
- 4.3 The following is delegated to the Town Clerk and RFO:

Communications

- a) Editorial control of the Council's website (and social media if any);
- b) Manage all press and public relations on behalf of the Council;
- c) Authorised to issue press releases on any Council activity exercised in accordance with Council policy;
- d) Be responsible for the provision and management of information and communication technology provided throughout the Council, including, the replacement of out-dated/broken equipment or the purchase of new equipment;
- e) Authorisation to respond to any correspondence requiring or requesting information which relates to a previous decision of Council, and;
- f) Authorisation to respond to any correspondence not relating to the duties and powers of Council or a committee.

Documentation and processes

- g) To sign on behalf of Council any document necessary to give effect to any decision of the Council or a committee;
- h) To notify the Returning Officer of all casual vacancies arising in the membership of the Council as required by statute and to liaise with him or her regarding the conduct of elections;
- i) Overall responsibility for the Council's Freedom of Information procedures and Publication Scheme;

- j) Manage dispensation requests from members under the Code of Conduct;
- k) Hold the Council's Seal and apply it to documents, and;

Emergency situations

- l) Act on behalf of the Council in an urgent or time critical situation, in the first instance the Chairman or appropriate committee chairman should be informed and a report to Council or the committee should be made as soon as possible, and;
- m) Authorisation to organise any emergency meetings of Council or a committee, the Council Chairman or the relevant committee Chairman should be liaised with.

Finance and budgets

- n) Act as Responsible Financial Officer as set out in Standing Orders, Financial Regulations and for all other purposes prescribed by law;
- o) Responsible for the overall management and monitoring of all budgets in accordance with Council policy;
- p) Complete monthly accounts, compile a bank reconciliation and prepare the Annual Return;
- q) Ensure adequate insurance cover is maintained, any adjustment leading to an increase of more than £500 must be agreed by the appropriate committee first;
- r) Write-off outstanding debts in accordance with Financial Regulations and any decision of Council or a committee;
- s) Maintain effective internal controls, assist with the internal audit of the Council and manage the external audit process;
- t) Authorisation of routine expenditure within the agreed budget up to £1,000, with the following conditions:
 - i. The expenditure should relate to the 'day to day' administration of the office and services, including routine inspection (e.g. PAT testing, fire extinguisher testing, etc.) and routine expenditure (e.g. stationery, petty cash, etc.);
 - ii. Council must be notified and approve at a meeting (Full Council) the expenditure at the earliest opportunity;
 - iii. The list of 'routine expenditure' should be set out at the same time as the budget, with any alterations to the list approved by the appropriate committee, and;
 - iv. For the 2023-24, the list includes the following budget expenditure lines:
 - 4310 Property Maintenance
 - 4370 Stationery & Postage
 - 4530 Other Comms (non-events)
 - 4990 Sundries

- 4310 Property Maintenance
- 4311 Grounds Maintenance
- 4330 External Testing/H&S
- 4430 Play Area & Equipment
- 4440 Salt Bins
- 4450 Street Furniture
- 4060 Staff Other Expenses
- 4200 Training Staff
- 4201 Training Members
- 4230 Member Travel & Costs
- 4335 Office Testing/H&S
- 4365 Office Equipment

- u) Undertake the processing of payments in accordance with contracts approved by Council (salaries, utility bills, office rent, etc.) or legal obligations (HMRC, pension, external audit, etc.). For 2023 - 24, the first year this scheme is in operation, the list includes the following budget expenditure lines:
- 4210 Audit Fees
 - 4225 Insurance
 - 4300 Office Rent
 - 4320 Office Servicing & Insurance
 - 4340 Utilities
 - 4350 Telephone & Broadband
 - 4360 Office Printer
 - 4311 Grounds Maintenance
 - 4000 Salary (includes lines 4010 and 4020)
- v) Authorised to make payments according to Standing Orders and Financial Regulations following a resolution by Council or a committee, and;
- w) Emergency expenditure up to £1,000 outside the agreed budget, Council must be notified and approve at a meeting (Full Council) of the expenditure at the earliest opportunity.

Personnel

- x) As senior officer and the Head of Paid Service undertake all managerial duties, which principally involve the day to day management of the office, its functions and services;
- y) Determine arrangements for the closure of the Council offices in the Christmas and New Year period;
- z) Make recommendations for employees' increments to the Personnel Committee, and administer them thereafter, and;
- aa) Engage temporary or seasonal workers and determine their wages and conditions of service.

Proper officer

- bb) Act as proper officer for the purposes as set out in Standing Orders, and for all other purposes prescribed by law, which includes but is not limited to, the following:
 - i. receive declarations of acceptance of office;
 - ii. receive and retain plans and documents;
 - iii. make sign notices or other documents on behalf of Council;
 - iv. receive copies of by-laws made by the principal authority;
 - v. certify copies of by-laws made by Council, and;
 - vi. sign summonses to attend meetings of the Council or its committees.

Property and land

- cc) Routine maintenance of the Council's offices, property and land;
- dd) Make recommendations about the effective use of property and land to Council or the appropriate committee;
- ee) Authority to agree the specific terms of any lease, licence, conveyance or transfer approved by Council, and;
- ff) Initiating legal action or proceedings against unauthorised encampments on Council land.

5. Delegation to committees

5.1 This scheme should be read alongside the Terms of Reference for Committees which set out the delegations to the Town Council's committees.

5.2 The Terms of Reference have been included below.

Terms of Reference for the Environment Committee



Type & Function: Committee of the Council
Author: Philippa Beverley, Town Clerk
Adopted: 15th May 2023
To Be Reviewed: May 2024

<p>Quorate Three voting committee members</p>	<p>Voting Members Five members appointed by the Town Council and one ex-officio position (either Chairman or Vice-Chairman of the Town Council)</p>
<p>Meeting Officer Deputy Clerk</p>	<p>Meeting Location and Frequency To meet in the Committee Room a minimum of four times a year</p>
<p>Non-Voting Members The Committee will have no non-voting members appointed to it.</p>	
<p>Aim and Roles</p> <p>Aim To manage Town Council property for the safety of all users and consider matters relating to the general environment of the Town Council area.</p> <p>Roles The roles of the Committee are to:</p> <ol style="list-style-type: none"> i. Consider and resolve all matters of Council business relating to the general care and improvement of the Town Council’s environment, such as: seats, shelters, paths & footways, signs and notice boards, lights, pen spaces, play areas, allotments, street furniture, trees, land and structures. ii. Ensure all property owned or managed by the Town Council is maintained to a high standard and complies with legislation for the safety of its employees and members of the public. iii. Have a general overview of health and safety practices and the legislative framework the Town Council operates within which relates to property ownership and management. iv. Make proposals to Council about how land and property could be best utilised and make budget suggestions. v. Consider matters relating to the maintenance of green spaces, amenity land, public rights of way, paths and roads not belonging to the Town Council for recommending any actions to Full Council. Please note that does not include a planning function. 	

Budgetary Control

The Committee is to have budgetary control, or will be required to monitor certain lines, which will be set out at the same time as the Council's budget is set.

Annual Procedural Business

- i. Proposals for expenditure in an ensuing financial year are to be prepared by the Committee before the end of November and submitted to the Finance and Strategic Planning Committee.
- ii. Meeting officer (see above) to conduct regular checks of Town Council property and assets and report to committee.
- iii. Review inspections, such as, RoSPA or Tree Surveys.

Delegated Powers of the Committee

Members will be advised by the meeting officer (see above) whether or not a particular item under discussion is within the Committee's delegated powers. If it is, the minutes will then record the decision as "**RESOLVED**". If it is not, then the minutes will show the decision as "**RECOMMENDED**". The business will then appear on the next appropriate agenda of Council for consideration at which the Chairman of the Committee may wish to introduce the item before Council considers it.

- a. Committee has delegated powers for the maintenance, improvements and general upkeep of all council properties and land (owned, leased or managed) and can regulate council finances within the agreed and delegated budgets.
- b. Committee has delegated powers to ensure that all activities carried out within the Town Council's properties and land (owned, leased or managed) have due regard to health & safety, risk management, equalities and comply with all other relevant legislation.
- c. Committee has delegated powers to investigate the purchase of new property and land, and changes of use for existing property. A recommendation must be submitted to Council to ratify any proposed action in respect of these matters.
- d. Committee has delegated powers to consider issues relating to capital projects in which the Town Council is involved. In line with financial regulations a recommendation to Council will be required for expenditure over £3,000.
- e. Committee may request Council to set up an ear-marked reserve to finance large scale improvements in the Town Council's area.
- f. **The Chairman of the Committee and the Town Clerk (or their immediate subordinate):** have delegated power to take any action they consider appropriate in a situation where public and/or staff safety is at risk.

Terms of Reference for the Events and Publicity Committee



Type & Function: Committee of the Council
Author: Philippa Beverley, Town Clerk
Adopted: 15th May 2023
To Be Reviewed: May 2024

<p>Quorate Three voting committee members</p>	<p>Voting Members Five members appointed by the Town Council and one ex-officio position (either Chairman or Vice-Chairman of the Town Council)</p>
<p>Meeting Officer Town Clerk</p>	<p>Meeting Location and Frequency To meet in the Committee Room a minimum of four times a year</p>
<p>Non-Voting Members The Committee will have no non-voting members appointed to it.</p>	
<p>Aim and Roles</p> <p>Aim To consider all matters relating to the Town Council’s events, publicity and associated fund-raising activities.</p> <p>Roles The roles of the Committee are to:</p> <ul style="list-style-type: none"> vi. Manage and coordinate events on behalf of the Town Council. vii. Consider and oversee the production and distribution of the Town Council’s publicity, which includes the website, walks guide, newsletter and Petuarria Press. viii. Identify and access appropriate sources of funding to support Town Council events and publicity. ix. Liaise with local groups and partner organisations in the planning of major events in the Town Council area. 	
<p>Budgetary Control The Committee is to have budgetary control, or will be required to monitor certain lines, which will be set out at the same time as the Council’s budget is set.</p>	
<p>Annual Procedural Business</p> <ul style="list-style-type: none"> a. Proposals for expenditure in an ensuing financial year are to be prepared by the Committee before the end of November and submitted to the Finance and Strategic Planning Committee. b. Review the Town Council website and social media and make updates or improvements as deemed necessary. 	

- c. Review the production of the Petuaria Press and make updates or improvements as deemed necessary.
- d. Review stock levels for literature, such as the walk guides, to ensure that there are enough in store and to order more if necessary.

Delegated Powers of the Committee

Members will be advised by the meeting officer (see above) whether or not a particular item under discussion is within the Committee's delegated powers. If it is, the minutes will then record the decision as "**RESOLVED**". If it is not, then the minutes will show the decision as "**RECOMMENDED**". The business will then appear on the next appropriate agenda of Council for consideration at which the Chairman of the Committee may wish to introduce the item before Council considers it.

- a. Within the parameters set out in Financial Regulations to undertake contract tendering exercises on behalf of the Council in relation to events and publicity.
- b. To oversee the production and distribution of the Council's newsletter (Petuaria Press).
- c. To consider issues relating to the Town Council's website and social media.
- d. Develop successful partnerships and work effectively with representatives from local groups, organisations and other public bodies.
- e. Explore sponsorship and other financial support and resources for events and publicity.
- f. Work with partners on promoting and organising major events in the Town Council area.
- g. To nominate on behalf of the Town Council representatives to participate in joint working parties and committees which relate to event planning.
- h. Take a lead role in organising any events that the Town Council may decide to hold or is participating in.
- i. To approve via email the removal of any controversial or sensitive content on social media.
- j. To approve final draft of quarterly publication of the Petuaria Press for print and publication.

Terms of Reference for the Planning Committee



Type & Function: Committee of the Council
Author: Philippa Beverley, Town Clerk
Adopted: 15th May 2023
To Be Reviewed: May 2024

<p>Quorate Three voting committee members</p>	<p>Voting Members Five members appointed by the Town Council and one ex-officio position (either Chairman or Vice-Chairman of the Town Council)</p>
<p>Meeting Officer Deputy Clerk</p>	<p>Meeting Location and Frequency To meet in the Committee Room once a month</p>
<p>Non-Voting Members The Committee will have no non-voting members appointed to it.</p>	
<p>Aim and Roles Aim: To act as a statutory consultee to the Planning Authority for all planning applications, license applications and alterations to the highway that are in or relate to the Town Council’s area.</p> <p>Roles The roles of the Committee are to:</p> <ul style="list-style-type: none"> x. Consider all planning applications and appeals on behalf of the Town Council and make responses. xi. Consider issues relating to license applications in the Town Council’s area and, where appropriate, respond on behalf of the Town Council. xii. Consider issues relating to major alterations to the highways in the Town Council’s area. xiii. Manage the response of the Council to consultations relating to planning, highways or licensing matters (e.g. Local Plan, national policy consultations, major highways schemes, etc.). 	
<p>Budgetary Control The Committee has no budgetary control.</p>	
<p>Annual Procedural Business The Committee has no annual procedures.</p>	
<p>Delegated Powers of the Committee Members will be advised by the meeting officer (see above) whether or not a particular item under discussion is within the Committee’s delegated powers. If it is, the minutes</p>	

will then record the decision as **“RESOLVED”**. If it is not, then the minutes will show the decision as **“RECOMMENDED”**. The business will then appear on the next appropriate agenda of Council for consideration at which the Chairman of the Committee may wish to introduce the item before Council considers it.

- g. Make observations on all planning applications and submit those observations to the Planning Authority, and when necessary hold meetings with residents, developers or Planning Officers to assist with the formulation of those observations.
- h. Receive notification of any licensing applications and make any observations the Committee deems necessary.
- i. Keep a watching brief on any licensing issue referring any concerns back to the licensing authority.
- j. Consider any issue relating to the major alterations of highways (streets and pavements) and make any observations the Committee deems necessary.
- k. Respond to all consultations on planning related matters and to take part in any discussions which could result in changes to the Local Development Plan, Local Development Framework, Planning Policy Guidance, Conservation Areas, Town & Country Planning Act, etc.
- l. Act on behalf of the Council to appoint a representative to attend Planning inquiries/appeals and to make representations in respect of appeals against the refusal of planning permission.
- m. Communicate on behalf of the Town Council with the Planning Inspectorate in relation to planning issues in the Town Council’s area.
- n. Identify and make representations to the relevant authorities in respect of enforcement action or any matters considered to be breaches of planning regulations.
- o. To ensure that all members of the Committee have received at least a minimal level of training in relation to planning and the legislation pertaining to it.
- p. To provide the principle authority with suggestions for road names or to act on behalf of the Town Council should a request be received to change a road name.

Terms of Reference for the Personnel Committee



Type & Function: Committee of the Council
Author: Philippa Beverley, Town Clerk
Adopted: 15th May 2023
To Be Reviewed: May 2024

<p>Quorate Three voting committee members</p>	<p>Voting Members Five members appointed by the Town Council and one ex-officio position (either Chairman or Vice-Chairman of the Town Council).</p> <p><i>Council has been advised by ERNLLCA that the Chairman and Vice-Chairman should not both sit on this committee at the same time in case the need arises for one of them to chair an appeal committee.</i></p>
<p>Meeting Officer Town Clerk</p>	<p>Meeting Location and Frequency To meet in the Committee Room a minimum of four times a year</p>
<p>Non-Voting Members The Committee will have no non-voting members appointed to it.</p>	
<p>Aim and Roles Aim: Provide effective and professional staff management of all matters related to those employed by the Town Council, contracted by the Town Council or volunteering for the Town Council.</p> <p>Roles The roles of the Committee are to:</p> <ul style="list-style-type: none"> xiv. Ensure compliance with relevant legislation and best practice relating to personnel issues. xv. Manage recruitment, health & safety and training of staff. xvi. Determine staff and councillor training needs and manage the associated budget. xvii. Develop strategy and policy in all matters relating to staff, contractors and volunteers. xviii. Take responsibility that confidentiality is maintained over all personnel matters. 	
<p>Budgetary Control The Committee is to have budgetary control, or will be required to monitor certain lines, which will be set out at the same time as the Council’s budget is set.</p>	

Annual Procedural Business

- e. Review personnel (pay and payroll) arrangements and make a recommendation to Finance and Strategic Planning Committee by the end of November.
- f. Consult with staff about office working arrangements (including health and safety).
- g. Review staffing arrangements and the staffing structure.
- h. Review policies relating to health & safety and personnel on an annual basis.
- i. Oversee the staff appraisal process.

Delegated Powers of the Committee

Members will be advised by the meeting officer (see above) whether or not a particular item under discussion is within the Committee's delegated powers. If it is, the minutes will then record the decision as "**RESOLVED**". If it is not, then the minutes will show the decision as "**RECOMMENDED**". The business will then appear on the next appropriate agenda of Council for consideration at which the Chairman of the Committee may wish to introduce the item before Council considers it.

- q. Recruitment and appointment of staff, with the exception of the post of Town Clerk who is to be appointed by Council.
- r. Implement any changes to ensure the Council is compliant with its statutory obligations; the Terms & Conditions of Service as laid down by the National Joint Council (NJC "Green Book"); and, recommended by National Association of Local Councils (NALC) and/or Society of Local Council Clerks (SLCC).
- s. Responsible for the preparation and submission of budget proposals in respect of salaries, payroll and training.
- t. Manage the training budget and determine the training requirements of staff and councillors.
- u. Committee is to consider and implement all pay awards and determine increment raises.
- v. Review job descriptions, person specifications, staff establishment (including promotion, re-grading, redundancies and contracts), and to approve contracts of employment.
- w. Manage long-term and leave sickness of staff.
- x. Review any accidents at work and ensure a record is kept.
- y. Review and assist in the implementation all employment policies.
- z. Address the health and safety needs of staff, members, contractors, volunteers and visitors.
- aa. **Chairman and Vice Chairman:** matters of an urgent nature requiring settlement before the next meeting of the Committee may be dealt with by the Chairman and the Vice Chairman of the Committee in conjunction with the Town Clerk.

Such actions must be submitted for approval to the next meeting of that Committee.

bb. **Chairman of the Committee** to carry out the Town Clerk's appraisal.

cc. **Town Clerk** to carry out the appraisal of all other members of staff.

dd. **Town Clerk** to authorise the attendance of members or staff at conferences or training courses including the incurring of necessary expenditure not exceeding £500 in any instance.

Terms of Reference for the Finance & Strategic Planning Committee



Type & Function: Committee of the Council
Author: Philippa Beverley, Town Clerk
Adopted: 15th May 2023
To Be Reviewed: May 2024

<p>Quorate Three voting committee members</p>	<p>Voting Members Four members appointed by the Town Council and two ex-officio positions (Chairman and Vice-Chairman of the Town Council)</p>
<p>Meeting Officer Town Clerk</p>	<p>Meeting Location and Frequency To meet in the Committee Room a minimum of four times a year with at least one meeting annually dedicated to considering the draft budget for the next financial year</p>
<p>Non-Voting Members The Committee will have no non-voting members appointed to it.</p>	
<p>Aim and Roles Aim: Provide effective management and monitoring of the Town Council’s finances, strategy and policy.</p> <p>Roles The roles of the Committee are to:</p> <ul style="list-style-type: none"> xix. Receive suggestions from other Town Council committees relating to the next financial year’s budget and to provide a draft budget for Council’s consideration. xx. Ensure that the Town Council acts lawfully in relation to all expenditure and maintains adequate financial controls. xxi. Ensure that the Town Council’s policy, strategy and key documents are consistent and up to date. xxii. Monitor best practice and guidance and ensure the Council’s practices, policies and procedures are kept up to date. xxiii. Consider the Council’s annual and long-term strategy and goals. 	
<p>Budgetary Control The Committee is to have budgetary control, or will be required to monitor certain lines, which will be set out at the same time as the Council’s budget is set.</p>	
<p>Annual Procedural Business Delegated to the Committee</p> <ul style="list-style-type: none"> j. Recommend a precept and budget to the Council before the January ordinary meeting of Full Council at the latest. 	

- k. Oversee with the Town Clerk the Annual Return (external audit) process.
- l. Initially consider applications to the Town Council's Grants Scheme and, where necessary, make recommendations to Council.
- m. Set out and review the Town Council's short-term strategy in the form of an Annual Plan.
- n. Manage the policy and procedural review process in advance of the Annual Meeting of Council.
- o. Committee to review the following policies on an annual basis and make any necessary recommendations to Council:
 - i. Financial Regulations – including all appendices
 - ii. Risk Management
 - iii. Standing Orders
 - iv. Code of Conduct
 - v. Data Protection (GDPR) policies and Document Retention policy
 - vi. Scheme of Delegation
 - vii. Freedom of Information Policy & Publication Scheme

Delegated Powers of the Committee

Members will be advised by the meeting officer (see above) whether or not a particular item under discussion is within the Committee's delegated powers. If it is, the minutes will then record the decision as "**RESOLVED**". If it is not, then the minutes will show the decision as "**RECOMMENDED**". The business will then appear on the next appropriate agenda of Council for consideration at which the Chairman of the Committee may wish to introduce the item before Council considers it.

- ee. Receive proposals from other committees of the Town Council when considering the draft for the annual budget.
- ff. Receive, examine and implement internal auditor's reports and ensure that recommendations are considered by Council.
- gg. Monitor all budgets on a quarterly basis, acting where required to vire unspent provision to ensure that the annual agreed budget strategy is maintained.
- hh. Consider any expenditure outside the agreed budget strategy and, where required, make recommendations to Council.
- ii. Responsible for the appointment of the Town Council's internal auditor.
- jj. To monitor all the Town Council's investments and where required make recommendations to Council.
- kk. Review of the effectiveness of internal audit controls, insurance and risk management on a regular basis.
- ll. With the approval of Council enter into negotiations with other local authorities about the provision of services in the Town Council's area.
- mm. Consider the Council's strategy and, where necessary, make recommendations to Council. It is expected when considering strategy that the

Committee will consult with the wider membership of the Council, and where necessary outside of the Town Council.

nn. **Chairman or a Committee Member who is not on the mandatory signature:** review and approve the monthly bank reconciliations.