

## **SCHEME OF DELEGATION**

This scheme of delegation authorises Standing Committees of the Council, the Proper Officer and the Responsible Finance Officer to act within delegated authority in the specific circumstances detailed. These delegations are necessary for the effective day to day running of the Council. This scheme of delegation shall be reviewed by the Council at least annually along with the review of the Council's Standing Orders and Financial Regulations.

### **COUNCIL AND ITS COMMITTEES**

#### **1. Council**

The following are reserved matters for the Council to decide, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration:

- Approval of Budget and setting the Precept
- Authorisation of Borrowing
- Approval of the Council's Annual Governance Statement and the Accounting Statement.
- Addressing recommendations in any report from the internal or external auditors
- Making, amending or revoking Standing Orders, Financial Regulations and the Scheme of Delegation
- Appointment to Standing Committees
- Filling of vacancies occurring on any Standing Committee of the Council during the Civic year
- Making, amending or revoking bylaws
- Making of orders under any statutory powers
- Approving and adopting the Council's Aims and Objectives
- The appointment of the Town Clerk and the Responsible Finance Officer taking into account the advice of the Staffing Committee
- The dismissal of the Town Clerk or Responsible Finance Officer
- The dismissal of members of staff, excluding during probationary periods
- Dates of meetings of the Council
- Agreement to take on new, including devolved services, subject in all cases to the recommendation of the Staffing and Policy & Management Committee
- Matters of principle or policy
- Noting all the minutes approved by Committees
- Approval of application for the Local Council Award Scheme
- Nomination and appointment of representatives of the Council to any other authority, organisation or body
- Any proposed undertaking committing expenditure above £50,000
- Responses to legislative and other allied consultations excluding planning related matters dealt with by the Policy & Management Committee
- Prosecution or defence in a Court of law other than an Employment Tribunal
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to a Committee

- Decisions to adopt the General Power of Competence
- Write off of bad debts
- All other matters which must, by law, be reserved to the Full Council

## **2. Delegation to Committees**

For the day-to-day business of the Council, there are three Standing Committees of the Council

- Policy & Management
- Audit
- Staffing

The terms of reference and accountability of each committees is set out in Chapter 15 of the Council's Standing Orders.

The delegated decision making by Committees must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget. Where decisions are delegated to a Committee, so as far as is legally permissible, they are deemed the acts and proceedings of the Council.

The Council may at any time, following resolution, revoke any delegated authority, without prejudice to executive action already taken.

Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council. Similarly, where a Committee has no delegated power to make a decision it makes a recommendation to Council.

All Committees shall be delegated to make a decision on behalf of the Council to approve of the Committees Minutes as a true and correct record and to pass such minutes for Noting by the Council.

## **PROPER OFFICER AND RESPONSIBLE FINANCIAL OFFICER**

### **3. Proper Officer**

The Town Clerk is designated and authorised to act as Proper Officer of the Council for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer other than as required by the LGA 1972 S151 (Responsible Finance Officer) and as such is authorised to carry out the functions specified in Chapter 3 of the Council's Standing Orders. Additionally to the above, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council.

- Oversee all of the Council's services
- Manage the Council Staff in accordance with the Council's policies, procedures and budget
- Authorisation of expenditure as detailed in the Councils Financial Regulations
- Take, discontinue and/or appear in any legal action authorised by the Council
- Take Counsel's advice or instruct Counsel to represent the Council in any legal action authorised by the Council
- To appear or make representation to any tribunal or public inquiry into any matter which the Council has an interest
- In consultation with the Leader of the Council, negotiate and agree settlements on behalf of the Council in relation to any proceedings in the Employment Tribunal
- Terminate employment during probation and to review salary on completion of probationary periods (in consultation with the Chairman of the Staffing Committee)
- Commission legal and professional advice on staffing matters
- To apply for planning consent for carrying out of development by the Council

- Initiating legal action or proceedings against unauthorised encampments or encroachments on Council land
- Negotiating the terms of any lease, licence conveyance or transfer of land or property
- The granting or refusal of the Council's consent under the terms of any lease
- The granting of easements, wayleaves and licences over Council land
- Exercise in his own right or to authorise Officers to exercise statutory powers of entry and inspection for the purposes of any function under their control
- Serve requests for information as to ownership, occupation and other interests in land for the purpose of any function under their control
- Appoint consultants and other professionals to carry out any function and provide any service under their control, subject to the Council's Standing Orders and Financial Regulations.
- Authorisation to respond immediately to any correspondence, requiring or requesting information or relating to previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its Committees.

All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.

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 and procedures of the Council
- All statutory common law and contractual requirements.

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.

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 authorisation being in writing
- Only to be given to an Officer below the delegated 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

A delegation to a subordinate Officer shall not prevent the Town Clerk from exercising the same power or duty at the same time.

#### **4. Position of Leader of the Council**

The Council will appoint a Leader of the Council who will normally hold the position of Chair of the Policy & Management Committee.

Since no individual Member may act alone in an executive capacity, the Clerk is delegated and directed to work with the Leader to undertake overall management of the business of the Council, including:

- Day to day decisions on the implementation of Council Policy
- Overseeing work to implement Council Strategy
- Managing Urgent Business
- Liaising with political groups to propose a consensus on Council priorities

It should be noted that the Leader of the Council is a political position and does not replace or usurp the statutory position and role of the Mayor as Chair of the Council

## 5. Urgent Matters

In the event of any matter arising which requires an urgent decision, the Town Clerk shall forthwith consult with the Leader and Mayor and other relevant Committee Chairs and/or Vice Chairs before acting on behalf of the Council.

Before the Town Clerk exercises the delegated powers granted by the above paragraph, those Members consulted shall consider whether the matter justifies summoning an Extraordinary Meeting of the Council or appropriate Committee.

Whenever any action is taken as a matter of urgency, full details of the circumstances justifying the action shall be submitted in writing to the next available meeting of the Committee concerned and/or Council.

## 6. Absence of the Town Clerk

The Town Clerk has broadly two roles within the organisation of the Council, firstly to fulfil the functions of the designated Proper Officer of the Council as detailed in para 3 above and Section Three of the Council's Standing Orders and secondly to act as the council's senior executive and head of paid services with overall responsibility for the strategic delivery of council services.

**Delivery of Council Services:** The tactical delivery of council services lies with the staff member responsible for the day-to-day delivery of the service. However, in the event that a staff member requires guidance on an urgent & significant issue which cannot wait until the return to work of the Town Clerk, the Corporate Services Officer acting as Deputy Town Clerk is authorised to act as the Proper Officer and head of paid services. The Corporate Services Officer, where necessary, will raise the matter directly with the Chair of the Committee responsible for the service. Emergency expenditure may be incurred within the criteria set out in table 1 below. The Town Clerk is to be briefed on the issue in question at the earliest opportunity upon his/her return to work.

**Delivery of Democratic Services:** In the unplanned/unexpected absence of the Town Clerk, the Corporate Services Officer is to inform the Chair of the Council and the Chair of the Staffing Committee of the situation and is authorised to carry out the functions of the Proper Officer necessary to ensure the continued delivery of the council's democratic services, specifically those required under Standing Order 32 – the serving of a duly signed summons confirming the time, place and the agenda for a meeting of the Council or one of its committees and the posting of the appropriate public notices.

Additionally in the unplanned absence of the Town Clerk which has or is likely to exceed 7 days, the Corporate Services Officer is authorised to liaise with the Chair of the Council (Mayor) in order to call an extra-ordinary meeting of the Council as provided by Standing Order 134, for the purposes of agreeing arrangements appropriate for the situation.

## 7. Responsible Financial Officer

The Responsible Finance Officer to the Council is the designated Local Government Act 1972 Section 151 Officer and shall be responsible for the Town Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

The Responsible Finance Officer is authorised to:

- Operate the Council's banking arrangements.
- Pay all accounts properly incurred
- Pay all subscriptions to organisations to which the Council belongs

- Make all necessary arrangements for the provision of an internal and external audit service for the Council
- Negotiate settlements in connection with claims made by and against the Council in consultation with the Council's insurers where appropriate
- Enter into leasing and contract hire agreements for the acquisition of vehicles, machinery and equipment approved by Council or an appropriate Committee on such terms as are considered appropriate
- Manage investments as authorised by the Council's investment strategy
- Raise and repay loans approved by the Council
- Authorise action for the recovery of debt
- Maintain a Register of Assets and Inventory of Equipment
- Determine the Town Council's insurance requirements.
- Make all necessary arrangements for the Council's insurance
- Prepare a draft budget for consideration by Council (in consultation with the Town Clerk)
- Prepare the final accounts for each financial year

All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.

The Responsible Finance Officer 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 and procedures of the Council
- All statutory common law and contractual requirements

The Responsible Finance Officer 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.

## 8. Authority to Incur Expenditure

Table 1 details the authorised limits of expenditure and certification of invoices, costs above these limits are to be referred upwards to the Town Clerk, appropriate Committee or Full Council as appropriate to the circumstances.

**Table 1.**

<b>AUTHORITY</b>	<b>LIMIT</b>	<b>OFFICER</b>	<b>COMMENTS</b>
1. To incur expenditure	Within budget	Town Clerk	As Proper Officer for the Council, the Town Clerk is tasked with enacting the decisions of the Council and does this within approved budget parameters
	Less than £2,000 and within budget cost centre <ul style="list-style-type: none"> <li>• Allotments</li> <li>• JBC</li> <li>• Land &amp; Property for grounds maintenance</li> </ul>	Grounds Maintenance Supervisor	Items above this amount to be authorised by the Town Clerk. Higher expenditure reflects anticipated costs of equipment and materials.

	Less than £1,000 and within budget cost centre <ul style="list-style-type: none"> <li>• Land &amp; Property for buildings maintenance</li> <li>• Vehicle maintenance</li> </ul>	<del>Grounds</del> Buildings Maintenance Supervisor	Items above this amount to be authorised by the Town Clerk
	Less than £1,000 and within budget cost centres: <ul style="list-style-type: none"> <li>• BWP</li> <li>• Pepperpot</li> <li>• WNC</li> <li>• Bandstand</li> <li>• Museum</li> <li>• Land &amp; Property – Other (Public Toilets)</li> <li>• Public Realm</li> <li>• JBC</li> </ul>	Facilities Supervisor	Items above this amount to be authorised by the RFO
	Less than £1,000 and within budget cost centres: <ul style="list-style-type: none"> <li>• Head Office Costs</li> <li>• Civic Expenses</li> <li>• Town Promotion</li> </ul>	Services Support Executive	Items above this amount to be authorised by the RFO
	Less than <del>£500</del> £1,000 and within budget cost centres: <ul style="list-style-type: none"> <li>• Town Promotion</li> <li>• Staycation</li> <li>• Festivals &amp; Markets</li> </ul>	Community Services & Communications Officer	Items above this amount to be authorised by the Town Clerk
	Less than £1,000 and within budget cost centres: <ul style="list-style-type: none"> <li>• Youth Service</li> </ul>	Youth Service Officer	Items above this amount to be authorised by the RFO
2. Emergency Expenditure	Less than £4,500	Town Clerk	Report to next Council/Committee Meeting as appropriate
	Less than £2,000	Responsible Finance Officer	In the absence of the Town Clerk, or acting on behalf of the Town Clerk, the Responsible Finance Officer (RFO) is authorised to also action emergency measures when necessary as detailed under paragraph 5 -Urgent Matters
3. Certification of Invoices	Invoices of £2,500 and above for all budget cost centres	Town Clerk	The RFO carries out an additional level of checks whilst inputting into the accounts system
	Invoices below £2,500 for budget cost centres delegated to the listed officers	Facilities Supervisor, Grounds Supervisor, Maintenance Supervisor, Support Services Executive, Community & Communications Officer	The RFO carries out an additional level of checks whilst inputting into the accounts system