



Caistor Town Council

# SCHEME OF DELEGATION POLICY

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**This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (which may be one and the same person), Committees and Sub-committees and Working Groups of the Council to act with delegated authority in the specific circumstances detailed. Delegated actions for officers shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.**

## **1 Responsible Financial Officer Duties & Powers**

1.1 The Town Clerk shall be the Responsible Financial Officer to the Council and shall be responsible for all financial records of the Council and the careful administration of its finances and accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time and with the policies and procedures set by the Council and within the law.

1.2 The Responsible Financial Officer shall ensure the approved precept is issued to the billing authority and shall supply each member with a copy of the approved annual budget.

1.3 The Responsible Financial Officer will have the power to release any financial related report or document to the Council or its committees in discharge of the Responsible Financial Officer responsibilities

## **2 Proper Officer Duties & Powers**

2.1 The Town Clerk is designated and authorised to act as the Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a proper officer and as such is specifically authorised to:

- a) Receive declarations of acceptance of office;
- b) To retain a copy of members declarations of interests and receive and record notices disclosing interests at meetings;
- c) Receive and retain plans and documents;
- d) Sign notices, agreements, licences or other documents on behalf of the Council;
- e) Receive copies of By-laws made by another local authority;
- f) Certify copies of By-laws made by the Council;
- g) Sign and issue summonses to attend meetings of the Council;
- h) Keep proper records for all Council Meeting;
- i) Notify the Returning Officer of any casual vacancies and liaise with him regarding the conduct of elections

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

- a) The day to day administration of services, together with routine inspection and control.
- b) Day to day supervision, recruitment and control of all staff employed by the Council, save where the Grievance & Discipline Procedures take precedence.
- c) Authorisation of routine expenditure within the agreed budgets.
- d) Emergency or necessary expenditure up to £500 outside of the agreed budget.
- e) Where, and only where Council cannot make a valid comment within the time frame, and in consultation with councillors, respond to planning applications, as directed by the council.
- f) Dealing with all press and public relations on behalf of the Council as per the adopted Media Policy
- g) Power to act on own initiative to implement the Councils policies and objectives.

### 2.3 Council Assets & Emergency Expenditure

- a) In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether there is any budgetary provision for the expenditure, in accordance with the approved scheme of delegation and shall report to the Chairman as soon as possible and to the Council as soon as practicable thereafter.
- b) In the case of an emergency, the Clerk shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Chairman (if practicable in the circumstances).
- c) Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the council or committee.
- d) Delegations to The Proper Officer in relation to the letting of contracts are set out in the Standing Orders.
- e) Delegations to The Proper Officer in respect of land and premises are set out in the Standing Orders.
- f) The Clerk will have the authority to dispose of the Councils assets (excluding land and building assets)

### 2.4 Training for Officers & Members

- a) The Town Clerk has the power to identify own training needs and in consultation with members of the Personnel and Finance Committee, to agree these.
- b) The Town Clerk is authorised to book training courses for themselves and council staff within the budget approved parameters or as directed by the Personnel and Finance Committee.
- c) The Town Clerk is authorised to book training courses for members of the Council in accordance with the members training policy.

2.5 Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.

## 3 Council

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

- a) Setting the Budget & Precept;

- b) Borrowing money;
- c) Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
- d) Making, amending or revoking By-laws;
- e) Making of Orders under any Statutory powers;
- f) Matters of principle or policy.
- g) Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings);
- h) Authorising the incurring of expenditure not provided within the approved budget;
- i) Any proposed new capital undertaking;
- j) Prosecution or defence in a court of law;
- k) Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to a committee.
- l) Creation of Committees and membership therein;
- m) Confirming the appointment of the Town Clerk
- n) To adopt the schedule of meetings for the ensuing year.
- o) Declaring the eligibility of the General Power of Competence (to be confirmed by a resolution subject to satisfactory criteria met)
- p) Adopting and revising the council's code of conduct.
- q) Addressing any recommendations in any report from the internal or external auditors A
- r) Appointment or nominating Council representatives to outside bodies
- s) Agreement to take on any new, including devolved services, subject in all cases to a fully costed business plan, to be recommended by the relevant committee.
- t) To determine matters affecting or likely to affect, another Committee or where consultation with or approval of that other Committee is required.
- u) To determine any matters referred to it by a Committee in accordance with Standing Orders.
- v) To determine matters which do not fall within the remit of any Committee

3.2 Sections 102 & 103 Local Government Act 1972 allows for the discharge of the Council's functions by a Committee, a Sub-Committee or an Officer of the Authority.

3.3 Committees and Sub Committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegation where applicable and may only be exercised where sufficient budgetary provision exists or can be varied from which the approved budget of the Committee. The Committees must operate within the statutory framework of powers and duties granted by way of rules, regulations, schemes, statutes, by-laws or orders made and with any directions given by the Council from time to time.

3.4 Committees, unless the Council otherwise directs, may arrange to devolve any of its functions to one or more Sub-Committees or to Officers of the Council

3.5 Committees shall appoint a Chairman and may appoint a Vice-Chairman at their first meeting following the Annual Meeting of Council.

3.6 Committees shall meet within the timetable approved by the Council at its Annual Meeting.

- 3.7 The Minutes of the Committee Meetings shall be presented to the next meeting of Council for adoption.
- 3.8 In any case where a Committee (or Sub) Chairman and Vice Chairman are either unsure whether or not any matter falls within delegated powers, or whether or not any matter should be determined by them, they should refer that matter to the next highest level of decision. A power delegated does not always have to be exercised.
- 3.9 The Council may at any time, following resolution, revoke any delegated authority, without prejudice to executive action already taken.
- 3.10 Meetings shall be open to the public, although the Committee may resolve to exclude the press and public under s1 Public Bodies (Admission to Meetings) Act 1960 only when the following confidential matters are to be discussed:
- a) Engagement, terms of service, conduct and dismissal of employees;
  - b) Terms of tenders, proposals and counter-proposals in negotiation for contracts;
  - c) Preparation for cases in legal proceedings; and
  - d) Early stages of any dispute.
- 3.11 All members of the Council shall receive agendas and supporting papers of Council and all Committees by e-mail except where it is not appropriate. *(With the exception of Personnel, where only the members shall receive correspondence and pink papers will be handed out in person only and returned back to the Clerk)*. Members not on a committee will be treated as if they were members of the public in meetings, but may remain through closed sessions at the Chair's discretion except for matters of personnel.

## 4 Urgent Matters

- 4.1 In the event of any matter arising **which requires an urgent decision** notwithstanding delegated powers granted by paragraph 2.2 above the Town Clerk shall forthwith consult with the Chairman (and/or Vice-Chairman) of the council or appropriate Committee *(if the matter involves expenditure not provided for in the annual budget)* and those Members so consulted together with the Town Clerk shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
- 4.2 Before exercising the delegated powers granted by paragraph 3.3 above, those Members consulted shall consider whether the matter is of sufficient interest to justify the summoning of a Special Meeting of the appropriate Committee and where a meeting is so summoned the Committee concerned shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
- 4.3 Before exercising the delegated powers granted by paragraph 3.3 above, the Committee concerned shall consider whether the matter is of sufficient importance to justify recommending to the Chair that a Special Meeting of the Council should be called.
- 4.4 Whenever any action is taken under this Standing Order, full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next available meetings of the Committee concerned and of the Council.
- 4.5 The Committee may refer specific matters to the Council for a final decision if it so wishes.

## **5 Committees**

- 5.1 Committees may be formed by resolution of the Council at any time and delegated powers may be decided upon at the time the Committee is formed by means of a Terms of Reference Policy adopted by Council.

## **6 Working Groups / Parties**

- 6.1 Working Groups/Parties may be formed by resolution of the Council or a Committee at any time. The work of such a Working Group/Party will be decided upon at the time it is formed by means of a Minute detailing the Terms of Reference. Each Working Group/Party will report back with recommendations to the Council or the Committee that formed it.