



## Town Clerk Delegation of Powers Policy

Adopted by Eastfield Town Council on 29<sup>th</sup> July 2024

### DISCHARGE OF THE SCHEME

- 1.1 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.
- 1.2 This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders and will be reviewed every two years and when there are staffing changes.
- 1.3 Those with delegated responsibility are referred to by job title, Town Clerk (Proper Officer).
- 1.4 One of the purposes of the document is to clearly define the parameters within which Officers of the Council can act without reference to Councillors. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.
- 1.5 Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

## 2. PRINCIPLES OF DELEGATION

- 2.1 Section 101 of the Local Government Act 1972 provides:
  - That a Council may delegate its powers (except those incapable of delegation) an officer.
  - The delegating body may exercise Powers that have been delegated.
- 2.2 Any delegation to the Proper Officer shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and with the law.

- 2.3 Inside of reserved powers (see 5 below) in an emergency the Town Clerk is empowered to carry out functions of the Council.
- 2.4 Where the Town Clerk is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chair of the Council and must ensure that they obtain appropriate legal, financial, and other specialist advice before action is taken.

### **3. Authority to Act**

- 3.1 It will be appropriate for the Town Clerk to refer a matter to the Council where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for councillors to determine; or could, by its scale or complexity expose the Council to major corporate risk.
- 3.2 The Town Clerk has the responsibility to act within the Council's approved policies, procedures, and framework and within the law in conjunction with this delegated scheme.

## **4 CONFLICTS OF INTEREST**

- 4.1 Under the Local Government Act 1972, section 117 the Town Clerk must make a formal declaration about council contracts which they have a financial interest.
- 4.2 Where the Town Clerk has a conflict of interest in any matter, he/she shall not participate in that matter unless approved by the Council and this is formally recorded in the Council minutes.

## **5 COUNCIL RESERVED POWERS**

- 5.1 The following matters are only to be resolved by the full Council:
- Appointment of the Town Clerk/Responsible Financial Officer and other council officers following a recommendation from the Staffing Committee
  - To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation, and other Council policies
  - To approve and adopt the Policy Framework.
  - To approve and adopt the Budget.
  - To agree and/or amend the terms of reference for Committees
  - To adopt the schedule of meetings for the ensuing year.
  - To determine matters involving expenditure for which budget provision is not made or is exceeded.
  - To set the Precept.
  - To make bylaws.
  - To borrow money.
  - To annually approve the statutory annual return
  - To approve eligibility for the General Power of Competence

## 6 DELEGATION TO TOWN CLERK

### (a) Town Clerk

1. 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 Chair (if practicable in the circumstances).
2. Power to authorise relevant training courses provided the expense can be met from approved budgets having taken into account the training needs of the employees and councillors.
3. The Clerk is the manager for all staff employed by the Council and is given delegated powers to manage the council staff in accordance with the Council's policies, procedures, and budget.
4. The authority to sanction and authorise payment of overtime so long as the costs can be contained within the parameters of the approved budget. The Clerk shall have the authority to engage casual workers subject to budget and the Clerk shall consult with the Staffing Committee members when such work is to be sanctioned.
5. Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council.
6. Power to release press statements on any activities of the Council subject to prior consultation with the Chair.
7. Power to act on own initiative to implement the Council's policies and objectives.
8. Power to take appropriate steps to ensure the Council does not exceed its powers.
9. Power to manage all the Council's facilities and resources in accordance with the Council's policies.
10. In liaison and after conferring with the Chair, to make such Civic arrangements as are necessary.
11. The Proper Officer 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.
12. The Proper Officer shall be responsible for signing all the Council's Official

Notices as set out in the Standing Orders.

13. As Proper Officer/Responsible Financial Officer, the Clerk may incur expenditure on revenue items on behalf of the Council up to the amounts included in the approved budget.
14. The Town Clerk, in consultation with Councillors, to make comment on planning applications submitted to XXX Council by XXX District Council within the statutory 21 day consultation period if the deadline is before the next Council meeting.

**(b) Responsible Financial Officer**

1. The Responsible Financial Officer will 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.
2. The Responsible Financial Officer will have the power to release any financial related report or document to the Council in discharge of the Responsible Financial Officer responsibilities,
3. The Responsible Financial Officer shall ensure the approved precept request is issued to the billing authority.