

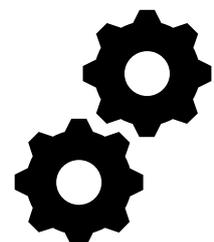
SHAFTESBURY TOWN COUNCIL

*Delivering Excellence across the
Shaftesbury Community*



Scheme of Delegation

Date of Adoption: 26th February 2019
Review Date: May 2020



Internal Operations Policies



Shaftesbury Town Council Terms of Reference and Scheme of Delegation for Committees and Officers

1 Introduction

- 1.1 This Scheme of Delegation authorises the Proper Officer and Responsible Financial
1.2 Officer (the Town Clerk) and Standing Committees to act with delegated authority in the specific circumstances detailed. It will be reviewed annually at the Annual Town Council Meeting

2 Proper Officer and Responsible Finance Officer – Duties and Powers Responsible Finance Officer

- 2.1 The Responsible Finance Officer to the Council shall be responsible for the Town Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

Proper Officer

- 2.2 The Town Clerk is designated and authorised to act as 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.

- 2.3 The Town Clerk is authorised to undertake the following functions:

- 2.3.1 The Clerk to the Council shall be the Proper Officer of the Council and as such is specifically authorised to:

- i. Receive declarations of acceptance of office
- ii. Receive and record notices disclosing interests
- iii. Receive and retain plans and documents
- iv. Sign Notices or other documents on behalf of the Council
- v. Receive copies of bylaws made by a principal local authority
- vi. Certify copies of bylaws made by the Council
- vii. Draw up agendas usually after consultation with the relevant Committee Chair
- viii. Sign summons for members to attend ordinary meetings of the Council
- ix. To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
- x. To institute and appear in any legal proceedings authorised by the Council.

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

- 2.4.1 To manage all the Town Council's services and property, together with routine inspection in line with the budgets and policies approved by members.

- 2.4.2 To manage the Council staff in accordance with the Council's policies, procedures and budget, including:-



- i. make appointments to posts, where not reserved for appointment by members¹
- ii. the appointment of temporary employees
- iii. staff performance and discipline
- iv. payment of expenses and allowances in accordance with the Council's scheme;
- v. the approval of increments
- vi. implement national pay awards and conditions of service in line with the National Joint Council Scheme of Conditions of Service (the 'Green Book') as amended by the Local Agreement
- vii. The Town Clerk shall delegate day to day management of functions and services to the service heads, in line with the approved duties of these posts, as agreed by the Council.

2.4.3 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

2.4.4 Authorisation of routine recurring expenditure within the agreed budget

2.4.5 Emergency expenditure up to £5000 outside of an agreed budget. The Clerk may seek emergency authorisation from the General Management Committee for further expenditure up to an additional £10,000

2.4.6 Authorisation of expenditure on works up to a maximum of £5,000

2.4.7 Delegated actions of the Clerk to the Council shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and in line with directions given by the Council from time to time. Use of the Clerk's delegated powers shall be reported verbally to the next meeting of the full Council.

3 Absence of the Town Clerk

3.1.1 In the short-term absence of the Town Clerk, the Business Manager shall be authorised to deputise and undertake any of the functions of that post.

3.1.2 In the event of long-term absence of the Clerk, the Mayor in consultation with HR Committee Chairman and General Management Committee Chairman will appoint a temporary locum who shall be authorised to deputise and undertake any of the functions of that post.

4 Urgent Matters

¹ The establishment of new posts and any changes to posts, or terms and conditions, which would have implications for the budget, shall be subject to approval in the first instance by the Human Resources Committee which will recommend to the General Management Committee for budgetary approval.



- 4.1.1 Subject to consultation with either the Town Mayor, Deputy Town Mayor or the relevant Committee Chairman and/or vice chairman, the Town Clerk is authorised to act on behalf of the Council on any matter where urgent action is needed to protect the interests of the Town Council.
- 4.1.2 Before the Clerk exercises the delegated powers those Members consulted shall consider whether the matter justifies summoning an Extra-ordinary Meeting of the Council or appropriate Committee or Sub-Committee.
- 4.1.3 Whenever any action is taken in this way, full details of the circumstances justifying urgent action shall be submitted in writing to the next available meeting of the Committee concerned and/or Council.

COUNCIL and COMMITTEE TERMS OF REFERENCE

5 FULL COUNCIL

Matters that can only be resolved by Full Council:

- i. Appointing a Town Mayor
- ii. All matters affecting the appointment, promotion, discipline, salary and conditions of service of the Town Clerk following consideration being given to a recommendation from the Staffing Committee
- iii. Appointment of the RFO
- iv. Determine and Issue the precept
- v. Borrowing money
- vi. Approval the End of Year Accounts and Annual Return
- vii. Appointing an Internal auditor
- viii. Amending Standing Orders and Financial Regulations
- ix. Appointing Committees
- x. Filling of Councillor vacancies occurring on any Committee or Council
- xi. Appointing or nominating persons to fill vacancies on outside bodies
- xii. Agreeing the dates of meetings of the Council, its Committees and sub- committees
- xiii. Receiving and noting of all minutes approved by Committees
- xiv. To consider legislation and the consequences thereof upon the Town Council
- xv. Approving, adopting and annually reviewing the Council's Constitution and Strategic Plan



STC Operations – Internal Operations– Scheme of Delegation

- xvi. Important matters of principle or policy which have been referred directly by Committees or the Town Clerk
- xvii. Making, amending or revoking bye-laws
- xviii. Making of Orders under any statutory powers
- xix. Incurring capital or revenue expenditure which is over and above the Council's approved budget and any virements required
- xx. Acquiring land and other significant assets and commissioning services above £10,000
- xxi. Prosecution or defence in a court of law other than an Employment Tribunal
- xxii. Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town, excluding those matters specific to a Committee
- xxiii. Approval of application for Quality Status and/or its equivalent
- xxiv. Confirmation of adoption of the Power of General Competence

6 Committee Terms of Reference

- 6.1.1 The Terms of Reference for each of the Council's Committees, Sub-Committees, Advisory Committees and Joint Committees (as appropriate) shall be appended to this scheme of delegation and reviewed annually in their entirety.