

Desborough Town Council

Scheme of Delegation

Local Councils may only do what legislation requires or permits them to do. With some particular exceptions, the Council may delegate functions to committees, sub committees, officers, or other authorities.

The power to delegate functions by local councils is set out in the Local Government Act 1972 S.101 as follows:

Arrangements for discharge of function by local authorities

- (1) *Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions:
 - (a) by a Committee, a sub-Committee or an officer of the authority, or
 - (b) by any other local authority*
- (2) *Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee of the authority, then unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.*
- (3) *Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, sub committee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.*
- (4) *Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.*
- (5) *A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority.*

The aim of this document is to clarify the manner in which Desborough Town Council has delegated its powers and the authority to spend.

Council

Certain functions cannot be delegated and are therefore reserved to the full Council, although an appropriate committee may make recommendations thereon for the Council's consideration. Examples are:-

- Setting the precept and approval of the Council's budget
- Approval of the Annual Accounts and completion of the Annual Return including the Governance Statement
- Consideration of an Auditor's report made in the public interest.
- The making, amending or revoking of Standing Orders, Financial Regulations and this Scheme of Delegation
- Adoption or revision of the Council's Code of Conduct.
- Confirmation (by resolution) that the Council has satisfied the statutory criteria to exercise the General Power of Competence

Responsible Financial Officer (RFO)

The Responsible Financial Officer to the Council is responsible for the Council's accounting procedures and financial records and is accountable for the proper administration of its finances, in line with the current Account and Audit Regulations and the Council's adopted Financial Regulations. The functions and duties of the RFO are set out in the job description for the post.

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Proper Officer

The Town Clerk shall be the Proper Officer and shall carry out the functions as provided by the Local Government Act 1972, and as set out in the job description for the post. The Council may delegate the full authority of the Proper Officer to any other temporary or permanent member of staff to act in the absence of the Town Clerk. Delegated actions 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.

Routine Matters

The Town Clerk is specifically authorised to:

- Receive declarations of acceptance of office;
- Receive and publish Members' declarations of interest, and pass the originals to the Monitoring Officer of the relevant Local Authority;
- Receive and determine Disclosable Pecuniary Interest (DPI) dispensations and report details of all dispensations received, and the decision on them, to the next available Council meeting;
- Convene a meeting of the Council if a casual vacancy occurs in the office of the Chair;
- Sign notices or other documents on behalf of the Council;
- Receive, retain, and dispose of plans, notices, records, and documents in accordance with the document retention policy and the law;
- Certify copies of byelaws made by the Council;
- Respond to planning and licensing matters in accordance with the wishes of the Council; or if there is insufficient time for consideration at a Council meeting, in accordance with what he reasonably believes to be the views of the majority of Councillors.

Administrative Matters

In addition, the Clerk is authorised to undertake the day to day administration of the Council, to include:

- Calling extra meetings of the Council, or any committee, or sub-committee, as necessary, having consulted with the appropriate Chair; except those meetings called in accordance with Standing Orders by the Council Chair or Members;
- Issuing press releases and statements to the press or on social media on the Council's known policies, subject to the provisions of the Council's Press and Media Policy;
- originating, updating, and managing the content on the Council's website;
- Making arrangements for the maintenance of the office IT system;
- Co-ordinating the production of the Council's newsletters;
- Responding to requests for information under the Freedom of Information Act 2000 and the Data Protection Act 1998 (or similar Acts and Regulations);
- Acknowledging and handling all complaints regarding the Council (except where the complaint relates to the Town Clerk);
- to pay the cost of holding an election or by-election, including the cost of polling cards, for the post(s) of town councillor as determined by and charged for by the electoral officer of the relevant District or Unitary Authority.
- Making arrangements for the routine maintenance of the Council's Offices and property;
- Purchasing basic office equipment and supplies;
- Authorising routine recurring expenditure within the agreed budget (e.g. broadband, rent)

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- Authorising payment for items below £1,000 in consultation with the Chair of Council where delay to the next Council meeting would be detrimental to the Council or the payee.

Emergency Matters

The Town Clerk is specifically authorised:

- In the event of any emergency involving the Council's property, premises, or facilities (e.g. damaged bench, leaking pipes, wind damage to roof, flooding, broken equipment) to order any works necessary to prevent any further material loss to the Council;
- In the event of any safety critical occurrence or situation (e.g. dangerous branches and or trees, collapsed footpaths, broken play equipment, breached fencing allowing access into an unsafe area, removal of burnt out and or abandoned vehicles) to commit the Council to any expenditure necessary in order to carry out remedial action, or isolate the area or in the case of vehicles arrange their lawful removal, in order to reduce the likelihood of anyone being harmed;
- To commit the Council to an expenditure of up to £600 for costs incidental to ongoing projects already authorised by Council, or other ongoing work, or minor repairs to facilities, subject to the Town Clerk being confident that the Members, in all probability, would have approved such an expenditure if the facts had been brought to their attention before a commitment to expend the money had been made (e.g. hire of equipment, purchase of fuel, servicing of vehicle or machinery, repair to vehicle or machinery, purchase of wood or fencing materials or gates, purchase of topsoil, plants and shrubs, hire of contractor to offer specialised assistance or to carry out specialised repairs, engaging tradesmen to carry out minor repairs etc.).
- In the event of a situation arising which is not covered in this section, to take any action and commit the Council to any expenditure, but not until the circumstances of the situation have been discussed with the Chair or Vice Chair of the Council; in the eventuality of the Chair and Vice Chair not being available (e.g. on holiday) then the Clerk may seek approval from another Councillor; subject always to the Town Clerk being confident that the Members, in all probability, would have approved such an expenditure if the facts had been brought to their attention before a commitment to expend the money had been made.

In all the above cases the Town Clerk is only authorised to order works or to commit the Council to expenditure as specified. Such actions are to be reported at the next meeting of the Council. Actual payments still need to be authorised by the Council payments approved in the normal way.

The Openness of Local Government Bodies Regulations 2014

Whilst acknowledging the requirement for officers of the Council to produce a written report relating to delegated decisions made under section 7 (2) (b) (i) and (ii), the Council confirms that with regard to paragraph (iii) the word 'materially' should be construed in such a manner as to confer upon the Town Clerk the authority to commit the Council to expenditure, as outlined within these Delegated Powers, and, as long as the expenditure is accommodated within the Council's agreed budget headings for the year, such decisions do not have to be recorded for the purposes of this Act as the expenditure is considered as not having a material effect on the finances of the Council.