



**NORTHAM TOWN COUNCIL
SCHEME OF DELEGATION TO
COUNCIL, COMMITTEES &
OFFICERS**

Adopted by Northam Town Council on 15th May 2024

NORTHAM TOWN COUNCIL SCHEME OF DELEGATION

This Scheme of Delegation authorises Council Officers, the Proper Officer and Responsible Finance Officer (which may be one and the same person), Standing Committees and Sub-Committees of the Council to act within delegated authority in the specific circumstances detailed.

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V0.1	11 th April 2024	First review by committee	Deputy Town Clerk
V0.2	1 st May 2024	To be presented to Annual Meeting of the Council	Acting Town Clerk.
V0.3	15 th May 2024	Typographical changes on page 8 to clarify the Mayor as Chairman and reflect the Council's Financial Regulations at pare 6.7.	Acting Town Clerk

NORTHAM TOWN COUNCIL SCHEME OF DELEGATION

1. DISCHARGE OF THE SCHEME

1.1 This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Order and will be reviewed at least annually or earlier, for example when there are staffing changes.

1.2 One of the purposes of the document is to clearly define the parameters within which Officers of the Council are able to act without reference to either their line managers or Members.

1.3 Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.

1.4 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.

1.5 The other purpose of the document is to capture the various delegated powers throughout the Council, including those delegated by the Council to its various committees. This element of the scheme incorporates the Terms of Reference of the committees.

2. THE POWER TO DELEGATE

2.1 The power to delegate functions by local councils is set out in the Local Government Act 1972 S.101 (Arrangements for discharge of functions 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 subcommittee may arrange for the discharge of any of those functions by an officer of the authority.

(3) Where arrangements are in force under this section for the discharge of any functions of a local authority by another local authority, then, subject to the terms of the arrangements, that other authority may arrange for the discharge of those functions by a committee, sub-committee or officer of theirs and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of that other authority.

(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

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subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.

2.2 A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority.

3 CONFLICTS OF INTEREST (OFFICERS)

3.1 Under the Local Government Act 1972, section 117; Officers must make a formal declaration about council contracts where the employee has a financial interest. Every officer is responsible for identifying whether he/she has any conflict of interest in any matter which is under consideration, actual or perceived, within the Council, and notifying the Town Clerk.

3.2 Where an employee is unsure whether an interest should be declared, they should speak to Town Clerk in the first instance. If the employee is advised not to declare their interest, a record of the discussion should be kept by both parties. Failure to disclose such an interest, may result in disciplinary action being taken which could lead to dismissal.

3.3 Employees are also required to disclose any other employment that they wish to undertake in addition to their primary post with the Council.

3.4 All employees must identify and disclose any actual or potential personal, financial, business, or other interest or close personal relationship which might reasonably be perceived as a conflict of interest

3.5 Where an Officer has a conflict of interest in any matter, he/she shall not participate in that matter in his/her capacity as an Officer except with the prior approval of the Town Clerk. Any approval granted by the Town Clerk shall be formally recorded in the Council minutes. Where such approval has been granted for the Officer to participate in a Council meeting of that subject matter, he/she must ensure that the disclosure of interest is also declared at the start of the Council meeting under the disclosures of interests for members and officers.

4 COUNCIL RESERVED POWERS & SAFEGUARDS

4.1 Each Committee has delegated authority to decide matters within their terms of reference as incorporated in this delegation scheme except for the following matters, which are to be resolved only by Full Council:

- To appoint the Mayor and Deputy Mayor of the Council
- To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies
- Approval of Budget and setting the precept
- Approval of the Annual Return and Audit of Accounts
- To determine the Council's Corporate Priorities.
- To agree and/or amend the terms of reference for Committees, deciding on their composition and making appointments to them. • Filling of any vacancies occurring on any committee of the Council during the council year

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- To adopt the schedule of meetings for the ensuing year.
- Declaring the eligibility of the General Power of Competence
- Approve any grant in excess of £1,000 or a single commitment in excess of £20,000 providing that it is within that committee's budget
- Addressing any recommendations in any report from the internal or external auditors
- Appointment or nominating Council representatives to outside bodies
- Agreement to take on new, including devolved services, subject in all cases to a fully costed business plan, to be recommended by the Finance and General Purposes committee
- To consider the recommendations of any Remuneration Panel (where one is in existence) and adopt the level of allowances that can be claimed by Members of the Council in respect of authorised or approved duties.
- To determine matters involving expenditure for which budget provision is not made or is exceeded.
- To determine matters affecting or likely to affect, another Committee or where consultation with or approval of that other Committee is required.
- To determine any matters referred to it by a Committee in accordance with Standing Orders.
- Approval of borrowing
- To determine matters which do not fall within the remit of any Committee
- To receive statutory reports from the Town Clerk/Responsible Financial Officer
- To consider all other matters which must, by law be considered by Full Council

4.2 The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a Committee or Officer.

4.3 In accordance with Standing Orders the Council may, under specified conditions, reverse a Committee (or Council) decision within 6 months. The written notice whereof bears the names of at least 8 councillors of the Council, or by recommendation of a committee.

4.4 Members will be advised by the Town Clerk whether or not a particular item under discussion is within the Committee's (or Sub-Committee's) delegated powers. The minutes will then record the decision as "RESOLVED". If it is not, then the minutes will show the decision as "RECOMMENDED", and will then be brought to the Council's particular attention by the Chairman of the Committee at the next meeting of the Council when seeking approval and adoption of the Committee's minutes. This item can be discussed in full by the Town Council.

4.5 In any case where a Committee (or Subcommittee) 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.

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5 DELEGATION TO COMMITTEES

5.1 The following matters are delegated to the Council's Committees to make decisions on behalf of the Council. 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 they are delegated to the Committee, so far as is legally permissible, they be deemed the acts and proceedings of the Council.

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

5.3 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.

5.4 The members of a committee may include non-councillors as specified in the committee's terms of reference unless it is a committee which regulates and controls the finance of the Council

5.5 The Council and each Committee is authorised to establish Sub-Committees and working groups, and to appoint advisers as and when necessary to assist in its work.

- A Committee can arrange for the discharge of any of their delegated powers to a sub-committee. The delegated powers will be decided by the committee at the time it is formed detailing the delegated powers.
- The work of a working group will be decided upon at the time it is formed by means of a Minute detailing the terms of reference. Each working group will report back with recommendations to the Council or the Committee that formed it. Working parties or groups have no delegated powers.

5.6 The Standing Committees shall be:

- Environment & Maintenance Committee
- Finance Committee
- Human Resources Committee
- Parks & Recreation Committee
- Planning & Development Committee
- Review Committee

The Full Council is the trustee of the Northam Burrows Charity, it has established a committee to manage the work:

- Northam Burrows Charity Management Committee

5.7 Committees will be formed by means of a committee preference form circulated prior to the Annual meeting. Where more than enough members apply for a committee, a ballot will take place.

5.8 The Mayor, as Chair of the Council will be ex-officio on all committees but may only exercise one voting right on each committee.

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5.9 The Mayor and Deputy Mayor will both be ex-officio on the Northam Burrows Charity Management Committee. The Mayor may only exercise one voting right on that committee.

6 DELEGATION TO OFFICERS

6.1 The Town Clerk shall be the Responsible Financial Officer to the Council.

6.2 Specific delegations to officers are set out below. 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.

6.3 Town Clerk, at Northam Town Council, is the Proper Officer.

- 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.
- As Proper Officer, to sign all documents on behalf of the Council including the Summons to Elected Members to attend Council Meetings in accordance with paragraph 4 and Schedule 12 of the Local Government Act, 1972
- The Proper Officer shall be responsible for signing all the Council's Official Notices and for sealing Council documents as set out in the Standing Orders
- To receive declarations of acceptance of office
- To retain a copy of every Councillors Register of Interests
- To deal with dispensation requests from Members of the Council
- Power to take appropriate steps to ensure the Council does not exceed its powers.

The Clerk may authorise another officer or officers of the Council to exercise the powers of the Clerk in his/her absence, without removing the overall responsibility of the Clerk for any such decisions.

6.4 The Deputy Town Clerk will have the delegated powers to act as the Town Clerk, in the absence of the Town Clerk. The powers exercised by the Deputy Town Clerk in such circumstances shall be recorded in a delegations register and reported to the appropriate committee.

6.5 The power to delegate any delegated powers and other powers to any member of staff as appropriate.

6.6 Day to Day Administration

- The day to day administration of services, together with routine inspection and control
- The Clerk may incur expenditure on revenue items below £1,000 on behalf of the Council up to the amounts included in the approved budget
- 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

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- The authority to sanction and authorise payment of overtime in exceptional circumstances subject to advance notice given to the committee members and within approved budget parameters
- The Clerk is responsible for authorising additional work for the Maintenance Team within budget approved parameters
- Power to release press statements on any activities of the Council subject to prior consultation with either the Chair of the relevant committee or the Mayor in accordance with the press and publicity policy set out in the Standing Orders and the Press and Media policy
- The power to manage, promote and co-ordinate the events agreed by the Council in consultation with the appropriate committee
- To retain overall editorial control of the Town Council websites and social media accounts
- Power to act on own initiative to implement the Councils policies and objectives.
- 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.

6.7 Council Assets & Emergency Expenditure

- 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 or not there is any budgetary provision for the expenditure, subject to a limit of £5,000. The Clerk shall report such action to the appropriate chairman as soon as possible and to the Finance Committee as soon as practicable thereafter.
- 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 Mayor (if practicable in the circumstances).
- Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council
- Delegations to The Proper Officer in relation to the letting of contracts are set out in the Standing Orders.
- Delegations to The Proper Officer in respect of land and premises are set out in the Standing Orders.
- The Clerk will have the authority to dispose of redundant or unrepairable Council equipment (excluding land and building assets) subject to the estimated value of any one tangible; moveable item does not exceed £250.00.
- The Clerk is responsible for ensuring any disposal details including the disposal values are recorded in the assets register.

6.8 Training for Officers & Members

The Town Clerk has:

- Power to authorise staff to attend relevant training courses provided the expense can be met from approved budgets having taken into account the training needs of the employees.

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- The power to identify own training needs and book onto relevant training courses provided that the expense can be met from approved budgets
- The Town Clerk is authorised to book training courses for members of the Council in accordance with the Training and Development Policy.

6.9 Responsible Financial Officer

- 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
- The Responsible Financial Officer shall ensure the approved precept request is issued to the billing authority and shall supply each member with a copy of the approved annual budget.
- The Responsible Financial Officer will have the power to release any financial related report or document to the Council or it's committees in discharge of the Responsible Financial Officer responsibilities

6.10 Consultants / Self Employed Contractors

Consultants or self-employed contractors engaged by the Council do not have any delegation to make decisions or financial commitments on behalf of the Council.

SUMMARY OF FINANCIAL DELEGATION TO OFFICERS

AUTHORITY	LIMIT	OFFICER	SCOPE OF DECISION MAKING
1. To incur expenditure (Financial Regulations)	Within Budget < £1,000	Town Clerk	As Proper Officer for the Council, the Clerk is tasked with enacting the decisions of the Council and does this within approved budget parameters
	<£5,000 per event and within budget	Town Clerk	As the Town Clerk is the designated events officer who may delegate the organisation, management and promotion of events on behalf of the Council. Expenditure incurred under delegated powers shall be reported to the committee at their next meeting.
2. Emergency Expenditure (Financial Regulations)	<£3,000	Town Clerk	Repair work or other extreme urgency work which will be reported to the Finance Committee
3. Certification of Invoices (Financial Regulations)	All invoices	Responsible Finance Officer	The Responsible Finance Officer carries out the majority of the data input into the accounts system, they carry out another level of checks whilst analysing and coding.