



Okehampton Town Council

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## DRAFT Delegation Scheme

**This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (the Town Clerk), Standing Committees and Working Groups of the Council to act with delegated authority in the circumstances detailed. The Scheme will be reviewed annually.**

In addition, this delegation scheme will enable the Council to function as near to normal as possible in the event meetings of the Council are unable to take place **and resolutions unable to be made by the Council or its Committees.**

~~It should be noted that~~ Some items of business, including the setting of the budget and precept, and approval of the Annual Governance Accountability Return cannot be delegated to an Officer or Committee and must be resolved by Full Council.

### **Proper Officer and Responsible Financial Officer**

The Town Clerk is the Responsible Financial Officer (RFO) to the Council and is be responsible for the Town Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

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.

The Town Clerk is specifically authorised (via legislation) to:

- Receive declarations of acceptance of office.
- Receive and record notices from Councillors disclosing interests.
- Receive and retain plans and documents.
- Sign Notices or other documents on behalf of the Council.
- Receive copies of by-laws made by the Principal Councils (West Devon Borough Council and Devon County Council).
- Certify copies of by-laws made by the Council.
- Sign and issue summonses to attend meetings of the Council.
- Give public notice of the time, place and agenda at least three clear days before a meeting of the Council
- Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office.
- To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000 and Data Protection Act 2018.

In addition, the Town Clerk has the delegated authority to undertake matters on behalf of the Council as set out in the Job Description, policies and procedures including the following:

- Day to day administration of services, together with routine inspection and control of services and facilities
- Management of the Council's employees in accordance with the Council's policies, procedures and budget, including staff performance, discipline and appraisals.

- Deployment of Council resources to discharge the statutory duties of the Council and agreed strategic plans, including delegation of tasks and those who will attend and/or Clerk meetings of the Council, its Committees and Working Groups.
- Providing comments to local press and media on behalf of the Council
- 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
- Authorisation of routine recurring expenditure within the agreed budget.
- Authorisation of expenditure on any general works within the agreed budget.
- Authorisation of emergency expenditure outside of an agreed budget in accordance with Financial Regulations, with any such emergency expenditure to be reported to the Council at the earliest opportunity.

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

In the absence of the Town Clerk, the Assistant Clerk shall be authorised to undertake any of the functions of the Clerk's post, in accordance with the Job Description. The Assistant Clerk, is not a Deputy and therefore must act in consultation with the Mayor or relevant Committee Chairman.

Spending limits, including those of other members are staff, are set out in the Council's Financial Regulations.

### **Standing Committees**

The Terms of Reference (ToR) for each of the Council's four Committees (Policy & Resources, Parks, Property and Planning) shall be appended to this scheme of delegation and reviewed annually in their entirety. Once reviewed by the Committees the ToRs will be approved by Full Council.

### **Working Groups**

Working/Task & Finish Groups may be formed by resolution of the Council or a Committee at any time. The remit of such a Working/Task & Finish Group will be resolved by the Council/Committee and set out on a Term of Reference.

### **Emergency Situations**

~~The policy will only be activated~~ In the case of an emergency situation when the Council is unable to meet and in following circumstances **additional delegations will be activated**:

1. An announcement by the Government that meetings cannot take place, ie a pandemic lockdown or emergency situation. In this case the scheme will automatically be enabled.
2. By agreement of the **Mayor and Chairmen (minimum of three of the five) members of the Emergency Committee**, including by email.
3. The Council being inquorate following Elections or due to resignations. In this case the scheme will automatically be enabled. The Town Clerk has delegated authority to spend and/or make any decisions necessary to ensure the ongoing running of council services and employees are paid appropriately following consultation with any existing members.
4. In in the event it is not possible for a meeting of the Planning Committee to be held within deadlines for the submission of a response.

Following activation Members will be required to check their emails at least twice weekly. The Town Clerk will regularly contact any members without email provision by phone and/or post.

In the event that the Mayor, **Committee** Chairmen or Town Clerk are unavailable their role will be undertaken by the Deputy Mayor, relevant Vice-Chairmen or Assistant Town Clerk. The Chairmen being those of the four Standing Committees (Policy & Resources, Planning, Parks and Property).

This scheme relates to delegations over and above those already approved within Committee Terms of Reference and other permissions that may have been resolved.

#### Full Council

If a resolution is required by Full Council, with the exception of those which cannot be delegated, the Town Clerk will email the details to all Members. Comments will be collated, and the decision made by the Town Clerk following consultation with the Mayor.

#### **Charter Hall Roofing Project**

~~The project commenced on 19<sup>th</sup> February 2024 and has a completion date of 19<sup>th</sup> July 2024. In the event the Property Committee or Full Council is unable to meet for one of the reasons outlined above under Activation and to ensure the project is not halted part way through the Town Clerk has delegated authority to agree any spend within budget following consultation with the Mayor or Chairman of the Property Committee.~~

#### Planning Committee

Applications for planning permission and alcohol licencing are to be emailed to all members of the Committee for their comments. The comments will be collated and following consultation with the Chairman the Town Clerk has delegated authority to make the final decision and submit a response.

The Town Clerk has delegated authority to liaise with the other authorities in relation to Highways matters, following consultation with Committee members and/or the Chairman as necessary.

#### Policy & Resources Committee

Grant applications are to be emailed to all members of the Committee for their comments. The comments will be collated and following consultation with the Chairman, the Town Clerk is delegated authority to make the final decision in relation to the grant awarded.

Basic salary payments will be made following approval by the Town Clerk and Mayor, staff salaries being approved annually by the Council. Any amendments or increases to be approved when meetings are able to resume, and adjustments made as necessary, with the exception of the annual increase agreed by the Joint Local Council which will be implemented as soon as possible **following announcement.**

A schedule of payments required to be made will be circulated weekly, or as necessary, by email to all members of the Committee for their comments. Any queries will be responded to, and approval will be made by the ~~Chairman~~ Town Clerk following consultation with the Chairman.

Other decisions that would have been considered by the Committee are to be circulated to all members of the Committee by email for comments. A final decision to be made by the Town Clerk following consultation with the Chairman, this includes authority to purchase/authorise contracts up to the amount as delegated to the Committee **and set out in Financial Regulations.**

#### Parks and Property Committees

Decisions that would have been considered by the Committee are to be circulated to all members of the Committee by email for comments. A final decision to be made by the Town Clerk following

consultation with the Chairman, including authority to purchase/authorise contracts up to the amount as delegated to the Committee **and set out in Financial Regulations.**

#### Working from Home

In the event that staff are required by Government legislation, or they are unable to work from the office due to exceptional circumstances, the Town Clerk has delegated authority to permit them to take home equipment required to enable them to continue to undertake the main elements of their role; for example IT and phone equipment, and documentation.

#### **Limitations**

Committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations, this Delegation Scheme and, where applicable, any other rules, regulations, schemes, statutes, By-laws or orders made and with any directions given by the Council from time to time.

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