



# Seaton Town Council Constitution

## Chapter 34 Scheme of Delegations

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## SEATON TOWN COUNCIL ('the Council')

### SCHEME OF DELEGATIONS

This Scheme of Delegations authorises the Proper Officer and Responsible Financial Officer ('the Town Clerk') and committees of the Council to act with delegated authority in the specific circumstances detailed. It will be reviewed annually at the Council's Annual General Meeting.

#### 1. Proper Officer and Responsible Financial Officer - Duties and Powers

##### 1.1. Responsible Financial Officer

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

##### 1.2. Proper Officer

1.2.1 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.

1.2.2 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 other documents
- Sign notices, licences and other documents on behalf of the Council
- Receive copies of by-laws made by a principal 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 (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them)
- 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

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

- Notwithstanding any delegations to committees, to manage the day-to-day operation of the Council's services and projects, buildings, land and all other assets for which the Council has responsibility, in line with the budgets, policies approved by Members and legislation.
- Day-to-day management of the Council's employees in accordance with the Council's policies, procedures and budget, including:

- i. Staff performance and discipline
  - ii. Payment of expenses and allowances in accordance with the Council's scheme
  - iii. The approval of increments in accordance with contracts of employment
  - iv. Implementation of national pay awards in line with the NJC Scheme of Conditions of Service (the 'Green Book') as amended by the Local Agreement.
  - v. Delegation of the day-to-day management of functions and services to the Deputy Clerk and other officers, in line with the approved duties of these posts, so as to most efficiently dispatch the Council's business.
- 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 and recurring expenditure within the agreed budget
  - Emergency expenditure up to £5,000 outside of the agreed budget
- 1.2.4 To make any such applications for grant funding, on behalf of the Council, as might, from time to time, become available from the National Lottery, Devon County Council, East Devon District Council and any other grant funding bodies that may assist the Council in maintaining its assets and delivering its services and special projects. Any such application will be reported back to the Council or, where relevant, committee as soon as practicable thereafter.
- 1.2.5 Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations, this Scheme of Delegation and with any directions given by the Council from time to time.

## **2. Absence of the Town Clerk**

In the absence of the Town Clerk, the Deputy Clerk shall be authorised to deputise and undertake any of the functions of the Town Clerk's post.

## **3. Urgent Matters**

Subject to consultation with two of the Chairman or Deputy Chairman of the Council or the relevant committee Chairman or Vice Chairman, the Town Clerk is authorised to act on behalf of the Council on any matter where, in her view, urgent action is needed to protect the interests of the Council. Such action will be reported back to the Council or relevant committee as soon as practicable thereafter.

## **4. Council**

The following matters are reserved to the Council for decision (notwithstanding that the appropriate committee(s) may make recommendations thereon for the Council's consideration):

### **4.1 Appointing the Chairman / Mayor**

- 4.2 All matters affecting the appointment, promotion, discipline, salary and conditions of service of the Town Clerk/ RFO following consideration of a recommendation from the Personnel Committee
- 4.3 Determination and setting of the precept
- 4.4 Borrowing money
- 4.5 Approving the end of year accounts and annual return
- 4.6 Appointment of an internal auditor
- 4.7 Co-option of councillors to the Council
- 4.8 Appointing committees, sub-committees and working parties/forums
- 4.9 Filling of councillor vacancies on any committee/working party/forum
- 4.10 Making, amending or revoking Standing Orders, Financial Regulations, policies and this Scheme of Delegations
- 4.11 Making, amending or revoking by-laws
- 4.12 Making of orders under any statutory powers
- 4.13 Agreeing the dates of meetings of the Council,
- 4.14 Receiving and noting of all minutes approved by the Council, its committees and sub-committees
- 4.15 Incurring capital or revenue expenditure which is over and above the Council's approved budget and any virements required to give effect to this
- 4.16 Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings)
- 4.17 Prosecution or defence in a court of law
- 4.18 Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee
- 4.19 Approval of application for Quality Council status or its equivalent
- 4.20 Confirming eligibility to exercise the General Power of Competence

## **5. Committees – Terms of Reference**

The Terms of Reference for each of the Council's committees appended, shall be reviewed annually in their entirety.

## **6. Working Groups – Terms of Reference**

Working groups may be formed by resolution of the Council at any time. The remit of such a Working Group will be decided upon at the time it is formed by means of a

minute detailing the Terms of Reference. The Terms of Reference for each of the Council's working groups shall be reviewed annually in their entirety.

## **7. Delegation - Limitations**

Committees and sub-committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations, this Scheme of Delegation 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.

## **8. Specific Delegations**

To enable the Council to fulfil its responsibilities efficiently at all times, the Town Clerk, in consultation with two of either the Chair, Deputy Chair or Chair of Finance & General Purposes, is delegated to make decisions on behalf of the Council where such decision cannot, in the Town Clerk's view, be reasonably deferred to a meeting of the Council or one of its constituent committees. All councillors will be kept informed of any decisions made, which will be formally ratified at the first properly convened meeting of the Council thereafter.

Furthermore, the Town Clerk, after consultation with members of the Planning Committee, is delegated to submit comments for planning applications to East Devon District Council on any applications received where the deadline for a response is before the application may be considered by said committee.

**Reviewed – May 2024**