

Agenda item 40 – Proposed new scheme *- changes highlighted in Red.*

Southwell Town Council draft Scheme of Delegation October 2023

- This Scheme of Delegation authorises the Clerk/Proper Officer/Responsible Financial Officer and Committees, Sub Committees and Working and Task and Finish - Groups of the Council to act with delegated authority as detailed
- The Town Council's Standing Orders were adopted November 2020 and will be reviewed annually; this scheme is in addition to Standing Order 16.
- The Terms of Reference for each Committee will state the extent of their delegated authority.
- No Town councillor may act independently; all Town Council actions must be by way a decision of the full council, a Committee or the clerk.
- Delegation for urgent business is a necessity in this fast-changing age and is included below.
- The Clerk is the council's 'Proper Officer', **The Council will also appoint the Responsible Financial Officer [RFO].**
- The Southwell Town Council will appoint another member of staff who will be delegated to act on the Clerk's behalf in their absence or in the event that the Clerk is an interested party.
- This scheme of delegation is not comprehensive and is subject to being implemented in accordance with the law, the Council's Standing Orders, Financial Regulations and Information Governance Regulations.

Service area Function [delegation to the Clerk, and, where identified, consultation with appropriate Chairs]

Audit

- Clerk to maintain a continuous internal audit that is to be available for members of the Governance and Finance Committee to review on a quarterly basis.

Communications

- In accordance with Standing Orders 20 and 23a iii and in consultation the Chairs of the Council and relevant Committee and with members of the Communications Sub-Committee to deal with press and public relations.

Consultations

- Clerk to notify the Council of all planning application consultations received. In the event of the consultation end-date falling before the date of the next Committee meeting to discuss with the Chair and Vice Chair of the Planning Committee and either call an Extraordinary Meeting to agree the Committee's response or collate members' individual comments by email and take the majority view to respond to the Planning Authority and inform the District Councillors of the Ward of this decision to inform District Councillors for them to consider calling decisions to the Local Planning Authority's Committee..
- Other material consultations received will be communicated to all members of the Council. The Clerk and the Chair of the Council will determine whether the consultation will be taken to a meeting of the Council, the relevant Committee as an agenda item, or to all individual members. In the latter, the Clerk will collate members' individual comments by email and take the majority view to respond to the originating Authority.

Contractors

- Clerk to liaise with, and be the first point of contact for, all contractors appointed by the Council, and ensure that contracts are properly agreed and ordered.

Data Protection and Freedom of Information

- Clerk to have overall responsibility for the Council's publication scheme.
- Clerk to be responsible for applying the requirements of the Freedom of Information Act, Data Protection Act, General Data Protection Regulation, Health and Safety Acts and the Council's Information Governance Regulations.

Decisions

- Clerk to take all necessary action, including signing any document, necessary to give effect to all decisions of the Council or its Committees within the scheme of delegation and their Terms of Reference.

Elections

- Clerk to notify the Returning Officer of all casual vacancies arising in the membership of the Council as required by statute and to liaise with the District Council's officers regarding any statutory notices, electoral arrangements and co-option.

Emergency planning

- Clerk to lead, with the Chairs of the Council and the Town Environment Committee, the Council's response in the case of a local major emergency in consultation with and/or under the direction of the Emergency Planning Officers of the county & district councils and emergency services.
- Clerk to report to the Town Environment Committee issues concerning emergency planning to facilitate and enable an appropriate response in the event of a local emergency.
- Clerk to provide the Chair the Council with the keys to the Town Council filing systems and a list of passwords for use only in an emergency when the Clerk is unavailable for a prolonged period of time due to sickness or other reasons. Both the keys and the list of passwords will be provided in a sealed envelope which is only to be opened in the presence of the Chair, Vice Chair and at least one Chair of a Standing Committee.

Finance

- If required, and dependent on banking arrangements, in consultation with the Chair of the Governance and Finance Committee, Clerk to manage timely transfer of funds between the Council's bank accounts in order to maintain adequate cash-flow and in accordance with the Council's investment policy.
- Clerk to maintain adequate insurance cover for the Council's activities and assets.
- Clerk to act as Responsible Finance Officer for the purposes of the Accounts & Audit Regulations.
- Clerk to prepare accounts and bills for payment and subsequent payment following Council sanction at a Full Council meeting.
- Clerk to support the Chairs of the Committees to draft a budget to the Council in accordance with the Council's Finance Regulations for the forthcoming year and forecast for future years.
- Clerk is delegated to take other decisions relating to finances within the approved budget heads in accordance with financial regulations.
- Clerk to arrange for payments to be made when it is not possible to sanction them at a scheduled Council meeting or an Extraordinary meeting, following the Urgent Business provisions below.
- Clerk to provide the Chair of the Council with bank account details for use only in an emergency when the Clerk and Deputy Clerk is unavailable for a prolonged period of time due to sickness or other reasons. These details will be provided in a sealed envelope which is only to be opened in the presence of the Chair or Vice Chair if the Chair is unavailable and at least two other members.

Health, safety and wellbeing

- Clerk to arrange for and keep the Council's schedule of risk assessments up to date.
- Clerk to take all necessary action to implement actions identified to mitigate risks in the workplace and on Council property.
- Clerk to be the responsible officer for all safety purposes prescribed by law.

Information and Communications Technology

- Clerk to be responsible for the provision and management of information and communication technology provided throughout the Council.
- Clerk to report on need for replacement of out-dated equipment and the purchase of new equipment to the Governance and Finance Committee for decision.
- Clerk to be responsible for the maintaining and ensuring the accuracy of the Council's website and any other online presence.

Land and property

- Clerk to purchase necessary goods and supplies in accordance with the Council's agreed budget.
- Clerk to maintain the Council's offices and property and report to the Town Environment Committee for decision on alterations etc..
- Clerk to adjust grass cutting frequencies in relation to the maintenance of the various open areas for which the Council is responsible with the agreement of the Chair of the Town Environment Committee .
- Clerk to implement planting schemes agreed by the Town Environment Committee for the various open areas for which the Council is responsible.

Meetings

- Clerk to arrange and call meetings of the Council, Committees, Sub Committees and working groups in consultation with the working group's Convenor, as and when expedient, in accordance with the Town Council's Standing Orders. **The Clerk will not, in many cases be present, but the meeting will be diarised.**
- Clerk to follow government guidance on holding meetings in times of national emergency in consultation with the Council's Chair.
- Clerk to arrange and support regular, informal meetings with the Chairs of the Standing Committees to deal with issues within their Committee's Terms of Reference, and to draft the relevant meeting's agendas with the agreement of the Chairs or Vice Chairs in their absence of the Committees as deemed necessary.
- Clerk to facilitate regular informal discussions where necessary between Council members, and district and county councillors where appropriate (via telephone, email or other electronic means) when it is not possible to hold meetings for a prolonged period of time.

Proper Officer

- Clerk to act as Proper Officer for the purposes set out in the Council's Standing Orders and for all other purposes as prescribed by law.

Staff

- Clerk to recommend amendments to the Council's Staff Handbook to HR Committee at least annually for adoption by the Full Council and to follow its direction.
- Clerk to direct staff members' work programmes in consultation with the Chairs of the Standing Committees.
- Clerk to act as the line manager for all members of staff.

- Chair of Council to act as the line manager for the Clerk to the Council
- Clerk may delegate day to day management of functions and services of Deputy Clerk and other Officers in line with approved duties of these posts, as agreed by the Council

Urgent business

- Where urgent decisions are required between scheduled meetings of a Committee and the decision is in the Terms of Reference of a Committee, the Clerk will consult the Chair of the Council and Chair and Vice Chair of the appropriate Committee[s], with unanimous agreement to proceed. If the matter is a full council matter the Clerk will consult the Council's Chair and Vice Chair and the Chairs of the Standing Committees for unanimous agreement to proceed.
- Wherever possible, all Members of the relevant Committee, or if a full council matter, all Members of the Council will be given **36 hours'** notice of any urgent decision that the Clerk needs to take, in order for them to make their views known to the relevant Chair [notwithstanding the Clerk in consultation with the Chair of the Council may take any action they deem as extremely urgent immediately]. If there is no opposition to the decision being proposed the action will take place. If there is opposition the Clerk and the relevant Chair will consider the comments and act in accordance with their considered views.
- In the absence of the Clerk or in the event that the Clerk is an interested party, the Clerk will be substituted by the deputy appointed in advance by the Council. The Council's Chair will arrange substitute staff in conjunction with the appointed deputy [where possible] and with guidance from the Nottinghamshire Association of Local Councils [NALC].
- In the absence of the Council's Chair, or in the event that the Council's Chair is an interested party, they will be substituted by the Vice Chair or, where the Vice Chair is unavailable, by the Chair of the Governance and Finance Committee.
- Decisions made under this Urgent Business delegation section will be reported to and minuted at the next Council or relevant Committee meeting.
- Under this delegation, where appropriate, the Clerk or Council Chair may conclude that an extraordinary meeting of the Council should be called to deal with the urgent matter, in accordance with Council's Standing Orders.

Right to Recall

- **There is a reference back mechanism in the Standing Orders. The reason for this recall of decision will be circulated to all Councillors at the time of Recall**

Proposed Cllr P Harris