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DOWNHAM MARKET TOWN COUNCIL

SCHEME OF DELEGATION TO THE TOWN CLERK

DATE OF ADOPTION: 21st November 2023

INTRODUCTION

This Scheme of Delegation sets out the principal governance structure of Downham Market Town Council (hereinafter referred to as the Council) and the decision making process, utilising the power of delegation as set out in Section 101 of the Local Government Act 1972.

The scheme allows the Town Clerk who is also the Council's Responsible Financial Officer (RFO) and the Proper Officer, to act within delegated authority in specified circumstances detailed for the management of the Council.

The scheme provides clarity and transparency in the decision-making process and ensures that decisions are made at the appropriate level within the Council.

The powers and duties set out in this scheme are delegated to the Town Clerk. The Town Clerk may delegate these duties and powers to other employees within the Council.

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

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

EXTENT OF DELEGATION

- 1.0 All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
- 1.1 The Town Clerk will exercise these powers in accordance with:
 - approved budgets
 - the Council's Standing Orders
 - the Council's Financial Regulations
 - the Council's Contract Procedures Rules
 - the Council's Procurement Strategy
 - the Council's Policy Framework and other adopted policies of the Council

- all statutory common law and contractual requirements
- 1.2 The Town Clerk may do anything pursuant to the delegated power or duty, which it would be lawful for the Council to do including anything reasonably implied or incidental to that power or duty.
- 1.3 Provided that such authorisation is not prohibited by statute, the Town Clerk to whom a power, duty or function is delegated, may authorise another employee to exercise that power, duty or function, subject to:
 - such authorisations being in writing
 - only be given to an employee below the delegating employee in the organisational structure
 - only being given where there is significant administrative convenience in doing so
 - the employee is authorised by the Town Clerk acting in the name of the Town Clerk
- 1.4 a delegation to a subordinate employee shall not prevent the Town Clerk from exercising the same power or duty at the same time.

GENERAL MATTERS

- 2. The Town Clerk is authorised to:
 - 2.1 Sign, or where appropriate, have sealed on behalf of the Council, any Orders, Deeds or Documents necessary to give effect to any of the matters contained in reports or in any resolution passed by the Council.
 - 2.2 Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.
 - 2.3 Institute and appear in any legal proceedings authorised by the Council.
 - 2.4 Appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Downham Market).
 - 2.5 Alter the date or time of a Council Committee or Working Party, but before doing so shall consult the Mayor, or Chair of the Committee or Working Party concerned about the need for change and about convenient alternative dates and times.
 - 2.6 Decide arrangements for the closure of the Council offices in the Christmas/New Year period subject to consultation with the Mayor.
 - 2.7 Deal with day to day matters relating to the use of office accommodation space.
 - 2.8 Negotiate and enter into contractual arrangements for artistes and promoters in relation to events held in Downham Market, organised by the Council and programme of entertainment.
 - 2.9 Manage all the Council's current services including the following:
 - Tourism and events
 - Neighbourhood planning
 - Provision of street furniture
 - Services agreed under contract for other authorities and bodies
 - Website
 - 2.10 Act as the Council's designated Officer for the purpose of the Freedom of Information Act 2000.

- 2.11 Apply for planning consent for the carrying out of development by the Council.
- 2.12 Respond to consultations on planning applications and licensing applications subject to comments made by the Planning Committee.
- 2.13 Authorise direct surveillance or the use of a human intelligence source, under the Regulation of Investigatory Powers Act 2000.
- 2.14 Respond to complaints made under the Council's Complaints Procedure.
- 2.15 Manage, monitor and review the Council's internal control procedures.
- 2.16 Manage, monitor and review the Council's Corporate Risk Management Strategy.
- 2.17 Manage, monitor and review all of the Council's policies and procedures.

FINANCIAL MATTERS

- 3. The Town Clerk is authorised to:
 - 3.1 Be the Responsible Financial Officer for the purposes of Section 151 of the Local Government Act 1972.
 - 3.2 Operate the Council's banking arrangements including arranging overdrafts.
 - 3.3 Incur expenditure up to a maximum of £500 + VAT on any item for which provision is made in the appropriate revenue budget provided that any action taken complied with any legislative provisions and the requirements of the Council's Financial Regulations.
 - 3.4 Pay all accounts properly incurred.
 - 3.5 Pay all subscriptions to all organisations to which the Council belongs.
 - 3.6 Make all necessary arrangements for the provision of an internal and external audit service for the Council.
 - 3.7 Negotiate settlements in connection with claims made by and against the Council in consultation with the Council's insurers where appropriate.
 - 3.8 Incur expenditure on revenue items within the approved estimates and budgets under their control.
 - 3.9 Incur expenditure on capital schemes within the Council's approved capital Programme.
 - 3.10 Use the Repairs and Maintenance budgets for the maintenance, replacement or repair of existing, plant, vehicle or equipment.
 - 3.11 Enter into leasing and contract hire agreements for the acquisition of a vehicle, machinery and equipment on such terms as are considered appropriate.
 - 3.12 Accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations) subject to:
 - a) the cost not exceeding the amount approved estimate

b) the tender being the best value or the most economically advantageous to the Council according to the criteria set out in the tender document

c) all the requirements of the Council's Financial Regulations being complied with.

- 3.13 Compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.
- 3.14 Carry out virement (that is Actual v Budget) of sums between cost centres in accordance with the Council's Financial Regulations.
- 3.15 Manage investments and raise and repay loans as appropriate and obtain such other sources of credit as are required in accordance with the Council's Financial Regulations.
- 3.16 Authorise action for the recovery of debts.
- 3.17 Write-off debts up to the level of £100.
- 3.18 Maintain a Register of Assets and Inventory of Equipment.
- 3.19 Determine the Town Council's insurance requirements on the Council's behalf.
- 3.20 Make all necessary arrangements for the Council's insurances.
- 3.21 Make all necessary HMRC, VAT, staff salary, SSP and pension payments and all financial returns.
- 3.22 Make a part/full refund or negotiate a reduced rate for a future booking, if a complaint made by a customer of the Town Hall or Jubilee Community Centre is upheld.

STAFFING MATTERS

- 4. The Town Clerk is given delegated powers to manage the Council staff and in accordance with the Council's policies, procedures and budgets including:
 - 4.1 Appointment to posts, together with Human Resources Committee.
 - 4.2 Employment of temporary employees, together with Human Resources Committee.
 - 4.3 Preparation of the job description and person specification, placing of the advert and short-listing of applicants.
 - 4.4 Management of staff performance, including appraisals.
 - 4.5 Control of disciplinary and performance, including the power of suspension and dismissal in accordance with the Council's procedures.
 - 4.6 Exercise of disciplinary, grievance and sickness absence procedures in accordance with the Council's procedures.
 - 4.7 Determine approved duties for the payment of travel and subsistence expenses to Councillors and staff where they represent the Council outside of the Town Council area.
 - 4.8 Approve or refuse applications for re-grading, remove any bars in salary scales and to authorise salary increments and accelerated increments, together with the Human Resources Committee.

- 4.9 Approve payment of overtime.
- 4.10 Implement and monitor the arrangements for annual leave, LIEU, sickness absence, unpaid leave, maternity and paternity leave in accordance with the Council's policies.
- 4.11 Authorise training in line with the Council's policies.
- 4.12 Authorise the provision of uniforms or protective clothing.
- 4.13 Approve payment of claims from employees for compensation for loss of or damage to personal property.
- 4.14 Negotiate and agree settlements on behalf of the Council in relation to any proceedings in the Employment Tribunal.
- 4.15 Agree to premature retirement on the grounds of duly certified ill health, together with the Human Resources Committee.
- 4.16 Terminate employment during probation and to review salary on completion of probationary periods, together with the Human Resources Committee.
- 4.17 Commission legal and professional advice on staffing matters.

PROPERTY MATTERS

- 5. The Town Clerk is given authority to manage the land and property of the Council including:
 - 5.1 Agreeing the terms of any lease, licence, conveyance or transfer.
 - 5.2 The granting or refusal of the Council's consent under the terms of any lease.
 - 5.3 Variations of restrictive covenants of a routine nature.
 - 5.4 The granting of easements, way leaves and licence over council land.
 - 5.5 Directing the custody of Council property and documents in accordance with the provisions of the Local Government Act 1972 - S. 226.
 - 5.6 Exercising responsibility for the safe custody and maintenance of the civic regalia.

URGENCY

- 6. The Town Clerk is authorised to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of Full Council or relevant Committee. The Mayor and the Chair of any relevant Committee are to be consulted, where possible, before such action is taken.

EMERGENCY PLANNING

The Town Clerk is authorised to:

- 7. Implement the Council's Business Continuity Plan and to incur any necessary expenditure. Any such action is to be reported to the next meeting of Full Council or relevant

Committee. The Mayor/Deputy Mayor and/or Chair of any relevant Committee are to be consulted where possible before such action is taken.

PROCEDURAL

The Town Clerk can:

8. Authorise staff to exercise statutory powers of entry and inspection for the purposes of any function under their control.
- 8.1 Serve requests for information as to ownership occupation and other interests in land for the purposes of any function under their control.
- 8.2 Appoint consultants and other professionals to carry out any function and provide any service under their control.

HEALTH AND SAFETY AT WORK ACT 1974

9. To oversee the discharge of the Council's responsibilities under the Act.

LEGAL PROCEEDINGS

The Town Clerk is authorised to:

10. Take and discontinue legal proceedings in any Court or at any Tribunal.
- 10.1 Take Counsel's advice or instruct Counsel to represent the Council.
- 10.2 Seek injunctions and commence proceedings for the purposes of:
 - enforcement in accordance with the Council's policies
 - recovering money due to the Council
 - recovering or otherwise preserving possession of the Council's land or property
 - defending the interests of the Council
 - appealing against a decision affecting the interests of the Council and responding to appeals against action taken by the Council.
- 10.3 Represent the Council at Court or any Tribunal or to make arrangements for appropriate representation.
- 10.4 Negotiate and settle the terms of documents to give effect to a decision of the Council or any of the Committees or of any employee acting under delegated powers.
- 10.5 Apply the affixing of the Common Seal of the Council to documents in accordance with Standing Orders.
- 10.6 Be the responsible Officer for the co-ordination and operation of the legal requirements under the Data Protection Act and Freedom of Information Act.
- 10.7 Serve requisitions for information.
- 10.8 Prepare a draft budget for consideration by the Council.
- 10.9 Prepare the final accounts for each financial year.

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