



Scheme of Delegation Policy

Version	Adopted Policy Date	Minute Reference	Review Date
1	November 2022	FC 167-22	October 2023
2 No changes	September 2023	FC 121-23(b)	September 2026
3	May 2024	F&E 079-24	September 2026

Officers may only exercise the delegated powers in this scheme in accordance with:

- a) statutory or other legal requirements, including the principles of public law, the Human Rights Act 1998 (as amended), statutory guidance and statutory codes of practice;
- b) the Constitution of the Council, including standing orders, contract standing orders and financial regulations;
- c) the revenue and capital budgets of the Council, subject to any variation thereof which is permitted by the Council's Financial Regulations;
- d) consideration of the Council's policies.

Officers may not exercise delegated powers where:

- a) the matter is reserved to the Council or the executive by law or by the Council's Constitution;
- b) the matter is a function which cannot by law be discharged by an officer;
- c) the Council, a committee or sub-committee has determined that the matter should be discharged otherwise than by an officer

Actions of the Clerk and RFO include:

1 Responsible Financial Officer

- 1.1 The Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

2 Proper Officer

The Clerk shall be the Proper Officer of the Council and is specifically authorised to:

- 2.1 Act as the Council's "Proper Officer" in all cases where any legislation requires the appointment of such an Officer and to ensure the proper discharge of its functions.
- 2.2 To receive declarations of acceptance of office.
- 2.3 To receive and record notices disclosing personal and prejudicial interests.
- 2.4 To receive requests from councillors or non-councillor with voting rights, for a dispensation at a meeting at which a matter is being considered in which he/she has a disclosable pecuniary interest.
- 2.5 To receive and retain plans and documents.
- 2.6 To sign notices or other documents on behalf of the Council.
- 2.7 To sign on behalf of the Council any document necessary to enable Council decisions to be enforced.
- 2.8 To receive copies of by-laws made by the Principal Authority.
- 2.9 To certify copies of by-laws made by the Council.
- 2.10 To sign summonses to attend meetings of the Council.
- 2.11 To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000 and the General Data Protection Regulations 2018.
- 2.12 To act as the Council's designated officer for the determining of the purposes and the means of the processing of personal data under the General Data Protection Regulations (GDPR).
- 2.13 To act as paid Head of Services

3 Financial

- 3.1 In addition to the above the Clerk and RFO have delegated authority to undertake the following matters on behalf of the Council, these are in accordance with SWTC's Financial Regulations.
- 3.2 Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget.
- 3.3 No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council, or duly delegated committee. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement'). The Clerk and RFO are authorised to vire monies within budgets to a maximum of £4,000 per item.
- 3.4 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 £50,000.00. The Clerk shall report such action to the chairman of the council as soon as possible and to the council as soon as practicable thereafter.
- 3.5 The RFO shall maintain a petty cash float of £200 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
- 3.6 The Clerk and RFO shall have delegated authority to authorise the payment of items as prescribed within the Town Council's Financial Regulations, Standing Orders and any other governing document.

4. Councillors

- 4.1 In accordance with the Town Clerk's contract of employment, the Town Mayor is considered the Clerk's Line Manager. An individual Councillor has no right, power or authority to make a decision on behalf of the council.¹ The adoption of this responsibility for line management of the Town Clerk does not seek to act contrary to the Local Government Act of 1974 but offers comfort and support for the Town Clerk in dealing with day-to-day issues and matters, providing a first line of communication to Council. The Town Clerk remains accountable and responsible to the body of the Council, and not to any individual Councillor.

In fulfilling the role of Line Manager, the Town Mayor is authorised to have independent access to external HR, personnel and other relevant advice as prescribed within the governing Terms of Reference and as considered annually by Council. These Terms of Reference specify the authorised access and prescribes the hierarchy of such access.

¹ Local Government Act (LGA): LGA 1972, s 101