



# HASLEMERE TOWN COUNCIL

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## Scheme of Delegation to the Town Clerk

Adopted March 2020

### 1. Council Functions

- 1.1 The matters listed below are the responsibility of the full Council:
- Adopting and changing the Council's Standing Orders, Financial Regulations and Powers and Duties of Committees;
  - Approving, adopting or making material changes to the Council's policy framework;
  - Approving the Council's Budget and the level of its precept levied on the Waverley Borough Council;
  - Authorising borrowings;
  - Authorising the incurring of expenditure not provided for within the approved Budget or otherwise permitted under the Council's Financial Regulations;
  - Appointing Council representatives to outside bodies;
  - Confirming the appointment of the Town Clerk;
  - Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation;
  - All other matters which must, by law, be reserved to the full Council.

### 2. Extent of Delegation

- 2.1 The powers and duties set out in this scheme are delegated to the Town Clerk of Haslemere Town Council. The Town Clerk is the Council's Responsible Financial Officer and the Proper Officer as defined in law and has day to day responsibility for management of the Council's assets and staff.
- 2.2 All delegated functions shall be deemed to be exercised on behalf of and in the name of Haslemere Town Council.
- 2.3 The Town Clerk will exercise these powers in accordance with:
- approved budgets
  - the Council's Financial Regulations
  - the Council's Policy Framework and other adopted policies of the Council
  - all statutory common law and contractual requirements
- 2.4 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.
- 2.5 Provided that such authorisation is not prohibited by statute, the Town Clerk to whom a power, duty or function is delegated may authorise another Officer to exercise that power, duty or function, subject to:
- such authorisations being in writing

- only be given to an Officer below the delegating officer in the organisational structure
  - only being given where there is significant administrative convenience in doing so
  - the Officer authorised by the Town Clerk acting in the name of the Town Clerk
- 2.6 A delegation to another Council Officer shall not prevent the Town Clerk from exercising the same power or duty at the same time.

### 3. General Matters

- 3.1 The Town Clerk is authorised to:
- 3.1.1 Sign, or where appropriate, have sealed on behalf of the Town 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 Town Council.
  - 3.1.2 Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.
  - 3.1.3 Institute and appear in any legal proceedings authorised by the Council.
  - 3.1.4 To 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 Haslemere).
  - 3.1.5 Alter the date or time of a Council Committee or Working Party but, before doing so, shall consult the Mayor or chairman of the Committee or Working Party about the need for the change and about convenient alternative dates and times.
  - 3.1.6 Decide arrangements for the closure of the Council offices in the Christmas/New Year period, subject to staff contracts.
  - 3.1.7 Deal with day to day matters relating to the use of office accommodation space.
  - 3.1.8 Manage all the Council's current services including but not limited to the following:
    - Tourism and events including Remembrance Sunday and Christmas Carols.
    - Grounds maintenance
    - Public Toilets
    - Christmas Lights
    - Playgrounds
    - Street Furniture
    - Services agreed under contract for other authorities and bodies
    - Website and IT
  - 3.1.9 To act as the Council's designated Officer for the purposes of the Freedom of Information Act 2000.
  - 3.1.10 To apply for planning consent for the carrying out of development by the Council.
  - 3.1.11 To respond to consultations on planning applications and licensing applications subject to the comments by the Planning and Highways Committee.
  - 3.1.12 Under the Regulation of Investigatory Powers Act 2000 to authorise directed surveillance or the use of a human intelligence source.
  - 3.1.13 To respond to complaints made under the Council's complaints procedure.
  - 3.1.14 To manage, monitor and review statutory obligations of the Council as arise from time to time.

### 4. Financial Matters

- 4.1 The Town Clerk is authorised to:

- 4.1.1 Be the Responsible Financial Officer for the purposes of Section 151 of the Local Government Act 1972.
- 4.1.2 Operate the Council's banking arrangements.
- 4.1.3 Incur expenditure up to a maximum of £7,500 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution and Financial Regulations.
- 4.1.4 Pay all accounts properly incurred.
- 4.1.5 Pay all subscriptions to organisations to which the Council belongs.
- 4.1.6 Make all necessary arrangements for the provision of an internal and external audit service for the Council.
- 4.1.7 Negotiate settlements in connection with claims made by and against the Council in consultation with the Council's insurers where appropriate.
- 4.1.8 Incur expenditure on revenue items within the approved estimates and budgets under their control.
- 4.1.9 Incur expenditure on capital schemes within the Council's approved capital Programme.
- 4.1.10 Accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:
  - the cost not exceeding the amount approved estimate
  - the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation
  - all the requirements of the Council's Financial Regulations being complied with.
- 4.1.11 Compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.
- 4.1.12 Carry out virement of sums between cost centres in accordance with the Council's Financial Regulations and Council resolutions.
- 4.1.13 Manage investments and raise and repay loans as appropriate in accordance with the Financial Regulations and Council resolutions.
- 4.1.14 Authorise action for the recovery of debts.
- 4.1.15 Write-off debts up to the level set by the Council.
- 4.1.16 Maintain a Register of Assets and Inventory of Equipment.
- 4.1.17 Determine the Town Council's insurance requirements on the Council's behalf and make all necessary arrangements for the Council's insurances.

## 5. Staffing Matters

- 5.1 The Town Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:
  - 5.1.1 Preparation of the job description and person specification, placing of the advertisement and short-listing of applicants.
  - 5.1.2 Management of staff performance.
  - 5.1.3 Exercise of disciplinary and grievance procedures in accordance with the Council's procedures.

- 5.1.4 Authorise payment of travel and subsistence expenses to Members and Officers where they represent the Council outside of the Town Council area.
- 5.1.5 Approve payment of overtime.
- 5.1.6 Agree minor variations to the condition of employment.
- 5.1.7 Implement and monitor the arrangements for annual leave, flexi time, sickness absence, maternity and paternity leave in accordance with the Council's policies.
- 5.1.8 Authorise training in line with the Council's policies.
- 5.1.9 Authorise the provision of uniforms or protective clothing.
- 5.1.10 Approve payment of claims from employees for compensation for loss of or damage to personal property.
- 5.1.11 In consultation with the Staffing Committee, terminate employment during probation and to review salary on completion of probationary periods.
- 5.1.12 Commission legal and professional advice on staffing matters.

## 6. Property Matters

- 6.1 The Town Clerk is given authority to manage the land and property of the Council including:
  - 6.1.1 Agreeing the terms of any lease, licence, conveyance or transfer.
  - 6.1.2 The granting or refusal of an application to rent Lion Green, Council Chamber or other property owned or maintained by the Council.
  - 6.1.3 The granting or refusal of a request to place a banner or other object on any land owned or maintained by the Council.
  - 6.1.4 Initiating legal action or proceedings against unauthorised encampments or encroachments on Council land.
  - 6.1.5 Exercising responsibility for the safe custody and maintenance of the civic regalia.
  - 6.1.6 Use the Maintenance and Replacement Budgets for the maintenance, replacement or repair of the Council's assets.

## 7. Urgency

- 7.1 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 the Council or relevant Committee or Working Group. The Mayor and the Chairman of any relevant Committee or Working Party are to be consulted where possible before such action is taken.

## 8. Emergency Planning

- 8.1 The Town Clerk is authorised to:
  - 8.1.1 Implement the Council's Emergency Plan and to incur any necessary expenditure. Any such action is to be reported to the next meeting of the Council or relevant Committee or Working Group. The Mayor and the Chairman of any relevant Committee or Working Party are to be consulted where possible before such action is taken.

## 9. Procedural

- 9.1 The Town Clerk is authorised to:
  - 9.1.1 Authorise Officers to exercise statutory powers of entry and inspection for the purposes of any function under their control.
  - 9.1.2 Serve requests for information as to ownership occupation and other interests in land for the purposes of any function under their control.
  - 9.1.3 Appoint consultants and other professionals to carry out any function and provide any service under their control.

## 10. Health and Safety at Work Act 1974

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

## 11. Legal Proceedings

- 11.1 The Town Clerk is authorised to:
  - 11.1.1 Take and discontinue legal proceedings in any Court or at any Tribunal.

- 11.1.2 Take Counsel's advice or instruct Counsel to represent the Council.
- 11.1.3 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.
- 11.1.4 Represent the Council at Court or any Tribunal or to make arrangements for appropriate representation.
- 11.1.5 Negotiate and settle the terms of documents to give effect to a decision of the Council or any of the Committees or of any Officer acting under delegated powers.
- 11.1.6 Be the responsible Officer for the co-ordination and operation of the legal requirements under the Data Protection Act and the Freedom of Information Act.
- 11.1.7 Serve Requisitions for Information.
- 11.1.8 Prepare a draft budget for consideration by the Council.
- 11.1.9 Prepare the final accounts for each financial year.

## 12. Emergency Powers

- 12.1 The powers in this section apply only where Council is unable to meet or becomes inquorate to due to an emergency.
- 12.2 During such time the Clerk is delegated to make all decisions on behalf of the Council in order that it can continue to carry out its statutory functions. Where possible decisions will be made in conjunction with the Mayor and Chair of Staffing (or their deputies if they are not available).

## 13. Date of Adoption

- 13.1 This Scheme of delegation was reviewed and adopted by Council in March 2020.
- 13.2 This Scheme of delegation shall be reviewed once each Council term and at each change of Clerk.