



# HORLEY TOWN COUNCIL

## Scheme of Delegation

### **1. Introduction**

- 1.1 The powers and duties set out in this scheme are delegated to the Town Clerk. The Town Clerk is the Proper Officer and is responsible for the management of the organisation.
- 1.2 The Town Clerk may delegate these duties and powers to other Officers within the Council.
- 1.3 The Responsible Financial Officer (RFO) is responsible for the Council's accounting procedures together with the proper and transparent administration of its finances, in line with current Account and Audit Regulations.
- 1.4 The Local Government Act 1972, s101, (with some exceptions) allows the Council to delegate functions to Committees, Sub-Committees, Officers, or other authorities.

### **2. Extent of Delegation**

- 2.1 All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
- 2.2 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 Procedure 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
- 2.3 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.
- 2.4 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 be 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
  - such authorisation not being prohibited by statute

- 2.5 A delegation to a subordinate Officer shall not prevent the Town Clerk from exercising the same power or duty at the same time.

### **3. Financial Matters**

The Town Clerk will oversee the financial management of the Council and may delegate powers and duties to the RFO. The RFO is authorised to:

- 3.1 Act as the Responsible Financial Officer for the purposes of s 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 £2,000 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.
- 3.4 Pay all accounts properly incurred.
- 3.5 Pay all subscriptions to 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, vehicles or equipment.
- 3.11 Enter into leasing and contract hire agreements for the acquisition of vehicles 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 lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation
  - 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 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 Financial Regulations.
- 3.16 Authorise action for the recovery of debts.

- 3.17 Write-off debts up to the level set by the Council.
- 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 Determine Community Grant applications up to a value of £1,000 subject to approval by Full Council.
- 3.22 Determine Small Grants up to a value of £250.
- 3.23 Prepare a draft budget in conjunction with the Town Clerk, the Finance Committee Chairman and Vice-Chairman and to make recommendations for consideration and approval by Full Council.
- 3.24 Prepare the final accounts for each financial year.

#### **4. Delegations to a Committee or a Working Party**

- 4.1 Certain matters may be delegated to Working Groups or Panels. These must be exercised in accordance with the law, the Council's Standing Orders, Financial Regulations and its approved policy framework.
- 4.2 Such delegations may only be exercised where sufficient budgetary provision exists or can be vired from within the approved budget of the working party concerned.
- 4.3 Where a Sub-Committee/Working Group/Panel, in lieu of exercising its delegation, refers a matter to its parent Committee, the delegation is exercisable by that Committee. Nevertheless, the Committee may decide not to exercise this delegated power and may instead make a recommendation to Full Council for approval.

#### **5. Emergency Delegations**

The Town Clerk is authorised to:

- 5.1 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.
- 5.2 The Council Chairman, Vice-Chairman and Committee Chairmen are to be consulted where possible before such action is taken.
- 5.3 The emergency delegations are subject to them being implemented in accordance with the law, the Council's Standing Orders and Financial Regulations, within the accepted policy framework and where budgetary provision exists or is otherwise authorised in accordance with its adopted Financial Regulations.

## **6. Urgent Planning Matters**

- 6.1 Horley Town Council is consulted on Planning Applications within Horley after they have been registered with the planning authority, Reigate & Banstead Borough Council, at the pre-determination stage.
- 6.2 The time allowed in determining the application and making a final decision is governed by the Borough Council.
- 6.3 When time-related planning matters arise, including planning applications and other consultations, the Town Council is not making a decision but conveying its views and making recommendations to the Borough Council, County Council or neighbouring principal authorities.
- 6.4 In times of emergency, the Council has appointed a Planning Applications Sub-Committee (PASC) to, in conjunction with the Clerk, make its views known after consulting all 18 Town Councillors. This includes:
- Planning Applications
  - Highways Matters & Issues
  - Public Transport
  - Any other relevant consultations to Horley for which the Town Council is a stakeholder
- 6.5 The PASC is authorised to comment on all time-related applications with the decisions conveyed to the relevant local authority or organisation within the consultation deadline and such comments will be ratified at the next Planning Committee meeting.

## **7. Emergency Planning**

The Town Clerk is authorised to:

- 7.1 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.
- 7.2 The Council Chairman & Town Mayor the Committee Chairmen are to be consulted where possible before such action is taken.

## **8. Staffing Matters**

The Town Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:

- 8.1 Appointments to posts including apprentices.
- 8.2 Employment of temporary employees.
- 8.3 Preparation of the job description and person specification, placing of the advertisement and short-listing of applicants.
- 8.4 Management of staff performance.
- 8.5 Control of discipline and performance, including the power of suspension and dismissal.

- 8.6 Exercise of disciplinary and grievance procedures in accordance with the Council's procedures.
- 8.7 Determine approved duties for the payment of travel and subsistence expenses to Members and Officers where they represent the Council outside of the Town Council area.
- 8.8 Approve or refuse applications for re-grading, remove any bars in salary scales and to authorise salary increments and accelerated increments.
- 8.9 Approve payment of overtime.
- 8.10 Agree minor variations to the condition of employment.
- 8.11 Approve changes to the establishment structure.
- 8.12 Implement and monitor the arrangements for annual leave, flexi time, sickness absence, maternity and paternity leave in accordance with the Council's policies.
- 8.13 Authorise training in line with the Council's policies.
- 8.14 Authorise the provision of uniforms or protective clothing.
- 8.15 Approve payment of claims from employees for compensation for loss of or damage to personal property.
- 8.16 Negotiate and agree settlements on behalf of the Council in relation to any proceedings in the Employment Tribunal.
- 8.17 Agree to premature retirement on the grounds of duly certified ill health.
- 8.18 Terminate employment during probation and to review salary on completion of probationary periods.
- 8.19 Commission legal and professional advice on staffing matters.

## **9. Property Matters**

The Town Clerk is given authority to manage the land and property of the Council including:

- 9.1 Agreeing the terms of any lease, licence, conveyance or transfer.
- 9.2 The granting or refusal of the Council's consent under the terms of any lease.
- 9.3 Variations of restrictive covenants of a routine nature.
- 9.4 The granting of easements, wayleaves and licences over Council land.
- 9.5 Initiating legal action or proceedings against unauthorised encampments or encroachments on Council land.
- 9.6 Directing the custody of Town Council property and documents in accordance with the provisions of s226 of the Local Government Act 1972.
- 9.7 Exercising responsibility for the safe custody and maintenance of the civic regalia.

## **10. Procedural**

The Town Clerk is authorised to:

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

## **11. Health and Safety at Work Act 1974**

The Town Clerk is authorised to:

- 11.1 Oversee the discharge of the Council's responsibilities under the said Act.

## **12. Legal Proceedings**

The Town Clerk is authorised to:

- 12.1 Take and discontinue legal proceedings in any Court or at any Tribunal.
- 12.2 Take Counsel's advice or instruct Counsel to represent the Council.
- 12.3 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.
- 12.4 Represent the Council at Court or any Tribunal or to make arrangements for appropriate representation.
- 12.5 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.
- 12.6 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.
- 12.7 Serve Requisitions for Information.

## **13. General Matters**

The Town Clerk is authorised to:

- 13.1 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.
- 13.2 Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.
- 13.3 Institute and appear in any legal proceedings authorised by the Council.
- 13.4 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 Horley).
- 13.5 Alter the date or time of a Council Committee, Working Group, Panel or Task Group meeting but, before doing so, shall consult the Council Chairman, or Committee Chairmen or Task Group concerned about the need for the change and about convenient alternative dates and times.
- 13.6 Decide arrangements for the closure of the Council offices in the Christmas/New Year period, subject to prior consultation with the Council Chairman and approval by Full Council.
- 13.7 Deal with day to day matters relating to the use of office accommodation space.
- 13.8 Negotiate and enter into contractual arrangements with organisers in relation to events held at sites owned or managed by the Town Council.
- 13.9 Manage all the Council's current services including services agreed under contract for other authorities and bodies and existing services under contract with its contractors and other providers.
- 13.10 Act as the Council's designated Officer for the purposes of the Freedom of Information Act 2000.
- 13.11 Apply for planning consent for the carrying out of development by the Council.
- 13.12 Respond to consultations on planning applications and licensing applications subject to the comments of the Planning Committee.
- 13.13 Under the Regulation of Investigatory Powers Act 2000, to authorise directed surveillance or the use of a human intelligence sources.
- 13.14 Respond to complaints made under the Council's complaints procedure.
- 13.14 Manage, monitor and review the Council's internal control procedures.
- 13.16 Manage, monitor and review the Council's Corporate Risk Management Strategy.

***Approved by Full Council: 14 December 2021***

***Next review date: 2022***