

Silloth-on-Solway Town Council

Scheme of Delegation

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (which may be one and the same person) and Standing Committees of the Council to act with delegated authority in the specific circumstances detailed.

1. Principles of Delegation

1.1 Section 101 of the Local Government Act 1972 provides:

- That a Council may delegate its powers (except those incapable of delegation) to a committee or an officer.
- A Committee may delegate its powers to an officer.
- The delegating body may exercise Powers that have been delegated.

1.2 The Town Council does not have the power to delegate a decision to an individual Councillor.

2. Proper Officer and Responsible Financial Officer

2.1 Responsible Financial Officer

2.2 The Town Clerk shall be the Responsible Financial Officer to the Council and shall be responsible for the Town Councils accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

2.3 Proper Officer

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

- 2.3.1 Receive declarations of acceptance of office.
- 2.3.2 Receive and record notices from Councillors disclosing interests.
- 2.3.3 Receive and retain plans and documents.
- 2.3.4 Sign Notices or other documents on behalf of the Council.
- 2.3.5 Receive copies of By-laws made by the Unitary Council.
- 2.3.6 Certify copies of By-laws made by the Council.
- 2.3.7 Sign and issue summonses to attend meetings of the Council.

- 2.3.8 Give public notice of the time, place and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).
 - 2.3.9 Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office.
- 2.4 In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:
- 2.4.1 The day-to-day administration of services, together with routine inspection and control.
 - 2.4.2 Day-to-day supervision and control of all staff employed by the Council.
 - 2.4.3 Authorisation of routine expenditure within the agreed budget.
 - 2.4.4 Emergency expenditure up to £500 outside of the agreed budget.
 - 2.4.5 Matters specifically delegated by Council or Committee.
- 2.5 Urgent Matters
- The Town Clerk is authorised to act on behalf of the Council in cases of urgency or emergency that cannot wait until the next normal meeting. If circumstances permit, the Clerk would normally be expected to consult the Chairman or Vice Chairman if the Chairman is unavailable and take his/her view into account.
- 2.6 Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations, and this Scheme of Delegation and with directions given by the Council from time to time.

3. Council

- 3.1 The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration.
- 3.1.1 Approval of the budget.
 - 3.1.2 Setting the Precept.
 - 3.1.3 Borrowing money.
 - 3.1.4 Making, amending, or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
 - 3.1.5 Making, amending, or revoking By-laws.
 - 3.1.6 Making of Orders under any Statutory powers.
 - 3.1.7 Matters of principle or policy.
 - 3.1.8 Appointing Council Representatives to outside bodies.
 - 3.1.9 Appointment of Standing Committees.
 - 3.1.10 Any proposed new undertakings.

- 3.1.11 Prosecution or defence in a court of law.
- 3.1.12 Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.
- 3.1.13 Approval of the Annual Return and Audit of Accounts.
- 3.1.14 Approval of the virement of unspent and available amounts to other budget headings or reserves.
- 3.1.15 Approval of changes in earmarked reserves as part of the budgetary process.
- 3.1.16 Confirming eligibility to exercise the General Power of Competence.
- 3.1.17 All other matters which must, by law, be reserved to the full Council.

4. Committees

- 4.1 Procedures for delegation for the specific committees are specified under the Terms of Reference for each committee.
- 4.2 They must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.
- 4.3 The Council may at any time, following resolution, revoke any delegated authority.
- 4.4 Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council. Similarly, where a committee has no delegated power to make a decision it can make a recommendation to the Council.
- 4.5 All Committees are authorised to:
 - Elect a chairman from within the membership of that Committee
 - Approve the Minutes of the last meeting of the Committee
 - Spend money from budget headings under that Committee's remit up to the limit of the budget and/or named reserve
 - Make recommendations on the budget requirement for the Committee for the coming Financial Year.
 - Delegate any of their functions to a Sub Committee or officer of the Council.

5. Sub-Committees

- 5.1 There are no Sub-committees, but they may be formed by resolution of the Council at any time and delegated powers may be decided upon at the time the Sub-committee is formed by means of a Minute detailing the Terms of Reference.

6. Working Groups/Parties

- 6.1 Working Groups/Parties may be formed by resolution of the Council or a Committee at any time. The work of such a Working Group/Party will be decided upon at the time it is formed by means of a Minute detailing the Terms of Reference. Working Groups/Parties have no delegated powers; they are only able to recommend a course of action to the Council/Committee/Sub-Committee under which they are formed.

7. Delegation - Limitations

All decisions taken under delegated authority will be in accordance with the Councils Standing Orders and Financial regulations and this Scheme of Delegation, and where applicable any other rules/regulations and legislation. All decisions will be reported to the first appropriate Council meeting. The Council may delegate the power to make individual decisions on individual items to the Proper Office/Responsible Finance Officer and its Committees as and when appropriate.

8. Transparency and Confidentiality

The Council believes in open and transparent governance wherever possible. However, the Council has the right to exclude the press and public, as per Public Bodies (Admission to Meetings) Act 1960 ss1&2 during any part of a meeting, due to the special or confidential nature of the business to be transacted.

Adopted by the Town Council on 5 September 2022.