



# **CORFE MULLEN TOWN COUNCIL**

## **SCHEME OF DELEGATION**

## **1. INTRODUCTION**

- 1.1. Corfe Mullen Town Council (the 'Council') Terms of Reference and Scheme of Delegation for Committees and Officers.
- 1.2. This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (the 'Clerk') and Standing Committees to act with delegated authority in the specific circumstances detailed.

## **2. PROPER OFFICER – DUTIES AND POWERS**

- 2.1. The Clerk is designated and authorised to act as Proper Officer of the Council for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.
- 2.2. The Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:
  - 2.2.2. Receive declarations of acceptance of office.
  - 2.2.3. Receive and record notices disclosing interests.
  - 2.2.4. Receive and retain plans and documents.
  - 2.2.5. Sign Notices or other documents on behalf of the Council.
  - 2.2.6. Receive copies of bylaws made by the unitary authority.
  - 2.2.7. Certify copies of bylaws made by the Council.
  - 2.2.8. Draft agendas determining the appropriate committee for business.
  - 2.2.9. Sign summons for members to attend ordinary or extraordinary meetings of the Council.
  - 2.2.10. To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
  - 2.2.11. To institute and appear in any legal proceedings authorised by the Council.
- 2.3. In addition, the Clerk has delegated authority to undertake the following matters on behalf of the Council:
  - 2.3.2. To manage all the Council's services and assets, together with routine inspection in line with the budgets and policies approved by the Council.
  - 2.3.3. To manage all employees in accordance with the Council's HR policies and procedures in line with the National Joint Council Scheme of Conditions of Service (the 'Green Book') as amended by the Local Agreement.
  - 2.3.4. The Clerk shall delegate day to day management of functions and services to the service leads, in line with their approved job description and specifications for the posts, as agreed by the Council.
  - 2.3.5. Authorisation to respond immediately to any correspondence requiring or requesting information or relating to previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its committees.
  - 2.3.6. Authorisation of expenditure as set out in the Financial Regulations.
  - 2.3.7. Delegated actions of the Clerk shall be in accordance with Standing Orders, Financial Regulations, this Scheme of Delegation and in line with resolutions of the Council. The use of the Clerk's delegated powers shall be reported to the next available Full Council meeting.

### **3. RESPONSIBLE FINANCIAL OFFICER – DUTIES AND POWERS**

- 3.1. The Clerk shall be responsible for the Council's accounting procedures in accordance with the Joint Panel on Accountability and Governance (JPAG) practitioners guide and Accounts and Audit Regulations in force at any given time.

### **4. ABSENCE OF THE CLERK**

- 4.1. In the absence of the Clerk, the Deputy Clerk shall be authorised to deputise and undertake any of the functions of the post.

### **5. URGENT MATTERS**

- 5.1. Subject to consultation with either the Chair and/or Vice-Chair of the Council, the Clerk is authorised to act on behalf of the Council on any matter where urgent action is required to protect the interests of the Council.
- 5.2. Before the Clerk exercises the delegated powers, those members consulted shall consider whether the matter justifies summoning an extraordinary meeting of the Council.
- 5.3. Whenever any action is taken in this way, a report of the circumstances justifying urgent action shall be submitted to the next available delegated committee or Full Council meeting.

### **6. COMMITTEE TERMS OF REFERENCE**

- 6.1. The Terms of Reference for each of the Council's committees and sub-committees (as appropriate) shall be published on the website and reviewed annually in line with the Council's Standing Orders.
- 6.2. The Council will determine the number of standing committees and quorum.
- 6.3. Any member of the Council may attend committee meetings of which they are not a member. They must declare that they are not a member and may only speak on any matter with the permission of the Chair and shall not vote. The member may not remain present at the meeting for any confidential items.

### **7. FULL COUNCIL - Matters Reserved for Full Council**

- 7.1. All members of the Council will meet once a month or in the case of urgent business an extraordinary meeting will be scheduled.
- 7.2. Quorum in line with the Council's Standing Orders.

### **8. Matters relating to Governance**

- 8.1. Adopting and changing the Council's Standing Orders, Financial Regulations and committee Terms of Reference; inc. adoption or revision of the Council's Code of Conduct and by resolution that the Council has satisfied the statutory criteria to exercise the General Power of Competence.
- 8.2. Approving, adopting, or making material changes to the Council's policy framework; inc. corporate governance, risk management and health and safety.
- 8.3. Making, amending, revoking, re-enacting, or adopting byelaws and promoting or opposing the making of local legislation.
- 8.4. Approval of leases and licences.
- 8.5. All other matters which must, by law, be reserved to the Full Council.

## **9. Matters relating to Finance**

- 9.1. Agreeing and approving the Council's Budget and the level of precept.
- 9.2. All matters relating to finance, including approval of the year end accounts and Annual Governance and Accountability Return (AGAR).
- 9.3. All matters relating to Internal and External Audit.
- 9.4. Authorising borrowings and incurring expenditure not provided for within the approved budget or otherwise permitted under the Council's Financial Regulations.
- 9.5. All matters relating to grant funding.

## **10. Matters relating to Democracy**

- 10.1. Appointing Council representatives to outside bodies.

## **11. Matters relating to Staff**

- 11.1. Confirming the appointment of the Clerk and all staffing matters, other than those delegated to the Clerk.

## **12. Matters relating to Public Services**

- 12.1. All matters relating to amenities, street scene, open spaces, cemeteries and allotments.
- 12.2. Street naming when requested by the Planning Authority.

## **13. FINANCE & ADMINISTRATION COMMITTEE - Matters reserved for Committee**

- 13.1. The committee is authorised to appoint sub-committees and/or groups for the purposes specified by the committee.
- 13.2. To approve Accounts for Payment on behalf of the Council.
- 13.3. To consider and review finance related matters and make recommendations to the Full Council.

## **14. PLANNING COMMITTEE – Matters reserved for Committee**

- 14.1. The committee is authorised to appoint sub-committees and/or groups for the purposes specified by the committee.
- 14.2. Matters for consideration and determination:
  - 14.2.2. To comment on planning applications received from the planning authority.
  - 14.2.3. To comment on behalf of the Council on local, structure, mineral, waste and regional plans and any other plan or studies considered appropriate.
  - 14.2.4. To comment on and make recommendations to the Full Council relating to highways and parking issues within the Parish.
  - 14.2.5. To comment on licensing matters received from the licensing authority.
  - 14.2.6. Any policies relating to planning matters.

## **15. COMMUNITY SERVICES COMMITTEE – Matters reserved for Committee**

- 15.1. The committee is authorised to appoint sub-committees and/or groups for the purposes specified by the committee.
- 15.2. To approve Accounts for Payment on behalf of the Council.
- 15.3. To consider and review public services related matters and make recommendations to the Full Council.

## **16. STAFFING COMMITTEE – Matters reserved for Committee**

- 16.1. The committee is authorised to appoint sub-committees and/or groups for the purposes specified by the committee.
- 16.2. To consider and implement any changes which are required to comply with employment law, health & safety law and terms & conditions of service as laid down by the National Joint Council (NJC 'Green Book') as amended by the Local Agreement and recommended by National Association of Local Councils (NALC) and Society of Local Council Clerks (SLCC).
- 16.3. To oversee any disciplinary investigation in line with the Council's HR procedures.
- 16.4. To consider staffing related matters and make recommendations to the Full Council.

## **17. OTHER COMMITTEE MATTERS**

- 17.1. Standing committees may be formed by resolution of the Council at any time and delegated powers may be agreed upon at the time the standing committee is formed by means of a resolution detailing the terms of reference.
- 17.2. Any Committee may refer matters on which it has delegated authority to the Full Council.

## **18. ADVISORY COMMITTEE AND WORKING GROUPS**

- 18.1. An advisory committee or working group may be formed by resolution of the Full Council or a delegated committee at any time.
- 18.2. The work of such a committee or working group will be decided upon at the time it is formed by means of a resolution detailing the terms of reference which will consider the purpose of the committee or group, membership, frequency of meetings, accountability, reporting and areas of interest.
- 18.3. Advisory committees and working groups will report recommendations to the Full Council.

## **19. DELEGATION - LIMITATIONS**

- 19.1. Committees, advisory committee or working group shall, always, act in accordance with the Council's Standing Orders, Financial Regulations and Terms of References, and where applicable, any other rules, regulations, schemes, statutes, byelaws, or orders made, and any resolutions made by the Council.
- 19.2. No individual Councillor may be given delegated authority to act in a way that binds the Council to a decision, expenditure, or policy position.

## **20. REVIEW**

- 20.1. This Scheme of Delegation was presented to the Annual Town Council meeting held on 14 May 2024, for approval and adoption, minute no. TC 24/18.
- 20.2. This policy will be reviewed at the Annual Town Council meeting or when there are changes to legislation, whichever is the sooner.

## **21. REFERENCES**

- 21.1. Council's Standing Orders
- 21.2. Council's Financial Regulations
- 21.3. Committee Terms of References