

WINSFORD TOWN COUNCIL



Scheme of Delegation to Officers

Proper Officer Provisions

Draft (September 2016)

INTRODUCTION

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

Responsible Financial Officer

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

Proper Officer

The Clerk to the Council shall be the Proper Officer of the Council and is specifically authorised to carry out the duties and powers set out in this Scheme of Delegation.

Legal Framework

The delegations in this Scheme are subject to any limitations imposed by law, the budget and the Council's Standing Orders and Financial Regulations

In the scheme of delegation the post title referred to is the least senior member of staff who may exercise that delegated power. Every post holder more senior in the Council's staffing structure including the Town Clerk shall also enjoy the same power.

The Town Clerk may withdraw a delegated power from a post holder for such period of time as he/she considers appropriate.

As part of this Scheme, the Town Clerk is authorised to change the designations of an officer as and when appropriate without reference to the Council.

DELEGATIONS

Staffing Matters

FUNCTION	AUTHORISED OFFICERS
1. To appoint staff within the establishment (providing a budget is approved); to engage temporary staff as and when required within the estimates; to authorise overtime working for staff within the estimates and to authorise planned overtime for staff above the overtime limit.	• Town Clerk
2. Approve individual salary gradings within any job evaluation grading structure approved by the Council.	• Town Clerk
3. The approval of financial allowances to staff for travelling, subsistence, relocation expenses, telephone and car allowances including variations to local terms to reflect variation in national agreed schemes or in line with inflation	• Town Clerk

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| 4. | The granting of long service awards; the award of increments within salary grades and of honoraria in accordance with the criteria of the relevant conditions of service. | • Town Clerk |
| 5. | The exercise of disciplinary powers over staff, including power to immediately suspend, and to dismiss.
(Note: Other disciplinary action can be taken by designated officers in accordance with the Council's agreed Disciplinary Procedure.) | • Town Clerk |
| 6. | On the recommendation of an Occupational Health Officer/doctor following a medical examination of the individual, to authorise the retirement of staff on the grounds of permanent ill health. | • Town Clerk |
| 7. | In consultation with the Chairman of the relevant committee and/or Council/trade unions, to make minor amendments for operational efficiency to the structure within services. | • Town Clerk |

2. Corporate and Miscellaneous

FUNCTION	AUTHORISED OFFICERS
1. To receive nominations to fill vacancies arising on any committee/body of the Town Council.	• Town Clerk
2. In consultation with the appropriate ward member, to submit comments and/or objections on planning and licensing matters in circumstances where such matters are likely to be determined, under delegated powers or otherwise, before a meeting of the Town Council can be held to consider the matter(s).	• Administrative Officer
3. To arrange all civic ceremonies and ancillary events in consultation with the Mayor and to permit the display of the Council's regalia on such occasions.	• Administrative Officer
4. To represent the authority at any conference meeting or inquiry to which the authority is invited unless the Council has indicated otherwise and to exercise any voting rights conferred by corporate membership of any body.	• Administrative Officer
5. To offer training to Councillors.	• Town Clerk
6. To appoint substitute Proper Officers as required so that in the case of an emergency the powers conferred on the Proper Officer can be exercised.	• Town Clerk
7. In the absence of the Town Clerk, to exercise any functions delegated to the Town Clerk.	• Administrative Officer

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| 8. | To enter into contracts for the purchase and supply of goods and services for use in their respective services within the estimates. | • Town Clerk |
| 9. | To hire plant from contractors and engage specialist sub-contractors. | • Town Clerk |
| 10. | To sell surplus materials, vehicles, plant, equipment and goods, salvage scrap, and other waste. | • Town Clerk |
| 11. | To incur urgent expenditure in respect of any disaster within the Town Council's area until a meeting of the Council can be called, and to designate officers to carry out emergency functions. | • Town Clerk |

3. Legal

FUNCTION		AUTHORISED OFFICERS
1.	To instruct solicitors, Counsel or agents to act on behalf of the Council as required.	• Town Clerk
2.	Subject to prior consultation with the Mayor and/or relevant Committee Chairman to take and defend proceedings in any court or tribunal.	• Town Clerk
3.	Subject to prior consultation with the Mayor and/or relevant Committee Chairman (if available) to take all appropriate steps to secure the Council's legal position in cases of urgency with regard to its assets or in aid of its statutory functions.	• Town Clerk
4.	To issue notices and conclude agreements necessary to protect the Council's assets or in aid of its statutory functions.	• Town Clerk
5.	To conduct commercial/other rent reviews.	• Town Clerk
6.	To authorise any member of staff to swear affidavits as to matters within their knowledge in any Court proceedings involving the Council.	• Town Clerk
7.	To authorise a member of the Council's staff to appear on behalf of the authority before the Magistrates' Court.	• Town Clerk
8.	To act as, or nominate a member of staff to act as, Data Protection Officer, including fixing and levying charges for the provision of information.	• Town Clerk

4. Financial

	FUNCTION	AUTHORISED OFFICERS
1.	To operate the Council's banking arrangements.	• Responsible Finance Officer
2.	To pay salaries and allowances.	• Responsible Finance Officer
3.	To exercise (so far as may be lawful) the powers of the Council to borrow and invest; and to lend and to determine rates of interest and terms of repayment on such loans as may be required or prudent from time to time.	• Responsible Finance Officer
4.	To pay all sums properly authorised as due.	• Responsible Finance Officer
5.	To collect all income due to the Council, including appropriate interest and costs.	• Responsible Finance Officer
6.	To submit appeals against valuations of Council property.	• Responsible Finance Officer
7.	To determine rates of interest in respect of any sums due where such interest is properly chargeable.	• Responsible Finance Officer
8.	To pay full compensation for loss where the Council is likely to be legally liable to pay compensation if sued (paid where possible by insurers).	• Town Clerk
9.	To pay any proved out of pocket expenses of complainants where a complaint is upheld.	• Town Clerk
10.	To make a compensatory payment of up to £200, or higher if sanctioned by the Finance Committee.	• Town Clerk
11.	To write off debts of up to £500 where the sum is considered irrecoverable.	• Responsible Finance Officer
12.	To provide banking facilities for Mayor's Charity Appeal (if any) and to pay the Mayor's annual allowance as may be determined from time to time but increased annually in line with inflation from the date of such last determination.	• Responsible Finance Officer
13.	To manage project expenditure within a tolerance of 10% and to notify the relevant Committee if such tolerance is likely to be exceeded. Where necessary additional resources may be deployed or resources diverted within the project to ensure the success of the project. However, this must be within the overall tolerance.	• Town Clerk

14. To manage expenditure and vire budgets within individual cost centres such that the overall cost centre budget is not exceeded. Where a cost centre budget is likely to be or has exceeded the budget then the officer shall notify the Mayor and the Chair of Finance. • Town Clerk

5. Operational, Property and Technical/Engineering

FUNCTION	AUTHORISED OFFICERS
1. To place architectural, quantity surveying, civil engineering and other similar specialist work with outside agencies within the appropriate fee scale and the Council's relevant estimates, standing orders and financial regulations.	• Town Clerk
2. To appoint the Principal Contractor and Planning Supervisors for the purposes of the Construction (Design and Management) Regulations.	• Town Clerk
3. To make applications for all statutory consents necessitated by any approved Council proposal or development.	• Town Clerk
4. To engage valuers or selling agents on behalf of the Council.	• Town Clerk
5. To let and manage the commercial premises under the control of the Council, including the review of rents.	• Town Clerk
6. To requisition off site services in respect of any construction contract approved by the Council for which he acts as Architect or Contract Administrator.	• Town Clerk
7. Within the provisions of the capital and revenue estimates to incur expenditure to repair and maintain the buildings owned by the Council.	• Town Clerk
8. In consultation with the relevant Committee Chairman to refuse applications to purchase open space land from the Council.	• Town Clerk
9. To grant or refuse wayleaves and easements to utilities over, on or under the Council's land.	• Town Clerk
10. To exercise the powers under the Public Health Acts with regard to the adoption of footway lighting.	• Town Clerk
11. Subject to any necessary approvals, to erect or authorise street furniture, including barriers, bus stops, signs, etc.	• Town Clerk
12. To let and manage pitches for promotional activities and commercial activities such as ice-cream sales.	• Town Clerk
13. To manage Town Centre Operations and events held in the Town	• Town Clerk

7. Expedited Procedure in respect of Matters delegated to a Committee

FUNCTION

1. Subject to paragraphs (2) and (3) hereof there is delegated to the Town Clerk the power to deal with any matter in respect of which he/she has signed a certificate that the following procedure has been followed:-
 - (a) He/she has written to all members nominated by group leaders to be spokespersons for the relevant groups on the committee within whose terms of reference the matter falls, setting out the details of the matter and the course of action proposed to be taken and
 - (b) No spokesperson for that committee has replied within 5 days of the date of the letter referred to in (a) above to ask that the matter be referred to the relevant committee.
2. This power extends only to matters in respect of which the committees concerned have delegated powers.
3. The Town Clerk shall only have power under paragraph (1) to act in any matter in accordance with the course he/she proposed in the letter to the spokespersons.
4. This procedure is without prejudice to any other delegated powers that the Town Clerk may now have or may be conferred upon them in the future by the Council or any committee or sub-committee.

8. Proper Officer

FUNCTION

AUTHORISED OFFICERS

1. Where a statute, regulation or order confers functions or duties on the "Proper Officer".
 - Town Clerk