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## Council Functions and Scheme of Delegation to Loddon Town Council Officers

### Introduction

Loddon Town Council are dedicated to working efficiently and effectively, optimising Officers, Councillors and Volunteers time to achieve maximum output. The Council's role is to make all strategic<sup>1</sup> decisions relating to the duties of the Council, this can be delegated to Committees and Officers in accordance with Standing Orders and Financial Regulations subject to the duties that are required to be made by Full Council as described by Local Government Act 1972. The Town Clerk's role as Proper Officer is to carry out operational<sup>2</sup> duties of the Council.

**This document sets out clearly the roles, responsibilities, and authority of all arms of the Council and ensures that Committees and Officers can react to circumstances and operate effectively. Powers cannot be legally delegated to individual Councillors or Working Parties.**

### 1: Council Functions

The following matters are to be dealt with by the full Council:

- 1.1 Approval of Budget and setting the Precept.
- 1.2 Approval of the Council's Annual Accounts and the Annual Return.
- 1.3 Approval of the Audit of Accounts.
- 1.4 Authorisation of borrowing.
- 1.5 Adopting or changing all policies including Standing Orders, Financial Regulations and the Scheme of Delegation.
- 1.6 Making of Orders under any statutory powers.
- 1.7 Making, amending or revoking By-laws.
- 1.8 Matters of principle or policy.
- 1.9 Appointment of Standing Committees.
- 1.10 Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings).
- 1.11 Any proposed new undertakings.
- 1.12 Responses to legislative and other allied consultations.
- 1.13 Prosecution or defence in a court of law other than an Employment Tribunal.
- 1.14 Nomination or appointment of representatives of the Council at any Inquiry on matters affecting the Town, excluding those matters specific to Committees.
- 1.15 Agree the Council's annual programme of meetings.
- 1.16 Agree agency or joint working arrangements with other organisations.
- 1.17 Consider statutory demands from electors, e.g Allotments, Town polls.
- 1.18 Responding to consultations, both national and local.
- 1.19 All other matters which must, by law, be reserved to the full Council.
- 1.20 All strategic decisions not delegated to Committee or Officer.

### 2. Working Groups

Working Groups may be formed by resolution of the Council or a Committee at any time. The work of such a Working Group will be decided upon at the time it is formed by means of a minute detailing the Terms of Reference. Each Working Group will report back with recommendations to the Council or the Committee that formed it. A Working Group/Advisory Committee does not have decision-

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<sup>1</sup> relating to the identification of long-term or overall aims and interests and the means of achieving them.

<sup>2</sup> in or ready for use.

making powers. Non-Council members can be appointed to it. Its meetings are not open to the public and The Code of Conduct applies to all Councillors operating within it.

2.1.1 Working groups have no delegated powers.

2.1.2 Working groups have no delegated budget.

### **3. Committees**

Committees are delegated powers to act within their Terms of Reference. This means that on all matters not reserved for consideration by another committee, or by the full Council, Committees have the power to make decisions and the power to spend within the agreed budget.

Members are entitled to attend all Committees and Sub-Committees whether or not they are members of the Committee, although no voting rights or right to participate in discussions or proceedings are granted.

#### **3.1 Applicable to all Committees of the Council;**

3.1.1 The Council has delegated to every committee of the Council full powers to act in all matters covered by the committee's Terms of Reference subject to:

- the provisions of any Standing Order or Financial Regulation for the time being in force, except where such Order or Regulation has been specifically waived by resolution of the Council.
- prior Council approval of annual capital, revenue estimates and consent to borrow.

3.1.2 When matters of major policy are involved, the existence of a policy approved by the Council. In the absence of such policy, Committees and Sub-committees may consider the matter and make recommendations to the Council. Major policy will arise either:

- on matters of major importance which have not previously been before the Council; or
- matters which have arisen in other Committees or Sub-committees but which cannot be resolved by them in the absence of settled Council policy; or
- in cases of doubt where a major policy is involved, the Chairman of the Council or the Chairman of any other Committee or Sub-committee, or in their absence the appropriate Vice-Chairman may, before a decision is taken by the committee or sub-committee, state that a matter of major policy is involved.

3.1.3 Every committee shall have the power to authorise an officer, after consultation with the Chairman of the Committee, to take decisions on specific urgent matters falling within its own Terms of Reference as it sees fit. The exercise by committees of these powers, shall be without derogation to the powers of the Council to call for a report on any committee decision.

3.1.4 Notwithstanding the powers delegated to committees, the Council retain the right to exercise such powers when necessary.

### **4 Delegation to Officers**

The following matters are delegated to the Council's Officers to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

The Council may at any time, following resolution, revoke any delegated authority.

**Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to Council or a Committee.** Similarly, where Officers have no delegated power to make a decision, they report the matter to the Committee or the Council for a decision.

#### **4.1 Town Clerk**

The Town Clerk shall be the Proper Officer of the Council as defined in law.

#### **Statutory Duties**

4.1.1 Issue all statutory notifications

- 4.1.2 Receive declarations of acceptance of office.
- 4.1.3 Receive and record notices disclosing pecuniary interests.
- 4.1.4 Receive dispensation requests from Members under the Code of Conduct.
- 4.1.5 Receive and retain documents and plans.
- 4.1.6 Authorise lease agreements for equipment to allow essential maintenance.
- 4.1.7 Sign notices or other documents on behalf of the Council.
- 4.1.8 Receive copies of By-laws made by principal authority.
- 4.1.9 Certify copies of bylaws made by the Council.
- 4.1.10 Prepare and sign summons to attend meetings.
- 4.1.11 Authorisation to call any extra meetings of the Council or any Committees as necessary, having consulted with the Chairman of the Council and/or the Chairman of the appropriate Committee.
- 4.1.12 Ensure compliance with Standing Orders and Financial Regulations.
- 4.1.13 Ensure that all activities carried out within the Council's property and land have due regard to Health and Safety, Disability Discrimination Act and comply with all legislation in terms of public safety.

### **Role Responsibilities**

- 4.1.14 Implementation of decisions made at Council meetings.
- 4.1.15 Manage the provision of Council services, buildings, land and resources.
- 4.1.16 Day to day administration of services, together with routine inspection and control.
- 4.1.17 Execute all operational decisions relating to office management, contracts and leases in accordance with Council policies including standing orders and financial regulations.
- 4.1.18 Day to day management of land, buildings and other resources.
- 4.1.19 Manage all Town Council staff, either directly or indirectly.
- 4.1.20 Deal with all disciplinary hearings in accordance with the Council's Disciplinary Policy.
- 4.1.21 Take all decisions relating to the training of staff (within approved budget).
- 4.1.22 Management of the Council's services and facilities in accordance with the agreed policies and budgets of the Council.
- 4.1.23 Project development of land, buildings and other resources, for consideration by Full Council.
- 4.1.24 Maintenance of the Council's equipment within the agreed budget and in accordance with the agreed policies of the Council.
- 4.1.25 Report routine matters of maintenance to the relevant authorities where they do not fall within the remit of the Council.
- 4.1.26 Authorised to issue press releases on any Council activity exercised in accordance with Council's Press and Media Policy. Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and in line with The Openness of Local Government Bodies Regulations 2014.
- 4.1.27 Deal with matters specifically delegated by Council or Committees.
- 4.1.28 Data Controller for the organisation, which includes the secure handling of Council data (including CCTV).

### **The Clerk has the following delegated powers;**

- 4.1.29 Authorisation of expenditure (£500 - £4,999) within the agreed budget in consultation with the chairman. Anything over £5,000 to be agreed with the Council.
- 4.1.30 Authorised to approve additional hours of work for existing staff as needed to meet the business needs of the Council (within existing budgets).
- 4.1.31 Authorised to amend The Staithe Public Convenience opening hours as necessary.
- 4.1.32 Authorised to amend the Town Council office opening hours and periods of closure in consultation with the Chairman and ensure that the Council are informed. E.g. Christmas holidays.
- 4.1.33 Authorised to reply to noncontentious planning consultations should the deadline fall before the next meeting of the Town Council. Should a Planning Committee be formed, this delegation shall be removed.

- 4.1.34 Respond to amended planning applications where there is a clear reply that can be derived from the Council's agreed response to the original application.
- 4.1.35 Authorised to order flowers and bulbs to ensure the village's flower towers and tubs are kept in good order (within existing budgets).
- 4.1.36 Authorised to design and display signs in the Town and replace as necessary.
- 4.1.37 Authorised to install and replace Town Assets as required such as litter bins, dog foul bins etc as long as the value is less than £500 (within existing budgets).
- 4.1.38 Authorise staff annual leave.
- 4.1.39 Provision and management of information and communication technology provided throughout the Council including the replacement of out-dated equipment, the purchase of necessary software, and the planned purchase of new equipment or facilities within the approved budget.
- 4.1.40 Purchase of necessary goods and supplies in order to manage the Council's facilities in a timely and appropriate manner, within the approved budget.
- 4.1.41 Authorisation to respond immediately to any correspondence (including on social media), requiring or requesting information or relating to any previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its Committees.
- 4.1.42 Creation and content on the website and social media, together with press releases and media contact, and public consultations as directed by the Council.
- 4.1.43 Initiation of new arrangements and revision of existing arrangements for the improved management of Council facilities or services providing the cost is included within the current revenue budget.
- 4.1.44 Incur expenditure in an emergency up to £500 whether budgeted or not or the figure stipulated in the Financial Regulations.
- 4.1.45 Authorisation to manage and renew Council utility contracts such as electric, gas, broadband, phoneline and alarm system, for no longer than a three-year contract.
- 4.1.46 Authorisation to manage and renew Council utility contracts for the Staithe toilets such as electric, gas, sanitary waste collection and toilet consumables.
- 4.1.47 Act on behalf of the Council in an urgent situation and report back to the Council as soon as practical.

#### **4.2 Responsible Financial Officer**

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

#### **Statutory Duties**

Proper administration of the Council's financial affairs and overseeing the Financial Management of the Council.

- 4.2.1 Ensure that the budget is circulated to Members by the 01 November of each financial year.
- 4.2.2 Responsible for the overall management of all budgets in accordance with Council Policies.
- 4.2.3 Prepare a budget for presentation to the Council in November of each year.
- 4.2.4 Complete the end of year accounts.
- 4.2.5 Complete and send AGAR and reply to External Auditor Enquiries.
- 4.2.6 Ensure Compliance with all Financial Regulation and procedures.
- 4.2.7 Complete and send AGAR and reply to External Auditor Enquiries.

#### **Role Responsibilities**

- 4.2.8 Implementation of decisions made at Council meetings.
- 4.2.9 Arrange and manage the Council's insurance arrangements.
- 4.2.10 Determine accounting policies, records and control systems.
- 4.2.11 Pay all subscriptions to organisations to which the Council has decided to belong to.
- 4.2.12 Management of Council salaries in accordance with contracts of employment.

- 4.2.13 Management of Town Council maintenance contracts and Contract Register.
- 4.2.14 Developing income generating activities and apply for grants.
- 4.2.15 Manage risk management of the Council including keeping the Risk Schedule updated.
- 4.2.16 Implementation of Council's risk management policy, including the safety of all facilities and open spaces within the remit of the Council.
- 4.2.17 Matters specifically delegated by Council or Committee.
- 4.2.18 Management of the Assets in accordance with Council Policy.
- 4.2.19 Management of the Asset Register to ensure the Council has adequate insurance provision.
- 4.2.20 Management of the cleaning contracts for The Staithe Public Conveniences and the Library Annexe.
- 4.2.21 Report routine matters of maintenance to the relevant authorities where they do not fall within the remit of the Council.
- 4.2.22 Management of the Play Areas to ensure that repairs are undertaken in a timely manner.

**The RFO has the following delegated powers;**

- 4.2.23 Ordering stationery, office supplies and consumables for the Staithe Public Conveniences for the Council (within agreed budget).
- 4.2.24 Authorisation to respond immediately to any correspondence (including on social media), requiring or requesting information or relating to any previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its Committees.
- 4.2.25 Initiation of new arrangements and revision of existing arrangements for the improved management of Council facilities or services providing the cost is included within the current revenue budget.
- 4.2.26 Arrange and manage the Council's insurance arrangements.
- 4.2.27 Authorisation to ensure the prompt payment of wages and salaries. These payments are to be made within the contract of Employment and at the rates annually agreed by the Town Council. All such payments to be made by BACS and reported to the Town council as soon as practicable.
- 4.2.28 Authorisation to make refunds for deposits placed on Council facilities and land hire up to and including £100.

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**4.3 Administration and Allotment Officer**

The Administration and Allotment Officer (AAO) to the Council shall be responsible for the Town Council's Allotments, hall bookings and community engagement.

**Role Responsibilities**

- 4.3.1 Day to Day management of the Allotment Gardens including authorisation to let plots.
- 4.3.2 Authorisation of all short-term lettings of the Council's facilities and land in accordance with the approved scale of charges.
- 4.3.3 To be the first point of contact, when required, for visitors to the office and telephone enquiries.
- 4.3.4 To provide administrative support to the clerk and council as required and reply to correspondence.
- 4.3.5 To keep the community updated with information in the Council's noticeboards, websites and social media.
- 4.3.6 To help maintain levels of stationery, refreshments, cleaning materials, first aid supplies and office equipment for the council and the ordering and checking of deliveries.
- 4.3.7 To act as a representative of the Council as required and at the direction of the clerk.
- 4.3.8 Take and coordinate hall booking enquiries.
- 4.3.9 To cover the daily operation of the office in the absence of the clerk/finance officer.
- 4.3.10 To regularly report back to the Council on any changes at the allotments.

**The AAO has the following delegated powers;**

- 4.3.11 Authorisation to make amendments to the Council's Conditions of Hire/Letting Terms on Council facilities and land hire, in conjunction with the Clerk and in line with current regulations.
- 4.3.12 Authorisation to give consider and consent to allotment tenants/hirers requests in line with the Council's Conditions of Hire and Letting Terms.

**4.4 Neighbourhood Plan Project Officer** The Neighbourhood Plan Project Officer to the Council shall be responsible for administering the Town Council's Neighbourhood Plan, working closely with the Consultants and the Steering Group. The NPPO will feedback to the Town Councils and planning and accounting for expenditure will be shared with LTC's RFO.

#### **Role Responsibilities**

- 4.4.1 Feeding back minutes and information to the Town Councils.
- 4.4.2 Respond to Neighbourhood Plan enquiries from members of the public, councillors or representatives from other organisations.
- 4.4.3 Helping to organise tasks that the Steering Group will undertake.
- 4.4.4 Updating the Neighbourhood Plan website and relevant social media.
- 4.4.5 Coordinating consultation activities – including printing of leaflets, distribution of leaflets, putting up posters, inputting hard copies of surveys, organising consultation events, sorting people to cover the consultation events, local publicity – including linking with the media/press releases where needed
- 4.4.6 To circulate the draft policies to the Town Councils for approval before public consultation.
- 4.4.7 For Regulation 14 consultation specifically, emailing the statutory consultees and engaging with the local planning authorities (where needed).
- 4.4.8 Providing/collating photos for inclusion in the plan.
- 4.4.9 Compiling funding opportunities and grants.

#### **The Neighbourhood Plan Project Officer has the following delegated powers;**

- 4.4.10 Authorised to create a Neighbourhood Plan website within the agreed budget.
- 4.4.11 Authorised to circulate Neighbourhood Plan social media updates and press releases in conjunction with the Chair of the Steering Group and the Town Clerk.
- 4.4.12 To create leaflets/posters and have them printed within the agreed budget.
- 4.4.13 To organise events and the necessary catering support within the agreed budget.
- 4.4.14 To organise consultations in conjunction with the Steering Group.
- 4.4.15 To complete and obtain funding grants.
- 4.4.16 To approve payments up to £500 within the agreed budget (LTC Financial Regulations apply).
- 4.4.17 To progress key stages of the Project Plan within the set time frame and budget, including the agreed payments to the engaged consultant.
- 4.4.18 Actions to promote community engagement within the Neighbourhood Plan.

**This Scheme of Delegation was adopted by Loddon Parish Council at its meeting held on 11 May 2022.**

**Signed:**

**Dated:**

**Date for next review: May 2023 (reviewed annually)**