



St Ives Town Council

Twinned with Stadtallendorf

Town Clerk: Alison Benfield BA (Hons) FSLCC

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SCHEME OF DELEGATION

Under the provisions of Section 101 of the Local Government Act, 1972 a Local Authority has powers to arrange for the discharge of its functions by a Committee, Sub-Committee or an individual Officer of the Authority.

There is a duty imposed on a Local Authority under the Local Government (Access to Information) Act, 1985 to maintain a register of those powers which are delegated to Officers and to keep that register up-to-date. Since the inception of St Ives Town Council, many functions have been delegated to Officers to provide for the efficient discharge of the Council's functions. Most of these are explicit within the Town Clerk's job description.

The following powers and duties are delegated to the Town Clerk who may in turn delegate them to another member of staff in the interests of the effective and efficient management of the Council unless prohibited by law from so doing. The Town Clerk is the Council's Proper Officer and also the Council's Responsible Financial Officer and responsible for the management of the organisation.

Extent of Delegation

1. The delegations in this Scheme are subject to any limitations imposed by law, the budget and the Council's Standing Orders and Financial Regulations.
2. 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.
3. 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:
 - a. Such authorisations being in writing
 - b. Only being given to an Officer below the delegating officer in the organisational structure
 - c. Only being given where there is significant administrative convenience in doing so
 - d. The Officer authorised by the Town Clerk acting in the name of the Town Clerk
 - e. Such authorisation not being prohibited by statute.
4. A delegation to a subordinate Officer shall not prevent the Town Clerk from exercising the same power or duty at the same time.
5. The Town Clerk may withdraw delegated power from an Officer for such period of time as he/she considers appropriate
6. As part of this Scheme, the Town Clerk is authorised to change the designations of an Officer as and when appropriate and without reference to the Council.

General Matters

The Town Clerk is authorised to:

1. Sign, or where appropriate, have sealed on behalf of the 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 Council
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
3. Institute and appear in any legal proceedings authorised by the Council
4. To 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 St Ives Town Council)
5. Alter the date or time of a Council or Committee meeting in consultation with the Town Mayor or Chairman of the Committee.
6. To decide arrangements for the closure of the Council offices and Norris Museum in the Christmas/New Year period and report such closures to the Personnel Committee
7. Deal with day to day matters relating to the use of office accommodation space
8. Negotiate and enter into contractual arrangements for artistes and promoters in relation to events held in St Ives organised by the Council and programmes of entertainment
9. Manage all the Council's current services
10. To act as the Council's Designated Officer for the purposes of the Freedom of Information Act 2000 and GDPR 2018
11. To apply for planning consent for the carrying out of development by the Council
12. To manage, monitor and review the Council's internal control procedures and policies with recommendation where appropriate to Council or Committee
13. In liaison and after conferring with the Town Mayor, to make such Civic and other Mayoral arrangements as are necessary.
14. To manage Twinning programmes and such other arrangements relating to Twinning visits including **operational requirements for the efficient co-ordination of visits**, after conferring with the Town Mayor and Deputy Town Mayor to settle such programmes and make appropriate arrangements for Twinning visits by parties both to St Ives and those visiting Stadallendorf

Financial Matters

The Town Clerk is authorised to:

1. Be the RFO for the purposes of Section 151 of the Local Government Act 1972
2. Operate the Council's banking arrangements
3. Prepare a draft budget for consideration by Committees and the Council
4. Prepare the final accounts for each financial year
5. Incur expenditure up to a maximum of £1,000 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and requirement of the Council's Financial Regulations
6. Pay all accounts properly incurred
7. Pay all subscriptions to organisations to which the Council belongs

8. To collect all income due to the Council, including appropriate interest and costs
9. Make all necessary arrangements for the provision of an internal and external audit service for the Council
10. Negotiate settlements in connection with claims made by and against the Council in consultation with the Council's insurers where appropriate
11. Incur expenditure on revenue items within the approved estimate and budgets under the Council's control
12. Incur expenditure on capital schemes within the Council's approved capital programme
13. Use the Repairs and Maintenance Budgets for the maintenance, replacement or repair of existing plant, equipment and buildings
14. Enter into leasing and contract hire agreements for the acquisition of equipment on such terms as are considered appropriate.
15. 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
16. Compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations
17. Carry out virement of sums between cost centres in accordance with the Council's Financial Regulations
18. 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
19. Authorise action for the recovery of debts
20. Maintain a Register of Assets and Inventory of Equipment
21. Determine the Town Council's insurance requirements on the Council's behalf
22. Make all necessary arrangements for the Council's insurances

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:

1. Advising Council on proper terms and conditions of employment and levels of staffing.
2. Appointments to posts including apprentices and temporary staff
3. Preparation of the job description and person specification
4. Administering staff recruitment
5. The approval of individual salary gradings within any job grading structure approved by the Council
6. Paying wages and salaries in accordance with agreed contracts
7. Management of staff performance
8. Control of discipline and performance, including the power of suspension
9. Exercise of disciplinary and grievance procedures in accordance with the Council's procedures

10. Determine approved duties for the payment of travel expenses to Members and Officers where they represent the Council outside of the Council area
11. Approve payment of overtime
12. Agree minor variations to the condition of employment
13. Implement and monitor the arrangement for annual leave, flexi time, sickness absence, maternity and paternity leave in accordance with the Council's policies
14. Authorise training in line with the Council's policies
15. The approval of financial allowances to staff for travelling and subsistence
16. Authorise the provision of uniforms or protective clothing
17. Negotiate settlements on behalf of the Council for the Personnel Committee to agree in relation to any proceedings in an Employment Tribunal
18. Agree to premature retirement on the ground of duly certified ill health in accordance with Council's procedures
19. Terminate employment during probation
20. Commission legal and professional advice on staffing matters

Property Matters

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

1. The granting or refusal of the Council's consent under the terms of any lease, licence or tenancy
2. The granting or refusal of easements, wayleaves and licences over Council land
3. Initiating legal action or proceedings against unauthorised encampments or encroachments on Council land
4. Directing the custody of Council property and documents in accordance with the provisions of the Local Government Act 1972 s.226
5. Exercising responsibility for the safe custody and maintenance of the civic regalia
6. Conduct rent reviews
7. To make applications for all statutory consents necessitated by an approved Council proposal or development
8. 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
9. To appoint the Principal Contractor and Planning Supervisors for the purposes of the Construction (Design and Management) Regulations.
10. To requisition off site services in respect of any construction contract approved by the Council

Urgency

The Town Clerk is authorised subject to Financial Regulations, to 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. The Town Mayor and Deputy Town Mayor and/or the Chairman and Vice-Chairman of any relevant Committee are to be consulted where possible before such action is taken.

Emergency Planning

The Town Clerk is authorised to implement the Council's Business Continuity Action Plan or assist with the implementation of the Borough 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. The Town Mayor and Deputy Town Mayor and/or the Chairman and Vice-Chairman are to be consulted where possible before such action is taken.

Procedural

The Town Clerk can:

1. Authorise Officers to exercise statutory powers of entry and inspection for the purposes of any function under the Council's control
2. Serve requests for information as to ownership and other interest in land for the purposes of any function under the Council's control
3. Appoint consultants and other professionals to carry out any function and provide any service under the Council's control

Health and Safety at Work Act 1974

The Town Clerk is authorised to oversee the discharge of the Council's responsibilities under the Act

Legal Proceedings

The Town Clerk is authorised to:

1. To instruct solicitors, Counsel or agents to act on behalf of the Council as required
2. Subject to prior consultation with the Town Mayor and Deputy Town Mayor and/or the Chairman and Vice-Chairman of the relevant Committee, to take and defend proceedings in any court or tribunal
3. Seek injunctions and commence proceedings for the purpose of:
 - a. Enforcement in accordance with the Council's policies
 - b. Recovering money due to the Council
 - c. Recovering or otherwise preserving possession of the Council's land or property
 - d. Defending the interests of the Council
4. Appealing against a decision affecting the interests of the Council and responding to appeals against action taken by the Council
5. Represent the Council at Court or any Tribunal or to make arrangements for appropriate representation
6. 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
7. Apply the affixing of the Common Seal of the Council to documents in accordance with Standing Orders.
8. Be the responsible Officer for the co-ordination and operation for the legal requirements under General Data Protection Regulations (GDPR) and the Freedom of Information Act 2000
9. Serve Requisitions for Information

Services

The Town Clerk is authorised to control and manage the following day to day services of the Council within the agreed annual budgets and subject to Council policies and procedures:

1. Land and Property
2. Farmers' Market
3. Civic Sunday, Armed Forces Day and Remembrance Day events
4. Annual Planting
5. Cemeteries and closed church yards
6. Allotments sites
7. Norris Museum
8. Street Furniture
9. Website and social media
10. Council publications
11. Public consultations
12. Electoral Matters
13. Member & Staff Training
14. IT and Communication systems
15. Any other day to day service the Council may implement

Responsible Officer	Town Clerk	Date effective from	Nov 2019	Review date	May 2021
Author	Town Clerk	Date last amended	Nov 2019		