



Lostwithiel Town Council

Delegation to The Town Clerk

Approved 28 June 2022 Minute ref. 108/22

Delegation to The Town Clerk

This document does not supersede any powers and duties conferred to the Town Clerk by the Town Council's Financial Regulations & Standing Orders and is to be used in conjunction with these documents.

The Town Clerk is designated and authorised to act as the Council's Responsible Finance Officer for the purposes of Section 151 of the Local Government Act 1972 and Proper Officer for the purpose of all relevant sections of the Local Government Act 1972, Localism Act 2013 and any other statute requiring the designation of a Proper Officer.

The Town Clerk is responsible for the management of the Council and all delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.

In the absence of the Town Clerk these delegated powers are negated. The powers do not pass to an Acting Town Clerk unless by specific resolution of the Council.

Section 101 of the Local Government Act 1972 and relevant case law (Regina v Secretary of State for the Environment ex parte London Borough of Hillingdon 1986) are clear in their instruction that all Members must deal with matters through their collective Council membership. There are no circumstances where an individual Member can issue an instruction to the Clerk, any other employee or a Contractor; make a decision on behalf of the Council; or authorise any expenditure. Therefore, it is not legal to give delegated authority/power to an individual Town Councillor.

Staffing

The Town Clerk is delegated by Council to:

- Act as Line Manager and have sole management responsibility, sole day to day supervision and control of all staff.
- To direct the work of employees with the power to discipline employees if required.
- Administer all staff policies and procedures.
- Conduct annual staff appraisals
- Authorise other staff overtime and expenses.
- Calculate and make arrangements to pay all staff salaries, overtime, tax, NI and pension contributions.
- Implement and monitor the arrangements for annual leave, flexi time, sickness absence, maternity & paternity leave in accordance with the Council's policies.
- Preparation of the job description and person specification and the placing of the advertisement for all staff vacancies.
- Delegate duties to staff as considered appropriate.
- Manage staff performance.
- Authorise staff training within the agreed training budget.
- Commission legal and professional advice on staffing matters.
- Supply all staff (if deemed necessary) with a pay as you go mobile phone. Maximum phone cost £40, monthly pay as you go £15 maximum.

- Deal with day to day matters relating to the use of office accommodation space.
- Authorise the provision of protective clothing
- Oversee the discharge of the Council's responsibilities under the Health & Safety at Work Act 1974

Finance

The Town Clerk is delegated by Council to:

- Sign contracts for the purchase and supply of goods and services provided within budgets set and projects approved by Council.
- Authorise minor repairs/variations to Council agreed contracts subject to maximum value of £3,000
- Incur expenditure up to a maximum of £3,000 on any repair and maintenance, general maintenance or emergency issue without prior reference to the Council. i.e. removal of a fallen tree, emergency tree works, removal of invasive plant, purchase of regular planting, extra grass cuts, play area repairs. Any such action is to be reported to the next meeting of the Council.
- Authorise emergency expenditure up to £3,000 outside of an agreed budget
- Appoint pest control for rats & moles to a maximum value of £300 without prior reference to the Council.
- Make all decisions, in line with Council Policy, regarding charges for interments at Castle Hill Cemetery.

- Spend up to £250 monthly on Council signage, stationery, stamps and general office costs without prior approval of the Council.
- Operate the Council's banking arrangements.
- Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council
- Authorise routine recurring expenditure within the agreed budget
- Responsible for the overall management of all budgets in accordance with Council policies

Legal

The Town Clerk is delegated by Council to:

- Make applications for all statutory consents necessitated by any approved Council proposal or development.
- Sign, or where appropriate, have sealed on behalf of the Town 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 Town Council
- Apply the affixing of the Common Seal of the Council to documents in accordance with Standing Orders
- Take all appropriate steps to secure the Council's legal position in urgent circumstances with reference to its assets or statutory functions subject to prior consultation with the Mayor or Deputy Mayor.

- Act as Data Protection Officer including the fixing and levying of charges for the provision of information.
- Manage Council land & property by initiating legal action or proceedings against unauthorised encampments or encroachments on Council land having first taken legal advice
- To institute, defend and appear in any legal proceedings authorised by the Town Council. All actions to follow the recommendations of the Council's solicitor
- 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 residents of Lostwithiel) having taken legal advice if appropriate

Other

The Town Clerk is delegated by Council to:

- Undertake the day to day administration of Council services, facilities and assets, including routine inspection and control
- Exercise in their own right or to authorise any Council Officer to exercise statutory powers of entry and inspection for the purpose of any function under their control.
- To deal with all incoming and outgoing correspondence (but not correspondence requiring an opinion to be taken by the Council or a Committee)
- Have sole use of the Town Council crest for Town Council related correspondence.
- Issue all Council correspondence without prior authorisation of drafts by Council (except where the correspondence requires an opinion to be taken by a Council or Committee).

- To sign on behalf of the Town Council any document necessary to give effect to any decision of the Town Council
- Take appropriate action on all issues for which the Town Council has established a policy i.e. Allocate burial spaces & issue Grants of Exclusive Rights of Burial and Exclusive Rights to Erect Memorials and to approve the wording on memorials in line with Council Policy.
- Take appropriate action as described in any Town Council policy
- Allocate allotments and issue allotment tenancies in line with Council policy.
- Alter the date or time of a Council or Committee meeting following consultation with the Mayor or appropriate Chair.
- Decide arrangements for the closure of the Council offices in the Christmas/New Year period and to set the date for the first January Council meeting.
- Authorise Utilities or the Environment Agency to work on Town Council land i.e. pruning to clear overhead power lines and removal dead/dangerous/fallen trees along the river bank.
- To apply for all Council planning consents.
- Manage the provision of all the Council's current services, buildings, land & resources
- Act as the Council's designated Officer for the purposes of the Freedom of Information Act and General Data Protection Regulations
- To deal with all press and public relations on behalf of the Council including the Issuing of Council press releases

- To lead the Council's response in the case of a major emergency in consultation with/ or under the direction of Cornwall Council and the Emergency Services.
- To be responsible for the Council's Information and Communication Technology provision and management including the replacement of out-dated equipment, or the purchase of new equipment to replace broken equipment within the approved Budget.
- To adjust grass cutting frequencies and other maintenance requirements in relation to the maintenance of the various open areas for which the Council is responsible
- To authorise the casual lettings of the Council's various properties subject to payment being received in accordance with the approved scale of charges where appropriate
- To authorise the attendance of individual Councillors at talks, seminars, training events and conferences at the Council's expense.
- To grant permissions for use of recreational open space in accordance with Council policy and statutory requirements
- To enter into contracts for the supply of Utilities where applicable
- Undertake play area inspections
- Take editorial control of the Council's website and social media accounts
- Provide administration support to Lostwithiel Town Team for the duration of the Cornwall Council Town Vitality bids

Urgent Matters

- The Town Clerk is authorised to act on behalf of the Council in an urgent situation and report back to the Council as soon as practicable.
- In the event of any matter arising which requires an urgent decision, the Town Clerk will consult with the Mayor & or the Deputy Mayor before acting on behalf of the Council.
- Before the Clerk exercises the delegated powers granted by the above paragraph, the Clerk and the Mayor & or Deputy Mayor shall consider whether the matter justifies summoning an Extraordinary Meeting or Committee Meeting.
- Whenever any action is taken in this way, full details of the circumstances justifying urgent action shall be submitted in writing to the next available meeting of the Council or Committee.