

# **SOUTH WILLESBOROUGH AND NEWTOWN COMMUNITY COUNCIL**

## **Amendment 1 to the scheme of delegation (Corvid 19 pandemic)**

### **In Extremis**

The Clerk is authorised to act on behalf of the Council and its Standing Committees in cases of urgency or emergency where, for reasons beyond its control, meetings cannot take place, for example, where the Government advises against meetings being held or meetings are inquorate due to enforced councillor absence.

Any such action is to be reported to the first available meeting of the Council or relevant Committee. The Chair and the Chair of any relevant committee or, if either or both are unavailable, up to two individual members of the Council are to be consulted before such action is taken.

The scheme will be reviewed on a regular basis as required by the Council and when a new Clerk is appointed.

In extremis, the following powers and duties will be delegated to the Clerk

### **1 Extent of Delegation**

1.1 All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.

1.2 The Clerk will exercise these powers in accordance with

- approved budgets
- the Council's Financial Regulations
- the Council's Contract Procedure Rules
- the Council's Procurement Strategy
- other adopted policies of the Council, all statutory common law and contractual requirements

1.3 The 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.

### **2 General Matters**

The Clerk is authorised:

2.1 To 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

2.2 To take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.

2.3 To institute and appear in any legal proceedings authorised by the Council.

2.4 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 South Willesborough and Newtown Community).

2.5 To decide arrangements for the closure of the Council offices in consultation with the Chair of the Council.

2.6 To negotiate and enter into contractual arrangements for artistes and promoters in relation to events or campaigns held in South Willesborough and Newtown where organised by the Community Council.

2.7 To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.

2.8 To apply for planning consent for all development by the Council, following council decisions.

2.9 Under the Regulation of Investigatory Powers Act 2000 to authorise directed surveillance or the use of a human intelligence source.

2.10 To respond to complaints and to make such ex gratia payments in settlement of such complaints as are considered justified and agreed by Council.

2.11 To manage, monitor and review the Councils Internal control procedures.

### **3 Financial Matters**

The Clerk is authorised as follows:

3.1 To undertake all matters approved by Council in the delegation scheme dated 5<sup>th</sup> August 2019 (approved Minute 48/19)

3.2 To operate the Council's banking arrangements

3.3 To incur expenditure up to a maximum of £5,000 on any item for which provision is made in the revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Financial Regulations and Procurement Policy . Expenditure in the range £1500 - £5000 to be incurred in consultation with the Chair of Finance and General Purposes Committee /Chair of Council.

3.4 To pay all accounts properly incurred.

3.5 To pay all subscriptions to organisations to which the Council belongs.

3.6 To make all necessary arrangements for the provision of an internal and external audit service for the Council.

3.7 To negotiate settlements in connection with claims made by and against the council in consultation with the Council's insurers where appropriate.

3.8 To incur expenditure on revenue items within approved estimates and budgets

3.9 To enter into leasing and contract hire agreements for the acquisition of vehicles machinery and equipment on such terms as are considered appropriate and approved by Council.

3.10

To 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.

3.11 To carry out transfer of sums between cost centres in accordance with the Council's Financial Regulations.

3.12 To authorise action for the recovery of debts.

3.13 To maintain a Register of Assets and Inventory of Equipment.

3.14 To determine the Parish Council's insurance requirements.

3.15 To make all necessary arrangements for the Council's insurances.

3.16 Any other matters delegated to the Finance and General Purposes Committee in the delegation scheme dated 5<sup>th</sup> August 2019 (approved Minute 48/19) in consultation with the Chair of the Committee/ Chair of Council

#### **4 Property Matters**

4.1 Enter discussions regarding the terms of any lease, license, conveyance or transfer in consultation with the Council's legal advisors.

4.2 To serve requests for information as to ownership occupation and other interests in land for the purposes of any function under their control.

#### **5. Planning Matters**

5.1 Any matters delegated to the Planning and Highways Committee in the delegation scheme dated 5<sup>th</sup> August 2019 (approved Minute 48/19) in consultation with the Chair of the Committee/ Chair of Council

#### **6. Health and Safety at Work Act 1974**

To oversee the discharge of the Council's responsibilities under the Act.

#### **10 Legal Matters**

10.1 To take and discontinue legal proceedings in any Court or at any Tribunal as approved by Council recommendation

10.2 To take Counsel's advice or instruct Counsel to represent the Council

10.3 To seek injunctions and commence proceedings for the purposes of enforcement in accordance with the Council's policies

- recovering money due to the Council
- appealing against a decision affecting the interests of the Council
- responding to appeals against action taken by the Council

10.4 To represent the Council at Court or any Tribunal or to make arrangements for appropriate representation.

10.5 To negotiate and settle the terms of documents to give effect to a decision of the Council or any of the committees acting under delegated powers.

10.6 To be the Responsible Officer for the co-ordination and operation of the legal requirements under the Data Protection Act, General Data Protection Regulations, the Freedom of Information Act and any Equality legislation

10.7 To prepare the final accounts and sign

***On receipt of e-mail confirmations. RESOLVED: Following Government distancing rules  
Unanimous agreement to adopt the amendment  
March 2020  
Review – as agreed in Para 3 (Introduction)***

