Exmouth Town Council

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Exmouth Town Council Scheme of Delegation

ADOPTED BY COUNCIL
May 2025

LOCAL COUNCIL AWARD SCHEME SILVER

SCHEME OF DELEGATION

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (the Town Clerk), Standing Committees and Working Parties of the Council to act with delegated authority in the specific circumstances detailed. It will be reviewed annually at the Annual Town Council meeting.

1. Proper Officer and Responsible Financial Officer - Duties and Powers

1.1. 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 in force at any given time.

1.2. Proper Officer

1.2.1 The Town Clerk is designated and authorised to act as Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.

1.2.2 The Town Clerk is specifically authorised (via legislation) to:

- Receive declarations of acceptance of office.
- Receive and record notices from Councillors disclosing interests.
- Receive and retain plans and document.
- Sign Notices or other documents on behalf of the Council.
- Receive copies of by-laws made by the Unitary Council.
- Certify copies of by-laws made by the Council.
- Sign and issue summonses to attend meetings of the Council.
- Give public notice of the time, place and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).
- Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office.
- To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000 and Data Protection Act 2018.

1.2.3 In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- The day-to-day administration of services and property, together with routine inspection and control, in line with the budgets and policies approved by Members.
- Day to day management of the Council's employees in accordance with the Council's policies, procedures and budget, including:

i. Staff performance and discipline.
ii. Payment of expenses and allowances in accordance with the Council's scheme.
iii. The approval of increments.
iv. Implementation of national pay awards and conditions of service in line with the NJC Scheme of Conditions of Service (the 'Green Book') as amended by the Local Agreement.
v. The Town Clerk shall delegate day to day management of functions and services to the Deputy Clerk and other Officers, in line with approved duties of these posts, as agreed by the Council.

1.2.4 Authorisation to respond immediately to any correspondence, requiring or requesting information or relating to previous decisions of the Council but not correspondence requiring an opinion to be taken by the Council or its Committees.

1.2.5 Authorisation of routine/recurring expenditure within the agreed budget.

1.2.6 Emergency expenditure up to £2,000 outside of the agreed budget.

1.2.7 Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations, this Scheme of Delegation and with directions given by the Council from time to time.

2 Absence of the Town Clerk

In the absence of the Town Clerk, the Deputy Clerk shall be authorised to deputise and undertake any of the functions of the Clerk's post.

3 Urgent Matters

Subject to consultation with the Chairman of the Council or the relevant Committee Chairman or Vice Chairman, the Town Clerk is authorised to act on behalf of the Council on any matter where urgent action is needed to protect the interests of the Council.

4 Council

The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration.

- Appointing the Chairman / Town Mayor
- All matters affecting the appointment, promotion, discipline, salary and conditions of service of the Town Clerk/ RFO following consideration of a recommendation from the HR Group
- Determination and setting of the Precept
- Borrowing money
- Approving the end of year accounts and annual return

- Appointment of an internal auditor
- Co-option of Councillors to the Council
- Appointing Committees, Sub-Committees and Working Parties/ forums
- Filling of Councillor vacancies on any Committee/ Sub-Committee/ Working Party/ forum
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
- Making, amending or revoking by-laws
- Making of Orders under any statutory powers
- Matters of principle or policy
- Agreeing the dates of meetings of the Council, its Committees and Sub-Committees
- Receiving and noting of all minutes approved by the Council, its Committees and Sub-Committees
- Incurring capital or revenue expenditure which is over and above the Council's approved budget and any virements required
- Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings)
- Any proposed new undertakings
- Prosecution or defence in a court of law
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a Committee
- Approval of application for Quality Council status or its equivalent
- Confirming eligibility to exercise the General Power of Competence

5 Town Hall Trust Charity

The Town Council is the sole Trustee of the William Adams Westwood Trust and the Exmouth Projects Trust. As sole Trustee, the Council delegates authority to the Finance Committee on all matters pertaining to the Trusts, including financial matters.

6 Standing Committees – Terms of Reference

The Terms of Reference for each of the Council's two Committees (Planning and Finance) shall be appended to this scheme of delegation and reviewed annually in their entirety.

7 Working Groups – Terms of Reference

Working Groups/Parties may be formed by resolution of the Council at any time. The remit of such a Working Group/Party will be decided upon at the time it is formed by means of a Minute detailing the Terms of Reference. The Terms of Reference for each of the Council's Working Parties shall be appended to this scheme of delegation and reviewed annually in their entirety.

8 Delegation - Limitations

Committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations, this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, By-laws or orders made and with any directions given by the Council from time to time.

Reaffirmed 18th May 2026
Review date: May 2027