

Swanage Town Council



Scheme of Delegation

1. Power to Delegate Functions

Under the Local Government Act 1972 s 101 (a) the Town Council has the power to arrange for the discharge of its functions by a committee, sub-committee or officer of the authority.

Although each council will make its own decisions about how this power is exercised, delegation of some decisions is an essential part of the efficient operation of a body with the range of assets and services operated by Swanage Town Council.

The Town Council does not have the power to delegate a decision to an individual councillor, or informal grouping of councillors.

2. Matters reserved to meetings of the Town Council

Some matters cannot be delegated and these include the following items, which can only be determined at a formal meeting of the Town Council.

- a) Adopting and amending Standing Orders, Financial Regulations, Committee Terms of Reference and the Scheme of Delegation.
- b) Adopting or making material changes to the Town Council's policy framework.
- c) Approving the Council's budget and the precept to be levied on Dorset Council.
- d) Agreeing the Town Council's Statement of Accounts and Annual Governance Statement.
- e) Authorising expenditure not provided for within the approved budget or otherwise permitted under the Council's Financial Regulations.
- f) Authorising borrowing.
- g) Appointing representatives to outside bodies.
- h) Declaring eligibility for the General Power of Competence.
- i) Confirming the appointment of a new Town Clerk further to a recommendation from the appointed recruitment panel, when a vacancy arises.

- j) Making, amending, revoking, re-enacting or adopting by-laws and promoting or opposing the making of local legislation.
- k) All other matters which must, by law, be reserved to a formal meeting of the Town Council.

3. Committees and Sub-Committees

Matters delegated to the Council's standing committees and sub-committees are specified under the Terms of Reference for each committee or sub-committee.

Committees can arrange for the discharge of any of their delegated powers to a sub-committee, or a nominated officer.

4. Working Parties

Working parties have no delegated powers; they are only able to recommend a course of action to the Council, or a relevant committee or sub-committee. The same is true of the Council's advisory committees.

5. De Moulham Trust

Matters connected to the administration of the De Moulham Trust are determined by the Council, meeting in its capacity as the charity's corporate trustee.

6. Town Council Officers

Under the Local Government Act 1972 the Town Council 'shall appoint such officers as they think necessary for the proper discharge by the authority of such of their or another authority's functions as fall to be discharged by them'.

Officers have the role of interpreting and implementing decisions made by the Council and its committees/sub-committees. In cases where elected members wish to review the implementation of Council policy this should be discussed with the Town Clerk as Proper Officer. This may result in the matter being considered by a relevant committee or sub-committee.

Specific decisions can be delegated to officers by the Town Council at any time. Often this delegation will be to an officer in consultation with the mayor/deputy mayor, a committee chairperson or members of a working party. In the vast majority of instances the officer decision will accord with the views of the councillors consulted, however the act of delegation to the nominated officer means the decision is theirs and theirs alone. All such delegated decisions will be reported to a subsequent Council Meeting.

The following matters have been delegated on an ongoing basis, until such time as this Scheme of Delegation is reviewed. This table does not seek to be comprehensive, and further information is available in the Town Council's Standing Orders, Financial Regulations and other policy documents.

The Town Clerk is the Council's Proper Officer and Responsible Finance Officer and in their absence their duties will be fulfilled by the Finance Manager. Delegation to officers other than the Town Clerk/Proper Officer must be managed under the supervision of that officer's line manager, in accordance with the Town Council's management structure. Nominated officers can in turn delegate these functions to an appropriate staff member, although they retain ultimate responsibility for any decisions made.

Delegated authority must be exercised in accordance with the law, the Council's Standing Orders, Financial Regulations, and wider policy framework.

Area of Operation	Delegation	Officer
Allotments	Sign agreements and allocate when vacancies arise in accordance with waiting list.	Proper Officer
Archives and information management	Receive and retain plans and documents.	Proper Officer
Audit	Liaise with internal and external auditors and maintain the Council's System of Internal Control.	Proper Officer Finance Manager
Beach Huts	Authorise bookings.	Visitor Services Manager
Beach Huts	Agree special offers to maximise occupancy.	Visitor Services Manager
Boat Park	Authorise bookings.	Visitor Services Manager
Cemeteries	Sign Deeds of Exclusive Right of Burial, Transfer of those rights, approve memorial applications and requests for additional inscriptions.	Proper Officer
Cemeteries	Allocation of new grave spaces.	Assets & Compliance Manager
Communications	Issue all formal communications material on behalf of the Town Council and manage Town Council's social media accounts.	Proper Officer Planning & Community Engagement Manager
Consultation documents	Respond to external consultations in accordance with discussion at Planning & Consultation Committee.	Planning & Community Engagement Manager
Council meetings	At least three clear days before a meeting of the Council, a committee and a sub-committee serve on Councillors a signed summons, by delivery at their residence or by email, confirming the time, place and the agenda.	Proper Officer
Council meetings	Give public notice of the time, place and agenda at least three clear days before a meeting of the Council or a meeting of a committee or a sub-committee.	Proper Officer
Council meetings	Keep minutes and other proper records of Council meetings.	Proper Officer
Elections	Arrange for newly elected councillors to sign declaration of acceptance of office forms.	Proper Officer
Emergency Planning	Lead the Council's response in the case of a major emergency in consultation with Dorset Council's Emergency Planning Officers, within the framework of the Swanage Community Emergency Support Plan.	Assets & Compliance Manager
Employment	Undertake the duties of Head of Paid Service and fulfil duties set out in Staff Handbook.	Proper Officer

Events	Authorise event requests in accordance with Council's risk assessment procedure.	Visitor Services Manager (where required, in consultation with the events working party)
Expenditure	Commit expenditure of up to £10,000 from agreed budgets.	Proper Officer and all nominated budget holders
Expenditure (urgent)	Incur unbudgeted expenditure on behalf of the Council which is deemed urgent or is of an emergency nature e.g. work or services which are required to address an imminent risk to the Council's operations. This expenditure is subject to a financial limit of £10,000 for approval by the Town Clerk and a limit of £25,000 in consultation with the Mayor and Deputy Mayor.	Proper Officer
Finance – cash flow and payments	Pay sums owing and transfer funds between accounts in accordance with Section 5 of Financial Regulations.	Finance Manager
Finance - investments	Invest Council funds in accordance with the Council's Treasury Management and Investment Strategy.	Finance Manager
Finance - virements	Vire funds between budgets up to £5,000 in accordance with Financial Regulations 4.12 and 4.13.	Proper Officer and all nominated budget holders
Fishermen's Huts	Allocate vacant huts in accordance with waiting list criteria.	Proper Officer
Freedom of Information	Respond to requests for information.	Proper Officer
Health and Safety	Act as the Council's nominated Health and Safety Officer. (N.B. Council appoints an external advisor to act as its 'competent person' under relevant legislation. The shared H&S responsibilities of all Council Officers are set out in the Council's Health and Safety Policy and Handbook).	Assets & Compliance Manager
Legal documents	Sign notices and licence agreements on behalf of the Council, and any other document to give effect to any decision of the Council.	Proper Officer
Legal documents	Arrange for Deeds to be executed.	Proper Officer
Market, Shelter Site and 'Artisans on the Beach'	Authorise pitch bookings.	Visitor Services Manager
Peveril Point Parking Permits	Issue annually.	Finance Manager
Planning comments	Respond to Dorset Council consultation on planning applications in accordance with discussion at Planning & Consultation Committee.	Planning & Community Engagement Manager
Procurement	Undertake procurement exercises in accordance with Financial Regulations.	Proper Officer and all nominated budget holders

Property and assets	Manage the Town Council's property and assets, instigating repairs and maintenance within agreed budgets.	Assets & Compliance Manager
Public Conveniences	Arrange for extended opening hours if required at short notice (e.g. in support of events).	Assets & Compliance Manager
Recruitment	Appoint to staff vacancies following recruitment process.	Proper Officer (in respect of members of the management team) Individual managers (in respect of staff that they line manage)
Sports Pitches	Authorise bookings.	Assets & Compliance Manager
Stock Management (Beach Gardens and Information Centre)	Purchase stock and price for re-sale.	Visitor Services Manager
Taxi Rank Passes	Issue annually.	Finance Manager
Visitor Services	Offer small prizes in support of fundraising efforts by local good causes (e.g. out of season beach hut hire).	Visitor Services Manager

7. Emergency Scheme of Delegation

During the lockdown enacted in response to the Covid-19 pandemic it was impossible for the Town Council to meet legally in person. Therefore, all Council meetings were cancelled and an emergency scheme of delegation was put in place. It is to be hoped that such steps will not be necessary in the future, not least because legislative reform may mean that Councils can meet remotely to make decisions. However, in the current circumstances it appears wise to set out the emergency scheme of delegation within this policy document so that it can be used in future if circumstances demand.

Where it is both essential and unavoidable in order for the Council to function during an emergency situation, all powers (other than those delegated to other officers in section 6 above or where delegation is prohibited by statute) will be delegated to the Town Clerk until routine decision-making procedures can return.

It is envisaged that full Council would be able to meet in order to invoke this emergency scheme of delegation. However, if the most extreme circumstances arose where that was not possible, then the Town Clerk, in consultation with the Town Mayor and Deputy Mayor, is able to put this emergency scheme of delegation into action.

The exercise of this delegated authority will be subject to consultation in accordance with the Table below, except where a breakdown in technology or disaster situation prevents this taking place.

Subject	Consultation prior to Decision
Matter arising from an existing Council minute	Mayor/Deputy Mayor
Minor matter within remit of established working party	Working Party either by e-mail or virtual meeting
Matter within remit of Committee or Sub-Committee	Members of committee by e-mail
Grant application under £10,000	Grants Panel via e-mail or virtual meeting
Recommendation from a committee/sub-committee/advisory committee not yet approved by Council	Full Council by e-mail
Significant decisions, such as a change in policy or commitment to spend requiring urgent decision prior to July Council Meeting	Full Council by virtual meeting

Where ‘major’ decisions are to be taken about routine council business all councillors will be given the opportunity to comment on these issues, wherever possible. Examples of ‘major decisions’ include:

- Commitment of unbudgeted expenditure in excess of £10,000.
- Significant changes in council policy.
- Awards of contract in excess of £10,000.
- Entering into leases or tenancy agreements with new third parties.

In a situation where the Town Clerk is incapacitated the Finance Manager would take the place of the Town Clerk. If both the Town Clerk and Finance Manager are incapacitated then the relevant manager would have delegated authority, in consultation with the Mayor/Deputy Mayor and other members of the management team. In instances where the Mayor and Deputy Mayor are incapacitated then officers will consult the relevant committee chairman and/or other members of the Finance & Governance Committee.

The Town Clerk can delegate certain decisions to other members of the management team. For example, in respect of business that would normally go to the Planning and Consultation Committee the Planning and Community Engagement Manager will have delegated authority to liaise with the chairman to agree the procedure for gathering members’ views and formulating a response.

The Town Clerk and members of the management team will seek to maximise member engagement wherever possible; however, under these arrangements the Town Clerk has the power to act on behalf of the Council in all circumstances, except where such delegation is prohibited by statute.

8. Future Review

This Scheme of Delegation should be reviewed at least once in every Council term of office.

Adopted 13th March 2023