



# NORTH TAWTON TOWN COUNCIL

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This is a document that sets out North Tawton Town Councils approved and agreed practices. Any deviation must be by resolution of the full Council.

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Version	Point(s)	Description of Change	Date

## THIS IS A CONTROLLED DOCUMENT

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# **Scheme of Delegation**

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

This delegation scheme will enable the Council to function as near to normal as possible in the event meetings of the Council are unable to take place and resolutions unable to be made by the Council or its Committees.

Some items of business, including the setting of the budget and precept, and approval of the Annual Governance Accountability Return cannot be delegated to an Officer or Committee and must be resolved by Full Council.

## **Proper Officer and Responsible Financial Officer**

The Town Clerk is the Responsible Financial Officer (RFO) to the Council and is responsible for the Town Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

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.

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 documents.
- Sign Notices or other documents on behalf of the Council in accordance with legislation and council policy.
- Receive copies of by-laws made by the Principal Councils (West Devon Borough Council and Devon County 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.
- Convene a meeting of the Council for the election of a new Chair 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.

In addition, the Town Clerk has the delegated authority to undertake matters on behalf of the Council as set out in the Job Description, policies and procedures including the following:

- Day to day administration of services, together with routine inspection and control of services and facilities.
- Management of the Council's employees in accordance with the Council's policies, procedures and budget, including staff performance, discipline and appraisals.
- Deployment of Council resources to discharge the statutory duties of the Council and agreed strategic plans, including delegation of tasks and those who will attend and/or Clerk meetings of the Council, its Committees and Working Groups.
- Providing comments to local press and media on behalf of the Council.
- 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.
- Authorisation of routine recurring expenditure within the agreed budget. Authorisation of expenditure on any general works within the agreed budget.
- Authorisation of emergency expenditure outside of an agreed budget in accordance with Financial Regulations, with any such emergency expenditure to be reported to the Council at the earliest opportunity.

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

In the absence of the Town Clerk, the Deputy Clerk shall be authorised to undertake any of the functions of the Clerk's post, in accordance with the Job Description. The Deputy Clerk must act in consultation with the Chair or relevant Committee Chair.

Spending limits, including those of other members and staff, are set out in the Council's Financial Regulations.

### **Standing Committees**

The Terms of Reference (ToR) for each of the Council's Committees, shall be appended to this scheme of delegation and reviewed annually in their entirety. Once reviewed by the Committees the ToRs will be approved by Full Council.

### **Working Groups**

Working/Task & Finish Groups may be formed by resolution of the Council or a Committee at any time. The remit of such a Working/Task & Finish Group will be resolved by the Council/Committee and set out on a Term of Reference.

### **Emergency Situations**

In the case of an emergency when the Council is unable to meet and in the following circumstances additional delegations will be activated:

- An announcement by the Government that meetings cannot take place, i.e. a pandemic lockdown or emergency. In this case the scheme will automatically be enabled.
- By agreement of the Chair (minimum of three of the five) including by email.
- The Council being inquorate following Elections or due to resignations. In this case the scheme will automatically be enabled. The Town Clerk has delegated authority to spend and/or make any decisions necessary to ensure the ongoing running of council services and employees are paid appropriately following consultation with any existing members.

Following activation Members will be required to check their emails at least twice weekly. The Town Clerk will regularly contact any members without email provision by phone and/or post.

If the Chair, Committee Chair, or Town Clerk are unavailable their role will be undertaken by the Deputy Chair, relevant Vice-Chair or Deputy Town Clerk. The Chairmen being those of the Standing Committees.

This scheme relates to delegations over and above those already approved within Committee Terms of Reference and other permissions that may have been resolved.

### **Full Council**

If a resolution is required by Full Council, except for those which cannot be delegated, the Town Clerk will email the details to all Members. Comments will be collated, and the decision made by the Town Clerk following consultation with the Chair

Other decisions that would have been considered by the Committee are to be circulated to all members of the Committee by email for comments. A final decision to be made by the Town Clerk following consultation with the Chairman, this includes authority to purchase/authorise contracts up to the amount as delegated to the Committee and set out in Financial Regulations.

### **Working from Home**

In the event that staff are required by Government legislation, or they are unable to work from the office due to exceptional circumstances, the Town Clerk has delegated authority to permit them to take home equipment required to enable them to continue to undertake the main elements of their role; for example IT and phone equipment, and documentation.

### **Limitations**

Committees shall, always, act in accordance with the Council's Standing Orders, Financial Regulations, this Delegation Scheme 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.