West Mersea
Town Council

Adopted: 14 September 2023
Reviewed: 11 May 2026
Next Review: May 2027

DELEGATED POWERS POLICY

Introduction

This document sets out the manner in which West Mersea Town Council has delegated powers and responsibilities. This document is one of the three major ways in which the Council regulates its affairs; the others are its Standing Orders, and Financial Regulations. The power to delegate functions is set out in the Local Government Act 1972, s.101. The intention of this delegation scheme is to allow the Council to act with all reasonable speed.

Whilst delegation is necessary, it is the Council's policy that members and the press and public should have the fullest information. Therefore, the Town Clerk reports all major decisions taken under delegated powers at the next available Council meeting, and where appropriate, publishes additional information on the Town Council website.

Delegation of Power Section 101 of the Local Government Act 1972 provides:

- That a Council may delegate its powers (except those incapable of delegation) to a committee or an officer.
- A Committee may delegate its powers to an officer.
- The delegating body may exercise Powers that have been delegated. Any delegation to the Proper Officer shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and within the law. In an emergency the Proper Officer is empowered to carry out any function of the Council. Where the Town Clerk contemplates any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult a minimum of two Members, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

The following items may **not** be delegated to the Town Clerk:

- To appoint the Chair and Vice-Chair in May each year
- To sign off the Governance Statement by 30th June each year
- To set the precept
- To approve and adopt the Budget
- To appoint the Head of Paid Service (Clerk)
- To make byelaws
- To borrow money
- To adopt committees and working groups
- To approve membership of all committees and working groups
- To agree and/or amend the Terms of Reference for Committees
- To adopt the schedule of meetings for the ensuring year
- To determine matters involving expenditure for which budget provision is not made or is exceeded

- To approve eligibility for the General Power of Competence
- To assess, consider and (if approved) award donations and grants to other bodies where lawful and appropriate in accordance with statute and the adopted WMTC Grants Policy
- To assess, consider and approve recommendations from working groups
- To consider any matter required by law to be considered by Council

The Clerk may do anything pursuant to the delegated power or duty which it would be lawful for the Town Council to do including anything reasonably implied or incidental to that power or duty.
Whilst retaining overall responsibility, the Clerk to the Council may delegate the duties listed to other staff members as necessary.
The Council's Scheme of Delegation authorises the Town Clerk to the Council to act with delegated authority in the specific circumstances detailed below:

1. To Take Action:

- To take action on any issue that cannot wait until the next Town Council meeting; the Proper Officer is empowered to take any and all decisions that would normally be taken by Full Council, having consulted a minimum of two Members. Consultation may be by email or by telephone or by virtual meeting, followed by a confirmation email.
- If circumstances do not permit the input of at least two councillors, the Town Clerk would normally be expected to consult the Mayor or Deputy Mayor if the Chair is unavailable and take their view into account.

2. Financial thresholds:

- To authorise expenditure on items where the Council has previously approved the budget to a maximum of £500 per transaction having consulted the Chair, or to a higher level where the Council has agreed and minuted the expenditure at a prior meeting. For the avoidance of doubt, this includes any payments that will be overdue before the next scheduled Council Meeting or where discounts may be lost to the Council, to include normal salaries and all items specifically budgeted for, contracted for or expenditure previously agreed by Council at a meeting.
- To incur expenditure on behalf of the Council, which is necessary to carry out any repair, replacement or other work or essential project which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000.00 per transaction, having consulted the Chair and taken on board their views.
- To take any action regarding minor repairs or purchases (up to a cost of £1,000.00 per transaction) having consulted the Chairman and taken on board their views.
- To dispose of Council assets (excluding land and building assets) subject to the estimated value of any one tangible moveable item not exceeding £500. The Clerk is responsible for ensuring any disposal details including the disposal values are recorded in the assets register.
- To authorise the purchase of a memorial bench, plaque plus installation up to a maximum value of £1,000.00 upon receipt of a completed memorial bench request form and the associated donation.

3. Planning Matters:

- Planning applications will be received by the Town Clerk and responses determined by the Clerk following consultation with the Planning Committee or the Chair if the Planning Committee is not available.

4. Delegation Limitations, Record keeping & Reporting:

- Records will be kept demonstrating a clear trail (particularly around decision making in any form).
- All decisions will be reported at the next available Full Council Meeting.
- Delegated actions shall be in accordance with Standing Orders and Financial Regulations and in line with directions given by Council from time to time and this Scheme of Delegation, and where applicable any other rules/regulations and legislation.