

20. Responsibilities to Provide Information

See also standing order 21.

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

21. Responsibilities under Data Protection Legislation

See also standing order 11.

- a The Council may appoint a Data Protection Officer
- b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- c The Council shall have a written policy in place for responding to and managing a personal data breach.
- d The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- e The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- f The Council shall maintain a written record of its processing activities.

22. Relations with the Press/Media

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

23. Execution and Sealing of Legal Deeds

See also standing orders 15(b)(xii) and (xvii) above.

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b **Subject to standing order 23(a), the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.**

24. Delegation of Urgent Matters

There shall be delegated to the Town Clerk the authority to act in respect of any function of the Council which, in his/her opinion, does not admit of delay. Such authority shall only be exercised after consultation with the Town Mayor, Deputy Town Mayor, or the Chairman of the Policy & Finance Chairman, unless they cannot be contacted, and the urgency is such that action is paramount.

CANVEY ISLAND TOWN COUNCIL

SCHEME OF DELEGATION

The Councils scheme of delegation authorises the Proper Officer, Responsible Financial Officer, and committees of the Council to act with delegated authority in specific circumstances.

Section 101 of the Local Government Act 1927 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

Council

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

- Setting the final budget and the Precept.
- Approving accounting statements and the annual governance statement.
- Borrowing money.
- Writing off bad debts.
- Declaring eligibility for the General Power of Competence.
- Making, amending, or revoking Standing Orders or Financial Regulations.
- Making, amending, or revoking by-laws.
- Making of orders under any statutory powers.
- Making banking arrangements.
- Nomination and appointment of representatives of the Council to any other authority, organisation, or body.
- Prosecution or defence in a court of law.
- Addressing recommendations in any report from the internal or external auditors,

Proper Officer

The Town Clerk shall be the Proper Officer of the Council and as such has specific responsibilities which are detailed in the Councils Standing Orders.

The Town Clerk and Responsible Financial Officer has the delegated authority to undertake the following matters on behalf of the Council:

To authorise the payment of items only in the following circumstances:

- If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and Responsible Financial Officer certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council or Policy & Finance Committee.
- An expenditure item authorised under 5.6 of the Financial Regulations (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council / committee; or
- fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council / committee.

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

- To authorise normal budgeted items of works up to the value of £5,000 in exercise of ANY of the Council's functions within the agreed budget without referral to the relevant Committee
- In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement, or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £2,500. The Clerk shall report such action to the Town Mayor as soon as possible and to the council as soon as practicable thereafter.
- To discharge the functions of the day-to-day management of staff.

Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations and with directions given by the Council.

Responsible Financial Officer

The Responsible Financial Officer to the Council shall be responsible for the Town Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

Committees

All committees have delegated power to act on behalf of the council within their terms of reference except for the Policy & Finance committee.

Planning Committee

- Planning applications received will be provided to the planning committee to inform the Town Clerk/Planning Officer whether a meeting will be required.
- Comments from meetings will be provided to the planning authority.
- Comments will be recorded in the minutes of the Planning Committee meeting.
- The Planning Committee chairman has approval by the Council to discuss the approved comments at the planning authority's meetings.

Each committee must always consider its duty to Best Value, Equal Opportunities (race, religion, gender, sexual orientation, marital status, and any disability), Crime and Disorder, Health and Safety and Human Rights

Responsibilities common to all committees:

- To be responsible for compiling its annual budget.
- To be responsible for compiling its four-year plan as part of the annual budget. No additions will be made once approved by Full Council and new projects will be considered in the next budget year.
- To present and obtain approval for its annual budget from the Full Council.

A committee may refer matters on which it has delegated authority to the Council for a final decision if it so wishes.

Other standing sub-committees may be formed by resolution of the Council at any time and delegated powers may be decided upon at the time the sub-committee is formed by means of a minute detailing the terms of reference.

Working Groups/Parties

Working groups/parties may be formed by resolution of the Council or a committee at any time. The work 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. Each working group/party will report back with recommendations to the Council or the committee that agreed its formation.

Urgent Matters

There shall be delegated to the Town Clerk the authority to act in respect of any function of the Council which, in his/her opinion, does not admit of delay. Such authority shall only be exercised after consultation with the Town Mayor, Deputy Town Mayor, or the Chairman of the Policy & Finance Chairman, unless they cannot be contacted, and the urgency is such that action is paramount.

Delegation - Limitations

Committees and sub-committees shall, always, act in accordance with the Council's standing orders, financial regulations 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.

Any action taken under delegated powers must be reported to the Council or its committee at its next available meeting confirming the actions taken and the reasons in accordance with the Openness and Local Government Bodies Regulations 2014.

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