

HONITON TOWN COUNCIL

DELEGATION OF POWERS TO THE TOWN CLERK & DEPUTY TOWN CLERK

Town Clerk

Over the past few years, several powers have been delegated by Honiton Town Council to the Town Clerk. These delegated powers arise as the everyday duties of the Proper Officer and Responsible Finance Officer. It is the duty of the Council to review these delegations on an annual basis and confirm as appropriate.

1. The Clerk has day to day responsibility for the management of all staff employed by Honiton Town Council.
2. The Clerk is empowered to take financial action to deal with an emergency arising that is within the powers of the Town Council
3. The Clerk is empowered to act as a representative of the Town Council on all Honiton Town Council working groups
4. The Clerk is empowered with regard to the community complex (Minute 10/73 of 22 February 2010)
 - a. To negotiate with legal and financial advisers
 - b. To liaise with East Devon Officers
 - c. To make payments according to a schedule pre-agreed by the Council
 - d. To make funding applications
5. The Clerk is empowered with regard to purchasing (Financial Regulations Section 3)
 - a. To purchase items in support of ratified decisions
 - b. To purchase items in support of the day to day running of the Town Council up to a value of £500 per item (or up to £1500 by agreement with two of the following: the Mayor, the Deputy Mayor, the Chairs of the Policy & Finance Committees)
 - c. To raise cheques as part of the annual precept setting for ongoing grants
 - d. To raise cheques to meet employment obligations re salaries in accordance with rates agreed by the Council
 - e. To make purchases formally delegated by the Town Council or any of its committees with delegated powers
6. The Clerk is empowered to manage the Council's bank accounts on a day-to-day basis and to invest monies as appropriate and agreed by the Council (Financial Regulations Section 10)
7. The Clerk is empowered to manage the day-to-day operation of the Council Offices

Deputy Town Clerk

Powers would be delegated only in the circumstances of the ongoing absence of the Town Clerk due to sickness or holiday. All decisions made by the Deputy Town Clerk relating to this delegation of powers should be in consultation with the Mayor wherever practicable and cover

1. Day to day responsibility for the management of all staff employed by Honiton Town Council
2. Taking financial action to deal with an emergency arising that is within the powers of the Town Council
3.
 - a. Purchasing items in support of ratified decisions
 - b. Raising cheques as part of the annual precept setting for ongoing grants
 - c. Raising cheques to meet employment obligations re salaries in accordance with rates agreed by the Council
 - d. Making purchases formally delegated by the Town Council or any of its committees with delegated powers
 - e. Raising cheques in support of the day to day running of the Town Council by previous agreement with two of the following: the Mayor, the Deputy Mayor, the Chairs of Policy & Finance Committees) (*note: amended from Clerk's responsibilities*)
4. Managing the Council's bank accounts on a day-to-day basis and investing monies as appropriate and agreed by the Council
5. Attendance at working group meetings as requested in order to facilitate meetings
6. Day to day responsibility for the operation of the Council Offices

Minute from Full Council 26 April 2021

Honiton Town Council Covid-19 Temporary Scheme of Delegation April 2021:

In light of the Coronavirus (Covid-19) pandemic and government advice, this council resolves that:

- (a) Should the council be unable to meet for whatever reason, the Clerk be given delegated authority to progress all ongoing matters and projects and authorise all regular payments and incur expenditure in line with the council's agreed budget.
- (b) Any decisions taken under resolution (a) above will be taken, whenever possible, in consultation with the Chairman and Vice Chairman of council and the relevant Committee Chairman (if appropriate). A record of all decisions and expenditure incurred under delegated authority will be kept and reported to members when the council next meets. Where the decision is one that could ordinarily only be made at a meeting of the Council, the Town Clerk, will, where possible, give advance notice of the decision to be made to both councillors and public by publication on the Town Council's website.
- (c) The authority to decide the council's response to planning applications be delegated to the Clerk or Deputy Town Clerk, in consultation with the Chairman and vice Chairman. Whenever possible, members of the Planning Committee (or council in the case of Major applications) will be informed of applications out for consultation and will be invited to submit comments to the Clerk or Deputy Clerk.
- (d) The provisions outlined in resolutions (a-c) above will override any requirements to the contrary in the council's standing orders, financial regulations or terms of reference.
- (e) In the interest of staff, volunteer and public safety the office will be closed to the public, except by appointment, whenever government advice deems this to be appropriate.
- (f) In line with government advice, staff will be enabled to work from home if isolation is necessary.
- (g) Should the Clerk be unable to perform his duties, the Deputy Town Clerk will assume the role of Proper Officer and RFO.

- (h) The Clerk, in consultation with the Chairman and Vice Chairman, may incur expenditure from earmarked reserves where such expenditure will help the community's efforts to support those in need of assistance or prevent social isolation and may recommend the use of other earmarked reserves and budgets if necessary.
- (i) Should government allow councils to continue to meet virtually (online), the council will take all reasonable steps to facilitate this.
- (j) In the absence of the Chairman or Vice Chairman the Clerk may direct any member of the Council to sign official documents on behalf of the Council.

Name: Stephen Hill

Post: Town Clerk

Month year: April 2021

Full Council 17 June 2021

21/42 Motions

c. Focus on Governance Structure

Members RESOLVED to delegate to the Town Clerk or Deputy Town Clerk the authority to decide the Council's response to Planning Applications in consultation with the Ward Members. Whenever possible, all Members of the Council will be informed of applications out for consultation and will be invited to submit comments to the Clerk or Deputy Clerk. Consultation comments on all Major applications will be decided by Full Council; previous delegations with respect to Planning consultations are superseded.

Minutes of Full Council 20 December 2021

21/297 Virtual Consultative Meetings and Delegation to Town Clerk

Members RESOLVED to:

- a) **introduce the option for the Council to have consultative meetings (virtually, advertised and in public), instead of all Committees and Full Council physical meetings;**
- b) **Delegate Authority to the Town Clerk/Responsible Financial Officer/Proper Officer to Decide all matters on behalf of the Council (where permitted) having consulted all Councillors;**
- c) **to agree that the Town Clerk can implement and revoke that option at any appropriate time for each Committee/Full Council (after consultation with all Councillors); This to be reviewed by Full Council at a virtual meeting to be held in March 2022.**
- d) **to immediately implement that option until such time as revoked by the Town Clerk (after consultation with all Councillors) further to a recommendation of Full Council at the consultative meeting.**
- e) **if legislation permits, agree that the Council can make Decisions in virtual meetings.**

**HONITON TOWN COUNCIL
STATEMENT ON INTERNAL CONTROL
FOR THE YEAR ENDING 31 MARCH 2022
Reviewed by Full Council 26 April 2021**

1. SCOPE

Honiton Town Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for as well as being used economically, efficiently and effectively.

In discharging this overall responsibility, the Council is also responsible for ensuring that there is a sound system of internal control which facilitates the effective exercise of the Council's functions and which includes arrangements for the management of risk.

2. THE SYSTEM OF INTERNAL CONTROL

The system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed

- a) To identify and prioritise the risks to the achievement of the Council's policies, aims and objectives;
- b) To evaluate the likelihood of those risks being realised and the impact should they be realised;
- c) To manage them efficiently, effectively and economically.

The system of internal control has been in place at the Council for the year ended 31 March 2022 and up to the date of approval of the annual report and accounts and accords with proper practice as laid down by the Council's Financial Regulations reviewed in May 2021.

3. THE COUNCIL'S INTERNAL CONTROLS

- a) The Council has elected a Chairman who is responsible for the smooth running of meetings and for ensuring that all Council decisions are lawful.

The Council reviews its obligations and objectives and approves budgets for the following year at its November meeting. The January meeting of the Council approves the level of precept for the following financial year.

In 2011 the Town Council established a Risk Management Working Group which is established a Risk Register and reviewed all the Council's risk assessments. The Council has Risk Assessments approved by Full Council, not least the Corporate Risk Assessments and any specific Risk Assessments. The Town Clerk is usually delegated responsibility (by Full Council) to prepare the draft in consultation with a number of Councillors.

The Council's Finance & Policy Committee monitors progress against objectives, financial systems and procedures, budgetary control and carries out regular reviews of financial matters. The Committee will on a quarterly basis ensure that all Sage entries are completed and the bank reconciled. A list of all payments and receipts for each month will also be provided along with a report comparing against the budget. From this it will make recommendations to the full Council.

The Full Council meets 12 times a year and monitors progress against its aims and objectives at each meeting by reviewing and ratifying the recommendations of the Policy and Finance committee and by receiving relevant reports from the Clerk.

The Council through the recommendations of the Finance & Policy Committee carries out regular reviews of its internal controls, systems and procedures.

- b) The Council has appointed a Clerk to the Council who acts as the Council's advisor and administrator. The Clerk as the Council's Responsible Financial Officer manages and administers the Council's finances. The Clerk is responsible for the day to day compliance with laws and regulations that the Council is subject to and for managing risks as well as ensuring adherence to the Council's procedures and policies.
- c) All payments are made by cheque, direct debit or standing order. All payments are reported to the Council for approval, resolution and minuting. Two Members of the Council must authorise every payment through signature of invoices.
- d) The Council carries out regular risk assessments in respect of actions and regularly reviews its systems and controls via the established Risk Management Working Group.
- e) The Council has appointed an Independent Internal Auditor (IAC) which reports to the Council on the adequacy of its:
 - records
 - procedures
 - systems
 - internal control regulations
 - risk management
 - reviews

The effectiveness of the internal audit is reviewed annually.

- f) The Council's External Auditors, PKF Littlejohn, submits an annual Report of Audit, which is presented to the Council.
- g) The Council has contracted for HR advise from HRSP and continues to use its services.
- h) The Council has obtained funds through loans from Public Works Loan Board (PWLB) towards construction of the Beehive, which currently stands at c. £850k (£1,008k repayment). Annual repayment of these loans will be from the amount that was agreed in 2011 (at £59k) to put aside for loan repayment each year through the precept and so will not incur an increase year on year.

4. EFFECTIVENESS

The Council has responsibility for conducting an annual review of the effectiveness of its system of internal controls. The review of the effectiveness of the system of internal controls is informed by the work of the:

- Risk Assessment delegation
- Finance & Policy committee
- Full Council
- Clerk to the Council/Responsible Financial Officer who has responsibility for the development and maintenance of the internal control environment and the management of risks
- independent Internal Auditor who reviews the Council's system of internal controls
- Council's External Auditors, who make the final check using the Annual Return, a form completed and signed by the Responsible Financial Officer, the Chairman and the Internal Auditor. The External Auditor produces a final report which is presented to the Town Council
- number of significant issues that are raised during the year.

5. SIGNIFICANT INTERNAL CONTROL ISSUES

The Council needs to improve its management of risks and therefore will agree a revised updated Corporate Risk Assessment in addition to specific Risk Assessments. These are prepared by the Town Clerk under delegation from Full Council, in consultation with some specified Councillors and approved by Full Council.

The Council has claims against it to the Employment Tribunal from ex-employees, which it will manage in line with confidential decisions of Full Council and based on specific risk assessments. The Council seeks insurance for the claims and can be represented by the insurer's (Zurich) employment law advisor (DAS Law) or appoint its own.

The Council has Subject Access Requests (SAR) from ex-employees with it will manage it line with legislation and the Council takes specialist advice from May & Hope.

The Council has not received the conclusions of External Audits for 2019/20 or 2020/21. A member of public has challenged the AGAR 2019/20 which has resulted in further audit work to be done by the External Auditor based on information provided by the Council.

The Council has agreed a Variation to the lease of the Beehive to Honiton Community Complex (HCC) January 2021, including a break clause and fixed annual cost contribution (£10k) plus one off financial contributions (including Covid Grant of £15k).

Whilst no other significant internal control issues were identified during the year the Council strives for the continuous improvement of the system it has adopted for internal control and has addressed all other minor issues and weaknesses raised and reported during the review process and has adopted Financial Regulations based on new model regulations amended since the introduction of Governance and Accountability for Local Councils and Openness and Transparency Acts were introduced in 2014/15.

Reviewed and Approved Full Council 9th May 2022