

# **SCHEME OF DELEGATION**

**MAY 2023**

This scheme of delegation authorises Standing Committees of the Council, the Proper Officer and the Responsible Finance Officer to act within delegated authority in the specific circumstances detailed. These delegations are necessary for the effective day to day running of the Council. This scheme of delegation shall be reviewed by the Council at least annually along with the review of the Council's Standing Orders and Financial Regulations.

## **COUNCIL AND ITS COMMITTEES**

### **1. Council**

The following are reserved matters for the Council to decide, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration:

- Approval of Budget and setting the Precept
- Authorisation of Borrowing
- Approval of the Council's Annual Governance Statement and the Accounting Statement
- Addressing recommendations in any report from the internal or external auditors
- Making, amending or revoking Standing Orders, Financial Regulations and the Scheme of Delegation
- Appointment to Standing Committees
- Filling of vacancies occurring on any Standing Committee of the Council during the Civic year
- Making, amending or revoking bylaws
- Making of orders under any statutory powers
- Approving and adopting the Council's Business Plan
- The appointment of the Parish Clerk and the Responsible Finance Officer taking into account the advice of the Personnel Committee
- The dismissal of the Parish Clerk or Responsible Finance Officer
- The dismissal of members of staff, excluding during probationary periods
- Dates of meetings of the Council
- Agreement to take on new, including devolved services, subject in all cases to the recommendation of the Personnel and Finance Committee
- Matters of principle or policy
- Adopting all the minutes approved by Committees
- Approval of application for the Local Council Award Scheme
- Nomination and appointment of representatives of the Council to any other authority, organisation or body
- Any proposed undertaking committing expenditure above £50,000
- Responses to legislative and other allied consultations excluding planning related matters dealt with by the Planning Committee (Full Council to submit responses for major development)
- Prosecution or defence in a Court of law other than an Employment Tribunal
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a Committee
- Decisions to adopt the General Power of Competence
- Write off of bad debts
- All other matters which must, by law, be reserved to the Full Council

## **PROPER OFFICER AND RESPONSIBLE FINANCIAL OFFICER**

### **2. Proper Officer**

The Parish Clerk is designated and authorised to act as Proper Officer of the Council for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer other than as required by the LGA 1972 S151 (Responsible Finance Officer) and as such is authorised to carry out the functions specified in Chapter 3 of the Council's Standing Orders. Additionally, to the above, the Parish Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- Oversee all of the Council's services
- Manage the Council Staff in accordance with the Council's policies, procedures and budget
- Authorisation of expenditure as detailed in the Council's Financial Regulations
- Take, discontinue and/or appear in any legal action authorised by the Council
- To appear or make representation to any tribunal or public inquiry into any matter which the Council has an interest
- In consultation with the Chairman of the Council and to negotiate and agree settlements on behalf of the Council in relation to any proceedings in the Employment Tribunal
- To apply for planning consent for carrying out of development by the Council
- Initiating legal action or proceedings against unauthorised encampments or encroachments on Council land
- Negotiating the terms of any lease, licence conveyance or transfer of land or property
- The granting or refusal of the Council's consent under the terms of any lease
- The granting of easements, wayleaves and licences over Council land
- Exercise in his own right or to authorise Officers to exercise statutory powers of entry and inspection for the purposes of any function under their control
- Serve requests for information as to ownership, occupation and other interests in land for the purpose of any function under their control
- Appoint consultants and other professionals to carry out any function and provide any service under their control, subject to the Council's Standing Orders and Financial Regulations.
- 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.

All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.

The Parish Clerk will exercise these powers in accordance with:

- Approved budgets
- The Council's Standing Orders and Financial Regulations
- The Council's Policy Framework and other adopted policies and procedures of the Council
- All statutory common law and contractual requirements.

The Parish Clerk may do anything pursuant to the delegated power, or duty, which it would be lawful for the Council to do, including anything reasonably implied or incidental to that power or duty.

Provided that such authorisation is not prohibited by statute, the Parish Clerk, to whom a power, duty or function is delegated, may authorise another Officer to exercise that power, duty or function, subject to:

- Such authorisation being in writing
- Only to be given to an Officer below the delegated officer in the organisational structure
- Only being given where there is significant administrative convenience in doing so
- The Officer authorised by the Parish Clerk acting in the name of the Parish Clerk

A delegation to a subordinate Officer shall not prevent the Parish Clerk from exercising the same power or duty at the same time.

### **3. Position of Chairman of the Council**

The Council will appoint a Chairman of the Council.

Since no individual Member may act alone in an executive capacity, the Clerk is delegated and directed to work with the Chairman to undertake overall management of the business of the Council, including:

- Day to day decisions on the implementation of Council Policy
- Overseeing work to implement Council Business Plan
- Managing Urgent Business

The Chairman of the Council and the Chairman of the Personnel Committee will provide line management for the Parish Clerk.

### **4. Urgent Matters**

In the event of any matter arising which requires an urgent decision, the Parish Clerk shall forthwith consult with the Chairman of the Council and other relevant Committee Chairs and/or Vice Chairs before acting on behalf of the Council.

Before the Parish Clerk exercises the delegated powers granted by the above paragraph, those Members consulted shall consider whether the matter justifies summoning an Extraordinary Meeting of the Council.

Whenever any action is taken as a matter of urgency, full details of the circumstances justifying the action shall be submitted in writing to the next available meeting of the Council.

### **5. Responsible Financial Officer**

The Responsible Finance Officer to the Council is the designated Local Government Act 1972 Section 151 Officer and shall be responsible for the Parish Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

The Responsible Finance Officer is authorised to:

- Operate the Council's banking arrangements.
- Pay all accounts properly incurred
- Pay all subscriptions to organisations to which the Council belongs
- Make all necessary arrangements for the provision of an internal and external audit service for the Council

- Negotiate settlements in connection with claims made by and against the Council in consultation with the Council's insurers where appropriate
- Enter into leasing and contract hire agreements for the acquisition of vehicles, machinery and equipment approved by Council or an appropriate Committee on such terms as are considered appropriate
- Manage investments as authorised by the Council's investment strategy
- Raise and repay loans approved by the Council
- Authorise action for the recovery of debt
- Maintain a Register of Assets and Inventory of Equipment
- Determine the Parish Council's insurance requirements.
- Make all necessary arrangements for the Council's insurance
- Prepare a draft budget for consideration by Council
- Prepare the final accounts for each financial year

All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.

The Responsible Finance Officer will exercise these powers in accordance with:

- Approved budgets
- The Council's Standing Orders and Financial Regulations
- The Council's Policy Framework and other adopted policies and procedures of the Council
- All statutory common law and contractual requirements

The Responsible Finance Officer may do anything pursuant to the delegated power, or duty, which it would be lawful for the Council to do, including anything reasonably implied or incidental to that power or duty.

## 6. Authority to Incur Expenditure

Table 1 details the authorised limits of expenditure and certification of invoices.

<b>Table 1 – Authority to Incur Expenditure</b>			
<b>AUTHORITY</b>	<b>LIMIT</b>	<b>OFFICER</b>	<b>COMMENTS</b>
To incur expenditure	Within budget	Parish Clerk	As Proper Officer for the Council, the Parish Clerk is tasked with enacting the decisions of the Council and does this within approved budget parameters
Emergency Expenditure	£100	Parish Clerk	Report to next Council Meeting
Authorise Invoices	All invoices	Parish Clerk and two Councillor signatories.	The Parish Clerk confirms expenditure and determines cost centre allocation. The Council delegates authority to the Clerk and any two Councillor signatories to approve the accounts for payment. Such payments to be

			presented to the next meeting of the Council.
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**7. Council and Committee Meetings**

Members of the public are welcome to attend meetings of the Council and its Committees, provided that members of the public are not excluded pursuant to the Public Bodies (Admission to Meetings) Act 1960, s1 for reasons of confidentiality relating to staff or commercially sensitive matters.

Meetings of the Council and its Committees may also be broadcast on zoom, provided that members of the public are not excluded pursuant to the Public Bodies (Admission to Meetings) Act 1960, s1 for reasons of confidentiality relating to staff or commercially sensitive matters.

**8. Review of this Scheme**

This Scheme will be reviewed at the annual meeting of the Council.