



## **Scheme of Delegation**

*Adopted 24<sup>th</sup> March 2020*

### **Introduction**

This document sets out Bratton Parish Council's Scheme of Delegation. This scheme provides a framework for who is legally able to make a decision on any matter within the PC's remit. This scheme should be read and applied in conjunction with the adopted Standing Orders and Financial Regulations.

The Scheme of Delegation ensures that the PC is able to act both correctly and with all reasonable speed. It does not apply to major matters of policy, the determination of which is the sole remit of the PC as a corporate body. Day to day administration falls to the Clerk in line with the Clerk's Job Description. While delegation is necessary for the PC to run efficiently and effectively, PC members should always have the fullest information and therefore decisions taken under delegated authority given to the Clerk on a specific matter will be reported to the following PC meeting.

### **Legal Basis of Delegation**

The legal basis is contained in the Local Government Act 1972, section 101 of which sets out arrangements for discharge of functions by local authorities. The key provision is s.101 (1).

Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions:

- (a) by a committee, a sub-committee or an officer of the authority, or
- (b) by any other local authority.

There are exceptions to delegation, mainly relating to finance. For example, the PC cannot delegate the authority to set its annual precept nor to sign off the Annual Return, these matters are reserved for the PC as a whole to determine.

An officer – in the case of Bratton Parish Council the Clerk as proper officer – is the *only individual* who can act on behalf of the PC.

## **Specific Scheme of Delegation**

### 1. The Clerk / RFO

1.1 The Clerk to the Council shall be the Responsible Financial Officer (RFO) to the Council 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.

1.2 The Clerk to the Council shall be the Proper Officer of the Council and as such is specifically authorised to:

Receive declarations of acceptance of office

Receive and record members' interest

Receive and grant dispensations according to the Council's Code of Conduct; details of all dispensations received and granted to be reported to the Council at the next available meeting.

Receive and retain plans and documents

Sign notices or other documents on behalf of the Council

Receive copies of bye-laws made by a primary local authority

Certify copies of bye-laws made by the Council

Sign summons to attend meetings of the Council

To institute and appear in any legal proceedings authorised by the Council

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

Day to day administration of services together with routine inspection and control

Implement national pay awards and conditions of service in line with the National Joint Council Scheme of Conditions of Service as amended by Local Agreement

Authorisation to call any extra-ordinary meetings of the Council as necessary, having consulted with the Chair 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

The Clerk may incur expenditure of up to £2,000 on any matter relating to the business of the PC and included in its budget, such expenditure to be reported to the next PC meeting after that expenditure has been incurred. This delegation is in place to enable the PC to meet its financial obligations where payment approvals cannot be made at a scheduled meeting.

The Clerk may incur expenditure of up to £2,000 on any matter relating to the business of the PC, such expenditure to be approved by the Chair and Vice-Chair and reported to the next PC meeting after that expenditure has been incurred. This delegation is in place to enable the PC to act on matters of an urgent nature, where the need to spend money cannot be referred to the next scheduled meeting.

To act as the Council's designated officer for the purposes of the Freedom of

## Information Act 2000

Comment on planning applications or applications for Listed Building Consent *if* the PC is unable to secure an extension from the LPA until the PC's next scheduled meeting *and* the issues involved are not of a major nature. Such comment to follow email consultation with members. Where a planning application is of a major nature and a PC meeting cannot be held, consultation will be held with members via email and a majority view response prepared by the Clerk. Such response will be submitted to the Council via email for approval before submission to the LPA.

The Clerk may award contracts in line with previously set budgets in order to ensure continuity of service and project delivery

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

1.5 The Openness of Local Government Bodies Regulations 2014 (2014 SI No. 2095), which came into force on 6 August 2014, require a written record to be kept of certain decisions made by an officer of a parish council acting under delegated powers. The decisions are those:

made under a 'specific express authorisation', or

made under a general authorisation where the effect of the decision is to;

i) grant a permission or licence,

ii) affect the rights of an individual, or

iii) award a contract or incur expenditure which, in either case, significantly affects the financial position of the Parish Council.

1.6 This Policy follows the scope of this provision as detailed in the guidance issued by the Department of Communities & Local Government 'Plain English' guide to the Regulations. The relevant guidance for parish councils is as follows:

*'Officers take many administrative and operational decisions on how they go about their day to day work within the council's rules. These decisions will not need to be recorded.'*

Examples of decisions that should be recorded could include:

decisions about awarding contracts in line with budgetary and policy provision; and

decision to engage legal and professional support

Where decisions are already required to be published by other legislation, they do not need to be recorded again provided the record published has the date the decision was taken and the reasons for the decision.

Decisions that do not need to be recorded might include the following examples:

routine administrative and organisational decisions such as the purchase of office supplies or repairs;

a decision to submit a planning application response agreed by e-governance;

These are a few selected examples and not an exhaustive list. It is for the council to decide what information should be recorded on the basis of the national rules.

1.7 The Clerk currently has authority to incur expenditure up to £1,000 under the provisions of the Financial Regulations. The Parish Council does not consider that such expenditure is likely to significantly affect the financial position of the Parish Council. Expenditure in excess of these limits must be authorised by Full Council and the decision will be recorded in the minutes. Where such a meeting cannot be held and the expenditure required cannot be deferred members will be consulted via email for pre-approval of such expenditure. Any such expenditure will be reported to the next meeting of the Parish Council.

## 2. The Council

2.1.1 The Parish Council can take all decisions or it may appoint one or more committees or sub committees for the purpose of discharging its functions. It may also delegate some of its functions to the officer of the Parish Council.

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

Setting the Precept

Borrowing money

Approval of the Council's Annual Accounts and completion of the Annual Return

Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation

Making, amending or revoking bye-laws

Making of Orders under any statutory powers

Matters of principle or policy

Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings)

Any proposed new undertakings

Prosecution or defence in a court of law

Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee

All other matters which must by law be reserved to the full Council

## 3. Urgent matters:

3.1 In the event of any matter arising which requires an urgent decision the Clerk to the Council shall consult with the Chair and Vice-Chair of the Council, if the matter involves expenditure not provided for in the annual budget, and not covered by Financial Regulations before acting on behalf of the Council in respect of the particular matter under consideration.

3.2 Before the Clerk exercises the delegated powers granted by this Scheme of Delegation, those members consulted shall consider whether the matter is of sufficient interest to justify the summoning of a special meeting of the Council. In the event that meetings of the Council cannot be held or are inquorate members will be consulted via email.

3.3 Whenever any action is taken in this way, full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next appropriate

meeting of the Council.

3.4 Where the Clerk is unable to carry out his/her duties due to sickness and it is deemed that the length of any absence will prevent the timely execution of Council business the Chair and Vice-Chair are authorised to consult with the Society of Local Council Clerks to arrange for Locum Cover. The level of cover required will be agreed via consultation with the Clerk. Any cover arrangements and resulting costs will be approved in advance either by a meeting of Council or by e-governance if a meeting cannot be held.

#### 4 Working groups

4.1 Working groups may be formed by resolution of the council at any time. The work of such a working group shall be formed by means of a minute detailing the working group's terms of reference.

4.2 Where working groups are established they will be convened by their lead member and maintain their own notes which shall be reported in full to the Parish Council. They are advisory bodies only with no delegated decision making powers. Officer(s) will attend by invitation only as ad hoc advisor(s).