

TIBSHELF PARISH COUNCIL

SCHEME OF DELEGATION

DATE OF LAST REVIEW	NEXT REVIEW DATE
Full Council Meeting 16/05/2023 Min No. 0523/3013	

INTRODUCTION

This document sets out the manner in which the Parish Council has delegated powers and responsibilities. This Scheme of Delegation is not comprehensive and is subject to being implemented in accordance with the law, the Council's Standing Orders and Financial Regulations.

The power to delegate functions is set out in the Local Government Act 1972 s101. The intention of the delegation scheme is to allow the Council to act with all reasonable speed.

Decisions should be taken at the most suitable level. Therefore, the Clerk is given powers over the day-to-day administration of the Council and any Committees, to decide matters within their Terms of Reference. Matters of major policy should be recommended to the Full Council.

The Clerk shall be:

- The Proper Officer and carry out functions as provided by the Local Government Act 1972.
- The Responsible Financial Officer in accordance with the Accounts and Audit Regulations in force at any given time.

DELEGATION ARRANGEMENTS

Council

Certain functions cannot be delegated and are therefore reserved for the full Council, although an appropriate committee may make recommendations thereon for the Council's consideration.

Functions that are reserved to a meeting of the full Council are:

- Setting the precept and approval of the Council's budget,
- Approval of the Annual Accounts,
- Completion of the Annual Return and the Annual Governance Statement,
- Consideration of an Auditor's report made in the public interest,
- The making, amending, or revoking of Standing Orders, Financial Regulations and this Scheme of Delegation,
- Adoption or revision of the Council's Code of Conduct,
- To appoint committees or sub-committees,
- To Appoint the Clerk of the Council (Proper Officer),
- To appoint the responsible Finance Officer (who may also be the Clerk),
- Confirmation (by resolution) that the Council has satisfied the statutory criteria to exercise the General Power of Competence,
- Determination and review of the Bank Mandate,
- Matters of principle or policy,
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish,
- The making, amending, or revoking of byelaws.
- Agreement to write-off bad debts
- Authorisation as to the terms and purpose of any application for Borrowing Approval and subsequent arrangements for the loan.
- Approval of any financial arrangement which does not require formal borrowing approval from the Secretary of State (e.g., hire purchase or leasing of tangible assets)
- Approval of purchase, acquisition by other means, lease, sale or disposal of interests in land or buildings,

- Approval of the virement of unspent and available amounts to other budget headings or reserves
- Approval of changes in earmarked reserves as part of the budgetary process.

Clerk

The Clerk to the Council shall be the Proper Officer and carry out the functions of the Proper Officer as provided by the Local Government Act 1972 and as set out in the job description for the post.

The delegated actions of the Clerk 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.

The Clerk is specifically authorised to:

- Receive declarations of acceptance of office.
- Receive and publish Members' Registers of Interest.
- Receive and grant Disclosable Pecuniary Interest (DPI) dispensations after consulting with the District Council's Monitoring Officer; details of all dispensations received and granted to be reported to the Council at the next available meeting.
- Sign and serve on councillors a summons with an agenda to attend Council and committee meetings.
- Convene a meeting of the Council if a casual vacancy occurs in the office of the Chairman.
- Sign notices or other documents on behalf of the Council.
- Receive and retain plans, notices, and documents.

In addition, the Clerk is authorised to undertake the day-to-day administration of the Council, to include:

1. Calling extra meetings of the Council or any committee or sub-committee as necessary, having consulted with the appropriate Chairman, except those called by the Chairman or members in accordance with the Standing Orders.
2. Issuing press releases and statements to the press on the Council's known policies, subject to the provisions of the Council's social media Policy.
3. Manage content on the Council's website and Facebook page.
4. Making arrangements for the maintenance of the Council's IT facilities.
5. Disposal of Council records according to legal restrictions and the agreed retention and disposal arrangements.
6. To discharge the Council's obligations in relation to the operation of the cemetery.
7. Handling requests for information under the Freedom of Information Act 2000 and the Data Protection Act 1998.
8. in the first instance, acknowledging and handling all complaints regarding the council (except where the complaint relates to the clerk).
9. Purchasing basic office equipment and supplies.
10. Arranging emergency repairs to Council premises (subject to the council's standing orders and financial regulations).
11. Taking appropriate action arising from other emergencies in consultation with the Chairman/Vice Chairman of Council or committee chairman as is appropriate to the circumstances.

12. Managing all employees of the council (excluding any variation to employment contracts) and taking disciplinary action, excluding termination of employment, under agreed procedures.
13. Making arrangements to pay salaries/wages and expenses to all employees of the Council, (subject to the Council's financial regulations).
14. Authorising routine recurring expenditure within the agreed budget.
15. Vire between cost centres, provided total expenditure will not exceed the Council's approved annual budget.
16. Authorising payment for items below £1,000 in accordance with the Financial Regulations.
17. Incurring emergency expenditure up to £1,000 whether or not there is budgetary provision in accordance with the provisions of the Financial Regulations.
18. Preparation and submission of comments to planning applications where the Council's agreed stance is known.

Financial Matters

The Responsible Financial Officer (RFO) of the Council is responsible for the Parish Council's accounting procedures and financial records and is accountable for the proper and transparent administration of its finances, in line with the current Account and Audit Regulations and the Council's adopted Financial Regulations.

The Clerk is authorised as follows to:

1. Be the Responsible Financial Officer for the purposes of Section 151 of the Local Government Act 1972
2. Make routine expenditure in accordance with Financial Regulations (Budgetary Control and Authority to Spend).
3. Operate the Council's banking arrangements with the approval of the Council.
4. Pay all accounts properly incurred.
5. Pay all subscriptions to which the Council belongs.
6. Make all necessary arrangements to prepare and complete the internal and external audit services for the Council as required.
7. Incur expenditure on revenue items within the approved estimated and budgets under their control.
8. Accept quotations or tenders for work, supplies or services (where tenders are required by the Council's Financial Regulations), subject to the cost not exceeding the amount approved estimate.
9. Maintain a register of assets.
10. Determine the Council's insurance requirements on the Council's behalf.
11. Make all necessary arrangements for the Council's insurances.

Staffing matters

The Clerk is authorised as follows to:

- Determine approved duties for the payment of travel and subsistence expenses to members and officers where they represent the Council outside of the parish council area.
- Authorise training in line with the Council's policies.

Urgent matters

The Clerk is authorised to act on behalf of the council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the parish council and minuted.

Urgent decisions required between scheduled meetings are delegated to the Clerk in consultation with the council's Chair.

In the absence of the clerk or in the event that the clerk is an interested party, they will be substituted by an appropriate substitute from outside the parish council, ideally a clerk from a nearby parish.

In the absence of the council's chair, or in the event that the council's chair is an interested party, they will be substituted by the vice chair.

Under this delegation, where appropriate, the clerk may conclude that an extraordinary meeting of the council be called to deal with the urgent matter.