

# Winterbourne Stoke Parish Council

## Delegation Scheme

### Legal

Section 101 of the Local Government Act 1972 provides:

- a. That a Council may delegate its powers (except those incapable of delegation) to a committee; or an officer.
- b. A Committee may delegate its powers to an officer.
- c. The delegating body may exercise Powers that have been delegated.

## 1 Introduction

1.1 This Scheme of Delegation forms part of the Council's Financial Regulations and will be reviewed at least annually or earlier, for example when there are staffing changes

1.2 Those with delegated responsibility are referred to by job title, therefore any changes in job titles will trigger a review of this scheme

1.3 One of the purposes of the document is to clearly define the parameters within which Officers of the Council are able to act without reference to either their line managers or Members

1.4 Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place

1.5 Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

1.6 The other purpose of the document is to capture the various delegated powers throughout the council, including those delegated by the Council to its various committees. This element of the scheme incorporates the Terms of Reference of the committees.

## 2. Overview

2.1 Any delegation to the Parish Clerk shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and with the law.

2.2 In making any decision, regard shall be had to the Council's strategic goals and priorities.

2.3 To validate membership of a committee each member must participate in appropriate training within twelve weeks of their appointment to that committee.

2.4 In an emergency the Parish Clerk is empowered to carry out any function of the Council.

2.5 Where the Clerk is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Members, and must ensure that they obtain appropriate advice from the Council's legal, financial and other specialist personnel before action is taken. A record of the decision taken pursuant to delegated powers must be published in accordance with the Openness of Local Government Bodies Regulations 2014 (Appendix A)

2.7 Budgetary delegations are as approved and recorded in Appendix B.

### **3. Matters Reserved For Council**

3.2 Membership: All Councillors

3.3 Quorum: 3

#### **Matters To Be Resolved Only By Council:**

- To approve and adopt the budget.
- To appoint the Council Chair.
- To adopt the schedule of meetings for the ensuing year.
- To make any decisions which would be contrary to the policy framework.
- To determine matters involving expenditure for which budget provision is not made or is exceeded.
- To determine matters which do not fall within the remit of any Committee.
- To set the Precept.
- To borrow money.
- To receive statutory reports from the Parish Clerk.
- To consider any matter required by law to be considered by Council.

### **4. Safeguards**

4.1 The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a Committee or Officer.

## **5. Meetings**

5.1 Meetings are scheduled according to the timetable approved by Council at the Annual Parish Council Meeting.

## **6. Delegation to Committees**

6.1 **Committee Chairmen** - In liaison with the Parish Clerk, the Committee Chairmen have the authority to cancel or postpone a meeting owing to lack of business or in an emergency.

6.2 **Matters For Committees** - Each Committee has delegated authority to decide matters within their terms of reference.

6.3 Subject to urgent items (see paragraph 2 below), the following matters shall be referred to the relevant Committee or Full Council, where appropriate. Any matter which:

- requires a new policy; or
- requires an alteration to an existing policy (other than a minor amendment); or
- would be contrary to the policy framework; or
- involves expenditure, or a reduction in income, for which there is no sufficient budgetary provision; or
- in the opinion of the Parish Clerk, cannot in law or in accordance with the Standing Orders be decided by an Officer; or
- upon which a Committee has requested a report; or
- a Member has requested an item to be put on an agenda or
- in the opinion of the officer concerned, should be determined by a Committee.

## **7. Urgent Items**

7.1 Matters of urgency, as determined by the Parish Clerk (or in his/her absence the Chairman) shall be delegated to the Clerk following consultation with the Chairman/Vice-Chairman, subject to a report being made to the next meeting of the Council.

## **8. Emergency Matters**

8.1 Matters of emergency, as determined by the Parish Clerk shall be delegated to the Council Chairman and Chairmen of all Committees who may convene without public notice an emergency management meeting. The

Chairman is required to report to Council at the earliest opportunity.

8.2 An emergency is defined as:

- A matter with significant financial implications greater than £10,000
- A matter with significant legal implications
- A matter related to the conduct of a councillor that would potentially amount to gross misconduct or bringing the Council into disrepute.

## **9. Delegation to Officers**

9.1 The Parish Clerk is designated and authorised to act as Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.

9.2 Subject to those matters that are reserved for Committee (see paragraph 1 above) the Parish Clerk shall be responsible and shall have delegated authority for the day-to-day operations and management of the Council function.

9.3 Any matter not reserved for Committee (i.e. any matter falling outside the criteria contained in paragraph 1 above) shall be regarded as falling within the day to day operation and management of the Council and shall be delegated to the Parish Clerk and shall be exercised in accordance with the principles of delegation.

9.4 Delegations to members of staff in respect of routine financial matters are set out in the Scheme of Delegation:

9.5 The Parish Clerk shall have delegated management authority for the following Services:

- Services
- Resources

9.6 The Parish Clerk shall be responsible for signing all the Council's Official Notices and for sealing Council documents and is authorised to sign on behalf of the Council any document necessary to give effect to any decision of the Council.

9.7 The Parish Clerk shall be the Proper Officer for any function of the Council in the absence of any other appointment as specified within this Delegation Scheme.

## **Finance**

9.8 As RFO the Parish Clerk has authorisation to take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.

The Parish Clerk has authority to:

- Incur expenditure up to an approved maximum (£500) on any item for which provision is made in the appropriate budget provided that any action taken complies with any legislative provisions.
- Use the Repairs and Maintenance Budgets for the maintenance, replacement or repair of existing property or equipment.
- Recommend to the Council 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 of the approved budget;
  - the tender being the lowest or the one showing best added value to the Council according to the criteria set out in the tender documentation;
  - all the requirements of the Council's Financial Regulations being complied with.
- To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.
- To recommend to the relevant Council / committee on investing monies held by the Council with a view to obtaining the optimum financial return.

## **Property**

9.9 The Parish Clerk is given authority to manage the land and property of the Council including: -

- Agreeing the terms of any lease, licence, conveyance or transfer approved by the Council's solicitors and Finance & Business Committee.
- Granting or refusal of the Council's consent under the terms of any lease.
- Varying restrictive covenants of a routine nature.
- Recommending to Council on the granting of easements, wayleaves and licenses over Council land.
- Initiating legal action or proceedings against unauthorised encampments on Council land.

**Related Documents**

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**Adoption and Review History**

Adopted at Parish Council Meeting on:	2nd August 2018
Reviewed On:	
Next Review Due:	September 2021