

**BUCKLAND PARISH COUNCIL**

**SCHEME OF DELEGATION**

**Adopted 9<sup>th</sup> May 2022**

**Proposed next review date 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 alongside the review of 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:

- (a) Making, amending or revoking Standing Orders, Financial Regulations and the Scheme of Delegation
- (b) Matters of principle or policy
- (c) Approval of the Council's Annual Governance Statement and the Accounting Statement
- (d) Addressing recommendations in any report from the internal or external auditors
- (e) Approval of Budget and setting the Precept
- (f) Authorisation of Borrowing
- (g) Appointment to Standing Committees and the filling of vacancies occurring on any Standing Committee of the Council during the year
- (h) Nomination and appointment of representatives of the Council to any other authority, organisation or body
- (i) The appointment of the Parish Clerk taking into account the advice of the Personnel Committee
- (j) The dismissal of the Parish Clerk and dismissal of any other members of staff (excluding during probationary periods)
- (k) Dates of Council meetings
- (l) Adoption of Committee minutes
- (m) Making of orders under any statutory powers
- (n) Making, amending or revoking bylaws
- (o) 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)
- (p) Prosecution or defence in a Court of law other than an Employment Tribunal
- (q) Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a Committee
- (r) Approving and adopting a Business Plan

- (s) Agreement to take on new, including devolved services, subject in all cases to the recommendations of the Personnel and Finance Committee
- (t) Any proposed undertaking committing expenditure above E50,000
- (u) Write off of bad debts
- (v) Decisions to adopt the General Power of Competence
- (w) Approval of application for the Local Council Award Scheme
- (x) All other matters which must, by law, be reserved to the Full Council.

## 2. Delegation to Committees

For the day to day business of the Council, there shall be three Standing Committees:

- (a) Finance
- (b) Personnel
- (c) Planning and Licensing

The terms of reference and accountability of each Committees is set out in Appendix A of this scheme.

Delegated decision making by Committees must be exercised in accordance with the law, Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

Decision making delegated to a Committee, so as far as is legally permissible, shall be deemed the acts and proceedings of Council.

Council may at any time, following resolution, revoke any delegated authority, without prejudice to executive action already taken.

Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council. Similarly, where a Committee has no delegated power to make a decision it shall make recommendations to Council.

All Committees shall be delegated to make a decision on behalf of the Council to approve of the Committees Minutes as a true and correct record and to pass such minutes for adoption as a public record by the Council.

### 3. 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.

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

- (a) Oversee Council's services
- (b) Authorisation of expenditure as detailed in the Councils Financial Regulations;
- (c) Take, discontinue and/or appear in any legal action authorised by Council;
- (d) Take Counsel's advice or instruct Counsel to represent Council in any legal action authorised by Council;
- (e) To appear or make representation to any tribunal or public inquiry into any matter which Council has an interest;
- (f) To apply for planning consent for carrying out of development by Council;
- (g) Serve requests for information as to ownership, occupation and other interests in land for the purpose of any function under their control;
- (h) Appoint consultants and other professionals to carry out any function and provide any service under their control, subject to Council's Standing Orders and Financial Regulations;
- (i) Respond immediately to any correspondence, requiring or requesting information or relating to previous decisions of the Council;
- (j) Respond to consultations, such as (but not limited to) those applicable to policy reviews and operational practices subject to a requirement to consult with Councillors.

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:

- (a) Approved budgets;
- (b) Council's Standing Orders and Financial Regulations; and
- (c) Council's Policy Framework and other adopted policies and procedures of Council; and
- (d) 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.

#### 4. Responsible Financial Officer

The Parish Clerk, as Council's Responsible Financial Officer 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 Financial Officer is authorised to:

- (a) Operate the Council's banking arrangements;
- (b) Pay all accounts properly incurred;
- (c) Pay Council subscriptions to organisations;
- (d) Make all necessary arrangements for the provision of an internal and external audit service for the Council;
- (e) Determine the Parish Council's insurance requirements and make all necessary arrangements for the Council's insurance;
- (f) Negotiate settlements in connection with claims made by and against the Council in consultation with the Council's insurers where appropriate;
- (g) 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;
- (h) Manage investments as authorised by the Council's investment strategy;
- (i) Raise and repay loans approved by the Council;
- (j) Authorise action for the recovery of debt;
- (k) Maintain a Register of Assets and Inventory of Equipment;
- (l) Prepare a draft budget for consideration by Council; and
- (m) 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 Council.

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

- (a) Approved budgets;
- (b) Council's Standing Orders and Financial Regulations; and
- (c) Council's Policy Framework and other adopted policies and procedures of Council; and
- (d) All statutory common law and contractual requirements.

The Responsible Financial 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.

5. Chairman

Council will appoint a Chairman of 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:

- (a) Day to day decisions on the implementation of Council Policy;
- (b) Overseeing work to implement any Council Business Plan; and
- (c) Managing Urgent Business.

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

6. Urgent Matters

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

Whenever any action is taken as a matter of urgency, details of the circumstances justifying the action shall be reported to the next available meeting of the Committee concerned and/or Council.

7. Authority to Incur Expenditure

As Council's Proper Officer, the Clerk is tasked with enacting the decisions of Council and is so authorised to incur expenditure within approved budget parameters.

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.

8. Remote Working

Any meetings held remotely, as shall be permitted by legislation, shall meet in accordance with Standing Order 26.

## Appendix A

### **Finance Committee**

Membership of the Finance Committee shall consist of the Chairman, the Vice-Chairman and a maximum of three Councillors appointed from the remainder of Council. The Chairman shall chair Finance Committee meetings and the quorum shall be 3 Councillors.

#### Terms of Reference:

- (a) Developing Council's annual budget and recommending to Council the annual precept required.
- (b) Reviewing Council's revenue and capital expenditure throughout the year, intervening as necessary should spending exceed agreed budget.
- (c) Recommending to Council the allocation of grants and donations.
- (d) To undertake periodic reviews of Council's Risk Register and respond to any feedback from the regular inspection of Council assets.
- (e) The Chairman and Vice Chairman of the Committee have delegated powers to deal with urgent or minor financial matters, details of which will be reported at the next meeting of the Committee.

### **Personnel Committee**

Membership of the Personnel Committee shall consist of the Chairman and Vice-Chairman and a maximum of two Councillors appointed from the remainder of Council. The Chairman shall chair Personnel Committee meetings and the quorum shall be 3 Councillors.

#### Terms of Reference:

- (a) To make a recommendation to Council on all employment related matters including contracts, performance management, salary reviews and superannuation.
- (b) To make a recommendation to Council for the setting of the annual staffing budget.
- (c) To review Council policy documents and procedures in accordance with statutory advice: Discipline and Grievance Procedure, Statement of Commitment on Bullying and Harassment and Lone Worker Policy.

## **Planning and Licensing Committee**

Membership of the Planning and Licensing Committee shall be limited to a maximum of five Councillors. Council delegates authority to the Clerk to carry out Committee recommendations.

Terms of Reference:

- (a) To examine planning and licensing applications, notice of appeals, enforcement notices and other planning or licensing papers of relevance to the Parish pursuant to the preparation of responses, representations or statements;
- (b) To arrange for the necessary level of representation of Council's views to any Planning or Licensing Appeal or Inquiry if that is considered desirable;
- (c) Prepare responses to any consultations by the Planning Authority or County Council on future Local Plans, Structure Plans and major planning applications , and, if required to respond to Central Government Consultation Papers on planning matters;
- (d) If a response needs to be issued prior to the next meeting of the Parish Council, the Clerk has delegated power to submit such a response to the relevant authority, having first consulted with those Councillors serving on the Planning and Licensing Committee;
- (e) Planning and Licensing Committee meetings shall be held in public and include an opportunity for public participation, an agenda to be published at least 3 clear days prior to a meeting and a quorum of three.

END

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