

Scheme of Delegation to the Parish Clerk

This Scheme of Delegation was approved by the Council on 12 December 2022.

Introduction

The powers and duties set out in this scheme are delegated to the Parish Clerk. The Parish Clerk, where specified, may delegate these duties and powers to other officers within the Council.

The Parish Clerk is also the Council's Responsible Financial Officer and the Proper Officer and responsibility for the management of the organisation.

The scheme will be reviewed on a regular basis as required by the Council and when a new Parish Clerk is appointed.

1. Extent of Delegation

- a) All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
- b) The Parish Clerk will exercise these powers in accordance with:
 - approved budgets
 - the Council's Financial Regulations
 - the Council's Contract Procedure Rules
 - the Council's Procurement Strategy
 - the Council's Policy Framework and other adopted policies of the Council
 - all statutory common law and contractual requirements
- c) 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.
- d) 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 authorisations being in writing
 - only be given to an officer below the delegating officer in the organisational structure
 - only being given where there is significant administrative convenience in doing so
 - the officer authorised by the Parish Clerk is/will be acting in the name of the Parish Clerk
 - such authorisation not being prohibited by statute.
- e) A delegation to a subordinate officer shall not prevent the Parish Clerk from exercising the same power or duty at the same time.

2. General

The Parish Clerk is authorised:

- a) To sign, or where appropriate, have sealed on behalf of the Parish Council, any Orders, Deeds or Documents necessary to give effect to any of the matters contained in reports or in any resolution passed by the Parish Council.
- b) 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.

- c) To institute and appear in any legal proceedings authorised by the Council.
- d) To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest.
- e) To alter the date or time of a Council, Committee, Sub-committee or working group meeting but, before doing so, shall consult the Chair of the Council, or Chair of the relevant Committee, Sub-committee or working group concerned on the need for the change and to discuss convenient alternative dates and times.
- f) To decide arrangements for the temporary closure of Council services if required in consultation with the Chair of the Council.
- g) Deal with day-to-day matters relating to the use of council services, land and premises.
- h) To agree contractual arrangements for artistes and promoters and programmes of entertainment in relation to events organised by the Parish Council.
- i) To manage all the Council's current services.
- j) To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
- k) To apply for planning consent for all development by the Council, following council decisions.
- l) To apply for planning consent for tree works by the Council.
- m) Under the Regulation of Investigatory Powers Act 2000 to authorise directed surveillance or the use of a human intelligence source.
- n) To respond to complaints made under the Council's Complaints procedure and to make such *ex gratia* payments in settlement of such complaints as are considered justified and agreed by Council.
- o) To manage, monitor and review the Councils Internal control procedures.
- p) To manage, monitor and review the Councils Corporate Risk Management Strategy

3. Finance

The Parish Clerk is authorised as follows:

- a) To be the Responsible Financial Officer for the purposes of Section 151 of the Local Government Act 1972.
- b) To operate the Council's banking arrangements including arranging overdrafts with the approval of the Council.
- c) To incur expenditure up to a maximum of £5,000 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution.
- d) To incur expenditure ranging from £1500 to £5000 in consultation with the relevant Committee Chair or Chair of the Parish Council.
- e) To pay all accounts properly incurred.

- f) To pay all subscriptions to organisations to which the Council belongs.
- g) To make all necessary arrangements for the provision of an internal and external audit service for the Council.
- h) To negotiate settlements in connection with claims made by and against the council in consultation with the Council's insurers where appropriate.
- i) To incur expenditure on revenue items within the approved estimates and budgets under their control.
- j) To incur expenditure on capital schemes within the Council's approved Capital Programme.
- k) To enter into leasing and contract hire agreements for the acquisition of vehicles machinery and equipment on such terms as are considered appropriate and approved by Council.
- l) To accept quotations or tenders for work, supplies or services (where tenders are required by the Council's Financial Regulations), subject to:
 - i) the cost not exceeding the amount approved estimate
 - ii) the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation
 - iii) all the requirements of the Council's Financial Regulations being complied with.
- m) To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations
- n) To carry out virement of sums between cost centres in accordance with the Council's Financial Regulations.
- o) To manage investments and raise and repay loans as appropriate and obtain such other sources of credit as are required in accordance with the Financial Regulations.
- p) To authorise action for the recovery of debts.
- q) To write off debts up to the level set by the Council at its Budget Meeting subject to the approval in the year end accounts.
- r) To maintain a Register of Assets and Inventory of Equipment.
- s) To determine the Parish Council's insurance requirements on the Council's behalf.
- t) To make all necessary arrangements for the Council's insurances.

4. Staffing

The Parish Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:

- a) Appointments to posts, as approved by Council recommendation.
- b) The employment of temporary employees.
- c) The preparation of the job description and person specification, placing of the advertisement and short-listing of applicants except for new roles and that of the Parish Clerk.
- d) Management of staff (including voluntary workers) performance.

- e) Management of conduct and discipline, including the power of suspension, to be reported back to the Personnel Committee or the Parish Council.
- f) The exercise of disciplinary and grievance procedures in accordance with the Council's procedures.
- g) Determine approved duties for the payment of travel and subsistence expenses to members and officers where they represent the Parish Council outside of the Parish Council area.
- h) To make recommendations to the Personnel Committee and the Parish Council regarding applications for re-grading or changes in salary scales.
- i) To authorise salary increments and accelerated increments.
- j) To approve payment of overtime.
- k) To agree minor variations to the condition of employment, with reporting back to the Personnel Committee.
- l) To implement and monitor the arrangements for annual leave, flexible working, sickness absence and other forms of leave in accordance with the Council's policies.
- m) To authorise training in line with the Council's policies.
- n) To authorise the provision of uniforms or protective clothing.
- o) To approve payment of claims from employees for compensation for loss of or damage to personal property.
- p) To negotiate and agree settlements on behalf of the Council in relation to any proceedings in the Employment Tribunal, as approved by Council recommendation.
- q) To agree to premature retirement on the grounds of duly certified ill health, as approved by Council recommendation.
- r) To terminate employment during and to review salary on completion of probationary periods approved by Council recommendation.

The Parish Clerk will prepare a management report for each meeting of the Personnel Committee and Finance Committee on the exercise of duties in this section.

5. Property

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

- a) Enter discussions regarding the terms of any lease, license, conveyance or transfer in consultation with the council's legal advisors.
- b) Enter discussions regarding the granting or refusal of the Council's consent under the terms of any lease.
- c) Enter discussions regarding variations of restrictive covenants of a routine nature.
- d) Enter discussions regarding the granting of easements, way leaves and licences over Council land as approved by Council recommendation.

- e) Initiating legal action or proceedings against unauthorised encampments on Council land, in consultation with the Chair of the Parish Council.
- f) To direct the custody of Parish Council property and documents in accordance with the provisions of Local Government Act 1972 S226.

The Parish Clerk will prepare a management report for each meeting of the Finance Committee on the exercise of duties in this section.

6. Urgency

The Parish 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, or relevant committee or sub-committee. The Chair of the Parish Council and the Chair of any relevant committee are to be consulted before such action is taken.

7. Emergency Plan

To implement the Council's Emergency Plan and to incur any necessary expenditure. Any such action is to be reported to the next meeting of the Parish Council or relevant committee or sub-committee. The Chair of the Parish Council and the Chair of any relevant committee are to be consulted before such action is taken.

8. Procedural

- a) To authorise officers to exercise statutory powers of entry and inspection for the purposes of any function under their control.
- b) To serve requests for information as to ownership occupation and other interests in land for the purposes of any function under their control.
- c) To appoint consultants and other to carry out any function and provide any service under their control as approved by Council recommendation

9. Health and Safety

To oversee the discharge of the Parish Council's responsibilities under the Health and Safety at Work Act 1974.

10. Legal

- a) To take and discontinue legal proceedings in any Court or at any Tribunal as approved by Council recommendation
- b) To take Counsel's advice or instruct Counsel to represent the Parish Council, as approved by Council recommendation
- c) To seek injunctions and commence proceedings for the purposes of enforcement in:
 - i) recovering money due to the Council
 - ii) recovering or otherwise preserving possession of the Council's land or propertydefending the interests of the Council

- iii) appealing against a decision affecting the interests of the Council and responding to appeals against action taken by the Council
- d) To represent the Council at Court or any Tribunal or to make arrangements for appropriate representation
- e) To negotiate and settle the terms of documents to give effect to a decision of the Council or any of the committees or of any officer acting under delegated powers
- f) To be the Responsible Officer for the co-ordination and operation of the legal requirements under the Data Protection Act and the Freedom of Information Act
- g) To serve Requisitions for Information
- h) To prepare a draft budget for consideration by the Council
- i) To prepare the Final Accounts for each financial year

The Parish Clerk will prepare a management report for each meeting of the Finance Committee on the exercise of duties in this section.