

# **IRTHINGTON PARISH COUNCIL**

## **SCHEME OF DELEGATION**

This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders. It will be reviewed annually and when there is a change of Clerk/RFO.

The purpose of this document is to clearly define the parameters within which the Clerk/RFO of the Council can act without reference to Councillors.

This document also captures the various delegated powers throughout the Council, including those delegated by the Council to its Internal Control Councillors and Working Parties. This element of the scheme incorporates all of the approved Terms of Reference.

**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.**

### **PRINCIPLES OF DELEGATION**

Section 101 of the Local Government Act 1972 provides:

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

Any delegation to the Clerk/RFO shall be exercised in compliance with the Council's Standing Orders, its Financial Regulations and any other policies or conditions imposed by the Council and with the law.

In an emergency the Clerk/RFO is empowered to carry out any function of the Council.

Where the Clerk/RFO is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chairman of the Council and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

### **AUTHORITY TO ACT**

It will be appropriate for the Clerk/RFO to refer a matter to the Council where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for councillors to determine.

The Clerk/RFO has the responsibility to act within the Council's approved policies, procedures and framework and within the law in conjunction with this delegated scheme.

## **COUNCIL RESERVED POWERS**

The following matters are only to be resolved by the full Council:

- Appointment of the Clerk/RFO
- To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies
- To approve and adopt the Budget
- To appoint committees and working groups
- To approve membership of committees and working groups
- To agree and/or amend the terms of reference for Committees
- To adopt the schedule of meetings for the ensuing year
- To determine matters involving expenditure for which budget provision is not made or is exceeded
- To set the Precept
- To make byelaws
- To borrow money
- To annually approve the statutory annual return
- To approve eligibility for the General Power of Competence
- To assess, consider and (if approved) award donations and grants fund to other bodies where lawful and appropriate in accordance with statute and relevant Grants Policy (to be drafted).
- To receive, consider and approved recommendations from the Clerk/RFO in respect of staff remuneration outside of budget allocation
- To assess, consider and approve recommendations from working groups

## **DELEGATION SAFEGUARDS**

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

## **DELEGATION TO CLERK/RFO**

- The Clerk/RFO is designated and authorised to act as the 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.
- In the case of an emergency, the Clerk shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Chairman (if practicable in the circumstances).
- The Clerk will deal with all routine correspondence which does not commit the Parish Council to enter into a legal agreement or give an opinion. The Clerk will also deal with any correspondence which is covered by delegated authority.

- As Proper Officer/RFO, the Clerk may incur expenditure on revenue items on behalf of the Council up to the amounts included in the approved budget. Subject to the adopted Financial Regulations
- The Clerk will have the authority to dispose of the Council's assets (excluding land and building assets) subject to the estimated value of any one tangible; moveable item does not exceed £500. The Clerk is responsible for ensuring any disposal details including the disposal values are recorded in the assets register.
- Power to authorise relevant training courses provided the expense can be met from approved budgets having taken into account the training needs of the employees/Councillors
- Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council
- Power to release urgent press statements on any activities subject to prior consultation with the Chairman
- Power to act on own initiative to implement the Council's policies and objectives
- Power to manage all the Council's resources in accordance with the Council's policies
- Power to manage all open spaces within the Parish subject to budget.
- Power to engage with the community and stakeholders to raise the profile of the Parish Council and foster good working relationships.

### **Terms of Reference for All Working Parties**

Full Council may form or disband a working party. A working party will carry out tasks as defined by Full Council. Membership of a working party is approved by Full Council.

### **The role of a Working Party**

- To review or consider issues as directed by Full Council
- To examine an issue in detail, read reports and related materials, examine options, get advice for Full Council
- Act as experts for the Council and/or liaise with experts
- Make recommendations to Full Council
- To explain the recommendations, reasons, options to Full Council by way of written report
- To answer questions from Full Council
- Not to fund or commit to fund without prior agreement of Full Council.

### **Working Party relationship**

- Full Council must direct the Working Party and set clear objectives
- The role of Full Council is to question and challenge recommendations, to be satisfied of the correct decision.
- The Working Party must facilitate the Full Council with as much information as it requires to ensure it can make a properly informed decision on its recommendations.

### **Operation of the Working Party**

- The Working Party will not have a budget.
- The number of members on a Working Party will be decided on at the time of the Working Party appointment
- A Working Party will report to Full Council when decisions are required
- All correspondence received by a Working Party must be sent/copied to the Clerk
- All correspondence with members of the public must be sent/copied to the Clerk
- All correspondence between councillors or outside bodies must be issued by or copied to the Clerk
- A Working Party does not meet in public, therefore Standing Orders are not applicable, although the Code of Conduct still applies

Adopted 3<sup>rd</sup> April 2024  
To be reviewed annually