

Blackwell Parish Council

Scheme of Delegation

Date approved:

Review Date:

Principles of Delegation

Decisions are normally taken by the Parish Council at its regular monthly Parish Council meeting or at an additional meeting specifically convened for that purpose. Certain functions cannot be delegated and are therefore reserved to the full Council, although an appropriate committee may make recommendations for the Council's consideration.

Examples are:

- Setting the precept and approval of the Council's budget
- Approval of the Annual Accounts and completion of the Annual Return including the 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.
- Confirmation (by resolution) that the Council has satisfied the statutory criteria to exercise the General Power of Competence when appropriate

Section 101 of the Local Government Act 1972 provides:

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

The Clerk carries out the functions as provided by the Local Government Act 1972, and as set out in the job description for the post. The Council may delegate the full authority of the Clerk to any other temporary or permanent member of staff to act in the Clerks absence). Delegated actions 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.

All delegated functions shall be deemed to be exercised on behalf of, and in the name of the Council.

The Clerk/RFO will exercise these powers in accordance with:

- Approved budgets
- The Council's Financial Regulations and Standing Orders
- Any other adopted policies of the Council
- All statutory common law and contractual requirements

The Clerk/RFO 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

General Administration

The Clerk is specifically authorised to:

- Undertake the day-to-day administration of the Council
- Receive declarations of acceptance of office
- Receive and determine Disclosable Pecuniary Interest (DPI) dispensations and report details of all dispensations received, and the decision on them, to the next available Council meeting
- Take steps to fill a casual vacancy in the office of Councillor (in accordance with the Co-Option Policy and Procedure).
- Sign notices or other documents on behalf of the Council

- Receive, retain, and dispose of plans, notices, records, and documents in accordance with the document retention policy and the law

The day to day administration of the Council includes:

- Calling extra meetings of the Council, or any committee, or sub-committee, as necessary, having consulted with the appropriate Chair; except those meetings called in accordance with Standing Orders by the Council Chair or Members
- As webmaster, originating, updating, and managing the content on the Council's website and Social Media page(s)
- Responding to requests for information under the Freedom of Information Act 2000 and the General Data Protection Regulations (or similar Acts and Regulations)
- Acknowledging and handling all complaints regarding the Council (except where the complaint relates to the Clerk or Members)
- Making arrangements for the routine maintenance of the Council's property
- Purchasing basic office equipment and supplies
- Authorising payment for items below £500 in consultation with the Chair or where delay to the next Council meeting would be detrimental to the Council or the payee – including payment of staff salaries
- Determine whether any matters should be referred to the Police, the Monitoring Officer, or other enforcement body
- Making VAT and other tax returns and claims to Her Majesty's Revenue and Customs
- Apply for grants
- Issuing tenders, obtain quotations, negotiate prices and contract terms
- Placing orders for approved capital projects
- Authorising routine recurring expenditure within the agreed budget (e.g. Software renewals, maintenance)
- Making arrangements for the maintenance of the IT systems where required
- Paying the cost of holding an election or by-election, including the cost of polling cards, for the post(s) of parish councillor as determined by and charged for by the electoral officer of the relevant Principal Authority
- Notifying insurers of changes in circumstances and, in the event of a loss, liaising with insurers appointed representative(s)

Staffing Matters

The Parish Clerk manages the Parish Council staff in accordance with policies, procedures and budget, including:

- Appointments to posts
- Employment of temporary employees.
- Preparation of the job descriptions and person specifications, placing advertisements and short-listing of applicants.
- Management of staff performance and annual appraisal.
- 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's designated area.
- Implement and monitor the arrangements for annual leave, toil, flexi time, sickness absence, maternity and paternity leave in accordance with the Parish Council's policies.
- Authorise training.
- Commission legal and professional advice on staffing matters.
- To oversee and discharge the council's responsibilities under the Health & Safety at Work Act 1974

Where Officers are contemplating any action under delegated powers which is likely to have a significant impact on a particular area, they should also consult the Members, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

All decisions taken under delegated authority will be reported to the first appropriate council meeting.

Urgent Decisions

- Urgent decisions required between scheduled meetings of the council are delegated to the clerk in consultation with the Chairman or Vice Chairman (as appropriate) of the council.
- Decisions made under this delegation will be reported to, and recorded in the minutes of, the next council meeting.
- Under this delegation, where appropriate, the clerk may decide that an extraordinary meeting of the council be called to deal with the urgent matter
- If the Clerk is on leave and it is known that something is coming up within the scope of Council powers, that appropriate Councillors be delegated at a full council meeting to make a decision based on information sought by staff. For example, if quotes for urgent work are due in whilst the Clerk is away.

Planning Delegation

- The council delegates decisions arising under development control consultations to the clerk in consultation with all Councillors
- Consultation may be by correspondence, including email, or in person. It may also take place at meetings of the council.
- The clerk will arrange for relevant papers to be circulated to the councillors who should return them as soon as possible, together with their comments, to the clerk for determination of the council's response within the prescribed consultation period.
- Delegated decisions will be reported to, and recorded in the minutes of, the next council meeting.
- In respect of controversial or major development proposals, the clerk in consultation with the chairman, may decide that a parish meeting and/or an extraordinary meeting of the council be called to consider the matter

To be reviewed annually.

This Scheme of Delegation is fully supported by the members of Blackwell Parish Council	
Signed by	Chairman, Blackwell Parish Council
Date	