

		Policy Name: Scheme of Delegation to the Clerk Policy Number: FCC-10	
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Reviewed by:		Full Council	
Version No	Adopted Date	Next Review	Reason for change (e.g., full rewrite, amendment to reflect new legislation, minor change etc.)
1.0	18/05/23 <small>(FC23/24-21)</small>	May 24	New

1. INTRODUCTION

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 Policy Framework and other adopted policies of the Council.
- All statutory common law and contractual requirements.

1.2 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. Where such functions are delegated to individual councillors, these shall be interpreted to mean to act with the Clerk.

1.3 The powers and duties set out in this scheme are delegated to the Parish Clerk.

1.4 The Parish Clerk is also the Councils Responsible Financial Officer and the Proper Officer and responsibility for the management of the organisation.

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

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

2. AUTHORITY TO ACT

2.1 It will be appropriate for the Parish Clerk 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; or could, by its scale or complexity expose the Council to major corporate risk.

2.2 The Parish Clerk has the responsibility to act within the Councils approved policies, procedures and framework and within the law in conjunction with this delegated scheme.

3. CONFLICTS OF INTEREST

3.1 Under the Local Government Act 1972, section 117 the Parish Clerk must make a formal declaration about council contracts where they have a financial interest.

- 3.2 Where the Parish Clerk has a conflict of interest in any matter, he/she shall not participate in that matter unless approved by the Council and this is formally recorded in the Council minutes.

4. DELEGATION TO PARISH CLERK

- 4.1 The Parish Clerk 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 and as such is specifically authorised to:
- a) receive declarations of acceptance of office;
 - b) receive and publish members' interests;
 - c) receive and grant dispensations according to the Council's Code of Conduct; details of all dispensations received and granted to be reported to the Council at the next available meeting;
 - d) receive and retain plans notices and documents;
 - e) sign notices or other documents on behalf of the Council;
 - f) sign summons to attend meetings of the Council;
 - g) convene a meeting of the Council if a casual vacancy occurs in the office of the Chair.
- 4.2 In addition, the Clerk is authorised to undertake the day-to-day administration of the Council, to include:
- a) Calling extra meetings of the Council as necessary, having consulted with the Chair, except those called by the Chair or members in accordance with.
 - b) Issuing press releases and statements to the press on the Council's known policies, subject to the provisions of the Council's Press and Media Policy.
 - c) Updating and managing the content on the Council's website,
 - d) Planning for the maintenance of the Council's IT facilities,
 - e) Disposal of Council records according to legal restrictions and the agreed retention and disposal arrangements,
 - f) Handling requests for information under the Freedom of Information Act 2000 and the Data Protection Act 1998.
 - g) In the first instance, acknowledging and handling all complaints regarding the council (except where the complaint relates to the Clerk),
 - h) Purchasing basic office equipment and supplies,
 - i) Taking appropriate action arising from other emergencies in consultation with the Chair/Vice Chair of Council.
 - j) Making arrangements to pay salaries/wages and expenses to all employee(s) of the Council, (subject to the Council's financial regulations).
 - k) Payment of all invoices, within agreed budget and subject to authorisation by two bank signatories. Authorisation can be made by email if face to face authorisations is not possible.
 - l) Vire between cost centres, provided total expenditure will not exceed the Council's approved annual budget,
 - m) Incurring emergency expenditure up to £500 whether or not there is budgetary provision in accordance with the provisions of the Financial Regulations.
 - n) Power to authorise relevant training courses provided the expense can be met from approved budgets having considered the training needs of the employee(s) and councillor(s).
 - o) Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council.

- p) Power to manage all the Council's facilities and resources in accordance with Council's policies.
- q) Power to sign an allotment tenancy agreement.
- r) As Proper Officer, to sign all documents on behalf of the Council including the Summons to Elected Members to attend Council Meetings in accordance with paragraph 4 and Schedule 12 of the Local Government Act, 1972
- s) To sign and publish the annual public notice that the Audit of Accounts is to take place and has taken place.
- t) The Proper Officer shall be responsible for signing all the Council's Official Notices as set out in the Standing Orders

4.3 In the event of an incidence preventing the Council from holding meetings, the Clerk shall have delegated authority to take all necessary decisions to keep the Council functions running. The Clerk shall keep the Chair/Vice chair informed and shall take advice from these members as required.

5. RESPONSIBLE FINANCIAL OFFICER (RFO)

5.1 The Responsible Financial Officer (RFO) of the Council is responsible for the Parish Council's accounting procedures and financial records and is accountable for the proper and transparent administration of its finances, in line with the current Account and Audit Regulations and the Council's adopted Financial Regulations.

5.2 The specific responsibilities and duties (and delegations) of the RFO are set out in the Council's Financial Regulations.

5.3 The Responsible Financial Officer shall ensure the approved precept request is issued to the billing authority.

6. URGENT DECISIONS OF COUNCIL

6.1 Urgent decisions required between scheduled meetings of the council are delegated to the Clerk in consultation with the Chair of the council.

6.2 Decisions made under this delegation will be reported to, and recorded in the minutes of, the next council meeting.

6.3 Under this delegation, where appropriate, the clerk may decide that an extraordinary meeting of the council be called to deal with the urgent matter.

7. PLANNING DELEGATION TO THE CLERK

7.1 The council delegates decisions arising under development control consultations to the clerk in consultation with all Councillors.

7.2 Consultation may be by correspondence, including email, or in person. It may also take place at meetings of the council.

7.3 The clerk will arrange for relevant papers to be circulated to the councillors who should return their comments, to the clerk for determination of the council's response within the prescribed consultation period.

7.4 Delegated decisions will be reported to, and recorded in the minutes of, the next council meeting.

7.5 In respect of controversial or major development proposals, the clerk in consultation with the chair, may decide that a parish meeting and/or an extraordinary meeting of the council be called to consider the matter.

8. WRITTEN RECORDS

The Openness of Local Government Bodies Regulations 2014 (2014 SI No. 2095), which came into force on 6 August 2014, require a written record to be kept of certain decisions made by an officer of a parish council acting under delegated powers. The decisions are those: made under a 'specific express authorisation',

This Policy follows the scope of this provision as detailed in the guidance issued by the Department of Communities & Local Government 'Plain English' guide to the Regulations.