Washburn Parish Council

Scheme of Delegation

1. DISCHARGE OF THE SCHEME

1.1 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.

1.2 This Scheme of Delegation forms part of the Council's Standing Orders and Financial Regulations and will be reviewed every two years and when there are staffing changes.

1.3 Those with delegated responsibility are referred to by job title, Parish Clerk (Proper Officer).

1.4 One of the purposes of the document is to clearly define the parameters within which Officers of the Council can act without reference to Councillors. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.

1.5 Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances of why it occurred.

1.6 The other purpose of the document is to capture the various delegated powers throughout the Council, including those delegated by the Council.

2. PRINCIPLES OF DELEGATION

2.1 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.

2.2 Any delegation to a Committee or the Proper Officer shall be exercised in compliance with the Council's Standing Orders, Financial Regulations, budget and any other policies or conditions imposed by the Council and with the law.

2.3 Inside of reserved powers (see 5 below) in an emergency the Parish Clerk is empowered to carry out functions of the Council.

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

3. AUTHORITY TO ACT

3.1 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.

3.2 The Parish Clerk and Committees have the responsibility to act within the Council's approved policies, procedures, and framework and within the law in conjunction with this delegated scheme.

4 CONFLICTS OF INTEREST

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

4.2 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.

5 COUNCIL RESERVED POWERS

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

- Appointment or dismissal of the Parish Clerk/Responsible Financial Officer and other council officers following a recommendation from the Staffing Committee.
- To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation, and other Council policies.
- To approve and adopt the Policy Framework.
- To approve and adopt the Budget.
- 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 bylaws.
- To acquire or dispose of land and property, except where specifically delegated.
- To borrow money.
- To annually approve the statutory annual return (AGAR).
- To approve eligibility for the General Power of Competence.

6 DELEGATION TO COMMITTEES - SAFEGUARDS

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

7. DELEGATION TO COMMITTEES, SUB-COMMITTEES AND WORKING GROUPS

7.1 The Council currently has no formal committees or sub-committees but they may be formed by resolution of the Council at any time and delegated powers may be decided upon at the time the Committee is formed by means of a minute detailing the Terms of Reference.

7.2 Working Groups/Parties may be formed by resolution of the Council or a Committee at any time. The work of such a Working Group/Party will be decided upon at the time it is formed by means of a Minute detailing the Terms of Reference. Appointment shall be as agreed at the time by the Council and each Working Group/Party will report back with recommendations to the Council.

Staffing Committee

Membership: 5 Councillors
Quorum: 3 Councillors
Meetings: Only when required, to ensure that Washburn Parish Council complies with the requirements of employment law and follows best practices in providing good working conditions for staff members.

The Staffing Committee will be responsible for the following:

1) Recruitment of Parish Clerk/Responsible Financial Officer and other staff as required.
2) Recruitment and selection procedures.
3) Annual staff appraisal and development to be undertaken. This will be carried out by two members of the committee and reported back to the Council.
4) Review of staff contracts, grievance, and disciplinary policies every two years.
5) Annual internal controls review. This will be carried out by two members of the committee and reported back to the Council to inform the AGAR return.
6) Management of rights relating to leave, time off and illness.
7) To ensure the health and safety of all staff and carry out risk assessments as necessary.
8) To keep up to date with developments in employment law.
9) The Staffing Committee will serve as the disciplinary or grievance panel.
10) To agree the members to sit on an appeals panel to hear appeals against a decision on a grievance.

8. DELEGATION TO PARISH CLERK/RESPONSIBLE FINANCIAL OFFICER

1) 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 Chair and/or Vice Chair (if practicable in the circumstances).
2) 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

and councillors.

3) Power to act immediately on all health and safety or emergency issues without waiting for endorsement by the full Council.
4) Power to release press statements on any activities of the Council subject to prior consultation with the Chair and/or Vice Chair.
5) Power to take appropriate steps to ensure the Council does not exceed its powers.
6) Power to manage all the Council's facilities and resources in accordance with the Council's policies.
7) In liaison and after conferring with the Chair and/or Vice Chair, to make such Civic arrangements as are necessary.
8) The Proper Officer shall be responsible for signing all the Council's Official Notices as set out in the Standing Orders.
9) As Proper Officer/Responsible Financial Officer, the Clerk may incur expenditure on revenue items on behalf of the Council up to the amounts included in the approved budget.
10) The Parish Clerk as the Responsible Financial Officer will be responsible for all financial records of the Council and the careful administration of its finances and accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time and with the policies and procedures set by the Council and within the law.
11) The Parish Clerk as the Responsible Financial Officer will have the power to release any financial related report or document to the Council in discharge of the Responsible Financial Officer responsibilities.
12) The Parish Clerk as the Responsible Financial Officer shall ensure the approved precept request is issued to the billing authority (North Yorkshire Council).

9. PLANNING APPLICATIONS

9.1 Where a planning application requires a response before the next scheduled Council meeting, the Clerk may, where appropriate, coordinate a response under delegated authority. The Clerk will consult with Councillors via email, and with a quorum of responses for non-contentious applications, respond on the Council's behalf to North Yorkshire Council.

9.2 Delegated decisions will be reported to the next meeting and recorded in the minutes of the meeting.

9.3 In respect of controversial or major development proposals, the Clerk will request an extension from the principal planning authority (North Yorkshire Council), for a decision at the next ordinary full Council meeting and/or an extraordinary meeting of the council to be called to consider the matter if an extension is not granted.

10. COUNCIL ASSETS AND PROPERTY

The Clerk may arrange routine maintenance, repair and servicing of Council assets where:

- the expenditure is within the approved budget;
- the expenditure complies with Financial Regulations; and
- the work is necessary for the safe and effective operation of the asset.

Emergency works necessary to protect persons or property may be authorised under the urgent expenditure provisions of this Scheme.

11. CONTRACTS AND PROCUREMENT

The Clerk may enter into or administer contracts where authority has been provided through the approved budget, a previous Council decision or this Scheme.

All procurement shall comply with:

- the Council's Financial Regulations;
- applicable procurement legislation;
- the Council's approved procurement procedures; and
- any conditions imposed by Full Council.

Material variations to an existing contract shall be referred to the appropriate decision-making body unless expressly covered by the original delegation.

12. INFORMATION, CORRESPONDENCE AND STATUTORY MATTERS

The Clerk is authorised to:

- respond to routine correspondence;
- manage Freedom of Information requests in accordance with the Council's procedures;
- administer data protection matters;
- provide information where disclosure is required by law;
- make statutory notifications and returns;
- maintain the Council's publication and records arrangements; and
- obtain professional or legal advice where necessary and within approved financial limits.

Requests or matters likely to have significant legal, financial or reputational consequences shall be referred to Full Council or the appropriate committee wherever practicable.