

Appleby Magna Parish Council

Scheme of Delegation

Adopted and Approved On 01/04/2020 by full Council

1. The Clerk / RFO

1.1 The Clerk to the Council shall be the Responsible Financial Officer (RFO) to the Council and shall be responsible for the Parish Council's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time.

1.2 The Clerk to the Council shall be the Proper Officer of the Council and as such is specifically authorised to:

- Receive declarations of acceptance of office
- Receive and record members' interest
- 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.
- Receive and retain plans and documents
- Sign notices or other documents on behalf of the Council
- Receive copies of bye-laws made by a primary local authority
- Certify copies of bye-laws made by the Council
- Sign summons to attend meetings of the Council
- To institute and appear in any legal proceedings authorised by the Council

1.3 In addition, the Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- Day to day administration of services together with routine inspection and control
- Day to day supervision and control of all staff employed by the Council
- Implement national pay awards and conditions of service in line with the National Joint Council Scheme of Conditions of Service as amended by Local Agreement
- Authorisation to call any extra-ordinary meetings of the Council or any Committee as necessary, having consulted with the Chairman of the Council, and/or the Chairman of the appropriate Committee
- Authorisation to respond immediately to any correspondence requiring or requesting information or relating to previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its Committees
- Authorisation of routine recurring expenditure within the agreed budget according to the Council's financial regulations
- Emergency expenditure up to £1000 outside of the agreed budget according to financial regulations
- To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000

1.4 Delegated actions of the Clerk to the Council 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.

1.5 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', or
- made under a general authorisation where the effect of the decision is to;
 - i) grant a permission or licence,
 - ii) affect the rights of an individual, or
 - iii) award a contract or incur expenditure which, in either case, significantly affects the financial position of the Parish Council.

1.6 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. The relevant guidance for parish councils is as follows:

'Officers take many administrative and operational decisions on how they go about their day to day work within the council's rules. These decisions will not need to be recorded.'

You will not be able [to] inspect some recorded decisions if the whole or part of the records contain confidential information or any other information [where] publicity would be prejudicial to the public interest.'

Examples of decisions that should be recorded could include:

- *decisions about awarding contracts above specified individual/total values (the values will vary according to the relevant parish or town council); and*
- *decision to renew a lease to an allotment association*

Where decisions are already required to be published by other legislation, they do not need to be recorded again provided the record published has the date the decision was taken and the reasons for the decision.

Decisions that do not need to be recorded might include the following examples:

routine administrative and organisational decisions such as the purchase of office supplies or repairs;

- *a decision to sign an allotment tenancy agreement;*
- *decisions to allocate burial plots; and*
- *decisions to book rooms or sports grounds; and decisions to approve works undertaken by a contractor.*

These are a few selected examples and not an exhaustive list. It is for the council to decide what information should be recorded on the basis of the national rules.'

1.7 The Clerk currently has authority to incur expenditure up to £1000 under financial regulation 4.6. The Parish Council does not consider that such expenditure is likely to significantly affect the financial position of the Parish Council. Expenditure in excess of these limits must be authorised by Full Council and the decision will be recorded in the minutes.

1.8 Accordingly, and having regard to the exemptions set out in the 'Plain English' guide, Appleby Magna Parish Council does not consider that officers will be taking decisions of such a nature that a written record will be required.

1.9 If, exceptionally, a written record is required of an officer's decision the record will be published on the Parish Council's website and made available for inspection in the Parish Council's office in the same way as minutes of a committee meeting (as per the council's Publication Scheme).

2. The Council

2.1.1 The full Council (six members) can take all decisions or it may appoint one or more committees or sub committees for the purpose of discharging its functions. It may also delegate some of its functions to the officer(s) of the Parish Council.

2.1.2 The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration:

- Setting the Precept
- Borrowing money
- Spending money
- Approval of the Council's Annual Accounts and completion of the Annual Return
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
- Making, amending or revoking bye-laws
- Making of Orders under any statutory powers
- Matters of principle or policy
- Terms of Reference for committees or steering groups
- Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings)
- Any proposed new undertakings
- Prosecution or defence in a court of law
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee
- All other matters which must by law be reserved to the full Council

3. Urgent matters:

3.1 In the event of any matter arising which requires an urgent decision the Clerk to the Council shall forthwith consult with the Chairman and Vice-Chairman of the Council, and the appropriate portfolio holder if the matter involves expenditure not provided for in the annual budget, and not covered by 1.14 and Finance Regulations before acting on behalf of the Council in respect of the particular matter under consideration.

3.2 Before the Clerk exercises the delegated powers granted by paragraph 2.2.1 above, those members consulted shall consider whether the matter is of sufficient interest to justify the summoning of a special meeting of the Council or of the appropriate committee and where a meeting is so summoned the committee concerned shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.

3.3 Before exercising the delegated power granted by paragraph 2.13 above, the Committee concerned shall consider whether the matter is of sufficient import to justify recommending to the Chairman of the Council that a Special Meeting of the Council should be called in accordance with Standing Orders.

3.4 Whenever any action is taken in this way, full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next appropriate meeting of the Council.

4. Committees

The functions of the committees (if any) shall be determined by their Terms of Reference.

5 Working groups

5.1 Working groups may be formed by resolution of the council or committee at any time. The work of such a working group shall be formed by means of a minute detailing the working group's terms of reference.

5.2 Where working groups are established they will be convened by their lead member and maintain their own notes which shall be reported in full to the main Committee. They are advisory bodies only with no delegated decision making powers. Officer(s) will attend by invitation only as ad hoc advisor(s).

6 Delegation - Limitations

6.1 Committees and sub-committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations, the committee's Terms of Reference, this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, bye-laws or orders made and with any directions given by the Council from time to time.

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