

# Compton Bishop Parish Council Scheme of Delegation

## The Clerk / RFO

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

The Clerk to the Council is 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
- Retain and arrange for the safe deposit of trust documents
- To institute and appear in any legal proceedings authorised by the Council

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
- Carry out staff appraisals and report agreed outcomes to the council
- Implement agreed 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 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.
- Respond to minor planning matters in the absence of a Parish Council meeting.
- In the absence of a meeting, the setting up of online expenditure/cheque up to £500 either within or outside of the agreed budget according to financial regulation 4.5.

The Parish Council does not consider that such expenditure is likely to significantly affect the financial position of the Parish Council.

Delegated actions of the Clerk 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.

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.

This Policy follows the scope of the provision as detailed in the guidance issued by the Department of Communities & Local Government 'Plain English' guide to the Regulations. Accordingly, and having regard to the exemptions set out in the 'Plain English' guide, Compton Bishop Parish Council does not consider that officers will be taking decisions of such a nature that a written record will be required.

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

## **The Council**

The full Council (7 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.

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
- 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
- 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

### **Urgent matters:**

In the event of any matter arising which requires an urgent decision, when the matter involves expenditure not provided for in the annual budget or is not covered by 1.3 above and Finance Regulation, the Clerk to the Council shall consult with the chairman or vice-chairman of the Council, and the appropriate portfolio holder, before acting on behalf of the Council in respect of the particular matter under consideration.

Urgent expenditure in excess of the limit in 1.3 above must be authorised by a committee or by full council and the decision will be recorded in the minutes. The 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.

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.

### **Committees**

The following Committees shall be standing committees of the Council and shall consist of such members (at least 3) as the Council shall from time to time determine:

- (a) Staffing Committee

The functions of the committees shall be determined by their Terms of Reference.

### **Sub Committees**

The committees do not currently appoint sub-committees, but may do so if the committee believes it would be expedient under Standing Order 4(a). Any powers

delegated to a sub-committee shall be detailed at the time the sub-committee is formed by means of a minute detailing the sub-committee's terms of reference.

### **Working/Advisory groups**

Working or Advisory groups may be formed by resolution of the council or committee at any time. The work of such a group shall be determined by means of a minute.

Where working or Advisory groups are established they will be convened by their lead member and maintain their own notes, which shall be reported in full to the appointing Committee. They are advisory bodies only with no delegated decision making powers. Officers of the council may be invited to attend as ad hoc advisors.

### **Delegation - Limitations**

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.

End.