

Thornley Parish Council



Delegation Scheme

Introduction

Decisions are normally made by full Council or its Committees, however it is not practical for all decisions to be made this way.

The intention of the delegation scheme is to allow the Council to act with all reasonable speed. Decisions should be taken at the most suitable level. Therefore:

- the Clerk is given powers over the day to day administration of the Council,
- Committees decide matters within their Terms of Reference, and
- Matters of major policy should be recommended to the Full Council.

Whilst delegation is necessary, it is the Council's policy that members and the press and public should have the fullest information available to them at all times. Therefore, the Clerk reports all major decisions taken under delegated powers at the next available Council meeting. The Clerk to the Council is delegated the authority to carry out routine, operational and urgent tasks on behalf of the Council in accordance with this Scheme, the law and other Council policies in the specific circumstances detailed.

Proper Officer and Responsible Finance Officer

The Clerk shall be:

- the Proper Officer and carry out the functions as provided by the Local Government Act 1972
- the Responsible Financial Officer in accordance with the Accounts and Audit Regulations in force at any given time. Delegated actions shall always be in accordance with Standing Orders and Financial Regulations, and in line with directions given by Council from time to time, and shall be reported to the next available Council meeting.

Powers and Responsibilities delegated to the Clerk

In addition to the responsibilities set out in the Clerk's job description the Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- Authorisation to call special meetings of the Council or any Committee as necessary, having consulted with the Chair of the Council and/or the Chair 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 expenditure in accordance with Financial Regulations (Budgetary Control and Authority to Spend)

- Preparation and submission of comments to Planning Applications and County Planning Committee where the Council's agreed stance is known
- Receive Declarations of Acceptance of Office
- Receive and record members' interests
- Receive and retain plans and documents
- Sign notices, licences, contracts or other documents on behalf of the Council
- Receive copies of bye-laws made by a primary local authority
- Certify copies of any bye-laws made by the Council
- Sign summons to attend meetings of the Council
- Convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in that office
- 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 undertaking or organising routine inspection and control
- Issuing press releases and statements to the press on the Council's known policies
- To make routine and operational decisions in relation to the provision of allotments, the cemetery and other Parish Council services
- To make operational and routine decisions relating to the provision of the Council's Village Centre, in discussion with the relevant Staff and Volunteers, including managing the methods and risks of provision and implementation of good practice measures
- To make routine and operational decisions in relation to the Council's position as landlord particularly at Youll House
- To act as the Council's designated Officer for the purposes of the Freedom of Information Act 2000 and all data protection legislation, and to respond to all requests appropriately
- Dispose of Council records according to legal restrictions and the Council's record management policies
- Organise and deliver safe events on behalf of the Parish Council
- Submit funding bids, with other Officers, on behalf of the Parish Council
- Submit claims to and correspond with the Parish Council's insurer
- Implement matters of health and safety in accordance with procedures, best practice and legislation.

Staffing and Volunteers

The Clerk will deal with operational Human Resource issues and other contractual matters, and will have delegated authority to make all decisions relating to staff and their employment, except recruiting (unless pre-agreed by the Council), termination and where the matter falls under a specific Council policy or Committee Terms of Reference.

The Clerk and relevant Officers will provide line management and will regularly monitor the operation of services and management. Staff will be line managed in accordance with the Council's structure.

The Clerk and other Officers are delegated to recruit and manage Volunteers, to support Council activity.

Urgent Matters

The Clerk is delegated to take action on any issue of such urgency, that it cannot wait until the next normal Council meeting. If circumstances permit, the Clerk would normally be expected to consult the Chair (or Vice Chair if the Chair is unavailable) and take their views into account. It is expected that they will consider whether the matter is of sufficient interest to justify the summoning of a special or extraordinary meeting of the Council or the appropriate Committee.

The Clerk is delegated to incur expenditure on behalf of the Council which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to the limit set in the Financial Regulations. Further, the Clerk is delegated to take any action regarding minor repairs (up to the limit set in the Financial Regulations) and to report minor matters to the relevant authority such as the County Council. The Clerk is expected to report the urgent matter to the next meeting of the Council.

Publicity, Website and Social Media

The Clerk and Councillors are delegated to produce publicity in accordance with the Council's known wishes and policies at the time. For any large publication such as a newsletter, all Councillors must be able to view the draft before it is sent to print.

The Clerk and other Officers are delegated to update and amend the Council's website and any social media accounts in accordance with the Council's known wishes and policies at the time. Appropriate levels of access are provided through the Clerk.

Committees

Committees are delegated to make decisions within their Terms of Reference, the law and Council policies.

Working groups

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.

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 relevant Committee or full Council. They are advisory bodies only with no delegated decision making powers. Officer(s) will attend by invitation only as ad hoc advisor(s).

Limitations to Delegation

All decisions taken under delegated authority will be in accordance with the Council's Standing Orders and Financial regulations and this Scheme of Delegation, and where applicable any other rules and regulations and legislation. All decisions will be reported to the first appropriate Council meeting. The Council may delegate the power to make individual decisions on individual items to the Proper Officer. Decisions cannot be delegated to Councillors as they cannot act alone, but must make decisions as a corporate body.