



Bearley Parish Council Scheme of Delegation V2

| Status | Adopted |
|---------------------|-------------------|
| Date of review | 19 September 2023 |
| Date of next review | May 2024 |
| Previous | |
| V1 Adopted | March 2018 |



Introduction

This document sets out the manner in which the Parish Council has delegated powers and responsibilities.

The Council's Scheme of Delegation authorises the Clerk to the Council/Responsible Financial Officer and Standing Committees to act with delegated authority in the specific circumstances as detailed.

The power to delegate functions is set out in the Local Government Act 1972 s101. 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 and any Committees, to decide matters within the limitations of their role.

Matters of major policy should be recommended to the Full Council.

The Scheme of Delegation should be read alongside the Standing Orders, Financial Regulations and Financial Reserves policies adopted by the Council.

Notes

1. Standing Orders were adopted 22 May 2023 (and to be reviewed annually); this scheme is in addition to Standing Order Section 15.
2. Local Councils may delegate decisions to a Committee or a paid officer.
3. No Parish Councillor may act independently; all Bearley Parish Council (BPC) actions must be by way of the full Council, a Committee or the Parish Clerk.
4. Delegation for urgent business is a necessity in this fast-changing age.
5. BPC's Standing Orders & Financial Regulations are based on the NALC models.
6. BPC's 'Proper Officer', is also BPC's Responsible Financial Officer (RFO).
7. The Proper Officer is the only paid officer; there is no other specifically identified individual who can be delegated to act on their behalf in their absence or in the event that the Executive Officer is an interested party.
8. This scheme of delegation is not comprehensive and is subject to being implemented in accordance with the law, BPC's Standing Orders and Financial Regulations.
9. This Scheme has been drafted in accordance with the NALC Model Scheme of Delegation.

General Delegated Powers and Responsibilities

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:-

- Day to day administration of services, together with routine inspections and control.
- Authorisation to call any extra meetings of the Council or Committee as necessary, having consulted with the Chairman of the Council/ Committee.
- Authorisation to respond immediately to any correspondence, requiring or requesting information 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 and manage timely transfer of funds between the Council's bank accounts to maintain adequate cash-flow,
- Preparation and submission of comments to Planning Applications where the Council's agreed stance is known.
- Handling of requests for information under the Freedom of Information Act 2000 and the Data Protection Act 1988 or General Data Protection Regulation (whichever is in force at the time of the request).
- Issuing press releases and statements to the press on the Council's known policies.
- Up-dating and managing the content of the Council's website.



- Co-ordination of the Council's newsletter articles.
- Disposal of Council records according to legal restrictions and the Council's record Management Policy.
- Take appropriate actions arising from emergencies in consultation with the Chairman/ Vice Chairman of the Council.

Proper Officer and Responsible Financial Officer

- 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 Chairman and take his/her view into account.
- 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 a limit of £500.
- To take any action regarding minor repairs (up to a cost of £500) and to report minor matters to the relevant authority.

Planning Applications

- To respond to the Planning Authority to routine planning applications on occasions when applications cannot be responded to within relevant timescales by way of the next Council meeting. The Clerk would normally be expected to seek the opinion of members and where no concerns are raised, the Clerk may respond to the Planning Authority with "no comments". Where it is identified that an application is deemed contentious and it cannot be determined within the timescales by way of the next Council meeting an Extra Ordinary Council meeting shall be called.

Delegation - Limitations

All decisions taken under delegated authority will be in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegation, and where applicable any other rules/regulations and legislation. All decisions will be reported to the first appropriate Council meeting.

The Council may delegate the power to make additional decisions on individual items to the Proper Officer/RFO and its Committees as and when it is appropriate.