

# CHURT Parish Council

## Scheme of Delegation to the Parish Clerk Adopted by the Council 20 November 2024

### Introduction

The powers and duties set out in this scheme are delegated to the Parish Clerk. The Parish Clerk may delegate these duties and powers to other Officers within the Council.

The Parish Clerk is also the Council's Responsible Financial Officer and the Proper Officer and responsible for the management of the organisation.

### Extent of Delegation

1.0 All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.

1.1 The Parish Clerk will exercise these powers in accordance with:

- approved budgets
- the Council's Financial Regulations
- the Council's Contract Procedure Rules
- the Council's Procurement Strategy
- the Council's Policy Framework and other adopted policies of the Council
- all statutory common law and contractual requirements

1.1. The Parish Clerk may do anything pursuant to the delegated power or duty, which it would be lawful for the Council to do including anything reasonably implied or incidental to that power or duty.

1.2. Provided that such authorisation is not prohibited by statute the Parish Clerk to whom a power, duty or function is delegated may authorise another Officer to exercise that power, duty or function, subject to:

- such authorisations being in writing
- only be given to an Officer below the delegating officer in the organisational structure
- only being given where there is significant administrative convenience in doing so
- the Officer authorised by the Parish Clerk acting in the name of the Parish Clerk
- such authorisation not being prohibited by statute.

1.3. A delegation to a subordinate Officer shall not prevent the Parish Clerk from exercising the same power or duty at the same time.

## **General Matters**

2. The Parish Clerk is authorised to:

2.1. Sign, or where appropriate, have sealed on behalf of the Parish Council, any Orders, Deeds or Documents necessary to give effect to any of the matters contained in reports or in any resolution passed by the Parish Council.

2.2. Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.

2.3. Institute and appear in any legal proceedings authorised by the Council.

2.4. To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Churt).

2.5. Alter the date or time of a Council Committee, Working Group, Panel or Task Group meeting but, before doing so, shall consult the Chairman of the Committee or Task Group concerned and on the Council about the need for the change and about convenient alternative dates and times.

2.6. Decide arrangements for the closure of the Council offices in the Christmas/New Year period (if applicable).

2.7. Deal with day to day matters relating to the use of office accommodation space (if applicable).

2.8. Manage all the Council's current services including the following (if applicable):

- Tourism and events
- Neighbourhood planning
- Provision of street furniture
- Services agreed under contract for other authorities and bodies
- Website

2.9. To act as the Council's designated Officer for the purposes of the Freedom of Information Act 2000.

2.10. To apply for planning consent for the carrying out of development by the Council.

2.12. To respond to consultations on planning applications and licensing applications subject to the comments by the Planning Committee.

2.11. Under the Regulation of Investigatory Powers Act 2000 to authorise directed surveillance or the use of a human intelligence source.

2.12. To respond to complaints made under the Council's complaints procedure and to make such ex gratia payments in settlement of such complaints as are considered justified.

2.15. To manage, monitor and review the Council's internal control procedures.

2.16. To manage, monitor and review the Council's Risk Management Strategy.

### **Financial Matters**

3. The Parish Clerk is authorised to:

3.1. Be the Responsible Financial Officer for the purposes of Section 151 of the Local Government Act 1972.

3.2. Operate the Council's banking arrangements including arranging overdrafts.

3.3. Incur expenditure, with the prior approval of the Chair/Vice Chair, up to a maximum of £7500 on any item for which provision is made in the appropriate revenue budget, provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution and Financial Regulations.

3.4. Pay all accounts properly incurred.

3.5. Pay all subscriptions to organisations to which the Council belongs.

3.6. Make all necessary arrangements for the provision of an internal and external audit service for the Council.

3.7. Negotiate settlements in connection with claims made by and against the Council in consultation with the Council's insurers where appropriate.

3.8. Incur expenditure on revenue items within the approved estimates and budgets under their control.

3.9. Incur expenditure on capital schemes within the Council's approved capital projects.

3.10. Use the Repairs and Maintenance Budgets for the maintenance, replacement or repair of existing plant, vehicles or equipment.

3.11. Enter into leasing and contract hire agreements for the acquisition of vehicles machinery and equipment on such terms as are considered appropriate.

3.12. Accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:

a) the cost not exceeding the amount approved estimate

b) the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation

c) all the requirements of the Council's Financial Regulations being complied with.

3.13. Compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.

3.14. Carry out virement of sums between cost centres in accordance with the Council's Financial Regulations.

3.15. Manage investments and raise and repay loans as appropriate and obtain such other sources of credit as are required in accordance with the Financial Regulations.

- 3.16. Authorise action for the recovery of debts.
- 3.17. Write-off debts up to the level set by the Council.
- 3.18. Maintain a Register of Assets and Inventory of Equipment.
- 3.19. Determine the Parish Council's insurance requirements on the Council's behalf.
- 3.20. Make all necessary arrangements for the Council's insurances.
- 3.21. Determine Small Grants up to a value of £250.

**Staffing Matters (if applicable)**

4. The Parish Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:

- 4.1. Appointments to posts including apprentices.
- 4.2. Appointment of Team Leaders through an appointment panel which includes the Chairman.
- 4.3. Employment of temporary employees.
- 4.4. Preparation of the job description and person specification, placing of the advertisement and short-listing of applicants.
- 4.5. Management of staff performance.
- 4.6. Control of discipline and performance, including the power of suspension and dismissal.
- 4.7. Exercise of disciplinary and grievance procedures in accordance with the Council's procedures.
- 4.8. Determine approved duties for the payment of travel and subsistence expenses to Members and Officers where they represent the Council outside of the Parish Council area.
- 4.9. Approve or refuse applications for re-grading, remove any bars in salary scales and to authorise salary increments and accelerated increments.
- 4.10. Approve payment of overtime.
- 4.11. Agree minor variations to the condition of employment.
- 4.12. Approve changes to the establishment structure.
- 4.13. Implement and monitor the arrangements for annual leave, flexi time, sickness absence, maternity and paternity leave in accordance with the Council's policies.
- 4.14. Authorise training in line with the Council's policies.

- 4.15. Authorise the provision of uniforms or protective clothing.
- 4.16. Approve payment of claims from employees for compensation for loss of or damage to personal property.
- 4.17. Negotiate and agree settlements on behalf of the Council in relation to any proceedings in the Employment Tribunal.
- 4.18. Agree to premature retirement on the grounds of duly certified ill health.
- 4.19. Terminate employment during probation and to review salary on completion of probationary periods.
- 4.20. Commission legal and professional advice on staffing matters.

### **Property Matters**

5. The Parish Clerk is given authority to manage the land and property of the Council including:
  - 5.1. Agreeing the terms of any lease, license, conveyance or transfer.
  - 5.2. The granting or refusal of the Council's consent under the terms of any lease.
  - 5.3. Variations of restrictive covenants of a routine nature.
  - 5.4. The granting of easements, wayleaves and licenses over/under Council land.
  - 5.5. Initiating legal action or proceedings against unauthorised encampments or encroachments on Council land.
  - 5.6. Directing the custody of Parish Council property and documents in accordance with the provisions of Local Government Act 1972 S226.
  - 5.7. Exercising responsibility for the safe custody and maintenance of the civic regalia.

### **Urgency**

6. The Parish Clerk is authorised to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council or relevant Committee or Working Group. The Chairman of the Council (if appointed) and the Chairman of any relevant Committee or Working Group are to be consulted where possible before such action is taken.

### **Emergency Planning**

#### **The Parish Clerk is authorised to:**

7. Implement the Council's Emergency Plan and to incur any necessary expenditure. Any such action is to be reported to the next meeting of the Council or relevant Committee or

Working Group. The Chairman of the Council (if appointed) and the Chairman of any relevant Committee are to be consulted where possible before such action is taken.

**Procedural**

The Parish Clerk can:

8. Authorise Officers to exercise statutory powers of entry and inspection for the purposes of any function under their control.

8.1. Serve requests for information as to ownership occupation and other interests in land for the purposes of any function under their control.

8.2. Appoint consultants and other professionals to carry out any function and provide any service under their control.

**Health and Safety at Work Act 1974**

9. To oversee the discharge of the Council’s responsibilities under the Act.

**Legal Proceedings**

**The Parish Clerk is authorised to:**

10. Take and discontinue legal proceedings in any Court or at any Tribunal.

10.1. Take Counsel’s advice or instruct Counsel to represent the Council.

10.2. Seek injunctions and commence proceedings for the purposes of:

- enforcement in accordance with the Council’s policies
- recovering money due to the Council
- recovering or otherwise preserving possession of the Council’s land or property
- defending the interests of the Council
- appealing against a decision affecting the interests of the Council and responding to appeals against action taken by the Council.

10.3. Represent the Council at Court or any Tribunal or to make arrangements for appropriate representation.

10.4. Negotiate and settle the terms of documents to give effect to a decision of the Council or any of the Committees or of any Officer acting under delegated powers.

10.5. Be the responsible Officer for the co-ordination and operation of the legal requirements under the Data Protection Act and the Freedom of Information Act.

10.6. Serve Requisitions for Information.

10.7. Prepare a draft budget for consideration by the Council.

10.8. Prepare the final accounts for each financial year.

Signed by the Chairman.....

20 November 2024