



# Stoke Climsland Parish Council

## **Scheme of Delegation**

Adopted by Full Council at the meeting held on 20<sup>th</sup> June 2022

under minute 47/23

Due for review in May 2023.

## **Introduction**

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (which in this case is the same person) to act with delegated authority in the specific circumstances detailed.

This policy should be used in conjunction with the any statutory obligations/regulations in force at the time.

The policy aims to:

- Further clarify the roles and delegated responsibilities of officers, members and committees
- Ensure adequate control measures are in place to protect the Council's finances
- Ensure the Council is acting in accordance with the Audit and Accounts regulations.

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.

## **General Delegations**

### Responsible Financial Officer

The Clerk is the Responsible Financial Officer to the Council and shall be responsible for the Council's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time. The Clerk may obtain advice and guidance from external professionals (which may bear a cost) in order to ensure this is achieved effectively.

### Proper Officer

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

- Receive declarations of acceptance of office
- Receive and record notices disclosing personal interests
- Receive and retain plans and documents
- Sign notices and other documents on behalf of the Council
- Receive copies of bylaws made by the Principal Authority
- Certify copies of bylaws made by the Council
- Sign summons to attend meetings of the Council

- Seal documents, deeds, contracts and agreements following a resolution to do so from Council or one of its committees
- To keep proper records for all meetings
- To receive from Cornwall Council's Monitoring Officer any documents in relation to Complaints received under The Members' Code of Conduct
- In addition, the Clerk to the Council has the delegated authority to undertake the following matters on behalf of the Council:
  - i. Day to day administration of services, together with routine inspection, control and compliance
  - ii. Day to day supervision and control of all staff employed by the Council
  - iii. Authorisation to call any extra ordinary meetings of the Council or any Committee as necessary
  - iv. 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 one of its Committees
  - v. Authorisation of routine recurring expenditure within the agreed budget
  - vi. Emergency expenditure up to £3,500 outside of the agreed budget (Financial Regulation 4.5)
  - vii. Authorisation of expenditure on works up to a maximum of £300 (Financial Regulation 4.1)

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.

### **Council**

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

- Appointment of the Clerk/RFO following a recommendation from the staffing committee
- Setting the Precept
- Borrowing money
- Appointment to a Committee
- Approval of the Council's Annual Accounts and the Annual Return
- Making, amending or revoking Standing Orders, Financial Regulations, Terms of Reference or this Scheme of Delegation
- Making, amending or revoking bylaws
- Making of orders under any statutory powers
- Matters of principle or policy
- Approval of the Calendar of Meetings
- Appointment or nomination by the Council of persons to fill vacancies on outside bodies arising during the Council year
- Filling of vacancies occurring on any Committee of the Council during the Council year
- Agreement to take on new, including devolved services
- Prosecution or defence in a court of law

### **Standing Committees**

Subject to the foregoing, and to observance of decisions of the Council on matters of principle or policy, all the Council's powers and duties shall be delegated to the Standing Committees in accordance with the terms of reference unless otherwise specified.

The acts and proceedings of a Committee shall:

- a) where they are delegated to the Committee, so far as is legally permissible be deemed the acts and proceedings of the Council;

- b) as regards other matters, be subject to confirmation by the Council, and when confirmed shall be deemed the acts and proceedings of the Council;
- c) in all respects be subject to the provisions of the Council's Standing Orders and Financial Regulations except as otherwise determined by the Council.

The Council may at any time without prejudice to executive action already taken revoke any executive power delegated to a Committee.

### **Sub Committees**

Every Committee may appoint Sub-Committees whose terms of reference and members shall be determined by the parent Committee as identified in Standing Orders. The Chairman of the Committee shall be members of every Sub-Committee appointed by it unless they signify that they do not wish to serve.

### **Working Groups/Parties**

Working Groups/Parties may be formed by resolution of the Council or a Committee at any time. The work of such a Working Group/Party will be decided upon at the time it is formed by means of a Minute detailing the Terms of Reference. Each Working Group/Party will report back with recommendations to the Council or the Committee that formed it. The Working Group will be disbanded by resolution of Council or the parent Committee to which it reports once it has completed its agreed objectives.

### **Urgent matters**

In the event of any matter arising which requires an urgent decision the Clerk will consult with the Chairman (or if more appropriate the Chair of the respective committee) before acting on behalf of the Council in respect of the particular matter then under consideration.