

# WHITE COLNE PARISH COUNCIL

## Scheme of Delegation

**Introduction.** This document sets out the manner in which this Parish Council has delegated powers and responsibilities. This document is one of the three major ways in which the Council regulates its affairs - the others being its Standing Orders and Financial Regulations.

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 to 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.

### **Proper Officer and Responsible Financial 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.

### **Powers Which Cannot Be Delegated**

- levying or issuing a precept
- borrowing money
- approving the Councils annual accounts
- considering an auditors report made in the public interest
- confirming that the council has satisfied the statutory criteria to exercise the general power of competence
- adopting or revising the Councils code of conduct

### **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 as necessary, having consulted with the Chairman 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 where the Council's agreed stance is known. Handling 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 request)
- Issuing press releases and statements to the press on the Council's known policies.
- Updating and managing the content of the Council's website.
- Disposal of Council records according to legal restrictions;
- Take appropriate actions arising from emergencies in consultation with Chairman/Vice Chairman of the Council - as appropriate to the circumstances which may require expenditure above and beyond the £500 limit in the Financial Regulations.

#### **Planning Delegation to the Clerk**

- The Council delegates decisions arising under development control consultations to the clerk in consultation with all Councillors.
- Consultation may be by correspondence, including email, or in person. It may also take place at meetings of the Council.
- The clerk will arrange for relevant papers to be circulated to the councillors who should return their comments, to the clerk for determination of the council's response within the prescribed consultation period.
- Delegated decisions will be reported to and recorded in the minutes of the next council meeting.
- In respect of the controversial or major development proposals, the clerk in consultation with the chairman, may decide that a parish meeting and/or an extraordinary meeting of the council be called to consider the matter.

This Scheme has been drafted from the NALC Model Scheme of Delegation. This scheme will be reviewed and amended as required, due to changes in legislation or on the employment of a new Clerk.

Adopted: 15 August 2023

Minute ref: 576

Next review: May 2024