



Churchdown Parish Council Scheme of Delegation

1. Introduction

The Local Government Act 1972, section 101, gives a Parish Council power to delegate decisions to a Committee or the Clerk to the Council (hereinafter referred to as **the Clerk**) being the Council's Proper Officer.

Any delegation to a Committee or the Clerk/RFO shall be exercised in compliance with the Council's Standing Orders, its Financial Regulations and any other policies or conditions imposed by the Council , and with the law.

All delegations to the Clerk as Proper officer are also delegated to the Deputy Clerk , in the Clerk's absence.

Churchdown Parish Council (CPC) recognises that it has a responsibility to ensure the effective running of the Council and its services. In order to achieve this, some delegated functions and responsibilities have to be made and will be outlined within this scheme of delegation. The Council is committed to efficient working practises which minimise the impact on the local ratepayers by balancing control measures with effectiveness.

The scheme will be reviewed on a regular basis as required by the Council and when a new Clerk is appointed.

2. Objectives

The policy aims to:

- Clarify the roles and delegated responsibilities of the Clerk, Members and Committees
- Ensure that all delegated activities are conducted in accordance with principles of good governance and compliance with the law ¹ and proper practices
- Ensure adequate control measures are in place to protect the Council's finance and to identify and mitigate risk

¹ including the Audit and Accounts Regulations and Local Government Act 1972

3. General Delegations

3.1. Proper Officer The Clerk is designated and authorised to act as the Proper Officer for the purposes of all relevant sections of *the Local Government Act 1972* and any other statute requiring the designation of a proper officer.

The Clerk 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 or other documents on behalf of the Council
- Receive copies of bylaws made by a principal local 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.

3.1.1 In addition, the Clerk has the delegated authority to undertake the following matters on behalf of CPC:

- Day to day administration of services, together with routine inspection, control and compliance
- Authorisation to call any extra meetings of the Council or any Committee as necessary, having consulted with the Chairman of CPC or 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 one of its Committees.
- Authorisation of routine recurring expenditure within the agreed budget
- Emergency expenditure identified in *Financial Regulation 4.5*
- Authorisation of expenditure on works identified in *Financial Regulation 4.1*

3.1.3 In the case of an emergency, the Clerk shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Chairman (if practicable in the circumstances).

3.2 Responsible Financial Officer

The Parish Clerk shall be the Responsible Financial Officer to the Council, pursuant to s151 Local Government Act 1972 and shall be responsible for the Parish Council's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time. The RFO may obtain advice and guidance from external professionals (which may bear a cost) in order to ensure this is achieved effectively.

Reviewed and recommended by F & A Committee 7th November **Minute 243.1**

Approved FC 12th December 2023 – **Minute 301.1**

3.3 Council

The following are reserved matters for the Council to determine (the appropriate Committee(s) may make recommendations for the Council's consideration)

- Appointment of the Parish Clerk / RFO following a recommendation from the Finance and HR committee
- Setting the Precept
- Borrowing money
- Approval of the Council's Annual Accounts and the Annual Return
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
- Nomination and appointment of representatives of the Council to any other authority, organisation or body
- Any proposed new undertakings (following a recommendation from the Clerk or a committee)
- Responses to legislative and other allied consultations
- Appointment of standing committees or other committees as may be necessary and determination of the terms of reference.
- To adopt the schedule of meetings for the ensuing year. •
- To determine matters involving expenditure in excess of £5,000, for which budget provision is not made or is exceeded.
- To approve eligibility for the General Power of Competence.

3.4 Delegated Committees

3.4.1 To take responsibility for specific aspects of Parish Council business, build knowledge, experience and expertise in the Committee's subject, enabling Committee Chairs to present proposals and recommendations for the full Council to vote on and to answer any questions. Where defined, to have delegated authority to make binding decisions if ratified by Council.

3.4.2 Where required, to have delegated authority to purchase goods and/or services up to an agreed maximum level [£5,000] per purchase solely for the purpose of executing the Committee's function, providing such expenditure was part of the approved annual budget.

3.4.3 To delegate tasks and activities to working groups or sub-committees where appropriate.

3.4.4 Committees require at least 3 Council members to be quorate and must be chaired by a Parish Councillor.

3.4.5 The frequency and location of meetings shall be determined by the Committee.

3.4.6 Committee meetings are open to the public and therefore require an agenda to published one week prior to the meeting.

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3.4.7 Minutes are required and must be circulated to Parish Council Members and posted on the Council's website.

3.4.8 Unless the Council determines otherwise, a committee may appoint a sub-committee or Working group whose terms of reference and members shall be determined by the committee.

3.5 Sub-Committees /Working groups

3.5.1 Are appointed by the committee to make recommendations to the Committee

3.5.2 Terms of reference are defined by the committee and must be within the responsibilities of the parent committee.

3.5.3 Membership can include Members and non-members.

3.5.4 Meetings are not tied to statutory notice periods.

3.5.5 Can bring in specialists without formal appointment.

3.5.6 Meetings are not tied to statutory notice periods.

3.6 Committees : The following delegated committees and their respective sub-committees and working groups currently undertake the delegated work of Churchdown Parish Council.

Each committee and subcommittee has a duty to ensure compliance with all relevant legislation in the exercise of its delegated duties [s101 LGA 1972]

a) Finance and Admin – General Power of Competence [s1 Localism Act 2011]

Consideration and approval of :

Byelaws	
Committee Budget	Planning Applications
Crime Prevention	Policies & Procedures
Energy & Environment	Public Toilets
Finance & Financial Regulations	Standing Orders
Grants	Staff Matters and Operation of offices [SMWG]
Hire of Council Chamber	Youth work
Internal Control	In emergency situations, the approval of urgent policy
Legal proceedings	
Noticeboards	
Parish Council Building	

- Staff Management Working Group

b) Community – General Power of Competence [[s1 Localism Act 2011]

Allotments

Bus shelters

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Community Events	Play Areas & Play Equipment (including all safety issues)
Community Orchard	Recreation & Sports facilities
Grass Cutting on behalf of GCC	Pavilion at John Daniels
Highways (and road safety) in consultation with GCC/Police	Planning Applications
Litter & Dog bins	Public Seats (Parks/Highways
Parks and open spaces	Seats
(Including nature reserves)	Topograph

Sub Committees & Working Groups

- Community Events Working Group

- c) **Burial Committee** - A Joint Committee of Churchdown and Innsworth Parish Councils, The exercise of powers to acquire and maintain a Burial Ground Open Spaces Act 1906, ss 9 and 10: Local Government Act 1972, s 214

3.7 Youth working Group – reporting to Full Council

4. Urgent matters

The scheme does not delegate any matter:

- Reserved by law.
- Which by law may not be delegated to a Councillor and /or Officer.

The powers and duties set out in this scheme are delegated to the Clerk to the Council or the F & A Committee in place of Full Council

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

4.2 The Clerk to the Council will exercise these powers in accordance with:

- Approved budgets
- The Council's Financial Regulations
- The Council's Policy Framework and other adopted policies of the Council
- All statutory common law and contractual requirements

4.3 The Clerk to the Council 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.

4.4 In addition the Clerk to the Council is authorised to undertake the day-to-day administration of the Council to include:

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- Emergency expenditure up to £500 whether or not there is budgetary provision for the expenditure (subject to Standing Orders and Financial Regulations)
- Payment of all invoices, within agreed budget and subject to authorisation by two bank signatories. Authorisation can be made by email if face to face authorisations are not possible.
- Taking appropriate action arising from other emergencies (in consultation with the Chairman/Vice Chairman of Council as appropriate to the circumstances)

4.5 In the event of any matter arising which requires an urgent decision, the Clerk shall consult with the Chair of Council (or if more appropriate the Chair/Vice Chair of the respective committee) before acting on behalf of the Council in respect of the particular matter under consideration. If, for whatever reason, the Chair cannot be reached, then the consultation made with the Vice Chair shall be sufficient. If, for whatever reason, both the Chair/Vice-Chair (or committee Chair/Vice Chair) cannot be contacted by all reasonable means of communication, then the Clerk is authorised to exercise their judgement and proceed if the matter is of such an urgent nature that timing is critical.

4.6 Decisions made under this delegation will be reported to, and recorded in the minutes of, the next council meeting.

4.7 Under this delegation, where appropriate, the clerk may decide that an extraordinary meeting of the council be called to deal with the urgent matter.

4.8 Urgent approval of the schedule of payments will be delegated to the Finance and Admin Committee or Planning and Payments Working Group during recess (reg 5.2 CPC financial regulations)

5. Written Records

5.1 *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 Clerk will keep a log of all decisions made under delegated powers and will arrange for these to be made open for public inspection via the Council website.