



BISHOPSTOKE PARISH COUNCIL

POLICY

on

DELEGATIONS

This Policy was adopted
by the Parish Council at its meeting on 23 October 2018

D Wheal
Clerk to Bishopstoke Parish Council

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Amendment Sheet

| Amendment No. | Date Incorporated | Subject |
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DELEGATIONS POLICY

1 Introduction

- 1.1 The following pages set out the manner in which Bishopstoke Parish Council has delegated its powers. Understanding of this is essential for anyone who wishes to know who is legally able to give a decision on any matter. This document is one of the major ways in which the Council regulates its affairs along with Standing Orders and Financial Regulations.
- 1.2 The basic principle used has been to delegate to Committees powers to act within their Terms of Reference. This means that on all matters not reserved for consideration by another Committee, or by the full Council, Committees can RESOLVE and thereafter action can normally be taken by officers. However certain matters, such as issuing a precept for a rate, cannot legally be delegated and others, such as deciding major policy, are reserved by the Council to itself. On such matters, committees can only RECOMMEND a course of action and, in these cases, officers cannot normally carry out the instructions of the committees until the recommendation has been approved by the Council.
- 1.3 The intention of the delegation scheme is to enable the Council to act with all reasonable speed. Decisions should be taken at the most suitable level. Officers are given power over the day to day administration of the Council; committees decide matters within their Terms of Reference and matters of major policy should be RECOMMENDED to the full Council.
- 1.4 Wherever the Clerk is referred to in this document it shall be understood that the Assistant Clerks can deputise for the Clerk both in the absence of the Clerk and to enable the efficient and effective running of the Parish Council.
- 1.5 Whist delegation is necessary for the business-like conduct of the Council's affairs it is worth emphasising that the Council's policy has always been that members, and indeed the press and public, should have the fullest information. Thus, officers report all major decisions taken under delegated powers to the appropriate committee, the agenda of which are sent to all members.
- 1.6 Should members wish to raise any question concerning the exercise of delegated or other powers, then they should contact the appropriate committee chair or the Clerk, and if necessary the matter can be raised subsequently at committee.

2 Legal Background

- 2.1 Local Councils may only do what legislation requires or permits them to do. With some particular exceptions, the Council may delegate functions to committees, sub committees, officers, or other authorities.
- 2.2 The power to delegate functions by local councils is set out in the Local Government Act 1972 S.101 as amended by various subsequent Acts and Statutory Instruments.

2.3 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:

2.3.1 made under a ‘specific express authorisation’, or

2.3.2 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.

3 Policy Scope

3.1 This Policy follows the scope of this provision as detailed in the guidance issued by the Department of Communities & Local Government ‘Plain English’ guide to the Regulations. The relevant guidance for parish councils is as follows:

‘Officers take many administrative and operational decisions on how they go about their day to day work within the council’s rules. These decisions will not need to be recorded.

Residents will not be able to inspect some recorded decisions if the whole or part of the records contain confidential information or any other information where publicity would be prejudicial to the public interest.

Examples of decisions that should be recorded could include:

- Decisions about awarding contracts above specified individual/total values (the values will vary according to the relevant parish or town council); and
- Decisions to renew a lease to an allotment association.

Where decisions are already required to be published by other legislation, they do not need to be recorded again provided the record published has the date the decision was taken and the reasons for the decision.

Decisions that do not need to be recorded might include the following examples:

- Routine administrative and organisational decisions such as the purchase of office supplies or repairs;
- A decision to sign an allotment tenancy agreement;
- Decisions to book rooms or sports grounds; and
- Decisions to approve works undertaken by a contractor.

These are a few selected examples and not an exhaustive list. It is for the council to decide what information should be recorded on the basis of the national rules.’

4 The Clerk

- 4.1** The Clerk to the Council shall be the Proper Officer of the Council and as such is specifically authorised to:
- 4.1.1** Receive declarations of acceptance of office;
 - 4.1.2** Receive and record members' register of interests;
 - 4.1.3** Receive and grant dispensations according to the Council's Code of Conduct; details of all dispensations received and granted to be reported to the Council at the next available meeting;
 - 4.1.4** Receive and retain plans and documents;
 - 4.1.5** Sign notices or other documents on behalf of the Council;
 - 4.1.6** Receive copies of byelaws made by a primary local authority;
 - 4.1.7** Certify copies of byelaws made by the Council;
 - 4.1.8** Sign summons to attend meetings of the Council;
 - 4.1.9** To institute and appear in any legal proceedings authorised by the Council.
- 4.2** In addition, the Clerk has the delegated authority to undertake the following matters on behalf of the Council:
- 4.2.1** Day to day administration of services together with routine inspection and control;
 - 4.2.2** Day to day supervision and control of all staff employed by the Council;
 - 4.2.3** Implement national pay awards and conditions of service in line with the National Joint Council Scheme of Conditions of Service as amended by Local Agreement;
 - 4.2.4** Authorisation to call any extra-ordinary meetings of the Council or any Committee as necessary, having consulted with the Chair of the Council, and/or the Chair of the appropriate Committee;
 - 4.2.5** 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;
 - 4.2.6** Authorisation of routine recurring expenditure within the agreed budget according to the Council's financial regulations;
 - 4.2.7** Emergency expenditure up to £2,500 outside of the agreed budget according to financial regulation 4.3;
 - 4.2.8** To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000;
 - 4.2.9** Issuing press releases and statements to the press on the Council's known policies, subject to any provisions contained in those policies or in Standing Orders;
 - 4.2.10** Updating and managing the Council's online content;
 - 4.2.11** Making arrangements for the maintenance of the office IT system;

- 4.2.12 Co-ordinating the production of the Council's newsletters;
- 4.2.13 Disposal of Council records according to legal restrictions and an agreed retention and disposal policy;
- 4.2.14 In the first instance, acknowledging and handling all complaints regarding the Council (except where the complaint relates to the Clerk);
- 4.2.15 Making arrangements for the routine maintenance of the Parish Office;
- 4.2.16 Purchasing necessary office equipment and supplies;
- 4.2.17 Any other task properly and legally delegated to the Clerk by Council, a Committee, Sub-Committee or Working Group.

4.3 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.

5 Responsible Finance Officer (RFO)

5.1 The Responsible Financial Officer (RFO) to the Council is responsible for the Parish Council's accounting procedures and financial records and is accountable for the proper administration of its finances, in line with the current Account and Audit Regulations and the Council's adopted Financial Regulations.

6 The Council

- 6.1 Certain functions cannot be delegated and are therefore reserved to the full Council, although an appropriate committee may make recommendations thereon for the Council's consideration:
- 6.1.1 Setting the precept and approval of the Council's budget;
 - 6.1.2 Approval of the Annual Accounts;
 - 6.1.3 Completion of the Annual Return including the Governance Statement;
 - 6.1.4 Consideration of an Auditor's report made in the public interest (within one month of receipt);
 - 6.1.5 The making, amending or revoking of Standing Orders, Financial Regulations and this Scheme of Delegation;
 - 6.1.6 Adoption or revision of the Council's Code of Conduct;
 - 6.1.7 Confirmation (by resolution) that the Council has satisfied the statutory criteria to exercise the General Power of Competence;
 - 6.1.8 Determination and review of the Bank Mandate;
 - 6.1.9 Matters of principle or policy;
 - 6.1.10 Nomination or appointment of representatives of the Council to outside bodies (except approved conferences or meetings);

- 6.1.11** Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee;
- 6.1.12** The making, amending or revoking of byelaws
- 6.1.13** Agreement to write off bad debts;
- 6.1.14** Approval by resolution, before payment, of any grant or single commitment in excess of £5,000;
- 6.1.15** Authorisation as to the terms and purpose for any application for Borrowing Approval and subsequent arrangements for the loan;
- 6.1.16** Approval of any financial arrangement which does not require formal borrowing approval from the Secretary of State (e.g. hire purchase or leasing of tangible assets);
- 6.1.17** Approval of purchase, acquisition by other means, sale, lease or disposal of tangible moveable property over £1,000;
- 6.1.18** Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interests in land);
- 6.1.19** Approval of the virement of unspent and available amounts to other budget headings or reserves;
- 6.1.20** Approval of changes in earmarked reserves as part of the budgetary process;
- 6.1.21** The dismissal of Officers;
- 6.1.22** The overall review of rents and charges;
- 6.1.23** To order, regulate and generally supervise the Council's finances within the general financial policy of the Council which shall be expressed in the annual budget.

7 Committees

- 7.1** All Committees are authorised to:
 - 7.1.1** Elect a chair from within the membership of that Committee;
 - 7.1.2** Approve the Minutes of the last meeting of the Committee;
 - 7.1.3** Spend money from budget headings under that Committee's remit up to the limit of the budget and/or named reserve;
 - 7.1.4** Make recommendations on the budget requirement for the Committee for the coming Financial Year;
 - 7.1.5** Delegate any of their functions to a Sub Committee or officer of the Council.
- 7.2** Additionally, all Committees are authorised to carry out any duties or actions legally and properly delegated to them in their approved Terms of Reference subject to:
 - 7.2.1** The provisions of any Standing Order or Financial Regulation for the time being in force, except where such Order or Regulation has been specifically waived by resolution of the Council;

- 7.2.2** Prior Council approval of annual capita and revenue estimates;
- 7.2.3** Any scheme requiring application for consent to borrow having first been approved by Council, and loan sanction secured;
- 7.2.4** Where matters of policy are involved, the existence of a policy approved by the Council. In the absence of such policy, Committees, Sub-Committees and Working Groups may consider the matter and make recommendations to the Council;
- 7.2.5** Prior Council approval to recommendations for the allocation of duties, powers and guidelines to committees.
- 7.3** The exercise by committees of the above powers shall be without derogation to the powers of the Council to call for a report on any committee decision.
- 7.4** Every committee shall have power to authorise an officer, after consultation with the Chair of the Committee, to take decisions on specific, urgent matters falling within its own Terms of Reference as it sees fit.
- 7.5** Notwithstanding the powers delegated to Committees, the Council retains the right to exercise such powers when necessary.