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Honeybourne Parish Council

Scheme of Delegation to Parish Clerk and Standing Committee

Introduction

Local Councils may only do what legislation requires or permits them to do. With some particular exceptions, the Council may delegate functions to committees, officers or other authority. The power to delegate functions by local councils is set out in the Local Government Act 1972 S.101

Notes

1. This scheme is in addition to Standing Orders no. 4 and 15 (Appendix 1) The Parish Council's Standing Orders & Financial Regulations are based on the NALC model.
2. No parish councillor may act independently; all the council's actions must be authorised by way of the full council, a committee or the Clerk. The council may delegate decisions to a committee or to a paid officer.
3. Delegation for urgent business is a necessity in this fast-changing age.
4. The setting up of committees helps to reduce the time taken at full council meetings and supports improved member involvement.
5. The Clerk, or 'Proper Officer', is also the council's Responsible Financial Officer (RFO).
6. The Clerk is the only paid officer; there is no other specifically identified individual who can be delegated to act on their behalf in their absence or when the Clerk is an interested party.
7. **This scheme of delegation to the Clerk and Standing Committees is not exhaustive and is subject to being implemented in accordance with the law, the Council's Standing Orders and Financial Regulations.**

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:

Function assigned to Council	
Service area	Function
Audit	<ol style="list-style-type: none"> 1. Approval of the Annual Accounts 2. Completion of the Annual Return including the Governance Statement 3. Consideration of an Auditor's report made in the public interest (within one month of receipt)
Finance	<ol style="list-style-type: none"> 1. Setting the precept and approval of Council's budget 2. Determination and review of Bank Mandate 3. Agreement to write off bad debts 4. Authorisation as to terms and purposes for any application for borrowing approval and subsequent arrangements for the loan 5. Approval of any financial arrangement which does not require formal borrowing approval from the Secretary of State (eg hire purchase or leasing of tangible assets) 6. Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interest in land) 7. Approval of the virement of unspent and available amount to other budget headings or reserves 8. Approval of changes in earmarked reserves as part of the budgetary process; <p style="margin-left: 20px;">Making arrangements to pay salaries/wages and expenses to all</p>

	employees of the Council (subject to the Council's financial regulations;
Governance	<ol style="list-style-type: none"> 1. The making, amending or revoking of Standing Orders, Financial Regulations and this Scheme of Delegation 2. Adoption or revision of the Council's Code of Conduct 3. Matters of principle or policy 4. Nomination of appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee 5. The making, amending or revoking of bye-laws
Standing Orders	<ol style="list-style-type: none"> 1. To adhere to the Standing Orders of the Council 2. Arrange for annual review
Urgent Business	<ol style="list-style-type: none"> 1. Urgent decisions required between scheduled meetings are delegated to the Clerk in consultation with the council's Chairman 2. In the absence of the Clerk or in the event that they are an interested party, they will be substituted by an appropriate substitute from outside the parish council, ideally a Clerk from within Wychavon district 3. In the absence of the council's Chairman, or in the event that the council's chairman is an interested party, they will be substituted by the vice-chairman. 4. Decisions made under this delegation will be reported to and minuted at the next council meeting. 5. Under this delegation, where appropriate, the Clerk may conclude that an extraordinary meeting of the council be called to deal with the urgent matter.

Scheme of Delegation to the Clerk	
Service area	Function
Audit	To maintain a continuous internal audit that is to be available for members to review on a quarterly basis
Communications	To deal with all press and public relations on behalf of the council
Contractors	To liaise with, and be the first point of contact for, all contractors appointed by the parish council including the Parish Lengthsman and Outdoor Parish Handyman.
Decisions	To take all necessary action, including signing any document, necessary to give effect to any decision of the council and its scheme of delegation.
Elections	To notify the Returning Officer of all casual vacancies arising in the membership of the Council as required by statute and to liaise with them regarding any statutory notices, electoral arrangements and co-option.
Emergency planning	<ol style="list-style-type: none"> 1. To lead the Council's response in the case of a local major emergency in consultation with and/or under the direction of the Emergency Planning Officers of the county & district councils. 2. To report to council issues concerning emergency planning to facilitate and enable an appropriate response in the event of a local emergency.
Finance	<ol style="list-style-type: none"> 1. If required, and dependent on banking arrangements, to manage timely transfer of funds between the council's bank accounts in order to maintain adequate cash-flow and in accordance with the council's investment policy. 2. The exercise of virement within the Council's budget with agreement of the Full Council, according to need. 3. To maintain adequate insurance cover for the council's activities and

	<p>assets.</p> <ol style="list-style-type: none"> 4. To act as Responsible Finance Officer for the purposes of the Accounts & Audit Regulations. 5. To present accounts for payment following Council sanction. 6. Working with council members, to provide a draft budget to the council for the forthcoming year and forecast for future years. 3. Other delegations in accordance with financial regulations.
Data Protection and Freedom of Information	<ol style="list-style-type: none"> 1. To have overall responsibility for the council's publication scheme. 2. To be responsible for applying the requirements of the Freedom of Information Act and Data Protection Act / General Data Protection Regulation.
Health, safety and wellbeing	<ol style="list-style-type: none"> 1. To arrange for and keep the council's schedule of risk assessments up to date. 2. To take all necessary action to implement actions identified to mitigate risks in the workplace and on council property . <p>To be the responsible officer for all safety purposes prescribed by law.</p>
Information and Communications Technology	<ol style="list-style-type: none"> 1. To be responsible for the provision and management of information and communication technology provided throughout the council. 2. To report on need for replacement of out-dated equipment and the purchase of new equipment. <p>To be responsible for the council's website and any other online presence.</p>
Land and property	<ol style="list-style-type: none"> 1. To purchase necessary goods and supplies. 2. To maintain the Council's offices and property. 3. To adjust grass cutting frequencies in relation to the maintenance of the various open areas for which the Council is responsible. 4. To consult on planting schemes for the various open areas for which the Council is responsible.
Meetings	To arrange and call meetings of the council and its committees as and when expedient in consultation with the council's Chairman.
Proper Officer	To act as Proper Officer for the purposes set out in Standing Orders and for all other purposes prescribed by law.
Staff	There are currently no other members of staff for whom the Clerk is responsible.
Standing Orders	<ol style="list-style-type: none"> 1. To adhere to the Standing Orders of the council. 2. Arrange for annual review.
Urgent business	<ol style="list-style-type: none"> 1. Urgent decisions required between scheduled meetings are delegated to the Clerk in consultation with the council's Chairman. 2. In the absence of the Clerk or in the event that they are an interested party, they will be substituted by an appropriate substitute from outside the parish council, ideally a clerk from within Wychavon district. 3. In the absence of the council's chairman, or in the event that the council's chairman is an interested party, they will be substituted by the vice chairman. 4. Decisions made under this delegation will be reported to and minuted at the next council meeting. 5. Under this delegation, where appropriate, the Clerk may conclude

	that an extraordinary meeting of the council be called to deal with the urgent matter.
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APPENDIX 1

Standing Orders no. 4:

1. COMMITTEES AND SUB-COMMITTEES

- a Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.
- c Unless the Council determines otherwise, all the members of an advisory committee and a sub- committee of the advisory committee may be non-councillors.
- d The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 10 days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub- committee which, in both cases, shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;
 - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
 - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and

- xii. may dissolve a committee or a sub-committee.

Standing Orders no. 15

2. PROPER OFFICER

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
- i. at least three clear days before a meeting of the council, a committee or a sub-committee
 - serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and
 - Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;
 - ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 10 days before the meeting confirming his withdrawal of it;
 - iii. convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
 - iv. facilitate inspection of the minute book by local government electors;
 - v. receive and retain copies of byelaws made by other local authorities;
 - vi. hold acceptance of office forms from councillors;
 - vii. hold a copy of every councillor's register of interests;
 - viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
 - ix. act as, or liaise with, whichever is appropriate, the Council's Data Protection Officer;
 - x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
 - xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
 - xii. arrange for legal deeds to be executed; (see also standing order 23);
 - xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
 - xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
 - xv. refer a notification of planning application consultation received by the Council to all members of the Council within two working days of receipt to facilitate an extraordinary meeting when a response is required before the next ordinary meeting of either the Council or the planning committee;
 - xvi. manage access to information about the Council via the publication scheme