



# RUDGWICK PARISH COUNCIL

## SCHEME OF DELEGATION

Date Adopted	Minute Number	Review Date
May 2018		May 2019
May 2019	FC011-19/20	May 2020
June 2020	FC035-19/20 (FPHR 010-20/21)	May 2021
August 2020	FC100-20/21	May 2021
May 2021	FC015-21/22	May 2022

## **1. Legislative Framework**

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.

The power to delegate functions by local councils is set out in the Local Government Act 1972 S.101 as follows:

### **Local Government Act 1972 S. 101**

Arrangements for discharge of function by local authorities

(1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions:

- (a) by a Committee, a sub-Committee or an officer of the authority, or
- (b) by any other local authority

(2) Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee of the authority, then unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.

(4) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, sub-committee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.

(5) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.

(6) A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority.

### **AIM**

The aim of this document is to clarify the way Rudgwick Parish Council has delegated its powers and the authority to spend.

## **2. Council**

The full Council (Eleven Members) can take all decisions or it may appoint one or more committees or working groups for the purpose of discharging its functions. It may also delegate some of its functions to the officer(s) of the Parish Council according to its Standing Orders.

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

- Setting the precept and approval of the Council's budget
- Approval of the Annual Accounts and completion of the Annual Return
- Completion of the Annual Governance and Accountability Return
- Consideration of an Auditor's report made in the public interest (within one month of receipt).
- The making, amendment or revocation of Standing Orders, Financial Regulations and this Scheme of Delegation
- Adoption or revision of the Council's Code of Conduct.
- Matters of principle or policy
- Confirmation (by resolution) that the Council has satisfied the statutory criteria to exercise the General Power of Competence
- Any proposed new undertakings
- All other matters which must by law be reserved to the full Council
- Appointment of standing and other committees under Standing Order 4d

Other functions which have been retained by Council are:

- Determination and review of the Bank Mandate
- Matters of principle or policy not delegated to a standing committee with executive powers
- Nomination or appointment of representatives of the Council to outside bodies (except approval of attendance at conferences or meetings)
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specifically delegated to a committee
- The making, amendment or revocation of bye-laws
- Agreement to write off bad debts
- Approval by resolution, before payment, of any grant or single commitment in excess of £5000 (with the exception of items specifically approved in a budget).
- Authorisation as to terms and purpose for any application for Borrowing Approval and subsequent arrangements for the loan.
- 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)
- Approval of purchase, acquisition by other means, sale, lease or disposal of tangible moveable property over £1,000 (with the exception of items specifically approved in a budget).

- Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interests in land).

### **3. Proper Officer**

The Clerk to the Council shall be the Proper Officer and carry out the functions of the Proper Officer and Responsible Finance Officer as provided by the Local Government Act 1972 and other Acts and statutory instruments as set out in the job description for the post. In the absence of the Clerk, the Council must make suitable arrangements to undertake functions delegated to the Proper Officer. Delegated actions of the Clerk 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.

The Clerk is specifically authorised to:

- Receive declarations of acceptance of office.
- Receive and publish Members' Registers of Interest in consultation with the District Council's Monitoring Officer
- Receive and grant dispensations under the Code of Conduct after consulting with the District Council's Monitoring Officer; details of all dispensations received and granted to be reported to the Council at the next available meeting.
- Sign and serve on councillors a summons with an agenda to attend Council and committee meetings
- Convene a meeting of the Council if a casual vacancy occurs in the office of the Chairman
- Sign notices or other documents on behalf of the Council
- Receive and hold copies of byelaws made by a principal local authority which affect the Council's area
- Receive and retain plans, notices and documents
- Certify copies of byelaws made by the Council
- To institute and appear in any legal proceedings authorised by the Council

In addition, the Clerk is authorised to undertake the day to day administration of the Council, to include but not exclusively restricted to:

- Calling extra meetings of the Council or any committee or sub-committee as necessary, having consulted with the appropriate chairman, except those called by the Chairman or members in accordance with Standing Order 6.
- Issuing press releases and statements to the press on the Council's known policies, subject to the provisions of the Council's Press and Media Policy.
- 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

- Updating and managing the content on the Council's website
- Making arrangements for the maintenance of the office IT system.
- Purchasing basic office equipment and supplies
- Disposal of Council records according to legal restrictions and an agreed retention and disposal policy
- Handling requests for information under the Freedom of Information Act 2000 and the GDPR, 25<sup>th</sup> May 2018.  
in the first instance, acknowledging and handling all complaints regarding the council (except where the complaint relates to the clerk);
- Making arrangements for the routine maintenance of the Parish Office and other land or premises
- Arranging emergency repairs to the Parish Office or other Council premises (subject to the council's standing orders and financial regulations.)
- Taking appropriate action arising from other emergencies (in consultation with the Chairman/Vice Chairman of Council or committee chairman as appropriate to the circumstances)
- Managing all employees (not including any variation of employment contracts and not any matters relating to grievances lodged against him/her) of the council and has the authority to take disciplinary action, excluding termination of employment, under agreed procedures;
- Making arrangements to pay salaries/wages and expenses to all employees of the Council (subject to the Council's financial regulations) and ensuring appropriate payments are made to HMRC and West Sussex County Council;
- 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;
- Dealing with day to day matters in relation to the hire of Council premises, in accordance with hire agreements and in accordance with any policies and decisions of the Hall, Recreation and Open Spaces Committee or full Council.
- Authorising routine recurring expenditure within the agreed budget
- Authorising payment for items below £3,000 in consultation with the Chairman of Council and the Chairman of the appropriate Committee (Fin Regs 4.1)
- Emergency expenditure up to £1,000 whether or not there is budgetary provision for the expenditure (Fin Regs 4.5)

When the Council delegates a specific task or function to the Proper Officer, the action taken must be reported to the next Council meeting.

In the absence of the Clerk, the assistant Clerk is authorised to carry out the duties of the Proper Officer.

#### **4. Responsible Financial Officer (RFO)**

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. The functions and duties of the RFO are set out in the job description for the post of Parish Clerk.

## 5. Committees

The Council has appointed and given executive powers to the following committees

- Finance Policies and Human Resources
- Halls, Recreation and Open Spaces
- Planning
- Complaints

Delegation arrangements are in accordance with the Terms of Reference which are reviewed on an annual basis by Council.

All Committees are authorised to:

- Approve the Minutes of the last meeting of the Committee for forwarding to Council
- Spend money from budget headings under that Committee's remit up to the limit of the budget and/or named reserve
- Make recommendations on the budget requirement for the Committee for the coming Financial Year
- Delegate any of their functions to a Sub Committee or officer of the Council.
- Refer any matter back to Council for consideration
- [Planning Committee/ Planning Committee Chairman to have delegated powers outside of meetings.](#)