

# **STALMINE WITH STAYNALL**

## **Scheme of Delegation to Clerk/RFO**

**This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (which may be one and the same person), to act with delegated authority in the specific circumstances detailed.**

This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders. It will be reviewed annually and when there is a change of Clerk/RFO.

The purpose of this document is to clearly define the parameters within which the Clerk/RFO of the Council can act without reference to Councillors. This document also captures the various delegated powers throughout the Council.

The Parish Clerk is employed by the council under section 112 of the Local Government Act 1972 for the proper discharge of its functions. Stalmine-with-Staynall Parish Council recognise that the proper officer is the Clerk and the Responsible Financial Officer, duties and powers of each role will be specified below:

### **1. PROPER OFFICER (CLERK/RFO) DUTIES & POWERS**

The Clerk/ RFO shall have delegated authority to authorise payments only in the following circumstances:

- a. any payments of up to £500 excluding VAT, within an agreed budget (Financial Regulations 6.9 i)
- b. payments of up to £2,000 excluding VAT in cases of serious risk to the delivery of council services or to public safety on council premises (Financial Regulations 6.9 ii).
- c. any payment necessary to avoid a charge under the Late Payment of Commercial Debts (Interest) Act 1998 or to comply with contractual terms, where the due date for payment is before the next scheduled meeting of the council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council (Financial Regulations 6.9iii)
- d. Fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council (Financial Regulations 6.9 iv).
- e. Any Debit Card issued for use will be specifically restricted to the Clerk/RFO and will also be restricted to a single transaction maximum value of £500 unless authorised by council in writing before any order is placed (Financial Regulations 9.1) All transactions are for business purposes only, and debit card transactions will be deducted from the Virgin Bank account. All transactions must be reported to the Council.
- f. In cases of serious risk to the delivery of council services or to public safety on council premises, the clerk may authorise expenditure of up to £2,000 excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure. The Clerk shall report such action to the Chair as soon as possible and to the council as soon as practicable thereafter. (Financial Regulations 5.18)
- g. the Clerk/RFO, under delegated authority, for any items below £500 excluding VAT (Financial Regulations 5.18)
- h. the Clerk, in consultation with the Chair of the Council, for any items below £2,000 excluding VAT. (Financial Regulations 5.15)
- i. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, except where the estimated value of any one item does not exceed £500. In each case a written report shall be provided to council with a full business case (Financial Regulations 16.5)
- j. Authorise regular recurring payments.
- k. carry out duties in line with job description of RFO

- I. Authorise payments for councillor training within the allocated budget limit.

## **2. PROPER OFFICER (CLERK) DUTIES & POWERS**

- 2.1 The Parish Clerk is designated and authorised to act as Proper Officer of the Council for the purposes of all relevant sections of the Local Government Act 1972, its amendments and any other statute requiring the designation of a Proper Officer as such is specifically authorised to:
  - a 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).**
    - 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/her/their withdrawal of it;
    - iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her/their 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. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
    - 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;
    - 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 planning application received by the Council to the Chair or in his/her/their absence the Vice-Chair (if there is one) of the Council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
    - xvi. manage access to information about the Council via the publication scheme; and
    - xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.

*(Standing Order 15 b i-xvii)*

- b. Undertake activity or responsibility instructed by resolution or contained in standing orders;
- c. Acknowledge and handle (in the first instance) all complaints regarding the council (except where the complaint relates to the clerk).
- d. Sign Notices or other documents on behalf of the Council;
- e. Keep proper records for all Council Meetings;
- f. Notify the Returning Officer of any casual vacancies and liaise with them regarding the conduct of elections;
- g. 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;
- h. Update and manage the content on the Council's website, and social media
- i. Make arrangements for the maintenance of the office IT system;
- j. Purchase basic office equipment and supplies;
- k. Co-ordinate the production of the Council's newsletters/Green Book entry.
- l. Dispose of Council records according to legal restrictions

### **3. STAFFING MATTERS**

- 3.1 The Parish Clerk is given delegated powers to act as line manager to all the Council staff in accordance with the Council's policies, procedures and budget, including: -
  - a. The paying of employees their salaries and wages at the rates agreed by the Council.
  - b. The control of staff performance and behaviour in accordance with the Council's agreed policies.
  - c. Payment of expenses as and when required.

### **4. GENERAL**

- 4.1 Delegated actions of the Parish Clerk shall be in accordance with Standing Orders, Financial Regulations, this Scheme of Delegation and directions given by the Council from time to time; the latter to be noted in the minutes and in a log of additional delegations.

### **5. COUNCIL RESPONSIBILITIES**

- 5.1 Certain functions cannot be delegated and are therefore reserved to the full Council, although an appropriate committee may make recommendations for the Council's consideration:
  - a. **The council must not delegate any decision regarding:**

- **setting the final budget or the precept (council tax requirement);**
  - **the outcome of a review of the effectiveness of its internal controls**
  - **approving accounting statements;**
  - **approving an annual governance statement;**
  - **borrowing;**
  - **declaring eligibility for the General Power of Competence; and**
  - **addressing recommendations from the internal or external auditors** (*Financial Regulations 1.6*)
- b. In addition, the council shall:
- determine and regularly review the bank mandate for all council bank accounts;
  - authorise any grant or single commitment in excess of £1,000; (*Financial Regulations 1.7*)
- c. **At least once a year, the council must review the effectiveness of its system of internal control, before approving the Annual Governance Statement.** (*Financial Regulations 2.4*)
- d. **The council must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices.** (*Financial Regulations 3.5*)
- e. **As an employer, the council must make arrangements to comply with the statutory requirements of PAYE legislation.** (*Financial Regulations 11.1*)
- f. Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation;
- g. Adoption or revision of the Council's Code of Conduct;
- h. Creation of Committees and membership therein;
- i. Borrowing money
- j. Matters of principle or policy;
- k. Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee;
- l. The making, amending or revoking of bye-laws;
- m. Writing off bad debts;
- n. 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);
- o. Approval of the virement of unspent and available amounts to other budget headings or reserves;
- p. Approval of changes in earmarked reserves as part of the budgetary process;
- q. Prosecution or defence in a court of law.

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