

STALMINE WITH STAYNALL

Scheme of Delegation to Clerk

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.

1. RESPONSIBLE FINANCIAL OFFICER DUTIES & POWERS

- 1.1 The Parish Clerk is employed by the council under section 112 of the Local Government Act 1972 for the proper discharge of its functions.
- 1.2 The Parish Clerk shall be the Responsible Financial Officer to the Council and shall be responsible for the Parish Council's accounting procedures and financial records, in accordance with the Accounts and Audit Regulations in force at any given time and the Council's adopted Financial Regulations. As such they are authorised to:
 - a. the Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500.00 (Fin reg 4.5). The Clerk shall report the action to the council as soon as practicable thereafter. If the expenditure has not been specifically budgeted for, the RFO will allocate the sum from the contingency budget.
 - b. Make fund transfers between the Council's accounts up to the sum of £10,000 which will need to be reported to the next meeting of the Council (Fin reg 5.5c)
 - c. Authorise payments to avoid interest charges which will need to be reported to the next meeting of the council (Fin reg 5.5a)
 - d. Authorise regular recurring payments (Fin regs 5.5b and 5.6)
 - e. Acquire or dispose of tangible moveable property not exceeding £250 in value (Fin reg 14.2)
 - f. carry out duties in line with job description of RFO
 - g. Incur expenditure up to £250; or any other amount resolved appropriate by the Council subject to the limitations of Fin reg 1.13 (Fin reg 5.5d).
 - h. Authorise payments for councillor training within the allocated budget limit.
 - i. Minute 161(8) extended the clerk's existing delegations to cover all aspects of the council's work not expressly excluded from delegation by statute. Any decisions to be taken following a consultation with members, including remote meeting methods i.e Zoom. The delegations to be reviewed by council from time to time.

2. PROPER OFFICER 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. Receive declarations of acceptance of office;
 - b. Receive and record notices disclosing interests at meetings;
 - c. Receive planning application documents and keep a record of decisions;
 - d. Receive and send general correspondence and notices on behalf of the Council unless there is a resolution to the contrary;
 - e. Receive copies of By-laws made by another local authority;
 - f. Arrange for legal deeds to be signed by 2 councillors and witnessed by the Proper Officer;
 - g. Sign and issue summonses to attend meetings of the Council;
 - h. Sign Notices or other documents on behalf of the Council;
 - i. Convene a meeting of full council for the election of a new Mayor occasioned by a casual vacancy in his office;
 - j. Keep proper records for all Council Meetings;
 - k. Undertake activity or responsibility instructed by resolution or contained in standing orders;
 - l. Act as the Council's designated Officer for the purposes of the Freedom of Information Act 2000 and Data Protection Act 2018;
 - m. Notify the Returning Officer of any casual vacancies and liaise with them regarding the conduct of elections;
 - n. 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;
 - o. Update and manage the content on the Council's website;
 - p. Make arrangements for the maintenance of the office IT system;
 - q. Purchase basic office equipment and supplies;
 - r. Co-ordinate the production of the Council's newsletters;
 - s. Dispose of Council records according to legal restrictions
 - t. Acknowledge and handle (in the first instance) all complaints regarding the council (except where the complaint relates to the clerk).

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. Setting the Precept and approval of the Council's budget;
 - b. Approval of the Annual Return (Statement of Accounts) including the governance statement;
 - c. Approval of the year end accounts;
 - d. Consideration of an Auditor's report made in the public interest (within one month of receipt);
 - e. Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation;
 - f. Adoption or revision of the Council's Code of Conduct;
 - g. Confirmation (by resolution) that the Council has satisfied the statutory criteria to exercise the General Power of Competence;
 - h. Creation of Committees and membership therein;
 - i. Borrowing money;
 - j. Determination and review of the Bank Mandate;
 - k. Matters of principle or policy;
 - l. Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee;
 - m. The making, amending or revoking of bye-laws;
 - n. Writing off bad debts;
 - o. Approval by resolution, before payment, of any grant or single commitment in excess of £5,000;
 - p. 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);
 - q. Approval of the virement of unspent and available amounts to other budget headings or reserves;
 - r. Approval of changes in earmarked reserves as part of the budgetary process;
 - s. Prosecution or defence in a court of law.

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