



Issue 1

# Scheme of Delegation to the Parish Clerk

Tysoe Parish Council



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## Introduction

### Tysoe Parish Council Decision Making Process

The Council is a corporate body, a legal entity separate from its members. Its decisions, or resolutions, are the responsibility of the whole Council who come together in public council meetings. To speed up decision making, in emergencies, and in times when it is difficult for the full Council to meet beyond the statutory requirement for the year, decision-making can be delegated to:

- Committees (where they exist)
- The Parish Clerk and Responsible Financial Officer, also known as the Proper Officer.

By delegating powers, the Parish Clerk may do anything pursuant to the delegated power or duty which it would be lawful for the Council to do including anything reasonably implied or incidental to that power or duty.

This document explains in more detail what powers and duties are delegated to the Tysoe Parish Council Proper Officer and as such are deemed to be exercised on behalf of and in the name of the Council. This scheme of delegation is not comprehensive and is subject to being implemented in accordance with the law (including but not restricted to employment law, Health and Safety, Freedom of Information, Data Protection, Safeguarding and Equality), the Council's Standing Orders and Financial Regulations. Ensure that all statutory requirements are observed.

This scheme will be reviewed on a regular basis as required by the Council and when a new Parish Clerk and Responsible Financial Officer are appointed.

The Chairman has been specifically identified as an individual who can be delegated to act on the Clerk's behalf in their absence or in the event that the Clerk is an interested party. In the absence of the Parish Clerk and Responsible Financial Officer and Chairman, Cllr Millward will be delegated to act.

### The act of delegating powers

Powers will be delegated to the Parish Clerk and Responsible Finance Officer by a quorum of Councillors, either by resolution in a council meeting or, in extreme circumstances, by email. Once enacted, the Scheme of Delegation will be reviewed as required but as a minimum three-months from the date of issue. Any recommended changes will be circulated to all Councillors for review and comment before being accepted. Delegated powers will cease by vote of Councillors at the first physical meeting of the Council that is quorate.

## Tysoe Parish Council Proper Officer

The Proper Officer is authorised:

1. To take all necessary action, including signing any document, necessary to give effect to any resolution of the Council and its scheme of delegation.
2. Facilitate the council's engagement with the community, managing public relations and ensuring that the council is transparent in all its actions.
3. To direct the custody of Parish Council property and documents in accordance with the provisions of Local Government Act 1972 S226.
4. To introduce new or, review, update and seek comment on, existing Council policies and procedures in line with changes to legislation, requirements and/or the Council's Policy Schedule (excluding the Code of Conduct).

The Proper Officer will, on a monthly basis, report on any activity relating to this area.

## Meetings

1. To arrange and call meetings of the council, committees and working groups as and when expedient in consultation with the council's Chairman.
2. To alter the date or time of a Council or Committee but, before doing so, shall consult the Chair of the Council or committee concerned about the need for the change and about convenient alternative dates and times.

The Proper Officer will, on a monthly basis, report on any activity relating to this area.

## Financial Matters

The Proper Officer is authorised as follows:

- 1) To incur expenditure up to a maximum of £5,000 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution.
- 2) Expenditure in the range £1500 - £5000 to be incurred in consultation with the relevant committee chair/chair of council.
- 3) To authorise Cllr Millward to pay all accounts, standing orders, direct debits and subscriptions properly incurred.
- 4) To maintain a continuous internal audit that is to be made available for members to review on a quarterly basis.

- 5) To make all necessary arrangements for the provision of an internal and external audit service for the Council.
- 6) To negotiate settlements in connection with claims made by and against the council in consultation with the Council's insurers where appropriate.
- 7) To incur expenditure on revenue items within the approved estimates and budgets under their control.
- 8) To carry out virement of sums between cost centres in accordance with the Council's Financial Regulations.
- 9) To authorise action for the recovery of debts.
- 10) To write off debts up to the level set by the Council at its Budget Meeting subject to the approval in the year end accounts.
- 11) To maintain a Register of Assets and Inventory of Equipment.
- 12) To maintain adequate insurance cover for the council's activities and assets.
- 13) To prepare a draft budget for consideration by the Council.
- 14) To prepare the Final Accounts for each financial year.

The Proper Officer will, on a monthly basis, report on any activity relating to this area.

### Grants and Requests for Financial Support

- 1) Manage and administer the council's Grant application process and any requests for financial support.
- 2) Request recommendations from the Parish Council on all new applications and requests.
- 3) Respond to grant applications and requests for financial support following the recommendations of the Parish Council.

The Proper Officer will, on a monthly basis, report on any activity relating to this area.

## Contractors

- 1) To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.
- 2) To send out invitations to tender to progress works approved in the budget and:
  - i) To accept quotations or tenders for work, supplies or services (where tenders are required by the Council's Financial Regulations), subject to the cost not exceeding the amount approved estimate
  - ii) the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation
  - iii) all the requirements of the Council's Financial Regulations being complied with.
- 3) To liaise with, and be the first point of contact for, all contractors appointed by the Parish Council.

The Proper Officer will, on a monthly basis, report on any activity relating to this area.

## Correspondence

1. To respond to all correspondence on behalf of the council including:
  - a. Requests under the Freedom of Information Act 2000.
  - b. Complaints made under the Council's Complaints procedure.

The Proper Officer will, on a monthly basis, report on any activity relating to this area.

## Planning

1. Manage and administer the council's participation in the planning system according to current planning law, policies and procedures.
2. Request recommendations from the Planning Task Group on all new planning applications.
3. Respond to planning applications following the recommendations of the Planning Task Group.

The Proper Officer will, on a monthly basis, report on any activity relating to this area.

## Communication

1. Maintain regular communications with the Council and the Parish at times when the Parish Council is unable to meet.
2. Deal with all press and public relations on behalf of the council.
3. Be responsible for the council's website and social media presence.

The Proper Officer will, on a monthly basis, report on any activity relating to this area.

## Learning & Development

1. Tysoe Parish Council will support the Proper Officer to manage their learning and development to facilitate efficient, lawful and professional performance in the role.
2. Reasonable and justifiable expenses relating to this aim are supported. Expenses may include learning and development costs, purchase of publications, overtime and travel expenses.

The Proper Officer will, on a monthly basis, report on any activity relating to this area.

## Property Matters

1. The Parish Clerk is given authority to manage the land and property of the Council including:
  - a) Enter discussions regarding the terms of any lease, license, conveyance or transfer in consultation with the council's legal advisors.
  - b) Enter discussions regarding the granting or refusal of the Council's consent under the terms of any lease.
  - c) Enter discussions regarding variations of restrictive covenants of a routine nature.
  - d) Enter discussions regarding the granting of easements, way leaves and licences over Council land as approved by Council resolution.
2. Initiate legal action or proceedings against unauthorised encampments on Council land, in consultation with the Chair/Vice-Chair.
3. To manage all the Council's open spaces and amenity areas.

The Proper Officer will, on a monthly basis, report on any activity relating to this area.

## Health and Safety at Work Act 1974

1. To oversee the discharge of the Council's responsibilities under the Act.
2. To review and maintain an up to date risk register on behalf of the Council.
3. To be the responsible officer for all safety purposes prescribed by law.

The Proper Officer will, on a monthly basis, report on any activity relating to this area.

## Legal Proceedings

1. To take and discontinue legal proceedings in any Court or at any Tribunal as approved by Council recommendation
2. To take Counsel's advice or instruct Counsel to represent the Council, as approved by Council recommendation
3. To seek injunctions and commence proceedings for the purposes of
  - i) enforcement in accordance with the Council's policies
  - ii) recovering money due to the Council
  - iii) recovering or otherwise preserving possession of the Council's land or property
  - iv) defending the interests of the Council
  - v) appealing against a decision affecting the interests of the Council and responding to appeals against action taken by the Council
4. To represent the Council at Court or any Tribunal or to make arrangements for appropriate representation.
5. To negotiate and settle the terms of documents to give effect to a decision of the Council or any of the committees or of any officer acting under delegated powers.
6. To be the Responsible Officer for the co-ordination and operation of the legal requirements under the Data Protection Act and the Freedom of Information Act.
7. To serve Requisitions for Information.
8. To institute and appear in any legal proceedings authorised by the Council.

The Proper Officer will, on a monthly basis, report on any activity relating to this area.



## Elections

1. 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.

The Proper Officer will, on a monthly basis, report on any activity relating to this area.

## Emergency Response

1. The Proper Officer is authorised to act on behalf of the Council in cases of urgency or emergency.
2. Create, review, update and maintain emergency response procedures to facilitate and enable an appropriate response in the event of a local emergency
3. The Chairman or Vice Chairman will be consulted before such action is taken.

The Proper Officer will, on a monthly basis, report on any activity relating to this area.

## Responsibilities not delegated to the Proper Officer

1. Levying or issuing a precept
2. Borrowing money
3. Approving the Councils annual accounts
4. Considering an auditor's report made in the public interest
5. Confirming that the council has satisfied the statutory criteria to exercise the general power of competence
6. Adopting or revising the Councils code of conduct