



SCHEME OF DELEGATION

DRAYTON PARISH COUNCIL

Version 1.2

Approval Date:	6 th April 2023	Approval Route:	Council
Review Date:	April 2024	Policy Holder:	Governance Committee

Introduction

Pursuant to s.101 of the Local Government Act 1972, Drayton Parish Council (the Council) as a local authority may arrange for the discharge of any of their functions by a committee, a sub-committee, or an Officer of the authority.

The Scheme of Delegation sets out the delegated authority to act for Officers and Committees of the Council and is intended to facilitate the effective day to day running of the Council with all reasonable speed.

Matters reserved only for Council

The following matters are reserved for the Council and may not be delegated to a Committee or Officer of the Council:

- 1. To elect a Chairman and Vice-Chairman of the Council (SO5e)**
2. To review and approve delegation arrangements to committees, sub-committees and staff of the Council (SO5v)
3. To review and approve Terms of Reference for committees (SO5vi)
4. To appoint members to existing committees (SO5vii)
5. To appoint any new committees in accordance with Standing Order 4 (SO5viii)
- 6. To approve the final annual budget (FR1.13 & FR3.3)**
- 7. To approve the final precept (FR1.13 & FR3.4)**
- 8. To approve accounting statements (FR1.13)**
- 9. To approve the Annual Governance and Accountability Return (AGAR) (FR1.13)**
- 10. To approve any application for borrowing and subsequent arrangements for the loan (FR1.13 & FR8.1)**
- 11. To determine action in relation to outstanding debts (FR1.13)**
- 12. To declare eligibility for the General Power of Competence (FR1.13)**
- 13. To determine action to be taken in response to recommendations in any report from the internal or external auditors (FR1.13)**
- 14. To approve banking arrangements including the bank mandate for all council bank accounts (FR1.14 & FR5.1)**
- 15. To authorise any grant or a single commitment in excess of £5,000 (FR1.14 & FR4.1)**
- 16. To consider recommendations from the Staffing Committee in respect of staff remuneration and/or terms and conditions of employment (FR1.14 & FR7.3)**
17. To determine matters incurring expenditure for which budget provision is not made or exceeded (FR4.2)
18. To approve the movement to other budget headings or to an earmarked reserve as appropriate, any unspent or available amounts during the budget year (FR4.2)
19. To approve expenditure in relation to any capital project (FR4.6)
20. To receive quarterly budget reports (FR4.8)
21. To approve any changes in earmarked reserves (FR4.9)
22. To approve and/or ratify a monthly set of accounts (FR5.2)
23. To approve financial arrangements for Hire Purchase and/or leasing of tangible assets (FR8.2)
24. To approve annually, particulars of all charges to be made for work done, services rendered or goods supplied (FR9.2)
25. To approve annually, a review all fees and charges (FR9.3)
26. To approve any variation to a contract or addition to or omission from a contract for building or other construction works (FR12.3)

27. To approve the purchase, acquisition, sale, lease or disposal of all tangible moveable property where the estimated value of any one item exceeds £250 (FR14.2)
28. To approve the purchase, acquisition, sale, lease or disposal of real property (interests in land) (FR14.3 & 14.4)
29. To approve governing documents of the Council including Standing Orders, Financial Regulations, Scheme of Delegation and Council Policy (FR18.1)
30. To appoint the internal auditor for the provision of year-end internal audit
31. To appoint and dismiss Council Officers following recommendations from the duly delegated committee
32. To approve the Council's insurance requirements following recommendation from the duly delegated committee
33. To nominate and appoint representatives of the Council to any other authority, organisation or body as necessary
34. To receive and respond to national and local consultations, including planning matters
35. To adopt the schedule of meetings for the ensuing year
36. To determine any other matters which do not fall within the remit of committees, sub-committees or delegated Officers of the Council

Committees

Committees have delegated authority to act within their Terms of Reference and budget agreed by the Council. This means committees can resolve and thereafter instruct action by Officers on all matters not reserved for consideration by Council, or by another committee. For matters reserved by Council or other committees, committees can only recommend a course of action and, in these cases, officers cannot normally carry out the instructions of the committees until the recommendation(s) have been approved by Council.

All decisions and/or actions taken by a committee of the Council shall be deemed on behalf of and in the name of the Council. As such all members of the Council shall receive agendas, minutes and supporting papers of all committees for information.

Council members are entitled to attend all committees and sub-committees whether or not they are members of the committee, although no voting rights or right to participate in discussions or proceedings is granted.

All delegated authority will be exercised in accordance with governing documents including approved budgets, Council policy and all statutory common law and contractual requirements.

The following matters are reserved to all committees:

1. To act within their Terms of Reference and budget agreed by Council
2. **To appoint a sub-committee whose terms of reference and members shall be determined by the Committee (SO4a)**
3. To determine the number and times of its meetings, other than in respect of ordinary meetings (SO4diii)
4. To decide as to whether to grant a dispensation relating to the meeting of the Committee (SO13e)
5. To review the committee's three-year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall formulate and submit proposals for

the following financial year to the Council not later than the end of December each year including any proposals for revising the forecast (FR3.1)

6. To authorise expenditure on revenue items up to and including £5,000 for that class of expenditure in the approved budget for the Committee (FR4.1)
7. To authorise unforeseen expenditure on revenue items that will exceed the amount provided in the budget for that class of expenditure, provided the requirements of 4.1 of the Financial Regulations are adhered to

Working Groups

Role and Responsibilities

As a parent body, The Parish Council and/or a Committee of the Council may form a Working Group to carry out specific detailed tasks on any matter that falls within its powers. The parent body will establish the role of the Working Group and its Terms of Reference. The Working Group will research, investigate, consider and make recommendations within its remit to the parent body accordingly.

Any recommendations made by Working Groups are subject to approval by the parent body.

There is no delegated budgetary allowance for Working Groups and all budget requests must be made in writing to Council in line with Standing Orders.

Membership and Term of Office

The membership of a Working group shall be appointed by resolution of the parent body and include no less than 3 Council Members. Membership may include non-councillors or 'Community Members' at the discretion of the parent body.

The Working Group Chair shall be a Council member and be appointed by its members as the first item of business at its first meeting.

Members of the public who have specific knowledge, expertise and/or experience on the subject may be invited as attendees to assist the Group.

A Working Group is expected to be time limited and the continuing need for a Working Group will be reviewed annually by the parent body.

Quorum

The quorum necessary for the transaction of business is to be determined by the parent body and be no less than 3 members of the group, to include a minimum of two Council members.

Meetings

Working Groups will arrange their own meetings and schedule of work as required. Meetings may be held remotely as necessary.

Decisions on recommendations shall be determined by a majority of votes of the Working Group members present and voting. In the case of equality of votes, the Chair shall have a casting vote.

Public Participation

Working Groups do not meet in public.

Minutes and Reporting

Working Groups may take notes and record actions and outcomes as necessary. All recommendations must be made in writing and presented to the parent body for consideration.

Group Clerk

The Clerk to the parent body will normally clerk the meeting.

Review

The parent body will conduct an annual review of its Working Groups at its first meeting of the year.

Officers of the Council

The term Officer includes all permanent, contract and temporary staff working for the Council. Officers will have the delegated powers of the post they are undertaking, including posts held under any interim or deputising arrangements.

The Parish Clerk

The Parish Clerk to the Council is designated and authorised to act as the Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.

Specific delegation is provided to the Parish Clerk, who for statutory purposes is the Data Protection Officer and the Health & Safety Officer.

While retaining overall responsibility, the Parish Clerk to the Council may delegate authority to other Officers, in accordance with employee job descriptions, with the exception of those matters in bold typeface.

All delegated authority will be exercised in accordance with governing documents including approved budgets, Council policy and all statutory common law and contractual requirements.

The following matters are reserved to the Parish Clerk:

- 1. To receive dispensation requests in writing (SO13d)**
- 2. To serve on councillors by delivery or post at their residences or by email authenticated in such a 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) at least three clear days before a meeting of the council, a committee, or sub-committee (SO15bi)**
- 3. To convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office (SO15biii)**
- 4. To facilitate inspection of the minute book by local government electors (SO15biv)**
- 5. To receive and retain copies of byelaws made by other local authorities (SO15v)**

6. **To witness signatures of any two councillors who sign, on behalf of the Council (subject to Standing Order 23(a), any deed required by law (SO23b)**
7. To hold acceptance of office forms from councillors (SO15vi)
8. To hold a copy of every councillor's register of interests (SO15vii)
9. To notify the Returning Officer of any casual vacancies and liaise with him regarding the conduct of elections
10. To arrange and manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations (SO15xiii)(FR4.1, FR5.5 & FR6.2)
11. To authorise changes to account details for suppliers (FR6.17)
12. To dispose of the Council's assets (excluding land and building assets) subject to the estimated value of any one tangible/moveable item not exceeding £250 and ensure any disposal details are recorded in the Assets Register.
13. To line manage all staff employed by the Council in accordance with staffing policies, procedures and budgets
14. To manage the day to day operation and administration of services and facilities in accordance with agreed budget and policy of the Council including, but not limited to; office hours and staffing, provision of IT equipment, hire bookings and charges and, routine H&S inspection and control.
15. To manage, as the Council's Data Protection Officer, requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures (SO15viii)
16. To receive and send general correspondence and notices to the press and public on behalf of the Council except where there is a resolution to the contrary (SO15x)
17. To manage 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) (SO15xi)
18. To manage access to information about the Council via the publication scheme (SO15xvi)
19. To organise, promote and manage facilities and events as instructed by Council
20. To represent the Council at meetings and forums
21. To act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council and the relevant committee or sub-committee. The Chairman of the Council or Chairman of the appropriate Committee shall be informed as soon as practicably possible of any action taken or to be taken by the Parish Clerk.
22. To act as instructed by resolution of the Council, appropriately delegated committee, or as detailed in governing documents of the Council including Standing Orders, Financial Regulations, Scheme of Delegation and other policies and procedures of the Council.

The Assistant Clerk

The Assistant Clerk is designated and authorised to act as the Responsible Financial Officer (RFO) for the purposes of s.151 of the Local Government Act 1972 and any other statute requiring the designation of a Responsible Financial Officer.

The Responsible Financial officer;

- Acts under the policy direction of the council (FR1.9);

- Administers the council's financial affairs in accordance with all Acts, Regulations and proper practices (FR1.9);
- Determines on behalf of the Council its accounting records and accounting control systems (FR1.9);
- Ensures the accounting control systems are observed (FR1.9);
- Maintains the accounting records of the council up to date in accordance with proper practices (FR1.9);
- Assist's the council to secure economy, efficiency and effectiveness in the use of its resources (FR1.9); and
- Produce's financial management information as required by the council (FR1.9).

All delegated authority will be exercised in accordance with governing documents including approved budgets, Council policy and all statutory common law and contractual requirements.

In enacting the role of Responsible Financial Officer, the following matters are reserved to the Assistant Clerk:

1. To administer the accounting procedures and financial records of the Council in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices (FR2.1)
2. To produce bank reconciliations for all accounts (FR2.2)
3. To complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations. (FR2.3)
4. To make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations. (FR2.9)
5. To report to Council any correspondence or report from internal or external auditors (FR.2.10)
6. To prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the relevant committee and the Council (FR3.2)
7. To issue the precept to the billing authority and shall supply Council with a copy of the approved annual budget (FR3.4)
8. To provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose "material" shall be in excess of 15% of the budget (FR4.8)
9. To prepare a set of accounts for ratification shall form part of the agenda for the monthly Council Meeting (FR5.2)
10. To examine, verify and certify all payments to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council (FR5.3)

11. To authorise and instruct the payment of items in accordance with 5.5 of the Financial Regulations (FR5.5 & FR6.2).
12. To authorise changes to account details for suppliers (FR6.17)
13. To complete any VAT return that is required and any repayment claim at least annually (FR9.8)
14. To maintain a Register of Assets and Investments (FR14.6)
15. To maintain a record of all insurances effected by the Council and the property and risks covered thereby and annually review it (FR15.3)
16. To prepare financial risk management policy statements (FR17.1)
17. To issue sales invoices for payment as agreed by the Council, duly delegated committee, sub-committee or Parish Clerk and collect all sums due to the Council (FR9.1)
18. To prepare all necessary arrangements for the provision of internal and external audit
19. To act as instructed by resolution of the Council, appropriately delegated committee, the Parish Clerk or as detailed in governing documents of the Council including Standing Orders, Financial Regulations, Scheme of Delegation and other policies and procedures of the Council.

Document Change History

This is version 1.2 of the Scheme of Delegation and it is the responsibility of the Parish Clerk to ensure that new versions are communicated to Council and made available per the adopted Publication Scheme.

It is the responsibility of the reader to familiarise themselves with this version of the document.

This document is subject to revision and is maintained electronically. Electronic copies are version controlled and printed copies are not subject to this control.

Summary of Changes

Version 1.2 April 2024	
Ref.	Change
Working Groups	Additional section on delegated authority of Working Groups included. (Approved at April 2024 meeting of the Council)

Version 1.1 November 2023	
Ref.	Change
Committees	Additional matter reserved for Committees included under item 7 (approved November 2023 budget meeting of the Council)