



St Dennis Parish Council Scheme of Delegation

The Council's Scheme of Delegation authorises the Clerk to the Council/Responsible Finance Officer, Office administrator, and Standing Committees to act with delegated authority in the specific circumstances detailed.

This policy should be read in conjunction with the Committee Terms of Reference and any statutory obligations/regulations in force at the time. The policy aims to:

- Further Clarify the roles and delegated responsibilities of officers, members and committees.
- Ensure adequate control measures are in place to protect the Council's finances.
- Ensure the Council is acting in accordance with the Audit and Accounts regulations.

The Openness of Local Government Bodies Regulations 2014 (2014 SI No. 2095), which came into force on 6th August 2014, require a written record to be kept of certain decisions made by an officer of a Parish Council acting under delegated powers. The decisions are those:

- Made under a 'Specific express authorisation', or
- Made under a general authorisation
 - I. Grant a permission or licence,
 - II. Affect the rights of an individual, or
 - III. Award a contract or incur expenditure which, in either case, significantly affects the financial position of the Parish Council.

General Delegations

Proper Officer and Responsible Finance Officer

The Clerk shall be the Responsible Financial Officer to the Council and shall be responsible for the Council's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time. The Clerk may obtain advice and guidance from external professionals (which may bear cost) in order to ensure that this is achieved effectively.

The Clerk shall be the Proper Officer and to the Council and as such is specifically authorised to:

- Receive declarations of acceptance of office
- Receive and record notices disclosing personal interests
- Receive and retain plans and documents
- Sign notice and other documents on behalf of the Council
- Receive copies of bylaws made by the Council
- Sign summons to attend meetings of the Council

- Seal documents, deeds, contracts and agreements following a resolution to do so from Council or one of its committees
- To keep proper records of all meetings
- To receive from Cornwall Council's Monitoring Officer any documents in relation to Complaints received under The Members' Code of Conduct

In addition, the Council delegates authority to the Clerk informed by consultation with members of the Council, to take any actions necessary with associated expenditure up to £5000.00 to protect the interests of the community and ensure council business continuity during the period of the Coronavirus pandemic where it is deemed inappropriate to meet. The Clerk to the Council has delegated Authority to undertake the following matters on behalf of the Council:

- Day to day administration of Services, together with routine inspection, control and compliance
- Day to day supervision and control of all staff employed by the Council
- Authorisation to call any extra ordinary meetings of the Council or any Committee as necessary
- 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 one of its' Committees
- Authorisation of routine recurring expenditure within the agreed budget
- Emergency expenditure up to £100 outside of the agreed budget (Financial Regulations 4.5)
- Authorisation of expenditure on works up to a maximum of £500 (Financial Regulation 4.1)

Delegated actions of the Clerk to the Council 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.

In the absence of the Clerk the Council will delegate authority to the Office Administrator, informed by consultation with members, to ensure the continuation of Parish Council Business.

Council

The following are reserved matter for the Council to decide, notwithstanding that the appropriate Committee(s) may make the recommendations thereon for the Council's consideration.

- Appointment of the Clerk/RFO following a recommendation from the staffing committee
- Setting the Precept
- Borrowing money
- Appointment to a Committee
- Approval of the Council's Annual Accounts and the Annual Return

- Making, amending or revoking Standing Orders, Financial Regulations, Terms of Reference or this Scheme of Delegation
- Making, amending or revoking bylaws
- Making of orders under any Statutory Powers
- Matters of principle or policy
- Approval of Calendar Meetings
- Appointment or nomination by the Council of persons to fill vacancies on outside bodies arising during the Council year
- Filling of vacancies occurring on any Committee of the Council during the Council year
- Agreement to take on new, including devolved services
- Prosecution or defence in a court of law

Standing Committees

Subject to the foregoing, and to observance of decisions of the Council on matters of principle or policy, all the Council's powers and duties shall be delegated to the Standing Committees in accordance with the terms of reference unless otherwise specified.

The acts and proceedings of a Committee shall:

- a) where they are delegated to the Committee, so far as is legally permissible be deemed the acts and proceedings of the Council;
- b) as regards other matters, be subject to confirmation by the Council, and when confirmed shall be deemed the acts and proceedings of the Council;
- c) in all respects be subject to the provisions of the Council's Standing Orders and Financial Regulations except as otherwise determined by the Council.

The Council may at any time without prejudice to executive action already taken revoke any executive power delegated to a Committee.

Sub Committees

Every Committee may appoint Sub-Committees whose terms of reference and members shall be determined by the parent Committee as identified in Standing Orders. The Chairman of the Committee shall be members of every Sub-Committee appointed by it unless they signify that they do not wish to serve.

Working Groups/Parties

Working Groups/Parties may be formed by resolution of the Council or a Committee at any time. The work of such a Working Group/Party will be decided upon at the time it is formed by means of a Minute detailing the Terms of Reference. Each Working Group/Party will report back with recommendations to the Council or the Committee that formed it. The Working Group will be disbanded by resolution of Council or the parent Committee to which it reports once it has completed its agreed objectives.

Urgent matters

In the event of any matter arising which requires an urgent decision the Clerk / Office administrator will consult with the Chairman (or if more appropriate the Chair of the respective committee) before acting on behalf of the Council in respect of the particular matter then under consideration.

That the Council delegates authority to the Clerk in consultation with the Chairman and Vice Chairman to take any actions necessary with associated expenditure to protect the interests of the community and ensure council business continuity during the period of the pandemic Coronavirus, informed by consultation with the members of the council. In the absence of the Clerk this will be delegated to the Office Administrator.

Planning During Emergency Periods

- i) The Clerk / Office Administrator will advertise on the council's website links to all planning applications received from the planning authority on the council's website, offering the public the opportunity to let you know of any views. The notice should give a deadline for public comments to the Clerk in writing (suggested 5 working days)

At the same time the clerk / Office Administrator will circulate the list with links to all members of the council.

Note : you may find it helpful to do this on a weekly basis working in full weeks for managing the planning process.

- ii) At the end of the public opportunity to comment, the Clerk / Office Administrator will forward a summary of the public comments received to all members (or members of the relevant committee) for member comments for a period of a further 5 working days. Under GDPR, the clerk should not circulate individual responses without the writer's express permission.
- iii) Under the Emergency Scheme of Delegation, the Clerk / Office Administrator and appropriate members will agree a council response which identifies relevant material considerations and may give local information or opinion. The draft response is then shared with members for 2 days for any comments, before being sent to Cornwall Council with the following statement :

“Due to the restrictions placed on the council as a result of the pandemic Coronavirus (or name of emergency), this response represents the opinion of members of [insert name of council] identified through a consultation process and will be ratified at the next appropriate meeting of the council. “

- iv) The Council's response can then be posted on the council's website.

- v) If the matter is referred back to the council under the 5 day protocol, the Emergency Scheme of Delegation will allow the Clerk / Office Administrator to take any appropriate action to respond on behalf of the council. As the council's opinion has not been gained through the normal public process, it may be prudent to simply reply that

'due to the restrictions placed on the council as a result of the pandemic Coronavirus (or name of emergency), it has been unable to consult further and therefore has nothing further to add'.

Delegation – Limitations

All decisions taken under delegated authority will be in accordance with the Councils Standing Orders and Financial regulations and this Scheme of Delegation, and where applicable any other rules/regulations and legislation. All decisions will be reported to the first appropriate Council meeting. The Council may delegate the power to make individual decisions on individual items to the Proper Officer/Responsible Finance Officer, Office Administrator and its Committees as and when appropriate.

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