

Scheme of Delegated Authority Policy



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Scheme of Delegation

1. Purpose and Scope

This scheme summarises how delegated powers are exercised, and which part of the decision-making process is responsible for each function.

The aim is to show what functions are the responsibility of the Council or the Committees, and which are the responsibility of the Parish Clerk. Additional delegation can be given to the Parish Clerk by resolution.

2. Legal Responsibility & Policy Support

[Accounts and Audit Regulations 2015](#) – Rules surrounding accounting and audit procedures

[Local Government Act 1972 Section 101](#) – Arrangements for Discharge of Functions by Local Authorities

[Local Government Act 1972 Section 151](#) – Financial Administration

[Local Government Bodies Regulations 2014](#) – openness and transparency rules regarding meetings and documentation

3. The Parish Clerk

The Parish Clerk is also the Responsible Financial Officer (RFO) to Brixworth Parish Council and will be responsible for their accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time.

The Parish Clerk is the Proper Officer of the Council and as such is specifically authorised to:

- Receive declarations of acceptance of office
- Receive and record members' interests.
- Receive and grant dispensations according to the Council's Code of Conduct; details of all dispensations received and granted to be reported to the Council at the next available meeting
- Receive and retain plans and documents.
- Sign notices or other documents on behalf of the Council.
- Receive copies of byelaws made by the principal local authority.
- Certify copies of byelaws made by the Council.
- Sign and create summons to attend meetings of the Council.
- To institute and appear in any legal proceedings authorised by the Council.

The Parish Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- Day-to-day administration of services together with routine inspection and control.
- Day-to-day supervision and control of all staff employed by the Council
- Implement national pay awards and conditions of service in line with the National Joint Council Scheme of Conditions of Service as amended by Local Agreement.
- Authorisation to call any extraordinary meetings of the Council or any Committee as necessary,

having consulted with the Chair of the Council, and/or the Chair of the appropriate Committee.

- 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 its Committees.
- Authorisation of routine recurring expenditure within the agreed budget according to the Council's financial regulation up to a total of £500.00.
- Emergency expenditure up to £3000.00 outside of the agreed budget according to financial regulation 5.15 in consultation with the Chair.
- To act as the Council's designated Data Protection Officer for the purposes of the Freedom of Information Act 2000.
- To act as the Council's Data Controller for the purposes of any CCTV systems under the council's jurisdiction.

In addition, in the event that Brixworth Parish Council enters a temporary period of emergency, delegated authority is awarded to the Parish Clerk to make decisions on behalf of the Council. This may include any or all of the following actions, under which the Clerk has delegated authority to:

- Make any decision on behalf of the Council where such decision cannot be reasonably deferred and must be made in order to comply with a commercial or statutory deadline
- Schedule or cancel in-person or remote meetings of Council, including the Annual Parish Meeting and/or Annual Meeting of the Parish Council
- Implement new or changed legislation
- Allow the Chair and Vice-Chair of the Parish Council to continue in office until such point as an Annual Meeting of the Parish Council can be held
- Obtain two electronic or wet signatures for authorisation of payments between meetings
- Submit comments on planning applications or other consultations on behalf of Council
- Suspend any standing orders or financial regulation as necessary to ensure the smooth running and operation of the Parish Council unless expressly reserved to the Council in legislation,
- Receive acceptance of office for new members of Council by email
- In conjunction with the Parish Council Chair, instigate immediate action to removal illegal traveler encampments, including costs incurred in relation to said removal. Where the Parish Clerk is unavailable, this action can be approved by three Parish Councillors

Decisions made by the Clerk under delegated authority will be carried out wherever possible in conjunction with the Chair and/or Vice-Chair of the Council and will be ratified at the next available council meeting.

Delegated actions of the Parish 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 where necessary.

The Openness of Local Government Bodies Regulations 2014, which came into force on 6 August 2014, requires 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 where the effect of the decision is to:
 - grant a permission or licence,
 - affect the rights of an individual, or
 - award a contract or incur expenditure which, in either case, significantly affects the financial position of the Parish Council.