

HARGRAVE AND HUXLEY PARISH COUNCIL

SCHEME OF DELEGATION POLICY

The Councils Scheme of Delegation authorises the Clerk to the Council / Responsible Financial Officer to act with delegated authority in the specific circumstances detailed.

Proper Officer and Responsible Finance Officer

- To take action on any issue of such urgency, that it cannot wait until the next normal Council Meeting. If circumstances permit, the Clerk would normally be expected to consult the Chairman and/or Vice Chairman and take their view into account.
- To 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
- To take any action regarding minor repairs (up to a cost of £500.00) and to report minor matters to the relevant authority.

The Clerk to the Parish Council shall be 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
- When necessary to convey the Parish Council's Planning Decisions to Cheshire West and Chester Council.
- Sign notices or other documents on behalf of the Parish Council.
- Receive copies of bye-laws made by a primary local authority.
- Certified copies of bye-laws made by the Parish Council.
- Sign summons to attend meeting of the Parish Council.
- To institute and appear in any legal proceedings authorised by the Council.

In addition, the 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 Parish Council.
- Implement national pay awards and conditions of service inline with the National Joint Council Scheme of Conditions of Services as amended by Local Agreement
- Authorisation to call any extra-ordinary meetings of the Council or any Committee as necessary having consulted with the Chairman of the Council, and/or Chairman of the appropriate Committee.
- Authorisation to respond immediately to any correspondence requiring or requesting information or relating to previous decisions of the Parish Council but not correspondence requiring an opinion to be taken by the Council or it's Committees.
- Authorisation of routine recurring expenditure within the agreed budget according to the Council's financial regulation 5.6
- Emergency expenditure up to £500 outside of the agree budget according to financial regulation 4.5

Delegated actions shall be in accordance with Standing Orders and Financial Regulations and in line with directions given by Council from time to time, and shall be reported to the next available Council Meeting.

The Openness of Local Government Bodies Regulations 2014 (2014 SI No.2095), which came into force on 6 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 where the effect of the decision is to;

- i) grant a permission or license,
- 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.

This Policy follows the scope of this provision as detailed in the guidance issued by the Department of Communities & Local Government 'Plain English' guide to the Regulations.

The relevant guidance for parish councils is as follows:

'Officers take many administrative and operational decisions on how they go about their day-to-day work within the council's rules. These decisions will not need to be recorded. You will not be able to inspect some recorded decisions if the whole or part of the records contain confidential information or any other information where publicity would be prejudicial to the public interest.'

- *Examples of decisions that should be recorded could include: decisions about awarding contracts above specific individual/total values.*
- *Decision to renew a lease to an allotment association.*

Where decisions are already required to be published by other legislation, they do not need to be recorded again provided the record published has the date the decision was taken and the reasons for the decision.

Decisions that do not need to be recorded might include the following examples:

- *Routine administrative and organisational decisions such as the purchase of office supplies or repairs;*
- *Decisions to book rooms or sports grounds; and decisions to approve work undertaken by a contractor.*

These are a few selected examples and not an exhaustive list. It is for the council to decide what information should be recorded on the basis of the national rules.'

Delegated Powers re Planning Delegation

Planning applications shall be received by the Clerk who will circulate the details to Councillors and the planning protocols will be followed.

The PC clerk is granted the delegated authority to submit Planning Committee responses to CWaC in between PC meetings. These responses to be notified and ratified at the next available meeting.

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 Office/Responsible Finance Officer as and when appropriate.

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Next Review Date: May 2027