

Hazlemere Parish Council Scheme of Delegation

This Scheme of Delegation was adopted by Full Council at its meeting on 3 May 2022 FC07.7/05/22.

Section 101 of the Local Government Act 1972 provides:

- That a Council may delegate its powers (except those incapable of delegation) to a Committee; or an Officer.
- A Committee may delegate its powers to an Officer.
- The delegating body may exercise Powers that have been delegated.

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

This policy should be read in conjunction with the Finance and Governance Committee Terms of Reference, Standing Orders and Financial Regulations 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 Council's Standing Orders and Financial 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 that:

1. Grant permission or licence; or
2. Affect the rights of an individual; or
3. Award a contract or incur expenditure which, in either case, significantly affects the financial position of the Parish Council.

Proper Officer and Responsible Finance Officer

The Parish Clerk 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. The Clerk shall be the Responsible Financial Officer to the Council and shall be responsible for the Council's accounting procedures.

Delegated actions of the Clerk to the Council shall be in accordance with Standing Orders, Financial Regulations, Council Policies and this Scheme of Delegation and in line with directions given by the Council from time to time. The Clerk may obtain advice and guidance from external professionals (which may bear cost) in order to ensure that this is achieved effectively.

Delegations as Proper Officer

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

- Receive and sign declarations of Acceptance of Office from Councillors
- Receive and record notices disclosing personal interests with Buckinghamshire Council
- Receive and retain plans and documents
- Sign notice and other documents on behalf of the Council
- Receive copies of byelaws made by the Council
- Sign summons to attend meetings of the Council
- Call any extra ordinary meetings of the Council or any Committee as necessary
- Seal documents, deeds, contracts and agreements following a resolution to do so from Council or one of its Committees
- Keep proper records of all meetings
- Sign and publish annual public notice relating to the Pre and Post Audit of Accounts
- Receive from Buckinghamshire Council's Monitoring Officer any documents in relation to Complaints received under The Members' Code of Conduct
- Authorise relevant training courses for Staff and Councillors, taking into account individual training needs
- Administer the Council's services on a day to day basis, together with routine inspection, control and compliance
- Manage all staff employed by the Council in accordance with the Council's policies, procedures and budget
- 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
- In an emergency, carry out any function of the Council that is required to protect the immediate interests of the community and ensure Council business continuity, subject to consultation with the Chairman (or if more appropriate the Chair of the respective Committee)
- Act immediately on all Health and Safety issues

Delegations as Responsible Financial Officer

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

- Authorise routine recurring expenditure within the agreed budget
- Fund transfers within the Councils banking arrangements up to the sum of £80,000, provided that a list of such payments shall be submitted to the next appropriate meeting of Council (Financial Regulation 5.5c Investment Policy Appendix A Procedure for Bank Transfers 1)
- Authorise payments by Debit Card in accordance with the Council's Debit Card policy, provided that any single payment will be restricted to a maximum value of £1,000 unless authorised by Council in writing before any order is placed (Financial Regulation 6.15)
- Maintain a petty cash float of £200 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash, signed by the Clerk, shall be kept to substantiate the payment (Financial Regulation 6.18a)
- Authorise additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of Council) (Financial Regulation 11.1.a.v)
- Authorise acquisition or disposal (whether by sale, lease or other method) of tangible moveable property up to an estimated value of £1,000 (in excess of this sum the Clerk

must seek authority of the Council, together with any other consents required by law, (Financial Regulation 14.2)

- Authorise expenditure on revenue items up to £500, provided that this is within the amount included for that class of expenditure in the approved budget. This authority is to be determined by the Clerk, in conjunction with Chairman of Council or Chairman of the Finance and Governance Committee, for any items below £500 (Financial Regulation 4.1)
- In cases of extreme risk to the delivery of Council services, the Clerk may authorise revenue expenditure on behalf of the Council which in the Clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000. The Clerk shall report such action to the Chairman as soon as possible and to the Council as soon as practicable thereafter (Financial Regulation 4.5)

Full 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 and other staff members following a recommendation from the Staff Committee
- Setting the Precept
- Approval of Annual Council Budget
- Approval of Borrowing money, subject to the approval of the Secretary of State for MHCLG
- Approval of the Council's Annual Accounts and the Annual Return
- Making, amending or revoking Standing Orders, Financial Regulations, Terms of Reference and all Parish Council Policies
- Making, amending or revoking bylaws
- Approval of donations and grants
- Approval of Annual Schedule of Meetings
- Appointment of members to Committees, Working Party and Outside Bodies unless otherwise delegated and filling of vacancies occurring on any Committee of the Council during the Council year
- Agreement to take on devolved services
- Prosecution or defence in a court of law
- Approval of the Scheme of Delegation

Standing Committees

All the Council's powers and duties can be delegated to Committees in accordance with the terms of reference unless otherwise specified.

The acts and proceedings of a Committee shall:

- where they are delegated to the Committee, so far as is legally permissible be deemed the acts and proceedings of the Council;
- other matters, be subject to confirmation by the Council, and when confirmed shall be deemed the acts and proceedings of the Council;

- 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 Parties

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

Planning

The Clerk will advertise on the Council's website and noticeboards all planning applications received from the planning authority (Buckinghamshire Council). The Clerk shall have delegated powers for planning applications for Tree Preservation Orders by referring all applications to Buckinghamshire Council's arboriculturist. The Planning Minutes will be posted on the Council's website.

Delegation – Limitations

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

March 2022
To be reviewed March 2023