



Calstock Parish Council

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Delegation Policy

Calstock Parish Council – Statement of Intent

Local Councils may only do what legislation requires or permits them to do. With some particular exceptions, the Council may delegate functions to committees, sub committees, officers, or other authorities.

The aim of this document is to clarify the manner in which Calstock Parish Council has delegated its powers and the authority to spend. It should be read in conjunction with Financial Regulations.

Reviewed and approved June 2024

Calstock Parish Council

Scheme of Delegation

Local Councils may only do what legislation requires or permits them to do. With some particular exceptions, the Council may delegate functions to committees, sub committees, officers, or other authorities.

The power to delegate functions by local councils is set out in the Local Government Act 1972 S.101 as follows:

Local Government Act 1972 S. 101 - Arrangements for discharge of function by local authorities

Relevant subsections

- (1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions:
 - (a) by a Committee, a sub-Committee or an officer of the authority, or*
 - (b) by any other local authority**

- (2) Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee of the authority, then unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.*

- (4) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, sub committee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.*

- (5) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.*

- (6) A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority.*

The aim of this document is to clarify the way Calstock Parish Council has delegated its powers and the authority to spend.

Council

Certain functions cannot be delegated and are therefore reserved to the full Council, although an appropriate committee may make recommendations thereon for the Council's consideration:

- Setting the precept and approval of the Council's budget
- Approval of the Annual Accounts
- Completion of the Annual Return including the Governance Statement
- Consideration of an Auditor's report made in the public interest (within one month of receipt)
- The making, amending or revoking of Standing Orders, Financial Regulations and this Scheme of Delegation
- Adoption or revision of the Council's Code of Conduct
- Confirmation (by resolution) that the Council has satisfied the statutory criteria to exercise the General Power of Competence
- Determination and review of the Bank Mandate
- Matters of principle or policy
- Nomination or appointment of representatives of the Council to outside bodies (except approved conferences or meetings)
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee
- The making, amending or revoking of bye-laws
- Agreement to write off bad debts
- Approval by resolution, before payment, of any grant or single commitment in excess of £3000
- Authorisation as to terms and purpose for any application for Borrowing Approval and subsequent arrangements for the loan
- Approval of any financial arrangement which does not require formal borrowing approval from the Secretary of State (e.g. hire purchase or leasing of tangible assets)
- Approval of purchase, acquisition by other means, sale, lease or disposal of tangible moveable property over £1,000
- Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interests in land)
- Approval of the transfer of unspent and available amounts to other budget headings or reserves
- Approval of changes in earmarked reserves as part of the budgetary process

Proper Officer

The Clerk to the Council shall be the Proper Officer and carry out the functions of the Proper Officer as provided by the Local Government Act 1972 and as set out in the job description for the post. In the absence of the Clerk, the full authority of the Proper Officer passes to the Deputy Clerk. Additionally, the Clerk may delegate to the Deputy Clerk, or other staff member if appropriate, to undertake functions delegated to the Proper Officer. Delegated actions of the Clerk or other officer 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.

The Clerk is specifically authorised to:

- Receive declarations of acceptance of office
- Receive and publish Members' Registers of Interest
- Sign and serve on councillors a summons with an agenda to attend Council and committee meetings
- Convene a meeting of the Council if a casual vacancy occurs in the office of the Chair
- Sign notices or other documents on behalf of the Council
- Receive and hold copies of byelaws made by a principal local authority which affect the Council's area
- Receive and retain plans, notices and documents
- Certify copies of byelaws made by the Council

In addition, the Clerk is authorised to undertake the day to day administration of the Council, to include:

- Calling extra meetings of the Council or any committee or sub-committee as necessary, having consulted with the appropriate Chair, except those called by the Chair or members in accordance with Standing Order 7
- Issuing press releases and statements to the press on the Council's known policies, subject to the provisions of the Council's Procedure for Dealing with the Press and Media.
- Updating and managing the content on the Council's website
- Making arrangements for the maintenance of the office IT system
- Disposal of Council records according to legal restrictions and an agreed retention and disposal policy
- Handling requests for information under the Freedom of Information Act 2000 and the Data Protection Act 1998
- In the first instance, acknowledging and handling all complaints regarding the council (except where the complaint relates to the clerk)

- Purchasing basic office equipment and supplies
- Arranging emergency repairs to Council premises (subject to the council's standing orders and financial regulations.)
- Taking appropriate action arising from other emergencies (in consultation with the Chair/Vice Chair of Council or committee Chair as appropriate to the circumstances)
- Managing all employees (not including any variation of employment contracts and not any matters relating to grievances lodged against him/her) of the council and has the authority to take disciplinary action, excluding termination of employment, under agreed procedures
- Making arrangements to pay salaries/wages and expenses to all employees of the Council (subject to the Council's financial regulations)
- Authorising routine recurring expenditure within the agreed budget
- Authorising payment for items below £1000 in consultation with the Chair of Council or the Chair of the appropriate Committee (as per the Council's Finance regulations)
- Emergency expenditure up to £2,000 whether or not there is budgetary provision for the expenditure (as per the Council's Finance regulations)

When the Council delegates a specific task or function to the Proper Officer, the action taken must be reported to the next Council meeting.

Responsible Financial Officer (RFO)

The Responsible Financial Officer (RFO) to the Council is responsible for the Parish Council's accounting procedures and financial records and is accountable for the proper administration of its finances, in line with the current Account and Audit Regulations and the Council's adopted Financial Regulations. The Clerk is also the RFO in this Parish Council.

Committees

All Committees are authorised to:

- Elect a Chair from within the membership of that Committee
- Approve the Minutes of the last meeting of the Committee
- Spend money from budget headings under that Committee's remit up to the limit of the budget and/or named reserve
- Make recommendations on the budget requirement for the Committee for the coming Financial Year
- Delegate any of their functions to a Sub Committee or officer of the Council.