



## **Scheme of Delegation**

Adopted:- 28<sup>th</sup> June 2022

Review: May 2024

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## **1. DISCHARGE OF THE SCHEME**

- 1.1 This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders and will be reviewed every two years and when there are HR changes.
- 1.2 Those with delegated responsibility are referred to by job title, Clerk/RFO (Responsible Financial Officer).
- 1.3 One of the purposes of the document is to clearly define the parameters within which Officers of the Council are able to act without reference to Councillors. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.
- 1.4 Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.
- 1.5 The other purpose of the document is to capture the various delegated powers throughout the Council, including those delegated by the Council to its committees. This element of the scheme incorporates the Terms of Reference of the committees.

## **2. PRINCIPLES OF DELEGATION**

- 2.1 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 Clerk/RFO.
  - A Committee may delegate its powers to the Clerk/RFO.
  - The delegating body may exercise Powers that have been delegated.
- 2.2 Any delegation to a Committee or the Clerk/RFO shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and with the law.
- 2.3 In an emergency the Clerk is empowered to carry out any function of the Council.
- 2.4 Where the Clerk is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chairman of the Council and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

## **3. AUTHORITY TO ACT**

- 3.1.1 It will be appropriate for the Clerk/RFO to refer a matter to the Council where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for councillors to determine; or could, by its scale or complexity expose the Council to major corporate risk.
- 3.2 The Clerk/RFO and Committees have the responsibility to act within the Councils approved policies, procedures and framework and within the law in conjunction with this delegated scheme.

#### 4. CONFLICTS OF INTEREST

- 4.1 Under the Local Government Act 1972, section 117 the Clerk/RFO must make a formal declaration about council contracts where they have a financial interest.
- 4.2 Where the Clerk/RFO has a conflict of interest in any matter, he/she shall not participate in that matter unless approved by the Council and this is formally recorded in the Council minutes.

#### 5. COUNCIL RESERVED POWERS

- 5.1 The following matters are only to be resolved by the full Council:
- Appointment of the Clerk/Responsible Financial Officer and other council officers following a recommendation from the HR Committee
  - To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies
  - To approve and adopt the Policy Framework.
  - To approve and adopt the Budget.
  - To agree and/or amend the terms of reference for Committees
  - To adopt the schedule of meetings for the ensuing year.
  - To determine matters involving expenditure for which budget provision is not made or is exceeded.
  - To set the Precept.
  - To make byelaws.
  - To borrow money.
  - To annually approve the statutory annual return
  - To approve eligibility for the General Power of Competence

#### 6. DELEGATION TO COMMITTEES - SAFEGUARDS

- 6.1 The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a Committee/Clerk/RFO..

#### 7. DELEGATION TO COMMITTEES

##### **HR Committee**

**Membership:** Three Parish Councillors

**Quorum:** Three Parish Councillors

**Meetings:** As required when required to ensure that Datchworth Parish Council complies with the requirements of employment law and follows best practice in providing good working conditions for staff

##### **Terms of Reference:**

The HR Committee will be responsible for the following:

- 1) Make recommendations to full council of the recruitment of Parish Clerk/ Responsible Financial Officer and other staff as required (*see 1<sup>st</sup> item in 5.1 above*)
- 2) Recruitment and selection procedures
- 3) Annual staff appraisal and development
- 4) Review of staff contracts, grievance and discipline policies every two years
- 5) Review of staff and accommodation requirements
- 6) Management of rights relating to leave, time off and illness
- 7) To ensure that the Clerk has everything required for managing other staff
- 8) To ensure the health and safety of all staff and carry out risk assessments
- 9) To keep up to date with developments in employment law
- 10) The HR Committee will serve as the disciplinary or grievance panel

- 11) To agree the members to sit on an appeals panel to hear appeals against a decision on a grievance

## **8 DELEGATION TO PARISH CLERK**

### **(a) Parish Clerk (Proper Officer)**

1. 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.
2. In the case of an emergency, the Clerk shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Chairman (if practicable in the circumstances).
3. The Clerk will have the authority to dispose of the Council's assets (excluding land and building assets) subject to the estimated value of any one tangible; moveable item does not exceed £500. The Clerk is responsible for ensuring any disposal details including the disposal values are recorded in the assets register.
4. Power to authorise relevant training courses provided the expense can be met from approved budgets having taken into account the training needs of the employees.
5. The Clerk is the manager for all staff employed by the Council and is given delegated powers to manage the council staff in accordance with the Council's policies, procedures and budget
6. The authority to sanction and authorise payment of overtime so long as the costs can be contained within the parameters of the approved budget. The Clerk shall have the authority to engage casual workers subject to budget and the Clerk shall consult with the HR Committee members when such work is to be sanctioned.
7. Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council
8. As Proper Officer, to sign all documents on behalf of the Council including the Summons to Elected Members to attend Council Meetings in accordance with paragraph 4 and Schedule 12 of the Local Government Act, 1972
9. To receive members' acceptance of declarations of interest and their appointment as a Councillor.
10. Power to release press statements on any activities of the Council subject to prior consultation with the Chairman
11. Power to act on own initiative to implement the Council's policies and objectives.
12. Power to take appropriate steps to ensure the Council does not exceed its powers.
13. Power to manage all the Council's facilities and resources in accordance with the Council's policies.
14. In liaison and after conferring with the Chairman, to make such Civic arrangements as are necessary.
15. The Proper Officer shall have authority to issue written authorisation to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties.

16. The Proper Officer shall be responsible for signing all the Council's Official Notices as set out in the Standing Orders
17. As Proper Officer, the Clerk, in consultation with the RFO and Finance Committee, may incur expenditure on revenue items on behalf of the Council up to the amounts included in the approved budget.
18. The Parish Clerk, in consultation with Councillors, to make comment on planning applications submitted to Datchworth Parish Council by East Herts District Council within the statutory 21-day consultation period if the deadline is before the next Council meeting.

**(b) Responsible Financial Officer**

1. The Responsible Financial Officer will be responsible for all financial records of the Council and the careful administration of its finances and accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time and with the policies and procedures set by the Council and within the law
2. The Responsible Financial Officer will have the power to release any financial related report or document to the Council in discharge of the Responsible Financial Officer responsibilities
3. The Responsible Financial Officer shall ensure the approved precept request is issued to the billing authority
4. To sign and publish the annual public notice that the Audit of Accounts is to take place and has taken place.
5. The Responsible Financial Officer shall be responsible for the annual Internal and External Audits. Including completion and submission of the Annual Governance & Accountability Return and the signing and publishing of the Annual Public Notice that the Audit of Accounts is to take place and has taken place. Adhering to all statutory timeframes.
6. The Responsible Financial Officer shall be responsible for preparing and monitoring the budget in accordance with the Accounts and Audit Regulations in force at any given time and with the policies and procedures set by the Council and within the law.
7. The Responsible Financial Officer shall be responsible for employee salaries ensuring PAYE, National Insurance and pension statutory requirement are met.
8. The Responsible Financial Officer will have the power to implement immediately any changes to salary scales/payments as per NJC Agreements.
9. The Responsible Financial Officer, in consultation with the Clerk, shall ensure that the Insurance and Asset Register are kept up to date.

This policy will be reviewed every year or earlier if so required by legislation or additional material.

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Approving committee: Full Council

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