

HAMPSTHWAITE PARISH COUNCIL

Scheme of Delegation

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 Councils Scheme of Delegation authorises the Proper Officer/Responsible Finance Officer to act with delegated authority in the specific circumstances detailed.

Powers will be delegated to the Proper Officer and Responsible Finance Officer by a quorum of Councillors, either by resolution in a council meeting or, in extreme circumstances, by email.

Any delegation shall be exercised in compliance with the Councils Standing Orders, Financial Regulations, any other policies or conditions imposed by the Council and within the law.

In an emergency, the Proper Officer is empowered to carry out any function of the Council

Where officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult members, and must ensure that they obtain appropriate legal, financial and any other specialist advice before action is taken.

All decisions will be reported to the first appropriate Council meeting

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.
- 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.
- To take any action regarding minor repairs and to report minor matters to the relevant authority.

Delegated Authority

To allow the council to operate on a minimum requirement basis, the following items are delegated to the Proper Officer/RFO when the Council is unable to hold meetings.

Planning:

Planning applications shall be received by the Clerk who will provide details to Councillors and where no queries arise by joint decision of all Councillors, the Clerk shall be delegated to inform the Planning Department within the time allocated of the decision of the Council. All Councillors will report directly back to the Clerk thereby avoiding discussion between members.

Finance:

- all standard recurring payments listed as line items on the budget will be paid by the RFO at the appropriate time to prevent any late charges, such as salaries, printing costs, licences and IT services etc.
- non recurring payments, such as one-off costs relating the community building project or expenses to be authorised by a minimum of 2 councillors by e-mail prior to payment.
- Payments will be made as set out in the Councils policies.
- All payments will be formally authorised by the full council at the next full council meeting.
- Where this policy is activated over the end of the financial year, the RFO will prepare the end of year accounts in accordance with normal procedures and circulate to all of the councillors. On the acceptance of a minimum of 4 councillors, they will be signed by the RFO, Clerk and Chairman as applicable for submission to the external and internal auditors. The accounts will be accepted by resolution at the next full council meeting.

Communications:

The Clerk will circulate at the earliest opportunity, any communication from any 3rd Parties which would normally be presented at a meeting for consideration by the council. The clerk will circulate the summary response to the full council prior to responding to the 3rd Party.

Assets:

The Clerk will undertake day to day management and maintenance of council property and assets. All delegated decisions will be recorded on a spreadsheet and a report will be submitted to councillors at the next Full Council meeting.

Responsibilities not delegated to the Proper Officer

1. Levying or issuing a precept
2. Borrowing money
3. Approving the Councils annual accounts
4. Considering an auditor's report made in the public interest
5. Confirming that the council has satisfied the statutory criteria to exercise the general power of competence
6. Adopting or revising the Councils code of conduct

Reviewed on 11th June 2024