

Alrewas Parish Council Scheme of Delegation

Alrewas Parish Council may delegate its powers as follows:

1 Legal authority for Delegation of Powers

Alrewas Parish Council may delegate its powers according to Section 101 of the Local Government Act 1972 (except those incapable of delegation) to a committee, but not a working group, or to an officer and they may exercise delegated Powers:

2 Committees

Currently, Alrewas Parish Council does not have Committees or Sub Committees but the following section is in place in case such groups are convened in future. This section does not apply to working groups which have no delegated powers.

- 3.1 Committees are delegated powers to act within their Terms of Reference. This means that on all matters not reserved for consideration by another Committee, or by the full Council, Committees can RESOLVE and thereafter action can normally be taken by officers, however certain matters cannot legally be delegated and others, such as deciding major policy are reserved by the Council to itself. On such matters, committees can only RECOMMEND a course of action and, in these cases, officers cannot normally carry out the instructions of the committees until the recommendation has been approved by the Council.
- 3.2 Should members wish to raise any question concerning the exercise of delegated or other powers, then they should contact the Chair or the Clerk to the Council, and if necessary the matter can be raised subsequently at committee.
- 3.3 Members are entitled to attend all committees and sub-committees whether or not they are members of the committee, although no voting rights or right to participate in discussions or proceedings are granted.

3 Delegation to an Officer

1. Any delegation to the Clerk (Proper Officer) shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and within the law
 2. The Clerk may nominate another named Officer to carry out any powers and duties, which have been delegated to that Officer
 3. In an emergency the Clerk is empowered to carry out any function of the Council
 4. Where officer/s are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult a minimum of two Cllrs, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.
- 2.5 The Clerk to the Council is authorised as follows:

- i. to arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- ii. to incur expenditure up to limit set in the Financial Regulations.
- iii. to incur expenditure on behalf of the Council which is necessary to procure services, 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 set in Financial Regulations. The Clerk to the Council shall report the action to the council as soon as practicable thereafter.
- iv. to authorise for payment, staff salaries and expenses in line with council policy.
- v. to prepare VAT reclaim on behalf of the council.
- vi. to take proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.
- vii. to issue invoices on behalf of the council.
- viii. to carry out duties in line with the responsibilities of RFO.
- ix. to carry out duties in accordance with the Financial Regulations of the parish council and the Audit and Accounting and Governance regulations.
- x. to accept bookings and to negotiate and authorise the rents and fees for persons using the facilities provided by the council, other than standard charges proscribed by the council, including free use of facilities, where required.
- xi. to let allotments, serve notices to cultivate and terminate allotment tenancies on breach of the tenancy conditions
- xii. to make recommendations on improvements, maintenance, layout, new and redundant areas, finance and any other relevant allotment matters
- xiii. to carry out annual inspection of all allotments.
- xiv. to use promotions to encourage increased usage and overall income of the council's facilities or activities
- xv. to close all or parts of facilities to allow for maintenance work or in the interests of health & safety
- xvi. to keep all land and property under review and take such emergency action as may be necessary for the protection of the public or the Council's property
- xvii. to order goods, works and services as per Financial regulations
- xviii. Whilst retaining overall responsibility, the Clerk to the Council may delegate the duties listed above in 2.4 and 2.5 to other staff members with the exception of those marked in bold.

2.6 The Clerk to the Council is given delegated powers to act as line manager to all the Council staff in accordance with the Council's policies, procedures and budget, including:-

- i. the monitoring and management of staff performance
- ii. the management of discipline and grievance matters up to and including final written warning in line with council policy.
- iii. the arrangement of staff training.
- iv. the approval and authorisation of reasonable overtime as required.
- v. the approval and authorisation of annual leave entitlement and other absence as appropriate.

2.7 The Clerk to the Council is authorised to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council and the relevant committee or sub-committee. The Chairman of the Council or Chairman of the appropriate Committee shall be informed as soon as possible of any action taken by the Clerk to the Council.

The following items **may not** be delegated to the Clerk:

- To appoint the Chairman and Vice-Chairman in May each year
- To sign off the Governance Statement by 30th June each year
- To set the precept
- To appoint officers
- To make byelaws
- To borrow money
- To consider any matter required by law to be considered by a full Council meeting.

3 Delegation to other authorities

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 by any other local authority

- (1) 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.
 - (2) 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.
 - (3) A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority."
- 1.3 It is desirable that in the interests of certainty in decision making and to avoid lengthy discussions in Council meetings, Standing Orders should discourage, so far as is legally possible, action being taken by the Council after the matter has been 'decided' by a Committee, or Sub-committee. If the Council feel, however, that action is necessary then normally it should refer the matter back to the Committee concerned (Standing Order 10 a. iv).
 - 1.4 The intention of the delegation scheme is that the Council should act with all reasonable speed. Decisions should be taken at the most suitable level and that officers are given power over the day to day administration of the Council.

Approved November 2021

Due for review May 2023