

# **BISHOPSTEIGNTON PARISH COUNCIL**

## **SCHEME OF DELEGATION**

### **Principles of Delegation**

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 an officer.
  - A Committee may delegate its powers to an officer.
  - The delegating body may exercise Powers that have been delegated.
2. Any delegation to a Committee or the 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.
3. In an emergency the Proper Officer is empowered to carry out any function of the Council
4. Where the Proper Officer or Committee are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Members, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

### **Delegation to The Proper Officer**

#### **Matters reserved for Council or Committee**

5. Subject to urgent items (see paragraph 6 below), the following matters shall be referred to the relevant Committee or Council, where appropriate.  
Any matter which:
  - (a) requires a new policy; or
  - (b) requires an alteration to an existing policy (other than a minor amendment); or
  - (c) would be contrary to the policy framework; or
  - (d) involves expenditure or a reduction in income, for which there is no sufficient budgetary provision;
  - (e) is an issue of principle as determined by The Council; or
  - (f) in the opinion of the Proper Officer, cannot in law or in accordance with the Standing Orders be decided by an Officer; or
  - (g) upon which a Committee has requested a report; or
  - (h) a Member has requested an item to be put on an agenda under Standing Orders; or
  - (i) in the opinion of the officer concerned, should be determined by a Committee; or

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## Urgent Items

6. Matters of urgency, as determined by the Proper Officer, shall be delegated to the Proper Officer or appropriate committee in consultation with the Chairman and/or Vice-Chairman of the Council subject to a report being made to the next meeting of the appropriate Committee.

This allows the Proper Officer to do anything expedient and necessary to ensure the continuous business of the council, and to deal with mandatory undertakings to prevent the authority from incurring liability during the period that the delegation is applicable. The Proper Officer, as decision maker, will consult with the Chairman and/or Vice Chairman but on these matters and during the period of the emergency the Council should acknowledge that the clerk is the decision maker.

## Delegation to Committees

7. Each Committee has delegated authority to decide matters within their terms of reference **except** for the following matters, which are reserved for Council:

- To adopt and change the Standing Orders.
- To approve and adopt the Policy Framework.
- To approve and adopt the Annual Budget & set the Precept.
- To determine the Council's Corporate Priorities.
- To appoint the Chairman and Vice-Chairman
- To agree and/or amend the terms of reference for Committees, deciding on their composition and making appointments to them.
- To adopt the schedule of full council meetings for the ensuing year.
- To make any decisions which would be contrary to the policy framework.
- To determine matters involving expenditure for which budget provision is not made or is exceeded.
- To determine matters which do not fall within the remit of any Committee.
- To determine matters affecting or likely to affect, another Committee or where consultation with or approval of that other Committee is required.
- To determine any matters referred to it by a Committee in accordance with Standing Orders.
- To make decisions concerning district boundaries, electoral divisions, Towns or polling districts.
- To make byelaws.
- To borrow money.
- To receive statutory reports from the Proper Officer.
- To consider any matter required by law to be considered by Council.

## Authority to Act

8. Subject to those matters that are reserved for Committee (see paragraph 1 above) the Proper Officer shall be responsible and shall have delegated authority for the day-to-day operation and management of the services and land for which the Council is responsible.
9. Any matter not reserved for Committee (i.e. any matter falling outside the criteria contained in paragraph 1 above) shall be regarded as falling within the day to day operation and management of the relevant department and shall be delegated to the Proper Officer and shall be exercised in accordance with the principles of delegation.

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10. Delegations to the Proper Officer/Responsible Financial Officer in respect of financial matters are set out in the Standing Orders and Financial Regulations.
11. Delegations to The Proper Officer in relation to the letting of contracts are set out in the Standing Orders and Financial Regulations.
12. Delegations to The Proper Officer in respect of land and premises are set out in the Standing Orders and Financial Regulations.
13. The Proper Officer shall also have delegated management authority for media and corporate issues.
14. The Proper Officer has delegated authority to decide on the final content, editing and layout of the Parish Council website and for arranging its publication.
15. The Proper Officer shall be responsible for signing all the Council's Official Notices and for witnessing the signing of Council documents. The council does not have a seal.
16. The Clerk shall be the Proper Officer for any function of the Council in the absence of any other appointment as specified within this Delegation Scheme.
17. The Proper Officer shall:
  - i. arrange for interments in the Parish Cemetery
  - ii. approve monuments
  - iii. grant exclusive rights of burial
  - iv. maintain up to date records in all Burial Registers.
  - v. carry out an inspection with at least one representative of the Church Maintenance Committee and one councillor of all the monuments within the closed Churchyard of St John the Baptist Church, Church Road, and with at least one councillor in the Parish Cemetery, Lindridge Road, during the four years between the five-yearly independent inspections.
  - vi. get quotes for and appoint a contractor for the following:
    - Independent inspection of the memorials in the churchyard and cemetery, once every five years, or sooner if necessary.
    - Annual playground inspections.
    - Tree survey every 2 years and additional inspections as required.
  - vii. 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.
  - viii. undertake the appointment of a contractor and/or volunteer for the day to day management and maintenance of Council property within a budget set by the Council.
  - ix. call any extra meetings of the Council as necessary, having consulted with the Chairman of the Council where possible.
  - x. respond to any correspondence, requiring or requesting information or relating to previous decisions of the Council.
  - xi. act as the Council's designated officer for the purposes of the Freedom of Information Act 2000 and General Data Protection Regulation 2018 and respond to Freedom of Information/Subject Access requests.
  - xii. arrange for the payment of invoices where appropriate (e.g. where approved by the council or by the use of delegated authority as specified above) that will be overdue by the next scheduled meeting or where discount for the Council will be lost.
  - xiii. make grant applications after identifying suitable funds and submit monitoring/outcome statements where grant applications were successful.

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- xiv. have the authority to refuse to deal with matters or to put them on the agenda if they are outside the council's remit, areas of interest and/or civil matters (but will continue to inform in the first response to a correspondent/caller where to refer matters, if known and if appropriate.)
  - xv. Planning: have the delegated authority to respond to:
    - Extension: request, from the delegated Officer at the Local Planning Authority, an extension for council response to a planning application where the consultation period closes prior to the next Planning Committee meeting.
    - Planning applications: when an extension is not granted by the delegated officer at the Local Planning Authority, and a meeting cannot be held, determine the Council's response to the planning application by consultation with planning committee members by email. Final response for submission to be determined by the Proper Officer in consultation with the Chairman of the Planning Committee.
  - xvi. keep councillors informed of training courses and book them on request.
  - xvii. identify and book training courses for their own Continuous Professional Development.
  - xviii. renew subscriptions and pay annual fees to the DALC, the SLCC, website host/servers, and any relevant software licences/packages.
  - xix. request that two councillors authorise the payment of invoices between meetings for salary, and all items specifically budgeted for, contracted for or expenditure agreed by council at a meeting. Councillors will receive a list of transactions at the meeting following payment.
18. In addition the Proper Officer has authorisation for expenditure on: (note: standing orders allow for emergency expenditure up to £100)
- i. the defibrillators as required – all consumables and cabinets as required.
  - ii. Safety works to individual seats up to a maximum of £250.
  - iii. Safety works to bus shelters up to a maximum of £250.
  - iv. Essential works to play equipment up to a maximum of £500 where safety is of concern.
  - v. Essential works to trees up to a maximum of £500 where safety is of concern.
  - vi. routine maintenance works to trees up to £500 per tree.
  - vii. office administrative materials and equipment as required.
  - viii. IT storage/working facilities, as required.
  - ix. virtual meeting costs, such as Zoom licence/subscription.