**South Wootton 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

(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.

(3) 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.

(4) 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.

(5) 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 manner in which South Wootton 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 final budget or the precept
* Approving Accounting Statements
* Completion of the Annual Return including the Governance Statement
* Consideration of an Auditor’s report
* The making, amending or revoking of Standing Orders, Financial Regulations and Scheme of Delegation
* Borrowing
* The council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.
* Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council.
* Writing off bad debts
* Declaring eligibility for the power of well-being
* Addressing recommendations in any report from the Internal or External Auditor
* Determine and keep under regular review the bank mandate for all council bank accounts;
* Approve any grant or a single commitment in excess of £1,000
* In respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.
* The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. .
* The council shall consider annual budget proposals in relation to the council’s three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
* Expenditure on revenue items may be authorised by the council for all items over £1,000
* Changes in earmarked reserves shall be approved by council as part of the budgetary control process.
* The council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation.
* No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council.
* No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council.
* No real property (interests in land) shall be purchased or acquired without the authority of the full council.
* The council is responsible for putting in place arrangements for the management of risk.
* Approval of the virement 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 Council will nominate another member of staff to undertake the work of the Proper Officer.

Additionally, the Clerk may delegate to the Assistant 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
* Receive and grant Disclosable Pecuniary Interest (DPI) dispensations after consulting with the Borough Council’s Monitoring Officer; details of all dispensations received and granted to be reported to the Council at the next available meeting.
* Sign and serve on councillors a summons with an agenda to attend Council and committee meetings
* Convene a meeting of the full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.
* Sign notices or other documents on behalf of the Council
* Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary
* Manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form
* Arrange for legal deeds to be executed
* Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council’s financial regulations;
* Record every planning application notified to the council and the council’s response to the local planning authority in a book for such purpose;
* Refer a planning application received by the council to the Chairman or in his absence Chairman of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the council;
* Manage access to information about the council via the publication scheme
* 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 chairman, except those called by the Chairman or members in accordance with Standing Order 6.

Updating and managing the content on the Council’s website

* Making arrangements for the maintenance of the office IT system.
* Co-ordinating the production of the Council’s newsletters.

 Disposal of Council records according to legal restrictions.

* 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);

 Making arrangements for the routine maintenance of the Parish Office and Village Hall

 Purchasing basic office equipment and supplies

 Arranging emergency repairs to the Parish Office or other Council premises (subject to the council’s standing orders and financial regulations.)

* Taking appropriate action arising from other emergencies (in consultation with the Chairman/Vice Chairman of Council or committee chairman 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);

 Dealing with day to day matters in relation to the allotments function, in accordance with any policies and decisions of the Assets Committee or full Council to include issuing Allotment Tenancy Agreements and making arrangements for collecting the annual rents.

* Authorising routine recurring expenditure within the agreed budget

 Authorising payment for items below £1,000 in consultation with the Chairman of Council or the Chairman of the appropriate Committee (Fin Regs 4.1)

* Emergency expenditure up to £1,000 whether or not there is budgetary provision for the expenditure (Fin Regs 4.5)

**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 functions and duties of the RFO are set out in the job description for the post and as set out in the Standing Orders and Financial Regulations.

**Committees**

* Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
* The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.
* Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

All Committees are authorised to:

* Determine their terms of reference;
* Determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;
* Permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
* Subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
* Subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 7 days before the meeting that they are unable to attend;
* After it has appointed the members of a standing committee, appoint the chairman of the standing committee;
* Permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
* Determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
* Determine if the public may participate at a meeting of a committee;
* Determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
* Determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
* Dissolve a committee

**COMMITTEE TERMS OF REFERENCE**

**Finance Committee**

* Membership and frequency of meetings
* A minimum of eight places will be available for Members of the Council who will meet in Committee at least quarterly.

Terms of Reference

* To co-ordinate, in consultation with the Chairman of the Committees of the Council, the Chairman of the Council, the Parish Clerk (RFO), the detailed budget of the Council and to recommend to the Council the annual budget and the annual precept to be levied for the Parish.
* To monitor expenditure and ensure that the Council receives reports quarterly on the progress of actual expenditure compared with budget.
* To prepare the accounts of the Council and arrange for their annual external audit.
* To be responsible for overseeing the administration and review of day to day financial matters including internal audit of the Council’s income and expenditure.
* To conduct an annual review of the effectiveness of Internal Audit and Internal Control procedures.
* To arrange for annual review of the Council’s insurance policies and to oversee the procedure for risk assessment of all the Council’s activities.
* To advise the Council on all aspects of finance and financial policy, including the investment of both operating and capital balances and any transfers into and out of the capital fund.
* To review from time to time the Council’s banking arrangements and make

recommendations to the Council when necessary

* To approve, on behalf of the Council, the transfer of funds from and to particular budget items where the Chairman of the Committee is satisfied that the transfer of funds must take place before the next meeting of the Council. Such urgent transfers of funds must be agreed by the Chairman or Vice Chairman of the Committee affected by the transfer and by the Chairman or Vice Chairman of Council.
* To review the Council’s Financial Regulations annually
* To draw up and periodically review a procedure for the making of grants and donations and to consider and make decisions on such requests made to the Council, in accordance with that policy.
* To ensure that appropriate records are kept of all assets and that they are adequately controlled.

**Planning and Highways Committee**

* Membership and frequency of meetings
* A minimum of eight places will be available for Members of the Committee who will meet in Committee every two weeks, or at such intervals as may be required to meet Borough Council deadlines, to consider and decide upon the Council’s responses to Planning Applications (other than proposed large scale developments) and other Highway issues.

**Assets Committee**

* Membership and frequency of meetings.
* A minimum of eight places will be available for Members of the Committee who will meet quarterly, or at such intervals as may be required.
* To consider and discuss, all matters relating to the Assets of the Parish i.e Village Hall, Allotments, Parish Office, Cemetery etc.
* To make recommendations to the Council on all details discussed and items of expenditure within the budgets approved by the Council.
* The Committee may delegate any of its functions to Sub-Committees constructed from its members or to an officer of the Council.

**Policy Committee**

* Membership and frequency of meetings.
* A minimum of eight places will be available for Members of the Committee (made up of Chairmen of the Committees and elected representatives of said Committees) who will meet quarterly, or at such intervals as may be required.
* To consider and discuss, all matters relating to the Policies of the Council i.e Regulatory requirements, Staffing Matters etc.
* To make recommendations to the Council on all details discussed and items of expenditure within the budgets approved by the Council.
* The Committee may delegate any of its functions to Sub-Committees constructed from its members or to an officer of the Council.

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