



## **Scheme of Delegation**

### **Introduction - Powers**

This Policy sets out the manner in which Botus Fleming Parish Council has delegated powers and responsibilities. This statement represents one of three ways in which the Parish Council regulates its affairs, the other two being its Standing Orders and Financial Regulations.

The power to delegate functions is detailed in the Local Government Act 1972 section 101 (and by reference to section 100G) and the Local Government Act 2000 section 15 and the Local Authorities (Functions & responsibilities – England) Regulations 2000/2853 (as amended) and all other enabling powers.

The Powers are only exercised within the limitations of this Scheme and does not delegate any matter reserved by Law.

The aim of the scheme of delegation is to permit the Parish Council to act with reasonable speed and to allow decisions to be taken at suitable levels. The Parish Clerk is given powers over the day-to-day administration of the Council. Committees and Sub-Committees decide matters within their Terms of Reference and report policy and financial matters as recommendations to the full Council for consideration.

To ensure that the Council acts in a transparent fashion, the Clerk must report all decisions made under delegated powers at the next available public meeting and publish information on the Parish Council website.

This Scheme shall lapse after the 1<sup>st</sup> full meeting of the Council following each set of Parish Council Elections commencing May 2021, unless re-approved by the Council, with or without amendments.

### **Annual Meetings**

The Scheme of Delegation also permits the Council to receive and act upon Government advice in relation to the holding of the Annual Meeting of the Parish Council. The next scheduled meeting of the Annual Meeting of the Parish Council is 26<sup>th</sup> May 2021. Such Meetings must be held annually before 1<sup>st</sup> June.

### **Proper Officer & Responsible Financial Officer**

The Clerk shall be:

- the Proper Officer and carry out the functions as provided by the Local Government Act 1972
- the Responsible Financial Officer in accordance with the Accounts & Audit Regulations 2003

The Responsible Financial Officer (Local Government Act 1972 section 151) is authorised to manage the Council's financial affairs and operate the Banking arrangements.

### **Extent of Delegation**

All delegated functions shall be deemed to be exercised on behalf of and in the name of Botus Fleming Parish Council.

The Parish Clerk will exercise these powers in accordance with-

- the Council's Standing Orders and Financial Regulations
- approved budgets
- adopted policies of the Council
- all statutory common law and contract requirements

The Parish Clerk may take action in relation to the delegated power, or duty, within the legal framework of the Council. This will include anything reasonably implied to that power or duty.

### **General Delegation**

In addition to the responsibilities set out in the Clerk's job description, the Clerk has the delegated authority to undertake the following matters on behalf of the Council:-

- Day to day administration of services
- Authorisation to postpone or cancel any ordinary or extraordinary meeting of the Parish Council
- Authorisation to call any extraordinary Council meetings in consultation with the Chairman
- Authorisation to respond to correspondence requesting information relating to previous Council decisions, but not to correspondence requiring an opinion of the Council
- Handling requests for information under the Freedom of Information Act 2000 and the Data Protection Act 2018
- Issue of press releases and statements on the Council's existing policies
- Updating and managing the content of the Council's website
- Periodic review and destruction of Council documents (electronic or hardcopy) according to legal retention criteria, the Council's Document Retention policy and the Data Protection Act 2018, all in consultation with the Chairman
- Taking appropriate emergency actions in consultation with the Chairman / Vice Chairman

### **Financial Delegation**

In addition to the Clerk/RFO's legal responsibilities with regards to Accounts & Audit Regulations, the Parish Council recognises that as further delegated powers in relation to financial matters work may be required to Council Assets, urgent replacement or repair of computer equipment and critical payment decisions when the Parish Council is unable to meet at a lawfully convened meeting. Such delegated powers are conditional upon the Clerk/RFO identifying a lawful power or authority that would allow the Parish Council to approve expenditure under normal circumstances.

The Scheme of Delegation notes that the Clerk/RFO has authority to:-

- Lawfully spend against specific items in the Council's Budget which have been identified in the Budget when setting the Precept (i.e. contractors, clerk's salary)
- Routine expenditure (office stationary, postage, printer cartridges etc.) in accordance with Financial Regulation 4 (Budgetary Control and Authority to spend)
- In consultation with the Chairman delegation to spend up to a limit amount (£500) in respect to unforeseen circumstances. Financial Regulation 4 (Budgetary Control and Authority to spend)
- All payments above £500 would ordinarily require the approval of the full Council at a Public Meeting. Where this is not possible the Clerk/RFO will liaise with all Councillors via email to gain approval (by majority) before making any spending decisions. Any decisions to spend outside of ordinary meetings will be published on the Parish Council website for purposes of Transparency. Payment decisions will be ratified, and duly minuted, at the next available Public meeting
- The Clerk shall liaise with the Chairman for purposes of signing cheques when the Council are prevented from holding a Public Meeting. Most Council payments are made by BACs
- Manage investments and raise or repay loans as appropriate and obtain such other sources of credit as are required in accordance with the Financial Regulations
- Carry out virement of sums between cost centres in accordance with Financial Regulations
- Accept quotations for tenders for work supplies or services. A tender acceptance will offer the lowest price or most economically advantageous to the Council according to the criteria set out in the tender documentation, and compliance with the Financial Regulations
- Negotiate settlements in connection with claims made by and against the Parish Council in consultation with the Council's Insurers Zurich Municipal Insurance

The Parish Clerk shall have delegated authority to disperse other monies with the authority of the full Council under the following restrictions

A) **If within budget** up to £2,000 with the approval of the appropriate Committee (where relevant) or Chairman / Vice Chairman. Such approval may be verbally or by email initially, with a signature later.

B) **If within budget** up to £5,000 **only where** that item has been resolved by the Committee (where relevant) or Chairman / Vice Chairman as above.

C) Expenditure over £5,000 or not within budget **only where** that item has been resolved by full Council with an agreed spend ceiling or maximum spend

### **Property matters**

The Parish Clerk is given authority to agree the terms of a lease, licence or transfer

### **Legal matters**

The Parish Clerk is given authority to act in accordance with the Service Level Agreement which the Council have in place with Cornwall Council Legal Services.

The Parish Clerk is given authority to prepare a draft budget for consideration by the Council, and to prepare the final accounts for each financial year

### **Health & Safety Act 1974**

The Clerk shall have delegated authority to exercise overall responsibility for Health & Safety.

### **Botus Fleming Parish Council website & notice boards**

The Clerk shall approve or reject links for display on the website, and items for display on the two notice boards.

### **Planning Delegation**

There are occasions where the timing of a Planning Application would not allow enough time for the Parish Council to meet and agree a response before the deadline of consultee comments.

There may be an occasion where a Meeting has been cancelled or, due to an Annual Meeting or budget meeting prevents discussion of a Planning Application.

The following policy will apply and the Clerk will:-

- receive an Application by email and the application link is emailed to all Councillors
- contact the Planning Department to request an extension period to the consultee deadline
- failure to secure an extension, Councillors will consider material considerations (as listed below) and share their comments via email by replying to all Councillors
- take into account the need for an extraordinary meeting if responses from Councillors cannot be made by the extension deadline
- use the 5 day protocol scheme to reply (as per the 5 day planning protocol policy, approved 24<sup>th</sup> February 2019)
- arrange a site visit / or extraordinary Council meeting as per existing Standing Orders
- submit the planning response to the Cornwall Council Planning Portal before the consultation deadline
- ensure that an Agenda item will be added for the next Public Meeting to ratify the Council's decision on the Planning Application, and to minute any vote (Support/Object/Abstain)

### **Material considerations**

In deciding a Planning Application or appeal against a Planning decision the following material considerations shall be taken into account (but not limited to):-

- Highway safety / Traffic / Parking
- Design / appearance / materials
- Density of building / Proposals in the Development Plan
- Overlooking / loss of privacy
- Loss of light

- Noise
- Access / disabled persons
- Government Policy / Nature conservation
- Previous planning decisions

### **NOT a Material consideration**

The following areas do not warrant consideration with regards to a Planning Application:-

- Nobody has a right to a view from their property
- Impact on the valuation of a property
- Loss of trade or increased competition
- A personal Interest
- The cost of a development. The Council cannot protect developers from expensive projects

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