



Little Paxton Parish Council

LITTLE PAXTON PARISH COUNCIL SCHEME OF DELEGATION POLICY

Introduction

Delegation is a useful tool to resolve day to day management issues that affect the council or to initiate action in the case of an emergency where it is not practical to post and wait for the 3 clear days before meeting to deal with the emergency.

It is however unlawful for a parish or town council to delegate decision making to any individual councillor including the chairman or vice chairman

Delegation

Delegation is the act of authorising decisions to be made by:

- an officer of the council (the Clerk)
- a duly constituted committee
- a duly constituted sub-committee
- another authority (such as a principal authority)

Delegation of powers must be formally agreed by the Full Council.

The Legal Power

Section 101 of the Local Government Act 1972 allows a council to delegate the power to make decisions to an officer, a committee, a sub-committee or another authority.

It is good practice to specify in Standing Orders the kind of decisions that the Clerk can make such as routine decisions, dealing with emergencies or spending small sums of money.

Standing Orders may require decisions to be taken after consultation with two councillors (including the Chairman) but the decision remains with the Officer.

Decisions reserved to the Full Council

- making or revision of Standing Orders

Adopted 05/09/19

- making or revision of Financial Regulations
- making or revision of council policies
- making or revision of bye-laws
- hiring or dismissal of council officers or staff
- appointment of permanent representatives to outside bodies
- implementation rents and charges for use of council facilities
- regulation and supervision of the council's finances within the general financial policy of the council as expressed in the council's Annual Budget
- approval of Final Accounts
- approval and actions in respect of the Internal Audit Report
- approval of the council's Year End submission
- setting up committees and working parties
- determining the number of members of a committee
- approval of the terms of reference of committees and working parties
- setting the Precept
- taking loans
- accepting or spending money received by way of grants

Delegation to Committees

The council may delegate to any or all committees of the council full powers to act in all matters covered by the committee's Terms of Reference

This is subject to:

- the provisions or restrictions of any Standing Order or Financial Regulation being in force, except where such Order or Regulation has been specifically waived by resolution of the Council
- prior approval by the Council of annual capital and revenue estimates so that the Council may consider recommendations for expenditure from Advisory Groups & Committees
- any scheme requiring application for consent to borrow having first been approved by Council, and loan sanction secured
- matters of policy where there is an already approved policy of the Council however in the absence of a policy, Full Council to adopt a new policy or an existing policy to be reviewed and/or amended. This must be in place before a Committee may consider a matter and make recommendations to Council
- matters of major importance brought before the Council as Agenda Items
- matters which have arisen in other Committees or Sub-committees but which cannot be resolved by them to be brought to the Full Council for resolution
- matters which have arisen in other Committees or Sub-committees but which cannot be resolved by them in the absence of settled Council policy
- prior Council approval to recommendations for the allocation of duties, powers and guidelines to committees

Delegation to Officers (generally the Clerk)

Adopted 05/09/19

The Clerk is the Proper Officer of the council in law so legally Councils can delegate decisions to Clerks.

As the Clerk is a trusted professional officer their objectivity should allow them to act for the council.

Certain functions may be delegated to the Clerk of the council to:

- order goods and services as set out in the council's Financial Regulations
- vire money between cost centres within a budget heading approved by the council
- commission emergency works or repairs to maintain the integrity of council's or facilities or assets
- resolve any Health and Safety issues that are deemed potentially harmful
- arrange for interments in the council's burial ground
- grant exclusive rights of burial
- maintain up to date records in the burials register
- handle and respond to requests made under the Freedom of Information Act and the Data Protection Act
- let Council owned allotments
- serve notices to cultivate unattended allotments
- serve notice to terminate allotment tenancies on breach of the tenancy conditions
- deal with internal and external audit matters in accordance with council policy
- initiate action to recover outstanding monies owed to the council
- close part or all of council facilities to allow essential maintenance work
- commission fire and other regular essential safety checks on council facilities
- commission annual playground safety inspections
- Grant dispensations under the Code of Conduct.
- Implement the Queen Elizabeth II Playing Field Policy & Conditions of Use.
- Implement the terms of Allotment Tenancy Agreement
- Implement the terms of the Little Paxton Lawn Cemetery Regulations.
- To grant permissions for barbeques as part of a village hall function.
- To grant permission to user groups to use a roller on the QEII Playing Field.

Next review date September 2019