Bournheath Parish Council

Scheme of Delegation (Clerk)

- Adopted at a meeting of Bournheath Parish Council on 13th November 2024
- Next review due November 2026

1. DISCHARGE OF THE SCHEME

1.1 This Scheme of Delegation forms part of the Council's governance documents along with Standing Orders, Financial Regulations, and the Code of Conduct. The Scheme will be reviewed at least every two years and when there are staffing changes.

1.2 Those staff members with delegated responsibility are referred to by job title.

1.3 One of the purposes of this document is to clearly define the parameters within which the Proper Officer of the Council can act without reference to Councillors. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.

1.4 Any deviation from this Scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

2. PRINCIPLES OF DELEGATION

2.1 Section 101 of the Local Government Act 1972 provides:

- That a Council may delegate its powers (except those incapable of delegation) to the committee, or an Officer.
- The delegating body may exercise powers that have been delegated.

2.2 Any delegation to a Committee or a member of staff shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and with the law.

2.3 In an emergency the Clerk (or those acting on their behalf) is empowered to carry out any function of the Council.

2.4 Where the Clerk is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chair of the Council and must ensure that they obtain appropriate legal, financial, and other specialist advice before action is taken.

3. AUTHORITY TO ACT

3.1 It will be appropriate for the Clerk to refer a matter to the Council where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for Councillors to determine; or could by its scale or complexity expose the Council to major corporate risk.

3.2 The Clerk has the responsibility to act within the Council's approved policies, procedures, and framework and within the law in conjunction with this delegated Scheme.

4. CONFLICTS OF INTEREST

4.1 Under the Local Government Act 1972, section 117 the Clerk must make a formal declaration about Council contracts where they have a financial interest.

4.2 Where the Clerk has a conflict of interest in any matter, the Clerk shall not participate in that matter unless approved by the Council and this is formally recorded in the Council minutes.

5. COUNCIL RESERVED POWERS

5.1 The following matters are only to be resolved by the Full Council:

- Appointment of the Clerk and Responsible Finance Officer.
- To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation, and other Council policies.
- To approve and adopt the policy framework.
- To approve and adopt the budget.
- To adopt the schedule of meetings for the ensuing year.
- To determine matters involving expenditure for items over £10,000 or for which budget provision is not made or is exceeded.
- To set the precept.
- To make byelaws.
- To borrow money.
- To annually approve the statutory annual return.
- To approve eligibility for the General Power of competence.

6. DELEGATION TO PARISH CLERK AND RESPONSIBLE FINANCE OFFICER

Clerk

The Clerk is designated and authorised to act as the Proper Officer for the purposes of all relevant sections of the Local government Act 1972 and any other statute requiring the designation of a Proper Officer.

In the case of an emergency, the Clerk shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Chair (if practicable in the circumstances).

The Clerk will have the authority to dispose of the Council's assets (excluding land and building assets) subject to the estimated value of any one tangible movable item not exceeding £500. The Clerk is responsible for ensuring any disposal details including the disposal values are recorded in the assets register.

Power to authorise relevant training courses provided the expense can be met from approved budgets having considered the training needs of the Clerk.

Power to act immediately on all Health and safety or emergency issues without waiting for endorsement by the Full Council. Such acts should be in consultation with the Chair of the Council if possible.

As Proper Officer, to sign all documents on behalf of the Council including the Summons to Elected Members to attend Council Meetings in accordance with Paragraph 4 and Schedule 12 of the Local Government Act, 1972.

To sign and publish the annual public notices that the Audit of Accounts is to take place and has taken place.

To receive members' Declarations of Interest Form, and their Acceptance of Office Form. appointment.

Power to release press statements on any activities of the Council subject to consultation with the Chair of the Council.

Power to act on own initiative to implement the Councils policies and objectives.

Power to take appropriate steps to ensure the Council does not exceed its powers.

Power to manage all the Council's facilities and resources in accordance with the Council's policies.

The Proper Officer shall have authority to issue written authorisation to individual Officers to act as the Council's authorised officers in the performance of their statutory, or other duties.

The Proper Officer shall be responsible for signing all the Council's Official Notices as set out in the Standing Orders.

As Parish Clerk may incur expenditure on revenue items on behalf of the Council up to the amount of £500 included in the approved budget.

The Parish Clerk, in consultation with Councillors, to make comment on planning applications submitted to Bournheath Parish Council by Bromsgrove District Council within the statutory 21-day consultation period if the deadline is before the next available Full Council meeting.

Responsible Financial Officer

The Responsible Financial Officer will be responsible for all financial records of the Council and the careful administration of its finances and accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time and with the policies and procedures set out by the Council and within the law.

The Responsible Financial Officer will have the power to release any financial related report or document to the Council in discharge of the Responsible Financial Officer responsibilities.

The Responsible Financial Officer shall ensure the approved precept request is issued to Bromsgrove District Council (the billing authority).