



Kingston Parish Council

Scheme of Delegation to the Parish Clerk

Introduction

Parish Councils may only do what legislation requires or permits them to do. The Local Government Act 1972, s101 (with some exceptions) allows the Council to delegate functions to committees, sub committees, officers, or other authorities.

The powers and duties set out in this scheme are delegated to the Parish Clerk. The Parish Clerk may delegate these duties and powers to other Officers within the Council.

The Parish Clerk is also the Council's Responsible Financial Officer and the Proper Officer and responsible for the management of the organisation.

Extent of Delegation

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

1.1 The Parish Clerk will exercise these powers in accordance with:

- this Scheme of Delegation
- the approved budgets
- the Council's Financial Regulations
- the Council's Contract Procedure Rules
- the Council's Procurement Strategy
- the Council's Standing Orders
- the Council's Policy Framework and other adopted policies of the Council
- all statutory common law and contractual requirements, and
- directions given by the Council from time to time

1.2. The Parish Clerk may do anything pursuant to the delegated power or duty, which it would be lawful for the Council to do including anything reasonably implied or incidental to that power or duty.

However, the following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration:

- i. setting the precept;
- ii. borrowing money;
- iii. making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
- iv. making, amending or revoking by-laws;
- v. making of orders and entering into contracts under any statutory powers;
- vi. matters of principle or policy.
- vii. nomination and appointment of representatives of the Council to any other authority, organisation or body;
- viii. any proposed new undertakings with the exception that the Clerk is delegated to authorise works between meetings of up to £1000 value with the agreement of the Chairman and Vice-Chairman of Council and where practicable in liaison with all Members;
- ix. prosecution or defence in a court of law;
- x. nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.
- xi. approval of the Annual Return (Statement of Accounts)
- xii. appointment or dismissal of the Clerk and other contractual issues relating to conditions of service.
- xiii. any other matters not otherwise devolved/delegated to a Committee of the Council.

1.3. Provided that such authorisation is not prohibited by statute the Parish Clerk to whom a power, duty or function is delegated may authorise another Officer to exercise that power, duty or function, subject to:

- such authorisations being in writing
- only be given to an Officer below the delegating officer in the organisational structure
- only being given where there is significant administrative convenience in doing so
- the Officer authorised by the Parish Clerk acting in the name of the Parish Clerk
- such authorisation not being prohibited by statute.

1.4. A delegation to a subordinate Officer shall not prevent the Parish Clerk from exercising the same power or duty at the same time.

General Matters

2. The Parish Clerk is authorised to:

2.1. Sign, or where appropriate, have sealed on behalf of the Parish Council, any Orders, Deeds or Documents necessary to give effect to any of the matters contained in reports or in any resolution passed by the Council.

2.2. Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.

2.3. Institute and appear in any legal proceedings authorised by the Council.

2.4. To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the residents of the Parish).

2.5. Alter the date or time of a Council, Committee or Working Group meeting but, before doing so, shall consult the Chairman, or chairman of the Committee or Working Group concerned about the need for the change and about convenient alternative dates and times.

2.6. Decide arrangements for the closure of the Parish office in the Christmas/New Year or staff holiday periods, subject to consultation with the Chairman.

2.7. Deal with day to day matters relating to the use of office space.

2.8. Manage all the Council's current services including the following:

- Neighbourhood planning
- Provision of street furniture
- Website

2.9. To act as the Council's designated Officer for the purposes of the Freedom of Information Act 2000.

2.10. To act as Council's Data Protection Compliance Officer for the purposes of the Data Protection Act 2018.

2.11. To apply for planning consent for the carrying out of any development by the Council.

2.12. To respond to consultations on planning applications and licensing applications subject to the comments by Members of Council.

2.13. To respond to complaints made under the Council's complaints procedure.

2.14. To manage, monitor and review the Council's internal control procedures.

2.15. To manage, monitor and review the Council's Corporate Risk Management Strategy.

Financial Matters

3. The Parish Clerk is authorised to:

3.1. Be the Responsible Financial Officer for the purposes of Section 151 of the Local Government Act 1972.

3.2. Operate the Council's banking arrangements.

3.3. Incur expenditure up to a maximum of £1,000 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution and Financial Regulations.

3.4. Pay all accounts properly incurred.

3.5. Pay all subscriptions to organisations to which the Council belongs.

- 3.6. Make all necessary arrangements for the provision of an internal and external audit service for the Council.
- 3.7. Negotiate settlements in connection with claims made by and against the Council in consultation with the Council's insurers where appropriate.
- 3.8. Incur expenditure on revenue items within the approved estimates and budgets under their control.
- 3.9. Incur expenditure on capital schemes within the Council's approved capital Programme.
- 3.10. Use the Repairs and Maintenance Budgets for the maintenance, replacement or repair of existing plant, vehicles or equipment.
- 3.11. Enter into leasing and contract hire agreements for the acquisition of vehicles machinery and equipment on such terms as are considered appropriate.
- 3.12. Accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:
 - a) the cost not exceeding the amount approved estimate
 - b) the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation
 - c) all the requirements of the Council's Financial Regulations being complied with.
- 3.13. Compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.
- 3.14. Carry out virement of sums between cost centres in accordance with the Council's Financial Regulations.
- 3.15. Manage investments and raise and repay loans as appropriate and obtain such other sources of credit as are required in accordance with the Financial Regulations.
- 3.16. Authorise action for the recovery of debts.
- 3.17. Write-off debts up to the level set by the Council.
- 3.18. Maintain a Register of Assets and Inventory of Equipment.
- 3.19. Determine the Parish Council's insurance requirements on the Council's behalf.
- 3.20. Make all necessary arrangements for the Council's insurances.

Staffing Matters

4. The Parish Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:
 - 4.1. Appointments to posts including apprentices.
 - 4.2. Employment of temporary employees.

4.3. Preparation of the job description and person specification, placing of the advertisement and short-listing of applicants.

4.4. Management of staff performance.

4.5. Control of discipline and performance, including the power of suspension and dismissal with the agreement of the Chairman of Council

4.6. Exercise of disciplinary and grievance procedures in accordance with the Council's procedures.

4.7. Approve payment of overtime.

4.8. Agree minor variations to the condition of employment.

4.9. Implement and monitor the arrangements for annual leave, flexi time, sickness absence, maternity and paternity leave in accordance with the Council's policies.

4.10. Authorise training in line with the Council's policies.

4.11. Authorise the provision of uniforms or protective clothing.

4.12. Terminate employment during probation and to review salary on completion of probationary periods and make recommendation to Council.

Property Matters

5. The Parish Clerk is given authority to manage the land and property of the Council including:

5.1. Agreeing the terms of any lease, licence, conveyance or transfer.

5.2. The granting or refusal of the Council's consent under the terms of any lease.

5.5. Initiating legal action or proceedings against unauthorised encampments or encroachments on Council land.

Urgency

6. The Parish Clerk is authorised to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council or relevant Committee or Working Group. The Chairman and the Chairman of any relevant Committee or Working Group are to be consulted where possible before such action is taken.

Emergency Planning

The Clerk is authorised to:

7. Implement the Council's Emergency Plan and to incur any necessary expenditure. Any such action is to be reported to the next meeting of the Council or relevant Committee or Working Group. The Chairman and the Chairman of any relevant Committee are to be consulted where possible before such action is taken.

Health and Safety at Work Act 1974

8. To oversee the discharge of the Council's responsibilities under the Act.

Legal Proceedings

9. The Parish Clerk is authorised to:

9.1. Negotiate and settle the terms of documents to give effect to a decision of the Council or any of the Committees or of any Officer acting under delegated powers.

9.2. Be the responsible Officer for the co-ordination and operation of the legal requirements under the Data Protection Act and the Freedom of Information Act.

9.3. Prepare a draft budget for consideration by the Council.

9.4. Prepare the final accounts for each financial year

Date of Adoption

This Scheme of delegation was adopted by Council on 23 July 2020