**LYTCHETT MATRAVERS PARISH COUNCIL**

**SCHEME OF DELEGATION**

**Background**

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 Lytchett Matravers 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 precept and approval of the Council’s budget
* Approval of the Annual Accounts
* Completion of the Annual Return including the Governance Statement
* Consideration of an Auditor’s report made in the public interest (*within one month of receipt)*.
* The making, amending or revoking of Standing Orders, Financial Regulations and this

Scheme of Delegation

* Adoption or revision of the Council’s Code of Conduct.
* Confirmation (by resolution) that the Council has satisfied the statutory criteria to exercise

the General Power of Competence

* Determination and review of the Bank Mandate
* Matters of principle or policy
* Nomination or appointment of representatives of the Council to outside bodies (except

approved conferences or meetings)

* Nomination or appointment of representatives of the Council at any inquiry on matters

affecting the Parish, excluding those matters specific to a committee

* The making, amending or revoking of bye-laws
* Agreement to write off bad debts
* Approval by resolution, before payment, of any grant or single commitment in excess of

£5,000.

* Authorisation as to terms and purpose for any application for Borrowing Approval and

subsequent arrangements for the loan.

* Approval of any financial arrangement which does not require formal borrowing approval

from the Secretary of State (eg hire purchase or leasing of tangible assets)

* Approval of purchase, acquisition by other means, sale, lease or disposal of tangible

moveable property over £1,000.

* Approval of purchase, acquisition by other means, lease, sale or disposal of real property

(interests in land).

* 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

The Parish Council recognises that urgent decisions may arise between scheduled meetings and therefore have defined this policy to ensure that the Parish Council is managed effectively.

This policy applies to Parish Councillors and the Clerk.

While the Parish Council creates, implements, monitors and reviews this policy, the Clerk is also responsible for implementing its requirements.

Records Minutes of decisions will be retained in line with the Data Retention Policy

The Parish Council agrees to arrangements being established to deal with any urgent business arising between meetings where they could not be: -

• Foreseen at the preceding meeting

• Arise out of request for further information

• Are time sensitive

• Are outside the general or specific authority delegated to the Clerk

Any decision will require at least three members to be consulted, including the Chairman.

Decisions that may be taken outside of Parish Council Meetings will not require a deviation from policy decisions taken by the Parish Council and should not place any aspect of the Parish Council at considerable risk.

The Clerk will firstly discuss the matter with the Chairman.

The Chairman will make contact a minimum of two other Parish Councillors.

The Clerk will not seek to influence a decision from the Chairman or the other Parish Councillors but shall put the issues clearly and succinctly so as not to prejudice any decision being made.

The Clerk shall only inform the Parish Council of the outcome once the Chairman has relayed the outcome of their deliberations to the members, with a majority decision being acceptable of two members.

The Chairman may decide to call an Extraordinary Meeting if required to make a decision.

Any decision taken must be reported to the Parish Council at their next meeting and the decision formally ratified.

**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.

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 District 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 Council if a casual vacancy occurs in the office of the Chairman
* Sign notices or other documents on behalf of the Council
* 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.

* Issuing press releases and statements to the press on the Council’s known policies, subject

to the provisions of the Council’s Press and Media Policy.

* Updating and managing the content on the Council’s website
* Making arrangements for the maintenance of the office IT system.
* Disposal of Council records according to legal restrictions and an agreed retention and

disposal policy

* 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
* 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)

* 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 Environment and Amenities 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.

* Emergency expenditure up to £1,000 whether or not there is budgetary provision for the

Expenditure.

* When the Council delegates a specific task or function to the Proper Officer, the action taken must be reported to the next Council meeting.

**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.

**Periods of restricted activity**

Council decisions are delegated to the Clerk during any period of restricted activity declared by the Government, such as in respect of the Covid-19 virus. Such delegation is to enable the Council to fulfil its responsibilities to its residents.

In cases of extreme risk to the delivery of Council services, the Clerk may authorise revenue expenditure on behalf of the Council which in the Clerk’s judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000. The Clerk shall consult the Chairman on any such action prior to it taking place, and report it to the Council as soon as practicable thereafter.

**Committees**

All Committees are authorised to:

* Elect a chairman from within the membership of that Committee
* Approve the Minutes of the last meeting of the Committee
* Spend money from budget headings under that Committee’s remit up to the limit of the

budget and / or named reserve.

* Make recommendations on the budget requirement for the Committee for the coming

Financial Year.

* Delegate any of their functions to a Sub Committee or officer of the Council.

Adopted by Lytchett Matravers Parish Council, 25/03/2020