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# SCHEME OF DELEGATION TO THE PARISH CLERK

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V1

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MAY 20, 2025

SUTTON PARISH COUNCIL

The Glebe, 4 High Street, Sutton, Ely, Cambs

# **SUTTON PARISH COUNCIL**

## **Scheme of Delegation to the Parish Clerk**

### **Introduction**

The Parish Clerk is also the Council's Responsible Financial Officer and the Proper Officer with responsibility for the proper administration and management of the Council. The range of work undertaken in the role of Parish Clerk is diverse, it is undertaken within legal, financial and procedural frameworks.

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

### **1) Extent of Delegation**

- a) All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.

The Parish Clerk will exercise these powers in accordance with

- approved budgets
  - the Council's Financial Regulations
  - the Council's Contract Procedure Rules
  - the Council's Procurement Strategy
  - the Council's Policy Framework and other adopted policies of the Council - all statutory common law and contractual requirements
- b) 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.
- c) 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:
- 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 is/will be acting in the name of the Parish Clerk
- d) In the event that the Council is unable to meet due to the Death of a Senior Figure (public mourning), COVID 19 Restrictions (or such like) (Lockdowns, unable to meet face-to-face), or in the event of any other business interruption, the Clerk will be delegated powers to make decisions on behalf of the council, until such time the council can meet.

All decisions made under this delegated power must be reported to the next meeting of the council, and recorded in the minutes.

## **2) General Matters**

### **a) The Parish Clerk is authorised:**

- To sign on behalf of the Parish Council, any Orders, Correspondence, Deeds or Documents necessary to give effect to any of the matters contained in reports or in any resolution passed by the Parish Council.
- To take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.
- To institute and appear in any legal proceedings authorised by the Council.
- To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest.
- To alter the date or time of a Council or committee or working party meeting but, before doing so, shall consult the Chair of the Council, or Chair of a committee or working party concerned about the need for the change and about convenient alternative dates and times.
- Deal with day-to-day matters relating to the use of council premises.
- To manage / delegate all the Council's current services including the following:
  - The Council's allotments.
  - The Council's cemeteries and burials service.
  - The Council's Newsletters / notices and other publications.
  - The Council's events.
  - The Council's facilities, open spaces and amenity areas.
- To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
- To apply for planning consent for all development by the Council, following council decisions.
- To apply for planning consent for tree works by the Council.
- To respond to complaints made under the Council's Complaints procedure.
- To manage, monitor and review the Councils Internal control procedures.
- To manage, monitor and review the Councils Risk Management Strategy.

## **3) Financial Matters**

### **a) The Parish Clerk is authorised as follows:**

- To be the Responsible Financial Officer for the purposes of Section 151 of the Local Government Act 1972.
- To operate the Council's banking arrangements including arranging overdrafts with the approval of the Council.
- To incur expenditure provided that any action taken complies with any legislative provisions and the requirements of the Council's Financial Regulations and Standing Orders.
- To pay all accounts properly incurred.
- To pay all subscriptions to organisations to which the Council belongs.
- To make all necessary arrangements for the provision of an internal and external audit service for the Council.
- To negotiate settlements in connection with claims made by and against the council in consultation with the Council's insurers where appropriate.
- To incur expenditure on revenue items within the approved estimates and budgets under their control.
- To incur expenditure on capital schemes within the Council's approved Capital Programme.
- To accept quotations or tenders for work, supplies or services (where tenders are required by the Council's Financial Regulations), subject to: the cost not exceeding the amount approved estimate the tender being the lowest price or the most economically advantage Parish Clerk us to the Council according to the criteria set out in the tender documentation all the requirements of the Council's Financial Regulations being complied with.
- To authorise action for the recovery of debts.
- To maintain a Register of Assets and Inventory of Equipment.
- To determine the Parish Council's insurance requirements on the Council's behalf.
- To make all necessary arrangements for the Council's insurances.
- To prepare a draft budget for consideration by the Council.
- To prepare the Final Accounts for each financial year.

#### **4) Staffing Matters**

- a) The Parish Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:
  - Appointments to posts as approved by Council recommendation
  - The preparation of the job description and person specification, placing of the advertisement and short-listing of applicants except for new roles and that of the Parish Clerk.
  - Management of staff (including volunteers) performance.

- Management of discipline and performance, including the power of suspension, to be reported back to the Personnel Committee or the Council.
- The exercise of disciplinary and grievance procedures in accordance with the Council's procedures.
- Determine approved duties for the payment of travel and subsistence expenses to members and officers where they represent the Council outside of the Parish Council area.
- To approve payment of overtime if within the agreed budget for the specific role.
- To implement and monitor the arrangements for annual leave, flexi time, sickness absence and maternity/paternity leave in accordance with the Council's policies.
- To authorise training in line with the Council's policies.
- To authorise the provision of uniforms or protective clothing.
- To approve payment of claims from employees for compensation for loss of or damage to personal property.
- To terminate employment during and to review salary on completion of probationary periods approved by Council recommendation.

## **5) Property Matters**

- a) The Parish Clerk is given authority to manage the land and property of the Council including:
- Enter discussions regarding the terms of any lease, license, conveyance or transfer in consultation with the council's legal advisors.
  - Enter discussions regarding the granting or refusal of the Council's consent under the terms of any lease.
  - Enter discussions regarding Variations of restrictive covenants of a routine nature.
  - Enter discussions regarding the granting of easements, way leaves and licences over Council land as approved by Council recommendation
  - Initiating legal action or proceedings against unauthorised encampments on Council land, in consultation with the Chair/Vice-Chair.

## **6) Urgency**

- a) 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 subcommittee. The Chair and the Chair of any relevant committee are to be consulted before such action is taken if possible and time allows.

## **7) Procedural**

- a) To authorise officers to exercise statutory powers of entry and inspection for the purposes of any function under their control.
- b) To serve requests for information as to ownership occupation and other interests in land for the purposes of any function under their control but within GDPR / data protection regulations.

- c) To appoint consultants and others to carry out any function and provide any service under their control as approved by Council recommendation

**8) Health and Safety at Work Act 1974**

- a) To oversee the discharge of the Council's responsibilities under the Act and to ensure risk assessments are carried out / provided.
- b) To ensure all contractors / users of Council facilities meet the requirements of the Council in terms of insurance; risk assessments; supply of scope of works and that no works on council property takes place until received and approved.
- c) To terminate contractual arrangements if the Council's requirements are not being met.

**9) Legal Proceedings**

- a) To take and discontinue legal proceedings in any Court or at any Tribunal as approved by Council recommendation
- b) To take Counsel's advice or instruct Counsel to represent the Council, as approved by Council recommendation
- c) To seek injunctions and commence proceedings for the purposes of enforcement in accordance with the Council's policies recovering money due to the Council, recovering or otherwise preserving possession of the Council's land or property, defending the interests of the Council appealing against a decision affecting the interests of the Council and responding to appeals against action taken by the Council
- d) To represent the Council at Court or any Tribunal or to make arrangements for appropriate representation.
- e) To 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.
- f) To 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.
- g) To serve Requisitions for Information.