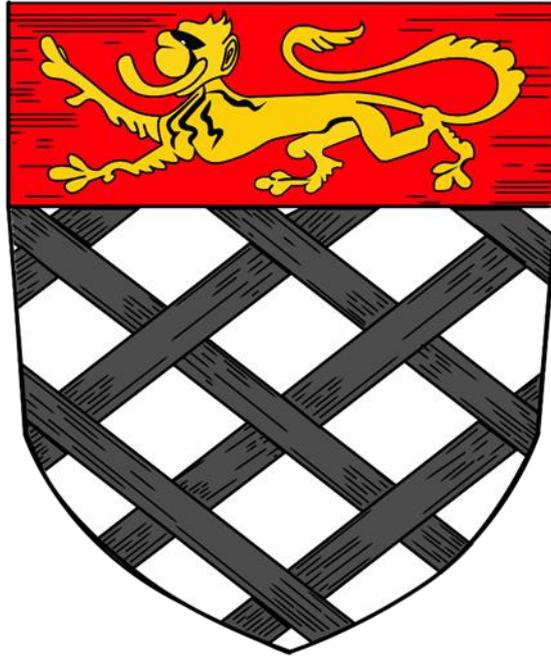


**MEPPERSHALL
PARISH COUNCIL**



SCHEDULE OF DELEGATION

As adopted at a meeting of Meppershall Parish Council on 13th March 2023

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DOCUMENT CONTROL

Organisation	Meppershall Parish Council
Title	MPC Scheme of Delegation
Creator	Alessandra Marabese - Clerk
Source	Procedures Working Group
Approvals	Monday 13 th March 2023
Distribution	Internal and External
Filename	MPC Scheme of Delegation v1.0 2023©
Owner	Clerk
Subject	Standards
Protective Marking	None
Review date	Annually after adoption

DOCUMENT AMENDMENT HISTORY

Revision No.	Originator of change	Date of change	Change Description
V1.0	Clerk	13/03/23	Creation

1. INTRODUCTION

- 1.1. This document sets out the manner in which Meppershall Parish Council (MPC) has delegated its powers and responsibilities.
- 1.2. The intention of the schedule of delegation is to permit the MPC and its Officers to act with all reasonable speed in decision making. Decisions should be taken at the most suitable level with officers given power over the day to day administration of the Council.
- 1.3. This document is one of four major ways in which the Council regulates its affairs; the others are Standing Orders, Financial Regulations and Risk Assessment.

2. PRINCIPLES OF DELEGATION

- 2.1. The power to delegate functions is set out in the Local Government Act 1972 s 101. Under s. 101, LGA 1972 the council can arrange for the discharge of any of its functions by an officer of that authority (as well as by a committee or sub-committee, or by any other local authority). Standing orders or council resolutions commonly provide for specific areas of decision-making to be delegated to a specific officer (usually to the clerk; sometimes to another officer). Standing orders or resolutions sometimes specify that the officer shall act in consultation with a specified member (usually the chairman). Such arrangements are lawful provided that the officer does not simply act under the direction of the member, as this would be effectively delegation to a single member and there is no power in the 1972 Act to delegate to a single member. A clerk making decisions under delegated powers may need to keep careful and public records of those decisions under LA&A Act 2014 s 40(3) and consequent regulations (which have not yet been made and are therefore not yet in force).
- 2.2. Whilst delegation is necessary it is the Council's policy that members and the press and public should have the fullest information. Therefore, the Clerk reports all major decisions taken under delegated powers at the next Council or Committee meeting.
- 2.3. 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.
- 2.4. The Clerk and Committees have the responsibility to act within the Councils approved policies, procedures and framework and within the law in conjunction with this delegated scheme.
- 2.5. **All actions undertaken by those with delegated authority contained within this Scheme of Delegation are done in consultation with the Chair/Vice Chair of The Council, as indicated, except for general day to day responsibilities of the Clerk and everything so actioned by means of a delegated power of authority will be documented and reported to The Council at the first available opportunity.**

3. PROPER OFFICER AND RESPONSIBLE FINANCIAL OFFICER

- 3.1. The Clerk to the Council is designated and authorised to act as 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.
- 3.2. The Clerk to the Council is designated and authorised to act as the Responsible Financial Officer (RFO) for the purposes of any statute requiring the designation of a Responsible Financial Officer. Local Government Act 1972 s151.
- 3.3. Due to the size of MPC the Clerk is the only paid officer; The Chair has been specifically identified as an individual who can be delegated to act on the Clerk's behalf in their absence or in the event that the Clerk is an interested party.

4. COUNCIL RESERVED POWERS

- 4.1. 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.
 - 4.1.1. Appointment of the Clerk/RFO.
 - 4.1.2. To adopt or change Standing Orders, Financial Regulations Scheme of Delegation and other Council policies
 - 4.1.3. To make Byelaws.
 - 4.1.4. To approve and adopt the Budget and set the Precept.
 - 4.1.5. To borrow money.
 - 4.1.6. To authorise expenditure not provided within the approved budget.
 - 4.1.7. To approve the Annual Return (Statement of Accounts).
 - 4.1.8. To note and action the report of the Internal and External Auditor.
 - 4.1.9. To assess, consider and (if approved) award donations and grants fund to other bodies where lawful and appropriate in accordance with statute and the adopted Grants Policy
 - 4.1.10. Making of Orders under any statutory powers.
 - 4.1.11. To appoint committees and working groups
 - 4.1.12. To approve membership of all committees and working groups
 - 4.1.13. To agree and/or amend the terms of reference for Committees
 - 4.1.14. To assess, consider and approve recommendations from working groups.
 - 4.1.15. To nominate and appoint representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings).
 - 4.1.16. Prosecution or defence in a court of law;
 - 4.1.17. To approve eligibility for the General Power of Competence
- 4.2. The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a Committee or Officer.

5. DELEGATED POWERS AND RESPONSIBILITIES

Power	To whom Delegated			
	Clerk	Environment Officer	Chair / Vice-Chair	Council/Committee
General Delegation				
Day to day administration of services.	Yes			
Authorisation to call any extra meetings of the Council, or Committee, as necessary, having consulted with the Chairman of the Council or Committee.	Yes			
Authorisation to postpone, cancel, alter the date or time of any ordinary or extraordinary meetings of the Parish Council, or Committees as required, having consulted with the Chair of the Council or Committee.	Yes		Yes	
To set the schedule of meetings for the ensuing year.	Yes			
Authorisation to respond immediately to any correspondence, requiring or requesting information or relating to previous decisions of the Council but not correspondence requiring an opinion to be taken by the Council or Committee.	Yes			
Handling requests for information under the Freedom of Information Act 2000 and the Data Protection Act 2018, following the Subject Access Request Policy.	Yes			
To deal with all press and public relations on behalf of the Council and Issue press releases, statements and articles on the Council's activities and known policies.	Yes			
Updating and managing the content of the Council's website.	Yes			

Power	To whom Delegated			
	Clerk	Environment Officer	Chair / Vice-Chair	Council/Committee
Power to engage with the community and stakeholders to raise the profile of MPC and foster good working relationships.	Yes			Yes
Periodic review and destruction of Council documents (electronic or hardcopy) according to legal restrictions, the Council's Document Retention Policy, and the Data Protection Act 2018, in consultation with the Chairman if deemed necessary.	Yes		Yes	
Reporting pot holes, incidences of fly-tipping, and other hazards to the Local Authority.	Yes	Yes		Yes
In the case of an emergency, the power to take reasonable steps to secure the Council's assets or position, following consultation with the Chairman (if practicable in the circumstances). (An emergency situation is defined as a time when the Council cannot act under its normal standing orders due to circumstances outside of its control).	Yes	Yes	Yes	
Power to approve the hire of MPC Open Spaces providing all hire conditions are met and there is nothing unusual or contentious with the application.	Yes			
Authorise allotment tenancies and return of deposits.	Yes			
Power to manage all open spaces within the Parish subject to budget.	Yes	Yes		
Respond to consultations that are submitted between meetings and for which a response is required before a meeting of MPC.	Yes		Yes	
Power to act on own initiative to implement the Councils policies and objectives.	Yes			

Power	To whom Delegated			
	Clerk	Environment Officer	Chair / Vice-Chair	Council/Committee
Power to take appropriate steps to ensure the Council does not exceed its powers.	Yes			
In liaison and after conferring with the Chairman, to make such Civic arrangements as are necessary.	Yes		Yes	
To notify the Returning Officer of all casual vacancies arising in the membership of the Council as required by statute and to liaise with them regarding any statutory notices, electoral arrangements and co-option.	Yes			
Annual Meetings				
To arrange in consultation with the Chair the arrangements for the Annual Parish Meeting.	Yes		Yes	
Legal Proceedings				
To sign, or where appropriate, have sealed on behalf of the Council, any orders, deeds, or documents necessary to give effect to any of the matters contained in any reports or in any resolutions passed by The Council.	Yes		Yes	
To take Council's advice, or instruct Counsel to represent the Council, as approved by Council resolution.	Yes		Yes	
To institute and appear in any legal proceedings authorised by the Council.	Yes		Yes	
Planning				
Respond to planning applications that are submitted between meetings and for which an extension to the comment's deadline date is not given. The Clerk will request comments on applications from Councillors prior to submitting a response to the local planning authority.	Yes			

Power	To whom Delegated			
	Clerk	Environment Officer	Chair / Vice-Chair	Council/Committee
Financial				
Authorisation of expenditure in accordance with the Council's Financial Regulations.	Yes			
To incur expenditure on behalf of the Council up to the amounts included in the approved budget. Subject to the adopted Financial Regulations.	Yes			
To make routine expenditure for items such as office stationary, postage, printer cartridges, staff PPE, or in the case of the Environment officer strimmer petrol etc.	Yes	Yes		
To arrange for the payment of staff salaries between meeting dates at the approved rates of pay authorised by Council.	Yes		Yes	Personnel
Authority to maintain a Register of Assets and an Inventory of Equipment and to dispose of the Councils' assets and equipment (excluding land and building assets) subject to the estimated value of any one tangible; moveable item does not exceed £500. The Clerk is responsible for ensuring any disposal details, including the disposal values, are recorded in the assets register.	Yes			
Power to authorise relevant training courses provided the expense can be met from approved budgets having taken into account the training needs of employees and councillors.	Yes			
If required, and dependent on banking arrangements, to manage timely transfer of funds between the council's bank accounts in order to maintain adequate cash-flow and in accordance with the council's investment policy.	Yes			

Power	To whom Delegated			
	Clerk	Environment Officer	Chair / Vice-Chair	Council/Committee
To submit a grant request on behalf of the Council for approved budget expenditure.	Yes		Yes	
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	Yes			
To pay all accounts properly incurred by The Council promptly and in accordance with budget provisions.	Yes			
To pay all subscriptions to organisations to which the Council, or its staff or members belong, promptly and in accordance with budget provisions.	Yes			
To make all necessary arrangements for the provision of an internal and external audit service for the Council promptly and in accordance with budget provisions.	Yes			
To carry out virement of sums between cost centres in accordance with the Council's Financial Regulations.	Yes			
To make all necessary arrangements for the Council's Insurances.	Yes			
To prepare a draft budget and precept for consideration by the Council.	Yes			
To prepare the Financial Accounts for each financial year for the Council.	Yes			
Determine approved duties for the payment of travel and subsistence expenses to members, officer and staff where they are representing the Council outside of the Parish Council area.	Yes		Yes	

Power	To whom Delegated			
	Clerk	Environment Officer	Chair / Vice-Chair	Council/Committee
Personnel				
The Clerk is the manager for all staff employed by the Council and is given delegated powers to manage the council staff in accordance with the Council's policies, procedures and budget.	Yes			
The authority to sanction and authorise payment of overtime so long as the costs can be contained within the parameters of the approved budget.	Yes			
The Clerk shall have the authority to engage casual workers subject to budget.	Yes			
Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council	Yes		Yes	
To oversee and discharge The Council's responsibilities under the Health & Safety at Work Act 1974, as amended.	Yes			
Cemeteries / Open Spaces				
To manage all the Council's statutory and regulatory decision making processes in relation to cemeteries and burial services (as may be adopted in the future)	Yes			

6. COMMITTEES

- 6.1. Committees are delegated powers to act within their Terms of Reference. This means that on all matters not reserved for consideration by another Committee, or by the full Council, Committees can RESOLVE and thereafter action can normally be taken by officers, however certain matters cannot legally be delegated and others, such as deciding major policy are reserved by the Council to itself. On such matters, committees can only RECOMMEND a course of action and, in these cases, officers cannot normally carry out the instructions of the committees until the recommendation has been approved by the Council.
- 6.2. Should members wish to raise any question concerning the exercise of delegated or other powers, then they should contact the appropriate committee chairman or the Clerk to the Council, and if necessary the matter can be raised subsequently at committee.
- 6.3. Members are entitled to attend all committees and sub-committees whether or not they are members of the committee, although no voting rights or right to participate in discussions or proceedings are granted.
- 6.4. The Council had delegated to every committee of the Council full powers to act in all matters covered by the committee's Terms of Reference subject to:
 - 6.4.1. the provisions of any Standing Order or Financial Regulation for the time being in force, except where such Order or Regulation has been specifically waived by resolution of the Council,
 - 6.4.2. prior Council approval of annual capital and revenue estimates,
 - 6.4.3. any scheme requiring application for consent to borrow having first been approved by Council, and loan sanction secured,
 - 6.4.4. when matters of major policy are involved, the existence of a policy approved by the Council. In the absence of such policy, Committees and Sub-committees may consider the matter and make recommendations to the Council. Major policy will arise either:
 - 6.4.4.1. on matters of major importance which have not previously been before the Council; or
 - 6.4.4.2. matters which have arisen in other Committees or Sub-committees but which cannot be resolved by them in the absence of settled Council policy; or
 - 6.4.4.3. in cases of doubt where a major policy is involved, the Chairman of the Council or the Chairman of any other Committee or Sub-committee, or in their absence the appropriate Vice-Chairman may, before a decision is taken by the committee or sub-committee, state that a matter of major policy is involved.
 - 6.4.5. prior Council approval to recommendations for the allocation of duties, powers and guidelines to committees.
 - 6.4.6. the exercise by committees of the above powers shall be without derogation to the powers of the Council to call for a report on any committee decision.

6.4.7. every committee shall have power to authorise an officer, after consultation with the Chairman of the Committee, to take decisions on specific urgent matters falling within its own Terms of Reference as it sees fit.

7. WORKING GROUPS

7.1. The council may form or disband a working group who will carry out tasks as defined by the full council. Specific terms of reference, including if necessary delegated powers, will be prepared by the Clerk for ratification at the next full council meeting following the working group being established.

7.2. The Role of a working group will be:

- To tackle issues as directed by the council.
- To be task specific.
- To examine an issue in detail, read reports and related materials and examine options.
- To act as experts and/or liaise with experts.
- To make recommendations to council.
- To answer questions from the council.

7.3. Full council must direct the working group and set clear terms of reference for them regarding objectives, scope and outcome. The role of full council is to question and challenge the recommendations, in order to be satisfied of the correct decision. The working group must facilitate the full council with as much information as it requires to ensure it can make a properly informed decision on its recommendation.

7.4. The operation of the working group:

- A working group will not have a budget.
- The number of councillors on a working group shall be no less than one and no more than five members.
- The Clerk will be a member of all working groups.
- Residents of the Parish and members of the public can be asked to join a working group.
- The spokesman of the working group to be appointed by the full council at the time of the working group members are appointed.
- The quorate of a working group will be a minimum of two.
- Work priorities and co-option of named experts to be approved by full council.
- The working group will prepare notes of meetings for full council to report on any activity and progress.
- A working group will not meet in public, therefore Standing Orders are not applicable, although the Code of Conduct still applies.
- A working group will examine options and make recommendations to Full Council.