West Horsley Parish Council

SCHEME OF DELEGATION

Introduction

This Scheme of Delegation (SoD) has been established to enable the Parish Council to discharge its functions & responsibilities in a timely manner. It has been developed in line with the Parish Council's Standing Orders and Standing Financial Instructions to which due regard must be paid in discharging delegated authority. It will be reviewed annually by the full Council.

It authorises the Proper Officer (namely the Clerk to the Council) and Responsible Financial Officer, Chairman, Vice Chairman, and Committee Chairman, Standing Committees (where they exist) to act with delegated authority in the specific circumstances detailed.

Extent of Delegation

The powers and duties set out in this scheme are delegated to the Clerk & RFO as listed and where indicated to the Chairman, or Vice Chairman in the Chairman's incapacity and Lead Councillor of any relevant Committee in conjunction with the Clerk. They may be exercised in times of emergency defined as national emergency such as pandemic, unforeseen happening such as fire, severe weather conditions e.g. flooding, snow.

Responsible Finance Officer

The Clerk shall be the Responsible Finance Officer (RFO) to the Council and shall be responsible for the Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

Proper Officer

The Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

a) receive declarations of acceptance of office
b) receive and record notices disclosing pecuniary & non-pecuniary interests
c) receive and retain plans and documents (written & electronic)
d) sign Notices or other documents on behalf of the Council such as commercial contracts for goods, services and works
e) receive copies of by-laws made by the primary local authority
f) certify copies of by-laws made by the Council
g) issue electronic summonses to attend meetings of the Council
h) receive and process documents in relation to complaints under the Members Code of Conduct reporting this to the next meeting of the Council
i) ensure compliance with all legal requirements impacting upon the business of the Council
j) undertake day-to-day administration of services including any routine inspections, performance management of projects, control of resources
k) management of any staff employed by the Council or oversight of any contractor undertaking work for the Council

l) undertake training to remain up to date with changes in law or guidance which may also include attendance at Conferences as previously authorised within the Council's annual budget.

Delegated actions of the Clerk shall, at all times, be in accordance with the Council's Standing Orders, Standing Financial Instructions and this Scheme of Delegation and directions given by the Council from time to time recorded in its Minutes.

The Council

The following matters are reserved to the Council for decision:

a) setting the precept
b) borrowing money
c) making, amending or revoking Standing Orders, Standing Financial Instructions, Scheme of Delegation
d) making, amending or revoking by-laws
e) making of orders and entering into contracts under any statutory powers
f) matters of principle and / or policy
g) nomination and appointment of representatives of the Council to any other authority, organisation or body
h) any proposed new undertakings
i) prosecution or defence in a court of law
j) nomination or appointment of representative(s) of the Council at an inquiry on matters affecting the Parish
k) approval of the Annual Return (Statement of Accounts) at no later than the June Council meeting (or other such date if appropriate under emergency regulations)
l) appointment or dismissal of the Clerk and other contractual issues relating to conditions of employment
m) any other matters not otherwise devolved or delegated to a named Committee of the Council (where such exist).

In exceptional circumstances:

In extenuating circumstances defined as such occasions when it is not feasible or impractical for the full Council to meet (e.g. national emergency), in an emergency such as an unforeseen occurrence rendering a public meeting impossible (e.g. severe flooding, impassable snowfall) or an unforeseen happening necessitating an urgent decision by the Council, the Council delegates any urgent matters to the Clerk, in conjunction with either the Chairman (or Vice Chairman in the Chairman's incapacity) or Lead Councillor where appropriate. The Clerk in conjunction with the Councillor would agree together to take such action as necessary to deal with the urgent matter in a considered and timely manner. This would include allowing:

- the Clerk to order goods & services up to £1000 (one thousand pounds) in conjunction with the Chairman without the need for full Council approval
- the Clerk to vary budgets in case the budget overspend with the approval of just the Chairman rather than the full Council
- the Clerk to pay invoices prior to full Council approval subject to the usual requirements that the payments are authorised by two Councillors.

Such action and the reasons for it must be reported in full to the next meeting of the Council.

Where allowed by the Government (for example in the event of a national emergency), the Council may use technology to allow Parish Council and Committee meetings to proceed without a meeting in public taking place provided reasonable provision is made to enable public and press participation. Such an arrangement may only proceed with the involvement of the Clerk.

Limitations of Delegated Authority

All participants, either individually, by Council, Committee or Group must act at all times in accordance with the Parish Council's Standing Orders, Standing Financial Instructions, Code of Conduct and this Scheme of Delegation. In addition, compliance with other rules, regulations, statutes, by-laws or orders made and directions given by the Council from time to time must be adhered to without dissent.

Date approved: 19th October 2021

Reviewed: 13th December 2022
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Next review: January 2024