



whitchurch town council

Scheme of Delegation 2022

Adopted by Full Council on 16th February 2023 (WTC/FC/51/2223)

This Scheme of Delegation was adopted by Whitchurch Town Council at its meeting held on 16th February 2023 and replaces all previous versions

Introduction

Local Councils may only do what legislation requires or permits them to do. The Council may delegate functions to committees, sub committees, officers (Proper Officer), or other authorities, with some exceptions which are reserved to full Council (Appendix 1).

This document is one of the four major ways in which the Council regulates its affairs; the others are its Standing Orders, Financial Regulations and Risk Management Scheme (Internal Control Statement). The power to delegate functions by local councils is set out in the Local Government Act 1972 S.101.

- No councillor may act independently; all the council actions must be authorised by way of the full council, a committee or the Proper Officer. The council may delegate decisions to a committee or to a paid officer.
- Delegation for urgent business is a necessity in this fast-changing age and the Scheme of Delegation allows the Council to act with all reasonable speed.
- The Clerk, or 'Proper Officer' is also the Council's Responsible Financial Officer (RFO).
- The RFO to the Council is responsible for the Parish 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 adopted Financial Regulations.
- The Proper Officer 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.

Compliance

In exercising delegated powers, the Proper Officer will need to be aware of and comply with:

- Any Statutory Provisions
- Whitchurch Town Council Standing Orders and Financial Regulations
- Whitchurch Town Council Approved Budget
- Agreed arrangements for recording decisions
- The Council's Policy Framework and other adopted policies of the Council
- The requirement to consult persons or representatives of persons who may be affected by the decision, including, where appropriate, local Councillors

Keeping records

The Openness of Local Government Bodies Regulations 2014 (2014 SI No. 2095), which came into force on 6 August 2014, requires a written record to be kept of all decisions made by an officer of a council acting under delegated powers. All decisions will be retrospectively reported and recorded in the Council Minutes and made available on request to individual Councillors and to the public, subject to any limitations on exempt or confidential information – at the earliest opportunity.

Taking back decisions

It is always open for the Council (or any committee) to take decisions on any matter falling within the Scheme of Delegated Powers of the Proper Officer, provided that as far as committees are concerned, the matter falls within their terms of reference.

Extent of Delegation

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

a. Urgent Decisions

1. Urgent decisions required between scheduled meetings of the council are delegated to the Clerk in consultation with the Chairman of the council.
2. Under this delegation, where appropriate, the Clerk may decide that an extraordinary meeting of the council be called to deal with the urgent matter.
3. Permission to take action on behalf of the Council in any urgent matter which does not allow for prior authorisation to be obtained is granted where;
 - There is a serious risk of significant cost to the Council of loss of income resulting from lack of immediate action
 - The Council's property or staff or persons in its care or for whom it has responsibility would otherwise be placed at risk of suffering harm/damage
 - An emergency or disaster involving destruction or danger to life or property occurs or is imminent or there are reasonable grounds for apprehending such an emergency or disaster and such action is calculated to avert, alleviate or eradicate the effects or potential effects of the event
4. Permission for the Proper Officer is granted, in non-urgent situations, to action the business having sought in writing the views of all councillors with not less than 3 working days' notice.

b. Administration

5. Emergency expenditure up to £10,000 whether or not there is budgetary provision for the expenditure (subject to Standing Orders and Financial Regulations).
6. Payment of all invoices, within agreed budget and subject to authorisation by two bank signatories.
7. Issuing a Community Grant Payment as long as the amount awarded is within agreed budget and pre-approved by the council.
8. Day to day administration of services, together with routine inspections and control.
9. Authorisation to call any extra meetings of the Council or any Committee as necessary, having consulted with the Chairman of the Council and/or the Chair of the appropriate Committee.
10. 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 its Committees.
11. Permission for the Proper Officer to incur expenditure or take any other step in the day-to-day operation of Council services in accordance with approved budgets of any service area and in compliance with the Financial Regulations.

c. Planning responses

For planning applications where the deadline for receipt of representations falls between Parish Council meetings and an extension is not granted, the following applies:

1. The Clerk will arrange for relevant papers to be circulated by email to the Councillors who should send their comments, to the Clerk for determination of the Council's response within the prescribed consultation period.
2. Delegated decisions will be reported to, and recorded in the minutes of, the next Council meeting.
3. Consultation may be by correspondence, including email, or in person. It may also take place at meetings of the council.
4. In respect of controversial or major development proposals, the Clerk in consultation with the Chairman, may decide that an Extraordinary Meeting of the Council be called to consider the matter.

Adoption and Review

This Scheme has been drafted from the NALC Model Scheme of Delegation and was confirmed and adopted by Whitchurch Town Council as indicated on the cover sheet.

This scheme will be reviewed and amended as required, due to changes in legislation or on the employment of a new Proper Officer.

Otherwise, the Scheme is confirmed at each Annual General Meeting of the Council. Consequently, the next review date is May 2023.

Appendix 1 – Matters Reserved for Full Council Decision

Functions which cannot be delegated and are therefore reserved to the full Council, although an appropriate committee, sub-committee or working group may make recommendations for the Council's consideration:

- Setting the precept and approval of the Council's budget
- Approval of the Annual Accounts
- Appointment of the Proper Officer
- 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 Town
- The making, amending or revoking of bye-laws and making of orders under statutory powers
- Agreement to write off bad debts

- Approval by resolution, before payment, of any grant or single commitment in excess of £2,000. Amounts between £2,000 and £5,000 in conjunction with the relevant committee or in excess of £5,000 in conjunction with full council.
- 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

Each committee shall have the power to determine all matters within their terms of reference, subject to any reservation of powers to the Council.

Where a committee considers appointing a councillor or his/her/their firm or partnership to do work for the council then the final decision shall rest with the full council.

Appendix 2 – Authorised Proper Officer Activity

The functions of the Proper Officer are defined in the Local Government Act 1972 and as set out in the job description for the post.

The Proper Officer 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 TDC Monitoring Officer, details of all dispensations received and granted to be reported 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
- To act as the representative of the Council

In addition, the Clerk is authorised to undertake the day-to-day administration of the Council, to include:

- Arranging extra meetings of the Council, 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 Communications Policy.

- Updating and managing the content on the Council’s website and Social Media Pages
- Making arrangements for the maintenance of the office ITC systems.
- 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 and 2018
- In the first instance, acknowledging and handling all complaints regarding the council (except where the complaint relates to the Proper Officer)
- Making arrangements for the routine maintenance of the Parish Office equipment
- Purchasing basic office equipment and supplies
- Arranging emergency repairs to council equipment
- Taking appropriate action arising from other emergencies (in consultation with the Chairman/Vice Chairman of Council 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);
- Authorising routine recurring expenditure within the agreed budget
- Emergency expenditure up to £10,000 whether or not there is budgetary provision for the expenditure (subject to Standing Orders and Financial Regulations)
- Day to day management of Council property and assets
- To monitor all of the implemented policies of the Council to ensure they are achieving the desired results and where appropriate suggest modifications
- Acting as line manager of all employees/contractors/volunteers of the Council
- To act as the designated person on behalf of DPC Data Protection Data Controller in accordance with DPC Data Protection Policy
- Any other reasonable duties as delegated with the agreement of the Council in order to operate efficiently and effectively

Appendix 3 – Standing Committees of the Council

The Council has appointed three Standing Committees:

- Culture and Civic
- Parks and Public Realm
- Personnel

The remit of each Committee is defined within individual Terms of Reference, approved by Full Council.

Appendix 4 – Advisory and Working Groups

The Council has appointed three Advisory Groups:

- Cemetery
- Finance (councillors only)
- Heritage

The remit of each Committee is defined within individual Terms of Reference, approved by Full Council.

The Council may, from time to time, appoint other Advisory or Working Groups, defined by a minute containing the specific Terms of Reference. Each Group will report back to Full Council or the committee that formed it.

Appendix 4 – Delegation: Limitations

Committees and sub-committees shall, at all times act on behalf of the council in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, byelaws or orders made and with any directions given by the Council from time to time.