

Harrietsham Parish Council

Scheme of Delegation Policy

S101 Delegation of Power

The Scheme of Delegation (s101 of the 1972 LGA), provides for delegating authority to the Clerk for making decisions on behalf of the council as and when appropriate.

Appendix A of this Scheme of Delegation details the delegated authority given to Committees (where appropriate).

Delegation of Power

Section 101 of the Local Government Act 1972 provides:

- That a Council may delegate its powers (except those incapable of delegation) to a Committee or an Officer.
- A Committee may delegate its powers to an officer.
- The delegating body may exercise powers that have been delegated.

Any delegation to the Proper Officer shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and within the law.

The Proper Officer may nominate another named Officer to carry out any powers and duties, which have been, delegated to that Officer.

In an emergency the Proper Officer is empowered to carry out any function of the Council.

Where officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult a minimum of two Members, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

Proper Officer Duties and Powers

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

- Receive declarations of acceptance of office.
- Be responsible for ensuring that the instructions of the Council in connection with its function as a Local Authority are undertaken.
- Advise the Council on, and assist in the formation of, overall policies to be followed in respect to its activities.
- Take appropriate steps to ensure the Council does not exceed its powers.
- Sign and issue summonses to attend meetings of The Council.
- Receive and record notices disclosing interests at meetings.
- Keep proper records for all Council Meetings.
- Receive and retain plans and documents.
- Sign Notices on behalf of the Council.

- Receive correspondence and documents on behalf of the Council and deal with the correspondence or documents or bring such items to the attention of the Council.
- To issue correspondence as a result of instructions or the known policy of the Council.
- Certify copies of By-laws made by the Council.
- Maintain the Council's Fixed Assets Register, (in conjunction with the RFO).
- After conferring with the Chairman, make Civic arrangements as are necessary.
- Notify the Returning Officer of any casual vacancies and liaise with the Returning Officer regarding the conduct of elections.
- Act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council.
- Update the Parish website.

The following items may not be delegated to the Proper Officer:

- To appoint the Chairman and Vice-Chairman in May each year
- To sign off the Governance Statement by 30th June each year
- To set the precept
- To appoint the Head of Paid Service (Clerk)
- To make byelaws
- To borrow money
- To consider any matter required by law to be considered by Council.

Responsible Finance Officer Duties and Powers

The Responsible Financial Officer to the Council shall either be the Parish Clerk or a separate Officer within the Council.

They shall be responsible for all the Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

The Officer will have the power to release any financial related report or document in discharge of the Responsible Financial Officer's responsibilities.

The RFO shall ensure the approved precept request is issued to the billing authority.

The RFO shall make arrangements for insurance provision and manage any insurance claims (in conjunction with the Proper Officer).

To the Proper Officer LGA 1972 s101

The Council's Scheme of Delegation authorises the Clerk to the Council to act with delegated authority in the specific circumstances detailed:

To take action:

- To take action on any issue that cannot wait until the next Parish Council meeting; as a temporary measure the Proper Officer is empowered to take any and all decisions that would normally be taken by Full Council, or a committee or a working group, having consulted a minimum of two Members. Consultation may be by email or by telephone.
- If circumstances do not permit the input of at least two Councillors, the Clerk would normally be expected to consult the Chairman or Vice Chairman if the Chairman is unavailable and take his/her view into account.

Financial thresholds:

- To authorise expenditure on items where the Council has previously approved the budget having consulted a minimum of two Members and the Chairman. For the avoidance of doubt, this includes any payments that will be overdue before the next scheduled Council Meeting or where discounts may be lost to the Council; to include normal salaries and all items specifically budgeted for, contracted for or expenditure previously agreed by Council at a meeting.
- To incur expenditure on behalf of the Council, which is necessary to carry out any repair, replacement or other work or essential project which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000.00 per transaction, having consulted the Chairman and taken on board his views.
- To take any action regarding minor repairs or purchases (up to a cost of £1,000.00 per transaction) having consulted the Chairman and taken on board his views.

Planning Matters:

- Planning applications will be received by the Clerk and responses determined by the Clerk following consultation with a minimum of three Members who are currently members of the Planning Committee.
- The Planning Committee delegate authority to the Clerk to request any application be referred to Maidstone Borough Council Planning Committee for decision.

Delegation Limitations, Record keeping & Reporting:

- In the absence of the Proper Officer for longer than 3 working days, the Responsible Finance Officer may adopt these delegated powers to facilitate the ongoing business of the Council.
- Records will be kept demonstrating a clear trail (particularly around decision making in any form).
- All decisions will be formally reported at the next available Full Council Meeting, but Councillors should be made aware at the earliest opportunity beforehand.
- Delegated actions shall be in accordance with Standing Orders and Financial Regulations and in line with directions given by Council from time to time and this Scheme of Delegation, and where applicable any other rules/regulations and legislation.

Appendix A

The Council shall consist of eleven councillors, who, unless elected at a bye-election or co-opted, shall serve a four-year term of office.

Delegation of Powers to Committees and Groups

Finance and General Purposes Committee

Membership: Chair or Vice-Chair, RFO and four other Councillors.

Frequency of meetings. 4 per annum, to be held in April, July, November and January.

Powers. Delegated powers to act in specific cases where urgent action is required.

Terms of Reference. To discuss and make recommendations on the financial requirements of the Council.

Planning Committee

Membership: Chair, Vice-Chair and four other Councillors.

Frequency of meetings. Site meetings as required.

Powers. Their group has a delegated power to inspect any lands or premises which the Council has a right or duty to inspect and, make recommendations direct to the Borough Planning Officers providing there is agreement within the group. Any controversial applications, or any cases where there is a difference of opinion are referred to the full Parish Council meeting.

Terms of reference. To discuss and pass views on all applications submitted by the planning authorities.

Environmental Committee

Membership: Vice-Chair, Amenity Manager, four other Councillors plus advisors.

Frequency of Meetings. Bi-monthly

Powers. None delegated.

Terms of reference:

- To monitor the work done by the Parish Council's contractors in their area.
- To monitor the condition of the parish open spaces and to raise issues as they occur.
- To monitor the state of the footpaths within the Parish and to ensure that they are kept in an acceptable state.
- To ensure efficient management of all allotments, and to liaise between allotment holders and the Council.
- To monitor (through the pond warden if available), protect and/or create ponds and their eco-structure situated on Parish land.
- To provide guidance and advice as appropriate.
- To monitor trees within the Parish and assist with Tree Preservation Orders.
- To manage all matters relating to the new Burial Ground

Highways and Transport Group

Membership: Four councillors

Frequency of Meetings. As required

Powers. None delegated.

Terms of reference. To monitor the condition of the highways within the Parish and liaise with MBC/KCC Highways departments (in conjunction with the Clerk) in effecting repairs.

Law and Order Group

Membership: Two Councillors

Frequency of Meetings. As required.

Powers. None delegated.

Terms of reference. To liaise with other parishes and Police to establish closer links within the community and report any concerns regarding crime in the rural environment.

Youth Provision

Membership:- Five Councillors plus advisors

Frequency of meetings. as required

Powers. None delegated.

Terms of reference. To monitor and report on all issues concerning the Youth of the Parish.

KALC

Membership:- Two Councillors

Frequency of meetings. approx. 6 meetings annually.

Powers. None.

Terms of reference. To attend as many KALC meetings as possible and act as point of liaison.

Charities (to include the Booth & Baldwin Trust)

Membership:- Four Councillors & the Rector.

Frequency of meetings. As required.

Powers. Together with other members of the trusts to allow grants and distribute funds as appropriate.

Terms of reference. To attend Trust committee meetings and to administer the charities as appropriate.

Booth and Baldwin Trust

Membership:- One Councillor on the Charities Group

Frequency of Meetings. As required.

Powers. None delegated.

Terms of Reference. To attend Meetings as required and act as point of liaison.

Village Hall Trust

Membership:- Three Councillors

Frequency of Meetings. Monthly

Powers. None delegated.

Terms of reference. To attend the meeting of the VHT on behalf of the Parish Council.

Staffing Group

Membership:- Three Councillor

Frequency of meetings. As required.

Powers. None delegated.

Terms of Reference. To meet as required and deal with any staffing issues that arising or are brought to their attention by employees.

Communications Group

Membership:- Three Councillor (+ advisors)

Frequency of meetings. As required.

Powers. None delegated.

Terms of Reference. To oversee Parish Council communications including social media (Facebook).

Climate Change Group

Membership:- Three Councillor (+ advisors)

Frequency of meetings. As required.

Powers. None delegated.

Terms of Reference. To oversee Parish Council's response to climate change.

Sub groups and working parties may be convened to deal with issues that are likely to be short-term or one-off projects.