

# Avon Dassett Parish Council

## Scheme of Delegation

### Update Schedule

Adopted by Avon Dassett Parish Council	28 April 2020
Adopted by Avon Dassett Parish Council	5 May 2021
Adopted by Avon Dassett Parish Council	9 May 2022
Adopted by Avon Dassett Parish Council	15 <sup>th</sup> May 2023

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Scheme of Delegation

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# Avon Dassett Parish Council Scheme of Delegation

## 1) Introduction

This Scheme of Delegation was first approved by Avon Dassett Parish Council (“the Council”) on 28 April 2020.

These Powers and Duties set out in this scheme are delegated to the Parish Clerk.

The Parish Clerk is also the Councils Responsible Financial Officer and the Proper Officer, responsible for the management of the Council.

The scheme will be reviewed on a regular basis as required by the Council and when a new Parish Clerk is appointed.

It should be noted that these Powers and Duties will only be invoked in the unlikely event that they are required to ensure that the Council can carry out its obligations and commitments and without these Powers and Duties this would not have been possible. Any actions under this Scheme of Delegation will be circulated by email to Councillors and reported by the Clerk at the next formal meeting of the Council.

## 2) Extent of Delegation

- a) All delegated functions shall be deemed to be exercised on behalf of and in the name of the Parish Council
- b) The Parish Clerk will exercise these powers in accordance with
  - i) approved budgets
  - ii) the Council's Financial Regulations
  - iii) the Council's Policy Framework and other adopted policies of the Council
  - iv) all statutory common law and contractual requirements
- c) 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

## 3) General Matters

The Parish Clerk is authorised:

- a) 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 reports or in any resolution passed by the Council.
- b) 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.
- c) To institute and appear in any legal proceedings authorised by the Council.
- d) To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest.
- e) To alter the date or time of a Council or committee or task group meeting but, before doing so, shall consult the Chair of the Council.
- f) To manage all the Council's current services including the following:
  - i) The village cemetery
  - ii) The village Reading Room

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- iii) The village playground
- g) To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
- h) To respond to complaints made under the Council's Complaints procedure
- i) To manage, monitor and review the Council's Internal control procedures
- j) To manage, monitor and review the Council's Corporate Risk Management Strategy
- k) To manage online meetings relating to Parish Council business, including Ordinary and Annual Parish Council meetings, using appropriated technology and in line with information from the National Association of Local Councils (NALC) and Warwickshire & West Midlands Association of Local Councils (WALC).

### **4) Financial Matters**

The Parish Clerk is authorised as follows:

- a) To be the Responsible Financial Officer for the purposes of Section 151 of the Local Government Act 1972
- b) To operate the Council's banking arrangements including arranging overdrafts with the approval of the Council.
- c) To incur expenditure up to a maximum of £5,000 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution. Expenditure which is not included in the budget or which is above £5,000 to be incurred in consultation with the Chair of Council.
- d) To pay all accounts properly incurred.
- e) To pay all subscriptions to organisations to which the Council belongs.
- f) To make all necessary arrangements for the provision of an internal and external audit service for the Council.
- g) To negotiate settlements in connection with claims made by and against the council in consultation with the Council's insurers where appropriate.
- h) To incur expenditure on revenue items within the approved estimates and budgets under their control.
- i) 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
  - i) the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation
  - ii) all the requirements of the Council's Financial Regulations being complied with.
- j) To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations
- k) To authorise action for the recovery of debts.
- l) To maintain a Register of Assets and Inventory of Equipment.
- m) To determine the Council's insurance requirements on the Council's behalf.
- n) To make all necessary arrangements for the Council's insurances.
- o) To prepare and complete the internal and external audits.

### **5) Staffing Matters**

It should be noted that Avon Dassett Parish Council only has one paid employee, the Parish Clerk, but this section also covers formally agreed volunteer roles eg the Volunteer Cemetery Warden. The

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Parish Clerk is authorised as follows:

- a) The exercise of disciplinary and grievance procedures in accordance with the Council's procedures.
- b) 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.
- c) To implement and monitor the arrangements for annual leave, flexi time, sickness absence and maternity leave in accordance with the Council's policies.
- d) To authorise training in line with the Council's policies.
- e) To authorise the provision of uniforms or protective clothing

The Parish Clerk will report any action on the above items to the Chair and will be formally reported at the next meeting of the Parish Council

### **6) Property Matters**

The Parish Clerk is given authority to manage the land and property of the Council including:

- a) Initiating legal action or proceedings against unauthorised encampments on Council land, in consultation with the Chair.
- b) To direct the custody of Parish Council property and documents in accordance with the provisions of Local Government Act 1972 S226.
- c) The Parish Clerk will prepare a management report for each meeting of the Finance & Administration Committee on the delegation of these duties.

### **7) Urgency**

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.

### **8) Emergency Plan**

To implement the Council's Emergency Plan and to incur any necessary expenditure. Any such action is to be reported to the next meeting of the Council or relevant committee or subcommittee.

### **9) 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.
- c) To appoint consultants and others to carry out any function and provide any service under their control as approved by Council recommendation

### **10) Health and Safety at Work Act 1974**

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To oversee the discharge of the Council's responsibilities under the Act.

### **11) Legal Proceedings**

The Parish Clerk is authorised as follows:

- 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
- d) Recovering or otherwise preserving possession of the Council's land or property defending the interests of the Council
- e) Appealing against a decision affecting the interests of the Council and responding to appeals against action taken by the Council
- f) To represent the Council at Court or any Tribunal or to make arrangements for appropriate representation.
- g) 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.
- h) To approve the affixing of the Common Seal of the Council to documents.
- i) 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.
- j) To serve Requisitions for Information.
- k) To prepare a draft budget for consideration by the Council.
- l) To prepare the Final Accounts for each financial year.