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## Scheme of Delegation to the Parish Clerk

### Introduction - General

The Proper Officer referred to in legislation is normally the chief officer to a local (parish, community, neighbourhood, town) council and is sometimes referred to as the clerk.

Many clerks are also the council's Responsible Financial Officer (RFO). The role of chief officer or clerk to a local council is a recognised profession. The range of work undertaken in this role is diverse, but all local councils operate within the same legal, financial, and procedural framework and share the same purpose of democratically representing a local community. Differences depend on the size of the community served by the council and its level of its activity.

### **Values**

A clerk is a valuable investment for the local council, especially where that officer is trained and qualified specifically to undertake the work of the council. However, the clerk is valued for many attributes in addition to qualifications.

Three overarching values are resourcefulness, objectivity, and integrity

#### **1 Resourcefulness**

Clerks respond to questions and problems with a dynamic, 'can-do' attitude. They readily take the initiative and approach their work with enthusiasm, common sense, and a vision for the future of the council and its community. Clerks are both resilient and flexible in the face of difficulty and are willing to adapt to changing circumstances. When presented with a question to address or a problem to solve, they are keen investigators who know where to go for advice, information, and ideas.

#### **2 Objectivity**

Clerks maintain a professional detachment from specific views expressed by individual members of the council or in the community. They respect the legal framework and democratic processes within which councils operate and advise the council accordingly. The council can rely on a clerk's discretion and neutrality, independent assessments of problems and solutions and on their professional, objective advice.

#### **3 Integrity**

Many characteristics contribute to the integrity and inherent strength of clerks. They are reliable, committed and consistent in their work; they are honest, open and worthy of trust; they support their employer (the council as a corporate body). They are approachable, diplomatic, and sensitive to the needs of others; they treat people fairly, equally and with respect for diversity. They are committed to their own and the council's excellence and are willing to pursue personal and professional development to underpin confidence in their actions. They take responsibility for their work and are accountable for their advice and the decisions they take

#### 4 **The standards**

The standards represent what an experienced /qualified clerk should be able to do in performing their role. In order to be qualified all clerks should reach all these standards at each of the three specified levels although it is appreciated that some clerks will not perform all these activities in the course of their work. Many of these standards involve giving advice, ensuring compliance with the law, managing a variety of tasks, and supporting the council. In each case, the standard implies the knowledge, understanding and skills which the clerk develops over time gradually building up their qualifications, their continuing professional development (CPD) and their experience of the workplace.

- S1 Understand the roles, responsibilities, and duties of the council and of the individuals involved in the work of the council
- S2 Carry out research so that the council is well-informed for making decisions
- S3 Manage the implementing of decisions for which the council is responsible
- S4 Organise and maintain effective administrative systems, processes, policies, and records
- S5 Employ a variety of written and oral communication skills including the use of information and communications technology (ICT)

#### **Law and procedures**

- S6 Advise the council on its duties and powers

- S7 Ensure that all statutory requirements are observed including employment law, Health and Safety, Freedom of Information, Data Protection, Safeguarding and Equality
- S8 Establish appropriate and lawful procedures for managing the meetings of the council and its committees
- S9 Advise the council on statutory requirements and other procedures for maintaining public confidence in the council

#### **Finance**

- S10 Advise the council on financial planning and reporting including the preparation and review of budgets, the management of risks to public money and funding applications
- S11 Ensure compliance with proper financial practices including accounts, financial regulations, audit processes, VAT, and procurement

#### **Management**

- S12 Support the council in the planning, management, funding and review of projects, services, assets, and facilities
- S13 Manage the employment, performance, and development of council staff
- S14 Manage effective relationships with contractors and service users
- S15 Advise the council on its performance as a corporate body ensuring councillors have opportunities for training and development

#### **Community**

- S16 Advise and support the council as it identifies and implements plans for the future of the community it represents
- S17 Manage and administer the council's participation in the planning system according to current planning law, policies, and procedures
- S18 Demonstrate an awareness of all aspects of the community served by the council, recognising and respecting different interests and enabling cohesion

- S19 Help provide all members of the community with opportunities for influencing decisions that affect their lives
- S20 Facilitate the council's engagement with the community, managing public relations and ensuring that the council is transparent in all its actions
- S21 Manage effective partnership working
- S22 Advise and support the council as it facilitates community activity

## Introduction to Scheme of Delegation

This Scheme of Delegation was approved by Council on 24 March 2021 Any subsequent amendments are identified by the date and minute number of the Council resolution in brackets after the amendment.

The powers and duties set out in this scheme are delegated to the Parish Clerk. The Parish Clerk, where specified may delegate these duties and powers to other officers within the Council.

The Parish Clerk is also the Councils Responsible Financial Officer and the Proper Officer and responsibility for the management of the organisation.

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

### 1 Extent of Delegation

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

1.2 The Parish Clerk will exercise these powers in accordance with

- approved budgets
- the Council's Financial Regulations
- the Council's Contract Procedure Rules
- the Council's Procurement Strategy
- the Council's Policy Framework and other adopted policies of the Council
- all statutory common law and contractual requirements

1.3 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.

1.4 Provided that such authorisation is not prohibited by statute the Parish Clerk to whom a power, duty or function is delegated may authorise another officer to exercise that power, duty, or function, subject to:

- such authorisations being in writing
- only be given to an officer below the delegating officer in the organisational structure
- only being given where there is significant administrative convenience in doing so
- the officer authorised by the Parish Clerk is/will be acting in the name of the Parish Clerk
- such authorisation not being prohibited by statute.

1.5 A delegation to a subordinate officer shall not prevent the Parish Clerk from exercising the same power or duty at the same time.

## 2 General Matters

The Parish Clerk is authorised:

- 2.1 To sign, or where appropriate, have sealed on behalf of the Parish 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 Parish Council.
- 2.2 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.
- 2.3 To institute and appear in any legal proceedings authorised by the Council.
- 2.4 To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Bursledon).
- 2.5 To alter the date or time of a Council or committee or working group meeting but, before doing so, shall consult the Chair of the Council, or Chair of a committee or working group concerned and the Leader of all political groups (if appointed) on the Council about the need for the change and about convenient alternative dates and times.
- 2.6 To decide arrangements for the closure of the Council offices in the Christmas/New Year period in consultation with the Chair of the Council.
- 2.7 Deal with day-to-day matters relating to the use of council premises.

- 2.8 To negotiate and enter contractual arrangements for artistes and promoters in relation to events held in Bursledon and surrounding villages, where organised by the Parish Council and programmes of entertainment.
- 2.9 To manage all the Council's current services including the following:
  - 2.10 The Council's allotments including the selection of tenants.
  - 2.11 The Council's cemeteries and burials service.
  - 2.12 The Council's parks, open spaces, and amenity areas.
  - 2.13 The Lowford Community Library service and licences.
  - 2.14 To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
  - 2.15 To apply for planning consent for all development by the Council, following council decisions.
  - 2.16 To apply for planning consent for tree works by the Council.
  - 2.17 Under the Regulation of Investigatory Powers Act 2000 to authorise directed surveillance or the use of a human intelligence source.
  - 2.18 To respond to complaints made under the Council's Complaints procedure and to make such ex-gratia payments in settlement of such complaints as are considered justified and agreed by Council.
  - 2.19 To manage, monitor and review the Councils Internal control procedures.
- 2.2 To manage, monitor and review the Councils Corporate Risk Management Strategy
- 3.0 Financial Matters
  - 3.1 The Parish Clerk is authorised as follows:



- To be the Responsible Financial Officer for the purposes of Section 151 of the Local Government Act 1972.
- 3.2 To operate the Council's banking arrangements including arranging overdrafts with the approval of the Council.
  - 3.3 To incur expenditure up to a maximum of £4,999 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 in the range £1,000 - £4,999 to be incurred in consultation with the relevant committee chair/chair of council.
  - 3.4 To pay all accounts properly incurred.
  - 3.5 To pay all subscriptions to organisations to which the Council belongs.
  - 3.6 To make all necessary arrangements for the provision of an internal and external audit service for the Council.
  - 3.7 To negotiate settlements in connection with claims made by and against the council in consultation with the Council's insurers where appropriate.
  - 3.8 To incur expenditure on revenue items within the approved estimates and budgets under their control.
  - 3.9 To incur expenditure on capital schemes within the Council's approved Capital Programme.
  - 3.10 To enter leasing and contract hire agreements for the acquisition of vehicles machinery and equipment on such terms as are considered appropriate and approved by Council.
  - 3.11
    - a) 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
    - b) the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation

c) all the requirements of the Council's Financial Regulations being complied with.

- 3.12 To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations
- 3.13 To carry out virement of sums between cost centres in accordance with the Council's Financial Regulations.
- 3.14 To manage investments and raise and repay loans as appropriate and obtain such other sources of credit as are required in accordance with the Financial Regulations.
- 3.15 To authorise action for the recovery of debts.
- 3.16 To write off debts up to the level set by the Council at its Budget Meeting subject to the approval in the year end accounts.
- 3.17 To maintain a Register of Assets and Inventory of Equipment.
- 3.18 To determine the Parish Council's insurance requirements on the Council's behalf.
- 3.19 To make all necessary arrangements for the Council's insurances.
- 3.20 To exercise the Parish Council's powers to pay the Post Office, British Telecom, or any other telecommunications operator any loss.
- 3.21 To prepare a draft budget for consideration by the Council.
- 3.22 To prepare the Final Accounts for each financial year.

#### 4.0 Staffing Matters

- 4.1 The Parish Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures, and budget, including:

- Appointments to posts (excluding the post of Deputy/Assistant Parish Clerk), as approved by Council recommendation
- 4.2 To appoint Deputy/Assistant Parish Clerk/s through an appointment panel which includes the Parish Chair.
  - 4.3 The employment of temporary employees.
  - 4.4 The preparation of the job description and person specification, placing of the advertisement and short-listing of applicants except for new roles and that of the Parish Clerk.
  - 4.5 Management of staff (including volunteers) performance.
  - 4.6 Management of discipline and performance, including the power of suspension, to be reported back to the Staffing Sub Committee or the Council.
  - 4.7 The exercise of disciplinary and grievance procedures in accordance with the Council's procedures.
  - 4.8 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.
  - 4.9 To recommend accepting or refuse to the Staffing Sub Committee and the Council regarding applications for re-grading, remove any bars in salary scales and to authorise salary increments and accelerated increments.
  - 4.10 To approve payment of overtime.
  - 4.11 To agree minor variations to the condition of employment, with reporting back to Council/Staffing Sub Committee.
  - 4.12 To implement and monitor the arrangements for annual leave, flexi time, sickness absence and maternity leave in accordance with the Council's policies.
  - 4.13 To authorise training in line with the Council's policies.
  - 4.14 To authorise the provision of uniforms or protective clothing.

- 4.15 To approve payment of claims from employees for compensation for loss of or damage to personal property.
- 4.16 To negotiate and agree settlements on behalf of the Council in relation to any proceedings in the Employment Tribunal, as approved by Council recommendation
- 4.17 To agree to premature retirement on the grounds of duly certified ill health, as approved by Council recommendation
- 4.18 To terminate employment during and to review salary on completion of probationary periods approved by Council recommendation
- 4.19 The Parish Clerk will prepare a management report for each meeting of the Staffing Sub Committee or F & A on the delegation of these duties.

## 5.0 Property Matters

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

- 5.1 Enter discussions regarding the terms of any lease, license, conveyance, or transfer in consultation with the council's legal advisors.
- 5.2 Enter discussions regarding the granting or refusal of the Council's consent under the terms of any lease.
- 5.3 Enter discussions regarding Variations of restrictive covenants of a routine nature.
- 5.4 Enter discussions regarding the granting of easements, way leaves and licences over Council land as approved by Council recommendation
- 5.5 Initiating legal action or proceedings against unauthorised encampments on Council land, in consultation with the Chair/Vice-Chair.

- 5.6 To direct the custody of Parish Council property and documents in accordance with the provisions of Local Government Act 1972 S226.
- 5.7 To exercise responsibility for the safe custody and maintenance of the Civic Regalia.
- 5.8 The Parish Clerk will prepare a management report for each meeting of the Council on the delegation of these duties.

## Urgency

- 6.0 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 or relevant committee or subcommittee. The Chair, the Leader of the Council (if appointed) and the Chair of any relevant committee are to be consulted before such action is taken.

## 7.0 Emergency Planning

To implement the Council's Emergency Recovery Strategy 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. The Chair, the Leader of the Council (if appointed) and the Chair of any relevant committee are to be consulted before such action is taken.

## 8.0 Procedural

- 8.1 To authorise officers to exercise statutory powers of entry and inspection for the purposes of any function under their control.
- 8.2 To serve requests for information as to ownership occupation and other interests in land for the purposes of any function under their control.
- 8.3 To appoint consultants and other to carry out any function and provide any service under their control as approved by Council recommendation

## 9.0 Health and Safety at Work Act 1974

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

## 10 Management of Information

- 10.1 To publish information in accordance with the freedom of information legislation and in accordance with the Councils publication scheme. (As per Transparency Requirements)
- 10.2 To be the Responsible Officer for the co-ordination and operation of the legal requirements under the Data Protection Act, the general Data Protection Regulations, and the Freedom of Information Act.
- 10.3 To monitor and review technical and organisational measures to keep secure information (including personal data) which the council holds in paper and electronic form)
- 10.4 To decide who has access to personal data and encryption of personal data

## 11 Legal Proceedings

- 11.1 To take and discontinue legal proceedings in any Court or at any Tribunal as approved by Council recommendation
- 11.2 To take Counsel's advice or instruct Counsel to represent the Council, as approved by Council recommendation
- 11.3 To seek injunctions and commence proceedings for the purposes of enforcement in accordance with the Council's policies
  - recovering money due to the Council
  - recovering or otherwise preserving possession of the Council's land or property
  - defending the interests of the Council
  - appealing against a decision affecting the interests of the Council and
  - responding to appeals against action taken by the Council
- 11.4 To represent the Council at Court or any Tribunal or to make arrangements for appropriate representation.
- 11.5 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.

- 11.6 To approve the affixing of the Common Seal of the Council to documents.
- 11.7 To serve requisitions for Information.
- 11.8 The Parish Clerk will prepare a management report for each meeting of the Finance & Administration Committee on the delegation of these duties.