



# SCHEME OF DELEGATION

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This policy will be reviewed on an annual basis

Next Review – February 2027

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## **Brixton Parish Council Scheme of Delegation**

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## **1. The Power to Delegate**

The power to delegate functions by local councils is set out in the Local Government Act 1972 S.101 as follows:

### **Local Government Act 1972 S. 101 Arrangements for discharge of function by local authorities**

(1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions: (a) by a Committee, a sub-Committee or an officer of the authority, or (b) by any other local authority

(2) Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee of the authority, then unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.

(3) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, subcommittee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.

(4) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.

(5) A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority. The aim of this document is to clarify the manner in which Brixton Parish Council has delegated its powers and the authority to spend.

## **2. Delegation to Officers**

The following matters are delegated to the Council's Officers to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

The Council may at any time, following resolution, revoke any delegated authority.

Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to a Committee or the Council. Similarly, where Officers have no delegated power to make a decision, they report the matter to Committee or the Council for a decision.

### **Responsible Finance Officer**

The Parish Clerk shall be the Responsible Finance Officer to the Council and shall be responsible for

- the Parish Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

### **Proper Officer**

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

- To receive Declarations of Acceptance of Office
- To receive and record notices disclosing personal and prejudicial interests
- To grant dispensations
- To receive and retain plans and documents
- To sign notices or other documents on behalf of the Council
- To receive copies of by-laws made by the local authority
- To certify copies of by-laws made by the Council
- To sign summonses to attend meetings of the Council
- To arrange insurance following a resolution from the Council
- Seal documents, deeds, contracts and agreements following a resolution from the Council
- Notify the Returning Officer of any casual vacancies and liaise with them regarding the conduct of the elections

In addition, the Parish Council Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- The day-to-day administration of services, together with routine inspection and control
- The day-to-day administration and oversight for organised events and activities
- Authorisation of routine expenditure within the Council's Financial Regulations
- To apply for grants and other funding to meet the Council's objectives
- Matters specifically delegated by Council or Sub-Committee
- Dealing with any press and public relations on behalf of the Council in consultation with the Chairman and Vice Chairman
- Liaise with District and County Council representatives on clear uncontentious matters of concerns raised by members of the public or Councillors without first putting it on a Council agenda

- Updating and managing the content of the Council's website and making decisions as to whether items are appropriate for inclusion on the website and/or social media
- Authorisation to call any extra meetings of the Council, or Sub-Committee, as necessary, having consulted with the Chairman of the Council
  - 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
  - Preparation and submission of Planning application consultation responses where the Council's agreed stance is known.
  - Handling requests for information under the Freedom of Information Act 2000 and the Data Protection Act 1988 or GDPR Regulations
  - Issuing press releases and statements on the Council's known policies
  - Co-ordinating the Council's newsletter and annual newsletter
  - Disposal of Council records according to legal restrictions and the Council's Retention Policy
  - Take appropriate actions arising from emergencies in consultation with the Chairman/Vice Chairman of the Council as appropriate to the circumstances - an emergency situation is defined as a time when the Council cannot act under its normal standing orders due to circumstances outside of its control.

### **Emergency Situations**

To note that it is lawful for the clerk to spend against specific items in the Parish Council's budget i.e., for contractors, hall hire, etc., all of which having been identified in the budget when setting the precept, any such payments to be reported to the Council at the next ordinary meeting.

The Council approves delegation of the following items to the Proper Officer:

- Clerk may spend up to £500 and to authorise urgent work when unforeseen circumstances occur, with written confirmation from a quorate Council.
- To respond to planning applications having consulted with all Parish Councillors, including the Chairman and Vice Chairman where a response is required before the next Parish Council meeting.
- To postpone meetings of the Council, in consultation with the Chairman and Vice Chairman, as appropriate, for example where a meeting maybe inquorate.
- To receive and act upon Government advice in relation to the holding of the Annual Meeting of the Parish (noting such meetings must be held before 1 June) and the Annual Meeting of the Parish Council (noting such a meeting must be held in May), thereby giving delegated power to the Clerk to make necessary rearrangements for these meetings in consultation with the Chairman.

### **3. Council**

The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations for the Council's consideration:

- Approval of the budget
- Setting the precept
- Approval of the Annual Return and Audit of Accounts
- Agreement to write off bad debts
- Approval by resolution, before payment, of any grant or single commitment in excess of £5,000 (Financial Regulations para 1.14)
- 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 at the end of the financial year.
- Approval of changes in earmarked reserves as part of the annual budgetary process
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
- Making, amending or revoking by-laws
- Making of orders under any statutory powers
- Matters of principle or policy
- Appointment of Committees
- Appointing Council Representatives to outside bodies
- All other matters which must, by law, be reserved to the full Council

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#### **4. Committees**

The following matters are delegated to the Council's Committees to make decisions on behalf of the Council. They must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

The Council may at any time, following resolution, revoke any delegated authority. Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council.

Similarly where a Committee has no delegated power to make a decision it makes a recommendation to Council.

All Committees are authorised to:

- Elect a Chair from within the membership of that Committee
- Approve the Minutes of the last meeting of the Committee
- Make decisions as determined by their Terms of Reference
- Make recommendations on the budget requirement for the Committee for the coming Financial Year.

#### **5. Planning Delegated Powers**

As a statutory consultee to the Local Planning Authority (LPA) – South Hams District Council (SHDC) and Devon County Council (DCC) planning applications will normally be considered at the monthly Parish Council meetings.

Any planning applications which are not able to be considered in the usual way shall be received by the Clerk who will provide details to Councillors.

Where no queries arise by joint decision of all Councillors, the Clerk shall be delegated to inform the Planning Department, within the time allocated of the decision of the Council.

Where queries arise, following a quorate site meeting, the planning sub-committee will make recommendations and comments on behalf of the Parish Council to the Parish Clerk, under the delegated powers set out in their Terms of Reference.

#### **6. Working Groups**

Working Groups may be formed by resolution of the Council at any time. The work of such a group will be decided upon at the time it is formed by means of a minute detailing the Terms of Reference. Each group will report back with recommendations to the Council regularly. Members of the Public and other Community stakeholder groups can join Working Groups. For any rare and urgent deadline responses which need to be made, the Working Group can ask the Parish Clerk to respond and the matter will then be reported back to the next available Parish Council Meeting. Working Groups will be mainly held via zoom.

## **7. Urgent Matters**

- In the event of any matter arising which requires an urgent decision, the Parish Clerk will consult with the Chairman or the Vice-Chairman of the Council and with the concurrence of that member, shall have delegated power to act on behalf of the Council in respect of the matter then under consideration.
- Before exercising the delegated powers (as detailed in the above bullet point), the Parish Clerk and the member consulted shall consider whether the matter is of sufficient interest to justify the summoning of an Extraordinary Parish Council Meeting of the Council.
- Any action taken must be reported at the next available Parish Council Meeting (unless an Extraordinary Parish Council Meeting is summoned).

## **8. Delegations – Limitations**

Committee(s) and any sub-Committees and Working Groups shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations, this Scheme of Delegation and, where applicable, any other rules, policies, procedures, regulations, schemes, statutes, by-laws or orders made and with any directions given by the Council from time to time

All work actioned under the Scheme of Delegation is done in consultation with at least a quorum of members, except for general day to day responsibilities of the Clerk, everything actioned will also be documented and reported at the next appropriate meeting.