



SIMPSON AND ASHLAND PARISH COUNCIL

Scheme of Delegated Powers

Reviewed and adopted September 2022

Local Councils may only do what legislation requires or permits them to do. With some particular exceptions, the Council may delegate functions to groups, sub-groups, officers, or other authorities.

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, sub-committee, 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 Simpson and Ashland Parish Council has delegated its powers and the authority to spend.

1. Council

- a) Certain functions cannot be delegated and are therefore reserved to the Full Council, although an appropriate sub-group(s)/committee(s) may make recommendations thereon for the Council's consideration:
 - i) Setting the precept and approval of the Council's budget.
 - ii) Approval of the Annual Accounts.
 - iii) Completion of the Annual Return including the Governance Statement.
 - iv) Consideration of an Auditor's report made in the public interest.
 - v) The review, making, amending or revoking of Standing Orders, Financial Regulations and this Scheme of Delegation, Council's Code of Conduct, Bank Mandate.
 - vi) Matters of principle or policy.
 - vii) The making, amending or revoking of bye-laws.
 - viii) Agreement to write off bad debts.
 - ix) Approval by resolution, before payment, of any grant or single commitment in excess of £5,000.
 - x) Authorisation as to terms and purpose for any application for Borrowing Approval and subsequent arrangements for the loan.
 - xi) Approval of any financial arrangement which does not require formal borrowing approval from the Secretary of State (e.g. hire purchase or leasing of tangible assets).
 - xii) Approval of purchase, acquisition by other means, sale, lease or disposal of tangible moveable property over £1,000.
 - xiii) Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interests in land).
 - xiv) Approval of the virement of unspent and available amounts to other budget headings or reserves.
 - xv) Approval of changes in earmarked reserves as part of the budgetary process
 - xvi) Approval of employment/dismissal of staff.
 - xvii) Dissolution of sub-groups.

2. Parish Clerk

- b) The Parish Clerk is the Proper Officer and Responsible Financial Officer (RFO) of the Council. Delegated Powers for the Parish Clerk for day to day administration and provision of financial arrangements shall be in accordance with Standing Orders, Financial Regulations, Job description, Contract of employment, this Scheme of Delegated Powers and with directions given by the Council from time to time.

3. Financial matters

- c) In circumstances where it is deemed expedient, the Parish Clerk/RFO shall have the delegated power to approve up to the limit of £500 orders or make payment for Council business not already approved at a previous full Council meeting. Any such transaction(s) must be reported to the next full Parish Council meeting. Works over this amount require approval from four councillors.
- d) In circumstances where it is deemed expedient in between full Council meetings, the Parish Clerk/RFO shall have the delegated power to approve internal transfers between accounts. Any such transaction(s) must be reported to the next full Parish Council meeting.

4. Planning

- e) Currently all Planning applications are discussed by the Full Council at their scheduled meeting and the decision recorded in the minutes.
- f) Where decisions are required between scheduled Full Council meetings, Delegated Powers are given to the Council members to make decisions on planning applications. The Parish Clerk will inform members via e-mail of an application and timescales for a response. Members will discuss and review relevant information. The final decision must have approval of four members of the Council. The final decision on a planning application will be reported to the next scheduled Council meeting.

5. Sub-Groups/Committees

- g) All sub groups are authorised to:
 - i) Elect a Chair who will remain in place for 12 months.
 - ii) Decide how many times they wish to meet over and above the requirement to meet at least once in a 12 month period.
 - iii) Approve the minutes of the last meeting of the sub group.
 - iv) Make recommendations for budgetary requirements for the sub-group.
 - v) Have at least one Parish Councillor on each sub-group.
 - vi) Spend money from budget headings for sub groups and not exceed the budget unless authorisation has been approved at Full Council.
- h) The Village Hall committee is authorised to:
 - i) Elect a Chair who will remain in place for 24 months.
 - ii) Hold a minimum of six meetings in a 12 month period.
 - iii) Approve the minutes of the last meeting of the committee.
 - iv) Report to the Parish Council at each formal Parish Council meeting.
 - v) Make recommendations for budgetary requirements for the committee.
 - vi) Have a minimum of two Parish Councillors.

- vii) Spend money from budget headings and not exceed the budget unless authorisation has been approved at Full Parish Council meeting.
- viii) The Chair of the committee is delegated to authorise expenditure up to £500 per individual item. This must be minuted at the next committee meeting.

6. Grant Aid Funding

- i) The Parish Council allocates a sum each year to be used to give out grants to benefit the residents of the Parish. The grants are entirely in the gift of the Parish Council and are reviewed and agreed by Full Council.
- j) Where decisions are required between scheduled Full Council meetings, Delegated Powers are given to the Council members to make decisions on grant aid funding.
- k) The Parish Clerk will inform members via e-mail of a grant aid application and forward all the paperwork after checking it complies with the grant aid guidelines.
- l) Members will review all the relevant information. All grants will be discussed based solely on the quality of the application.
- m) If a unanimous decision is not reached there must be agreement by a minimum of four members. The final decision on a grant application will be reported to the next Council meeting.
- n) The Chair of the Council does not have a deciding vote.

7. Delegation – Limitations

- o) Members, Sub Groups and the Parish Clerk shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegated Powers and, where applicable, any other rules, regulations, schemes, statutes, by-laws or orders made and with any directions given by the Council from time to time.

8. Delegation – Urgency

- p) Decisions required between scheduled Council meetings are delegated to Council members. The final decision must have approval of four members of the Council. The final decision will be reported to the next scheduled Full Council meeting.
- q) Where appropriate, the Council may decide that an Extraordinary meeting of the Council be called to deal with an urgent matter.

9. Delegation – Review

- r) This Scheme of Delegated Powers will be reviewed annually.