

WALTON COMMUNITY COUNCIL SCHEME OF DELEGATION

This Scheme of Delegation sets out the way Walton Community Council has delegated its powers and responsibilities. This document is one of the major ways in which the Council regulates its affairs, the others are its Standing Orders and Financial Regulations.

The legal basis of the delegation conferred by this document is contained in s.101 of the Local Government Act 1972 (Arrangements for discharge of function by local authorities).

The intention of the delegation scheme is to allow the Council to act with all reasonable speed. Decisions should be taken at the most suitable level and therefore, the Proper Officer (Council Manager) is given powers over the day-to-day administration of the Council, or Committees can decide matters within the Terms of Reference. Major policy is decided by Full Council.

This scheme of delegation authorises the Proper Officer, the Responsible Finance Officer, Committees and Working Groups of the Council to act with delegated authority.

PROPER OFFICER – POWERS AND DUTIES

1. The Clerk to the Council (the Council Manager) is employed by the Council under s112 of the Local Government Act 1972 for the proper discharge of its functions.

2. The Council Manager is designated and authorised to act as Proper Officer of the Council for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer, and as such is specifically authorised to:
 - (a) Receive declarations of acceptance of office;
 - (b) Receive and record notices disclosing interests at meetings;
 - (c) Receive and retain plans and documents;
 - (d) Sign notices or other documents on behalf of the Council;
 - (e) Receive copies of By-laws made by another local authority;
 - (f) Certify copies of By-laws made by the Council;
 - (g) Sign and issue summons to attend meetings of the Council, and place in a conspicuous place, public notice of time, date, venue and agenda, at least 3 clear working days before a meeting of the Council or Standing Committee;
 - (h) Keep proper records for all Council Meetings;
 - (i) Retain and make available for public inspection, copies of Councillor register of interests and any changes.
 - (j) Notify the Returning Officer of any casual vacancies;
 - (k) Process requests made under the Freedom of Information Act 2000 and Data Protection Regulations 2018, in accordance with and subject to the Council's procedures relating to the same.

- (l) Manage the storage of and access to information held by the Council;
 - (m) Arrange for legal deeds to be executed.
3. In addition, the Council Manager has the delegated authority to undertake the following matters on behalf of the Council:
- (a) To manage the day-to-day administration of services, routine inspection and control;
 - (b) Management and supervision of staff employed by the Council;
 - (c) Authorisation of routine expenditure within agreed budget;
 - (d) As defined in Standing Order, emergency expenditure outside of the agreed budget;
 - (e) Dealing with press and public relations on behalf of the Council;
 - (f) Record planning applications and the Council's response to the local planning authority;
 - (g) Manage the Council's social media activity;
 - (h) Represent the Council at meetings and forums;
 - (i) Delegated actions of the Council Manager shall be in accordance with Standing Orders, Financial Regulations, this Scheme of Delegation and with directions given by the Council from time to time.

RESPONSIBLE FINANCE OFFICER – DUTIES AND POWERS

1. The Responsible Finance Officer shall be responsible for the Parish Council's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time.
2. The Responsible Finance Officer shall arrange for the prompt authorisation, approval and instruction regarding any payments to be made by the Council, in accordance with the Council's Financial Regulations.
3. The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Finance Office when the Responsible Financer Officer is absent.

COUNCIL

Some matters are reserved to the Council for decision, notwithstanding that Committees may make recommendation for the Council's consideration. These are:

- Setting the budget and precept
- Investment strategy and any borrowing of money
- Authorising the incurring of expenditure not provided within the approved budget.
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
- Establishing Committees and membership
- Matters of principle or policy.
- Strategic priorities, Council and long-term plans.
- Nomination and appointment of representatives of the Council to any other authority, organisation or body.
- Approval of the Statement of Accounts (AGAR)

- Approval of the year-end accounts.
- Any proposed new undertakings.
- Making, amending or revoking by-laws.
- Making Orders under any Statutory powers
- Execution of legal deeds.
- Prosecution or defence in a court of law.
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish.
- Eligibility to use the Power of General Competence, as appropriate.
- Confirming the appointment of the Proper Officer.

DELEGATION TO COMMITTEES

1. S.102 and s.103 of the Local Government Act 1972 allows for the discharge of the Council's function by a Committee, a sub-committee or an officer of the Council.
2. Committees have delegated powers to act within their Terms of Reference.
3. On all matters not reserved for consideration by Council or another Committee, Committees can resolve and thereafter action can normally be taken by officers, except for deciding on major policy which is reserved by the Council itself. On such matters, Committee may recommend a course of action, and in such cases, officers cannot normally carry out the Committee's instructions until the recommendation has been approved by Council.
4. Committee and sub-committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegation.
5. Committees and sub-committees must operate within the statutory framework of powers and duties granted by way of rules, regulations, schemes, statutes, by-laws or orders made and with any direction given by the Council from time to time.
6. Committees, unless the Council directs otherwise, may arrange to devolve any of its functions to one or more sub-committees or to Officers of the Council in accordance with Standing Orders.
7. Committees shall meet within the timetable approved by Council at its Annual Meeting.
8. All Councillors are entitled to attend all Committees and sub-committee, whether a member or not, although there are no voting rights for non-members. Participation in discussion or proceedings shall be at the discretion of the Chair of the Committee.

URGENT DECISIONS

1. There shall be delegated to the Council Manager (or the Assistant Council Manager in her absence), the authority to act in respect of any function of the Council on a matter which would otherwise cause a delay or which may prejudice the Council. This delegated authority shall be exercised in consultation with the Chairman, Vice-Chairman and in the case of budgetary matters, the Chair of the Regulatory Committee.
2. There shall be delegated to the Council Manager (or the Assistant Council Manager in her absence), the authority to act in respect of any function of a Committee on a matter which would otherwise cause a delay or which may prejudice the Council. This delegated authority shall be exercised in consultation with the Chairman of the Council and the Chair of the Committee (or in the Chair's absence, the Vice-Chair), within whose terms of reference the function lies.
3. Each exercise of delegated authority under this Standing Order shall be reported for information to the appropriate meeting of the Committee within whose terms of reference the function lies. The report will then be received by an appropriate meeting of Full Council.
4. The delegations in this Standing Order are in addition to and without prejudice to the powers of the Council or its Committees to arrange for the discharge of any of its functions by an officer.

Whilst delegation is necessary, it is the Council's policy that all information is open and transparent. Therefore, the Council Manager will report urgent decisions made under the Scheme of Delegated Authority at the following Council and Committee meetings.