

# **OUSDEN PARISH COUNCIL SCHEME OF DELEGATION**

## **Introduction.**

This document is one of the three documents which regulate the Parish Council's affairs. The other documents are its Standing Orders and Financial Regulations. All Council decisions must be agreed at a properly constituted meeting of the Council unless the decision is delegated to the Clerk. No individual Parish Councillor can make decisions or issue instructions on behalf of the Council.

The power to delegate functions is set out in the Local Government Act 1972 s101. 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.

The Clerk is expected to advise the Council on and assist in the formation of overall policies to be followed in respect of the Authority's activities and in particular to produce all the information required for making effective decisions and to implement constructively all decisions. The Clerk will be accountable to the Council for the effective management of all its resources and will report to them as and when required.

The clerk's contract of employment gives specific powers to enable the day to day administration of the Council to be carried out. Major policy decisions will be made by the full council.

## **Proper Officer and Responsible Financial Officer**

The Clerk is the Proper Officer and carries out the functions as provided by the Local Government Act 1972.

The clerk is the Responsible Financial Officer in accordance with the Accounts and Audit Regulations in force at any given time.

## **Specific Responsibilities**

The following responsibilities are set out in the Clerk's job description:

1. To ensure that statutory and other provisions governing or affecting the running of the Council are observed.
2. To prepare, in consultation with appropriate members, agendas for meetings. To attend such meetings and prepare minutes for approval.
3. To receive correspondence and documents on behalf of the Council and to deal with the correspondence or documents or bring such items to the attention of the Council. To issue correspondence as a result of instructions of, or the known policy of the Council.
4. To receive and report on invoices for goods and services to be paid for by the Council and to ensure such accounts are met.
5. To study reports and other data on activities of the Council and on matters bearing on those activities. Where appropriate, to discuss such matters with administrators and specialists in particular fields and to produce reports for circulation and discussion by the Council.
6. To draw up both on his/her own initiative and, as a result of suggestions by councillors, proposals for consideration by the Council and to advise on practicability and likely effects of specific courses of action.
7. To monitor the implemented policies of the Council to ensure they are achieving the desired result and where appropriate suggest modifications.
8. To act as the representative of the Council as required.
9. To issue notices and prepare agendas and minutes for the Parish Meeting.

10. To prepare, in consultation with the Chairman, press releases about the activities of, or decisions of, the Council.
11. To produce and maintain the Parish Council's website.
12. To produce a report for the village newsletter.
13. To deal with any urgent matters which cannot wait until the next meeting under the direction of the Chairman.

In addition to the responsibilities set out in the Clerk's job description, the Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- Authorisation to call any extra meetings of the Council, having consulted with the Chairman of the Council.
- Preparation and submission of responses to minor planning applications where the Council's agreed stance is known.
- Sign notices, orders, deeds and other documents on behalf of the Council.
- Handling requests for information under the Freedom of Information Act 2000, the Data Protection Act 1998 or the General Data Protection Regulation.
- Take appropriate action arising from emergencies in consultation with the Chairman/Vice Chairman of the Council as appropriate to the circumstances.
- To apply for planning consent for tree works to be carried out by the Council.
- To notify the Returning Officer of all casual vacancies arising in the membership of the Council as required by statute and to liaise with them regarding any statutory notices, electoral arrangements and co-option.
- Support the Parish Council in the preparation of an Emergency Plan.
- Deal with queries and send correspondence relating to allotments in conjunction with the parish councillor responsible for allotments.
- To manage any ongoing contracts and licences including minor changes. Substantial material changes to contracts can only be made at meetings.
- Make minor decisions relating to the day-to-day running of the Council in conjunction with the chairman, when the stance of councillors is known and the decision is not considered to be controversial. Clerk to email councillors giving a deadline for responses.
- Clerk to make minor decisions relating to the management of website.
- Defibrillator. Clerk and councillor responsible for the defibrillator to make minor decisions and payments up to £200 for replacement parts.

#### **Urgent Decisions**

Urgent decisions required between scheduled meetings of the council are delegated to the clerk in consultation with the chairman of the Council. Decisions made under this delegation will be reported to and recorded in the minutes of the next Council meeting.

Under this delegation, where appropriate, the clerk may decide that an extraordinary meeting of the Council be called to deal with the urgent matter.

#### **Clerk unable to work**

In the event of the clerk being off work, where possible the clerk will forward on emails or divert them to the chairman. Holding response will be sent by the chairman saying that no decisions can be made until the next meeting. Urgent interim actions normally carried out by the clerk, (but no decisions) will be carried out by

the chairman or vice-chairman, for example requesting extensions to planning applications, holding responses to emails, speaking to residents about local issues providing no decisions are required.

This Scheme of Delegation was adopted by Ousden Parish Council at the Meeting held on 9<sup>th</sup> March 2021.

**Updated:** 11<sup>th</sup> July 2023

