Kingskerswell Parish Council

Scheme of Delegation

Date: 19.05.2021
Agreed at Parish Council Meeting 24th May 2021

Introduction

Local Councils may only do what legislation requires or permits them to do. With some exceptions, a Parish Council may delegate decisions to a committee, a sub-committee reporting to a committee, or to the Clerk, being the Council's Proper Officer, or other authorities. Decisions may not be taken by an individual Councillor, including the Chairman.

The power to delegate functions by local councils is set out in the Local Government Act 1972 Section 101.

The aim of this document is to clarify the way Kingskerswell Parish Council has delegated its powers and the authority to spend.

Working Groups of Councillors without delegated decision-making powers may meet informally without public notice to oversee functions of the Council and to make recommendations to the Council.

The Council will agree terms of reference for its committees and working groups and review these annually.

Kingskerswell Parish Council can elect up to 10 Councillors and meets every five weeks. The Parish Council has five Committees.

Delegated Powers

All powers delegated to committees and sub committees will form part of their terms of reference.

Responsibilities Delegated to the Parish Clerk

Proper Officer

The Parish Clerk is designated and authorised to act as Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.

General Matters

The Parish Clerk is authorised:

- To sign on behalf of the Council any document necessary to give effect to any decision of the Council, 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,
- To institute and appear in any legal proceedings authorised by the Council,
- 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 residents of the Parish of Kingskerswell).
- To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.

Financial Matters

The Parish Clerk is authorised as follows:

- To incur expenditure up to a maximum of £2000 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.
- 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 of the approved estimate
  the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation
  all the requirements of the Council's Financial Regulations being complied with.
- To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.

Urgency

The Parish Clerk is authorised to act on behalf of the Council in cases of urgency or emergency.

Urgent decisions required between scheduled Council meetings are delegated to the Clerk in consultation with the Chairman and Vice-Chairman or Chairman and one other Councillor.

Decisions made under this delegation will be reported to and minuted at the next Council meeting.

Where appropriate, the Clerk may decide that an Extraordinary Meeting of the Council be called to deal with the urgent matter.

The Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair or replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £5000. The Clerk shall report the action to the Council as soon as practicable thereafter.

In the event of a situation arising, where there is no Chairman, Vice-Chairman or Councillor and the Clerk is unable to call a meeting, then the Clerk is authorised to make any essential payments or decisions. All decisions and payments made under this delegation will be reported and minuted at the next council meeting.

Policy Status and Review

This policy was adopted by the KKPC at a meeting of the council on 24th May 2021. It will be reviewed periodically by KKPC. Date of last review June 2025.