



# chilham parish council

serving chilham, old wives lees and shottenden

## **Chilham Parish Council**

### **Scheme of Delegation**

#### **S101**

#### **Introduction**

This document sets out the way Chilham Parish Council has delegated powers and responsibilities. This document is one of the four major ways in which the Council regulates its affairs; the others are its Standing Orders, Financial Regulations and Statement of Internal Control.

The power to delegate functions is set out in the Local Government Act 1972 s 101.

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. Therefore, the Clerk is given powers over the day-to-day administration of the Council or committees to decide matters within the Terms of Reference and matters of major policy should be recommended to the full council.

Whilst delegation is necessary it is the Council's policy that members and the press and public should have the fullest information. Therefore, the Clerk reports all major decisions taken under delegated powers at the next Council or Committee meeting.

#### **Proper Officer, Responsible Finance Officer (RFO)**

The Clerk shall be:

- The Proper Officer and will carry out the functions as provided by the Local Government Act 1972.
- The RFO in accordance with the Accounts & Audit Regulations in force at any given time.
- The DPCO as required by the General Data Protection Regulations 2018

#### **Delegated Powers and Responsibilities**

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:

- Day to day administration of services,
- Authorisation to call any extra meetings of the Council, or Committee, as necessary, having consulted with the Chairman of the Council or Committee
- 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 or Committee.
- Authorisation of routine expenditure in accordance with the Council's Financial Regulations
- 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
- Updating and managing the content of the Council's website
- Co-ordinating the Council's newsletter articles.
- Disposal of Council records according to legal restrictions and the Council's Record Management 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, salaries 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.
- To approve provision of delegated powers to your Clerk to spend up to £500 and to authorise urgent work when unforeseen circumstances occur.
- To confirm with the Chairman / Vice Chairman or Chairman of a specific committee, urgent work, when unforeseen circumstances occur, to spend up to £5000.
- Delegated powers to the Clerk to respond to planning applications having consulted with Members of the Planning Committee, including the Chairman and Vice Chairman. (other councillors are still able to submit their own personal comments)
- To undertake confidential pre-application consultations with Members of the Planning Committee.
- Agreement to delegate the postponement of meetings of the Council, in consultation with the Chairman and Vice Chairman or Committee Chairman, as appropriate.
- Agreement 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 re-arrangements for these meetings in consultation with the Chairman.

**All work actioned under the Scheme of Delegation is done in consultation with all members except for general day to day responsibilities of the Clerk, everything actioned will also be documented.**