



Scheme of Delegation to the Parish Clerk

Reviewed and agreed: Full Council Committee meeting 22nd April 2021 - Agenda
item 7

Introduction

The powers and duties set out in this scheme are delegated to the Parish Clerk and, where appropriate, the Deputy Parish Clerk / Responsible Financial Officer..

The Parish Clerk is the Parish Council's the Chief Executive Officer and the statutory Proper Officer, and her Deputy is the Responsible Financial Officer, together they are responsible for the management of the organisation and its services.

Extent of Delegation

- 1.0 All delegated functions shall be deemed to be exercised on behalf of and in the name of Sandgate Parish Council
- 1.1 The Clerks will exercise these powers in accordance with:
 - Approved Budgets
 - Financial Regulations
 - Standing Orders
 - Council's Contract Procedure Rules
 - Council's Policy Framework
 - All statutory common law and contractual requirements
- 1.2 The Parish Clerk may do anything pursuant to the delegated power or duty, which it would be lawful for the Parish Council to do, including anything reasonably implied or incidental to that power or duty.
- 1.3 Provided that such authorisation is not prohibited by statute, the Parish Clerk to whom a power, duty or function is delegated may authorise another Officer to exercise that power, duty or function, subject to:
 - such authorisations being in writing
 - only being given to a sub-ordinate officer
 - only being given where there is significant administrative convenience in doing so
 - the officer authorised by the Parish Clerk is acting in the name of Sandgate Parish Council
 - such authorisation is not being prohibited by statute.
- 1.4. A delegation to a sub-ordinate officer shall not prevent the Parish Clerk from exercising the same power or duty at the same time.

General Matters

- 2.0 The Parish Clerk is authorised to:

- 2.1 Sign, and where appropriate, have sealed on behalf of the Parish Council, any Orders, Deeds or Documents necessary to give effect to any of the matters contained in reports or in any resolution passed by the Parish Council.
- 2.2 Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Parish Council.
- 2.3 Institute and appear in any legal proceedings authorised by the Parish Council.
- 2.4 To appear or make representation to any tribunal or public inquiry into any matter in which the Parish Council has an interest (either in its own right or on behalf of the citizens of Sandgate).
- 2.5 Alter the date or time of a Parish Council Committee meeting but, before doing so, shall consult the Chairman about the need for the change and about convenient alternative dates and times.
- 2.6 Decide arrangements for the closure of the parish office offices in the Christmas/New Year period.
- 2.7 Deal with day to day matters relating to the use and maintenance of the Parish office
- 2.8 Negotiate and enter into contractual arrangements for artistes and promoters in relation to events organised by the Parish Council.
- 2.9 Manage all the Parish Council's current services including but not limited to the following:
 - CCTV
 - Civic and Community Events
 - Provision of street furniture and bins
 - Services agreed under contract for other authorities and bodies
 - Websites and Social Media
- 2.10 To act as the Parish Council's designated Data Protection Officer for the purposes of the General Data Protection Regulations and the Freedom of Information Act.
- 2.11 To apply for planning consent for the carrying out of development works by the Parish Council.
- 2.12 To respond to consultations on planning applications and licensing applications subject to the comments by the Planning Committee.
- 2.13 Under the Regulation of Investigatory Powers Act 2000 to authorise directed surveillance or the use of a human intelligence source.

- 2.14 To respond to complaints made under the Parish Council's complaints procedures and subject to resolution make such ex gratia payments in settlement of such complaints as are considered justified.
- 2.15 To manage, monitor and review the Parish Council's internal control procedures.
- 2.16 To manage, monitor and review the Parish Council's Risk Management Strategy.
- 2.17 To manage the provision of information and communication technology provided throughout the Parish Council including the replacement of out-dated equipment or the purchase of new equipment.

Financial Matters

- 3.0 The Deputy Clerk is authorised to:
 - 3.1 Be the Responsible Financial Officer for the purposes of Section 151 of the Local Government Act 1972.
 - 3.2 Operate the Parish Council's banking arrangements including arranging overdrafts.
 - 3.3 Incur expenditure 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 Parish Council's Constitution and Financial Regulations.
 - 3.4 Pay all accounts properly incurred.
 - 3.5 Pay all subscriptions to organisations to which the Parish Council belongs.
 - 3.6 Manage payroll and HMRC requirements.
 - 3.7 Make all necessary arrangements for the provision of an internal and external audit service for the Parish Council.
 - 3.8 Negotiate settlements in connection with claims made by and against the Parish Council in consultation with the Parish Council's insurers where appropriate.
 - 3.9 Incur expenditure on capital schemes within the Parish Council's approved capital works programme.

- 3.10 Use the repairs and maintenance budgets for the maintenance, replacement or repair of existing plant, vehicles or equipment.
- 3.11 Enter into leasing and contract hire agreements for the acquisition of vehicles, machinery and equipment on such terms as are considered appropriate.
- 3.12 Accept quotations or tenders for work supplies or services (where tenders are required by the Parish Council's Financial Regulations), subject to:
 - the cost not exceeding the approved estimated amount
 - the tender being the most economically advantageous to the Parish Council according to the criteria set out in the tender documentation
 - all the requirements of the Parish Council's Financial Regulations being complied with.
- 3.13 Compile, approve or vary lists of approved contractors subject to the requirements of the Parish Council's Financial Regulations.
- 3.14 Carry out virement of sums between cost centres in accordance with the Parish Council's Financial Regulations.
- 3.15 Manage investments and raise and repay loans as appropriate and obtain such other sources of credit as are required in accordance with the Financial Regulations.
- 3.16 Authorise action for the recovery of debts.
- 3.17 Write-off debts up to the level set by the Parish Council.
- 3.18 Maintain a Register of Assets and Inventory of Equipment.
- 3.19 Determine the Parish Council's insurance requirements on the Parish Council's behalf.
- 3.20 Make all necessary arrangements for the Parish Council's insurances.
- 3.21 Prepare funding applications to raise monies to support Parish Council services.
- 3.22 Prepare a draft budget for consideration by the Parish Council.
- 3.23 Prepare the final accounts for each financial year.

Staffing Matters

- 4.0 The Parish Clerk manages the Parish Council staff in accordance with policies, procedures and budget, including:
 - 4.1 Appointments to posts including apprenticeships.
 - 4.2 Employment of temporary employees.
 - 4.3 Preparation of the job descriptions and person specifications, placing advertisements and short-listing of applicants.
 - 4.4 Management of staff performance and annual appraisal.
 - 4.5 Control of discipline and performance, including the power of suspension and dismissal.
 - 4.6 Exercise of disciplinary and grievance procedures in accordance with the Parish Council's procedures.
 - 4.7 Determine approved duties for the payment of travel and subsistence expenses to Members and Officers where they represent the Parish Council outside of the Parish Council's designated area.
 - 4.8 Approve or refuse applications for re-grading, remove any bars in salary scales and to authorise salary increments and accelerated increments.
 - 4.9 Agree minor variations to the condition of employment.
 - 4.10 Approve changes to the establishment structure.
 - 4.11 Implement and monitor the arrangements for annual leave, toil, flexi time, sickness absence, maternity and paternity leave in accordance with the Parish Council's policies.
 - 4.12 Authorise training. .
 - 4.13 Approve payment of claims from employees for compensation for loss of or damage to personal property.
 - 4.14 Negotiate and agree settlements on behalf of the Parish Council in relation to any proceedings in the Employment Tribunal.
 - 4.15 Agree to premature retirement on the grounds of duly certified ill health.

- 4.16 Terminate employment during probation and to review salary on completion of probationary periods.
- 4.17 Commission legal and professional advice on staffing matters.

Property Matters

- 5.0 The Parish Clerk is given authority to manage the land and property of the Parish Council including:
 - 5.1 Agreeing the terms of any lease, licence, conveyance or transfer.
 - 5.2 The granting or refusal of the Parish Council's consent under the terms of any lease.
 - 5.3 Initiating legal action or proceedings against unauthorised encampments or encroachments on Parish Council land.
 - 5.4 Directing the custody of Parish Council property and documents in accordance with the provisions of Local Government Act 1972 S226.
 - 5.5 Exercising responsibility for the safe custody and maintenance of the civic regalia.

Urgency

- 6.0 The Parish Clerk is authorised to act on behalf of the Parish Council and incur any necessary expenditure. Any such action is to be reported to the next meeting of the Parish Council.

Emergency Planning

- 7.0 The Parish Clerk is authorised to implement the Parish Council's Emergency Plan and to incur any necessary expenditure. Any such action is to be reported to the next meeting of the Parish Council.

Governance & Procedure

The Parish Clerk shall:

- 8.0 Serve a signed summons on members to attend Parish Council meetings in line with Parish Councils adopted Standing Orders.

- 8.1 Receive Parish Councillor declarations of acceptance of office and notices disclosing personal and prejudicial interests.
- 8.2 Notify the Returning Officer of all casual vacancies arising in the membership of the Parish Council as required by statute and to liaise with him or her regarding the conduct of elections
- 8.3 Grant a dispensation to a member.
- 8.4 Authorise officers to exercise statutory powers of entry and inspection for the purposes of any function under their control.
- 8.5 Serve requests for information as to ownership and other interests in land for the purposes of any function under their control.
- 8.6 Appoint consultants and other professionals to carry out any function and provide any service under their control.

Health and Safety at Work Act 1974

- 9.0 To oversee the discharge of the Parish Council's responsibilities under the Act.

Legal Proceedings

The Parish Clerk is authorised to:

- 10.0 Take and discontinue legal proceedings in any Court or at any Tribunal.
- 10.1 Take Counsel's advice or instruct Counsel to represent the Parish Council.
- 10.2 Seek injunctions and commence proceedings for the purposes of:
 - enforcement in accordance with the Parish Council's policies
 - recovering money due to the Parish Council
 - recovering or otherwise preserving possession of the Parish Council's land or property
 - defending the interests of the Parish Council
 - appealing against a decision affecting the interests of the Parish Council and responding to appeals against action taken by the Parish Council.

- 10.3 Represent the Parish Council at Court or any Tribunal or to arrange appropriate representation.
- 10.4 Negotiate and settle the terms of documents to give effect to a decision of the Parish Council or any of the Committees or of any Officer acting under delegated powers.
- 10.5 Be the responsible Officer for the co-ordination and operation of the legal requirements under the General Data Protection Regulations and the Freedom of Information Act.
- 10.6 Serve Requisitions for Information.

Right of Recall

- 11.0 The Clerk may call-in a decision taken by a committee and refer it to the next Full Council / extraordinary Full Council as appropriate.