

**SCHEME OF DELEGATION**  
**(INCLUDING DELEGATIONS TO THE CLERK)**

Approved by Shavington-cum-Gresty Parish Council on 2 February 2022

## **INTRODUCTION**

The Parish Council approved revisions to the Scheme of Delegation in July 2020.

Following the Coronavirus Pandemic, local councils were advised to review their schemes of delegation to provide for additional responsibilities to be delegation to the Clerk, but within legislative requirements including the Parish Council's Standing Orders and Financial Regulations.

As the regulations relating to continuation of remote meetings changes from 7 May 2021, the Parish Council will no longer be permitted to hold remote meetings. For this reason, it is suggested that this scheme be revised further to minimise the number of physical meetings to be held after 7 May 2021. The highlighted section is that which has been added to the scheme, as approved in July 2020.

### **1 General Matters**

The Clerk to the Council shall be the Proper Officer of the Council. The Clerk's duties are set out in the job description, and the Clerk is specifically authorised to undertake the following (in no particular order):

- a) Day-to-day administration of services.
- b) To call any extra-ordinary meetings of the Council, or committees, as necessary, having consulted with the Chairman of the Council or the Chairman of the appropriate Committee.
- c) Receive Declarations of Acceptance of Office.
- d) Receive and record Members' interests.
- e) Receive and grant dispensations according to the Council's Code of Conduct; details of all dispensations received and granted to be reported to the Council at the next available meeting.
- f) Sign notices and other documents on behalf of the Council.
- g) Receive copies of by-laws made by Cheshire East Borough Council.
- h) Institute and appear in any legal proceedings authorised by the Council.
- i) Prepare, in consultation with the Chairman, press releases and other promotional material about the activities or decisions of the Council.
- j) In consultation with the Chair, prepare the quarterly newsletter, liaising with the independent newsletter compiler and finalise the document prior to its printing and distribution.
- k) Manage the Allotments Site on Gresty Lane, ensuring receipt of fees in a timely manner and reporting as appropriate to Council.
- l) The management of open spaces and amenity areas which fall within the remit of the Parish Council.
- m) Liaise with the Parish Council's contractors to ensure correct and efficient supply of goods and services.
- n) Respond immediately to any correspondence requiring or requesting information or relating to previous decisions of the Council.
- o) Act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
- p) Act as the Council's designated officer for the purposes of the General Data Protection Regulation (GDPR) as enshrined in the Data Protection Act 2018.

### **2 Extent of Delegation**

The Clerk to the Council will exercise these powers in accordance with –

- The Clerk's job description as detailed in paragraph 1 above.

- Approved budgets.
- The Council's Financial Regulations, which includes the contract procedure rules.
- All adopted policies of the Council.
- All statutory and common law, and contractual requirements.

### **3 Financial Matters**

- a) In addition to the role of Proper Officer to the Council, the Clerk shall also be the Responsible Financial Officer for the Parish Council's accounting procedures, in accordance with the prevailing Accounts and Audit Regulations in force.
- b) Authorisation of routine recurring expenditure within the agreed budget in accordance with Financial Regulation No. 5.6.
- c) Incur expenditure not exceeding £2,000, in consultation with the Chairman of the Council or the Chair of the appropriate Committee in accordance with Financial Regulation 4.1, provided that there is evidence to support the expenditure; e.g. quote/estimate or invoice **and** such expenditure falls within an appropriate revenue budget.
- d) Authorise emergency expenditure up to £500, outside of the agreed budget (in accordance with Financial Regulation 4.5).
- e) Working Groups (known as 'Task Groups') can be set up as required. These must comprise no fewer than one-third of the Members on the Council, or three, whichever is the greater. These groups have no decision-making powers, but can make recommendations for expenditure, to the Clerk. Such expenditure can be approved by the Clerk, in consultation with the Chair, provided that (a) there is an identified budget line for the expenditure, and (b) there is supporting documentation (eg an invoice or quotation) to justify the expenditure.

Such expenditure will be reported to full Council at its next meeting or, in the interests of expediency, emailed to Members to ensure that they are kept apprised of spend.

### **4 The Council**

(a) The full Council can take all decisions or may appoint one or more Committees for the purpose of discharging its functions. (S.101 of the Local Government Act 1972.) The Council may also delegate some of its functions to the Clerk to the Council.

(b) The following matters are reserved to the Council for decision. Appropriate Committees may make recommendations for the Council's consideration.

- Setting the precept.
- Borrowing money.
- Approval of the Council's Annual Accounts and completion of the Annual Governance and Accountability Return (AGAR).
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
- Making of Orders under any statutory powers.
- Matters of policy.
- Nomination and appointment of representatives of the Council to any other authority, organisation or body.
- Prosecution or defence in a court of law.
- Nomination or appointment of representatives of the Council at any Inquiry on matters affecting the parish, excluding those matters specific to a Committee.

### **5 Urgent Matters**

- (a) In the event of any matter arising which requires an urgent decision, the Clerk to the Council shall consult with the Chair of the Council (or Vice-Chair in the absence of the Chairman).

Paragraphs (b) to (e) to be replaced with the following, to be revised when appropriate:

*The Clerk is authorised to act on behalf of the Council in cases of urgency or emergency. Such action to be reported to the next meeting of the Council, or in the interests of expediency, emailed to Members. The Chairman or Vice-Chairman to be consulted before such action is taken.*

This provision does not negate paragraphs (b) to (e), and if it is possible (and safe) to hold physical meetings, these can be arranged in accordance with the following paragraphs.

## **6 Committees**

The functions and powers of the standing committees are set out in the respective Terms of Reference for the Committees.

## **7 Working Groups (known as 'Task and Finish Groups')**

- (a) Task and Finish Groups can be formed by resolution of the Council or Committee at any time, or a group of Councillors who agree to discuss a specific topic.
- (b) Where a Task and Finish Group is set up, Terms of Reference can be identified by the Council or the Group itself, as a means of adopting a co-ordinated approach to the task given.
- (c) The Group should prepare notes which will form the basis of regular reports back to Council until the task is completed.
- (d) These Groups are advisory bodies with no delegated decision-making powers.

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