COLWICH PARISH COUNCIL

PD126
SCHEME OF DELEGATION

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Scheme of Delegation Policy – PD126

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SCHEME OF DELEGATION

1. INTRODUCTION

1.1 This scheme of delegation sets out how Colwich Parish Council (the Council) delegates some of its powers and duties to the Chief Officer, and other Officials, within the Council. These delegations are necessary for the effective day to day running of the Council and to prevent every decision having to come to a Council meeting for agreement. This scheme of delegation will be reviewed by Council at least annually.

1.2 The powers and duties set out in this scheme are delegated to the Chief Officer. The Chief Officer is the Council's Responsible Financial Officer, as described in the Local Government Act 1972 s151, and the Proper Officer, for any purpose in respect of which a proper officer is mentioned in any statute, and is responsible for the management of the Council.

1.3 The Chief Officer may delegate these duties and powers to other Officials within the Council who may sub-delegate where the official is competent to undertake the duties.

2. EXTENT OF DELEGATION

2.1 All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.

2.2 The Chief Officer will exercise these powers in accordance with:

- **2.2.1** The approved budget.
- **2.2.2** The Council's Standing Orders and Financial Regulations.
- **2.2.3** The Council's Policy Framework and other adopted policies of the Council.
- **2.2.4** All statutory common law and contractual requirements.

2.3 The Chief Officer may do anything pursuant to the delegated power, or duty, which it would be lawful for the Council to do including anything reasonably implied or incidental to that power or duty.

2.4 Provided that such authorisation is not prohibited by statute the Chief Officer, to whom a power, duty or function is delegated, may authorise another official to exercise that power, duty or function, subject to:

- **2.4.1** Such authorisations being in writing.
- **2.4.2** Only be given to an official below the delegating official in the organisational structure.
- **2.4.3** Only being given where there is significant administrative convenience in doing so.
- **2.4.4** The official authorised by the Chief Officer acting in the name of the Chief Officer.
- **2.4.5** Such authorisation not being prohibited by statute.

2.5 A delegation to a subordinate official shall not prevent the Chief Officer from exercising the same power or duty at the same time.

3. GENERAL MATTERS

3.1 The Chief Officer is authorised to:

3.1.1 Sign, or where appropriate, have sealed on behalf of the 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 Council.

3.1.2 Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.

3.1.3 Institute and appear in any legal proceedings authorised by the Council.

3.1.4 To appear at 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 Colwich parish).

3.1.5 Alter the date or time of a Council and/or Committee meeting but, before doing so, shall consult the Chairman of the Council, or Chairman of the Committee concerned about the need for the change and about convenient alternative dates and times.

3.1.6 Decide arrangements for the closure of the Council offices in the Christmas/New Year and Easter periods.

3.1.7 Deal with day-to-day matters relating to the use of office accommodation space.

3.1.8 Negotiate and enter into contractual arrangements for artistes and promoters in relation to events held in Colwich organised by the Council.

3.1.9 To act as the Council's designated official for the purposes of the Freedom of Information Act 2000.

3.1.10 To apply for planning consent for the carrying out of development by the Council.

3.1.11 To respond to consultations on planning applications and licensing applications subject to the comments of the Planning Committee.

3.1.12 Under the Regulation of Investigatory Powers Act 2000 to authorise directed surveillance or the use of a human intelligence source.

3.1.13 To respond to complaints made under the Council's complaints procedure and to make such ex-gratia payments in settlement of such complaints as are considered justified, subject to ratification by an appropriate Committee or Full Council.

3.1.14 To manage the Council's internal control procedures.

3.1.15 To manage the Council's Corporate Risk Management Strategy.

3.2 The Chief Officer is authorised to manage all the Council's services including:

3.2.1 Shows and events.

3.2.2 Parks.

3.2.3 Facilities Management.

3.2.4 Services agreed under contract for other authorities and bodies.

3.2.5 Websites and social media accounts relating to the council and council activities.

4 FINANCIAL MATTERS

4.1 The Chief Officer is authorised to:

4.1.1 Be the Responsible Financial Officer for the purposes of Section 151 of the Local Government Act 1972.

4.1.2 Operate the Council's banking arrangements including arranging overdrafts.

4.1.3 Vire funds between different cost codes and cost centres, as required, and to report any virements to the Finance Committee and Full Council.

4.1.4 Incur expenditure up to a maximum of £5,000 on any item provided that any action taken complies with any legislative provisions and the requirements of the Council's Financial Regulations.

4.1.5 Pay all accounts properly incurred.

4.1.6 Pay all subscriptions to organisations to which the Council belongs.

4.1.7 Make all necessary arrangements for the provision of an internal and external audit service for the Council.

4.1.8 Negotiate settlements in connection with claims made by and against the Council in consultation with the Council's insurers where appropriate.

4.1.9 Incur expenditure on revenue items within the approved budget.

4.1.10 Incur expenditure on capital schemes within the approved budget.

4.1.11 Use the approved budget for the maintenance, replacement or repair of existing plant, vehicles or equipment.

4.1.12 Enter into leasing and contract hire agreements for the acquisition of vehicles machinery and equipment on such terms as are considered appropriate. Carry out virement of sums between cost centres in accordance with the Council's Financial Regulations.

4.1.13 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.

4.1.14 Authorise action for the recovery of debts.

4.1.15 Write-off debts up to the level set by the Council in accordance with Financial Regulation 9.3 (PD021).

4.1.16 Maintain a Register of Assets and Inventory of Equipment.

4.1.17 Determine the Council's insurance requirements on the Council's behalf.

4.1.18 Make all necessary arrangements for the Council's insurances.

4.1.19 Prepare, with the Finance Officer, a draft budget for consideration by the Council.

4.1.20 Prepare, with the Finance Officer, the final accounts for each financial year.

4.2 The Chief Officer is authorised to accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:

4.2.1 The cost not exceeding the approved estimate.

4.2.2 The tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation.

4.2.3 All the requirements of the Council's Financial Regulations being complied with.

5 STAFFING MATTERS

5.1 The Chief Officer is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:

5.1.1 Appointments to posts including apprentices.

5.1.2 Employment of temporary officials.

5.1.3 Preparation of the job description and person specification, placing of the advertisement and short-listing of applicants.

5.1.4 Management of staff performance.

5.1.5 Control of discipline and performance, including the power of suspension and dismissal.

5.1.6 Exercise of disciplinary and grievance procedures in accordance with the Council's procedures.

5.1.7 Determine approved duties for the payment of travel and subsistence expenses to Officials and Members (where they represent the Council outside of the Parish Council area).

5.1.8 Approve or refuse applications for re-grading, remove any bars in salary scales and to authorise salary increments and accelerated increments.

5.1.9 Approve payment of overtime.

5.1.10 Agree minor variations to the condition of employment.

5.1.11 Implement and monitor the arrangements for annual leave, flexi time, sickness absence, maternity, paternity, adoption, parental, dependents and bereavement leave in accordance with the relevant Council policies.

5.1.12 Authorise training in line with the Council's policies.

5.1.13 Authorise the provision of uniforms or protective clothing.

5.1.14 Approve payment of claims from officials for compensation for loss of or damage to personal property.

5.1.15 Negotiate and agree settlements on behalf of the Council in relation to any proceedings in the Employment Tribunal.

5.1.16 Agree to premature retirement on the grounds of duly certified ill health

5.1.17 Terminate employment during probation and to review salary on completion of probationary periods.

5.1.18 Commission legal and professional advice on staffing matters.

6 PROPERTY MATTERS

6.1 The Chief Officer is given authority to manage the land and property of the Council including:

6.1.1 Agreeing the terms of any lease, licence, conveyance or transfer.

6.1.2 The granting or refusal of the Council's consent under the terms of any lease.
6.1.3 Variations of restrictive covenants of a routine nature.
6.1.4 The granting of easements, wayleaves and licences over Council land.
6.1.5 Initiating legal action or proceedings against unauthorised encampments or encroachments on Council land.
6.1.6 Directing the custody of Council property and documents in accordance with the provisions of Local Government Act 1972 s.226.
6.1.7 Exercising responsibility for the safe custody and maintenance of the civic regalia.

7 URGENCY

7.1 The Chief Officer is authorised to act on behalf of the Council in cases of urgency or emergency.

7.2 Any such action is to be reported to the next meeting of the Council or relevant Committee. The Chairman and the Chairmen of any relevant Committee are to be consulted where possible before such action is taken.

8 EMERGENCY PLANNING

8.1 The Chief Officer is authorised to implement the Council's Emergency Plan and to incur any necessary expenditure in accordance with the Council's Standing Orders and Financial Regulations.

8.2 Any such action is to be reported to the next meeting of the Council or relevant Committee. The Chairman and the Chairman of any relevant Committee are to be consulted where possible before such action is taken.

9 PROCEDURAL

9.1 The Chief Officer can:
9.1.1 Authorise officials to exercise statutory powers of entry and inspection for the purposes of any function under their control.
9.1.2 Serve requests for information as to ownership occupation and other interests in land for the purposes of any function under their control.
9.1.3 Appoint consultants and other professionals to carry out any function and provide any service under their control, subject to the Council's Standing Orders and Financial Regulations.

10 HEALTH AND SAFETY AT WORK ETC. ACT 1974

10.1 The Chief Officer is authorised to oversee the discharge of the Council's responsibilities under the Act.

11 LEGAL PROCEEDINGS

11.1 The Chief Officer is authorised to:

11.1.1 Take and discontinue legal proceedings in any Court or at any Tribunal.
11.1.3 Take Counsel's advice or instruct Counsel to represent the Council.
11.1.3 Represent the Council at Court or any Tribunal or to make arrangements for appropriate representation.
11.1.4 Negotiate and settle the terms of documents to give effect to a decision of the Council or any of the Committees or of any Official acting under delegated powers.
11.1.5 Apply the affixing of the Common Seal of the Council to documents in accordance with Standing Orders.
11.1.6 Be the Responsible Official for the co-ordination and operation of the legal requirements under the Data Protection Act and the Freedom of Information Act.
11.1.7 Serve Requisitions for Information.

11.2 The Chief Officer is authorised to seek injunctions and commence proceedings for the purposes of:
11.2.1 Enforcement in accordance with the Council's policies.
11.2.2 Recovering money due to the Council.
11.2.3 Recovering or otherwise preserving possession of the Council's land or property.
11.2.4 Defending the interests of the Council.
11.2.5 Appealing against a decision affecting the interests of the Council and responding to appeals against action taken by the Council.

SIGNED	*Wendy Plant*
COUNCILLOR WENDY PLANT, PARISH COUNCIL CHAIRMAN	