



Brean Parish Council

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Scheme of Delegation

1.0 Introduction

The scheme does not delegate any matter:

- i. Reserved by law
- ii. Which by law may not be delegated to a Councillor and /or Officer.

Any subsequent amendments are identified by the date and minute number of the Council resolution in brackets after the amendment.

The powers and duties set out in this scheme are delegated to the Parish Clerk.

The Parish Clerk is also the Councils Responsible Financial Officer and the Proper Officer and responsibility for the management of the organisation.

The scheme will be reviewed on a regular basis as required by the Council and when a new Parish Clerk is appointed.

The Parish Clerk will exercise these powers in accordance with:

- Approved budgets
- The council's Financial Regulations
- The adopted policies of the Council
- All statutory common law and contractual requirements

1.1 This document sets out the manner in which Brean Parish Council has delegated its powers.

1.2 The legal basis of the delegation conferred by the Document is contained in the following provisions of the Local Government Act 1972:

“s101 Arrangements for discharge of function by local authorities

(1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions:

- (a) by a Committee, a sub-committee or an officer of the authority, or
- (b) by any other local authority

(2) Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise

direct, the committee arrange for the discharge of any of those functions of a local authority and where by virtue of this section any functions of a local authority may be discharged by a sub- committee of the authority, then, unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.

(3) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, sub- committee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.

(4) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.

(5) A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority."

- 1.3 The intention of the delegation scheme is that the council should act with all reasonable speed. Decisions should be taken at the most suitable level and that officers are given power over the day to day administration of the council.

2.0 Proper Officer and Responsible Financial Officer

- 2.1 The Clerk to the Council 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.
- 2.2 The Clerk to the Council is designated and authorised to act as the Responsible Financial Officer (RFO) for the purposes of any statute requiring the designation of a Responsible Financial Officer. Local Government Act 1972 s151.
- 2.3 The Clerk to the Council, usually known as the Parish Clerk, is employed by the council under section 112 of the Local Government Act 1972 for the proper discharge of its functions.
- 2.4 The Clerk to the Council shall do the following;
- i. at least three clear days before a meeting of the council, a committee or sub-committee serve on councillors by delivery or post at their residences or by e- mail authenticated in such manner as the proper officer sees fit, a signed summons confirming the time, place and the agenda
 - ii. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub- committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
 - iii. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in the office, in accordance with 2.4(i) OR 2.4(ii) above.

- iv. Receive and retain copies of byelaws made by local authorities.
- v. Receive and retain declarations of acceptance of office from councillors.
- vi. Make available for inspection the minutes from meetings.
- vii. retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- viii. Keep proper records required before and after meetings;
- ix. process all requests made under the Freedom of Information Act 2000 and Data Protection Act 2018, in accordance with and subject to the council's procedures relating to the same.
- x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary.
- xi. manage the organisation, storage of and access to information held by the council in paper and electronic form.
- xii. arrange for legal deeds to be signed by 2 councillors and witnessed.
- xiii. record every planning application notified to the Council and the Council's response to the local planning authority.
- xiv. institute and appear in any legal proceedings authorised by the Council,
- xv. appear or make representation to any tribunal or public inquiry into any matter which the Council has an interest.
- xvi. as required, alter the date or time of a Council meeting, but before doing so, shall consult the Chairman of the Council about the need for the change and about alternative dates and times.
- xvii. prepare statements for the press where the known policy of the Council exists.
- xviii. carry out the wishes of any Council decision.
- xix. develop and maintain the councils I.T. capabilities, including the council website and social media activity.
- xx. manage the day-to-day operational management of the council.
- xxi. action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders.
- xxii. represent the council at meetings and forums.
- xxiii. Prepare, produce and publish council publications and documents

2.5 The Clerk to the Council is authorised as follows:

- i. to arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- ii. to incur expenditure up to limit set in the Financial Regulations.

- iii. to incur expenditure on behalf of the Council which is necessary to procure services, carry out any repair, 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 set in Financial Regulations. The Clerk to the Council shall report the action to the council as soon as practicable thereafter.
 - iv. to authorise for payment, staff salaries and expenses in line with council policy.
 - v. to prepare VAT reclaim on behalf of the council.
 - vi. to take proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.
 - vii. to issue invoices on behalf of the council.
 - viii. to carry out duties in line with the responsibilities of RFO.
 - ix. to carry out duties in accordance with the Financial Regulations of the parish council and the Audit and Accounting and Governance regulations.
 - x. to keep all land and property under review and take such emergency action as may be necessary for the protection of the public or the Council's property
 - xi. to order goods, works and services as per Financial regulations
- 2.6 The Clerk to the Council is authorised to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council. The Chairman of the Council or Vice-Chairman in their absence shall be informed as soon as practically possible of any action taken by the Clerk to the Council.

3.0 Planning Delegation to the Clerk

- 3.1 Where a planning application consultation is received by the council and the clerk is unable to arrange an extension with the principal authority for submission of comments made at the next due meeting of the Council, the council delegates decisions arising under development control consultations to the clerk in consultation with all Councillors.
- 3.2 Consultation may be by correspondence, including email, or in person. It may also take place at meetings of the council.
- 3.3 The clerk will arrange for relevant papers to be circulated to the councillors who should return their comments, to the clerk for determination of the council's response within the prescribed consultation period.
- 3.4 Delegated decisions will be reported to, and recorded in the minutes of, the next council meeting.
- 3.5 In respect of controversial or major development proposals, the clerk in consultation with the Chairman of the Council, may decide that an extraordinary meeting of the Council be called to consider the matter.

Adopted at the meeting of 5 December 2022.