

FIRLE PARISH COUNCIL

SCHEME OF DELEGATION

1. Introduction

1.1 Local councils can only do what legislation requires or permits them to do. With some notable exceptions, the council can delegate functions and decisions to committees, sub-committees, officers or other local authorities. The power to delegate functions is set out in the Local Government Act 1972 s.101.

1.2 Powers cannot be legally delegated to individual councillors or to working parties/groups. Working parties/groups are ordinarily established to investigate and or review a particular matter then report back to the relevant committee or council with its findings, which may include recommendations.

1.3 The following matters cannot be delegated and must be decisions of council:

- Approval of budget and setting of precept,
- Approval of the Annual Governance and Accountability Return (AGAR),
- Authorisation of borrowing,
- Writing off of bad debts,
- Consideration of an auditor's report made in the public interest (within one month of receipt)
- Adopting or changing council policies including Standing Orders, Financial Regulations, Members' Code of Conduct, and the Scheme of Delegation,
- Declaring eligibility for, and subsequently adopting, the General Power of Competence,
- Making or Orders under statutory powers,
- Appointment of standing committees,
- Appointing council representatives to outside bodies,
- All other matters which must, by law, be reserved to council.

1.4 To enable the effective function of the council between scheduled meetings, the following delegations are agreed:

To the Clerk

- To act as the Proper Officer of the Council and as Responsible Financial Officer (RFO) as provided by The Local Government Act 1972,
- To carry out lawful decisions of the council,
- To manage any facilities owned or operated by the council in accordance with the direction and/or policies of the council,
- To act as a representative of the council as required,
- To handle correspondence on behalf of the council,
- To prepare, in conjunction with the Council Chairman, agendas for meetings and publish them within statutory timescales,
- In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500 (FR 4.5).
- To reply to planning applications requiring a response before the next scheduled meeting of the council, after obtaining the views of individual members by email, unless the application is controversial or for a major development,

- To call an extraordinary meeting of the council to discuss any of the above matters where, at the Clerk's discretion, it is felt the matter should be determined by council.

1.5 A record of all delegated decisions will be retained by the Clerk and reported to council at the next scheduled meeting.