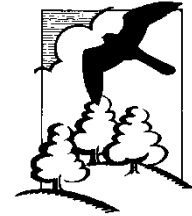


# HAWKHURST PARISH COUNCIL

## SCHEME OF DELEGATION

### ADOPTED: 19.02.2024



Section 101 of the Local Government Act 1972 provides that a Council may delegate its powers (except those incapable of delegation) to a Committee, or an officer.

This Scheme of Delegation authorises the Proper Officer (the Deputy Clerk in the Proper Officers absence) and the Responsible Financial Officer (which may be one and the same person), and any Committees of the Council to act with delegated authority in the specific circumstances detailed.

#### **1. RESPONSIBLE FINANCIAL OFFICER DUTIES AND POWERS**

- (a) The Clerk<sup>1</sup> (Deputy Clerk in the Clerks absence) to the Council shall be responsible for all the Councils accounting procedures in accordance with the Accounts and Audits Regulations in force at any given time.
- (b) The Responsible Financial Officer will have the power to release any financial related reports or documents in discharge of the Responsible Financial Officers responsibilities.
- (c) The Clerk shall ensure the approved precept request is issued to the billing authority.

#### **2. PROPER OFFICER DUTIES AND POWERS**

- (a) The Parish Clerk shall be the Proper Officer of the Council and as such is specifically authorised by the Council to:
  - (i) Receive declarations of acceptance of office;
  - (ii) be responsible for ensuring that the instructions of the Council in connection with its function as a local authority are undertaken;
  - (iii) advise the Council on, and assist in the formation of, overall policies to be followed in respect to its activities;
  - (iv) take appropriate steps to ensure the Council does not exceed its powers;
  - (v) sign and issue summonses to attend meetings of the Council;
  - (vi) receive and record notices disclosing interests at meetings;
  - (vii) keep proper records for all Council meetings;
  - (viii) receive and retain plans and documents;
  - (ix) sign notices on behalf of the Council;
  - (x) receive correspondence and documents on behalf of the Council and bring such items to the attention of the Council and to issue correspondence as a result of instructions or the known policy of the Council;
  - (xi) certify copies of by-laws made by the Council;

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<sup>1</sup> If a Locum Clerk is engaged, then the powers mentioned in this document are automatically delegated to the successful candidate.

- (xii) maintain the Councils fixed asset register;
- (xiii) make arrangements for insurance provision and manage insurance claims;
- (xiv) after conferring with the Chairman, make civic arrangements as are necessary;
- (xv) notify the returning officers of any vacancies and liaise with them regarding the conduct of elections;
- (xvi) act immediately on all health and safety or emergency issues without waiting for endorsement by the Full Council; and
- (xvii) update the Parish Council Website.

#### **4. DELEGATED DUTIES AND POWERS**

- (a) The Parish Clerk has the delegated authority to undertake the following matters on behalf of the Council:
  - (i) The day to day administration of all services;
  - (ii) manage all the Councils resources in accordance with the Council's policies;
  - (iii) day to day supervision and management of workload for all staff and contractors employed by the Council;
  - (iv) authorisation of expenditure and payment of invoices up to a total of £6000.00, within the agreed budget and subject to authorisation by two bank signatories;
  - (v) authorisation of expenditure and payments of invoices over £6000.00, within agreed budget, in consultation with two Councillors from the Finance Committee and then further authorisation by two bank signatories;
  - (vi) Expenditure up to £500.00, outside of agreed budget, in consultation with the Chairman and Committee Chairman (if required), the payment or reimbursement will then be signed off by two bank signatories;
  - (vii) consideration of planning applications in consultation with the Planning Committee Chairman; and
  - (viii) report any enforcement issues to the relevant authority.
- (b) Delegated actions of the Parish Clerk shall be in accordance with the Councils policies, Standing Orders, Financial Regulations, Risk Management Scheme and this Scheme of Delegation.
- (c) Where the Parish Clerk is contemplating any action under the delegated powers which is likely to have a significant impact in a particular area, they should also consult with the Chairman or Vice Chairman of the Council and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.
- (d) Where the Parish Clerk has a conflict of interest in any matter, they shall not participate in that matter unless approved by the Council and this is formally recorded in the minutes.

#### **5. THE COUNCIL**

- (a) The following matters are reserved for Council decision;

- (i) setting the budget and precept;
- (ii) borrowing money;
- (iii) making, amending or revoking Standing Orders, Financial Regulations, Risk Management Scheme or this Scheme of Delegation;
- (iv) making, amending, or revoking by bylaws;
- (v) making of orders under any statutory powers;
- (vi) matters of principle or policy
- (vii) election of Chairman or Vice Chairman;
- (viii) the adoption of a schedule of meetings for the ensuing year;
- (ix) nomination and appointment of representative of the Council to any other authority, organisation, or body.
- (x) annual review of direct debits and standing orders;
- (xi) approval of the year end accounts;
- (xii) any proposed new undertakings;
- (xiii) awarding donations and grants to other bodies other than those specifically named in the budget;
- (xiv) prosecution or defense in a court of law;
- (xv) nomination or appointment of representative of the Council at any inquiry on matters affecting the Parish;
- (xvi) creation of Committees and working parties and membership therein; and
- (xvii) confirming the appointment and job description of the Parish Clerk and approval of any subsequent appraisal, salary, and allowances<sup>2</sup>.

**6. COMMITTEES AND SUB-COMMITTEES**

- (a) The Committees have their powers delegated in their terms of reference.

**7. REVOCATION**

- (a) The Council may, at any time and without prejudice to executive action taken already, revoke any executive power delegated to a Committee.
- (b) Only executive power the Council has chosen to delegate to an officer can be revoked, powers delegated by legislation cannot be revoked.

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<sup>2</sup> The Personnel Committee has this responsibility delegated to them under the Local Government Act 1972 s101

