



Danbury Parish Council

Scheme of Delegation to the Parish Clerk

Introduction

Section 101 of the Local Government Act 1927 provides:

- That a Council may delegate its powers (except those incapable of delegation) to a Committee or an Officer
- A Committee may delegate its powers to an Officer
- The delegating body may exercise Powers that have been delegated

Any delegation to a Committee or the Clerk shall be exercised in compliance with the Parish Council's Standing Orders, any other policies or conditions imposed by the Parish Council and within the law.

In an emergency the Clerk is empowered to carry out any function of the Parish Council, in consultation with the Chairman or in their absence, the Vice Chairman of the Parish Council.

Where Officers are contemplating any action under delegated powers, they may also consult Members and must ensure that they obtain the appropriate legal, financial and other specialist advice before action is taken.

1. Extent of Delegation

1.1
All delegated functions shall be deemed to be exercised on behalf of and in the name of the Parish Council.

1.2
The Clerk will exercise these powers in accordance with:

- Approved budgets
- The Parish Council's Standing Orders
- The Parish Council's Financial Regulations
- The Parish Council's adopted Policies and Procedures
- All statutory common law and contractual requirements

1.3
The Clerk may do anything pursuant to the delegated power or duty which it would be lawful for the Parish Council to do including anything reasonably implied or incidental to that power or duty

1.4
Whilst retaining overall responsibility, the Clerk to the Council may delegate the duties listed to other staff members as necessary

1.5
The Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, may incur expenditure for any items below £2,000



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1.6

In addition, the Clerk is authorised to undertake the day-to-day administration of the Parish Council to include:

Emergencies:

- To take action on any issue of such urgency, that it cannot wait until the next Parish Council meeting (or meetings are temporarily suspended). If circumstances permit, the Clerk would normally be expected to consult the Chairman or in their absence, the Vice Chairman of the Parish Council
- To incur expenditure on behalf of the Parish Council which is necessary to 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 of £2,000.00 (Financial Regulation 4.5)
- 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 and the relevant committee or sub-committee. The Chairman of the Council or Chairman of the appropriate Committee shall be informed as soon as practically possible of any action taken by the Clerk to the Council

Facilities:

- To take any action regarding the maintenance of assets, subject to up a budgetary limit of £2,500.00 in the 2023/24 financial year
- To manage the Council's allotments, including to serve notices to cultivate and terminate allotment tenancies on breach of the tenancy conditions, carry out regular inspections of all allotments, maintain a waiting list and allocate allotments as they become available
- To close all or parts of facilities to allow for maintenance work or in the interests of health & safety
- 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

Staffing:

The Clerk to the Council is given delegated powers to act as line manager to all the Council staff in accordance with the Council's policies, procedures and budget, including: -

- the monitoring and management of staff performance
- the management of discipline and grievance matters leading to a verbal warning; all further disciplinary action to be referred to the relevant committee.
- the arrangement of staff training.
- the approval and authorisation of reasonable overtime as required.
- the approval and authorisation of annual leave entitlement and other absence as appropriate.



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Finances:

- To incur expenditure for routine supplies, consumables subject to a limit of £500 per order. The Clerk shall report such action to the chairman of the affected committee as soon as possible
- To authorise for payment, staff salaries and expenses in line with council policy.
- to take proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.

Planning:

- In the event that a Planning Committee meeting is inquorate, or an extension to the planning deadline has been refused, the members of the Committee will be asked to send in their comments to the Clerk, who will, in conjunction with the Chairman of the Planning Committee make the appropriate response to the Planning Authority
- Statements for Planning Appeals If urgent alterations are to be made to the document between Planning Meetings, details should be forwarded to the Clerk of the Parish Council (Assistant Clerk in her absence) as soon as possible. The Clerk in turn will pass the changed document to the Chairman/Vice Chairman of Council and Chairman/Vice Chairman of Planning. The Clerk will only need to seek confirmation from two of these Members to ratify the changes to the statement. The alterations will be reported to the next Planning Committee Meeting

Leisure Centre:

- to accept bookings and to negotiate and authorise the rents and fees for persons using the Leisure Centre, other than standard charges proscribed by the committee, including free use of facilities, where required.
- to use promotions to encourage increased usage and overall income of the Leisure Centre facilities or activities
- to close all or parts of facilities to allow for maintenance work or in the interests of health & safety
- To incur expenditure for routine supplies, consumables subject to a limit of £500 per order – this responsibility may be delegated to the Leisure Centre Manager. The Clerk shall report such action to the chairman of the committee as soon as possible
- To incur expenditure for bar stock subject to a limit of £1,500 per order. The Clerk shall report such action to the chairman of the affected committee as soon as possible
- To undertake employment of Leisure Centre Assistants within the agreed staffing hours
- To undertake employment of bank staff to provide holiday and sickness cover
- To determine whether to put new classes onto the timetable and negotiate the instructor cost, where necessary



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- To determine whether classes are to be removed from the timetable if they are consistently underperforming based on the analysis shared with the Leisure Centre Committee
- To carry out any routine building maintenance and servicing of equipment to ensure the smooth functioning of the Leisure Centre up to a cost of £750.00;
- To replace damaged or broken equipment necessary to the smooth functioning of the Leisure Centre up to a spend £750.00

3. Delegation – Limitations

3.1
All decisions taken under delegated authority will be in accordance with the Parish Council's Standing Orders and Financial Regulations and this Scheme of Delegation

3.2
All decisions will be reported to the first appropriate Parish Council or Committee meeting

3.3
The Parish Council may delegate the power to make individual decisions on individual items to the Clerk and its Committees as and when appropriate.