

# *Waltham Parish Council*

## *Scheme of Delegation*

### **GENERAL**

By this scheme Waltham Parish Council [“the Council”] delegates functions and where required by law cedes the same to committees and officers.

By this scheme of delegation the Council in pursuance of its powers under section 101 of the LGA 1972 [Local Government Act 1972] and in pursuance of its powers under section 15 of the LGA 2000 [Local Government Act 2000] to the extent of their respective powers delegate the functions referred to in this scheme to be discharged by bodies or persons and subject to the limitations hereinafter contained.

The scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties including those relating to the employment of staff incidental to that legislation.

The scheme operates under sections 101, 151 and 270 of the LGA 1972 [“Local Government Act 1972”]. Section 15 of the LGA 2000 [“Local Government Act 2000”] and all other powers enabling the Council and for the avoidance of doubt any reference to the Council shall be deemed to be a reference to the committee where the function falls to be discharged by the committee.

### **DEFINITIONS**

For the purpose of this scheme a function of the Council means any activity that the Council may lawfully perform under statute or common law.

### **OVERALL LIMITATIONS**

Any exercise of responsibility for functions or delegated powers shall comply with:

- a. Any statutory restrictions
- b. The Councils Standing Orders
- c. The Councils Policy framework and any other plans and strategies approved by the Council.
- d. The in year budget.
- e. The Councillors Code of Conduct and the Code of Conduct for Staff.
- f. The Code of Practice on local Authority Publicity.
- g. Agreed arrangements for recording decisions.
- h. Financial Regulations.

The responsibility for functions and delegations set out in this scheme are subject to:

- a. The automatic rights of a committee to consider a proposal within the policy framework.
- b. The optional powers of a committee to call in or review functions.
- c. A requirement on the committee to consult the Council on any proposed changes to this scheme and/or Council Policy.

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The scheme does not delegate any matter:

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

**DELEGATION OF POWERS**

Decisions cannot be delegated to individual Councillors.

A Court can set aside any decisions made by a body or person not having the power to make them.

The Council may determine that a committee may exercise some of its powers

The composition and terms of reference of such committees shall be that determined by the Council.

The Council shall determine the reporting requirements in respect of these committees.

Committees may not delegate executive powers to sub-committees unless expressly authorised by the Council.

**CAUTION OVER THE USE OF DELEGATED POWERS**

Powers are delegated to committees on the understanding that they would not exercise delegated powers in a matter that in their judgement was likely to be a cause for public concern.

**POWERS DELEGATED TO:**

Parish Clerk

- a. To manage premises and facilities owned or operated by the Council in accordance with the directions or policies of the Council.
- b. To act as a representative of the Council as required.
- c. To monitor the implemented policies of the Council to ensure they are achieving the desired results and where appropriate suggest modifications.
- d. Handling of Council's correspondence.
- e. Purchase basic office supplies up to the value of £150.00
- f. Proper Officer for all Proper Office functions.
- g. Proposing a budget to the Parish Council for the forthcoming year.
- h. Monitoring financial progress of the Parish Council's expenditure and payments made on behalf of the Parish Council, subject to submitting position statements to all ordinary Parish Council meetings.
- i. Acting as line manager of all employees of the Parish Council.
- j. Make arrangements to pay salaries to all employees of the Council.
- k. Shall arrange and call meetings of the Council in consultation with the Chairman and / or Vice-Chairman.
- l. Shall carry out and implement any Council decision.
- m. May take urgent decisions on behalf of the Council in consultation with the Chairman and /or Vice-Chairman.
- n. To be responsible as an officer and employee under the Health & Safety at Work Act for his/her safety at work and to take reasonable care for his/her health and safety and that of other persons who may be affected by his/her acts or omissions at work.
- o. Where a statute, regulation or Standing Order confers functions or duties on the proper Officer of the Parish Council in the following cases:
  1. To receive declaration of acceptance of office.
  2. To receive and record notices disclosing interests at meetings.
  3. To receive plans and documents
  4. To sign notices or other documents on behalf of the Parish Council.

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5. To receive copies of bylaws made by the Parish Council
6. To certify copies of bylaws made by the Parish Council.
7. To sign and issue the summons to attend meetings of the Parish Council.
8. To keep proper records of all Parish Council meetings.

### Burial Board Clerk

- a. Handling of Burial Board correspondence.
- b. Purchase basic office supplies/signage up to the value of £50.00
- c. To be responsible as an officer and employee under the Health & Safety at Work Act for his/her safety at work and to take reasonable care for his/her health and safety and that of other persons who may be affected by his/her acts or omissions at work.
- d. To be responsible for the financial accounts of the Burial Board to:
  1. The RFO.
  2. The Burial Board Committee.
- e. Shall carry out and implement any Burial Board Committee decision.
- f. May take urgent decisions on behalf of the Council in consultation with the Chairman of the Burial Board.
- g. Shall submit Accounts for Approval and details of monies received.

### Burial Board Committee

- a. To manage a budget of £1,000.00 per annum
- b. To comply with the Financial Regulations as set down by Waltham Parish Council.
- c. A quorum of Committee is required in full agreement to instruct any spending of any monies relating to the Burial ground.
- d. Monies can only be spent in relation to Waltham Parish Cemetery.

### Web Master

- a. To update pages.
- b. To add/delete information as required by the Council.
- c. To renew Domain name when required.
- d. To take responsibility for the running and accuracy of information on the web site.