

DITTISHAM PARISH COUNCIL
Incorporating the Hamlet of Capton and the Manors of Bozomzeal and Coombe

Dittisham Parish Council

Scheme of Delegation

1. Introduction.

This document sets out how Dittisham Parish Council delegates certain powers and responsibilities. The power to delegate functions is set out in the Local Government Act 1972 s101. The intention of a delegation scheme is to allow the Council to act with reasonable speed. Decisions should be taken at the most suitable level. Therefore, the Clerk is delegated powers over the day to day administration of the Council. Local Government Act 1972 s101. (1) states

'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. The Clerk and Responsible Financial Officer

- 2.1.** The Clerk to the Parish Council shall as The Clerk ensure the proper discharge of its day to day functions.
- 2.2.** The Clerk shall be the Responsible Financial Officer (RFO) to the Council and shall be responsible for the Council's accounting procedures, in accordance with the Audit Regulations in force at any given time.
- 2.3.** The Clerk shall be the Proper Officer of the Council and carry out the functions as provided by the Local Government Act 1972. The Clerk is specifically authorised to:
 - Receive declarations of acceptance of office;
 - Receive and record members' interest;
 - Receive and grant dispensations according to the Council's Code of Conduct; details of all dispensations received and granted to be reported to the Council at the next available meeting;
 - Receive and retain plans and documents;
 - Sign notices or other documents on behalf of the Council;
 - Sign summons to attend meetings of the Council;

3. As well as the functions set out above and in the Clerk's job description, the Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- 3.1.** Acting on matters relating to Health and Safety.
- 3.2.** To spend up to £250 for additional audit work as required by the External Auditor (in excess of this sum the Clerk/RFO shall act after consultation with the Chairman or Vice-Chairman of the Council).
- 3.3.** To sign on behalf of the Council any document necessary to enable Council decisions to be enforced.
- 3.4.** To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.

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- 3.5. To act as the Council's designated officer for the determining of the purposes and the means of the processing of personal data under the General Data Protection Regulations (GDPR) and to be the Council's appointed Data Protection Officer.
- 3.6. Authority to respond immediately to any correspondence requiring or requesting information or relating to previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council.

4. Trees

The Clerk has been delegated authority to respond to applications for works to trees in consultation with the Tree Officers. Both Officers are to be consulted if reasonably practical. (MN 66/12.2). This delegation exists because of the timeline for these consultations can require a response between meetings.

5. ~~COVID-19 Delegations~~Business Continuity

- 5.1. ~~The legal framework for Parish Councils to hold virtual meetings laid out in the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ended on 6 May 2021.~~
- 5.2. The Clerk is delegated authority to ~~implement the decisions made by a virtual meeting of the Parish Council.~~ make decisions in consultation with the Council in public remote meetings. The Clerk is not permitted to make a decision which is in opposition to the view of the majority of the Council as determined by a vote in the public remote meeting. This process is intended to make decision making transparent and accountable.
- 5.3. The Clerk is required to minute and publicise the minutes of meetings referred to in 5.2. There is a legal requirement to document in a public record delegated decisions (date, decision, reasons, and alternative options) if the decision would otherwise have been made by the council or its committee or subcommittee^{1,2,3}. There is an area on the website for posting the record of delegated decisions.
- 5.4. ~~This delegation is intended to allow the current practice of virtual meetings to continue. The Clerk will be making the decisions in consultation with the Council at the remote meetings. This process is designed to make decision making transparent and accountable.~~
- 5.5. This delegation includes the authority to respond to planning applications considered by the meetings referred to in 5.2.
- 5.6. It is noted that the Local Government Act 1972 specifies powers which cannot be delegated such as determining a precept demand and approval of the Annual Governance and Accountability Return
- 5.7. Review – The se delegations will be reviewed by the ~~June~~May 2022~~3~~ meeting of DPC.

END

Adopted by a meeting of Dittisham Parish Council on Wednesday 2 March 2021, MN54/21.

Updated by a meeting of DPC on 2 March 2022, 4 May 2022.

¹ April 2018, Legal Topic Note1, Councils' Powers to Discharge their Functions, National Association of Local Councils

² Local Audit & Accountability Act 2014, s40(3)

³ The Openness of Local Government Bodies Regulations 2014.