

SCHEME OF DELEGATION **DELEGATIONS TO CLERK**

INTRODUCTION

Following the Coronavirus Pandemic, local councils were advised to review their schemes of delegation to provide for additional responsibilities to be delegated to the Clerk, but within legislative requirements including the Parish Council's Standing Orders and Financial Regulations.

As the regulations relating to continuation of remote meetings changes from 7 May 2021, the Parish Council will no longer be permitted to hold remote meetings. For this reason, it is suggested that this scheme be revised further to minimise the number of physical meetings to be held after 7 May 2021.

The Parish Council will be able to review this scheme as and when appropriate, with a view to either truncating or extending the delegations to the Clerk.

This document updates the current Delegations to the Clerk.

1 General Matters

The Clerk to the Council shall be the Proper Officer of the Council. The Clerk's duties are set out in her job description, and she is specifically authorised to undertake the following (in no particular order):

- a) Day-to-day administration of services.
- b) To call any extra-ordinary meetings of the Council, or committees, as necessary, having consulted with the Chairman of the Council or the Chairman of the appropriate Committee.
- c) Receive Declarations of Acceptance of Office.
- d) Receive and record Members' interests.
- e) 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.
- f) Sign notices and other documents on behalf of the Council.
- g) Receive copies of by-laws made by Cheshire East Borough Council.
- h) Institute and appear in any legal proceedings authorised by the Council.
- i) Prepare, in consultation with the Chairman, press releases and other promotional material about the activities or decisions of the Council.
- j) Liaise with the Parish Council's contractors to ensure correct and efficient supply of goods and services.
- k) Respond immediately to any correspondence requiring or requesting information or relating to previous decisions of the Council.
- l) Act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
- m) Act as the Council's designated officer for the purposes of the General Data Protection Regulation (GDPR) as enshrined in the Data Protection Act 2018.

2 Extent of Delegation

2.1 The Clerk to the Council will exercise these powers in accordance with –

- The Clerk's job description as detailed in paragraph 1 above.
- Approved budgets.
- The Council's Financial Regulations, which include the contract procedure rules.
- This scheme of delegation.
- All adopted policies of the Council.
- All statutory and common law, and contractual requirements.

2.2 In addition to the role of Proper Officer to the Council, the Clerk shall also be the Responsible Financial Officer for the Parish Council's accounting procedures, in accordance with the prevailing Accounts and Audit Regulations in force.

2.3 A report of all delegated actions taken by the Clerk shall be reported to the next available Parish Council meeting, or, in the interests of expediency, notified to Members by email.

3 Financial Matters

The following are specific requirements, set out for clarity, but are covered in paragraph 2.1 above.

- a) Authorisation of routine recurring expenditure within the agreed budget in accordance with Financial Regulation No. 5.6.
- b) Incur expenditure not exceeding £1,000, in consultation with the Chairman of the Council provided there is evidence to support the expenditure, e.g. quote/estimate or invoice and such expenditure falls within an appropriate budget head.

4 Urgent Matters

4.1 In the event of any matter arising which requires an urgent decision, the Clerk to the Council shall consult with the Chairman of the Council (or Vice-Chairman in the absence of the Chairman) and take appropriate action.

4.2 If the matter under consideration is deemed to be of sufficient import, a special meeting of the Council or the appropriate Committee can be called.

In these circumstances, the appropriate Committee would have the delegated authority to act on behalf of the Council in respect of the particular matter under consideration.

4.3 Before exercising the delegated power, the Chairman of that Committee shall consider if the matter justifies the holding of a Special Meeting of the Council (rather than the Committee), and if so, to make that recommendation to the Chairman of the Council.

4.4 When any action is taken in this way, full details of the circumstances justifying the urgency, and of the action taken, shall be submitted in writing to the next available meeting of the Parish Council.

5 Working Groups (Task and Finish Groups)

The regulations prevent Parish Council meetings being held remotely but it does not prevent Working Groups meeting remotely. These are groups which would comprise a small number of councillors, undertaking work to inform future decisions.

These groups would be able to meet via Zoom or discuss matters via email. They will have no decision-making powers but can undertake research and then make recommendations to a Parish Council meeting.

It would be appropriate for the Parish Council itself to set up such groups, but if a group of Members considers there are topics worth exploring, this should be shared with all councillors prior to undertaking any work.

