

# MARKYATE PARISH COUNCIL

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Clerk to the Council: Mrs V Tilley

## SCHEME OF DELEGATION

The Councils Scheme of Delegation authorises the Clerk to the Council/Responsible Finance Officer and Standing Committees to act with delegated authority in the specific circumstances detailed.

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.
- A Committee may delegate its powers to an officer.
- The delegating body may exercise Powers that have been delegated.

## COUNCIL RESERVED POWERS

The following matters are only to be resolved by the full Council:

- Appointment of the Parish Clerk/Responsible Financial Officer and other council officers following a recommendation from the Staffing Committee
- To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation, and other Council policies.
- To approve and adopt the Policy Framework.
- To approve and adopt the Budget.
- To agree and/or amend the terms of reference for Committees.
- To adopt the schedule of meetings for the ensuing year.
- To determine matters involving expenditure for which budget provision is not made or is exceeded.
- To set the Precept.
- To make byelaws.
- To borrow money.
- To annually approve the statutory annual return
- To approve eligibility for the General Power of Competence

## Proper Officer and Responsible Finance Officer

- To take action on any issue of such urgency, that it cannot wait until the next normal Council meeting. If circumstances permit, the Clerk would normally be expected to consult the Chairman or Vice Chairman if the Chairman is unavailable and take his/her view into account.

# MARKYATE PARISH COUNCIL

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- To incur expenditure on behalf of the 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 set in the Financial Regulations.
- To take any action regarding minor repairs (up to a cost of £499.99) and to report minor matters to the relevant authority.
- In an emergency the Proper Officer is empowered to carry out any function of the Council.
- The Parish Clerk is designated and authorised to act as the Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a proper officer.
- The Clerk will have the authority to dispose of the Council's assets (excluding land and building assets) subject to the estimated value of any one tangible; moveable item does not exceed £500. The Clerk is responsible for ensuring any disposal details including the disposal values are recorded in the assets register.
- Power to authorise relevant training courses provided the expense can be met from approved budgets having considered the training needs of the employees.
- The Clerk is the manager for all staff employed by the Council and is given delegated powers to manage the council staff in accordance with the Council's policies, procedures, and budget.
- The authority to sanction and authorise payment of overtime so long as the costs can be contained within the parameters of the approved budget. The Clerk shall have the authority to engage casual workers subject to budget and the Clerk shall consult with the Staffing Committee members when such work is to be sanctioned.
- Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council.
- Power to release press statements on any activities of the Council subject to prior consultation with the Chairman.
- Power to act on own initiative to implement the Council's policies and objectives.
- Power to take appropriate steps to ensure the Council does not exceed its powers.
- Power to manage all the Council's facilities and resources in accordance with the Council's policies.
- The Proper Officer shall have authority to issue written authorisation to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties.

# MARKYATE PARISH COUNCIL

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- As Proper Officer/Responsible Financial Officer, the Clerk may incur expenditure on revenue items on behalf of the Council up to the amounts included in the approved budget.
- The Parish Clerk, in consultation with Councillors, to make comment on planning applications submitted to Markyate Parish Council by Dacorum Borough Council within the statutory 21-day consultation period if the deadline is before the next Council meeting.
- The Responsible Financial Officer will have the power to release any financial related report or document to the Council in discharge of the Responsible Financial Officer responsibilities.

## Committees

Markyate Parish Council has the following standing committees:

- Budget & Finance
- Staffing
- Cemetery
- Halls

These committees will act in accordance with the relevant Terms of Reference for that committee and in line with the adopted Standing Orders and Financial Regulations at all times when making decisions on behalf of Markyate Parish Council.

## Delegation – Limitations

All decisions taken under delegated authority will be in accordance with the Councils Standing Orders and Financial regulations and this Scheme of Delegation, and where applicable any other rules/regulations and legislation. All decisions will be reported to the first appropriate Council meeting.

The Council may delegate the power to make individual decisions on individual items to the Proper Office/Responsible Finance Officer and its Committees as and when appropriate.

The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a committee or Officer.