



YEOVIL WITHOUT PARISH COUNCIL ('the Council')

SCHEME OF DELEGATIONS

This Scheme of Delegations authorises the Proper Officer and Responsible Financial Officer ('the Parish Clerk') and committees of the Council to act with delegated authority in the specific circumstances detailed. It will be reviewed annually at the Council's Annual General Meeting.

1. Proper Officer and Responsible Financial Officer - Duties and Powers

1.1. Responsible Financial Officer

The Parish Clerk shall be the Responsible Financial Officer to the Council and shall be responsible for the Council's accounting procedures in accordance with the *Accounts and Audit Regulations* and Financial Regulations in force at any given time.

1.2. Proper Officer

1.2.1 The Parish Clerk is designated and authorised to act as 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.

1.2.2 The Parish Clerk is specifically authorised (via legislation) to:

- Receive declarations of acceptance of office
- Receive and record notices from Councillors disclosing interests
- Receive and retain plans and other documents
- Sign notices, licences and other documents on behalf of the Council
- Receive copies of by-laws made by the principal council
- Certify copies of by-laws made by the Council
- Sign and issue summonses to attend meetings of the Council
- Give public notice of the time, place and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them)

- Convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in that office
- To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000 and Data Protection Act 2018

1.2.3 In addition, the Parish Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- Notwithstanding any delegations to committees, to manage the day-to-day operation of the Council's services, buildings, land and all other assets for which the Council has responsibility, in line with the budgets, policies approved by Members and legislation.
- Authorisation 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 or its Committees.
- Authorisation of routine/recurring expenditure within the agreed budget
- Emergency expenditure up to £1,000 outside of the agreed budget
- Expenditure of Council funds up to £2,500 in consultation with 2 members of the scrutiny panel for any item within the agreed budget

1.2.4 To make any such applications for grant funding, on behalf of the Council, as might, from time to time, become available from the National Lottery, Somerset County Council, South Somerset District Council and any other grant funding bodies that may assist the Council in maintaining its assets and delivering its services and special projects. Any such application will be reported back to the Council or, where relevant, committee as soon as practicable thereafter.

1.2.5 Delegated actions of the Parish Clerk shall be in accordance with Standing Orders, Financial Regulations, this Scheme of Delegation and with directions given by the Council from time to time.

2. Absence of the Parish Clerk

In the absence of the Parish Clerk, temporary officers shall be authorised to deputise and undertake any of the functions of the Parish Clerk's post.

3. Urgent Matters

Subject to consultation with two of the following: Chair of the Council, Vice Chair of the Council or the relevant committee Chair or Vice Chair, the Parish Clerk is authorised to act on behalf of the Council on any matter where, in their view, urgent action is needed to protect the interests of the Council. Such action will be reported back to the Council or relevant committee as soon as practicable thereafter.

4. Council

The following matters are reserved to the Council for decision (notwithstanding that the appropriate committee(s) may make recommendations thereon for the Council's consideration):

- 4.1 Appointing the Chair
- 4.2 All matters affecting the appointment, promotion, discipline, salary and conditions of service of the Parish Clerk/ RFO following consideration of a recommendation from the Personnel Committee
- 4.3 Determination and setting of the precept
- 4.4 Borrowing money
- 4.5 Approving the end of year accounts and annual return
- 4.6 Appointment of an internal auditor
- 4.7 Co-option of councillors to the Council
- 4.8 Appointing committees, sub-committees and working parties/forums
- 4.9 Filling of councillor vacancies on any committee/working party/forum
- 4.10 Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegations
- 4.11 Making, amending or revoking by-laws
- 4.12 Making of orders under any statutory powers
- 4.13 Matters of principle or policy
- 4.14 Agreeing the dates of meetings of the Council,
- 4.15 Receiving and noting of all minutes approved by the Council, its committees and sub-committees
- 4.16 Incurring capital or revenue expenditure which is over and above the Council's approved budget and any virements required
- 4.17 Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings)
- 4.18 Prosecution or defence in a court of law
- 4.19 Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee
- 4.20 Approval of application for Local Council Award scheme status or its equivalent
- 4.21 Confirming eligibility to exercise the General Power of Competence

5. Chair of the Council, Vice Chair of the Council & Chair of Staffing Committee

For expedience of decision making not all decisions will come to Council outside of specific delegation solely to the Clerk. Delegation is given to the Clerk in conjunction with any two of the following members; the Chair of the Council, Vice Chair of the Council & Chair of Staffing Committee to agree the following:

- 5.1 Holiday requests
- 5.2 Time in lieu request
- 5.3 Responses to legal matters relating to the Allotments

6. Committees – Terms of Reference

The Terms of Reference for each of the Council's committees shall be appended to this scheme of delegation and reviewed annually in their entirety.

7. Working Groups – Terms of Reference

Working groups may be formed by resolution of the Council at any time. The remit of such a Working Group will be decided upon at the time it is formed by means of a minute detailing the Terms of Reference. The Terms of Reference for each of the Council's working groups shall be appended to this scheme of delegations and reviewed annually in their entirety.

8. Delegation - Limitations

Committees and sub-committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations, this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, by-laws or orders made and with any directions given by the Council from time to time.

9. Specific Delegations

To enable the Council to fulfil its responsibilities during periods of restricted activity due to the Covid-19 pandemic, or for any other reason, the Clerk, in consultation with two of either the Chair, Deputy Chair or Chair of Staffing Committee, is delegated to make decisions on behalf of the Council where such decision cannot, in the Parish Clerk's view, be reasonably deferred to a meeting of the Council or one of its constituent committees. All councillors will be kept informed of any decisions made, which will be formally ratified at the first properly convened meeting of the Council thereafter.

Furthermore, the Parish Clerk, after consultation with members of the Planning Committee, is delegated to submit comments for planning applications to South Somerset District Council on any applications received where the deadline for a response is before the application may be considered by said committee.

Adopted -

Review – May 2023