Mary Tavy Parish Council



Scheme of Delegation

Principles of Delegation

This Scheme of Delegation authorises Standing Committees and Sub-Committees of the Council, the Parish Clerk / Proper Officer, the Responsible Financial Officer to act with delegated authority in the specific circumstances detailed. The scheme should be read in conjunction with the Council's Standing Orders, Financial Regulations, and other relevant documents.

Section 101 of the Local Government Act 1972 sets out that Local councils may delegate functions:

i. That a Council may delegate its powers (except those incapable of delegation) to a committee; or an officer.
ii. A Committee may delegate its powers to an officer.
iii. The delegating body may exercise Powers that have been delegated.

Arrangements for discharge of function by local authorities:

> *(1) 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) Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee of the authority, then unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.*
>
> *(3) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, sub-committee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.*
>
> *(4) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.*
>
> *(5) A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority.*

It should be noted that some functions or items of business cannot be delegated and therefore are reserved to Full Council, or if appropriate the committee of the council can make recommendations for consideration. Exceptions include:

- The setting of the budget and precept, and approval of the Annual Governance Accountability Return cannot be delegated to an officer or committee and must be resolved by Full Council.

- Consideration of an Auditor's Report made in the public interest.
- The creation, amending or revoking of Standing Orders, Financial Regulations and this Scheme of Delegation.
- Adoption or revision of a Code of Conduct
- If applicable, confirmation (by resolution) that the council has satisfied the statutory criteria to exercise the General Power of Competence

Responsible Financial Officer

- Currently the Finance Officer is 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 in force at any given time. The Responsible Financial Officer may obtain advice and guidance from external professionals (which may bear a cost) to ensure this is achieved effectively.

Delegation to Officers

The Parish Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

i. To receive declarations of acceptance of office
ii. To receive and publish Member's declarations of interest, and pass the originals to the Monitoring Officer of the relevant Local Authority
iii. To receive and record notices disclosing personal and prejudicial interests (DPI), dispensations and report details of dispensations received, and the decision on them to the next council meeting
iv. To receive and retain plans and documents in accordance with the document retention policy and the law
v. To sign notices or other documents on behalf of the Council
vi. To sign summonses to attend meetings of the Council
vii. To convene a meeting of the Council if a casual vacancy occurs in the office of the Chair
viii. To seal documents, deeds, contracts and agreements following a resolution to do so from Council or one of its committees
ix. To keep proper records for all meetings
x. To receive from the Monitoring Officer any documents in relation to Complaints received under the Members' Code of Conduct

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

i. Day to day administration of services, together with routine inspection, control, and compliance
ii. Authorisation to call any extra ordinary meetings of the Council or any Committee as necessary
iii. 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 one of its Committees
iv. Calling extra meetings of the Council, or any committee, or sub-committee, as necessary, having consulted with the appropriate Chair; except those meetings called in accordance with Standing Orders by the Council Chair or Members;
v. Issuing press releases and statements to the press or on social media on the Council's known policies, subject to the provisions of the Council's Communication & Engagement Policy;

vi. Originating, updating, and managing the content on the Council's website;
vii. Making arrangements for the maintenance of the office IT system;
viii. Responding to requests for information under the Freedom of Information Act 2000 and the Data Protection Act 1998 (or similar Acts and Regulations);
ix. Acknowledging and handling all complaints regarding the Council (except where the complaint relates to the Parish Clerk & Responsible Financial Officer);
x. to pay the cost of holding an election or by-election, including the cost of polling cards, for the post(s) of Councillor as determined by and charged for by the Electoral Officer of the relevant District or Unitary Authority.
xi. Making arrangements for the routine maintenance of the Council's Offices and property; Purchasing basic office equipment and supplies;
xii. Authorising routine recurring expenditure up to £500 within the agreed budget;
xiii. Authorising payment for items below £2,000 in consultation with the Chair of Full Council where delay to the next Full Council meeting would be detrimental to the Council or the payee.

Council

The following are reserved matters for the Council to decide, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration.

i. Appointment of the Clerk/RFO following a recommendation from the staffing committee
ii. Setting the Precept
iii. Borrowing money
iv. Appointment to a Committee
v. Approval of the Council's Annual Accounts and the Annual Return
vi. Making, amending or revoking Standing Orders, Financial Regulations, Terms of Reference or this Scheme of Delegation
vii. Making, amending or revoking bylaws
viii. Making of orders under any statutory powers
ix. Matters of principle or policy
x. Approval of the Calendar of Meetings
xi. Appointment or nomination by the Council of persons to fill vacancies on outside bodies arising during the Council year
xii. Filling of vacancies occurring on any Committee of the Council during the Council year
xiii. Agreement to take on new, including devolved services
xiv. Prosecution or defence in a court of law

Standing Committees

Subject to the foregoing, and to observance of decisions of the Council on matters of principle or policy, all the Council's powers and duties shall be delegated to the Standing Committees in accordance with the terms of reference unless otherwise specified. The acts and proceedings of a Committee shall:

(a) where they are delegated to the Committee, so far as is legally permissible be deemed the acts and proceedings of the Council;

(b) as regards other matters, be subject to confirmation by the Council, and when confirmed shall be deemed the acts and proceedings of the Council;

(c) in all respects be subject to the provisions of the Council's Standing Orders and Financial Regulations except as otherwise determined by the Council.

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

Working Groups/Parties

Working Groups/Parties may be formed by resolution of the Council or a Committee at any time. The work of such a Working Group/Party will be decided upon at the time it is formed by means of a Minute detailing the Terms of Reference. Each Working Group/Party will report back with recommendations to the Council or the Committee that formed it. The Working Group will be disbanded by resolution of Council or the parent Committee to which it reports once it has completed its agreed objectives. At all times the Working Group will adhere to the Council's protocol on Working Groups.

Urgent matters

In the event of any matter arising which requires an urgent decision, the Clerk will consult with the Chair of the respective committee before acting on behalf of the Council in respect of the particular matter then under consideration.

This anti-fraud and corruption policy was adopted by Mary Tavy Parish Council during the full council Meeting held on 13th October 2026.

Next review due: October 2027