

# Markfield Parish Council

## Scheme of Delegations 2022

Adopted by the Parish Council at its meeting held on 10 May 2022

### 1. DISCHARGE OF THE SCHEME

- 1.1 This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders and will be reviewed every two years and when there are staffing changes.
- 1.2 Those with delegated responsibility are referred to by job title, Parish Clerk.
- 1.3 One of the purposes of the document is to clearly define the parameters within which Officers of the Council are able to act without reference to Councillors. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.
- 1.4 Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

### 2. PRINCIPLES OF DELEGATION

- 2.1 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.
- 2.2 Any delegation to a Committee or the Proper Officer shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and with the law.
- 2.3 In an emergency the Proper Officer is empowered to carry out any function of the Council.
- 2.4 Where the Parish Clerk is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chairman of the Council and must ensure that they obtain appropriate legal, financial, and other specialist advice before action is taken.

### 3. Authority to Act

3.1. It will be appropriate for the Parish Clerk to refer a matter to the Council where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for councillors to determine; or could, by its scale or complexity expose the Council to major corporate risk.

3.2 The Parish Clerk has the responsibility to act within the Councils approved policies, procedures and framework and within the law in conjunction with this delegated scheme.

### 4 CONFLICTS OF INTEREST

4.1 Under the Local Government Act 1972, section 117 the Parish Clerk must make a formal declaration about council contracts where they have a financial interest.

4.2 Where the Parish Clerk has a conflict of interest in any matter, he/she shall not participate in that matter unless approved by the Council and this is formally recorded in the Council minutes.

### 5 COUNCIL RESERVED POWERS

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

- Appointment of the Parish Clerk/Responsible Financial Officer
- To adopt and change the Standing Orders, and this Scheme of Delegation • 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 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

### 6 DELEGATION TO COMMITTEES - SAFEGUARDS

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

### 7 DELEGATION TO PARISH CLERK

#### (a) Parish Clerk

1. 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.

2. In the case of an emergency, the Clerk shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Chairman (if practicable in the circumstances).
3. 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.
4. Power to authorise relevant training courses provided the expense can be met from approved budgets having taken into account the training needs of the employees.
5. 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
6. 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 Chairman when such work is to be sanctioned.
7. Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council
8. As Proper Officer, to sign all documents on behalf of the Council including the Summons to Elected Members to attend Council Meetings in accordance with paragraph 4 and Schedule 12 of the Local Government Act, 1972
9. To sign and publish the annual public notice that the Audit of Accounts is to take place and has taken place.
10. To receive members' acceptance of declarations of interest and their appointment as a Councillor.
11. Power to release press statements on any activities of the Council subject to prior consultation with the Chairman
12. Power to act on own initiative to implement the Council's policies and objectives.
13. Power to take appropriate steps to ensure the Council does not exceed its powers.

14. Power to manage all the Council's facilities and resources in accordance with the Council's policies.
15. In liaison and after conferring with the Chairman, to make such Civic arrangements as are necessary.
16. 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.
17. The Proper Officer shall be responsible for signing all the Council's Official Notices as set out in the Standing Orders
18. 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.
19. The Parish Clerk, in consultation with Councillors, to make comment on planning applications within the statutory 21 day consultation period if the deadline is before the next Planning and Highways Committee meeting.
20. The Clerk shall have use of the Council's corporate debit card for expenditure where payment is required on the placing of an order. Such usage to form part of the monthly financial report to Council.

(b) Responsible Financial Officer

1. The Responsible Financial Officer will be responsible for all financial records of the Council and the careful administration of its finances and accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time and with the policies and procedures set by the Council and within the law
2. 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
3. The Responsible Financial Officer will make the relevant payments for expenditure, including bacs, once such expenditure has been approved or in the case of Direct Debits and Standing Orders where such expenditure has been reported.
4. The Responsible Financial Officer shall ensure the approved precept request is issued to the billing authority



TELEPHONE: 01530  
245933 MOBILE:  
07989 169044

Website: [www.markfieldpc.org.uk](http://www.markfieldpc.org.uk)  
E-MAIL: [admin@markfieldpc.org.uk](mailto:admin@markfieldpc.org.uk)

## POLICY AND RESOURCES COMMITTEE TERMS OF REFERENCE AND DELEGATIONS

The committee is established to manage, maintain and improve the performance of the statutory powers and functions and related work of the parish council.

The Committee will consist of 5 Members and the quorum shall be not less than 3.

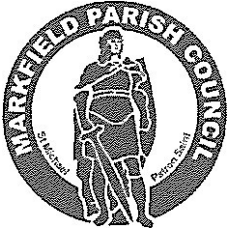
### Objectives

- To keep under review the statutory functions and powers and other legal responsibilities of the council on the council's behalf.
- To advise the Parish Council, following research or investigation, on changes required to its procedures and functions in light of new legislation coming forth.
- To ensure adequate financial controls are in place to utilize and protect the Council's finances and assets.
- To monitor and effect compliance with laid down internal and external audit and other financial procedures, regulations and statutes.
- To ensure appropriate measures are in place to facilitate compliance with the Freedom of Information Act 2000 and GDPR
- To oversee the Council's corporate financial risk assessments and recommend changes where necessary including adequate insurance provision.
- To monitor and review all matters relating to the Council staff, emoluments and conditions of service
- To monitor the Council's Policies and Procedures including the Council's Standing Orders and Financial Regulations
- Oversee the Council's external communications including the Council's website, social media, press and other forms of media.
- To oversee the Council's Asset Register

The Committee shall have authority and consent to:

- implement the Committee's aims and objectives.

- To draft, implement, review, monitor and revise policies for the Parish Council in light of new legislation coming forth.
- To review and amend the Council's Financial Regulations annually and to ensure that the Council is observing the regulations.
- To prepare budgets and recommend precepts and submit them to full Council for approval.
- To consider all complaints referred to the Committee, as submitted against the council's action or lack of action or about the standard of a service, whether the action was taken, or the service was provided by the council itself or a person or body acting on behalf of the council.
- To put forward to the Parish Council, proposals for any improvements, developments or any capital expenditure
- To lead on and approve tenders for all aspects of the Parish and its functions in accordance with the Parish Council's financial regulations.
- To approve monthly expenditure.
- To monitor, review, recommend on and consider all matters relating to the Council's staff, emoluments and conditions of service.
- Decision making powers in respect of its budget without referral to full Council, but where a resolution is made to refer to Council then the decision of Council will stand.
- instruct the Clerk to carry out the decisions of the Committee, prior to the minutes and with decisions of the Committee meetings being reported at Full Council.



## PLANNING AND HIGHWAYS COMMITTEE TERMS OF REFERENCE AND DELEGATIONS

The Planning and Highways Committee attends to all planning and highway issues. These matters are similarly attended to by the Full Council when major applications are to be considered and when the Parish Council's responses are required before the next meeting of the Planning and Highways Committee.

The Committee shall consist of 5 Members and the Quorum shall be not less than 3.

### Objectives:

- To seek high standards of design and construction in planning applications for Markfield.
- To ensure sustainable development with a balanced infrastructure which meets the visions and needs of the present generation without prejudicing the needs of future generations.
- To retain a balance between commercial/employment development and residential development.
- To inform local residents about all planning applications, in particular in relation to major planning proposals and Development Plans, etc.
- To retain the distinctive character of the Conservation Area paying particular attention to Listed Buildings and archaeological issues.
- To work with others to monitor developments and their effects on the flood plain, to minimise impact from traffic and to fight pollution.
- To work with others to ensure that the existing green landscaping including trees with Tree Preservation Orders, is retained, particularly within the Conservation Area.
- To provide and maintain street furniture including seats and notice boards at key locations in Markfield.
- To maintain and seek to extend the current footpaths and bridleways, ensuring connectivity with old and new developments through open dialogue with developers, and to promote nonmotorised transport.
- To see to ensure that all residents have easy foot access to green open spaces to promote health and well-being as set out in government guidelines.
- To actively pursue provision of substantial number of car parking spaces available to central area users.
- To work with partner agencies and other bodies to look at ways to reduce soil, water, air, light and noise pollution, littering and fly-tipping.
- To actively raise the profile of environmental issues, within the Parish and District where possible within the remit and powers pursuant or a Parish Council.
- To raise the profile of the Government ambition for CO<sub>2</sub> neutrality by 2050
- To encourage developers to make all new buildings CO<sub>2</sub> neutral.
- To promote and protect the character of this historic market town.

- To promote the quality of the built environment and heritage features.

The Planning Committee shall have authority and consent to: -

1. Make comment or observation (for or against) on planning objectives on all planning applications and planning policies, Local Plans, Transport Plans, Structure, Health and Housing Plans submitted to the Council from either HBBC or from any other authority.
2. implement the Planning Committee's aims and objectives.
3. inform all councillors on planning matters (whether they are members or not of the Committee) and make recommendations for particular policies or applications, especially for large or controversial applications or policy documents, to be considered by the Full Council.
4. deal with development matters relating to the Conservation Area and listed buildings.
5. deal with matters relating to all arboricultural matters
6. deal with questions relating to the Council's street furniture and notice boards.
7. deal with questions relating to Air Quality Management Areas and other traffic pollution issues.
8. initiate and/or support complaints relating to highway matters.
9. deal with traffic problems, including road closures, diversions, street lighting and markings, street cleansing and repair.
10. Deal with all matters relating to the Neighbourhood Plan.
11. Deal with all matters relating to street-naming.
12. Deal with all matters relating to Public Rights of Way
13. Deal with all matters relating to approved projects within the responsibility of the Committee
14. recommend items to be discussed at the annual budget meeting.
15. Decision making powers in respect of its budget without referral to full Council, but where a resolution is made to refer to Council then the decision of Council will stand.
16. Instruct the Clerk, to carry out the decisions of the Committee prior to the minutes and decisions of the Committee meetings being approved and signed at Full Council.