



# ECCLESFIELD PARISH COUNCIL

*Serving your Community Since 1894*

## **Delegation Scheme**

### **Principles of Delegation**

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. 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.
3. The Proper Officer may nominate another named Officer to carry out any powers and duties, which have been, delegated to that Officer.
4. In an emergency the Proper Officer is empowered to carry out any function of the Council. In the absence of the Proper Officer the Admin Officer be provided with delegated power to act in an emergency.
5. Where officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Members, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

### **Delegation to The Proper Officer**

#### **Matters reserved for Council or Committee**

1. Subject to urgent items (see paragraph 2 below), the following matters shall be referred to the relevant Committee or Council, where appropriate.

Any matter which:

- (a) requires a new policy; or
- (b) requires an alteration to an existing policy (other than a minor amendment); or
- (c) would be contrary to the policy framework; or
- (d) involves expenditure or a reduction in income, for which there is no sufficient budgetary provision;
- (e) is an issue of principle as determined by The Council; or
- (f) in the opinion of the Proper Officer, cannot in law or in accordance with the Standing Orders be decided by an Officer; or
- (g) upon which a Committee has requested a report; or
- (h) a Member has requested an item to be put on an agenda under Standing Orders; or
- (i) in the opinion of the officer concerned, should be determined by a Committee; or

## **Urgent Items**

2. Matters of urgency, as determined by the Proper Officer (or in his/her absence another Officer) shall be delegated to the relevant officer in consultation with the Chairman and Vice-Chairman of the appropriate Committee subject to a report being made to the next meeting of the appropriate Committee.

## **Authority to Act**

3. Subject to those matters that are reserved for Committee (see paragraph 1 above) all members of staff shall be responsible and shall have delegated authority for the day-to-day operation and management of his/her department and of the Services and land for which he/she is responsible.
4. Any matter not reserved for Committee (i.e. any matter falling outside the criteria contained in paragraph 1 above) shall be regarded as falling within the day to day operation and management of the relevant department and shall be delegated to the appropriate member of staff and shall be exercised in accordance with the principles of delegation.
5. In the absence of the Proper Officer, the Admin Officer shall have the authority to sign and seal any official notices and documents on behalf of the Council.
6. 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.

7. Delegations to members of staff in respect of financial matters are set out in the Standing Orders and Financial Regulations.
8. Delegations to The Proper Officer in relation to the letting of contracts are set out in the Standing Orders.
9. Delegations to The Proper Officer in respect of land and premises are set out in the Standing Orders.
10. The Proper Officer shall also have delegated management authority for the following Services:
  - Central Resources
  - Media and Corporate Issues
  - Personnel
11. The Proper Officer shall be responsible for signing all the Council's Official Notices and for sealing Council documents.
12. The Proper Officer shall be the Proper Officer for any function of the Council in the absence of any other appointment as specified within this Delegation Scheme

### **Delegation to Committees**

Each Committee has delegated authority to decide matters within their terms of reference **except** for the following matters, which are reserved for Council:

- To adopt and change the Standing Orders.
- To approve and adopt the Policy Framework.
- To approve and adopt the Budget.
- To determine the Council's Corporate Priorities.
- To appoint the Mayor and Deputy Mayor.
- To appoint Committee Chairmen and Vice-Chairmen.
- To agree and/or amend the terms of reference for Committees, deciding on their composition and making appointments to them.
- To adopt the schedule of meetings for the ensuing year.
- To consider the recommendations of any Remuneration Panel (where one is in existence) and adopt the level of allowances that can be claimed by Members of the Council in respect of authorised or approved duties.
- To make any decisions which would be contrary to the policy framework.
- To determine matters involving expenditure for which budget provision is not made or is exceeded.
- To determine matters which do not fall within the remit of any Committee.
- To determine matters affecting or likely to affect, another Committee or where consultation with or approval of that other Committee is required.
- To determine any matters referred to it by a Committee in accordance with Standing Orders.

- To make decisions concerning district boundaries, electoral divisions, Towns or polling districts.
- To set the Precept.
- To appoint the Head of Paid Service.
- To make byelaws.
- To borrow money.
- To receive statutory reports from the Proper Officer.
- To consider any matter required by law to be considered by Council.