

Scheme of Delegation

Adopted 14th July 2025

Introduction

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (which in the case of Cury Parish Council are the same person) to act with delegated authority in the specific circumstances detailed. This policy should be used in conjunction with Council's Standing Orders, Financial Regulations, Code of Conduct as well as any statutory obligations/regulations in force at the time.

The policy aims to:

- Clarify the roles and delegated responsibilities of officers and members;
- Ensure adequate control measures are in place to protect the Council's finances;
- Ensure the Council is acting in accordance with the Audit and Accounts regulations; and
- Ensure the Council is complying with s101 of the Local Government Act 1972 and relevant case law.

The Openness of Local Government Bodies Regulations 2014 require a written record to be kept of certain decisions made by an officer of a parish council acting under delegated powers. The decisions are those:

- made under a 'specific express authorisation', or
- made under a general authorisation where the effect of the decision is to:
 - i) grant a permission or licence,
 - ii) affect the rights of an individual, or
 - iii) award a contract or incur expenditure which, in either case, significantly affects the financial position of the Parish Council.

Officers take many administrative and operational decisions on how they go about their day-to-day work within the council's rules. These decisions will not need to be recorded. Decisions that do not need to be recorded might include the following examples:

- decisions to allocate burial plots;
- routing administrative and organisational decisions such as the purchase of office supplies or repairs;
- decisions to book rooms or sports grounds; and decisions to approve works undertaken by a contractor.

These are a few selected examples and not an exhaustive list.

General Delegations

Individual Councillors:

Section 101 of the Local Government Act 1972, and relevant case law, affords that all Members must deal with matters through their collective Council membership. There are no circumstances where an individual Member can issue an instruction to the Clerk, any other employee or a Contractor, make a decision on behalf of the Council, or authorise any expenditure. Therefore, no individual Member has any delegated responsibility.

Responsible Financial Officer:

The 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 in force at any given time along with Councils adopted Financial Regulations. The Clerk may obtain advice and guidance from external professionals (which may bear a cost) in order to ensure this is achieved effectively.

Proper Officer:

The 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.

The Clerk will:

- Receive declarations of acceptance of office
- Sign Notices or other documents on behalf of the Council
- Call and arrange all meetings of the Council and its Committees
- Sign summons to attend meetings of the Council
- Prepare and issue agendas, consulting with the Chair and Vice Chair of Council
- Seal documents, deeds, contracts and agreements following a resolution to do so from Council or one of its Committees
- Respond to requests made under the Freedom of Information/Environmental Information Regulations and General Data Protection Regulation Legislation
- Keep proper records for formal Council meetings
- Receive from Cornwall Council's Monitoring Officer any documents in relation to complaints received under The Members' Code of Conduct (These will be kept confidential until the matter has been concluded.
- Institute and appear in any legal proceedings authorised by the Council

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

- Day to day management of services, resources and assets, together with routine inspection, control and compliance
- Authorisation to call any extra ordinary meetings of the Council or any Committee as necessary
- 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
- Respond to planning applications when an extension of time is not granted, following consultation with members of the council by email where possible.

- Authorisation of routine recurring expenditure within the agreed budget
- Emergency expenditure up to £2,000 outside of the agreed budget (Financial Regulation 5.17 & 6.8)
- To act as Council's competent responsible person for health & safety
- To act as Council's data protection officer

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

Council: The following are reserved matters for the Council to decide.

- Appointment of the Clerk/RFO
- Electing the Chair and Vice Chair of Council
- Setting the Precept
- Borrowing money
- Approval of the Council's Annual Accounts and completion of the Annual Return
- Making, amending or revoking Standing Orders, Financial Regulations, Terms of Reference or this Scheme of Delegation
- Making, amending or revoking bylaws
- Making of Orders under any statutory powers
- Matters of principle or policy
- Nomination and appointment of representatives of the Council to any other authority, organisation or external body (excluding conferences, events or meetings)
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish
- Matters relating to the Council's Code of Conduct
- Appointment or nomination by the Council of persons to fill vacancies on outside bodies arising during the Council year
- Agreement to take on new, including devolved, services

Urgent matters

In the event of any matter arising which requires an urgent decision the Clerk will consult with the Chair and Vice Chair whenever possible before acting on behalf of the Council in respect of the particular matter then under consideration. In an emergency the Clerk is empowered to carry out any function of the Council other than matters limited to Council. An emergency may be defined as:

- A matter with significant financial implications greater than £5,000
- A matter with significant legal implications
- A matter related to the conduct of a councillor or an employee that would potentially amount to gross misconduct or bringing the Council into disrepute.
- An emergency as defined in the Council's Emergency Plan

Whenever any action is taken in this way, full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next appropriate meeting of the Council.