



## **Kippax Parish Council**

### **Scheme of Delegated Powers**

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***M Eyre***

**Chair, Councillor Martin Eyre**

#### **1.0 Introduction:**

This document sets out the manner in which Kippax Parish Council has delegated powers and responsibilities. This document is supported by Kippax Parish Council Standing Orders, Financial Regulations and the Terms of Reference for each committee.

The intention of the delegation scheme is to allow the Council to act with all reasonable speed.

#### **2.0 Principles of the delegation**

2.1. The power to delegate powers is defined in Section 101 of the Local Government Act 1972:

- A council may delegate its powers (except those incapable of delegation) to a committee, or an officer.
- A committee may delegate its power 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, Financial Regulations, any other policies or conditions imposed by the Council and with the law

2.3. Action taken by committees should be properly documented in the minutes of the meeting. Any action taken by the Proper Officer under delegated powers should be reported back to the relevant committee or Full Council at the earliest opportunity.

#### **3.0 Emergency Powers**

3.1. In an emergency, the Proper Officer is empowered to carry out any function of the council. 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 and Vice-

Chairman of the Council and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

3.2. Before exercising the delegated powers granted by paragraph 3.1 above, those members consulted shall consider whether the matter is of sufficient interest to justify the summoning of an Extraordinary Meeting of the appropriate committee or Full Council

3.3. An 'emergency' includes, but is not limited to:

- Processing a payment to prevent the council from receiving a fine or charge for late payment
- Taking action to ensure the health and safety of an employee, volunteer or member of the public
- Taking action to address any issue that puts the council at risk of not complying with the law
- Taking action to protect the reputation of the council

3.4. All action taken by the Proper Officer in an emergency situation should be reported back to the Full Council at the earliest opportunity with justification as to the urgency

#### **4.0 Authority to Act**

4.1. It will be appropriate for the Parish Clerk and committees 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.

4.2. The Parish Clerk and committees have the responsibility to act within the Council's approved policies, procedures and framework and within the law in conjunction with this delegated scheme.

#### **5.0 Conflicts of Interest**

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

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

#### **6.0 Council Reserved Powers**

6.1. The following matters are only to be resolved by the Full Council:

- Appointment of the Parish Clerk/RFO following a recommendation from the Personnel Committee
- To adopt or change the Standing Orders, Financial Regulations, Scheme of Delegation and other council policies
- To approve and adopt the budget and the precept
- To agree and/or amend the Terms of Reference for Committees and appoint members to committees
- To determine matters involving expenditure for which budget provision is not made or is exceeded
- To make byelaws

- To borrow money
- To approve the statutory annual return and annual accounts
- To approve eligibility for the General Power of Competence

## 7.0 Delegation Safeguards

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

## 8.0 Overview of delegated powers

Please see below an outline of delegated powers to the Proper Officer and relevant committees. For more information, please refer to the Standing Orders, Financial Regulations and the Terms of Reference for each committee.

Parish Clerk & RFO	<p>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. The Parish Clerk is also the Responsible Financial Officer and will act in accordance with the Financial Regulations in force at any given time.</p> <p>The Parish Clerk also has the delegated power for the following occasions:</p> <ul style="list-style-type: none"> <li>● Power to authorise relevant training courses for councillors and other staff members up to a cost of £100 that meet the objectives set out on the training policy, provided the expense can be met from approved budgets.</li> <li>● Power to approve expenditure on I.D badges and uniforms for new staff and councillors and to purchase a copy of the Good Councillor Guide for new councillors.</li> <li>● Power to top up the caretaker's petty cash float to £100 as and when required.</li> <li>● Power to manage the council staff in accordance with the Council's policies, procedures and budget</li> <li>● Power to act on own initiative to implement the Council's policies and objectives.</li> <li>● Power to take appropriate steps to ensure the Council does not exceed its powers.</li> <li>● 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.</li> <li>● Updating and managing the content of the council's website and Facebook page in conjunction with councillors approved as administrators.</li> <li>● Carrying out the requirements of the Council's Document Retention Policy</li> <li>● Handling requests for information under the Freedom of Information Act 2000 and the Data Protection Act 1988 or General Data Protection Regulation (whichever is in force at the time of request)</li> <li>● To approve expenditure, in consultation with the Chairman of the Council, on any items below £500 excluding VAT.</li> </ul>
Finance and Corporate Governance Committee	<ul style="list-style-type: none"> <li>● This committee does not have delegated powers to act but does have a series of responsibilities which are outlined in detail in the Terms of Reference.</li> </ul>

Community Pantry Committee	<ul style="list-style-type: none"> <li>• Power to manage spend on all activities relating to the Community Pantry, within the allocated budget and funds raised through grants, donations and charges.</li> <li>• Power to determine the location, dates and time of opening for the Community Pantry.</li> <li>• Power to make all decisions in relation to the day to operation of the pantry, including items to be supplied, charges to be imposed and limitations on items to be provided to visitors.</li> <li>• Power to organise collection points for donations to the pantry and work with relevant organisations to collect and receive suitable donations.</li> <li>• Power to recruit volunteers to assist in the Community Pantry as and when required.</li> </ul>
Planning Committee	<ul style="list-style-type: none"> <li>• Power to consider all development issues relevant to the Parish of Kippax</li> <li>• Power to send, on behalf of the council, informed consultation responses, representations, queries and statements to Leeds City Council (as the local planning authority), The Planning Inspectorate, the government office for Yorkshire and the Humber, The First Secretary of State, English Heritage and any other organisations or agencies as appropriate, as they are relevant to the operation of Town and Country Planning act 1960, general development orders or other legislation or statutory instruments applicable to development control</li> <li>• Power to book meeting rooms within the specified budget for public meetings regarding applications.</li> <li>• Power to assist Leeds City council in the enforcement of LCC planning decisions</li> </ul>
Youth and Leisure Committee	<ul style="list-style-type: none"> <li>• Power to approve expenditure within the allocated budget and make decisions on all issues relating to the Community Gala and Scarecrow Festival (please see Terms of Reference for more details)</li> <li>• Power to apply for external grant funding, with the support of the Clerk, for projects that have been approved by Full Council</li> <li>• Power to engage with the community to gather ideas and feedback in the form of surveys, presentations and focus groups.</li> <li>• Power to run an annual Christmas flag competition and determine judges and prizes</li> <li>• Power to approve expenditure on consultancy and project management for the Kippax Common Project, within the allocated budget</li> </ul>
Village Services Committee	<ul style="list-style-type: none"> <li>• Power to assign tasks to the Village Caretaker</li> <li>• Power to approve expenditure up to £200 for materials and equipment to enable the Village Caretaker to carry out assigned tasks</li> <li>• Power to approve expenditure up to £200 on schemes to enhance the village environment and its green spaces</li> <li>• Power to approve all expenditure relating to the annual service and repairs of the caretakers' tools and equipment within the allocated budget.</li> <li>• Power to approve expenditure relating to the purchase, repair and installation of village flags and the inspection and repairs to the flag poles within the allocated budget.</li> <li>• Power to liaise with relevant organisations (eg. LCC, YWT) to request repairs, improvements and updates on matters of concern and maintenance in the village</li> </ul>

Christmas Lights Committee	<ul style="list-style-type: none"> <li>• Power to approve expenditure within the allocated budget and make decisions on all issues relating to the Christmas Lights and switch-on event (please see Terms of Reference for more details)</li> </ul>
Personnel Committee	<ul style="list-style-type: none"> <li>• Power to carry out the recruitment process and drawn up job descriptions, in conjunction with line managers for all staff (with the exception of Clerk/RFO)</li> <li>• Power to shortlist applications for Clerk/RFO</li> <li>• Power to consider and implement any changes required to comply with employment law, health and safety law, terms and conditions of service laid down by the National Joint Council and recommended by NALC and SLCC.</li> <li>• Power to deal with disciplinary and grievance issues in accordance with the Council's adopted policies</li> <li>• Power to act as line manager for the Clerk and appoint one of its members annually as liaison councillor to the Clerk.</li> <li>• Power to appoint a second councillor to undertake the clerk's annual appraisal alongside the liaison councillor.</li> <li>• Power to approve staff training requests made in line with the Council's Training Policy and within the allocated training budget.</li> <li>• Power to approve requests to carry over unused annual leave of up to five days</li> </ul>