

# **SCHEME OF DELEGATION FOR BLOFIELD PARISH COUNCIL (BPC)**

## **THIS SCHEME OF DELEGATION FORMS PART OF THE COUNCIL'S FINANCIAL REGULATIONS AND STANDING ORDERS**

This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders. It will be reviewed annually and when there is a change of Clerk/RFO.

The purpose of this document is to clearly define the parameters within which the Clerk/RFO of the Council can act without reference to Councillors.

This document also captures the various delegated powers throughout the Council, including those delegated by the Council to its Committees, Internal Control Councillors and Working Groups. This element of the scheme incorporates all of the approved Terms of Reference.

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.

### **PRINCIPLES OF DELEGATION**

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.

Any delegation to a Committee or the Clerk/RFO shall be exercised in compliance with the Council's Standing Orders, its Financial Regulations and any other policies or conditions imposed by the Council and with the law.

In an emergency the Clerk/RFO is empowered to carry out any function of the Council.

- Where the Clerk/RFO is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chair (if practicable in the circumstances) of the Council and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

### **AUTHORITY TO ACT**

It will be appropriate for the Clerk/RFO 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.

The Clerk/RFO 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.

### **COUNCIL RESERVED POWERS**

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

- Appointment of the Clerk/RFO
- To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies
- To approve and adopt the Budget.
- To appoint committees and working groups

- To approve membership of all committees and working groups
- To agree and/or amend the terms of reference for Committees
- To adopt the schedule of meetings for the ensuing year.
- To determine matters involving expenditure for which budget provision is not made or is exceeded.
- 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
- To assess, consider and (if approved) award donations and grants fund to other bodies where lawful and appropriate in accordance with statute and the adopted HPC Grants Policy.
- To receive, consider and approved recommendations from the Clerk/RFO in respect of staff remuneration outside of budget allocation.
- To assess, consider and approve recommendations from working groups.

## **DELEGATION SAFEGUARDS**

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

## **GENERAL DELEGATION TO CLERK/RFO**

- The Clerk/RFO 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.
- 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 Chair (if practicable in the circumstances).
- The Clerk will deal with all routine correspondence which does not commit BPC to enter into a legal agreement or give an opinion. The Clerk will also deal with any correspondence which is covered by delegated authority.

As Proper Officer/RFO, the Clerk may incur expenditure on revenue items on behalf of the Council up to the amounts included in the approved budget. Subject to the adopted Financial Regulations.

- The Clerk will have the authority to dispose of the Councils 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.
- 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.
- 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.
- 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/ Councillors.
- Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council.
- Power to release urgent press statements on any activities subject to prior consultation with the Chairman.
- Power to act on own initiative to implement the Councils policies and objectives.
- Power to manage all the Council's resources in accordance with the Council's policies.

- Power to manage all open spaces within the Parish subject to budget.
- Incur expenditure in an emergency up to £2,500 whether budgeted or not.
- Power to engage with the community and stakeholders to raise the profile of BPC and foster good working relationships.
- Act on behalf of the Council in an urgent situation and report back to the Council as soon as practical through email and online meetings.
- Management of Council salaries in accordance with contracts of employment.
- Make payments by Barclays on-line banking, using secondary authorising (by a councillor) before any payment is released. In any month when the RFO / Clerk has made payments by BACS, and no quorate meeting can be held, the Clerk will provide authorising councillors with a list of such payments, BACS payment sheets and invoices.

## **COMMUNITY HUB / BLOFIELD PARK SCHEME OF DELEGATION**

- The Proper Officer/RFO/Clerk may make decisions on the expenditure on project related to the community hub / Blofield Park development. Further detail is explained below:
- The Proper Officer/RFO/Clerk can approve costs on behalf of the council up to 10% greater than the approved budget of that item (thus spending part of the project's allocated contingency), subject to the adoption of Financial Regulations.
- Any expenditure incurred that increases the overall project above its allowed contingency or puts the project budget at risk cannot take place without a review of funds and budget and detailed consultation with the whole council.
- Where an unexpected cost is incurred that may be funded from the contingency, where it is not possible to wait for the next parish council meeting the Proper Officer/RFO/Clerk may approve the expenditure from the council contingency within the budget.
- Where decisions are required from the project advisor or any member of the project design team regarding detail on the project for example a change in type of product due to supply issues or a decision regarding materials/product/finish location (but not solely for limited to these examples), the Proper Officer/RFO/Clerk may approve the change subject to the cost implications on the budget.
- Where design changes are required following consultation/guidance from the design team/council advisor the Proper Office/RFO/Clerk may approve these subject to the project budget and contingency.
- For items the bullet points above all efforts will be made to ensure any of the detailed points above are made in consultation with the council project advisor, both clerks, chair and vice chair where possible. Outcomes should be relayed to the community hub working group at the earliest opportunity and subsequently reported back to the parish council at the next meeting.
- It is important to note that the community hub budget will be agreed and approved by the parish council and any expenditure from this budget is the responsibility of the Parish Council.

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# **TERMS OF REFERENCE**

## **for the Community Hub Working Group**

### **COMMUNITY HUB WORKING GROUP**

Terms used below: Parish Council / Council: Blofield Parish Council, and The Hub: Blofield Community Hub

### **TYPE**

Advisory Role to the Parish Council to ensure progress of the Community Hub project in a timely and effective manner.

### **PURPOSE**

To support the Parish Council in discussing all matters relating to the community hub and provide recommendations to the Parish Council.

The working group may discuss any matters relating to the 'old school site' (now known as Blofield Park) such as play equipment and installation, planning matters, legal matters, feasibility studies, surveys and output, quotations for work etc. Developing the plans for the preschool / community hub, working with the design team on detail. Liaising with the preschool as plans develop. (This is not an exhaustive list.)

### **SCOPE**

The Community Hub Working Group is a working group to enable detailed analysis of decisions to take place and provide written recommendations to the Parish Council, working in the best interests of the Parish.

### **AUTHORITY**

The Community Hub Working Group is a recommending group. It does not have authority to make decisions but will bring to the Parish Council any recommendations for improvements / financial requests / concerns providing detailed documentation for the Council to review in advance of a meeting.

### **MEMBERSHIP**

- The Chair and Vice-Chair of the Parish Council
- Two or more parish councillors
- Secretary – Either of the two Parish Clerks
- 2 to 3 members of the parish (optional)
- Chair of the working group: A member of the Parish Council

### **MEETING ARRANGEMENTS**

Meetings to be held monthly, in between parish council meetings and on an ad hoc basis as matters arise. Meetings may be held face to face, on site or virtually depending on the need.

Quorum - 4 (and at least two from the Parish Council)

Notes to be taken and circulated to the working group and the Parish Council after the meeting.

Action log to be maintained by the Clerk / secretary.

Communication between meetings will be kept to progressing ongoing actions, preparing documentation for further meetings, and communicating new agenda items.

Documentation for the Parish Council to be prepared by members as agreed in the meeting.

## **REPORTING**

The working group will report to the Parish Council monthly (more frequently if necessary) with an agenda item and circulation of the meeting notes.

## **RESOURCES AND BUDGET**

There are no funds or specific resources available to the group.

## **DELIVERABLES**

Regular updates and recommendations to the Parish Council.

## **REVIEW**

The Terms of Reference review should take place annually along with other council governance documents. However, the document can be reviewed by the council at any time if required.

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## **TERMS OF REFERENCE FOR THE PLANNING WORKING GROUP**

- The Planning Working Group will consider local planning applications and other planning issues relating to the Parish, taking into account environmental aspects, character and potential hazards/risks for the Parish. The Working Group has delegated powers to consider planning and to comment on planning applications brought before them if comments are required by the local planning authority before the next parish council. All attempts should be made by the clerks to obtain an extension to allow the application to be discussed in public at the parish council meeting.

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## **GENERAL NOTES ON TERMS OF REFERENCE FOR ALL WORKING GROUPS ESTABLISHED BY BLOFIELD PARISH COUNCIL**

Full Council may form or disband a working group. A working group will carry out tasks as defined by Full Council. Membership of a working group is approved by Full Council.

### **The role of a Working Group**

- To review or consider issues as directed by Full Council.
- To examine an issue in detail, read reports and related materials, examine options, get advice for Full Council.
- Act as experts for the Council and/or liaise with experts.
- Make recommendations to Full Council.
- To explain the recommendations, reasons, options to Full Council by way of written report.
- To answer questions from Full Council.

- A Working Group does not have its own funds or budget. All expenditure remains the responsibility of the Parish Council.

### **Working Group relationship**

- Full Council must direct the Working Group and set clear objectives.
- The role of Full Council is to question and challenge recommendations, to be satisfied of the correct decision.
- The Working Group must facilitate the Full Council with as much information as it requires to ensure it can make a properly informed decision on its recommendations.

### **Operation of the Working Group**

The Working Group will not have a budget. Any expenditure is the responsibility of the Parish Council.

The number of members on a Working Group will be decided on at the time of the Working Group appointment.

- A Working Group will report to Full Council when decisions are required.
- All correspondence received by a Working Group must be sent/copied to the Clerk.
- All correspondence with members of the public must be sent/copied to the Clerk.
- All correspondence between councillors or outside bodies must be issued by or copied to the Clerk.
- A Working Group does not meet in public, therefore Standing Orders are not applicable, although the Code of Conduct still applies.

*Prepared by Sarah Osbaldeston*

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