

Marbury and District Parish Council
Scheme of Delegation 2026/27

Adopted by Full Council on .

This Scheme of Delegation was adopted by Marbury and District Parish Council at its meeting held on

INTRODUCTION

Local councils may only do what legislation requires or permits them to do. The Council may delegate functions to committees, sub-committees, the Proper Officer, or other authorities, with certain exceptions which are reserved to full Council (see Appendix 1).

This Scheme of Delegation is one of the four principal documents through which the Council regulates its affairs, alongside:

- Standing Orders
- Financial Regulations
- Risk Management Scheme (Internal Control Statement)

The power to delegate functions is set out in Section 101 of the Local Government Act 1972.

Key principles:

- No councillor may act independently; all Council actions must be authorised by full Council, a committee, or the Proper Officer.
- Delegation for urgent business is essential to ensure the Council can act promptly when required.
- The Clerk, as the Proper Officer, is also the Responsible Financial Officer (RFO).
- The RFO is responsible for the Council's financial procedures and records and is accountable for the proper administration of its finances in accordance with the Accounts and Audit Regulations and the Council's adopted Financial Regulations.
- The Proper Officer may do anything pursuant to a delegated power or duty which it would be lawful for the Council to do, including anything reasonably implied or incidental to that power or duty.

COMPLIANCE

In exercising delegated powers, the Proper Officer shall comply with:

- All relevant statutory provisions
- Marbury & District Parish Council Standing Orders
- Marbury & District Parish Council Financial Regulations
- The approved budget
- Agreed arrangements for recording decisions

KEEPING RECORDS

The Openness of Local Government Bodies Regulations 2014 (SI 2014/2095) require a written record of all decisions made by an officer acting under delegated powers.

Accordingly:

- All delegated decisions shall be recorded in writing.
- Decisions shall be retrospectively reported to Council and entered into the Council Minutes.
- Records shall be made available to councillors and to the public upon request, subject to any lawful restrictions relating to exempt or confidential information.
- Reporting shall take place at the earliest reasonable opportunity.

TAKING BACK DECISIONS

The Council, or any committee, may at any time choose to take decisions on any matter that falls within this Scheme of Delegation, provided that:

- For committees, the matter falls within their terms of reference.
- The Council may, by resolution, withdraw or amend any delegation.

EXTENT OF DELEGATION

All delegated functions shall be exercised on behalf of, and in the name of, the Council.

a. Urgent Decisions

1. Urgent decisions required between scheduled meetings are delegated to the Clerk in consultation with the Chair of the Council.
2. Where appropriate, the Proper Officer may instead determine that an Extraordinary Meeting should be called to consider the matter.
3. Permission to act on behalf of the Council without prior authorisation is granted where:
 - There is a serious risk of significant cost to the Council or loss of income if immediate action is not taken
 - The Council's property, staff, or persons in its care would otherwise be at risk of harm or damage
 - An emergency or disaster occurs or is imminent, and action is required to avert

alleviate, or mitigate the effects

4. In non-urgent situations, the Proper Officer may take action after seeking the written views of all councillors, giving not less than three working days' notice.

b. Administration

5. Emergency expenditure up to £10,000, whether or not budgetary provision exists (subject to Standing Orders and Financial Regulations).

6. Payment of all invoices within the agreed budget, subject to authorisation by two bank signatories.

7. Issuing Community Grant payments where the amount is within the approved budget and has been pre-approved by Council.

8. Day-to-day administration of services, including routine inspections and operational control.

9. Authority to call extra meetings of the Council or any committee, having consulted with the Chair of the Council and/or the Chair of the relevant committee.

10. Authority to respond immediately to correspondence requiring information or relating to previous Council decisions (but not correspondence requiring a new policy decision).

11. Authority to incur expenditure or take operational steps in the day-to-day running of Council services, within approved budgets and in compliance with Financial Regulations.

c. Planning Responses

Where the deadline for responding to a planning application falls between Council meetings and an extension cannot be obtained:

1. The Proper Officer shall circulate relevant papers to councillors by email and collate their comments to determine the Council's response within the consultation period.

2. Delegated decisions shall be reported to, and recorded in the minutes of, the next Council meeting.

3. Consultation may take place by correspondence (including email), in person, or at a meeting.

4. For major or controversial applications, the Proper Officer, in consultation with the Chair, may call an Extraordinary Meeting.

ADOPTION AND REVIEW

This Scheme of Delegation is based on the NALC Model Scheme of Delegation and was adopted by Marbury & District Parish Council on the date shown on the cover sheet.

The Scheme shall be reviewed and amended as required, including:

- following changes in legislation
- upon the appointment of a new Proper Officer
- or at any other time the Council considers necessary

Appendix 1 – Matters Reserved for Full Council Decision

Functions which cannot be delegated and are therefore reserved to the full Council, although an appropriate committee, sub-committee or working group may make recommendations for the Council's consideration:

- Setting the precept and approval of the Council's budget
- Approval of the Annual Accounts
- Appointment of the Proper Officer
- Completion of the Annual Return including the Governance Statement
- Consideration of an Auditor's report made in the public interest
- The making, amending, or revoking of Standing Orders, Financial Regulations and this Scheme of Delegation
- Adoption or revision of the Council's Code of Conduct.
- Confirmation (by resolution) that the Council has satisfied the statutory criteria to exercise the General Power of Competence
- Determination and review of the Bank Mandate
- Matters of principle or policy
- Nomination or appointment of representatives of the Council to outside bodies (except approved conferences or meetings)
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Town
- The making, amending or revoking of bye-laws and making of orders under statutory powers
- Agreement to write off bad debts

- Approval by resolution, before payment, of any grant or single commitment in excess of £2,000. Amounts between £2,000 and £5,000 in conjunction with the relevant committee or in excess of £5,000 in conjunction with full council.
- Authorisation as to terms and purpose for any application for Borrowing Approval and subsequent arrangements for the loan.
- Approval of any financial arrangement which does not require formal borrowing approval from the Secretary of State (egg hire purchase or leasing of tangible assets)
- Approval of purchase, acquisition by other means, sale, lease or disposal of tangible moveable property over £1,000.
- Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interests in land).
- Approval of the virement of unspent and available amounts to other budget headings or reserves
- Approval of changes in earmarked reserves as part of the budgetary process

Each committee shall have the power to determine all matters within their terms of reference, subject to any reservation of powers to the Council.

Where a committee considers appointing a councillor or his/her/their firm or partnership to do work for the council then the final decision shall rest with the full council.

Appendix 2 – Authorised Proper Officer Activity

The functions of the Proper Officer are defined in the Local Government Act 1972 and as set out in the job description for the post.

The Proper Officer is specifically authorised to:

- Receive declarations of acceptance of office.
- Receive and publish Members' Registers of Interest
- Receive and grant Disclosable Pecuniary Interest (DPI) dispensations after consulting with the Monitoring Officer, details of all dispensations received and granted to be reported at the next available meeting.
- Sign and serve on councillors a summons with an agenda to attend Council and committee meetings
- Convene a meeting of the Council if a casual vacancy occurs in the office of the Chairman
 - Sign notices or other documents on behalf of the Council
- Receive and hold copies of byelaws made by a principal local authority which affect the Council's area

- Receive and retain plans, notices and documents
- Certify copies of byelaws made by the Council
- To act as the representative of the Council

In addition, the Clerk is authorised to undertake the day-to-day administration of the Council, to include:

- Arranging extra meetings of the Council, having consulted with the appropriate chairman, except those called by the Chairman or members in accordance with Standing Order 6.
- Issuing press releases and statements to the press on the Council's known policies, subject to the provisions of the Council's Communications Policy.
- Updating and managing the content on the Council's website and social media Pages
 - Making arrangements for the maintenance of the office ITC systems.
- Disposal of Council records according to legal restrictions and an agreed retention and disposal policy
- Handling requests for information under the Freedom of Information Act 2000 and the Data Protection Act 1998 and 2018
- In the first instance, acknowledging and handling all complaints regarding the council (except where the complaint relates to the Proper Officer)
- Making arrangements for the routine maintenance of the Parish Office equipment
- Purchasing basic office equipment and supplies
- Arranging emergency repairs to council equipment
- Taking appropriate action arising from other emergencies (in consultation with the Chairman/Vice Chairman of Council as appropriate to the circumstances)
- Making arrangements to pay salaries/wages and expenses to all employees of the Council (subject to the Council's Financial Regulations);
- Authorising routine recurring expenditure within the agreed budget
- Emergency expenditure up to £10,000 whether or not there is budgetary provision for the expenditure (subject to Standing Orders and Financial Regulations)
- Day to day management of Council property and assets
- To monitor all of the implemented policies of the Council to ensure they are achieving the desired results and where appropriate suggest modifications
- Acting as line manager of all employees/contractors/volunteers of the Council
 - To act as the designated person on behalf of DPC Data Protection Data Controller in accordance with DPC Data Protection Policy

- Any other reasonable duties as delegated with the agreement of the Council in order to operate efficiently and effectively

Appendix 3 – Standing Committees of the Council

There are no Standing Committees at present but if required will be appointed as per statutory guidelines.

Appendix 4 – Membership to Outside Bodies

- Cemetery Board
- Pan Parish Highways Committee
- Police Cluster
- Village Hall Committee

The Council may, from time to time, appoint other Advisory or Working Groups, defined by a minute containing the specific Terms of Reference. Each Group will report back to Full Council or the committee that formed it.

Appendix 4 – Delegation: Limitations

Committees and sub-committees shall, at all times act on behalf of the council in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, byelaws or orders made and with any directions given by the Council from time to time.

Absolutely, Debbie — here is a clean, publication-ready, fully formatted version of Appendix 1, Appendix 2, Appendix 3 and Appendix 4, written in the same professional style as the rest of your Standing Orders and Scheme of Delegation.

I've kept every power, threshold and requirement exactly as you provided, but improved clarity, consistency, and layout so it reads like a polished governance document.

You can copy and paste this straight into your Standing Orders.

APPENDIX 1 – MATTERS RESERVED FOR FULL COUNCIL DECISION

The following functions cannot be delegated and are therefore reserved to the full Council. Committees, sub-committees or working groups may make recommendations, but the final decision must be taken by full Council.

Full Council shall determine:

- Setting the precept and approval of the Council's annual budget

- Approval of the Annual Accounts
- Appointment of the Proper Officer
- Completion and approval of the Annual Return, including the Annual Governance Statement
- Consideration of any Auditor's report made in the public interest
- The making, amending or revoking of Standing Orders, Financial Regulations and this Scheme of Delegation

doption or revision of the Council's Code of Conduct

- Confirmation (by resolution) that the Council meets the statutory criteria to exercise the General Power of Competence
- Determination and review of the Bank Mandate
- Matters of principle or policy
- Nomination or appointment of representatives to outside bodies (except approved conferences or meetings)
- Nomination or appointment of representatives at any inquiry affecting the Parish
- The making, amending or revoking of byelaws and the making of orders under statutory powers

- Agreement to write off bad debts

- Approval, before payment, of any grant or single financial commitment in excess of £2,000

- Amounts £2,000–£5,000: in conjunction with the relevant committee

Amounts over £5,000: in conjunction with full Council

- Authorisation of terms and purpose for any application for Borrowing Approval and subsequent loan arrangements

- Approval of any financial arrangement not requiring formal borrowing approval (e.g., hire purchase or leasing of tangible assets)

- Approval of the purchase, acquisition, sale, lease or disposal of tangible moveable property over £1,000

- Approval of the purchase, acquisition, lease, sale or disposal of real property (interests in land)

- Approval of the virement of unspent and available amounts to other budget headings or reserves

- Approval of changes to earmarked reserves as part of the budgetary process

Each committee shall have the power to determine all matters within its terms of reference, subject to any reservation of powers to the Council.

Where a committee considers appointing a councillor or their firm/partnership to undertake work for the Council, the final decision shall rest with full Council.

Amounts over £5,000: in conjunction with full Council

- Authorisation of terms and purpose for any application for Borrowing Approval and subsequent loan arrangements
- Approval of any financial arrangement not requiring formal borrowing approval (e.g., hire purchase or leasing of tangible assets)
- Approval of the purchase, acquisition, sale, lease or disposal of tangible moveable property over £1,000
- Approval of the purchase, acquisition, lease, sale or disposal of real property (interests in land)
- Approval of the virement of unspent and available amounts to other budget headings or reserves
- Approval of changes to earmarked reserves as part of the budgetary process

Each committee shall have the power to determine all matters within its terms of reference, subject to any reservation of powers to the Council.

Where a committee considers appointing a councillor or their firm/partnership to undertake work for the Council, the final decision shall rest with full Council.

APPENDIX 2 – AUTHORISED PROPER OFFICER ACTIVITY

The functions of the Proper Officer are defined in the Local Government Act 1972 and in the job description for the post.

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- Receive declarations of acceptance of office
- Receive and publish Members' Registers of Interest
- Receive and grant Disclosable Pecuniary Interest (DPI) dispensations after consulting the Monitoring Officer, with all dispensations reported to the next available meeting
- Sign and serve on councillors a summons with an agenda to attend Council and committee meetings
- Convene a meeting of the Council if a casual vacancy occurs in the office of Chair

- Sign notices or other documents on behalf of the Council
- Receive and hold copies of byelaws made by a principal local authority affecting the Council's area
- Receive and retain plans, notices and documents
- Certify copies of byelaws made by the Council
- Act as the representative of the Council

In addition, the Clerk is authorised to undertake the day-to-day administration of the Council, including:

- Arranging extra meetings of the Council, having consulted with the appropriate Chair (except those called under Standing Order 6)
- Issuing press releases and statements on the Council's known policies, subject to the Communications Policy
- Updating and managing the Council's website and social media pages
- Making arrangements for maintenance of office IT systems
- Disposal of Council records in accordance with legal requirements and the Council's retention and disposal policy
- Handling requests for information under the Freedom of Information Act 2000 and the Data Protection Act 1998 and 2018
- Acknowledging and handling complaints in the first instance (except where the complaint relates to the Proper Officer)
- Arranging routine maintenance of Parish Office equipment
- Purchasing basic office equipment and supplies
- Arranging emergency repairs to Council equipment
- Taking appropriate action in emergencies, in consultation with the Chair/Vice-Chair as appropriate
- Making arrangements to pay salaries, wages and expenses to all employees (subject to Financial Regulations)
- Authorising routine recurring expenditure within the agreed budget
- Emergency expenditure up to £10,000, whether or not budgetary provision exists (subject to Standing Orders and Financial Regulations)
- Day-to-day management of Council property and assets
- Monitoring the implementation of Council policies and suggesting modifications where appropriate

- Acting as line manager for all employees, contractors and volunteers
- Acting as the designated person for Data Protection matters on behalf of the Council, in accordance with the Council's Data Protection Policy
- Carrying out any other reasonable duties delegated by the Council to ensure efficient and effective operation

APPENDIX 3 – STANDING COMMITTEES OF THE COUNCIL

There are currently no Standing Committees.

If Standing Committees are required in future, they will be appointed in accordance with statutory requirements and will operate under Terms of Reference approved by full Council.

APPENDIX 4 – MEMBERSHIP TO OUTSIDE BODIES

The Council appoints representatives to the following outside bodies:

- Cemetery Board
- Pan-Parish Highways Committee
- Police Cluster
- Village Hall Committee

The Council may appoint additional Advisory or Working Groups from time to time.

Each group shall be established by a minute defining its Terms of Reference and shall

report back to full Council or to the committee that formed it.

APPENDIX 5 – DELEGATION: LIMITATIONS

Committees and sub-committees shall at all times act on behalf of the Council in accordance with:

- Standing Orders
- Financial Regulations
- This Scheme of Delegation
- Any other relevant rules, regulations, schemes, statutes, byelaws or orders
- Any directions given by the Council from time to time