

THE CITY OF DURHAM PARISH COUNCIL SCHEME OF DELEGATION

The power to delegate functions is set out in the Local Government Act 1972 s 101. The intention of the delegation scheme is to allow the Council to act with all reasonable speed. Decisions should be taken at the most suitable level. Therefore, the Clerk is given powers over the day-to-day administration of the Council or committees to decide matters within the Terms of Reference and matters of major policy should be recommended to the Full Council.

Whilst delegation is necessary it is the Council's policy that members and the press and public should have the fullest information. Therefore, the Clerk reports all major decisions taken under delegated powers at the next Council or Committee meeting.

Responsibilities Delegated To The Parish Clerk

1. Proper Officer

The Parish 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.

2. Responsible Finance Officer

The Parish Clerk is designated and authorised to act as the Responsible Finance Officer for the purposes of s151 of the Local Government Act 1972 and any statute requiring the designation of a responsible Financial Officer.

3. General Matters

The Parish Clerk is authorised to:

- a) sign and serve on Councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 working days before the meeting;
- b) give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);
- c) sign on behalf of the Council any document necessary to give effect to any decision of the Council;
- d) institute and appear in any legal proceedings authorised by the Council;
- e) decide arrangements for the closure of the Council offices, subject to consultation with the Chair of the Council.
- f) negotiate and enter into contractual arrangements in relation to events held and programmes of entertainment, subject to Full Council agreement.
- g) manage all Council services, and make operational decisions regarding these services;

- h) act as the Council's designated officer for the purposes of the Freedom of Information Act 2000 and conduct internal reviews of Freedom of Information requests responded to.

4. Financial Matters

The Parish Clerk is authorised to:

- a) incur expenditure up to a maximum of £1,000 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Financial Regulations and Standing Orders in relation to Contracts.
- b) compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.

5. Staffing Matters

The Parish Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures, and budget, as set out within their employment contract. Including:

- a) control of staff performance and discipline, in line with the Council's policy and procedures, including the power of suspension and dismissal;
- b) payment of expenses and allowances in accordance with the Council's scheme;
- c) approval of increments, in line with negotiated payments/contracts;
- d) supervision and line management all other employees of the Council;
- e) scheduling of staff training; and
- f) arrangement and authorization of annual leave entitlement and other absence as appropriate.

6. Property Matters

The Parish Clerk is authorised to:

- a) manage all land and property of the Council
- b) agree the terms of any hire, lease, license or conveyance of all Council owned properties and land;
- c) agree the granting or refusal of the Council's consent under the terms of all leases;
- d) agree all variations of all restrictive covenants; agree the granting of easements, wayleaves and licenses over Council land; and,
- e) Initiate all legal action or proceedings against unauthorised encampments on Council land.

7. Urgency

- a) The Parish Clerk is authorised to act on behalf of the Council in cases of urgency or emergency.
- b) The Lead Member(s) for the relevant service area(s) should be consulted wherever possible, before such action is taken. The Chairman/Mayor will then liaise with the Spokesperson and Chairpersons of any relevant committee.

c) Any such action is to be reported to the next meeting of the Council or relevant committee or subcommittee for information.

Date adopted: September 2022

Date to be reviewed: May 2023