

Fenstanton Parish Council

Scheme of Delegation

1. Introduction

1.1. With a few statutory exceptions, only the Full Council is able to make decisions on behalf of the corporate body, unless it makes explicit provision to delegate powers to either a committee or officer (or in some cases, another authority). These delegated powers are often enshrined in the Council's key governance documents including Standing Orders, Financial Regulations, and committee terms of reference in addition to other policies. The purpose of the Scheme of Delegation is to consolidate these delegated powers into one document:

- providing a single point of reference to inform decision-making;
- ensuring that that there is no conflict between different governance documents;
- clarifying lines of accountability; and
- confirming where statutory responsibilities sit.

1.2 The policy comprehensively covers all aspects of the Council decision-making process, and it is therefore intended as a key reference document for all staff and councillors, particularly: the Chair and committee chairs; committee administrators; budget holders; and the Parish Clerk.

1.3 It should also be publicly available and published online to provide those members of the community attending Council meetings with a guide to how the Council makes decisions.

1.4 A Scheme of Delegation is considered best practice by the National Association of Local Councils, and is a requirement for Council seeking Quality Award status.

1.5 The Council's statutory power to delegate its functions is laid down in Local Government Act (LGA) 1972 s101. This states that power can be delegated to a committee, subcommittee, or officer of the authority, or to another authority.

1.6 By virtue of the absence of any provision in s101, parish and parish councils cannot be delegated to an individual councillor. However, when acting as the chair of a meeting, a councillor has ex officio powers to regulate conduct in the meeting, as discussed below.

2. Full Council

2.1 The following matters are reserved to the Council for decision, notwithstanding that the appropriate committee(s) may make recommendations for the Council's consideration:

a) Approving the annual budget and setting the precept;

b) Approving the annual return, and internal audit reports;

c) Authorising all borrowing;

d) Adopting and making any amendments to the Standing Orders, Financial Regulations, Scheme of Delegation, or Policy Framework;

e) Making orders under any statutory powers;

f) Making, amending, or revoking by-laws;

g) Establishing or disbanding committees and working groups and determining their terms of reference and membership;

h) Appointing or co-opting to a committee or sub-committee of a person not a member of the Council or the committee;

i) Appointing or nominating Council representatives to outside bodies;

j) Creating, approving, or reviewing a neighbourhood plan;

k) Declaring eligibility for the General Power of Competence;

l) Appointing and dismissing the Parish Clerk or staff members;

m) The decision to prosecute or defend in a court of law, save where such a prosecution is of a debtor being carried out through the small claims court;

n) All other matters which must, by law, be reserved for the Full Council;

o) Approving all expenditure not otherwise delegated to a committee or officers, in accordance with the Schedule of Financial Approval Limits.

p) To assess, consider and approve recommendations from working groups.

3. Parish Clerk

3.1 The Parish Clerk acts as the Council's Proper Officer and Responsible Finance Officer (under s.151 LGA 1972), and is responsible for all statutory duties imposed upon these two offices. These include:

a) Receiving declarations of acceptance of office;

b) Retaining a copy of every councillor's register of interests;

c) Signing notices or other documents on behalf of the Council (other than legal and financial documents requiring the signatures of members of the Council);

d) Signing summons to attend meetings of the Council;

e) Keeping a proper record for all meetings;

f) Ensuring the Council meets its obligations in accordance with the Accounts and Audit
Regulations in force at the time;

g) The proper administration of the Council's financial affairs, including ensuring the Council has an adequate and effective system of internal control; and

h) Producing all financial management information, including, completing the annual financial statements of the Council.

i) Power to act immediately on all emergency issues without waiting for endorsement by the fill council. Emergency powers typically are situations that pose a serious threat to public safety or national security, such as natural disasters, public health crises, or acts of terrorism.

3.2 In addition, the Parish Clerk has the delegated authority to undertake the following matters on behalf of the Council:

a) The day-to-day administration of services, together with routine inspection and control of assets and procedures;

b) Managing all Council staff, directly or indirectly, excluding the recruitment and disciplinary matters which will be delt by the Staffing Committee;

c) Authorising any expenditure in accordance with the Model Financial Regulations;

d) Postponing a meeting, or calling an additional meeting of the Council or any committee, as necessary, in consultation with the Chair of the Council or chair of appropriate committee;

e) Responding to any correspondence requiring or requesting information, or relating to previous decision of the Council, but not correspondence requiring an opinion to be taken by the Council or its committees;

f) Managing the provision of Council services, buildings, land, and resources (indirectly where service managers have delegated responsibility), including the temporary closure of any such facilities, as may be required;

g) Dealing with dispensation requests from members, under the Code of Conduct;

h) Dealing with all day-to-day staffing and disciplinary matters;

i) Prosecuting a debtor, where such prosecution is through the small claims process, or approving the write off of any debt up to the value laid down in the Schedule of Financial Approval Limits;

a) Authorising the issue of all official Parish Council press releases, and editorial control of the Council's website and social media content

b) Applying for any grants and other funding on the Council's behalf;

c) Disposing of or selling any equipment or consumables, except where the estimated value of any one item of tangible movable property exceeds any amount laid down in the Schedule of Financial Approval Limits;

d) Renewing any existing leasing or licencing agreements, save where the estimated value exceeds any amount laid down in the Schedule of Financial Approval Limits, or where the lease term exceeds one year

e) Agreeing any rent or licence fee increase in accordance with the terms of the agreement, save where any increase exceeds the lesser of 3% above RPI or £5,000. This item notwithstanding, every lease shall be reviewed by the relevant committee no less than every five years

f) Entering into negotiations on any matter on behalf of the Council, it being understood that the Parish Clerk shall not be authorised to confirm any agreement without the consent of the Council or relevant committee;

g) Dealing with such matters as specifically delegated by the Council or committee

h) Applying the Council's common seal to a deed required by law, in the presence of two members of the Council;

i) Delegating duties to a subordinate officer, save where such duties are required to be carried out directly by the Proper Officer or Responsible Finance Officer, by statute, or Council direction.

3.3 All delegation of duties is at the discretion of the Council, save where such delegation is required by statute.

4. Chair

4.1 No matter may be delegated to the Chair except for the following:

a) Convening an extraordinary meeting of the Full Council;

b) Receiving the resignation of any member;

c) When attending a Full Council meeting, the powers granted to a chair of a meeting;

d) Attending a civic function as a representative of the Council, it being understood that the contents of any speeches must not purport to being the view of the Council unless previously agreed

5. Chair of a meeting

5.1 When a councillor acts in the role of the chair of a meeting, they shall have the power to:

a) Convene an extraordinary meeting of the relevant Council or committee;

b) Direct the order of speaking;

c) Direct any response to a question posed during public participation;

d) Permit an individual to be seated whilst speaking;

e) Suspend or close a meeting, where a resolution has been made to that effect, or where the meeting is subject to disorderly conduct, in accordance with the Council's Standing Orders;

f) In the case of an equality of votes on any matter, exercise a casting vote;

g) Determine the rules of debate, in accordance with the Council's Standing Orders;

h) Determine a point of order;

i) Put a motion to the vote;

j) Sign the minutes of a previous meeting, once confirmed by a resolution as an accurate record;

k) Move that a person be silenced or excluded from the meeting for disorderly conduct.

6. Councillors

6.1 No matter may be delegated to an individual councillor, except that:

a) Two councillors may convene an extraordinary meeting of the Council, should the Chair refuse to do so;

b) The Staffing Committee Chair and Deputy Chair shall act informally as line managers for the Parish Clerk;

c) Matters may be delegated to an officer to determine in consultation with one or more councillors, it being understood that the officer shall not overrule any reasonable request of that member(s), but that the officer's decision shall be final;

d) A councillor may arrange or attend a meeting regarding Council business, it being understood that any representations made by the councillor are in their personal capacity, and may not represent the views of the Council;

e) A councillor may assist in discharging any Council policy or procedure, if it is expressly permitted in the policy, or if prior approval from the relevant person has been obtained;

f) No councillor may issue an instruction to an officer, but may highlight any issue that they believe requires the attention of the Council. Any issue

regarding staff performance may only be raised with the Parish Clerk or through the Staffing Committee.

7. Committees

7.1 Under the Local Government Act 1972 s101, the Council may appoint committees to undertake any of its functions not described in item 1.1 above.

7.2 Best practice on the constitution of committees states that:

> *"there should be no more standing committees than are necessary, the membership of the committees should be small, their terms of reference should be clearly specified, and their relationship to the rest of the decision-making structure clearly defined. Each committee should be concerned with matters that can only be dealt with at member level, i.e. there should ordinarily be no involvement in matters of day-to-day administration and operation business that is properly the responsibility of officers."* (McCourt, 2016, p.211)

7.3 A committee may not comprise fewer than three voting members.

7.4 Where any member is deemed an ex officio member of any committee, they are a full member of that committee, unless expressly stated otherwise.

7.5 Any committee established for the controlling of the Council's finances, must be solely comprised of councillors (Local Government Act 1972, s.102).

7.6 On the terms of reference:

> *"[they] should cover the whole of the council's area of operations, but should be so drawn that one set of terms does not overlap another… most authorities provide for the terms of reference of an appropriate committee to include responsibility for 'any matter not delegate to… any other… committee.'"* (McCourt, 2016, p.227)

7.7 LGA 1972 s.101(2) states that unless otherwise stated, where a power has been delegated to a committee, that committee can arrange for a sub-committee or officer to discharge those powers.

7.8 The terms of reference must also not contradict any provision made in the Council's Standing Orders or Financial Regulations, which shall take precedence where there is any conflict.

7.9 'Standing committees' is a term used to simply to refer to committees set up 'year after year' and they have no statutory or special position of authority.

7.10 Separate Terms of Reference will detail the full delegation for each committee.

8.0 Working Groups

A working party will carry out tasks as defined by Full Council. Membership of a working party is approved by Full Council.

8.1 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.
- Not to fund or commit to fund without prior agreement of Full Council.

8.2 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.

8.3 Operation of the Working Group:

- The Working Group will not have a budget.
- The number of members on a Working Group will be decided on at the time of the Working Party 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.

9. Volunteers

9.1 All volunteers must have specific contracts/terms of reference, clearly denoting when functions are completed which must be agreed by parish council. When functions are completed or after period agreed by council their role as volunteer will immediately stop.

9.2 Volunteers are not a member of the parish council and do not have access to personal data, any finance related data or emails.

9.3 Volunteers cannot make any decisions or authorise any financial transactions.

Document History

Version	Action	Author	Date
1.00	Draft prepared	Sarah Barber/Michael Collison	14.06.25
1.01	Amended F & C	Sarah Barber/Michael Collison	7.10.2025
1.02	Ratified Full Council	Sarah Barber/Michael Collison	12.2.2026