

## **Chelmsford Garden Community Council Scheme of Delegation**

### **1. Introduction**

This document sets out the way in which Chelmsford Garden Community Council (the Council) shall delegate powers and responsibilities to the Executive Officer. The Power to delegate functions is set out in Section 101 of the Local Government Act 1972. The intention of this scheme of delegation is to allow the Council to act with all reasonable speed and to enable the Council to continue to function at times of emergency when it may not be possible for the Council to meet to make sure that the Council can continue to run in an effective manner.

### **2. Proper Officer and Responsible Financial Officer**

**2.1** The Executive Officer is the appointed proper officer and Responsible Financial officer for the Council. As proper officer the Executive Officer is specifically authorised to

- Receive declarations of acceptance of office
- Receive and record notices from Councillors disclosing interests
- Receive and retains plans and documents
- Sign notices and other documents on behalf of the Council
- Sign and issue summonses to attend meetings of the Council
- Give public notice of the time, place and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by the Chairman or Councillors is signed by them)

**2.2** In addition, the Executive Officer has the delegated authority to undertake the following matters on behalf of the Council –

- The day-to-day administration of services
- Dealing with correspondence where the views of the Council are known following a previous discussion or resolution
- To handle all requests for information under the Freedom of Information Act 2000 and the Data Protection Act and GDPR regulations
- Issuing press releases with reference to the Council's considered position.
  - Updating information onto the Parish Council's website and Facebook page
- To liaise with and if required instruct all contractors on a day-to-day basis following the award of any contract in accordance with the terms of the contract. Any change or variations shall only be instructed, following

discussion with at least 2 Councillors to be reported to the next meeting of the Council.

- To take action on any issue of such urgency that it cannot wait until the next normal Council meeting. The Clerk would normally be expected to consult the Chair or Vice-Chair (if the Chair is not available) to take his/her view into account.
- To incur expenditure on behalf of the Council, which is necessary to carry out any repair, replacement or other work which is of such urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure subject to a limit of £1,000.00.
- To take action in relation to minor repairs up to a cost of £1,000 and to report minor matters to the relevant authority where relevant.
- Subject to the authorisation by two Councillors named on the relevant bank mandate, to arrange routine expenditure including salary payments within the agreed budget and more particularly set out in the list of routine payments approved each financial year in accordance with the terms of the Financial regulations and subject to such payments being presented at the next meeting of the Council

### **3. Delegated Powers regarding management of staff**

The Executive officer is delegated the day-to-day supervision and control of all staff employed by the Council. The Executive Officer shall provide instructions to employees of the Council and shall be considered their line manager. For the sake of clarification, the Executive Officer shall undertake such actions such as employee appraisals. In addition, in a situation where there has been an allegation of gross misconduct against an individual employee, the Executive Officer shall be delegated the power to suspend an employee pending a full investigation being carried out by the Council in accordance with the terms of the Council's Disciplinary procedure.

### **4. Planning**

All planning applications are received by the Executive Officer and circulated to Councillors to enable a response to be made upon consideration of the application by Councillors at the following Council/Planning committee meeting and within the deadline (including extended deadlines) provided by the planning authority.

In accordance with minute number 23/23.5 the Executive Officer shall be delegated to inform the planning department of the planning authority within the time allocated of the response of the Council. So that the Executive Officer is fully apprised of the views to be communicated to the planning authority and has a record of the same, all Councillors will report directly back

to the Executive Officer within any timescale requested by her. This will also avoid discussion between members. In the event that there is no majority agreement on the response, or complex issues or queries arise the Chairman shall decide whether to call an extra-ordinary meeting.

In addition, in consultation with the Chairman, the Executive Officer may bring to the attention of the planning authority any actual or suspected breach of planning control which comes to the attention of Councillors or the Executive Officer.

#### **5. Limitations to Delegation**

All delegated actions shall be in accordance with Standing Orders, Financial Regulations and other approved policies of the Council and where relevant in line with resolutions made and directions given by the Council from time to time and shall be reported to the next available Council meeting. The Council may delegate the power to make individual specific decisions on particular individual items to the Executive Officer as and when appropriate by way of resolution. This policy shall be reviewed on an annual basis, usually at the annual meeting of the Council.

This policy was adopted by Chelmsford Garden Community Council on 18<sup>th</sup> May 2023.

Reviewed: 2<sup>nd</sup> May 2024

Date of review      May 2025