

## Review of Delegation Arrangements

The Council's Standing Orders set out those matters which should be reviewed annually at the Annual Meeting of the Parish Council.

One of these matters is the delegation arrangements for the Parish Council, the current delegations being attached as Appendix A.

The clerk currently reports any issues raised by parish residents through the various reporting tools available from Havebury Housing Association, Suffolk County Council and West Suffolk Council (signposting how these problems can be reported directly in the future).

Some issues, however, particularly relating to trimming of vegetation from private properties which obstructs footways and restricts highways and byways, or condition of Memorials in the Cemetery, have until been reported to Estates Committee or the Parish Council who then instruct the clerk to write on its behalf asking residents or deed holders to take the appropriate action to ask them to cut back a hedge/vegetation and/or clear an obstruction to a footpath or watercourse or effect repairs to a memorial. Sample letters are attached as **Appendix C**.

To facilitate the parish council to be more responsive to these issues, and resolve them in a more timely manner, the Council may delegate the power to make individual decisions on individual items to the Proper Officer/Responsible Finance Officer and its Committees as and when appropriate.

All decisions taken under delegated authority will be in accordance with Standing Orders and Financial regulations and this Scheme of Delegation, and where applicable any other rules/regulations and legislation. All decisions will be reported to the first appropriate Council meeting.

### **Relevant Powers:**

- Power to do anything that will facilitate, be conducive to or incidental to the discharge of its powers and functions - Local Government Act 1972, s.111
- Power to provide and maintain cemeteries in or outside the council's area - Local Government Act 1972, s.214(2)
- Power to deal with ditches, ponds, pools and gutters by draining them or preventing them from being harmful to public health.; and
- Power to carry out works for their maintenance or improvement or to pay others to do this - Public Health Act 1936, s.260
- Power to repair and maintain public footpaths and bridleways in the council's area - Highways Act 1980, ss. 43,50
- Power to provide and manage recreation grounds, public walks, pleasure grounds and open spaces - Public Health Act 1875, s.164
- Power to plant and maintain trees and shrubs and lay out grass verges in the council's area (with consent of Highways Authority) - Highways Act 1980, s.96
- Power to provide traffic signs on roads - Road Traffic Regulation Act 1984 s.72(1)

### **Recommendation:**

**The parish council adopt the additional delegations to the Clerk, as set out at Appendix B, with respect to requesting residents to trim cut back a hedge/vegetation and/or clear an obstruction to a footpath or watercourse or effect repairs to a memorial.**

## Scheme of Delegation

### Expenditure on revenue items:

Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the council for all items over £5,000;
- a duly delegated committee of the council for items over £1000; or
- the Clerk:
  - a) To spend up to £500 for additional audit work as required by the External Auditor (in excess of this sum the Clerk/RFO shall act after consultation with the Chairman and Vice-Chairman of the Council).
  - b) In cases of extreme risk to the delivery of council services, the Clerk /RFO may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.
  - c) To spend up to £1000 in situations where (s)he considers such expenditure to be justified after consultation with the Chairman of the Council or Chairman of the appropriate committee. Such authority is to be evidenced by a Minute or by an authorisation slip duly signed.
  - d) The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
    - If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council. An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council; or
    - fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.

### Powers Specifically Delegated to the Clerk

1. Incurring expenditure on items where the Council (or the appropriate Committee under delegated powers) within a budget approved by the Council has agreed the expenditure.
2. Acting as the Council's "Proper Officer" in all cases where any legislation requires the appointment of such an Officer.
3. Acting as the Council's Responsible Financial Officer in all cases where any legislation requires the designation of such an Officer.
4. Acting as the Clerk to the Parish Council to ensure the proper discharge of its functions.
5. Acting on matters relating to Health and Safety
6. Granting of a dispensation to a councillor or non-councillor with voting rights at a meeting at which a matter is being considered in which he/she has a disclosable pecuniary interest.
7. To sign on behalf of the Council any document necessary to enable Council decisions to be enforced.
8. To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.

9. To act as the Council's designated officer for the determining of the purposes and the means of the processing of personal data under the General Data Protection Regulations (GDPR)
10. To spend up to £500 for additional audit work as required by the External Auditor (in excess of this sum the Clerk/RFO shall act after consultation with the Chairman and Vice-Chairman of the Council).
11. In cases of extreme risk to the delivery of council services, the Clerk /RFO may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.
12. To spend up to £1000 in situations where (s)he considers such expenditure to be justified after consultation with the Chairman of the Council or Chairman of the appropriate committee. Such authority is to be evidenced by a Minute or by an authorisation slip duly signed.
13. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
  - a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council. An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council; or
  - b) fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.

#### **Planning Delegations**

1. Authorisation to call any extra meetings of the Council, having consulted with the Chairman of the Council, for the purpose of considering any urgent planning application(s).
2. Preparation and submission of responses (in consultation with either the Chair or Vice Chair) to minor planning applications
  - Householder Planning Application(s) and associated Listed Building Consent (HH & LB)
  - Works to Trees protected by TPO's, or Tree Preservation Order Applications (TPO)
  - Works to Trees in a Conservation Area (TCA)where it is not possible to call a meeting within the timeframe of the consultation or an agreed extension with the planning case officer; and
3. To apply for planning consent for tree works to be carried out by the Council.

## Wickhambrook Parish Council - Scheme of Delegation

### **Proposed Delegation**

- 1) Authorisation to write to any resident or landowner requesting that:
  - a) Vegetation restricting use of, access, egress or visibility to a footpath, footway, byway or highway be trimmed back;
  - b) A footpath across agricultural land be re-instated if damaged or restricted by cultivation; and
  - c) a watercourse be cleared of an obstruction
- 2) Authorisation to conduct a search at established HM Land Registry Fees within the budget set in any financial year and list of due payments in order to establish the owner of any land for the purposes set out in 1 above.
- 3) Authorisation to write to any deed holder requesting that a memorial on the relevant grave space be repaired within a period of six months.

## Wickhambrook Parish Council

Resident of:

04 January 2024

Dear Resident

Wickhambrook Parish Council has received of a number of comments from local people about the condition of the footpath from Browns Close to Cemetery Road which has become difficult to use in part due to the growth of hedges bordering the path.

I have been asked by the Estates Committee of the Parish Council to write and request that you trim your hedge to allow easy access for the villagers who wish to use this path.

Please let me know if you have any queries regarding the content of this letter.

Yours sincerely



Hilary Workman  
Clerk & RFO to Wickhambrook Parish Council

# Wickhambrook Parish Council

04 January 2024

Dear Sir/Madam

A recent inspection of Wickhambrook Cemetery has identified a number of unsafe headstones/memorials, which have been staked and banded in the interim. Amongst these is the memorial of:

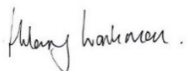
You are named in our records as the deed holder.

The memorial should be made safe. In many cases, the original Monumental Mason will be happy to do this.

Please ensure that the repair conforms to the standards set by the National Association of Memorial Masons. Memorial mason companies working in our cemetery must be on the British Register of Accredited Memorial Masons (BRAMM).

Please let me know if you have any queries regarding the content of this letter and let me know when the work to make the memorial safe has been completed.

Yours sincerely



Hilary Workman  
Clerk & RFO to Wickhambrook Parish Council