

GRIMLEY PARISH COUNCIL - WORCESTERSHIRE

Responsibilities delegated to Parish Clerk. Proper Officer & Responsible Financial Officer

Adopted by Grimley Parish Council in principle: June 2018. Updated by Clerk September 2018.

Reviewed and formally adopted October 2018. Updated Sept 2022. Reviewed Sept 2023. March 2024. March & Aug 2025.

Updated Jan 2026 to clarify matters of VAT.

1 Proper Officer

1.1 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, its amendments, and any other statute requiring the designation of a Proper Officer.

2 Responsible Financial Officer

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

3. Clerk to the Council.

3.1 The Parish Clerk is employed by the council under section 112 of the Local Government Act 1972 for the proper discharge of its functions.

4 General Matters

4.1 The Parish Clerk is authorised and given delegated powers as follows:-

- a. to sign on behalf of the Council any document necessary to give effect to any decision of the Council,
- b. to take proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council,
- c. to initiate, institute and appear in any legal proceedings authorised by the Council (authorised by email in cases of urgency),
- d. to appear or make representation to any tribunal or public inquiry into any matter which the Council has an interest, including in matters related to planning policy.
 - This may include, in the situation where a planning application is received that requires a response prior to the next full council meeting, and no extension of time to the deadline is permitted by the Local Planning Authority, the council delegates the decision and submission of the response to the clerk in consultation by email where possible with the Parish Council. Decisions made under delegation will be reported to and minuted at the next full council meeting.¹
- e. to alter the date or time of a meeting/committee meeting, but before doing so, shall consult the Councillors/Chairman of the Committee concerned about the need for the change and about alternative dates and times,
- f. to decide arrangement for the closure of the Council offices in August and in the Christmas/New Year period, subject to consultation with Councillors,
- g. to oversee the management the Council's allotments and cemeteries, parish council owned land, Commons and Village Greens, defibrillators, and phone booths.

¹ The Local Government Act 1972, section 101, gives a parish council power to delegate decisions to a committee, a subcommittee reporting to a committee, or the clerk, being the council's proper officer

- h. to act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
- i. to carry out the wishes of any Council, Committee or subcommittee decision.
- j. to carry out the powers as defined in the Financial Regulations, including matters relating to online banking and authorisation of online payments.
- k. to regularly review risk assessments as required, notify Cllrs of findings and act upon urgent matters.
- l. to seek quotes for insurance and seek quotes for annual/monthly mowing and management of parish council owned land and to accept quotations for these specific projects only, if within existing annual approved budgets and IF the required three quotations for comparison are unobtainable (contractors decline to quote, as is common for SSSI land for example and for Sinton Green village green for example where many local contractors consider the high public visibility to be undesirable), or if inaction/risk of inaction or failure to act would not be in the interests of parishioner health and safety (i.e. in cases of maintenance of parish council land and property).
- m. to inspect and report upon the status of defibrillators (x3) and to arrange training/replacement parts as required.
- n. to instruct contractors within the requirements of their contract.
- o. to instruct the footpaths officer, annual strimming and mowing contractors and lengthsman.
- p. to update the website in order to comply with legal, audit and monthly requirements.
- q. to act in order to meet all the requirements (both legal and employment) of the Clerk/RFO job description (see clerk contract).

5 Financial matters

5.1 The Parish Clerk is authorised with delegated powers, with no prior written authorisation required, as follows:

- a. the Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair, replacement or other work which is **on such extreme urgency that it must be done at once**, whether or not there is any budgetary provision for the expenditure, **subject to a limit of £1000.00 excluding VAT**. The Clerk shall report the action to the council as soon as practicable thereafter. If the expenditure has not been specifically budgeted for, the RFO will allocate the sum from the contingency budget. ('Urgency' is not defined, but includes matters identified within a risk assessment as requiring immediate action, or matters relating to health and safety of any person, or matters relating to GDPR, security, IT security and personal information, or matters relating to legal advice, insurance matters, or matters including parish council owned property, or matters in relation to defibrillators).
- b. to use Maintenance budgets for the maintenance, replacement or repair of existing plant, buildings or equipment.
- c. to carry out duties in line with job description of RFO and Proper Officer.
- d. to carry out duties in accordance with the Financial regulations of the Council, and Audit and Accounting regulations.
- e. also to incur expenditure on a day to day basis for the **running and maintenance of office equipment** (including stationery and technical equipment associated with IT, malware and furniture associated with office risk assessments/health and safety), **up to a limit of £500 per month excluding VAT**, subject to overall budgetary limits for that year.
- f. also to **incur minor expenditure associated with contractors** and project risk assessments. (An example of this would be to provide high vis jackets to a contractor upon identifying a risk, or, to replace first aid kit items for example), **up to a limit of £200 excluding VAT**, subject to the agreed budget limits for that project/budget item.
- g. also to incur minor expenditure for the **upkeep of project equipment**, e.g. electric fencing, up to a **limit of £500 excluding VAT**, subject to the agreed budget limits for that project.

- h. to carry out the requirements as set within the Financial Regulations, including payment of accounts that have been previously authorised at a full parish council meeting in a timely fashion and before any invoice deadlines (usually 30 days). This includes access to online banking and to authorise payments via online banking, where 1) those payments have been previously authorised at full council, 2) where the invoices are anticipated and approved within annual budgets set in January each year (e.g. remembrance wreaths, lengthsman and monthly mowing contracts), 3) where the project has been approved at full council and where invoices fall within approved and expected budgets and require prompt payment within 30 days (where setting of an extra ordinary meeting of the parish council to approve those invoice/s is not practicable or possible), 4) where all invoices have been added to the agenda, presented for inspection and signed by the Chair at full council, 5) where inaction such as the failure of a required quorum of parish councillors to respond to correspondence (approval of accounts) would bring the parish council into unacceptable and avoidable financial and health & safety repute.
- i. to arrangement prompt reimbursement of expenditure incurred at Parish Clerk /RFO, so as to avoid incurring personal credit card costs and interest which might then be payable by the parish council. (nb avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998). Receipts and invoices must be presented to the council and during annual audit.
- j. To ensure that all matters relating to HMRC are dealt with promptly and transparently, including claiming of VAT, submission of PAYE monthly reports and payment of taxes

5.2 In all occurrences covered by the above, an 'explanation of case' to full council (either by email or on the agenda and presented in the minutes) in arrears/POST EVENT and in compliance with all audit requirements is necessary and to be undertaken by the Clerk. Councillors to inspect, understand, vote and minute their decision in relation to all such occurrences. Above all, the Clerk must undertake to have compliance with the Code of Conduct, Financial Regs and annual audit requirements. The annual appraisal is a tool for review of all activities undertaken and covered by the above.

6 Staffing Matters – including Lengthsman

6.1 The Parish Clerk is given delegated powers to act as line manager to all the Council staff/Lengthsman as appropriate and in accordance with the Council's policies, procedures and budget, including:-

- a. The prompt paying of employees/Lengthsman salaries and wages at the rates agreed by the Council. Lengthsman invoices are to be sent to Cllrs representing the Financial Committee and reviewed monthly to ensure that the work has been conducted and that the invoice monthly total falls within the annual budget set for the lengthsman (and the WCC budget for reimbursement where applicable)
- b. The control of staff/Lengthsman performance and behaviour.
- c. Payment of expenses as and when required.
- d. To instruct the footpaths officer, annual strimming and mowing contractors and lengthsman. Including. to liaise with the parish Lengthsman and issue instructions and commission projects up to a limit of £100 excluding VAT for matters that involve the urgent maintenance of public assets or the care of public good, E.g. clearing of overgrown branches from signs/roads as a matter of health and safety.

7 Urgent matters

7.1 The Parish Clerk is authorised to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council or relevant committee or sub-committee.

7.2 The Chairman of the Council or Chairman of Committee will be informed as soon as practically possible of any action taken by the Clerk. Ref Standing Orders 5.19.

8 Dispensation matters

8.1 The Parish Clerk is authorised to grant dispensations or to reserve such decisions for the full parish council as appropriate. It has formally been RESOLVED upon adoption of this policy that the Council delegates the power to grant dispensations to the Clerk. The power rests with the relevant authority under section 33(1) of the Localism Act 2011 and the basis is set out under section 33(2).

8.2 The Parish Clerk may grant a dispensation to a councillor who has a Disclosable Pecuniary Interest or an Other Disclosable (non-pecuniary) Interest to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter if they consider that:

(a) so many members of the decision-making body have disclosable pecuniary interests that it would impede the transaction of the business (ie. the meeting would be inquorate); or

(b) it is considered that the dispensation is in the interests of persons living in the authority's area; or

(c) it is otherwise appropriate to grant a dispensation.

9 Audit

9.1 The Clerk's annual appraisal is a tool for review of all activities undertaken and covered by the above. A copy of the Clerk's contract should be made available to the staffing committee upon request.

9.2 This document should be seen as an extension to the Clerk's contract and all annual reviews and considerations should take account of actions covered/not covered by it.

10. Any other matters

10.1 The Parish Clerk is authorised to witness and/or sign deeds and legal documents as detailed within Standing Orders.

Footnote

Clerk & RFO Mrs Lisa Stevens, 9 The Limes, Kempsey, Worcs, WR5 3LG

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Parish Logo shows the miniature 'gorse type' plant Petty Whin (*Genista anglica*). Found on our local SSSI Monkwood Green Common, it is a plant of acidic heaths and moors which has undergone serious decline over the past century.



**Grimley
Parish Council**



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