

SOUTHWATER PARISH COUNCIL

SCHEME OF DELEGATION



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1. Introduction

- 1.1. This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (which may be one and the same person – the Executive Officer), Standing Committees and Sub-committees of the Council to act with delegated authority in the specific circumstances detailed.

2. Proper Officer and Responsible Financial Officer – Duties and Powers

2.1. Responsible Financial Officer (RFO)

- a) The Executive Officer shall be the Responsible Financial Officer to the Council and shall be responsible for the Parish Councils accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time. In the absence of the Executive Officer, for whatever reason, then the Deputy Officer shall be responsible.

2.2. Proper Officer

- a) The Executive Officer shall be the Proper Officer of the Council and as such is specifically authorised to:
- Receive declarations of acceptance of office;
 - Receive and record notices disclosing pecuniary interests;
 - Receive and retain plans and documents;
 - Sign notices of other documents on behalf of the Council;
 - Receive copies of By-Laws made by a Primary Local Authority;
 - Sign summonses to attend meetings of the Council
 - To receive from the District Council's Monitoring Officer/The Standards Board for England any documents in relation to complaints received under The Members' Code of Conduct and report this at the next convenient meeting of the Council.
 - Hold meetings with developers in relation to initial pre application planning advice.

2.3. In the absence of the Executive Officer for whatever reason, then the following officers will be authorised to carry out the duties outlined:

- The Deputy Executive Officer (or Assistant Executive Officer) will be responsible for the interim management of the Council and the Proper Officer role, and;
- The Deputy Executive Officer (in conjunction with the Accounts Administrator) will become responsible for interim RFO duties.

2.4. In addition, the Executive Officer has the delegated authority to undertake the following matters on behalf of the Council:

- Day to day administration of services, together with routine inspection and control.
- Day to day supervision control of all staff employed by the Council.
- Authorisation of routine expenditure within the agreed budget.
- Authorise training or attendance at Conferences as agreed within budget.
- Emergency expenditure up to £5,000 outside of the agreed budget.
- The disposal of legal matters (with the exception of appointing a Barrister, which must be approved by the Parish Council).

2.5. Delegated actions of the Executive Officer shall be in accordance with Standing Orders, Financial Regulations, and this Scheme of Delegation and with directions given by the Council from time to time.

3. Council

3.1 The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration.

- Setting the Precept and Budget;
- Borrowing money;
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
- Making, amending or revoking By-Laws;
- Making of Orders and entering into Contracts under any Statutory powers;
- Matters of principle or policy.
- Nomination and appointment of representatives of the Council to any other authority, organisation or body (expecting approved Conferences or meetings);
- Any proposed new undertakings;
- Prosecution or defence in a court of Law;
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.
- Business Plan.
- Southwater's "Vision" document relating to the future delivery of services, infrastructure etc.

4. Finance & General Purposes Committee

4.1 The Finance & General Purposes Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- Approval of the Annual Return (Statement of Accounts)
- All matters relating to Finance, including the approval of the year end accounts.
- Grants and Donations
- To make recommendations to Council on the 3 Year Budget forecasts of all Standing Committees.
- All matters relating to staff, based on recommendations made by the HR Committee. This Committee may decide that it wishes to refer such matters to the Council for final decision, subject to the matters reserved for final decision for legal reasons.
- General Administration
- All matters relating to the ownership and management of Council land and buildings, the Committee may wish to refer any single item to Full Council should this relate to a potential sale, lease or otherwise of Council land or property.
- Maintenance and repair of all Council Buildings.
- Council Policies with the exception of Standing Orders and Financial Regulations which should be approved by Full Council.
- Partnership Working
- Civic Activities/Local Democracy
- Community Safety including CCTV
- Parish Council buildings and land
- WSCC Information Help Point/Tourism Help Point
- Markets, craft fairs, events, carnivals and Christmas Event
- Any other matter which may be delegated to it by the Council from time to time.

4.2 The following matters are reserved to the Council for decision but the Committee may make recommendations:

- Best Value Plan
- Corporate Management
- Finance including the 3 Year Annual Budget Forecasts
- Good Governance
- Democratic Representation
- Civic and Ceremonial
- Communication (Newsletter and Website)
- Approval of the Council's Health & Safety Policy and Emergency Plan
- Review of the Council's Statutory Duties & Powers

- Review of the Council's Services
- Production of the Business Plan
- Production of the Parish Neighbourhood Plan/Village Design Statement

4.3 The Committee may refer specific matters to the Council for a final decision if it so wishes.

5. HR Committee

5.1 The HR Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- Annual Salary Reviews & Awards
- Staff Appraisal Scheme
- Staff Handbook & Contracts
- Council Staff Structure
- Members' Allowance Scheme
- Members' Travel & Subsistence Scheme
- Hearings for Grievance, Disciplinary and Capability matters in accordance with the Councils Grievance and Disciplinary Procedure.
- Dealing with any Grievance, Disciplinary and Capability matters to a final conclusion, only reporting to Council when the time for any Appeal has passed.
- Appraisal of the Executive Officer (Chairman and Vice Chairman of Council conduct)
- Salaries;
- Conditions of Service;
- Staff levels;
- Consideration of staffing reviews

5.2 It is vital that the HR Committee keeps confidential its deliberations and decisions in cases of Grievance, Disciplinary and Capability hearings, because if an Appeal against a decision is received it must, legally and in the interests of fairness, be heard again by elected members with no prior knowledge of the case.

5.3 In order to ensure as far as possible that such matters as Appraisal, Grievance, Disciplinary and Capability issues are dealt with professionally and in accordance with Employment legislation, all members of the HR Sub-committee must agree to undertake training in these matters.

6. The HR Appeals Sub-Committee

6.1 The Appeals Sub-committee is delegated to make decisions on the behalf of the Council in the following matters:

- Appeals against decisions made by the Personnel Sub-committee in Grievance, Disciplinary and Capability matters.
- Dealing with Appeals to a final conclusion, only reporting to Council the actions it has taken at the end of the process.

6.2 In order to ensure as far as possible that such matters as Appraisal, Grievance, Disciplinary and Capability issues are dealt with professionally and in accordance with employment legislation, all members of the Appeals Sub-committee must agree to undertake training in these matters.

7. Planning Committee

7.1 The Planning Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- To comment on planning applications received from the Planning Authority;
- Forward Planning
- Neighbourhood Plan
- Environmental including any award schemes;
- Notice Boards;
- Trees/Tree Preservation Orders;
- Boundary Changes;
- Street Naming;
- Highways (including footways/roads/surfaces/pedestrian crossings/traffic calming/car parks and traffic schemes);
- Street Furniture;
- Bus Services/Shelters;
- Shops and Businesses;
- Public Open Space;
- Rights of Way matters;
- Drainage;
- Licensing Matters;
- Any other matter which may be delegated to it by the Council from time to time;
- To comment on behalf of the Council on Local Plans (Parish or Neighbourhood Plans), Structure Plans, Mineral Plans, Waste Plans, Regional Plans and any other Plans or Studies as considered appropriate;

7.2 The following matters are reserved to the Council for decision but the Committee may make recommendations:

- Expenditure outside of the Council's Budget;
- Appointment of any legal representative and/or professional required;
- Legal Action;

- Implementation of the Neighbourhood Plan and Village Design Plan processes including the application for funding;

8. Urgent Matters

- 8.1 In the event of any matter arising which requires an urgent decision the Executive Officer shall forthwith consult with the Chairman and Vice Chairman of Council, Chairman and Vice-Chairman of the appropriate Committee (and also with the Chairman and Vice-Chairman of the Finance and General Purposes Committee if the matter involves expenditure not provided for in the annual budget) and those Members so consulted shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
- 8.2 In the event of any matter arising which requires an urgent decision the Executive Officer shall forthwith consult with the Chairman and Vice Chairman of Council, Chairman and Vice Chairman of the appropriate Committee (and also with the Chairman and Vice Chairman of the Finance and General Purposes Committee) if the matter involves the need to invest or take off deposit ring-fenced monies on deposit with the Council's banks and/or others and those Members so consulted shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
- 8.3 Before exercising the delegated powers granted by paragraph 8.1 and 8.2 above, those Members consulted shall consider whether the matter is of sufficient interest to justify the summoning of a Special Meeting of the appropriate Committee and where a meeting is so summoned the Committee concerned shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
- 8.4 Before exercising the delegated powers granted by paragraph 6.3 above, the Committee concerned shall consider whether the matter is of sufficient import to justify recommending to the Parish Chairman that a Special Meeting of the Council should be called in accordance with Standing Orders.
- 8.5 Whenever any action is taken under this Standing Order, full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next available meetings of the Committee concerned and of the Council.

9. Planning – Pre Application Panel

- 9.1 At the request of a developer this panel may convene as and when required. The panel will consist of the Chairman and Vice Chairman of the Council, Chairman and Vice Chairman of the Finance & General Purposes Committee and the Chairman and Vice Chairman of the Planning Committee. Officers attending will be the Executive Officer and/or Deputy (Assistant) Executive Officer.

10. Working Groups/Parties

- 10.1 Working Groups/Parties may be formed by resolution of the Council or a Committee at any time. The work of such a Working Group/Party will be decided upon at the time it is formed by means of a Minute detailing the Terms of Reference. Each Working Group/Party will report back with recommendations to the Council or the Committee that formed it.

11. Delegation & Limits

- 11.1 Committees and Sub Committees shall, at all times, act in accordance with the Councils Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, By-Laws or orders made and with any directions given by the Council from time to time.
- 11.2 There are no other Standing Sub-committees but they may be formed by resolution of the Council at any time and delegated powers may be decided upon at the time the Sub-committee is formed by means of a Minute detailing the Terms of Reference.