

# **Hirst Courtney Parish Council**

## **Scheme of Delegation**

To avoid the Parish Council having to make every decision the Hirst Courtney Parish Council Scheme of Delegation is an essential policy to enable the Council to function efficiently and effectively, with decision making powers being given to both Committees and the Proper Officer/ Clerk/ Responsible Finance Officer (hereafter referred to as Clerk, or RFO) to enable the Council to react to circumstances and operate effectively.

Powers cannot be legally delegated to individual Councillor, or a Working Group.

Working Groups are ordinarily established to investigate and/ or review a particular matter, or project and report back to the relevant Committee or Council with its findings which may include recommendations.

### **1. Council Functions:**

The following matters are to be dealt with by the Parish Council: -

- Approval of the budget and setting of the Precept.
- Approval of the Annual Return and Governance report, and Audit of Accounts.
- Authorisation of any borrowing.
- Review and adoption of all policies, including Standing Orders, Financial Regulations, and the Scheme of Delegation.
- Making of Orders under any statutory powers.
- Appointment of any Standing Committees, and their Chair's.
- Appointment of Parish Council representatives to outside bodies.
- Appointment of the clerk/ RFO to the Parish Council.
- Receive and approve the Minutes of Committees, and to consider and approve any Recommendations.
- Approval of payments by Committees for any single expenditure item over £500.
- Consider and monitor the Neighbourhood Plan, once approved, (if appropriate) and any local development plans, for example regional or local plans.
- All other matters which must, by law, be reserved to the Parish Council.

### **2. Delegation to Committees**

Committees are given decision-making powers in respect of specific matters delegated by Parish Council. They must be exercised in accordance with the law, the Council's Standing Orders, and Financial Regulations, and any approved policy framework and budget.

The Parish Council may at any time, following resolution, revoke any delegated authority. Committees may only 'resolve' those matters within their delegated powers, making Recommendations to Council, on all other matters.

Committees may decide not to exercise delegated responsibilities and instead make a Recommendation to the Council.

## **2.1 All Committees**

- Power to create Working Groups and sub-Committees, with power to appoint Councillors, and/or members of the public to either.
- Power to appoint officers to Working Groups.
- Appointment of Councillors to Working Groups, by the Chair of the Committee, and the appointment of non-Councillor members to Working Groups, where they bring additional expertise or knowledge, subject to confidentiality agreements consistent with those required of Councillors.

## **2.2 Recruitment & Personnel Committee (if applicable)**

All matters (except for creating Council Policy) relating to:

- Make recommendations to Council on all staffing matters including salaries.
- Oversee the recruitment and appointment of staff.
- Support and appraise the clerk to the Council, and ensure that as the Proper Officer and Financial Officer the clerk is complying with the job description and delegated authority, and make recommendations to Council, as necessary.
- Manage the provision of training of the clerk of the Council and Councillors.
- Consider and deal with all potential disciplinary matters relating to the Parish clerk, and Councillors, including the commissioning of external advisors and/or investigation in accordance with the provisions of the Council's Complaints and Disciplinary procedures.
- Consider and resolve all staff appeals concerning grievance or disciplinary matters.
- Consider and resolve appeals to decisions relating to a staff complaint.
- Matters specifically delegated by Council or any other Committee.
- Legal responsibility for the decisions and actions of the Committee remains with the Council as a whole.
- Consider agreement on staff incremental pay rises, subject to satisfactory performance, usually managed by a performance management system and appraisal.
- The maximum membership of the Committee shall be 4, the quorum 3.

## **3. Delegation to Working Groups**

Working Groups may be set-up by the Council, or by a Committee to support their work by carrying out specific tasks. The work of such groups will be decided upon at the time of their formation. Some groups may be permanent, others maybe temporary or ad hoc.

Working Groups will report to the Parish Council or appropriate Committee as required. Members of the community may be invited to join groups as advisory members. Working Group action plans and notes will be made available to Members of the Council.

A Working Group will not have the power to spend or commit funding or monies, without delegated authority or prior Council approval.

### **3.1 All Working Groups** should

- Tackle issues as directed.
- Be task specific and time limited.
- Examine an issue in detail, read reports and related materials, examine options, and get advice.
- Act as experts and/or liaise with experts.
- Prepare a report and/or action plan for Council.
- Make recommendations to Council.
- Answer questions from the Council.
- Consider that the Chair of the Working Group be appointed at the first meeting of the Working Group.

The Council's Code of Conduct applies to all Councillors who are members of a Working Group.

The Working Group members, or the clerk if in attendance, will prepare notes of meetings, or an action plan, as appropriate, to present to the Parish Council, to report on any activity and progress.

The quorate of a Working Group will be a minimum of three members at each meeting.

## **4. Delegation to the clerk/ RFO**

The following matters are delegated to the Council's clerk/RFO, to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council's Standing Orders, and Financial Regulations, and any approved policy framework and budget.

The Council may at any time, following resolution, revoke any delegated authority.

The clerk/RFO may decide not to exercise delegated responsibilities and may instead make a Recommendation to the Council, or a Committee. Similarly, where the clerk/RFO has no delegated power to make a decision, they report the matter to the Council, or a Committee for a decision.

### **4.1 The Parish clerk – Proper Officer & Responsible Financial Officer**

- The Parish clerk shall be the Proper Officer and Responsible Financial Officer of the Council as defined in law.
- See the table below for the Parish Clerk's delegated responsibilities.
- Proper administration of the Council's financial affairs.
- Report to External Auditor matters under Local Government Finance Act 1988 s114.
- Ensure compliance with Financial Regulations.
- Ensure compliance with all financial procedures.

- Determine accounting policies, records, and control systems.
- Manage risk management of the Council.
- Arrange and manage the Council's insurance arrangements.
- Day to day management of land, playground, and other resources.
- Management of maintenance contracts.
- Overall responsibility for Health & Safety across all Council property
- Responsible for the management of the budget, in accordance with Council Policy.
- Ensure that Councillors follow the policies and protocols of the Council.
- Deal with all Freedom of Information (FOI) requests, as per the FOI Policy, and report these to Council.
- Deal with all complaints as per the Complaints Policy.
- The following table gives the delegated responsibilities of the Parish clerk.

|   | <b>Delegated Responsibility</b>   |
|---|---|
| a | The responsibilities and duties of the role of Proper Officer as set out within the Law and Council Policies. |
| b | Issue all statutory notifications.  |
| c | Receive Declarations of Acceptance of Office.   |
| d | Receive and record notices disclosing pecuniary interests.  |
| e | Receive and retain documents and plans  |
| f | Sign notices or other documents on behalf of the Council.   |
| g | Receive copies of By-laws made by the principal authority.  |
| h | Prepare agendas and minutes for all Committee meetings.   |
| i | Sign the summons to attend meetings.  |
| j | Ensure compliance with the Council's Standing Orders.   |
| k | Manage the provision of the Council's services, property, land, and resources.                                |
| l | Incur expenditure in an emergency up to £500 whether budgeted or not.   |
| m | Act on behalf of the Council in an urgent situation, and report back to the Council as soon as practical.     |
| n | Deal with dispensation requests from Councillors under the Code of Conduct.                                   |
| o | Deal with matters specifically delegated by Council or Committee.   |
| p | Responsible for the management of the budget in accordance with Council policy.                               |
| q | Overall responsibility for Health & Safety across all Council owned sites.                                    |