



**TATWORTH AND FORTON PARISH COUNCIL**

## **SCHEME OF DELEGATION POLICY**

**Reviewed 10<sup>th</sup> October 2019**

**Minute No. 99/19/3**

**Signed**

## Scheme of Delegation Policy

### 1. The Clerk / RFO

- 1.1 The Clerk to the Council shall be the Responsible Financial Officer (RFO) to the Council and shall be responsible for the Parish Council's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time.
- 1.2 The Clerk to the Council shall be the Proper Officer of the Council and as such is specifically authorised to:
- Receive declarations of acceptance of office
  - Receive and record members' interest
  - Receive and grant dispensations according to the Council's Code of Conduct; details of all dispensations received and granted to be reported to the Council at the next available meeting.
  - Receive and retain plans and documents
  - Sign notices or other documents on behalf of the Council
  - Receive copies of bye-laws made by a primary local authority
  - Certify copies of bye-laws made by the Council
  - Sign summons to attend meetings of the Council
  - To institute and appear in any legal proceedings authorised by the Council
- 1.3 In addition, the Clerk 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 and control of all staff employed by the Council
  - Implement national pay awards and conditions of service in line with the National Joint Council Scheme of Conditions of Service as amended by Local Agreement
  - Authorisation to call any extra-ordinary meetings of the Council or any Committee as necessary, having consulted with the Chairman of the Council, and/or the Chairman of the appropriate Committee
  - Authorisation to respond immediately to any correspondence requiring or requesting information or relating to previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its Committees
  - Authorisation of routine recurring expenditure within the agreed budget according to the Council's financial regulation 5.6
  - Emergency expenditure up to £500 outside of the agreed budget according to financial regulation 4.5
  - To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000
- 1.4 Delegated actions of the Clerk to the Council shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and in line with directions given by the Council from time to time.
- 1.5 The Openness of Local Government Bodies Regulations 2014 (2014 SI No. 2095), which came into force on 6 August 2014, require a written record to be kept of certain decisions made by an officer of a parish council acting under delegated powers. The decisions are those:
- made under a 'specific express authorisation', or
  - made under a general authorisation where the effect of the decision is to;
    - i) grant a permission or licence,
    - ii) affect the rights of an individual, or
    - iii) award a contract or incur expenditure which, in either case, significantly affects the financial position of the Parish Council.

- 1.6 This Policy follows the scope of this provision as detailed in the guidance issued by the Department of Communities & Local Government 'Plain English' guide to the Regulations. The relevant guidance for parish councils is as follows:

*'Officers take many administrative and operational decisions on how they go about their day to day work within the council's rules. These decisions will not need to be recorded.*

*You will not be able [to] inspect some recorded decisions if the whole or part of the records contain confidential information or any other information [where] publicity would be prejudicial to the public interest.*

- *Examples of decisions that should be recorded could include: decisions about awarding contracts above specified individual/total values (the values will vary according to the relevant parish or town council); and*
- *decision to renew a lease to an allotment association*

*Where decisions are already required to be published by other legislation, they do not need to be recorded again provided the record published has the date the decision was taken and the reasons for the decision.*

*Decisions that do not need to be recorded might include the following examples:*

- *routine administrative and organisational decisions such as the purchase of office supplies or repairs;*
- *a decision to sign an allotment tenancy agreement;*
- *decisions to allocate burial plots; and*
- *decisions to book rooms or sports grounds; and decisions to approve works undertaken by a contractor.*

*These are a few selected examples and not an exhaustive list. It is for the council to decide what information should be recorded on the basis of the national rules.'*

- 1.7 The Clerk currently has authority to incur expenditure up to £500 under financial regulation 4.6. The Parish Council does not consider that such expenditure is likely to significantly affect the financial position of the Parish Council. Expenditure in excess of these limits must be authorised by a committee or by Full Council and the decision will be recorded in the minutes.
- 1.8 Accordingly, and having regard to the exemptions set out in the 'Plain English' guide, Tatworth and Forton Parish Council does not consider that officers will be taking decisions of such a nature that a written record will be required.
- 1.9 If, exceptionally, a written record is required of an officer's decision the record will be published on the Parish Council's website and made available for inspection in the Parish Council's office in the same way as minutes of a committee meeting (as per the council's Publication Scheme).

## **2. The Council**

- 2.1.1 The full Council (Twelve Members) can take all decision's or it may appoint one or more committees or sub committees for the purpose of discharging its functions. It may also delegate some of its functions to the officer(s) of the Parish Council.
- 2.1.2 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
  - Borrowing money
  - Approval of the Council's Annual Accounts and completion of the Annual Return
  - Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
  - Making, amending or revoking bye-laws

- Making of Orders under any statutory powers
- Matters of principle or policy
- Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting 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
- All other matters which must by law be reserved to the full Council

### **3. Urgent matters:**

- 3.1 In the event of any matter arising which requires an urgent decision the Clerk to the Council shall forthwith consult with the Chairman and Vice-Chairman of the Council, and the appropriate portfolio holder if the matter involves expenditure not provided for in the annual budget, and not covered by 1.14 and Finance Regulation before acting on behalf of the Council in respect of the particular matter under consideration.
- 3.2 Before the Clerk exercises the delegated powers granted by paragraph 2.2.1 above, those members consulted shall consider whether the matter is of sufficient interest to justify the summoning of a special meeting of the Council or 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.
- 3.3 Before exercising the delegated power granted by paragraph 2.13 above, the Committee concerned shall consider whether the matter is of sufficient import to justify recommending to the Chairman of the Council that a Special Meeting of the Council should be called in accordance with Standing Order 18(c).
- 3.4 Whenever any action is taken in this way, full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next appropriate meeting of the Council.

### **4. Committees**

The following Committees shall be standing committees of the Council and shall consist of such members as the Council shall from time to time determine:

- a) Finance & Personnel Committee
- b) Amenities Committee

The functions of the committees shall be determined by their Terms of Reference.

#### **4.1 Finance & Personnel Committee**

4.1.1 The Finance & Personnel Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- Approval of its minutes as true and correct records
- Receive and grant DPI dispensations; details of all dispensations received to be reported back to the Council, at the next available meeting.
- All matters relating to staff, based on recommendations made or in line with contractual arrangements. 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.  
To carry out the annual staff development review, and to finalise and approve action plans resulting from that review, before reporting to the Council that the review has been completed

4.1.2 Policy on the following matters is reserved to the Council for decision, but the Finance & Personnel Committee may also make policy recommendations relating to:

- Conditions of Service
  - Staff levels.
- 4.1.3 The Committee may refer specific matters to the Council for a final decision if it so wishes.
- 4.1.4 The Finance & Personnel Committee shall be delegated to make decisions on behalf of the Council in the following matters:
- Hearings for grievance, disciplinary and capability matters in accordance with the Council's Grievance and Disciplinary Policy & Procedures
  - Dealing with any grievance, disciplinary and capability matters to a final conclusion, only reporting to Council when the time for any appeal has passed
  - Appointment of an appeals sub-committee, if necessary
- 4.1.5 It is vital that the Finance & Personnel Committee through the Grievance Sub 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.
- 4.1.6 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 Grievance Sub Committee must agree to undertake training in these matters.
- 4.1.7 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 Grievance 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.
- 4.1.8 The Committee may refer specific matters to the Council for a final decision if it so wishes.
- 4.1.9 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.
- 4.5.1 The Finance & Personnel Committee will receive and consider all Grant Funding Applications and is delegated to
- Fully consider each and every application to ensure it meets the Council's criteria
  - Will make decisions with all such applications below the sum of £500.00 and advise the Parish Council accordingly
  - Where applications exceed £500.00 the committee will fully consider such applications and subsequently make their recommendations to the Parish Council for a final decision.
- 4.1.10 The committee shall be governed by its full Terms of Reference.

## **4.2 Amenities Committee**

- 4.2.1 The Amenities Committee shall be delegated to make decisions on behalf of the Council in the following matters:
- Approval of its Minutes as true and correct records
  - Receive and grant DPI dispensations; details of all dispensations received to be reported back to the Council, at the next available meeting
  - Approval of expenditure on items included in the approved Committee budget up to the amount specified in the budget
  - Provision and maintenance of Bas Shelters as well as Street Furniture
  - The Cemetery
  - The Jubilee Field
  - The Allotments located in the Jubilee Field
  - Coombses Pond
  - To assist with other Parish Committees in the submission and allocation of Section 106 Monies

- 4.2.2 The following matters are reserved to the Council for decision, but the Committee may make recommendations:
- Recommendation of the Committee's budget each financial year
  - Any funding required outside of, or above, the set budget in any given financial year
  - Any other matter which may be delegated to it by the Council from time to time
- 4.2.3 The Committee may refer specific matters to the Council for a final decision if it so wishes.
- 4.2.4 The committee shall be governed by its full Terms of Reference

## **5 Working groups**

- 5.1 Working groups may be formed by resolution of the council or committee at any time. The work of such a working group shall be formed by means of a minute detailing the working group's terms of reference.
- 5.2 Where working groups are established they will be convened by their lead member and maintain their own notes which shall be reported in full to the main Committee. They are advisory bodies only with no delegated decision making powers. Officer(s) will attend by invitation only as ad hoc advisor(s).

## **5 Delegation – Limitations**

- 6.1 Committees and sub-committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations, the committee's Terms of Reference, this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, bye-laws or orders made and with any directions given by the Council from time to time.

End.