

# **Sedlescombe Parish Council**

## **Scheme of Delegation**

The parish Councils scheme of delegation is an essential policy to enable the council to function efficiently and effectively. Without this every decision would have to be taken by Full Council. Decision making powers are given to committees and officers to enable the council to react to circumstances and operate effectively.

Powers cannot be given to individual councillors (as the council is a corporate body in law) or working parties.

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (which is one and the same person), committees and sub-committees of the Council to act with delegated authority in the specific circumstances detailed. This shall be subject to observing decisions of the council on matters of policy and principle and working in accordance with the approved Terms of Reference.

### **Applicable statute**

Local Government Act (LGA) 1972 Section 101, 117 LGA schedule 12a (part 1). L G A s102. Data Protection Act 1998 Public Bodies (Admission to Meetings Act) 1960 s2

This scheme does not delegate any matter reserved by law or which, by law, may not be delegated to a councillor and/or an officer.

All delegated functions shall be deemed to be exercised on behalf of and in the name of the council.

The legal basis of the delegation conferred by the document is contained in the following provisions of the LGA: 'S. 101 Arrangements for discharge of function by local authorities

(1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions:

- (a) by a committee, a sub-committee or an officer of the authority, or
- (b) by any other local authority'

### **Delegation to Officers.**

The following matters are delegated to the Council's Officer(s) 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.

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

Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to a committee or Full Council. Similarly, where Officers have no delegated power to make a decision they report the matter to Committee or Full Council for a decision.

### **RESPONSIBLE FINANCIAL OFFICER DUTIES & POWERS**

1.1 The Clerk to the Council is designated and authorised to act as the Responsible Financial Officer (RFO) for the purposes of any statute requiring the designation of a Responsible Financial Officer. Local Government Act 1972 s151. The RFO shall be responsible for the Parish Council's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time.

As such is specifically authorised to:

- Ensure the proper administration of the council's financials affairs
- Report to the 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.
- Matters specifically delegated by Council or Committee.
- Responsible for the overall management of all budgets in accordance with Council policies.
- Having consulted with the Chair of Finance & General Purposes, at the year end to earmark any underspends on any appropriate budget as long as there are sufficient underspends in the overall Council budget. Any such decisions are to be communicated promptly to the council
- Arrange and manage the Council's insurance

## **2. PROPER OFFICER DUTIES & POWERS**

The Clerk to the Council, shall be the Proper Officer of the council, employed under section 112 of the Local Government Act 1972 for the proper discharge of its functions.

2.1 The Parish Clerk will work within approved Standing Orders, Financial Regulations, other policy documents and procedures and approved budgets. as such is specifically authorised to:

Issue all statutory notices

- 2.1.1 Receive declarations of acceptance of office
- 2.1.2 Receive and record notices disclosing interests at meetings
- 2.1.3 Receive and retain plans and documents
- 2.1.4 Sign Notices or other documents on behalf of the Council
- 2.1.5 Receive copies of By-laws made by another local authority
- 2.1.6 Certify copies of By-laws made by the Council
- 2.1.7 Sign and issue summonses to attend meetings of the Council
- 2.1.8 Keep proper records for all Council Meeting
- 2.1.9 Notify the Returning Officer of any casual vacancies and liaise with him regarding the conduct of elections

2.2 In addition, the Parish Clerk has the delegated authority to undertake the following matters on behalf of the Council:

Manage the provision of the councils services, buildings, land and resources

- Authorise routine expenditure within the agreed budget
- Emergency expenditure as defined by Standing Orders and Financial regulations
- Act on behalf of the Council in an Urgent situation and report back to the council as soon as practical.
- Organise the consideration of planning applications in consultation with nominated members of the Planning Committee
- Deal with all press and public relations on behalf of the Council including issuing press releases on any council activity
- Deal with dispensation requests from members under the code of conduct
- Deal with matters specifically delegated by council or committee
- Take all decisions in relation to the training of the councillors and staff
- Management of all staff employed by the Council (directly or indirectly)

- Appoint all employees in accordance with the council's structure
- Determine the outcome of employee probationary periods, following a probationary review having taken place
- Authorise minor non fiscal adjustments to contracts of employment and job descriptions to meet the business needs of the council and within existing budgets.
- Authorise additional hours of work for existing staff on a temporary basis to support the business needs of the Council.
- Deal with all disciplinary matters and hearings in accordance with the Council's Disciplinary Policy, including suspending employees as deemed necessary
- Overall responsibility for Health & Safety across all Council owned sites
- In consultation with the relevant Chairs, amendments may be made to the meeting timetable by the Proper Officer where justified and required, ensuring that this does not reduce the number of Full Council or Committee meetings held
- Dealing with and resolving informal complaints received by the Council (except those regarding the actions or conduct of Councillors or Council employees), in accordance with the Complaints Procedure.
- Management of the Council's website and social media activities

### **3. Full Council Functions.**

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.

3.1.1 Approval of the Budget & Setting the Precept.

3.1.2 Authorisation of borrowing money.

3.1.3 Adopting, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.

3.1.4 Making, amending or revoking By-laws.

3.1.5 Making of Orders under any Statutory powers.

3.1.6 Matters of principle or policy.

3.1.7 Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings).

3.1.8 Authorising the incurring of expenditure not provided within the approved budget.

3.1.9 Approval of the Annual Return (Statement of Accounts).

3.1.10 Approval of the year end accounts.

3.1.11 Any proposed new undertakings (e.g. community/youth facilities).

3.1.12 Prosecution or defence in a court of law.

3.1.13 Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.

3.1.14 Creation of Committees and membership therein.

3.1.15 Consideration of eligibility to use the Power of General Competence as appropriate.

3.1.16 Confirming the appointment of the Parish Clerk.

All other matters which by law must be reserved to the full council.

### **Delegation to committees**

Committees are delegated plenary decision-making powers in respect of matters delegated.

4.1 Sections 102 & 103 Local Government Act 1972 allows for the discharge of the Council's functions by a Committee, a Sub-Committee or an Officer of the Council.

4.2 Committees and Sub Committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegation, where applicable, and may only be exercised where sufficient budgetary provision exists or can be varied from the approved budget of the Committee. The Committees must operate within the statutory framework of powers and duties granted by way of rules, regulations, schemes, statutes, by-laws or orders made and with any directions given by the Council from time to time. The committee are delegated powers to act within their Terms of Reference.

4.3 Committees, unless the Council otherwise directs, may arrange to devolve any of its functions to one or more Sub-Committees or to Officers of the Council in accordance with Standing Orders.

4.4 Reference should be made to Standing Orders in relation to rescinding decisions of the Council

(a) A resolution shall not be reversed within six months except either by a proposal termed 'a special motion', which requires written notice by at least 3 councillors to be given to the Proper Officer in accordance with Standing Order 9, or by a proposal moved in pursuance of the recommendation of a committee or a sub-committee.

(b) When a proposal moved pursuant to Standing Order 8(a) has been disposed of, no similar proposal may be moved within a further 6 months.

4.5 Meetings shall be open to the public and press unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public and press's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public and press's exclusion:

1. Engagement, terms of service, conduct and dismissal of employees;
2. Terms of tenders, proposals and counter-proposals in negotiation for contracts;
3. Preparation for cases in legal proceedings; and
4. Early stages of any dispute.

4.6 All members of the Council shall receive agendas, minutes and supporting papers of all Committees (with the exception of Personnel & Grievance Sub-Committee).

4.7 Notice of meetings and Agendas of the Committee and Sub-Committee Meetings shall be uploaded on to the Council's website.

4.8 Minutes of Committee Meetings shall be kept at the Parish Council Office and uploaded onto the Council's website.

4.9 All members of the council are entitled to attend all committees and sub-committees whether or not they are members of the committee. Only members of the Committee may vote on agenda items. Non-members of the Committee will be allowed to speak on an agenda item on the approval of the Chairman of that Committee

Full council may, at any time, following resolution, revoke any delegated authority.

Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to Full Council. Similarly, where a committee has no delegated power to make a decision it makes a recommendation to Full Council.

## **5. STANDING COMMITTEES OF THE COUNCIL**

Standing Orders state that the Chairman and Vice-Chairman of the Council are ex-officio, members of the Committees.

**Each Committee may refer specific matters to the Council for a final decision if it so wishes**

## **6 URGENT MATTERS**

6.1 In the event of any matter arising which requires an urgent decision, notwithstanding delegated powers granted by paragraph 2.2.4 above, the Parish Clerk shall consult with any two of the Chairman and Vice-Chairman of the appropriate Committee (and also with the Chairman and Vice-Chairman of the Finance Committee if the matter involves expenditure not provided for in the annual budget) the Parish Clerk shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.

6.2 Before agreeing the delegated powers granted by paragraph 6.1 above, those Members consulted shall consider whether the matter is of sufficient interest to justify the summoning of an Extra Ordinary 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.

6.3 Before exercising the delegated powers granted by paragraph 6.1 above, the Committee concerned shall consider whether the matter is of sufficient importance to justify recommending to the Chairman that an Extra-Ordinary Meeting of the Council should be called.

6.4 Whenever such action is taken, 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.

## **7. WORKING GROUPS/PARTIES**

7.1 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.

7.2 Appointment shall be as agreed at the time by elected members

7.3 Full council must direct the working group and set clear terms of reference for them regarding objectives, scope and outcome. The role of full council is to question and challenge the recommendations, to be satisfied of the correct decision.

7.4 The operation of the working group:

1. A Working group will not have a budget.
2. The number of councillors on a working group shall be no less than three. The quorate of a working group will be a minimum of one councillor at each meeting.
3. A working group will not meet in public, therefore Standing Orders are not applicable, although the Code of Conduct still applies.
4. The working group will examine options and make recommendations to Full Council.
5. The working group must facilitate the full council with as much information as it requires to ensure it can make a properly informed decision on its recommendation.

<b>Adopted</b>	<b>Reviewed</b>	<b>Next Review</b>
	May 2023	May 2024
	May 2024	May 2025
	May 2025	May 2026