SCHEME OF DELEGATION

Local Councils may only do what legislation requires or permits them to do. With some particular exceptions, the Council may delegate functions to committees, sub committees, officers, or other authorities. The power to delegate functions by local councils is set out in the Local Government Act 1972 S.101.

This document clarifies the manner in which Pinvin Parish Council has delegated its powers and the authority to spend.

Council

Certain functions cannot be delegated and are therefore reserved to the full Council, although an appropriate committee may make recommendations thereon for the Council's consideration:

- Setting the precept and approval of the Council's budget
- Approval of the Annual Accounts
- Completion of the Annual Return including the Governance Statement
- Consideration of an Auditor's report made in the public interest (*within one month of receipt)*.
- The making, amending or revoking of Standing Orders, Financial Regulations and this Scheme of Delegation
- Adoption or revision of the Council's Code of Conduct.
- Confirmation (by resolution) that the Council has satisfied the statutory criteria to exercise the General Power of Competence
- Determination and review of the Bank Mandate
- Matters of principle or policy
- Nomination or appointment of representatives of the Council to outside bodies (except approved conferences or meetings)
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee
- The making, amending or revoking of bye-laws
- Agreement to write off bad debts
- Approval by resolution, before payment, of any grant or single commitment in excess of £5,000.
- Authorisation as to terms and purpose for any application for Borrowing Approval and subsequent arrangements for the loan.
- Approval of any financial arrangement which does not require formal borrowing approval from the Secretary of State (eg hire purchase or leasing of tangible assets)
- Approval of purchase, acquisition by other means, sale, lease or disposal of tangible moveable property over £1,000.
- Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interests in land).

- Approval of the virement of unspent and available amounts to other budget headings or reserves
- Approval of changes in earmarked reserves as part of the budgetary process

Proper Officer

The Clerk to the Council shall be the Proper Officer and carry out the functions of the Proper Officer as provided by the Local Government Act 1972 and as set out in the job description for the post. In the absence of the Clerk, the full authority of the Proper Officer does not pass to any other person.

- Delegated actions of the Clerk 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.

The Clerk is specifically authorised to:

- Receive declarations of acceptance of office.
- Receive and publish Members' Registers of Interest
- Receive and grant Disclosable Pecuniary Interest (DPI) dispensations after consulting with the District Council's Monitoring Officer; details of all dispensations received and granted to be reported to the Council at the next available meeting.
- Sign and serve on councillors a summons with an agenda to attend Council and committee meetings
- Convene a meeting of the Council if a casual vacancy occurs in the office of the Chairman
- Sign notices or other documents on behalf of the Council
- Receive and hold copies of byelaws made by a principal local authority which affect the Council's area
- Receive and retain plans, notices and documents
- Certify copies of byelaws made by the Council

In addition, the Clerk is authorised to undertake the day to day administration of the Council, to include:

- Calling extra meetings of the Council or any committee or sub-committee as necessary, having consulted with the appropriate chairman, except those called by the Chairman or members in accordance with Standing Order 6.
- Issuing press releases and statements to the press on the Council's known policies, subject to the provisions of the Council's Press and Media Policy.
- Updating and managing the content on the Council's website
- Making arrangements for the maintenance of the office IT system.
- Co-ordinating the production of the Council's newsletters
- Disposal of Council records according to legal restrictions and an agreed retention and disposal policy
- Handling requests for information under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- in the first instance, acknowledging and handling all complaints regarding the council (except where the complaint relates to the clerk);

- Purchasing basic office equipment and supplies
- Arranging emergency repairs to the Council property (subject to the council's standing orders and financial regulations.)
- Taking appropriate action arising from other emergencies (in consultation with the Chairman/Vice Chairman of Council or committee chairman as appropriate to the circumstances)
- Supervising the work of Council employees and contractors.
- Making arrangements to pay salaries/wages and expenses to all employees of the Council (subject to the Council's financial regulations);
- Dealing with day to day matters in relation to the allotments function, in accordance with any policies and decisions of the Allotments Committee or full Council to include issuing Allotment Tenancy Agreements and making arrangements for collecting the annual rents.
- Authorising payment for items below £500 in consultation with the Chairman of Council or the Chairman of the appropriate Committee (Fin Regs 4.1).
- Emergency expenditure up to £500 whether or not there is budgetary provision for the expenditure (Fin Regs 4.5).

When the Council delegates a specific task or function to the Proper Officer, the action taken must be reported to the next Council meeting

Responsible Financial Officer (RFO)

The Responsible Financial Officer (RFO) to the Council is responsible for the Parish Council's accounting procedures and financial records and is accountable for the proper administration of its finances, in line with the current Account and Audit Regulations and the Council's adopted Financial Regulations.

COMMITTEES

All Committees are authorised to:

- At the first meeting after the Annual Parish Council meeting, elect a chairman, and if appropriate, vice-chairman from within the membership of that Committee
- Approve the Minutes of the last meeting of the Committee
- Spend money from budget headings under that Committee's remit up to the limit of the budget and/or named reserve
- Make recommendations on the budget requirement for the Committee for the coming Financial Year.
- Delegate any of their functions to a Sub Committee or officer of the Council.

For each committee meeting an agenda will be prepared by the Clerk in conjunction with the Committee Chairman and will be displayed no later than three working days before the date of the meeting.

COMMITTEE TERMS OF REFERENCE

Finance Committee

1) Membership and frequency of meetings

The Finance Committee will be made up of three members of the Council appointed by the full Council. The Committee will meet at least every three months, and the quorum shall be three members.

2) Terms of Reference

a) To co-ordinate, in consultation with the Chairman of the Committees of the Council, the Chairman of the Council, the Parish Clerk and the RFO, the detailed budget of the Council and to recommend to the Council the annual budget and the annual precept to be levied for the Parish.

a. To monitor expenditure and ensure that the Council receives reports at the end of each quarter on the progress of actual expenditure compared with budget.

b. To prepare the accounts of the Council and arrange for their annual external audit.

c. To be responsible for overseeing the administration and review of day to day financial matters including internal audit of the Council's income and expenditure.

d. To conduct an annual review of the effectiveness of Internal Audit and Internal Control procedures.

e. To arrange for annual review of the Council's insurance policies and to oversee the procedure for risk assessment of all the Council's activities.

f. To advise the Council on all aspects of finance and financial policy, including the investment of both operating and capital balances and any transfers into and out of the capital fund.

g. To review from time to time the Council's banking arrangements and make recommendations to the Council when necessary.

h. To approve, on behalf of the Council, the transfer of funds from and to particular budget items where the Chairman of the Committee is satisfied that the transfer of funds must take place before the next meeting of the Council. Such urgent transfers of funds must be agreed by the Chairman or Vice Chairman of the Committee affected by the transfer and by the Chairman or Vice Chairman of Council.

i. To review the Council's Financial Regulations annually.

j. To draw up and periodically review a procedure for the making of grants and donations and to consider and make decisions on such requests made to the Council, in accordance with that policy.

k. To deal on behalf of the Council and as instructed by it, with any matters of policy which do not fall clearly within the responsibilities of the other Committees or where there is any conflict between them.

l. To ensure that appropriate records are kept of all assets and that they are adequately controlled.

m. The Committee may delegate any of its functions to Sub-Committees constructed from its members or to an officer of the Council.

Allotment Committee

1) Membership and frequency of meetings

The Allotment Committee will comprise 5 members of the Council together with a maximum of 2 co-opted representatives of existing and prospective tenants. Co-opted members have no voting rights on matters affecting finance or policy. The quorum shall be 3 members. There shall be at least 4 meetings of the Committee in each year.

2) Terms of Reference

a) To consider and make decisions on any matters affecting the allotments with the exception of items clearly excluded under points item 2(i) below.

b) To exercise the powers delegated to the committee on behalf of the Parish Council, as set out in section 7.

c) To make recommendations on an annual basis (no later than June) to the Parish Council of any increase in tenancy fees.

d) To approve or comment upon actions taken and reported by the Parish Clerk on allotment matters.

e) To carry out the annual Risk Assessment and bring to the attention of the Parish Council any identified health and safety risks.

f) To manage all aspects of allocating allotments, including maintaining the waiting list in a strict chronological order and carrying out site visits with prospective tenants in order to identify size of plot required

g) To identify cases where tenancy agreements, policies or rules are not being observed and follow procedure for non-compliance.

h) Promote the facilities of the allotments and encourage its use for the benefit of the Community.

i) To make recommendations on the following topics for decision by the full Council:

   i) Rents.

   ii) Major improvements or material changes to the site.

   iii) Situations where a dispute between the Committee and a tenant has not been resolved by the Committee and the Council's Complaints Policy is invoked.

j) To provide direction for Parish Lengthsman Liasion.

Planning Committee

1) Membership and frequency of meetings

The Planning Committee will be made up of three members of the Council appointed by the full Council and the quorum shall be 3 members. The Committee will meet monthly.

2) Terms of Reference

a) To examine and make recommendations to the Council on all major planning applications; and on national and regional planning policy and the current South Worcestershire Development Plan. In cases where a response is required before the next ordinary meeting of the Council and the Chairman of the Council agrees that an extraordinary meeting of the Council is not necessary, the Committee shall deal with the matter. A major planning application shall be defined as one which has a significant effect on the Parish of Pinvin as a whole, whether in terms of the environment, infrastructure, the local economy, traffic, or transport.

b) To examine and deal with on behalf of the Council, all other planning applications/tree preservation order matters/footpath creation orders.

c) Where the consultation timescale requires a response before the next Committee meeting, it will be dealt with at the next meeting of the full Council.

d) To examine and make recommendations to the Council on all traffic issues, and new highway facilities, which affect the Parish, (and which are the responsibility of Worcestershire County Council) with the exception of highways maintenance matters.

e) Any urgent and non-controversial traffic related matters which need to be dealt with on behalf of the Council before the next meeting of the Committee, may be dealt with on behalf of the Council, by the Clerk in consultation with any two Members, one of

whom must be the Chairman or Vice Chairman of the Committee (or in the absence of both of them, the Chairman or Vice Chairman of the Council).

f) The Committee may delegate any of its functions to Sub-Committees constructed from its members or to an officer of the Council.

Complaints Committee

1) Membership and Frequency of Meetings

The Complaints Committee shall consist of 3 members of the Council appointed by the full Council. The Committee shall meet annually following the Annual Meeting of Council to elect a Chairman and Vice Chairman and otherwise as required to deal with formal complaints made against the Council. The quorum shall be 3 members.

2) Terms of Reference
   a) To agree a procedure in for the handling of complaints made against the Council regarding matters over which the Council does or could exercise a power, duty or control.
   b) To deal with formal complaints made against the Council in accordance with the agreed procedure referred to in paragraph 2 (a) above.

Staffing Committee

1) Membership and Frequency of Meetings
   a) The staffing committee shall consist of the Chairman and Vice-chairman of the full Council and one other member appointed by the Council. The quorum shall be 3 members.

2) Terms of Reference
   a) The committee will be mindful:
      (1) of the legal framework for and good practice in employment matters.
      (2) of the confidential nature of employer/employee matters and that many of the items for consideration will require that the public and press be excluded by resolution of the committee.
      (3) of the nationally negotiated model contract and terms and conditions for the employment of the clerk to the council.
   b) To make recommendations to full Council following reports from the Clerk on
      i) staffing requirements.
      ii) all policy issues relating to staff.
   c) To be responsible for staff recruitment.
   d) To confirm individual contracts of employment and all terms and conditions.
   e) To make arrangements for a regular objective review of the clerk's performance by the chairman (and vice chairman) of council and take any necessary action.
   f) To decide upon annual salary awards.
   g) To consider matters arising from the application of the council's disciplinary and grievance procedures and take all necessary action.
   h) As and when required under the council's disciplinary and grievance procedures, to appoint an appeals panel, whose members will not be members of the staffing committee, and appoint the chairman of the appeals panel who will initiate an appeals panel meeting.

i) To consider recommendations from the appeal panel and take any necessary actions.

INDIVIDUAL COUNCILLOR ROLES

Individual Councillors may undertake roles involving day-to-day organisation or supervision subject to:

- Overall direction of the Council or a Committee.
- Provision of regular reports to the Council or Committee.
- Any matter involving staff terms and conditions, rate of pay or contractual terms being referred to the Clerk who is responsible for these issues.

Parish Lengthsman Liaison

1) Role

One Councillor appointed by the Council to liaise with the Parish Lengthsman.

2) Terms of Reference

a) To work under the overall direction of the Allotments Committee

b) To agree work plans with the Lengthsman.

c) To ensure that tasks from the work plan are completed is a satisfactory manner.

d) To review and endorse the Lengthsman's task and time sheets before submission to the Clerk.