

Tangmere Parish Council

SCHEME OF DELEGATION

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1. DISCHARGE OF THE SCHEME

- 1.1 This Scheme of Delegation forms part of the Council's governance documents along with Standing Orders Financial Regulations and the Code of Conduct. The Scheme will be reviewed at least every two years and when there are staffing changes.
- 1.2 Those with delegated responsibility are referred to by job title, Parish Clerk.
- 1.3 One of the purposes of the document is to clearly define the parameters within which officers of the council are able to act without reference to councillors. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.
- 1.4 Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.
- 1.5 The other purpose of the document is to capture the various delegated powers throughout the Council, including those delegated by the Council to its committees. This element of the scheme incorporates the terms of reference of the committees.

2. PRINCIPLES OF DELEGATION

- 2.1 Section 101 of the Local Government Act 1972 provides:
 - That a Council may delegate its powers (except those incapable of delegation) to a committee; or an officer.
 - A committee may delegate its powers to an officer.
 - The delegating body may exercise powers that have been delegated.
- 2.2 Any delegation to a committee or the Proper Officer shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and with the law.
- 2.3 In an emergency the Proper Officer is empowered to carry out any function of the Council.
- 2.4 Where the Parish Clerk is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chairman of the Council and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

3. Authority to Act

- 3.1 It will be appropriate for the Parish Clerk to refer a matter to the Council where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for councillors to determine; or could, by its scale or complexity expose the Council to major corporate risk.
- 3.2 The Parish Clerk and Committees have the responsibility to act within the Council's approved policies, procedures and framework and within the law in conjunction with this delegated scheme.

4 CONFLICTS OF INTEREST

- 4.1 Under the Local Government Act 1972, section 117 the Parish Clerk must make a formal declaration about council contracts where they have a financial interest.

- 4.2 Where the Parish Clerk has a conflict of interest in any matter, the Clerk shall not participate in that matter unless approved by the Council and this is formally recorded in the Council minutes.

5 COUNCIL RESERVED POWERS

- 5.1 The following matters are only to be resolved by the Full Council:
- Appointment of the Parish Clerk/Responsible Financial Officer and any other council officers following a recommendation from the Finance Committee
 - To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies
 - To approve and adopt the Policy Framework.
 - To approve and adopt the Budget.
 - To agree and/or amend the terms of reference for committees
 - To adopt the schedule of meetings for the ensuing year.
 - To determine matters involving expenditure for which budget provision is not made or is exceeded.
 - To set the Precept.
 - To make byelaws.
 - To borrow money.
 - To annually approve the statutory annual return
 - To approve eligibility for the General Power of Competence

6 DELEGATION TO COMMITTEES - SAFEGUARDS

- 6.1 The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a Committee or Officer.

7 DELEGATION TO COMMITTEES

7.1 FINANCE COMMITTEE

Membership: Five Parish Councillors

Quorum: Three Parish Councillors

Meetings: Six times a year, approximately once every two months

The Committee shall elect a Chairman and Vice-Chairman. There shall be no substitutes for this Committee. Public participation is permitted for meetings of this Committee.

Terms of Reference:

The Finance Committee will be responsible for the following:

- 1) The management and control of the Council's finance and resources and making appropriate recommendation to Full Council;
- 2) Drawing together Council's budgets and recommending to Council the precept to be levied on the Chichester District Council;
- 3) The annual review of the Council's fees and charges;
- 4) Budget monitoring and control;
- 5) Taking an overview of risk management, including the insurance of buildings and property and the maintenance of an asset register;
- 6) Ensuring that risk assessments are undertaken for all areas under the Committee's control;
- 7) The annual review of Financial Regulations and recommending amendments full Council;

- 8) Making recommendations to Full Council about the appointment of an internal auditor;
- 9) Receiving internal and external audit reports and onward reporting to Full Council;
- 10) Recommending the annual accounts to the Council for approval;
- 11) Keeping the Council's policies and procedures under review and recommending amendments or new policies to Council for adoption;
- 12) Authorising accounts for payment in between meetings of Full Council;
- 13) Developing Grants policy and recommending to Full Council;
- 14) Inviting and considering grants applications in accordance with the policy and awarding grants;
- 15) Recruitment of Parish Clerk/ Responsible Financial Officer (and other staff as required) and recommendation to Full Council for appointment;
- 16) Developing and implementing recruitment and selection procedures;
- 17) Annual staff appraisal and development;
- 18) Reviewing staff contracts, grievance and discipline policies every two years
- 19) Review of staff and accommodation requirements;
- 20) Management of employee rights relating to leave, time off and sickness; and
- 21) Ensuring the health and safety at work of all staff

7.2 ENVIRONMENT COMMITTEE

Membership: Eight parish councillors

Quorum: Three parish councillors

Meetings: Six times a year, approximately once every two months

The Committee shall elect a Chairman and Vice-Chairman. There shall be no substitutes for this Committee. Public participation is permitted for meetings of this Committee.

Terms of Reference:

The Environment Committee will be responsible for the following:

- 1) Considering and making observations on planning applications within the Council area and subject to consultation by the relevant planning authority;
- 2) Monitoring planning decisions made by the planning authority;
- 3) Making representations on planning enforcement matters;
- 4) Making representations, as appropriate, on planning appeals;
- 5) Monitoring traffic, transport and highways issues as they affect the parish council's area and making representations to the appropriate parties;
- 6) Monitoring footpaths and rights of way within the parish council area and making representation as appropriate;
- 7) Monitoring issues related to drainage, services, public utilities and street lighting within the parish council area and making representations as appropriate;
- 8) Management of the Recreation Field, its car park and other open space owned or controlled by the Parish Council;
- 9) Management of the Parish Council's allotments, community garden and the "Horse Field";
- 10) Management of all the Parish Council's assets in the public realm including trees, benches, bus shelters, noticeboards and speed indicator devices.
- 11) Ensuring that risk assessments are undertaken for all areas under the Committee's control; and
- 12) Ensuring that safety inspections are undertaken regularly for the play areas.

7.3 VILLAGE CENTRE COMMITTEE

Membership: Five parish councillors

Quorum: Three parish councillors

Meetings: Six times a year, approximately once every two months

The Committee shall elect a Chairman and Vice-Chairman. There shall be no substitutes for this Committee. Public participation is permitted for meetings of this Committee.

Terms of Reference:

The Village Centre Committee will be responsible for the following:

- 1) Management of the Village Centre ¹
- 2) Overseeing Village Centre staff and volunteers
- 3) Liaison with the Users Group
- 4) Developing and reviewing hiring policy
- 5) Management of Village Centre Bookings and Hiring Policy
- 6) Reviewing hiring charges and making recommendations to the Finance Committee/Full Council;
- 7) Management of the Double Garage;
- 8) Management of bookings for the recreation field;
- 9) Maintenance of sports equipment and sports pitches;
- 10) Management of the pop-up café; and
- 11) Ensuring that risk assessments are undertaken for all areas under the Committee's control.

8 DELEGATION TO PARISH CLERK

(a) Parish Clerk

1. The Parish Clerk is designated and authorised to act as the Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a proper officer.
2. In the case of an emergency, the Clerk shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Chairman (if practicable in the circumstances).
3. The Clerk will have the authority to dispose of the Council's assets (excluding land and building assets) subject to the estimated value of any one tangible; moveable item not exceeding £500. The Clerk is responsible for ensuring any disposal details including the disposal values are recorded in the assets register.
4. The Clerk is the manager for all other staff employed by the Council and is given delegated powers to manage the council staff in accordance with the Council's policies, procedures and budget
5. Power to authorise relevant training courses provided the expense can be met

¹ The following areas are the responsibility of the VC Committee: Shrubs and borders adjacent to the VC (as at present); hedging to south and east of car park plus section between the container and garage; paving to front and rear; Bicycle Shelter. The VC Committee is responsible for maintenance specifically related to booked sports activities on Rec. Field (e.g. Cricket, Football and in MUGA). The Parish Council is responsible for all other items on and around the Recreation Field not listed above. The VCC is responsible for the routine maintenance and repairs of the internal and external fabric of the building, but that the Parish Council is responsible for major capital items, such as, say a new roof or windows. Finance Cttee 16/12/2015 Min 1029.13-15 refers

from approved budgets having taken into account the training needs of the employees.

6. Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the Full Council
7. As Proper Officer, to sign all documents on behalf of the Council including the Summons to Elected Members to attend Council Meetings in accordance with paragraph 4 and Schedule 12 of the Local Government Act, 1972
8. To sign and publish the annual public notices that the Audit of Accounts is to take place and has taken place.
9. To receive members' acceptance of declarations of interest and their appointment as a Councillor.
10. Power to release press statements on any activities of the Council subject to prior consultation with the Chairman
11. Power to act on own initiative to implement the Councils policies and objectives.
12. Power to take appropriate steps to ensure the Council does not exceed its powers.
13. Power to manage all the Council's facilities and resources in accordance with the Council's policies.
14. The Proper Officer shall have authority to issue written authorisation to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties.
15. The Proper Officer shall be responsible for signing all the Council's Official Notices as set out in the Standing Orders.
16. As Proper Officer/Responsible Financial Officer, the Clerk may incur expenditure on revenue items on behalf of the Council up to the amounts included in the approved budget.
17. The Parish Clerk, in consultation with Councillors, to make comment on planning applications submitted to Tangmere Parish Council by Chichester District Council within the statutory 21 day consultation period if the deadline is before the next available Council/Committee meeting.

(b) Responsible Financial Officer

1. The Responsible Financial Officer will be responsible for all financial records of the Council and the careful administration of its finances and accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time and with the policies and procedures set by the Council and within the law.
2. The Responsible Financial Officer will have the power to release any financial related report or document to the Council in discharge of the Responsible Financial Officer responsibilities.
3. The Responsible Financial Officer shall ensure the approved precept request is issued to Chichester District Council (the billing authority).