

# SELLINDGE PARISH COUNCIL – Scheme of Delegation | 2024

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Whilst the full Council can take every decision, it should, in the interests of good practice and expediency appoint Committees as it sees fit; these Committees may discharge functions of the Council and additionally, delegate some of its functions to the Clerk/Responsible Finance Officer.

## 1. The Council

1.1 The following matters are reserved to the Council for decision, notwithstanding that appropriate Committee/s may also make recommendations to the Council for its consideration:

- Setting the precept
- Borrowing money
- Approval of the Councils Annual Accounts and completion of the Annual Return.
- Making, amending or revoking Standing Orders, Financial regulations or this Scheme of Delegation
- Matters of principle or policy
- Nomination and appointment of representative of the Council to any other authority, organization or body (excepting approved conferences or meetings)
- Any proposed new undertakings
- Prosecution or defense in a court of law
- Nomination or appointment or representative of the Council at any inquiry on matters affecting the Parish, excluding those reserved matters specific to a committee.
- Any other matters which must by law be reserved to the full Council.

1.2. The Council may appoint Working Group/s, non councillors can be members of the working group.

1.3. Each working Group should be no larger than 6, unless the Council feel that more are required, this should be agreed and minuted.

1.4. Each Working Group must have a majority of Councillors.

1.5. The Working Group should be on a 'Task and Finish' basis to deal with any ad-hoc, specific issues or projects as necessary.

## 2. The Clerk/RFO

2.1. The Clerk to the Council shall be the Responsible Financial Officer (RFO) to the Council and shall be responsible for the Council's accounting procedures, in accordance with the Accounts and Audit Regulations.

2.2. The Clerk to the Council will be the Proper Officer of the Council and as such is specifically authorized to:

- Received Declarations of acceptance of Office
- Receive and record members' interests
- Receive and grant dispensations according to the Councils Code of Conduct, which details of all dispensation's requests received and granted to be reported to the Council at the next available meeting.
- Receive and retain plans and documents

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- Sign notices and other documents on behalf of the Council
  - Receive copies of by-laws made other authorities
  - Sign summons to attend meetings of the Council
  - To institute and appear in any legal proceedings authorized by the Council
  - To seek grants and other for the Council projects
- 2.3. Agree matters relating to events within the Parish whether organized directly or by third party organizers. In addition, the Clerk has the Delegated power to undertake the following matters on behalf of the Council:
- Day to day administration of services together with routine inspections and control
  - Day to day supervision and control of staff employed by the Council
  - Implement notional pay awards and conditions of service as amended under local or national agreement.
  - Authorization to call any extra –ordinary meetings of the Council or any Committee as necessary, having first consulted with the Chairman of the Council and/or the Chairman of the appropriate Committee
  - Authorization to respond immediately to any correspondence requiring or requesting information or relating to any previous decisions made by the Council or Committee. (No correspondence should be entered into by the Clerk/RFO if an opinion or decision is required)
- 2.4. The Delegated actions of the Clerk to the Council shall be in accordance with Standing Orders, Finance regulations and this Scheme of delegation and any other directions given by the Council or Committee from time to time.
- 2.5. The Openness of Local Government Bodies Regulations 2014 require written records to be kept of certain decisions made by an officer of a parish council acting under delegated powers; these decisions are:
- Made under a specific express authorization or
  - Made under a general authorization where the effect of the decision is
    - Grant a permission or license
    - Affect the rights of an individual
    - Signing a contract which has been previously agreed – in principle – by the Council or Committee
- 2.6. The Clerk has authority to incur emergency expenditure up to £750.00. The Parish Council does not consider that such expenditure is likely to significantly affect the financial position of the Council. Any expenditure in excess of these limits must be authorized by a committee with full delegated power or the full Council and decisions must be recorded in the minutes.

### 3. Urgent Matters

- 3.1. Where any matter arising, which requires an urgent decision, the Clerk/RFO shall consult the Chairman of the Council or relevant Committee if the expenditure is not provided for in the annual budget or Finance Regulations.
- 3.2. Before the Clerk exercises the delegated power granted above, those members consulted shall consider whether or not the matter is of sufficient significance to justify the summoning of a special meeting of the Council or relevant Committee.

### 4. Standing Committees

- 4.1. The following Committees shall be standing committees of the Council and shall consist of such members as the Council shall determine.
  - Planning
  - Finance and General Purposes
  - Staffing/HR

4.2 The functions of these committees shall be determined by their Terms of Reference (ToR)

### 5. Planning Committee

- 5.1. The Planning 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 DPI dispensations, details of which shall be reported back to the full Council
  - To comment on planning applications received from the District Council as planning authority and Kent Council where appropriate
  - To comment on planning applications received from the planning authority Regarding street naming, depending on deadlines
  - Licensing matters
  - To comment on behalf of the Council on Local Development Framework plans, Structure
  - Plans, Mineral Plans, Waste Plans, Regional Plans and any other plans or studies as considered appropriate
  - To comment on behalf of the Council in response to any consultations in relation to highways matters including off and on-street parking, footpath diversions, modifications or adoptions
  - Any other matter which may be delegated to it by the Council from time to time
- 5.2. The Committee may refer specific matters to the Council for a final decision if it so wishes.
- 5.3. The Committee may appoint sub committees if necessary and will define the purpose of the sub committees (see 6 below)

## **6. Finance & General Purposes.**

6.1 The Finance & General Purposes Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- Approval of its own Committee Meeting minutes as true and correct records
- Receive 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 any devolved Committee budget up to the amount specified in the budget
- Monitoring all the Council's financial matters
- Formulating and monitoring policies on financial risk management and internal controls
- Approve transfers of budgets (virements)
- Agree the level of general and earmarked reserves held by the Council
- Allocation of grants and donations WITHIN the allocated budget
- Administration and maintenance of any current or future land or property owned by the Council
- Health and Safety other than staffing/workplace issues
- Receive records of any expenditure incurred by the Clerk/RFO under emergency measures as defined in 3.1 above
- Any other matter referred to the Finance & General Purposes Committee by the Full Council or other Committee or Working Group

6.2 The Committee may consider and make recommendations to the Full Council on the following matters:

- Issuing a precept
- Borrowing money
- Matters of policy or new issues of importance to the whole area
- Working party requests for expenditure BEYOND any agreed budget allocation
- The Committee may appoint sub committees if necessary and will define the purpose of the sub committees (see 7 below)

## **7. Staffing Committee (recommended 4/5 members.)**

7.1 The Committee will be able to agree its own Minutes

7.2 The Committee has delegated powers to make decisions on behalf of the Council about all staffing issues not delegated to the Proper Officer including:

- To consider any staff grievances in line with adopted policy
- To carry out disciplinary hearings in line with adopted policy, only reporting to Council when the time of any appeal has passed.
- To keep under review staff working conditions and health and safety matters
- To manage long term sickness, incidents at work and Return to Work programmes
- To review the Council's staffing arrangements and recommend appropriate changes to the Council.
- To carry out the Proper Officers appraisal

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7.3 In the absence of the Proper Officer, all staffing matters will be the responsibility of the Staffing Committee, including welfare and the appointment of temporary staff for the post of Proper Officer/RFO as necessary

7.4 The staffing committee may make policy recommendations relating to Conditions of service and staffing matters.

7.5 The Committee may refer specific matters to the Council for a final decision if it so wishes.

7.6 The Committee shall be governed by this full term of reference

## **8 Ad-hoc committees**

The Council and any of the Committees may arrange ad-hoc Sub-Committee as they so determine, to consider Task and Finish roles, who will report back to the Committee or the Council who arranged them.

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