

# **SCHEME OF DELEGATION**

**Relating to the Proceedings and Business**

**FOR THE**

**PARISH COUNCIL  
OF**

**HORDEN**

**July 2017**

## CLERK TO THE COUNCIL DELEGATED AUTHORITY

### Proper Officer

1. The Clerk to the Council is designated and authorized to act as 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.

### Responsible Financial Officer

The Clerk to the Council is designated and authorized to act as the Responsible Financial Officer for the purposes of any statute requiring the designation of a Responsible Financial Officer. Local Government Act 1972 s151.

### Clerk to the Council

The Parish Council is employed by the council under section 112 of the Local Government Act 1972 for the proper discharge of its functions.

### General Matters

The Clerk to the Council shall do the following;

- i. **Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting.**
- ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
- iii. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with 4(i) OR 4(ii) above.**
- iv. **Receive and retain copies of byelaws made by local authorities.**
- v. **Receive and retain declarations of acceptance of office from councillors.**
- vi. Make available for inspection the minutes from meetings.
- vii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- viii. Keep proper records required before and after meetings;
- ix. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- x. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xi. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xii. Arrange for legal deeds [to be signed by 2 councillors and witnessed.
- xiii. Record every planning application notified to the Council and the Council's response to the local planning authority;
- xiv. Refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman of the Finance and General Purposes Committee within 2 working days of receipt to consider an extraordinary meeting, if required, if the nature of a planning application requires consideration before

- xv. the next ordinary meeting of the Finance and General Purposes Committee.  
to sign on behalf of the Council any document necessary to give effect to any decision of the Council.
- xvi. to institute and appear in any legal proceedings authorised by the Council,
- xvii. to appear or make representation to any tribunal or public inquiry into any matter which the Council has an interest,
- xviii. to alter the date or time of a committee meeting, but before doing so, shall consult the Chairman of the committee concerned about the need for the change and about alternative dates and times,
- xix. to manage the Council's allotments, or delegate management to an allotments association.
- xx. to authorised and sign Grants of Exclusive Rights.
- xxi. to authorise the installation of publicly requested benches, trees or other memorials.
- xxii. to authorise the use of playing fields and open spaces.
- xxiii. to allocate sports pitches in line with council policy.
- xxiv. to prepare statements for the press where the known policy of the council exists.
- xxv. to carry out the wishes of any Council, Committee or sub-committee decision.
- xxvi. to develop and maintain the councils I.T. capabilities, including the council website.
- xxvii. to manage the day-to-day operational management of the council.
- xxviii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

## 5. **Financial matters**

The Clerk to the Council is authorised as follows:

- i. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- ii. to incur expenditure up to a maximum of £4,000.
- iii. The Clerk may incur expenditure on behalf of the Council which is necessary to procure services, carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £5000. The Clerk shall report the action to the council as soon as practicable thereafter.
- iv. to authorise for payment, staff wages in line with council policy.
- v. to prepare VAT reclaim on behalf of the council.
- vi. to take proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council,
- vii. to issue invoices on behalf of the council.
- viii. to carry out duties in line with the responsibilities of RFO.
- ix. to carry out duties in accordance with the Financial Regulations of Horden Parish Council and the Audit Commission's approved Audit and Accounting regulations.
- x. To negotiate and authorise the rents and fees for persons using the facilities provided by the council, other than standard charges proscribed by the council, including free use of facilities, where required.

6 **Staffing Matters**

The Clerk to the Council is given delegated powers to act as line manager to all the Council staff in accordance with the Council's policies, procedures and budget, including:-

- i. the monitoring and management of staff performance including annual appraisals.
- ii. to manage discipline and grievance matters up to and including final written warning in line with council policy.
- iii. to arrange staff training as directed by the Council.
- iv. to approve and authorise reasonable overtime as required.
- v. to approve and authorise annual leave entitlement and other absence as appropriate.
- vi. to arrange the employment of temporary staff when required.
- vii. to supervise and line manage all other employees of the council, or to delegate management responsibility to appropriate managers / supervisors in line with council policy.

7 **Urgent matters**

The Clerk to the Council is authorised to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council and the relevant committee or sub-committee. The Chairman of the Council or Chairman of the appropriate Committee will be informed as soon as practically possible of any action taken by the Clerk.

**PARKS AND CEMETERY COMMITTEE DELEGATED AUTHORITY**

**Number of Councillors in Committee**

The total number of councillors in the Parks and Cemetery Committee shall be set at 15.

**Terms of Reference**

The Parks and Cemetery Committee will consider any decision relating to;

- I. The strategic management of all of the council's parks and open spaces and the maintenance and enhancement of all its land holdings recognizing the significance and importance of such standards.
- II. The provision and maintenance of street furniture.
- III. The provision and maintenance of the parish cemetery.
- IV. The maintenance of the parish clock and war memorial.
- V. The strategic management of the council's allotments and liaison with the allotments association.
- VI. The management and maintenance of the council's car parks.
- VII. Public footpath issues.

## **FINANCE AND GENERAL PURPOSES COMMITTEE DELEGATED AUTHORITY**

### **Number of Councillors in Committee**

The total number of councillors in the Finance and General Purposes Committee shall be set at 15.

### **Terms of Reference**

The Finance and General Purposes Committee will consider any decision relating to;

### **Terms of Reference**

- I. The undertaking of all Parish financial matters (other than those precluded by statute) and any other miscellaneous matters. The efficient and effective administration of the Parish Council's affairs with specific attention to resource allocation and financial well-being.
- II. The provision of the Parish Council's services at the minimum costs commensurate with maximum and effective fulfilment of the Council's operational role and policy aims.
- III. Seek to ensure the most profitable and efficient investment management policies.
- IV. Recognise the need for good business management in operating its services and will, as appropriate, undertake performance and systems reviews to ensure an economic, effective and efficient Parish Council, including where beneficial, opportunities for the introduction of new technology within the Council's office systems.
- V. To develop the Council's Medium Term Financial Strategy.
- VI. Recognise the need for, and benefits of, Member and staff training and will positively initiate and react to positive and appropriate opportunities within the context of overall budget resources.
- VII. To consider all matters relating to planning applications, Listed Building consents, buildings of special interest, historic buildings and buildings in the conservation area, Local Development Framework, Street naming and numbering.

## **HORDEN RECREATION GROUND COMMITTEE DELEGATED AUTHORITY**

### **Number of Councillors in Committee**

The total number of councillors in the Horden Recreation Ground Committee shall be set at 15.

### **Terms of Reference**

The Horden Recreation Ground Committee will consider any decision relating to;

### **Terms of Reference**

- I. To act in the parish council's capacity as the sole trustee of the registered charity Horden Recreation Ground (charity number 520826).

- II. As the sole trustee; every member of the parish council will automatically become part of the trustee for the ground as a collective of 15 members. There are no individual trustees.
- III. To manage the provision, maintenance and development of the charity, in accordance with the approved scheme set out by the Charity Commission dated 5<sup>th</sup> November 1998.

## **BUDGET SUB-COMMITTEE DELEGATED AUTHORITY**

### **Number of Councillors in Committee**

The total number of councillors in the Parks and Cemetery Committee shall be set at 8.

### **Terms of Reference**

The Budget Sub-Committee will consider any decision relating to;

- I. To develop a budget preparation plan when considering future budget requirements.
- II. To review the draft budget for the forthcoming year and make recommendations for Full Council to consider when agreeing the Annual Budget, Strategic Plan and Precept.

## **PERSONNEL SUB-COMMITTEE DELEGATED AUTHORITY**

### **Number of Councillors in Committee**

The total number of councillors in the Parks and Cemetery Committee shall be set at 8.

### **Terms of Reference**

The Personnel Sub-Committee will consider any decision relating to;

- I. To review staffing structure and levels and make recommendations to the Council to efficiently discharge the work required of the Council and to review work loads periodically.
- II. To review terms of conditions of employment.
- III. To act as a recruitment/disciplinary panel.
- IV. To review health and safety at work for all Council employees and to put into place effective measures to safeguard their health and safety at work.
- V. To ensure the council complies with all legislative requirements relating to the employment of staff.
- VI. To undertake reviews of working practices and procedures of the Council as a whole when so requested and to make recommendations to Council including relevant human resources policies where applicable.

## **APPEALS COMMITTEE DELEGATED AUTHORITY**

### **Number of Councillors in Committee**

The total number of councillors in the Appeals Committee shall be set at 4. These councillors will not be members of the Personnel Sub-Committee at the same time.

### **Terms of Reference**

The Appeals Committee will consider any decision relating to grievances, complaints or appeals regarding decision making implemented by the council.

## **PERFORMANCE MANAGEMENT FRAMEWORK SUB-COMMITTEE DELEGATED AUTHORITY**

### **Number of Councillors in Committee**

The total number of councillors in the Performance Management Sub-Committee shall be set at 4.

### **Terms of Reference**

The Performance Management Sub-Committee Committee will consider any decision relating to;

- I. To monitor, review the councils approved Performance Management Framework on a 2 monthly basis in respect to the Clerk.
- II. To make recommendations, where required, to the Full Council on a 4 monthly reporting basis regarding the progress, slippage and priorities against the Performance Management Framework.
- III. Developing the best approach in conjunction with the Clerk to achieve agreed outcomes.

### **Full Council**

All other matters not delegated. In addition, the following powers will be only exercised by the Full Council;

- I. The power to issue a precept for the rate.
- II. The determination of borrowing limits.
- III. The duty to consider an auditors report.
- IV. The determination of enacting legal action.
- V. The power to approve schemes for local lotteries.

This Scheme of Delegation was approved by Horden Parish council at their meeting on: 4<sup>th</sup> July 2017

Minute Reference: HPC 17/18/058