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# Scheme of Delegation

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Broadbridge Heath Parish  
Council

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Adopted: 10<sup>th</sup> Jan 2022

Review: July 2022

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## SCHEME OF DELEGATION

### 1. Scheme of Delegation

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (which may be one and the same person – the Parish Clerk), Standing Committees and Sub-committees of the Council to act with delegated authority in the specific circumstances detailed.

### 2. Proper Officer and Responsible Financial Officer - Duties and Powers

#### 2.1 Responsible Financial **Officer** (RFO)

The Parish Clerk shall be the Responsible Financial Officer to the Council and shall be responsible for the Parish **Council's** accounting procedures, in accordance with the accounting regulations in force at any given time. In the absence of the Parish Clerk, **the** Parish Council shall be responsible.

#### 2.2 Proper Officer

The Parish Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

- Receive Declarations of Acceptance of Office;
- Receive and record notices disclosing pecuniary interests;
- Receive and retain plans and documents;
- Sign notices or other documents on behalf of the Council;
- Receive copies of By-Laws made by a Primary Local Authority;
- Certify copies of By-Laws made by the Council;
- Sign summonses to attend meetings of the Council;
- receive from the District Council's Monitoring Officer/The Standards Board for England any documents in relation to complaints received under The Members' Code of Conduct and report this at the next convenient meeting of the Council.

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

- Day to day administration of services, together with routine inspection and control.
- Day to day supervision and control of all staff employed by the Council.
- Authorisation of routine expenditure within the agreed budget.
- Authorise training or attendance at Conferences as agreed within budget.
- Emergency expenditure as detailed in Financial Regulations outside of the agreed budget or expenditure

Delegated actions of the Parish Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.

### **3. Council**

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. ***(Please note Appendix 1 for matters which may be delegated contrary to the below in specific circumstances.)***

- Setting the Precept;
- Borrowing money;
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
- Making, amending or revoking By-Laws;
- Making of Orders and entering into Contracts under any Statutory powers;
- Matters of principle or policy;
- Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings);
- Any proposed new undertakings;
- Prosecution or defence in a court of Law;
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.

### **4. Finance & Establishment Committee**

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

- Approval of the Annual Return (Statement of Accounts);
- All matters Relating to Finance, including the approval of the year end accounts;
- Grants and Donations;
- To make recommendations to Council on the 5 Year Budget forecasts of all Standing Committees;

This Committee may decide that it wishes to refer such matters to the Council for final decision, subject to the matters reserved for final decision for legal reasons.

- General Administration
- Maintenance and repair of Council Buildings
- Partnership Working
- Community Safety including CCTV
- Parish Council buildings & land
- Any other matter which may be delegated to it by the Council from time to time

The following matters are reserved to the Council for decision but the Committee may make recommendations:

- Best Value Plan

- Corporate Management
- Finance including the 3 Year Annual Budget Forecasts
- Good Governance
- Democratic Representation
- Communication (Newsletter and Website)
- Approval of the Council's Health & Safety Policy and Emergency Plan
- Review of the Council's Statutory Duties & Powers
- Review of the Council's Services

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

### **5. Recreation Committee**

The Recreation Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- Playing Fields, amenity areas and play areas
- Streetscene
- Bus Services/Shelters
- Environmental including any award schemes;
- Notice Boards;
- Public Open Space

The following matters are reserved to the Council for decision but the Committee may make recommendations:

- Recommendation of the Committee's budget each financial year.
- Any funding required outside of the set budget in any given financial year.
- Any other matter, which may be delegated to it by the Council from time to time.

### **6. Personnel Committee**

The Personnel Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- Annual Salary Reviews & Awards
- Staff Appraisal Scheme
- Staff Handbook & Contracts
- Council Staff Structure
- Members' Allowance Scheme
- Members' Travel & Subsistence Scheme
- Hearings for Grievance, Disciplinary and Capability matters in accordance with the **Council's** Grievance and Disciplinary Procedure.
- Dealing with any Grievance, Disciplinary and Capability matters to a final conclusion, only reporting to Council when the time for any Appeal has passed.
- Appraisal of the Parish Clerk (Chairman of Personnel Committee conducts)
- Salaries; • Conditions of Service;
- Staff levels;
- Consideration of staffing reviews

It is vital that the Personnel Committee keeps confidential its deliberations and decisions in cases of Grievance, Disciplinary and Capability hearings, because if an Appeal against a

decision is received it must, legally and in the interests of fairness, be heard again by elected members with no prior knowledge of the case.

In order to ensure as far as possible that such matters as Appraisal, Grievance, Disciplinary and Capability issues are dealt with professionally and in accordance with Employment legislation, all members of the HR Sub-committee must agree to undertake training in these matters.

## **7. Planning Committee**

The Planning Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- To comment on planning applications received from the Planning Authority;
- Forward Planning;
- Trees/Tree Preservation Orders;
- Boundary Changes
- Street Naming;
- Highways (including footways/roads/surfaces/pedestrian crossings/traffic calming/car parks and traffic schemes);
- Rights of Way matters;
- Drainage;
- Licensing Matters;
- Any other matter which may be delegated to it by the Council from time to time;
- To comment on behalf of the Council on Local Plans (Parish or Neighbourhood Plans), Structure Plans, Mineral Plans, Waste Plans, Regional Plans and any other Plans or Studies as considered appropriate;

The following matters are reserved to the Council for decision but the Committee may make recommendations:

- Appointment of any legal representative and/or professional required;
- Legal Action;

## **8. Allotments Sub-Committee**

The Allotments Sub-Committee shall be delegated to make decisions on behalf of the Council in matters relating to the allotment sites, excluding:

- Setting allotment rents
- Agreeing major improvements or material changes to the sites
- Situations where a dispute between the Committee and a tenant or Association has not been resolved and the Council's Complaints Policy is activated

## **8. Urgent Matters**

8.1 In the event of any matter arising which requires an urgent decision the Parish Clerk shall forthwith consult with the Chair and Vice Chair of Council, Chair of the appropriate Committee (and also with the Chair of the Finance and Establishment Committee if the matter involves expenditure not provided for in the annual budget) and those Members so

consulted shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.

8.2 In the event of any matter arising which requires an urgent decision the Parish Clerk shall forthwith consult with the Chair and Vice Chair of Council, Chair of the appropriate Committee (and also with the Chair of the Finance and Establishment Committee) if the matter involves the need to invest or take off deposit ring-fenced monies on deposit with the bank or Building Society and those Members so consulted shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.

8.3 Before exercising the delegated powers granted by paragraph 8.1 and 8.2 above, those Members consulted shall consider whether the matter is of sufficient interest to justify the summoning of a Special 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.

8.4 Before exercising the delegated powers granted by paragraph 8.4 above, the Committee concerned shall consider whether the matter is of sufficient import to justify recommending to the Parish Chairman that a Special Meeting of the Council should be called in accordance with Standing Orders.

8.5 Whenever any action is taken under this Standing Order, 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.

## **9. Working Groups/Parties**

9.1 Working Groups/Parties may be formed by resolution of the Council or a Committee at any time. Terms of Reference will be agreed and minuted. Each Working Group/Party will report back with recommendations to the Council or the Committee that formed it.

## **10. Delegation & Limits**

Committees and Sub Committees shall, at all times, act in accordance with the **Council's** Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, By-Laws or orders made and with any directions given by the Council from time to time.

Sub-committees may be formed by resolution of the Council at any time and delegated powers may be decided upon at the time the Sub-committee is formed by means of a Minute detailing the Terms of Reference.

## **Appendix 1**

***Process of Delegation of Decisions via Consultation for any periods of restricted activity due to Covid19, including inability to legally hold meetings remotely.***

***This appendix refers to all decisions that may legally be delegated to the Proper Officer of the Council. This includes decisions on the below matters, in addition to those stated in the main Scheme of Delegation:***

- Making of Orders and entering into Contracts under any Statutory powers;
- Matters of principle or policy;
- Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings);
- Any proposed new undertakings;

**Items arising between meetings will be categorised as follows:**

- 1. Items that can be added to the next meeting agenda**
- 2. Non-urgent items requiring decision before next meeting**
- 3. Urgent items**
- 4. Committee matters**

### **1. Non-urgent decisions:**

- a) Clerk sends email consultation document to all members
- b) Members will have 5 working days to respond.
- c) Responses collated by Clerk
- d) Nil response by midnight on the 5<sup>th</sup> working day will be taken as a decision to abstain.
- e) Majority responses taken as decision and consultation is complete.

Where further consideration is required, the Clerk will progress by either sending an amended consultation, responding to received comments, or by the below process:

1. Collated responses are forwarded to:
  - i) Chairman of the Council (Cllr Oliver)
  - ii) Vice Chair of the Council (Cllr Edwards)
  - iii) Chairs of Committees (Cllr Trangmar, Cllr Clark & Cllr Knight)
2. Whatsapp message to above group to advise of email
3. Approval sought from members in priority as below, dependent on Councillor availability/response:
  - a. 1<sup>st</sup> line approval Chair and Vice Chair
  - b. 2<sup>nd</sup> line approval Chair and Committee Chair
  - c. 3<sup>rd</sup> line approval Vice Chair and Committee Chair
  - d. 4<sup>th</sup> line approval 2 Committee Chairs

## **2. Urgent Decisions:**

- a) Clerk to circulate consultation to Chair/Vice Chair and Chairs of Committees
- b) Whatsapp message to be sent to above group to advise email has been circulated
- c) Decisions on approval of 2 of the above members.

## **3. Committee Decisions:**

Any such matters for consideration by the Personnel, Recreation, Planning or Finance and Establishment Committee, or the Allotments Sub-Committee will be sent via consultation to committee members only, within the scope of the Committee's Terms of Reference. Majority responses taken as decision.