

## 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, **working groups**, 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 how Broadwas and Cotheridge 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 or **Working Group** may make recommendations 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).

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- 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);

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- 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 5.15).
- Emergency expenditure up to £1,000.00 whether or not there is budgetary provision for the expenditure (Fin Regs 5.18).

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.~~

## Working Groups

Broadwas and Cotheridge Parish Council may form or disband a Working Group by resolution, that will carry out tasks as defined by the Council. Membership of the Working Group will be determined by the Council. Working Groups are not empowered to make decisions other than to make recommendations to Council, nor do they have budgets to spend.

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## Finance Working Group

### 1) Membership and frequency of meetings

The Finance Working Group will be made up of three members of the Council appointed by the Council. The Chairman of the Council shall be one of these members. The working group will meet at least every three months if required, and the quorum shall be at least three members.

### 2) Terms of Reference

- a) To co-ordinate, in consultation with 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.
- b) 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.
- c) To prepare the accounts of the Council and arrange for their annual external audit.
- d) 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.
- e) To conduct an annual review of the effectiveness of Internal Audit and Internal Control procedures.
- f) 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.
- g) 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 .
- h) To review from time to time the Council's banking arrangements and make recommendations to the Council when necessary.
- i) To approve, on behalf of the Council, the transfer of funds from and to particular budget items where the Chairman of the Council 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 Council.
- j) To review the Council's Financial Regulations annually.
- k) 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.
- l) To ensure that appropriate records are kept of all assets and that they are adequately controlled.

~~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.~~

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

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## Planning Working Group

### 1) Membership and frequency of meetings

The Planning Working Group will be made up of three members of the Council appointed by the Council and the quorum shall be 3 members. meet as often as necessary by the Working Group Chairman or at the request of another member.

### 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 Review. 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** Clerk shall have delegated powers to submit a response on the planning application, to the planning authority, taking views and comments from members and the Planning Working Group. A major planning application shall be defined as one which has a significant effect on the Parish of Broadwas and Cotheridge as a whole, whether in terms of the environment, infrastructure, the local economy, traffic, or transport.
- b) To examine on behalf of the Council, all other planning applications/tree preservation order matters/footpath creation orders.
- c) To examine and make recommendations to the Council on any matters relating to the Broadwas and Cotheridge Neighbourhood Plan.
- ~~d) 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.~~
- e) 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.
- f) 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 Council, 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 Working Group (or in the absence of both of them, the Chairman or Vice Chairman of the Council).
- ~~g) The Committee may delegate any of its functions to Sub-Committees constructed from its members or to an officer of the Council.~~

## Staffing Working Group

### 1) Membership and Frequency of Meetings

The staffing working group 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 working group 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 council.
  - (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 the Council following reports from the Clerk on
  - i) staffing requirements.

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- 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 make further recommendations to the council.

## Berryfields Working Group

### 1) Membership and frequency of meetings.

The Berryfields Working Group will be made up of three members of the Council appointed by the Council and the quorum shall be 3 members. meet as often as necessary by the Working Group Chairman or at the request of another member.

### 2) Terms of Reference.

- a) To oversee the effective maintenance of Berryfields and make recommendations to Council.
- b) To review of the Annual ROSPA Report for the play equipment and make recommendations to Council.
- c) To make recommendations to Council regarding the use of Berryfields by other parties.

## Parish Lengthsman Liaison

### 1) Role

The Clerk to liaise with the Parish Lengthsman.

### 2) Terms of Reference

- a) To agree work plans with the Lengthsman.
- b) To ensure that tasks from the work plan are completed in a satisfactory manner.
- c) To review and endorse the Lengthsman's task and time sheets.

## INDIVIDUAL COUNCILLOR ROLES

**Advice from Worcestershire CALC confirms that during a period when there are no meetings and the Clerk is circulating all incoming correspondence to Councillors, it is the responsibility of each Councillor to contact the Clerk to Declare any Disclosable Pecuniary/Non-Pecuniary Interest they may have in any item circulated. The Clerk will then notify all Councillors so that each Councillor is made aware when discussing or circulating information on such an item that the Councillor declaring the interest is not included in circulation of any discussions that take place.**

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~~.

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- Any matter involving staff terms and conditions, rate of pay or contractual terms being referred to the Clerk who is responsible for these issues.

