

Cholsey Parish Council

SCHEME OF DELEGATION

This Scheme of Delegation was adopted by the Council, 26th June 2024

1. Introduction

- 1.1 This Scheme of Delegation sets out the way that Cholsey Parish Council ('the Council') has delegated powers and responsibilities. It supports the Council to function efficiently and effectively; without a Scheme of Delegation, every decision would need to be made at a full council meeting. The Scheme of Delegation gives decision-making powers to Committees and Officers to enable the Council to react to circumstances and operate effectively. The Clerk is given powers over the day-to-day administration of the Council; Committees decide matters within their Terms of Reference; and matters of major policy are decided by full Council. The power to delegate functions is set out in the Local Government Act 1972, s101.
- 1.2 All decisions taken under delegated authority will be in accordance with the Council's Standing Orders and Financial Regulations and this Scheme of Delegation, and where applicable, any other regulations and legislation.
- 1.3 Powers cannot be legally delegated to individual councillors or working groups.
- 1.4 No individual councillor may issue an instruction to an officer but may highlight any issue that they believe requires the attention of the Council. Any issue regarding staff performance may only be raised with the Clerk or through the Staffing Committee.
- 1.5 Working groups are ordinarily established to investigate or review a particular matter then report back to the relevant committee or council with its findings which may include recommendations.

2. Matters reserved for full Council

- 2.1 For avoidance of doubt, the following matters are dealt with by full Council only, notwithstanding that the appropriate committee(s) may make recommendations for the Council's consideration:
 - Approval of the annual budget and setting the precept
 - Approval of all expenditure not otherwise delegated to a committee or officers
 - Approval of the Annual Governance and Accountability Return (AGAR) and internal auditor reports
 - Authorisation of borrowing
 - Adopting or amending all policies including Standing Orders, Financial Regulations and the Scheme of Delegation
 - Making of orders under any statutory powers
 - Making, amending or revoking by-laws
 - Establishing committees and determining their terms of reference and membership
 - Appointment of council representatives to outside bodies
 - Creating, approving or reviewing a Neighbourhood Plan
 - Declaring eligibility for the General Power of Competence
 - All other matters which must, by law, be reserved to the council
 - Appointment and dismissal of the Clerk

3. Delegation to committees generally

3.1 Committees are delegated the authority to make decisions in respect of matters consistent with the Terms of Reference for each Committee. All decisions must be exercised in accordance with the law, the council's Standing Orders and Financial Regulations and any approved policy framework and budget.

3.2 Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the council.

3.3 A committee may not comprise fewer than three Councillor members.

3.4 Any committee established for the controlling of the Council's finances must be solely comprised of Councillor members

3.5 The council may at any time, following resolution, revoke any delegated authority.

4. Delegation to specific committees

Finance Committee

4.1 In accordance with the Committee Terms of Reference, the following matters are delegated to the Finance Committee:

- Approving expenditure on behalf of the Council within the agreed annual budget and Financial Regulations
- Reviewing the Council's accounts, including CIL spending and balances, on a quarterly basis and reporting findings to Council as appropriate
- Making recommendations to the Council on the annual budget and precept request
- Considering and recommending to Council Financial Regulations drawn up by the RFO
- Monitoring and ensuring compliance with the internal and external audit process, and other financial procedures, regulations and statutes
- Ensuring adequate financial controls are in place to protect the Council's finances and assets – including internal control systems, insurance and maintenance of the asset register
- Monitoring the Council's financial risk assessments and recommending changes where necessary
- Regularly reviewing the Council's bank accounts and investments and recommending changes where necessary

Staffing Committee

4.2 In accordance with the Committee Terms of Reference, the following matters are delegated to the Staffing Committee:

- Staff recruitment, working with the Clerk as appropriate, and making recommendations to the Council with respect to the Clerk's recruitment
- Confirming individual contracts of employment, job descriptions, and all terms and conditions
- Arranging regular objective review of the Clerk's performance and taking necessary action thereon; in particular, at least annually arrange a staff appraisal involving the Clerk, Council Chair and Staffing Committee Chair
- Appointing a member of the Staffing Committee to seek advice for the

- Committee in the event of a dispute between the Council and the Clerk
- Considering matters arising from the application of the Council's Disciplinary and Grievance Procedures and taking all necessary action thereon
- As and when required under the Council's Disciplinary and Grievance Procedures, appointing an Appeals Panel, whose members will not be members of the Staffing Committee, and appointing the Chair of the Appeals Panel who will initiate an Appeals Panel Meeting
- Considering recommendations from the Appeal Panel and take necessary actions thereon
- Regularly (at least annually) reviewing the Council's Employee and Health and Safety policies and practices, ensuring that these are up-to-date and in place, in conjunction with the Clerk
- Receiving reports from the Clerk and making recommendations to Council regarding:
 - Staffing and office requirements including budget allocations;
 - Staff salaries including annual pay increases;
 - Policy issues relating to staff

5. Delegation to the Parish Council Clerk as Proper Officer

5.1 To allow the council to operate efficiently and effectively, many matters are delegated to the Clerk including day-to-day management of the council's facilities and administration.

5.2 The Clerk may decide not to exercise delegated responsibilities and may instead make a recommendation to a Committee or the Council. Similarly, for matters where the Clerk has no delegated power, these matters will be referred to a Committee or the council for a decision.

5.3 The council may at any time, following resolution, revoke any delegated authority.

5.4 The Assistant Clerk shall deputise for the Clerk in the Clerk's absence, or at the Clerk's direct request.

5.5 As Proper Officer of the council, the Clerk has delegated authority to:

- Act on behalf of the Council on any issue of such urgency that it cannot wait until the next normal Council meeting. If circumstances permit, the Clerk would normally be expected to consult the Chair or Vice Chair if the Chair is unavailable and take their view into account
- Deal with matters specifically delegated by council or committee
- Respond to any correspondence requiring information or relating to previous decisions of the Council
- Issue all statutory notifications
- Receive Declarations of Acceptance of Office from councillors
- Receive and retain a copy of Councillor's Register of Interest forms
- Receive and retain Council documents and plans
- Dispose of Council documents according to legal restrictions and the Council's Document Retention policy
- Handle requests for information under the Freedom of Information Act 2000
- Sign notices or other documents on behalf of the Council
- Receive copies of by-laws made by principal authority
- Certify copies of by-laws made by the Council
- Sign summons to attend meetings

- Call any additional meetings of the Council or a Committee as necessary, having consulted with the Chair of the Council or Committee
- Advise on compliance with Standing Orders
- Manage all Council staff
- Manage the provision of Council services, buildings, land and resources (indirectly where reporting Officers have delegated responsibility) including the temporary closure of any facilities as may be required
- Manage maintenance contracts, in conjunction with the Estate Manager
- Deal with dispensation requests from Members under the Code of Conduct
- Take decisions relating to the training of councillors and staff
- Prepare contracts for and appoint all employees in accordance with the Council's staffing structure and policies
- Authorise minor non-fiscal adjustments to contracts of employment and job descriptions to meet the needs of the Council
- Appoint casual/temporary members of staff as needed to meet the business needs of the Council and within existing budgets
- Authorise additional hours of work for existing staff on a temporary basis to support the business needs of the Council, in consultation with the Chair
- Deal with disciplinary matters and hearings in accordance with the Council's Disciplinary Policy, in conjunction with the Staffing Committee
- Act as Data Compliance Manager ensuring Council's GDPR requirements are followed
- Ensure that statutory and other Health and Safety provisions governing Council are observed
- Be responsible for the overall management of all budgets in accordance with Council policies
- Authorise expenditure within the thresholds set out in the Council's Financial Regulations
- Develop projects for consideration by Council
- Apply for grants and other funding on the Council's behalf
- Prepare and submit planning application consultation responses where the Council's agreed stance is known
- Issue press releases on any Council activity exercised in accordance with Council policy
- Coordinate the Council's website, social media, press relations and newsletter articles (e.g. for The Forty Magazine), in consultation with the appropriate councillors as required
- Ensure the Council adheres to the Local Government Transparency Code
- Appoint consultants as and when required

6 Delegation of Planning powers

6.1 Comments to be submitted by Council on planning applications will normally be considered at the monthly Full Council meetings.

6.2 Any planning applications which are not able to be considered in the normal way shall be received by the Clerk who will provide details to Councillors. The appointed Council Planning Leads will provide their advice to Councillors, and if no unresolved questions or concerns arise from Councillors in a given timeframe, the Clerk shall be delegated to inform the Planning Department of the decision advised by the Council's Planning Leads. Where unresolved concerns arise from Councillors, the Clerk will call a meeting which may require an additional full Council meeting to decide the Council's comments on the application.

7 Delegation to the Responsible Financial Officer (RFO)

7.1 As Responsible Financial Officer of the council, the RFO has delegated authority to:

- Ensure compliance with Financial Regulations
- Ensure compliance with all financial procedures
- Determine accounting policies, records and control systems
- Oversee the financial management of the Council including financial risk management
- Report to the Finance Committee on the financial performance of the Council
- Oversee the management of the budget process
- Prepare a budget and precept request proposal for presentation to the Council
- Undertake the annual closure of Council accounts and completion of the Annual Governance and Accountability Return (AGAR)
- Report to internal and external auditor matters under Local Government Finance Act 1988, s114
- Arrange and manage the Council's insurance cover
- Arrange opening of new bank accounts on behalf of the Council
- Manage Council salaries in accordance with contracts of employment

8 Delegation to the Chair

8.1 No matter may be delegated to the Chair except for the following:

- Convening an extraordinary meeting of the Full Council
- Receiving the resignation of any member
- When attending a Full Council meeting, the powers granted to a chair of a meeting

8.2 The Chair and Vice Chair shall act informally as line managers for the Clerk

8.3 When a Councillor acts in the role of the chair of a meeting, they shall have the power to:

- Convene an extraordinary meeting of the relevant Council or committee.
- Direct the order of speaking.
- Direct any response to a question posed during public participation.
- Permit an individual to be seated whilst speaking.
- Suspend or close a meeting, where a resolution has been made to that effect, or where the meeting is subject to disorderly conduct, in accordance with the Council's Standing Orders
- In the case of an equality of votes on any matter, exercise a casting vote.
- Determine the rules of debate, in accordance with the Council's Standing Orders.
- Determine a point of order.
- Put a motion to the vote.
- Sign the minutes of a previous meeting, once confirmed by a resolution as an accurate record.
- Move that a person be silenced or excluded from the meeting for disorderly conduct.

Statement prepared for adoption by Cholsey Parish Council at its meeting on 26th June 2024

Signed by Chair Cholsey Parish Council
Clerk/Proper Officer
RFO