SCHEME OF DELEGATION

This document clarifies the manner in which Little Witley Parish Council has delegated its powers and the authority to spend.

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, officers, or other authorities. The power to delegate functions by local councils is set out in the Local Government Act 1972 S.101.

Decisions may not be taken by an individual councillor, including the chairman.

Working groups of councillors without delegated decision-making powers may meet informally without public notice to oversee functions of the council and to make recommendations to the council or a committee or officer thereof

The council should agree terms of reference for delegation whether this is to an officer or committees, sub-committees and working groups, and these should be reviewed annually.

Council

Certain functions cannot be delegated and are therefore reserved to the full Council:

- 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 Working Group
- 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 £500
- Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interests in land).
- 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 automatically to any other person. In the Clerk's absence, only such Proper Officer functions as the Council has specifically delegated or appointed may be exercised by another 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 Working Group 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 Working Group or sub-Working Group 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);
- 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 Working Group 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 Working Group or full Council to include issuing Allotment Tenancy Agreements and making arrangements for collecting the annual rents.
- Authorising payment for items below £500 (Fin Regs 5.15).
- Emergency expenditure up to £500, with agreement of the Chairman or Vice Chairman, whether or not there is budgetary provision for the expenditure (Fin Regs 5.18).
- Submit comment on non-major (as defined under Planning Working Group) planning applications/tree preservation order matters/footpath creation orders where the Council is a consultee within the statutory 21-day consultation period if the deadline is before the next available Full Council meeting.
- Deal with 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 full Council as defined under Planning Working Group

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
- Delegate any of their functions to a Sub Committee or Officer of the Council.

Little Witley Parish Council does not currently have any Committees.

WORKING GROUPS

As above, Working Groups of councillors without delegated decision-making powers may meet informally without public notice to oversee functions of the council and to make recommendations to the council or a committee or officer thereof

WORKING GROUP TERMS OF REFERENCE

Planning Working Group

1) Membership

   The Planning Working Group will be made up of two members of the Council appointed by the full Council. If a recommendation is required in a timescale in which only one of the members is available, the recommendation will be agreed by at least one other Councillor. The Working Group will conduct its business online or face to face as required.

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. In cases where a response is required before the next ordinary meeting of the Council and the Clerk and Chairman of the Council agrees that an extraordinary meeting of the Council is not necessary, the Clerk shall deal with the matter having consulted the Planning Working Group. A major planning application shall be defined as one which has a significant effect on the Parish of Little Witley as a whole, whether in terms of the environment, infrastructure, the local economy, traffic, or transport.
   b) To examine and advise the Clerk, who has delegated authority for responding to these matters, all other planning applications/tree preservation order matters/footpath creation orders.
   c) 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.

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 full Council, may be dealt with on behalf of the Council, by the Clerk in consultation with any two Members, one of whom must be a member of the Working Group (or in the absence of both of them, the Chairman or Vice Chairman of the Council).

Staffing Working Group

1) Membership and Frequency of Meetings

a) The staffing Committee 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

(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 full Council (following reports from the Clerk where appropriate) on

i) staffing requirements.

ii) all policy issues relating to staff

iii) staff appointments

iv) contracts of employment and terms and conditions

v) annual salary awards

vi) any actions or decisions resulting from staff performance review

vii) any actions resulting from application of the council's disciplinary and grievance procedures or any appeals panel

c) To be responsible for staff recruitment, with final decisions on creation of posts and appointment of candidates remaining with full council

d) To consider and make recommendations on 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 recommend to full council any necessary action.

f) To consider and make recommendations on annual salary awards.

g) To consider matters arising from the application of the council's disciplinary and grievance procedures and make recommendations to full council on 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 Working Group and appoint the chairman of the appeals panel who will initiate an appeals panel meeting.

i) To review recommendations from the appeal panel and recommend any action to full Council

INDIVIDUAL COUNCILLOR ROLES

Advice from Worcestershire CALC confirms that during a period when there are no meetings and the Clerk is circulating incoming correspondence to Councillors (at the Clerk's discretion), 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 Working Group.
- Provision of regular reports to the Council or Working Group.
- Any matter involving staff terms and conditions, rate of pay or contractual terms being referred to the Clerk who is responsible for these issues.