

BETCHWORTH PARISH COUNCIL

BETCHWORTH PARISH COUNCIL

Scheme of Delegation

Date Adopted: May 2021

Last reviewed: April 2022

1. INTRODUCTION

- 1.1 The powers and duties set out in this scheme are delegated to the Clerk. The Clerk is the Proper Officer and Responsible Finance Officer (RFO) and is responsible for the management of the organisation.
- 1.2 The Responsible Financial Officer (RFO) is responsible for the Council's accounting procedures together with the proper and transparent administration of its finances, in line with current Account and Audit Regulations.
- 1.3 The Local Government Act 1972, s101, (with some exceptions) allows the Council to delegate functions to Committees, Sub-Committees, Officers or other authorities.

2. COUNCIL FUNCTIONS

2.2 *Specific duties and powers reserved to the Full Council*

- a. Duty to sign declaration of acceptance of office (Councillors and Chair)
- b. Duty to appoint a Responsible Financial Officer to manage the council's accounts
- c. Power to arrange for the discharge of functions by another local authority
- d. Duty to hold annual parish council meeting
- e. Duty to hold annual parish assembly meeting
- f. Power to convene a parish assembly meeting

2.3 *Finance Group, Budget and constitution*

- a. To approve an annual budget, reflecting priorities identified through operational review.
- b. To approve the annual budget precept.
- c. To approve the financial management framework, financial procedures and controls, including audit, across all its services.
- d. To approve annual objectives, targets and performance indicators.
- e. To approve Financial Regulations and ensure their annual review.
- f. To approve the staffing structure.
- g. To approve a performance management policy and pay policy ensuring that these meet nationally agreed terms of pay and conditions.
- h. To approve the use and development of land and premises, including any shared or off-site facilities, including security.
- i. To approve the Risk Assessment and Financial Management document (annually).
- j. To approve Standing Orders and ensure their annual review.
- k. To approve capital projects and developments across all services.

- l. To approve any policy affecting the conduct of the Council, its services and its staff.
- m. To approve changes to the Council's Constitution, including any recommendation from a committee to establish any sub-committee.

3 EXTENT OF DELEGATION

- 3.1 All delegated functions shall be deemed to be exercised on behalf of and in the name of the Parish Council.
- 3.2 The Clerk will exercise these powers in accordance with:
 - approved budgets
 - the Council's Standing Orders
 - the Council's Financial Regulations
 - the Council's Policy Framework and other adopted policies of the Council
 - all statutory common law and contractual requirements
- 3.3 The Clerk may do anything pursuant to the delegated power or duty, which it would be lawful for the Council to do, including anything reasonably implied or incidental to that power or duty.
- 3.4 There may be matters which are delegated to working groups or panels. They must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and approved policy framework and may only be exercised where sufficient budgetary provision exists or can be vired from within the approved budget of the working party concerned.
- 3.5 Where a sub-committee or working group or panel in lieu of exercising its delegation refers a matter to its parent committee the delegation is exercisable by the committee. Nevertheless, the committee may decide not to exercise this delegated power and may instead make a recommendation to the Council.

4 FINANCIAL MATTERS

The Clerk who is also the RFO, will oversee the financial management of the Council. The Clerk/ RFO is authorised to:

- 4.1 Act as the Responsible Financial Officer for the purposes of s 151 of the Local Government Act 1972.
- 4.2 Operate the Council's banking arrangements including arranging overdrafts.
- 4.3 Incur expenditure on agreed limits on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution and Financial Regulations.
- 4.4 Pay all accounts properly incurred.

- 4.5 Pay all subscriptions to organisations to which the Council belongs.
- 4.6 Make all necessary arrangements for the provision of an internal and external audit service for the Council.
- 4.7 Negotiate settlements in connection with claims made by and against the Council in consultation with the Council's insurers where appropriate.
- 4.8 Incur expenditure on revenue items within the approved estimates and budgets under their control.
- 4.9 Incur expenditure on capital schemes within the Council's approved budget.
- 4.10 Accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:
 - a. the cost not exceeding the amount approved estimate
 - b. the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation
 - c. all the requirements of the Council's Financial Regulations being complied with.
- 4.11 Carry out virement of sums between cost centres in accordance with the Council's Financial Regulations.
- 4.12 Manage investments as appropriate and obtain such other sources of credit as are required in accordance with the Financial Regulations.
- 4.13 Authorise action for the recovery of debts and write-off debts up to the level set by the Council.
- 4.14 Maintain a Register of Assets and Inventory of Equipment.
- 4.15 Determine the Parish Council's insurance requirements on the Council's behalf.
- 4.16 Make all necessary arrangements for the Council's insurances.
- 4.17 Determine Community Grant applications subject to approval by Full Council.
- 4.18 Prepare a draft budget in conjunction with Chairman and Vice-Chairman and to make recommendations for consideration and approval by Full Council.
- 4.19 Prepare the final accounts for each financial year.

5 DELEGATIONS TO A COMMITTEE OR A WORKING PARTY

- 5.1 Certain matters may be delegated to Working Groups. These must be exercised in accordance with the law, the Council's Standing Orders, Financial Regulations and its approved policy framework.

- 5.2 Such delegations may only be exercised where sufficient budgetary provision exists or can be vired from within the approved budget of the working party concerned.
- 5.3 Where a Sub-Committee/Working Group/Panel, in lieu of exercising its delegation, refers a matter to its parent Committee, the delegation is exercisable by that Committee. Nevertheless, the Committee may decide not to exercise this delegated power and may instead make a recommendation to Full Council for approval.

6 EMERGENCY DELEGATIONS

The Clerk is authorised to:

- 6.1 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.
- 6.2 The Council Chairman and Vice-Chairman are to be consulted where possible before such action is taken.
- 6.3 The emergency delegations are subject to them being implemented in accordance with the law, the Council's Standing Orders and Financial Regulations, within the accepted policy framework and where budgetary provision exists or is otherwise authorised in accordance with its adopted Financial Regulations.

7 REMOTE MEETINGS

The Coronavirus Act 2020, s78, made provision for local authorities to hold Council meetings remotely and make decisions without the need for a physical meeting. The regulation provided for meetings required to be held up until 7 May 2021.

From 7 May 2021 the Council will continue to meet remotely in accordance with Standing Orders.

The Council delegates authority to the Proper Officer to submit the Planning Working Party recommendations in respect of planning consultations to the appropriate authority on behalf of and in the name of the Council.

The Council delegates authority to the Responsible Financial Officer and any two Councillor signatories to approve the accounts for payment. Such payments to be presented to the next meeting of the Council for scrutiny.

At least three clear days before a virtual meeting of the Council, a Committee or a Sub-Committee, the Clerk as the Proper Officer is authorised to:

- 7.1 Serve on Councillors by email, a signed summons to a virtual meeting,

confirming the date, time and the agenda.

- 7.2 Carry out all the associated administration in preparation for the meeting as reflected in the Council's adopted Standing Orders.
- 7.3 Ensure Members receive an invitation to a Council meeting via an email link and password.
- 7.4 Ensure public participation is provided during the virtual meeting.
- 7.5 Ensure voting by members during the virtual meeting is by a show of hands.
- 7.6 Implement the resolutions made at the virtual meeting and carry out any actions required.

8. URGENT PLANNING MATTERS

- 8.1 Betchworth Parish Council is consulted on Planning Applications within Betchworth after they have been registered with the planning authority, Mole Valley District Council, at the pre-determination stage.
- 8.2 The time allowed in determining the application and making a final decision is governed by the District Council.
- 8.3 When time-related planning matters arise, including planning applications and other consultations, the Parish Council is not making a decision but conveying its views and observations on planning applications for Betchworth and making recommendations to Mole Valley District Council and / or Surrey County Council or neighbouring principal authorities.
- 8.4 As an expedient, in times of emergency the Council agrees to have a Planning Group with the Clerk making the Council's views known in consultation with the Chairman, Vice Chairman or at least one other Councillor. This includes: -
 - Planning applications
 - Highways matters & issues
 - Public transport
 - Any other relevant consultations to Betchworth for which the Parish Council is a stakeholder
- 8.5 The Planning Group is authorised to comment on all time-related applications with the decisions conveyed to the relevant local authority or organisation within the consultation deadline and such comments will be ratified at the next Council meeting.

9. EMERGENCY PLANNING

The Clerk is authorised to:

- 9.1 Implement the Council's Emergency Plan and to incur any necessary expenditure. Any such action is to be reported to the next meeting of the Council.
- 9.2 The Council Chairman and Vice Chairmen are to be consulted where possible before such action is taken.

10. STAFFING MATTERS

The Clerk with Chairman and Vice Chairman are given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:

- 10.1 Appointments to posts including apprentices.
- 10.2 Employment of temporary employees.
- 10.3 Preparation of the job description and person specification, placing of the advertisement and short-listing of applicants.
- 10.4 Management of staff performance.
- 10.5 Control of discipline and performance, including the power of suspension and dismissal.
- 10.6 Exercise of disciplinary and grievance procedures in accordance with the Council's procedures.
- 10.7 Determine approved duties for the payment of travel and subsistence expenses to Members and Officers where they represent the Council outside of the Parish Council area.
- 10.8 Approve or refuse applications for re-grading, remove any bars in salary scales and to authorise salary increments and accelerated increments.
- 10.9 Approve payment of overtime.
- 10.10 Agree minor variations to the condition of employment.
- 10.11 Approve changes to the establishment structure.
- 10.12 Implement and monitor the arrangements for annual leave, flexi time, sickness absence, maternity and paternity leave in accordance with the Council's policies.
- 10.13 Authorise training in line with the Council's policies.
- 10.14 Authorise the provision of uniforms or protective clothing.

- 10.15 Approve payment of claims from employees for compensation for loss of or damage to personal property.
- 10.16 Negotiate and agree settlements on behalf of the Council in relation to any proceedings in the Employment Tribunal.
- 10.17 Agree to premature retirement on the grounds of duly certified ill health.
- 10.18 Terminate employment during probation and to review salary on completion of probationary periods.
- 10.19 Commission legal and professional advice on staffing matters.

11. PROPERTY MATTERS

The Clerk is given authority to manage the land and property of the Council including:

- 11.1 Agreeing the rates and terms of management of the Allotments
- 11.2 The granting or refusal of the Council's consent under the terms of any lease.
- 11.3 Variations of restrictive covenants of a routine nature.
- 11.5 Initiating legal action or proceedings against unauthorised encampments or encroachments on Council land.
- 11.6 Directing the custody of Parish Council property and documents in accordance with the provisions of s226 of the Local Government Act 1972.

12 PROCEDURAL

The Clerk is authorised to:

- 12.1 Authorise Officers to exercise statutory powers of entry and inspection for the purposes of any function under their control.
- 12.2 Serve requests for information as to ownership occupation and other interests in land for the purposes of any function under their control.
- 12.3 Appoint consultants and other professionals to carry out any function and provide any service under their control.

13 HEALTH AND SAFETY AT WORK ACT 1974

The Clerk is authorised to:

- 13.1 Oversee the discharge of the Council's responsibilities under the said Act.

14 LEGAL PROCEEDINGS

The Clerk is authorised to:

- 14.1 Take Counsel's advice or instruct Counsel to represent the Council.
- 14.2 Seek injunctions and commence proceedings for the purposes of:
 - enforcement in accordance with the Council's policies
 - recovering money due to the Council
 - recovering or otherwise preserving possession of the Council's land or property
 - defending the interests of the Council
 - appealing against a decision affecting the interests of the Council and responding to appeals against action taken by the Council.
- 14.3 Make arrangements for appropriate representation at Court or any Tribunal.
- 14.4 Negotiate and settle the terms of documents to give effect to a decision of the Council or of any Officer acting under delegated powers.
- 14.5 Be the responsible Officer for the co-ordination and operation of the legal requirements under the Data Protection Act and the Freedom of Information Act.
- 14.6 Serve Requisitions for Information.

15. General Matters

The Clerk is authorised to:

- 15.1 Sign, or where appropriate, have sealed on behalf of the Parish Council, any Orders, Deeds or Documents necessary to give effect to any of the matters contained in reports or in any resolution passed by the Parish Council.
- 15.2 Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.
- 15.4 Make arrangements for representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Betchworth).

- 15.5 Alter the date or time of a Council Committee, Working Group or Task Group meeting but, before doing so, shall consult the Council Chairman or Task Group concerned about the need for the change and about convenient alternative dates and times.
- 15.6 Decide arrangements for the closure of the Council office subject to prior consultation with the Council Chairman.
- 15.7 Deal with day to day matters relating to the use of office accommodation space.
- 15.8 Negotiate and enter into contractual arrangements with organisers in relation to events held at or managed by the Council.
- 15.9 Manage all the Council's current services including services agreed under contract for other authorities and bodies and existing services under contract with its contractors and other providers.
- 15.10 Act as the Council's designated Officer for the purposes of the Freedom of Information Act 2000.
- 15.11 Apply for planning consent for the carrying out of development by the Council.
- 15.12 Respond to consultations on planning applications and licensing applications subject to the comments of the Planning Committee.
- 15.13 Under the Regulation of Investigatory Powers Act 2000, to authorise directed surveillance or the use of a human intelligence sources.
- 15.14 Respond to complaints made under the Council's complaints procedure.
- 15.15 Manage, monitor and review the Council's internal control procedures.
- 15.16 Manage, monitor and review the Council's Corporate Risk Management Strategy.