

# Pembury Parish Council

Working for Pembury People



## Scheme of Delegation

Adopted 14/05/2018

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| 1.0      | 14/05/2018     | 31/05/2019   |

## **1. The Clerk / Responsible Financial Officer**

- 1.1 The Clerk to the Council shall be the Responsible Financial Officer (RFO) to the Council and shall be responsible for the Parish Council's accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time.
- 1.2 The Clerk to the Council shall be the Proper Officer of the Council and, as such, is specifically authorised to:
  - 1.2.1 Receive declarations of acceptance of office.
  - 1.2.2 Receive and record members interests.
  - 1.2.3 Receive and grant dispensations according to the Council's Code of Conduct; details of all dispensations received and granted to be reported to the Council at the next available meeting.
  - 1.2.4 Receive and retain plans and documents.
  - 1.2.5 Sign notices or other documents on behalf of the Council.
  - 1.2.6 Receive copies of bye laws made by a primary local authority.
  - 1.2.7 Certify copies of bye laws made by the Council.
  - 1.2.8 Sign summons to attend meetings of the Council.
  - 1.2.9 To institute and appear in any legal proceedings authorised by the Council.
- 1.3 In addition, the Clerk has delegated authority to undertake the following matters on behalf of the Council:
  - 1.3.1 Day to day administration of services together with routine inspection and control to include:
    - Letting of allotments, annual inspections and serving of notices to cultivate on breach of the tenancy conditions.
    - arranging for interments in the Council's cemetery, approve monuments, grant or transfer exclusive rights of burial, and maintain up to date records in all Registers.
    - undertaking day to day management and maintenance of Council land and buildings.
  - 1.3.2 Day to day supervision and control of staff employed by the Council.
  - 1.3.3 Implement pay awards and conditions of service in line with National Joint Council Scheme of Conditions of Service as amended by Local agreement.
  - 1.3.4 Authorisation to call any extra-ordinary meetings of the Council or any committee as necessary, having consulted with the Chairman of the Council and/or the Chairman of the appropriate committee
  - 1.3.5 The Clerk may order goods, works and services as set out in Financial Regulation 4.1 in relation to rechargeable burial costs, stationery, training, machinery servicing and repairs and groundsmen supplies within approved budgets.
  - 1.3.6 Authorisation to respond immediately to any correspondence requiring or requesting information or relating to previous decisions of the Council but not correspondence requiring an opinion to be taken by the Council or its committees.
  - 1.3.7 Authorisation of routine recurring expenditure within the agreed budget according to the Council's Financial Regulation 5.6.

- 1.3.8 Emergency expenditure up to £500 outside of the agreed budget according to the Council's Financial Regulation 4.5.
- 1.3.9 To act as the Council's designated officer for the purposes of the Freedom of information Act 2000.
- 1.3.10 To act as the Council's designated Data Controller.
- 1.4 Delegated actions of the Clerk to the Council shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and in line with direction given by the Council from time to time.
- 1.5 The Openness of Local Government Bodies Regulations 2014 (2014 SI No 2095), which came into force on 6 August 2014, requires a written record be kept of certain decisions made by an officer of a Parish Council acting under delegated powers. The decisions are those:
- 1.5.1 Made under a 'specific express authorisation' or made under a general authorisation where the effect of the decision is to:
- Grant a permission of licence.
  - Affect the rights of an individual.
  - Award a contract or incur expenditure which, in either case, significantly affects the financial position of the Council.
- 1.6 This policy follows the scope of this provision as detailed in the guidance issued by the Department of Communities and Local Government 'Plain English' guide to the Regulations. The relevant guidance for Parish Councils is as follows:

*"Officers take many administrative and operational decisions on how they go about their day to day work within the council's rules. These decisions do not need to be recorded.*

*You will not be able to inspect some recorded decisions if the whole or part of the records contain confidential information or any other information where publicity would be prejudicial to the public interest.*

*Examples of decisions that should be recorded could include:*

- *Decisions about awarding contracts above specified individual / total values (the values will vary according to the relevant parish or town council.*
- *Decision to renew a lease to an allotment association.*

*Where decisions are already required to be published by other legislation they so not need to be recorded again provided the record published has the date the decision was taken and the reasons for the decision.*

*Decisions that do not need to be recorded might include the following examples:*

- *Routine administrative and organisational decisions such as the purchase of office supplies or repairs.*
- *A decision to sign an allotment tenancy agreement.*
- *Decisions to book rooms or sports grounds.*
- *Decisions to approve works undertaken by a contractor.*

*These are a few selected examples and not an exhaustive list. It is for the council to decide what information should be recorded on the basis of the national rules.'*

- 1.7 The Clerk current has authority to incur expenditure up to £500 under Financial Regulation 4.6. The Parish Council does not consider that such expenditure is likely to significantly affect the financial position of the Parish Council. Expenditure in excess of these limits must be authorised by a committee or Full Council and the decision will be recorded in the minutes.
- 1.8 Accordingly, and having regard to the exemptions set out in the 'Plain English' Guide, Pembury Parish Council does not consider that officers will be taking decisions of such a nature that a written record will be required.
- 1.9 If, exceptionally, a written record is required of an officer's decision, the record will be published on the Parish Council's website and made available for inspection in the Parish Council's office.

## **2. The Council**

- 2.1 The Full Council (thirteen members) can take all decisions or it may appoint one or more committees or sub-committees for the purpose of discharging its functions. It may also delegate some of its functions to the officers of the Parish Council.
- 2.2 The following matters are reserved to the Council for decision, notwithstanding that the appropriate committee or working group may make recommendations thereon for the Council's consideration:
  - 2.2.1 Setting the precept.
  - 2.2.2 Borrowing money.
  - 2.2.3 Approval of the Council's annual accounts and completion of the annual return.
  - 2.2.4 Making, amending or revoking standing orders, financial regulations or this scheme of delegation.
  - 2.2.5 Making or amending bye laws.
  - 2.2.6 Making of orders under any statutory powers.
  - 2.2.7 Matters of principle or policy.
  - 2.2.8 Nomination and appointment of representative of the Council or any other authority, organisation or body excepting approved conferences or meetings).
  - 2.2.9 Any proposed new undertaking.
  - 2.2.10 Prosecution or defence in a court of law.
  - 2.2.11 Nomination or appointment of representatives of the Council at any inquiry on matters affecting the parish excluding those matters specific to a committee.
  - 2.2.12 All other matters which must by law be reserved to the Full Council.

## **3. Urgent Matters**

- 3.1 In the event of any matter arising which requires an urgent decision, the Clerk to the Council shall forthwith consult with the Chairman and Vice Chairman of the Council and/or the Chairman of the relevant Committee or Working Group before acting on behalf of the Council in respect of the particular matter under consideration.

- 3.2 Before the Clerk exercises the delegated powers granted by paragraph 3.1 above, those members consulted shall consider whether the matter is of sufficient interest to justify the summoning of a special meeting of the Council or 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.
- 3.3 Whenever any action is take in this way, full details of the circumstances justifying the urgency and of the action taken shall be reported to the next appropriate meeting of the Council.

#### **4. Committees**

- 4.1 The following committee shall be a standing committee of the Council and shall consist of such members as the Council shall from time to time determine.
- 4.2 The Planning and Highways Committee shall be delegated to make decisions on behalf of the Council in the following matters:
- 4.2.1 Exercise the powers and duties of Pembury Parish Council in respect of the powers conferred to it from time to time under the Town and Country Planning Acts and the Orders and Regulations made under them.
  - 4.2.2 Decide Pembury Parish Council's responses to consultations on planning applications received from Tunbridge Wells Borough Council and from Kent County Council and forward them in writing to the appropriate authority.
  - 4.2.3 Attend site visits as appropriate for planning applications affecting Pembury and in accordance with agreed protocols.
  - 4.2.4 Make recommendations to Pembury Parish Council on statutory and non-statutory planning policy documents.
  - 4.2.5 Select from its membership a person or persons to represent Pembury Parish Council at site meetings, public enquiries, Public Transport Liaison Group etc. to represent Pembury Parish Council's previously agreed views.
  - 4.2.6 Consider road schemes relating to new highway proposals or improvements to existing roads.
  - 4.2.7 To consider and put forward recommendations to Pembury Parish Council on the Tunbridge Wells Borough Local Plan.
  - 4.2.8 To consider and formulate a response if appropriate on highway and transportation consultation and information documents from relevant authorities and organisations.
  - 4.2.9 To consider and take action on all other matters that are of a general nature relating to the Town and Country Planning Acts and related legislation.
  - 4.2.10 To consider and take action on all other matters that are of a general nature relating to the highway network within Pembury.
  - 4.2.11 To monitor and comment upon, where appropriate, the proposed erection of telecommunication masts, power lines and other similar structures.
  - 4.2.12 To monitor and comment upon public transport affecting Pembury.

#### **5. Standing Working Groups**

- 5.1 Standing Working Groups shall consist of such members as the Council shall from time to time determine.

- 5.2 The Working Group is an advisory body only with no delegated decision-making powers.

## **6. Ad Hoc Working Groups**

- 6.1 Ad hoc Working Groups may be formed by resolution of the Council or committee at any time. The work of such a working group shall be formed by means of a minute detailing the working group's Terms of Reference.
- 6.2 Where ad hoc Working Groups are established, they will be convened by their lead member and maintain their own notes which shall be reported in full to the main Committee or Full Council as appropriate.
- 6.3 Officers will attend by invitation only.
- 6.4 The Working Group is an advisory body only with no delegated decision-making powers.

## **7. Delegations – Limitations**

- 7.1 Committees, Sub-Committees, Working Groups and officers shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations, the Committee's or Working Group's Terms of Reference, this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, policies, statutes, bye-laws or orders made and with any directions given by Council from time to time.