

PEMBURY PARISH COUNCIL

Working for Pembury People



Scheme of Delegation

Adopted 15 May 2023

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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:
 - 1.3.1.1 Letting of allotments, annual inspections and serving of notices to cultivate on breach of the tenancy conditions. The Clerk is also authorised to determine any rent-free period for new allotments tenants.
 - 1.3.1.2 arranging for interments in the Council's cemeteries, approve monuments, grant or transfer exclusive rights of burial, and maintain up to date records in all Registers.
 - 1.3.1.3 undertaking day to day management and repairs and maintenance of Council land and buildings, facilities, trees and hedges, floral displays and streetlight repairs up to £500 and within budget.
 - 1.3.1.4 implementing Council events in line with previous events plans submitted to the Council and within approved budgets.
 - 1.3.1.5 implementing Committee and Working Group projects once approved by Council and in line with approved action plans and within approved budget.

- 1.3.1.6 determining the day to day management of the PVN and agree which articles and advertisements to be published in line with the Council's Advertising Policy and agreed editorial planning schedules.
- 1.3.1.7 posting relevant information on the Council Website and social media pages in line with approved Council policy.
- 1.3.1.8 approving who can display posters to advertise their events on the Village Green.
- 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.
- 1.3.11 Day to day management of the PVN and its content within the Council's approved policy. Day to day management of the website and its content within the Council's approved policy and agreed planning schedules.
- 1.3.12 Day to day management of the Council's social media profiles within the Council's approved policy. Day to day management of all Council run events in line with the approved strategic plan, budget and known policy of the Council.
- 1.3.13 Day to day management of all Council run competitions in line with the approved strategic plan, budget and known policy of the Council.

- 1.3.14 Day to day management of the Council's Christmas lighting and festive displays in line with the approved strategic plan, budget and known policy of the Council.
- 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:
- 1.5.1.1 Grant a permission of licence.
- 1.5.1.2 Affect the rights of an individual.
- 1.5.1.3 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 do 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 currently 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 this limit 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 importance 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 taken 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 committees shall be standing committees 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's previously agreed views at site meetings, public

enquiries, Public Transport Liaison Group etc.

- 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 Monitoring the application of the Neighbourhood Development Plan policies to ensure they have been applied consistently and interpreted correctly in response to planning applications both by this committee and the Tunbridge Wells Borough Council.
 - 4.2.9 Maintaining a watching brief on national planning guidance and any changes to the Tunbridge Wells Local Plan, and considering any impact that changes have on the NDP. Accordingly, as required, making recommendations to Pembury Parish Council for a light-touch or more fundamental review of the NDP.
 - 4.2.10 To consider and formulate a response if appropriate on highway and transportation consultation and information documents from relevant authorities and organisations.
 - 4.2.11 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.
 - 4.2.12 To consider and take action on all other matters that are of a general nature relating to the highway network within Pembury.
 - 4.2.13 To monitor and comment upon, where appropriate, the proposed erection of telecommunication masts, power lines and other similar structures.
 - 4.2.14 To monitor and comment upon public transport affecting Pembury.
 - 4.2.15 To maintain and develop all Parish Council owned street furniture in Pembury such as benches and bus shelters. An annual review to be undertaken.
 - 4.2.16 To maintain Parish Council owned streetlights.
 - 4.2.17 To monitor public footpaths and public rights of way and formulate a response, if appropriate, on public consultation and information documents from relevant authorities and organisations.
 - 4.2.18 When it is not possible for the Committee to meet to decide Pembury Parish Council's responses to consultations on planning applications, the Clerk shall have delegated powers to agree planning responses in consultation with Members of the Planning & Highways Committee and forward them in writing to the appropriate authority. For the avoidance of doubt this will include the summer recess and Christmas periods.
- 4.3 The Finance and HR Committee shall be delegated to make decisions on behalf of the Council in the following matters:
- 4.3.1 Receive quarterly budget monitoring reports and monitor the income and

- expenditure of the Council and report to Full Council on their findings.
- 4.3.2 Receive and consider and approve the internal auditors report and take such action as may be necessary to comply with the internal auditor's recommendations. Findings to be reported to Full Council.
 - 4.3.3 Establish and maintain a system of internal audit of all the Council's activities.
 - 4.3.4 Conduct an annual review of the effectiveness of Internal Audit and Internal Control procedures.
 - 4.3.5 Make recommendations to Full Council for all new policies, procedures and protocols for the Council.
 - 4.3.6 To periodically review existing policies, procedures and protocols for the Council and highlight minor changes to Members.
 - 4.3.7 Make recommendations to Full Council on the Council's banking, Council funds and investments and monitor risks to Council funds.
 - 4.3.8 Make recommendations to Full Council for any other matters relating to finance and HR issues.
 - 4.3.9 Advise Council on all matters relating to Parish Council staff including terms and conditions and performance.
 - 4.3.10 Monitor annual staff performance management.
 - 4.3.11 Ensure that disciplinary or grievance matters are progressed in line with Council policy. Members of the Committee shall be appointed to a Hearing Panel or as a Hearing Manager in the event of any disciplinary or grievance issues arising.
 - 4.3.12 Ensure that complaints are progressed in line with Council policy. Members of the Committee shall be appointed to a Complaints Committee in the event of a complaint arising.
 - 4.3.13 Oversee the running of the Parish Office and Depot.
- 4.4 The Open Space Committee shall be delegated to make decisions on behalf of the Council in the following matters:
- 4.5 Review the terms and conditions and charges for pitch hire of Lower Green Recreation Ground and Woodside Playing Fields on an annual basis.
 - 4.6 Review the terms and conditions and burial fees for Pembury Burial Ground on an annual basis.
 - 4.7 Oversee the management and maintenance of Lower Green Recreation Ground and Woodside Playing Fields to ensure it is in line with Council policy and approved budgets.
 - 4.8 Make recommendations to Full Council for making improvements to Lower Green Recreation Ground and Woodside Playing Fields and request necessary budgets from Full Council as required.

- 4.9 Purchase and maintain all vehicles, machinery and tools as required to carry out the management and maintenance of all areas under the Committee's control within approved plans and budgets. Request necessary budgets from Full Council as required.
- 4.10 Make recommendations to Full Council for the development of all the recreation facilities in Lower Green Recreation Grounds and Woodside Playing Fields.
- 4.11 Make recommendations for the drawing up/updating and application of bylaws for relevant Council owned land.
- 4.12 Oversee the management and maintenance of the Council's cemeteries and burial grounds to ensure it is in line with Council policy and approved budgets.
- 4.13 Oversee the management and maintenance of the Village Green, War Memorial, Old Coach Road and other Council owned open spaces in the parish in line with Council policy and approved budgets.
- 4.14 Oversee the management and maintenance of the allotment site in line with Council policy and approved budgets.
- 4.15 Oversee the management and maintenance of trees and hedges on all Council owned land in line with Council policy and approved budgets.
- 4.16 Consider future requirements and request necessary budgets each year for recommendation to Full Council.
- 4.17 Oversee approved projects ensuring they are within approved budgets.
- 4.18 Liaise with local sporting clubs and maintain good working relationships.
- 4.19 Oversee the agreed floral displays in the parish within budget working with the Community Gardening group on joint projects as appropriate.
- 4.20 Oversee litter and waste matters.

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.