



# ALSTON MOOR PARISH COUNCIL

## SCHEME OF DELEGATION

This Scheme of Delegation forms part of the council's Financial Regulations and Standing Orders. Its purpose is to clearly define the parameters within which the Clerk/RFO can act without reference to Councillors.

The document also identifies the various delegated powers throughout the council including those delegated by the council to its committees, internal control and working groups. This element of the scheme incorporates all the approved Terms of Reference.

## PRINCIPLES OF DELEGATION

Section 101 of the Local Government Act 1972 provides:

- That a Council may delegate its powers (except those incapable of delegation) to a committee, or an officer.
- A Committee may delegate its powers to an officer.
- The delegating body may exercise powers that have been delegated.

Any delegation to a Committee or the Clerk/RFO shall be exercised in compliance with the Council's Standing Orders, its Financial Regulations and any other policies or conditions imposed by the Council and with the law.

In an emergency the Clerk/RFO is empowered to carry out any function of the Council.

Where the Clerk/RFO is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chairman of the Council and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

## AUTHORITY TO ACT

It will be appropriate for the Clerk/RFO to refer a matter to the Council where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for Councillors to determine.

## COUNCIL RESERVED POWERS

The following matters are only to be resolved by the full Council:

- Appointment of the Clerk/RFO.
- To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies.
- To approve and adopt the Budget.
- To appoint committees and working groups.
- To approve membership of all committees and working groups.
- To agree and/or amend the terms of reference for Committees.
- To adopt the schedule of meetings for the ensuing year.

- To determine matters involving expenditure for which budget provision is not made or is exceeded.
- To set the Precept.
- To make byelaws.
- To borrow money.
- To annually approve the statutory annual return.
- To approve eligibility for the General Power of Competence.
- To assess, consider and (if approved) award donations and grants fund to other bodies where lawful and appropriate in accordance with statute and the adopted Grants Policy.
- To receive, consider and approved recommendations from the Clerk/RFO in respect of staff remuneration outside of budget allocation.
- To assess, consider and approve recommendations from working groups.

## **DELEGATION SAFEGUARDS**

The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a Committee or Officer.

## **DELEGATION TO CLERK/RFO**

- The Clerk/RFO is designated and authorised to act as the Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a proper officer.
- In the case of an emergency, the Clerk shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Chairman (if practicable in the circumstances).
- The Clerk will deal with all routine correspondence which does not commit the Council to enter into a legal agreement or give an opinion. The Clerk will also deal with any correspondence which is covered by delegated authority.
- The Clerk will arrange and call all meetings of the Council and its Committees
- The Clerk will prepare agendas, consulting with Chairman of Council or Committee (as appropriate) wherever possible before distribution.
- The Clerk may call extra meetings of any Committee as necessary, having consulted with the Chairman of the Council and/or the Chairman of the appropriate Committee.
- The Clerk will submit comments on planning applications and provide additional information to planning authorities on behalf of the council.
- The Clerk will receive and retain a copy of Members' Registers of Interest.
- The Clerk will receive and record notices disclosing personal and prejudicial interests, details of all dispensations received and granted to be reported to the Council, at the next available meeting.
- The Clerk will receive and retain plans and documents.
- The Clerk may sign notices or other documents on behalf of the Council.
- The Clerk will receive copies of byelaws made other local authorities.
- The Clerk will certify copies of byelaws made by the Council.
- The Clerk will respond to requests made under the Freedom of Information/Environmental Information Regulations legislation.
- The Clerk may communicate with the Press and Media.
- The Clerk may administer the Council's website and social media accounts.

Delegated actions of the Parish Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation, and subject to directions given by the Council from time to time.

## COMMITTEES

Committees have delegated powers to act within their Terms of Reference. This means that on all matters not reserved for consideration by another Committee, or by the full Council, Committees can RESOLVE and thereafter action can normally be taken by officers, however certain matters cannot legally be delegated and others, such as deciding major policy are reserved by the Council to itself. On such matters, committees can only RECOMMEND a course of action, and, in these cases, officers cannot normally carry out the instructions of the committees until the recommendation has been approved by the Council.

Should members wish to raise any question concerning the exercise of delegated or other powers, then they should contact the appropriate Committee Chairman or the Clerk to the Council, and if necessary, the matter can be raised subsequently at Committee.

### STAFFING COMMITTEE (ToR)

Membership – 7 councillors who are required to be:

- mindful of the legal framework for, and good practice in employment matters
- of the confidential nature of employer-employee matters and that many of the items for consideration will require that the public and press be excluded by resolution of the Committee
- of the nationally negotiated model contract, benchmarking and terms and conditions for the employment of the Clerk to the Council
- of relevant council protocols and policies

The committee is established to manage and support the employees of the Parish Council including recruitment and welfare. **The following responsibilities apply:**

- To review staffing structures and levels and make recommendations to the Council.
- To agree and review annually contracts of employment, job descriptions, person specifications for staff and to annually review the Clerk/RFO performance, to be reported to Council.
- To review staff salaries, pensions and conditions of service and make recommendations to Council.
- Recruitment panels will normally include four members of the Staffing Committee.
- Arranging and executing of new employment contracts and changes to contracts.
- To appoint members to act as a disciplinary panel as set out in the Council's Disciplinary Policy, and as an appeals panel in the case of any appeal against disciplinary action.
- To appoint members to hear any formal grievance, as per the Council's Grievance Policy.
- Establishing and reviewing performance management (including probationary and annual appraisals) processes and reporting on the outcome of them to the Council.
- Recommending and managing staff and councillor training programmes to the Council as appropriate.
- Keeping under review staff working conditions and staff health & safety matters.
- To ensure the Council complies with all legislative requirements relating to the employment of staff.

- To review all Council policies that relate to staff employment on an annual basis and make recommendations to the Council on any changes felt appropriate.
- Monitoring and addressing regular or sustained staff absence.
- To make recommendations on staffing related expenditure.
- Overseeing any process leading to dismissal of Council staff including redundancy.

## **WORKING GROUPS**

### **Terms of Reference for All Working Groups**

Full Council may form or disband a working group. A working group will carry out tasks as defined by full Council. Membership of a working party is approved by Full Council.

### **The role of a Working Party**

- To review or consider issues as directed by full Council.
- To examine an issue in detail, read reports and related materials, examine options, get advice for full Council.
- Act as experts for the Council and/or liaise with experts.
- Make recommendations to full Council.
- To explain the recommendations, reasons, options to full Council by way of written report.
- To answer questions from full Council.
- Not to fund or commit to fund without prior agreement of full Council.

### **Working Group relationship**

- Full Council must direct the Working Group and set clear objectives.
- The role of full Council is to question and challenge recommendations, to be satisfied of the correct decision.
- The Working Group must facilitate the Full Council with as much information as it requires to ensure it can make a properly informed decision on its recommendations.

### **Operation of the Working Group**

- The Working Group will not have a budget.