



Carn Brea Parish Council
Scheme of Delegation

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General Arrangements for Delegation of Powers

Introduction:

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer, standing Committees and Sub-committees of the Council to act with delegated authority in the specific circumstances detailed.

When statutory functions are conferred on a local council, they are given to the full council. This means that formal decisions (known as resolutions) about the discharge of the council's functions and the related responsibilities must be made at meetings of the Full Council. It is often impractical for the full council to meet every time decisions need to be made. Therefore, legislation permits a council to delegate the performance of its statutory and legal responsibilities to:

- a committee; or
- a sub-committee; or
- an officer of the authority; or
- another local authority.

When a council delegates its responsibilities to a committee, sub-committee, officer, or another local authority, they are acting for and on behalf of the council. The statutory authority for a delegation is found in section 101(1) of the Local Government Act 1972 ('the 1972 Act).

A council cannot delegate responsibility for the performance of all its statutory functions. A council should be alert to the existence of statutory prohibitions to the delegation of particular statutory functions of a council. For example, a council's functions with respect to levying or issuing a precept can only be discharged by the full council (s.101 (6) of the 1972 Act). In practice, it is common for a committee to consider the level of precept and to make recommendations to the full council who can then make a final decision. Using another example, only full council can decide to borrow money (paragraph 2 (4)) of schedule 1 to Local Government Act 2003 or can adopt or revise the code of conduct applicable to its members (2.28 (13) of the Localism Act 2011 and, in Wales, s. 51 (9) of the Local Government Act 2000).

1. Parish Clerk/RFO

1.1 The Responsible Financial Officer of the Council shall be responsible for the Parish Council's accounting procedures, in accordance with the Parish Council's Financial Regulations and Accounts and Audit Regulations in force at any given time.

1.2 The Parish Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

- Receive declarations of acceptance of office
- Receive and record every Councillor's register of interest
- Receive and retain plans and documents in line with the Council's Retention Policy
- To sign Notices or other documents on behalf of the Council
- Receive and retain copies of By-laws made by Cornwall Council
- Certify copies of By-laws made by the Council and other such orders as adopted by the Council
- To prepare meeting agendas and sign summonses to attend meetings of the Council
- Keep proper records for all meetings
- Receive from Cornwall Council's Monitoring Officer any documents in relation to complaints received under The Members' Code of Conduct and report this at the next convenient meeting of the Council.

1.3 In addition, the Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- Day-to-day administration of services ensuring routine inspections and control measures are in place.
- Day to day supervision and management of all employees employed by the Council ensuring policies and procedures are adhered to.
- Authorisation of routine expenditure within the agreed budget.
- Authorise training or attendance at Conferences as agreed within budget.
- 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.
- 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.
- Authorisation of routine recurring expenditure within the agreed budget according to the Council's financial regulations.
- Authorise expenditure on revenue items for any items below £1000 in conjunction with the Chairman of the Council or Chairman of the appropriate committee.
- Emergency expenditure up to £500 outside of the agreed budget according to financial regulations.
- Completing daily risk assessments for work to be carried out and reporting updated risk assessments on a yearly basis to 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 in addition to any direction given by the Council from time to time.

2. The Council

2.1 The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration:

- The Power of raising loans and setting the Precept
- The appointment to or co-option on a Committee or Sub-Committee of a person (on a strictly non-voting basis) who is not a Member of the Council or the Committee
- Making, amending or revoking Standing Orders, Financial Regulations, the Scheme of Delegation, and the functions and constitution of Committees and Sub-Committees
- Dates of meetings of the Council
- Appointment or nomination by the Council of persons to fill vacancies on outside bodies arising during the Council year
- Filling vacancies occurring on any Committee of the Council during the Council year
- Agreement to take on new, including devolved services, subject in all cases to a fully-costed Business Plan to be recommended by the Health & Safety and Finance Committee
- Approval of the Council's Annual Accounts and completion of the Annual Return
- Matters of principle or policy
- Prosecution or defence in a court of law
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee
- 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, if the matter involves expenditure not provided for in the annual budget, and not covered in Financial Regulations before acting on behalf of the Council in respect of the particular matter under consideration.

4. Powers and Duties of Standing Committees

4.1 Amenities and Projects

THE COMMITTEE IS DELEGATED THE FOLLOWING:-

COMMITTEE ROLES AND RESPONSIBILITIES:-

- To consider and evaluate new projects and activities proposed for the benefit or improvement of the parish, to include a full assessment of risk (including financial risk) for final approval by Full Council.
- The Committee shall put before the Full Council the cost of any recommended projects
- To make recommendations for additions to the Roll of Honour/War Memorial.
- To obtain grant aid for projects.
- To receive a report from the Clerk on Council owned land and assets and make any appropriate resolutions/recommendation.
- To review the Designated Rights of Way contract annually and make recommendations to Full Council.
- To receive, review and approve the Council owned land and assets register annually.
- To review all projects and funding required for the forthcoming year and request the required amount to be considered in the annual finance budget.
- To maintain the Book of Remembrance.

EDITORS OF THE NEWSLETTER ROLES AND RESPONSIBILITIES:-

- The editors of the newsletter will collaborate with the parish office in the production of the Parish Newsletter.

SOCIAL MEDIA ADMINISTRATORS:-

- To upload and post relevant council information for the benefit of the community
- Clerk to monitor and remove inappropriate content

DECISION MAKING:-

- The committee will decide on the merits of a project proposal from a Councillor based on the relevant information they have provided for consideration.
- To receive a report from the Clerk on any maintenance requirements of land and assets and make appropriate resolutions/recommendations to Full Council.
- To appoint two Councillors as the editors of the Newsletter annually.
- That decisions on behalf of the Council be may be delegated from time to time to at least 2 Councillors and the Clerk to be resolved.
- Following Financial Regulations to approve expenditure in line with budget set.

MATTERS NOT DELEGATED TO THE COMMITTEE:-

Any matters falling within the remit of the committee which involves the introduction of a new policy or changes to existing policy. In such cases the Committee will make recommendations for approval by Full Council.

4.2 Health & Safety and Finance Committee

- That decisions on behalf of the Council may be delegated from time to time to be resolved.

4.3 Staffing Committee

COMMITTEE ROLES AND RESPONSIBILITIES: -

- The primary function of the Staffing Committee is to promote the welfare, wellbeing, and equal treatment of all staff in line with the Council's policies and procedures.
- To be familiar with of all the Council's policies relating to its staff and ensure these are followed when dealing with staffing matters.
- To maintain confidentiality over all staffing matters as required under General Data Protection Legislation (GDPR) and the Council's Code of Conduct.
- Following changes to legislation, the committee to note and make recommendations for any necessary changes to Council policies.
- In conjunction with the Clerk, keep under review the staffing structure of the Council and make recommendations as appropriate.
- To keep under review all staff contracts of employment, terms and conditions and make recommendations to Full Council.
- To receive and approve from the Clerk detailed induction plan for all new Council staff.
- In the case of appointment of a Clerk the committee to provide a detailed induction plan.
- Following the Clerks monthly report, keep under review staff work/life balance, working conditions and well-being in addition to monitoring absence, probationary reviews and performance management.
- A member of the Staffing Committee to attend staff team meetings quarterly.
- To receive a report and consider any recommendation following staff appraisals.
- To receive reports from the Clerk on identified training and development needs and consider recommendations.
- To make recommendations on personnel related expenditure to Full Council.
- To consider any matters raised under the Council's Capability Policy if it is adopted by Full Council with delegation approval (including financial if necessary) to manage the performance issue.
- A member of the staffing committee may be called to attend the end of probationary period meeting.
- To receive and consider any matters raised under the Council's Grievance and Disciplinary Procedures Policy.
- To investigate and where appropriate, appoint a panel to deal with matters raised under the Council's Grievance and Disciplinary Procedure Policy with full delegated responsibility to take whatever action necessary. If felt necessary, it has the delegated approval (including financial) to seek outside professional assistance in order to conclude a disciplinary or grievance matter.

CHAIRMAN ROLES AND RESPONSIBILITIES: -

- The Chairman of the Staffing Committee to be the Clerk's first point of contact for staffing matters.
- The Chairman of the Council is the Clerk's Line Manager and in their absence the Chairman or Vice Chairman of the Staffing Committee takes the role.
- Approval of annual leave, overtime, absence reporting and return to work interviews in respect of the Clerk to be undertaken by the Chairman of the Council and in their absence the Chairman or Vice Chairman of the Staffing Committee.
Decisions on such matters will be reported to the Staffing Committee.
- The Chairman of the Council to complete the Clerk's annual appraisal and report completion of the appraisal to the Staffing Committee.

DECISION MAKING: -

- To consider such matters as may be delegated by the Council from time to time.
- To make decisions on recruitment and appointment in line with agreed structure, pay scale and budget.
- To undertake the recruitment of the Clerk, including making the appointment with any associated expenditure.
- To oversee the recruitment and selection process for all other staff and where required, assist the Clerk in the recruitment of new staff.
- Following the Clerk's report and recommendations regarding the probationary period of new staff, the committee to confirm appointment, extension of probationary period or termination of employment.

MATTERS NOT DELEGATED TO THE COMMITTEE:

Any matter falling within the remit of the committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy. In such cases the Committee will make recommendations for approval by Full Council.

4.4 Planning Committee

THE COMMITTEE IS DELEGATED THE FOLLOWING RESPONSIBILITIES: -

- The decisions on behalf of the Council may be delegated from time to time to be resolved.
- Make formal responses to Planning Consultations.
- Develop planning policies as a guide to the Committee for council approval.
- Consider any planning matter and report accordingly.
- Call any committee meeting the Planning Committee consider necessary to perform its duties.
- Call any public meeting and site meeting to consider planning matters.
- Receive and consider planning correspondence.
- Receive road closures notices.
- Consider non-material amendments if the return date allows.

The Clerk will:-

- Submit the agreed responses to planning applications, non-material amendments and local protocol.

The Chairman/Vice Chairman of the Planning Committee

- If the return date does not allow for non-material amendments to be dealt with by the committee, the Chairman and Vice Chairman of the Committee in liaison with the relevant Cornwall Councillor and committee members will respond with the majority decision to Clerk/Assistant Clerk in order for them to make the appropriate response.
- If the return date does not allow for local protocol requests to be dealt with by the committee, the Chairman and Vice Chairman of the Committee in liaison with committee members will respond with the majority decision to the Clerk/Assistant Clerk in order for them to make the appropriate response.
- The Chairman and Vice Chairman of the Planning Committee will deal with Pre-App advice set out in the Council's Pre-App Policy document.

5 Sub Committees

- 5.1 The council does not currently appoint sub-committees, but may do so if the committee believes it would be expedient to do so under Standing Orders. Any powers delegated to a sub-committee shall be detailed at the time the sub-committee is formed by means of a minute detailing the sub-committee's terms of reference, but such delegated powers must be agreed by the council.

6 Working groups

6.1 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 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. They are advisory bodies only with no delegated decision-making powers. Officer(s) will attend by invitation only as ad hoc advisor(s).

7 Delegation – Limitations

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