



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. Responsible Financial Officers**

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

## 2. Proper Officer

2.1 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
- Sign summonses to attend meetings of the Council
- To keep proper records for all meetings
- To 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:

- The Day to day administration of services together with routine inspection and control
- Day to day supervision and control of all staff employed by the Council
- 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 £500 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 and with 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**

- That decisions on behalf of the Council may be delegated from time to time to at least 2 Councillors and the Clerk to be resolved
- That two nominated Councillors be nominated as the editors of the Newsletter. The nominated members to draft the Newsletter following discussion at committee and to forward the draft to the Chairman of the Council and the Clerk for approval.
- The Clerk and Chairman of the Council to approve the draft newsletter.
- Chairman and Vice Chairman of the Committee to meet with Cornwall Council Officers to receive information and discuss developed land and report back to Full Council.
- The Clerk/Assistant Clerk to make appropriate amendments to the website.

#### 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

##### **PERSONNEL AND STAFFING:**

- To consider such matters as may be delegated by the Council from time to time
- To maintain confidentiality over all staffing matters as required under Data Protection Legislation and the Code of Conduct
- To be aware of all the Council's policies relating to its staff; to be familiar with each of those policies; to follow those policies when dealing with staff matters
- To monitor the Council's employment policies and procedures in respect of changes to legislation and make recommendations to Full Council where appropriate
- To ensure the Dignity at Work (Bullying and Harassment) Policy is followed fairly and consistently
- To draft and 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 keep under review staff work/life balance, working conditions and well-being, including the monitoring of absence in line with the absence management policy
- 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
- The Clerk to present a staffing report at each meeting
- A member of the Staffing Committee to attend staff team meetings
- The Chairman of the Staffing Committee to be the Clerk's first point of contact for staffing matters
- The Chairman of the Council and the Chairman of the Staffing Committee (or Vice Chair of Staffing Committee if they are the same person) are the Clerk's Line Manager.
- Employment issues such as annual leave, overtime, sickness and return to work interviews in respect of the Clerk will be undertaken by the Chairman of the Council and in their absence the Chairman of the Staffing Committee and are recorded. Decisions on such matters will be reported to the Staffing Committee.

**PERFORMANCE:**

- The Chairman of the Council to complete the Clerk's annual appraisal and report completion of the appraisal to the Staffing Committee.
- The Clerk is responsible for carrying out annual appraisals on staff members and will report completion of the appraisal to the Staffing Committee.
- To identify training requirements through receipt of reports on appraisals and agree staff training programme
- To make recommendations on personnel related expenditure to Full Council
- To confirm appointment following a satisfactory probationary period
- To terminate employment following an unsatisfactory probationary period
- 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
- To receive a brief report from the Clerk regarding probationary period meetings held
- A member of the staffing committee to attend the end of probationary period meeting

**COMPLAINTS:**

- To receive and consider any complaints made under the Council's Grievance and Disciplinary Procedure
- To investigate and where appropriate, appoint a panel to hear complaints made under the Council's Grievance and Disciplinary Procedure 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

**5 Planning Committee**

- 5.1 The planning committee shall agree observations on planning applications consulted on.
- 5.2 The Clerk/Assistant Clerk to submit the meetings observations the following day of the meeting.
- 5.3 Non-material amendments with a return date which allows the request to come before the Planning Committee before its expiry will be dealt with by the Committee.
- 5.4 Non-material amendments with a return date which does not allow the request to come before the Planning Committee will be considered by the Chairman and Vice Chairman of the Planning Committee, liaising with the relevant Cornwall Councillor and Ward Members of the Planning Committee. The Planning Committee will receive a report on the action taken at its next meeting.
- 5.5 Pre-application procedures are set out in the Pre-App Policy. The Chairman and Vice Chairman of the Planning Committee are tasked with meeting applicants in line with the policy.

## **6 Sub Committees**

- 6.1 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.

## **7 Working groups**

- 7.1 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.
- 7.2 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).

## **8 Delegation – Limitations**

- 8.1 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.