



# Carn Brea Parish Council Scheme of Delegation

## 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 and invitations to attend meetings of the Council, Committees, Sub Committees and Working Groups.

- 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 expenditure for individual purchases within an agreed budget for that type of expenditure for any items below £500 excluding VAT.
- 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.
- Where there are no items of business to be transacted, the Clerk in liaising with the Chairman and Vice Chairman of a standing committee may cancel a scheduled committee meeting giving no less than 5 clear working days' notice to all Councillors and the public.
- 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 or recurring expenditure within the agreed budget according to the Council's financial regulations.
- Authorise expenditure on revenue items for any items below £3000 in conjunction with the Chairman of the Council or Chairman of the appropriate committee.
- Emergency expenditure up to £3000 excluding VAT outside of the agreed budget according to Financial Regulations 5.18.
- To make applications for grant funding where available for Council agreed projects or activities, reporting applications made to Full Council.
- Completing daily risk assessments for work to be carried out and reporting updated risk assessments on a yearly basis to the Council.
- To dispose of retired Council Assets in a responsible manner with consideration for recycling or reuse up to an estimated value of £500, obtaining best price where appropriate if for resale.
- Authorise expenditure of social media boosts to promote Council events and projects up to £15.00 per boost within the agreed IT Budget.
- To notify Election Services of a Councillor vacancy under section 85 and 86 of the Local Government Act 1972.
- To notify Election Services of a Councillor vacancy generated by resignation or death in service.

- 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 RESPONSIBILITIES AND DECISION MAKING: -**

- Following approval by Full Council, make arrangements for budgeted Council events.
- To make appropriate additions to the Roll of Honour / War Memorial.
- To receive a report from the Clerk / Grounds Person on any Council owned land and assets that require significant maintenance and make any appropriate resolutions on expenditure within approved budget.
- To review and make arrangements for an ongoing Tree Management programme for Moorfield Road Open Space and Wheal Fortune Park and make appropriate resolutions in line with the approved Open Spaces Maintenance budget.
- To review the effectiveness of the Verti Draining treatment on Moorfield Road Open Space and make appropriate resolutions for additional treatments in line with the approved Open Spaces Maintenance budget.
- To review the effectiveness of the Grass Cutting Contract annually and make appropriate resolutions for the contract renewal including expenditure in line with the approved budget.
- To review the effectiveness of the Designated Rights of Way (LMP) contract annually and make appropriate resolutions for the contract renewal including expenditure in line with the approved budget.
- To review the effectiveness of the Weed Treatment contract annually and review and approve the areas within the Parish that are treated and make appropriate resolutions for the contract renewal in line with budget.
- To review the effectiveness of the Pool in Bloom contract annually and review and approve hanging basket locations making appropriate resolutions for the contract renewal in line with the approved Pool in Bloom budget.
- To receive, review and approve the Council owned land and assets register annually.
- To review all projects, events 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.
- To review and approve the Hall Hire Policy annually and make appropriate resolutions on amendments / additions.
- To review and approve the Social Media Policy annually and make appropriate resolutions on amendments / additions.
- To review and approve the Strategic Communication Plan Policy (Once adopted) and make appropriate resolutions on amendments / additions.
- To review and approve the Memorials Policy (Once adopted) and make appropriate resolutions on amendments / additions.
- 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.
- Following Financial Regulations to approve expenditure in line with approved budgeted projects and events.

## **MATTERS NOT DELEGATED TO THE COMMITTEE: -**

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

## **4.2 Health & Safety and Finance Committee**

### **THE COMMITTEE IS DELEGATED THE FOLLOWING: -**

The Committee will operate in accordance with Local Government Law and in accordance with the Council's Standing Orders and Financial regulations.

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.

The Committee can delegate any of its functions to a sub-committee.

### **HEALTH & SAFETY:**

- To review and approve the Annual Health & Safety Audit and Health & Safety Action Plan and make appropriate resolutions on any actions required.
- To review and approve the Health and Safety Employee Handbook and Health & Safety Policy annually and make-appropriate resolutions on amendments/additions.
- To review and approve the Risk Assessments annually and make-appropriate resolutions on amendments/additions.
- To nominate a committee member to complete an internal Health & Safety Check with the Clerk on a 6 monthly basis.
- To nominate a committee member to review the internal Health & Safety Checks on a quarterly basis and report back to the committee with any recommendations.
- To ensure that the Council is compliant with all Health & Safety regulations.

### **FINANCE:**

- To report to the Council any issues or areas of concern for corrective action.
- In collaboration with the RFO complete budget preparations and prepare a draft report for the Annual Finance meeting.
- To complete a budget 3-year action plan to include capital purchases and project expenditure for the Annual Finance Meeting.
- To receive and approve the Risk Management Policy and make appropriate resolutions on amendments and additions.
- To receive and review the Bank and Investment Strategy and make recommendations to Full Council for any amendments or additions.
- Monitor Council expenditure against approved budgets.
- To keep under review the Council's insurance provision and make appropriate recommendations to Full Council.
- To receive the Annual Internal Auditors report and External Auditors report and make recommendations to Full Council on matters arising.
- To review Financial Regulations as required and make recommendations to the Full Council.
- To review the Governance section of the Council's budget action plan and make appropriate resolutions on amendments/additions.

- To develop a procurement policy for Full Council approval.
- To review and approve the Employee Expenses Policy and make appropriate resolutions on amendments or additions.
- To review and approve the Councillor Expenses Policy and make appropriate resolutions on amendments or additions.

### **4.3 Staffing Committee**

**THE COMMITTEE IS DELEGATED THE FOLLOWING: -**

**COMMITTEE ROLES AND RESPONSIBILITIES: -**

- The Staffing Committee will ensure employees are treated fairly and with due regard to their welfare, in line with employment legislation and Council policies.
- The Staffing Committee is to oversee employment matters relating to Council employees, ensuring that all staffing decisions are fair, lawful, and consistent with the Council's policies and procedures.
- To be familiar with all of the Council's policies relating to its employees and ensure these are followed when dealing with employee matters.
- To maintain confidentiality over all employee matters as required under General Data Protection Legislation (GDPR) and the Council's Code of Conduct.
- Committee members should not be discussing confidential staffing matters outside of Council meetings with the exception of when undertaking an investigation or delegated actions in line with the Council's Policies, or when liaising with the Clerk/Chair/Vice Chair of Staffing in preparation for a meeting.
- To keep under review any changes to employment law legislation, and make arrangements to update employee related Council policies where required and brief employees.
- In conjunction with the Clerk, keep under review the team structure of the Council and make recommendations as appropriate.
- To keep under review and make decisions on any updates for all employee contracts of employment, job descriptions and terms and conditions, in line with legislation and make arrangements for employee consultations to be held where appropriate as part of any proposed amendment changes.
- In the case of appointment of a Clerk the committee to provide a detailed induction plan.
- The Clerk will submit a report detailing the following: - Booked Annual Leave, Remaining Annual Leave, Overtime, TOIL accumulated and taken with reasons, sickness and other absence. The report to also include results of probationary/conduct meetings and any other staffing matters.
- Following the Clerk's report, to monitor staffing matters including absence, probationary reviews and performance management, and to ensure that employment policies and working conditions are applied fairly and consistently.
- A member of the Staffing Committee to attend team meetings quarterly.
- To receive a report and consider any recommendations following annual employee appraisals.
- To receive reports from the Clerk on identified training and development needs and consider recommendations.
- To make recommendations on employee related expenditure to Full Council.
- 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 Policy and Disciplinary Procedures Policy.
- To investigate and where appropriate, appoint a panel to deal with matters raised under the Council's Grievance Policy, Absence Management Policy or Disciplinary Procedures Policy with full delegation to make recommendations to the Staffing Committee for appropriate action. If felt necessary, it has the delegated approval (including financial) to seek outside professional assistance in order to conclude an absence, disciplinary or grievance matter.
- To appoint two members of the Staffing Committee to conduct the Clerk's annual appraisal and report completion of the appraisal and any recommendations to the Staffing Committee.
- To appoint a member of the Staffing Committee to act as a mediator if requested by any employee during the annual appraisal process in line with the Employee Appraisal Policy.
- Employees can approach a member of the Staffing Committee for informal guidance on procedural matters. Any contact will not replace or bypass the Council's formal policies and procedures, and the matter will be referred back to the appropriate process where necessary.
- To keep under review Council employee uniform and expenditure within the agreed budget.

#### **CHAIRMAN ROLES AND RESPONSIBILITIES: -**

- The Chairman of the Staffing Committee to be the Clerk's first point of contact for staffing matters and in their absence the Vice-Chairman of the Staffing Committee.
- 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 approval of paid or unpaid leave for compassionate, bereavement or emergency reasons for Council employees including the length of leave approved, to be undertaken by the Clerk in liaison with the Chairman of the Staffing Committee and the Chairman of the Council and in their absence, the Vice-Chairman of the Staffing Committee and/or the Vice-Chairman of the Council. Decisions on such matters to be made in line with Council policies and reported 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 the agreed team structure, pay scale and budget.
- To undertake the recruitment of the Clerk, including making the appointment with any associated expenditure.
- To oversee and where required assist the Clerk in the recruitment and selection process for any Council employees vacancies.
- Following appointment make arrangements to issue a contract of employment.
- Following the Clerk's report and recommendations regarding the probationary period of new employees, the committee to confirm appointment, extension of probationary period or termination of employment.
- To make decisions on recommendations received from Grievance, Disciplinary and Absence panels up to and including dismissal.

**QUARTERLY WELFARE CHECKS: -**

Each quarter, a member of the Staffing Committee, to complete the following checks and report back to the Staffing Committee at the next available meeting for review: -

- Check of employee timesheets checking the following: -
  - Are employees adhering to working time regulations.
  - Are contracted hours regularly exceeded and if so, is overtime appropriately approved with clear reasons for the overtime.  
(Appendix b).

**REVIEWING POLICIES: -**

The Staffing Committee are responsible for reviewing and approving any amendments to the following policies: -

- |                |                      |                     |                      |
|----------------|----------------------|---------------------|----------------------|
| • Menopause    | • Lone Working       | • Employee Handbook | • Absence Management |
| • Annual Leave | • Employee Appraisal | • Grievance         | • Disciplinary       |

**MATTERS NOT DELEGATED TO THE COMMITTEE:**

Any matter falling within the remit of the committee which involves the introduction of a new policy and 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: -**

- Planning decisions on behalf of the Council as may be delegated from time to time.
- Make formal responses to Planning Consultations.
- To review and approve the Planning Procedures and Pre-App Policy annually and make appropriate resolutions on amendments or additions.
- Consider any planning matter and report accordingly.
- Call any public meeting and site meeting to consider planning matters.
- Receive and consider planning correspondence.
- Receive traffic management orders and road closures notices.
- Consider non-material amendments if the return date allows.
- Consider local protocol requests if the return date allows.
- Consider planning appeals received if the return date allows.

**The Clerk will: -**

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

**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 committee

members and the relevant Cornwall Councillor, 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 and the relevant Cornwall Councillor, will respond with the majority decision to the Clerk/Assistant Clerk in order for them to make the appropriate response.
- If the return date does not allow for planning appeals received to be dealt with by the committee, the Chairman and Vice Chairman of the Committee in liaison with committee members and the relevant Cornwall Councillor 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 Working groups**

- 5.1 Working Groups may be formed by resolution of the Council or a Committee at any time. The work of a Working Group shall be detailed at the time the Council or Committee resolves to form the Working Group. The work will be set out in a minute detailing the Working Group's Terms of Reference and its membership as determined by the Council or Committee creating the Working Group.
- 5.2 The proceedings of a Working Group should adhere to the Terms of Reference set.
- 5.3 Meetings of a Working Group will be called by the issuing of an agenda.
- 5.4 The first business of the Working Group at its first meeting is the appointment of a Chairman.
- 5.5 Minutes of a Working Group will be recorded and reported in full to the Council or Committee that created the Working Group.
- 5.6 Working Groups are advisory bodies with no delegated decision-making powers.

## **6 Delegation – Limitations**

- 6.1 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.

**Scheme of Delegation Amendment Record:**

This policy was adopted on 18<sup>TH</sup> June 2020 and previous versions of this policy will be kept for 6 years.

| Review date: | Reviewed by:        | Minute Number: | Amendments:                                | Additions:            |
|--------------|---------------------|----------------|--------------------------------------------|-----------------------|
| 13/05/2021   | Full Council        | 21/05/AM/08    | Tracking changes did not begin until 2025. |                       |
| 17/11/2022   | Full Council        | 22/11/17       |                                            |                       |
| 4/05/2023    | Full Council        | 23/05/AM/08    |                                            |                       |
| 9/05/2024    | Full Council        | 24/05/AM/08    |                                            |                       |
| 15/05/2025   | Full Council        | 25/05/AM/12    | None                                       | 1.3                   |
| 14/5/2026    | Annual Full Council | 10             | 4.1 and 4.3                                | 1.3, 4.1, 4.2 and 4.3 |