



**East Wittering and Bracklesham Parish Council**

**Scheme of Delegation including contingency for public health emergencies**

**Date Adopted: 12/11/21**

**Updated: 09/05/24**

**Minute ref: 24.60.6**



## **SCHEME OF DELEGATION**

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (which may be one and the same person), Standing Committees and Sub-committees of the Council to act with delegated authority in the specific circumstances detailed.

### **1. Proper Officer and Responsible Financial Officer - Duties and Powers**

- 1.1. Responsible Financial Officer
- 1.2. The Parish Clerk shall be the Responsible Financial Officer to the Council and shall be responsible for the Parish Councils 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:
  - 2.1.1. Receive declarations of acceptance of office;
  - 2.1.2. Receive and record notices from Councillors disclosing interests;
  - 2.1.3. Receive and retain plans and documents;
  - 2.1.4. Sign Notices or other documents on behalf of the Council;
  - 2.1.5. Receive copies of By-laws made by the Unitary Council;
  - 2.1.6. Certify copies of By-laws made by the Council;
  - 2.1.7. Sign and issue summonses to attend meetings of the Council.
  - 2.1.8. Give public notice of the time, place and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them)
  - 2.1.9. Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office
- 2.2. In addition, the Parish Clerk has the delegated authority to undertake the following matters on behalf of the Council:
  - 2.2.1. The day to day administration of services, together with routine inspection and control.
  - 2.2.2. Day to day supervision and control of all staff employed by the Council.
  - 2.2.3. Authorisation of routine expenditure within the agreed budget.
  - 2.2.4. Emergency expenditure up to £25,000 outside of the agreed budget.
- 2.3. Delegated actions of the Parish Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.
- 2.4. Extend the delegation of Council and Committee decisions to the Clerk in consultation with the Chair and Vice Chair of the Council and relevant Committee during any period of restricted activity declared by the Government in respect of the Covid-19 virus or any other similar public health emergency. Such delegation to enable the Council to fulfil its responsibilities to its residents.

### **3. Council**

- 3.1. 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.
  - 3.1.1. Setting the Precept;
  - 3.1.2. Borrowing money;
  - 3.1.3. Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
  - 3.1.4. Making, amending or revoking By-laws;
  - 3.1.5. Making of Orders under any Statutory powers;



- 3.1.6. Matters of principle or policy.
- 3.1.7. Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings);
- 3.1.8. Any proposed new undertakings;
- 3.1.9. Prosecution or defence in a court of law;
- 3.1.10. Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee;
- 3.1.11. Approving the annual return;
- 3.1.12. Confirming eligibility to exercise the General Power of Competence

#### **4. Standing Committees**

4.1. The Assets & Open Spaces Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- Playing Fields and Amenity Areas
- Footpaths and Bridle Ways
- Sporting facilities
- Maintenance and repair of all the buildings owned by the Council
- Environmental Matters
- Markets and Craft Fairs
- Parish floral displays
- Highways and Street Furniture
- Maintenance and upkeep of all vehicles and equipment used for grounds maintenance purposes.

The following matters are reserved to the Council for decision but the Committee may make recommendations:

- Recommendation of the Committee's budget each financial year.
- Any funding required outside of the set budget in any given financial year.
- Any other matter which may be delegated to it by the Council from time to time.

4.2. The Planning Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- To comment on planning applications received from the Planning Authority
- Street Naming
- Licensing Matters
- Any other matter which may be delegated to it by the Council from time to time
- To comment on behalf of the Council on Local Plans, Structure Plans, Mineral Plans, Waste Plans, Regional Plans and any other Plans or Studies as considered appropriate.

The following matters are reserved to the Council for decision but the Committee may make recommendations:

- Recommendation of the Committee's budget each financial year.

4.3. The Staffing committee shall be delegated to make decisions on behalf of the Council in the following matters:

- Hearings for Grievance, Disciplinary and Capability matters in accordance with the Councils Grievance and Disciplinary Procedure.
- Dealing with any Grievance, Disciplinary and Capability matters to a final conclusion, only reporting to Council when the time for any Appeal has passed.



- Appraisal of the Parish Clerk.

The following matters are reserved to the Parish Council for decision but the committee may make recommendations:

- Salaries;
- Conditions of Service;
- Staff levels;
- Consideration of staffing reviews

It is vital that the Staffing committee keeps confidential its deliberations and decisions in cases of Grievance, Disciplinary and Capability hearings, because if an Appeal against a decision is received it must, legally and in the interests of fairness, be heard again by elected members with no prior knowledge of the case.

In order to ensure as far as possible that such matters as Appraisal, Grievance, Disciplinary and Capability issues are dealt with professionally and in accordance with Employment legislation, all members of the Staffing committee must agree to undertake training in these matters.

- 4.4. There are no other Standing committees but they may be formed by resolution of the Council at any time and delegated powers may be decided upon at the time the committee is formed by means of a Minute detailing the Terms of Reference.

## **5. Working Groups/Parties**

- 5.1. Working Groups/Parties may be formed by resolution of the Council or a Committee at any time. The work of such a Working Group/Party will be decided upon at the time it is formed by means of a Minute detailing the Terms of Reference. Each Working Group/Party will report back with recommendations to the Council or the Committee that formed it.

## **6. Delegation - Limitations**

- 6.1. Committees, Sub Committees and working groups shall, at all times, act in accordance with the Councils Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, By-laws or orders made and with any directions given by the Council from time to time.