



Dodderhill Parish Council

Scheme of Delegation to the Clerk and Standing Committees including Committee Terms of Reference

Introduction

Local Councils may only do what legislation requires or permits them to do. With some particular exceptions, the Council may delegate functions to committees, sub committees, officers, or other authorities. The power to delegate functions by local councils is set out in the Local Government Act 1972 S.101.

Notes

1. Amended Standing Orders were adopted May 2021; this scheme is in addition to Standing Orders no. 4 and 15 (Appendix 1). The Parish Council's Standing Orders & Financial Regulations are based on the NALC model.
2. No parish councillor may act independently; all the council's actions must be authorised by way of the full council, a committee or the Clerk. The council may delegate decisions to a committee or to a paid officer.
3. Delegation for urgent business is a necessity in this fast-changing age.
4. The setting up of committees helps to reduce the time taken at full council meetings and supports improved member involvement.
5. The Clerk, or 'Proper Officer', is also the council's Responsible Financial Officer (RFO).
6. The Responsible Financial Officer (RFO) to the Council is responsible for the Parish Council's accounting procedures and financial records and is accountable for the proper administration of its finances, in line with the current Account and Audit Regulations and the Council's adopted Financial Regulations.
7. The Clerk is the only paid officer; there is no other specifically identified individual who can be delegated to act on their behalf in their absence or when the Clerk is an interested party.
8. **This scheme of delegation to the Clerk and Standing Committees is not exhaustive and is subject to being implemented in accordance with the law, the Council's Standing Orders and Financial Regulations.**

Certain functions cannot be delegated and are therefore reserved to the full Council, although an appropriate committee may make recommendations thereon for the Council's consideration:

| Functions assigned to Council | |
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| Service area | Function |
| Audit | <ol style="list-style-type: none">1. Approval of the Annual Accounts2. Completion of the Annual Return including the Governance Statement3. Consideration of an Auditor's report made in the public interest (within one month of receipt). |
| Finance | <ol style="list-style-type: none">1. Setting the precept and approval of the Council's budget2. Determination and review of the Bank Mandate3. Agreement to write off bad debts4. Approval by resolution, before payment, of any grant or single commitment in excess of £5,000.5. Authorisation as to terms and purpose for any application for borrowing approval and subsequent arrangements for the loan.6. Approval of any financial arrangement which does not require formal borrowing approval from the Secretary of State (eg hire purchase or leasing of tangible assets)7. Approval of purchase, acquisition by other means, sale, lease or disposal of tangible moveable property over £1,000.8. Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interests in land). |

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| | <p>9. Approval of the virement of unspent and available amounts to other budget headings or reserves</p> <p>10. Approval of changes in earmarked reserves as part of the budgetary process</p> <p>Making arrangements to pay salaries/wages and expenses to all employees of the Council (subject to the Council's financial regulations);</p> |
| Governance | <ol style="list-style-type: none"> 1. The making, amending or revoking of Standing Orders, Financial Regulations and this Scheme of Delegation 2. Adoption or revision of the Council's Code of Conduct. 3. Confirmation (by resolution) that the Council has satisfied the statutory criteria to exercise the General Power of Competence 4. Matters of principle or policy 5. Nomination or appointment of representatives of the Council to outside bodies (except approved conferences or meetings) 6. Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee 7. The making, amending or revoking of bye-laws. |
| Standing Orders | <ol style="list-style-type: none"> 1. To adhere to the Standing Orders of the council. 2. Arrange for annual review. |
| Urgent business | <ol style="list-style-type: none"> 1. Urgent decisions required between scheduled meetings are delegated to the Clerk in consultation with the council's Chairman. 2. In the absence of the Clerk or in the event that they are an interested party, they will be substituted by an appropriate substitute from outside the parish council, ideally a Clerk from within Wychavon district. 3. In the absence of the council's chairman, or in the event that the council's chairman is an interested party, they will be substituted by the vice chairman. 4. Decisions made under this delegation will be reported to and minuted at the next council meeting. 5. Under this delegation, where appropriate, the Clerk may conclude that an extraordinary meeting of the council be called to deal with the urgent matter. |

| Scheme of Delegation to the Clerk | |
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| Service area | Function |
| Audit | To maintain a continuous internal audit that is to be available for members to review on a quarterly basis. |
| Communications | To deal with all press and public relations on behalf of the council (see also Information & Communications Technology). |
| Contractors | <ol style="list-style-type: none"> 1. To liaise with, and be the first point of contact for, all contractors appointed by the parish council including the Parish Lengthsman. 2. Supervising the work of Council employees and contractors. |
| Decisions | <ol style="list-style-type: none"> 1. To take all necessary action, including signing any document, necessary to give effect to any decision of the council and its scheme of delegation. 2. Sign notices or other documents on behalf of the Council. 3. Receive and hold copies of byelaws made by a principal local authority which affect the Council's area. 4. Receive and retain plans, notices and documents. 5. Certify copies of byelaws made by the Council. |
| Elections | <ol style="list-style-type: none"> 1. To notify the Returning Officer of all casual vacancies arising in the membership of the Council as required by statute and to liaise with them regarding any statutory notices, electoral arrangements and co-option. 2. Receive declarations of acceptance of office. 3. Receive and publish Members' Registers of Interest 4. Receive and grant Disclosable Pecuniary Interest (DPI) dispensations after consulting with the District Council's Monitoring Officer; details of all dispensations received and granted to be reported to the Council at the next available meeting. |

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| Emergency planning | <ol style="list-style-type: none"> 1. To lead the Council's response in the case of a local major emergency in consultation with and/or under the direction of the Emergency Planning Officers of the county & district councils. 2. To report to council issues concerning emergency planning to facilitate and enable an appropriate response in the event of a local emergency. |
| Finance | <ol style="list-style-type: none"> 1. If required, and dependent on banking arrangements, to manage timely transfer of funds between the council's bank accounts in order to maintain adequate cash-flow and in accordance with the council's investment policy. 2. To maintain adequate insurance cover for the council's activities and assets. 3. To act as Responsible Finance Officer for the purposes of the Accounts & Audit Regulations. 4. To present accounts for payment following Council sanction. 5. Working with the Finance Committee, to provide a draft budget to the council for the forthcoming year and forecast for future years. 6. Other delegations in accordance with financial regulations. |
| Data Protection and Freedom of Information | <ol style="list-style-type: none"> 1. To have overall responsibility for the council's publication scheme. 2. To be responsible for applying the requirements of the Freedom of Information Act and Data Protection Act / General Data Protection Regulation. |
| Health, safety and wellbeing | <ol style="list-style-type: none"> 1. To arrange for and keep the council's schedule of risk assessments up to date. 2. To take all necessary action to implement actions identified to mitigate risks in the workplace and on council property . 3. To be the responsible officer for all safety purposes prescribed by law. |
| Information and Communications Technology | <ol style="list-style-type: none"> 1. To be responsible for the provision and management of information and communication technology provided throughout the council. 2. To report on need for replacement of out-dated equipment and the purchase of new equipment. 3. To be responsible for the council's website, Facebook page and any other online presence. 4. Co-ordinating the production of the Council's newsletters |
| Land and property | <ol style="list-style-type: none"> 1. To purchase necessary goods and supplies. 2. To maintain the Council's land and property. 3. To adjust grass cutting frequencies in relation to the maintenance of the various open areas for which the Council is responsible. 4. To consult on planting schemes for the various open areas for which the Council is responsible. |
| Meetings | <ol style="list-style-type: none"> 1. To arrange and call meetings of the council and its committees as and when expedient in consultation with the council's Chairman. 2. Sign and serve on councillors a summons with an agenda to attend Council and committee meetings 3. Convene a meeting of the Council if a casual vacancy occurs in the office of the Chairman 4. Calling extra meetings of the Council or any committee or sub-committee as necessary, having consulted with the appropriate chairman, except those called by the Chairman or members in accordance with Standing Order 6. |
| Proper Officer | To act as Proper Officer for the purposes set out in Standing Orders and for all other purposes prescribed by law. |
| Staff | There are currently no other members of staff for whom the Clerk is responsible. |
| Standing Orders | <ol style="list-style-type: none"> 1. To adhere to the Standing Orders of the council. 2. Arrange for annual review. |
| Admin | <ol style="list-style-type: none"> 1. Disposal of Council records according to legal restrictions and an agreed retention and disposal policy. 2. In the first instance, acknowledging and handling all complaints regarding the council (except where the complaint relates to the clerk); |
| Urgent business | <ol style="list-style-type: none"> 1. Urgent decisions required between scheduled meetings are delegated to the Clerk in consultation with the council's Chairman. |

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| | <ol style="list-style-type: none">2. In the absence of the Clerk or in the event that they are an interested party, they will be substituted by an appropriate substitute from outside the parish council, ideally a Clerk from within Wychavon district.3. In the absence of the council's chairman, or in the event that the council's chairman is an interested party, they will be substituted by the vice chairman.4. Decisions made under this delegation will be reported to and minuted at the next council meeting.5. Under this delegation, where appropriate, the Clerk may conclude that an extraordinary meeting of the council be called to deal with the urgent matter.6. Arranging emergency repairs to the Council property (subject to the council's standing orders and financial regulations.) |
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Scheme adopted 2/05/2017

Reviewed 05/05/2021

Date of next Review: May 2022

Alyson Keane

Signed: [Alyson Keane \(May 10, 2021 19:01 GMT+1\)](#)

Alyson Keane, Chair

Dodderhill Parish Council Chairman

May 10, 2021

Review Date:

See pages 5 – 7 for Standing Committee Terms of Reference

See pages 8 – 9 for Appendix 1 (Standing Orders 4 and 15)

COMMITTEES IN GENERAL

All Committees are authorised to:

- At the first meeting after the Annual Parish Council meeting, elect a chairman, and if appropriate, vice-chairman from within the membership of that Committee
- Approve the Minutes of the last meeting of the Committee
- Spend money from budget headings under that Committee's remit up to the limit of the budget and/or named reserve
- Make recommendations on the budget requirement for the Committee for the coming Financial Year.
- Delegate any of their functions to a Sub Committee or officer of the Council.

For each committee meeting an agenda will be prepared by the Clerk in conjunction with the Committee Chairman and will be displayed no later than three working days before the date of the meeting. All committee meetings are open to the press and members of the public.

FINANCE COMMITTEE TERMS OF REFERENCE

Membership and frequency of meetings

The Finance Committee will be made up of three members of the Council appointed by the full Council.

Quorum

Three members will constitute the minimum number required for a meeting to proceed.

Meetings

The committee will meet as and when required at Wychbold Village Hall.

Delegated responsibilities

- a) To co-ordinate, in consultation with the Chairman of the Committees of the Council, the Chairman of the Council, the Parish Clerk and the RFO, the detailed budget of the Council and to recommend to the Council the annual budget and the annual precept to be levied for the Parish.
- b) To monitor expenditure and ensure that the Council receives reports at the end of each quarter on the progress of actual expenditure compared with budget.
- c) To draw up and periodically review a procedure for the making of grants and donations and to consider and make decisions on such requests made to the Council, in accordance with that policy.
- l. To assign a member of its committee to carry out quarterly accounting checks on a rota basis.
- m. To ensure that appropriate records are kept of all assets and that they are adequately controlled.
- n. The Committee may delegate any of its functions to an officer of the Council.

Agreed at Dodderhill Parish Council meeting held5 May 2021.....

Review date: May 2022


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ALLOTMENT COMMITTEE TERMS OF REFERENCE

Membership

The Allotment Committee will comprise 5 members of the Council together with a maximum of 2 co-opted representatives of existing and prospective tenants. Co-opted members have no voting rights on matters affecting finance or policy.

Quorum

Three members will constitute the minimum number required for a meeting to proceed.

Meetings

There shall be 4 meetings of the Committee in each year if required taking place at Wychbold Village Hall.

Delegated responsibilities

- a) To consider and make decisions on any matters affecting the allotments with the exception of items clearly excluded that have a financial impact.
- b) To approve or comment upon actions taken and reported by the Parish Clerk on allotment matters.
- c) To carry out the annual Risk Assessment and bring to the attention of the Parish Council any identified health and safety risks.
- d) To review aspects of allotment allocation, including the waiting list, and carrying out site visits with prospective tenants in order to identify size of plot required.
- e) To identify cases where tenancy agreements, policies or rules are not being observed and follow procedure for non-compliance reporting to full council on all occasions.
- f) Promote the facilities of the allotments and encourage its use for the benefit of the community.
- g) To make recommendations on the following topics for decision by the full Council:
 - Annual Rent Review
 - Major improvements or material changes to the site.

Agreed at Dodderhill Parish Council meeting held5 May 2021..... Review date: May 2022

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STAFFING COMMITTEE TERMS OF REFERENCE

Membership

The committee will consist of three members of Dodderhill Parish Council; the Council's Chair will not chair this committee.

Quorum

Three members will constitute the minimum number required for a meeting to proceed.

Meetings

The committee will meet as and when required at Wychbold Village Hall on such time to be agreed between members.

Even though it is likely that, due to the confidential nature of the matter to be discussed, meetings will be closed to members of the public, all meetings of the Staffing Committee will be open to the public and Clerked. Minutes will be made available within one month of the meeting and referred to the next meeting of the full council.

Public participation

Members of the public will be allowed to participate during 'Open Forum' – for up to 15 minutes only.

Delegated responsibilities

- a) Progress staff recruitment when required;

- b) Confirm individual contracts of employment and all terms and conditions;
- c) Arrange for the regular review of the Clerk's performance by one member of the committee, or the Chair of the Council as agreed with the Clerk;
- d) Consider other staff reviews (if any) undertaken by the Clerk;
- e) Decide upon annual salary awards;
- f) Consider any matters arising in response to the application of the council's Grievance and Disciplinary Procedure, and act accordingly;
- g) Appoint an Appeals Panel and its Chairman, when required by the Grievance and Disciplinary Procedure. Membership of the Appeals Panel will include the three members of the council who are not members of the Staffing Committee.

If a grievance has been raised against a council member, that member will be excluded from membership of both the Staffing Committee and the Appeals Panel.

- h) Clarify the Terms of Reference for the Appeals Panel, which will include the requirement that all recommendations are directed in the first instance to the Staffing Committee;
- i) Consider recommendations from the Appeals Panel and act accordingly;
- j) Alter these Terms of Reference if there is insufficient number of 'untainted' members to form an Appeals Panel;
- k) Review all policy issues relating to staff on a biennial basis.

Staffing Committee members are reminded of:

- 1. The legal framework that exists for good practice in employment matters;
- 2. The confidential nature of employer / employee matters and that items for consideration may require the committee to resolve to exclude the press and public from the meeting;
- 3. The nationally negotiated (NALC and ALCC) model contracts and terms and conditions for the employment of the Clerk, adherence to which Dodderhill Parish Council has agreed;
- 4. The Member-Officer Protocol, available as a policy document; and other related staffing policies.
- 5. Staff management is facilitated by the understanding that the Council Chair is the Clerks 'line manager' and the Clerk manages all other staff, if any.

Budget requirements

The Staffing Committee will not be required to establish a budget but will be expected to manage the financial costs involved when recruiting new staff. Funds for this will be agreed and made available by resolution of the full council.

Agreed at Dodderhill Parish Council meeting held ...05 May 2021.....


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Review date: May 2022

APPENDIX 1

Standing Orders no. 4:

1. COMMITTEES AND SUB-COMMITTEES

- a Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.
- c Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
- d The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 10 days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;
 - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
 - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
 - xii. may dissolve a committee or a sub-committee.

2. PROPER OFFICER

- a The Proper Officer shall be either (i) the Clerk / Clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
- i. at least three clear days before a meeting of the council, a committee or a sub-committee
- serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and
 - Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
- See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*
- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least six days before the meeting confirming his withdrawal of it;
- iii. convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
- iv. facilitate inspection of the minute book by local government electors;
- v. receive and retain copies of byelaws made by other local authorities;
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. act as, or liaise with, whichever is appropriate, the Council's Data Protection Officer;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
(see also standing order 23);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a notification of planning application consultation received by the Council to all members of the Council within two working days of receipt to facilitate an extraordinary meeting when a response is required before the next ordinary meeting of either the Council or the planning committee;
- xvi. manage access to information about the Council via the publication scheme.