

LINDFIELD PARISH COUNCIL

SCHEME OF DELEGATION

Adopted by Full Council on 19.05.15

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 as follows:

Local Government Act 1972

S. 101 Arrangements for discharge of function by local authorities

- (1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions:
 - (a) by a Committee, a sub-Committee or an officer of the authority, or
 - (b) by any other local authority
- (2) Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee of the authority, then unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.
- (4) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, sub committee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.
- (5) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.
- (6) A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority.

The aim of this document is to clarify the manner in which Lindfield Parish Council has delegated its powers and the authority to spend.

Council

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:

- Setting the precept and approval of the Council's budget
- Approval of the Annual Accounts
- Completion of the Annual Return including the Governance Statement
- Consideration of an Auditor's report made in the public interest (*within one month of receipt*).
- The making, amending or revoking of Standing Orders, Financial Regulations and this Scheme of Delegation
- Adoption or revision of the Council's Code of Conduct.
- Confirmation (by resolution) that the Council has satisfied the statutory criteria to exercise the General Power of Competence
- Determination and review of the Bank Mandate
- Matters of principle or policy
- Nomination or appointment of representatives of the Council to outside bodies (except approved conferences or meetings)

- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee
- The making, amending or revoking of bye-laws
- Agreement to write off bad debts
- Approval by resolution, before payment, of any grant or single commitment in excess of £5,000.
- Authorisation as to terms and purpose for any application for Borrowing Approval and subsequent arrangements for the loan.
- 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)
- Approval of purchase, acquisition by other means, sale, lease or disposal of tangible moveable property over £1,000.
- Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interests in land).
- Approval of the virement of unspent and available amounts to other budget headings or reserves
- Approval of changes in earmarked reserves as part of the budgetary process

Proper Officer

The Clerk to the Council shall be the Proper Officer and carry out the functions of the Proper Officer as provided by the Local Government Act 1972 and as set out in the job description for the post. In the absence of the Clerk, the full authority of the Proper Officer passes to the Deputy Clerk. Additionally, the Clerk may delegate to the Deputy Clerk, or other staff member if appropriate, to undertake functions delegated to the Proper Officer. Delegated actions of the Clerk or other officer shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and in line with directions given by the Council from time to time.

The Clerk is specifically authorised to:

- Receive declarations of acceptance of office.
- Receive and publish Members' Registers of Interest
- 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.
- Sign and serve on councillors a summons with an agenda to attend Council and committee meetings
- Convene a meeting of the Council if a casual vacancy occurs in the office of the Chairman
- Sign notices or other documents on behalf of the Council
- Receive and hold copies of byelaws made by a principal local authority which affect the Council's area
- Receive and retain plans, notices and documents
- Certify copies of byelaws made by the Council

In addition, the Clerk is authorised to undertake the day to day administration of the Council, to include:

- 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.
- Issuing press releases and statements to the press on the Council's known policies, subject to the provisions of the Council's Press and Media Policy.
- Updating and managing the content on the Council's website
- Making arrangements for the maintenance of the office IT system.
- Co-ordinating the production of the Council's newsletters
- Disposal of Council records according to legal restrictions and an agreed retention and disposal policy
- Handling requests for information under the Freedom of Information Act 2000 and the Data Protection Act 1998.

- in the first instance, acknowledging and handling all complaints regarding the council (except where the complaint relates to the clerk);
- Making arrangements for the routine maintenance of the Parish Office
- Purchasing basic office equipment and supplies
- Arranging emergency repairs to the Parish Office or other Council premises (subject to the council's standing orders and financial regulations.)
- Taking appropriate action arising from other emergencies (in consultation with the Chairman/Vice Chairman of Council or committee chairman as appropriate to the circumstances)
- Managing all employees (not including any variation of employment contracts and not any matters relating to grievances lodged against him/her) of the council and has the authority to take disciplinary action, excluding termination of employment, under agreed procedures;
- Making arrangements to pay salaries/wages and expenses to all employees of the Council (subject to the Council's financial regulations);
- Preparing the Parish Directory and Year Book for publication.
- Making arrangements for Christmas Festival Night, in consultation with the Working Group.
- Dealing with day to day matters in relation to the allotments function, in accordance with any policies and decisions of the Environment and Amenities Committee or full Council to include issuing Allotment Tenancy Agreements and making arrangements for collecting the annual rents.
- Authorising routine recurring expenditure within the agreed budget
- Authorising payment for items below £1,000 in consultation with the Chairman of Council or the Chairman of the appropriate Committee (Fin Regs 4.1)
- Emergency expenditure up to £1,000 whether or not there is budgetary provision for the expenditure (Fin Regs 4.5)

When the Council delegates a specific task or function to the Proper Officer, the action taken must be reported to the next Council meeting

Responsible Financial Officer (RFO)

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. The functions and duties of the RFO are set out in the job description for the post.

Committees

All Committees are authorised to:

- Elect a 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.

COMMITTEE TERMS OF REFERENCE

FINANCE AND GENERAL PURPOSES COMMITTEE

1. Membership and frequency of meetings

A minimum of six places will be available for Members of the Council who will meet in Committee at least every two months.

2. Terms of Reference

- i) 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.
- ii) To monitor expenditure and ensure that the Council receives reports at each of its meetings on the progress of actual expenditure compared with budget.
- iii) To prepare the accounts of the Council and arrange for their annual external audit.
- iv) To be responsible for overseeing the administration and review of day to day financial matters including internal audit of the Council's income and expenditure.
- v) To conduct an annual review of the effectiveness of Internal Audit and Internal Control procedures.
- vi) To arrange for annual review of the Council's insurance policies and to oversee the procedure for risk assessment of all the Council's activities.
- vii) To advise the Council on all aspects of finance and financial policy, including the investment of both operating and capital balances and any transfers into and out of the capital fund.
- viii) To review from time to time the Council's banking arrangements and make recommendations to the Council when necessary
- ix) To approve, on behalf of the Council, the transfer of funds from and to particular budget items where the Chairman of the Committee is satisfied that the transfer of funds must take place before the next meeting of the Council. Such urgent transfers of funds must be agreed by the Chairman or Vice Chairman of the Committee affected by the transfer and by the Chairman or Vice Chairman of Council.
- x) To review the Council's Financial Regulations annually
- xi) 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.
- xii) To deal on behalf of the Council and as instructed by it, with any matters of policy which do not fall clearly within the responsibilities of the other Committees or where there is any conflict between them
- xiii) To ensure that appropriate records are kept of all assets and that they are adequately controlled.
- xiv) To oversee the running of the Parish Office
- xv) To oversee employment matters

- xvi) The Committee may delegate any of its functions to Sub-Committees constructed from its members or to an officer of the Council.
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ENVIRONMENT AND AMENITIES COMMITTEE

1. Membership and frequency of meetings

A minimum of six places will be available for Members of the Council who will meet in Committee at least every two months.

2. Terms of Reference

- i) To examine and recommend to the Council any changes to the amenities of the Parish. Any urgent and non-controversial changes to the amenities of the Parish, which need to be dealt with before the next meeting of the Committee, may be dealt with, on behalf of the Council by the Clerk, or other appropriate officer, in consultation with any two Members, one of whom must be the Chairman or Vice Chairman of the Committee (or in the absence of both of them, the Chairman or Vice Chairman of the Council).
- ii) To consider and to deal with, on behalf of the Council, all maintenance matters related to the amenities of the Parish. Urgent business which needs to be attended to before the next meeting of the Committee may be dealt with by the Clerk, or other appropriate officer, in consultation with any two Members, one of whom must be the Chairman or Vice Chairman of the Committee (or in the absence of both of them, the Chairman or Vice Chairman of the Council).
- iii) To make recommendations to the Council on the detailed Environment and Amenities Committee budget and to manage the activities of the Committee within the budget approved by the Council, whilst recognising that "provisions" for specific items will still require approval by the Council.
- iv) The Committee may delegate any of its functions to Sub-Committees constructed from its members or to an officer of the Council.

3. Main Responsibilities of the Environment and Amenities Committee:

- Maintenance of the Parish Council's street lights
 - Denmans Lane Allotments
 - Denmans Lane Public Conveniences
 - Street furniture - litter bins, railings, seats, bus shelters, bus stop poles, etc
 - Winter Management Plan
 - Annual Village Spring Clean
 - Village Archives
 - Christmas Festival Night and Christmas lights
 - Liaison with Mid Sussex District Council on matters relating to the Common, the Pond, Hickmans Lane playing Field, car parks, nature reserves and any other MSDC owned land in the parish.
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PLANNING AND TRAFFIC COMMITTEE

1. Membership and frequency of meetings

A minimum of six places will be available for Members of the Council who will meet in Committee, at such intervals as may be required to meet District Council deadlines, to consider the Council's responses to Planning Applications and other matters referred to the

Council by the local planning authority. At every third meeting there will be a full agenda to allow the Committee to consider other planning and traffic issues and members of the public to ask questions and make comments about matters within the terms of reference of the Committee.

2. Terms of Reference

- i) To examine and make recommendations to the Council on all major planning applications; and on national and regional planning policy and the Local Development Framework. In cases where a response is required before the next ordinary meeting of the Council and the Chairman of the Council agrees that an extraordinary meeting of the Council is not necessary, the Committee shall deal with the matter. A major planning application shall be defined as one which has a significant effect on the Parish of Lindfield as a whole, whether in terms of the environment, infrastructure, the local economy, traffic, or transport.
- ii) To examine and deal with on behalf of the Council, all other planning applications/tree preservation order matters/footpath creation orders. The Committee shall agree a procedure for dealing with urgent planning applications which are not major but are required to be dealt with before the next meeting of the Committee. (Currently the procedure is as set out in Standing Orders, which is that the matter is delegated to the Clerk or other appropriate Officer of the Council, in consultation with the Chairman and Vice Chairman of this Committee.)
- iii) To examine and make recommendations to the Council on all traffic issues, and new highway facilities, which affect the Parish, (and which are the responsibility of West Sussex County Council) with the exception of highways maintenance matters which fall within the Terms of Reference of the Environment and Amenities Committee. Any urgent and non-controversial traffic related matters which need to be dealt with on behalf of the Council before the next meeting of the Committee, may be dealt with, on behalf of the Council, by the Clerk or other appropriate Officer of the Council, in consultation with any two Members, one of whom must be the Chairman or Vice Chairman of the Committee (or in the absence of both of them, the Chairman or Vice Chairman of the Council).
- iv) To make recommendations to the Council on the detailed Planning and Traffic Committee budget and to manage the Committee's activities within the detailed budget approved by the Council, whilst recognising that "provisions" for specific items will still require approval by the Council.
- v) The Committee may delegate any of its functions to Sub-Committees constructed from its members or to an officer of the Council.

COMPLAINTS COMMITTEE

1. Membership and Frequency of Meetings

Four places will be available for Members of the Council who will meet in Committee annually, following the Annual Meeting of Council, to elect a Chairman and Vice Chairman and otherwise as required to deal with formal complaints made against the Council.

2. Terms of Reference

- i) To agree a procedure for the handling of complaints made against the Council regarding matters over which the Council does or could exercise a power, duty or control.
- ii) To deal with formal complaints made against the Council in accordance with the agreed procedure referred to in paragraph 2 (i) above.