



Terms of Reference and Scheme of Delegation

Adopted 3rd April 2023 – Minute No. 0117/23

SCHEME OF DELEGATION

This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders. It will be reviewed annually and when there is a change of Clerk/RFO.

The purpose of this document is to clearly define the parameters within which the Clerk/RFO of the Council can act without reference to Councillors.

This document also captures the various delegated powers throughout the Council, including those delegated by the Council to its Committees and Working Parties. This element of the scheme incorporates all of the approved Terms of Reference.

Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

PRINCIPLES OF DELEGATION

Section 101 of the Local Government Act 1972 provides:

- That a Council may delegate its powers (except those incapable of delegation) to a committee; or an officer.
- A Committee may delegate its powers to an officer.
- The delegating body may exercise powers that have been delegated.

Any delegation to a Committee or the Clerk/RFO shall be exercised in compliance with the Council's Standing Orders, its Financial Regulations and any other policies or conditions imposed by the Council and with the law.

In an emergency the Clerk/RFO is empowered to carry out any function of the Council.

Where the Clerk/RFO is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chair of the Council and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

AUTHORITY TO ACT

It will be appropriate for the Clerk/RFO to refer a matter to the Council where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for councillors to determine.

The Clerk/RFO and Committees have the responsibility to act within the Councils approved policies, procedures and framework and within the law in conjunction with this delegated scheme.

COUNCIL RESERVED POWERS

The following matters are only to be resolved by the full Council:

- Appointment of the Clerk/RFO
- To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies
- To approve and adopt the Budget.
- To appoint committees and working groups
- To approve membership of all committees and working groups
- To agree and/or amend the terms of reference for Committees
- To adopt the schedule of meetings for the ensuing year.
- To determine matters involving expenditure for which budget provision is not made or is exceeded.
- To set the Precept
- To make byelaws
- To borrow money
- To annually approve the statutory annual return
- To approve eligibility for the General Power of Competence
- To assess, consider and (if approved) award donations and grants fund to other bodies where lawful and appropriate.
- To assess, consider and approve recommendations from working groups.

DELEGATION SAFEGUARDS

The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a Committee or Officer.

DELEGATION TO CLERK/RFO

- The Clerk/RFO is designated and authorised to act as the Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a proper officer.
- In the case of an emergency, the Clerk shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Chair (if practicable in the circumstances).
- The Clerk will deal with all routine correspondence which does not commit Crich Parish Council to enter into a legal agreement or give an opinion. The Clerk will also deal with any correspondence which is covered by delegated authority.
- As Proper Officer/RFO, the Clerk may incur expenditure on revenue items on behalf of the Council up to the amounts included in the approved budget. Subject to the adopted Financial Regulations.
- The Clerk will have the authority to dispose of the Councils assets (excluding land and building assets) subject to the estimated value of any one tangible; moveable item does not exceed £500. The Clerk is responsible for ensuring any disposal details including the disposal values are recorded in the assets register.
- The Clerk is the manager for all staff employed by the Council and is given delegated powers to manage the council staff in accordance with the Council's policies, procedures and budget.

- The authority to sanction and authorise payment of overtime so long as the costs can be contained within the parameters of the approved budget. The Clerk shall have the authority to engage casual workers subject to budget.
- Power to authorise relevant training courses provided the expense can be met from approved budgets having taken into account the training needs of the employees/ Councillors.
- Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council.
- Power to release urgent press statements on any activities subject to prior consultation with the Chair.
- Power to act on own initiative to implement the Councils policies and objectives.
- Power to manage all the Council's resources in accordance with the Council's policies.
- Power to manage the Crich Burial Ground in accordance with the Burial Ground Regulations
- Power to approve the hire of the Recreation Ground providing all hire conditions are met and there is nothing unusual or contentious with the application.
- Power to manage the Crich Parish Council Allotments including the selection of tenants.
- Power to manage all open spaces within the Parish subject to budget.
- Power to engage with the community and stakeholders to raise the profile of Crich Parish Council and foster good working relationships.

FINANCE COMMITTEE TERMS OF REFERENCE

Committee

The Finance Committee is constituted as a Standing Committee of Crich Parish Council.

Members

- Membership shall be a minimum of four and maximum of five members of the Council, including the Chair and Vice Chair of the Council being ex-officio, appointed annually at the Annual Council Meeting.
- The quorum of the Committee shall be three members.

Chair

The Chair is to be elected annually by the Committee at their first Meeting after the Annual Meeting of Crich Parish Council in May.

Meetings

- The Committee will meet four times per year.
- The Clerk shall attend the meetings.
- The Committee will review the Terms of Reference each year at their first Meeting after the Annual Meeting of Crich Parish Council in May.

- The Finance Committee Meeting shall be for a maximum not exceeding two hours, with any unfinished business being taken at the beginning of the next Finance Committee Meeting.
- All Meetings are open to the public and press.

Interests

- If a Member has a personal interest as defined by the Code of Contact adopted by the Parish Council then they shall declare such interest as soon as it becomes apparent, disclosing the nature and extent of the interest as required.
- If a Member who has declared an interest then considers the interest to be prejudicial, they must withdraw from the room during consideration of the agenda item to which the interest relates

Voting

Only Finance Committee Members may vote and participate at a meeting. In the case of an equal vote the Chair shall have a second or casting vote.

Minutes

- Minutes of meeting will be produced by the Clerk and be submitted to Full Council for approval.
- Minutes will be open for inspection by Members of the Parish Council or the public.

Responsibilities

Overall responsibility for the management of the Council's financial affairs in accordance with legislative requirements, regulations and guidelines.
 Authority to establish Financial Sub-Committees as required and appropriate, ensuring all such Sub-Committees report to and forward all recommendations/reports to the Finance Committee.

FINANCE COMMITTEE STAFFING SUB-COMMITTEE TERMS OF REFERENCE

The Staffing Sub-Committee is delegated the following responsibilities:

Members

- Membership shall comprise three Members, The Parish Council Chair, Vice Chair and Chair of the Finance Committee.
- Two members of the Sub-Committee shall constitute a quorum for meetings.

Frequency of meetings

The Staffing Sub-Committee will normally meet on a quarterly basis, immediately before the Finance Committee Meeting, but may meet on separate occasions as need arises.

Delegated Powers

- To monitor the Council's Employment Policies and Procedures in respect of changes to legislation/developing practice and make recommendations via the Finance Committee to full Council as appropriate.
- To keep under review staff Contracts of Employment, terms and conditions and make recommendation via the Finance Committee to full Council.
- To keep under review staff work/life balance, working conditions, health & safety along with staff well-being.
- To keep under review staffing levels and structure and make recommendations via the Finance Committee to full Council
- To make arrangements for the recruitment of staff and appointment recommendations as appropriate via the Finance Committee to full Council
- Day-to-day management of the Parish Clerk/Responsible Financial Officer will be carried out by the Chair of the Parish Council and will include supervision and appraisal, leave requests, absence from work, informal grievance and discipline along with issues arising from work priorities.

Performance

- To receive and review staff appraisals of the Clerk/ Responsible/Financial Officer as undertaken by the Chair of the Council.
- To receive and review any appraisals undertaken by the Clerk/Responsible Financial Officer of other Council staff.
- To identify training requirements through the appraisal scheme and recommend training and or development programmes.

Grievance and Discipline

- To receive and consider any complaints made under the Council's Grievance and Disciplinary Procedure and take action as appropriate and in accordance with that Procedure.
- To hear any formal grievance by the Clerk/Responsible Financial Officer and any appeal by other staff against the outcome of a grievance or disciplinary investigation undertaken by the Parish Clerk/Responsible Financial Officer.
- In the event of an appeal by the Clerk/Responsible Financial Officer against the outcome of any investigation by the Staffing Sub-Committee an Appeals Panel comprising three members will be established. This Panel will be drawn

from available Parish Councillors not involved in the initial investigation. This Panel's decision will be the final step in the procedure.

Terms of Reference for All Working Parties

Full Council may form or disband a working party. A working party will carry out tasks as defined by Full Council. Membership of a working party is approved by Full Council.

The role of a Working Party

- To review or consider issues as directed by Full Council.
- To examine an issue in detail, read reports and related materials, examine options, get advice for Full Council.
- Act as experts for the Council and/or liaise with experts.
- Make recommendations to Full Council.
- To explain the recommendations, reasons, options to Full Council by way of written report.
- To answer questions from Full Council.
- Not to fund or commit to fund without prior agreement of Full Council.

Working Party relationship

- Full Council must direct the Working Party and set clear objectives.
- The role of Full Council is to question and challenge recommendations, to be satisfied of the correct decision.
- The Working Party must facilitate the Full Council with as much information as it requires to ensure it can make a properly informed decision on its recommendations.

Operation of the Working Party

- The Working Party will not have a budget.
- The number of members on a Working Party will be decided on at the time of the Working Party appointment.
- A Working Party will report to Full Council when decisions are required.
- All correspondence received by a Working Party must be sent/copied to the Clerk.
- All correspondence with members of the public must be sent/copied to the Clerk.
- All correspondence between councillors or outside bodies must be issued by or copied to the Clerk.
- A Working Party does not meet in public, therefore Standing Orders are not applicable, although the Code of Conduct still applies.