

# **SCHEME OF DELEGATION**

**This Scheme of Delegation was adopted by  
Sinnington Parish Council on 6<sup>th</sup> April  
2023**

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## **1. DISCHARGE OF THE SCHEME**

- 1.1 The Parish Clerk 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.
- 1.2 This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders and will be reviewed every two years and when there are staffing changes.
- 1.3 Those with delegated responsibility are referred to by job title, Parish Clerk (Proper Officer).
- 1.4 One of the purposes of the document is to clearly define the parameters within which Officers of the Council can act without reference to Councillors. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.
- 1.5 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.
- 1.6 The other purpose of the document is to capture the various delegated powers throughout the Council, including those delegated by the Council to its committees. This element of the scheme incorporates the Terms of Reference of the committees.

## **2. PRINCIPLES OF DELEGATION**

- 2.1 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.
- 2.2 Any delegation to a Committee or the Proper Officer shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and with the law.
- 2.3 Inside of reserved powers (see 5 below) in an emergency the Parish Clerk is empowered to carry out functions of the Council.
- 2.4 Where the Parish Clerk 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.

## **3. Authority to Act**

- 3.1 It will be appropriate for the Parish Clerk 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; or could, by its scale or complexity expose the Council to major corporate risk.

- 3.2 The Parish Clerk and Committees have the responsibility to act within the Council's approved policies, procedures, and framework and within the law in conjunction with this delegated scheme.

#### **4 CONFLICTS OF INTEREST**

- 4.1 Under the Local Government Act 1972, section 117 the Parish Clerk must make a formal declaration about council contracts which they have a financial interest.
- 4.2 Where the Parish Clerk has a conflict of interest in any matter, he/she shall not participate in that matter unless approved by the Council and this is formally recorded in the Council minutes.

#### **5 COUNCIL RESERVED POWERS**

- 5.1 The following matters are only to be resolved by the full Council:
- Appointment of the Parish Clerk/Responsible Financial Officer and other council officers following a recommendation from the Staffing Committee
  - To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation, and other Council policies
  - To approve and adopt the Policy Framework.
  - To approve and adopt the Budget.
  - 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 bylaws.
  - To borrow money.
  - To annually approve the statutory annual return
  - To approve eligibility for the General Power of Competence

#### **6 DELEGATION TO COMMITTEES - SAFEGUARDS**

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

#### **7 DELEGATION TO COMMITTEES**

##### **Staffing Committee**

**Membership:** Three Councillors

**Quorum:** Three Councillors

**Meetings:** When required, to ensure that Sinnington Parish Council complies with the requirements of employment law and follows best practices in providing good working conditions for staff

**Terms of Reference:**

##### ***Purpose of Staffing Committee***

This committee is appointed to make decisions about all staffing matters, subject to budget and expenditure limits decided by the [unless stated otherwise.

***Membership and voting – Three committee members***

(To be elected annually at the Annual Meeting of the Parish Council each year in May)

1. At its first meeting following the Annual Meeting of the Parish Council, the Committee shall elect a Chair.
2. The Chair will have an ordinary vote and a casting vote and may use the latter although he/she is not compelled to do so.
3. Members of the Staffing Committee will not be members of any Staffing appeals panel that may have to be formed.

### ***Convening***

The Clerk will convene Staffing Committee meetings as and when necessary. The Committee Chair may also convene meetings as he/she feels necessary. Members will be summoned to attend meetings which will be held in a public place and public notice of the meeting shall be given in accordance with Schedule 12, Para 10 of the Local Government Act 1972. Minutes will be taken, approved and retained by the council in perpetuity.

### ***Meetings***

Meetings will be held in accordance with the council's Standing Orders.

### ***Quorum***

The quorum of the Committee will be three members

### ***Documentation***

1. Minutes of all meetings will be recorded by the Clerk or, in the absence of the clerk, by one of the councillors present at the meeting.
2. Draft minutes will be circulated to all Committee members.
3. Depending on timing, either draft or approved minutes will be received by the full council for information only.

### ***Accountability***

The Staffing Committee has been given delegated power by the full council to act on behalf of the authority in relation to these defined terms of reference only; any matters outside the Committee's terms of reference shall be made to the full council as a recommendation.

### ***Remit of the Committee***

1. To establish and keep under review the staffing structure in consultation with the full council.
2. To draft, implement, review, monitor and revise employment policies for staff.
3. To administer and manage the recruitment process including:
  - agreement of the application pack to include a job advert, job description, person specification and application form.
  - short listing of candidates
  - setting an interview date and carrying out interviews
  - select a suitable candidate for the role from those interviewed and make recommendation to full council (full council to approve appointment and agree salary to be offered).
  - Chair of staffing committee to make verbal offer, subject to satisfactory references and liaise with successful candidate prior to commencement of employment.
  - Chair of staffing to obtain references
  - Chair of staffing to liaise with new employee and provide a statement of particulars/contract of employment on day one of employment.
4. Salary recommendations for new staff and regrading recommendations for existing staff will be made to the full council and this body will decide these.

5. To arrange the execution of new employment contracts.
6. To have delegated powers to consider and implement/negotiate any changes to contract terms, which are required to comply with staffing law, health and safety law and terms and conditions of service as laid down by the National Joint Council (NJC “Green Book”) (excluding salary level decisions, see 3 above).
7. To appoint a line manager, for the clerk, who will have responsibility for day-to-day liaison with the clerk including working conditions, holiday/leave arrangements; sickness; ensuring workload is acceptable and manageable; ensuring the clerk has sufficient time to undertake the workload and general well-being of the clerk in his/her work and appraisal.

The line manager will not have decision making powers but will report the liaison/discussions with the Clerk to the Staffing Committee should any decisions be required on any issue.

The line manager, in dialogue with the Clerk, will set targets with realistic timescales to achieve them. The targets will be reported to the committee and reviewed under paragraph 8 below.

8. To establish and review performance management (including staff appraisals, which will be held in October each year) and staff training programmes.
9. To manage the process leading to the redundancy of staff.
10. To monitor and address regular or sustained staff absence.
11. To make recommendations on any staffing related expenditure to the full council.
12. To consider any appeal against a decision in respect of pay.
13. To handle grievance or disciplinary matters (and any appeal)
14. To manage the payroll and review the performance of any payroll company used by the Council, on an annual basis.
15. To implement, monitor and review staff pension arrangements.

Where the Committee feels necessary, it may refer any decision for which it has delegated authority, to the full council.

### **Review**

The Staffing Committee’s terms of reference are to be reviewed annually at the first meeting after the Annual Council meeting and recommendations for alteration to be made to the full council.

## **8 DELEGATION TO PARISH CLERK**

### **(a) Parish Clerk**

1. 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).
2. 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 and councillors.

3. 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.
4. 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 and the Clerk shall consult with the Staffing Committee members when such work is to be sanctioned.
5. Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council.
6. Power to release press statements on any activities of the Council subject to prior consultation with the Chair.
7. Power to act on own initiative to implement the Council's policies and objectives.
8. Power to take appropriate steps to ensure the Council does not exceed its powers.
9. Power to manage all the Council's facilities and resources in accordance with the Council's policies.
10. In liaison and after conferring with the Chair, to make such Civic arrangements as are necessary.
11. The Proper Officer shall have authority to issue written authorisation to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties.
12. The Proper Officer shall be responsible for signing all the Council's Official Notices as set out in the Standing Orders.
13. As Proper Officer/Responsible Financial Officer, the Clerk may incur expenditure on revenue items on behalf of the Council up to the amounts included in the approved budget.
14. The Parish Clerk, in consultation with Councillors, to make comment on planning applications submitted to Sinnington Parish Council by North Yorkshire Council within the statutory 21 day consultation period if the deadline is before the next Council meeting.

**(b) Responsible Financial Officer**

1. The Responsible Financial Officer will be responsible for all financial records of the Council and the careful administration of its finances and accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time and with the policies and procedures set by the Council and within the law.

2. The Responsible Financial Officer will have the power to release any financial related report or document to the Council in discharge of the Responsible Financial Officer responsibilities,
3. The Responsible Financial Officer shall ensure the approved precept request is issued to the billing authority.