**CHIDHAM & HAMBROOK PARISH COUNCIL**

**SCHEME OF DELEGATION**

The Local Government Act 1972, section101, gives a parish council power to delegate decisions to a committee or the clerk, being the council’s proper officer.

The Council’s Scheme of Delegation is an essential policy to enable the Council to function efficiently and effectively. Without this every decision would have to be taken by the Full Council. Decision making powers are given to Standing Committees and the Clerk/RFO to enable the Council to react to circumstances and operate effectively.

Powers cannot be legally delegated to individual Councillors or Working Parties. Working parties are ordinarily established to investigate and or review a particular matter then report back to the relevant committee or Council with its findings which may include recommendations.

## 1. COUNCIL FUNCTIONS

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:

* + Approval of Budget and setting the Precept
	+ Approval of the Annual Return and Audit of Accounts
	+ Authorisation of borrowing
	+ Adopting or changing all policies including Standing Orders, Financial Regulations and the Scheme of Delegation
	+ Making of Orders under any statutory powers
	+ Making, amending or revoking By-laws
	+ Appointment of Advisory Committees
	+ Appointing Council representatives to outside bodies
	+ Responsibilities in relation to Data Protection and Freedom of Information
	+ All other matters which must, by law, be reserved to the Full Council

## 2. STANDING COMMITTEES

2.1 The following matters are delegated to the Council’s Standing Committees to make decisions on behalf of the Council. Committees are delegated plenary decision making powers in respect of matters delegated. They must be exercised in accordance with the law, the Council’s Standing Orders and Financial Regulations and any approved policy framework and budget.

 The Council may at any time, following resolution, revoke any delegated authority. Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council. Similarly, where a committee has no delegated power to make a decision it makes a recommendation to Council.

### 2.2 Planning Committee

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

* To comment on planning applications and decisions received from the Planning Authority (Chichester District Council or West Sussex County Council)
* Enforcement and appeals
* Local and regional plans
* To comment on behalf of the Council on Local Plans, Mineral Plans, Waste Plans, Regional Plans and any other plans or studies as considered appropriate.

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

* Street naming

## 2.3 Finance Committee

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

* Overview of the financial aspects of the business of the parish in liaison with the Clerk
* Review of income and expenditure against approved budget during the financial year
* Preparation of annual budget and setting of precept
* Ensuring adherence to the Council’s Financial Regulations
* Reviewing internal and external audit reports for implementation of any recommendations
* Regularly reviewing Council’s financial risk assessment, internal controls and financial implications
* Other matters directed by the Parish Council for review

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

* Accepting the budget and setting the precept
* Appointing an Internal Auditor
* Approving the Annual Governance and Audit submission to the Council’s external auditor

### 2.4 Staffing Committee

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

* All personnel, employment and management matters relating to the Clerk and any future employees
* Appointment and recruitment of the Parish Clerk and annual appraisal
* Performance management system for staff
* Disciplinary and grievance matters

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

* Employment policies and procedures including the Disciplinary Policy, Appraisal Policy, Equality & Diversity, Sickness and Absence Policy and Health and Safety Policy
* Remuneration, pension provision and conditions of service of staff

## 2.5 Complaints Committee

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

* Complaints raised against the Council and/or the Clerk under the Council’s adopted Complaints Procedure.

3. **ADVISORY COMMITTEES and GROUPS**

An Advisory Committee is established by Council resolution and local residents may be appointed to the committee. Advisory committees have no delegated powers and report to Council.

### 3.1 Public Open Spaces Advisory Committee (POSAC)

Matters dealt with by this committee:

* Advising the Council on developing the Council’s open spaces including the children’s play area, Broad Road and Hawthorne Meadow and any other public open spaces which come into the Council ownership
* Preparation of a rolling five-year plan for the efficient management, maintenance and improvement of these spaces and regular review of these plans
* Consideration of consultants/contractors in relation to proposed work on these areas

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

* Approval of proposed consultant or contractor in relation to proposed work
* Submission of funding applications and expenditure against these funds
* Approval of rolling plans relating to maintenance, management and improvement of these spaces

### 3.2 Neighbourhood Plan Steering Group

Matters dealt with by this Steering Group:

* Delivery of plan making functions including consultation and community consultation and engagement
* Development of a project timetable and liaison with relevant authorities and organisations
* Evidence gathering and anlaysis to support plan
* Agreeing the final submission version of the revised Neighbourhood Plan
* Development of grant applications.

## 4. THE CLERK/RFO

The following matters are delegated to the Council’s Proper Officer/Responsible Financial Officer (RFO) to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council’s Standing Orders and Financial Regulations and any approved policy framework and budget. The Council may at any time, following resolution, revoke any delegated authority.

### 4.1 The Clerk

The Parish Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

* Issue all statutory notifications
* Receive Declarations of Acceptance of Office
* Receive and record notices disclosing interests
* Receive and retain documents and plans
* Sign notices or other documents on behalf of the Council
* Receive copies of By-laws made by the principal authority (Chichester District Council or West Sussex County Council)
* Certify copies of By-laws made by the Council
* Sign and issue summonses to attend meetings of the Council
* Ensure compliance with Standing Orders
* Manage the provision of the Council’s services, assets, land and resources
* Deal with dispensation requests from Members under the Code of Conduct
* Deal with matters specifically delegated by the Council or one of its committees
* Facilitate decisions relating to the training of councillors
* Responsible for the overall management of all budgets in accordance with Council policies
* Notifying the Council with regard to changes in legislation

Delegated actions of the Parish Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation with directions given by the Council from time to time and through consultation with and reference to the Chair.

4.2 **Responsible Financial Officer (RFO)**

 The Clerk is also the Council’s RFO and as such is specifically authorised to:

* Ensure compliance with Financial Regulations
* Ensure compliance with all financial procedures
* Determine accounting policies, records and control systems.
* Manage the risks of the Council and report on matters arising to the Council
* Ensure all financial transactions, including payment of suppliers and the raising of invoices, are actioned in a timely way and in accordance with proper practices.

## 5. EMERGENCY MEASURES

The Clerk is authorised to act on behalf of the Council in all matters in consultation with the Chairman and/or Vice-Chairman in cases of urgency or emergency with notification to the whole Council. A maximum expenditure of £1,000 is permitted under this delegated authority.