



**CRANLEIGH PARISH COUNCIL**

# **SCHEME OF DELEGATION**

## **MAY 2022**

This scheme of delegation authorises Standing Committees of the Council, the Proper Officer and the Responsible Finance Officer to act within delegated authority in the specific circumstances detailed. These delegations are necessary for the effective day to day running of the Council. This scheme of delegation shall be reviewed by the Council at least annually along with the review of the Council's Standing Orders and Financial Regulations.

## **COUNCIL AND ITS COMMITTEES**

### **1. Council**

The following are reserved matters for the Council to decide, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration:

- Approval of Budget and setting the Precept
- Authorisation of Borrowing
- Approval of the Council's Annual Governance Statement and the Accounting Statement
- Addressing recommendations in any report from the internal or external auditors
- Making, amending or revoking Standing Orders, Financial Regulations and the Scheme of Delegation
- Appointment to Standing Committees
- Filling of vacancies occurring on any Standing Committee of the Council during the Civic year
- Making, amending or revoking bylaws
- Making of orders under any statutory powers
- Approving and adopting the Council's Business Plan
- The appointment of the Parish Clerk and the Responsible Finance Officer taking into account the advice of the Personnel Committee
- The dismissal of the Parish Clerk or Responsible Finance Officer
- The dismissal of members of staff, excluding during probationary periods
- Dates of meetings of the Council
- Agreement to take on new, including devolved services, subject in all cases to the recommendation of the Personnel and Finance Committee
- Matters of principle or policy
- Adopting all the minutes approved by Committees
- Approval of application for the Local Council Award Scheme
- Nomination and appointment of representatives of the Council to any other authority, organisation or body
- Any proposed undertaking committing expenditure above £50,000
- Responses to legislative and other allied consultations excluding planning related matters dealt with by the Planning Committee (Full Council to submit responses for major development)
- Prosecution or defence in a Court of law other than an Employment Tribunal
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a Committee
- Decisions to adopt the General Power of Competence
- Write off of bad debts
- All other matters which must, by law, be reserved to the Full Council

## **2. Delegation to Committees**

For the day to day business of the Council, there are four Standing Committees of the Council:

- Finance
- Neighbourhood Plan
- Personnel
- Planning
- Property & Asset
- Subject Access Request

The terms of reference and accountability of each Committees is set out in Appendix A of this scheme.

The delegated decision making by Committees must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget. Where decisions are delegated to a Committee, so as far as is legally permissible, they are deemed the acts and proceedings of the Council.

The Council may at any time, following resolution, revoke any delegated authority, without prejudice to executive action already taken.

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.

All Committees shall be delegated to make a decision on behalf of the Council to approve of the Committees Minutes as a true and correct record and to pass such minutes for adoption as a public record by the Council.

## **PROPER OFFICER AND RESPONSIBLE FINANCIAL OFFICER**

### **3. Proper Officer**

The Parish Clerk is designated and authorised to act as Proper Officer of the Council for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer other than as required by the LGA 1972 S151 (Responsible Finance Officer) and as such is authorised to carry out the functions specified in Chapter 3 of the Council's Standing Orders. Additionally to the above, the Parish Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- Oversee all of the Council's services
- Manage the Council Staff in accordance with the Council's policies, procedures and budget
- Authorisation of expenditure as detailed in the Councils Financial Regulations
- Take, discontinue and/or appear in any legal action authorised by the Council
- To appear or make representation to any tribunal or public inquiry into any matter which the Council has an interest
- In consultation with the Chairman of the Council and Chairman of the Personnel Committee, negotiate and agree settlements on behalf of the Council in relation to any proceedings in the Employment Tribunal
- Terminate employment during probation and to review salary on completion of probationary periods (in consultation with the Chairman of the Personnel Committee)

- Commission legal and professional advice on staffing matters
- To apply for planning consent for carrying out of development by the Council
- Initiating legal action or proceedings against unauthorised encampments or encroachments on Council land
- Negotiating the terms of any lease, licence conveyance or transfer of land or property
- The granting or refusal of the Council's consent under the terms of any lease
- The granting of easements, wayleaves and licences over Council land
- Exercise in his own right or to authorise Officers to exercise statutory powers of entry and inspection for the purposes of any function under their control
- Serve requests for information as to ownership, occupation and other interests in land for the purpose of any function under their control
- Appoint consultants and other professionals to carry out any function and provide any service under their control, subject to the Council's Standing Orders and Financial Regulations.
- Authorisation to respond immediately to any correspondence, requiring or requesting information or relating to previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its Committees.

All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.

The Parish Clerk will exercise these powers in accordance with:

- Approved budgets
- The Council's Standing Orders and Financial Regulations
- The Council's Policy Framework and other adopted policies and procedures of the Council
- All statutory common law and contractual requirements.

The Parish Clerk may do anything pursuant to the delegated power, or duty, which it would be lawful for the Council to do, including anything reasonably implied or incidental to that power or duty.

Provided that such authorisation is not prohibited by statute, the Parish Clerk, to whom a power, duty or function is delegated, may authorise another Officer to exercise that power, duty or function, subject to:

- Such authorisation being in writing
- Only to be given to an Officer below the delegated officer in the organisational structure
- Only being given where there is significant administrative convenience in doing so
- The Officer authorised by the Parish Clerk acting in the name of the Parish Clerk

A delegation to a subordinate Officer shall not prevent the Parish Clerk from exercising the same power or duty at the same time.

#### **4. Position of Chairman of the Council**

The Council will appoint a Chairman of the Council.

Since no individual Member may act alone in an executive capacity, the Clerk is delegated and directed to work with the Chairman to undertake overall management of the business of the Council, including:

- Day to day decisions on the implementation of Council Policy
- Overseeing work to implement Council Business Plan
- Managing Urgent Business

The Chairman of the Council and the Chairman of the Personnel Committee will provide line management for the Parish Clerk.

#### **5. Urgent Matters**

In the event of any matter arising which requires an urgent decision, the Parish Clerk shall forthwith consult with the Chairman of the Council and other relevant Committee Chairs and/or Vice Chairs before acting on behalf of the Council.

Before the Parish Clerk exercises the delegated powers granted by the above paragraph, those Members consulted shall consider whether the matter justifies summoning an Extraordinary Meeting of the Council.

Whenever any action is taken as a matter of urgency, full details of the circumstances justifying the action shall be submitted in writing to the next available meeting of the Council.

#### **6. Absence of the Parish Clerk**

The Parish Clerk has broadly two roles within the organisation of the Council, firstly to fulfil the functions of the designated Proper Officer of the Council as detailed in para 3 above and Section Three of the Council's Standing Orders and secondly to act as the Council's senior executive and head of paid services with overall responsibility for the strategic delivery of council services.

##### **Delivery of Council Services:**

The tactical delivery of council services lies with the staff member responsible for the day to day delivery of the service. However, in the unlikely event that a staff member requires guidance on an urgent & significant issue which cannot wait until the return to work of the Parish Clerk, they may consult directly with the Chairman of the Committee responsible for the service. Emergency expenditure may be incurred within the criteria set out in table 1 below. The Parish Clerk is to be briefed on the issue in question at the earliest opportunity upon his/her return to work.

##### **Delivery of Democratic Services;**

In the unplanned/unexpected absence of the Parish Clerk, the Admin Clerk is to inform the Chairman of the Council and the Chairman of the Personnel Committee of the situation and is authorised to carry out the functions of the Proper Officer necessary to ensure the continued delivery of the council's democratic services, specifically those required under Standing Order 15bii – the serving of a duly signed summons confirming the time, place and the agenda for a meeting of the Council or one of its committees and the posting of the appropriate public notices.

Additionally in the unplanned absence of the Parish Clerk which has or is likely to exceed 7 days, the Admin Clerk is authorised to liaise with the Chairman of the Council in order to call an extraordinary meeting of the Council, for the purposes of agreeing arrangements appropriate for the situation.

## **7. Responsible Financial Officer**

The Responsible Finance Officer to the Council is the designated Local Government Act 1972 Section 151 Officer and shall be responsible for the Parish Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

The Responsible Finance Officer is authorised to:

- Operate the Council's banking arrangements.
- Pay all accounts properly incurred
- Pay all subscriptions to organisations to which the Council belongs
- Make all necessary arrangements for the provision of an internal and external audit service for the Council
- Negotiate settlements in connection with claims made by and against the Council in consultation with the Council's insurers where appropriate
- Enter into leasing and contract hire agreements for the acquisition of vehicles, machinery and equipment approved by Council or an appropriate Committee on such terms as are considered appropriate
- Manage investments as authorised by the Councils investment strategy
- Raise and repay loans approved by the Council
- Authorise action for the recovery of debt
- Maintain a Register of Assets and Inventory of Equipment
- Determine the Parish Council's insurance requirements.
- Make all necessary arrangements for the Council's insurance
- Prepare a draft budget for consideration by Council
- Prepare the final accounts for each financial year

All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.

The Responsible Finance Officer will exercise these powers in accordance with:

- Approved budgets
- The Council's Standing Orders and Financial Regulations
- The Council's Policy Framework and other adopted policies and procedures of the Council
- All statutory common law and contractual requirements

The Responsible Finance Officer may do anything pursuant to the delegated power, or duty, which it would be lawful for the Council to do, including anything reasonably implied or incidental to that power or duty.

## 8. Authority to Incur Expenditure

Table 1 details the authorised limits of expenditure and certification of invoices.

<b>Table 1 – Authority to Incur Expenditure</b>			
<b>AUTHORITY</b>	<b>LIMIT</b>	<b>OFFICER</b>	<b>COMMENTS</b>
To incur expenditure	Within budget	Parish Clerk	As Proper Officer for the Council, the Parish Clerk is tasked with enacting the decisions of the Council and does this within approved budget parameters
Emergency Expenditure	£2,000	Parish Clerk	Report to next Council/Committee Meeting as appropriate
Authorise Invoices	All invoices	Parish Clerk and two Councillor signatories.	The Parish Clerk confirms expenditure and determines cost centre allocation. The Admin Clerk for Finance carries out an additional level of checks whilst inputting into the accounts system. The Council delegates authority to the Clerk and any two Councillor signatories to approve the accounts for payment. Such payments to be presented to the next meeting of the Council.

## 9. Council and Committee Meetings

Members of the public are welcome to attend meetings of the Council and its Committees, provided that members of the public are not excluded pursuant to the Public Bodies (Admission to Meetings) Act 1960, s1 for reasons of confidentiality relating to staff or commercially sensitive matters.

Meetings of the Council and its Committees will also be broadcast on zoom, provided that members of the public are not excluded pursuant to the Public Bodies (Admission to Meetings) Act 1960, s1 for reasons of confidentiality relating to staff or commercially sensitive matters.

## 10. Review of this Scheme

This Scheme will be reviewed at the annual meeting of the Council.

## **Finance and General Purposes Committee**

**Main Function:** The undertaking of Parish Council financial matters.

**Membership:** 7 Councillors. Membership of the Finance Committee shall consist of the Chairman and Vice Chairman of the Council, the Chairmen of the Planning, Property & Asset and Neighbourhood Plan Committees, and two members appointed from the remainder of the Council. If the Chairman of any Standing Committee is unable to attend a meeting of the Finance Committee, the Vice Chairman of that Standing Committee shall attend in his place and shall be entitled to vote.

### **Chairmanship:**

Elected as the first item of business at the annual meeting.

### **Terms of Reference:**

1. Developing the Council's annual budget and recommending to Council the annual precept required.
2. Developing and providing guidance to Standing Committees on wages, salaries and inflation to be incorporated in those committees' annual budget submissions.
3. Reviewing annual budget submissions from Standing Committees, and incorporating the agreed annual budgets into the Finance and General Purposes Committee's budget recommendations to Council.
4. Recommending to Council the allocation of grants and donations.
5. Reviewing all Council revenue and capital expenditure throughout the year, intervening as necessary should any Standing Committee's spending exceed that committee's agreed budget.
6. To make a recommendation to the Council on Investment Strategy.
7. To make a recommendation to the Council on investment approach.
8. Considering any public consultations and preparing a response for the Council to consider for submission in response to the consultation.
9. The Chairman and Vice Chairman of the Committee have delegated powers to deal with urgent or minor financial matters, details of which will be reported at the next meeting of the Committee.



## **Neighbourhood Plan Committee**

**Main Function:** Consultation with the community and stakeholders for the creation of a Neighbourhood Plan for Cranleigh.

**Membership:** 6 Councillors so voting quorum is 3, plus a maximum of 6 non-Councillor members.

### **Chairmanship:**

Elected as the first item of business at the first meeting and subsequent annual meetings from amongst the Councillor members to ensure the Chairman is able to exercise a casting vote (if required).

**Voting:** In accordance with s.13(1) and (7) of the Local Government and Housing Act 1989 ('the 1989 Act'), only Councillor members are eligible to vote at meetings.

### **Terms of Reference:**

- To define a timetable for the completion of the Neighbourhood Plan.
- To produce a statement of community and stakeholder engagement.
- To apply for grant funding to complete the Neighbourhood Plan process.
- To work with the planning consultants and the community to finalise the vision for the parish for approval by the Parish Council.
- To complete the evidence base to support the Neighbourhood Plan.
- To review and develop the policy, guidance and proposals for the Neighbourhood Plan.
- To review the call for site request and allocations.
- To present the revised pre-submission consultation Neighbourhood Plan to the Council for approval.
- To consider any advice or recommendations from Waverley Borough Council on the revised pre-submission Neighbourhood Plan.
- To present the submission Neighbourhood Plan and consultation statement to the Council for approval.
- To consider any modifications recommended by the Independent Examiner and make a recommendation to the Council.

**Secretariat:** Cranleigh Parish Council to provide full secretariat support to the Committee in accordance with Standing Orders. The Neighbourhood Plan Committee agendas, minutes, consultations and updates will be added to the Council's website.

**Financial:** Cranleigh Parish Council to retain full responsibility for the administration of the finances of the Neighbourhood Plan in accordance with its Financial Regulations.

## **Personnel Committee**

### **Main Function:**

The undertaking of all employment related matters.

**Membership:** Maximum of 5 Councillors.

### **Terms of Reference:**

- To make a recommendation to the Council on all employment related matters including contracts, performance management, salary reviews and superannuation.
- To make a recommendation to the Council on staffing levels.
- To make a recommendation to the Council for the setting of the annual staffing budget.
- To review Council policy documents in accordance with statutory advice: Discipline and Grievance Procedure, Staff Handbook, Pension Policy and other such policies that directly relate to staffing matters.

## **Planning Committee**

**Main Function:** Responding to planning consultations as a statutory consultee.

**Membership:** Maximum of 12 Councillors.

### **Terms of Reference:**

The Council delegates authority to the Parish Clerk to carry out all Committee recommendations below:

1. Examining all planning applications, applications for consent, applications for Certificate of Lawfulness and major amendments which are submitted to the Planning Authority from within the Parish of Cranleigh, and the prompt submission of any comments it considers necessary on such plans to the Planning Authority.
2. Examining applications for work on trees within the Parish of Cranleigh and the prompt submission of any comments it considers necessary to the Planning Authority.
3. Arranging the necessary level of representation of the Parish Council's views to any Planning Appeal or Inquiry which relates to the Parish of Cranleigh
4. Drafting for final approval by the full Council, the Parish Council's response to any consultations by the Planning Authority or the County Council on future Local Plans and Structure Plans and major planning applications, and if required, to respond to Central Government Consultation Papers on planning matters.
5. Developing the annual budget for the Committee for consideration by the Finance and General Purposes Committee during the Council's budget-making process.
6. The Chairman and Vice Chairman of the Committee and the Clerk have delegated powers to deal with urgent or minor planning matters, details of which will be reported at the next meeting of the Committee.

## **Property & Asset Committee**

### **Main Function:**

The management of all Parish Council property including buildings, playground equipment, open spaces, allotments and cemetery.

**Membership:** Maximum 12 Councillors.

### **Terms of Reference:**

- The maintenance of Cranleigh Village Hall, Public Conveniences, Snoxhall Fields Sports Pavilion, Snoxhall Fields and play equipment, Beryl Harvey Field, Bruce Mackenzie Field, Youth Centre, Council Offices, Allotments and Cemetery within the Committee's approved budget.
- To make a recommendation annually to the Finance Committee for revenue and capital budgets for these facilities.
- To consider requests for additional street furniture including bus shelters, notice boards and seats.
- To work in partnership with Waverley Borough Council on the maintenance of the monuments at Fountain Square, the Obelisk and the War Memorial.
- To review the schedule of inspection of Council property and open spaces including five yearly electrical safety, gas safety, legionella prevention and emergency lighting inspections.
- To review the Risk Assessments for individual property, open spaces and working practices in relation to property matters.
- To maintain the Local Authority Land Register.

### **Strategy:**

The efficient and effective administration and maintenance of all Parish property.

### **Policy:**

Seek to maintain and enhance the appearance of all the Parish Council's land holdings and property recognizing the significance and importance of such standards.

### **Financial:**

- To spend within the Council's adopted revenue budget.
- To seek the Council's approval for expenditure from earmarked reserves.

## **Subject Access Request Committee**

### **Main Function**

To consider Data Subject Access Requests made under the Data Protection Act 2018.

### **Membership**

All Parish Councillors, any available three to form Committee.

### **Terms of Reference:**

- To validate the identity of the requester.
- To identify the data requested.
- To consider any redaction or permission required for release of third party data.