



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, Internal Control Councillors 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 Chairman 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 in accordance with statute and the adopted HPC Grants Policy.
- To receive, consider and approved recommendations from the Clerk/RFO in respect of staff remuneration outside of budget allocation.
- 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 Chairman (if practicable in the circumstances).
- The Clerk will deal with all routine correspondence which does not commit HPC 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 Council's 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 Chairman.
- Power to act on own initiative to implement the Council's policies and objectives.
- Power to manage all the Council's resources in accordance with the Council's policies.
- Power to manage the Piddington Cemetery in accordance with the Cemetery 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 all open spaces within the Parish subject to budget.
- Power to engage with the community and stakeholders to raise the profile of HPC and foster good working relationships.

Planning Committee Terms of Reference

- The Planning Committee will consider local planning applications and other planning issues relating to the Parish, taking into account environmental aspects, character and potential hazards/risks for the Parish. The Committee has delegated powers to consider planning and to comment on planning applications brought before them.
- The Committee is responsible for Development and Planning Applications including Highways, Parking, Heritage & Tree Preservation Orders.
- The Planning Committee membership will be approved by Full Council and shall consist of a maximum of 6 Councillors, with 3 members constituting a quorum.
- A Chairman is to be elected annually by the Planning Committee at the first meeting after the Annual Parish Council meeting and shall hold office until the next Annual Parish Council meeting.
- If the numbers of Councillors present falls below the required quorum the meeting shall be adjourned and any business not transacted shall be carried over to the next meeting or dealt with on such other day as agreed.

- To meet deadlines set by the planning authority the Parish Council must generally determine their response within 21 days. To achieve this, the Planning Committee will meet as required. The Clerk will request an extension of time to comment on a consultation as appropriate.
- Any 2 Councillors may request an application be deferred to the Full Parish Council meeting.
- Where an application is to be determined by the Planning Committee the Committee is authorised to make written or verbal representation at the meeting.
- Where an application is subject to an appeal the Committee is authorised to make written representation or to elect a member of the committee to attend the hearing and speak on behalf of the Parish Council.
- Planning applications shall be circulated to Planning Committee members as soon as possible after receipt by the Parish Clerk from the Planning Authority. The applications may be circulated by e-mail.
- All comments received prior to, or at the meeting, from all relevant parties will be considered at the meeting.
- Minutes of a meeting will be considered for accuracy and approval at the next meeting of the planning Committee.

If a deferment to the full Parish Council would result in a late decision the Parish Clerk will be asked to request an extension from the Planning Authority. Where this is not given an extraordinary Parish Council meeting will be called if possible or a response may be made following a majority decision by the Planning Committee.

- The Parish Clerk will communicate the decisions of the Committee to the Planning Authority or other relevant body and ensure such communications arrive within the required timescale.
- Where required, a member of the Planning Committee will be nominated to attend the Planning Authority's decision-making meeting to represent the Parish Council's view in respect of controversial planning applications.
- All correspondence to external parties should be made by the Clerk.
- The Planning Committee has no budget
- These Terms of Reference are to be reviewed annually by the Committee and confirmed by Full Council.

NEIGHBOURHOOD DEVELOPMENT PLAN STEERING GROUP TERMS OF REFERENCE

- The purpose of the Steering Group is to oversee the preparation of the Neighbourhood Plan. The Steering Group will engage the local community to ensure that the Plan is truly representative of the ambitions of the Parish. The Group will maximise support for the approach taken in the Neighbourhood Plan by ensuring high levels of community engagement throughout the plan-making process.
- The Steering Group will be made up of a cross-section of volunteers from the community, including Parish Councillors. Membership will be approved by Full Council. Effort will be made to seek representation from under-represented sections of the community. The Chairman will be elected at the first meeting of the Committee following the Annual Parish Council Meeting.

- Meetings will take place as required. Minutes will be circulated to all Parish Councillors for noting and posted on the websites. The Steering Group will approve the minutes at its next meeting.
- An annual budget is approved by the Parish Council annually for the purposes of delivering the Neighbourhood Development Plan (NDP). The Steering Group can approve how the monies within that budget are to be spent if considered relevant and necessary to deliver the NDP. All payments have to be approved by Full Council at monthly meetings where payments will be raised for payment. The Steering Group will monitor expenditure versus budget monthly and take advice from the Clerk/ RFO. Any expenditure not foreseen or that may / will exceed or jeopardise the allocated budget will need to be approved by Full Council. The Steering Group may apply for grants for the sole purpose of aiding in the production of the plan and will ensure criteria for received grants is adhered to.
- The Steering Group has full delegated authority from the Parish Council to deliver its plan. The Group will report monthly to the Parish Council setting out progress on its work. The Parish Council will approve the Submission Draft Neighbourhood Development Plan prior to publication for consultation and independent examination.
- The plan-making process remains the responsibility of the Parish Council as the qualifying body. All publications, consultation and community engagement exercises will be undertaken by or on behalf of the Parish Council with appropriate recognition of the Parish Council's position given in all communications associated with the project.
- It is expected that all Steering Group members abide by the principles and practice of the Parish Council Code of Conduct including declarations of interest.
- Whilst Members as individuals will be accountable to their parent organizations, the Steering Group as a whole is accountable to the wider community for ensuring that the Plan reflects their collective expectations. The Steering Group will achieve this through applying the following principles:
 - i. Be clear and open when their individual roles or interests are in conflict;
 - ii. Treat everyone with dignity, courtesy and respect regardless of their age, gender, sexual orientation, ethnicity, or religion and belief; and
 - iii. Actively promote equality of access and opportunity.

Terms of Reference may be amended with the support of at least two-thirds of the current membership at a Steering Group Meeting and with the approval of the Hackleton Parish Council.

TERMS OF REFERENCE FOR THE INTERNAL CONTROL COUNCILLORS

- A minimum of two Internal control Councillors will be appointed at the Annual Meeting of the Parish Council. The Internal Control Councillors are appointed by and solely responsible to Hackleton Parish Council.
- The Internal Control Councillors duties are defined and agreed by the Parish Council who may, at any time, modify those duties.
- The Internal Control Councillors will meet, as necessary, and as a minimum quarterly.
- The Internal Control Councillors have no powers to make decisions or spend money – just to make recommendations to the Council.

- Undertakings - To ensure that operational systems are such that the likelihood of fraud is minimised and transparent enough to ensure that fraud is readily detected and that the Parish Council is fully aware of the need for any change to such operating systems.
- Monthly an individual Internal Control Councillor will receive the invoices for authorisation at the next full meeting from the RFO for verification.
- Quarterly by sampling, the Internal Control Councillors will ensure that:
 - All anticipated income is received
 - Expenditure is broadly in line with budgets
 - Verify bank reconciliations against bank statements
 - Accuracy of PAYE & National Insurance payments to HMRC
 - Reviews online banking requirements to ensure they're being adhered to;
- Annually the Internal Control Councillors will:
 - Reviews budget/precept request for following year and make recommendations to the Council
 - Ensure VAT is reclaimed at least annually

Any financial anomalies will be resolved with the Clerk. The Internal Control Councillors will report to full Council on a quarterly basis or more regularly if required.

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.

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