

MUDFORD PARISH COUNCIL

Scheme of Delegation

Adopted at the meeting of the Mudford Parish Council held on 28.11.2024, minute reference 24/195.

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Chair

This Scheme will be reviewed annually by Full Council, or when there are changes to legislation, whichever is the sooner.

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer and Standing Committees of Mudford Parish Council (the Council) to act with delegated authority in specific circumstances.

1. Proper Officer and Responsible Financial Officer - duties and powers

1.2 Responsible Financial Officer

The Parish Clerk shall be the Responsible Financial Officer to the Council and shall be responsible for the Parish Councils accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time (including Financial Regulations).

2. Proper Officer

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

- receive declarations of acceptance of office;
- receive and record notices from Councillors disclosing interests;
- receive and retain plans and documents;
- sign Notices or other documents on behalf of the Council;
- receive copies of By-laws and other statutory provisions made by Somerset Council;
- certify copies of By-laws made by the Council;
- sign and issue summonses to attend meetings of the Council;
- sign binding contracts on behalf of the Council in accordance with the Standing Orders;
- give public notice of the time, place and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);
- convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office;

2.2 In addition, the Parish Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- the day-to-day administration of Council services, together with routine inspection and control;
- authorisation of an expenditure up to £500 within the agreed budget;

- expenditure of up to £1,000 as per Council's Financial Regulations in consultation with the Chair of the Council;
- authorise the making of payments on behalf of Council in line with the Council's Financial Regulations;
- authorise the procurement of services and enter into contracts for the execution of works or supply of equipment as authorised by Council or its Committees and in line with Council's Financial Regulations;
- undertake the Annual Accounting Governance and Statement process with the internal and external auditor and Council;
- as Council's Health and Safety named representative take such action as is necessary to ensure the safety and security of Council's properties and those who use them, and
- to take such action as is necessary to fulfil their duties, as governed by Council's Standing Orders.

2.3 Planning applications shall be received by the Parish Clerk who will provide details to Councillors. Where no queries arise by joint decision of all Councillors, the Parish Clerk shall be delegated to inform the Planning Department within the time allocated of the decision of the Council. All Councillors will report directly back to the Parish Clerk thereby avoiding discussion between members. Where queries arise the Chairman will call for a site meeting which may require an Extraordinary Meeting to decide upon the application or for the Clerk to ask the Planning Department for an extension on the deadline for comments.

2.4 The Parish Clerk is authorised to act on behalf of the Council in all communications with funeral directors, stonemasons and bereaved persons. The Parish Clerk is authorised to agree new memorial inscriptions based on the forms received unless the wording proves to be contentious.

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

3. Parish Council

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

- setting the precept;
- approving the annual budget;
- borrowing money;
- power of incurring capital expenditure not specifically included in the Council's approved estimate of expenditure for the current budget;
- making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation including to delegate to the committee powers and duties in accordance with their approved Terms of Reference or to Officers.;
- making, amending or revoking by-laws;
- making of Orders under any statutory powers;
- decide matters of principle or policy;

- nomination and appointment of representatives of the Council to any other authority,
- organisation or body (excepting approved conferences or meetings);
- any proposed new undertakings;
- prosecution or defence in a court of law;
- nomination or appointment of representatives of the Council at any inquiry on matters affecting Mudford Parish, excluding those matters specific to a committee;
- approving the annual return;
- review and confirm Council's eligibility to exercise the General Power of Competence (every three years or as required due to councillor and/or Clerk changes);
- to set dates of meetings of the Council and its Committees;
- to oversee the conduct of the Council and the Committees endeavouring to act in the best interests of all residents;
- receipt of reports to the Council from various Committees, Sub-Committees and Working Parties;
- to authorise the sealing of various documents with the Common Seal;
- consideration of new and reviews of consultation and policy documents of other bodies and any other consultation documents not appropriate for delegating to Committees;
- the appointment and dismissal of the Parish Clerk/RFO role;
- any other matters not delegated to a Committee, Sub-Committee or Project Steering Group or Working Party or referred to the Council by a Committee, Sub-Committee, or Project Steering Group or Working Party;
- Matters of strategic growth within the parish; and
- Disposal of assets with a value of over £500.00 and all interests in land.

4. Standing Committees

Mudford Parish Council has appointed a Human Resources Committee to undertake work for and on behalf of Council. The specific responsibilities of the Committee are confirmed by Terms of Reference appended to this Scheme and confirms membership and number of seats, frequency of meetings, remit of each Committee and reporting structure, and delegated authority.

All Committees are subject to the following principles:

- delegated powers are exercised in accordance with any policy or direction given by Council;
- delegated powers are subject to the Council's Standing Orders and Financial Regulations;
- any unresolved differences between Committees shall be referred to Full Council for determination;
- Committees will refer to Council any matters being pursued by other local authority/statutory/voluntary or other bodies which have a beneficial or detrimental effect on the area of Cullompton.

MUDFORD PARISH COUNCIL HUMAN RESOURCES COMMITTEE TERMS OF REFERENCE

Constitution and Authority

The HR Committee is constituted as a Standing Committee of Mudford Parish Council and authorised by the Council to manage any activity within its Terms of Reference.

The Committee will draw up draft Terms of Reference at its first meeting and submit them to the Full Parish Council for approval. Thereafter, the Terms of Reference should be reviewed annually. However, the Parish Council may amend the Committee's Terms of Reference at any time and, from time to time, request the Committee to investigate, discuss, or review matters outside its Terms of Reference as deemed necessary by the Parish Council.

Membership

The Committee will comprise of four members, including at least two Councillors, one of whom will be elected Chair, and other members co-opted on the basis of having relevant skills and experience to be able to contribute to the effectiveness of the Committee.

The Committee will meet as necessary and at least twice a year.

Two members of the committee, one of whom must be a Parish Councillor, will constitute a quorum.

All formal meetings will have an agenda and minutes will be taken and be presented for approval at the next committee meeting.

Formal meetings should be open to the public, although the public and press may be excluded when sensitive matters are under discussion.

The Clerk should attend and prepare agenda and minutes for formal meetings.

Principal Objectives

The purpose of the Human Resources Committee is to consider member and officer issues, including:

- To promote understanding and observance of the **Parish Council's Code of Conduct**, with a view to ensuring that all interactions between members of the Council, officers, employees, volunteers, contractors, members of the public and any other people with whom contact is made are conducted with respect and courtesy
- To ensure that the Council has **policies and procedures** in place to meet its human resources and health and safety and all other statutory responsibilities
- To encourage and to monitor the **learning and development** of all Council members, staff and, where appropriate, volunteers

Responsibilities

Code of Conduct and other policies and procedures

- To conduct an annual review of the Parish Council's Code of Conduct, human resources, health and safety and related policies and procedures and recommend amendments and additions to the full Parish Council in advance of the Annual Parish Council Meeting.
- To organise training and highlight the importance of observing the Code of Conduct.

Parish Council Employees

- To manage the recruitment of any employees of the Parish Council, including the preparation of job descriptions, person specifications, job evaluations, remuneration levels and employee contracts, shortlisting and organising interviews, and making recommendations to the Parish Council.
- To manage sickness absence and leave requests from Parish Council employees
- To oversee the dismissal process of Parish Council employees.
- To make recommendations to the Parish Council concerning any changes to the salary, hours of work and pension arrangements of Parish Council employees.
- To appraise the performance of the Parish Clerk/Responsible Financial Officer.

- The appraisal of any additional Parish Council employees will be carried out by the Parish Clerk. To comply with and have due regard to existing policies relating to staffing matters which include (but are not limited to): i. Standing orders ii. Financial regulations. iii. Job Descriptions and National Joint Council (NJC) contracts. iv. ACAS guidelines and procedures for grievances or disciplinary matters v. Implementing NJC changes as notified by SALC.

Grievances and Complaints

- To oversee an ACAS compliant procedure for grievance and disciplinary matters including complaints against Parish Council employees, in which the Human Resources Committee will hear and decide grievances and disciplinary matters and different councillors will [hear] appeals against grievance and disciplinary decisions.
- Some matters, including (but not limited to) consideration of disciplinary matters, may not be appropriate for discussion at HR Committee level. In such cases, where necessary and appropriate, the HR Committee may set up a sub-committee, with its own Terms of Reference, and delegate to them the authority to deal with the specified matters; HR sub-committee meetings will not be open to the public.