

The Ivers Parish Council

**SCHEME OF DELEGATION**

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

- 1.1 This Scheme of Delegation forms part of the Council's governance documents along with Standing Orders Financial Regulations and the Code of Conduct. The Scheme will be reviewed at least every two years and when there are staffing changes.
- 1.2 Those with delegated responsibility are referred to by job title, Parish Clerk.
- 1.3 One of the purposes of the document is to clearly define the parameters within which officers of the council are able to 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.
- 1.4 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.
- 1.5 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 In an emergency the Proper Officer is empowered to carry out any function 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 where they have a financial interest.

- 4.2 Where the Parish Clerk has a conflict of interest in any matter, the Clerk 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 any 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 items over £5,000 or 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

## **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**

### **7.1 Planning Committee**

**Membership:** Up to twelve Parish Councillors (to include the Chair & Vice-Chair *ex officio*)

**Quorum:** Four Parish Councillors

**Meetings:** Twelve times a year, approximately once every months

The Committee shall elect a Chair and Vice-Chair.

#### **Terms of Reference:**

The Planning Committee will be responsible for the following:

- 1) Considering and responding to all applications for planning permission and planning appeals referred by Buckinghamshire Council
- 2) Considering and commenting on all matters relating to historic building consents, buildings of special architectural interest, historic buildings and the conservation area
- 3) Identifying, commenting upon and referring to the relevant authorities any matters considered to be in breach of planning permission;
- 4) Considering and commenting on all planning matters relating to the Parish of Iver and advise the Parish Council as necessary;
- 5) Commenting upon and monitor Tree Preservation Orders and to seek adoption of TPOs if deemed necessary;

- 6) Responding to all relevant consultation documents relating to planning and associated matters;
- 7) Approving any planning application that the Parish Council is considering making
- 8) Considering and responding to all Buckinghamshire Local Plan matters

## 7.2 Facilities & Events Committee

**Membership:** Up to nine parish councillors (to include the Chair & Vice-Chair *ex officio*)

**Quorum:** Three parish councillors

**Meetings:** Six times a year, approximately once every two months

The Committee shall elect a Chair and Vice-Chair.

### Terms of Reference:

The Facilities and Events Committee will be responsible for the following:

- 1) The following assets of the Council:
  - 45B High Street
  - 63 Chequers Orchard
  - The Jubilee Pavilion and car parks at Iver Recreation Ground
  - The workshop at Iver Recreation Ground
  - Iver Heath Pavilion and car park
  - Iver Heath Bowls Club
  - Iver Heath Tennis Club premises
  - The fenced play areas of Iver Rec, Iver Heath Rec, and Richings Park
- 2) Developing and agreeing an annual budget for approval by Council that once agreed can be spent by the committee. Any additional budgetary requirements must be requested from Council.
- 3) Monitoring the performance of its budget and provide updates to Council
- 4) Managing the accrual of ear marked reserves to deliver the required capital replacement and improvement programmes of the assets listed above
- 5) Making all relevant decisions regarding policy and strategy regarding the assets listed above
- 6) Undertaking necessary capital works on the assets listed above
- 7) Setting out a schedule of fees and charges for agreement of Council at budget setting
- 8) Submitting to Council proposals for new and improved services; 9) Appointing advisors as and when necessary to assist in its work.
- 10) Developing and implementing all events and seasonal activities of the Council. This includes the facilitation of the Christmas Lights displays in the three centres of Iver, Iver Heath, and Richings Park.

### 7.3 Open Spaces & Highways Committee

**Membership:** Up to nine parish councillors (to include the Chair & Vice-Chair *ex officio*)

**Quorum:** Three parish councillors

**Meetings:** Six times a year, approximately once every two months

The Committee shall elect a Chair and Vice-Chair.

**Terms of Reference:**

The Open Spaces and Highways Committee will be responsible for:

- 1) Open Spaces: the following open spaces looked after and/or owned by the Council:
  - Iver Allotments
  - Iver Heath Allotments
  - Swan Meadow Nature Reserve
  - Hardings Row Nature Reserve
  - Iver Recreation Ground
  - Iver Heath Recreation Ground
  - Cottage in the Woods Footpath
  - Iver Heath Copse
  - The Mud Wharf
  - St Leonards Mound
  - Outside space at 45B High Street
  
- 2) Assets: assets owned and/or looked after by the Council:
  - Streetlights as per agreement (lanterns and columns)
  - Benches
  - Noticeboards
  - Gates (decorative)
  - All planters and summer and winter flowers and hanging baskets
  - Churchyards and Burial Ground
  - Flagpole
  - Clock (Iver Village)
  - Traffic management and monitoring equipment and infrastructure
  - Bus shelters
  - Bins
  - All signs that are the responsibility of the Council
  -
  
- 3) Developing and agreeing an annual budget for approval by Council that once agreed can be spent by the committee. Any additional budgetary requirements must be requested from Council.
- 4) Monitoring the performance of its budget and provide updates to Council
- 5) Managing the accrual of ear marked reserves to deliver the required capital replacement and improvement programmes of the assets listed above
- 6) Responding to all consultations regarding road safety and highways works e.g. HGV licences, road signs, road closures, village gates, pedestrian crossings, speed restrictions, parking restrictions, weight restrictions, traffic calming, and local transport, highway trees, cycleways, bus shelters, seats, bins, transport assessments

- 7) Making all decisions regarding policy and strategic matters relating to all of the above
- 8) Undertaking necessary capital works on the assets listed above
- 9) Setting out a schedule of fees and charges for agreement of Council at budget setting
- 10) Submitting to Council proposals for new and improved services
- 11) Appointing advisors as and when necessary to assist in its work
- 12) Undertaking traffic safety observations in partnership with enforcement agencies.

## 7.4 Staffing Committee

**Membership:** Up to nine parish councillors (to include the Chair & Vice-Chair *ex officio*)

**Quorum:** Three parish councillors

**Meetings:** Three times a year, approximately once every four months (additional meetings to be called by the Clerk or Committee Chair as necessary)

The Committee shall elect a Chair and Vice-Chair.

The Staffing Committee will be responsible for:

- 1) Making recommendations to Council regarding the appointment of the Parish Clerk/Responsible Financial Officer and any other Council officers
- 2) Developing and agreeing an annual workforce and training budget for approval by council
- 3) Overview of Corporate Health & Safety Policy and making recommendation to Council regarding Health & Safety
- 4) Monitoring the training programme of staff to ensure all Council operations are performed safely and appropriately
- 5) Developing and implementing a councillor training programme
- 6) Ensuring that the council complies with legislation in relation to employment of staff
- 7) Making all decisions regarding human resources issues and the implementation of relevant policies including but not limited to recruitment processes, salaries, terms and conditions, personal development interviews and related processes, pensions, disciplinary and grievance procedures.
- 8) Developing and agreeing an annual budget for approval by Council that once agreed can be spent by the committee. Any additional budgetary requirements must be requested from Council.
- 9) Monitoring the performance of its budget and provide updates to Council

## 8 DELEGATION TO PARISH CLERK

### (a) Parish Clerk

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.
2. 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).

3. 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 not exceeding £500. The Clerk is responsible for ensuring any disposal details including the disposal values are recorded in the assets register.
4. The Clerk is the manager for all other 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
5. 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.
6. Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the Full Council
7. As Proper Officer, to sign all documents on behalf of the Council including the Summons to Elected Members to attend Council Meetings in accordance with paragraph 4 and Schedule 12 of the Local Government Act, 1972
8. To sign and publish the annual public notices that the Audit of Accounts is to take place and has taken place.
9. To receive members' acceptance of declarations of interest and their appointment as a Councillor.
10. Power to release press statements on any activities of the Council subject to prior consultation with the Chair
11. Power to act on own initiative to implement the Council's policies and objectives.
12. Power to take appropriate steps to ensure the Council does not exceed its powers.
13. Power to manage all the Council's facilities and resources in accordance with the Council's policies.
14. 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.
15. The Proper Officer shall be responsible for signing all the Council's Official Notices as set out in the Standing Orders.
16. 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.

**(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 Buckinghamshire Council (the billing authority).