



# **Astley Village Parish Council**

## **Scheme of Delegation**

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (which may be one and the same person), Standing Committees and Sub- committees of the Parish Council to act with delegated authority in the specific circumstances detailed.

## **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 Parish 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.

## **2. Proper Officer**

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

- To receive declarations of acceptance of office.
- To receive and record notices disclosing interests at meetings.
- To receive and retain plans and documents.
- To sign notices or other documents on behalf of the Council.
- To receive copies of bylaws made by another local authority.
- To certify copies of bylaws made by the Council.
- To sign and issue the summons to attend meetings of the Council.
- To keep proper records for all Council meetings.

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

- The day-to-day administration of services, together with routine inspection and control.
- Day to day supervision and control of all staff employed by the Parish Council.
- Where a decision is required to be taken on grounds of urgency, the Parish Clerk in consultation with the Chair will be authorised to take that decision on behalf of the Parish Council.
- The Parish Clerk is authorised to pay all accounts, bills and payments for services required to be transacted up to a value of £500 subject to the inclusion of details of the payments made in accordance with this regulation being included on the schedule of payments made and submitted to each Council Meeting. Payments shall be effected by cheque, or BACS or other order drawn on the Council's bankers.
- The Parish Clerk may incur expenditure on behalf of the Parish Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure. The Parish Clerk shall report the action to the Parish Council as soon as practicable thereafter.

### **3. Delegated Powers re Planning Delegation**

Planning applications shall be received by the Parish Clerk who will provide details to Parish Councillors. Where time permits, such applications will be included on the Parish Council Summons and considered at the next meeting of the Parish Council. Where this is not possible and there is a consensus of views between Parish Councillors, the Parish Clerk shall be delegated to inform Chorley Borough Council of the views of the Parish Council.

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 Parish Council from time to time.

### **4. Parish Council**

4.1 The following matters are reserved to the Parish Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Parish Council's consideration.

- Setting the Precept.
- Borrowing money.
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
- Making, amending or revoking By-laws.
- Making of Orders under any Statutory powers.
- Matters of principle or policy.
- Nomination and appointment of representatives of the Parish 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 Parish Council at any inquiry on matters affecting the Parish, excluding those matters specific to a Committee.
- Approving the annual return.
- Confirming eligibility to exercise the General Power of Competence
- Terminate a contract of employment, unless the situation which has arisen is a matter of urgency or serious enough that employment could not continue, such as a Health & Safety violation, serious or gross misconduct, etc. The normal procedure is for the Personnel Committee to take a recommendation to full Parish Council.
- To approve pay increments but does have the authority to discuss and make recommendations to full Parish Council at precept or other suitable times.
- To create employment positions but can make recommendations to full Parish Council for a course of action or future plan.

## 5. Committees and Sub-Committees

5.1 Standing Committees and Sub-committees but they may be formed by resolution of the Parish Council at any time and delegated powers may be decided upon at the time the Sub-committee is formed by means of a Minute detailing the Terms of Reference.

5.2 **Personnel Committee** shall have delegated powers to deal with all personnel, employment, and recruitment issues, with reports and recommendations made to full Parish Council if necessary. In cases of emergency that will not wait until the next full Parish Council Meeting, the Committee will have full powers to act on behalf of the Parish Council.

Any decision made, or course of action taken by the Committee must be made in the best interest of the Council and Parishioners.

The Committee has the authority to deal with the following:

- Working practices
- Problems reported by staff.
- Disciplinary matters
- Complaints & Grievances
- Pay & Conditions.
- Advertise for and recruit staff as approved by full Parish Council.
- Recommend changes in staffing.
- Ensure all current employment legislation is met.
- To review and maintain all HR policies/documents.
- To review the Parish Council's Social Media Policy
- Any other action as directed by full Parish Council.

### Membership

In accordance with Standing Order 43, the Vice-Chair shall be an ex-officio voting members of the Personnel Committee making the total membership of the Committee 4 members. Additional member(s), including lay member(s), with relevant professional experience may be co-opted, but such member(s) will not have voting rights.

Membership of the Personnel Committee shall be decided and appointed annually at the Parish Council's Annual Meeting, in accordance with the Standing Order 42. If a vacancy occurs, additional members may be elected/co-opted as per the Council's Standing Orders.

The Chair of the Parish Council will not be a member of the Personnel Committee to enable them to Chair the Personnel Appeals Panel.

## Procedure Rules

The Committee will adhere to the Procedure Rules set out in the Annex to the Scheme of Delegation.

**5.3 Disciplinary/Grievance Panel** will be a meeting of the Personnel Committee, chaired by a member of that Committee not involved in the investigation.

**5.4 Personnel Appeals Panel** is delegated to make decisions on the behalf of the Council in the following matters:

- Appeals against decisions made by the Personnel Committee in Grievance, Disciplinary and Capability matters.
- Dealing with Appeals to a final conclusion, only reporting to Parish Council the actions it has taken at the end of the process.

Where possible the Chair of the Parish Council will hear the appeal with two Parish Councillors not involved in the grievance meeting conducted by the Personnel Committee.

## **6. Delegation – Limitations**

6.1 Committees and Sub Committees shall, at all times, act in accordance with the Councils Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, By-laws or orders made and with any directions given by the Parish Council from time to time.

## **7. Working Groups**

### 7.1 General Purposes Working Group

The General Purposes Working Group will progress schemes determined by the Parish Council which have not been delegated to another Committee/Working Party. Membership will be determined at the Annual Meeting of the Parish Council and additional member(s), including lay member(s), with relevant professional experience may be invited to meetings of the Working Group where appropriate. The Chair will be elected by the members of the Working Group at its first meeting after the Annual Meeting of the Parish Council. The frequency of meetings will be determined by the Chair subject to the number of meetings not exceeding six in any twelve-month period and meetings will normally be held virtually. The Parish Clerk will be invited to all meetings.

### 7.2 Village Development Working Group

The Village Development Working Group will progress schemes within the Parish Development Plan which have not been delegated to another Committee/Working Party. Membership will be determined at the Annual Meeting of the Parish Council and additional member(s), including lay member(s), with relevant professional experience may be invited to meetings of the Working Group where appropriate. The Chair will be elected by the members of the Working Group at its first meeting after the Annual

Meeting of the Parish Council. The frequency of meetings will be determined by the Chair subject to the number of meetings not exceeding six in any twelve-month period and meetings will normally be held virtually. The Parish Clerk will be invited to all meetings.

## **Annex**

### **Procedure Rules to be applied to Committees**

#### Chair

The Chair and Vice-Chair of the Committee will be elected annually by the members of the committee at its first meeting after the Annual Meeting of the council in accordance with Standing Order 43.

#### Frequency of Meetings

In accordance with Standing Order 35, the Chair of a Committee or the Chair of the Parish Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting. The Personnel Committee will meet at least one a year (usually in October/November).

#### Minutes

The Parish Clerk will issue the agenda to attend all Committee meetings and provide the legal public notice of all meetings. Minutes will be published on the Parish Council website and submitted to the full Parish Council Meeting for information.

(Personnel Committee only)

All meetings will be minuted by the Clerk unless the Clerk is the subject of the matter under consideration.

In relation to Grievances and Disciplinary Proceedings, the Parish Council will appoint an independent advisor to support the process including attending all meetings and be responsible for maintaining written records of the nature of the grievance raised, the employer's response, action taken (with reasons), details of any appeal and subsequent developments to be retained and kept.

The Chair of the Personnel Committee will present a confidential report to the full Parish Council Meeting setting out and confidential information in support of the decisions/recommendations of the Personnel Committee.

#### Quorum

Standing Order 48 states that "except where ordered by the Parish Council in the case of a committee the quorum of a committee or sub-committee shall be one-half of its members" The Parish Council Meeting has determined that a quorum will be reached with a minimum of 3 Councillors.

#### Confidentiality

All members must preserve confidentiality of discussions held under Part II of any meeting.

#### Accountability

The Chair will be responsible for reporting recommendations/actions of the Committee to the full Parish Council.