



## **FOREST ROW 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), Committees and Sub-committees and Working Groups of the Council to act with delegated authority in the specific circumstances detailed.**

### **1. RESPONSIBLE FINANCIAL OFFICER DUTIES & POWERS**

- 1.1 The Parish Clerk shall be the Responsible Financial Officer to the Council 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.
- 1.2 The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

### **2. PROPER OFFICER DUTIES & POWERS**

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

- 2.1.1 Receive declarations of acceptance of office;
- 2.1.2 Receive and record notices disclosing interests at meetings;
- 2.1.3 Receive and retain plans and documents;
- 2.1.4 Sign Notices or other documents on behalf of the Council;
- 2.1.5 Receive copies of By-laws made by another local authority;
- 2.1.6 Certify copies of By-laws made by the Council;
- 2.1.7 Sign and issue summonses to attend meetings of the Council.
- 2.1.8 Keep proper records for all Council Meeting
- 2.1.9 Notify the Returning Officer of any casual vacancies and liaise with him regarding the conduct of elections

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

- 2.2.1 The day to day administration of services, together with routine inspection and control.
- 2.2.2 Day to day supervision and control of all staff employed by the Council.
- 2.2.3 Authorisation of routine expenditure within the agreed budget.
- 2.2.4 As defined by Standing Orders, Emergency expenditure up to £2,500 outside of the agreed budget.

- 2.2.5 The consideration of minor planning applications in consultation with nominated members of the Planning Committee
  - 2.2.6 Dealing with all press and public relations on behalf of the Council
- 2.3 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. COUNCIL**

- 3.1 The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration.
- 3.1.1 Setting the Budget & Precept.
  - 3.1.2 Borrowing money.
  - 3.1.3 Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
  - 3.1.4 Making, amending or revoking By-laws.
  - 3.1.5 Making of Orders under any Statutory powers.
  - 3.1.6 Matters of principle or policy.
  - 3.1.7 Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings).
  - 3.1.8 Authorising the incurring of expenditure not provided within the approved budget.
  - 3.1.9 Approval of the Annual Return (Statement of Accounts).
  - 3.1.10 Approval of the year end accounts.
  - 3.1.11 Any proposed new undertakings (e.g. community/youth facilities).
  - 3.1.12 Prosecution or defence in a court of law;
  - 3.1.13 Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.
  - 3.1.14 Creation of Committees and membership therein.
  - 3.1.15 Consideration of eligibility to use the Power of Well Being or the Power of General Competence as appropriate.
  - 3.1.16 Confirming the appointment of the Parish Clerk.
  - 3.1.17 Annual appointment of Child Protection Officer.

### **4. COMMITTEES**

- 4.1 Sections 102 & 103 Local Government Act 1972 allows for the discharge of the Council's functions by a Committee, a Sub-Committee or an Officer of the Council.
- 4.2 Committees and Sub Committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegation, where applicable, and may only be

exercised where sufficient budgetary provision exists, or can be varied from the approved budget of the Committee. The Committees must operate within the statutory framework of powers and duties granted by way of rules, regulations, schemes, statutes, by-laws or orders made and with any directions given by the Council from time to time.

- 4.3 Committees, unless the Council otherwise directs, may arrange to devolve any of its functions to one or more Sub-Committees or to Officers of the Council in accordance with Standing Orders.
- 4.4 In accordance with the decision of Council AM19/14, Vice-Chairmen of Standing Committees shall be chosen by a vote of Council at its Annual Meeting, the Chairmen having also been appointed at that Meeting. The Finance & Policy Committee shall be constituted immediately thereafter in accordance with Standing Order 4(d)(vii).
- 4.5 Committees shall meet within the timetable approved by the Council at its Annual Meeting.
- 4.6 Reference should be made to Standing Orders in relation to rescinding decisions of Council
  - (a) A resolution shall not be reversed within six months except either by a proposal termed 'a special motion', which requires written notice by at least 4 councillors to be given to the Proper Officer in accordance with Standing Order 10, or by a proposal moved in pursuance of the recommendation of a committee or a sub-committee.
  - (b) When a proposal moved pursuant to Standing Order 8(a) has been disposed of, no similar proposal may be moved within a further 6 months.
- 4.7 Meetings shall be open to the public and press unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public and press's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public and press's exclusion:
  - 1. Engagement, terms of service, conduct and dismissal of employees;
  - 2. Terms of tenders, proposals and counter-proposals in negotiation for contracts;
  - 3. Preparation for cases in legal proceedings; and
  - 4. Early stages of any dispute.
- 4.8 All members of the Council shall receive agendas, minutes and supporting papers of all Committees (with the exception of Personnel & Grievance Sub-Committee).
- 4.9 Notice of meetings and Agendas of the Committee and Sub-Committee Meetings shall be lodged on the Council's Notice boards and uploaded on to the Council's website.
- 4.10 Minutes of Committee Meetings shall be kept at the Parish Council Office and uploaded onto the Council's website.
- 4.11 Only members of the Committee may vote on agenda items. Non-members of the Committee will be allowed to speak on an agenda item on the approval of the Chairman of that Committee.

## 5. STANDING COMMITTEES OF THE COUNCIL

Standing Orders states that the Chairman and Vice-Chairman of the Council shall be members of every committee. They are not ex-officio, but full voting members of the Committees.

### 5.1 FINANCE AND POLICY COMMITTEE

The **Finance & Policy Committee** shall consist of **the Chairmen and Vice Chairmen of the 4 other standing committees plus the Chairman and Vice-Chairman of the Council (if the Chairman and Vice Chairman of the Council are represented on this committee in another capacity then a maximum of two other Members of the Council shall be elected)** with a **Quorum of 4** and be delegated to make decisions on behalf of the Council in the following matters:

- Manage and control the Council's finances including liaison with Internal and External Auditors and any other outside body deemed necessary
- Maintaining a continuous internal audit system
- Administrative affairs of the Council and other Establishment matters
- Prepare the Council's Annual Financial Plan for the purpose of a Precept being agreed by Full Council
- Receiving & considering the reports of the Internal & External Auditor and monitoring the implementation of approved action plans
- Consider the Corporate Governance of the Council e.g.
  - Risk Management
  - Insurance
  - Health & Safety
  - Emergency Planning
- Consider and make recommendations for the amendment of Standing Orders
- Consider and determine the Council's obligations with regard to Government initiatives e.g. Quality Status, Power of Well Being, General Power of Competence, Freedom of Information, Data Protection etc.
- Consider and determine all aspects of wayleaves across Council land
- Policy formulation in respect to finance and develop strategies for the delivery of these policies
- Consideration and approval of any grant applications received
- Authorise any discretionary expenditure within the meaning of s137 Local Government Act 1972 as amended by s36 Local Government & Housing Act 1989
- Liaison with specialist consultants, advisors, professional bodies or associations as required to enable the Council to discharge its functions
- Undertaking any Reviews in relation to the Council's Code of Practice for handling Complaints and Freedom of Information Refusals
- All matters relating to Staff, based on recommendations made by the Personnel Sub-Committee. This Committee may decide that it wishes to refer such matters to the Council for final decision, subject to the matters reserved for final decision for legal reasons.
- Consider and determine ways in which the council can engage with the electorate and public at large e.g. Media, Website, Newsletters and Annual Reports

- Organisation of Events and Competitions
- Any other matter which may be delegated to it by the Council from time to time.

**The Committee should appoint portfolio holders if appropriate.**

**The Committee may refer specific matters to the Council for a final decision if it so wishes. Meetings – 4 times per year.**

### **5.1.1 PERSONNEL & GRIEVANCE COMMITTEE**

The **Personnel & Grievance Committee** shall consist of **3 Members of the Finance & Policy Committee** with a **Quorum of 2** and be delegated to make decisions on behalf of the Committee in the following matters:

- Hearings for Grievance and Capability matters in accordance with the Council’s Grievance and Disciplinary Procedure to a final conclusion, only reporting to Council when the time for any Appeal has passed.
- Dealing with any Disciplinary and Capability matters to a final conclusion, only reporting to Council when the time for any Appeal has passed.
- Hearing any complaints in accordance with the Council’s Code of Practice for Handling Complaints and Freedom of Information requests
- Appraisal of the Parish Clerk.
  - Salaries (in association with the Policy Committee);
  - Conditions of Service;
  - Staff levels;
- Consideration of staffing reviews
- Recruitment and selection of staff
- Preparation and maintenance of employment documentation including:
  - Job Descriptions
  - Person Specifications
  - Contracts of Employment
  - Health and Safety Policies and Procedures
- Any other matter which may be delegated to it by the Finance & Policy Committee from time to time

**Meetings – as and when required, but at least twice per year.**

**It is vital that the Personnel & Grievance Committees keeps confidential its deliberations and decisions in cases of Grievance, Disciplinary and Capability hearings, because if an Appeal against a decision is received it must, legally and in the interests of fairness, be heard again by elected members with no prior knowledge of the case.**

**In order to ensure as far as possible that such matters as Appraisal, Grievance, Disciplinary and Capability issues are dealt with professionally and in accordance with Employment legislation, all members of the Personnel & Grievance Committees must agree to undertake training in these matters**

## **5.2 AMENITIES & SERVICES**

**The Amenities and Services Committee** shall consist of **8 Members (including the Chairman and Vice-Chairman of the Council)** with a **Quorum of 3** and be delegated to make decisions on behalf of the Council in the following matters:

- Carry out such things as are deemed necessary and in accordance with approved policies of the Council, to protect, preserve and enhance the local environment and the amenities and interests of the community
  - Forest Row Canal/Stonepark Drive
  - Forester's Link
  - Village Greens and Amenity Land (including trees)
- Determine policy with regard to the Conditions of Hire and Hire Charges in relation to:
  - Village Greens
- Management and control of the Council's allotment sites, including all grounds maintenance/improvement works
- Management and control of the Council's outdoor areas including village greens and amenity land. This to include maintenance and improvement works
- Management and control of the Council's Cemetery, including all grounds maintenance/improvement works
- Oversee the provision and maintenance of the Council's Footway Lighting
- Oversee the provision and maintenance of the Council's recreational areas e.g Play areas & skatepark
- Organise and promote sporting, recreational and leisure activities whether on behalf of the Council or in liaison with other bodies for the benefit of the inhabitants of the Parish, including receiving reports of the Forest Row Sports Ground Association.
- Environmental Matters e.g. Recycling, Litter Promotion and encouragement of sustainable development in the Parish
- Promote and encourage action against all forms of crime and disorder e.g. Community Safety including CCTV
- Any other matter which may be delegated to it by the Council from time to time.

**The Committee should appoint portfolio holders if appropriate.**

**The Committee to delegate the day to day running of these assets in the interests of the Council to the Clerk/Assistant Clerk. In the event of any situation out of the ordinary, a decision on action to be taken, or the calling of an extra-ordinary meeting, to be taken after consultation with any two of the following and in line with Standing Orders:**

- **The Chairman of the Council**
- **The Vice Chairman of the Council**
- **The Chairman of the Committee**
- **The Vice-Chairman of the Committee.**

**The Committee may refer specific matters to the Council for a final decision if it so wishes. Meetings – 4 times per year**

**5.3 PROPERTY & ASSETS COMMITTEE** - shall consist of **9 Members (including the Chairman and Vice-Chairman of the Council)** with a **Quorum of 3** and be delegated to make decisions on behalf of the Council in the following matters

- Oversee the provision and maintenance of the Council’s Notice boards
- Oversee the provision and maintenance of the Council’s Litter Bins & Seats
- Oversee the provision and maintenance of the Council’s Bus Shelters
- Determine policy with regard to the Conditions of Hire and Hire Charges in relation to:
  - Community Centre
- Maintenance and repair of all the buildings and assets owned by the Council:
  - The Community Centre (including Hambro Hall) and gardens
  - Jubilee Garden
  - War Memorial
  - The Venu
  - Car Parks – Community Centre and Weirwood
  - And any future building/asset that the Council may own/manage.
- Any other matter which may be delegated to it by the Council from time to time.

**The Committee should appoint portfolio holders if appropriate.**

**The Committee to delegate the day to day running of these assets in the interests of the Council to the Clerk/Assistant Clerk. In the event of any situation out of the ordinary, a decision on action to be taken, or the calling of an extra-ordinary meeting, to be taken after consultation with any two of the following and in line with Standing Orders:**

- **The Chairman of the Council**
- **The Vice Chairman of the Council**
- **The Chairman of the Committee**
- **The Vice-Chairman of the Committee.**

**The Committee may refer specific matters to the Council for a final decision if it so wishes. Meetings – 3 times per year**

**5.4 COMMUNITY SERVICES COMMITTEE** - shall consist of **10 Members (including the Chairman and Vice Chairman of the Council)** with a **quorum of 3** and be delegated to make decisions on behalf of the Council in relation to specific projects initiated by the Council for the benefit of the community including but not limited to the following matters:

- To oversee the operation of FOREST ROW COMMUNITY TRANSPORT activities:
  - Forest Row Medical Car Ambulance Scheme
  - Forest Row Community Car Hire Club
  - Forest Row Community Cycle Hire Scheme
- To oversee the management of FOREST ROW VILLAGE MARKET
- To oversee the management of 'GAGES' COMMUNITY LUNCH FACILITY
- To oversee the management of the THURSDAY CLUB
- To oversee the management of the YOUTH SERVICE
- Oversee any capital projects which would be deemed to improve the long-term facilities of the Parish.
- Partnership Working including the Community Liaison Group
- To liaise with the Youth & Community Centre Company
- To initiate works and projects within the Parish that progress the localism agenda such as road safety improvements, establishment of community facilities & infrastructure.
- To interface with other community focused initiatives such as the Annual Spring Clean & the Forest Row Festival.
- And any other initiatives that the Parish Council agrees and directs it to take forward.

**The Committee should co-opt members from the Community Transport activities and appoint portfolio holders if appropriate.**

**The Committee to delegate the day to day running of these projects in the interests of the Council to the Clerk/Assistant Clerk. In the event of any situation out of the ordinary, a decision on action to be taken, or the calling of an extra-ordinary meeting, to be taken after consultation with any two of the following and in line with Standing Orders:**

- **The Chairman of the Council**
- **The Vice Chairman of the Council**
- **The Chairman of the Committee**
- **The Vice-Chairman of the Committee.**

**The Committee may refer specific matters to the Council for a final decision if it so wishes. Meetings 5 times per year**

## **5.5 PLANNING COMMITTEE**

The **Planning Committee** shall consist of **9 Members of the Council (including the Chairman and Vice-Chairman of the Council)** with a **Quorum of 3** and shall be delegated to make decisions on behalf of the Council in the following matters:

- Consider and formulate responses to any of the following
  - Applications made to the Planning Authority for planning permission relating to land and property within the Parish e.g. Full, Outline, Reserved Matters, Listed Buildings, Regulation 4, Conservation Area, Advertising Consent and street naming. **All applications of a strategic nature shall be referred to Council**
  - Applications made to the Planning Authority for permission of an environmental nature relating to land and property within the parish e.g. tree felling, tree maintenance, Tree Preservation Orders
  - Development Plans and Revisions and all Statutory and Non-Statutory Plans at national, regional and local level, deemed to have impact on the parish
  - Street Naming
  - Any Local Authority proposals with respect to the stopping up, diversion, maintenance or creation of public rights of way within the Parish
  - Local Authority Planning Enforcement with respect to breaches in planning control/policy
  - Any Highway Authority proposals with respect to highways and traffic regulation orders.
  - Responses to the Government's Planning Inspectorate and other appropriate bodies either in support of or against planning and enforcement appeals made by the owners and developers of land and property and if considered appropriate authorise the attendance of members and officers and the engagement of professional representation at Local Inquiries and Hearings into such appeals
  - Licensing Matters
  - To consider the Strategic Planning agenda, if appropriate
  - Affordable Housing and allocation policy
  - Develop design guide for developments in the Parish if appropriate.
  - Any other matter which may be delegated to it by the Council from time to time
  - Simple Plans: Comments to the local planning authority on simple plans with no objections from neighbouring residents can be made by the Clerk, or in the Clerk's absence, the Assistant Clerk, under delegated powers without calling a Planning Committee meeting. Such delegation to be exercised after consultation with the Chairman or Vice-Chairman of the Planning Committee.

**The Committee should appoint portfolio holders and co-opted members if appropriate.**

**The Committee may refer specific matters to the Council for a final decision if it so wishes. Meetings – every three weeks**

## **6 URGENT MATTERS**

- 6.1 In the event of any matter arising which requires an urgent decision notwithstanding delegated powers granted by paragraph 2.2.4 above, the Parish Clerk shall forthwith consult with any two of the Chairman and Vice-Chairman of the appropriate Committee (and also with the Chairman and Vice-Chairman of the Finance Committee if the matter involves expenditure not provided for in the annual budget) and those Members so consulted together with the Parish Clerk shall have

delegated power to act on behalf of the Council in respect of the particular matter then under consideration.

- 6.2 Before exercising the delegated powers granted by paragraph 6.1 above, those Members consulted shall consider whether the matter is of sufficient interest to justify the summoning of an Extra-Ordinary Meeting of the appropriate Committee and where a meeting is so summoned the Committee concerned shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
- 6.3 Before exercising the delegated powers granted by paragraph 6.1 above, the Committee concerned shall consider whether the matter is of sufficient importance to justify recommending to the Chairman that an Extra-Ordinary Meeting of the Council should be called.
- 6.4 Whenever such action is taken, full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next available meetings of the Committee concerned and of the Council.

**Each Committee may refer specific matters to the Council for a final decision if it so wishes**

## **7. OTHER COMMITTEES**

- 7.1 There are no other Committees but they may be formed by resolution of the Council at any time and delegated powers may be decided upon at the time the Committee is formed by means of a Minute detailing the Terms of Reference.

## **8. WORKING GROUPS/PARTIES**

- 8.1 Working Groups/Parties may be formed by resolution of the Council or a Committee at any time. The work of such a Working Group/Party will be decided upon at the time it is formed by means of a Minute detailing the Terms of Reference. Each Working Group/Party will report back with recommendations to the Council or the Committee that formed it.
- 8.2 Appointment shall be as agreed at the time by elected members

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