



# SCHEME OF DELEGATION

### INTRODUCTION

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

### LEGAL POSITION

#### Responsible Financial Officer

The Clerk to the Council shall be the Responsible Financial Officer and shall be responsible for the Council's accounting procedures, in accordance with the Accounts and Audit Regulations in force.

#### Proper Officer

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

- Receive declarations of acceptance of office.
- Receive and record Members' Registers of Interest.
- Receive and grant Disclosable Pecuniary Interest (DPI) dispensations; details of all dispensations received and granted to be reported to the Council, at the next available meeting.
- Receive and retain plans and documents.
- Sign notices or other documents on behalf of the Council.
- Receive copies of By-laws made by a Principal local authority.
- Certify copies of By-laws made by the Parish Council.
- Prepare agendas, consulting with Chairman of Council or Committee (as appropriate) wherever possible, before distribution.
- Sign summons to attend meetings of the Council.
- Respond to requests made under the Freedom of Information/Environmental Information Regulations legislation.
- Arrange and call all meetings of the Council and its Committees

The Clerk to the Council has the delegated authority to undertake:

- Day to day administration of services, together with routine inspection and control.
- Day to day supervision and control of any staff employed by the Council including agency.
- Authorisation to call extra meetings of any Committee as necessary, having consulted with the Chairman of the Council and/or the Chairman of the appropriate Committee.
- To respond immediately to any correspondence, requiring or requesting information or relating to previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its Committees.
- Emergency expenditure up to £3,000 outside of the agreed budget (Financial Regulation 3.5).
- Communication with media.
- Administration of website and facebook.
- Administration of MailChimp.

### Council



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The following matters are reserved to the Council for decision, however the appropriate Committee(s) may make recommendations for the Council's to approve.

1. Setting the Precept.
2. Borrowing money.
3. Approval of the Council's Annual Accounts and completion of the Annual Return.
4. Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
5. Making, amending or revoking By-laws.
6. Making of Orders under any statutory powers.
7. Approval and adoption of matters of principle or policy, including Mission Statements and precept level.
8. Nomination and appointment of representatives of the Council to any other authority, organisation or outside body (excluding conferences, events or meetings)
9. Any proposed new undertakings.
10. Prosecution or defence in a court of law.
11. Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.
12. Matters relating to the Council's Code of Conduct
13. Matters relating to the Council's Complaints Procedure.
14. Approval of Special Dispensations (for a Member's non-attendance due to health or personal reasons).
15. Matters relating to Councillor Vacancies.
16. Approval of wreaths and co-ordination of representation at annual Remembrance Sunday services.
17. Approval of annual schedule of meetings.
18. Matters relating to legislative changes and other allied consultations, having an impact on the Council.
19. Approval of virements from one delegated Committee to another (although virements within a Committee Budget heading can be approved by Finance & Management Committee following recommendations from other another committee).
20. Matters relating to the General Power of Competence.
21. Matters relating to employment contracts and recruitment.

### **Committees**

The **Finance and General Purposes Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

1. Approval of its Minutes as true and correct records.
2. The Committee shall keep under review and advise the Council as necessary on the arrangements for the efficient control and management of the Council's financial affairs and on the financial standing of the Council.
3. To keep under review and advise Council as necessary on external financial regulations as they relate to Council affairs.
4. To keep under review and advise the Council as necessary on official control of the Council's insurance arrangements.
5. To consider annual estimates of income and expenditure, including the provision for capital expenditure and make recommendations to Council. The committee shall recommend to the Council the Precept to be levied for the ensuing year.



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6. To consider and propose the annual budget of the Council and to keep under review
7. To report and recommend to Council any significant virement between budget heads.
8. To keep under review any capital spending needs of Council.
9. To advise Council on actions to secure the future wellbeing of the Council's assets.
10. To receive proposals from other committees that have significant financial implications on the Council and to advise the committee and subsequently Council on such proposals before implementation.
11. To advise Council of debt write-offs.
12. To keep under review arrangements for securing value for money and safeguarding assets.
13. To consider, report and advise Council on the release of funds from reserves.
14. To consider any grant applications and make recommendations to the Council
15. To advise Council on any such matters as Council may, from time to time, remit to it.
16. To consider and report to Council on any proposed purchase or sale of property.
17. To recommend to Council a Risk Management Strategy and to review the risk management strategy annually.
18. To annually appoint Internal auditor
19. To consider the Internal and external Audit and act upon any recommendations and advise the Council on any matters
20. To review its Terms of Reference at least annually.
21. To review the Financial Regulations annually and report to the Council any recommendations for changes.
22. All matters relating to Freedom of Information/Environmental Information Regulations, Data Protection and Management/Retention of Documents.
23. All matters relating to the financial management of the Council's investment of income and other banking arrangements.
24. Approval of expenditure on items included in the approved Committee budget up to the amount specified in the budget in accordance with Financial Regulations.
25. Subscriptions (and review thereof).
26. Emergency Planning.
27. Approval of the provision and management of Information and Communication Technology equipment and systems.
28. Management of the Council's tenancies, rent reviews and tenancy agreements.
29. Policy formulation or changes.

The following matters are reserved to the Council for decision, but the Committee may make recommendations:

30. The Committee's budget each financial year.
31. Any funding required outside of, or above, the set budget in any given financial year.
32. Formulation of budget policy for presentation to Council.
33. Formulation of forward planning and strategy.

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

The **Facilities Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

1. Approval of its Minutes as true and correct records.
2. To advise Council on any such matters as Council may, from time to time, remit to it.



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3. The Facilities Committee shall be empowered to approve expenditure in respect of the maintenance, enhancement, management and regulation of the facilities, subject always to the following proviso:
  - Any single item of expenditure (including VAT and any aggregated stage payments) in excess of £3,000, any project budget in excess of £3,000, or any contract, order or agreement leading to such expenditure, shall be subject to approval by full Council unless it has already been provided for by way of an agreed maximum approved by full Council.
4. The Committee shall be empowered to act on behalf of the Council in respect of tenders, quotations, contracts (excluding contracts of employment) and appointment of contractors relating to the maintenance, enhancement, management and regulation of the facilities, subject always to the expenditure restrictions outlined above, and to compliance with the relevant Standing Orders and Financial Regulations.
5. Provided full Council has approved the maximum amount and purpose of the expenditure, approval of a quotation or tender, or appointment of a contractor, shall be at the discretion of the Facilities Committee.
6. The Committee shall be empowered to:
  - Determine fees and charges to be charged by the Council in respect of its facilities and services
  - Recommend amendments to Council for the byelaws and regulations for its facilities and services
  - Determine the conditions of hire and lease of Council's facilities and service
  - Develop policy documents relating to the Council's facilities and services.
7. The Committee shall be empowered to approve risk assessments relating to the Council's facilities and services carried out by the Clerk/RFO or external professionals.
8. Policy formulation/changes
9. To conduct an annual review of Council contracts.

The following matters are reserved to the Council for decision, but the Committee may make recommendations:

9. The Committee's budget each financial year.
10. Any funding required outside of, or above, the set budget in any given financial year.

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

The **Planning Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

1. Approval of its Minutes as true and correct records.
2. To advise Council on any such matters as Council may, from time to time, remit to it.
3. The Committee has delegated authority to submit comments on all planning matters to include planning applications, consultations, village matters but excluding matters relating to the Solihull Local Plan and the Neighbourhood Development Plan.
4. To consider all applications for planning approval and respond with observations to the Planning Authority.
5. To consider and respond to all notifications under the various licensing Acts
6. To consider and respond to all applications for planning approval, listed building consent, advertisement consent, and other approvals.



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7. To consider and respond to any notifications to the Parish Council relating to licence notifications under the Telecommunications Act 1984.
8. To consider applications to the relevant licensing authority in respect of all matters contained in the Licensing of Premises Act and respond on the Council's behalf
9. To consider and respond to any consultation that is connected with Planning but excluding matters relating to the Solihull Local Plan and the Neighbourhood Development Plan.
10. To consider and respond to any proposals for development that will affect the Parish but excluding matters relating to the Solihull Local Plan and the Neighbourhood Development Plan.

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

The **Neighbourhood Development Plan Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

1. Approval of its Minutes as true and correct records.
2. To advise Council on any such matters as Council may, from time to time, remit to it.
3. To produce a sound NDP for the parish of Balsall that defines the planning policy priorities identified by the community, taking into account all representations made during the plan-making process and having regard to existing plans and evidence. The plan shall take full account of the provisions of the current National Planning Policy Framework (NPPF) and the Solihull Metropolitan Borough Council Local Plan.
4. Investigate and identify support for the Neighbourhood Development Plan (NDP).
5. Liaise with relevant authorities and organisations particularly Berkswell Parish Council, to make the NDP as effective as possible.
6. Be the locally accountable and representative lead for plan making.
7. Regularly report back to the Parish Council on progress, issues arising and outcomes.
8. Set up Sub- Committees with delegated responsibilities and Working Groups to complete tasks on particular themes.
9. Develop and deliver a community involvement and engagement plan to identify ways of involving the whole community and gather the views and opinions of as many individuals, groups, organisations and businesses in the community as possible.
10. NDP Committee will not deal with non-planning issues however suggestions falling outside the remit of the Plan will be identified for the future. Higher level planning issues will be referred to the Local Plan Working Group.
11. Take responsibility for project planning, budgeting and monitoring expenditure.
12. Secure sources of funding.
13. Engage such professional support as is necessary.
14. Ensure the collation and analysis of the consultation feedback is in accordance with the Data Protection Act.
15. Approval of expenditure on items included in the approved Committee budget up to the amount specified in the budget in accordance with Financial Regulations.

The following matters are reserved to the Council for decision, but the Committee may make recommendations:

16. The Committee's budget each financial year.
17. Any funding required outside of, or above, the set budget in any given financial year.



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

The **Staffing and Communications Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

1. Approval of its Minutes as true and correct records.
2. To advise Council on any such matters as Council may, from time to time, remit to it.
3. Communications Policy including a digital communications strategy
4. Recommendations on policy formulation/changes

The following functions are delegated to the Staffing Sub-Committee:

5. Approval of its Minutes as true and correct records.
6. To advise Council on any such matters as Council may, from time to time, remit to it.
7. Complaints procedure
8. HR strategy
9. Development and review of HR policies and procedures
10. Staffing levels and structure
11. Job descriptions/person specifications
12. Staff vetting
13. Staff recruitment and selection
14. Staff retention
15. Determining or reviewing staff conditions of service and general terms of employment
16. Salary grading and pay
17. Leave entitlements including annual holiday, sickness, statutory entitlements and special leave
18. Salary reviews
19. Staff pension provision
20. Special conditions relating to a specific post or individual
21. Allowances, expenses and subsistence
22. Working hours
23. Sickness absence management
24. Trade union membership
25. Staff performance review/appraisals
26. Operation of the Council disciplinary, grievance, grading and appeal procedures
27. Operation and review of the equality and equal opportunities policy
28. Operation and review of the health and safety policy
29. Make appropriate recommendations to the Council and/or Staffing and Communications Committee for ratification
30. Approval of expenditure on items included in the approved Committee budget up to the amount specified in the budget in accordance with Financial Regulations.
31. Recommendations on policy formulation/changes

Staffing Sub-Committee or Staffing and Communications Committee may also make recommendations relating to:

32. Conditions of Service
33. The Committee's budget each financial year.
34. Any funding required outside of, or above, the set budget in any given financial year.



**The Committee and Sub-Committee may refer specific matters to the Council for a final decision if they so wish.**

### **Sub-Committees**

- The Council's Standing Committees can appoint any Sub-Committee.
- Any powers delegated to a Sub-Committee must be detailed at the time the Sub-Committee is formed by means of a minute detailing the Terms of Reference and such delegated powers must be approved by the Council.

### **Working Groups**

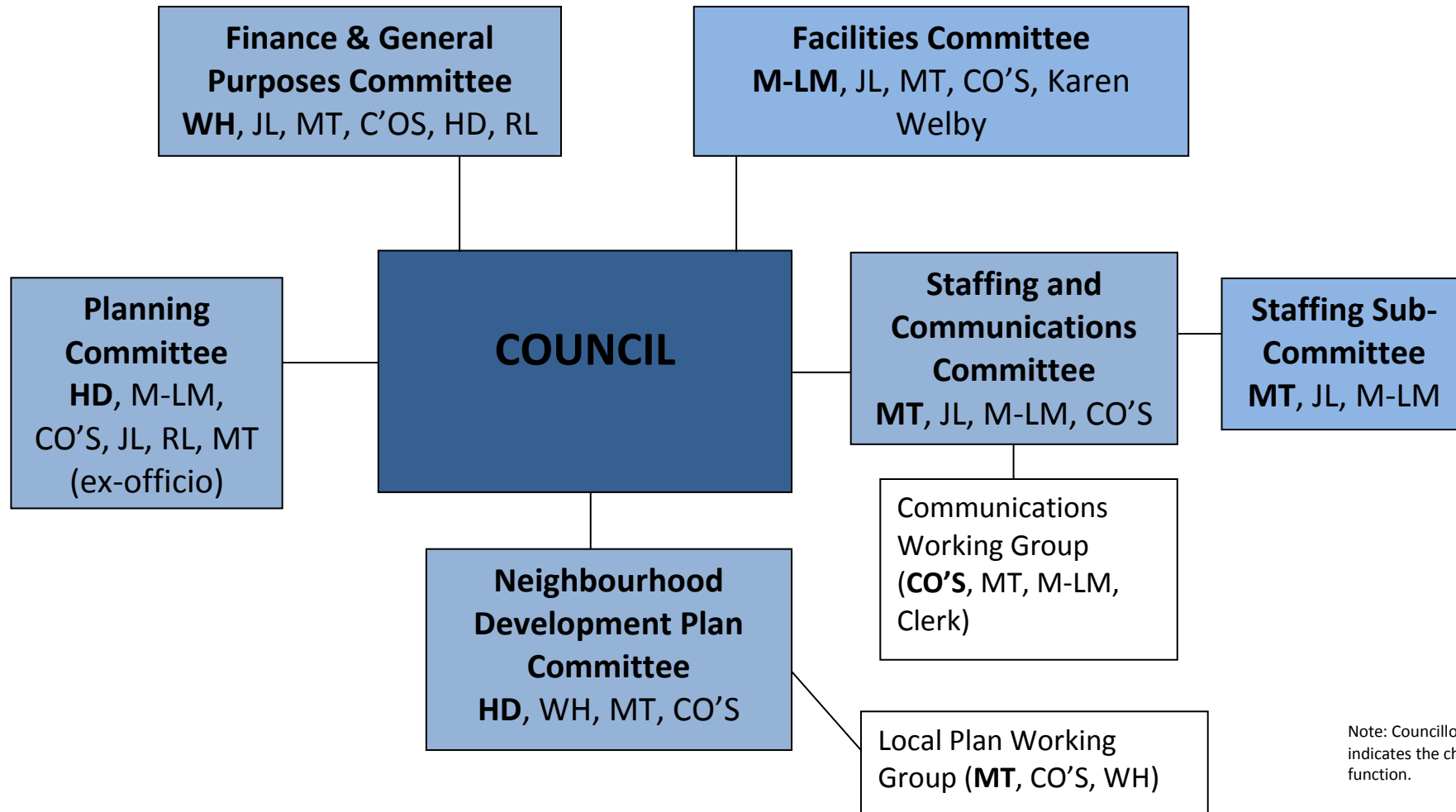
- Working Groups may be formed by resolution of the Council or a Committee at any time.
- Working Groups have no delegated powers.
- Working Groups should be time/task limited.
- The work of such a Working Group will be decided at the time it is formed by means of a minute detailing the Terms of Reference.
- Each Working Group will report back with recommendations to the Committee that formed it or to the Council.

**Council, Committees and Sub-Committees shall act in accordance with the Balsall Parish Council approved Standing Orders, Financial Regulations and this Scheme of Delegation.**



# Balsall Parish Council

## Balsall Parish Council, Committee and Working Group Structure and membership



Note: Councillor initial in bold indicates the chair of that function.