

Modbury Parish Council

Scheme of Delegation and Link Councillors for Other Organisations

Adopted by Modbury Parish Council

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1. Introduction

The Local Government Act 1972, section 101, gives a parish council power to delegate decisions to a committee or the clerk, being the council's proper officer. Modbury Parish Council (MPC) recognises that it has a responsibility to ensure the effective running of the Council and its services. In order to achieve this, some delegated functions and responsibilities have to be made and will be outlined within this scheme of delegation. The Council is committed to efficient working practises which minimise the impact on the local ratepayers and so this scheme has been tailored to try and balance control measures with effectiveness.

2. Objectives

The policy aims to:

- Further clarify the roles and delegated responsibilities of the clerk, members and committees
- Ensure adequate control measures are in place to protect the Council's finances
- Ensure the Council is acting in accordance with the Audit and Accounts Regulations.

3. General Delegations

3.1 Responsible Financial Officer

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. The Clerk may obtain advice and guidance from external professionals (which may bear a cost) in order to ensure this is achieved effectively.

3.2 Proper Officer

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

- Receive declarations of acceptance of office
- Receive and record notices disclosing personal interests
- Receive and retain plans and documents
- Sign notices or other documents on behalf of the Council
- Receive copies of bylaws made by a principal local authority
- Certify copies of bylaws made by the Council
- Sign summons to attend meetings of the Council
- Seal documents, deeds, contracts and agreements following a resolution to do so from Council

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

- Day to day administration of services, together with routine inspection, control and compliance
- Authorisation to call any extra meetings of the Council or any Committee as necessary, having consulted with the Chair of the Council or the appropriate Committee

- Authorisation 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 one of its Committees
- Authorisation of routine recurring expenditure within the agreed budget
- Emergency expenditure identified in Financial Regulation 4.5
- Authorisation of expenditure on works identified in Financial Regulation 4.1

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

3.3 Council

The following are reserved matters for the Council to decide (the appropriate Committee(s) may make recommendations for the Council's consideration)

- Appointment of the Parish Clerk / RFO following a recommendation from the Finance and HR committee
- Setting the Precept
- Borrowing money
- Approval of the Council's Annual Accounts and the Annual Return
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
- Nomination and appointment of representatives of the Council to any other authority, organisation or body
- Any proposed new undertakings (following a recommendation from the Clerk or a committee)
- Responses to legislative and other allied consultations
- Appointment of standing committees or other committees as may be necessary and determination of the terms of reference

3.4 Delegated Committees

3.4.1 To take responsibility for specific aspects of Parish Council business, build knowledge, experience and expertise in the Committee's subject, enabling Committee Chairs to present proposals and recommendations for the full Council to vote on and to answer any questions.

Where defined, (eg: single dwelling planning applications) to have delegated authority to make binding decisions if ratified by Council.

3.4.2 Where required, to have delegated authority to purchase goods and/or services up to £5,000 solely for the purpose of executing the Committee's function, providing such expenditure was part of the approved annual budget. Once 50% of that budgeted expenditure is reached, further expenditure would require authorisation by the Finance /HR Committee. (The single exception to the above is the Emergency Plan Team whose work may necessitate unplanned expenditure on goods and services in order to manage the emergency.)

3.4.3 To delegate tasks and activities to working groups or sub-committees where appropriate.

3.4.4 Committees require at least 3 Council members to be quorate and must be chaired by a Parish Councillor.

3.4.5 Non-parish councillors can be co-opted onto committees but do not have voting rights.

3.4.6 The frequency and location of meetings shall be determined by the Committee Chair

3.4.7 Committee meetings are open to the public and therefore require an agenda to be published one week prior to the meeting

3.4.8 Minutes are required and must be circulated to Parish Council Members and posted on the Council's website

3.4.9 Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee

3.4.10 Can delegate its responsibilities to the clerk

3.5 Advisory Committees

3.5.1 Have no delegated responsibility

3.5.2 To delegate tasks and activities to working groups or sub-committees where appropriate.

3.5.3 Committees require at least 3 Council members to be quorate and must be chaired by a Parish Councillor.

3.5.4 Non-parish councillors can be co-opted onto committees but do not have voting rights.

3.5.5 The frequency and location of meetings shall be determined by the Committee Chair

3.5.6 The clerk need not attend

3.5.7 Committee meetings are open to the public and therefore require an agenda to be published one week prior to the meeting by the Chair of the Committee

3.5.8 Minutes are required and must be circulated to Parish Council Members and posted on the Council's website

3.6 Sub-Committees

3.6.1 Are appointed by the committee and is made up of members of that committee

3.6.2 Terms of reference are defined by the committee and must be within the responsibilities of the parent committee.

3.6.3 Can delegate its responsibilities to the clerk

3.6.4 Meetings are not tied to statutory notice periods

3.7 Working Groups

3.7.1 Are not formally appointed by the council and are not legally bound as are committees, but do have terms of reference

3.7.2 Can bring in specialists without formal appointment.

3.7.3 Meetings are not tied to statutory notice periods

3.8 The following delegated committees and their respective sub-committees and working groups currently undertake the delegated work of MPC:

3.8.1 Maintenance Committee (Delegated)

Cllrs Phil Smith (Chair), Bill Cole, Sarah Wyatt and Barbara Price

Terms of Reference:

- Liaise with The Emergency Plan Lead
- Maintain non arterial roads, pedestrian walkways and public spaces in good and usable condition.
- Arrange and monitor grass cutting by the appointed contractor.
- Identify maintenance issues in the parish and commission repairs when required up to a value of £5,000 in accordance with the financial regulations 10 and 11 and within the revenue budgets for the following budget lines:

4425	Allotments
4440	Millenium Meadow
4445	Parish Paths
4450	Parking
4500	Grass Cutting
4505	Maintenance

Once 50% of that budgeted expenditure is reached, further expenditure would require authorisation by the Finance /HR Committee

- Schedule and monitor work required by the maintenance contractor

- Maintain play equipment at Champernowne, Palm Cross and Memorial Hall play parks, including fences and gates in the latter.
- Chair liaises with Parish Paths Partnership Group
- Meets bi-monthly or as special circumstances require

• **3.8.1.1 Parish Paths Partnership Working Group (Grant funded)**

Co-ordinator – Adam Slater. John Burt and Alastair Proctor

Terms of Reference:

- Identify maintenance, repair and access issues on Modbury's footpaths and liaise with Maintenance Committee and/or Parish Council on their resolution
- Liaise with neighbouring parishes on footpath connectivity
- Represent Modbury at P3 meetings and report back

3.8.1.2 Emergency Plan

Lead Councillor – Sarah Wyatt

3.8.2 Community Engagement Working Group

Cllrs Barbara Price (Chair), Tony Price, Ann Turner, Sarah Wyatt

Terms of Reference:

- Responsible for communication of the Council's policies, actions and activities to the local community via print, online and other media where relevant
- Manage the Council's website and social media accounts
- Lead on council events to engage with the wider community of Modbury

3.8.2.1 Town Centre Working Group

Cllrs Sarah Wyatt (Lead), Ann Turner and Catherine Gillen and Alison Whitney

Terms of Reference:

- To ensure that the town remains a great place to live with diverse and accessible services and facilities for local people and visitors
- To develop a strategy that enables all residents and businesses to build on the strengths of our community
- To address the impact of growing economic uncertainty within trades and business in our town centre, taking account of changes in shopping habits and to support local trade and business to develop and thrive
- To liaise with any external groups providing support and advice on development of local community shopping and trading areas
- To assess opportunities for creating a 'brighter Modbury' with the widest possible involvement of local people, local groups, traders and businesses.
- To build on Modbury's strengths and networks to enable continuous development of our town centre and everything it offers for residents and visitors; and to encourage and promote more opportunities for tourism and trade in our town

Limitations

- All traders or businesses will be supported equitably, and it is the intention that no business or trade will gain advantage from the work of this group over another
- No responsibility for providing financial support or advice other than signposting local business and traders to existing funding streams and support
- All members will abide by the Terms of Reference and act in accordance with the Modbury Parish Council Volunteer Policy
- All proposals should meet the requirements and aspirations as set out in the Modbury Neighbourhood Plan

3.8.2.2 Speed Awareness Group

Lead Councillor Tony Price

3.8.3 Finance and Human Resources Committee (Delegated)

Cllrs Richard Foss, Barbara Price, Tony Price, Phil Smith,

Terms of Reference:

- Propose the Council's budget for the year and the precept
- Monitor ongoing expenditure against budget and report to Council accordingly
- Check quarterly on payments, receipts, vat returns, and undertake regular audit trail checks.
- Ensure all relevant financial regulations are adhered to in conjunction with the Parish Clerk.
- Liaise with Auditors for annual audit.
- Purchase the required insurance cover via competitive tender
- Delegated powers to approve expenditure up to £5,000 (ex vat) within the revenue budget for that class of expenditure
- Ensure all relevant employment regulations are adhered to
- Provide regular supervision sessions for the clerk
- Undertake the annual appraisal of the clerk
- Recruitment and training of volunteers

3.8.4 Sustainability Working Group

Cllrs Ann Turner (Chair), Barbara Price, Dave Trigger and Sarah Wyatt and Helen Nathanson

Terms of Reference

- To support and highlight the organisations and businesses in the parish which are working to tackle climate change and habitat loss and provide hints and tips for residents and organisations who want to do their bit.
- To report monthly to PC meetings.
- To act in an advisory capacity to the Parish Council.
- To liaise with other Parish Councils and consult with other organisations.

3.8.5 Planning (Delegated)

Cllrs Ann Turner (Chair), Richard Foss, Barbara Price and Tony Price

Terms of Reference

1. To consider Planning Applications as they arise and make formal recommendations on them when time does not permit consideration by full Parish Council.
2. This Committee has authorisation to delegate members to attend site meetings as is deemed necessary.
3. To adhere to the procedural guidelines to ensure parity and consistency when considering all planning applications:

4. Urgent matters

4.1 In the event of any matter arising which requires an urgent decision, the Parish Clerk shall consult with the Chair of Council (or if more appropriate the Chair/Vice Chair of the respective committee) before acting on behalf of the Council in respect of the particular matter then under consideration. If, for whatever reason, the Chair cannot be reached, then the consultation made with the Vice Chair shall be sufficient.

4.2 If, for whatever reason, both the Chair/Vice-Chair (or committee Chair/Vice Chair) cannot be contacted by all reasonable means of communication, then the Clerk is authorised to exercise their judgement and proceed if the matter is of such an urgent nature that timing is critical.

4.3 Before the Clerk exercises the delegated powers granted by the above paragraph, those Members consulted shall consider whether the matter is of sufficient:

- interest to justify the summoning of a Special 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 Scheme of Delegation in respect of the particular matter then under consideration.
- Before exercising the delegated power granted by the above paragraph, the Chairman and Vice-Chairman of the Committee concerned shall consider whether the matter is of sufficient importance to justify recommending to the Chair of Council that a Special Meeting of the Council should be called.
- Whenever any action is taken in this way, full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next available meeting of the Committee concerned and of the Council.

5. Representation on Other Bodies

Data Protection	Tony Price
Memorial Hall	Sarah Wyatt
IDALC	Barbara Price
Modbury Education Foundation	Barbara Price
Millenium Meadow	Phil Smith
Modbury Sick Poor Charities	Barbara Price
Four Rivers Dementia Alliance	Barbara Price
Modbury Allotments Association Liaison	Barbara Price, Ann Turner
Town Improvement Charity	Bill Cole Sarah Wyatt
Police Liaison	Tony Price
Salcombe, Kingsbridge and Modbury Chamber of Commerce	Sarah Wyatt