



Horsmonden Parish Council

Scheme of Delegation and Terms of Reference for Committees and Officers

Adopted: 2 May 2023

This Scheme of Delegation and Terms of Reference sets down how decisions are made by Horsmonden Parish Council.

Legal Context

Under s101 (1), (5) and (6) of the Local Government Act 1972, a parish or town Council may arrange for any of its functions to be discharged by a committee, sub-committee or officer.

The purpose of this document

This Scheme of Delegation and Terms of Reference sets down how decisions are made by Horsmonden Parish Council and which committees and officers are responsible for certain decisions and budgets.

Introduction

1. Pursuant to s101 (1), (5) and (6) of the Local Government Act 1972, Horsmonden Parish Council has arranged for certain functions to be discharged by its committees and the Parish Clerk.
2. Decisions are delegated to committees and officers to expedite the efficient delivery of the Council's functions.

Matters reserved to the Full Council

3. The following matters are reserved to the Council for decisions, notwithstanding that the appropriate committee(s) may make recommendations for the Council's consideration.
 - a. Setting the Parish Precept and adopting the Budget.
 - b. Approving any virement between budgets (excluding the Council's Reserves budgets).
 - c. Borrowing money.
 - d. Setting fees and charges.
 - e. Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
 - f. Making, amending or revoking by-laws.
 - g. Making of orders under any statutory powers.
 - h. Matters of principle or policy.

- i. Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings).
- j. Any proposed new undertakings.
- k. Prosecution or defence in a court of law.
- l. Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.
- m. The adoption of a Neighbourhood Plan.
- n. Appointment or dismissal of the Clerk or Assistant Clerk.

Committees in general

4. The Council has established the following committees for the purposes of efficient decision-making:
 - a. Finance Committee.
 - b. Planning Committee.
 - c. Personnel Committee.
5. Certain functions shall be common to all committees:
 - a. To recommend items for the Council's budget and expenditure for future commitments.
 - b. To keep under review those matters within its Terms of Reference including the policies and procedures adopted by the Council.
 - c. To expedite decisions in accordance with the Council's ambitions and objectives.
 - d. The Committee has the right to identify issues that will be dealt with at the full meeting of the Parish Council.

Finance Committee

6. The Finance Committee shall have the following delegated functions:

Financial Responsibilities

- To oversee the investment strategies of the Parish Council.
- Recommend an annual budget and precept for the Council.
- To manage reserves in accordance with the Council's agreed Reserves Policy.
- Monitor income and expenditure against budget and take/recommend appropriate action to the Council or committees.
- Consider requests to transfer, where necessary, the reserve budgets to other budget headings.
- Undertake financial risk analysis annual and review the Council's insurance arrangements to ensure the Council is adequately insured.
- Receive and review Audit Reports and ensure the implementation of any recommendations.

Risk Assessment/Management

- Assess the Council's risk and make recommendation to full council regarding strategies and management to minimise these risks.
- Assess the Council's insurance cover and ensure that all necessary information is gathered from third parties to ensure adequate and appropriate insurance cover is being received and that all material facts are disclosed to the Council's insurers.

The Planning Committee

7. The Planning Committee shall have the following delegated functions:
 - To consider all planning aspects of development within the Parish.

- To decide the council's responses to consultations on planning applications from Tunbridge Wells Borough Council.
- To make recommendation to the council on statutory and non-statutory planning policy documents.
- To respond to any consultation documents relating to planning policies.
- To select from its membership a person or persons to represent the Council at site meetings and public enquiries to represent the Council's previously agreed views.

The Personnel Committee

8. The Personnel Committee shall have the following delegated functions:
 - To consider the Council's staffing structure.
 - To recommend job descriptions of staff for full council approval, as necessary.
 - To consider the deployment, welfare, superannuation, remuneration, recruitment, training, qualifications, health and safety aspects and other conditions of service of all employees.
 - To ensure that an annual appraisal for staff takes place by members of the committee.
 - To determine and recommend the establishment and grading of employees for the agreement/administration of the Council.
 - To recommend staff salaries/pensions or other benefits to be approved by the Full Council.
 - To deal with recruitment of Council staff as necessary.
 - To hear and determine matters of discipline and efficiency.
 - To negotiate and consult with representatives of the Council's employee(s).

The Parish Clerk and Responsible Financial Officer

9. The Responsible Financial Officer to the Council shall be responsible for the Parish Council's accounting procedures in accordance with the Accounts and Audit Regulations.
10. The Parish Clerk shall be the Proper Officer of the Council and, as such, is specifically authorised to:
 - a. To receive declarations of acceptance of office.
 - b. To receive and record notices disclosing personal and prejudicial interests.
 - c. To receive and retain plans and documents.
 - d. To sign notices or other documents on behalf of the Council.
 - e. To receive copies of by-laws made by the Borough Council.
 - f. To certify copies of b-laws made by the Council.
 - g. To sign summonses to attend meetings of the Council.
11. In addition, the Parish Clerk has the delegated authority to undertake the following matters on behalf of the Council:
 - a. The day-to-day administration of services, together with routine inspection and control.
 - b. Day-to-day supervision and control of all staff employed by the Council.
 - c. Authorisation of routine expenditure within the agreed budget
 - d. Emergency expenditure as outlined in section 17 below.
12. The 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.

Other Committees, sub-committees and working parties

13. Other standing committees and sub-committees 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.
14. 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.
15. Each working group/party will report back with recommendations to the Council or the committee that formed it.

Urgent Matters

16. In the event of any matter arising which requires an urgent decision, the Parish Clerk shall consult with the Chair and Vice Chair of the Council, and with the concurrence of those member(s) shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
17. In the event of an emergency situation where a meeting of the Council cannot be called in time to make a decision, the Clerk, in consultation with the Chair and Vice Chair, will have the power to spend up to £5000 as necessary, as well as having the power to accept and receive monies on the Council's behalf.
18. Before exercising the delegated powers granted by paragraph 16. above, the Parish Clerk and those members consulted, shall consider whether the matter is of sufficient importance to justify the summoning of a special meeting of the Council in respect of the particular matter then under consideration.
19. Any action taken under this Standing Order must be recorded in writing and made available for inspection by any member of the Council. 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 Council.

Delegation – Limitations

20. Committees and sub-committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other policies, rules, regulations, schemes, statutes, by-laws or orders made, and with any directions given, by the Council.