



HOLME VALLEY

PARISH COUNCIL

Scheme of Delegation

Revisions:

- 1516_01 - Amendments due to revised Committee Structures – approved and adopted by Council on 8 February 2016
- 1516_02 - Further revision re Local Council Award Scheme (full Council must confirm that all criteria met) – 21 March 2016
- 1617_01 – Approved and adopted at Annual Council Meeting – 16 May 2016
- 1617_02 – CASC Section Amended and delegated authority to Working/Steering Groups regarding meetings – Council – 20 June 2016
- 1617_03 – New Holmfirth Public Conveniences Committee added and scope of CASC delegated authority extended – Council – 7 November 2016
- 1718_01 – Reviewed at Annual Council Meeting – 15 May 2017 (revisions agreed re merging of CASC & HPCC)
- 1718_02 – Revisions approved and adopted – Council – 5 June 2017

Scheme of Delegation

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

1. Responsible Financial Officer

The Clerk to the Council 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.

2. Proper Officer

2.1 The Clerk to the Council 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 Members' Registers of Interest.
- 2.1.3 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.
- 2.1.4 Receive and retain plans and documents.
- 2.1.5 Sign Notices or other documents on behalf of the Council.
- 2.1.6 Receive copies of By-laws made by a Primary local authority.
- 2.1.7 Certify copies of By-laws made by the Council.
- 2.1.8 Prepare agendas, consulting with Chairman of Council or Committee (as appropriate) wherever possible, before distribution.
- 2.1.8 Sign summons to attend meetings of the Council.
- 2.1.9 Respond to requests made under the Freedom of Information/Environmental Information Regulations legislation.
- 2.1.10 Arrange and call all meetings of the Council and its Committees (but not necessarily Working/Steering Groups)

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

- 2.2.1 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 to call any extra meetings of the Council or any Committee as necessary, having consulted with the Chairman of the Council and/or the Chairman of the appropriate Committee.

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- 2.2.4 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 its Committees.
 - 2.2.5 Authorisation of routine recurring expenditure within the agreed budget.
 - 2.2.6 Emergency expenditure up to £2,000 outside of the agreed budget (Financial Regulation 3.5).
 - 2.2.7 Authorisation of expenditure on works to individual seats and shelters up to a maximum of £500 (Financial Regulation 3.5).
 - 2.2.8 Liaison with Chairman of Planning Committee and Parish Ward Councillor to provide urgent comment to Kirklees Planning Services, when the Council is notified of a planning application with a short deadline for comments (e.g. if it is an amended planning application or the Council has not been previously notified and there are no planning Committee meetings scheduled before the application is to be determined); agreed comment to be forwarded to Kirklees Planning Services and action taken to provide the comment to be reported to the next scheduled Planning Committee meeting.
- 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. 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 Precept.
 - 3.1.2 Borrowing money.
 - 3.1.3 Approval of the Council's Annual Accounts and completion of the Annual Return.
 - 3.1.4 Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
 - 3.1.5 Making, amending or revoking By-laws.
 - 3.1.6 Making of Orders under any statutory powers.
 - 3.1.7 Approval and adoption of matters of principle or policy, including Mission Statements and precept level.
 - 3.1.8 Nomination and appointment of representatives of the Council to any other authority, organisation or outside body (excluding conferences, events or meetings)
 - 3.1.9 Any proposed new undertakings.
 - 3.1.10 Prosecution or defence in a court of law.
 - 3.1.11 Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.
 - 3.1.12 Matters relating to the Council's Code of Conduct.

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- 3.1.13 Matters relating to the Council's Complaints Procedure.
- 3.1.14 Approval of Special Dispensations (for a Member's non-attendance due to health or personal reasons).
- 3.1.15 Matters relating to Councillor Vacancies.
- 3.1.16 Approval of wreaths and co-ordination of representation at annual Remembrance Sunday services.
- 3.1.17 Approval of annual schedule of meetings.
- 3.1.18 Matters relating to legislative changes and other allied consultations, having an impact on the Council.
- 3.1.19 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).
- 3.1.20 Matters relating to the Parish Charter.
- 3.1.21 Matters relating to the General Power of Competence.
- 3.1.22 Matters relating to employment contracts and recruitment.
- 3.1.23 Confirmation that criteria met for Local Council Award Scheme accreditation (although Finance & Management Committee delegated to prepare information to be submitted).

3.2 **Urgent matters:**

- 3.2.1 In the event of any matter arising which requires an urgent decision the Clerk to the Council shall forthwith consult with the Chairman and Vice-Chairman of the Council, and the appropriate Committee Chairman if the matter involves expenditure not provided for in the annual budget, and not covered by paragraph 2.2.6 (above) and Finance Regulation 3.4), before acting on behalf of the Council in respect of the particular matter then under consideration.
- 3.2.2 Before the Clerk to the Council exercises the delegated powers granted by paragraph 3.2.1 (above), those Members consulted shall consider whether the matter is of sufficient interest to justify the summoning of a Special Meeting of the Council or 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.
- 3.2.3 Before exercising the delegated power granted by paragraph 3.2.2 (above), the Committee concerned shall consider whether the matter is of sufficient importance to justify recommending to the Chairman of the Council that a Special Meeting of the Council should be called in accordance with Standing Order 18(c).

3.2.4 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 appropriate meeting of the Council.

4. Committees

4.1 The **Community Assets Support Committee** shall be delegated to make decisions on behalf of the Council in the following matters:

- Approval of its Minutes as true and correct records.
- Receive and grant DPI dispensations; details of all dispensations received to be reported back to the Council, at the next available meeting.
- Approval of expenditure on items included in the approved Committee budget up to the amount specified in the budget.
- Overseeing the completion of the Lease (Full Repairing) with Holmfirth Civic Hall Community Trust (HCHCT), with legal/professional advice sought as necessary, for HCHCT to run/manage Holmfirth Civic Hall on a day-to-day basis.
- Providing support, to an agreed budget, to organisations charged with the management of assets in community ownership run for the public benefit.
- Approval of matters relating to the day-to-day running and maintenance of Holmfirth Public Conveniences.
- Consideration and negotiations regarding any other community assets in the Valley at risk of being lost, for use by the community.
- Any other matter which may be delegated to it by the Council from time to time.

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

- The nomination of a number of Members to be appointed to the Board of Trustees of HCHCT.
- The Committee's budget each financial year.
- Any funding required outside of, or above, the set budget in any given financial year.
- Any other matter which may be delegated to the Committee by the Council from time to time.
- Policy formulation/changes.

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

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

- Approval of its Minutes as true and correct records

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- All matters relating to financial management of the Council's affairs, including the approval of monitoring reports, investment of income and other banking arrangements, but not the setting of a precept or any amount to be borrowed.
- Audit arrangements (and review thereof).
- Approval of expenditure on items included in the approved Committee budget up to the amount specified in the budget.
- Approval of payment of monthly schedule of accounts.
- Budgetary control, including approval of any virement and supplementary budget requests within the Council's agreed overall budget.
- Approval of changes to Fixed Asset Register.
- Subscriptions (and review thereof).
- Grants and Donations.
- Insurance and Risk Management (procedural matters and review thereof).
- Emergency Planning.
- Approval of matters relating to Council Office CCTV and audio recording equipment.
- Corporate Management.
- General Administration.
- Civic Activities/Local Democracy.
- Approval of matters relating to Civic Regalia and Honours' Board.
- Approval of the provision and management of Information and Communication Technology (ICT), including replacement of outdated equipment and purchase of new equipment within the approved Budget.
- Management of the Council's tenancies, rent reviews and tenancy agreements.
- Managing, maintaining and monitoring the demand and availability for the tenanted sites (Holme allotments and garage plots).
- Approval of tendering and selection of contracts, e.g. public clock service contract.
- Management of six public clocks.
- Representative attendance at conferences and events by Councillors and Officers.
- All matters relating to Freedom of Information/Environmental Information Regulations, Data Protection and Management/Retention of Documents.
- All matters relating to Statement of Intent on Training (including approval of any Councillor/Officer induction/training (although Officer training can also be approved by Staffing Committee, where training needs identified through Staff Development Review process)).
- All matters relating to the preparation of information on the Council's accreditation to the Local Council Award Scheme (except confirmation that the criteria has been met, which must be a full Council decision).
- Any other matter which may be delegated to it by the Council from time to time.

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

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- The Committee's budget each financial year.
- Any funding required outside of, or above, the set budget in any given financial year.
- Formulation of budget policy for presentation to Council.
- Formulation of forward planning and strategy for presentation to Council.
- Democratic Representation.
- Civic and Ceremonial.
- Policy formulation/changes.
- Confirmation that criteria met on Local Council Award Scheme accreditation.

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

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

- Approval of its Minutes as true and correct records.
- Receive and grant DPI dispensations; details of all dispensations received to be reported back to the Council, at the next available meeting.
- Approval of expenditure on items included in the approved Committee budget up to the amount specified in the budget.
- To comment on planning applications received from the Local Planning Authority (Kirklees Council) and the Peak District National Park Authority.
- Planning enforcement issues.
- Conservation Area appraisals.
- Street Naming, depending on deadlines.
- Licensing Matters.
- To comment on behalf of the Council on Local Plans, Structure Plans, Mineral Plans, Waste Plans, Regional Plans and any other Plans or Studies as considered appropriate.
- To co-ordinate the production, with the community, of the Holme Valley Neighbourhood Plan.
- Approval of tendering and selection of contracts, e.g. consultants to advise on Neighbourhood Plan.
- To comment on behalf of the Council in response to any consultations in relation to footpath diversions, modifications or adoptions, depending on deadlines.
- Any other matter which may be delegated to it by the Council from time to time.

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

- The Committee's budget each financial year.

- Any funding required outside of, or above, the set budget in any given financial year.
- Policy formulation/changes.

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

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

- Approval of its Minutes as true and correct records.
- Receive and grant DPI dispensations; details of all dispensations received to be reported back to the Council, at the next available meeting.
- Approval of expenditure on items included in the approved Committee budget up to the amount specified in the budget.
- Authorisation for the creation, content, production and distribution of the Council's newsletter, annual report and website.
- Responsibility for all contact with the media, including the content and issue of press releases, following agreed procedures.
- Authorisation to appoint Media spokespersons.
- Detailed planning for Council representation at community events and approval of display, manning of stand, etc.
- All matters relating to annual Tidy Trader Scheme judging and awards.
- Approval of Community Champion awards.
- Approval of Community Building plaques.
- Approval of tendering and selection of contracts, e.g. web design/upkeep, advertising.
- Any other matter which may be delegated to it by the Council from time to time.

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

- The Committee's budget each financial year.
- Any funding required outside of, or above, the set budget in any given financial year.
- Policy formulation/changes, e.g. Media Policy.

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

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

- Approval of its Minutes as true and correct records.

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- Approval of expenditure on items included in the approved Committee budget up to the amount specified in the budget.
- Maintenance and upkeep of all public seats, stone shelters and adopted phone boxes (including custodians) in the Council's ownership, including management of day-to-day activities of Maintenance Contractor.
- Maintenance and upkeep of Closed Churchyard, New Mill.
- Maintenance and upkeep of Arts Trail art installations
- Maintenance and upkeep of war memorials.
- Approval of matters relating to environmental issues (e.g. litter and dog fouling).
- Response to issues or concerns raised by residents relating to public transport, highways and environmental issues.
- To comment on behalf of the Council in response to any consultations in relation to footpath diversions, modifications or adoptions, depending on deadlines (otherwise considered by Planning Committee).
- Street Naming, depending on deadlines (otherwise considered by Planning Committee).
- Approval of matters relating to transport (e.g. minibus services and Patient Transport Scheme).
- Approval of matters relating to youth facilities and projects (excluding formal grant applications).
- Approval of matters relating to Christmas trees/lighting provision.
- Approval of matters relating to CCTV equipment at Holmfirth bus station
- Approval of tendering and selection of contracts, e.g. maintenance contractor.
- To work in partnership with Kirklees Council in the provision of any scheme for which the Committee has approved budget provision.
- Any other matter which may be delegated to it by the Council from time to time.

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

- The Committee's budget each financial year.
- Any funding required outside of, or above, the set budget in any given financial year.
- Policy formulation/changes.

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

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

- Approval of its Minutes as true and correct records.
- Receive and grant DPI dispensations; details of all dispensations received to be reported back to the Council, at the next available meeting.

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- Responsible for all matters relating to employees, based on recommendations made and agreed by Council, or in line with contractual arrangements. The Committee may decide that it wishes to refer specific matters to the Council for final decision, subject to the matters reserved for final decision for legal reasons.
- To implement national pay awards
- To carry out the Annual Staff Development Review, and to finalise and approve action plans resulting from that Review, prior to report to Council that Review has been completed.
- Approval of any Staff training and continuing professional development.
- Approval of policies, guidelines and strategies on human resources, personnel and development, to ensure the Council properly undertakes its responsibilities for its staff and others relating to welfare, health and safety, Working Time Directive and pensions provision.
- Hearings for Grievance, Disciplinary and Capability matters* in accordance with the Council's Grievance and Disciplinary Procedure.
- Dealing with any Grievance, Disciplinary and Capability matters to a final conclusion, only reporting to Council when the time for any Appeal has passed.
- Appointment of an Appeals Sub Committee, if necessary.
- Any other matter which may be delegated to it by the Council from time to time.

Policy on the following matters is reserved to the Council for decision, but the Staffing Committee may also make Policy recommendations relating to:

- Conditions of Service.
- Staff levels.
- Policy formulation/changes.

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

***It is vital that the Staffing Committee 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 Staffing Committee must agree to undertake training in these matters.

4.6.1 The **Appeals Sub-committee** is delegated to make decisions on the behalf of the Council in the following matters:

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

In order to ensure as far as possible that such matters as Appraisal, Grievance, Disciplinary and Capability issues are dealt with Members of the Appeals Sub-committee must agree to undertake training in these matters.

5. Sub-committees

- 5.1 The Council's Standing Committees do not currently appoint any Sub-Committees, but may do so, if a Committee believes that it would be relevant to appoint a Sub-Committee. Any powers to be delegated to such a Sub-Committee may be detailed at the time the Sub-Committee is formed by means of a Minute detailing the Terms of Reference, but such delegated powers must be approved by the Council.

6. Working/Steering Groups

- 6.1 Working/Steering Groups may be formed by resolution of the Council or a Committee at any time. The work of such a Working/Steering Group will be decided upon at the time it is formed by means of a Minute detailing the Terms of Reference. Each Working/Steering Group will report back with recommendations to the Council or the Committee that formed it.

Any Working/Steering Group shall have delegated authority to arrange its own meeting dates and times, to suit the Group Membership.

7. Delegation - Limitations

- 7.1 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 rules, regulations, schemes, statutes, By-laws or orders made and with any directions given by the Council from time to time.