



HOLME VALLEY PARISH COUNCIL

Scheme of Delegation

1. Discharge of the Scheme of Delegations

- 1.1 This Scheme of Delegations forms part of the Council's Financial Regulations and Standing Orders and will be reviewed at least annually or earlier, for example when there are staffing changes.
- 1.2 One of the purposes of the document is to clearly define the parameters within which Officers of the council are able to act without reference to either their line managers or Members.
- 1.3 Where consultation with others is a requirement of the ability to act it is clearly set out with what and whom consultation should take place.
- 1.4 Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of why the breach occurred.
- 1.5 The other purpose of the document is to capture the various delegated powers throughout the Council, including those delegated to the various committees by the Council. This element of the scheme incorporates the Terms of Reference of the Committees.

2. The Power to delegate

The power to delegate functions by local Councils is set out in the Local Government Act 1972 Section 101 Arrangements for discharge of function by local authorities.

3. Officers' conflict of Interest

- 3.1 Under the Local Government Act 1972, section 117; officers must make formal declaration about council contracts where the employee has a financial interest. Every officer is responsible for identifying whether he/she has any conflict of interest in any matter which is under consideration, actual or perceived, in any matter within the Council, and notifying the Council.
- 3.2 Where an employee is unsure whether an interest should be declared, they should speak to the Monitoring Officer of Kirklees Council. If the employee is advised not to declare their interest a record of the discussion should be kept by both parties. Failure to disclose such an interest may result in a disciplinary action being taken which could lead to dismissal.

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- 3.3 Employees are also required to disclose any other employment that they wish to undertake in addition to their primary post with the Council.
- 3.4 All employees must identify and disclose any actual or potential personal, financial, business or other interest or close personal relationship which might reasonably be perceived as a conflict of interest.
- 3.5 Where an officer has a conflict of interest in any matter, he/she shall not participate in that matter in his/her capacity as an officer except with the prior approval of the Monitoring Officer. Any approval granted by the Monitoring Officer shall be formally recorded in the Council Minutes. Where such approval has been granted for the Officer to participate in a Council meeting of that subject matter, he/she must ensure that the disclosure of interest is also declared at the start of the Council meeting under the disclosures of interests of Members and officers.

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

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.

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- 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 and General Data Protection Regulation Legislation.
 - 2.1.10 Arrange and call all meetings of the Council and its Committees (but not **necessarily Working/Steering Groups**)
 - 2.1.11 **The Deputy clerk will also prepare agendas and sign the summons for the meetings he is required to officiate at.**
- 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.
 - 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 and the RFO 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.

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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. Appointing the Chairman and Vice Chairman of the Council .

Appointing the Chairmen and Vice Chairmen of all the Standing Committees

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.

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:**

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- 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 4.5 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

4.1.2 Terms of reference

Membership	13 Councillors
Non- Elected Membership	
Quorum	One third of elected membership rounded up
Meeting Frequency	4 times a year and as often as required to decide on matters arising.

- Election of a Vice Chairman from within its own meeting if so delegated by Full Council.

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- To safeguard the buildings transferred into the ownership of the HVPC and ensure they continue to meet the needs of the residents of The Holme Valley.
- 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.
- 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.
- Approval of matters relating to the day-to-day running and maintenance of Holmfirth Public Conveniences
- Overseeing the lease for the Honley Library and ensuring the Trustees of Honley Library manage the building according to the leases with HVPC and Kirklees Library Service.
- Consideration and negotiations regarding any other community assets in the Valley at risk of being lost, for use by the community.

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

- Approval of expenditure on items included in the approved Committee budget up to the amount specified in the budget.
- 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.
- Approval of matters relating to the management of Honley Library by the Trustees of Honley Library.
- Approval of matters relating to the management of the Civic Hall by the Holmfirth Civic Hall Community Trust.
- 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 and any charity set up in the future to run Honley Library.

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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.
- Any other matter which may be delegated to the Committee by the Council from time to time.

- To assemble and submit to The Finance and Management committee, estimates of income and expenditure for each financial year in respect of services of this committee no later than the 30th October each year.

- To make Policy 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

4.2.1 Terms of Reference

Membership	Maximum 13
Non- elected Membership	Not Applicable
Quorum	One third of Elected Membership members rounded up and no less than three
Frequency of Meetings	Every two months alternating with Full Council

**Election of Vice Chairman from among its membership
- if so delegated by the Council.**

- Approval of its Minutes as true and correct records
- 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).
- 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).
- Insurance and Risk Management (procedural matters and review thereof).

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- Emergency Planning.
- Approval of matters relating to Council Office CCTV and audio recording equipment.
- Corporate Management.
- General Administration.

- Overseeing the completion of the lease for the Honley Library
- Management of any matters relating to the Council Office/meeting room within the Civic Hall, including installation of civic fixtures and fittings e.g. Honours Boards, exterior/interior noticeboards and signage (subject to any Listed Building/Conservation Officer permissions that may be required).
- Negotiations with HCHCT and management of any re-shaping of internal space(s) within the Civic Hall, with professional advice and any permissions being sought as necessary.
- Civic Activities/Local Democracy.
- Approval of matters relating to Civic Regalia and Honours' Board updates.
- 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
- Representative attendance at conferences and events by Councillors and Officers.
- All matters relating to Freedom of Information/Environmental Information Regulations, Data Protection, General Data Protection Regulation 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 Finance and Management Committee shall be delegated to make decisions on behalf of the Council in the following matters:
 - Approval of expenditure on items included in the approved Committee budget up to the amount specified in the budget.

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- Approval of payment of monthly schedule of accounts.
- Grants and Donations to Community groups.
- To review and approve the committee payments list for compliance in accordance with the Financial Regulations and Scheme of Delegations
- To assemble and submit to The Finance and Management, estimates of income and expenditure for each financial year in respect of services of this committee no later than the 30th October each year.

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.
- 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

Terms of Reference

Membership	13 maximum
Membership co- optees	
Quorum	One third of voting membership rounded up
Frequency of meetings	Every 4 weeks

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- Selection of a vice chairman from amongst its members
- 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.
- 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.
- - Financial Delegation and responsibility.

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

- Approval of expenditure on items included in the approved Committee budget up to the amount specified in the budget.
- To assemble and submit to The Finance and Management, estimates of income and expenditure for each financial year in respect of services of this committee no later than the 30th October each year.

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. The Publications and Communications Committee

Terms of Reference

Membership	13 Members Maximum
Non-elected Membership	
Quorum	A third of voting membership rounded up
Frequency of Meetings	4 Times per Year

- 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.
- 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.

Financial Delegation and Responsibility

- Approval of expenditure on items included in the approved Committee budget up to the amount specified in the budget.
- To assemble and submit to The Finance and Management, estimates of income and expenditure for each financial year in respect of services of this committee no later than the 30th October each year.

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**

Terms of Reference

Membership	14 Members
Non-Elected Membership	
Quorum	One third of voting members
Frequency of Meetings	4 times per Year

- Approval of its Minutes as true and correct records.
- 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.
- Approval of matters relating to Christmas trees/lighting provision.
- Approval of matters relating to CCTV equipment provision.

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- 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.

Financial Delegation and Responsibility:

- Approval of expenditure on items included in the approved Committee budget up to the amount specified in the budget.
- Approval of tendering and selection of contracts, e.g. maintenance contractor.
- To assemble and submit to The Finance and Management, estimates of income and expenditure for each financial year in respect of services of this committee no later than the 30th October each year.

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

Terms of Reference

Membership	10 Maximum
Non-Elected Membership	Not applicable
Quorum	One third of elected membership
Frequency of Meetings	Three times a year and as required in between.

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- 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.
- 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.**

Any grievance against a member regarding issues under the Code of Conduct will be referred to the Monitoring Officer of Kirklees Council from the outset.

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. The Climate Emergency Committee

Terms of Reference

Membership	18 (maximum 8 Elected Members)
Non -Elected Membership	10
Quorum	One third of elected members
Frequency of Meetings	4 times per year

- Ability to elect a Vice Chairman from among its members.
- Receive and grant DPI dispensations; details of all dispensations received to be reported back to the Council, at the next available meeting.
- Approval of its Minutes as true and correct records.
- To engage with other groups in the community and other Statutory groups to effect the aims of the Climate Emergency Action Plan.
- To manage 6 sub-groups according to the main themes of The Climate Emergency Action Plan

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Sub-group 1 – Agriculture, Food, Environment and Land Use

Sub-group 2 – Energy and Buildings

Sub-group 3 – Economy and Business

Sub-group 4 – Waste

Sub-group 5 – Transport and Travel

Sub-group 6 – Mobilisation

- To liaise with the Publishing and Communications Committee regarding publicity material and publicity events.

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Financial Delegations and Responsibility

- Approval of expenditure on items included in the approved Committee budget up to the amount specified in the budget.
- To assemble and submit to The Finance and Management, estimates of income and expenditure for each financial year in respect of services of this committee no later than the 30th October each year.
- Management of the workload of the Climate Emergency Action Plan coordinator and coordination with the Clerk on employment matters.

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.

6. Sub-committees

- 6.1 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.

7. Working/Steering Groups

- 7.1 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.

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8. Delegation - Limitations

- 8.1 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.

Liz Bennett, Clerk, HVPC

Approved at Full, Council on 20/7/2020