

Scheme of Delegation

The power to delegate functions is set out in the Local Government Act 1972 s 101. The intention of the delegation scheme is **to allow the Council to act with all reasonable speed**. Decisions should be taken at the most suitable level.

The Parish Council scheme of delegation is an essential policy to enable the Parish Council to function efficiently and effectively. Without this every decision would have to be taken by the Full Council. Decision making powers are given to both Committees and officers to enable the Council to react to circumstances and operate effectively.

Powers cannot be legally delegated to individual Councillors or Working Parties.

Working parties are ordinarily established to investigate and or review a particular matter then report back to the relevant committee or Full Council with its findings which may include recommendations.

Contents List

Full Council Functions

The following matters are to be dealt with by the Full Council:

- 1.1** Approval of Budget and setting the Precept.
- 1.2** Reviewing all budget requests from committees
- 1.3** Approval of the Annual Return and Audit of Accounts.
- 1.4** Agreeing how the budget will be split by village
- 1.5** Review budget performance throughout the year and agree any virements
- 1.6** Authorisation of any borrowing.
- 1.7** Adopting or changing all policies including Standing Orders, Financial Regulations and the Scheme of Delegation.
- 1.8** Making of Orders under any statutory powers.
- 1.9** Making, amending or revoking By-laws.
- 1.10** Appointment of Standing Committees.
- 1.11** Appointing Parish Council representatives to outside bodies.
- 1.12** All other matters which must, by law, be reserved to the Full Council
- 1.13** Approval of the Risk management strategy
- 1.14** Agreeing any actions of the internal and external auditors.
- 1.15** Planning applications and appeals in conjunction with the village committees
- 1.16** Recruitment and Appointment of Parish Clerk

2 Delegation to Committees

The following matters are delegated to the Parish Council's Committees to make decisions on behalf of the Parish Council. Committees are delegated plenary decision making powers in respect of matters delegated. They must be exercised in accordance with the law, the Parish Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

Full Council may at any time, following resolution, revoke any delegated authority.

Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to Full Council. Similarly, where a Committee has no delegated power to make a decision it makes a recommendation to Full Council.

2.1 All Village Committees

- 2.1.1** Creation and Appointment to Working Groups.
- 2.1.2** Appointment of non-Councillor members to Working Groups where they bring additional expertise or knowledge, subject to confidentiality arrangements consistent with those required of Councillors.
- 2.1.3** Committees can only spend to the budget level set
- 2.1.4** Upon renewal of an existing Contract, tendering and procuring Contracts for its area. Full Council, as the legal entity, will sign off all contracts, subject to correct tendering process being followed and demonstration that the Committee can meet the expenditure.
- 2.1.5** Burial Ground regulations and fees.
 - 2.1.5.1** The Committee shall ensure that its policies, regulations and fees as outlined in 4b above are reviewed annually.
 - 2.1.5.2** The Committee shall consider and make rulings in respect of complaints or queries regarding regulations and fees as outlined in 4.b above.
 - 2.1.5.3** The Committees shall extend resident-reduced fees to all residents of the parish in perpetuity
- 2.1.6** Spending its budget
- 2.1.7** Awarding Grants
- 2.1.8** Engaging and participating in Community events
- 2.1.9** Agree an annual budget to present to Full Council in the October Budget meeting
- 2.1.10** By means of a working party review planning applications within the village area and make recommendations to the planning committee or Full Council.
- 2.1.11** By means of a working party, make written representations for approval by the planning committee for submission to Planning Appeals or Hearings, if required.
- 2.1.12** To receive reports on Planning Decisions if supplied by the relevant planning authority
- 2.1.13** To receive and if necessary by means of a working party make recommendations to the planning committee, on the following: (a) Local Plans, (b) County Structure Plans, (c)Local Transport Plan, (d) Planning Strategy Documents/Planning Guidance, (e) Surrey Heath Borough Council Local Plan (Core Strategy Development Plan), etc
- 2.1.14** To comment on transportation and highways matters including public footpaths, bus services, traffic orders, traffic calming, street lighting, street cleansing, litter/litter bins, bus shelters, highway maintenance, highway schemes, etc..
- 2.1.15** To receive and if necessary, comment on information Reports submitted by the County Councillor for the Ward relating to any matters affecting the Village of Windlesham

- 2.1.16** To receive and if necessary, comment on environmental issues including Air Quality Management Areas, Recycling facilities/initiatives, Monitoring Noise and other traffic pollution concerns, Health & Safety Risk Assessments/Reports,
- 2.1.17** Applications for Grant aid falling within the purview of the Committee. Full Council, as the legal entity, will sign off all grant aid applications, subject to the Committee demonstrating it can meet all the obligations required of the grant awarding body
- 2.1.18** To authorise, in advance, Members' attendances at Conferences/Seminars or other Meetings falling within the purview of the Committee.
- 2.1.19** To contribute to a Full Council's newsletter
- 2.1.20** To consider and accept tenders/quotations for works/equipment etc. falling within approved estimates, otherwise, the matter to be referred to Full Council for approval (this is if the cost of a project exceeds the estimate or is greater than the delegated committee's power and providing the village committee has the funds to do so) if a supplementary budget is required.
- 2.1.21** To incur expenditure on the budgeted and approved estimates for the current financial year on all budget headings up to the respective amounts detailed in such estimates.
- 2.1.22** To make recommendations to Full Council for any new capital schemes, including estimates for such schemes, for inclusion in the draft budgets for the next financial year and also items for inclusion in the draft revenue budgets.

2.2 Personnel Committee

All matters (except for creating Council Policy) relating to:

- 2.2.1** Recruitment in accordance with operational need, subject to budget availability and to oversee the full employment process for all positions. To delegate responsibility to the Parish Clerk or to an interview panel as they consider appropriate.
- 2.2.2** All personnel matters not delegated to officers or Sub-Committees.
- 2.2.3** Provide support to and management of the Parish Clerk. Monitor and manage hours of working, home working, annual/flexi/compassionate/time off in lieu leave and absences and sick leave and delegate authority for the day-to-day management of the Clerk to the Chairman of Council in conjunction with the Chairman of Personnel.
- 2.2.4** Review employee's remuneration and make recommendations thereon to the Council
- 2.2.5** Review Conditions of Employment, Contracts of Employment and Job Descriptions as appropriate to ensure they meet the needs of the Council and comply with relevant legislation and established good practice.
- 2.2.6** Review the staffing structures in conjunction with the Clerk to ensure they are sufficient to deliver the aims of The Council.
- 2.2.7** Ensure an appropriate Appraisal system is in place and monitor the effectiveness of the system.
- 2.2.8** Provide appropriately trained Members to conduct the Appraisal(s) of the Parish Clerk.

- 2.2.9** Set appropriate SMART objectives for the Parish Clerk based on the aims and priorities of The Council.
- 2.2.10** In conjunction with the Clerk, ensure appropriate arrangements are in place to support staff development and training and to ensure that such training is in line with the allocated funds.
- 2.2.11** Make appropriate recommendations to The Council where an identified training need would exceed the allocated funding.
- 2.2.12** Develop, implement, and review Employment related Policies using appropriate employment law
- 2.2.13** Manage the Council's compliance with Employment legislation.
- 2.2.14** Manage Disciplinary and Grievance procedures in accordance with appropriate council policy and processes and review them as necessary.
- 2.2.15** Where necessary recommend appropriate actions to The Council.
- 2.2.16** If required appoint an appeals panel drawn from Members of the Personnel Committee or from an external body as appropriate to the circumstances.
- 2.2.17** Give authority and award contracts to HR Services (current retained HR advice provider) and Surrey ALC and or any appropriate body/company to conduct necessary reviews and make recommendations to the committee
- 2.2.18** Authorise permission for staff to accept secondary employment.
- 2.2.19** Authorise up to £10,000 in recruitment costs (advertising, external support etc) per recruitment campaign, allocated from the HR and legal fees budget when such expenditure is agreed by a resolution of the committee.
- 2.2.20** Authorise up to the upper level of the agreed salary scale banding for any new employee, subject to budget availability.

2.3 Grievance/Disciplinary Sub-Committee

Sub- committee to be agreed by Personnel.

All matters (except for creating Council Policy or matters felt to be relevant for Full Council) relating to:

- 2.3.1** Consider and resolve all staff grievances unable to be dealt with by Officers in accordance with Grievance Policy.
- 2.3.2** Agree financial resolutions of grievances within budget or if it is higher or an unbudgeted expenditure, this will have to be authorised by Full Council.
- 2.3.3** Consider and deal with all staff disciplinary matters unable to be dealt with by Officers in accordance with Disciplinary policy.
- 2.3.4** Consider and deal with all potential disciplinary matters relating to the Parish Clerk including the commissioning of external advisors and/or investigation in accordance with the provisions of the Council's complaints and disciplinary procedures.

2.4 Appeals Committee - appeals will be heard by a panel of three members of the personnel committee who have not previously been involved in the case

Note: the Committee cannot consider an appeal against a decision taken by the Full Council. Committee to be appointed/agreed by Council

All matters (except for creating Council Policy or matters felt to be relevant for Full Council) relating to:

- 2.4.1** Consider and resolve all staff appeals concerning grievance or disciplinary matters.
- 2.4.2** Consider and resolve all Freedom of Information Act appeals.
- 2.4.3** Consider and resolve appeals to decisions relating to a complaint, where this is unable to be dealt with by Officers.
- 2.4.4** Consider all appeals against decisions where this is available within a policy.

2.5 Planning Committee

- 2.5.1** Operate in accordance with Local Government Law and in accordance with the Council's Standing Orders and Financial Regulations.
- 2.5.2** Appoint sub-committees or working parties to undertake any specific project work as required.
- 2.5.3** The committee shall have spending powers to a maximum of £500. The committee shall make recommendations to Full Council on all expenditure in excess of this sum.
- 2.5.4** Consider and make representations on planning applications.
- 2.5.5** Make representations on planning appeals notified to the Parish Council and attend public inquiries if considered necessary.
- 2.5.6** Represent the Council upon all matters relating to local authority development plans.
- 2.5.7** To recommend all matters in relation to street naming to Full Council.
- 2.5.8** Manage the Neighbourhood Planning and Village Design Statement processes.
- 2.5.9** Develop and maintain a list of Community Assets for nomination to SHBC.
- 2.5.10** Manage the Planning budget (if any) and vire, where necessary, between budget lines held and managed by the committee.
- 2.5.11** Undertake project work outside of the above remit as directed by Full Council.
- 2.5.12** Review the Terms of Reference annually and make recommendations to Full Council.

2.5.13 The Chairman of the Committee shall:

Agree the minutes of the Planning Committee at each Full Council meeting, subject to approval.

3 Delegation to Officers

The following matters are delegated to the Parish Council's Officers to make decisions on behalf of the Parish Council. These decisions must be exercised in accordance with the law, the Parish Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

Full Council may at any time, following resolution, revoke any delegated authority.

Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to a committee or Full Council. Similarly, where Officers have no delegated power to make a decision, they report the matter to Committee or Full Council for a decision. There may also be occasions when Council have delegated authority to Officers in conjunction with the Chair and or Vice Chair

3.1 Parish Clerk

The Parish Clerk shall be the Proper Officer of the Parish Council as defined in law.

- 3.1.1** Issue all statutory notifications
- 3.1.2** Receive Declarations of Acceptance of Office
- 3.1.3** Receive and record notices disclosing pecuniary interests
- 3.1.4** Receive and retain documents and plans.
- 3.1.5** Sign summons to attend meetings
- 3.1.6** Sign notices or other documents on behalf of the Council.
- 3.1.7** Receive copies of By-laws made by principal authority.
- 3.1.8** Certify copies of By-laws made by the Council.
- 3.1.9** Ensure compliance with Standing Orders
- 3.1.10** Manage all Parish Council staff, either directly or indirectly.
- 3.1.11** Responsible for the overall management of all budgets in accordance with Council policies.
- 3.1.12** Act on behalf of the Council in an urgent situation and report back to the Council as soon as practical.
- 3.1.13** Authorise expenditure on revenue items up to the amounts included for that class of expenditure in the approved budget, up to £2,500 and in conjunction with the Chair of the Council or Chair of the appropriate committee, for any items between £2,500 and £5,000 excluding VAT.
- 3.1.14** Authorise expenditure for legal advice for Full Council and all committees, up to £2,500 or £5,000 in conjunction with the Chair of the Council or Chair of the appropriate committee, for that class of expenditure (Legal & HR) in the approved budget.
- 3.1.15** Authorise expenditure on revenue items from the EMRs shown below up to a limit of £3,000, with or without a budget:
 - 330 EMR Repairs and Maintenance;
 - 331 EMR War Memorials ;
 - 370 EMR Council Office Repairs;
 - 375 EMR Playground Repairs and Renewals
 - 332 EMR Allotments
 - 396 EMR Greenspace
 - 395 EMR Tree Maintenance

- 3.1.16** Incur expenditure in an emergency up to £3,000 whether budgeted or not.
- 3.1.17** Deal with matters specifically delegated by Council or Committee.
- 3.1.18** Deal with dispensation requests from Members under the Code of Conduct.
- 3.1.19** Take all decisions relating to the training of Councillors & staff.
- 3.1.20** Appoint all employees in accordance with the Council's staff structure.
- 3.1.21** Authorise minor non-fiscal adjustments to contracts of employment and job descriptions to meet the needs of the Council.
- 3.1.22** Appoint casual/temporary members of staff as needed to meet the business needs of the Council and within existing budgets.
- 3.1.23** Authorise additional hours of work for existing staff on a temporary basis to support the business needs of the Council.
- 3.1.24** Deal with all disciplinary matters and hearings in accordance with the Council's Disciplinary Policy.
- 3.1.25** Enter into settlement agreements with employees up to a maximum of two months' salary where this is the prudent option for the Council.
- 3.1.26** Authorised to issue press releases/social media on any Council activity exercised in accordance with Council policy.
- 3.1.27** Overall responsibility for Health & Safety across all Council owned sites.
- 3.1.28** Overseeing Council transparency, access to information and data use and storage, including day to day management of Council's website.
- 3.1.29** Manage the provision of Council services, buildings, land and resources, including authorising expenditure on routine repairs and maintenance up to the approved budget up to £5,000 in line with Financial Regulations.
- 3.1.30** Authorise expenditure on necessary legal advice up to the approved budget of £5,000 in line with Financial Regulations.
- 3.1.31** Action any delegated actions agreed by Council

3.2 See the table below for delegated responsibilities and the individuals to cover these in the absence of the Parish Clerk:

	Delegated Responsibility	Responsible in the Clerk's Absence
a.	The responsibilities and duties of the role of Proper Officer as set out within law and Council policies.	
b.	Issue all statutory notifications.	Assistant Clerk
c.	Receive Declarations of Acceptance of Office.	
d.	Receive and record notices disclosing pecuniary interests.	Assistant Clerk

e.	Receive and retain documents and plans.	Assistant Clerk
f.	Hold the Council's Seal and apply it to documents as approved.	Assistant Clerk
g.	Sign notices or other documents on behalf of the Council.	
h.	Receive copies of By-laws made by principal authority.	Assistant Clerk
i.	Certify copies of By-laws made by the Council.	
j.	Sign summons to attend meetings.	
k.	Ensure compliance with Standing Orders.	Assistant Clerk (advise only)
l.	Manage all Parish Council staff, either directly or indirectly.	
m.	Manage the provision of Council services, buildings, land and resources, including authorising expenditure on routine repairs and maintenance up to the approved budget up to £5,000 in line with Financial Regulations.	Assistant Clerk in conjunction with RFO
n	Authorise expenditure on necessary legal advice up to the approved budget of £5,000 in line with Financial Regulations.	Assistant Clerk in conjunction with RFO
o.	Authorise expenditure on revenue items up to the amounts included for that class of expenditure in the approved budget up to £5,000 in line with Financial Regulations.	Assistant Clerk in conjunction with RFO
p.	Incur expenditure in an emergency up to £5,000 whether budgeted or not.	Responsible Financial Officer
q.	Act on behalf of the Council in an urgent situation and report back to the Council as soon as practical.	Assistant Clerk
r.	Deal with dispensation requests from Members under the Code of Conduct.	Assistant Clerk
s.	Deal with matters specifically delegated by Council or Committee.	Assistant Clerk
t.	Appoint casual / temporary members of staff as needed to meet the business needs of the Council and within existing budgets.	
u.	Authorise additional hours of work for existing staff on a temporary basis to support the business needs of the Council.	Assistant Clerk in conjunction with the Chair of Council

v.	Deal with all disciplinary matters and hearings in accordance with the Council's Disciplinary Policy, including suspending employees as deemed necessary.	
y	Authorised to issue press releases on any Council activity exercised in accordance with Council policy.	Assistant Clerk
z	Overall responsibility for Health & Safety across all Council owned sites.	Assistant Clerk
aa	Matters specifically delegated within Council policies.	(broadly speaking) Personnel Policies – Assistant Clerk Civic/Freedom of Information/Consultation Policies – Assistant Clerk

3.1 Assistant Parish Clerk

- 3.1.1** Those responsibilities delegated in the absence of the Parish Clerk at the table referred to in 3.2.
- 3.1.2** Dealing with and resolving complaints received by the Council (except those regarding the actions or conduct of Councillors or Council employees), in accordance with the Complaints Procedure.
- 3.1.3** Authorised to issue press releases on any Parish Council activity exercised in accordance with Parish Council policy, save for press releases felt to be controversial or regarding a specific campaign, for example, which will be signed off by the Proper Officer.
- 3.1.4** Day to day management of Civic functions for the Council.
- 3.1.5** Day to day management of the Council's website and social media activities.
- 3.1.6** Day to day management of employees within section.
- 3.1.7** Authorising expenditure within budgeted levels in areas of responsibility and those delegated by Parish Clerk.
- 3.1.8** Matters specifically delegated by Council or Committee.

3.2 Responsible Financial Officer

- 3.2.1** Those responsibilities delegated in the absence of the Parish Clerk at the table referred to in 3.1.2.
- 3.2.2** Proper administration of the Council's financial affairs.
- 3.2.3** Report to External Auditor matters under Local Government Finance Act 1988 s114.
- 3.2.4** Ensure compliance with Financial Regulations.
- 3.2.5** Ensure compliance with all financial procedures.

- 3.2.6** Determine accounting policies, records and control systems.
- 3.2.7** Manage risk management of the Council.
- 3.2.8** Day to day management of employees within section.
- 3.2.9** Matters specifically delegated by Council or Committee.
- 3.2.10** The Council shall delegate authority for payment of invoices to the RFO, who shall prepare a schedule of payments, forming part of the Agenda for the Meeting and, together with the relevant invoices, retrospectively present the schedule to the relevant village committee or at a meeting of Full Council.
- 3.2.11** Arrange and manage the Council's insurance arrangements.
- 3.2.12** Management of Council salaries in accordance with contracts of employment.
- 3.2.13** Payroll
- 3.2.14** Incur expenditure in an emergency up to £3,000 whether budgeted or not.
- 3.2.15** Responsible for the overall management of all budgets in accordance with Council policies.
- 3.2.16** Matters specifically delegated within Council financial policies

3.3 Operations Coordinator

- 3.3.1** Day to day management of burials in accordance with legal requirements and cemetery regulations
- 3.3.2** To review all memorial applications, giving approval when in line with the current cemetery regulations
- 3.3.3** Day to day implementation of health and safety measures, making recommendations to the Clerk when additional requirements are identified.
- 3.3.4** Day to day asset management
- 3.3.5** Day to day greenspace contract monitoring
- 3.3.6** Day to day playground maintenance in accordance with monthly/annual inspection findings

3.4 Cemeteries & Allotment Coordinator

- 3.4.1** Day to day management of burials in accordance with legal requirements and cemetery regulations
- 3.4.2** To review all memorial applications, giving approval when in line with the current cemetery regulations
- 3.4.3** Day to day management of the Allotments
- 3.4.4** Day to day implementation of health and safety measures within the Cemeteries & Allotments, making recommendations to the Clerk when additional requirements are identified.

3.4.5 Day to day greenspace contract monitoring at Windlesham Cemetery