FAIR OAK & HORTON HEATH PARISH COUNCIL

SCHEME OF DELEGATION

This Scheme of Delegation authorises the Executive Officer, Deputy Executive Officer & Responsible Finance Officer, Standing Committees and Working Groups of the Council to act within delegated authority.

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1 DISCHARGE OF THE SCHEME

1.1 This Scheme of Delegation 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 can 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 whom that consultation should take place.

1.4 Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

1.5 The other purpose of this document is to capture the various delegated powers throughout the Council, including those delegated by the Council to its various committees. This element of the scheme incorporates the Terms of Reference of the committees.

2 THE POWER TO DELEGATE

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

2.2 Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions: (a) by a committee, a sub-committee or an officer of the authority, or (b) by any other local authority.

2.3 Whereby virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee of the authority, then unless the local authority or the committee otherwise direct, the subcommittee may arrange for the discharge of any of those functions by an officer of the authority.

2.4 Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, sub-committee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.

2.5 Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them.

2.6 The above shall apply in relation to those functions as it applies in relation to the

functions of the individual authorities.

2.7 A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority.

3 OFFICERS' CONFLICTS OF INTEREST

3.1 Under the Local Government Act 1972, Section 117; officers must make a 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, within the Council, and notifying the Executive Officer.

3.2 Where an employee is unsure whether an interest should be declared, they should speak to the Executive Officer in the first instance. 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 disciplinary action being taken which could lead to dismissal.

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, they shall not participate in that matter in their capacity as an officer except with the prior approval of the Executive Officer. Any approval granted by the Executive 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, they must ensure that the disclosure of interest is also declared at the start of the Council meeting under the disclosures of interests for members and officers.

4 COUNCIL RESERVED POWERS & SAFEGUARDS

4.1 Each Committee has delegated authority to decide matters within their terms of reference as incorporated in this delegation scheme except for the following matters, which are to be resolved only by Full Council:

4.2 The following matters are reserved to the Council for decision, notwithstanding that the appropriate committee(s) may make recommendations for the Council's consideration.

- Setting the Precept;
- Borrowing money;
- Investing money;
- Making, amending or revoking Standing Orders, Financial Regulations or

this Scheme of Delegation;

- Making, amending, or revoking by-laws.
- Making of orders under any statutory powers.
- Matters of principle or policy.
- Nomination and appointment of representatives of the Council to any other authority, organisation, or body (excepting approved conferences or meetings).
- Any proposed new undertakings.
- Prosecution or defence in a court of law.
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.

4.3 The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a committee or officer.

4.4 Matters delegated to a committee may be referred to Full Council at the request (written or verbal) of two Members of the Council prior to the resolution of the matter.

4.5 A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least 5 members of the Council, or by a resolution move in pursuance of the report or recommendation of a committee.

4.6 Members will be advised by the Executive Officer whether or not a particular item under discussion is within the Committee's (or Sub-Committee's) delegated powers. The minutes will then record the decision as "RESOLVED". If it is not, then the minutes will show the decision as "RECOMMENDED" and will then be brought to the Council's particular attention by the Chair of the Committee at the next meeting of the Council when seeking approval and adoption of the Committee's minutes. This item can be discussed in full by the Parish Council.

4.7 In any case where a Committee (or Sub) Chair and Vice Chair are either unsure whether or not any matter falls within delegated powers, or whether or not any matter should be determined by them, they should refer that matter to the next highest level of decision. A power delegated does not always have to be exercised.

4.8 Approval of the annual budget and precept, Investment Strategy, and any borrowing shall remain a function of Full Council and may not be delegated, except for treasury management activities undertaken by the Responsible Financial Officer in accordance with the approved Investment Strategy and Financial Regulations.

5 DELEGATION TO COMMITTEES

5.1 The following matters are delegated to the Council's Committees to make decisions on behalf of the Council. The delegated decision making by Committees must be

exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget. Where they are delegated to the Committee, so far as is legally permissible, they shall be deemed the acts and proceedings of the Council.

5.2 The Council may at any time, following resolution, revoke any delegated authority, without prejudice to executive action already taken.

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

5.4 The members of a committee may include non-councillors unless it is a committee which regulates and controls the finance of the Council

5.5 The Council and each Committee is authorised to establish Sub-Committees and Task & Finish Groups, and to appoint advisers as and when necessary to assist in its work.

5.6 A Committee can arrange for the discharge of any of their delegated powers to a sub-committee. The delegated powers will be decided by the committee at the time it is formed detailing the delegated powers.

5.7 The work of a Task & Finish Group will be decided upon at the time it is formed by means of a minute detailing the terms of reference. Each Task & Finish Group will report back with recommendations to the Council or the Committee that formed it. Task & Finish Groups have no delegated powers.

5.8 The Committees shall be:

- Finance & Staffing Committee

5.9 Committees will be formed by means of a committee preference form circulated prior to the Annual meeting. Where more members apply for a committee than needed, a ballot will take place.

5.10 The Chair and Vice-Chair shall be a member of every committee; for the sake of clarity this is to allow them voting rights at all committees either or both may attend.

6 FINANCE & STAFFING COMMITTEE

6.1 The Committee has delegated authority to deal with the following matters to conclusion:

- Allocation of grants and donations within the agreed criteria and budget.

- To agree Service Level Agreements with external agencies and to deal with any resulting issues arising under the terms of the Service Level Agreements/Agreements.

- Routine financial monitoring, budget management, and financial governance oversight within the approved budget and Financial Regulations, excluding matters reserved to Full Council.
- Undertake an annual review of the Council's assets register.
- Complete Annual Financial Risk Management and Internal Controls
- Staffing, administration and governance matters.
- Leases and licences.
- To set up and disband Task & Finish Groups as and when necessary and agree their terms of reference.
- To consider recommendations put forward by Task & Finish Groups reporting to the Committee.
- Annual review of fees and charges of Fair Oak and Horton Heath Parish Council (FOHHPC) facilities and properties.
- To review the FOHHPC insurance policy document premium charge.
- Full Council approves the Investment Strategy annually.
- The Finance & Staffing Committee monitors performance and receives reports.
- The Responsible Financial Officer is delegated to place and manage investments in accordance with the approved strategy, cashflow requirements, and Financial Regulations.
- All activity must be reported through routine financial monitoring.

a) Referred Business

6.2 To consider and make recommendations to Full Council on the following matters: -

- Prepare annual budget and precept request
- Monitor income and expenditure within the budget estimates approved by FOHHPC and make necessary recommendations.
- To make recommendations on use of reserves.
- To consider all reports from the Internal & External Auditors
- To consider all aspects of financial administration of FOHHPC business (such as banking arrangements and investments) and make recommendations to Full Council.

7 DELEGATION TO OFFICERS

7.1 All officer delegated authority must be exercised:

- within approved budgets;
- in accordance with Council policies, Standing Orders and Financial Regulations;
- in compliance with legal and statutory requirements;
- with due regard to risk, proportionality, and reputational impact. Any matter that is novel, contentious, or may have significant financial, legal, or reputational implications shall be referred to Full Council.

7.2 Specific delegations to officers are set out below. Delegated actions for officers shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation, with directions given by the Council from time to time.

7.3 All procurement activity shall be carried out in accordance with the Council's Financial Regulations and in line with procurement best practice as set out in the Procurement Act 2023, ensuring transparency, proportionality, equal treatment and value for money.

8 EXECUTIVE OFFICER

- The Executive Officer is designated and authorised to act as the Executive Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of an Executive Officer.
- As Executive Officer, to sign all documents on behalf of the Council including the Summons to Elected Members to attend Council Meetings in accordance with paragraph 4 and Schedule 12 of the Local Government Act, 1972.
- The Executive Officer shall be responsible for signing all the Council's Official Notices and for sealing Council documents as set out in the Standing Orders.
- To receive declarations of Acceptance of Office.
- To retain a copy of every Councillor's Register of Interests.
- To deal with dispensation requests from Members of the Council.
- Power to take appropriate steps to ensure the Council does not exceed its powers.
- The Executive Officer may authorise another officer or officers of the Council to exercise the powers of the Executive Officer in his/her absence, without removing the overall responsibility of the Executive Officer for any such decisions.
- The Deputy Executive Officer will have the delegated powers to act as the Executive Officer, in the absence of the Executive Officer.
- The power to delegate any delegated powers and other powers to any member of staff as appropriate.

- In the event of an emergency as defined in our Emergency Resilience and Business Continuity Plan the delegations assigned to the Executive Officer as set out in this said document will be enacted.

i. Day to Day Administration

- The day-to-day administration of services.
- Day-to-day supervision and control of all staff employed by the Council.
- The Executive Officer is the manager for all staff employed by the Council and is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures, and budget
- The authority to sanction and authorise payment of overtime in exceptional circumstances subject to advance notice given to the Finance & Staffing Committee members and within approved budget parameters.
- The Finance & Staffing Committee delegate staff recruitment in consultation with the Chair of the Council, after budget approval from Full Council.
- The Executive Officer has the power to make operational decisions and to retain overall editorial control of press releases, social media posts, website content and any other communication administration on activities of the Council in accordance with the Council Communications Policy.
- The power to manage, promote and co-ordinate Community events within the approved budgets
- The Executive Officer on behalf of the Events Sub-Committee has delegated authority to incur event associated expenditure within the approved budget and shall report the expenditure incurred for each event under delegated powers to the Events Sub-Committee at its next meeting.
- Power to act on own initiative to implement the Council's policies and objectives.
- The Executive Officer shall have authority to issue written authorisation to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties.
- The Executive Officer shall have permission to respond to key consultations in consultation with the Chair of the Council.
- The Executive Officer shall be responsible for replying to Freedom of Information Requests, Data Protection Enquiries, Subject Access Requests and Corporate Complaints.
- The Executive Officer in consultation with the Responsible Finance Officer has authorisation to make small revisions to budgets, when necessary, with any major changes to be authorised by Full Council.

ii. Council Assets & Emergency Expenditure

- The Executive Officer may incur emergency expenditure up to £1,000 (inclusive of VAT) per incident where urgent action is required to protect

Council assets or ensure service continuity. Such action must be reported to the Chair and the Finance & Staffing Committee at the earliest opportunity.

- In the case of an emergency, the Executive Officer shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Chair (if practicable in the circumstances).
- Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the Full Council
- Delegations to The Executive Officer in relation to the letting of contracts are set out in the Standing Orders.
- Delegations to The Executive Officer in respect of land and premises are set out in the Standing Orders.
- The Executive Officer will have the authority to dispose of the Council's assets (excluding land and building assets) subject to the estimated value of any one tangible; moveable item does not exceed £2,000.
- The Executive Officer is responsible for ensuring any disposal details including the disposal values are recorded in the assets register.

iii. Training for Officers & Members

- Power to authorise staff to attend relevant training courses provided the expense can be met from approved budgets having considered the training needs of the employees.
- The power to identify own training needs and book onto relevant training courses provided that the expense can be met from approved budgets
- The Executive Officer is authorised to book training courses for members of the Council in accordance with the Training Policy.
- The Executive Officer is authorised to submit a supplementary budget request if deemed necessary.

9 RESPONSIBLE FINANCIAL OFFICER

9.1 The Responsible Financial Officer to the Council shall be responsible for the Parish Council's accounting & audit procedures in accordance with the Accounts and Audit Regulations in force at any given time.

10 DEPUTY EXECUTIVE OFFICER (DEO)

10.1 The Council may delegate authority to the DEO under the following conditions:

In the Absence of the Executive Officer or RFO

10.2 Where the Executive Officer or RFO is unavailable due to leave, illness, or other absence, the DEO may exercise delegated powers normally assigned to those roles, provided the Council has formally resolved to allow such delegation.

Subject-Matter Expertise

10.3 Where the DEO possesses specific knowledge, experience, or qualifications relevant to the matter under consideration, and where such expertise would enable more effective or timely decision-making, the Council may delegate authority to the DEO to act, even if the Executive Officer or RFO is present.

Additional Delegation to Deputy Executive Officer

10.4 The Deputy Executive Officer (DEO), who holds the Certificate in Local Council Administration (CiLCA), is authorised to carry out designated governance-related tasks on behalf of the Executive Officer, including in instances where the Executive Officer is present.

10.5 This delegation acknowledges the DEO's professional qualification and is designed to enhance the Council's governance capacity and ensure seamless operational continuity.

- Drafting and reviewing council policies and procedures
- Preparing governance reports and documentation for council and committee meetings
- Coordinating statutory compliance activities
- Responding to Freedom of Information requests (FOIs)
- Responding to Subject Access Requests (SARs)
- Managing and responding to corporate complaints
- Supporting internal audit and risk management processes
- Delivering staff training on governance and compliance matters

Limitations

10.6 The DEO may not exercise delegated authority in relation to:

- Statutory responsibilities reserved for the Proper Officer or Responsible Financial Officer unless formally acting in that capacity
- Matters legally requiring resolution by Full Council

11 OPERATIONS OFFICER

11.1 Under the general supervision of the Executive Officer, the Operations Officer will exercise the following:

- The Operations Officer in consultation with the Executive Officer shall be responsible for the maintenance and use of Council Buildings and Assets.
- The Operations Officer in consultation with the Executive Officer, will deliberate any requests for one-off events, geocaching, street trading, metal detecting and the use of parish council car parks in accordance with the applicable policies, planning conditions and appropriate covenants.

12 PLANNING & LICENCING APPLICATIONS

12.1 In accordance with Standing Orders, Council members have delegated permission to comment on small development and non-contentious planning applications which are received and circulated by the Deputy Executive Officer. Councillor comments are considered prior to submission of the final delegated decision.

12.2 Any large scale (5 dwellings or more) or contentious planning applications are added to the monthly Full Council meeting for discussion and comment.

12.3 Any member of the Council may require the Deputy Executive Officer to refer any planning or licensing application to the council rather than express an opinion on behalf of the council under its delegated powers.

12.4 All planning decisions will be posted on the Council website in accordance with Transparency Regulations.

13 REVIEW AND AMENDMENTS

13.1 This Scheme of Delegation shall be reviewed annually or when staffing changes require it and may be amended by resolution of the Full Council.

14 RECORDING OF DELEGATED DECISIONS

14.1 A record of all significant officer delegated decisions shall be maintained, including:

- date of decision
- officer making the decision
- authority relied upon
- summary of decision
- any consultation undertaken
- Where appropriate, such decisions shall be reported to the next available meeting of the relevant committee.