

Thorpe on the Hill Parish Council Scheme of Delegation

This Scheme of Delegation forms part of the Parish Council's Financial Regulations and Standing Orders. It will be reviewed annually and when there is a change of Clerk/RFO.

The purpose of this document is to clearly define the parameters within which the Clerk/RFO of the Parish Council can act without reference to Councillors.

This document also captures the various delegated powers throughout the Parish Council, including those delegated by the Parish Council to its Committees and Working Groups. This element of the scheme incorporates all of the approved Terms of Reference.

Principles Of Delegation

Section 101 of the Local Government Act 1972 provides:

- That a Council may delegate its powers (except those incapable of delegation) to a committee; or an officer.
- A Committee may delegate its powers to an officer.
- The delegating body may exercise powers that have been delegated. Any delegation to a Committee or the Clerk/RFO shall be exercised in compliance with the Parish Council's Standing Orders, its Financial Regulations and any other policies or conditions imposed by the Parish Council and with the law.

In an emergency the Clerk/RFO is empowered to carry out any function of the Parish Council. Where the Clerk/RFO is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chairman of the Council and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

Authority To Act

It will be appropriate for the Clerk/RFO to refer a matter to the Parish Council where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for councillors to determine.

The Clerk/RFO and Committees have the responsibility to act within the Parish Councils approved policies, procedures and framework and within the law in conjunction with this delegated scheme.

Council Reserved Powers

The following matters are only to be resolved by the full Council:

- Appointment of the Clerk/RFO
- To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies
- To approve and adopt the Budget.

- To appoint committees and working groups
- To approve membership of all committees and working groups
- To agree and/or amend the terms of reference for Committees
- To adopt the schedule of meetings for the ensuing year.
- To determine matters involving expenditure for which budget provision is not made or is exceeded.
- To set the Precept
- To make byelaws
- To borrow money
- To annually approve the statutory annual return
- To approve eligibility for the General Power of Competence
- To assess, consider and (if approved) award donations and grants fund to other bodies where lawful and appropriate in accordance with statute and the adopted Grants Policy.
- To receive, consider and approved recommendations from the Clerk/RFO in respect of staff remuneration outside of budget allocation.
- To assess, consider and approve recommendations from working groups.

Delegation Safeguards

The Parish Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a Committee or Officer.

Delegation To Clerk/RFO

- The Clerk/RFO is designated and authorised to act as the Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a proper officer.
- In the case of an emergency, the Clerk shall have the power to take reasonable steps to secure the Parish Council's assets or position, following consultation with the Chairman (if practicable in the circumstances).
- The Clerk will deal with all routine correspondence which does not commit the Parish Council to enter into a legal agreement or give an opinion. The Clerk will also deal with any correspondence which is covered by delegated authority.
- As Proper Officer/RFO, the Clerk may incur expenditure on revenue items on behalf of the Parish Council up to the amounts included in the approved budget. Subject to Financial Regulation 4.1.
- The Clerk is the manager for all staff employed by the Parish Council and is given delegated powers to manage the council staff in accordance with the Parish Council's policies, procedures and budget.

- Power to authorise relevant training courses provided the expense can be met from approved budgets having taken into account the training needs of the employees/ Parish Councillors.
- Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council.
- Power to act on own initiative to implement the Councils policies and objectives.
- Power to manage all the Council's resources in accordance with the Council's policies.

Lake Management Group Terms of Reference

- The purpose of the Lake Management Committee (LMC) is to manage all activities concerned with the Eric East Memorial Lake on behalf of the Parish Council and the parishioners of Thorpe on the Hill.

The LMC will:

1. Manage all Health and Safety arrangements at the lake and ensure these are given the highest priority. This will include, but is not restricted to:
 - ensuring all Risk Assessments are maintained and kept up to date
 - conducting Lake Inspections at agreed intervals
 - maintaining a suitable accident and near miss reporting regime
2. Ensure the appropriate insurance arrangements are in place for the Lake and surrounding land.
3. Operate within a budgetary framework agreed with the Parish Council as a whole.
4. An annual budget is approved by the Parish Council for the purposes of delivering the Development Plan. The LMC can approve how the monies within that budget are to be spent. All payments must be approved at the following full Parish Council meeting. The LMC will monitor expenditure versus budget and take advice from the Clerk/ RFO. Any expenditure not foreseen or that may / will exceed or jeopardise the allocated budget will need to be approved by Full Council.
5. In consultation with parishioners and leaseholders develop a Development Plan, for approval by the Parish Council, based upon:
 - The Lake Policy
 - The priorities expressed by parishioners
 - Relevant legislation and regulations
 - Relevant covenants/restrictions
 - Best practice guidance

6. Implement the Development Plan.
7. Promote the use of the lake in accordance with the Development Plan and Lake Policy.
8. Keep the PC informed of progress with the use of the lake, implementation of the Development Plan, and issues arising at the lake.
9. Review, and where appropriate, update the development plan at suitable intervals.
10. The PC will nominate two councillor members from the committee to negotiate license agreements with relevant parties where these are compatible with the lake priorities and development plans. This process will run independently of the LMC. These licenses to be ratified by the full PC.
11. Promote a cordial relationship and balance between all the lake users.
12. Resolve conflicts that may arise between lake users and/or other interested parties
13. Be responsible for awarding maintenance contracts for the lake in accordance with the Development Plan and agreed priorities. This might typically include:
 - a. Landscape maintenance
 - b. Pest management – where appropriate
 - c. Tree and hedge maintenance
 - d. Inspections of water quality and recording visits
 - e. developing and implementing a routine annual maintenance plan
14. Be responsible for:
 - a. Arranging litter picking, if and when required
 - b. Maintenance or upgrade of signage, as required
 - c. Security of gates and fences where applicable
15. Plan and manage any additional activities on the site e.g.
 - Parish Picnic,
 - Love your Parish activities like community tidy up / litter picking etc.
16. Manage volunteering activities to ensure these comply with latest H&S requirements and the PC's volunteering policy.
17. Ensure that the management of the lake takes account of relevant legislations, regulations and where possible best practice.

18. Explore any opportunities for grant funding for environmental and general improvements to the lake and grounds.

19. Deal with all matters relating to the Lake. In the event of an urgent matter being reported to the Parish Clerk, which cannot wait until the next formal meeting, the Parish Clerk will refer the matter to the Chair, or in their absence the Vice-Chair, for action as required.

Constitution

1. The LMC will meet at least three times per year, typically early spring, summer, and late autumn, with dates set in the preceding calendar year.

2. Agendas will be circulated three days in advance of meetings.

3. Meetings will be held in the ORPMR with an open forum section of the meeting for members of the public to attend.

4. Minutes will be circulated and made available to members of the public in draft form and approved at the next LMC meeting.

5. The Lake Management Committee will comprise of:

- Four Parish Councillors
- Four members of the public made up of two Parishioners who are independent of any licence holders and one from each licence holders

6. Only Parish Councillors have voting rights.

7. Quorum is three Councillors plus any two other members present.

8. If the Council Chair is a member of the committee, they will chair the committee. If the Chair is not a member but the Vice Chair is, they will chair the committee. If neither is a member, the councillor members of the committee will elect a chair.

9. In cases of equal votes, the Chair (or other person presiding) will have a second or casting vote.

10. Invitations will be extended to Parishioners to put their name forward for selection to the committee for a 2 year term. Appointments will be based upon skills, experience, interests and levels of commitment. In the case of more than 2 parishioners coming forward, deputies maybe elected from that those applying.

11. Representatives from license holders must have full authority to speak on behalf of that group. In preference this should either be the chair/leader or deputy of that group. Substitutes, in the event that a representative cannot attend a meeting, are allowed, but the expectation is that any substitute who attends a meeting will also have this delegated authority.

12. All LMC members agree to abide by Parish Council rules on:

- Conduct at meetings

- Respecting the confidentiality of matters discussed at meetings in closed session
13. Failure to abide by the rules of the committee may result in disqualification from the LMC.
14. Membership of the LMC will be reviewed at the Annual Meeting of the PC
15. The LMC has full delegated authority from the Parish Council. The Group will report regularly to the Parish Council setting out progress on its work.

Terms of Reference for All Working Groups

Full Council may form or disband a working party. A working party will carry out tasks as defined by Full Council. Membership of a working party is approved by Full Council.

The role of a Working Group

- To review or consider issues as directed by Full Council.
- To examine an issue in detail, read reports and related materials, examine options, get advice for Full Council.
- Act as experts for the Council and/or liaise with experts.
- Make recommendations to Full Council.
- To explain the recommendations, reasons, options to Full Council by way of written report.
- To answer questions from Full Council.
- Not to fund or commit to fund without prior agreement of Full Council.

Working Group Relationship

- Full Council must direct the Working Group and set clear objectives.
- The role of Full Council is to question and challenge recommendations, to be satisfied of the correct decision.
- The Working Group must facilitate the Full Council with as much information as it requires to ensure it can make a properly informed decision on its recommendations. Operation of the Working Group.
- The Working Group will not have a budget.

TOTH Planning Working Group

- The Planning Working Group (PWG) will consider local planning applications and other planning issues relating to the Parish, taking into account environmental aspects, character and potential

hazards/risks for the Parish. The PWG has delegated powers to consider planning and to comment on planning applications brought before them.

- The Group is responsible for Development and Planning Applications including Highways, Parking, Heritage & Tree Preservation Orders.
- The PWG will be approved by Full Council and shall consist of 3 members
- To meet deadlines set by the planning authority the Parish Council must generally determine their response within 21 days. To achieve this, the PWG will meet as required. The Clerk will request an extension of time to comment on a consultation as appropriate.
- Any 2 Councillors may request an application be deferred to the Full Parish Council meeting.
- Where an application is subject to an appeal the PWG is authorised to make written representation or to elect a member of the group to attend the hearing and speak on behalf of the Parish Council.
- Planning applications shall be circulated to PWG members as soon as possible after receipt by the Parish Clerk from the Planning Authority. The applications may be circulated by e-mail.
- All comments received prior to, or at the meeting, from all relevant parties will be considered at the meeting.

If a deferment to the full Parish Council would result in a late decision the Parish Clerk will be asked to request an extension from the Planning Authority. Where this is not given an extraordinary Parish Council meeting will be called if possible or a response may be made following a majority decision by the Planning Committee.

- The Parish Clerk will communicate the decisions of the PWG to the Planning Authority or other relevant body and ensure such communications arrive within the required timescale.
- Where required, a member of the PWG will be nominated to attend the Planning Authority's decision-making meeting to represent the Parish Council's view in respect of controversial planning applications.
- All correspondence to external parties should be made by the Clerk.
- The PWG has no budget
- These Terms of Reference are to be reviewed annually by the PWG and confirmed by Full Council.

Adopted at Parish Council meeting held 05 September 2023

To be reviewed as required