

Schemes of Delegation

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VERSION HISTORY

Version Number	Date	Details of Changes included in Update
0.1	20-03-2020	First draft
0.2	05-04-2021	Replaced Section 7 after EGM on 30 March 2021
0.3	05-03-2024	F&G amended, Employment Committee added. Approved - FC 13 February 2024

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1 Introduction

Local Councils may only do what legislation requires or permits them to do. The Local Government Act 1972, s101 (with some exceptions) allows the Council to delegate functions to committees, sub committees, officers, or other authorities.

The business and proceedings of Horsted Keynes Parish Council, its Committees, Sub-Committees and Working Groups is also regulated by its Standing Orders, but in general:

- Committee Members will be agreed at the Annual Statutory Council Meeting in May.
- The calendar for Committee Meetings will be agreed at the Annual Statutory Meeting of the Council in May.
- Election of the Committee Chair and Vice-Chair will be the first business of the initial Committee/Sub-committee/Working Group Meetings.
- The Clerk or other appropriate officer will record meetings.
- Standing orders on rules of debate and interests of members apply.

2 Clerk¹

2.1 General

To **act** as the Proper Officer of the Council in carrying out all of its functions and to **issue all notifications required by law**.

To **act** as the Council's Responsible Financial Officer in ensuring that the Council's financial processes and records are acceptable and that the Council's finances are carefully administered.

To assume **total responsibility for ensuring that the instructions of the Council are carried out** in connection with its function as a local authority.

To **make orders, incur expenditure and process payments** within authorised budgets.

To **be accountable** for the effective management of all of the Council's resources.

To have **overall responsibility for the Council's administrative service**.

To **act as a general manager** in respect of all of the Council's services, projects and initiatives.

To **undertake training or attendance at Conferences** as previously authorised within budget.

2.2 Specific Responsibilities

To have **overall responsibility for the Council's accounts** and for the preparation of appropriate records for audit and VAT purposes.

To ensure that the contractual arrangements with the Council's contractors are organised on an acceptable basis.

To **liaise with outside organisations** (locally, regionally and nationally) to strengthen the role of the Council and to effect improved communication.

To **act as the representative of the Council as required**.

To **have overall responsibility for maintaining, implementing and monitoring the effectiveness of the Council's procedural and policy documents, within the policy framework defined by the Council**.

¹ And, in the absence of the Clerk, the other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent, as defined in Standing Order 15 (a).

3 Full Council

3.1 Specific Duties & Powers reserved to the Full Council

- a) **Duty** to sign declaration of acceptance of office (Councillors and Chairman).
- b) **Duty** to appoint a Responsible Financial Officer to manage the council's accounts.
- c) **Power** to arrange for the discharge of functions by another local authority.
- d) **Duty** to hold Annual Statutory Council Meeting.
- e) **Duty** to hold Annual Parish Meeting.
- f) **Power** to convene a Parish Meeting.

3.2 General Powers, Budget & Constitution

- a) To **approve** an annual budget, reflecting priorities identified through operational review.
- b) To **approve** the annual budget precept.
- c) To **approve** the financial management framework, financial procedures and controls, including audit, across all its services.
- d) To **approve** annual objectives, targets and performance indicators.
- e) To **approve** Financial Regulations and ensure their annual review.
- f) To **approve** a performance management policy and pay policy ensuring that these meet nationally agreed terms of pay and conditions.
- g) To **approve** the use and development of land and premises, including any shared or off-site facilities, including security.
- h) To **approve** the Risk Assessment and Financial Management document (annually).
- i) To **approve** Standing Orders and ensure their annual review.
- j) To **approve** capital projects and developments across all services.
- k) To **approve** any policy affecting the conduct of the Council, its services and its staff.
- l) To **approve** changes to the Council's Constitution, including any recommendation from a committee to **establish** any sub-committee.

3.3 Powers related to Services

- a) To **approve** fees and charges annually.
- b) To **approve** action in response to issues in relation to planning and highways.
- c) To **resolve** on any controversial planning application.

3.4 Reserving of Powers

Full Council retains the right to determine (and to reserve to itself) any issue which is within its powers and duties as a parish council, including those which are (within these terms of reference and from time to time) delegated to its committees and officers, by simple resolution.

4 Finance & Governance Committee

4.1 Purpose

To deal with all matters concerning finance, governance, administration and assets.

4.2 Terms of Reference

To manage the Council budget and its assets. This includes:

- Budget & finance, including planning/annual budgets/payment of accounts/financial audits/ setting of fees & charges.
- Premises & Capital Assets.
- Capital projects and spend.
- Licences, leases and agreements.
- Grant Aid requests.

4.3 Committee

Councillors will be agreed at the Annual Statutory Council Meeting or at any subsequent Full Council Meeting. Substitute members are permitted, provided two days' notice has been given to the Proper Officer.

4.4 Quorum

Three members must be present for this meeting to commence.

4.5 Meetings

The Committee meets on dates and times as approved by the Committee and will usually take place in the Council Office or Village Hall (Small Hall). Extraordinary meetings may be arranged if deemed necessary.

4.6 Scheme of Delegation

- a) To **agree** effective procedures for monitoring the budget.
- b) To **authorise** expenditure within approved budgets.
- c) To **approve** any virement and supplementary budget requests within the Council's agreed overall budget.
- d) To **approve** the level of delegation to the Clerk for the day-to-day financial management of the Council and its services.
- e) To **approve** changes to the Council's Fixed Asset Register.
- f) To **approve** a health and safety policy, with respect to premises and assets, that complies with legislation and to ensure that appropriate checks and assessments are carried out and prioritised for necessary action.
- g) To **approve** capital expenditure and planned and preventative maintenance expenditure with respect to premises and assets.

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- h) To **act** on behalf of the Council in relation to any planning applications it proposes to make.
 - i) To **approve** the actions needed to address any issues identified through external review and to monitor and evaluate regularly the implementation of any plan agreed.
 - j) To **review** all licences, leases and agreements (other than Lewes Road Allotments) and make recommendations in respect of any amendments to Full Council.
 - k) To consider and ultimately **approve** requests from organisations for financial donations in accordance with the Council's Grant Aid Policy.
 - l) To **approve** programmed service expenditure within budgets agreed by full Council.
 - m) To **approve** remedial action where projected out-turn variation on the whole committee budget exceeds 5%.
 - n) To **approve** the tendering and selection of contracts.
 - o) To **approve** the selection of contractors.
 - p) To **review** annually and update the Financial Regulations, ensuring that they are observed and **make appropriate recommendations** to the Full Council.
 - q) To **ensure** that all reserves are managed in line with the Council's Financial Regulations.
 - r) To **receive and review** both internal and external audit reports and make recommendations to Full Council.
 - s) To **oversee** all legal matters, except those relating to employment, and make recommendations to Full Council.

4.7 Budget Statement

The Committee shall prepare and submit a draft annual budget for approval to the December Full Council Meeting and prepare and submit a final annual budget for approval to the Full Council Meeting no later than January of each year.

4.8 Appointment of sub-committees, panels, working or task groups

The Committee shall appoint panels, temporary working or task groups relevant to the functions of the Committee and receive reports from them and may request the Full Council to establish any relevant subcommittees.

5 Toilets, Green, Recreation Ground & Highways Committee

5.1 Purpose

To deal with all matters concerning Toilets, The Green, Recreation Ground (including the Lewes Road Allotments) and Highways.

5.2 Terms of Reference

The maintenance, management and improvements of outdoor facilities. This includes:

- Playground and Play Equipment.
- Recreation Ground and booking of facilities (Sports Pitches and Pavilions).
- Seats and litter bins.
- Christmas Lighting Display.
- Events on The Green and Recreation Ground.
- Finger Posts.

To submit proposals for the following year to the Full Council not later than the end of November each year, including proposals for revising the forecast (Financial Regulations 3.1).

5.3 Committee

Councillors will be agreed at the Annual Statutory Council Meeting or at any subsequent Full Council Meeting.

5.4 Quorum

Three members must be present for this meeting to commence.

5.5 Meetings

The Committee meets on dates and times as approved by the Committee and will usually take place in the Council Office or Village Hall (Small Hall). Extraordinary meetings may be arranged if deemed necessary.

5.6 Scheme of Delegation

- a) To **approve** programmed service expenditure within budgets agreed by Full Council and to submit a report to the Finance and General Purposes Committee where projected out-turn variation on the whole committee budget exceeds 4.99%.
- b) To **authorise** expenditure within approved budgets.
- c) To **approve** the tendering and selection of contracts.
- d) To **approve** the selection of contractors.

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- e) To **approve** Lewes Road Allotment rules and procedures, to review lease agreements and make recommendations in respect of any amendments to full Council and to monitor enforcement action.
 - f) To **oversee** any environmental issues affecting Horsted Keynes.
 - g) To **approve** any operational and maintenance requirements of play areas and recreation grounds within the Council's control.
 - h) To **determine** the allocation of sports pitches and pavilions.
 - i) To **oversee** all seats and litter bins within the Council's control.
 - j) To **oversee** an attractive Christmas lighting display that enhances the Village for the Christmas period.
 - k) To **approve** any Council run events, which enhances the Village and benefits the Community.
 - l) To **approve** any occasional event hire by third parties of public open spaces managed by the Council, to be administered by the Clerk and to **review** any request falling outside the procedure.

5.7 Appointment of sub-committees, panels, working or task groups

The Committee shall appoint panels, temporary working or task groups relevant to the functions of the Committee and receive reports from them and may request the Full Council to establish any relevant subcommittees.

6 Planning Committee

6.1 Purpose

To consider all planning applications for Horsted Keynes Parish and make recommendations to Mid Sussex District Council.

6.2 Terms of Reference

To consider and comment on every planning application affecting Horsted Keynes except for the Neighbourhood Plan until it is "made" (this includes any large or contentious application which would otherwise be dealt with as part of the Neighbourhood Plan) which will be dealt with by Full Council. This includes:

- Planning applications
- Highways matters & issues
- Public transport

To ensure that planning applications for developments within the Parish boundary are sent from Adur District Council for the committee to comment on.

Applications or Appeals of a **large or contentious nature** will be referred to the Chair (or Vice-Chair) of the Council within two days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council (*Standing Order 6*).

6.3 Committee

Councillors will be agreed at the Annual Statutory Council Meeting or at any subsequent Full Council Meeting.

6.4 Quorum

Three members must be present for this meeting to commence.

6.5 Meetings

The Committee meets on dates and times as approved by the Committee and will usually take place in the Village Hall (Small Hall). Extraordinary meetings may be arranged if deemed necessary.

6.6 Scheme of Delegation

- a) The Committee is **authorised** to object or oppose an application. This is to be documented in the minutes of the meeting and decisions conveyed to Mid Sussex District Council via its *Planning Applications and Planning Permission* process online by the Clerk.
- b) Where an application is subject to an appeal, the committee is **authorised** to make written representation or to elect a member of the committee to attend the hearing.

7 Neighbourhood Plan Steering Group (NPSG)

7.1 Purpose



At the Extraordinary Meeting on 30th March 2021 the Full Council approved a motion “that Horsted Keynes Parish Council withdraw its support for the MSDC Site Allocations DPD following the Regulation 14 public consultation, and a Committee of the Parish Council is formally constituted to explore the Neighbourhood Plan allocating sites to fulfil the District

Plan’s Policy DP6 obligation”.

As a Category 3 Settlement (medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities), Horsted Keynes has a minimum requirement over the Plan Period to deliver 69 dwellings, with a minimum requirement of 25 dwellings to 2023/24.

Housing land supply position of 31 December 2019	
Completions (1 April 2014 -31 December 2019) and commitments of 1 November 2019	7 dwellings
Contribution from C2 residential institutions arising from completions and commitments at Westall House, based on the guidance in the DCLG Housing Delivery Test Measurement Rule Book (20 units at a ratio of 1.8)	11 dwellings
TOTAL	18 dwellings

During the Plan Period, subject to policies and allocations within the revised Neighbourhood Plan, “windfall” sites can be included to meet its identified housing requirement.

7.2 Approved Documents

The documents approved by the Parish Council at an Extraordinary General Meeting on 30th June 2020 can be found at [Public Consultation \(Reg 14\) \(horstedkeynesparishcouncil.com\)](https://www.horstedkeynesparishcouncil.com/public-consultation-reg-14).

The four documents published on 16th March 2021 ([Published Reports 2021 \(horstedkeynesparishcouncil.com\)](https://www.horstedkeynesparishcouncil.com/published-reports-2021)) for the Extraordinary General Meeting on Tuesday 30th June 2021 were framed as recommendations

for the Responses to the Public Consultation and were not considered following the motion that was passed.

7.3 Composition

The NPSG is unique as a Committee of the Parish Council in that it includes three councillors and three members of the public.

7.4 Roles

The NPSG will appoint a Chairman, Treasurer, and a Secretary (all meetings will be minuted).

7.5 Quorum

Four members, including two councillors, must be present for this meeting to commence.

7.6 Meetings

The NPSG meets on an ad hoc basis face to face or via a teleconference.

7.7 Terms of Reference

Revise the Neighbourhood Plan to fulfil the motion passed on 30th March 2021 at an Extraordinary General Meeting, by allocating sites other than SA29 (land to the rear of St. Stephens Church) to meet the requirements of Policy DP6, while acknowledging that the outcomes of the planning application (DM/20/4692), the planning Inquiry (AP/20/0053), and that the Site Allocations DPD has been submitted for independent examination (Regulation 22), are unknown.

7.8 Process

Using the "NP Plan Process 2014" document as an example, create a list of high-level tasks and timeframes – i.e. a project plan to be submitted to the Parish Council.

7.9 Scheme of Delegation

The NPSG has no delegated powers but makes recommendation on all matters relating to the completion of a revised Neighbourhood Plan to the Full Council. Recommendations may be made in closed session if considered necessary (Standing Order 3 (d)).

7.10 Dispensation

The HKPC Code of Conduct (adopted June 2020) requires all councillors to declare personal interests to any item on a PC/Committee agenda. At NPSG meetings all councillors live within the Parish, declarations by them are generally (but not exclusively) in relation to sites put forward by landowners or their agents for inclusion within the Neighbourhood Plan (NDP) which are located near their home. It was agreed at the meeting of the Full Council on 8th July 2015 that members could apply to the Clerk in writing and the matter would be included on the PC agenda for

consideration to ensure that all discussions on the subject were kept in the public domain.

The Clerk will publish a document entitled "Granting of Dispensations to NPSG Members" and a corresponding form for councillors to complete and submit to the Clerk.

7.11 Standing Orders

a. When calculating the 3 clear days for notice of a meeting to Members of the NP Steering Group and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.
b. Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
c. Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Steering Group's prior written consent.
d. The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, a Member as chosen by the Members present at the meeting shall preside at the meeting.
e. All questions at a meeting shall be decided by a majority of the Members present and voting thereon.
f. The Chairman of the meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.
g. Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Member of the NP Steering Group, the voting on any question shall be recorded so as to show whether each Member present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
h. The minutes of a meeting shall record the names of Members present and absent.
i. The code of conduct adopted by the Council shall apply to Members of the NP Steering Group in respect of the entire meeting.
j. An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Member at a meeting shall be recorded in the minutes.
k. No business may be transacted at a meeting unless at least one third of the whole number of Members of the Council are present and in no case shall the quorum of a meeting be less than four (4), including two (2) councillors.
l. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
m. Meetings shall not exceed a period of 2.5 hours.

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Motions requiring written notice

- a Except as provided by these Standing Orders, no resolution may be moved at a meeting unless the business to which it relates has been included in the agenda.
- b If the wording or nature of a proposed motion is considered unlawful or improper, the Chairman of the forthcoming meeting may consider whether the motion shall be included or rejected in the agenda.
- c Every motion and resolution shall fall within the Neighbourhood Plan Steering Group's powers and lawful obligations or shall relate to an issue which specifically affects the preparation of the Neighbourhood Plan.

Motions not requiring written notice

A number of motions may be moved without written notice as detailed in the HKPC Standing Orders adopted by the Parish Council in June 2020.

Rules of debate / Minutes / Disorderly Conduct

As detailed in the HKPC Standing Orders adopted by the Parish Council on 11th May 2011

Expenditure

- a Any expenditure authorised by the Steering Group shall fall within the financial limit delegated by the full Parish Council and shall be approved and paid in accordance with the Council's financial regulations.
- b Any expenditure exceeding the limit of the Steering Group's delegated authority shall be referred to the full Parish Council for authorisation prior to any financial commitment being made by the Neighbourhood Plan Steering Group.
- c The NP Steering Group shall appoint a Member to act as Treasurer and maintain a record of all expenditure incurred. This record shall be presented to the full Parish Council regularly (at least quarterly) or upon request by the Clerk / Chairman of the Parish Council.

Procurement / Estimates / Quotations

As detailed in the HKPC Standing Orders and Financial Regulations adopted by the Parish Council.

Confidential business / Freedom of Information Act 2000 / Relations with the press/media

As detailed in the HKPC Standing Orders adopted by the Parish Council in June 2020

Allegations of breaches of the code of conduct

On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer of the Parish Council shall refer it to the Chairman of the NP Steering Group and the Chairman of the Parish Council excepting where the

complaint relates to the Chairman of the NP Steering Group when the Proper Officer shall refer it to the Chairman of the Council alone.

NP Standing Orders

- a A copy of the NP standing orders shall be given to all Members prior to attendance at their first NP Steering Group meeting.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.
- c A Member's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

In the event that any event / issue occurs not covered by the above NPSG Standing Orders, the Standing Orders adopted by Horsted Keynes Parish Council in June 2020 shall apply.

8 Clerk's Overtime Payment

8.1 Scheme of Delegation

The confirmed minutes of the Council meeting held on Tuesday 13th September 2016 recorded the following decision:

0085 **RESOLVED** that the Chairman could approve up to 8 additional hours a month for the Clerk and that any additional hours accrued by the Clerk would be reported to the next available Parish Council Meeting.

9 Employment Committee

9.1 Purpose

To deal with all matters concerning personnel and human resources.

9.2 Terms of Reference

The Committee will be responsible for employment issues. This includes;

- Maintaining up to date Employment policies and contracts
- Line management
- Employee performance management and professional development including appraisals, training and objective and target setting
- Annual salary review
- Recruitment
- Any issues arising pertaining to sickness, absence, grievance, disciplinary or legal matters

9.3 Committee

Councillors will be agreed at the Annual Statutory Council Meeting or at any subsequent Full Council Meeting. The Committee may co-opt any person in an advisory capacity. This person(s) shall not be a voting member of the Committee.

The Chairman of the Council will be the Line Manager for the Clerk. The Line Manager role can be covered by any other member of the Employment Committee in their absence.

9.4 Quorum

Three members must be present for this meeting to commence.

9.5 Meetings

The Committee meets on dates and times as approved by the Committee and will usually take place in the Council Office or Village Hall (Small Hall). Extraordinary meetings may be arranged if deemed necessary.

9.6 Scheme of Delegation

- a) To **review** annually and update the Employment policies and make appropriate **recommendations** to the Full Council.
- b) To consider any amendments to the Contract of Employment and Job Description as put forward by either the Council, the Employee or any

professional body (NALC, etc) and **recommend** to the Council any action considered necessary.

c) To perform the duties of a Line Manager to the Clerk (see 9.3) including, but not limited to;

- agreeing work priorities and scheduling
- approving monthly hours, overtime (up to 8 hours/month) and salary payments
- approving holiday and unpaid leave requests and agreeing cover arrangements
- maintaining the Clerk employment file

d) To carry out appraisals as detailed in the Employee Performance Management Policy and additionally, as may be deemed necessary by the Employment Committee or Full Council, for each employee. A **recommendation**, based on the annual appraisal, will be made to the Council with regard to any pending annual increment for the next financial year.

e) To determine the training and qualification needs for the Council and Staff and make **recommendations** for training to Full Council.

f) To advertise, select and interview any person(s) considered for employment by the Council and to make **recommendations**, as to the suitability of the applicant(s), to the Full Council based on the interviews conducted.

g) To consider any complaints to or by any employee of the Council and **take any action necessary** in accordance with the Employee Grievance and Disciplinary policies.

h) To consider all Health & Safety aspects in relation to the Council's role as an employer.

i) To **approve** policies, guidelines and strategies on human resources and any industrial relations matters, including (but not limited to) roles mandated with respect to the Council's Disciplinary and Grievance Policy.

j) To consider the need to employ additional or cover staff and make **recommendations** to Full Council.

k) To **oversee** all legal matters pertaining to Employment and make **recommendations** to Full Council.

9.7 Appointment of sub-committees, panels, working or task groups

The Committee shall appoint panels, temporary working or task groups relevant to the functions of the Committee and receive reports from them and may request the Full Council to establish any relevant subcommittees.