

# Modbury Parish Council

## Scheme of Delegation and Link Councillors for Other Organisations

Adopted by Modbury Parish Council  
4<sup>th</sup> May 2021 / Revised and re-adopted Oct 2021

### 1. Introduction

The Local Government Act 1972, section 101, gives a parish council power to delegate decisions to a committee or the clerk, being the council's proper officer. Modbury Parish Council (MPC) recognises that it has a responsibility to ensure the effective running of the Council and its services. In order to achieve this, some delegated functions and responsibilities have to be made and will be outlined within this scheme of delegation. The Council is committed to efficient working practises which minimise the impact on the local ratepayers and so this scheme has been tailored to try and balance control measures with effectiveness.

### 2. Objectives

The policy aims to:

- Further clarify the roles and delegated responsibilities of the clerk, members and committees
- Ensure adequate control measures are in place to protect the Council's finances
- Ensure the Council is acting in accordance with the Audit and Accounts Regulations.

### 3. General Delegations

#### 3.1 Responsible Financial Officer

The Parish Clerk shall be the 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. The Clerk may obtain advice and guidance from external professionals (which may bear a cost) in order to ensure this is achieved effectively.

#### 3.2 Proper Officer

3.2.1 The Parish Clerk shall be the Proper Officer of the Council and is specifically authorised to:

- Receive declarations of acceptance of office
- Receive and record notices disclosing personal interests
- Receive and retain plans and documents
- Sign notices or other documents on behalf of the Council
- Receive copies of bylaws made by a principal local authority
- Certify copies of bylaws made by the Council
- Sign summons to attend meetings of the Council

• Seal documents, deeds, contracts and agreements following a resolution to do so from Council

3.2.2 In addition, the Clerk to the Council has the delegated authority to undertake the following matters on behalf of the Council:

- Day to day administration of services, together with routine inspection, control and compliance
- Authorisation to call any extra meetings of the Council or any Committee as necessary, having consulted with the Chair of the Council or the appropriate Committee
- 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 one of its Committees
- Authorisation of routine recurring expenditure within the agreed budget
- Emergency expenditure identified in Financial Regulation 4.5

- Authorisation of expenditure on works identified in Financial Regulation 4.1

3.2.3 Delegated actions of the Clerk 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.

### **3.3 Council**

The following are reserved matters for the Council to decide (the appropriate Committee(s) may make recommendations for the Council's consideration)

- Appointment of the Parish Clerk / RFO following a recommendation from the Finance and HR committee
- Setting the Precept
- Borrowing money
- Approval of the Council's Annual Accounts and the Annual Return
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
- Nomination and appointment of representatives of the Council to any other authority, organisation or body
- Any proposed new undertakings (following a recommendation from the Clerk or a committee)
- Responses to legislative and other allied consultations
- Appointment of standing committees or other committees as may be necessary and determination of the terms of reference

### **3.4 Delegated Committees**

3.4.1 To take responsibility for specific aspects of Parish Council business, build knowledge, experience and expertise in the Committee's subject, enabling Committee Chairs to present proposals and recommendations for the full Council to vote on and to answer any questions. Where defined, (eg: single dwelling planning applications) to have delegated authority to make binding decisions if ratified by Council.

3.4.2 Where required, to have delegated authority to purchase goods and/or services up to an agreed maximum level per purchase solely for the purpose of executing the Committee's function, providing such expenditure was part of the approved annual budget. Once 50% of that budgeted expenditure was reached, further expenditure would require authorisation by the Finance/Admin/HR Committee. (The single exception to the above is the Emergency Plan Team whose work may necessitate unplanned expenditure on goods and services in order to manage the emergency.)

3.4.3 To delegate tasks and activities to working groups or sub-committees where appropriate.

3.4.4 Committees require at least 3 Council members to be quorate and must be chaired by a Parish Councillor.

3.4.5 Non-parish councillors can be co-opted onto committees but do not have voting rights.

3.4.6 With the exception of the Finance / HR Committee which meets quarterly, the frequency and location of meetings shall be determined by the Committee Chair

3.4.7 Committee meetings are open to the public and therefore require an agenda to be published one week prior to the meeting

3.4.8 Minutes are required and must be circulated to Parish Council Members and posted on the Council's website

3.4.9 Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee

3.4.10 Can delegate its responsibilities to the clerk

### **3.5 Sub-Committees**

- 3.5.1 Are appointed by the committee and is made up of members of that committee
- 3.5.2 Terms of reference are defined by the committee and must be within the responsibilities of the parent committee.
- 3.5.3 Can delegate its responsibilities to the clerk
- 3.5.4 Meetings are not tied to statutory notice periods

### **3.6 Working Groups**

- 3.6.1 Are not formally appointed by the council, have no terms of reference and are not legally bound as are committees.
- 3.6.2 Can bring in specialists without formal appointment.
- 3.6.3 Meetings are not tied to statutory notice periods

### **3.7 The following delegated committees and their respective sub-committees and working groups currently undertake the delegated work of MPC:**

#### **a) Planning Committee**

Cllrs Barry Keel (Chair), Barbara Price, George Rosevear, Peter Watts, Rob West.

##### **Terms of Reference:**

- Assess planning applications and makes site visits where required.
- Propose planning recommendations for Council ratification. This applies only to single dwelling planning applications. Larger or commercial applications require full Council approval.
- Delegated authority to make single dwelling planning recommendations (with PC Chair's approval) when deadlines require decisions between monthly PC meetings.
- Meet as required
- Chair oversees work of Neighbourhood Plan sub-committee, Community Action Plan Group and Parking Group:

##### **Community Action Plan Working Group**

Cllrs Barry Keel, Barbara Price, Peter Watts. Ann Turner

##### **Terms of Reference:**

- To monitor and progress the Community Action Plan which is derived from the Neighbourhood Plan
- To develop, implement and monitor Modbury's response to the Devon Carbon Plan

##### **Neighbourhood Plan sub-committee**

Cllrs Barry Keel, Peter Watts. Ann Turner. Colin Whybrow.

##### **Terms of Reference:**

Steer and facilitate the processes and steps inherent in taking the Neighbourhood Plan to referendum stage

#### **b) Maintenance Committee**

Cllrs Rob West (Chair), John Harvey, George Rosevear, Andy Walker, Jo Woodcock. Bill Cole

##### **Terms of Reference:**

- Liaise with The Emergency Plan Team
- Maintain non arterial roads, pedestrian walkways and public spaces in good and usable condition.
- Arrange and monitor grass cutting by the appointed contractor.

- Identify maintenance issues with Parish seats adopted by Councillors and commission repairs when required.
- Maintain play equipment at Champernowne and Memorial Hall play parks, including fences and gates in the latter. Carry out safety checks on Champernowne Play park and maintain records of inspections, findings and actions
- Chair liaises with Parish Paths Partnership Group and Marigolds Day Group
- Meets quarterly or as special circumstances require
- Chair oversees work of Parish Paths Partnership Working Group, Marigold's Day Working Group, Emergency Plan Working Group and Playpark Inspection and Maintenance Group:

**Parish Paths Partnership Working Group (Grant funded)**

Cllr Barry Keel. Brian Weeks

**Terms of Reference:**

- Identify maintenance, repair and access issues on Modbury's footpaths and liaise with Maintenance Committee and/or Parish Council on their resolution
- Liaise with neighbouring Parishes on footpath connectivity
- Represent Modbury at P3 meetings and report back

**Marigolds Day Working Group / Litter Pickers**

Cllr Jo Woodcock. Nicky Shepley

**Terms of Reference:**

- To organise the annual spring clean of the town in a day by volunteers.

**Emergency Plan Working Group**

Cllrs Jo Woodcock (Chair) and Peter Watts. Bill Cole, Ken Knowles, Antony Price.

**Terms of Reference:**

- Co-ordinate the Community response Team and call to action when needed
- Regularly monitor and update the Emergency Plan as required
- Organise training for volunteer wardens
- Monitor flood risks
- Monitor severe weather warnings and prepare for their implications for Modbury

**c) MARS Committee**

Cllrs Peter Watts (Chair), John Harvey, George Rosevear. Nikki Mitchell, Paul Romney

**Terms of Reference:**

To act within the constituted terms of reference for this management committee with the following objectives:

- To actively manage the usage, maintenance and development of the sport and recreational facilities within the Modbury Queen Elizabeth 11 (QE 11) recreation ground and pavilion.
- To promote and encourage the development of existing and new sport and recreational activities within the QE 11 facilities.
- To share information relating to fund raising and other matters of beneficial interests with members of the Association and interested groups/bodies.
- To proactively seek and raise capital funding to support the development and sustainability of sporting and recreational facilities within the community.
- To determine the terms of usage of facilities including all charges and applicable conditions for the hire or use of sporting and recreational facilities at the QE 11 Recreation ground and Pavilion.

**d) Marketing and Communications Committee**

Cllrs John Harvey, Barbara Price, Oliver Jones, Jo Woodcock.

**Terms of Reference:**

- Responsible for communication of the Council's policies, actions and activities to the local community via print, online and other media where relevant
- Manage the Council's website and social media accounts

**e) Finance and Human Resources Committee**

Cllrs George Rosevear (Chair), Tom Coates, John Harvey, Barry Keel, Pete Keohane, Peter Watts.

**Terms of Reference:**

- Propose the Council's budget for the year and the precept
- Monitor ongoing expenditure against budget and report to Council accordingly
- Check quarterly on payments, receipts, vat returns, and undertake regular audit trail checks.
- Ensure all relevant financial and employment regulations are adhered to in conjunction with the Parish Clerk.
- Liaise with Auditor for annual audit.
- Purchase the required insurance cover via competitive tender
- Delegated powers to approve expenditure up to £5,000 (ex vat) within the revenue budget for that class of expenditure

**f) Complaints Review Committee**

Cllrs Barry Keel, Pete Keohane, George Rosevear, Peter Watts, Rob West,

**Terms of Reference:**

- The Committee has delegated authority from the Parish Council to review and decide on complaints.
- The panel will be constituted of six members to ensure that three members of the committee are available, at short notice, to review a complaint.
- The Committee is subject to all of the normal meeting notification, agenda and minute requirements, as laid down in the Parish Council's Standing Orders. Arrangements for minute taking will be reviewed when a Review committee meeting is called.
- It is expected that the Review Panel will be able to meet within seven working days of being notified by the Clerk.
- The announcement of any decision will be made in public, at the next Council meeting.

**4. Urgent matters**

4.1 In the event of any matter arising which requires an urgent decision, the Parish Clerk shall consult with the Chair of Council (or if more appropriate the Chair/Vice Chair of the respective committee) before acting on behalf of the Council in respect of the particular matter then under consideration. If, for whatever reason, the Chair cannot be reached, then the consultation made with the Vice Chair shall be sufficient.

4.2 If, for whatever reason, both the Chair/Vice-Chair (or committee Chair/Vice Chair) cannot be contacted by all reasonable means of communication, then the Clerk is authorised to exercise their judgement and proceed if the matter is of such an urgent nature that timing is critical.

4.3 Before the Clerk exercises the delegated powers granted by the above paragraph, those Members consulted shall consider whether the matter is of sufficient:

- interest to justify the summoning of a Special Meeting 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 Scheme of Delegation in respect of the particular matter then under consideration.

- Before exercising the delegated power granted by the above paragraph, the Chairman and Vice-Chairman of the Committee concerned shall consider whether the matter is of sufficient importance to justify recommending to the Chair of Council that a Special Meeting of the Council should be called.
- 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 available meeting of the Committee concerned and of the Council.

#### 5. Representation on Other Bodies May 2021

<b>Data Protection</b>	<b>Peter Keohane.</b>
<b>Memorial Hall</b>	<b>Pete Keohane</b>
<b>IDALC</b>	<b>George Rosevear.</b>
<b>Town Improvement Charity</b>	<b>George Rosevear</b>
<b>Modbury Education Foundation</b>	<b>Jo Woodcock.</b>
<b>Millenium Meadow</b>	<b>Rob West.</b>
<b>Modbury Tourist Information Centre</b>	<b>George Rosevear.</b>
<b>Modbury Sick Poor Charities</b>	<b>George Rosevear.</b>
<b>Four Rivers Dementia Alliance</b>	<b>George Rosevear and Pete Keohane</b>
<b>Champernowne Play Park Community Group</b>	<b>Jo Woodcock</b>
<b>Modbury Allotments Association</b>	<b>Rob West, Andy Walker</b>