Kidlington Parish Council

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SCHEME OF DELEGATION
For review: August 2023

1. S101 delegation of powers

Section 101 of the Local Government Act 1972 allows local Councils to appoint committees and sub-committees to discharge any of its functions and make decisions on behalf of the Council. S101 requires formally agreed Terms of Reference by the Council that set out the key themes of the delegation and the financial thresholds that apply.

The membership and terms of office of Committees and Standing Sub-Committees is fixed by the Council.
It is not necessary for the Council to ratify the decisions of committees where delegation applies.
The scheme outlined below may be amended at any time by the Council with or without any recommendation from a Committee, Sub-Committee, or other body.

2. Delegation of Power

Section 101 of the Local Government Act 1972 provides:

a) That a Council may delegate its powers (except those incapable of delegation) to a committee or an officer.
b) A Committee may delegate its powers to an officer.
c) The delegating body may exercise powers that have been delegated.

The following items may not be delegated to the Clerk or to a Committee, and are reserved to the Council for decision, notwithstanding that the appropriate committees may make recommendations for the Council's consideration:

a) To appoint the Chairman and Vice-Chairman in May each year
b) To sign off the Governance Statement by 30 June each year
c) To set the precept
d) To appoint the Head of Paid Service (Clerk)
e) To make byelaws
f) To borrow money
g) To consider any matter required by law to be considered by Council.
h) To make, amend or revoke Standing Orders, Financial Regulations, Terms of Reference of Committees, or this Scheme of Delegation
i) Matters of Policy
j) Nomination and appointment of representatives of the Council to any other authority, organisation or body.
k) Prosecution or defence in a court of law
l) Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Village, excluding those matters specific to a committee.

3. Delegation to the Proper Officer

Any delegation to the Proper Officer (Clerk) shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and within the law. The Proper Officer may nominate another named officer to carry out any powers and duties which have been delegated to that officer.

The Council's Scheme of Delegation authorises the Clerk to the Council as the Council's Proper Officer to act

with delegated authority to undertake the following matters on behalf of the Council:

a) The day to day administration of services, facilities, and assets together with routine inspection and control.
b) Final decisions on the recruitment and day to day supervision and control of all the staff employed by the Council, except that the appointment of the RFO must be approved by Council. All decisions regarding staffing structure, i.e. the refilling, modification, suspension or creation of posts, must be discussed in advance with the Personnel Committee. The selection of candidates will be made in consultation with councillors as appropriate. .
c) Authorisation of routine expenditure within the agreed budget.
d) Emergency expenditure up to £5000 outside the agreed budget.
e) To act as the Council's designated officer for the purpose of Freedom of Information Act 2000.
f) To act on any issue of such urgency that it cannot wait until the next Council meeting; the Clerk is empowered
g) to take any and all decisions that would normally be taken by Full Council, a committee or a working group, having consulted, where possible, a minimum of two members including the Chair and/or Vice Chair of the Council. Consultation may be by email or by telephone or by virtual meeting, followed by a confirmation email. If circumstances do not permit the input of at least two councillors, the Clerk would be expected to consult with the Chairman as a minimum and take their view into account.
h) Where the Proper Officer is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.
i) All decisions taken under delegated authority will be reported to the first appropriate Council meeting.

4. Planning Matters:

Planning Applications shall be received by the Clerk, or a named officer of the Council, who will provide details to members of the Development and Strategy Committee.

The Clerk, or named officer, shall, following consultation with the Chair of the Development and Strategy Committee and another member of the committee, be delegated to inform Cherwell District Council Planning Officers of the decisions or comments of the Council if Development and Strategy Committee cannot meet within the time allocated.

If Council should decide that it is advisable for the Development and Strategy Committee not to meet in person, it may allow it to meet on-line, with public participation, and may delegate powers to the Clerk to receive the comments of the on-line Committee and report its recommendations to the Planning Authority.

Details of comments submitted to the District Council shall be reported to the next meeting of the Council.

5. Delegation to Standing Committees and Work Groups

a) Standing Committees are defined in the Terms of Reference and are delegated to operate within those terms; any expenditure can only be approved within the available budget for that committee.
b) Standing Committees are responsible for monitoring expenditure against any budgets allocated to them, subject to the overall financial supervision of the Finance Committee.

6. A committee may from time to time be delegated authority from the Full Council to deliver a service or project, with the exception of any items that may not be delegated as listed in Section 2 above.
   a) A committee may refer matters on which it has delegated authority to the Council for a final decision if it so wishes.
   b) A committee chairman may in conjunction with the Clerk cancel a meeting or call an additional meeting of the committee they represent.
   c) Delegated actions of the committees shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Full Council from time to time.

d) Work Groups may be formed by resolution of the Council or a committee at any time. The work of such a work group will be decided upon at the time it is formed by means of a minute detailing the terms of reference.
e) Each work group will report back with recommendations to the Council or the committee that formed it.
f) In cases of doubt whether a decision lies within a committee's delegated powers, the matter must be referred to Council.

7. Emergency Delegation Powers

When circumstances require, Council allows the delegation of its activities to an Emergency Delegation Panel (EDP) which consists of the Clerk with the Chair, Vice Chair and the Chairs of Standing Committees.
The EDP will come into force when either

(1) Council meetings have to be suspended due to circumstances outside of the Council's control, or
(2) an urgent decision is needed and timescales do not allow an emergency Council meeting.

The EDP will itself decide when its powers need to be invoked. It will consult all councillors as far as possible before doing so, and notify them of any decisions taken. When its powers are invoked under (1), the regular Calendar of meetings will as far as possible continue on-line, on an advisory basis.

Council may decide that, for reasons beyond its control, Standing Committee and Sub-Committee meetings may be held on-line, with public participation, rather than face to face. If so, their status will be advisory, and their decisions will have to be ratified by a face-to-face meeting of full Council, depending on the state of legislation with regard to virtual meetings of councils and/or their committees.

DRAFT TERMS OF REFERENCE OF STANDING COMMITTEES

Development and Strategy

This committee is concerned with planning and development matters and with the Council's policies and strategic direction.
Terms of reference:

- To agree, monitor and report the Councils Values, Aims and Objectives.
- To agree, monitor and report the Councils strategic ambitions in the near and longer term.
- To agree, monitor and report on the Strategic Plan for the Council.
- To agree, monitor and report an action plan to implement the strategic ambitions of the Council.
- To review existing, and development of, policies that build on the strategic ambitions to guide the services and activities of the Council.
- To carry out discussions with developers and other third parties on behalf of the Council.
- To consider and respond to major consultations from other bodies and represent the Parish's interests to other bodies.
- To oversee the internal management of the Council's affairs.
- To receive reports from Planning, Strategy and Policy Groups as necessary.
- To consider and monitor District, County, and other developmental plans, proposed listed buildings, conservation areas, tree preservation orders and building preservation orders which impact upon Kidlington or its vicinity, and the making of all appropriate representations.
- To make representations to consultations that affect the village from other organisations and authorities as appropriate.
- To make representations to the Local Planning Authority on applications for planning permission which have been notified in accordance with relevant legislation and in

emergencies. Final decisions are made by Cherwell District Council Officers under delegation or, if placed before them, the District Council Planning Committee.

- To make representations in respect of appeals against the granting/permission or refusal of planning permission.
- To undertake street naming under powers delegated by Cherwell District Council and to make representations regarding house naming and street numbering.
- To consider and comment on all environmental matters and work in partnership with other Councils, agencies, and groups to secure improvements in the physical environment.
- To liaise with Oxfordshire Police, Fire Service, and other statutory and voluntary services in relation to emergencies.
- To consider and review the Kidlington Masterplan as required.
- To undertake a Neighbourhood planning process as necessary.
- To consider and comment on all Highways matters and contribute towards improving the local transport infrastructure. To make recommendations representing the interests of the Kidlington Community as a whole to Cherwell District Council on planning applications received.

Finance and Assets Committee
This committee is concerned with the Council's finances, budgets, financial management and management of assets in the ownership or control of the council.
Terms of reference:

- To monitor and assess financial risk to the Council.
- To monitor and review the risk register.
- To carry out ongoing review of the budget.
- To recommend the annual budget and precept to Full Council.
- To monitor the financial affairs of the Council.
- To monitor and review of all Council assets.
- To monitor the management and maintenance of Council buildings and open spaces.
- To receive auditors' reports and to make recommendations regarding any matters arising from such reports.
- To provide an overview and make recommendations in respect of the general financial administration of the Council.

Community Committee
This committee is concerned with the services and facilities provided by the Council for the community.
Terms of reference:

- To investigate, deliver and implement community-based projects bought forward through the action plan.
- To encourage community involvement through promotion of activities and special projects.
- To agree S137 Grants for parish based organisations and projects.
- To monitor of budgets within remit.
- To co-ordinate and review the Council's community events programme.

Personnel Committee
The Personnel Committee shall be delegated to make decisions on behalf of the Council in the following matters

- Hearings for grievance, disciplinary and capability matters relating to the Clerk in accordance with the Council's policies.
- Appraisal of the Clerk
- Consideration of staffing reviews if required.
- To review, monitor and revise policies for staff.
- To keep under review all matters pertaining to the performance, terms and conditions of service, and superannuation of the Council's staff.
- To oversee appointment of the Clerk and the Responsible Finance Officer.
- Receiving staff reports from the Clerk.
- To represent the Council in discussions with the Clerk on the refilling, suspension, modification and creation of staff posts.

All Standing Committees are responsible for monitoring expenditure against any budgets allocated to them, subject to the overall financial supervision of the Finance Committee.