



Blackwater & Hawley Town Council

This Scheme of Delegation was adopted by the Town Council
on 19th June 2023

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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 Those with delegated responsibility are referred to by job title, therefore any changes in job titles will trigger a review of this scheme.
- 1.3 One of the purposes of the document is to clearly define the parameters within which Officers of the Council are able to act without reference to either their line managers or Members. 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 the document is to detail 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. PRINCIPLES OF DELEGATION

- 2.1 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.
- 2.2 Any delegation to a Committee or the Proper Officer shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and with the law.
- 2.3 The Proper Officer may nominate another named Officer to carry out any powers and duties, which have been delegated to the Proper Officer.
- 2.4 In an emergency the Proper Officer is empowered to carry out any function of the Council.
- 2.5 Where Officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chair of the relevant committee, and the Officers must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

3. AUTHORITY TO ACT

- 3.1 Subject to those matters that are reserved for Committee; all members of staff shall be responsible and shall have delegated authority as outlined in this scheme.
- 3.1.1 Any matter not reserved for Committee (i.e. any matter falling outside the criteria) shall be regarded as falling within the day to day operation and management of the relevant department and shall be delegated to the appropriate member of staff and shall be exercised in accordance with this delegation scheme.
- 3.2 It will be appropriate for the Officers of the Council to refer a matter:
- To the Town Clerk where the determination of the matter raises issues of corporate priorities or the co-ordination of the discharge of various functions of the Council,
 - To the 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; or could, by its scale or complexity expose the Council to major corporate risk.
- 3.3 All officers have the responsibility to act within the Council's approved policies, procedures and framework and within the law in conjunction with this delegated scheme.

4. CONFLICTS OF INTEREST

- 4.1 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 they have any conflict of interest in any matter which is under consideration, actual or perceived, within the Council, and also for notifying the Town Clerk.
- 4.2 Where an employee is unsure whether an interest should be declared, they should speak to Town Clerk 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.
- 4.3 Employees are also required to disclose any other employment that they wish to undertake in addition to their primary post with the Council.
- 4.4 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.

5. COUNCIL RESERVED POWERS

5.1 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 Council:

- Appointment of the Town Clerk and Responsible Financial Officer.
- To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council Policies.
- To approve and adopt the Budget.
- To determine the Council's Corporate Priorities.
- To appoint the Chair and Vice Chair.
- To agree and/or amend the Terms of Reference for Committees, deciding on their composition and making appointments to them.
- To adopt the schedule of meetings for the ensuing year.
- To consider the recommendations of any Remuneration Panel (where one is in existence) and adopt the level of allowances that can be claimed by Members of the Council in respect of authorised or approved duties.
- To determine matters involving expenditure for which budget provision is not made or is exceeded.
- To determine matters which do not fall within the remit of any Committee.
- To determine matters affecting, or likely to affect, another Committee or where consultation with or approval of that other Committee is required.
- To determine any matters referred to it by a committee in accordance with Standing Orders.
 - To set the Precept.
 - To make Byelaws.
 - To borrow money.
 - To annually approve the Statutory Annual Return
 - To annually approve the Council strategy, aims and objectives including the Terms of Reference for the Council Committees
 - To receive statutory reports from the Town Clerk/Responsible Financial Officer
 - To consider any matter required by law to be considered by Council

6 DELEGATION TO COMMITTEES – SAFEGUARDS

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

6.2 Matters delegated to 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.

6.3 In accordance with Standing Order 7 the Council may, under specified conditions, reverse a Committee (or Council) decision within 6 months. The written notice whereof bears the names of at least (3) two thirds

councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.

- 6.4 Members will be advised by the Town Clerk whether or not a particular item under discussion is within the 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 Chairman 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 Town Council.
- 6.5 In any case where a Committee Chair and/or 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.

7. DELEGATION TO COMMITTEES

a) FINANCE

Membership	All Eight Town Councillors
Quorum	Three Town Councillors
Meetings	Bi-annually or as required

Terms of Reference:

- 1) To oversee the work of the Town Clerk/RFO in matters relating to Finance and Audit and provide guidance and assistance to the Town Clerk and/or RFO of the Town Council.
- 2) The key responsibilities of the committee are to:
 - a. ensure that the council's finances and resources are managed in a responsible and prudent manner in accordance with the adopted Financial Regulations and to advise the council on all aspects of finance and financial policy, including the management of banking and any investments.
 - b. assess and control financial, contractual, and organisational risk.
 - c. provide the parish council's services at a cost that gives consistent good value to the parish community, commensurate with full and effective fulfilment of the council's operational role and policy aims.

- 3) Operational responsibilities include:
- a. To consider the annual budget proposals from the Parish Clerk and to agree an overall budget, reserves policy and precept requirement, including recommendations for grants and submit this to Full Council for approval.
 - b. Prior to the budget process, to annually review any subscriptions, honorariums, service provision agreements and service level agreements, with suppliers and providers with a view to their continued necessity, suitability and value for money.
 - c. ensure that the parish council maintains adequate levels of insurance cover, review the schedule of cover annually on renewal.
 - d. examining the reports of internal and external auditors, ensuring that any recommendations are complied with and that any shortcomings highlighted in the reports are addressed and reported to council.
 - e. ensuring that the parish council's standing orders and financial regulations are reviewed as per the required schedule, submitting any amendments to council for approval.
 - f. ensuring that the council has in place the necessary written policies.
 - g. To be involved at the onset of projects that may have financial implications greater than budget identified by the Town Council.
 - h. ensuring that proper records are kept of the parish council's properties and significant assets.
 - i. reviewing annually the effectiveness of the council's internal control and internal audit.
 - j. To be responsible for any budget delegated to it by the Council and to ensure that the Committee conforms to the principle of Best Value by the outcomes of its financial resolutions.
 - k. To review all lease, rental and other charges annually and when required.

b) PLANNING AND PAYMENTS

Membership	All Eight Town Councillors
Quorum	Three Town Councillors
Meetings	Fortnightly or as required

Terms of Reference:

- 1) The committee will make recommendations on behalf of the parish council in respect of all planning, transport and other infrastructure issues which directly or indirectly may affect the Parish and to monitor s106 and/or Community Infrastructure Levy (CIL) contributions. The committee will act on behalf of the council in respect of any licencing applications received by the council.
- 2) Operational responsibilities include:
 - a. To study relevant plans, visit relevant sites and consider any comments from members of the public before submitting responses. This may be to recommend approval, recommend refusal, observations or consider no objection.
 - b. To take note of decisions made and, if considered appropriate, to respond to Hart District Council so as to promote the best interests of the parish and its residents.
 - c. To submit comments and recommendations regarding tree applications to Hart District Council and to take note of decisions made in respect of tree applications by Hart District Council.
 - d. To ensure that any objections or recommendations are based solely on planning criteria.
 - e. To consider consultations and correspondence regarding planning issues including the infrastructure of the parish and beyond, which may have an impact on planning at local, regional or national level, and to respond on the Parish Council's behalf as appropriate.
 - f. To take note of any new legislation or regulations, changes in policy or other developments affecting the planning process, and any briefings received, and to participate in any relevant training.
 - g. To liaise with Hart District Council, Hampshire County Council, other town and parish councils and any other groups, subgroups or organisations regarding planning issues and other issues, including the infrastructure of the

parish and environmental improvement schemes, which might have an impact on planning and transport.

- h. to consider and respond to any street licencing requests received by the council.
 - i. To deal with all street naming submitted by Hart District Council.
 - j. To oversee the Parish Lengthsman Scheme (led by Yateley Town Council for Blackwater & Hawley, Church Crookham, Winchfield and Eversley parish) and operation of the SLR programme within the Parish.
- 6.5 The committee is delegated to make decisions on planning and street licencing applications and other appropriate matters directly to the relevant planning or licencing authority.
- 6.6 The committee shall take whatever advice and action it deems necessary to ensure that the Council is fully aware of its legal rights and obligations.
- 6.7 To be responsible for any budget delegated to it by the Council and to ensure that the Committee conforms to the principle of Best Value by the outcomes of its financial resolutions.

c) STAFFING COMMITTEE

Membership	Four Town Councillors
Quorum	Three Town Councillors
Meetings	Bi-annually or as required
Confidential	Meetings closed to press and public and minutes confidential

Terms of Reference:

1. To consider proposals for terms and conditions of employment and pay structures for employees of the Council.
2. To consider the appointment of the Town Clerk, Responsible Financial Officer and make its recommendations to Council.
3. To make other such staff appointments as necessary for the delivery of the Council's services.
4. To ensure that the appropriate HR policies and procedures, reflecting best practice and conforming to Employment Law, are in place for the employees of the Council.

5. To ensure that appropriate training and continual professional development programmes are in place for the staff of the Council, and that these are underpinned by a robust performance appraisal scheme which is created, designed and monitored by the Staffing Committee.
6. To consider and approve on behalf of the Council internal Health and Safety policies and procedures for the staff.
7. To consider and bring to Council for approval any significant changes in operational design.
8. To assess staffing needs and develop proactive recruitment strategies to minimise the duration and frequency of vacancies.
9. To consider retention programmes e.g. training to keep employees satisfied with their jobs.
10. To hear and determine on behalf of the Council any appeals by employees of the Council arising from any Appeals procedures available to the employees and to make recommendations to Council.
11. To be responsible for setting the level of remuneration for all staff for which a budget has been provided and recommended to Council.
12. To consider any matters referred to the Committee by the Council.
13. The Clerk shall have the authority to engage casual workers subject to budget and the Clerk shall consult with the Staffing Committee when such work is to be sanctioned.
14. To be responsible for any budget delegated to it by the Council.
15. To ensure that the committee conforms to the principle of Best Value by the outcomes of its financial resolutions.

d) WORKING GROUPS

Membership	No less than three, no more than five Councillors. May include non-Council members
Quorum	One Town Councillor
Meetings	As required
Note	Working groups will not meet in public, therefore Standing Orders are not applicable, although Code of Conduct will apply.

Terms of Reference:

1. The council or a committee (the creating body) may form or disband a working group who will carry out tasks as defined by the creating body. Specific terms of reference, including if necessary delegated powers, will be prepared by the Clerk for ratification at the next creating body meeting following the working group being established.
2. The Role of a working group will be:
 - To tackle issues as directed by the creating body
 - To be task specific and time limited
 - To examine an issue in detail, read reports and related materials, examine options, and obtain advice for the creating body
 - To act as experts and/or liaise with experts
 - To make recommendations to the creating body
 - To answer questions from the creating body

No funding or monies to be spent or committed without delegated authority or prior full council endorsement.

3. The creating body must direct the working group and set clear terms of reference for them regarding objectives, scope and outcome. The role of full council is to question and challenge the recommendations, in order to be satisfied of the correct decision.

The working group must facilitate the creating body with as much information as it requires to ensure it can make a properly informed decision on its recommendation.

4. The operation of the working group:
 - A Working group will not have a budget.
 - The leader of the working group to be appointed by the creating body full council at the time of the working group members are appointed.
 - Work priorities and co-option of named experts to be approved by the creating body.

- The working group will prepare notes of meetings for the creating body to report on any activity and progress.
- The working group will examine options and make recommendations to the creating body.

8 DELEGATION TO OFFICERS

Town Clerk/Proper Officer/Responsible Financial Officer

- 2.1 The Clerk to the Council is designated and authorised to act as 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.
- 2.2 The Clerk to the Council is designated and authorised to act as the Responsible Financial Officer (RFO) for the purposes of any statute requiring the designation of a Responsible Financial Officer. Local Government Act 1972 s151.
- 2.3 The Clerk to the Council, known as the Town Clerk, is employed by the council under section 112 of the Local Government Act 1972 for the proper discharge of its functions.
- 2.4 The Clerk to the Council shall do the following;
- i. **at least three clear days before a meeting of the council or a committee serve on councillors by delivery or post at their residences or by e-mail authenticated in such manner as the proper officer sees fit, a signed summons confirming the time, place and the agenda**
 - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub- committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
 - iii. **Convene a meeting of full Council for the election of a new Chair of the Council, occasioned by a casual vacancy in the office, in accordance with 2.4(i) OR 2.4(ii) above.**
 - iv. **Receive and retain copies of byelaws made by local authorities.**
 - v. **Receive and retain declarations of acceptance of office from councillors.**
 - vi. **Make available for inspection the minutes from meetings.**

- vii. retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- viii. Keep proper records required before and after meetings;
- ix. process all requests made under the Freedom of Information Act 2000 and Data Protection Act 2018, in accordance with and subject to the Council's procedures relating to the same.
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xi. manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xii. arrange for legal deeds to be signed by 2 councillors and witnessed.
- xv. institute and appear in any legal proceedings authorised by the Council,
- xvi. appear or make representation to any tribunal or public inquiry into any matter which the Council has an interest.
- xvii. as required, alter the date or time of a committee meeting, but before doing so, shall consult the Chair of the committee concerned about the need for the change and about alternative dates and times.
- xviii. manage the Council's cemetery.
- xix. undertake day to day management and maintenance of Council land and facilities.
- xx. prepare statements for the press where the known policy of the council exists.
- xxi. carry out the wishes of any Council, Committee or sub-committee decision.
- xxii. develop and maintain the councils I.T. capabilities, including the council website and social media activity.
- xxiii. manage the day-to-day operational management of the council.
- xxiv. action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

- xxv. organise and manage events on behalf of the council
- xxvi. represent the council at meetings and forums.
- xxvii. Prepare, produce and publish council publications and documents

2.5 The Clerk to the Council is authorised as follows:

- i. to arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- ii. to incur expenditure up to limit set in the Financial Regulations.
- iii. to incur expenditure on behalf of the Council which is necessary to procure services, carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit set in Financial Regulations. The Clerk to the Council shall report the action to the council as soon as practicable thereafter.
- iv. to authorise for payment, staff salaries and expenses in line with council policy.
- v. to prepare VAT reclaim on behalf of the council.
- vi. to take proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.
- vii. to issue invoices on behalf of the council.
- viii. to carry out duties in line with the responsibilities of RFO.
- ix. to carry out duties in accordance with the Financial Regulations of the parish council and the Audit and Accounting and Governance regulations.
- x. to accept bookings and to negotiate and authorise the rents and fees for persons using the facilities provided by the council, other than standard charges proscribed by the council, including free use of facilities, where required.
- xiv. to use promotions to encourage increased usage and overall income of the councils facilities or activities
- xv. to close all or parts of facilities to allow for maintenance work or in the interests of health & safety

- xvi. to keep all land and property under review and take such emergency action as may be necessary for the protection of the public or the Council's property
- xvii. to order goods, works and services as per Financial regulations
- xviii. Whilst retaining overall responsibility, the Clerk to the Council may delegate the duties listed above in 2.4 and 2.5 to other staff members with the exception of those marked in bold.

2.6 The Clerk to the Council is given delegated powers to act as line manager to all the Council staff in accordance with the Council's policies, procedures and budget, including:-

- i. the monitoring and management of staff performance
- ii. the management of discipline and grievance matters up to and including final written warning in line with council policy
- iii. the arrangement of staff training
- iv. the approval and authorisation of reasonable overtime as required
- v. the approval and authorisation of annual leave entitlement and other absence as appropriate

2.7 The Clerk to the Council is authorised to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council and the relevant committee or sub-committee. The Chairman of the Council or Chairman of the appropriate Committee shall be informed as soon as practically possible of any action taken by the Clerk to the Council.