

Scheme of Delegation

This Scheme of Delegation authorises the Proper Officer (the Clerk) and Responsible Financial Officer in accordance with the Council's Standing Committee/s, any Sub-Committees and Working Groups of the Parish Council with delegated authority in the specific circumstances detailed.

1. **Proper Officer** – The Parish Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:
 - To receive Declarations of Acceptance of Office.
 - To receive and record notices disclosing personal and pecuniary interests and to receive and record notices of dispensations.
 - To receive and retain plans and documents.
 - To sign notices or other documents on behalf of the Council.
 - To receive copies of by-laws made by the District Council.
 - To certify copies of by-laws made by the Council.
 - To sign summons to attend meetings of the Council.
 - The day-to-day administration of services, together with routine inspection and control.
 - Authorisation of routine expenditure within the Standing Orders and Financial Regulations of the Council.
 - Emergency expenditure up to £5,000 outside the agreed budget.
 - Delegated actions of the Parish Clerk shall be in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.
2. **Responsible Financial Officer** – The Responsible Financial Officer to the Council (is also the Parish Clerk) and shall be responsible for the Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.
3. **The Council** – The following matters are reserved to the Council for decision/resolution, notwithstanding that any appropriate Committee/s, Sub-Committees or Working Groups may make recommendations for the Council's consideration:
 - Setting the Precept.
 - Borrowing money.
 - Making, amending, or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
 - Making, amending or revoking by-laws.
 - Making of orders under any statutory powers.
 - Matters of principle or policy.
 - Nomination and appointment of representatives of the Council to any other authority, organisation or body (apart from approved conferences or meetings).
 - Any proposed new undertakings.
 - Prosecution or defence in a court of law.
 - Nomination or appointment of representatives of the Council any inquiry on matters affecting the Village, excluding those matters specific to a Committee, Sub-Committee or Working Group.
4. **Committees – HR Committee** - The HR Committee sits and functions under the delegated authority of the Parish Council. Like the Full Council, it exercises its authority as a collective body. The HR Committee has the delegated authority to make decisions on behalf of the Full Council on some matters within its areas of responsibility without the need for these decisions to be ratified by the Full Council. In other cases, it makes recommendations to the Full Council. This does not affect the overall compliance with Financial Regulations where certain financial actions must be approved by Full Council.
 - The overall performance of the staff, delegating the day-to-day line management of the Clerk. The HR Committee will be the body authorised to guide and assist the Clerk.

- Ensuring the delivery of regular staff appraisals and noting and agreeing any actions and outcomes.
- Nominating a member to carry out the Clerk's appraisals and reporting any actions as above.
- Dealing with matters of individual or group discipline through the established management ranks, offering guidance and support to line management as appropriate.
- If the problems require disciplinary and grievance procedures, then these will be directed to the appropriate panel as per the adopted procedures.
- The results of these disciplinary and grievance procedures are to be brought to the HR Committee in the first instance – and the HR Committee will make recommendations to Full Council.
- Any appeal will be reported to Full Council for the appeals procedure to be implemented.
- Carrying out an annual review of the Council's employment policies, making recommendations to Full Council for any alterations and amendments.
- Periodically reviewing staff contracts and initiating any amendments / alterations taking into account the correct employment law procedures.
- Through the Clerk (Responsible Financial Officer) the HR Committee will be aware of pay, Income Tax, National Insurance, pension contributions and other related expenses, and ensure that legal requirements and recommendations are complied with.
- The HR Committee will forward details of resignations to Full Council and will initiate filling the vacancy in accordance with the Council's approved recruitment policy.
- Advertising for new staff, conducting interviews and making recommendations to the Full Council.
- Contracts of employment for new staff members are agreed by the HR Committee but are referred to Full Council for acceptance.
- The HR Committee Chairman and / or Vice-Chairman may approve the Clerk's annual leave, lieu time and claims for expenses. Details of periods exceeding one day should be passed to all HR Committee members – to a meeting, or via email if granted and take between meetings.
- Emergency Powers of the HR Committee - Generally staffing matters should be dealt with in HR Committee meetings, however, in exceptional circumstances, if there is an emergency HR or staffing issue, the Clerk shall take the initial action – informing the Chairman and Vice-Chairman as soon as possible. The matter or outcome is to go to the next HR Committee Meeting.

Examples of 'exceptional circumstances' may include:

- a serious offence; or
 - gross misconduct; or
 - other major incident; or
 - accident.
- 5. Committees – Finance Committee** – To regulate, manage and control the finances, resource' and (with the HR Committee and Planning Committee) and the Cemetery and to regulate, manage and control the staffing of the Council. To recommend to the full Parish Council the annual Budget and Precept in accordance with Financial Regulations.
- To formulate and regularly review Parish Council policies.
 - To collate and review other Committees and annual Budget recommendations, prior to recommendation to Full Council.
 - To consider long term objectives of the Council and formulate business plans (including financial management) to achieve such objectives.
 - To review financial reports provided by the RFO (Responsible Finance Officer) and oversee day to day management of the Council's finances and assets.
 - To oversee with the HR Committee, staffing matters, including agreeing staff salary increases as recommended by the /HR Committee.
 - To regularly review Parish Council procedures and policies and review at least annually.
 - Expenditure against the Council's Budget as set by the full Parish Council.
 - Coordination of Annual Budget Estimates from all Committees for recommendation to the full Council for approval and resolving the Precept request to the District Council.

- To liaise with the Clerk and the Chairman of the Council regarding all communications and media such as the Parish Council's website, Facebook (social media), the press, radio and in conjunction with the Media Policy.
- Review the Council's ICT provision.
- To make resolutions and recommendations to the Council in accordance with the Council's Standing Orders and Financial Regulations.
- Review, implement and recommend policies relating to insurance, risk management, financial control/audits (internal and external), investments, loans, legal issues, grants and schedule of grants.
- To oversee and agree the use of any remaining S106 (Section 106 Planning Obligations of the Town and Country Planning Act 1990, as amended) in conjunction with the Planning Committee and Council.
- To agree other funding streams including grant applications to external providers.
- For any matters which fall outside of the Committee's delegated powers, where recommendations will be made by this Committee to the full Parish Council.

Cemetery and Finance Committee's Key Responsibility – The Committee looks after the Cemetery on behalf of the residents of Mistley and Manningtree. It ensures compliance with the laws and legal framework relating to burial grounds.

Cemetery and Areas of responsibility of the Finance Committee (with the full Parish Council)

- To keep under review the provision of existing burial and interment facilities for the residents of Mistley and Manningtree.
 - To assess available options for future provision of burial and interment facilities, through development of the existing cemetery, extension of the existing cemetery or acquisition of additional land for cemetery use on a "need-for" basis.
 - To assess and budget for future maintenance, replacement or upgrading of cemetery land for which it is responsible.
 - To review and agree annually the structure of fees for services provided in the Cemetery.
 - To prepare an annual budget.
 - To oversee the day-to-day maintenance of the Cemetery via the Cemetery Manager.
 - To agree the cemetery rules and regulations.
 - To review the terms of reference of the Cemetery in relation to the Finance Committee at least annually.
 - To ensure that Cemetery records are maintained via the Cemetery Manager.
 - To make recommendations relating to relevant policies and procedures.
 - Coordinating the upkeep of the Cemetery, to include maintenance, mowing, trimming, cutting brush, repair and maintenance of grave markers.
 - To consider memorial donations requests relating to street furniture on their respective merit.
 - To ensure consistent levels of service and standards for the bereaved and the wider community.
 - To ensure compliance with the Local Authorities' Cemeteries Order 1977 (as amended).
 - In relation to Exhumation - to ensure that Section 25 of the Burial Act 1857 is adhered to and ensure where relevant that a licence is obtained from the Secretary of State.
- 6. Committees – Planning Committee** - As a statutory consultee to the Local Planning Authority (LPA) – Tendring District Council (TDC), Mistley Parish Council Planning Committee will receive and consider all planning applications received from the LPA and make recommendations and comments on behalf of the Parish Council under the Committee's full delegated powers.
- To comment on planning applications and other development control matters for the Village; including County Deemed Applications; (Essex County Council applications).

- To respond to consultations on matters relating to planning, development or the local environment.
 - To comment on appeals lodged following the refusal of planning approval.
 - To appoint a Councillor to represent the views of the electorate and of Mistley Parish Council at any given LPA Planning Committee Meeting.
 - To appoint a Councillor who will represent the Parish Council at any Pre-Inquiry or Public Inquiry.
 - To receive reports on matters related to highway services delivered in the Village.
 - To make recommendations to Essex County Council's Highways department for suggested improvements or issues relating to highway delivery in the Village.
 - To make recommendations to the District Council on Street Naming in the Village.
 - To view, consider and respond on behalf of the Parish Council on all planning consultation government white, green papers and general consultation on planning and development, nationally and locally. (Setting up a Working Party may be appropriate for lengthy consultation documents).
 - To be familiar with cross-boundary planning applications proposals, for example in Manningtree and Lawford which are likely to affect Mistley.
 - To be familiar with planning policies, including locally and nationally.
7. **Working Groups/Parties** – Working Groups/Parties may be formed by resolution of the Council and a Committee at any time. The work of such a Working Group/Party will be decided upon at the time it is formed by means of a minute detailing the terms of reference. Each Working Group/Party will report back with recommendations to the Council or Committee that formed it. Members of the Public and other Community stakeholder groups or Councils can join Working Groups/Parties. For any rare and urgent deadline responses/comments which need to be made the Working Group can ask the Parish Clerk to respond and the matter will then be reported back to the next available Parish Council Meeting.
8. **Urgent Matters**
- In the event of any matter arising which requires an urgent decision, the Parish Clerk with consult with the Chair or the Vice Chair of the Council and with the concurrence of those member/s shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
 - Before exercising the delegated powers (as detailed in the above bullet point), the Parish Clerk and the member/s consulted shall consider whether the matter is of sufficient interest to justify the summoning of an Extraordinary Parish Council Meeting of the Council.
 - Any action taken must be reported at the next available Parish Council Meeting (unless an Extraordinary Parish Council Meeting is summoned).
9. **Delegations – Limitations** – Committee/s and any sub-Committees and Working Groups shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations, and this Scheme of Delegation and, where applicable, any other rules, policies, procedures, regulations, schemes, statutes, by-laws or orders made and with any directions given by the Council from time to time.

*Review Body – Mistley Parish Council. Reviewed annually and normally each May at the Annual Parish Council Meeting. **Adopted 20/05/2019. Last Reviewed 20.05.24. Next Review Date May 2025***