



**Kings Walden  
Parish Council**



**COMMITTEES AND CLERK SCHEME OF  
DELEGATION AND TERMS OF REFERENCE**

**Adopted September 2022  
To be reviewed May 2023**

# Committees and Clerk Scheme of Delegation 2022

## 1.

### 1. Discharge Of The Scheme

- This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders and will be reviewed every year and when there are staffing changes.
- Those with delegated responsibility are referred to by job title, Parish Clerk.
- 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 Councillors. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.
- 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.
- The other purpose of the document is to capture the various delegated powers throughout the Council, including those delegated by the Council to its 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 In an emergency the Proper Officer is empowered to carry out any function of the Council.

2.4 Where the Parish Clerk is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chairman of the Council and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

## Committees and Clerk Scheme of Delegation 2022

### 3. Authority to Act

3.1 It will be appropriate for the Parish Clerk to refer a matter 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.

3.2 The Parish Clerk and Committees have the responsibility to act within the Councils 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 the Parish Clerk must make a formal declaration about council contracts where they have a financial interest.

4.2 Where the Parish Clerk has a conflict of interest in any matter, he/she shall not participate in that matter unless approved by the Council and this is formally recorded in the Council minutes.

### 5. Council Reserved Powers

5.1 The following matters are only to be resolved by the full Council:

- Appointment of the Parish Clerk/Responsible Financial Officer and other council officers following a recommendation from the Staffing Committee
- To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies
- To approve and adopt the Policy Framework.
- To approve and adopt the Budget.
- To agree and/or amend the terms of reference for Committees and Working Parties
- To adopt the schedule of meetings for the ensuing year.
- To determine matters involving expenditure for which budget provision is not made or is exceeded.
- To set the Precept.
- To make byelaws.
- To borrow money.
- To annually approve the statutory Annual Governance and Accountability Return
- To approve eligibility for the General Power of Competence

## Committees and Clerk Scheme of Delegation 2022

### 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.

### 7. Delegation To Parish Clerk

#### (a) Parish Clerk

7.1 The Parish Clerk is designated and authorised to act as the 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.

7.2 In the case of an emergency, the Clerk shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Chairman (if practicable in the circumstances).

7.3 The Clerk will have the authority to dispose of the Council's assets (excluding land and building assets) subject to the estimated value of any one tangible; moveable item does not exceed £500. The Clerk is responsible for ensuring any disposal details including the disposal values are recorded in the assets register.

7.4 Power to authorise relevant training courses provided the expense can be met from approved budgets having taken into account the training needs of the employees.

7.5 The Clerk is the manager for all staff employed by the Council and is given delegated powers to manage the council staff in accordance with the Council's policies, procedures and budget

7.6 The authority to sanction and authorise payment of overtime so long as the costs can be contained within the parameters of the approved budget.

7.7 Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council

7.8 As Proper Officer, to sign all documents on behalf of the Council including the Summons to Elected Members to attend Council Meetings in accordance with paragraph 4 and Schedule 12 of the Local Government Act, 1972

## Committees and Clerk Scheme of Delegation 2022

7.9 To sign and publish the annual public notice that the Audit of Accounts is to take place and has taken place.

7.10 To receive members' acceptance of declarations of interest and their appointment as a Councillor.

7.11 Power to release press statements on any activities of the Council subject to prior consultation with the Chairman

7.12 Power to act on own initiative to implement the Council's policies and objectives.

7.13 Power to take appropriate steps to ensure the Council does not exceed its powers.

7.14 Power to manage all the Council's facilities and resources in accordance with the Council's policies.

7.15 In liaison and after conferring with the Chairman, to make such Civic arrangements as are necessary.

7.16 The Proper Officer shall have authority to issue written authorisation to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties.

1.17 The Proper Officer shall be responsible for signing all the Council's Official Notices as set out in the Standing Orders

7.18 As Proper Officer/Responsible Financial Officer, the Clerk may incur expenditure on revenue items on behalf of the Council up to the amounts included in the approved budget.

7.19 The Parish Clerk, in consultation with Councillors, to make comment on planning applications submitted to Kings Walden Parish Council by North Herts District Council within the statutory 21-day consultation period if the deadline is before the next Council meeting.

7.20 The Parish Clerk, to request an extension to the statutory 21-day consultation period in regards to planning applications if the deadline is before the Parish Council meeting.

### **(b) Responsible Financial Officer**

## **Committees and Clerk Scheme of Delegation 2022**

7.21 The Responsible Financial Officer will be responsible for all financial records of the Council and the careful administration of its finances and accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time and with the policies and procedures set by the Council and within the law

7.22 The Responsible Financial Officer will have the power to release any financial related report or document to the Council in discharge of the Responsible Financial Officer responsibilities

7.23 The Responsible Financial Officer shall ensure the approved precept request is issued to the billing authority

# Committees and Clerk Scheme of Delegation 2022

## Committees and Representatives 2021 to 2022

### EMPLOYMENT COMMITTEE

**Membership:** Cllr Cann and Cllr King (*Chair*)

**Meetings:** As required when required to ensure that Kings Walden Parish Council complies with the requirements of employment law and follows best practice in providing good working conditions for staff

#### Terms of Reference:

The Staffing Committee will be responsible for the following:

- 1) Recruitment of Parish Clerk/ Responsible Financial Officer and other staff as required
- 2) Recruitment and selection procedures
- 3) Annual staff appraisal and development
- 4) Review of staff contracts, grievance and discipline policies
- 5) Management of rights relating to leave, time off and illness
- 6) To ensure that the Clerk has everything required for managing other staff
- 7) To ensure the health and safety of all staff and carry out risk assessments
- 8) To keep up to date with developments in employment law
- 9) The Staffing Committee will serve as the disciplinary or grievance panel
- 10) To agree the members to sit on an appeals panel to hear appeals against a decision on a grievance

**Written or verbal report to Council meetings as required**

### FINANCIAL CONTROL

**Membership:** Clerk / RFO

#### Terms of Reference:

- 1) Review and monitor internal controls.
- 2) Verify invoices and payments
- 3) Verify income and KWPC invoices
- 4) Review bank reconciliations
- 5) Review budget expenditure and income against actuals
- 6) Prepare draft budget
- 7) Review GDPR requirements
- 8) Submit agreed precept request

**Written or verbal report to Council meetings as required**

## Committees and Clerk Scheme of Delegation 2022

### VILLAGE HALL COMMITTEE

**Membership:** Cllr King (Chair), Cllr Mulgrew and the Clerk  
**Quorum:** Two Parish Councillors  
**Meetings:** To attend the Village Hall Meetings

**Terms of Reference:**

- 1) Review and monitor relationship with the main Village Hall Committee
- 2) Work alongside the main Village Hall Committee to make the hall a success
- 3) To monitor the use of the changing rooms
- 4) To monitor any wear and tear of the changing rooms.

**Written or verbal report to Council meetings as required. Decisions to be taken as Full Council.**

### AIRPORT COMMITTEE

**Membership:** Cllr vacancy with support from Breachwood Green Resident Andrew Mills-Baker. One vacancy.  
**Quorum:** Not required

**Terms of Reference:**

- 1) To monitor and review consultations etc occurring at Luton Airport.
- 2) To lead the Parish Councils response to consultations etc
- 3) To liaise with Luton Rising, LLACC etc and attend relevant meetings.
- 4) To engage with the parish with an agreed message agreed to by Full Council

**Written or verbal report to Council meetings as required. Decisions to be taken as Full Council**

### YOUTH CLUB COMMITTEE

**Membership:** Cllr King (Chair), Cllr Chamberlin, and the clerk.  
**Quorum:** Two Parish Councillors

**Terms of Reference:**

- 1) To monitor and review the running of the Youth Club.
- 2) To monitor the budget spending of the Youth Club.
- 3) To assist with staffing issues including hiring of personnel.

**Written or verbal report to Council meetings as required. Decisions to be taken as Full Council**

### REPRESENTATIVES TO OUTSIDE BODIES

**Representatives to Breachwood Green Village Hall Committee**  
Cllr King and the clerk.

**Representative to LLACC**  
Vacancy