

Chilbolton Parish Council

Scheme of Delegation

Adopted February 2022

Review Date February 2024 (unless legislation changes)

Applicable statute

Local Govt Act 1972 Section 101,117

Local Government Act 1972 schedule 12a (part 1)

Local Government Act 1972 s102

Data Protection Act 1998

Public Bodies (Admission to Meetings Act) 1960 s2

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NB: The Parish Clerk is also the Proper Officer and Responsible Financial Officer

Discharge of the Scheme

- 1.1 This Scheme of Delegation forms part of Chilbolton Parish Council's (hereafter referred to as "the Council") Standing Orders and will be reviewed every year and when there are staffing changes, unless a change in law necessitates review.
- 1.2 Those with delegated responsibility are referred to by job title.
- 1.3 The purpose of the document is to capture the various delegated powers throughout the Council, including those delegated by the Council to its Committees, and what decisions those Committees can take if they are not able to meet in person. It also clearly defines the parameters within which the Parish Clerk / Proper Officer of the Council can 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.
- 1.4 Any deviation from this scheme should be reported to the Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

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, its Financial Regulations and 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 Chair of the Council and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

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.

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 where a delegation scheme has been put in place, he/she shall not participate in that matter unless approved by the Council and this is formally recorded in the Council minutes.

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 Personnel 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 appoint Committees and working groups
- To approve Membership of all Committees and working groups unless delegated below
- To agree and/or amend the terms of reference for Committees
- 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 return
- To approve eligibility for the General Power of Competence
- To assess, consider and (if approved) award donations and grants fund to other bodies where lawful and appropriate in accordance with statute
- To receive, consider and (if approved) ratify recommendations from any Committee outside of budget allocation
- To assess, consider and (if approved) ratify recommendations from working groups

Delegation to Committees

6.1 The Council has in place Committees and working groups to whom delegations have been made to carry out the normal business of the Council. Such delegations are detailed in the Terms of Reference for these Committees, and working groups as they are required. The Council may at any time revoke any powers delegated to a Committee or Officer.

6.2 The Council has the following Committees with delegated powers in place:

- Planning Committee: Terms of Reference attached at Appendix One
- Chilbolton Open Spaces Committee: Terms of Reference attached at Appendix Two

6.3 The Council has the following working groups in place:

- Flood Advisory Group – Terms of Reference attached at Appendix Three
- Strategic Plan Working Group – Terms of Reference attached at Appendix Four
- War Memorial Playing Field Development Group – Terms of Reference attached at Appendix Five

Delegation to 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 The Parish Clerk may deal with to correspondence if the matter is deemed to be urgent and require a response before the next meeting where the Chair is not available to respond, or where the views of the Parish Council are known following previous discussion/resolution .
- 7.3 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 Chair (if practicable in the circumstances).
- 7.4 The Clerk will have the authority to dispose of the Councils 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.
- 7.5 Power to authorise relevant training courses provided the expense can be met from approved budgets having considered the training needs of the employees/ Councillors.
- 7.6 The Clerk is the manager for all staff that might be employed by the Council and is given delegated powers to manage the council staff in accordance with the Council's policies, procedures and budget.
- 7.7 Power to act immediately on all Health and Safety or emergency issues in conjunction with the Chair without waiting for endorsement by the 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.
- 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 Councillors' 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 Chair
- 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 resources in accordance with the Council's policies.
- 7.15 In liaison and after conferring with the Chair, to make such Civic arrangements as are necessary.
- 7.16 The Proper Officer shall be responsible for signing all the Council's Official Notices as set out in the Standing Orders.
- 7.17 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, subject to adopted financial regulations.
- 7.18 The Parish Clerk to submit all consultee comments approved by the Planning Committee to the Test Valley Borough Council planning department.
- 7.19 The Parish Clerk may request on behalf of the Planning Committee an extension to the 21-day planning consultation period should the expiry fall outside of the meeting schedule or should a shortened consultation period be published.
- 7.20 The Parish Clerk may make comments to the Test Valley Borough Council planning department on the views of the Planning Committee on any tree consultations, having first consulted the views of the Chair of the Planning Committee and its members.
- 7.21 The Parish Clerk to call an extra ordinary meeting to discuss planning applications where it has not been possible to extend the consultation period unless an extraordinary meeting is called in line with CPC Standing orders.
- 7.22 The Parish Clerk (following consultation with Councillors via email) to not respond to planning applications and to allow the consultation period to expire if Councillors do not wish to hold a meeting to discuss or offer comment, in line with CPC standing orders.
- 7.23 To register a representative to speak at any Development Management Committee meeting when the agenda includes a planning application for which Council has already voted on its position. If no representative has been allocated it will be deemed that the Lead Councillor Planning will fulfil that role.

Delegations to Responsible Financial Officer

- 8.1 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.
- 8.2 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.
- 8.3 The Responsible Financial Officer shall ensure the approved precept request is issued to the billing authority.

Appendix One

CHILBOLTON PARISH COUNCIL

TERMS OF REFERENCE FOR THE PLANNING COMMITTEE

These rules are supplemental to, and do not in any way override, the Parish Council's standing orders &/or financial regulations.

1. Objective

Chilbolton Parish Council is currently an advisory body to the Local Planning Authority (Test Valley Borough Council) for all planning applications that relate to the parish area. The Planning Committee is constituted to consider and to respond on behalf of the Council in respect of such applications.

2. Membership of the Planning Committee

Membership shall consist of a minimum of four, a maximum of five persons, at least three being Council members one of whom shall be either the chair or the vice-chair of the Parish Council, non-council members have voting rights.

Membership of the committee will be as decided at the Annual Parish Council meeting each year.

The committee shall be subject to a quorum of two if the total members are four or three if the total members are five.

3. Chairman

The chairman of the committee will be elected by the committee at its first meeting after the Annual Parish Council meeting. The vice-chairman of the committee will be elected by the committee at its first meeting after the Annual Parish Council meeting.

4. Conduct of Meetings

All meetings of the Planning Committee will be convened in accordance with the Parish Council's standing orders.

5. Meetings

The calendar of meetings shall be confirmed at the first meeting after the Annual Meeting of the Chilbolton Parish Council. Notice of meetings shall be given of at least three clear working days. The rules on access to meetings of the Council under Public Bodies (Admission to Meetings) Act 1960 equally applies to the Planning committee. The Parish Clerk or the Chairman of the Planning Committee may call additional Planning Committee meetings as and when necessary to ensure that all Planning Applications received can be discussed and replied to within the timescale.

The Planning Committee has an obligation to ensure that all comments received, prior to the meeting, from all relevant parties, applicants and objectors, for planning applications (not including enforcement notices) are considered at the meeting.

Minutes of all meetings will be recorded by the Committee Chairman or by any member nominated at the meeting and circulated at the full meetings of Chilbolton Parish Council. All planning applications, the responses and eventual results shall be noted in the minutes of Committee meetings.

6. Powers of the Planning Committee

The Planning Committee shall be empowered:

- a. To act on behalf of the Parish Council in respect of any planning applications and, in particular, to:
 - Support or object to planning applications on the Parish Council's behalf as appropriate.
 - Submit comments and recommendations regarding planning applications to the Borough Council on the Parish Council's behalf.
 - To consider, report on and make recommendations to the Parish Council regarding any consultations, surveys, proposals, reports, correspondence or other matters concerning planning issues, which may have an impact on planning within the Parish.
 - To consider and report to the Parish Council on any consultations, surveys, proposals, reports, correspondence or other matters concerning planning issues which do not have a direct impact on planning matters within the Parish.

7. Responsibilities and Areas of Operation of the Planning Committee

To consider planning applications in respect of properties and developments in the parish and to:

- Decide whether to support or object on the Parish Council's behalf.
 - Submit comments and recommendations on the Parish Council's behalf to the Borough Council as required.
 - Wherever possible, a member of the Planning Committee is to be nominated to attend Planning Authority's Planning meetings to represent the Committee's views in respect of controversial planning applications.
 - All correspondence should be conducted through the Parish Clerk wherever possible.
- b) To study relevant plans, visit relevant sites and consider any comments from members of the public before deciding whether to submit comments or recommendations of support or objection.
 - c) To ensure that any objections or recommendations are based solely on planning criteria.
 - d) To take note of decision notices in respect of planning applications received from the Borough Council.
 - e) To take note of and to report to the Parish Council 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.
 - f) To consider, report on and make recommendations to the Parish Council regarding any consultations, surveys, proposals, reports, correspondence or other matters concerning planning issues which may have an impact on planning issues within the Parish.
 - g) To consider and report to the Parish Council on any consultations, survey, proposals, reports, correspondence or other matters concerning planning issues which do not have a direct impact on planning issues within the Parish.
 - h) To liaise with the Borough and County Councils, any other groups, sub groups or organisations regarding planning issues and other issues, including the infrastructure of the village and environmental improvement schemes, which might have an impact on planning

and to report back to the Parish Council. For the avoidance of doubt the Planning Committee is not empowered to make any decisions in this regard on behalf of the Parish Council save with the Parish Council's express written consent.

8. Review

The Terms of Reference are to be reviewed annually at the Annual Meeting of Chilbolton Parish Council.

Appendix Two

CHILBOLTON PARISH COUNCIL

CHILBOLTON OPEN SPACES COMMITTEE

TERMS OF REFERENCE

Purpose/Role of the committee:

These Terms of Reference (ToR) were agreed at the Chilbolton Annual Parish Meeting on 17 May 2021.

The Chilbolton Open Spaces Committee (COSC) is responsible for all matters associated with the environment and public open spaces within the parish of Chilbolton.. This includes management of all land that is owned or leased by Chilbolton Parish Council; e.g. Chilbolton Cow Common, Memorial playing field, the allotments, village greens and West Down Nature Reserve. The committee is also responsible for the council's input to management of other publicly-owned or managed open spaces e.g. footpaths and other public rights of way. Issues relating to the village drainage systems are the responsibility of the Flood Advisory Group (FAG)

The committee is tasked with ensuring that all open spaces are maintained in favourable condition for biodiversity, and for the safe use and enjoyment by Chilbolton residents and visitors. The committee will promote the overall well-being of the open spaces, and will advise the Parish Council on possible measures that may be needed to maintain or improve them. This advice will include provision of information such as, but not limited to, obligations under a local authority's Biodiversity Duty, the particular obligations arising from the Cow Common's SSSI status, requirements or conditions arising from any current or proposed funding or grant schemes, and costings and consultation results relating to any proposals for work, projects, or funding. The committee's brief includes; e.g. greens, seats, gates, trees (including tree wardening), hedges, community litter-picking events, and provision of general advice to the council on environmental matters.

Membership and appointment:

At least one serving parish councillor and enough local residents to cover the range of expertise required to perform the wide range of tasks should make the membership of the committee. The parish councillor will be nominated by the Parish Council at the Annual Parish Meeting. Local residents who wish to be on the committee or join a working group for a specific project should apply to the Parish Council or make their wishes known at a COSC meeting. The committee will nominate its Chairman for one year at its first meeting immediately after the parish council's monthly meeting in May when the council's member will be nominated.

Accountability:

A report of any committee meetings will be presented at the next parish council meeting by the Chairman of the committee.

Working Methods:

Meetings will be held at least quarterly, but may be held more frequently if needed. The Chairman of the committee will be responsible for calling meetings, giving all members at least 7 days' notice.

At least three members of the committee must be present at a meeting in order for the meeting to be quorate. Meetings will be held in a location chosen by the committee. Minutes of the meeting shall be recorded and kept by the chairman of the committee and circulated to those members within seven days of the meeting. As per the parish council's financial regulations the committee shall formulate and submit proposals to the Council in respect of revenue and capital costs for the following financial year not later than the end of November each year.

Review:

The committee and parish council shall review the relevance and value of the committee's work and terms of reference annually.

Code of Conduct etc:

Non-councillor members of the working party are subject to the Code of Conduct adopted by the parish council. They are required to comply with the council's Standing Orders and Financial Regulations and they must register any declarations of Pecuniary Interests.

Variation:

These Terms of Reference may be varied by majority vote of the parish council

Appendix Three

CHILBOLTON PARISH COUNCIL

FLOOD ADVISORY GROUP

TERMS OF REFERENCE

BACKGROUND

Following the very high rainfall experienced across Hampshire during the winter of 2000/2001, numerous incidents of flooding were reported and the Environment Agency commissioned an investigation of all the incidents. Reports for each town/parish affected were produced which identified a number of mitigation measures

On 9 April 2002 the Environment Agency wrote to Chilbolton Parish Council (CPC) enclosing a copy of the revised report for Chilbolton and asked for its comments. The report included its proposed Action Plan for Chilbolton with the Parish Council taking a lead. CPC signed up to the proposals on 14 May, 2002.

Two main proposals which involved the Parish Council were:

1. To develop a Village Flood Plan.
2. To set up a Flood Advisory Group. (FAG)

These proposals were agreed by CPC. The CPC also resolved to delegate the power of decision-making to the FAG. The Group met for the first time on 27th June 2002.

The Group's first priority was to carry out a watercourse inspection programme and identify and assess land drainage concerns and resolve issues locally.

To meet its responsibilities to the statutory authorities, the FAG, which will include at least one member of the CPC, now requires terms of reference which clearly define those responsibilities and explain what is meant by 'resolve issues locally'.

PROPOSED TERMS OF REFERENCE

On behalf of the relevant Statutory Authority

1. To monitor regularly the village's flood mitigation measures (drains, culverts, watercourses and ditches) and ensure that they are 'fit for purpose'.
2. To advise the relevant Statutory Authority and land owners in the event of the flood mitigation measures being deemed to be in need of remedial action.
3. To liaise with the appropriate authorities and land owners in order to assist with the implementation of any measures which may be required in the light of experience.
4. As resolved by CPC at the meeting held on 3 February 2014, the FAG may incur expenditure, as deemed necessary in cases of emergency, with the prior approval of the Chairman or Clerk of CPC

Appendix Four

CHILBOLTON PARISH COUNCIL STRATEGIC PLAN WORKING GROUP TERMS OF REFERENCE

Background

The Neighbourhood Development Plan for Chilbolton was commenced on 14th February 2014 and approved by Referendum on 6th May 2021 after a delay of a year due to Covid.

The Parish Council has now decided to proceed with a project to develop 10 affordable houses and 10 high quality homes for downsizers.

At Meeting of Chilbolton Parish Council (the Parish Council) on [17th May 2021] it was **RESOLVED** to appoint a Strategic Plan Working Group (the Strategy WG) that will

- 1 Investigate for Chilbolton residents the provision of affordable houses, and high quality houses for downsizers, and a possible Community Land Trust (CLT) to own and manage community property;
- 2 Prepare responses to the update of Test Valley Local Plan currently in preparation, in particular, the need to introduce a definition of small homes, control of development outside settlement boundaries, and our preference to devolve decisions on Settlement boundaries to parish councils;
- 3 Make preparations for the update of the Neighbourhood Plan including a review of the needs of the parish and other matters such as affordable housing, village amenities, the Settlement Boundary, traffic routes and the long term development of Chilbolton.

Aim of the Group

To formulate a long term plan for Chilbolton that will be used to guide the Parish Council and its committees on the direction and strategy from 2030 to 2050 and to prepare proposals for development of affordable and quality downsize homes for Chilbolton residents

Membership

The Working Group shall comprise a minimum of 6 people with a target of 10 members and is open to all persons resident in the Parish. A minimum of 3 serving Councillors including the Chairman appointed by the Parish Council shall be appointed to the Working Group but the intention is that there should be a majority who are not Councillors. The aim is to include a cross-section of volunteers from across the community.

The Working Group shall review its membership annually at the end of each calendar year and may co-opt and remove any member as and when necessary.

The Working Group may from time to time set up sub-groups to undertake specific tasks and such groups shall prepare and feed back into the Working Group any information and evidence necessary for the sound preparation of the Plan.

Each sub-group shall have a lead person from the Working Group and this should be agreed by the Working Group.

Code of Conduct

All members shall be subject to the Code of Conduct adopted by the Parish Council.

All members shall be required to comply with the Parish Council's Standing Orders and Financial Regulations and must register any Declarations of Pecuniary Interests

Meetings

- The Working Group will meet at least monthly and in addition when members determine that a meeting is needed.
- The Chairman shall organize the date, time and location of any meeting and shall give the members at least 7 days' notice but as much advance notice as possible.
- A minimum of 3 member at least one a Parish Councillor must be present to effect decisions.
- The Working Group will aim to make decisions by consensus. However, should a vote be required, each member will have one vote and a simple majority, by show of hands, will be required. The Chairman will have a casting vote.

Communications

Communications outside of meetings will be conducted primarily by email, copying all members and the Parish Clerk wherever possible. Notices to the community will be through local web sites, the Parish Magazine, the Village Shop, Parish and other local noticeboards.

Finance

- The accountable body for the purpose of producing the Plan will be the Parish Council.
- The Working Group will provide the Parish Clerk with budgetary information so that all proposed spending on the preparation of the Plan is dealt with in an open and transparent manner. Budgets and amended budgets will be presented to the Parish Council for approval.
- All receipts and payments associated with the production of the Plan will be processed through the Parish Council's accounting system.
- Invoices will be made out in the name of the Parish Council who will pay them in accordance with their Financial Regulations.
- All grants and funding will be applied for and held by the Parish Council, who will ring-fence the funds for the Plan purposes only.

Accountability and Governance

The Working Party will be governed by the processes of the Parish Council. Consensus will be sought on decisions but if agreement cannot be found on specific issues then direction should be sought from the Parish Council.

The Working Group must keep in mind that the outcome is decided finally by a Referendum and thus the Working Group must provide facts and implications for draft proposals rather than dictate outcome in a biased way.

The Working Group has full delegated authority from the Parish Council to deliver its plan making functions up to and including the production of Draft proposals which shall be reviewed by the Parish Council prior to publication for consultation and independent examination.

The Working group has no authority to commit the parish council and is tasked with the preparation of proposals for approval by the parish council. However, the working group may seek any relevant information, prepare questionnaires and enter into discussions in order to carry out its tasks.

The Working Group shall circulate a monthly report to the Parish Council no later than 12 o'clock on the Friday before each Parish Council Meeting and shall include, but not be limited to, minutes of any Working Group meetings held since the last report was submitted, any relevant documentation and any recommendations for the Parish Council to discuss so as to make a formal decision.

The plan-making process remains the responsibility of the Parish Council as the qualifying body. All publications, consultation and community engagement exercises will be undertaken by or on behalf of the Parish Council with appropriate recognition of the Parish Council's position given in all communications associated with the project.

Changes to the Terms of Reference

These Terms of Reference may be amended with the support of the Working Group and with the approval of the Parish Council.

Dissolution

The Working Group will be dissolved once its objectives have been attained and/or when at the Parish Council considers its services are no longer required.

Appendix Five

CHILBOLTON PARISH COUNCIL

WAR MEMORIAL PLAYING FIELD DEVELOPMENT GROUP

TERMS OF REFERENCE

Purpose and Role of the Group

The Group's main aim and responsibility is to advise the Parish Council on alternative practices, activities and equipment which will develop and improve the War Memorial Playing Field recreational facilities. Secondary to this the group is to investigate if there is a need for recreational facilities elsewhere in the village. In doing so to provide information such as, but not limited to, costing, consultation results and funding or grant possibilities.

Unless otherwise delegated by a majority vote of the Parish Council, the Group will submit proposals to the Chilbolton Open Space Committee which will decide whether or not to recommend the proposal to the Parish Council.

Membership and appointment

At least two local residents shall make the membership of the Group. Local residents who wish to be involved with the working party should apply to the Parish Council. The Group may invite additional members to join on a full or co-opted basis if they decide that those persons have skills and experience which will contribute to their work. The Group will nominate a Chairman and Secretary. Membership shall be for one year, but may be extended.

Accountability

The group shall report to each meeting of COSC. A report of any Group meetings will be presented at the next parish council meeting by the Chairman of COSC.

Working Methods

Meetings will be held at least monthly, but may be held more frequently if needed. The Chairman of the Group will be responsible for calling meetings, giving all members at least 7 days' notice. At least two members of the working party must be present at a meeting in order for the meeting to be quorate. Meetings will be held in a location chosen by the Group. Minutes of the meeting shall be recorded and kept by the Secretary of the working party and circulated to those members within seven days of the meeting.

Review

The Group and parish council shall review the relevance and value of the Group's work and terms of reference annually.

Code of Conduct

Non-councillor members of the Group are subject to the Code of Conduct adopted by the parish council. They are required to comply with the council's Standing Orders and Financial Regulations and they must register any declarations of Pecuniary Interests.

Variation

These Terms of Reference may be varied by majority vote of the parish council.