

# BARNT GREEN PARISH COUNCIL

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## Scheme of Delegation to the Executive Officer (EO) and Standing Committees including Committee Terms of Reference

### Notes

1. Amended Standing Orders were adopted May 2023; this scheme is in addition to Standing Orders no. 4 and 15 (Appendix 1). The Parish Council's Standing Orders & Financial Regulations are based on the NALC model.
2. No parish councillor may act independently; all the council's actions must be authorised by way of the full council, a committee or the EO. The council may delegate decisions to a committee or to a paid officer.
3. Delegation for urgent business is a necessity in this fast-changing age.
4. The setting up of committees helps to reduce the time taken at full council meetings and supports improved member involvement.
5. The EO, or 'Proper Officer', is also the council's Responsible Financial Officer (RFO).
6. The EO is the only paid officer; there is no other specifically identified individual who can be delegated to act on their behalf in their absence or when the EO is an interested party.
7. **This scheme of delegation to the EO and Standing Committees is not exhaustive and is subject to being implemented in accordance with the law, the Council's Standing Orders and Financial Regulations.**

Scheme of Delegation to the Executive Officer	
Service area	Function
<b>Audit</b>	To maintain a continuous internal audit that is to be available for members to review on a quarterly basis.
<b>Communications</b>	To deal with all press and public relations on behalf of the council (see also Information & Communications Technology).
<b>Contractors</b>	To liaise with, and be the first point of contact for, all contractors appointed by the parish council including the Parish Lengthsman and Outdoor Parish Caretaker.
<b>Decisions</b>	To take all necessary action, including signing any document, necessary to give effect to any decision of the council and its scheme of delegation.
<b>Elections</b>	To notify the Returning Officer of all casual vacancies arising in the membership of the Council as required by statute and to liaise with them regarding any statutory notices, electoral arrangements and co-option.
<b>Emergency planning</b>	<ol style="list-style-type: none"><li>1. To lead the Council's response in the case of a local major emergency in consultation with and/or under the direction of the Emergency Planning Officers of the county &amp; district councils.</li><li>2. To report to council issues concerning emergency planning to facilitate and enable an appropriate response in the event of a local emergency.</li></ol>
<b>Finance</b>	<ol style="list-style-type: none"><li>1. If required, and dependent on banking arrangements, to manage timely transfer of funds between the council's bank accounts in order to maintain adequate cash-flow and in accordance with the council's investment policy.</li><li>2. To maintain adequate insurance cover for the council's activities and assets.</li><li>3. To act as Responsible Finance Officer for the purposes of the Accounts &amp; Audit Regulations.</li><li>4. To present accounts for payment following Council sanction.</li><li>5. Working with the Finance Committee, to provide a draft budget to the council for the forthcoming year and forecast for future years.</li><li>6. Other delegations in accordance with financial regulations.</li></ol>

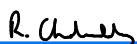
<b>Data Protection and Freedom of Information</b>	<ol style="list-style-type: none"> <li>1. To have overall responsibility for the council's publication scheme.</li> <li>2. To be responsible for applying the requirements of the Freedom of Information Act and Data Protection Act / General Data Protection Regulation.</li> </ol>
<b>Health, safety and wellbeing</b>	<ol style="list-style-type: none"> <li>1. To arrange for and keep the council's schedule of risk assessments up to date.</li> <li>2. To take all necessary action to implement actions identified to mitigate risks in the workplace and on council property.</li> <li>3. To be the responsible officer for all safety purposes prescribed by law.</li> </ol>
<b>Information and Communications Technology</b>	<ol style="list-style-type: none"> <li>1. To be responsible for the provision and management of information and communication technology provided throughout the council.</li> <li>2. To report on need for replacement of out-dated equipment and the purchase of new equipment.</li> <li>3. To be responsible for the council's website, Facebook page and any other online presence.</li> </ol>
<b>Land and property</b>	<ol style="list-style-type: none"> <li>1. To purchase necessary goods and supplies.</li> <li>2. To maintain the Council's offices and property.</li> <li>3. To adjust grass cutting frequencies in relation to the maintenance of the various open areas for which the Council is responsible.</li> <li>4. To consult on planting schemes for the various open areas for which the Council is responsible.</li> </ol>
<b>Meetings</b>	To arrange and call meetings of the council and its committees as and when expedient in consultation with the council's Chairman.
<b>Proper Officer</b>	To act as Proper Officer for the purposes set out in Standing Orders and for all other purposes prescribed by law.
<b>Staff</b>	There are currently no other members of staff for whom the Executive Officer is responsible.
<b>Standing Orders</b>	<ol style="list-style-type: none"> <li>1. To adhere to the Standing Orders of the council.</li> <li>2. Arrange for annual review.</li> </ol>
<b>Urgent business</b>	<ol style="list-style-type: none"> <li>1. Urgent decisions required between scheduled meetings are delegated to the Executive Officer in consultation with the council's Chairman.</li> <li>2. In the absence of the Executive Officer or in the event that they are an interested party, they will be substituted by an appropriate substitute from outside the parish council, ideally a clerk from within Bromsgrove district.</li> <li>3. In the absence of the council's chairman, or in the event that the council's chairman is an interested party, they will be substituted by the vice chairman.</li> <li>4. Decisions made under this delegation will be reported to and minuted at the next council meeting.</li> <li>5. Under this delegation, where appropriate, the Executive Officer may conclude that an extraordinary meeting of the council be called to deal with the urgent matter.</li> </ol>

Scheme adopted 12/05/2016

Reviewed 21/05/2018, 20/05/2019, no review: May 2020 due to Covid

Pandemic, May 2021, May 2022, May 2023

Date of next Review: May 2024

Signed:   
Robert.Cholmondeley.Oct 24, 2023 15:06 GMT+1  
 Robert Cholmondeley, Chairman.

Review Date: **15 May 2023**

Barnt Green Parish Council Chairman

See pages 3 – 6 for Standing Committee Terms of Reference

See pages 7 – 8 for Appendix 1 (Standing Orders 4 and 15)

**ENVIRONMENT COMMITTEE  
TERMS OF REFERENCE**

**Membership**

The committee will consist of four members of Barnt Green Parish Council. Non-voting associate members to include the Parish Footpaths Warden and Parish Tree Warden, may be appointed as required.

**Quorum**

Three members will constitute the minimum number required for a meeting to proceed.

**Meetings**

The committee will meet as and when required at the Parish Council office at such other time as may be required. Dates of other meetings, if required, will be agreed by committee members. All meetings of the Environment Committee will be open to the public and clerked. Minutes will be made available within one month of the meeting.

**Public participation**

Members of the public will be allowed to participate during 'Open Forum' – a period of up to 15 minutes – only.

**Delegated responsibilities**

The Committee has delegated authority to:

- a) Authorise expenditure within the allocated budget in any one financial year
- b) Regularly monitor the council's environmental contracts including:
  - i. Parish footpath lighting provision
  - ii. Barnt Green Parish Lengthsman scheme
  - iii. Outdoor Parish Caretaker
  - iv. Grass cutting in Millennium Park and along Hewell Road
  - v. Care of Millennium Park
  - vi. Grass cutting in Barnt Green playing field
  - vii. Miscellaneous grass cutting across the parish
  - viii. Care of Commuters' Car Park
  - ix. Provision and maintenance of flower/plant containers
- c) Assist the Parish Footpaths Warden in maintaining the parish public rights of way;
- d) Monitor street cleaning, emptying of public waste bins and litter
- e) Monitor and report on highways potholes and maintenance requirements
- f) Consult and monitor public opinion on highways and environmental matters
- g) Consider and respond to consultations on highways and environmental matters

**Expected actions**

The committee may be expected to propose to the Parish Council recommendations such as:

- a) An itemised annual budget based on regular activities and specific planned projects;
  - b) Sites identified for planting and environmental improvements;
  - c) Actions for improving the parish highway network including traffic calming schemes;
  - d) Actions for improving road safety for drivers and pedestrians;
  - e) Plans to work with rail users, rail user representatives and rail travel providers to improve local facilities;
- Recommendations will be forwarded to the full council for consideration at its next meeting.

Agreed at Barnt Green Parish Council meeting held .....15 May 2023.....

Review date: May 2024

**PLANNING COMMITTEE  
TERMS OF REFERENCE**

**Membership**

The committee will consist of four members of Barnt Green Parish Council. Non-voting associate members to assist the Neighbourhood Plan may be appointed as required.

**Quorum**

Three members will constitute the minimum number required for a meeting to proceed.

**Meetings**

The committee will meet as and when required at the Parish Council office on such day and time to be agreed between members; such meetings to take place if –

- a planning consultation is received more than 21 days before the scheduled date of the next full parish council meeting, or
- matters relating to delegated responsibilities are to be discussed.

Dates of planned meetings will be agreed by committee members.

All meetings of the Planning Committee will be open to the public and clerked. Minutes will be made available within one month of the meeting and referred to the next meeting of the full council.

**Public participation**

Members of the public will be allowed to participate during ‘Open Forum’ – a period of up to 15 minutes – only.

**Delegated responsibilities**

The Committee has delegated authority to:

- a) Comment on and respond to planning application consultations notified by the Local Planning Authority (LPA);
- b) Comment on and respond to consultations relating to the District Plan, County Mineral Plan, County Transport Plan and any other strategic plans affecting the parish;
- c) Comment on and respond to appeal notifications;
- d) Notify the LPA of any planning breaches or enforcement actions required;
- e) Prepare and proceed with production of a parish Neighbourhood Plan, including:
  - the appointment of associate, non-voting, members;
  - the application for grant funding;
  - the appropriate spending of the allocated budget.
- f) Review the parish council’s planning function procedure from time to time.

**Procedure of the Parish Council’s planning function**

1. Upon receipt, the Executive Officer shall keep a record all planning consultations to include:
  - The LPA reference number;
  - The date of receipt;
  - The address to which the consultation relates;
  - The details of the proposed development.
2. Within 48 hours of receipt the Executive Officer shall forward, by e-mail, the consultation notification to all Parish Council members, along with copies of the relevant plans.
3. If the notification is received within 21 days of a full council meeting, the Executive Officer will refer the consultation to that meeting for a response.
4. If the notification is received more than 21 days before the next meeting of the full council, the Executive Officer will refer the consultation to the Planning Committee for a response.
5. Where it is not possible to arrange a meeting to discuss a notified consultation, then if both the Chairman of the Committee and the Chairman of the Council agree, the Executive Officer may collate comments via ‘round-robin’ email between council members to submit to the LPA. All such actions to be reported to the next meeting of the full council.

Agreed at Barnt Green Parish Council meeting held .....15 May 2023..... Review date: May 2024

**FINANCE & GENERAL PURPOSES COMMITTEE  
TERMS OF REFERENCE**

**Membership**

The committee will consist of four members of Barnt Green Parish Council.

**Quorum**

Three members will constitute the minimum number required for a meeting to proceed.

**Meetings**

The committee will meet as and when required at the Parish Council office on such time to be agreed between members.

All meetings of the Finance & General Purposes Committee will be open to the public and clerked. Minutes will be made available within one month of the meeting and referred to the next meeting of the full council.

**Public participation**

Members of the public will be allowed to participate during 'Open Forum' – a period of up to 15 minutes – only.

**Delegated responsibilities**

The Committee has delegated authority to:

- a) Monitor and review policy regarding financial procedures including banking arrangements;
- b) Monitor quarterly actual payments and receipts against budgeted payments and receipts;
- c) Undertake the annual assessment of risks facing the council in line with the Risk Management Policy and assessment procedures;
- d) Undertake the annual review of the council's asset register;
- e) Annually review the council's insurance cover;
- f) Approve emergency expenditure of between £1,000 - £20,000;
- g) Appoint and liaise with, if required, the independent internal auditor;
- h) Review the Annual Return Accounting Statements and contribute to completion of the annual Governance Statement prior to consideration by the full council;
- i) Prepare a draft annual budget for approval by the council, including precept recommendations;
- j) Prepare strategies for the parish council including support for events, purchase of capital goods and equipment.

**Budget requirements**

The committee will identify any budgetary requirements at its meeting in November, to include the cost of appointing the independent internal auditor.

Decisions taken in relation to emergency expenditures will be referred to the next meeting of the full council.

Agreed at Barnt Green Parish Council meeting held .....15 May 2023.....

Review date: May 2024

## **STAFFING COMMITTEE TERMS OF REFERENCE**

### **Membership**

The committee will consist of three members of Barnt Green Parish Council; the council's vice-Chairman will not be a member of this committee and the Council's Chairman will not chair this committee.

### **Quorum**

Three members will constitute the minimum number required for a meeting to proceed.

### **Meetings**

The committee will meet as and when required at the Parish Council office on such time to be agreed between members.

Even though it is likely that, due to the confidential nature of the matter to be discussed, meetings will be closed to members of the public, all meetings of the Staffing Committee will be open to the public and clerked. Minutes will be made available within one month of the meeting and referred to the next meeting of the full council.

### **Public participation**

Members of the public will be allowed to participate during 'Open Forum' – for up to 15 minutes only.

### **Delegated responsibilities**

The Committee has delegated authority to:

- a) Progress staff recruitment when required;
- b) Confirm individual contracts of employment and all terms and conditions;
- c) Arrange for the regular review of the Executive Officer's performance by one member of the committee, or the Chairman of the Council as agreed with the Executive Officer;
- d) Consider other staff reviews (if any) undertaken by the Executive Officer;
- e) Decide upon annual salary awards;
- f) Consider any matters arising in response to the application of the council's Grievance and Disciplinary Procedure, and act accordingly;
- g) Appoint an Appeals Panel and its Chairman, when required by the Grievance and Disciplinary Procedure. Membership of the Appeals Panel will include the Council's vice-Chairman and two other members of the council who are not members of the Staffing Committee.  
If a grievance has been raised against a council member, that member will be excluded from membership of both the Staffing Committee and the Appeals Panel.
- h) Clarify the Terms of Reference for the Appeals Panel, which will include the requirement that all recommendations are directed in the first instance to the Staffing Committee;
- i) Consider recommendations from the Appeals Panel and act accordingly;
- j) Alter these Terms of Reference if there is insufficient number of 'untainted' members to form an Appeals Panel;
- k) Review all policy issues relating to staff on a biennial basis.

### **Staffing Committee members are reminded of:**

1. The legal framework that exists for good practice in employment matters;
2. The confidential nature of employer / employee matters and that items for consideration may require the committee to resolve to exclude the press and public from the meeting;
3. The nationally negotiated (NALC and ALCC) model contracts and terms and conditions for the employment of the Executive Officer, adherence to which Barnt Green Parish Council has agreed;
4. The Member-Officer Protocol, available as a policy document; and other related staffing policies.
5. Staff management is facilitated by the understanding that the Council Chairman is the Executive Officers 'line manager' and the Executive Officer manages all other staff, if any.

### **Budget requirements**

The Staffing Committee will not be required to establish a budget but will be expected to manage the financial costs involved when recruiting new staff. Funds for this will be agreed and made available by resolution of the full council.

Agreed at Barnt Green Parish Council meeting held ...15 May 2023.....

Review date: May 2024

## **APPENDIX 1**

### Standing Orders no. 4:

#### **1. COMMITTEES AND SUB-COMMITTEES**

- a Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.
- c Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
- d The Council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
  - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 10 days before the meeting that they are unable to attend;
  - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
  - ix. shall determine if the public may participate at a meeting of a committee;
  - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
  - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xii. may dissolve a committee or a sub-committee.

**2. PROPER OFFICER**

- a The Proper Officer shall be either (i) the clerk / Executive Officer or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
- i. at least three clear days before a meeting of the council, a committee or a sub-committee
    - serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and
    - Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).

*See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*
  - ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least six days before the meeting confirming his withdrawal of it;
  - iii. convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
  - iv. facilitate inspection of the minute book by local government electors;
  - v. receive and retain copies of byelaws made by other local authorities;
  - vi. hold acceptance of office forms from councillors;
  - vii. hold a copy of every councillor's register of interests;
  - viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
  - ix. act as, or liaise with, whichever is appropriate, the Council's Data Protection Officer;
  - x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
  - xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
  - xii. arrange for legal deeds to be executed;  
*(see also standing order 23);*
  - xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
  - xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
  - xv. refer a notification of planning application consultation received by the Council to all members of the Council within two working days of receipt to facilitate an extraordinary meeting when a response is required before the next ordinary meeting of either the Council or the planning committee;
  - xvi. manage access to information about the Council via the publication scheme.









# Scheme of Delegation to EO and Committees May 2023

Final Audit Report

2023-10-24

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