

RUDDINGTON PARISH COUNCIL

Delegation Document

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INTRODUCTION

The following pages set out the manner in which Ruddington Parish Council has delegated its powers. Understanding of this is essential for anyone who wishes to know who is legally able to give a decision on any matter. This document is one of the four major ways in which the Council regulates its affairs; the others are its Standing Orders, Financial Regulations and Internal Control Policy.

The basic principle used has been to delegate to Committees powers to act within their Terms of Reference. This means that on all matters not reserved for consideration by another Committee, or by the full Council, Committees can **RESOLVE** and thereafter action can normally be taken by officers. However certain matters, such as issuing a precept for a rate, cannot legally be delegated and others, such as deciding major policy, are reserved by the Council to itself. On such matters, committees can only **RECOMMEND** a course of action and, in these cases, officers cannot normally carry out the instructions of the committees until the recommendation has been approved by the Council.

The intention of the delegation scheme is, therefore, that the Council should act with all reasonable speed. Decisions should be taken at the most suitable level. Thus officers are given power over the day to day administration of the Council, committees to decide matters within their Terms of Reference, and matters of major policy should be **RECOMMENDED** to the full Council.

Wherever the Clerk is referred to in this document it shall be understood that the Deputy Clerk can deputise for the Clerk both in the absence of the Clerk and to enable the efficient and effective running of the Parish Council.

Whist delegation is necessary for the businesslike conduct of the Council's affairs it is worth emphasising that the Council's policy has always been that members, and indeed the press and public, should have the fullest information. Thus officers report all major decisions taken under delegated powers to the appropriate committee, the agenda of which are sent to all members.

Should members wish to raise any question concerning the exercise of delegated or other powers, then they should contact the appropriate committee chairman or the Clerk, and if necessary the matter can be raised subsequently at committee.

COMMITTEE ATTENDANCE

Members are entitled to attend all committees and sub-committees for which they are sent an agenda, whether or not they are members of the committee.

Note: **In this document references to the masculine shall impute the feminine and vice versa**

DELEGATION

The legal basis of the delegation conferred by the Document is contained in the following provisions of the Local Government Act 1972:

“S. 101 Arrangements for discharge of function by local authorities

- (1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions:
 - (a) by a Committee, a sub-committee or an officer of the authority, or
 - (b) by any other local authority
- (2) Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee arrange for the discharge of any of those functions of a local authority and where by virtue of this section any functions of a local authority may be discharged by a sub-committee of the authority, then, unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.
- (3) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, sub-committee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.
- (4) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.
- (5) A local authority’s functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority.”

NB The operation of this section is subject to any rights of third parties acquired as a result of action taken on a delegated matter. However, in so far as legally binding action had not been taken on a delegated matter, the Council can still act itself regarding that matter.

It is desirable that in the interests of certainty in decision making and to avoid lengthy discussions in Council meetings, Standing Orders should discourage, so far as is legally possible, action being taken by the Council after the matter has been ‘decided’ by a Committee, or Sub-committee. If the Council feel, however, that action is necessary then normally it should refer the matter back to the Committee concerned [See Standing Order 17 (15)]

A. GENERAL ARRANGEMENTS FOR DELEGATION OF POWERS

1. Applicable to all committees of the Council

- (a) The Council had delegated to every committee of the Council full powers to act in all matters covered by the committee's Terms of Reference subject to:
- (i) the provisions of any Standing Order or Financial Regulation for the time being in force, except where such Order or Regulation has been specifically waived by resolution of the Council.
 - (ii) prior Council approval of annual capital and revenue estimates
 - (iii) any scheme requiring application for consent to borrow having first been approved by Council, and loan sanction secured.
 - (iv) when matters of major policy are involved, the existence of a policy approved by the Council. In the absence of such policy, Committees and Sub-committees may consider the matter and make recommendations to the Council.

Major policy will arise either:

- (a) on matters of major importance which have not previously been before the Council; or
 - (b) matters which have arisen in other Committees or Sub-committees but which cannot be resolved by them in the absence of settled Council policy; or
 - (c) in cases of doubt where a major policy is involved, the Chairman of the Council or the Chairman of any other Committee or Sub-committee, or in their absence the appropriate Vice-Chairman may, before a decision is taken by the committee or sub-committee, state that a matter of major policy is involved.
- (v) prior Council approval to recommendations for the allocation of duties, powers and guidelines to committees.
- (vi) The following matters are reserved to the Council
- the making of Standing Orders and Financial Regulations.
 - the appointment of permanent representatives to outside.
 - the making of bye-laws.
 - the dismissal of officers.
 - the overall review of rents and charges.
 - To order, regulate and generally supervise the Council's finances within the general financial policy of the Council which shall be expressed in the Annual Budget.
 - Approval of Final Accounts.

- (b) the exercise by committees of the above powers shall be without derogation to the powers of the Council to call for a report on any committee decision.
- (c) every committee shall have power to authorise an officer, after consultation with the Chairman of the Committee, to take decisions on specific urgent matters falling within its own Terms of Reference as it sees fit.
- (d) Notwithstanding the powers delegated to committees, the Council retain the right to exercise such powers when necessary.

B. AMENITIES COMMITTEE

The Amenities Committee shall consist of 8 members, the quorum to be one half i.e. 4

TERMS OF REFERENCE

1. The research, development and management for:
 - (a) Playing Fields: Carter, Loughborough Rd.
Elms Park
Sellors, Wilford Road
Jubilee Field
Vicarage Lane
 - (b) Play Areas Carter, Loughborough Rd.
Sellors, Wilford Road
Vicarage Lane
[St. Mary's Crescent – TBC]
 - (c) Allotments: Wilford Road
Clifton Road
 - (d) Buildings: St. Peter's Rooms
Village Hall
Pavilion – Carter/Elms Park
Changing rooms, Sellors
Maintenance Unit
Jubilee Clubhouse
 - (e) Vicarage Lane Cemetery
 - (f) St. Peter's Churchyard
 - (g) The Car Park, Church Street.
 - (h) The War Memorial, Church Street
 - (i) Open Spaces:-
 - (1) Flawford Churchyard
 - (2) Churchill Estate
 - (3) The Green
 - (4) Various roadside verges
 - (j) Amenities Development
2. To receive minutes and reports from sub-committees, working parties and panels established by the Committee.
3. Make recommendations on improvements to facilities, opening hours and pricing policy.

4. Provide a platform for users to express an opinion on any pertinent matter and to deal with complaints concerning the services afforded by the facilities.
5. Consider any suggestions put to members of the Committee by members of the public or staff and to provide a forum to aid good relationships between the Council and local communities.
6. To produce, recommend to Parish Council, regulate and generally supervise the revenue budget for the Committee.
7. To approve expenditure as set out in Section 2 (6) of the Financial Regulations.
8. Consideration of quotations submitted and
 - (i) acceptance of the lowest quotation, provided it is within the budget, or
 - (ii) acceptance of a quotation, other than the lowest, provided it is within the budget and there are good and sufficient reasons. These reasons shall be recorded.
9. Earmarked Reserves To exercise the Council's powers as to relevant Earmarked Reserves (special funds, capital funds and renewal and repairs funds) as set out in Appendix 1.
10. Allotments Competition:
 - (a) decide whether to operate the Allotments Competition annually.
 - (b) decide on prizes to be awarded in the Allotments Competition.
11. Make observations on planning applications within the parish submitted to Rushcliffe Borough Council.
12. The granting and acquisition of easements and wayleaves over/under Parish Council owned property.

DELEGATION TO OFFICERS

1. The Clerk shall:
 - (a) let allotments, serve notices to cultivate and terminate allotment tenancies on breach of the tenancy conditions.
 - (b) make recommendations on improvements, maintenance, layout, new and redundant areas, finance and any other relevant allotment matters.
 - (c) arrange for interments in the Council's cemetery, approve monuments, grant exclusive rights of burial, and maintain up to date records in all Registers.
2. The Clerk and/or Senior Groundsman shall:
 - (a) advise and give assistance to allotment holders.

- (b) carry out annual inspection of all allotments.
 - (c) open and close sports facilities seasonally.
 - (d) accept bookings for facilities in accordance with charges fixed by the Council and:–
 - (i) for special events, determine the charge within the overall policy of the Council.
 - (ii) designate peak and off-peak times for the various activities.
 - (iii) carry out promotions to encourage increased usage and overall income.
 - (e) close all or parts of amenities to facilitate the execution of maintenance work.
 - (f) 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.
 - (g) undertake day to day management and maintenance of Council land and buildings
3. The Clerk may vire between cost centres within a budget head covered by the Amenities Committee.
4. The Clerk and Senior Groundsman may order goods, works and services as set out in Section 2 (4) of the Financial Regulations.

C. ENVIRONMENT AND POLICY COMMITTEE

The Environment and Policy Committee shall consist of 8 members, the quorum to be one half i.e. 4

TERMS OF REFERENCE

1. Development:
 - (a) make observations on planning applications within the parish submitted to Rushcliffe Borough Council.
 - (b) receive reports on planning decisions made by Rushcliffe Borough Council.
 - (c) receive notice of, and make observations on, any planning appeal within the parish made to the Secretary of State for the Environment.
 - (d) consider and make observations on any proposals for the future development of the parish.
 - (e) in urgent cases the Chairman and Vice-Chairman of the Committee may make observations on planning applications within the parish submitted to Rushcliffe Borough Council.
2. Conservation Area:
 - (a) endeavour to ensure any development within the Conservation Area reflects the character of the area and be in sympathy with the surroundings in material and scale and follow the pattern of existing building frontages.
 - (b) endeavour to ensure that any pruning or felling of trees is carried out in accordance with regulations and that permission has been granted by the Tree Officer of Rushcliffe Borough Council.
3. To produce, recommend to Parish Council, regulate and generally supervise the revenue budget for the Committee.
4. To approve expenditure as set out in Section 2 (6) of the Financial Regulations.
5. Consideration of quotations submitted and
 - (i) acceptance of the lowest quotation, provided it is within the budget, or
 - (ii) acceptance of a quotation, other than the lowest, provided it is within the budget and there are good and sufficient reasons. These reasons shall be recorded.
6. Earmarked Reserves To exercise the Council's powers as to relevant Earmarked Reserves (special funds, capital funds and renewal and repairs funds) as set out in Appendix 1.

7. Best Kept Village Competition:
 - (a) decide on entry into the above competition on an annual basis.
 - (b) decide on relevant matters appertaining to the above competition.
8. Garden Competition:
 - (a) decide whether to operate the Garden Competition annually.
 - (b) decide on prizes to be awarded in the Garden Competition.
9. Decide on provision and location of trees, seats, litter bins and dog bins outside of the Council's land.
10. Decide on provision and hire of Community Bus.
11. Manage and control the Hanging Basket Scheme.
12. Manage and control the Christmas Tree Scheme.
13. To act as a focal point for local opinion and comments on the services provided by Nottinghamshire County Council and Rushcliffe Borough Council in respect of:-
 - (a) Education
 - (b) Environmental Health
 - (c) Public Transport
 - (d) Highways
 - (e) Traffic Management
 - (f) Street Lighting
 - (g) Police
 - (h) Public Rights of Way, including Parish Paths Agreement.
 - (i) Development
14. Put forward recommendations in respect of Rushcliffe Borough Council Small Environmental Schemes and other similar schemes.
15. Manage any environmental issues referred to the Committee by the Parish Council and/or another Committee.
16. Receive minutes and reports from sub-committees, working parties and panels established by the Committee.
17. Twinning: To promote twinning.
18. To work with residents and local businesses to improve the look and feel of Ruddington.
19. To determine the borrowing and investment policy of the Council.
20. To recommend procedures for recovery of outstanding monies and/or write off outstanding accounts.
21. Confirmation of arrangements for insurance cover in respect of all insured risks.

22. To deal with internal and external audit matters in accordance with policy decided by the Council.
23. This committee shall initially deal with matters relating to any issues concerning the employees of the Council. Such issues shall include, inter alia, appointments, disciplinary matters, staffing structures etc. The committee will then make recommendations to the Council.
24. Matters relating to running the Parish Council office and administrative functions.
25. Review of inventory of land and assets including buildings and office equipment;
26. Review of the Council's and/or staff subscriptions to other bodies;
27. Review of the council's complaints procedure;
28. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;

DELEGATION TO OFFICERS

1. The Clerk may vire between cost centres within a budget head covered by the Environment and Policy Committee.
2. The Clerk and Administrative Assistant may order goods, works and services as set out in Section 2 (4) and 2(5) of the Financial Regulations respectively.

Appendix 1 Earmarked Reserves

Responsibility for Earmarked Reserves (Repairs & Renewals Funds, Special Funds and Capital Funds) shall be allocated as follows:

Full Council

Major Projects (previously known as Amenities Projects)
The Green

Amenities Committee

Playing Fields Plant
 Equipment
Premises Elms Park
 Village Hall
 St. Peter's Rooms
 Jubilee Clubhouse

Other Amenities (previously known as Burial Grounds) including the Green, allotments, Vicarage Lane Cemetery, St. Peter's Churchyard.

Car Park
Trees

Environment and Policy Committee

Village Guide
Environmental Assets
Election Fund
ICT Fund
General and Legal
Wages Contingency