



# MARTOCK PARISH COUNCIL

## Scheme of Delegation including Terms of Reference

**Approved by Council – October 2023  
Formally in place from 1<sup>st</sup> March 2024**

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This Scheme will be reviewed annually by Full Council, or when there are changes to legislation, whichever is the sooner.

This Scheme of Delegation sets out the responsibilities of the Council and authorises the Proper Officer and Responsible Financial Officer (which may be one and the same person), Standing Committees (and Sub committees if relevant) and informal bodies of Martock Parish Council (the Council) to act with delegated authority in the specific circumstances.

### **Full Council:**

Status – Formal, meets in public, subject to statutory publication and notification requirements

Membership – All members of the Council

Quorum – 5 members if full membership is in place or one third of the Council if there are vacancies

Meeting Schedule – Monthly plus Annual meeting and Extraordinary meetings. Normal start time 7.00pm on the 4<sup>th</sup> Wednesday of the month

### **Responsibilities:**

- To act as the Sovereign body of the Council in all matters
- To act procedurally in accordance with the Council's standing orders, financial regulations and code of conduct
- To hold an annual meeting primarily for the purposes of electing a Chair and Deputy Chair for the year, appointing chairs and members to any committees, and confirming Council's major policies
- To be the primary decision-making body on all other matters relevant to the Council subject to any matters or level of responsibility it chooses to delegate to committees or the Proper Officer
- Appointing Members and Chairmen of the Standing Committees and adopting those Terms of Reference.
- To create informal Task Groups and Panels as it sees fit to undertake detailed work on specific projects or areas of service. In doing so, to appoint members, and set clear instructions, objectives and timelines.
- Setting the precept and approval of the Council's budget
- Approval of the Annual Accounts

- Completion of the Annual Return including the Resources Statement
- The making, amending or revoking of Standing Orders, Financial Regulations and this Scheme of Delegation
- Adoption or revision of the Council's Code of Conduct
- Confirmation (by resolution) that the Council has satisfied the statutory criteria to exercise the General Power of Competence
- Matters of principle or policy
- Nomination or appointment of representatives of the Council to outside bodies (except approved conferences or meetings)
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Council, excluding those matters specific to a committee.
- The making, amending or revoking of bye-laws
- Risk Management
- Authorisation as to terms and purpose for any application for Borrowing Approval
- Approval of purchase, acquisition by other means, lease, sale or disposal of land and property
- Overarching responsibility for Health and Safety
- Dismissal of the Chief Executive
- Dismissal of the RFO
- All other matters not covered in specific delegations to other bodies or individuals in this document.

### **Committees (General)**

All Committees are subject to the following principles:

- delegated powers are exercised in accordance with any policy or direction given by Council;
- delegated powers are subject to the Council's Standing Orders and Financial Regulations;
- any unresolved differences between Committees shall be referred to Full Council for determination;
- Committees will refer to Council any matters being pursued by other local authority/statutory/voluntary or other bodies which have a beneficial or detrimental effect on the area of Martock parish;

The Council currently appoints one Standing Committee, specifically the Planning Committee. The Council may determine the number of any or all committees without the need to amend Standing Orders.

Any member of the Parish Council may attend meetings of any committee of which they are not a member. They must declare that they are not a member, may speak on any matter only with the permission of the Chairman and shall not vote. When moving into confidential session those members, not committee members, must leave the meeting.

The Chairman of the Council shall not be eligible for election as chairman or vice chairman of a standing Committee.

## Planning Committee:

Status – Formal, meets in public, subject to statutory publication and notification requirements

Membership – 6 members appointed by full Council plus Chair of the Council (ex officio with voting rights). External advisors may be invited to participate in a non-voting capacity

Quorum – 3 voting members of the Committee

Meeting Schedule – Monthly. Normal start time 7.00pm on the 2<sup>nd</sup> Wednesday of the month.

### Responsibilities:

- To receive and comment as Council consultee on all planning applications within the Parish received from the Planning Authority
- To receive and note planning applications which have been determined by the Planning Authority on which the Parish Council has previously commented.
- To refer any concerns about planning issues to the full Council
- Where an urgent decision is required due to planning timescales or other constraints, the Committee may make a decision by email. A majority decision of Councillors nominated to the Committee will be required.
- That in the event that the Chair of Planning establishes with committee members that a debate is not warranted on one or more planning applications, upon communication of this from the Chair to the Proper Officer, the latter is authorised to submit a 'no objection' response to Somerset Council on behalf of the Planning Committee, and no committee item thereon is required.

## Proper Officer (Items in **bold** are a statutory requirement)

The Chief Executive shall be the Proper Officer of the Council, unless another officer be designation by resolution of Council, and as such is specifically authorised to:

### Responsibilities:

- To enact all matters approved by Council and/or specifically delegated by the full Council within the levels of any such delegation, either directly or indirectly via sub-delegation to other designated officers
- To act as professional advisor on all matters to the full Council either directly or indirectly via sub-delegation to other designated officers
- **Give public notice of the time, place and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them)**
- **Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office**
- To have authority to intervene in any matter where the Council or councillors are deemed to be acting unlawfully or in contravention of Council policies
- Receive and retain plans and documents

- Receive declarations of acceptance of office
- Receive and record notices from Councillors disclosing interests
- Sign Notices or other documents on behalf of the Council
- Receive copies of By-laws and other statutory provisions made by Somerset Council
- Certify copies of By-laws made by the Council
- Sign and issue summonses to attend meetings of the Council
- Sign binding contracts on behalf of the Council in accordance with the Standing Orders
- Authorisation of routine expenditure within the agreed budget
- In any matters deemed urgent by the Proper Officer which are outside his/her normal delegation limits, the Proper Officer may propose a course of action to all councillors via email and may be deemed to have delegated authority to implement that action unless, by a deadline of not less than 48 hours, 8 or more members object, in which case the matter will not be enacted, but will wait until the next available Council meeting or be subject to an urgently convened Extraordinary meeting of the Council
- Emergency expenditure up to £1,000 outside of the agreed budget as per Council's Financial Regulations in consultation with the Chairman or Vice chairman of Council or the Chairman or Vice Chairman of the appropriate Committee if the Council Chairman/Vice Chairman is unavailable
- Authorise the making of payments on behalf of Council in line with the Council's Financial Regulations;
- To undertake all aspects of day-to-day management of the Council's staff and services
- To be authorised to implement and enact the Council's emergency procedures
- Authorise the procurement of services and enter into contracts for the execution of works or supply of equipment as authorised by Council or its Committees and in line with Council's Financial Regulations
- As Council's Health and Safety named representative take such action as is necessary to ensure the safety and security of Council's properties and those who use them
- To take such action as is necessary to fulfil their duties, as governed by Council's Standing Orders.

Delegated actions of the Chief Executive shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time. In the absence of the designated Proper Officer, these duties shall be delegated to the RFO.

### **Responsible Financial Officer**

The Responsible Financial Officer to the Council shall be responsible for the Parish Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time (including Financial Regulations).

The Responsible Financial Officer shall undertake the Annual Accounting Governance and Statement process with the internal and external auditor and Council.

**Task Groups and Panels** (Created formally by resolution of the full Council with designated members and remit):

Status – Informal, not subject to statutory publication or notification rules. May meet privately or publicly

Membership – Normally 3 to 5 councillors formally appointed by full Council. Non-councillors may be invited to participate

Quorum – not applicable

Meeting Schedule – as and when required according to task

Responsibilities:

- To undertake work on specific projects (Task Groups) or detailed work on areas of service (Panels) as directed by Council.
- To adhere to reporting requirements set by full Council, including interim and final reporting as may be specified.
- To submit all documents, interim and final reports to the Proper Officer for approval and onward submission to full Council
- To self-manage but seek and adhere to advice and guidance from the Proper Officer
- To act on the Council's decisions as required
- Task Groups and Panels can request attendance from Officers but this will be subject to availability and capacity determined by the Proper Officer. The Proper Officer is entitled to attend, or delegate the attendance of another officer, to any meeting of a Task Group or Panel

### **OTHER COMMITTEE MATTERS**

There are no other standing committees or sub-committee's but they may be formed by resolution of the Council at any time and delegated powers may be decided upon at the time the committee or sub-committee is formed by means of a minute detailing the terms of reference

Any Committee may refer matters on which it has delegated authority to the Full Council for a final decision if it so wishes

## **DELEGATION – LIMITATIONS**

Committees and sub-committees shall, at all times, act in accordance with the Council's Standing Orders and Financial Regulations, and where applicable, any other rules, regulations, schemes, statutes, bye-laws or orders made and with any directions

### **NOTES:**

- 1. This document needs to be read in conjunction with Standing Orders and Financial Regulations.**
- 2. This document needs to be reviewed and/or reconfirmed each year at the Annual meeting of the Council.**