

# Kingston Parish Council

## KPC Scheme of Delegation

Ref: KPC Meeting 11 May 2022 Appendix 1

### Kingston Parish Council - Scheme of Delegation

This scheme authorises the Proper Officer and Responsible Financial Officer (which may be one and the same person), Council, committee/s and affiliated bodies of the Council to act with delegated authority in the specific circumstances detailed.

#### **1. Responsible Financial Officer**

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

#### **Areas of Responsibility**

The RFO has the delegated authority from Kingston Parish Council:

- i. To review annually and update the Financial Regulations, ensuring they are observed and make appropriate recommendations to Full Council
- ii. To ensure that all reserves are managed in line with the Council's Financial Regulations
- iii. To receive and review both internal and external audit reports and arrange for implementation of any recommendations (The Internal Auditor carries out an annual Audit and is appointed by the Council. The External Auditor carries out an annual Audit of the Annual Return and is appointed by the Audit Commission).
- iv. To consider the administration of the Council's bank accounts and other financial dealings and make recommendations to Full Council
- v. To oversee all legal matters pertaining to leases, mortgage, insurance claims, contracts, loans, insurance cover, damage to property and report and make recommendations to Full Council
- vi. To authorise expenditure within approved budgets
- vii. To approve the selection of contractors
- viii. To approve any operational and maintenance requirements of play areas and recreation grounds within the Council's control
- ix. To oversee all seats and litter bins within the Council's control

#### **Budget Statement**

The RFO shall prepare and submit a draft annual budget for approval to the November Full Council Meeting. The RFO shall prepare and submit a final annual budget for approval to the Full Council at the January meeting each year.

#### **2. Proper Officer**

The Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

- i. Receive and sign declarations of acceptance of office
- ii. Record minutes of meetings
- iii. Receive and record notices disclosing pecuniary interests
- iv. Review annually and update the Council's Policies and Documents for approval by the Council, ensuring they are observed and make appropriate recommendations to Full Council

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- v. Receive and retain plans and documents
- vi. Sign Notices or other documents on behalf of the Council
- vii. Receive copies of by-laws made by a primary local authority
- viii. Sign summonses to attend meetings of the Council
- ix. Receive documents in relation to complaints received under The Members' Code of Conduct and report this at the next convenient meeting of the Council
- x. Ensure compliance with all legal requirements impacting upon the business of the Council
- xi. Manage the day-to-day administration of services, together with routine inspection and control
- xii. Manage the collective and agreed response to external Press and Media on behalf of the Council in liaison with the Council Lead for Communication
- xiii. Undertake training or attendance at Conferences as previously authorized within budget

Delegated actions of the Clerk shall be in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegation, and with directions given by the Council from time to time.

### **3. Council**

The following are matters reserved to the Council for decision, noting that the appropriate Committee/s or affiliated bodies may make recommendations thereon for the Council's consideration:

- i. Setting the precept
- ii. Borrowing money
- iii. Approval of expenditure within approved budgets
- iv. Approval of the tendering and selection of contracts
- v. Approval of any virement and supplementary budget requests within the Council's agreed overall budget
- vi. Approval of capital expenditure and planned and preventative maintenance expenditure with respect to premises and assets
- vii. Approval of changes to the Council's Fixed Asset Register
- viii. Approval of a health and safety policy, with respect to premises and assets, that complies with legislation and to ensure that appropriate checks and assessments are carried out
- ix. Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
- x. Approval of Council Policies and Documents
- xi. Making, amending or revoking by-laws
- xii. Making of orders and entering into contracts under any statutory powers
- xiii. Matters of principle or policy
- xiv. Approval of any Council run events, which enhances the Village and benefits the Community
- xv. Approval of any occasional event hire by third parties of public open spaces managed by the Council, to be administered by the Clerk
- xvi. Nomination and appointment of representatives of the Council to any other authority, organisation or body
- xvii. Any proposed new undertakings
- xviii. Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee
- xix. Approval of the Annual Return (AGAR)

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- xx. Review of the pay and conditions of service of existing employees on an annual basis before approval of the annual budget
- xxi. Appointment or dismissal of the Clerk and other contractual issues relating to conditions of service
- xxii. Any other matters not otherwise devolved/delegated to a Committee of the Council

## **4. Planning**

The South Downs National Park Authority (SDNPA) will determine planning applications within the SDNP, delegating the administration of applications to the Local Planning Authority Lewes District Council.

Kingston Parish Council will act as a non-statutory consultee in the planning application process with the Council **or** a delegated Lead Member considering and preparing a response on behalf of the Council, after consultation, in respect of such applications.

### **Areas of Responsibility**

Kingston Parish Council (collectively) **or** a selected Lead Member (as determined by the Full Council) has delegated authority from Kingston Parish Council:

- i. To make representations to the Local Planning Authority on applications for planning permission with have been notified to the Council
- ii. To make representations in respect of appeals against refusal of planning permission
- iii. To identify and make representations to the relevant authorities in respect of enforcement action or any matters considered to be breaches of planning regulations
- iv. To monitor, review and where necessary make recommendations to the Council for amendments to the planning consultation procedure
- v. To deal with any other planning related matter

### **Planning Applications**

Planning applications shall be circulated to Kingston Parish Council members **or** a selected Lead Member as soon as possible after receipt by the Parish Clerk from the Planning Authority. The applications will be circulated via email.

## **5. Community Pavilion Committee**

The Community Pavilion Committee is appointed by and is solely responsible to Kingston Parish Council. The Committee duties are defined and agreed by the Full Council who may vote, at any time, to modify the Committee's powers. Terms of Reference were agreed between the Council and the Committee at an extraordinary meeting held on 8 May 2013.

### **Membership**

- i. The Committee is a committee of Kingston Parish Council, and is at all times responsible and accountable to the Parish Council
- ii. The Committee should comprise of a Chair and at least five representatives all drawn from the local community, and be supported by two representatives (one attending and one to deputise) from the Council. Further members may be co-opted from the community and user groups if required.

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- iii. The Committee will elect its own Chair and appoint a secretary to arrange and minute meetings. It can consider appointing individual Committee members (not Council representatives) to specific roles, e.g., Booking Secretary
- iv. The Committee is free to meet as often as is necessary but should meet at least three times a year.

## **Areas of responsibility**

Kingston Community Pavilion Committee has delegated responsibility from Kingston Parish Council to:

- i. Run the Pavilion on a day-to-day basis
- ii. Report, advise and recommend action to the Council on all operational issues and matters concerning the day-to-day running of the Pavilion
- iii. Develop policies and to introduce and oversee management arrangements for the day-to-day operation of the Pavilion, consistent with the needs of user groups
- iv. Develop in consultation with the Council a policy for the use of the Pavilion by residents and non-residents of the village and to publish a programme of events.
- v. Introduce and manage a website and an effective and efficient booking system, that meets the overall requirements of the Council in respect of latest statutory and legal requirements, insurance, health and safety, charging and Conditions of Use.
- vi. Exercise management responsibility for an annual operating budget delegated by the Council to meet the costs of maintenance and consumables. Accountability for all disbursements rests with the Clerk and Responsible Financial Officer. The Chair of the Pavilion Committee will need to liaise with the Clerk to the Council on all items of expenditure or proposal for contracting services.
- vii. Develop short, mid and long-term plans for both maintenance requirements (other than those associated with maintaining the fabric of the building, responsibility for which rests with the Council) and improvements both to the internal and external appearance of the Pavilion and its immediate surrounding property. Such long-term plans should be submitted to the Council in September of each year for them to be considered as part of the Council's setting of the annual budget and Precept.

## **6. Tennis Courts & Kingston Tennis Club**

Kingston Parish Council own the tennis courts on St Pancras Green and rents them to Kingston Tennis Club and are responsible for the insurance of the courts.

Kingston Tennis Club pay a current rent of £500 per annum and a contribution to KPC insurance of £110.

An accumulated fund for care and maintenance was set up in May 2000 into which KPC and KTC currently pay £1,750 each per annum. These funds operate currently within an eight-year maintenance plan which will be up for renewed budget discussion in 2021 ready for implementation from 2022.

A written agreement was prepared to remove any doubt as to where legal and financial responsibilities lie between the Council and the Club. This is necessary in relation to the insurers with the Council as owners. The terms of the written agreement were considered and approved by

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the Council and the Kingston Tennis Club at the Council meeting held on 21 November 2011 with the agreement subsequently signed by the Council and Club Chairs.

## **Areas of Responsibility**

Kingston Parish Council:

- i. To determine rental value of the courts and insurance contribution with built in inflation
- ii. To be responsible for the day-to-day maintenance outside the courts
- iii. To contribute an agreed annual sum to the joint maintenance fund
- iv. To exercise management responsibility for the annual maintenance fund budget.  
Accountability for all disbursements rests with the Clerk and Responsible Financial Officer
- v. In liaison with Kingston Tennis Club and service contractor, develop short, mid and long-term plans for maintenance requirements to the courts

Kingston Tennis Club:

- i. Under the club's Constitution to manage and supervise the playing arrangements on the Council courts.
- ii. To be responsible for the day-to-day maintenance within the courts and report, advise and recommend action to the Council on maintenance issues
- iii. To enforce the health and safety regulations as advised by the Lawn Tennis Association, and to the satisfaction of the Council's insurance company
- iv. To take out and maintain annual insurance via the Lawn Tennis Club to cover the requirements of all club activities
- v. To contribute an agreed annual sum to the joint maintenance fund
- vi. To contribute an agreed annual rent and contribution to insurance of the courts
- vii. To liaise with the Clerk to the Council on all items of expenditure in relation to court maintenance, or proposal for contracting services
- viii. To develop in liaison with Kingston Parish Council and service contractor, short, mid and long-term plans for maintenance requirements

## **7. Working groups/parties**

- i. Other committees may be formed by resolution of the Council at any time. The work of such a committee will be decided upon at the time it is formed by means of a minute detailing the terms of reference. Minutes of all such meetings will be received at the following Council meeting and agreed as a true and correct record at the following committee meeting.
- ii. Working groups/parties may be formed by resolution of the Council or a committee at any time. The work of such a working group/party will be decided upon at the time it is formed by means of a minute detailing the terms of reference. Each working group/party will report back with recommendations to the Council or the Committee that formed it.

## **8. Delegation – limitations**

Committees and sub-committees shall, at all times, act in accordance with the Council's standing orders, financial regulations and this scheme of delegation and, where applicable, any other rules, regulations, schemes, statutes, by-laws or orders made and with any directions given by the Council from time to time.

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<b>Reviewed &amp; adopted by:</b> Kingston Parish Council	<b>Meeting Date: 11 May 2022</b> <b>Minute item: 7</b>	<b>Review Date:</b> May 2023	<b>Clerk:</b>
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