



Scheme of Delegation

June 2024

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1. INTRODUCTION

1.1 This document sets out the manner in which Burnham Parish Council has delegated its powers.

1.2 The legal basis for this is The Local Government Act 1972, section 101, gives a parish council power to delegate decisions to a committee or the clerk, being the council's proper officer.

1.3 The intention of the delegation scheme is that the Council should act with all reasonable speed. Decisions should be taken at the most suitable level and that officers are given power over the day to day administration of the Council.

2. SCOPE

2.1 Council Functions

The following matters are reserved to the Council for decision, notwithstanding that the appropriate committee(s) may make recommendations for the Council's consideration. These functions shall be in accordance with the Council's Standing Orders and Financial Regulations.

- a) Approving the annual budget and setting the precept.
- b) Approving the annual return, and internal and external audit reports.
- c) Authorising all borrowing.
- d) Adopting and making any amendments to the Standing Orders, Financial Regulations, and the Scheme of Delegation.
- e) Making orders under any statutory powers.
- f) Making, amending, or revoking by-laws.
- g) Establishing committees and determining their terms of reference, and membership.
- h) The appointment to or co-option on a Committee or Sub-Committee of a person not a member of the Council or the Committee.
- i) Appointing or nominating Council representatives to outside bodies.
- j) Creating, approving, or reviewing a neighbourhood plan.
- k) Appointing and dismissing the Parish Clerk.
- l) The decision to prosecute or defend in a court of law, save where such a prosecution is of a debtor being carried out through the small claims process.

m) All other matters which must, by law, be reserved to the full Council.

2.2 Delegation to committees

The remit of a committee, including all delegated duties, shall be determined by its terms of reference. These are included as appendices to this scheme of delegation.

This shall not prevent the Council from time to time exercising such control as it sees fit over any such delegated matter.

Each committee shall be authorized, in accordance with the Council's Standing Orders, to establish sub-committees and working groups, and to determine their terms of reference.

2.3 Delegation to Parish Clerk

The Parish Clerk acts as the Council's Proper Officer and Responsible Finance Officer (s.151 Officer), and is responsible for all statutory duties imposed upon these two offices. These include:

- a) Receiving declarations of acceptance of office.
- b) Retaining a copy of every councillor's register of interests.
- c) Signing notices or other documents on behalf of the Council (other than legal and financial documents requiring the signatures of members of the Council).
- d) Signing summonses to attend meetings of the Council.
- e) Keeping a proper record for all meetings.
- f) Ensuring the Council meets its obligations in accordance with the Accounts and Audit Regulations in force at the time.
- g) The proper administration of the Council's financial affairs, including ensuring the Council has an adequate and effective system of internal control.
- h) Producing all financial management information, including, completing the annual financial statements of the Council.

In addition, the Parish Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- a) The day-to-day administration of services, together with routine inspection and control of assets and procedures.
- b) Recruiting and managing all Council staff, directly or indirectly.
- c) Authorising all routine expenditure within the agreed budgets, excepting that contracts with an annual value in excess of £5,000 be referred to the relevant committee for approval.
- d) Taking reasonable actions to secure the Council's assets or position or for urgent and essential health and safety; and authorising expenditure up to £5,000 (or such amount as laid down in the Council's Financial Regulations) which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure. The Responsible Finance Officer shall report the action to the Council as soon as practicable thereafter
- e) Postponing any meeting, or calling any additional meeting of the Council or any Committee, as necessary, in consultation with the Chair of the Council or appropriate committee.
- f) Responding to any correspondence requiring or requesting information, or relating to previous decision of the Council, but not correspondence requiring an opinion to be taken by the Council or its committees.
- g) Managing the provision of Council services, buildings, land, and resources (indirectly where service managers have delegated responsibility), including the temporary closure of any such facilities, as may be required.
- h) Dealing with dispensation requests from members, under the Code of Conduct.
- i) Dealing with all staffing and disciplinary matters, in accordance with the Council's Staff Handbook.
- j) Prosecuting a debtor, where such prosecution is through the small claims process.
- k) Authorising the issue of press releases on any Council activity, and editorial control of the Council's website and social media content.
- l) Applying for any grants and other funding on the Council's behalf.
- m) The disposal, sale or leasing of any equipment or consumables, save where the estimated value of any one item of tangible movable property exceeds £500.

- n) Entering into negotiations on any matter in respect of the Council, it being understood that the Parish Clerk shall not be authorised to confirm any agreement without the consent of the Council or relevant committee.
- o) Dealing with such matters as specifically delegated by the Council or committee.
- p) Delegating duties to a subordinate officer, save where such duties are required to be carried out directly by the Proper Officer or Responsible Finance Officer, by statute, or Council direction.

All delegation of duties is at the discretion of the Council, save where such delegation is required by statute.

2.4 Delegation to General Manager

The General Manager shall be responsible for the day to day management of Burnham Park Hall, car park, and surrounds, and activities and hires that take place in the Hall. This shall include:

- a) Managing all bookings and events for the Hall.
- b) Appointing and dismissing all casual staffing (i.e. those not on a fixed hours contract), including caretakers and event staffing in accordance with the Council's Staff Handbook.
- c) Managing all Halls staff, including: setting rotas, meeting training needs, carrying out annual performance reviews, monitoring staff absence and sickness, making recommendations to the Clerk and Council on remuneration.
- d) Appointing and managing all maintenance contracts for the Hall, in consultation with the Parish Clerk, and in accordance with the Council's Financial Regulations.
- e) Incurring revenue expenditure up to the budgeted amount in the Council-approved Burnham Park Hall budget, excepting that contracts with an annual value in excess of £1,000 be referred to the relevant committee for approval.

- f) Incurring revenue expenditure over and above the budgeted amount on items necessary for hall hires, café sales, bar sales, and in-house events, where such expenditure is necessary to generate income in excess of the budgeted amount.
- g) Managing all Halls advertising, promotion, and communication, including: website updates and maintenance; social media interaction; press releases; and event promotion. All communications shall be in accordance with any Council communication or community engagement strategies or policies.
- h) The disposal, sale, or leasing of any Halls stock or equipment, save where the estimated value of any one item of tangible movable property exceeds £500.
- i) Any matters specifically delegated by the Council or Burnham Park Management Committee.
- j) Delegating any such duties to a subordinate officer, save where such duties are required to be carried out by the General Manager, at the Council's, Parish Clerk's, or Burnham Park Management Committee's direction.
- Any delegation of duties is at the discretion of the Council, Parish Clerk, and Burnham Park Management Committee as applicable.

3. Procedure review

This policy will be reviewed on an annual basis and be approved at the first full council meeting of each financial year.

1 Burnham Park Management Committee

“Burnham Park” is defined as the hall building; and for the purposes of events, but not maintenance, the grounds and park.

The Committee shall consist of a minimum of 6 members and a maximum of 8. The Committee will have a quorum of 4.

The Committee shall undertake the following roles:

- 1) To review and monitor the financial performance and budget for the operation of Burnham Park.
- 2) To review and monitor the management, control and maintenance of Burnham Park.
- 3) To review and monitor the marketing of Burnham Park.
- 4) To monitor and review the administration and management of the Council’s complaints procedure relevant to Burnham Park.
- 5) To be responsible for recommending to the Full Council the charges relating to hire of Burnham Park.
- 6) To agree booking priorities and grant appropriate exceptions to charges relating to hire of Burnham Park; giving due regard to the recommendations of the Hall Manager.
- 7) To be authorised to appoint sub-committees and or working parties to deal with matters delegated to the committee and to delegate such powers as vested in the committee.
- 8) To be authorised to approve spending within budget on items related to the committee’s responsibilities; subject to limits laid out in financial regulations.

2 Planning Committee

The Committee will comprise of 8 Members

The quorum of the Committee shall be 3 Members

The Committee shall undertake the following roles:

- 1) To deal with all planning matters including the perusal of planning applications affecting the parish and the submission of relevant observations to the Planning Authority. To make observations concerning Local Plans, Mineral Subject Plans, etc
- 2) To make recommendations to the council in relation to the approval or otherwise of any development plan or strategy proposals under planning legislation affecting the parish
- 3) To make recommendations to the Council in relation to any arrangements between the parish council and the Local Planning Authority about the involvement of the parish council in the discharge of planning functions.

- 4) To make representations to the Local Planning Authority on any application referred to the parish council and on any other planning matter.
- 5) To be authorised to appoint sub-committees and or working parties to deal with matters delegated to the committee and to delegate such powers as vested in the committee.

3 Recreation and Amenities Committee

The Committee shall consist of a minimum of 6 members and a maximum of 8. The Committee will have a quorum of 4.

The Committee shall undertake the following roles:

- 1) To review and monitor the financial performance and budget for the Recreation and Amenities Committees budget as delegated by Full Council
- 2) To review and monitor the management, control and maintenance of all recreation grounds and open spaces owned or managed by the Parish Council, excepting as specifically delegated to the Burnham Park Management Committee, including nature and trim trails, cemetery, village pond, roadside seats, notice boards, bus shelters, footpaths, public conveniences in Jennery Lane, street lighting, the Park, War Memorial, footpath of Tennis/Bowls Club and any other matters referred to it by the Council.
- 3) To review and monitor the management, control and maintenance of the ground staff property i.e. Cherry Orchard Cottage (the bungalow), the Pavilion (George Pitcher Memorial Ground) and the Pitch Side Cafe and to be responsible for the management and control and maintenance of Burnham High Street including hanging baskets and obelisk.
- 4) To be responsible for agreeing the terms and conditions at the George Pitcher Memorial Ground. To be responsible for recommending to the Full Council the charges relating to hire/lease of the Pavilion, pitch hire and also the hire of the Park for events such as Donkey Derby.
- 5) To monitor and review the administration and management of the Council's complaints procedure relevant to Outside services.
- 6) To monitor and review the appointments of ground staff and contractors in accordance with the Council's Staff Handbook.
- 7) To be authorised to appoint sub-committees and or working parties to deal with matters delegated to the committee and to delegate such powers as vested in the committee.
- 8) To be authorised to approve spending within budget on items related to the committee's responsibilities; subject to limits laid out in financial regulations.

4 Policy & Resources Committee

The Committee shall consist of a minimum of 6 members and a maximum of 8. The Committee will have a quorum of 4.

The Committee shall undertake the following roles:

Resources

- 1) To determine all resource requirements of the Council and make recommendations to the Council, and to recommend to the Council the annual budget and precept for the ensuing year (Resources include finances, land and property, employees and contractors).
- 2) To monitor income and expenditure on a regular basis and to make recommendations to the Council.
- 3) To be authorised to approve spending within budget on items related to the committee's responsibilities; subject to limits laid out in financial regulations.
- 4) To recommend to Council the approval of additional expenditure, at the request of a committee, for items not included in the estimates, providing savings cannot be found within the requesting committee's estimates and funds available.
- 5) To recommend to Council the raising of loans, leasing and finance and investment of funds held by the Council; appointment of bankers, Building Societies and other financial establishments where funds are placed.
- 6) To give guidance to committees and officers for the formulation of forward programmes and financial guidelines.
- 7) To be authorised to approve acceptance of a tender, other than the lowest, if payment is made by the Council, or the highest tender, if payment is to be received by the Council.
- 8) To incur and authorise expenditure not otherwise delegated to another committee or employee.
- 9) To monitor and review the management of the Council's freehold and leasehold property and make recommendation on all land use issues.
- 10) To recommend to Council all leases and licences.
- 11) To deal with all grant applications.
- 12) To monitor that the Council's existing services are effectively undertaken.
- 13) To monitor and review communications between the Council and the public and to monitor the Council's complaint procedure.
- 14) To monitor and review the Council's Risk Management Programme, including Standing Orders and Financial Regulations.
- 15) To monitor the administration of the Council's offices and facilities.
- 16) To monitor all staff matters, including determining numbers, job descriptions, pay scales and working hours, recruitment, training and development of employees in accordance with the Council's Staff Handbook.
- 17) To delegate staffing issues relating to the Proper Officer, to the Staffing Sub-Committee.
- 18) To monitor the management of 5 Lent Green Lane, including tenancy and rent reviews.

Policies

- 19) To review and develop the strategic policies for the Council and make recommendations to Council.
- 20) To monitor new legislation and to identify and recommend to Council strategies for implementing the outcomes of such legislation.
- 21) To monitor and review all Personnel and Health and Safety Policies and make recommendations to Council.
- 22) To monitor and review Council partnerships and representation on outside bodies and to make recommendations to Council.
- 23) To monitor and review the effectiveness of the Council's Committee structure as a result of new legislation and to evaluate the impact of any new strategies for consideration by the Council.
- 24) To monitor and review any Code of Conduct issues and make recommendations to the Council regarding policy, training and potential breaches of the code of conduct.

5 Staffing Sub-Committee of the Policy & Resources Committee

- 1) The sub-committee shall consist of the Chairman of the Council, the Vice Chairman of the Council, and the Chairman of each committee. The sub-committee may also co-opt additional councillors onto it as required.
- 2) The committee will have a quorum of half the membership.
- 3) To instruct the Council's officers regarding the implementation of actions associated with personnel issues and policies.
- 4) To instruct the Council's officers with regard to taking any appropriate legal & professional advice.
- 5) To monitor and review all issues regarding employment tribunals, and to agree any compromise/settlement agreements on behalf of the Council.
- 6) To refer any matter to the Policy and Resources Committee.
- 7) To manage and oversee the appointment of the Proper Officer, making the final recommendation to the Full Council.

Burnham Neighbourhood Plan Steering Group Terms of reference

Purpose

1. The objective of the steering group is to produce a neighbourhood plan for Burnham.
2. The group shall dissolve when either the neighbourhood plan is adopted, or it is agreed to no longer pursue the plan.

Constitution

3. The group shall consist of up to 15 members.
4. Up to 6 of these members shall be parish councillors, with membership decided by the Parish Council.
5. The remaining membership shall be open to applications from the community, with eligibility and the application process decided by the Parish Council.

6. The Clerk, or other officer of the Parish Council, shall attend each meeting to facilitate, advise, and take notes.

Accountability

7. Notes of each steering group meeting shall be available for the Parish Council and the public.

8. The group shall provide progress reports for the Parish Council and relevant committees.

9. All members of the public shall be able to attend and observe meetings.

Financial control

10. The steering group shall advise the Clerk on how it wishes to spend any grant funding.

11. The Clerk, in discussion with the group, shall be able to incur expenditure up to the amount given for exclusive use on the neighbourhood plan, by the Council or other body.

12. All expenditure must be in accordance with the Parish Council's Financial Regulations.

Conduct and decision-making

13. All members of the group shall conduct themselves in accordance with the general obligations of the Parish Council's code of conduct.

14. In accordance with the principle that the neighbourhood plan be community-led, Standing Orders 16 (b) to (f) shall not apply for the purposes of this steering group.

15. The quorum of the group will be one third of the membership.

16. All members of the group shall be eligible to vote on all matters.

17. The Parish Council reserves the right to vary these terms of reference at any point

Sustainability, Ecology, and Climate Emergency Working Group Terms of Reference

The Working Group was originally established as the Climate Emergency Working Group, after Burnham Parish Council declared a climate emergency on 15th March 2021.

In June 2024 BPC resolved to expand the remit of the group to cover wider environmental issues, and to rename it the Sustainability, Ecology and Climate Emergency Working Group

Purpose

1. To coordinate action towards making Burnham a sustainable community, by making Burnham Parish Council Net Carbon neutral before 2030 and working to stop nature loss
2. To take actions towards the General Duty of Councils to conserve and enhance biodiversity under the Environment Act 2021.

3. To work with other organisations and stakeholders in Burnham Village towards the same aims.
4. To investigate all possible sources of external funding and match funding to support this commitment.

Membership and quorum

5. The Working Group shall consist of up to 8 members; at least 3 of these are to be Burnham Parish Councillors chosen by Full Council.
6. The Working Group may co-opt other members as appropriate, including non-councillors, to join the group.
7. Quorum will be 3 Parish Councillors
8. The Working Group shall elect a Chair; and the Clerk, or another staff member designated by them, shall act as the Secretary and shall offer appropriate advice.

Reporting and spending

9. The Working Group will report to each meeting of the Full Council, and may make recommendations directly to Full Council.
10. The Working Group will send items to committees for their consideration as appropriate.
11. The Clerk will seek the view of the Working Group on the expenditure of any grant funding, in accordance with the Council's Financial Regulations.