



ROWDE PARISH COUNCIL

Terms of Reference and Delegate Powers



ADOPTED: 10.12.2025 REVIEWED: MAY 2026

For Review May 2027

ROWDE PARISH COUNCIL

TERMS OF REFERENCE AND DELEGATED POWERS

INTRODUCTION

This Scheme of Delegation forms part of the Council's Financial Regulations and will be reviewed at least annually. Once all committees have reviewed their terms of reference and after the annual meeting of the council. Those with delegated responsibility are referred to by job title, therefore any changes in job titles will be adjusted at the review.

One of the purposes of the document is to define the parameters within which Officers of the Council are able to act without reference to either their line managers or Members. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place. Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

The other purpose of the document is to capture the various delegated powers throughout the council, including those delegated by the Council to its various committees. This document incorporates the Terms of Reference of the committees. The powers and duties set out in this scheme are delegated to the Parish Clerk (PC). The PC may delegate these duties and powers to other Officers within the Council.

DELEGATED POWERS

Members will be advised by the PC whether or not a particular item under discussion is within the Committee's delegated powers. The minutes will then record the decision as "RESOLVED". If it is not, then the minutes will show the decision as "RECOMMENDED", and will then be brought to the Council's particular attention by the Chairman of that Committee at the next meeting of the Full Council when seeking approval of the Committee's minutes.

In any case where a Committee Chairman and Vice Chairman are either unsure whether or not any matter falls within delegated powers, or whether or not any matter should be determined by them, they should refer that matter to the next highest level of decision. A delegated power does not always have to be exercised.

Terms of Reference C Delegated Powers for 2025/26

FC Meeting 10.12.2025

Delegated Authority and TOR for committees and working parties.

Working Parties have no delegated powers so all recommendations from them must be resolved by the Full Council.

PUBLIC AND PRESS

Under Section 1(2) of the Public Bodies (Admission to Meetings Act 1960) "that as publicity would be prejudicial to the public interest by reason of the Confidential nature of the business about to be transacted at Agenda Item...e.g. staffing e.g.

To receive the PPC report'), it is advisable in the public interest that the Public and Press be temporarily excluded from this meeting and they are herewith instructed to withdraw."

- Exclusion of the public and press must be minuted but it does not have to be on the Agenda.
- There shall be no audio or visual recording or photographs of meetings without the express prior approval of the Council.
- The exclusion of public and press should be used prudently and the Council must be clear of the reasons for doing so.
- The press and public can be excluded for the following reasons:
 - a) To discuss terms of service, or to discuss the conduct and dismissal of a member of staff
 - b) Terms and proposals and counter proposals in negotiating contracts
 - c) Preparation in legal proceedings
 - d) The early stages of a dispute
 - e) The early stages of agreeing tender/quotation details
 - f) The approval of tender/quotation details
 - g) To discuss a matter of commercial sensitivity.
 - h) Powers Reserved to Council

Membership: All Councillors

Quorum: One third of the total membership. (11 div 3 = 4)

Matters to be resolved only by Council

- Issuing the precept
- The Power to raise loans
- Approving the end of year Accounts and Annual Return.
- Incurring capital expenditure over and above the Council's approved budget.
- Incurring revenue expenditure which is over and above the Council's approved budget and is in excess of £5000 per item (unless incurred already under Financial Regulations)
- The Council has ultimate responsibility to ensure financial balance and probity.
- Initiating requests for boundary reviews and commenting during the course of such reviews
- Amending Standing Orders and Financial Regulations
- Setting the number of Committees and Working Parties, and the names and number of Members appointed to each Committee.
- Determining the functions and constitution of Committees.

- Setting the dates of routine meetings of the Council and its Committees.
- Filling of Member vacancies occurring on any Committee or Council.
- Delegated Authority and TOR for committees and working parties.
- Appointing or nominating persons to fill vacancies on outside bodies.
- Confirming the appointment of, and dismissal of the PC.
- All policy issues in relation to the Neighbourhood Plan.
- All other matters which must, by law, be reserved to the full Council.
- Where the expenditure of an item is above £10,000 this matter will always be considered by the Full Council.
- To co-opt onto the Council new Councillors for un-contested vacancies during the term of the Council.
- Delegation to Committees.

POWERS AND DUTIES OF STANDING COMMITTEES

Subject to the above, and to observance of decisions of the Council on matters of principle or policy, all the Council's powers and duties shall be delegated to the Standing Committees in accordance with the following terms of reference unless otherwise specified.

The acts and proceedings of a Committee shall:

- where they are delegated to the Committee, so far as is legally permissible be deemed the acts and proceedings of the Council;
- as regards other matters, be subject to confirmation by the Council, and when confirmed shall be deemed the acts and proceedings of the Council;
- in all respects, be subject to the provisions of the Council's Standing Orders and Financial Regulations except as otherwise determined by the Council.
- Committees/Council are authorised to establish working parties, and to appoint advisers as and when they deem necessary to assist in their work subject to adherence at all times with the Council's Standing Orders and to clear terms of reference being established at the outset. Working Parties will have no authority to act on behalf of the council they can only recommend to the council or committee.
- The Council may at any time without prejudice to executive action already taken revoke any executive power delegated to a Committee.
- Matters delegated to Committee may be referred to Full Council at the request (written or verbal) of two Members of the Council prior to the resolution of the matter.

Delegation of Power

- To the Chairman and Vice Chairman of the Council.

Matters of an urgent nature requiring settlement before the next meeting of the Council may be dealt with by the Chairman in conjunction with the PC and at their discretion but must be submitted for approval or otherwise to the next meeting of the Full Council.

- To the Committee Chairman

Matters of an urgent nature requiring settlement before the next meeting of the Committee may be dealt with by the Chairman and the Vice Chairman of the Committee in conjunction with the PC or Deputy Council Manager.

- Delegated Authority and TOR for committees and working parties.

Powers specifically delegated to the Parish Clerk

- Authorising expenditure on items where the Council, or the appropriate Committee under delegated powers, within a budget approved by the Council, has agreed the expenditure (up to £5,000)(already in the section below)
- The power to act as the Council's "Proper Officer" in all cases where any legislation requires the appointment of such an officer.
- To act as the Responsible Officer for Health and Safety and Finance.
- The PC is the head of the Councils Administration and its day-to-day functioning. They are responsible for the internal management and organisational of the tasks/policies set by the Council.
- To enter into day-to-day contracts on behalf of the council, such as utilities, or if delegation has been authorised by either Council or its committees, and unless stated by statute, this power can be delegated by the PC to other officers if he/she sees fit.
- To notify the Returning Officer of all casual vacancies arising in the membership of the Council as required by statute and to liaise with him or her regarding the conduct of elections.
- To take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council (such action must be reported to council at the earliest opportunity).
- To institute, defend and appear in any legal proceedings authorised by the Council.
- To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of the parish);
- To decide arrangements for the closure of the Council offices in the Christmas/New Year period.
- To manage the Council's facilities and assets, including parks, open spaces, amenity areas, other buildings and assets.
- To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
- To implement national pay awards and conditions of service (The council will be informed but it is acknowledged that this is part of the staff's contract).

Financial Matters

The PC is authorised as follows: -

- To incur expenditure (including issue of purchase orders) up to a maximum of £5,000 on any item for which provision is made in the appropriate revenue budget provided that action taken complies with any legislative provisions and the requirements of the Council's Standing Orders/Financial Regulations.
- To recommend to the relevant Council/committee quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to the cost not exceeding the amount of the approved budget and all the requirements of the Council's Financial Regulations being complied with.

- To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.
- To recommend to the council, options on investing monies held by the Council with a view to obtaining the optimum financial return.
- Debt monitoring and recovery to be the responsibility of the Council (above a de minimis level).

Staffing Matters

The PC and Staffing C Finance Committee is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including: -

- a. The initial appointment of staff interviews will be carried out by the Staffing C Finance Committee;
- b. The employment of temporary employees (within budget);
- c. Control of staff performance and discipline and performance, including the power of suspension and dismissal, in accordance with the policies set by the Council.
- d. Payment of expenses and allowances in accordance with the Council's scheme;
- e. Dismissing members of staff;
- f. To present to the Staffing C Finance Committee guidance on recommendations for employees' salary reviews, in accordance with the Council's staff appraisal system. (in conjunction with the Deputy Council Manager)

Property Matters

The PC is given authority to manage the land and property of the Council including: -

- a. Agreeing the terms of any lease, licence, conveyance or transfer approved by Council.
- b. The granting or refusal of the Council's consent under the terms of any lease;
- c. Variations of restrictive covenants of a routine nature;
- d. Recommending to Council on the granting of easements, wayleaves and licenses over Council land;
- e. Initiating legal action or proceedings against unauthorised encampments on Council land.

Urgency

- The PC is authorised to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council or relevant committee. The Chairman of the Council or of any relevant committee are to be consulted before such action is taken.

Staffing s Finance Committee

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- The Committee is a standing committee of the Council usually appointed at the Annual Parish Council Meeting. As such it is autonomous; its decisions do not require ratification by the Council, unless a matter is specifically referred up (i.e. risk management /internal controls, recommending precept). Its conduct is subject to those stated in standing orders. These Terms of Reference should read in line with RPC's Financial Regulations and Standing Orders as approved.
- The Committee meets 6 times a year or as required. The December meeting of the committee will agree the budgets for every committee and recommend a precept figure to Full Council. If any extra meetings are required this will be decided in conjunction with the Chair C Vice -Chair of this committee.
- There will be a nominated membership of four Parish Councillors, with a quorum of four.
- All members of the committee have voting rights; other Councillors can attend meetings but have no voting rights. Members of the public are welcome to attend and address the meeting, but have no voting rights.
- The Committee shall be responsible to the Parish Council for:
 - a) Setting and monitoring the budget and recommending the precept amount to the Council.
 - b) Allocating funding for Projects, through Capital and Earmarked Reserves and Section 106/CiL.
 - c) Receiving and considering applications from organisations on small community and CiL grants.
 - d) Investment Analysis
 - e) Audit
 - f) Bank Reconciliations
 - g) Risk Management
 - h) Human Resources