

Bovingdon Parish Council

Parish Council Office
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Scheme of Delegation & Terms of Reference

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1 DISCHARGE OF THE SCHEME

- 1.1 This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders and will be reviewed every two years and when there are staffing changes. Unless a change in law necessitates review.
- 1.2 Those with delegated responsibility are referred to by job title i.e. Parish Clerk, Responsible Finance Officer or Parish Clerk/RFO
- 1.3 One of the purposes of the document is to clearly define the parameters within which Officers of the Council can act without reference to Councillors. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.
- 1.4 Any deviation from this scheme should be reported to the Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.
- 1.5 The other purpose of the document is to capture the various delegated powers throughout the Council, including those delegated by the Council to its committees. This element of the scheme incorporates the Terms of Reference of the committees.

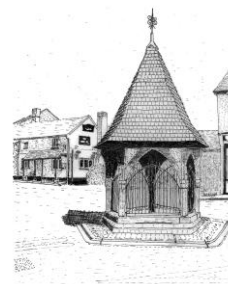
2 PRINCIPLES OF DELEGATION

- 2.1 Section 101 of the Local Government Act 1972 provides:
 - That a Council may delegate its powers (except those incapable of delegation) to a committee; or an officer.
 - A Committee may delegate its powers to an officer.
 - The delegating body may exercise Powers that have been delegated.
- 2.2 Any delegation to a Committee or the Parish Clerk/RFO shall be exercised in compliance with the Council's Standing Orders, its Financial Regulations and any other policies or conditions imposed by the Council and with the law.
- 2.3 In an emergency the Parish Clerk/RFO is empowered to carry out any function of the Council.
- 2.4 Where the Parish Clerk/RFO is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they

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should also consult the Chairman of the Council and must ensure that they obtain appropriate legal, financial, and other specialist advice before action is taken.

3 AUTHORITY TO ACT

- 3.1.1 It will be appropriate for the Parish Clerk/RFO to refer a matter to the Council where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for councillors to determine; or could, by its scale or complexity expose the Council to major corporate risk.
- 3.1.2 The Parish Clerk/RFO and Committees have the responsibility to act within the Councils approved policies, procedures, and framework and within the law in conjunction with this delegated scheme.

4 CONFLICTS OF INTEREST

- 4.1 Under the Local Government Act 1972, section 117 the Parish Clerk/RFO must make a formal declaration about council contracts where they have a financial interest.
- 4.2 Where the Parish Clerk/RFO has a conflict of interest in any matter, he/she shall not participate in that matter unless approved by the Council and this is formally recorded in the Council minutes.

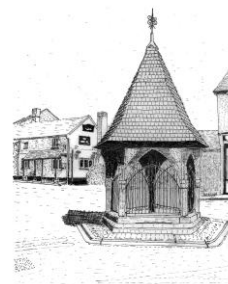
5 COUNCIL RESERVED POWERS

- 5.1 The following matters are only to be resolved by the full Council:
- Appointment of the Parish Clerk/Responsible Financial Officer and other council officers following a recommendation from the Personnel Committee
 - To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies
 - To approve and adopt the Policy Framework.
 - To approve and adopt the Budget.
 - To appoint committees and working groups
 - To approve membership of all committees and working groups unless delegated below.
 - To agree and/or amend the terms of reference for Committees
 - To adopt the schedule of meetings for the ensuing year.
 - To determine matters involving expenditure for which budget provision is not made or is exceeded.

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- To set the Precept.
- To borrow money
- To annually approve the statutory annual return
- To approve eligibility for the General Power of Competence
- To assess, consider and (if approved) award donations and grants fund to other bodies where lawful and appropriate in accordance with statute and the adopted BPC Grant & Donation policy.
- To receive, consider and (if approved) ratify recommendations from the Personnel Committee in respect of staff remuneration outside of budget allocation.
- To assess, consider and (if approved) ratify recommendations from working groups.

6 DELEGATION TO COMMITTEES - SAFEGUARDS

The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a committee or Officer.

Finance & General Purposes Committee

Appendix 1 – Finance & General Purposes Terms of Reference attached

Personnel Committee

Appendix 2 - Personnel Committee Terms of Reference attached

Planning Committee

Appendix 3 – Planning Committee Terms of Reference attached

Outdoors Committee

Appendix 4 – Outdoors Committee Terms of Reference attached

Memorial Hall Management Committee

Appendix 5 – Memorial Hall Management Committee Terms of Reference attached

Working Groups

Appendix 6 – Working Groups Terms of Reference

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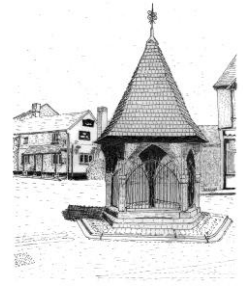
7 DELEGATION TO PARISH CLERK

1. The Parish Clerk is designated and authorised to act as the Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a proper officer.
2. In the case of an emergency, the Parish Clerk shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Chairman (if practicable in the circumstances).
3. The Parish Clerk will have the authority to dispose of the Council's assets (excluding land and building assets) subject to the estimated value of any one tangible; moveable item does not exceed £500. The Parish Clerk is responsible for ensuring any disposal details including the disposal values are recorded in the assets register.
4. Power to authorise relevant training courses provided the expense can be met from approved budgets having considered the training needs of the employees/ Councillors
5. The Parish Clerk is the manager for all staff employed by the Council and is given delegated powers to manage the council staff in accordance with the Council's policies, procedures and budget
6. The authority to sanction and authorise payment of overtime so long as the costs can be contained within the parameters of the approved budget. The Parish Clerk shall have the authority to engage casual workers subject to budget and the Parish Clerk shall consult with the Personnel Committee members when such work is to be sanctioned.
7. Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council
8. As Proper Officer, to sign all documents on behalf of the Council including the Summons to Elected Members to attend Council Meetings in accordance with paragraph 4 and Schedule 12 of the Local Government Act, 1972
9. To sign and publish the annual public notice that the Audit of Accounts is to take place and has taken place.
10. To receive members' acceptance of declarations of interest and their appointment as a Councillor.

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11. Power to release press statements on any activities of the Council subject to prior consultation with the Chairman.
12. Power to act on own initiative to implement the Council's policies and objectives.
13. Power to take appropriate steps to ensure the Council does not exceed its powers.
14. Power to manage all the Council's resources in accordance with the Council's policies.
15. In liaison and after conferring with the Chairman, to make such Civic arrangements as are necessary.
16. The Proper Officer shall have authority to issue written authorisation to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties.
17. The Proper Officer shall be responsible for signing all the Council's Official Notices as set out in the Standing Orders
18. The Parish Clerk to submit all consultee comments approved by full council to the DBC planning department.
19. The Parish Clerk may request an extension to the 21-day planning consultation period should the expiry fall outside of the meeting schedule.
20. The Parish Clerk to call an extraordinary meeting to discuss planning applications where it has not been possible to extend the consultation period unless an extraordinary meeting is called in line with BPC Standing orders.
21. The Parish Clerk (following consultation with Councillors via email) to not respond to planning applications and to allow the consultation period to expire if Councillors do not wish to hold a meeting to discuss or offer comment, in line with BPC standing orders.
22. If required, to register a representative to speak at any Development Management Committee meeting when the agenda includes a planning application for which Council has already voted on its position. If no representative has been allocated it will be deemed that the Chairman of

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Planning or Parish Clerk will fulfil that role. (Representatives allocated by full council will be encouraged to register themselves via the Dacorum Borough Council portal and to notify the clerk if this is not possible).

8 Responsible Financial Officer

1. The Responsible Financial Officer will be responsible for all financial records of the Council and the careful administration of its finances and accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time and with the policies and procedures set by the Council and within the law.
2. The Responsible Financial Officer will have the power to release any financial related report or document to the Council in discharge of the Responsible Financial Officer responsibilities
3. The Responsible Financial Officer shall ensure the approved precept request is issued to the billing authority
4. The Responsible Financial Officer will have full powers for purchases up to the expenditure limits as laid out in the adopted financial regulations. This limit may only be exceeded should the RFO deem it necessary (in their dual role as Parish Clerk) under sections 7 (1) and 7 (7) listed above. Any such action should be reported to council at the earliest possible opportunity.

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APPENDIX 1

Finance & General Purposes Committee - Terms of Reference

Purpose

To monitor, oversee and review all matters relating to the Council's finances and to the Memorial Hall's finances. To monitor their use of resources, ensuring the efficient and effective management of those resources making recommendations to full Council as appropriate.

Membership No less than 6 Parish Councillors unless agreed otherwise at the Annual Parish Council meeting

Quorum 3 Parish Councillors

Meetings

Meetings will be held as and when necessary to ensure that Bovingdon Parish Council complies with the requirements of Governance and Accountability for Smaller Authorities in England. The membership of the Committee will be determined at the Annual Council. The Chairman of the Committee will be elected at its first meeting after the Annual Council meeting. The Parish Clerk/RFO will minute all meetings of the Finance & General Purposes Committee and will circulate the draft minutes to all members once agreed by the Chairman of the Committee. The draft minutes will be submitted to the Committee at the next meeting for adoption.

Delegated Powers

The Committee will be responsible for the following:

- a) To consider the annual and supplementary estimates of budget and make appropriate recommendations to the Council.
- b) To monitor income and expenditure within the approved budget at least quarterly to report to the council on the current position as compared with expectations when the budget was set.
- c) To ensure adequate financial controls are in place, and operated, to utilise and protect the Council's finances and assets – to include insurance of buildings and property and maintenance of appropriate valuations in the asset register.
- d) To monitor and effect compliance with laid down internal and external audit and other financial procedures, regulations and statutes.

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- e) To examine annually the current financial policies and procedures, identify opportunities for improvement and make proposals to the council for changes where appropriate.
- f) To monitor the Council's financial risk assessments and recommend changes where necessary.
- g) To recommend the annual accounts to the Council.
- h) To recommend the precept requirement to Council.
- i) To make recommendations to the council regarding the investment of the council's funds to ensure the optimisation of financial returns.
- j) All powers shall be exercised in accordance with any Standing Orders, policy adopted or directions given by the Council.
- k) To ensure the Memorial Hall Charity Commission return is submitted annually.
- l) To ensure the PPL form for the Memorial Hall is submitted annually.
- m) Consider Grant applications to be submitted to the Parish Council for approval.
- n) To ensure that the VAT return for the Parish Council and the Memorial Hall is submitted quarterly.

The Committee will provide a progress update at each Parish Council meeting.

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APPENDIX 2

Personnel Committee - Terms of Reference

Purpose

The Committee is responsible for the employment and welfare of all employees.

Membership

The Committee will be comprised of 4 members appointed annually at the Annual Parish Council Meeting.

Quorum 3 Parish Councillors

Meetings

As required to ensure that BPC complies with the requirements of employment law and follows best practise in providing good working conditions for staff.

The membership of this committee will be determined at the Annual Council meeting. The Chairman of the Committee will be elected by the Personnel Committee at its first meeting after the Annual Council Meeting. The Chairman of the Parish Council cannot be a member of the Personnel Committee in order to remain impartial and be able to mediate in the event of any issues. The Parish Clerk/RFO will minute all meetings of the Personnel Committee and will circulate the draft minutes to all members once agreed by the Chairman of the Committee. The draft minutes will be submitted to the Committee at the next meeting for adoption.

All reports from this committee must protect the confidentiality of all parties involved and the implications of the Data Protection Act 1998. Minutes of the Committee may be presented to the Full Council for information, although if the contents are deemed confidential then a report containing the pertinent facts, but protecting the confidential information will be provided and the minutes will be held on file.

All meetings of the Committee will exclude public and press by resolution due to the confidential nature of the items being discussed and transacted in accordance with Public Bodies (Admission to Meetings Act) 1960.

Delegated Powers

The Committee will be responsible for the following:

- a) Recruitment of Parish Clerk/ Responsible Financial Officer and other staff as required
- b) Recruitment and selection procedures

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- c) Annual staff appraisal and development in line with the adopted council appraisal scheme
- d) Annual pay and budget review
- e) Assisting the Parish Clerk/RFO in the drafting of staffing policies
- f) Review of staff contracts, grievance and discipline policies every two years
- g) Review of staff workload and accommodation of their needs and requirements when necessary.
- h) Management of rights relating to leave, time off, family rights and illness
- i) To ensure that the Parish Clerk/RFO has everything required for managing other staff
- j) To ensure the health and safety of all staff and carry out relevant risk assessments
- k) To keep up to date with developments in employment law
- l) The Committee will serve as the disciplinary or grievance panel
- m) To agree the members to sit on an appeals panel to hear appeals against a decision on a grievance
- n) To practise and promote fair and equal treatment of staff throughout the performance of all Council activities and ensure that no discrimination, harassment, or bullying takes place against any member of staff.

Duties to consider and recommend to Council

- a) A full report shall be provided to BPC following a meeting of the Committee
- b) Staff remuneration to be considered (in line with the budget section below)

Budget

All finance decisions made by the Committee are subject to referral to the Parish Clerk/RFO to ensure that expenditure and all pay awards reflect the annual expenditure limits. There is no delegated budgetary allowance for this committee outside of the staffing budget. The Parish Clerk/RFO will liaise with the Chairman of the Committee to advise of budget limits and statutory pay scales. Any budgetary matters outside of the annual limit must be referred to Full Council for consideration. The Committee will provide a progress update at each Parish Council meeting.

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APPENDIX 3

Planning Committee - Terms of Reference

Purpose

To review all planning applications and respond on behalf of the council to planning consultations, and when considered appropriate send a representative of Bovingdon Parish Council to any relevant planning committee meetings of the planning authority.

Membership

The Committee will be comprised of 6 members appointed annually at the Annual Parish Council Meeting.

Quorum 3 Parish Councillors

Meetings

The Chairman will be elected by the Planning Committee at its first meeting after the Annual Council meeting.

The Committee will meet twice per month, normally the 2nd and 4th Tuesday of the month.

The Parish Clerk/RFO will minute all meetings of the Planning Committee and will circulate the draft minutes to all members once agreed by the Chairman of the Committee. The draft minutes will be submitted to the Committee at the next meeting for adoption. The Parish Clerk/RFO is responsible for submitting the responses to the Planning Authority. Planning responses will be circulated to the Chairman of the Planning Committee to approve before being submitted to the DBC website.

Delegated Powers

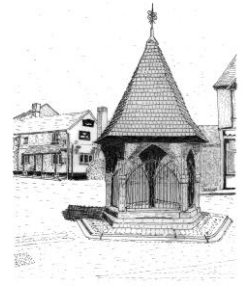
The Committee has delegated powers to consider planning applications and to respond to them on behalf of the Parish Council. The Committee will be responsible for the following:

- a) To consider all planning applications in accordance with the Neighbourhood Plan
- b) To study relevant plans, individual Councillors to take a view as to whether to visit relevant sites to form their opinion, such visits should be carried out from a publicly accessible place, if entry to a site is necessary Councillors should be accompanied and not discuss its merits with the applicant.
- c) To endeavour to ensure that all relevant parties are given an adequate hearing if they request this in accordance with the Council's standing orders.

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- d) To endeavour to ensure that any objections or recommendations are based solely on planning criteria.
- e) To consider environmental aspects when considering planning applications.
- f) To monitor the general environment of the parish and report to the planning authorities any potential planning breaches.
- g) To respond on behalf of the Parish Council to all consultations regarding planning issues or issues that will have an impact on planning. The Committee is authorised to make written representation and/or to elect a member to represent those views at the hearings of the DBC Planning Committee
- h) When an application is subject to appeal, the Committee is authorised to make written representation or to elect a member to attend the hearing.
- i) To attend planning training sessions as offered by the planning authority and to read all relevant documentation to ensure that the Committee is aware of current legislation and regulations.
- j) When appropriate, seek expert opinion and guidance from other parties.

The Committee will provide a progress update at each Parish Council meeting.

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APPENDIX 4

Outdoors Committee - Terms of Reference

Purpose

The Committee will be responsible for all aspects of the outdoors of the village.

Membership

The Committee will be comprised of 7 members. Members will be appointed at the Annual Parish Council meeting.

Quorum 3 Parish Councillors

Meetings

The Chairman of the Committee will be elected by the Outdoors Committee at its first meeting after the Annual Council Meeting. The Committee will meet as and when necessary. The Parish Clerk/RFO will minute all meetings of the Outdoors Committee and will circulate the draft minutes to all members once agreed by the Chairman of the Committee. The draft minutes will be submitted to the Committee at the next meeting for adoption.

Delegated Powers

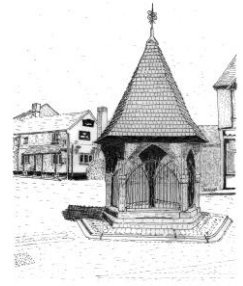
The Committee will be responsible for the following:

- a) High Street Improvement Project
- b) Parking
- c) Grass cutting and litter picking
- d) Dog/Litter bins
- e) Monitoring Footpaths
- f) Maintenance of the pond on Bovingdon Green
- g) Maintenance and upkeep of The Docks
- h) Flowerbeds outside the Memorial Hall and at the Millennium sign
- i) Hanging Baskets and Planters on the High Street
- j) Maintenance and upkeep of the Ryder Memorial
- k) Management of the contract for the Village Warden and litter picking
- l) Monitoring all outdoor spaces including planting, trees and street furniture

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The Committee will be responsible for agreeing on and monitoring the Outdoors Committee budget. The Chairman may authorise expenditure of up to £500 within budget.

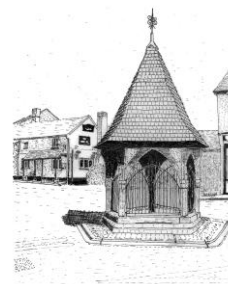
Any budgetary matters exceeding the annual limit must be referred to Full Council for consideration.

The Committee will provide a progress update at each Parish Council meeting.

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APPENDIX 5

Memorial Hall Management Committee - Terms of Reference

Purpose

The Committee will be responsible for all aspects of the management and maintenance of the Memorial Hall

Membership

The Committee will be comprised of 5 members. Members will be appointed at the Annual Parish Council meeting.

Quorum 3 Parish Councillors

Meetings

The Chairman of the Committee will be elected by the Memorial Hall Management Committee at its first meeting after the Annual Council Meeting. The Committee will meet as and when necessary. The Parish Clerk/RFO will minute all meetings of the Memorial Hall Management Committee and will circulate the draft minutes to all members once agreed by the Chairman of the Committee. The draft minutes will be submitted to the Committee at the next meeting for adoption.

Delegated Powers

The Committee will be responsible for the following:

- a) Ongoing maintenance and upkeep of the Memorial Hall
- b) Health and Safety – ensuring that the Memorial Hall is safe for all users and that the agreed Health and Safety policy is adhered to at all times
- c) Ensuring fire evacuation procedures are in place
- d) Cleaning Contract
- e) To monitor the documentation relating to the Memorial Hall, such as policies and procedures, risk assessments and to recommend changes to this documentation where necessary

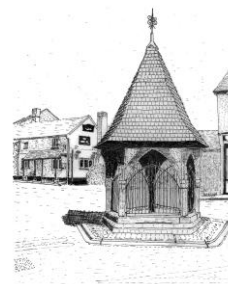
The Committee will be responsible for agreeing on and monitoring the Memorial Hall Management budget. The Chairman may authorise expenditure of up to £500 within budget. Any budgetary matters exceeding the annual limit must be referred to Full Council for consideration.

The Committee will provide a progress update at each Parish Council meeting.

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APPENDIX 6

Working Groups - Terms of Reference

Purpose

The Parish Council as the parent body can form a working group to carry out specific detailed tasks on any matter that falls within its powers. The working group will be appointed to advise the Council on matters relating to the performance of its statutory functions, powers and related responsibilities. The working group will research, investigate, consider and then report back to the Council.

Members of the working group will be appointed by the Full Council. The Full Council will establish the role of the working group and its terms of reference and scope.

The working group is subject to most of the relevant adopted standing orders, the code of conduct and the financial regulations of BPC. The working group is also bound by the adopted management and financial risk assessment.

The working group is expected to be **time limited**. The continuing need for a working group will be reviewed by the Full Council on an annual basis. When a project finishes the working group will be deemed dissolved.

Membership

The membership will be no less than 3. The term of membership will be for a period of one year, to the next Annual Meeting of the Full Council or time limited for a specific period. A leader will be appointed by the Parish Council. The leader will be the main point of contact for the Council, Council members and members of the public and must be an elected member of the Council. Non-Councillors may be members.

Quorum

Three Parish Councillors, co-opted members do not count towards the quorum.

Meetings

The Clerk to the Council will be notified of any meeting with at least 3 working days' notice.

The working group will arrange its own meetings and schedule of work at its inaugural meeting, but should be mindful of the Council annual agenda plan when scheduling.

The leader of the working group, if unable to attend a meeting of the Full Council, will

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nominate another member of the working party to attend and deliver the progress report.

Frequency of meetings as required

Co-Options

With the authority of Full Council, the working group can appoint members of the public (lay-members) who have specific knowledge/expertise on the subject to assist the working group.

Delegated Powers

Working groups cannot make decisions on behalf of the Parish Council, and any recommendations made by working parties are subject to approval by Full Council. No one Councillor or member can act as a decision maker on behalf of the Council. All correspondence must be copied to the Clerk.

Duties to consider and recommend to the Parish Council

- a) A full report shall be provided to the Parish Council following a meeting of the working group and reported formally at each meeting of the Council with informal updates to Council members following each meeting.
- b) Shortlisted recommendations should be presented to Council with full details to enable Council to make an informed decision.
- c) An annual report should be made available for the annual meeting if required.
- d) If appropriate a final report or summary should be provided to Council once any project is completed and the working group dissolved.

Budget

There is no delegated budgetary allowance for this group. All budget requests must be made to full council when the motion is requested. They must be brought to the Parish Clerk/RFO in advance of the relevant monthly meeting in line with the timescales laid down in the standing orders.

The Committee will provide a progress update at each Parish Council meeting.