

## **Padbury Parish Council Scheme of Delegation**

This schedule sets out the scheme of delegation adopted by Padbury Parish Council

### **Section 101 delegation of powers**

Section 101, Local Government Act 1972 provides for delegating authority to the Proper Officer (in our case the Parish Clerk) for making decisions on behalf of the Council as and when appropriate and under such terms as the Council may decide.

Extracts from Section 101, Local Government Act 1972:

(para 1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions—

(a) by a committee, a sub-committee or an officer of the authority; or ....

(para 12) References in this section and section 102 [Appointment of committees] below to the discharge of any of the functions of a local authority include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.

### **Delegation of Powers**

The following sets out the Council's approved scheme of delegation:

The following matters may not be delegated to the Proper Officer:

- Appointment of the Chairman and Vice-Chairman
- Approving the annual accounts
- Signing the Annual Governance Statement
- Approving the budget
- Setting the precept
- Making byelaws
- Borrowing money
- Consideration of a 'public interest' report from the external auditor (this is a report to the effect that the council has done something wrong).
- Adopting/revising the council's standing orders and this scheme of delegation.
- To consider any matter required by law to be considered by Council.

Any delegation to the Proper Officer shall be exercised in compliance with the Council's standing orders, any other policies or conditions imposed by the Council and within the law.

### **To take action:**

1. The Proper Officer is empowered to take action on any issue where the deadline for action is before the next Parish Council meeting and such action cannot reasonably be deferred or, for the efficient operation of council business, it is appropriate to take action before the next council meeting. Such issues could include planning or other consultations, insurance renewal, or matters where there is a commercial or statutory deadline. Before taking action the Proper Officer will consult councillors.

**Expenditure:**

2. To authorise expenditure on items where the Council has previously approved the budget to a maximum of £500 per transaction, or to a higher level if the Council has agreed the expenditure at a meeting and it is recorded in the minutes.
3. To authorise expenditure on behalf of the Council, which is necessary to carry out any repair, replacement or other work or essential project which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £2,000 per transaction.
4. To take any action regarding minor repairs or purchases (up to a cost of £500 per transaction).
5. In each of the above cases the Chairman should be consulted (or Vice Chairman if the Chairman is unavailable) before any action is taken.

**Planning Matters:**

6.
  - a Planning applications whose deadlines expire after the next scheduled Parish Council meeting will be considered at that meeting.
  - b The Proper Officer will endeavour to obtain extensions to planning application consultation deadlines which fall shortly before the next scheduled meeting.
  - c The Council delegates all planning application consultations not considered under paragraphs (a) or (b) above to the Proper Officer after consultation with councillors.
  - d The Proper Officer will email planning application notices to the councillors (planning applications can be viewed online at the planning authority's website). Comments should be returned as soon as possible to the Proper Officer to allow for determination of the Council's response within the prescribed consultation period.
  - e In regard to controversial or major development proposals, the Proper Officer in consultation with the Chairman of the Council or in his/her absence the Vice-Chairman of the Council may decide to call an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.

**Consultation:**

7. Where consultation is required by this scheme of delegation this would ordinarily be by email. Responses from councillors should be by the date specified in the email. Unless a councillor has previously indicated that he or she will not be able to reply to emails (due to holiday etc), an absence of a response will be taken as agreement with the action proposed.
8. If no responses are received, or a councillor sets out reasons why the proposed course of action should not be taken, or if circumstances do not permit input from councillors, the Proper Officer will consult the Chairman or Vice Chairman if the Chairman is unavailable and take his/her views into account.

**Delegation limitations, record keeping and reporting:**

9. Records will be kept demonstrating a clear trail of decisions made.

10. Decisions made under delegation will be reported to and recorded in the minutes of the next Council meeting.
11. Delegated actions shall be in accordance with Standing Orders and Financial Regulations and in line with directions given by Council from time to time and this Scheme of Delegation, and where applicable any other rules/regulations and legislation.

Adopted at 9<sup>th</sup> July 2024 meeting