

MABE PARISH COUNCIL

Scheme of Delegation

This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders. It will be reviewed annually and when there is a change of Clerk/RFO.

The purpose of this document is to clearly define the parameters within which the Clerk/RFO of the Council can act without reference to Councillors.

This document also captures the various delegated powers throughout the Council, including those delegated by the Council to its Committees. This element of the scheme incorporates all of the approved Terms of Reference.

PRINCIPLES OF DELEGATION

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.

Any delegation to a Committee or the 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.

In an emergency the Clerk/RFO is empowered to carry out any function of the Council.

Where the Clerk/RFO is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chair of the Council and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

AUTHORITY TO ACT

It will be appropriate for the 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.

The 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.

COUNCIL RESERVED POWERS

The following matters are only to be resolved by the full Council:

- Appointment of the Clerk/RFO
- To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies
- To approve and adopt the Budget.
- To appoint committees and working groups
- To approve membership of all committees and working groups • 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.
- 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 Mabe Parish Council Grants Policy.
- To receive, consider and approved recommendations from the Clerk/RFO in respect of staff remuneration outside of budget allocation.
- To assess, consider and approve recommendations from working groups.

DELEGATION SAFEGUARDS

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

DELEGATION TO CLERK/RFO

- The Clerk/RFO 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.
- In the case of an emergency, the 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).
- The Clerk will deal with all routine correspondence which does not commit the Council to enter into a legal agreement or give an opinion. The Clerk will also deal with any correspondence which is covered by delegated authority.

As Proper Officer/RFO, the Clerk may incur expenditure on revenue items on behalf of the Council up to the amounts included in the approved budget. Subject to the adopted Financial Regulations.

- The 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 Clerk is responsible for ensuring any disposal details including the disposal values are recorded in the assets register.
- Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council.
- Power to release urgent press statements on any activities subject to prior consultation with the Chairman.
- Power to act on own initiative to implement the Council's policies and objectives.
- Power to manage all the Council's resources in accordance with the Council's policies.
- Power to manage all open spaces within the Parish subject to budget.
- Power to engage with the community and stakeholders to raise the profile of the Council and foster good working relationships.

Planning Committee Terms of Reference

- The Planning Committee will consider local planning applications and other planning issues relating to the Parish, taking into account environmental aspects, character and potential hazards/risks for the Parish. The Committee has delegated powers to consider planning and to comment on planning applications brought before them.
- The Committee is responsible for Development and Planning Applications including Highways, Parking, Heritage & Tree Preservation Orders.
- The Planning Committee membership will be approved by Full Council and shall consist of a maximum of 5 Councillors, with 3 members constituting a quorum.
- A Chairman is to be elected annually by the Planning Committee at the first meeting after the Annual Parish Council meeting and shall hold office until the next Annual Parish Council meeting.
- If the numbers of Councillors present falls below the required quorum the meeting shall be adjourned and any business not transacted shall be carried over to the next meeting or dealt with on such other day as agreed.

To meet deadlines set by the planning authority the Parish Council must generally determine their response within 14 days. To achieve this, the Planning Committee will meet as required. The Clerk will request an extension of time to comment on a consultation as appropriate.

- Any 2 Councillors may request an application be deferred to the Full Parish Council meeting.
- Where an application is to be determined by the Planning Committee the Committee is authorised to make written or verbal representation at the meeting.
- Where an application is subject to an appeal the Committee is authorised to make written representation or to elect a member of the committee to attend the hearing and speak on behalf of the Parish Council.
- Planning applications shall be circulated to Planning Committee members as soon as possible after receipt by the Parish Clerk from the Planning Authority. The applications may be circulated by e-mail.

- All comments received prior to, or at the meeting, from all relevant parties will be considered at the meeting.
- Minutes of a meeting will be considered for accuracy and approval at the next meeting of the Full Council.

If a deferment to the full Parish Council would result in a late decision the Parish Clerk will be asked to request an extension from the Planning Authority. Where this is not given an extraordinary Parish Council meeting will be called if possible or a response may be made following a majority decision by the Planning Committee.

- The Parish Clerk will communicate the decisions of the Committee to the Planning Authority or other relevant body and ensure such communications arrive within the required timescale.
- Where required, a member of the Planning Committee will be nominated to attend the Planning Authority's decision-making meeting to represent the Parish Council's view in respect of controversial planning applications.
- All correspondence to external parties should be made by the Clerk.
- The Planning Committee has no budget
- These Terms of Reference are to be reviewed annually by the Committee and confirmed by Full Council.