

## Scheme of Delegation

### 1. Introduction

This Scheme of Delegation sets out the powers delegated by Ilmington Parish Council (“the Council”) to its committees, working groups and officers in order to support the efficient and lawful conduct of council business.

It is adopted under section 101 of the Local Government Act 1972 and shall be read alongside the Council’s Standing Orders, Financial Regulations and all other adopted policies and procedures.

### 2. Purpose and limitations

The intention of the delegation scheme is to allow the Council to act with all reasonable speed. Decisions should be taken at the most appropriate level. Any delegation arrangements made by the Council or committee shall not prevent the Council or parent committee from continuing to exercise those functions.

In the interests of transparency and accountability, and where expressly required by law, decisions taken by officers under delegated powers shall be reported to the next suitable meeting.

### 3. Powers which cannot be delegated

The following matters are reserved to Council for decision:

- (a) approving or amending Standing Orders, Financial Regulations, or this Scheme of Delegation;
- (b) confirming the appointment and dismissal of the Clerk;
- (c) approving the annual budget, setting or issuing a precept;
- (d) borrowing money;
- (e) approving the annual accounts and annual return to the auditor;
- (f) considering an auditor’s report made in the public interest;
- (g) confirming that the council has satisfied the statutory criteria to exercise the general power of competence;
- (h) adopting or revising the Council’s code of conduct;
- (i) execution of legal deeds;
- (j) any proposed new undertakings; and
- (k) all other matters which by law must be reserved for full council.

#### **4. Committees and Working Groups**

Committees may exercise only those powers expressly delegated to them by the Council through approved terms of reference.

Working groups, panels and advisory groups do not have delegated authority to make decisions, incur expenditure, or issue communications to the public unless the Council has expressly resolved otherwise; their role is to consider issues in detail and make recommendations to the Council or relevant committee.

#### **5. Proper Officer**

The Clerk shall be the Proper Officer of the council and as such is authorised to:

- (a) receive declarations of acceptance of office;
- (b) receive and retain plans and documents;
- (c) facilitate inspection of the minute book by local government electors;
- (d) sign notices or other documents on behalf of the council;
- (e) certify copies of by-laws made by the council;
- (f) sign and issue summonses to attend meetings of the council;
- (g) give public notice of the time, place and business before a meeting of the council;
- (h) convene a meeting of the council for the election of a new chairman of the council, occasioned by a casual vacancy in that office;

#### **6. Responsible Financial Officer**

The Clerk has been appointed as the Responsible Finance Officer to the Council and shall be responsible for the Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

#### **7. Powers delegated to the Clerk**

In addition to the responsibilities set out above, the Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- (a) day-to-day administration of services, together with routine inspections and control;
- (b) authorisation of routine expenditure in accordance with Financial Regulations (budgetary control and authority to spend);
- (c) authorisation to call any extra meetings of the Council or any committee as necessary to discharge the business at hand, having consulted with the Chairman;
- (d) authority to respond to routine correspondence, except where a matter requires a decision or policy position of the Council or a committee.
- (e) handling of requests for information under the Freedom of Information Act 2000 and data protection legislation.
- (f) granting dispensations in accordance with section 33 of the Localism Act 2011.

### (g) Planning Applications

The Clerk is authorised to prepare and submit comments to planning applications where the Council's agreed stance is known. In exercising this delegation, responses may be prepared with reference to material considerations and relevant planning policies.

Where no meeting is scheduled to take place within the consultation period, the Clerk is authorised to submit comments on behalf of the Council following consultation with members of the Council. The Clerk will gather these comments to form a consensus or majority opinion (e.g., support, oppose, or neutral). Where agreement cannot be reached, the Clerk may submit a summary of views expressed. Any such response shall be reported to the next suitable meeting.

The delegation shall not normally be used where the application is classed as major development or is considered to be of significant public interest in the parish. In such cases, the Chairman or two councillors may call an extraordinary meeting of the Council to consider the application.

## **8. Urgent Decisions**

In cases where emergency action is needed and where it is impracticable to convene a meeting of the Council or appropriate committee, authority is delegated to the Clerk, in consultation with the Chairman of the Council or committee, to take such action as is necessary to ensure public safety and/or protect the interests of the Council.

Any action taken under this delegation must be proportionate, lawful, and reported to the next meeting of the Council together with the reasons for the decision and any expenditure incurred.

## **9. Inquoracy**

In the event of the Council becoming inquorate, authority is delegated to the Clerk to take such actions as are necessary for the lawful and effective administration of the council's affairs, including the taking of professional advice where required.

In such circumstances, the Clerk acts with the full authority of the Council, bearing in mind that this is a temporary, emergency measure designed to bridge the gap until new councillors are elected or co-opted.

Any decisions taken under this emergency delegation must be reported to, and recorded in the minutes of, the next quorate Council meeting.

## **10. Adoption and Review**

This Scheme of Delegation was adopted by the Council at the meeting held on xxx 20xx.

This policy will be reviewed annually or sooner if required by changes in legislation, guidance, or operational requirements.