

Scheme of Delegation – Sampford Courtenay Parish Council – September 2024.

Adopted: 4th September 2024

Review: May 2027

Introduction

This Scheme of Delegation was approved by Sampford Courtenay Parish Council on

The scheme does not delegate any matter:

- a. Reserved by law
- b. Which by law may not be delegated to a Councillor and /or Officer.

Any subsequent amendments are identified by the date and minute number of the Council resolution in brackets after the amendment.

The powers and duties set out in this scheme are delegated to the Parish Clerk.

The Parish Clerk is also the Councils Responsible Financial Officer and the Proper Officer and responsibility for the management of the organisation.

The scheme will be reviewed on a regular basis as required by the Council and when a new Parish Clerk is appointed.

1. Extent of Delegation

1.1

All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.

1.2

The Parish Clerk will exercise these powers in accordance with:

- Approved budgets
- The Council's Financial Regulations
- The Council's Standing Orders
- The Council's Policy Framework and other adopted policies of the Council
- All statutory common law and contractual requirements

1.3

The Parish Clerk may do anything pursuant to the delegated power or duty which it would be lawful for the Council to do including anything reasonably implied or incidental to that power or duty.

1.4 Finance

In addition, the Parish Clerk is authorised to undertake the day-to-day administration of the Council to include:

- Payment of all invoices, within agreed budget and subject to authorisation by two bank signatories. Authorisation can be made by email if face to face authorisations are not possible. The Parish Clerk can arrange for the payment of sums under £1,000 (see Financial Regulations), subject to approved authorisation by 2 Councillors, on receipt of appropriate invoices, and subject to funds being available in the appropriate bank accounts.
- The Parish Clerk will report all payments, income, and receipts for ratification to the next Parish Council Meeting for approval
- Awarding a Community Grant Payment as long as the amount awarded is within agreed budget and within the terms of the Community Grant Policy
- Taking appropriate action arising from other emergencies (in consultation with the Chairman/Vice Chairman of Council as appropriate to the circumstances)

2. Urgent Decisions of Council

2.1

Urgent decisions required between scheduled meetings of the council are delegated to the clerk in consultation with the Chairman of the council.

Permission to act on behalf of the Council in any urgent matter which does not allow for prior authorisation to be obtained is granted where;

- There is a serious risk of a significant cost to the Council of loss of income resulting from lack of immediate action.
- The Council's property of staff or persons in its care of for whom it has responsibility would otherwise be placed at risk of suffering harm/damage.
- An emergency or disaster involving destruction or danger of life or property occurs.

2.2

Decisions made under this delegation will be reported to, and recorded in the minutes of, the next council meeting.

2.3

Under this delegation, where appropriate, the clerk may decide that an extraordinary meeting of the council be called to deal with the urgent matter.

3. Planning Responses

3.1

For planning applications where the deadline for receipt of representations falls between Parish Council Meetings and an extension is not granted, the following will apply:

- The Clerk will arrange for relevant papers to be circulated by email to Councillors, requesting comments by a date agreed. Comments should be sent to the Clerk for the determination of the Council's response within the prescribed consultation period.
- Delegated decisions will be reported to, and recorded in the minutes of, the next Council meeting.
- In respect of controversial or major developments proposals, the Clerk in consultation with the Chairman, may decide an Extraordinary Meeting of the Council is called to consider the matter

3.2 Consultation Requests

Consultation may be by correspondence, including email, or in person. It may also take place at meetings of the council.

3.3

The clerk will arrange for relevant papers to be circulated to the councillors who should return their comments, to the clerk for determination of the council's response within the prescribed consultation period.

3.4

Delegated decisions will be reported to, and recorded in the minutes of, the next council meeting.

3.5

In respect of controversial or major development proposals, the clerk in consultation with the chairman, may decide that a parish meeting and/or an extraordinary meeting of the council be called to consider the matter.

4. Keeping Records

The Openness of Local Government Bodies Regulations 2014 (2014 SI No. 2095), which came into force on 6 August 2014, require a written record to be kept of certain decisions made by an officer of a parish council acting under delegated powers. All decisions will be retrospectively reported and recorded in the Council Minutes and made available on request to individual Councillors, and to the public, subject to any limitations on exempt or confidential information-at the earliest opportunity.

5. Adoption and review

The Scheme has been drafted with reference to the NALC Model Scheme of Delegation and will be considered at the meeting of the Parish Council on the 4th

September, 2024. When approved, the Scheme will be confirmed at each Annual Parish Council Meeting, Consequently, the next review will be May, 2025.