

TALATON PARISH COUNCIL

SCHEME OF DELEGATION

APPROVED BY TALATON PARISH COUNCIL 1ST NOVEMBER 2023

The Local Government Act 1972, Section 101, gives a parish council the power to delegate decisions to the Clerk of the Council (‘the Clerk’), being the Council’s Proper Officer. This Scheme of Delegation authorises the Clerk to act with delegated authority in the specific circumstances detailed, including delegation of minor or non-controversial planning applications, and highlights delegations already provided for in the Council’s Financial Regulations.

This scheme does not delegate any matter which by law may not be delegated to a Parish Councillor (‘Councillor’) and / or Officer (see also 4 below)

Delegated actions and decisions shall be:

- In accordance with Standing Orders, Financial Regulations and in line with directions given by Council from time to time
- Reported to the next available Council meeting. See also 4 below – “Council Reserved Powers”

1. Urgent Decisions of Council

a) Urgent decisions required between scheduled meetings of the Council are delegated to the Clerk in consultation with the Chair of the Council (‘the Chair’) or Vice Chair of the Council (‘Vice-Chair’) if the Chair is not available.

b) Under this delegation, where appropriate, the Clerk and Chair may decide that an Extraordinary Meeting of the Council be called to deal with the urgent matter.

c) Financial Regulation 4.5 authorises the Clerk to authorise revenue expenditure on behalf of the Council, which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once or there would be extreme risk to the delivery of the Council’s services, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500.00.

2. Clerk as Responsible Finance Officer

a) Financial Regulation 4.1 authorises the Clerk, in conjunction with the Chair, to authorise expenditure on revenue items up to the amounts included for that class of expenditure in the approved budget for any item below £300. This includes minor repairs

b) Financial Regulation 5.5 authorises the Clerk to authorise the payment of items only in the following circumstances:

i. If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council;

ii. An expenditure item authorised (continuing contracts and obligations as stipulated in iv below) provided that a list of such payments shall be submitted to the next appropriate meeting of council; or

iii fund transfers within the councils banking arrangements up to the sum of £1500, provided that a list of such payments shall be submitted to the next appropriate meeting of council

iv. For each financial year the Clerk shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) of the Financial Regs are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council.

3. Delegated Powers re Planning

If a planning application consultation deadline falls before the next planned Parish Council meeting the Clerk will, in the first instance, contact the Planning Authority to see if the deadline can be extended to accommodate the meeting date. If this is not possible the following applies:

- a) The Clerk will arrange for relevant papers to be circulated by email to the Councillors who should send their comments to the Clerk as soon as possible to enable a response to be submitted within the prescribed consultation period.
- b) Taking these comments into account, the Clerk will draw up a draft response and consult with the Chair (or Vice Chair if the Chair is not available) to agree a final response.
- c) The Clerk shall be delegated to inform the Planning Department of the comments agreed as above.
- d) Delegated decisions will be reported to, and recorded in the minutes of, the next Council meeting.
- e) In respect of controversial or major development proposals, the Clerk in consultation with the Chair, may decide that an Extraordinary Meeting of the Council be called to consider the matter

4. Council Reserved Powers

Some decisions can only be taken by the Full Council. The following list contains examples of such decisions but is not exhaustive:

- a) Approval of the Annual Return (Statement of Accounts).
- b) Approval of the year end accounts.
- c) Setting the Budget and Precept.
- d) Appointment of the Parish Clerk/Responsible Financial Officer
- e) To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies.
- f) To determine matters involving expenditure for which budget provision is not made or is exceeded (unless 1c above applies).
- g) To borrow money.
- h) Co-option of Councillors