

## Review of Delegation Arrangements

The Council's Standing Orders set out those matters which should be reviewed annually at the Annual Meeting of the Parish Council.

One of these matters is the delegation arrangements for the Parish Council, the current delegations being attached as Appendix A.

As part of an enquiry to SALC with respect to planning decisions and Other Registerable Interests, SALC provided the following advice:

*A council does not just need to meet to decide to object, it would also need to meet to decide not to object. Is there a reason why the Council would not respond to this consultation in particular, presumably it would normally respond? If not, I would suggest an extraordinary meeting needs to be convened, or an extension obtained from the planning Authority.*

*Circulating to councillors to help decide whether to respond or not is in real terms making a decision outside of a meeting and contrary to the requirements of para 39, Schedule 12, Local Government Act 1972. How do the councillors know they don't object? There may be representations made at the meeting by other members, or the public, that change their mind.*

*In my view it would be better if the decision to not respond to applications between meetings was a responsibility properly delegated to the Clerk, under s.101, LGA 1972. It would probably need to be limited to certain defined types of application, and might require consultation with, say, the Chair.*

There are currently no delegations with respect to planning decisions. This means that every planning application notified by West Suffolk should properly be considered by the parish council (or, if considered appropriate, a Planning Committee could be established).

Currently, where consultation deadlines do not fall in line with the next scheduled meeting of the parish council, an extra-ordinary meeting is called (generally on the same day as the Estates Committee). Delegations in limited circumstances could reduce the number of extraordinary meetings necessary, with the time and cost arising from them.

The clerk has sought advice from other clerks who do exercise delegated authority with respect to some limited planning applications, and suggested additions to the Scheme of Delegation are attached as Appendix B.

### **Recommendation:**

**The parish council adopt the additional delegations to the Clerk, as set out at Appendix B, with respect to planning applications.**

### Wickhambrook Parish Council - Scheme of Delegation

#### **Expenditure on revenue items:**

Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the council for all items over £5,000;
- a duly delegated committee of the council for items over £1000; or
- the Clerk:
  - a) To spend up to £500 for additional audit work as required by the External Auditor (in excess of this sum the Clerk/RFO shall act after consultation with the Chairman and Vice-Chairman of the Council).
  - b) In cases of extreme risk to the delivery of council services, the Clerk /RFO may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.
  - c) To spend up to £1000 in situations where (s)he considers such expenditure to be justified after consultation with the Chairman of the Council or Chairman of the appropriate committee. Such authority is to be evidenced by a Minute or by an authorisation slip duly signed.
  - d) The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
    - 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. An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council; or
    - fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.

### **Powers Specifically Delegated to the Clerk**

1. Incurring expenditure on items where the Council (or the appropriate Committee under delegated powers) within a budget approved by the Council has agreed the expenditure.
2. Acting as the Council's "Proper Officer" in all cases where any legislation requires the appointment of such an Officer.
3. Acting as the Council's Responsible Financial Officer in all cases where any legislation requires the designation of such an Officer.
4. Acting as the Clerk to the Parish Council to ensure the proper discharge of its functions.
5. Acting on matters relating to Health and Safety
6. Granting of a dispensation to a councillor or non-councillor with voting rights at a meeting at which a matter is being considered in which he/she has a disclosable pecuniary interest.
7. To sign on behalf of the Council any document necessary to enable Council decisions to be enforced.
8. To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
9. To act as the Council's designated officer for the determining of the purposes and the means of the processing of personal data under the General Data Protection Regulations (GDPR)
10. To spend up to £500 for additional audit work as required by the External Auditor (in excess of this sum the Clerk/RFO shall act after consultation with the Chairman and Vice-Chairman of the Council).
11. In cases of extreme risk to the delivery of council services, the Clerk /RFO may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.
12. To spend up to £1000 in situations where (s)he considers such expenditure to be justified after consultation with the Chairman of the Council or Chairman of the appropriate committee. Such authority is to be evidenced by a Minute or by an authorisation slip duly signed.
13. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
  - a) 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. An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council; or
  - b) fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.

## **Appendix B**

### **Proposed Planning Delegations**

1. Authorisation to call any extra meetings of the Council, having consulted with the Chairman of the Council, for the purpose of considering any urgent planning application(s).
2. Preparation and submission of responses (in consultation with either the Chair or Vice Chair) to minor planning applications
  - Householder Planning Application(s) and associated Listed Building Consent (HH & LB)
  - Works to Trees protected by TPO's, or Tree Preservation Order Applications (TPO)
  - Works to Trees in a Conservation Area (TCA)where it is not possible to call a meeting within the timeframe of the consultation or an agreed extension with the planning case officer; and
3. To apply for planning consent for tree works to be carried out by the Council.