

STAPLEHURST PARISH COUNCIL

DELEGATED AUTHORITY

Background

Local Authorities, including Parish Councils are based on the Local Government Act 1972, see Section 101 Arrangements for discharge of functions by local authorities.

(1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions—

(a) by a committee, a sub-committee or an officer of the authority; or

(b) by any other local authority

Standing Orders and Financial Regulations are the backbone of a Parish Council and they focus on the Council as a whole discussing and voting on an item to make a decision. It is the fundamental, basic principle of being a Parish Councillor – each has an individual vote.

Parish Councillors can only vote if they are present at a meeting.

The Parish Clerk's role is to be the Chief Executive to the Board (Council) and offer advice, support and then action the decisions of the Council.

The Responsible Financial Officer's role is to advise Council on Financial matters, lead on issues such as Budget Setting and Audit and then action the decisions of the Council.

Moving Forward

Delegation Authority can be divisive within a Council and should only be required when essential and always in consultation. Note, even with the sad passing of Queen Elizabeth II we did not need delegated authority.

Emergency – National or regional, which means meetings – not just one meeting – cannot take place. The aim is to keep the Council ticking along and not make new policy or take major decisions under delegated authority. The Clerk would keep everyone updated and then do a formal report the next time Council met. The delegation authority would be:

“If the Government declares a national emergency which means Council / Committee meetings are legally cancelled that delegated authority should be given to the Proper Officer (the Clerk) in consultation with the Chairman and / or Vice Chairman of the Council and /or Chairman of the Planning Committee and engage with other Councillors.

Planning Committee

At Staplehurst planning matters are delegated to the Planning Committee which meets every three weeks and Councillors vote on items / applications. This is working well.

If the Planning Committee is not quorate, which has nearly happened several times, we could miss out on commenting on an application. The proposed delegated authority would be very limited;

If a Planning Committee meets and is not quorate, that delegated authority is given to the Proper Officer (Clerk / Deputy Clerk) in consultation with the Councillors present at the Planning

Staplehurst Parish Council

Committee on planning applications that require comment before another Planning Committee can be arranged.(Three working days)

Urgent items

Council - In the highly unlikely case that an issue is raised, that needs a discussion and decision within three days, therefore unable to call an EGM in time, authority is delegated to the Proper Officer (Clerk / Deputy Clerk), in consultation with the Chairman of the Council and another Councillor, to put forward a "motion" to discuss the issue. The Council will vote on the "motion" and if agreed, only after Councillor declarations, it can be then raised as an item under "proposals for discussion and decision" and the Council will then consider the item in the usual manner.

Planning - In the highly unlikely case that an issue is raised, that needs a discussion and decision within three days, therefore unable to call a Council meeting, EGM or another Planning Committee, authority is delegated to the Proper office (Clerk / Deputy Clerk), in consultation with the Chairman of the Planning Committee and another Councillor, to put forward a "motion" for discussion. The Committee will vote on the "motion" and if agreed, only after Councillor declarations, it can be then raised as an item "for discussion and decision" and the Committee will then consider the item in the usual manner.

Finance

There is delegation in the Council Financial Regulations (4.1) to deal with urgent works, which are then reported immediately to Council. i.e. remove a tree down in a playground.

- the Clerk / RFO in conjunction with the Chairman or Vice-Chairman of the Council or Chairman of the appropriate committee or group, for any items up to and including £500.
- the Clerk / RFO for small items of expenditure up to the sum of £200

Adoption

Together these delegations will provide the flexibility, when required, to keep the Council functioning.

This policy supersedes any former policy and was adopted by Staplehurst Parish Council on

.....**13th May 2024**.....Minute.....**2223/7**.....