

# HUNTON PARISH COUNCIL

## Scheme of Delegation Policy

This policy was adopted by Hunton Parish Council at the meeting held on 17<sup>th</sup> May 2021.

This Scheme of Delegation (s101 of the 1972 Local Government Act) authorises the Parish Clerk and Committees of the Council to act with delegated authority in the specific circumstances detailed.

### 1. Parish Clerk

1.1 The Parish Clerk is specifically authorised to:

- Receive declarations of acceptance of office.
- Receive and record notices from Councillors disclosing interests.
- Receive and retain plans and documents.
- Sign notices or other documents on behalf of the Council.
- Certify copies of byelaws made by the Council.
- Issue summonses to attend meetings of the Council.
- Give public notice of the time, place and agenda at least three clear days before a meeting of the Council.
- Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office.
- Notify the Returning Officer of casual vacancies.
- Act as the Responsible Financial Officer and Proper Officer.

1.2 In addition, the Parish Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- The day-to-day administration of services, together with routine inspection and control.
- Authorisation of routine expenditure within the agreed budget.
- Emergency expenditure up to £500 outside of the agreed budget.

1.3 Delegated actions of the Parish Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.

### 2. Full Council

2.1 The following matters are reserved to the Council for decision:

- Setting the precept.
- Borrowing money.

- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
- Making, amending or revoking byelaws.
- Making of Orders under any statutory powers.
- Matters of principle or policy.
- Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings).
- Any proposed new undertakings.
- Prosecution or defence in a court of law.
- Appointment of the Chair and Vice Chair each year.
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.
- Appointment and dismissal of staff.
- Filling Member vacancies.
- Approving the annual Accounts and Annual Governance & Accountability Return (AGAR).
- Confirming eligibility to exercise the General Power of Competence.
- All other matters which, by law, must be reserved for Full Council.

### **3. Planning Committee**

3.1 The Planning Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- To comment on planning applications received from Maidstone Borough Council.
- Street naming.
- Any other matter which may be delegated to it by the Council from time to time.
- To comment on behalf of the Council on Local Plans, Structure Plans, Mineral Plans, Waste Plans, Regional Plans and any other plans or studies as considered appropriate.

### **4. Working Parties**

4.1 Working Parties may be formed by resolution of the Council or a Committee at any time. The work of such a Working Party will be decided upon at the time it is formed by means of a minute detailing the Terms of Reference. Each Working Party will report back with recommendations to the Council or the Committee that formed it.

### **5. Delegation - Limitations**

5.1 Committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, byelaws or orders made and with any directions given by the Council from time to time.

## **6. Exceptional Delegated Authority**

- 6.1 In exceptional circumstances, such as the Coronavirus pandemic, the Clerk is authorised to do anything necessary to ensure the continuous business of the Council. The functions delegated to the Clerk include, but are not limited to, those set out below in the Scheme of Exceptional Delegated Authority.
- 6.2 This Scheme is for temporary use and replaces the existing arrangements until the Council determines otherwise, in the event that the Council is unable to take decisions due to new legislative requirements, Government guidance or the Council is inquorate.
- 6.3 If circumstances allow, the Scheme will be invoked from a stated date at a physical meeting of the Parish Council, or if they dictate otherwise, at the request of the Clerk or Chairman, by emailed confirmation from the majority of councillors to the Clerk.
- 6.4 Records will be kept demonstrating a clear trail around decision making in any form.
- 6.5 All decisions taken under exceptional delegated authority will be reported to the next properly convened and quorate meeting of the Council.
- 6.6 The Clerk will consult with Members, and obtain authorisation from the majority where possible, but at least the Chairman and Vice Chair, when taking delegated decisions and will keep Members updated.
- 6.7 If Members become incapacitated, the Clerk will use the Scheme to take time-urgent decisions and actions on behalf of the Council. All decisions will be reported via email to Members.
- 6.8 If the Clerk becomes incapacitated for any length of time, the role of Clerk will be assumed by the Chairman, Vice Chair or a Member willing to take the role.
- 6.9 Scheme of exceptional delegated authority:
  - To carry forward all previously agreed actions.
  - To pay any outstanding invoices (no limit).
  - To pay any invoices for work previously authorised by the Council and not yet carried out (within the limit of authorisation).
  - To order goods and services previously authorised by the Council or required on an ongoing basis.
  - To pay all regular subscriptions.
  - To incur revenue or capital expenditure up to £1,500 (any one item, within approved budgets) as required.
  - To respond to any planning consultations within statutory timescales.
  - To arrange for the closure of Council facilities in the interests of health and safety or to allow urgent repair works.
  - To respond to any formal correspondence received.