



*The Council of the
Parish of Esh*

Council of the Parish of Esh

SCHEME OF DELEGATION

Local Councils may only do what legislation requires or permits them to do. With some particular exceptions, the Council may delegate functions to committees, sub committees, officers, or other authorities. The power to delegate functions by local councils is set out in the amended Local Government Act 1972 S.101.

Decisions are normally taken by Council of the Parish of Esh at its regular monthly Parish Council meeting or at an additional meeting specifically convened for that purpose. Certain functions cannot be delegated and are therefore reserved to the Full Council, although an appropriate committee may make recommendations thereon for the Council's consideration.

Examples are:-

- setting the precept and approval of the Council's budget
- approval of the Annual Accounts and completion of the Annual Return including the Governance Statement • Consideration of an Auditor's report made in the public interest
- the making, amending or revoking of Standing Orders, Financial Regulations and this Scheme of Delegation
- adoption or revision of the Council's Code of Conduct.
- confirmation (by resolution) that the Council has satisfied the statutory criteria to exercise the General Power of Competence.

SCHEME OF DELEGATION

The Council's Scheme of Delegation authorises the Clerk to the Council/Responsible Finance Officer to act with delegated authority in the specific circumstances detailed.

Proper Officer and Responsible Finance Officer

- To take action on any issue of such urgency, that it cannot wait until the next normal Council meeting. If circumstances permit, the Clerk would normally be expected to consult the Chairman and take their view into account.

As a temporary measure the Proper Officer is empowered to take any and all decisions, with the exception of those that must be taken by Full Council, having consulted a minimum of two Members. Consultation may be by email or by telephone or by virtual meeting, followed by a confirmation email.

In cases of extreme risk to the delivery of council services, the clerk 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 £300. The Clerk shall report such action to the Chairman as soon as possible and to the council as soon as practicable thereafter.

Delegated Powers re Planning Delegation

Planning applications shall be received by the Clerk who will provide details to Councillors. Where timescales (i.e. cut-off times for a response) allow then the decision will be made at a council meeting.

Where a decision is required outside a council meeting (i.e. due to an earlier cut-off time for a response) the response will be determined by the Clerk following consultation with a minimum of two Members. The decision shall be reported to the next available Council meeting.

Delegation – Limitations

All decisions taken under delegated authority will be in accordance with the Council's Standing Orders and Financial regulations and this Scheme of Delegation, and where applicable any other rules/regulations and legislation. All decisions will be reported to the first appropriate Council meeting. The Council may delegate the power to make individual decisions on individual items to the Proper office/Responsible Finance Officer as and when appropriate.

Prepared by Council of the Parish of Esh Policies Sub Group
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