

KNOCKIN PARISH COUNCIL

SCHEME OF DELEGATION

Adopted: Jan 2024

Reviewed: July 2025

Next review: July 2026

Introduction

This Scheme of Delegation sets out how the Parish Council delegates some of its powers and duties to The Proper Officer of the Council (the Clerk / RFO). These delegations are necessary for the effective day to day running of the Council. The intention of this delegation scheme is to allow the Council to act with all reasonable speed. Decisions should be taken at the most suitable level. Therefore, the Clerk is given powers over the day-to-day administration of the Council.

This Scheme of Delegation will be reviewed by Council annually alongside the review of Standing Orders and Financial Regulations.

This scheme does not delegate to Officers any matter that is reserved by law to the Council or may not be delegated to an Officer.

The Parish Clerk shall exercise these powers in accordance with:

- approved budgets
- Council's Standing Orders & Financial Regulations
- Council's Policies
- All statutory common law and contractual requirements

The Scheme places an obligation on Officers to keep Members of the Council properly informed of any action arising under these delegations and to record decisions. The power to delegate functions is set out in the Local Government Act 1972, s.101.

Whilst delegation is necessary, it is the Council's policy that members and the press and public should have the fullest information. Therefore, the Clerk reports all major decisions taken under delegated powers at the next available Council meeting, and where appropriate, publishes additional information on the Parish Council website.

Proper Officer and Responsible Financial Officer

The Clerk shall be:

- the Proper Officer and carry out the functions as provided by the Local Government Act 1972.
- the Responsible Financial Officer in accordance with the Accounts and Audit Regulations in force at any given time.
- the Data Protection Officer as required by the General Data Protection Regulation.

KNOCKIN PARISH COUNCIL

Delegated Powers and Responsibilities:

1. General Delegation

In addition to the responsibilities set out in the Clerk's job description the Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- Day to day administration of services, together with routine inspections and control.
- Authorisation to call any extraordinary meetings of the Council, having consulted with the Chair of the Council.
- Authorisation to postpone or cancel any ordinary or extraordinary meetings of the Parish Council, as required, having consulted with the Chair of the Council.
- Authorisation to respond immediately to any correspondence, requiring or requesting information or relating to previous decisions of the Council but not correspondence requiring an opinion to be taken by the Council.
- Handling requests for information under the Freedom of Information Act 2000 and the Data Protection Act 2018, following the Subject Access Request Policy.
- Issuing press releases and statements to the press on the Council's known policies.
- Updating and managing the content of the Council's website.
- Periodic review and destruction of Council documents (electronic or hardcopy) according to legal restrictions, the Council's Document Retention Policy, and the Data Protection Act 2018, in consultation with the Chairman if deemed necessary.
- Reporting pot holes, incidences of fly-tipping, and other hazards to the Principal Authority.
- Taking appropriate actions arising from emergencies in consultation with Chairman/Vice Chairman of the Council as appropriate to the circumstances.

2. Financial Delegation

In addition to the Clerk/RFO's legal responsibilities with regards to Accounts and Audit Regulations, the Parish Council recognises that there may be situations where it is appropriate for the Clerk/RFO to have further delegated powers in relation to financial matters. Such situations could include, but are not limited to, emergency works required to Parish Council assets, urgent replacement of computing equipment, and critical payment decisions when the Parish Council is unable to meet in a lawfully convened meeting. Such delegated powers are conditional upon the Clerk/RFO identifying a lawful power or authority that would at any rate permit the Parish Council to approve such expenditure under normal circumstances. If in any doubt, the Clerk/RFO will seek guidance from the County Association of Local Councils, the Society of Local Council Clerks, Shropshire Council's Legal Department and other bodies as necessary.

This Scheme of Delegation notes that:

- a) It is lawful for the Clerk/RFO to spend against specific items in the Parish Council's budget i.e. for contractors, hall hire, Clerk/RFO's salary, all of which having been identified in the budget when setting the precept.

KNOCKIN PARISH COUNCIL

- b) The Clerk has delegated authority to make routine expenditure for items under £100 (e.g. office stationery, postage, printer cartridges, etc.) in accordance with Financial Regulation 5 (Procurement).
- c) When unforeseen circumstances arise, the Clerk/RFO, in conjunction with the Chairman of the Council has delegated authority to spend up to a limit amount (£500) in accordance with Financial Regulation 5 (Procurement).
- d) In accordance with the aforementioned Financial Regulation 5, all payments above £100 would ordinarily require the approval of the Full Council at an ordinary meeting. In circumstances where this is not possible, e.g. Parish Council meetings have been prevented from taking place, the Clerk/RFO will liaise with all councillors via email to gain their approval (by majority) before making any spending decisions.
- e) Where delegated authority has been used to make spending decisions outside of ordinary Council meetings, details of any such payments (other than routine expenditure mentioned in point b) will be published on the Parish Council website in the interests of transparency. Such payment decisions will also be ratified by the Parish Council at the next ordinary meeting and duly minuted.
- f) In circumstances where the Parish Council is prevented from / unable to safely holding meetings, the Clerk/RFO will liaise with the Chairman and Vice Chair to discuss and make such arrangements for the signing of cheques / making back payments as deemed necessary.
- g) In circumstances where the Parish Council is prevented from / unable to safely holding meetings, the Clerk/RFO will liaise with the Chairman and the Vice Chair to discuss and make such arrangements for transferring money between the Parish Council's Bank Accounts (Financial Regulations Item 6.9 provides the Clerk with delegated responsibility to transfer up to £10,000 and report any transfers at the next appropriate meeting). Any transfer sums above this amount, must be done in correspondence with and approval from the Chair and Vice Chair, if arrangements cannot be made at a meeting.

3. Planning Delegation

The Parish Council recognises that there are times where the timing of a planning application would not allow enough time for the Council to meet and agree on a response before the deadline for consultee comments. There may also be occasions where Parish Council meetings have been prevented from taking place (see section 3. Financial Delegation, for examples). In these circumstances the following policy will apply:

1. Clerk receives the application via email, and the application link is emailed to all councillors.
2. The Clerk contacts the Planning Authority to request an extension of the consultation deadline.
3. If an extension is not possible but it is possible to hold a face-to-face meeting, the Clerk is to liaise with the Chair about the possibility of calling an extra-ordinary meeting to discuss the application. Any two councillors can also call an extra-ordinary meeting to discuss the matter (please refer to Standing Orders).
4. If an extension is not possible and the Chair does not wish to call an extra-ordinary meeting (or circumstances prohibit it), Councillors will consider the application, taking into account any material considerations (see below), and will share their comments via email using reply all.
5. Councillors must declare any pecuniary interests to the clerk as they would at a normal Council meeting and if they have an interest, they must not take part in the discussions.

KNOCKIN PARISH COUNCIL

6. The clerk will determine the deadline for receiving initial comments based on the consultation deadline and taking into account time to call an extra-ordinary meeting if this is deemed necessary.
7. If, at this stage, there is disagreement between the councillors, or if a councillor feels the application should be determined at a meeting, a site visit can be arranged, and an extra-ordinary meeting is called in accordance with the Council's existing Standing Orders.
8. Clerk will have delegated power to draft a response based on the comments received and will share this with all councillors via email.
9. Clerk will determine the deadline for amends to the response based on the consultation deadline.
10. If approved by a majority of councillors via email, the clerk will have delegated power to submit this response via the Shropshire Council Planning Portal before the consultation deadline.
11. Councillors reserve the right to respond to the planning application as individuals, but they must make it clear that this is their personal opinion, and not that of the Parish Council.
12. Clerk will include an agenda item at the next Council meeting to ratify the council's decision on the application (support/object/make representation) with a summary of the response and the date it was submitted.

When an application is subject to appeal the aforementioned process will be followed and the Clerk is delegated responsibility to submit a written representation or to elect a member to attend the hearing.

MATERIAL CONSIDERATIONS:

A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision.

Material considerations can include (but are not limited to):

- Overlooking/loss of privacy
- Loss of light or overshadowing
- Parking
- Highway safety
- Traffic
- Noise
- Effect on listed building and conservation area
- Layout and density of building
- Design, appearance and materials
- Government policy
- Disabled persons' access
- Proposals in the Development Plan
- Previous planning decisions (including appeal decisions)
- Nature conservation

What is NOT a Material Consideration?

When commenting on an application you should be aware that the following areas are **not** considerations:

- Nobody has a right to a view from their property. Shropshire Council can't control the effects of new development on the outlook from an existing property, except in the general case of residential amenity
- impact on the valuation of property
- the cost of a development is not a material consideration, and Shropshire Council has no jurisdiction to protect developers from expensive projects
- loss of trade or increased competition

KNOCKIN PARISH COUNCIL

- a personal interest or a civil dispute
- generally speaking, personal circumstances are not a material planning consideration

4. Consultation Delegation

There may be occasions where Parish Council meetings have been prevented from taking place (see section 3. Financial Delegation, for examples). If meetings are prevented from taking place over an extended period of time, then there may be consultations to which the Council would be unable to respond. There may also consultations where the deadline for a response falls before the next ordinary meeting of the Council. In these circumstances the following policy will apply:

1. Clerk receives notification of the consultation via email, and this is forwarded to all councillors, including any links to consultation documents and surveys.
2. The Clerk contacts the body holding the consultation, e.g. Shropshire Council, to request an extension of the consultation deadline.
3. If an extension is not possible, Councillors will consider the consultation documentation, and will share their comments via email using reply all.
4. Councillors must declare any pecuniary interests to the clerk as they would at a normal Council meeting and if they have an interest, they must not take part in the discussions.
5. The clerk will determine the deadline for receiving initial comments based on the consultation deadline.
6. Clerk will have delegated power to draft a response to the consultation based on the comments received and will share this draft with all councillors via email.
7. Clerk will determine the deadline for amends to the response based on the consultation deadline.
8. If a majority of councillors approve the response (via email) the clerk will have delegated power to submit this response before the consultation deadline.
9. Councillors reserve the right to respond to the consultation as individuals, but they must make it clear that this is their personal opinion, and not that of the Parish Council.
10. Clerk will publish the Council's response to the consultation on the Parish Council website in the interests of transparency.
11. Clerk will include an agenda item at the next Council meeting to ratify the council's response to the consultation.