



Shenley Parish Council

Shenley Parish Council

SCHEME OF DELEGATION

**This Scheme of Delegation adopted by
Shenley Parish Council on 6th December 2022**

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1. DISCHARGE OF THE SCHEME

- 1.1 This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders and will be reviewed annually and when there are staffing changes.
- 1.2 Those with delegated responsibility are referred to by job title, Parish Clerk.
- 1.3 One of the purposes of the document is to clearly define the parameters within which Officers of the Council are able to act without reference to Councillors. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.
- 1.4 Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.
- 1.5 The other purpose of the document is to capture the various delegated powers throughout the Council, including those delegated by the Council to its committees. This element of the scheme incorporates the Terms of Reference of the committees.

2. PRINCIPLES OF DELEGATION

- 2.1 Section 101 of the Local Government Act 1972 provides:
 - That a Council may delegate its powers (except those incapable of delegation) to a committee; or an officer.
 - A Committee may delegate its powers to an officer.
 - The delegating body may exercise Powers that have been delegated.
- 2.2 Any delegation to a Committee or the Proper Officer shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and with the law.
- 2.3 In an emergency the Proper Officer is empowered to carry out any function of the Council.
- 2.4 Where the Parish Clerk is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chairman of the Council and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

3. Authority to Act

- 3.1.1 It will be appropriate for the Parish Clerk to refer a matter to the Council where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for councillors to determine; or could, by its scale or complexity expose the Council to major corporate risk.
- 3.2 The Parish Clerk and Committees have the responsibility to act within the Councils approved policies, procedures and framework and within the law in conjunction with this delegated scheme.

4 CONFLICTS OF INTEREST

- 4.1 Under the Local Government Act 1972, section 117 the Parish Clerk must make a formal declaration about council contracts where they have a financial interest.
- 4.2 Where the Parish Clerk has a conflict of interest in any matter, he/she shall not participate in that matter unless approved by the Council and this is formally recorded in the Council minutes.

5 COUNCIL RESERVED POWERS

- 5.1 The following matters are only to be resolved by the full Council:
- Appointment of the Parish Clerk/Responsible Financial Officer and other council officers following a recommendation from the Staffing Committee
 - To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies
 - To approve and adopt the Policy Framework.
 - To approve and adopt the Budget.
 - To agree and/or amend the terms of reference for Committees
 - To adopt the schedule of meetings for the ensuing year.
 - To determine matters involving expenditure for which budget provision is not made or is exceeded.
 - To set the Precept.
 - To make byelaws.
 - To borrow money.
 - To annually approve the statutory annual return
 - To approve eligibility for the General Power of Competence

6 DELEGATION TO COMMITTEES - SAFEGUARDS

- 6.1 The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a Committee or Officer.

7 DELEGATION TO COMMITTEES

Planning Committee

Membership:

- The Planning Committee will consist of four councillors
- A representative from the Neighbourhood Plan Steering Group will be a member of the Planning Committee in an advisory role.
- Other members of the public will be invited to advise the committee when it is felt necessary.
- Only the Councillors will have voting rights.
- A quorum shall consist of three members.
- No member of the committee shall be involved in either residential/business unit development for commercial purposes or the estate agency business dealing with properties or developments within the Parish of Shenley.

Meetings:

- The Committee will meet as required, with a minimum of 3 days clear notice given.
- The Chairman of the Planning Committee or Parish Clerk may call additional Planning Committee meetings as and when necessary to ensure that all Planning Applications received can be discussed and replied to within the timescale.
- A record of all planning applications, the responses of the Parish Council and the decisions taken by the planning authority will be recorded in the minutes of the Parish Council.
- The Clerk will minute all meetings of the Planning Committee and the minutes will be forwarded by e-mail to Committee members and all members of the Parish Council. The minutes will be submitted to the Parish Council at the next meeting for adoption.
- The Clerk is responsible for submitting the responses to the Planning Authority.

Powers And Responsibilities:

- The Committee has delegated executive powers to consider all planning applications pertaining to Shenley Parish and to respond to Hertsmere Borough Council Planning Authority
- To take into account the Shenley Neighbourhood Plan when making representations to the Local Planning Authority on applications for planning permission which have been notified to the Council.
- Any controversial applications shall be referred to the full Parish Council. A time sensitive response may be made by the Committee Chairman or Clerk following a majority decision by the Committee. Any two Councillors may request an application be deferred for a meeting of the Full Parish Council.
- To study relevant plans, visit relevant sites and consider any comments from members of the parish before coming to a decision.
- To consider whether to canvass opinion for and against applications to assist with a fair determination of applications.
- To ensure that all relevant parties are given an adequate hearing if they request this in accordance with the Council's standing orders.
- Generally to recommend to the Parish Council how it should respond to each planning application.
- To ensure that any objections or recommendations are based solely on planning criteria.
- To consider environmental aspects when considering planning applications.
- To monitor the general environment of the parish and report to the planning authorities any potential planning breaches.
- To respond on behalf of the Parish Council when a time sensitive response is required.
- To respond to all consultations regarding planning issues or issues that will have an impact on planning the Committee is authorised to make written representation or to elect a member to attend the hearing.
- Wherever possible, a member of the Planning Committee is to be nominated to attending Planning Authority's meetings, as necessary.
- All correspondence shall be conducted through the Parish Council Clerk wherever possible.
- When an application is subject to an appeal the Committee is authorised to make written representation or to elect a member to attend the hearing.
- To attend planning training sessions as offered by the planning authority and to read all relevant documentation to ensure that the Committee is aware of current legislation and regulations.
- The Parish Clerk will communicate to the Local Planning Authority the Committee's decision in respect of applications considered.

Allotment Committee

Membership:

The Allotment Committee will consist of three councillors, 5 plot holders and a representative of the Shenley and District Horticultural Society.

Meetings:

The Allotment Committee will meet quarterly.

Terms of Reference:

It will be responsible for the practicalities of running the allotments along with overseeing the maintenance of the allotment site and individual plots.

The Allotment Committee will be responsible for the following:

- Spending the £500 annual budget as the majority of the Committee sees fit
- Ensuring the Allotment holders are kept informed of any developments
- Minutes of the Allotment Committee to be presented to the Full Council for information.

8 DELEGATION TO PARISH CLERK

(a) Parish Clerk

1. The Parish Clerk is designated and authorised to act as the Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a proper officer.
2. In the case of an emergency, the Clerk shall have the power to take reasonable steps to secure the Council's assets or position, following consultation with the Chairman (if practicable in the circumstances).
3. The Clerk will have the authority to dispose of the Council's assets (excluding land and building assets) subject to the estimated value of any one tangible; moveable item does not exceed £500. The Clerk is responsible for ensuring any disposal details including the disposal values are recorded in the assets register.
4. Power to authorise relevant training courses provided the expense can be met from approved budgets having taken into account the training needs of the employees.
5. The Clerk is the manager for all staff employed by the Council and is given delegated powers to manage the council staff in accordance with the Council's policies, procedures and budget
6. The authority to sanction and authorise payment of overtime so long as the costs can be contained within the parameters of the approved budget. The Clerk shall have the authority to engage casual workers subject to budget and the Clerk shall consult with the Staffing Committee members when such work is to be sanctioned.
7. Power to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the full Council
8. As Proper Officer, to sign all documents on behalf of the Council including the Summons to Elected Members to attend Council Meetings in accordance with

paragraph 4 and Schedule 12 of the Local Government Act, 1972

9. To sign and publish the annual public notice that the Audit of Accounts is to take place and has taken place.
10. To receive members' acceptance of declarations of interest and their appointment as a Councillor.
11. Power to release press statements on any activities of the Council subject to prior consultation with the Chairman
12. Power to act on own initiative to implement the Councils policies and objectives.
13. Power to take appropriate steps to ensure the Council does not exceed its powers.
14. Power to manage all the Council's facilities and resources in accordance with the Council's policies.
15. In liaison and after conferring with the Chairman, to make such Civic arrangements as are necessary.
16. The Proper Officer shall have authority to issue written authorisation to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties.
17. The Proper Officer shall be responsible for signing all the Council's Official Notices as set out in the Standing Orders
18. As Proper Officer/Responsible Financial Officer, the Clerk may incur expenditure on revenue items on behalf of the Council up to the amounts included in the approved budget.
19. The Parish Clerk, in consultation with Councillors, to make comment on planning applications submitted to Shenley Parish Council by Hertsmere Borough Council within the statutory 21 day consultation period if the deadline is before the next Council meeting.

(b) Responsible Financial Officer

1. The Responsible Financial Officer will be responsible for all financial records of the Council and the careful administration of its finances and accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time and with the policies and procedures set by the Council and within the law
2. The Responsible Financial Officer will have the power to release any financial related report or document to the Council in discharge of the Responsible Financial Officer responsibilities
3. The Responsible Financial Officer shall ensure the approved precept request is issued to the billing authority