

# STAPLEHURST PARISH COUNCIL

## DELEGATED POWERS

### Emergency Delegation

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 – not being quorate

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 Committee on planning applications that require comment before another Planning Committee can be arranged.

### 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

In May 2021 Delegated Authority was considered and this is a refresh.

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.

They 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:

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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;

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## **Finance**

There is delegation in the Council Financial Regulations to the Clerk / RFO for urgent works which then must be reported immediately to Council. i.e. remove a tree down in a playground and spend up to £100.

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

**Resolution agreed at Council meeting 17<sup>th</sup> October 2022**

**Minute number 2038 item 6.1**