

STAPLEHURST PARISH COUNCIL

DELEGATED POWERS

Introduction

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, the Council did not need delegated authority.

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

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 lawful decisions of the Council.

The Responsible Financial Officer's (RFO) role is to advise Council on Financial matters, lead on issues such as Budget Setting and Audit and then action the lawful decisions of the Council.

Detail

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.

Finance

There is delegation in the Council Financial Regulations (Section 5) to the Clerk / RFO for

The Clerk and RFO in consultation with the Chairman shall have delegated authority to authorise payments only in the following circumstances:

- i. the Clerk or RFO, under delegated authority, for any items below £500 excluding VAT.
- ii. the Clerk or RFO, in consultation with the Chair of the Council, for any items below £1,000 excluding VAT.
- iii. In cases of serious risk to the delivery of council services or to public safety on council premises, the Clerk may authorise expenditure of up to £3,000 excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure.

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These provide the flexibility when required to keep the Council functioning.

Planning Committee – not being quorate - less than 50% of members present

If a Planning Committee meets and is not quorate, that delegated authority is given to the Proper Officer (Clerk / RFO) in consultation with the Councillors present at the Planning Committee on planning applications that require comment before another Planning Committee can be arranged.

Resolution: Agreed at Council Annual General meeting 11th May 2026

Minute number ... 2472/7....