



Scheme of Delegation

| | Date | Minute Reference | Amended |
|---------------------------|---------------|------------------|---------|
| Adopted: | April 2021 | FC21-273 | |
| Reviewed Annually: | April 2022 | FC22-437 | No |
| | April 2023 | FC23-589 | No |
| | May 2024 | FC24-772 | No |
| | November 2024 | FC24-844c | Yes |
| Next Review | May 2025 | | |

The Keene Hall, Watchouse Road, Galleywood, Essex CM2 8PT

Introduction

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 the Clerk
- A Committee may delegate its powers to the Clerk
- The delegating body may exercise Powers that have been delegated

Any delegation to a Committee or the Clerk shall be exercised in compliance with the Parish Council's Standing Orders, and any other policies or conditions imposed by the Parish Council and within the law.

In an emergency the Clerk is empowered to carry out any function of the Parish Council.

Where the Clerk is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult Members and must ensure that they obtain the appropriate legal, financial, and other specialist advice before action is taken.

1. Extent of Delegation

- 1.1 All delegated functions shall be deemed to be exercised on behalf of and in the name of the Parish Council.
- 1.2 The Clerk will exercise these powers in accordance with:
 - Approved budgets
 - The Parish Council's Standing Orders
 - The Parish Council's Financial Regulations
 - The Parish Council's adopted Policies and Procedures
 - All statutory common law and contractual requirements
- 1.3 The Clerk may do anything pursuant to the delegated power or duty which it would be lawful for the Parish Council to do including anything reasonably implied or incidental to that power or duty
- 1.4 In addition, the Clerk is authorised to undertake the day-to-day administration of the Parish Council to include:
 - To take action on any issue of such urgency, that it cannot wait until the next Parish Council meeting (or meetings are temporarily suspended). If circumstances permit, the Clerk would normally be expected to consult the Chairman and Vice Chairman of the Parish Council
 - To incur expenditure on behalf of the Parish Council which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1000 (Financial Regulation 5.18)
 - To take any action regarding minor repairs (up to a cost of £500)

2. Planning Delegation

- 2.1 Planning applications received by the Clerk will be provided to Councillors using the Parish Council's 365 software
- 2.2 Comments are to be submitted directly to the Clerk
- 2.3 Where there are no comments arising from a joint decision from Councillors, the Clerk shall be delegated to inform the Planning Authority, Chelmsford City Council within the time allocated
- 2.4 Delegated decisions will be reported to and recorded in the minutes of the next Planning and Highways Committee meeting

3. Delegation – Limitations

- 3.1 All decisions taken under delegated authority will be in accordance with the Parish Council's Standing Orders and Financial Regulations and this Scheme of Delegation.
- 3.2 All decisions will be reported to the first appropriate Parish Council or Committee meeting.
- 3.3 The Parish Council may delegate the power to make individual decisions on individual items to the Clerk and its Committees as and when appropriate.