

IDEFORD PARISH COUNCIL DELEGATION SCHEME

Reviewed May 2022

Adopted by Ideford Parish Council on 2 September 2015

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Contents

1. Introduction	2
2. Delegated Powers.....	2
3. Responsibilities Delegated To the Parish Clerk	2
3.1 Proper Officer	2
3.2 General Matters.....	2
3.3 Financial Matters	3
3.4 Urgency.....	3

1. Introduction

Local Councils may only do what legislation requires or permits them to do. With some particular exceptions, a Parish Council may delegate decisions to a committee, a sub-committee reporting to a committee, or to the Clerk, being the Council's Proper Officer, or other authorities. Decisions may not be taken by an individual Councillor, including the Chairman.

The power to delegate functions by local councils is set out in the Local Government Act 1972 Section 101.

The aim of this document is to clarify the manner in which Ideford Parish Council has delegated its powers and the authority to spend.

Working Groups of Councillors without delegated decision-making powers may meet informally without public notice to oversee functions of the Council and to make recommendations to the Council.

If applicable, the Council should agree terms of reference for its committees and working groups and review these annually.

Ideford Parish Council has 7 Councillors and meets on the second Thursday of each month (with the exception of January and August). The Parish Council currently has no Committees or Sub Committees and considers all business in Full Council at the monthly meeting.

2. Delegated Powers

- a. All decisions as discussed at the Monthly Meeting will be recorded as **"RESOLVED"**.
- b. All planning applications will be discussed by the Full Council at their monthly meeting.
- c. Members will be notified of each planning application as received by Teignbridge District Council but it will be their individual responsibility to consider the details of each by accessing such on line
- d. The Parish Council will have due regard to the Planning Framework and all material considerations when making appropriate comments and recommendations to the Local Planning Authority.
- e. The Council shall make such observations and comments as it sees fit to the Local Planning Authority in respect of planning development control enforcement matters in the Parish.

3. Responsibilities Delegated To the Parish Clerk

3.1 Proper Officer

The Parish Clerk is designated and authorised to act as 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.

3.2 General Matters

The Parish Clerk is authorised:-

- a. to sign on behalf of the Council any document necessary to give effect to any decision of the Council, to take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council
- b. to institute and appear in any legal proceedings authorized by the Council,
- c. To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the residents of the Parish of Ideford).
- d. To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.

3.3 Financial Matters

The Parish Clerk is authorised as follows:-

- a. To incur expenditure up to a maximum of £100 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution.
- b. To accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:-
 - the cost not exceeding the amount of the approved estimate;
 - the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation;
 - All the requirements of the Council's Financial Regulations being complied with.
- c. To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.

3.4 Urgency

- a. The Parish Clerk is authorized to act on behalf of the Council in cases of urgency or emergency.
- b. Urgent decisions required between scheduled Council meetings are delegated to the Clerk in consultation with the Chairman and Vice-Chairman or Chairman and one other Councillor.
- c. Decisions made under this delegation will be reported to and minuted at the next Council meeting
- d. Where appropriate, the Clerk may decide that an Extraordinary Meeting of the Council be called to deal with the urgent matter.
- e. The Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair or 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 £250. The Clerk shall report the action to the Council as soon as practicable thereafter.