

KILMINGTON PARISH COUNCIL

Temporary Scheme of Delegation adopted on the 6th May 2021

The Local Government Act 1972, section 101, gives a parish council power to delegate decisions and any of its functions to the Clerk, being the council's proper officer.

The purpose of this scheme of delegation is to enable decision making to continue and to enable the Council to legally function and fulfill its responsibilities to the parishioners beyond the 7th May 2021. This follows the Government's decision not to pass primary legislation allowing local authority meetings to take place remotely beyond the 7th May 2020 and the High Court Judgement of the 28th April 2021 on the legality of remote meetings under the provisions of the Local Government Act 1972.

Kilmington Parish Council invoke their power under the Local Government Act 1972 section 101, to delegate all of its functions to the Parish Clerk and RFO, as the Proper officer of the Council, within all statutory limits. This excludes those functions which must only be undertaken by the Parish Council at a meeting, as follows:-

- Setting budget and precept
- Borrowing
- Writing off bad debts
- Declaring eligibility for General Power of Competence
- Approving Internal Audit Report, Accounting Statement and Annual Governance Statement
- Addressing recommendations from either internal or external auditor

Financial Matters

The Council delegates authority to the Clerk in consultation with the Chair to take any decisions and actions necessary, with associated expenditure, to protect the interests of the Council and the community and ensure council business continuity during the period of delegation, informed by consultation with the members of the council.

Delegated actions shall be in accordance with Standing Orders and financial Regulations.

The Openness of Local Government Bodies Regulations 2014 require the Council to keep a record of any decisions made under delegation, together with the relevant paperwork. The Clerk is advised to keep a register or spreadsheet of the decisions taken, associated expenditure and the reasons for the decision together with any rationale. The record of decisions and expenditure will be presented to Council for ratification at the first Council meeting when meetings resume.

Planning applications

1. The Clerk will advertise on the council's website links to all planning applications received from the planning authority, offering the public the opportunity to let the

Council know of any views. Any public comments to be in writing or by email to the Clerk within 5 working days of the application being posted on the website.

At the same time the Clerk will circulate the list with links to all members of the Council.

This will be done on a weekly basis working in full weeks for managing the planning process.

2. At the end of the public opportunity to comment, the Clerk will forward a summary of the public comments received to all members for members comments for a period of a further 5 working days and for them to respond to the Clerk by email with their comments.
3. Under this scheme of delegation, the Clerk working in association with the Chair will decide on a council response following receipt of the members comments and any public comments. The response may identify any relevant material considerations and may give local information or opinion. The council response will then be shared with members for 2 days for any comments, before being sent to the planning authority with the following statement:

“ Due to the Council presently working under a temporary scheme of delegation to the Clerk, this response represents the opinion of members of Kilmington Parish Council identified through a consultation process. (An opportunity was afforded to members of the public to express any views). The response will be ratified at the first meeting of the Council when meetings resume.”

4. Any delegated decisions and responses will be reported to Council for ratification and recording in the minutes, of the first meeting when council meetings resume.

This Temporary Scheme of Delegation is to enable the Council to continue to legally function and fulfil its responsibilities to its residents and will apply until such time as EITHER the Government enact primary legislation allowing local authority meetings to recommence being held remotely OR the Chair, Councillors and the Clerk all deem it safe themselves for face to face meetings to resume.

The Clerk will consult with the Chair and Councillors at the beginning of each month as to whether they all feel it is safe and appropriate to consider resuming face to face meetings. If so, a Covid 19 Safe risk assessment then to be completed to confirm it is safe and to determine any restrictions, requirements and measures to be followed to enable meetings to safely take place.