

SCHEME OF DELEGATION

HIGH ONGAR PARISH COUNCIL

This is the statement of general policy and arrangements for:	High Ongar Parish Council
Overall and final responsibility for Scheme of Delegation is that of:	High Ongar Parish Council
Day to day responsibility for ensuring this policy is put into practice is delegated to:	Parish Clerk

1. Introduction

1.1 This document sets out the manner in which High Ongar Parish Council has delegated its powers.

1.2 The legal basis of the delegation conferred by this Scheme is contained in the following provisions of the Local Government Act 1972, s101:

‘S101 Arrangements for discharge of function 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

(2) Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee arrange for the discharge of any of those functions of a local authority and where by virtue of this section any functions of a local authority may be discharged by a sub- committee of the authority, then, unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.

(3) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, sub-committee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.

(4) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.

(5) A local authority’s functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority.’

1.3 The intention of the delegation scheme is that the Council should act with all reasonable speed. Decisions should be taken at the most suitable level and that officers are given power over the day- to-day administration of the Council, and the authority to act in urgent or emergency situations.

2. Functions Retained by Full Council

2.1 The Scheme excludes those functions which must only be undertaken by the Parish Council at a Full Council meeting, as follows, unless and until such time as guidance is received from Government to the contrary:

- Setting budget and precept
- Borrowing
- Writing off bad debts
- Declaring eligibility for the General Power of Competence
- Approving audits, Accounting Statement and Annual Government Statement
- Addressing recommendations from either internal or external report

2.2 Further functions which the Council retains control of include:

- The adoption of Standing Orders and Financial Regulations
- The appointment of permanent representatives to outside bodies
- The making of byelaws

3. Proper Officer and Responsible Financial Officer

3.1 The Clerk to the Council, usually known as the Parish Clerk, is employed by the Council under s112 of the Local Government Act 1972, for the proper discharge of its functions.

3.2 The Clerk to the Council 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.

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- 3.3 The Clerk to the Council is designated and authorised to act as the Responsible Financial Officer (RFO) for the purposes of any statute requiring the designation of an RFO, as provided for in s151 of the Local Government Act 1972.
- 3.4 The Clerk to the Council shall undertake all duties as per Standing Orders, Financial Regulations all relevant statutes and job description.
- 3.5 The Clerk to the Council is authorised to act on behalf of the Council in cases of urgency or emergency, including any times where the Parish Council are unable to meet due to extraneous circumstances. Any such action should be undertaken in conjunction with the Chair, or in their absence the two members of the Council unless this is not possible within the timeframe required to act. All such action is to be reported to the Chair as soon as practicable, and to the next meeting of the Full Council.
- 3.6 The Council specifically delegates the power to the Proper Officer to respond to planning applications where the deadline for those applications falls before the next Council Meeting. In order to formulate a response, the Proper Officer will email all Councillors with the planning application detail, and formulate a planning response based on the majority view of those councillors who respond to the email within the specified timescale. The delegated planning response will be reported to the next Council meeting.
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Signed by the Chair of High Ongar Parish Council	<i>Toby Acton</i>
Presiding at the Parish Council Meeting Dated	12 th June 2024

Reviewed Annually