

Horton Parish Council

Scheme of Delegation Extension

It is important to recognise that the 'Council' as a corporate body can only make decisions at and during a formally constituted meeting, this legal process directs the authority to an Officer to carry out the Council's instructions following the meeting. Outside of a meeting, the Proper Officer is under a statutory duty to carry all the functions of the authority.

The smooth operation of a council includes appropriate delegations to Officers to enable the performance of their respective duties. Whilst some are implicit by legislation, agreed policy, Standing Orders or procedural regulations others are at the direction of Council.

The Powers of a Council can only be delegated to committees, sub-committees, staff or other local authorities, except where legislation expressly prohibits delegation. Therefore, if the Council is not constituted (in a meeting) for any reason, its functions cannot be exercised unless delegated. Due to the current COVID-19 situation, the Council may consider the suspension of the meeting schedule (period of restricted activity) and therefore a temporary extension to the Scheme of Delegation is advisable to ensure the Council continues to be as operational as possible. As this has a wide-ranging scope, this document seeks to define the processes that shall be implemented during its operation.

All the following processes are in the context of a matter that would usually be an agenda item.

Non urgent items

For such items that are not specifically time critical but should be dealt with before the resumption of the Meeting Schedule, the following shall apply:

1. A brief report on the background to the item including any associated documentation will be circulated to all Members via email seeking feedback.
2. A timescale will be clearly identified, following which a recommendation based on the feedback will be circulated.
3. If no objections are received within 7 or 14 days (as specified in the recommendation), the matter will be actioned as per the recommendation.
4. If objections are received that cannot be simply resolved, the item will stand deferred.

Time specific items

For such items that are time limited (e.g. planning applications, consultations, etc.) the following shall apply:

1. A brief report on the background to the item including any associated documentation will be circulated to all Members via email seeking feedback.
2. A timescale will be clearly identified, following which a recommendation based on the feedback will be circulated.
3. If no objections are received within 7 days (or earlier if required), the matter will be actioned as per the recommendation.

4. If objections are received that cannot be simply resolved, the Chairman and the Vice Chair will be consulted as to the intended course of action following which all Members will be informed of the decision.

Urgent Items

It is accepted that the current situation may give rise to incidents that require urgent attention, it is anticipated that these may be rare occurrences, nevertheless the following process will be applied:

Wherever possible the Clerk shall consult with the Chairman and Vice-Chairman, providing all relevant details and justification for any recommended course of action. The decision made during the consultation will be final and actioned (or not as the case may be) thereafter.

A copy of the decision will subsequently communicated to all Members.

If consultation with the Chairman or Vice-Chairman is not possible, the Clerk shall use best endeavours to resolve the required action. The decision and justification shall be forthwith communicated to all Members following action.

Scheme of Delegation parameters

Notwithstanding the above, all recommendations will be guided, wherever possible, by previous precedent with an explanation or justification as to the reason for the recommendation.

The principle of consultation with Members will run throughout the operation of the Scheme of Delegation.

This Scheme of Delegation will only be operational during the period of restricted activity, it will implicitly expire at the resumption of the Council Meeting Schedule.

Excepting Emergency Legislation from the Government, no change to this Scheme of Delegation is permitted under this delegation authority.

Payment and expenditure processes and authorities as regulated by Standing Orders and Financial Regulations remain unchanged by this Delegation.

This Scheme of Delegation is in response to the COVID-19 epidemic and is a vehicle to facilitate the effective operation of the Council during the period of restricted activity.

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Scheme of Delegation Extension to be implemented in the event of the internet (and therefore a form of virtual meeting such as Zoom) not being available			
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