

## **St. Mellion Parish Council**

### **Scheme of Delegation – Specific to Coronavirus Pandemic 2020-2022**

This Scheme of Delegation authorises the Clerk to the Council/Responsible Finance Officer to act with delegated authority in the specific circumstances detailed.

That the Council delegates authority to the Clerk informed by consultation with members of the Council, to take any actions necessary with associated expenditure up to £2000 to protect the interests of the community and ensure council business continuity during the period of the Coronavirus pandemic where it is deemed inappropriate to meet.

The scheme of delegation will be reviewed no later than June 2022.

#### **Proper Officer and Responsible Finance Officer**

The following payments can be made under the scheme of delegation without the need for approval at a meeting of the council or a committee:

- Any payment which is part of an agreed contractual obligation is (salary and on costs, contractors, and suppliers). This is because failure to pay would be a breach of contract or the individual payment is part of budgeted expense.
- Any other budgeted item including approved grants, approved purchases (play-ground equipment, computer, other assets) insurance and any other expenditure previously agreed by the council. There is an audit trail that the council has already considered and approved the payment.
- Any amount authorised by the Clerk which is within the limits set by the Council's financial regulations.
- Any other payment authorised under the Emergency Scheme of Delegation.

In addition, the RFO undertakes to:

- To take action on any issue of such urgency, that it cannot wait until the next normal Council meeting. If circumstances permit, the Clerk would normally be expected to consult the Chairman or Vice Chairman if the Chairman is unavailable and take his/her view into account.
- To incur expenditure on behalf of the 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 £3000.00
- To take any action regarding minor repairs (up to a cost of £ 3000.00) and to report minor matters to the relevant authority.

Delegated actions shall be in accordance with Standing Orders and Financial Regulations and in line with directions given by Council from time to time and shall be reported to the next available Council meeting.

#### **Delegated Powers re Planning**

Planning applications shall be received by the Clerk who will provide details to Councillors by email and where no queries arise by joint decision of all Councillors, the Clerk shall be

delegated to inform the Planning Department within the time allocated of the decision of the Council.

The clerk shall undertake to:

- i) Advertise on the council's website links to all planning applications received from the planning authority on the council's website, offering the public the opportunity to let you know of any views. The notice should give a deadline for public comments to the Clerk in writing (suggested 5 working days)
- ii) At the same time the clerk will circulate the list with links to all members of the council.
- iii) At the end of the public opportunity to comment, the clerk will forward a summary of the public comments received to all members (or members of the relevant committee) for member comments for a period of a further 5 working days. Under GDPR, the clerk should not circulate individual responses without the writer's express permission.
- iv) Under the Emergency Scheme of Delegation, the Clerk and appropriate members will agree a council response which identifies relevant material considerations and may give local information or opinion. The draft response is then shared with members for 2 days for any comments, before being sent to Cornwall Council with the following statement :

*"Due to the restrictions placed on the council as a result of the pandemic Coronavirus, this response represents the opinion of members of St. Mellion Parish Council identified through a consultation process and will be ratified at the next appropriate meeting of the council. "*
- v) Maintain a list of council responses to planning applications on the website until the list is noted at the next council meeting.
- vi) If the matter is referred back to the council under the 5 day protocol, the Emergency Scheme of Delegation will allow the clerk to take any appropriate action to respond on behalf of the council. As the council's opinion has not been gained through the normal public process, it may be prudent to simply reply that

*'due to the restrictions placed on the council as a result of the pandemic Coronavirus, it has been unable to consult further and therefore has nothing further to add'.*

### **Delegation – Limitations**

All decisions taken under delegated authority will be in accordance with the Councils Standing Orders and Financial regulations and this Scheme of Delegation, and where applicable any other rules/regulations and legislation.

All decisions will be reported to the first appropriate Council meeting and a rolling record kept of all delegated decisions maintained.

The Council may delegate the power to make individual decisions on individual items to the Proper Office/Responsible Finance Officer as and when appropriate.

The scheme of delegation will cover :

- make day to day decisions
- authorise budgeted expenditure
- respond to consultations on behalf of the council
- continue to deliver projects
- respond to planning consultations
- work with outside partners and public bodies for the benefit of the area
- anything urgent until such time as an extra ordinary meeting of the council can be called.

The following items will require a council meeting as they are not covered by the scheme of delegation :

- Co-option of councillors
- Election of Chair and Vice Chair
- Appointment of members to committees and other statutory roles
- Signing the AGAR annual return
- Setting the budget and precept
- Making permanent changes to council policies and governance documents such as Standing Orders, Financial Regulations. (Where this is urgent, it should be an interim arrangement until it can be approved at a meeting of council.)
- Granting extensions under the 6 month rule

[The Openness of Local Government Bodies Regulations 2014](#) s7 requires the council to keep a record of any decisions made under delegation, together with the relevant paperwork. The Clerk will therefore keep a register or spreadsheet of the decisions taken, associated expenditure and the reasons for the decision together with any rationale. The schedule can then be noted by the council at its next meeting. This may be required at audit in the following year.