

FOVANT PARISH COUNCIL
POLICY : Revised Scheme Of
Delegation

Ratification Date: 29/11/2024

Review By: 31/11/2025

Terms of Reference for Delegation of Power

Section 101 of the Local Government Act 1972 provides:

- That a Council may delegate its powers (except those incapable of delegation) to a committee or an officer.
- A Committee may delegate its powers to an officer.
- The delegating body may exercise Powers that have been delegated.
- S101 requires formally agreed Terms of Reference by the Council agreed at a full Parish council meeting.

The Parish Councils Scheme of Delegation authorises the proper officer/Clerk to act with delegated authority in the specific circumstances detailed in the delegation policy.

Any delegation to the Proper Officer/clerk shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and within the law.

Delegated powers re planning

1. The council delegates decisions arising under planning applications/ consultations to the clerk in consultation with all councillors and within the constraints of this policy.
2. Planning applications shall be received by the Clerk who will provide details to Councillors. This may take place by Email, in person or at a meeting.
3. Councillors will be given a time limit of seven working days to respond. If no response has been received from a councillor within the requested time limit this absence of response will not be considered for assessing a joint decision.
4. When the Clerk considers that there is a consensus in the responses received from council members following the seven day councillor consultation period, and that at least three members of the have responded, the Clerk shall be delegated to inform the Planning Department within the time allocated of the response of the Council.
5. All Councillors will report directly back to the Clerk thereby avoiding discussion between members.
6. If any one councillor responds with a request to defer the decision to a council meeting, the Clerk will no longer proceed with submitting a consultation response under the scheme of delegation and move to an extraordinary planning meeting if no full council meeting is scheduled before the time limit allocated from the planning department.
7. Where queries arise the clerk or Chairman may call an extraordinary meeting to decide upon the application, adhering strictly to legal procedures. If a consultation request is subsequently resolved at a legally convened meeting, the Clerk will no longer proceed with a delegated response.
8. If multiple responses are received from any one councillor, only the most recent response will be considered.
9. In respect of controversial or major development proposals, the clerk in consultations with the chairman may decide that a parish meeting and/or extraordinary meeting of the council be called to consider the matter, in

this event the councillors should receive at least 5 working day's notice of the said meeting.

10. In the event that a planning consultation request is received but cannot be legally resolved at a meeting due to not being published as an item of business on an agenda, the council may direct the Clerk to submit a delegated response to the consultation request with a member poll during a full council meeting. The Clerk is authorised to use this poll from council members at a council meeting, to submit a delegated response.
11. Delegated decisions will be reported to and recorded in the minutes of the next council meeting.