



Wickham St Pauls Parish Council

Scheme of Delegation

1. Introduction

This document sets out the way in which Wickham St Pauls Parish Council (the Council) shall delegate powers and responsibilities to the Parish Clerk and if relevant standing committees.

The Power to delegate is set out in Section 101 of the Local Government Act 1972, which 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.

Any delegation to a Committee or the Parish Clerk shall be exercised in compliance with the Council's Standing Orders, Financial Regulations and any other policies or conditions imposed by the Parish Council and within the law.

In an emergency, the Parish Clerk is empowered to carry out any function of the Council.

Where the Parish Clerk is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult Parish Council Members and must ensure that they obtain the appropriate legal, financial and other specialist advice before action is taken.

2. Extent of Delegation

2.1 All delegated functions shall be deemed to be exercised on behalf of and in the name of the Parish Council.

2.2 The Parish Clerk will exercise these powers in accordance with:

- Approved budgets
- The Council's Standing Orders
- The Council's Financial Regulations
- The Council's adopted Policies and Procedures
- All statutory common law and contractual requirements

2.3 The Parish Clerk may do anything pursuant to the delegated power or duty, which it would be lawful for the Council to do including anything reasonably implied or incidental to that power or duty.

2.4 In addition, the Parish Clerk is authorised to undertake the day-to-day administration of the Council to include:

- To take action on any issue of such urgency, that it cannot wait until the next Parish Council meeting (or meetings are temporarily suspended).
If circumstances permit, the Parish Clerk would normally be expected to consult the Chair and Vice Chair of the Parish Council
- To incur expenditure on behalf of the Parish 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 £500 (Financial Regulation 5.15).
- To take any action regarding minor repairs (up to a cost of £500)

3. Planning Delegation

3.1 All planning applications are received by the Parish Clerk and circulated to Parish Councillors to enable a response to be made upon consideration of the application by Parish Councillors at a Parish Council meeting and within the deadline date.

3.2 Comments are to be submitted directly to the Parish Clerk.

3.3 Where there are no comments arising from a joint decision from Councillors, the Parish Clerk shall be delegated to inform the Planning Authority, Braintree District Council within the time allocated.

3.4 In addition, in consultation with the Chair of the Parish Council, the Parish Clerk may bring to the attention of the planning authority any actual or suspected breach of planning control, which comes to the attention of Parish Councillors or the Parish Clerk.

4. Personnel Committee

The Parish Council has a constituted Personnel Committee and terms of reference.

Where relevant, such decisions shall be made strictly in accordance with the Parish Council's Disciplinary and Grievance procedures and with reference to all duties of confidentiality relating to staff.

5. Limitations to Delegation

5.1 All decisions taken under delegated authority will be in accordance with the Parish Council's Standing Orders, Financial Regulations and other approved policies of the Parish Council.

5.2 All decisions will be reported to the first appropriate Parish Council or Committee meeting.

5.3 The Parish Council may delegate the power to make individual specific decisions on particular individual items to the Parish Clerk and its Committees as and when appropriate by way of resolution.

Re-Adopted

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