SCHEME OF DELEGATION TO THE CLERK – PLANNING

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| Approved Full Council 18th March 2024 | FC2324/106 |
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# DISCHARGE OF THE SCHEME

* 1. The Clerk is designated and authorised to act as the Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other stature requiring the designation of a proper officer.
  2. This Scheme of Delegation forms part of the Council’s Financial Regulations and Standing Orders and will be reviewed every two years and when there are staffing changes.
  3. Those with delegated responsibility are referred to by job title, Town Clerk (Proper Officer). The Town Clerk will delegate responsibility in their absence to the Deputy Clerk. Administrative support throughout the whole process is provided by the Administration Officer.
  4. One of the purposes of the document is to clearly define the parameters within which the Clerk of the Council can act without reference to Councillors. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.
  5. Any deviation from this Scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

# PRINCIPLES OF DELEGATION

* 1. 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.
  2. Any delegation to the Clerk shall be exercised in compliance with the Council’s Standing Orders, any other policies or conditions imposed by the Council and with the law.
  3. Where the Clerk is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chair of the Council and must ensure that they obtain appropriate legal, financial, and other specialist advice before action is taken.

1. **AUTHORITY TO ACT**

3.1 It will be appropriate for the Clerk to refer a matter to the Planning Committee where the determination of the matter is likely to be particularly controversial or raises issues of policy which it would be appropriate for councillors to determine; or could, by its scale or complexity expose the Council to major corporate risk.

3.2 The Clerk has the responsibility to act within the Council’s approved policies, procedures, and framework and within the law in conjunction with this delegated scheme.

# CONFLICTS OF INTEREST

* 1. Under the Local Government Act 1972, section 117 the Clerk must make a formal declaration about council contracts which they have a financial interest.
  2. Where the Clerk has a conflict of interest in any matter, he/she shall not participate in that matter unless approved by the Council and this is formally recorded in the Council minutes.

1. **DELEGATION DETAILS AND DUTIES**

5.1 Baildon Town Council’s Scheme of Delegation authorises the Clerk to the Council, who is also the Proper Officer and Responsible Financial Officer (RFO), herein referred to as the Clerk, to act with delegated authority in the **specific circumstances detailed below** in order to enable the Council to fulfil its responsibilities to its residents as regards planning comments to the Local Planning Authority.

5.2 This Scheme of Delegation should be read in conjunction with the Terms of Reference of the Planning Committee who have a remit for planning responses.

5.3 The Clerk will:

* 1. Provide details of all Planning Applications received to all councillors.
  2. Applications as listed in LIST A below will normally be considered at the next available Planning Committee meeting.
  3. Applications in LIST B will normally be delegated to the Clerk to respond to the LPA. The Clerk will invite comments from all Councillors (ie the whole council not just the Planning Committee) via email (or agreed alternative form of communication) with a written deadline for comment.
  4. Councillors and co-opted members of Planning Committee shall send their individual comments to the Clerk. All councillors and co-opted members, when reporting their comments to the Clerk will do so directly back to the Clerk (without copying in colleagues) thereby avoiding complex online discussion between councillors. This is to ensure transparency and the ability to audit the conversations.
  5. If no councillor or co-opted member makes a comment to the Clerk by the deadline the Clerk is delegated to respond “No Comment” or to use the standard form of words as follows if appropriate: “*Baildon Town Council has no objection to/supports this proposal as long as the materials and design used are sympathetic to the existing style of the house and the neighbouring properties.*”
  6. The Clerk is delegated to send all planning application responses to the Planning Authority.
  7. If substantial new information comes to light after a consultation comment has been made the Clerk is delegated to withdraw the comment and/or make a new comment subject to the LPA’s timescales and in consultation with the Chair of the Planning Committee.

**LIST A**

1. Major Applications Full (MAP) and Outline (OMAP)
2. Full Applications (FUL)
3. Outline Applications (OUT)
4. Listed Building Consents (LBC)
5. Advertisements – applications for Advertisements and signage (ADV)
6. Change of Use
7. Applications within the conservation areas
8. Certificate of Lawful Practice (CLP)

**LIST B**

a) Householder applications (HOU)

b) Prior notification (Telecomms) PNT

c) Householder Variation of Conditions (VOC)

d) Prior notification of solar panels (PNP)

5.4 If an application on LIST A cannot be placed on the Planning Committee agenda due to timing issues (having already requested an extension of time from the LPA) OR due to substantial public interest, then the Clerk with Chair of the Planning Committee and Chair/ Vice Chair of the Council will discuss how the application is going to be dealt with in the timescales that the Council has. The application will be considered at the next convenient committee meeting or an extraordinary meeting will be called.

If an application on List B is considered to have significant public interest the Clerk is delegated to either place it on an existing planning committee meeting agenda or summons an extraordinary meeting.

1. **REVIEW**
   1. (During the second trial period (May 2024 – April 2025) the Planning Committee shall regularly review the approach of delegating to the Clerk. The Clerk shall provide review reports.)
   2. The Scheme of Delegation will be reviewed each year at the first meeting of Council.
   3. The Scheme of Delegation will reviewed whenever there is a staffing change.