



TEMPORARY SCHEME OF DELEGATION 2021 – PLANNING COMMITTEE

S101 delegation of powers

The Scheme of Delegation (s101 of the 1972 LGA), provides for delegating authority to an officer of the council for making decisions on behalf of the council as and when appropriate. S101 requires formally agreed Terms of Reference by the Council, or in this instance the Planning Committee. It needs to be based on Terms of Reference which set out the key themes of the delegation and the financial thresholds that apply.

This scheme of delegation is a temporary measure to facilitate effective decision making whilst the COVID-19 restrictions are in place. It allows an Officer of the Council to take on the executive role during this time.

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.

Any delegation to the Proper Officer shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and within the law. The Proper Officer may nominate another named Officer to carry out any powers and duties, which have been delegated, to that Officer.

In an emergency the Proper Officer is empowered to carry out any function of the Planning Committee. Where Officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult a minimum of two Members, including where possible the Planning Chairman, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

Terms of Reference

The Planning Committee's Scheme of Delegation authorises an Officer of the council (Clerk or Assistant Clerk) to act with delegated authority in the specific circumstances detailed:

To take action:

1. To take action on any issue that cannot wait until the next Planning Committee meeting; as a temporary measure the Proper Officer is empowered to take any and all decisions that would normally be taken by Planning Committee, having consulted a minimum of two Members of the Planning Committee. Consultation may be by email or by telephone or by virtual meeting, followed by a confirmation email.



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2. If circumstances do not permit the input of at least two councillors, the Officer would normally be expected to consult the Committee Chairman or Vice Chairman if the Chairman is unavailable and take his/her views into account.

Financial thresholds:

3. There is no authority incur financial expense under this scheme of delegation.

Planning Matters:

4. Planning applications will be received by an Officer of the Council and responses determined where possible by the Assistant Clerk, or in their absence the Clerk, following consultation with a minimum of two Members who are currently members of the Planning Committee.
5. The Planning Committee delegates authority to the Officer to request any application be referred to South Oxfordshire District Council Planning Committee for decision.

Delegation Limitations, Record keeping & Reporting:

6. Records will be kept demonstrating a clear trail (particularly around decision making in any form).
7. All decisions will be reported at the next available Planning Committee Meeting
8. 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 this Scheme of Delegation, and where applicable any other rules/regulations and legislation.

Expiration of Delegation:

This delegation will expire if any of the following criteria are met:

9. The High Court declares that schedule 12 of the Local Government Act 1972 empowers local authorities to hold meetings remotely, regardless of the coronavirus regulations – virtual meetings of the Planning Committee will recommence.
10. Legislation to hold virtual meetings is available - virtual meetings of the Planning Committee will recommence.
11. All social distancing requirements with respect to the COVID-19 pandemic are lifted – in person meetings of the Planning Committee will recommence.
12. All members of the Planning Committee notify an Officer of the Council they wish to recommence in person meetings, and the appropriate risk assessments and risk mitigations are in place.

Approved: 27th April 2021 Minute number 21/63

Date for review 1st August 2021