

Scheme of Delegation

S101 delegation of powers

The Scheme of Delegation (s101 of the 1972 LGA), provides delegating authority to the Clerk for making decisions on behalf of the council as and when appropriate. S101 requires formally agreed Terms of Reference by the Council which this document provides.

This scheme of delegation is a temporary measure to facilitate effective decision-making related difficulties that prevent Council from fulfilling its duties and functions under the LGA 1972. This allows the Clerk 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, Financial Regulations and 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 the Proper Officer by Council.

In an emergency the Proper Officer is empowered to carry out any function of the Council, except those matters reserved to Full Council by law.

Where officers are contemplating any action under delegated powers, which is likely to have a significant impact, they must consult a minimum of two Members, including the Chair or Vice-Chair where possible, and must obtain appropriate legal, financial and other specialist advice before action is taken.

The following items may not be delegated to the Clerk:

- To appoint the Chairman and Vice-Chairman in May each year
- To sign off the Governance Statement by 30th June each year
- To set the precept
- To appoint the Clerk
- To make byelaws
- To borrow money
- To consider any matter required by law to be considered by Council.

To the Proper Officer LGA 1972 s101

The Council's Scheme of Delegation authorises the Clerk to the Council to act with delegated authority in the circumstances detailed below:

To take action:

1. To act on any issue that cannot reasonably wait until the next Town Council meeting; as a temporary measure the Proper Officer is empowered to take decisions that would normally be taken by Full Council, or a committee or a working group, except where such decisions are reserved to Council by law.

Consultation may be by email or by telephone or by virtual meeting, followed by a confirmation email.

2. Where practicable the Clerk shall consult all Members. If circumstances do not permit this, the Clerk must consult the Chair or Vice Chair and take their view into account.

Financial thresholds:

3. To authorise expenditure on items where the Council has previously approved the budget to a maximum of £3,000 per transaction, in line with Financial Regulations, having consulted Members.

4. To incur expenditure on behalf of the Council, which is necessary to carry out any repair, replacement or essential work which is urgent, whether or not there is budgetary provision, subject to a limit of £500.00 per transaction, having informed Members.

5. To take any action regarding minor repairs or purchases (up to a cost of £500.00 per transaction) having informed all Members.

Planning Matters:

6. Planning applications will be received by the Clerk and responses submitted following consultation with Members where timescales do not permit consideration by Council or Committee. All decisions must be reported to the next meeting.

Delegation Limitations, Record keeping & Reporting:

7. Records will be kept demonstrating a clear audit trail of all decision making.

8. All decisions will be reported at the next available Full Council Meeting.

9. Delegated actions shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation