

Scheme of Delegation

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References	Main Legislation – Local Government Act 1972
Related Policies	Code of Conduct, Standing Orders, Financial Regulations and associated Operating Procedures Guidance - www.hse.gov.uk

Version Control

Version	Date approved	Minute Ref	Website updated	Next Review
V1	16/05/2022	17/22	02/2023	05/2024

Scheme of delegation

1. Introduction

This Scheme is intended to safeguard the operational activities of the Council whilst accommodating any required mitigations due to ongoing risks to members, employees, and the public.

The Parish Council's Scheme of Delegation authorises the Proper Officer and standing Committee to act with delegated authority in the specific circumstances detailed from the adoption of this Scheme, until such time as a resolution is made by Council to revoke it.

2. Authority

Pursuant to Sections 101 and 111 of the Local Government Act 1972, and all other enabling powers.

A local authority may arrange for the discharge of any of their functions – (Except those excluded)

- (a) by a committee, a sub-committee or an officer of the authority; or
- (b) by any other local authority

Any delegation to a Committee or the Proper Officer shall comply with the Councils, policies and procedures and remain within the law.

3. Delegation and conditions

The following functions are delegated:

	Proper officer	Functions delegated	Consultation required	Limitations
A	Clerk	Any provision in the Local Government Act 1972 and other statute relating to "the proper officer" or "clerk"		£500.00
B	Clerk	Urgent actions Repair, replace, other work which is of such urgency it must be done at once.	Chair Vice Chair	£500.00

C	Responsible Financial Officer	The functions of the responsible financial officer pursuant to s 151 of the Local Government Act 1972, the Local Audit and Accountability Act 2014 and the Accounts and Audit Regulations 2015 and other statutory provision.		£1,000
D	Clerk	Any action in the case of emergency	Chair Vice Chair	£2,000
E	Clerk	Any action to give effect to a decision of Council, the relevant committee or sub-committee	Chair Vice Chair	Agreed budget line or Earmarked Reserves
F	Clerk	Respond to Planning Authority on Planning applications	All applications circulated to members	If response required prior to next meeting. Contentious applications may result in Extraordinary meeting.
G	Clerk	Alter date, time of Council/Committee meetings	Chair Vice Chair.	
H	Clerk	Report matters as required to the relevant authority		

Interpretation

References to the Clerk	Includes reference to any person holding the like position and any temporary or locum clerk for the time being
Where a function is exercisable by the Clerk	The same shall be exercisable by the deputy clerk in the absence of the Clerk
Reference to any statute or statutory provision	Includes any subordinate legislation, guidance, codes of practice and any replacement of any of these

3.1 Conditions

The following conditions apply to the exercise of delegated authority:

- a. The function must be a lawful function of the Council.

- b. The exercise of any power or compliance with a duty must comply with any legal restriction or limitation on the exercise of the function and any legal procedural requirements.
- c. The exercise of any function is subject to compliance with any relevant requirement of the Council's Standing Orders and Financial Regulations
- d. The exercise of any function is subject to there being adequate budgetary provision available.
- e. The exercise of the function must comply with any specific or general direction of the Council, or delegating committee.
- f. All decisions will be reported to the next appropriate Council meeting

4. Limitations

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

The Proper officer may not take additional decisions that would normally be taken by a Committee or Council unless resultant of a meeting held under the requirements of the Local Government Act 1972 and a decision made via this delegation.

Any expenditure over £1000.00, must be in consultation with the Chair/Vice Chair

5. Excluded functions.

The below list is not exhaustive of functions that are not delegated and reserved for Council decision.

- To set the budget
- To set the Precept.
- To appoint staff.
- To make byelaws.
- To borrow money.
- To appoint internal/external auditors
- Approve the Annual Governance and Accountability Return
- To adopt, revoke or change Standing Orders, Financial Regulations or Scheme of delegation
- To appoint Chair, Vice Chair of Council and Chair of Committees
- To consider any matter which by law must be considered at Council
- Making, amending or revoking By-laws
- Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings);
- Confirming eligibility to exercise the General Power of Competence