

Maids Moreton Parish Council
Temporary Scheme of Delegation 2021

S101 delegation of powers

The Scheme of Delegation (s101 of the 1972 LGA), provides for 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. It needs to be based in Terms of Reference (a sheet of A4 rules – see Scheme of Delegation below) that sets 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 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, any other policies or conditions imposed by the Council and within the law.

In an emergency the Proper Officer is empowered to carry out any function of the Council.

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, and must ensure that they 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 make byelaws
- To borrow money
- To consider any matter required by law to be considered by Council.

Delegation of Power

To the Proper Officer and Responsible Finance Officer LGA 1972 s101

The Council's Scheme of Delegation authorises the Clerk to the Council/Responsible Finance Officer to act with delegated authority in the specific circumstances detailed:

1. To take action:
 - a. To take action on any issue that cannot wait until the next Parish Council meeting.
 - b. The Clerk will address any need/resolution to all councillors by email.
 - c. Action taken should routinely be done with the input of at least two councillors, including the Chairman if available.
 - d. If circumstances do not permit the input of at least two councillors, the Clerk would normally be expected to consult the Chairman or Vice Chairman if the Chairman is unavailable and take his/her view into account.
 2. Financial thresholds:
 - a. To authorise expenditure on items where the Council within a budget approved by the Council has agreed the expenditure.
 - b. To incur expenditure on behalf of the Council, which is necessary to carry out any repair, replacement or other work or essential project 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 £1,000.00
 - c. To take any action regarding minor repairs (up to a cost of £1,000.00) and to report minor matters to the relevant authority.
 3. Record keeping
 - a. Record keeping and the maintenance of a solid trail (particularly around decision making in any form) should be retained in writing and reviewed and certified to ensure good documentary evidence. This is particularly important in the case of an s101 delegated authority.
 - b. 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,
- and
4. Reporting back to full council
 - a. shall be reported to the next available Council meeting.
 - b. Records will be kept demonstrating a clear trail (particularly around decision making in any form).
 - c. All decisions will be reported at the next available Full Council Meeting.
 - d. 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.

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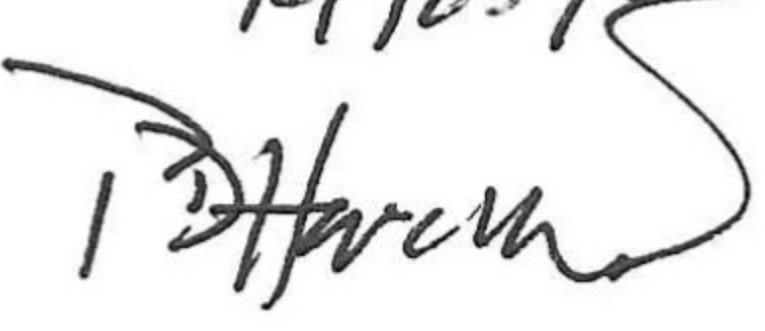
Date for review28th June 2021.....

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