

WHADDON PARISH COUNCIL

Scheme of Delegation

May 2024

Review Date: May 2025

1. Scheme of Delegation

Local Government Act 1972, s101 provides for the delegation of authority to the Clerk (Proper Officer) for making decisions on behalf of the council as and when appropriate. Formally agreed Terms of Reference by the Council are required, setting out the key areas and financial thresholds.

Any delegation shall be in compliance with Standing Orders, Financial Regulations and all other policies and conditions imposed within the law.

The Proper Officer may nominate another named officer to carry out the 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 Council.

Where the Proper Officer is considering any action under delegated powers they should also consult at least one member or preferably more members and must ensure that appropriate legal, financial or other specialist advice is in place before any action is taken.

2. Items that Cannot be Delegated to the Clerk

- The appointment of a Chair or Vice-Chair.
- The approval of the Annual Governance and Accountability Return (AGAR).
- The setting of the precept
- The appointment of the Clerk
- To make byelaws
- To borrow money
- To consider or decide any matter required by law to be considered or decided by the Council

3. Delegated Authority in Specific Circumstances

This Council's Scheme of Delegation authorises the Clerk to the Council to act with delegated authority in the specific circumstances detailed;

- a. **Actions.** To take action on any issue that cannot be delayed until the next meeting. The Proper Officer is empowered to take any and all decisions that would normally be taken by full council, committee or working group, having consulted at least one member or preferably more members. Consultation may be by email, telephone or virtual meeting followed by confirmatory email.
- b. **Financial Thresholds.** To authorise expenditure on items where the Council has previously approved the budget to a maximum of £3000 per transaction, having consulted at least one member or preferably more members, or to a higher level of expenditure where this has been agreed and minuted at a previous meeting. Members approving the expenditure should be different from the members authorising the payment(s), and amounts only paid where the payment would be overdue or a settlement discount forfeit if delayed until the next council meeting. To authorise expenditure on behalf of the council which is necessary to carry out any repair, replacement or other essential works of extreme urgency, with or without a budgetary provision, subject to a limit of £1000.00 per transaction, having consulted with at least one member or preferably more. To authorise expenditure on behalf of the council for minor repairs or purchases up to £500.00 per transaction having consulted at least one or preferably more members. Consultation may be by email, telephone or virtual meeting followed by confirmatory email.
- c. **Planning Matters.** Planning applications will be received by the Clerk and may be responded to in consultation with at least one member or preferably more members.

4. Limitations, Record Keeping and Reporting.

- a. Records will be kept showing a clear trail, including decision making, communication and details of actions taken.
- b. All actions will be reported and recorded at the next council meeting.
- c. All delegated actions shall be in accordance with Standing Orders, Financial Regulations, and be in line with directions given by the Council from time to time and this Scheme of Delegation, and were applicable any other rules, regulations, policies and legislation.