

Payhembury Parish Council

Scheme of Delegation

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1. Delegation of Power

1.1. 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.

1.2. Any delegation to the Proper Officer shall be exercised in compliance with the Parish Council's Standing Orders, any other policies or conditions imposed by the Parish Council and within the law.

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

1.4. 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 a minimum of two Councillors, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

1.5. The following items may not be delegated to the Proper Officer:

- 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 a Councillor (by co-option)
- To appoint a Clerk
- To make byelaws
- To borrow money
- To consider any matter required by law to be considered by Council.

1.6. The Parish Council's Scheme of Delegation authorises the Clerk to the Council (as the Proper Officer and Responsible Financial Officer) to act with delegated authority in the specific circumstances detailed in the following sections.

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2. General Delegation

- 2.1. To take action on any issue that cannot wait until the next Parish Council meeting. As a temporary measure the Clerk is empowered to take any and all decisions that would normally be taken by full Parish Council, or a committee or a working group, having consulted a minimum of two Councillors. Consultation may be by email or by telephone or by virtual meeting, followed by a confirmation email.
- 2.2. 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 their view into account.

3. Financial Thresholds

- 3.1. To authorise expenditure on items where the Parish Council has previously approved the budget to a maximum of £3,000 per transaction having consulted a minimum of two Councillors and the Chairman, or to a higher level where the Parish Council has agreed & minuted the expenditure at a prior meeting. Additionally, these Councillors should be independent of the two Councillors who will authorise the payments within the online banking system. For the avoidance of doubt, this includes any payments that will be overdue before the next scheduled Parish Council meeting or where discounts may be lost to the Parish Council; to include normal salaries and all items specifically budgeted for, contracted for or expenditure previously agreed by Parish Council at a meeting.
- 3.2. To incur expenditure on behalf of the Parish 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 per transaction, having consulted the Chairman and taken on board their views.
- 3.3. To take any action regarding minor repairs or purchases (up to a cost of £500.00 per transaction) having consulted the Chairman and taken on board their views.

4. Planning Matters

- 4.1. Planning applications will be received by the Clerk and responses determined by the Clerk following consultation with a minimum of three Councillors. This Scheme of Delegation temporarily replaces the previous Scheme of Delegation – Planning Matters, whilst this Scheme of Delegation is in force.

5. Delegation Limitations, Record Keeping and Reporting

- 5.1. Records will be kept demonstrating a clear trail (particularly around decision making in any form).
- 5.2. All decisions will be reported at the next available full Parish Council meeting.

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- 5.3. Delegated actions shall be in accordance with Standing Orders and Financial Regulations and in line with directions given by the Parish Council from time to time and this Scheme of Delegation, and where applicable any other rules/regulations and legislation.