
Fressingfield Parish Council Scheme of Temporary Delegation 2021

Local Government Act (LGA) 1972 s101 delegation of powers

A scheme of delegation under this section of the act, provides for the delegation of authority to the clerk to make decisions on behalf of the council as and when appropriate. Such a scheme of delegation would be a temporary measure. It could be used to facilitate effective decision making whilst the COVID-19 restrictions are in place and remote meetings are not permitted. It would allow the clerk to take on an executive role.

s101 requires the council to formally agree terms of reference for this delegation. These terms of reference need to set out the key themes of the delegation and the financial thresholds that apply.

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 (the clerk) 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 clerk would be empowered to carry out any function of the council. Where the clerk is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, (s)he should also consult a minimum of two councillors, and must seek appropriate legal, financial and other specialist advice before action is taken.

The following items may not be delegated to the clerk:

- to appoint the chair and vice-chair of the council in May each year
- to sign off the governance statement by 30 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

Having the authority to delegate powers, Fressingfield Parish Council has resolved that from midnight on Wednesday 7 May 2021 the clerk to the council (Mr A J Parris) shall have delegated powers to act on its behalf.

1. The clerk will act on any issue that cannot wait until the next parish council meeting

As a temporary measure the clerk, as the council's proper officer, is empowered to take all decisions that would normally be taken by the full council, a committee or a working group. The clerk will consult with a minimum of two members. Consultation may be by email, or by telephone, or by virtual meeting followed by a confirmation email. If circumstances do not permit the input of at least two councillors, the clerk would normally be expected to consult with the chair as a minimum and take her views into account.

2. Finance matters

The clerk will agree expenditure and arrange authorisation of payments on items where the council has previously approved the budget to a maximum of £1,000 for all expenditure, having consulted a minimum of two councillors and the chair. These councillors should be independent of the councillors who will authorise the payments within the online banking system. The clerk may also agree expenditure to a higher level where the council has agreed and minuted the expenditure at a prior meeting.

For the avoidance of doubt, this includes any payments that would be overdue before the next scheduled council meeting or where discounts may be lost to the council; to include normal salaries and all items specifically budgeted or contracted for, and expenditure previously agreed by council at a meeting.

The clerk may 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. This is irrespective of there being any budgetary provision for the expenditure. This is subject to a limit of £500 per transaction.

The clerk may take any action regarding minor repairs or purchases, having consulted the chair and considered her/his views. This is subject to a limit of £500 per transaction.

3. Planning Matters

Planning applications will be received by the clerk and responses determined by him following consultation with a minimum of two councillors at a virtual meeting.

The Parish Council delegates authority to the clerk to request any application be referred to Mid Suffolk District Council for a decision.

4. Delegation limits, record keeping and reporting

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

Delegated actions will 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.

5. The clerk will arrange for regular virtual discussion/consultation meetings on Zoom.

These will be open meetings at which any member of the council or public can raise and discuss any issues. They will be publicised in the normal way for council meetings. Details of any planning application being considered by the clerk will be publicised at the same time. The first such meeting will be on Tuesday 11 May.

6. This scheme of delegation will end no earlier than midnight on 19 July

This is dependent on the latest government guidelines on managing the Covid-19 pandemic.

This delegation authority is to be reviewed when business is back to normal and before April 2022.