

|COLLIER STREET PARISH

COUNCIL

**Delegation S.101 of the 1972 LGA.**

**Version Information:**

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**BACKGROUND**

Since the coronavirus lockdown arrangements were introduced, much reliance has been placed on the clerk’s scheme of delegated powers to enable local councils to function on a day-to-day basis while permitting decisions to be exercised outside of the formal framework of council and committee meetings.

The extent, quality and robustness of these schemes will continue to come under the spotlight as greater dependence is likely to be placed on their application in the workplace to support emergency legislation introduced by Government allowing councils to host remote council and committee meetings until May 2021. If both mechanisms are used together wisely, councils will be able to continue to operate and function just as effectively as they did before the lockdown arrangements were introduced and without the risk of undermining their financial management and governance arrangements.

**Scheme of Delegated Powers**

The power to create a scheme is derived from the provisions contained in Section 101 of the Local Government Act 1972 and The Clerk is authorised to make arrangements under the scheme for the proper administration of the functions falling within the parish council responsibility.

*“Under this scheme of delegation any reference to a specific statute includes any statutory extension or modification or re-enactment of such statute and any regulations, orders or bylaws made there under.”*

**Scheme compliance**

In exercising delegated powers The Clerk will comply with:

1. Any statutory provisions;
2. The Council’s standing orders and financial regulations;
3. The Council’s policy framework and budget;
4. The Employee’s Code of Conduct;
5. Agreed arrangements for recording decisions;
6. Taking legal or other appropriate professional advice when required;
7. The principles of Best Value by using the most efficient and effective means available;
8. The requirement to consult persons or representatives of persons who may be affected by the decision, including where appropriate local councillors.

**A scheme of delegation does not delegate any matter which:**

1. Is reserved by law or by council standing orders and financial regulations;
2. Which may not by law be delegated to an officer.

**Recording decisions made under the scheme**

If The Clerk has to make a significant decision which is based upon a power delegated from council, that decision ought to be retrospectively reported and recorded in the council minutes and made available on request to individual councillors and to the public, subject to any limitations on exempt or confidential information – at the earliest opportunity. This will help promote transparency and accountability.

**Taking back decisions**

It is always open for council to take decisions on any matter falling within the scheme of delegated powers of the clerk.

**Building in periodic reviews**

The council will review the scheme from time to time and as may be necessary for the general operation of it with any variation or amendment requiring the approval of the council.

This review should be annotated on the agenda of your annual meeting and minuted.

**Parameters.**

Permission for the clerk to determine all matters which are not required to be considered by the council.

Permission for the clerk to determine any urgent matter in the purview of the council.

Permission for the clerk to incur expenditure or take any other step in the day to day operation of council services in accordance with approved budgets of any service area.

Permission to take action on behalf of the council in any urgent matter which does not allow for prior authorisation to be obtained where:

1. There is a serious risk of significant cost to the council of loss of income resulting from lack of immediate action;
2. The council’s property or staff or persons in its care or for whom it has a responsibility would otherwise be placed at serious risk of suffering harm/damage.
3. An emergency or disaster involving destruction or danger to life or property occurs or is imminent or there is reasonable grounds for apprehending such an emergency or disaster and such action in calculated to avert, alleviate or eradicate the effects or potential effects of the event.

**Other matters:**

* General administration matters: (certifying council documents, processing of incoming and outgoing mail).
* Health and safety issues.
* Proper Officer functions.
* Financial arrangements and the processing of payments (including salaries, wages and invoices). Where expenditure is involved, such action will be conditional upon financial provision being included within the approved budget of your council and in compliance with your financial procedure rules.
* Processing legal agreements and contracts.
* Procuring goods and services.
* Taking professional and legal advice.
* Planning matters - particularly dealing with planning applications outside the normal meeting framework.

This comprehensive scheme of delegation provides council with the maximum flexibility to manage key areas of council activity on an ongoing basis without first seeking formal consent from the council to act, especially for day to day matters. This scheme comes into its own as it provides the necessary authority for The Clerk to act with sufficient support and latitude across a number of key areas. The value of this should not be underestimated as we navigate our way through 2020 and as we all embrace the new normal way of working brought about by Covid-19.