

**Great and Little Hampden Parish Council:
Scheme of Delegation – May 2024**

Version Control

Date	Minute reference	Comments
28 May 2024	24/0038 (a) i	Policy approved

Purpose

The Scheme of Delegation (section 101 of the 1972 Local Government Act) makes a provision for a Parish Council to delegate decision making authority to the Clerk for on behalf of the council as and when appropriate. Section 101 requires formally agreed Terms of Reference by the Council. This policy sets out the Scheme of Delegation Terms of Reference.

Delegation of Power

Section 101 of the Local Government Act 1972 provides:

1. That a Council may delegate its powers (except those incapable of delegation) to a committee or an officer.
2. A Committee may delegate its powers to an officer.
3. The delegating body may exercise Powers that have been delegated.
4. 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.
5. The Proper Officer may nominate another named Officer to carry out any powers and duties, which have been, delegated to that Officer.
6. In an emergency, the Proper Officer is empowered to carry out any function of the Council.
7. 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 Chair and Vice Chair in May each year
- To sign off the annual governance statement
- To annually approve the statutory annual return
- To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation and other Council policies
- To approve and adopt the Budget.
- To appoint committees and working groups
- To approve membership of all committees and working groups
- To agree and/or amend the terms of reference for Committees
- To adopt the schedule of meetings for the ensuing year.
- To determine matters involving expenditure for which budget provision is not made or is exceeded.
- To set the Precept
- To make byelaws
- To borrow money
- To approve eligibility for the General Power of Competence
- To assess, consider and (if approved) award donations and grants fund to other bodies where lawful and appropriate in accordance with statute and the adopted HPC Grants Policy.
- To assess, consider and approve recommendations from working groups.
- To consider any matter required by law to be considered by Council.

To the Proper Officer Local Government Act 1972 section 101

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

To take action:

1. To take action on any issue that cannot wait until the next Parish Council meeting; as a temporary measure the Proper Officer is empowered to take any and all decisions that would normally be taken by Full Council, or a committee or a working group, having consulted a minimum of two Members. Consultation may be by email or by telephone or by virtual meeting, followed by a confirmation email.
2. If circumstances do not permit the input of at least 3 councillors by e-mail consultation, the Clerk would normally be expected to consult the Chair or Vice Chair if the Chair is unavailable and take his/her view into account.

3. If action was taken the specific action will be retrospectively approved by the Council at the next available meeting for reasons of transparency to the public.

Planning Matters:

4. Planning applications received by the Clerk, where the planning authority to require observations from the Parish Council outside the normal meeting cycle, may be determined by the Clerk following consultation by e-mail with a minimum of 3 Members.

Delegation Limitations, Recordkeeping & Reporting:

5. Records will be kept demonstrating a clear trail (particularly around decision-making in any form).
6. All decisions will be reported at the next available Full Council Meeting.
7. 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.