**STRATFIELD SAYE PARISH COUNCIL**

**Scheme of Delegation**

# S101 delegation of powers

The Scheme of Delegation (s101 of the 1972 LGA), provides for delegating authority to the Clerk for making decisions on behalf of the council. This document sets out the way Stratfield Saye Parish Council has delegated specific powers and responsibilities.

This document is one of the four major ways in which the Council regulates its affairs; the others are its Standing Orders, Financial Regulations and Statement of Internal Control.

The Clerk must report all major decisions taken under delegated powers at the next full Council meeting.

**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.

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.

The Proper Officer may nominate another named Officer to carry out any 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 officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should consult the chairman or vice chairman of the Parish Council in addition to two other councillors. They must also 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 Chairman and Vice-Chairman
* To sign off the Governance Statement
* To set the precept
* To appoint the Head of Paid Service (Clerk)
* To make byelaws
* To borrow money
* To consider any matter required by law to be considered by Council.

**To the Proper Officer** LGA 1972 s101

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

**To take emergency 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 the Chairman or Vice Chairman of the Council as appropriate to the circumstances. Consultation may be by email or by telephone.

**Financial thresholds:**

1. To authorise expenditure against specific items in the Parish Council’s budget, all of which having been identified in the budget when setting the precept, any such payments to be reported to the Council at the next full meeting. For the avoidance of doubt, this includes any payments that will 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 for, contracted for or expenditure previously agreed by Council at a meeting.
2. To authorise expenditure where the Council has agreed & minuted the expenditure at a prior meeting, any such payments to be reported to the Council at the next full meeting.
3. To incur expenditure 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 £750 per transaction, having consulted the Chairman or Vice Chairman. Any such expenditure to be reported to the Council at the next full meeting.
4. To take any action regarding minor repairs or purchases up to a cost of £500.00 per transaction following consultation with all Councillors of the Parish Council and approval by a minimum of four Councillors. Consultation may be by email or by telephone. Any such expenditure to be reported to the Council at the next full meeting.

**Planning Matters:**

If a planning application is received that requires the Parish Council to submit its comments prior to the date of the next Parish Council meeting: -

1. To authorise the Clerk to consult with all councillors of the Parish Council. Consultation may be by email or by telephone.
2. If a minimum of four Councillors object to a particular planning application, the Parish Council delegate authority to the Clerk to draft a response detailing the objections and submit a response on behalf of the Parish Council to Basingstoke & Deane Borough Council Planning Committee for consideration. Further directions may be given by the Council to the Clerk to respond to additional correspondence or enquiries received from Basingstoke & Deane Borough Council Planning Department and/or the Planning Committee.

**Delegation Limitations,** **Record keeping & Reporting:**

1. Records will be kept demonstrating a clear trail particularly around decision making in any form.
2. All decisions will be reported at the next available Full Council Meeting.
3. 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.

Date approved …………………………. Minute number ……………..

Date for review …..……........................