

# Bassenthwaite Parish Council

## Scheme of Delegation

S.101 Local Government Act 1972 states:

*‘(1) Subject to any express provision contained in this Act, or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions:*

- (a) By a committee, a sub-committee or an officer of the authority; or*
- (b) By any other local authority”*

S.101 requires a formal term of reference that sets out the key themes of delegation and the financial thresholds that apply.

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

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

Where the Proper Officer of Bassenthwaite Parish Council is contemplating an action under delegated powers, they should consult a minimum of two members, and must ensure that any appropriate legal, financial and other specialist advice is taken before a decision is made.

### **1. Items that May Not be Delegated to the Clerk**

The following items may not be delegated to the Clerk:

- To appoint the Chairman & Vice Chairman in May each year
- To sign of the Governance Statement by 30<sup>th</sup> 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 Full Council.

### **2. Delegation to the Proper Officer**

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

#### **2a. To Take Action**

1. To take action on any issue that cannot wait until the next Parish Council meeting having consulted two members. Consultation may be by email or by telephone (followed by confirmation email)
2. If circumstances do not permit the input of at least two councillors, the Clerk would normally be expected to consult the Chair of Vice Chair (if the Chair is unavailable) and take his/her view into account.

#### **2b. Financial Thresholds**

3. To authorise expenditure on items where the Council has previously approved the budget to a maximum of £500 per transaction having consulted a minimum of two Members and Chair of the Council, or to a higher level where the Council has agreed and minuted the expenditure at a prior

meeting.

This will include any payment 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.

4. To 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, whether or not there is any budgetary provision for the expenditure subject to a limit of £1000 per transaction, having consulted the Chair of the Council and taken on board his/her views.
5. To take any action regarding minor repairs or purchases (up to a cost of £500 per transaction) having consulted the Chair of the Council and taken on board his/her views.

## **2c. Planning Matters**

6. Planning applications will be received by the Clerk (subject to liaison with at least two councillors) and responses determined by the Clerk if it is not viable for it to be considered at a Parish Council meeting

## **2d. Delegation limits, recording keeping & reporting**

7. Records will be kept demonstrating a clear trail (e.g. copies of emails/follow up emails)
8. All decisions will be reported and ratified at the next full council meeting
9. Any action taken under this policy shall be in accordance with and not contradict Standing Orders & Financial Regulations. All decisions taken under this policy must also align to other rules/regulations and legislations as is relevant.

*Approved:* January 2024

*Review:* Annually to check the most recent review date visit <https://bassenthwaiteparishcouncil.co.uk>