

LEIGH AND PARISH COUNCIL

SCHEME OF DELEGATION

Principles Of Delegation

- The Local Government Act 1972, section 101, gives the parish council power to delegate decisions to a committee, working group, or working group reporting to the Finance and Governance Committee, or the clerk, being the council's Proper Officer.
- Decisions may not be taken by an individual councillor, including the chair.
- Council has delegated to every committee power to act in matters as covered by their terms of reference.
- Working groups of councillors without delegated decision-making powers may meet informally without public notice to oversee functions of the council and to make recommendations to council.
- The council agrees terms of reference for delegation whether this is to an officer or committee/s, sub-committees and working groups, and these should be reviewed annually.
- In an emergency the Clerk (as Proper Officer) is 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, they should also consult the Chair of Council and ensure they obtain appropriate legal, financial and other specialist advice before action is taken.
- Any delegation to a Committee or the Clerk (as Proper Officer) shall be exercised in compliance with the Council's Standing Orders, its Financial Regulations and any other policies or conditions imposed by the Council and with the law.

Authority to Spend

- 1) Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget.

Authority is to be determined by:

- Council for all items over £500
- A duly delegated committee of the council for items over £250
- The Clerk, in consultation with the Chair of the Council, for any items below £250 excluding VAT.

*Such authority is to be evidenced by a minute or by an email of authorisation from the appropriate Chair.

LEIGH AND PARISH COUNCIL

- 2) Any Debit Card issued for use will be specifically restricted to the Clerk /RFO and will also be restricted to a single transaction maximum value of £500 unless authorised by council or Finance & Governance Committee in writing before any order is placed.
- 3) The Clerk / RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
 - a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council;
 - b) An expenditure item authorised (under continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council; or
 - c) fund transfers within the councils banking arrangements up to the sum of £50,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.
- 4) In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement, or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £5000. The Clerk shall report such action to the chair as soon as possible and to the council as soon as practicable thereafter.

Urgent Decisions of Council

- Urgent decisions required between scheduled meetings of the council are delegated to the clerk in consultation with the chair (and / or vice chair) of council.
- Decisions made under this delegation will be reported to and minuted at the next council meeting.
- Under this delegation, where appropriate, the clerk may decide that an extraordinary meeting of the council be called to deal with the urgent matter.

Urgent Planning Matters

Where a consultation deadline falls between scheduled meetings, or if it is not possible to hold a meeting due to extremely bad weather, absence through incapacity or holidays, or any other unforeseen circumstances, the procedure will be:

LEIGH AND PARISH COUNCIL

- Seek agreement from the Planning Officer for an extension of the 'return date' to enable the application to be considered at the next scheduled meeting.
- Re-schedule the meeting to a convenient date or schedule an extraordinary meeting within the timescale dictated by the planning applications and notices displayed as required, or
- If the actions outlined above are not possible, or if the application is considered minor/uncontentious, then the Parish Council agrees to delegate the responsibility to the Clerk, in consultation with all Councillors, within the following parameters:
 - Councillors will convey their views directly to the Clerk who will collate and determine the council's response within the prescribed consultation period.
 - The deadline for comments from councillors will be made clear by the Clerk, usually a minimum of five working days will be given but occasionally some requests may necessitate a quicker turnaround. Councillors are expected to respond to such requests in a timely manner.
 - If comments or objections are raised by members of the public following submission of a delegated response, the Clerk will forward such comments to Councillors for review. If consultation timescales allow, the council reserves the right to submit additional or amended comments.
 - Decisions made under delegation will be reported to and minuted at the next Parish Council meeting.

Policy Review

The Parish Council will review this policy annually (in May) or as is necessary and appropriate.