Loggerheads Parish Council

Scheme of Delegation May 2026 –

March 2027

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 as and when appropriate. Advice note below issued by SLCC

This scheme of delegation is a measure to facilitate effective decision-making during unforeseen situations including meeting disruption. It allows the Clerk to take on the executive role during this time. If virtual meetings are unlawful but the Council are unable to meet, it ensures that Council activities can continue in the meantime.

Delegation of Power

Section 101 of the Local Government Act 1972 provides:

- That a Council may delegate its powers (except those incapable of delegation) to a committee or an officer.
- A Committee may delegate its powers to an officer.
- 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.

Consultation will be sought from all Members, and the Proper Officer 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 Chairman and Vice-Chairman in May each year
- To sign off the Governance Statement by 30th June each year
- 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 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 / WhatsApp or by virtual meeting, followed by a confirmation email.

2. If circumstances do not permit the input of at least two councillors, the Clerk would normally be expected to consult the Chairman or Vice Chairman if the Chairman is unavailable and take his/her view into account.

Financial thresholds:

3. To authorise expenditure on items where the Council has previously approved the budget to a maximum of £5,000 per transaction having consulted a minimum of two Members and the Chairman, or to a higher level where the Council has agreed & minuted the expenditure at a prior 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 £5,000.00 per transaction, having consulted the Chairman and taken on board their views.

5. To take any action regarding minor repairs or purchases (up to a cost of £5000 per transaction) having consulted the Chairman and taken on board his views.

Planning Matters:

6. Planning applications will be received by the Clerk and responses determined by the Clerk following consultation with a minimum of two Members, these will exclude District Councillors who are on the NBC Planning committee.

7. The Planning Committee delegate authority to the Clerk and planning committee chairman to request any application be referred to NBC Planning Committee for decision.

Delegation Limitations, Record keeping & Reporting:

8. Records will be kept demonstrating a clear trail (particularly around decision making in any form) and the Clerk will use email to ensure Councillors are aware of issues as they arrive.

9. All decisions will be reported at the next available Full Council Meeting.

10. 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 …..

CLERK OF THE COUNCIL AN096

Clerk: Decisions Under Delegated Powers

Under s.101, LGA 1972 the council can arrange for the discharge of any of its functions by an officer of that authority (as well as by a committee or sub- committee, or by any other local authority). Standing orders or council resolutions commonly provide for specific areas of decision-making to be delegated to a specific officer (usually to the clerk; sometimes to another officer).

Standing orders or resolutions sometimes specify that the officer shall act in consultation with a specified member (usually the chair). Such arrangements are lawful provided that the officer does not simply act under the direction of the member, as this would be effectively delegated to a single member and there is no power in the 1972 Act to delegate to a single member.

A clerk making decisions under delegated powers may need to keep careful and public records of those decisions under LA&A Act 2014 s.40(3) and consequent regulations (which have not yet been made and are therefore not yet in force).