**CHIDHAM & HAMBROOK PARISH COUNCIL**

**Report**

Report to: Chidham and Hambrook Parish Council

From: Bambi Jones, Clerk & RFO

Subject: Adoption of a Temporary Scheme of Delegation

Date: 28 October 2021

1. Background:

1.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 allowing the holding of remote meetings of Parish Councils expired on 7 May 2021.

1.2 On 27 May 2021 Chidham & Hambrook Parish Council approved a temporary Scheme of Delegation to allow Advisory Groups to the Parish Council and other Committees to continue to meet remotely and all actions from these meetings to be delegated to the Clerk & RFO. The temporary period was set to end on 4 November 2021.

1.3 The intention is that these Advisory Groups replicate the current Council/Committees in terms of member numbers and operate in accordance with the provisions of the Standing Orders of the Council.

1.4 The Government undertook a consultation on Parish Council remote meetings and their effect on local government in June 2021 however the results of this consultation are not yet published and therefore any permanent changes to meeting rules are not in place.

1.5 At a virtual meeting held on 7 October 2021 the Parish Council heard from the Clerk & RFO regarding the legal implications of face-to-face as opposed to virtual meetings. The Clerk advised that a Parish Council was required to hold **one annual meeting** and at least **three general meetings** in person per year.

1.6 This Council has held its annual meeting in person on 6 May 2021, an Extraordinary General meeting in person on 27 May 2021 and will hold an Extraordinary General meeting in person on 28 October 2021 for the purpose of reviewing this document. The January Parish Council meeting will need to be held in person as the setting of the precept cannot be delegated to the Clerk. The requirement for in person meetings of the Parish Council in 2021-22 has therefore been met.

1.7 Many Council members and members of the public are unwilling to return to face to-face meetings and indeed it is not possible to accommodate members and the public in line with coronavirus infection control restrictions using the Village Hall meeting room. As meetings are open to as many members of the public as wish to attend, safety cannot be guaranteed.

1.8 In order to allow for the continued smooth running of the Council without the need for face-to-face meetings, there is an option to extend this temporary Scheme of Delegation.

1.9 It is important to note the Temporary Scheme of Delegation is not an ‘either/or’ alternative to official Council meetings. If members felt an issue was of such importance that a face-to-face meeting was the only option, the Temporary Scheme of Delegation would not prevent this.

1. Comments/Recommendations:
   1. It is recommended that Members agree to extend the Temporary Scheme of Delegation until the annual Parish Council meeting in May 2022 which will be held in person.

Appendix A

**CHIDHAM & HAMBROOK PARISH COUNCIL**

**TEMPORARY SCHEME OF DELEGATION 2021**

# 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. S101 requires formally agreed Terms of Reference by the Council. It needs to be based in Terms of Reference (a sheet of A4 rules – see Scheme of Delegation below) that sets out the key themes of the delegation and the financial thresholds that apply.

This Scheme of Delegation is a temporary measure to facilitate effective decision making whilst the Covid-19 restrictions are in place. It allows the Clerk to take on the executive role during this time.

**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.

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

Where the Clerk is contemplating any action under delegated powers, she should consult with an Advisory Group at least 3 Members, ensuring any appropriate legal, financial, and other specialist advice is obtained if required 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 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:**

1. To authorise expenditure on items where the Council has previously approved the budget to a maximum of £3,000 per transaction having consulted a minimum of two Members, or to a higher level where the Council has agreed & minuted the expenditure at a prior meeting. Additionally, these Members should be independent of the Member who will authorise the payments within the online banking system. 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 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 £1,000.00 per transaction, having consulted the Chairman and taken on board his views.
3. To take any action regarding minor repairs or purchases (up to a cost of £500.00 per transaction) having consulted the Chairman and taken on board his views.

**Planning Matters:**

1. Planning applications will be received by the Clerk and responses determined by the Clerk following consultation with a minimum of three Members who are currently members of the Planning Committee.
2. The Planning Committee delegate authority to the Clerk to request any application be referred to Chichester District Council’s Planning Committee for decision.

**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.

Approved by the Parish Council on 27 May 2021 - Minute number 22-021.3

Date for review: 4 November 2021