

Kingswear Parish Council

Scheme of Delegation

Delegation of Power

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. 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
- 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.

For urgent matters and when it is not possible to convene a lawful meeting, Kingswear Parish Council's Scheme of Delegation authorises the Clerk to act with delegated authority, to enable the Council to fulfil its responsibilities to its residents.

- i) Any decision made on behalf of the Council, will be done so in conjunction with all Councillors. An approval request will be emailed to Councillors and a positive response from 6 Councillors, will be considered sufficient to proceed.
- ii) Any decisions made by email or other remote methods will be evidenced. For example, Councillors will be asked to confirm their votes by email to the clerk, to keep as a record of the decision.
- iii) Delegated Authority for Expenditure: All requests for authority to spend, will be emailed to Councillors. A positive response from 6 Councillors will be considered sufficient to proceed. The authority levels listed in the Financial Regulations, will only be utilised in extenuating circumstances.

The Council's Financial Regulations state:

Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- i) the council for all items over £1000;
- ii) the Clerk, in conjunction with Chairman of the Council for any items below £1000.

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 [£500]. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.'

- iv) Planning: The Clerk to email the Planning Committee members, listing the relevant planning application reference numbers. Members will be required to utilise the South Hams Planning Portal, to access the necessary plans and documents, in their consideration of each application and then to notify the Clerk, as to whether they wish to support, object or provide comment.
- v) Delegated actions shall be in accordance with Standing Orders and Financial Regulations.
- vi) All delegated decisions will be ratified at the next Full Council meeting held by the Council.
- vii) Operational period: This Scheme of Delegation will come into effect, upon approval by all Councillors and will be in place until rescinded at a future Full Council meeting.

(Reviewed May 2023)