

Hawkley Parish Council

Temporary Scheme of Delegation to the Clerk, July 2023

Review August 2024

1. 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.
2. Such a delegation to a Committee or 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.
3. The Proper Officer may nominate another named Officer to carry out any powers and duties, which have been, delegated to that Officer.
4. In an emergency the Proper Officer is empowered to carry out any function of the Council.
5. Where the Proper Officer is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the appropriate Members, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

Delegation to The Proper Officer

6. As a temporary measure, the Proper Officer may be empowered to take any and all decisions recommended to him/her by the relevant Committee or Council.
7. Recommendations will be made to the Proper Officer following a virtual meeting (with public participation if appropriate), email and/or telephone consultation with the relevant Committee or Council. The Clerk will further consult with the Chair for guidance as necessary.
7. This empowerment does not affect the delegations already in place via Standing Orders or Financial regulations.
8. The Proper Officer may not take additional decisions that would normally be taken by a Committee or Council unless that Committee or Council has met in a meeting suitably convened under the requirements of the Local Government Act 1972, and made available to the public to view (where not covered by confidentiality) and expressly agreed for that decision to be enacted via this temporary delegation.

Council Matters

9. The following items are reserved for Council decision only and cannot under any circumstances be delegated to an Officer.

- To appoint the Chairman and Deputy Chairman in May each year
- To sign off and approve the Annual Governance and Accountability Return (AGAR) Statement by 30th June each year
- To set the Precept
- To appoint or dismiss the Clerk/RFO
- To make byelaws
- To borrow money
- To consider any matter required by law to be considered by Council
- To incur capital expenditure or revenue expenditure not specifically included within the Annual Estimates approved by the Council
- To approve or amend Standing Orders and Financial Regulations as to the conduct of the Council's business
- To approve the Committee structure including terms of reference, membership and voting rights
- To confirm eligibility to use the General Power of Competence

10. The Parish Clerk will keep a log of all decisions made under delegation, which will be reported to Council at the next full meeting.

11. The use of the Scheme of Delegation will cease by resolution of the Parish Council.