



Adopted by MPC: 15th April 2021

Next Review: as necessary

Mawnan Parish Council

Scheme of Delegation – including and not limited to emergency arrangements during Coronavirus Outbreak

Introduction

The Local Government Act 1972 (s.101) provides for a local council to arrange for the discharge of any of its functions by any other local authority, a committee or sub-committee, or by an officer of the authority.

Acting within these provisions, the Council's standing arrangements provide for the Clerk to take any decisions as may be specifically delegated by the Council from time to time, to incur expenditure on revenue items below £500 in certain circumstances (in accordance with Financial Regulations), and to make certain decisions relating to planning matters (see the Council's website).

Up until such time as appropriate physical meetings are convened the Clerk is authorised to do anything expedient and necessary to ensure the continuous business of the Council, and to deal with mandatory undertakings in order to prevent the authority from incurring liability. The functions delegated to the Clerk include, but are not limited to, those set out in the Scheme of Delegation below. This Scheme replaces the existing standing arrangements, until the Council may determine otherwise, in order to arrange for the efficient continuation of the business of the authority in the event that the Council is unable to meet to take decisions either because of new legislative requirements and Government guidance or because the Council is otherwise inquorate for whatever reason. All decisions taken under this Scheme will be reported to the next properly convened and quorate meeting of the Council and listed on the monthly virtual minutes as necessary.

Delegation of functions to Clerk

In the circumstances described above, the Clerk has authority to take decisions and act on behalf of the Council as follows:

Function	Description of delegated authority
1. Expenditure authority	<ul style="list-style-type: none">- To arrange for the payment of any outstanding invoices via electronic means. Actual payments will be authorised by the Chair/ vice-chair OR quorate number of councillors- To agree suitable methods and timely payment where electronic transfers are not possible (cheques)- To order goods and services as previously authorised by Council, or as required on an ongoing basis (within approved budgets), or in line with the agreed policies of the Council (in terms of work in progress)

	<ul style="list-style-type: none"> - In respect of urgent or necessary expenditure (revenue or capital), to vire funds as between approved budgets to ensure adequate funding for works or payments as required - To incur revenue expenditure up to £5000 (any one item; within approved budgets) as required, either on an ongoing contractual basis, eg staff or contractor costs, to cover ongoing service requirements, eg to pay for supplies as ordered, or to make any payments to contractors and suppliers as urgently or necessarily required - To incur capital expenditure up to £5000 (any one item; within approved budgets) as required for urgent or necessary works
2. Planning consultations	<ul style="list-style-type: none"> - To forward to all councillors for consideration planning applications received and to collate responses - To liaise with agents, homeowners and public any additional comments for consideration in making decisions on planning applications. - To respond (or decide not to respond) to any planning consultations as received and within statutory timescales
3. Facilities management	<ul style="list-style-type: none"> - To arrange for the closure of Council facilities in the interests of public health and safety, or to allow for urgent or necessary repair works
4. Legal matters	<ul style="list-style-type: none"> - To instruct solicitors if required in any circumstances requiring timely action on the part of the Council
5. Correspondence	<ul style="list-style-type: none"> - To respond to any formal correspondence received, including communications from the ICO and auditors - To deal with any complaints received pursuant to the Council's Complaints Policy insofar as may be possible but otherwise with discretion to act as appropriate in the circumstances
6. Contractors	<ul style="list-style-type: none"> - To manage the Council's contract holders (grounds, footpaths, cleaning) as appropriate to current guidelines
7. Meetings	<ul style="list-style-type: none"> - To make suitable arrangements to allow the Annual Parish Council Meeting to take place. - To convene the Annual Parish Meeting if necessary. - To provide virtual agenda/ minutes as necessary to record the parish councils actions & decisions whilst unable to meet physically and to publish these for the community benefit.
8. Trusts	<ul style="list-style-type: none"> - To undertake such works and administration required to allow the Playing Field Trusts to function. - To obtain quorate decisions on any spending

Acting in accordance with this Scheme of Delegation, the Clerk may do anything pursuant to the delegated powers or duties which it would be lawful for the Council to do, including anything reasonably implied or incidental to that power or duty.

In taking action under this Scheme of Delegation, the Clerk will consult with the Chairman and Vice Chairman as appropriate, and insofar as may be possible, and will email all councillors on a regular basis to update them as far as possible with the progress of Council business.

Delegation – Limitations

All decisions taken under delegated authority will be in accordance with the Councils Standing Orders and Financial regulations and this Scheme of Delegation, and where applicable any other rules/regulations and legislation. Wherever possible all decision will be made after consultation between the clerk and at least the chair / vice chair. All decisions will be reported to the first appropriate Council meeting. The Council may delegate the power to make individual decisions on individual items to the Proper Officer/Responsible Finance Officer and its Committees as and when appropriate. At no point will decision making be limited to a single representative of the council.

This document and the delegated functions therein will be regularly reviewed by the full council to see if they are still necessary. They can be rescinded at any point given a quorate vote.