Rackheath Community Council
01603 920990 clerk@rackheathparishcouncil.org.uk
The Pavilion, Green Lane West, Rackheath, NR13 6LT

Form of Delegation

The Scheme of Delegation (s101 of the 1972 LGA), provides for delegating authority to the Clerk (Proper Officer) for making decisions on behalf of the council as and when appropriate. S101 requires formally agreed Terms of Reference by the Council that sets out the key themes of the delegation and the financial thresholds that apply.

The scheme of delegation is designed to be a measure to facilitate effective decision making council meetings.

Delegation of Power

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 Councils 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.
- Therefore; in an emergency the Proper Officer is empowered to carry out any function of the Council. Where officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult with a minimum of two Members and must ensure that they obtain appropriate legal, financial and other specialist advice if deemed appropriate 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 Clerk or Staff
- To make Byelaws
- To borrow money
- To consider any matter required by law to be considered by Council.

Conflicts of Interest

- Under the Local Government Act 1972, section 117 the Parish Clerk must make a formal declaration about council contracts where they have a financial interest.
- Where the Parish Clerk has a conflict of interest in any matter, the Clerk shall not participate in that matter unless approved by the Council and this is formally recorded in the Council minutes.

RACKHEATH
COMMUNITY COUNCIL

Rackheath Community Council

01603 920990 clerk@rackheathparishcouncil.org.uk
The Pavilion, Green Lane West, Rackheath, NR13 6LT

Delegation to the Parish Clerk
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 that is within the Financial Thresholds as defined below; the Proper Officer is empowered to make decisions that would normally be taken by Full Council, a Committee or a Sub-Committee, having consulted a minimum of two Members. Consultation may be by email or telephone followed up with a confirmation email. This is in place for:
    a. Out of hours emergencies.
    b. Breakages/failings/maintenance relating to the Pavilion and the council's assets.
    c. Remedial work to play equipment.
    d. Remedial work relating to dog waste bins.
2. If circumstances do not permit the input of at least two Members, the Clerk would normally be expected to consult the Chair, or Vice Chair if the Chair is unavailable.

Financial thresholds:
Expenditure set aside as reserves for the replacement or acquisition of community assets (such as land, buildings, play equipment) in the current financial year's Precept Budget or earlier financial year's Precept Budget may not be spent except by authorisation at a Full Council Meeting.

Precept Budget:
For other items included in the current year's Precept Budget the following limits apply for items which may be authorised under delegated authority:

- **£500 limit:** To authorise expenditure on items where the Council has previously approved such expenditure in the Annual Budget
- **£1,000 limit:** To authorise expenditure on items where the Council has previously approved such expenditure in the Annual Budget, to a maximum of £1,000 per transaction if approved by two Long Standing Members (none of which may be Payment Members) in consultation with the Chair

The aggregate amount authorised under such delegated powers in any 30 day period may not exceed £5,000

Expenditure included in the S106/CIL Budget:

- **£2,000 limit:** To authorise expenditure on items in budget and spend is agreed by Broadland District Council CIL officer as acceptable, to a maximum of £2,000 per transaction if approved by 4 Members (only one of which may be a Payment Member)

Emergency Fund for financial year 2026-27

- To incur expenditure on behalf of the Council, which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, subject to a limit of £2,000 per transaction, having consulted with the Chair of the Council and gained approval, and cc'd all Members. The emergency fund may only be topped up or replenished by either (a) approval at a Full Council Meeting or (b) if approved by 4 members (only one of which may be a Payment Member).

Where expenditure requires additional amounts to be incurred on service or installation, the Financial Threshold applies to the combined provision of the items and their service or installation, whether by the same or different suppliers. Requests for expenditure of a similar nature must be considered in aggregate; transactions must not be divided into separate applications for approval or payment when considering whether expenditure is within the Financial Thresholds

Planning Matters:

- Planning applications will be received by the Clerk and responses may be determined by the Clerk following consultation with all Members (and receiving feedback from a minimum of four Members) on individual single dwelling applications.

Delegation, Limitations, Record Keeping and Reporting:

- Records will be kept demonstrating a clear trail of the timing of requests and approvals (particularly around decision making in all and any form).
- All decisions will be reported at the next available Full Council Meeting.
- Delegated actions shall be in accordance with Standing Orders and Financial Regulations and in line with directions given by the Council from time to time and this Scheme of Delegation, and where applicable any other rules/regulations/policies and legislation.
- Applications for approval, or Invoices for payment, must be considered in aggregate and not split to avoid limit restrictions; failure to adhere to the policy will result in disciplinary action and removal of delegated powers.

Staffing

- Power to authorise relevant training courses provided the expense can be met from approved budgets having taken into account the training needs of the employees or Members.
- The authority to sanction and authorise overtime of the reporting staff so long as the costs can be contained within the limits of the approved Precept Budget (or CIL Budget, where such time is spent on CIL projects) for staff costs. No staff member may approve their own overtime, pension contributions,
  training costs or expenses.

Health & Safety

- Power to act immediately on all Health and Safety emergency issues without waiting for endorsement by the Full Council, but with the prior agreement of the Chair or Vice Chair.

Rackheath Community Council

01603 920990 clerk@rackheathparishcouncil.org.uk
The Pavilion, Green Lane West, Rackheath, NR13 6LT

Terms/Definitions:

- *"Long Standing Member"* - Long Standing Member means a Council Member of at least 2 years standing (such service need not be continuous for a 2 year period where their current period of service is longer than 1 year)
- "*Payment Members and Payment Staff*" - Payment Members and Payment Staff means those Members and staff who are registered as authorised signatories on the Council bank and investment accounts.

  The Parish Clerk may not be a Payment Staff to ensure appropriate segregation of duties.
- *"£"* – Where there is an amount expressed as £, such sum is the amount excluding VAT.
- "Annual Budget" - Budget as published on the Council website. Precept (amount requested from BDC via council tax) and budget (precept plus anticipated income) are different figures – should be annual budget as published on council website

Date Approved: 17 October 2023

Reviewed: 17 February 2025

Reviewed: 16 March 2026 – due to the current number of councillors, it was agreed to minimise the number of councillors needed to approve spending within the S106/CIL Budget and Emergency Fund from 4 to 3. This amendment will be kept under review.

Rackheath Community Council

01603 920990 clerk@rackheathparishcouncil.org.uk
The Pavilion, Green Lane West, Rackheath, NR13 6LT

S101 DELEGATION OF POWERS RECORD OF DECISION

Decision Made

Amount		
Gross	**VAT**	**Net**
£	£	£

Reason

Authority:
Clerk in accordance with the S101 Delegated Powers as adopted by Full Council on ……

Members Consulted:

Pippa Nurse (Chair)	☐	Julie Hunt (Signatory)	☐
Fran Whymark	☐	Sharon McKim	☐
Nicola Kerr (Signatory)	☐	Steve Nurse	☐

Date Recorded at Full Council: …… Approved by Chair: ……

Invoices / Supporting Documentation attached: ☐