BRENCHLEY AND MATFIELD PARISH COUNCIL
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Policy: Scheme of Delegation under s.101 **Date of adoption by PC: 2 November 2026**

Basis

The wording of the 1972 Act provides that "a local authority may arrange for the discharge of any of their functions— (a) by a committee, a sub-committee or an officer of the authority; or (b) by any other local authority.

This does not imply that delegation would remove/undermine/jeopardize the democratic role of councillors, and this Scheme is intended to underpin the principle of the body corporate whilst agreeing arrangements for an element of delegated authority. This provides assurance for audit and insurance requirements, particularly during a period when the usual scheme of governance cannot be discharged.

If advice is received from central Government that the Parish Council shall not meet in public, or if a matter is sufficiently urgent that it cannot await the next Full Parish Council meeting, this mechanism is established to ensure that there is an audit trail, and justification for retrospective approval of actions taken.

Delegation Principles

1. Except for the permissions already delegated to the Clerk via the Financial Regulations, all decisions of the Council are to be agreed by consensus, wherever possible. In exceptional circumstances, taken on a case-by-case basis, decisions would be taken by the Clerk, in consultation with the Chairman.
2. Councillors are reminded to take note of the adopted Financial Regulations and Standing Orders, which shall remain in place with particular reference to sections 4., 5., and 6.
3. The Clerk shall continue to be bound by the Statutory Powers of the Parish Council and shall undertake such actions with her best endeavours, and in good faith. No personal liability shall be attributed to the Clerk for any actions taken in following this Delegation mechanism.
4. The approval of the precept and budget provides the general agreement for expenditure, and this shall continue to be the guiding principle of the Council's activities.
5. The Chairman and the Clerk shall make day-to-day decisions that are not material to Financial or Health and Safety matters and which require immediate attention due to their nature.

Process

- Consultation with Councillors shall be wholly via email, except where this is impossible in which case telephone contact shall be acceptable and recorded by the Clerk.
- The Clerk shall circulate all Councillors with specific recommendations, these shall be numbered in the header and shall include only one subject per email.
- Conflicts of interest should continue to be declared.
- All Councillors may forward recommendations to the Council for circulating under this mechanism, the Clerk shall do so within a timeframe of 48 Hours.
- Responses to recommendations shall be time-limited to 48 hours, the deadline shall be specified.
- A simple majority of responses received by the required time shall be taken as the resolved position of the Council and the Clerk shall be authorised to progress these.
- The Chairman shall continue to have a casting vote.
- The terms of the Bank mandate shall not alter and two Councillors shall be required to authorise payments via the usual method.

- Actions taken under item 5 above - via the Scheme of Delegation (numbered SD – XX) and under item 1 above - following agreement of the Council (numbered PC – XX) shall be circulated in a numbered log to the Council weekly and published monthly. These shall form the minutes of Council activity for scrutiny in due course and shall be signed by the Chairman at the next available opportunity.