

Brightling Parish Council Scheme of Delegation

(Reviewed November 2025)

Section 101 ("Scheme of Delegation) 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 Council's 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.
- 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 a minimum of two Members (including if possible the chair or vice-chair), and must ensure that they obtain any appropriate legal, financial and other specialist advice before action is taken.
- The following items may not be delegated:
 - To appoint the Chairman and Vice-Chairman in May each year.
 - To sign off the Governance Statement each year.
 - To set the precept.
 - To appoint the Clerk.
 - To make byelaws.
 - To borrow money.
- Delegation must be in accordance with a written Terms of Reference ("Scheme of Delegation") which has been approved by the Council in a full meeting. The Scheme of Delegation must set out the key themes of the delegation and the financial thresholds that apply.

This document constitutes Brightling Parish Council's Scheme of Delegation.

The Council authorizes the Clerk to act with delegated authority in the specific circumstances detailed below:

Delegation Limitations, Record keeping & Reporting:

1. Before making any decision under any provision of this Scheme of Delegation, the Clerk shall consult with the Chair (or if not possible, the Vice-chair) and as many other councillors as reasonably possible.
2. Records will be kept demonstrating a clear trail (particularly around decision making in any form).
3. All decisions made under this Scheme of Delegation will be reported in writing at the next available Full Council Meeting.
4. Delegated actions shall be in accordance with the Council's Standing Orders and Financial Regulations and in line any previous applicable decisions of the Parish Council and with this Scheme of Delegation, and where applicable any other rules/regulations and legislation.

Scope

5. The Clerk is authorized to take action on any issue that in the opinion of the Clerk cannot wait until the next Parish Council meeting; in these circumstances the Clerk is empowered to take any and all decisions that would normally be taken by Full Council, or a committee or a working group. For the avoidance of doubt, this includes comments on planning applications where a response is required by Rother before the next full Parish Council meeting.

Financial thresholds:

6. To authorise expenditure on items where the Council has previously approved the budget to a maximum of £1,000 per transaction. For the avoidance of doubt, this includes any payments that will be overdue before the next scheduled Council Meeting or where discounts may be lost to the Council; to include normal salaries and all items specifically budgeted for, contracted for or expenditure previously agreed by Council at a meeting.
7. To incur expenditure on behalf of the Council, which is necessary to carry out any repair, replacement or other work or essential project which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000.00 per transaction.
8. To take any action regarding minor repairs or purchases (up to a cost of £500.00 per transaction).

Appendix A – Complaints Committee – Terms of Reference

1. Purpose
To determine Stage-2 complaints under the Council's Complaints Procedure with delegated authority.
2. Membership
Three councillors appointed by Council, plus one reserve. The Chair and Vice-Chair will not ordinarily be members of the Committee so they remain available for any Stage-3 appeal. Members involved at Stage-1 will not sit on the Committee.
3. Quorum
Three members.
4. Delegated Authority
To: (a) consider complaints; (b) decide outcomes and remedies; (c) instruct corrective actions; (d) issue written decisions. Decisions are final within Stage-2 and subject only to the Stage-3 appeal to Full Council.
5. Meetings & Procedure
Papers to be circulated at least 7 clear working days prior to the hearing. The Committee may, where necessary, resolve under s1(2) Public Bodies (Admissions to Meetings) Act 1960 to exclude press and public for confidential items. The complainant may be accompanied.

6. Officer Support

The Proper Officer (or nominee) will service the Committee. Where the complaint is about the Proper Officer, the Chair (or Vice-Chair) will arrange alternative administrative support.

7. Conflicts & Predetermination

Members must declare interests and avoid predetermination. Any member of this Committee will not participate in the Stage-3 appeal.

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Date adopted:

Meeting where adopted:

Date for review: