



GILLINGHAM TOWN COUNCIL

The Town Hall, School Road, Gillingham, Dorset SP8 4QR

Temporary Scheme of Delegation

Revision 001 - April 2021

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. Any delegation to a Committee or the Proper Officer¹ 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 officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the members, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.
6. **Delegation to The Proper Officer**

As a temporary measure, to allow for effective decision making during a time of crisis, the Proper Officer will be empowered to take any and all decisions recommended to them by the relevant Committee or Full Council. This empowerment does not affect the delegations already in place via Standing Orders or Financial regulations.

7. **Full Council Matters**

The following items are reserved for Full Council decision only and cannot be delegated to an Officer:

- To appoint the Mayor and Deputy Mayor in May each year;

- to sign off the Annual Governance Statement by 30th June each year;
- levying or issuing a precept;
- borrowing money;
- approving the council's annual accounts;
- adopting or revising the council's Code of Conduct, and
- to consider any matter required by law to be considered by Council.

8. Review

This Temporary Scheme of Delegation, Revision 001, was approved and adopted by Full Council at the meeting held on 26th April 2021, minute no. 472. The scheme will remain in place until the Council decided that a return to face-to-face meetings is safe, or that the delegation should cease for any other reason. This scheme will be reviewed pending government guidelines.

9. Reference

- Section 101 of the Local Government Act 1972
- Public Bodies (Admissions to Meetings) Act 1960 s 1 extended by the LGA 1972 s100
- Roadmap out of lockdown. Available to view [HERE](#)
- The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 (exception 3)
- Letter dated 25th March 2021, from Luke Hall MP, Minister of State for Regional Growth and Local Government. Available to view [HERE](#)
- Government guidance for the safe use of council buildings. Available to view [HERE](#)
- Report to Full Council meeting 26th April 2021. Available to view [HERE](#)

Signed: (Mayor of Gillingham)

Date: (date of Full Council)

ⁱ Wherever the Proper Officer (the clerk) is referred to in this document it shall be understood that the Deputy Town Clerk can deputise for the Town Clerk both in the absence of the Proper Officer (the Town Clerk) and to enable the efficient and effective running of the Town Council