

NOCTON PARISH COUNCIL

Clerk to the Parish: Mr S R Baxter JP MIFA ADPS ADIP Email: clerk@noctonparishcouncil.gov.uk Tel: 0781 444 3058

STATEMENT BY THE PARISH COUNCIL IN REGARD TO THE SCHEME OF DELEGATION DECISION AT THE FULL PARISH COUNCIL MEETING ON THE 07 SEPTEMBER 2021

Following various comments by some members of the community following the Full Parish Meeting on Tuesday, 07 September 2021, the Nocton Parish Council wish to clarify the details and hopefully allay concerns that have been raised.

The Council wishes to initially confirm that all decisions taken at the Full Parish Council Meeting were lawful, in full compliance with the Local Government Act 1972 and with the full support of all Councillors. The Councillors as part of the corporate body of the Parish Council made the decision to delegate authority to the Proper Officer of the Parish Council as they were entitled to under legislation.

For clarity Section 101 (1) (a) of the Local Government Act 1972 states that:

LGA 1972 Section 101 - Arrangements for discharge of functions by local authorities.

(1) Subject to any express provision contained in this Act or any Act passed after this Act, 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*

As the above legislation states, the Council (which is a local authority as defined in the Act) can delegate any of their functions to an officer. The Clerk is the Proper Officer of the Council.

The Council does acknowledge that while a more detailed discussion may have been more conducive to the meeting, the Council and the Councillors followed their authority as described in legislation. In regard to the length of time for the discussion for the agenda point, the Councillors had sight of the copy of the Scheme of Delegation before the meeting and thus individually could formulate any questions they had (if any).

The Council does wish to state there is no detail in the LGA 1972 that states the amount of time that a discussion needs to be held. It is expected that the Councillors have had an **opportunity** to discuss the issue. When the item was introduced by the Chair, the Councillors **did have an opportunity** but as no Councillors raised any issue or any detail they wanted to discuss, the Clerk then asked if this motion had a proposer and seconder - which was confirmed. Then there was a vote and it was passed. We do wish to state that there were no questions raised by the attendees at the meeting in regard to the vote on this agenda point.

The Council does feel that some of the frustration felt by the attendees (and the community) may be because they are not fully aware of the reasons for the actual use of the Scheme of Delegation – this is something that the Council wishes to clarify. The point of the Scheme of Delegation is not to give the Clerk unlimited powers (which it doesn't), it is to simply allow a process where the Councillors can recommend decisions to the Clerk for points to act with efficiency and process. In the last few months when the initial Scheme of Delegation was granted to the Clerk, there has actually not been any significant decision made by the Clerk without total Councillor consultation.

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The Council wish to categorically state that all decisions technically made by the Clerk (under the Scheme of Delegation) is in practice made by the the Councillors who then 'recommend' them to the Clerk; in reality under the Scheme of Delegation the Clerk carries out the recommendations of the Council. This allows a smoother more efficient Council operation to ensure things like payments to staff and regular payments for essential items. Without the Scheme of Delegation, the Council would find it very hard to ensure that all payments were made properly and on time, in addition the Council would need to change the date of meetings to last week of the month so that we know the staff costs after the payroll bureau has completed their work. The Council does to state categorically: the delegation does not in effect mean the Clerk 'runs the Council' as has been stated by some. The Councillors have full authority and are legally responsible for all decisions. In addition, it is not an attempt to hide any decisions or not be transparent – all major decisions are recorded in minutes in the Clerk Advisory Meeting or Full Council Meeting.

The Council would also face a significant increase in costs if the Council held a Full Parish Council meeting every month. The travel cost for the Clerk is around £56 and it takes three hours of travel total which equates to around £38 – thus every face to face Full Proper Council meeting would cost the Council £94. Annually this would equate to £1,128. Due to the limited contractual time of the Clerk, the travelling time would in effect be additional costs. The Council are acutely aware of the financial position of the Council and thus have taken the decision to use the process of Clerk Advisory Meetings.

While the Council does acknowledge that some members of the community may not be as IT literate as others, there may be some community members with mobility issues who can't attend meetings and thus the online meetings suits them and allows them to see and participate in the democratic process.

The Council are also aware that while the pandemic may not be as acute as last year or earlier this year, and the restrictions imposed by Central Government are not quite as draconian, COVID is still in the community and thus the Council feel that some reduction in public gatherings may actually help to stop the spread of the disease.

Finally, the Council do wish to state that this Parish Council is not the only Council that uses the Clerk Advisory style of meetings. During the last Clerk Advisory Meeting, the County Councillor for the area publicly stated that he was in full support of the format and was aware of the use of Clerk Advisory Meetings across the County.

The Council wishes to thank the Community for their input and their support and look forward to further exchanges in the future. The only caveat is that the Council does wish to ask that the interactions are done in a cordial, courtesy and calm manner as unfortunately some community communication at the recent Full Parish Council meeting was bordering on abusive, harassing and not appropriate at all. The Council and Clerk welcomes questions and acknowledges that it should be held to account, they however should not be subject of questionable antics, false accusations and targeted exploitation.

Thank you.

Cllr M Clarke – Acting Chair of the Parish Council

Mr. S Baxter – Clerk of the Parish Council