





## **THE POWER TO DELEGATE**

The power to delegate functions by local councils is set out in the Local Government Act 1972 S.101 as follows:

### **Local Government Act 1972 S. 101 Arrangements for discharge of function 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 (b) by any other local authority

(2) Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee of the authority, then unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.

(3) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, subcommittee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.

(4) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.

(5) A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority.

The aim of this document is to clarify the manner in which Faversham Town Council has delegated its powers and the authority to spend.

## **DELEGATION TO OFFICERS**

The following matters are delegated to the Council's Officers to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

The Council may at any time, following resolution, revoke any delegated authority.

Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to a Committee or the Council. Similarly where Officers have no delegated power to make a decision they report the matter to Committee or the Council for a decision.

### **Responsible Finance Officer**

The Responsible Finance Officer to the Council shall be responsible for the Town Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

### **Proper Officer**

The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

- To receive Declarations of Acceptance of Office
- To receive and record notices disclosing personal and prejudicial interests
- To grant dispensations
- To receive and retain plans and documents
- To sign notices or other documents on behalf of the Council
- To receive copies of by-laws made by the local authority
- To certify copies of by-laws made by the Council
- To sign summonses to attend meetings of the Council
- To arrange insurance

In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- The day to day administration of services, together with routine inspection and control
- Day to day supervision and control of all staff employed by the Council
- Authorisation of routine expenditure within the agreed budget
- Emergency expenditure up to £1,000 outside the agreed budget
- Matters specifically delegated by Council or Committee

## **COUNCIL**

The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations for the Council's consideration:

- Approval of the budget
- Setting the precept
- Approval of the Annual Return and Audit of Accounts
- Agreement to write off bad debts
- Approval by resolution, before payment, of any grant or single commitment in excess of £5,000.
- Authorisation as to terms and purpose for any application for Borrowing Approval and subsequent arrangements for the loan.
- Approval of any financial arrangement which does not require formal borrowing approval from the Secretary of State (eg hire purchase or leasing of tangible assets)
- Approval of purchase, acquisition by other means, sale, lease or disposal of tangible moveable property over £1,000.
- Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interests in land).
- Approval of the virement of unspent and available amounts to other budget headings or reserves
- Approval of changes in earmarked reserves as part of the budgetary process
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
- Making, amending or revoking by-laws
- Making of orders under any statutory powers
- Matters of principle or policy
- Appointment of Standing Committees
- Appointing Council Representatives to outside bodies
- All other matters which must, by law, be reserved to the full Council

## **COMMITTEES**

The following matters are delegated to the Council's Committees to make decisions on behalf of the Council. They must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

The Council may at any time, following resolution, revoke any delegated authority. Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council. Similarly where a Committee has no delegated power to make a decision it makes a recommendation to Council.

All Committees are authorised to:

- Elect a chairman from within the membership of that Committee
- Approve the Minutes of the last meeting of the Committee
- Spend money from budget headings under that Committee's remit up to the limit of the budget and/or named reserve
- Make recommendations on the budget requirement for the Committee for the coming Financial Year.
- Delegate any of their functions to a Sub Committee or officer of the Council.

### **TASK AND FINISH GROUPS**

Task and Finish Groups may be formed by resolution of the Council or a Committee at any time. The work of such a group will be decided upon at the time it is formed by means of a minute detailing the terms of reference. Each group will report back with recommendations to the Council or the Committee that formed it.