

Policy and Resources Committee

Date:	26 March 2013
Title:	Scheme of Administration
Purpose of the Report:	To agree the decisions that are delegated
Contact Officer:	Helen Stewart, Town Clerk

Background

Delegation means giving authority to make decisions on the council's behalf, as opposed merely to carrying out decisions made by the council. When authority is delegated, decisions made through this power within the terms of reference set by the council become the council's decisions and do not need to be confirmed by the council itself.

Properly used, delegations can improve the speed and efficiency in which the council business is transacted, without the loss of overall control by the council itself. It is necessary to ensure, when deciding the scheme of delegations, that both statutory requirements and good practice are followed.

A council may withdraw delegated powers at any time. It cannot, however, do this retrospectively. It should be noted that the practice of delegating authority to the Town Mayor or the Chairman of a committee to make decisions on the council's behalf falls outside s101(i) of the 1972 Legal Government Act, making it unlawful to delegate functions to individual councillors. This does not prevent a council requiring an officer with delegated authority seeking the Chairman's views before taking action.

Subject to the exceptions below, the law gives the power to a local council to delegate the discharge of any of its functions by a committee, sub-committee or an officer of the council.

- a) Issuing a precept (Local Government Act (LEA) 1972 s101(6S).
- b) Determining borrowing limits (Local Government Housing Act 1989 s45).
- c) Approving a lottery scheme (Lotteries & Amusement Act 1976 s6).
- d) Considering an auditor's report (Local Government Act 1992 s5).
- e) Approving the Financial Risk Assessment.

Unless the council directs otherwise, a committee with delegated functions may itself delegate these functions to a sub-committee or an officer, and a sub-committee may in turn delegate to an officer (LGA 1972 s101 (2)).

Scheme of Delegation

When a council delegates decisions it should agree clear terms of reference. This is vital so that everyone, including the public, understands the nature and extent of the powers delegated.

The attached Scheme of Delegation provides the terms of reference for the Proper Officer, Nominated Senior Officers and Standing Committees of the Council to act with delegated authority in specific circumstances.

Resource Appraisal

There are no resource implications in adopting this Scheme of Delegations.

Risk Appraisal

Without clear terms of reference and an agreed Scheme of Delegation the Council, individual Councillors and Officers may act Ultra Vires and any decision taken in this way would be invalid.

Recommendation

The Committee is asked:

- i) To approve the Scheme of Delegation attached to the report.***
- ii) To recommend to Full Council that the Scheme of Delegation be adopted.***