



Kingsteignton Town Council

Temporary Scheme of Delegation 2023 Appendix 2

S101 Delegation of Powers

The Scheme of Delegation (S101 of the 1972 LGA), provides for delegating authority to the Clerk for making decisions on behalf of the council as and when appropriate. S101 requires formally agreed Terms of Reference by the Council. It needs to be based in Terms of Reference (a sheet of A4 rules – see Scheme of Delegation below) that sets out the key themes of the delegation and the financial thresholds that apply.

This Scheme of Delegation is a temporary measure to facilitate effective decision making whilst the COVID-19 restrictions are in place. It allows the Clerk to take on the executive role during this time.

Terms of Reference

Delegation of Power

To the Town Clerk LGA1972 s101

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.
- The delegating body may exercise Powers that have been delegated.

To take action:

- To take action on any issue that cannot wait until the next Town Council meeting.
- The Clerk will address any need/resolution to all councillors by email
- Action taken should routinely be done with the input of at least two councillors, including the Mayor if available
- If circumstances do not permit the input of at least two councillors, the Clerk would normally be expected to consult the Mayor or Deputy Mayor if the Mayor is unavailable and take his/her view into account

Financial thresholds:

- To authorise expenditure on items where the Council within a budget approved by the Council has agreed the expenditure
- 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. (Limit in Financial Regulations £5000)

- To take any action regarding minor repairs and to report minor matters.

Record Keeping

- Record keeping and the maintenance of a solid trail (particularly around decision making in any form) should be retained in writing and reviewed and certified to ensure good documentary evidence. This is particularly important in the case of an s101 designated authority.

Delegated actions shall be in accordance with Standing Orders and Financial Regulations and in line with directions given by Council from time to time and this Scheme of Delegation, and where applicable any other rules/regulations and legislation.

and

Reporting back to full council

- Shall be reported to the next available Council meeting.

Adopted: 5th April 2023

Review Date: April 2024



Kingsteignton Town Council

Town Clerk, Mrs Michelle Lewis-clarke, **Kingsteignton Town Council**, Council Office, Community Hall, Rydon Road, Kingsteignton, TQ12 3LP

Tel: 01626 364089 Email: clerk@kingsteignton.gov.uk Web: www.kingsteignton.gov.uk

Kingsteignton Town Council has declared a 'Climate Emergency'

Mayor's Charity 2020/2021 [#DoltForDeaks](#)