

FARNHAM TOWN COUNCIL

The Business of The Council as a Corporate Body

The Town Council is a body corporate with perpetual succession and a name (Local Government Act 1972 sections 14 and 33). As a body corporate the Council is a person (Interpretation Act 1889, section 19) and is distinct from its members (either as individuals or collectively). The Council remains in uninterrupted existence until its lawful dissolution, even if its members vacate office, or its membership falls so low that it is unable to act for want of a quorum.

By virtue of the powers vested in the Council under section 101, Local Government Act 1972, the Council may with certain exceptions arrange for the discharge of any of its functions to:

- a) a committee
- b) a sub-committee
- c) an officer of the Council

The exceptions to the above discharge are:

- (i) The making of a peremptory order – a precept – on the borough council for a named sum to be paid by a certain date.
- (ii) Raising Loans
- (iii) Making Loans
- (iv) Introducing a lottery

Be it understood that

- (1) The Town Clerk in consultation with the Town Mayor and Deputy Town Mayor may send to the full Council any matter which in his/her opinion it would be advisable to so refer. And further, that each of the Standing Committees shall formulate a resolution to the effect that:

The Town Clerk, in consultation with the Chairman and Vice-Chairman, shall take such action as is deemed necessary, in the interests of expediency, on any matter for which the committee has delegated authority.

- (2) Any Standing Committee may on the requisition of 40% of the members present, should it consider that a wider view on any particular issue be taken, refer the matter to the full Council for determination.