

Governance Committee

26 November 2018

Part I

Delegation to Other Local Authorities

Report by Director of Law and Assurance

Electoral Division: Not applicable

Recommendation

- (1) That the County Council be recommended that a delegation be agreed for the Governance, Standards, Planning, Rights of Way and Regulation, Audit and Accounts Committees as follows:

'To delegate powers, when appropriate, to another local authority including a district or borough council and to be able, subsequently, to review and amend that delegation.'

Proposal

1. Background and Context

- 1.1 The Local Government Act 1972 makes provision for local authorities to delegate functions to other local authorities. It has become apparent that there are no explicit delegations currently in the County Council's Constitution to allow this to take place, other than for specific joint committees.
- 1.2 A recent example has occurred where it would be appropriate for the Planning Committee to delegate its powers on an appeal matter to the district council concerned. Because of a lack of explicit delegation, this decision will be taken by an officer using the Urgent Action procedure.

2. Proposal

- 2.1 It is proposed to include a delegation to non-executive committees in the Constitution to allow for this type of delegation in future:

'To delegate powers, when appropriate, to another local authority including a district or borough council and to be able, subsequently, to review and amend that delegation.'

- 2.2 The Director of Law and Assurance will advise at the meeting about which is the appropriate section of the Constitution for this new delegation to be added to.
- 2.3 While it is expected that delegation will only be appropriate on rare occasions, having a general power to make such a delegation will increase

the flexibility of committee for determining these matters themselves.

3. Resources

3.1 None.

Factors taken into account

4. Consultation

4.1 Not applicable.

5. Risk Management Implications

5.1 The delegation of any function to another local authority must be exercised with care as the public may still see West Sussex County Council as being a lead party in the matter, so reputational risk is possible if any problems occur.

6. Other Options Considered

6.1 None.

7. Equality Duty

7.1 Not applicable.

8. Social Value

8.1 Not applicable.

9. Crime and Disorder Act Implications

9.1 Not applicable.

10. Human Rights Implications

10.1 Not applicable.

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Background Papers

None