
Governance Committee: Delegation to Other Local Authorities

Background and context

- 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.
- 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.

Proposal

- 3** It is recommended that a delegation to non-Executive committees should be included in the Constitution to allow for this type of delegation in future, as an additional term of reference for each Committee in Part 3, Appendix 5 (Planning, Regulation, Audit and Accounts and Rights of Way Committees), Appendix 6 (Standards Committee) and Appendix 7 (Governance Committee):

'To delegate powers, when appropriate and on the recommendation of the Director of Law and Assurance, to another local authority including a borough or district borough council and to be able, subsequently, to review, amend or withdraw that delegation.'

- 4** 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.

Risk Management Implications

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

Recommended

That the terms of reference of the Governance, Standards, Planning, Rights of Way and Regulation, Audit and Accounts Committees be amended to include the delegation set out in paragraph 3 above.

Lionel Barnard

Chairman of the Governance Committee

Contact: Charles Gauntlett 033 022 22524

Background Papers: None