

Decision Making & Discharge of Functions

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The Framework

- Local Government Act 1972 (specifically, Parts VA & VI)
- Local Government Act 2000
- Constitution
- Scheme of Delegation
- Standing Orders

- **Part VA**

- Public access to meetings / information (s.100A – 100K + Public Bodies (Admission to Meetings) Act 1960)
- See now: The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

- **Part VI**

- Arrangement for discharge of functions (s.101)
- Committees (s.102)
- Standing Orders (s.106)

Discharge of functions and decision making (1)

- Starting point:
 - Council's Constitution
 - Scheme of Delegation

Discharge of functions and decision making (2)

- S.101(1) LGA 1971 – Subject to express provisions in LGA 1972 / other enactment, Council can arrange for discharge of “any” of its functions by Committee, Sub-Committee or Officer
- Does not apply to executive functions (s.101(2))
- Executive functions: s.9E – 9EB Local Government Act 2000
- Scheme of delegation required to be published: s.100G LGA 1972

Discharge of functions and decision making (3)

- Functions delegated to Committee:
 - Quorum
 - Scope for delegation to officers?
- Executive functions
 - Powers of the “senior executive member” to discharge / arrange for discharge of functions – s.9E LGA 2000
- Emergency powers?

Standing Orders

- Reg 5 of the 2020 Regulations provides for:
 - Meetings to be held remotely, despite any prohibition/restriction in standing orders (reg 5(5))
 - A local authority to make standing orders in respect of remote attendance, including (1) voting (2) access to documents (3) remote access by public/press
- Advisable to check – and where necessary/possible – amend Standing Orders to reflect changes in decision making in light of current situation

Some practical points to consider

- Scope for further delegation
 - What procedures have to be followed to authorise that?
 - What decisions can / can't be delegated and by/to whom?
- Changes to standing orders / new protocols
 - Who needs to approve?
 - What needs to be covered?
- 'Call in' powers

Specific decisions / functions (1)

- Deadline for local government finance audits to be delayed to November 2020
 - The Accounts and Audit (Coronavirus) (Amendment) Regulations 2020
 - In force: 30th April 2020

Specific decisions / functions (2)

- Licensing:
 - Note: Letter from Kit Malthouse MP to Chairs of Licensing Committees 8th April 2020
 - <https://files.constantcontact.com/809c3e67001/84f1e4be-8c86-44e9-be9d-c9a78949f174.pdf>*
 - But note: guidance on delegation of decisions in the statutory guidance issued under s.182 Licensing Act 2003

*Obtained via Institute of Licensing website – instituteoflicensing.org

Specific decisions / functions (2)

- Planning:
 - Virtual committees
 - RBKC Virtual Planning Committee: 9th April 2020
 - Greater exercise of delegation powers / emergency delegation powers
 - Manchester CC
 - Wychavon DC

THE END

Thank you for listening

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