

Delegation

Case law¹ establishes that ‘there is no concept in law of a committee of one’². This supports the Local Government Act 1972 which clearly establishes that decisions and permission cannot be legally made by a Cllr or Cllrs (see below).

The Council may choose to delegate actions to the Clerk as the Proper Officer³ or to a properly constituted committee⁴. It cannot delegate to a Councillor or Councillors.

When agreeing delegated authority decisions should be made by a majority of members present at a properly convened meeting (provided the meeting is quorate)⁵.

The Council may not lawfully agree any matter which is not specified in the summons⁶.

The Local Government Act 1972 (as made and as amended) can be found at:
<http://www.legislation.gov.uk/>

A good source for finding detail of case law references is <https://www.bailii.org/>

¹ Legal precedents established following decisions in earlier cases (The University of Exeter 2020)

² R V Secretary of State exp Hillington London Borough Council [1987] JPL 717; [1986] 1 WLR 807

³ Local Government Act 1972, s101

⁴ Local Government Act 1972, s101

⁵ Local Government Act 1972, Sch 12, para 39(1)

⁶ Longfield PC v Wright (1918) 88 LJ ch 119

