

Leaders' Committee AGM

Constitutional Matters – Approval of and amendment to London Councils Scheme of Delegation to Officers

Item no: 15C

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Summary

This report requests approval of London Councils' Scheme of Delegation to Officers which includes the following amendments and additions to the Scheme approved in 2014:

1. expressly clarifies the delegated authority granted to the Chief Executive and Finance Officer to negotiate minor variations to contracts, to write off debts and to undertake all other actions authorised under the Financial Regulations;
2. provide for an additional delegation to the Chief Executive to approve appointments to the Young People's Education and Skills Board;
3. includes an additional notification in the list of the functions of proper officers, confirming the Chief Executive is the proper officer for the purposes of section 33(2) Localism Act 2011.

Recommendations

Leaders' Committee is asked to approve:

- the Scheme of Delegations to Officers incorporating the amendments detailed in paragraphs 5 - 8 of this report.

Approval of/Amendment to Scheme of Delegation to Officers

Background

1. As required by London Councils' Standing Orders, London Councils' Scheme of Delegation to Officers is approved annually at Leaders' Committee's AGM, although additional delegations may be made during the year. The current Scheme was approved at the Leaders' Committee Annual General Meeting on 15 July 2014.
2. London Councils' joint committees have retained the authority to make decisions on policy and service provision and have delegated to officers the administrative functions relating to running of London Councils.
3. The Scheme of Delegation to Officers reflects the current structure of London Councils and enables effective and transparent decision making processes. It does not seek to repeat the delegations contained within the Governing Agreements in full, only repeating them if it enhances the usefulness and clarity of the relevant delegation. The Scheme also does not repeat the specific delegations granted to the Director, Corporate Resources, where the responsibilities are included within the financial regulations. The Scheme of Delegations to Officers refers largely to administrative functions such as staffing, which are delegated in the first instance to the Chief Executive.
4. This report requests approval of London Councils' Scheme of Delegation to Officers which includes the following amendments and additions to the Scheme approved in 2014. The following changes to the Scheme are proposed:
 - (a) to expressly clarify the delegated authority granted to the Chief Executive and Finance Officer to negotiate minor variations to contracts, to write off debts and to undertake all other actions authorised under the Financial Regulations;
 - (b) to provide for an additional delegation to the Chief Executive to approve appointments to the Young People's Education and Skills Board
 - (c) to include an additional notification in the list of the functions of proper officers confirming the Chief Executive is the proper officer for the purposes of section 33(2) Localism Act 2011.
5. The Financial Regulations detail the responsibilities, procedures and working practices adopted by the joint committees under their Governing Agreements. These Regulations currently provide for the Chief Executive and the Director of Corporate Resources

(referred to as the Finance Officer, being the Responsible Financial Officer of London Councils) to take certain decisions are relevant to the responsibilities of their roles and offices. The amendment to the Scheme of Delegations to Officers in Section 1 by inserting a new paragraph 3 (with all other paragraph numbering changing accordingly) will expressly clarify the delegated authority granted to the Chief Executive and Finance Officer to negotiate minor variations to contracts, to write off debts and to undertake all other actions authorised under the Financial Regulations. The proposed wording of the express delegation will be:

3. *The Chief Executive and the Director of Corporate Resources (Finance Officer) will have the authority to negotiate minor variations to contracts, to write off debts and to undertake all other actions authorised under the Financial Regulations.*
6. In order to facilitate the effective operation of the Young People's Education and Skills Board (YPES Board/the Board) it is proposed to delegate authority the Chief Executive to approve appointments to a casual vacancy on the YPES Board which arises between AGMs. The Board is a forum of London Councils and operates under a constitution (or terms of reference) which is approved by Leaders' Committee as required under Standing Orders. A revised constitution will be considered by Leaders' Committee on 2 June 2015 at the AGM under Item 15 E on the Agenda. Both the existing and the revised constitution enable specific organisations to nominate representatives to the Board. These nominations require the approval of Leaders' Committee. The proposed delegation allows the Chief Executive to approve appointments to fill casual vacancies to the Board. A full list of nominations to the Board will be presented for approval to Leaders' Committee annually at Leaders' Committee AGM.
7. Inclusion of this delegation within the Scheme does not change the way in which appointments to outside bodies are made, it relates specifically to the YPES Board. Inclusion in the Scheme is appropriate for the purposes of effective governance to enable casual vacancies on a London Councils forum to be filled throughout the year. The actual wording of the delegation is set out in italics, below:

Section 6 – Appointments to Young People's Education and Skills Board (YPES Board)

The YPES Board is a forum of London Councils which operates under a constitution (terms of reference) approved by Leader's Committee in accordance

with Standing Orders. Leaders' Committee has the power to approve the appointment of representatives to the YPES Board upon their nomination by those organisations who are members of the Board. On behalf of Leader' Committee, the Chief Executive will have delegated authority from Leaders' Committee to approve appointments to casual vacancies of the YPES Board..

8. The Scheme of Delegation also includes an addition to the proper officer list, confirming the Chief Executive is the proper officer for Section 33(2) Localism Act 2011. This enables the Chief Executive to grant a dispensation for a Member to take part in any discussion and vote on a matter in which they have a disclosable pecuniary interest, in some circumstances and in accordance with Standing Order 20 of London Councils Standing Orders. The notification is as follows:

LOCALISM ACT 2011		
33	Section 2 – The officer to grant a dispensation for a Member to take part in any discussion and vote on a matter in which they have a disclosable pecuniary interest, in some circumstances.	Chief Executive

Recommendations

Leaders' Committee is asked:

- To approve the Scheme of Delegations to Officers incorporating the amendments detailed in paragraphs 5 - 8 of this report.

Financial Implications for London Councils:

There are no specific financial implications arising from this report.

Legal Implications for London Councils:

It is important that London Councils' joint committees properly delegate the exercise of functions to Officers in a manner which is consistent with the relevant Governing Agreements, and any legal restrictions on delegable functions, to ensure that the work of London Councils (through Leaders' Committee, Grants Committee and LCTEC) is delivered efficiently and effectively and to avoid any grounds for challenge to decisions made pursuant to those delegations.

Equalities Implications for London Councils:

There are no specific equalities implications for London Councils arising from this report.

Background Document:

[London Councils Scheme of Delegation to Officers \(last revised July 2014\):](#)

London Councils Scheme of Delegations to Officers is available from London Councils' website in the constitutional information section. It is the second document listed in 'related documents' on the right hand side of the page.