15C - Appendix - Proposed changes to the 2015 version for Leaders' Committee AGM 7 June 2016

Scheme of delegations to officers June 2015



Scheme of Delegations to Officers

INTRODUCTION

London Councils¹-or any of its Member Bodies²may, and only in a manner consistent with the London Councils Governing Agreements³:______

- (i) a)-delegate to officers of London Councils such of their-those of its functions as are arepermissible permitted by-under statute to be delegated; and
- (i)(ii) b) in relation to any of those functions, require that the exercise of those functions be subject to such conditions as London Councils deems fit to impose, including, where appropriate, prior consultation with the leading member on London Councils of each political party or group before taking such action.⁴

For-London Councils <u>must formally resolve or any of its Member Bodies</u> to delegate the exercise of one or more of their functions-to officers by eitherthey must formally agree on the delegation. This agreement to delegate can be documented by:

- (i) a) a formal agreement (e.g. the ALG Agreement); or a decision taken at a meeting of London Councils, i.e. on a case-by-case basis;
- b) the minutes of a London Councils Member Body meetingagreeing a general scheme of delegations to officers.-

This document is the general scheme of delegations to London Councils officers. It is not the intention of this document to reproduce details of The majority of the functions which have been delegated to officers under the London Councils Governing London Councils' delegated powers were agreed by, and are contained in, the London Councils Agreements and the London Councils Transport and Environment Committee Agreement and subsequent variations⁵. This document will, however, be kept under annual review and any additional general delegations to officers which may be made by London Councils throughout the year, will be considered for inclusion in this scheme as part of that review. It is not the intention of this document to reproduce those delegated powers.

As a general rule, the functions delegated to the London Councils joint committees and their sub committees reflect the purpose of the organisation in best representing the interests of the 32 London Boroughs and the City of London. Decisions about policy directions, lobbying and scope of services remain reserved to Member Committees unless specifically delegated on an issue by issue basis. The authority to manage the administrative aspects of the organisation's work has been delegated to oOfficers within the conditions specified below. The powers delegated by Member bodies to the Chief Executive and other officers are to enable the effective and efficient running of the organisation.

- ² "London Councils Momber Bodies" include all London Councils Member groupings, committees, steering groups, forums, etc. Please note, this document reflects the change of name from Association of London Government to London Councils in 2006. ³ The London Councils (Leaders' Committee) Governing Agreement, dated 13 December 2001 (as amended); and the London Councils Transport and Environment Committee Governing Agreement, dated 13 December 2001 (as amended).
- ⁴ Paragraph 22 of Schedule 6 (Standing Orders) of the ALG-London Councils (Leaders' Committee) Governing Agreement, dated <u>13 December 2001 (as amended); Agreement 2001</u>.
- ⁵ Association of London Government (ALG) Agreement 2001, subsequent variation dated 1/2/04 and minor variations approved-15/7/14 and 2/6/15. Association of

London Government Transport & Environment Committee (ALGTEC) Agreement 2001, First Variation 1/5/03, further variation. 30/11/06, a second further variation, 8/6/09, a third further variation 14/5/15, minor variations approved 17/7/14 and delegated authority 27/10/14-Op cit, footnote 3.

¹ The reference to London Councils in this Scheme of Delegations to Officers encompasses any joint committee of elected Members (including Leaders' Committee, the London Councils Transport and Environment Committee, Grants Committee and the London Pensions CIV Sectoral Joint Committee, and any of their sub-committees authorised to take decisions.

Section 1 - General Conditions Of Delegations To Officers

Day-to-Day Management

- 1. <u>1.</u> The Chief Executive and the Directors of any corporate service (and their nominated deputies) shall, in accordance with this Scheme of Delegations, have authority delegated to them for carrying out the day-to-day management of the London Councils services for which they are responsible. (Day-to-day management should include those items which have been recognised as such by past practice or by specific decision/resolution of a committee, or where the Chief Executive, in consultation with the relevant Director, agrees is ancillary to or analogous with matters accepted as being within the scope of day-to-day business exercisable by officers of London Councils). This includes authority to:
 - (a) appoint and manage staff in accordance with agreed policies and procedures, having regard to Section 2. below;
 - (b) place orders and enter into contracts for the supply of goods and services in line with the Financial Regulations and to authorise or incur any other expenditure for which provision has been made in the appropriate budget subject to limits set out in the Financial Regulations and subject to these not being in conflict with existing contracts.

Limitations

- 4.2. Any exercise of -delegated powers by officers shall comply with London Councils current Financial Regulations⁶ and Standing Orders. The Financial Regulations will not form part- of this scheme but must be read alongside it.
- 2-3. 2. The Chief Executive will have the authority to extend an existing policy or procedure only if it relates to the internal administration of the organisation and when exercised subject to the conditions below.
 - 3.4. 3. The Chief Executive, and the Finance Officer (Director of Corporate Resources), and any other person authorised under the Financial Regulations, will have the authority to negotiate and agree minor variations to contracts, to write off debts and to undertake all other actions authorised under the Financial Regulations.
- 4.5. 4. With the exception of policies referred to in condition paragraph 32, any exercise of delegated powers shall not involve a new policy or extend an existing policy of the organisation unless the Chief Executive is acting under the urgency procedures as contained in the current Standing Orders⁷.

5. 5.

- 6. a) Any delegation to the Chief Executive or the Finance Officer may be exercised by any officer authorised by the Chief Executive or the Finance Officer (as the case may be) either generally or specifically for the purpose (except where restrictions exist in employment policies which have been agreed in accordance with Section 2 below).
- 6-7. The Chief Executive -will nominate <u>a</u> Corporate Director <u>of corporate services</u> to assume authority_ to exercise all powers delegated to him in his absence.
- 7.8. b) In the event of the Chief Executive being unexpectedly indisposed, authority will be granted to the Corporate Director, Policy and Public Affairs to take over as interim Chief Executive between January to June in any year and to the Corporate Director, Services between July and December, until such time as Elected Officers are able to -determine what temporary or transitional arrangements will apply following such indisposition (or death).

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⁶ Current Financial Regulations dated 2/6/15

⁷ Current Standing orders dated 2/6/15

- 8-9. 6. The Chief Executive may exercise any delegated function in the absence of an Quefficer to whom that authority has been specifically delegated.
- 9-10. 7. All delegations are without prejudice to the overriding rights and powers of the a London Councils' joint committee or decision-making sub-committee to exercise those functions delegated to it. Any officer may refer a matter to a London Councils Member Bodyjoint committee or decision-making sub-committee in lieu of exercising delegated powers.
- 40.11. 8. Subject to the foregoing conditions, and to any specific special conditions which are may have been or may in future be applied hereby or may in future be appliedin respect of particular matters, the Chief Executive will be expected to make such decisions and to take such action as he/she deems necessary in the interests of the efficient running of the organisation and the services provided and administered.

Section 2 - Staffing Delegations

- 11.12.1. The Chief Executive has been granted the following delegated powers authority, in consultation with the Corporate Management Board (CMB), to approve policies and procedures relating to human resources and corporate policies and procedures⁸ subject to the following conditions to be undertaken in consultation with the Corporate Management Board (CMB);
 - (a) a)To approve policies and procedures relating to human resources and corporate policies and procedures⁹ subject to the following conditions—
 - (a) i. <u>aAny</u> policy relating to internal organisational functions which also applies to Members will be referred to the <u>London Councils' (Leaders)</u> Executive <u>Sub-Committee</u> for approval:

(b) -ii. <u>a</u>All new or amended policies relating to the internal administration of the organisation_
 (c) -will only be approved following consultation with the Joint Consultative Committee_
 (b) (JCC);

- (c) iii. ih the event that CMB and the JCC are unable to reach an agreement on the terms of a policy that policy will be referred to the London Councils' (Leaders) Executive Committee for approval:
- (d) <u>any iv. d</u>Delegations to officers within made in accordance with these policies and procedures to Officers of a certain post level shall be considered, with reference to Section 1, paragraph 4(i) above to be general_
- (c)(d) delegations from the Chief Executive or the Finance Officer (as the case may be) -in accordance with paragraph 6 above.

Section 3 -- Proper Officers And Statutory Functions Officers authorised for certain purposes

12.13. Under the terms of <u>In accordance with</u> the specific the Local Government Act, <u>1972statutory functions delegated to the London Councils joint committees</u> (or other statuteor otherwise to allow the proper and efficient exercise of those functions in accordance with section

⁸ Corporate policies and procedures would include, but not be limited to, the code of conduct, health and safety and information management policies

^e Corporate policies and procedures would include, but not be limited to, the code of conduct, health and safety and information management policies

<u>111 of the Local Government Act 1972-mentioned.</u>) -a officers have been individually authorised to act in respect of particular matters (i.e. they are an "proper officerauthorised officer" for those purposes) has been appointed pursuant to those statutory provisions. Where permitted -under that the applicable legislation these powers may be further delegated, whether specifically or generally, to another officer to act in the absence of the proper officer.

- 14. 2. The Chief Executive has been appointed:
 - (a) a)-to act as the "proper officer" for the purposes of the Access to Information provisions of the Local Government Act 1972 (as amended) except insofar as such powers have been specifically delegated to another officer; and
 - (a)(b)b)-to be responsible for the preparation of papers for London Councils Member Body meetings, the preparation of minutes and the promulgation of decisions of such meetings.
- 15. The Chief Executive, in consultation with the Chair of the relevant sub-committee, will have the authority to amend the programme of ordinary meetings approved by the relevant joint committee for the sub-committees it appoints at its AGM in accordance with Standing Order 1.8. as required throughout the year.
- 13.16.3. The Director, Corporate Resources (Finance Officer) has been appointed to act as the proper officer for the purposes of Section 151 of the Local Government Act 1972 (and section 114 of the Local Government Finance Act 1988). The officer to be responsible for the proper administration of Authority's London Councils' financial affairs and to issue a report to Members if there is or is likely to be unlawful expenditure or an unbalanced budget.
- 44.<u>17.</u> 4. Additional delegations to named officers, some of which do not strictly apply to London Councils but which are adopted as a matter of best practice to allow the proper and efficient exercise of the functions delegated to the London Councils joint committees, in accordance with section 111 of the Local Government Act 1972, are set out in Appendix A with reference to the relevant legislative provisions.

Section 4 - Grant-Making Powers Delegated To Director Of Those Services

15. The Grants Committee has agreed to delegate the following powers to the Director responsible for Grants Services, subject any decisions taken under these delegated powers being approved in advance by the Chair of the Grants Committee and communicated to Grants Committee Executive Members who, if they have any concerns about the proposals, can call for those items to be referred to the full Grants Committee. The scheme of delegations reflects the provisions set out in the Commissioning Monitoring Arrangements approved by the Grants Committee on 20 February 2013.

a/ Small grants to currently funded organisations

1. To Approve:

Urgent non-recurrent purposes to enable delivery of programme outcomes

a) for which an overall provision of £40,000 has initially been set aside for 2013/14 subjectto a limit of £10,000 in any one instance.

b/ Other issues relating to currently funded organisations

2. To decide the outcome of any appeal.

3. To approve:

6

Comment [CJ1]: This whole section is deleted as this delegation has not been updated. Any actions which need to be taken will be done by way of Urgency

a) Interim grant variations +/- 10% of the original grant award (within the financial envelopeapproved by the Grants Committee) to achieve programme outcomes until variations can beconsidered by Committee.

b) Significant change requests made by providers that do not affect the original grant awardamount.

c) Management consultancies - small grants (up to £7,500).

c/ Delegated European Social Fund Joint-financing decision-making

- To approve:
 - a) Interim grant variations +/- 10% of the original grant award (within the financial envelop approved by the Grants Committee) to achieve programme outcomes until variations can be considered by Committee.

d/ Specific Annual Funds

5. To take any other decisions as the Grants Committee may from time to time delegate to the Director, in particular where bids have been invited against specific, and typically ring-fenced, funds.

Section 5-4 - Nominations of elected members to outside bodies

- 18. The Chief Executive has delegated authority to nominate elected Members to serve on outside bodies subject to:
 - (a) those decision being taken in accordance with guidelines agreed by the London Councils Appointments Panel (set out at paragraph 19 below);
 - (b) having regard to the Nolan principles, and

(c) those decisions being reported to the next meeting of the Appointments Panel.¹⁰ In 2002, London Councils' Elected Officers, acting in their capacity as its Appointments Panel, agreedto delegate the making of nominations to outside bodies to the Chief Executive within agreedguidelines and on Nolan principles and on the basis that they were reported to the next availablemeeting of the Appointments Panel. The guidelines were refined in 2012 and are set out below.

16-19. Nominations will be made by the Chief Executive <u>under paragraph 1918</u> in consultation with <u>elected Mmembers.s</u> as appropriate. In making nominations the Chief Executive will <u>first</u> apply the **Particular Principles** (<u>at (a)</u>1, below) first but will also seek to ensure that nothing is done to depart from the **General Principles** (<u>at (b)</u>2, below). Regard should also be had to the **General Conditions** at (c)(3, below) are included for guidance.

- (a) 4-Particular Principles
- (i) <u>a) In cases where a single nomination is required,</u>
 - (i) (i) iln first instance the relevant portfolio-holder will be considered and if that is not a suitable appointment then the Chief Executive will consult <u>elected M</u>members on an alternative candidate.

¹⁰ In accordance with the decision of the London Councils' Executive acting in their capacity as its Appointments Panel on 29 May 2012

(ii) b)-In cases where an outside body requires more than a single nomination--The first principle to be applied in such cases is any reasonable external requirement placed on London Councils in making the nomination¹¹ -The second principle to be applied, if the first principle does not obtain, is that -the number of nominations made from each political party shall reflects the balance of the parties represented on Leaders' Committee at that time. (b) 2-General Principles (i) —When the Chief Executive is applying the Pparticular Pprinciples set out above they will seek to reflect any particular interest that the body to be nominated to has expressed to London Councils¹². (ii) ii.—The Chief Executive will also be mindful of other factors that it would be reasonable or proper for London Councils to consider, for example specialist knowledge and skills, stability of service, diversity as well as the Nolan principles set out below and the Chief Executive may, ---in consultation with elected Mmembers,-- override the Particular Perinciples set out above when there is a compelling case to do so. (iii) iii. —All public bodies are under a duty to follow the Seven Principles of Public Life set out by the Committee for Standards in Public Life, formerly chaired by Lord Nolan (the principles are often called the "Nolan Principles"). In particular, the Chief Executive will seek to ensure that the following three Nolan principles are applied Objectivity In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit. <u>Accountability</u> Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.1 **Openness** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands. (iv)—The Chief Executive will give consideration to the elected Mmembers of the City (iv) Corporation of London Corporation when making any nominations to outside bodies. (c) **3**—General conditions (i) When a nominee to an outside body ceases to be an elected Mmember of a ¹¹ For example the mechanism employed in determining the number of **nominations** for each political party made by London Councils to the London Fire and Emergency Planning Authority is set out in legislation - the Greater London Authority Act 1999. This will be determined by the application of the d'Hondt formula ¹² For example outside bodies occasionally ask for cross-party appointments

¹³ Members will be expected to regularly attend meetings of the bodies they are appointed to and may be accountable to and from, London Councils for their actions in that capacity.

London local authority, London Councils will, in general, take whatever steps are necessary to remove them from that outside body.

(ii) At a freeze date, being the date of the meeting of the London Councils' (Leaders) Executive <u>Sub-Committee</u> in May of each year, a report will be brought to that meeting setting out the total number of nominations made to outside bodies for each of the political parties with a calculation of how this reflects the agreed principles (above) for nominations, and the variation from the balance of the parties on Leaders' Committee. That report may also contain recommendations to rectify any variations that may exist.

Section 6-5 – Appointments to Young People's Education and Skills Board (YPES Board)

47.20. The YPES Board is a Fforum (or sub-committee) of London Councils Leaders' Committee which operates under a constitution (terms of reference) approved by Leaders' 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.

Appendix A

PROPER OFFICER AND PERSONS AUTHORISED BY LONDON COUNCILS TO EXERCISE POWERS

CONSISTENT WITH FUNCTIONS GENERAL STATUTORY FUNCTIONS OF THE PARTICIPATING

LOCAL AUTHORITIES

<u>PART A</u>

The following statutory provisions give powers to the duly authorised Proper Officers/Authorised Persons in most local authorities in London. Some of these functions have been expressly delegated by the 33 London local authorities to the London Councils joint committees, some have not and are instead are captured within the general delegations to the joint committee.

The following table sets out the <u>Proper Officerspersons authorised</u> for the functions identified. This list includes delegations to named officers, some of which do not strictly apply to London Councils' joint committees <u>-as a Joint Committee</u> but which are <u>adopted followed</u> as a matter of best practice in accordance with the exercise of the functions expressly delegated to the joint <u>committees</u>.

Proper OfficersAuthorised Persons should nominate, in writing, an appropriate deputy to carry out <u>any</u>statutory duties during planned absences. Officers should also ensure arrangements are in place to grant authority tauthoriseo_another officer in the event of unplanned absence. These may vary according to the nature of the responsibility but will be approved by the Corporate Management Board.

	STATUTE AND FUNCTION/POWERSTATUTORY PROVISION	PROPER OFFICERPERSONS				
LOC	LOCAL GOVERNMENT ACT 1972					
1	Section 84 – The officer to whom written notice of resignation of elected office shall be delivered	Chief Executive				
2	Section 96 – The officer to whom general notices and recording of disclosures of interests under Section 94 should be given	Director of Corporate Governance				
3	Section 99 + Schedule 12 - To give notice and send summonses in respect of any Council London Councils committee meeting	Chief Executive				
4	Section 100 - To give public notice of any meeting to which the public are entitled to attend, provide copies of agenda and facilities for the press	Chief Executive				
5	Section 100B (2) – The officer to exclude from committees <u>or</u> , sub Committees <u>Council or Executive</u> meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded	Director of Corporate Governance				
6	Section 100B (7)(c) – The officer to supply to any newspaper copies of documents supplied to Members of committees <u>or</u> , sub- committees <u>, Council or Executive meetings</u> in connection with an item for consideration <u>at their meetings</u>	Director of Corporate Governance				

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20 Schedule 14 [pacentification of treatment of tr	notices regarding the address to which a summons			
certification of tr LOCAL GOVERNMEN 21 Section 30(5) - N LOCAL GOVERNMEN	to be sent			
certification of tr LOCAL GOVERNMEN 21 Section 30(5) - N LOCAL GOVERNMEN	paragraph 25(7)] – The officer responsible for the	Chief Executive		
LOCAL GOVERNMEN 21 Section 30(5) - N LOCAL GOVERNMEN		Offici Executive		
21 Section 30(5) - 1 LOCAL GOVERNMEN				
LOCAL GOVERNMEN	OCAL GOVERNMENT ACT 1974			
	- Notice of Local Government Ombudsman's Report	Chief Executive		
22 Section 116 - No	NT FINANCE ACT 1988			
	Notification to the Council'sLondon Councils' auditor of	Finance Officer (Director		
	be held under Section 15 of the 1988 Act (meeting to eport of the Chief Finance Office under Section 114)			

15c - A	Appendix
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23	Section 139A - Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when	Finance Officer (Dir Corporate Resourc		
	required			
LOC	AL GOVERNMENT AND HOUSING ACT 1989			
24	Section 2 – The officer to hold on deposit the list of politically restricted posts and Section 2 - provision of certificates as to whether a post is politically restricted	Director of Corporate Governance		
25	Section 4 – The officer to be designated Head of Paid Service	Chief Executive		
26	Sections 15 – 17 (and regulations made thereunder) – The officer to receive notices relating to the membership of political groups	Chief Executive		
CIVIL	EVIDENCE ACT 1995			
27	To certify Council records for the purposes of admitting the document in evidence in civil proceedings.	Any member of the Corporate Management Board		
LOC	AL GOVERNMENT (CONTRACTS) ACT 1997			
28	Certification of relevant powers to enter into contracts	Chief Executive and Director of Corporate		
DAT	A PROTECTION ACT 1998	·		
29	Duty to notify the Information Commission of any changes in accordance with Section 20 of the DPA 1998	Director of Corporate Governance		
PAR	FIC MANAGEMENT ACT 2004 and SCHEDULE 7 CIVIL ENFORCEME KING CONTRAVENTIONS (England) REPRESENTATIONS AND APPE ULATIONS 2007			
30	Section 81(4)(a) requires enforcement authorities to provide administrative staff for adjudicators. <u>The Schedule to the Civil</u> <u>Enforcement of Parking Contraventions (England) Representations</u> <u>and Appeals Regulations 200</u> 7 provides that one of the members of the administrative staff required by section 81 shall be appointed to perform the functions of proper officer as set out in the Schedule	PATAS- Tribunal Manager Head of Support Services –	•(Formatted: Indent: Left: 0.5 cm Right: 0.25 cm
			<u>مــــــــــــــــــــــــــــــــــــ</u>	Formatted: Indent: Left: 0 cm
1.00	AL GOVERNMENT ACT 2003			
31	Requirement to report to Council-London Councils annually on the	Finance Officer (D	Virector	
31	robustness of estimates and financial reserves	of_Corporate Resc		
MON	IEY LAUNDERING REGULATIONS 2003 - PROCEEDS OF CRIME AC	Г 2002		
32	Money Laundering Reporting Officer for the purposes of receiving disclosure on suspicions of money laundering and reporting as necessary	Finance Officer (Director of Corpo Resources)	orate	

отн	ER MISCELLANEOUS PROPER OFFICER FUNCTIONS	LANEOUS PROPER OFFICER FUNCTIONS			
33	Any other miscellaneous proper or statutory officer functions not otherwise specifically delegated by the Authority	Chief Executive or his/her nomineedelegate			

PART B

The following general statutory requirements shall be exercisable by al<u>All London Councils</u> officers shall have regard to the following insofar as is relevant for the effective performance of their duties and within their job description and for the effective performance of their duties and are of responsibility.

B1	Audit	To comply with any powers and duties contained in directions made by the Audit Commission, or any other body which may be responsible for audit of the exercise of London Councils functions, including publication of performance standards and provision of information
B2	Disabled Persons	Make provision for the supply of services and admission to public buildings and premises for those who are disabled, ensure proper signage and make appropriate adjustments for staff and service users.
B3	Criminal Proceedings	Have regard to <u>London</u> <u>the</u> Council's protocol in relation to the bringing of Council proceedings when deciding whether a person should be charged with any offence.
B4	Best Value	To have regard to <u>London Councils'</u> Best Value duties on the Authority when providing services and to keep under review the provision of all_
B5	Equalities	Ensure that Londonthe Council's functions are carried out to eliminate discrimination and promote equality of opportunity and good relations and carry out appropriate equalities impact assessments of service delivery, policies and strategies and any changes.
B6	Identity Checks	To comply with any powers or duties contained in any Regulations or statutory provisions with regard to the necessity to check identification before the provision of public services.
B7	Proceeds of Crime and Money Laundering	To notify the Council's Money Laundering Officer (Head of Finance Officer (Director of Corporate Resources)) of any matter where proceeds from crime maybe used to fund an acquisition, benefit, agreement or services from the Council or where there is a suspicion that same are may be harbouring the proceeds of crime.
B8	Human Rights	To notify the Council's Money Laundering Officer (Head of Finance)Finance Officer of any matter where proceeds from crime maybe used to fund an acquisition, benefit, agreement or services from the- Council London Councils or where there is a suspicion that someone same are-may-be harbouring the proceeds of crime.