

Leaders' Committee AGM

Constitutional Matters – Amendments to London Councils Standing Orders

Item no: 16A

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Summary: This report proposes a number of amendments to London Councils Standing Orders.

These provide additional clarity to procedures and consistency of wording throughout the document. The changes are minor and do not alter the provisions for managing meetings.

Recommendations: Leaders' Committee is asked to agree to the proposed amendments to London Councils Standing Orders, as detailed in this report and Appendix One.

Constitutional Matters – Amendments to London Councils Standing Orders

1. London Councils Standing Orders (SOs) are contained in Schedule 6 of the Leaders' Committee Governing Agreement. In accordance with section 27.2 of the SOs, they can be amended by a decision of London Councils Leaders' Committee. The SOs have been amended a number of times since 2001. The current version was approved by Leaders' Committee on 7 June 2016.
2. The proposed amendments are detailed in Appendix One.
3. There are two changes of substance:

a) Meetings (section 1)

The SOs have been amended adding a footnote to clarify that 'meetings' relate only to formal, decision taking meetings rather than informal 'for information' ones.

b) Quorum (section 6)

The standing orders currently state: *The quorum shall be one third of, or the number nearest to one third, but not less than three Members entitled to be present at Leaders' Committee, and any associated joint committees, sectoral joint committees or sub committees of London Councils.*

There are two proposed amendments in this section:

Section 6.1 – it is proposed to add after '*but not less than three Members*' '*(except for the quorum for Audit Committee, which because of its size is only two)*'.

Section 6.4 – a new section has been added to clarify arrangements when a meeting becomes inquorate after it has started.

4. There are a small number of further changes within the document to ensure clarity of language and to reflect changes to London Councils staffing structure, not specified in this cover report but included within the attached Appendix.

Recommendations

Leaders' Committee is asked to:

- Agree to the proposed amendments to London Councils Standing Orders as detailed in this report and in Appendix One.

Appendices:

Appendix One:

London Councils Standing Orders June 2016 with proposed amendments shown as track changes

Financial Implications for London Councils

There are no specific financial implications arising from this report.

Legal Implications for London Councils

It is necessary that changes to London Councils governance documents are properly made in a manner which is consistent with the joint committees' Governing Agreements. Leaders' Committee has the authority to approve changes to London Councils Standing Orders. Should these revised Standing Orders be approved, they will be deemed to be substituted as Schedule 6 to the Leaders' Committee Governing Agreement.

Equalities Implications for London Councils

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

Standing orders

~~June 2016~~ July 2017

London Councils STANDING ORDERS¹

INTRODUCTION

These are the Standing Orders and rules of debate and procedure for the conduct of meetings of the London Councils joint committees. The Standing Orders apply to the London Councils' Leaders' Committee and, wherever appropriate, to the associated joint committees (the Grants Committee and London Councils Transport and Environment Committee), any sectoral joint committees, and any sub-committees (sometimes referred to as 'Panels') and forums of London Councils; and any reference to 'London Councils' is a collective reference to all of them. The Standing Orders have been drawn up having regard to Government best practice, guidance and statutory requirements.

In the event of any conflict between the provisions of the Standing Orders and the provisions of the Leaders' Committee Governing Agreement (which includes the London Grants Scheme) or the London Councils Transport and Environment Committee (LCTEC) Governing Agreement, the relevant provision of the Leaders' Committee Governing Agreement or the LCTEC Governing Agreement shall prevail.

Revised 7 June 2016

¹ Also known as Schedule 6 of London Councils Agreement, 2001

CONTENTS

Contents

1. MEETINGS	4
2. MEMBERSHIP	7
3. TIME AND PLACE OF MEETINGS	9
4. NOTICE OF AND SUMMONS TO MEETINGS	9
5. CHAIR OF MEETING	10
6. QUORUM	10
7. DURATION OF MEETING	11
8. DEPUTATIONS	11
9. MOTIONS ON NOTICE	11
10. MOTIONS WITHOUT NOTICE	12
11. RULES OF DEBATE	13
12. PREVIOUS DECISIONS AND MOTIONS	17
13. VOTING	18
14. MINUTES	19
15. RECORD OF ATTENDANCE	20
16. EXCLUSION OF PUBLIC	20
17. MEMBERS' CONDUCT	20
18. DISTURBANCE BY PUBLIC	20
19. URGENCY	21
20. DECLARATIONS OF INTEREST	22
21. ANNUAL SUBSCRIPTIONS	23
22. DELEGATIONS OF FUNCTIONS	24
23. SUPPLY OF INFORMATION TO MEMBERS	24
24. MEETINGS WITH OUTSIDE BODIES	24
25. FORUMS OF LONDON COUNCILS	24 25
26. ACCESS TO MEETINGS AND DOCUMENTS	25
27. SUSPENSION AND AMENDMENT OF STANDING ORDERS	25

1. MEETINGS

Generally

- 1.1 Leaders' Committee, its associated joint committees (the Grants Committee and the Transport and Environment Committee (TEC)) and any sectoral joint committees shall each hold a minimum of 2 meetings² each year, one of which shall be an annual general meeting.
- 1.2 Subject to 1.1 above, meetings of London Councils shall be called, and the procedure to be adopted at such meetings shall be determined in accordance with the provisions of these Standing Orders.
- 1.3 Any member London Local Authority may give written notice of an item to be placed on the Agenda for any meeting. All notices of items for agendas and reports for circulation with agenda must be received by the Chief Executive not less than ten working days prior to the meeting to which the agenda relates.
- 1.4 Each London Local Authority subscribing to Leaders' Committee, its associated joint committees, and any sectoral joint committee, shall be entitled to receive from the Chief Executive sufficient copies of the Agenda, papers and minutes of the proceedings of the meetings of the joint committees and any Forums and sub-committees thereof.
- 1.5 Deputations shall be entitled, upon prior notification being given to the Chief Executive and at the discretion of the Chair, to attend and address the meeting for not more than ten minutes and to answer questions from members for a further ten minutes.

Calling Meetings

- 1.6 Meetings may be called by:
 - (i) Leaders' Committee, or the associated joint committee or sectoral joint committee by resolution;
 - (ii) the Chair of the relevant joint committee;
 - (iii) a requisition signed by not less than one third of the representatives, delivered to the Chief Executive at least ten working days before the date mentioned in the requisition.

² Any reference to meetings relates to ~~in~~ formal, decision making meetings rather than 'for information' meetings

Business

- 1.7 The Summons to any such meeting shall set out the business to be transacted thereat, and no business other than that set out in the summons shall be considered at the meeting unless by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

Annual Meetings of Leaders' Committee and associated joint committees and sectoral joint committees

Timing and Business

- 1.8 Leaders' Committee, each associated joint committee and each sectoral joint committee shall hold an Annual General Meeting (AGM) before the end of July of each year.

The relevant joint committee will at its AGM:

- (i) appoint a Chair and up to three Vice Chairs;
- (ii) approve the minutes of the last meeting of that joint committee;
- (iii) receive the minutes of the last Annual General Meeting;
- (iv) receive any announcements from the Chair and/or Head of Paid Service;
- (v) appoint such sub committees and forums as considered appropriate to deal with matters which are not otherwise reserved to London Councils, LCTEC, Grants Committee or any sectoral joint committee;
- (vi) decide the size and terms of reference for those sub committees and forums;
- (vii) decide the allocation of seats [and substitutes] to political groups² in accordance with the political balance rules, unless the terms of reference (or constitution) of a sub-committee or forum makes specific provision for the make up of its membership;

² Whilst not specifically bound by the legislation that governs this issue in borough councils, London Councils has operated on a similar basis to boroughs in recognising a party group as being one with two or more members which declare themselves as a group with a Leader. In the context of London Councils, members are the members of Leaders' Committee. No other metric - for example the overall proportion of London councillors – is used in determining proportionality among the groups. Current practice is that party groups are able to offer seats to other elected representatives but are under no obligation to do so.

- (viii) approve a programme of ordinary meetings for the joint committee, sub committee or forum for the year;
- (ix) consider any business set out in the notice convening the meeting.

1.9 London Councils Leaders' Committee will also:

- (i) appoint a Deputy Chair;
- (ii) agree the scheme of delegation to officers;
- (iii) receive nominations of Councillors appointed to Committees by the participating London Local Authorities.

1.10 Transport and Environment Committee will also:

- (i) receive a report recommending nominations to outside bodies.

1.11 Grants Committee will also:

- (i) approve any delegations to sub-committees or Officers in relation to the management of the London Grants Scheme.

Ordinary meetings

1.12 Ordinary meetings of Leaders' Committee, the associated joint committees, and any sectoral joint committee, will take place in accordance with a programme decided at the relevant AGM. Ordinary meetings will:

- (i) elect a person to preside if the Chair, Deputy Chair, or Vice Chairs are not present;
- (ii) approve as a correct record and sign the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Chair or the Chief Executive;
- (v) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting and the submission of which have complied with Standing Order 8;

- (vi) deal with any business from the last meeting;
 - (vii) receive and consider reports/presentations from the London Councils sub-committees, forums and associated joint committees and receive questions and answers on any of those reports;
 - (viii) receive nominations and make appointments to fill vacancies arising in respect of any sub-committee, forum or outside body for which the joint committee is responsible;
 - (ix) receive and consider minutes of meetings, any sub committees and forums which have taken place since the joint committee last met.
 - (x) consider motions; and
 - (xi) consider any other business specified in the summons to the meeting.
- 1.13 The order of business of any associated committee shall be as shall be determined by the joint committee.
- 1.14 The Chair may at his/her discretion alter the order in which business is taken.
- 1.15 Leaders' Committee will also receive and consider minutes of meetings, of associated joint committees, any sectoral joint committee, and their sub committees as necessary and relevant to the operation and governance of London Councils.

2. MEMBERSHIP

- 2.1 Each London Local Authority, that is the 32 London boroughs and the Common Council of the City of London, shall appoint its Leader as its representative to London Councils Leaders' Committee.
- 2.2 Each London Local Authority, that is the 32 London boroughs and the Common Council of the City of London, shall make an appropriate appointment to London Councils Transport and Environment Committee.
- 2.3 Each London Local Authority, that is the 32 London boroughs and the Common Council of the City of London, shall make an appropriate nomination to London Councils Grants Committee. Any nominations to Grants Committee must be a Cabinet Member or have appropriate delegated authority from their council.

- 2.4 Each London Local Authority that subscribes to a sectoral joint committee shall make an appropriate nomination to that sectoral joint committee, ensuring that nominees have the appropriate delegated authority.
- 2.5 The Chairs of each of the associated joint committees, any sectoral joint committee, any Forums or any sub-committees of Leaders' Committee shall also be entitled to sit ex officio (but not to vote in such capacity) on Leaders' Committee.
- 2.6 Any Lead Member appointed in respect of any issue by any of the London Councils joint committees shall be entitled to sit ex officio (but not to vote in such capacity) on Leaders' Committee.
- 2.7 London Councils may admit to membership such representatives of such other bodies as it considers appropriate or is required as the result of any legislation to admit from time to time on such terms as shall be agreed with such other bodies. Such representatives shall be entitled to sit ex officio but not to vote in such capacity.
- 2.8 The Chief Executive of each of the London Local Authorities or his/her nominated representative shall be entitled to attend as an observer but not to speak or vote at any meeting.

Deputy Representatives

- 2.9 If the appointed representative of a London Local Authority is unable to be present at a meeting of Leaders' Committee, an associated joint committee or sectoral joint committees, that member authority may be represented by a deputy who shall be duly appointed for the purpose. A deputy attending a meeting shall declare him/herself as such but shall otherwise be entitled to speak and vote as if he/she were a member of that London Councils committee.

Elected Officers

- 2.10 The following shall be the Elected Officers of Leaders' Committee:
- (i) Chair
 - (ii) Deputy Chair
 - (iii) Vice Chairs
- 2.11 The following shall be the Elected Officers of the Transport and Environment Committee:

- (i) Chair
- (ii) Vice Chairs

2.12 The following shall be the Elected Officers of the Grants Committee:

- (i) Chair
- (ii) Vice Chairs

2.13 The following shall be the Elected Officers of any sectoral joint committee:

- (i) Chair
- (ii) Vice Chairs

2.14 The following shall be the Elected Officers of any sub-committee appointed by Leaders' Committee, associated joint committees or sectoral joint committees:

- (i) Chair
- (ii) Vice Chair/Deputy/s

2.15 The overall balance of which shall be such as to ensure proportional representation of party political groupings on London Councils.

2.16 In a year in which there are council elections, the elected officers of London Councils and all its member bodies shall cease to hold office on the day of the council elections and shall cease to be remunerated save that Leaders' Committee may, by agreement, decide to remunerate members for activity in pursuance of the discharge of the business of London Councils under SO 19.2. Notwithstanding, the outgoing Chair shall be able to preside at the subsequent AGM until a new Chair is elected.

3 TIME AND PLACE OF MEETINGS

3.1 The date, time and place of meetings will be determined by the Chief Executive and notified in the summons.

4 NOTICE OF AND SUMMONS TO MEETINGS

4.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules

4.2 The Chief Executive shall, not less than five clear working days before the intended meetings of Leaders' Committee and any associated joint committee or sectoral joint committee,

circulate a notice thereof to each representative and deputy representative and the Town Clerk/Chief Executive or the nominated officer of every London Local Authority subscribing to Leaders' Committee, the associated committees or sectoral joint committee. The notice will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. Where the recipient has given consent for the summons to attend the meeting to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), the summons may be sent in electronic form to that address.

- 4.3 Provided that the failure of any such notice to be delivered shall not affect the validity of the meeting or of the business transacted thereat. Provided also that at times it may be necessary to circulate reports in a second despatch or to circulate them at the meeting.

5 CHAIR OF MEETING

- 5.1 At every meeting the Chair if present shall preside. If the Chair is absent the Deputy Chair if present, shall preside. If both the Chair and the Deputy Chair are absent a Vice Chair if present, shall preside. If neither the Chair, Deputy Chair or a Vice Chair is present the meeting shall elect a chair from one of its members.
- 5.2 For the purposes of these Standing Orders references to the Chair, in the context of the conduct of business at meetings, shall mean the person presiding under this Standing Order.
- 5.3 The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to sub-committee or forum meetings, references to the Chair also include the chair of sub-committees or forums.

6 QUORUM

- 6.1 The quorum shall be one third of, or the number nearest to one third, but not less than three Members (except for the quorum for Audit Committee, which because of both its size and the nature of its business is a special case and therefore is only two) entitled to be present at Leaders' Committee, and any associated joint committees, sectoral joint committees or sub committees of London Councils.
- 6.2 If within half an hour of the time appointed for the meeting to commence, a quorum is not present, the meeting shall be dissolved.

6.3 Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

6.4 If, during the meeting, the person presiding, after causing the number of members present to be counted, declares that there is not a quorum present, the meeting shall stand adjourned for fifteen minutes. If, after fifteen minutes there is still no quorum present, the meeting shall be brought to an end and all business not completed before the meeting has been brought to an end shall be postponed to the next meeting, whether ordinary or extraordinary.

6.46.5 If during the meeting any member absents themselves permanently making the meeting inquorate, the meeting will stand adjourned.

7 DURATION OF MEETING

7.1 Subject to Standing Order 27 (suspension of Standing Orders) if, after two and a half hours after the time appointed for the start of the meeting, the business on the agenda has not been completed, subject to a contrary resolution the meeting of London Councils or any associated committee or sectoral joint committee shall automatically adjourn and any debate then proceeding shall be suspended and all business unfinished shall stand adjourned to the next meeting.

8 DEPUTATIONS

8.1 Deputations shall be entitled, upon prior notification being given to the Chief Executive and at the discretion of the Chair, to attend and address meetings of London Councils for not more than ten minutes and to answer questions from members of London Councils for a further ten minutes.

9 MOTIONS ON NOTICE

Notice

9.1 Except for motions which can be moved without notice under Standing Order 10 or consideration of any matters of urgency brought forward by leave of the Chair, written notice of every motion, signed by at least 5 members, must be delivered to the Chief Executive not later than 10 clear days before the date of the meeting and clear days are deemed to exclude the day of delivery, the day of the meeting and any Sunday. These will be open to public inspection.

Motions set out in agenda

- 9.2 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

Scope

- 9.3 Motions must be about matters for which London Councils has a responsibility.

10 MOTIONS WITHOUT NOTICE

- 10.1 The following motions may be moved without notice:

- (i) to appoint a chair of the meeting at which the motion is moved;
- (ii) in relation to the accuracy of the minutes;
- (iii) to change the order of business in the agenda;
- (iv) to refer something to an appropriate body or individual;
- (v) to appoint a sub committee or member arising from an item on the summons for the meeting;
- (vi) to receive reports or adoption of recommendations of committees or sub committees or officers and any resolutions following from them;
- (vii) to withdraw a motion;
- (viii) to amend a motion;
- (ix) to proceed to the next business;
- (x) that the question be now put;
- (xi) to adjourn a debate;

- (xii) to adjourn a meeting;
- (xiii) that the meeting continue beyond two and a half hours in duration;
- (xiv) to suspend a particular Standing Order;
- (xv) to exclude the public and press in accordance with the Access to Information Rules;
- (xvi) to not hear further a member named under Standing Order 17.1 or to exclude them from the meeting under Standing Order 17.2; and
- (xvii) to give the consent of London Councils where its consent is required by this Agreement.

11 RULES OF DEBATE

Speakers to Address the Chair

- 11.1 All speakers shall address the Chair. All members shall preserve order whilst the speaker is speaking. A speaker shall give way if the Chair rises.

No discussion until motion seconded

- 11.2 A motion or amendment shall not be discussed until it has been proposed and seconded.

Right to require motion in writing

- 11.3 Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed.

Mover and seconder's speech

- 11.4 The mover and seconder of a motion shall be deemed to have spoken thereon. When seconding a motion or amendment, a member may reserve their speech until later in the debate.

Content and length of speeches

- 11.5 Speeches must be directed to the question under discussion or to a personal explanation or point of order. The mover of a motion shall be allowed 5 minutes and the seconder and succeeding speakers 3 minutes each. The time limit for speakers may be extended by an affirmative vote of the members.

When a member may speak again

- 11.6 A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- (i) to speak once on an amendment moved by another member;
 - (ii) to move a further amendment if the motion has been amended since he/she last spoke;
 - (iii) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
 - (iv) by the mover of an original motion in exercise of a right of reply, and this shall close the discussion.

Amendments to motions

- 11.7 An amendment to a motion must be relevant to the motion and will either be:
- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words;

as long as the effect of (ii) to (iv) is not to negate the motion.

- 11.8 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

- 11.9 If an amendment is not carried, other amendments to the original motion may be moved.
- 11.10 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 11.11 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

Alteration of motion

- 11.12 A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 11.13 A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 11.14 Only alterations which could be made as an amendment may be made.

Withdrawal of motion

- 11.15 A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

Right of reply

- 11.16 The mover of any original motion, but not of any amendment, may reply to the discussion for a period of not more than 3 minutes without introducing new material and this shall close the discussion.
- 11.17 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- 11.18 The mover of the amendment has no right of reply to the debate on his or her amendment.

Motions which may be moved during debate

11.19 When a motion is under debate, no other motion may be moved except the following procedural motions:

- (i) to withdraw a motion;
- (ii) to amend a motion;
- (iii) to proceed to the next business;
- (iv) that the question be now put;
- (v) to adjourn a debate;
- (vi) to adjourn a meeting;
- (vii) that the meeting continue beyond two and a half hours in duration;
- (viii) to exclude the public and press in accordance with the Access to Information Rules; and
- (ix) to not hear further a member named under Standing Order 17.1 or to exclude them from the meeting under Standing Order 17.2.

Closure motions

11.20 A member may move, without comment, the following motions at the end of a speech of another member:

- (i) to proceed to the next business;
- (ii) that the question be now put;
- (iii) to adjourn a debate; or
- (iv) to adjourn a meeting.

- 11.21 If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- 11.22 If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- 11.23 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

Point of order

- 11.24 A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Standing Orders or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final.
- 11.25 A speaker may give way to a point of information, and must give way to a point of order if it is accepted by the Chair.

Personal explanation

- 11.26 A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

Ruling of Chair

- 11.27 The Chair shall decide all questions of order and his/her ruling upon such questions or upon matters arising in debate shall be final and shall not be open to discussion.

12 PREVIOUS DECISIONS AND MOTIONS

Motion to rescind a previous decision

- 12.1 A motion or amendment to rescind a decision made at a meeting of London Councils within the past six months cannot be moved unless the notice of motion is signed by at least 5 members.

Motion similar to one previously rejected

- 12.2 A motion or amendment in similar terms to one that has been rejected at a meeting in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 5 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

13 VOTING

- 13.1 One representative from each London Local Authority subscribing to Leaders' Committee and its associated joint committees or sectoral joint committees shall be entitled to vote on behalf of his/her authority in each meeting of Leaders' Committee, either associated joint committee or sectoral joint committees.
- 13.2 Subject to Clause 11.1, 12.1 of the Leaders' Committee Governing Agreement and Standing Order 21.1, and any provisions of this Agreement or the LCTEC Governing Agreement requiring unanimity, questions arising at any meeting of London Councils shall be determined by a show of hands and shall be decided by a simple majority of votes.
- 13.3 At Transport and Environment Committee representatives from Transport for London or any London local authority, shall only be entitled to speak or vote or receive papers in respect of functions which they have delegated to the Transport and Environment Committee and shall not be counted as part of the quorum except in respect of those functions.

Equality of votes

- 13.4 In the case of an equality of votes at the annual meeting and on motions to suspend or amend the Standing Orders under Standing Order 27 at ordinary meetings, each of the party Group Leaders shall have second or casting votes.
- 13.5 Subject to 13.4 above, in the case of an equality of votes at ordinary meetings of London Councils, the Chair shall have a second or casting vote to be exercised in accordance with

13.6 below.

13.6 Where the Chair exercises a casting vote under Standing Order 13.5 above it will be used only for one or more of the following purposes:

- (i) to permit further discussion of an issue;
- (ii) to maintain the status quo;
- (iii) to ensure that London Councils meets any legal obligations or any requirements of the London Councils Agreement or London Councils' Standing Orders.

13.7 On the requisition of any representative made before any vote is taken on a motion or an amendment, and supported by five representatives, the voting shall be recorded so as to show how each representative present and voting voted. The name of any representative present and not voting shall also be recorded.

13.8 Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Voting on appointments to London Councils Committees

13.9 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

14 MINUTES

Agreeing the minutes

14.1 The Chair will move that the minutes of the previous meeting be agreed as a correct record.

14.2 Where in relation to any meeting, the next meeting for the purpose of agreeing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to agreeing of minutes.

Form of minutes

- 14.3 Minutes will contain all motions and amendments in the exact form and order the Chair put them.

15 RECORD OF ATTENDANCE

- 15.1 At every meeting, the Clerk to the Meeting will record the attendance of each representative of a member authority and all other representatives present in accordance with Standing Order 2 (Membership).

16 EXCLUSION OF PUBLIC

- 16.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules or Standing Order 18.

17 MEMBERS' CONDUCT

Member not to be heard further

- 17.1 If a member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

Member to leave the meeting

- 17.2 If the member continues to behave improperly after such a motion is carried, the Chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

General disturbance

- 17.3 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

18 DISTURBANCE BY PUBLIC

Removal of member of the public

- 18.1 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

Adjournment

- 18.2 In the event of a general disturbance which, in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair, in addition to any other power vested in the Chair, may without question adjourn the meeting for such period as in the Chair's discretion shall be considered expedient.

19 URGENCY

- 19.1 If at any time the Chief Executive of London Councils considers that any matter is urgent and should be decided on prior to the next meeting of London Councils, then he/she shall consult the Elected Officers of London Councils. If at least two of the Elected Officers, of whom one will be the Chair~~man~~, if available, and the other will be from another political party or no party, agree that the matter is urgent and agree on the Chief Executive's recommendation, then the decision shall be taken by the Chief Executive in accordance with such recommendation, subject to the decision being recorded in writing and signed by the Elected Officers agreeing the recommendation and the Chief Executive.
- 19.2 In the event the provisions of Standing Order 19.1 are inoperable following local government elections and there is a need for urgent action, the Chief Executive is authorised to take executive action having consulted as appropriate, such action to be reported to the next meeting of London Councils.
- 19.3 The Elected Officers of London Councils and the Chief Executive may nominate persons to act in their absence for the purposes of this Standing Order.
- 19.4 A copy of the record of a decision taken under this Standing Order shall be kept at the office of the Chief Executive.
- 19.5 All decisions taken under this Standing Order shall be reported to the next meeting of London Councils.
- 19.6 The urgency procedure to be followed by Transport and Environment Committee is as in 19.1-19.5 above, with the substitution of "Director, Transport & Mobility" for "Chief Executive" and referring to the Elected Officers of the Transport and Environment Committee.

- 19.7 The urgency procedure to be followed by the Grants Committee is as in 19.1-19.5 above, with the substitution of “~~Corporate~~ the Planning and Strategy Director” for “Chief Executive” and referring to the Elected Officers of the Grants Committee.
- 19.8 The urgency procedure for any sectoral joint committees is as in 19.1-19.5 above, referring to the Elected officers of the appropriate sectoral joint committee and a senior Officer designated by the committee.
- 19.9 The urgency procedure to be followed by any sub-committee appointed by Leaders’ Committee, associated joint committees or sectoral joint committees is as in 19.1 – 19.5 above, referring to the Elected Officers of that sub-committee and ~~a the Corporate Strategy~~ the Director or senior officer, designated by that sub-committee.

20 DECLARATIONS OF INTEREST

- 20.1 If ~~a member is you are~~ present at a meeting of London Councils Leaders' Committee or any of its associated joint committees or any sub-committees or any sectoral joint committee and ~~you have~~ s a disclosable pecuniary interest as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (“the Regulations”) and set out in paragraph 20.5 below relating to any business that is or will be considered at the meeting, ~~you that member~~ must not:
- (i) participate in any discussion of the business at the meeting, or if ~~you on~~ become aware of ~~your the~~ disclosable pecuniary interest during the meeting, participate further in any discussion of the business; or
 - (ii) participate in any vote or further vote taken on the matter at the meeting.
- 20.2 These prohibitions apply to any form of participation, including speaking as a member of the public.
- 20.3 It is a matter for each member to decide whether they should leave the room while an item that they have an interest in is being discussed. In arriving at a decision as to whether to leave the room they may wish to have regard to their home authority’s code of conduct and/or the Seven (Nolan) Principles of Public Life.
- 20.4 In certain circumstances, London Councils may under s.33 of the Localism Act 2011 grant a dispensation to permit a member to take part in the business notwithstanding that the

member has a disclosable pecuniary interest relating to that business. These circumstances are where the London Councils considers that:

- (i) without the dispensation so great a proportion of London Councils members would be prohibited from participating in that business as to impede London Councils transaction of that business;
- (ii) without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote;
- (iii) the granting of the dispensation is in the interests of people living in the London Councils' area;³
- (iv) without the dispensation each member of the London Councils Executive would be prohibited from participating in the business; or
- (v) it is otherwise appropriate to grant a dispensation.

20.5 If a member wishes to apply for a dispensation, they must make a written application to be received not less than three working days before the meeting setting out the grounds for the application to the officer responsible for processing such requests.⁴

20.6 A member ~~You~~ must declare any private interests, both pecuniary and non-pecuniary, including ~~your~~ membership of any Trade Union that relate to ~~your~~any public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests.

21 ANNUAL SUBSCRIPTIONS

21.1 London Councils Leaders' Committee shall by a majority of at least two-thirds of those representatives present at the meeting and entitled to a vote in respect of each of those functions, approve by no later than 31st January in each year the subscriptions or contributions payable by the London Local Authorities for each of the groups of functions set out in Schedule 2. If London Councils fails to agree by such date the subscriptions or contributions for the ensuing financial year, then that subscription or contribution shall be at the same amount as the subscription for the current financial year. The annual budget (including any contingency sum) in respect of any function shall not be exceeded without the prior approval of a two-thirds majority of the representatives of those London Local

³ The London Councils area is that area covered by the London boroughs and the City of London

⁴ That person designated by the scheme of delegation, currently (June 2016) the Chief Executive

Authorities who are present at the meeting to which the proposal to exceed the budget is under consideration and authorised to vote.

- 21.2 Contributions to the London Grants Scheme, at schedule 5 of the Leaders' Committee Governing Agreement (as substituted by the variation to that Agreement dated 1 February 2004).
- 21.3 Contributions to London Councils Transport and Environment Committee are as set out in the LCTEC Governing Agreement dated 13 December 2001 (as amended).
- 21.4 Any sectoral joint committee shall approve the subscriptions payable by each London Local Authority subscribing thereto in such a manner as shall be determined by such sectoral joint committee as set out in the London Councils Governing Agreement.

22 DELEGATIONS OF FUNCTIONS

- 22.1 London Councils, its associated joint committees, sectoral joint committees, or sub-committee thereof and any Forum of London Councils may delegate to officers such of their functions as are permissible under statute and may, 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.

23 SUPPLY OF INFORMATION TO MEMBERS

- 23.1 Members of London Councils, its associated joint committees, sectoral joint committees or sub-committee thereof and any Forums of London Councils, shall be entitled to receive from officers such information as they may require in order to enable them to carry out their duties as members of such committee or sub-committee.
- 23.2 In addition, the leading members on London Councils of each political party or group shall be entitled to receive briefings and briefing papers from officers on the same basis as the Chair.

24 MEETINGS WITH OUTSIDE BODIES

- 24.1 A representative of each political party or group shall be entitled to be notified of and to attend any meeting with an outside body at which a Member of London Councils is present

and which has been arranged on behalf of London Councils. (This Standing Order shall not apply to those meetings convened by political advisers.)

25 FORUMS OF LONDON COUNCILS

- 25.1 London Councils shall establish Forums to discharge the functions set out in Schedule 2 and such further forums and consultative groups as it considers appropriate.
- 25.2 All or any of the London Local Authorities wishing to delegate a function to London Councils or any sectoral joint committee may request London Councils' consent to the delegation of such function in accordance with the terms of this Agreement, such consent not to be unreasonably withheld or delayed.
- 25.3 The terms of reference of any consultative group of London Councils shall be subject to the approval of London Councils.
- 25.4 The Chair and Deputy Chair of London Councils shall be ex-officio members of every and any Forum but shall not be entitled to speak or vote at such meetings in that capacity.

26 ACCESS TO MEETINGS AND DOCUMENTS

- 26.1 Admission of members of the public to meetings of London Councils, any associated committee, sectoral joint committee any sub- committee thereof and any Forum and access to documents thereof shall be in accordance with the Access to Information legislation in force from time to time.
- 26.2 Applications to film or record meetings of London Councils are requested 48 hours before the meeting. Filming will be permitted in accordance with The Openness of Local Government Bodies Regulations 2014 and any relevant guidance issued by the government at the relevant time.

27 SUSPENSION AND AMENDMENT OF STANDING ORDERS

Suspension

- 27.1 Any of these Standing Orders except Standing Orders 13.7, 14.2 and 27.2 may be suspended at any meeting, in respect of any business on the agenda for such meeting, provided that the majority of the representatives of authorities in membership of London

Councils or its associated who are present and entitled to vote so decide PROVIDED THAT any suspension hereunder complies with any legislation in force from time to time.

Variation and Revocation

- 27.2 Any addition to, or variation or revocation of these Standing Orders shall be by majority vote of those present and entitled to vote at any meeting of London Councils or its associated committees. Any motion to vary or revoke these Standing Orders shall require confirmation at the next ordinary meeting of London Councils or associated committee as the case may be before the proposed variation or revocation shall have effect PROVIDED THAT any addition, variation or revocation hereunder complies with any legislation in force from time to time.

Leaders' Committee AGM

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

Item no: 16B

Report by: Christiane Jenkins

Director Corporate Governance

Date: 11 July 2017

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Summary

This report requests approval of London Councils' Scheme of Delegations to Officers which includes the following amendments and additions to the Scheme last approved in 2016:

1. To change the wording relating to the delegation of the Chief Executive's powers in his absence in section 1 paragraph 7 from 'a Director of Corporate Services' nominated by the Chief Executive to 'The Corporate Director, Policy and Public Affairs' to reflect the current structure of London Councils corporate management officer team.
2. To amend the delegation in section 1 paragraph 8, deleting the reference to 'Director of Corporate Services' to reflect the current structure of London Councils corporate management officer team
3. To change the 'Persons Authorised' in Section 14 of Appendix A from 'Chief Executive, Corporate Directors & Programme Directors' to 'Chief Executive and all Directors' to reflect the current senior management officer structure.

Recommendations

Leaders' Committee is asked to approve the Scheme of Delegations to Officers incorporating the amendments outlined above and as detailed in Appendix One to this report.

Approval of/Amendment to Scheme of Delegations to Officers

Background

1. As required by London Councils' Standing Orders, London Councils' Scheme of Delegations 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's Annual General Meeting on 7 June 2016.
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 the running of London Councils.
3. The Scheme of Delegations 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.

This year's report requests approval of proposed changes to the London Councils' Scheme of Delegations to Officers approved in 2016 as detailed in Appendix One, attached. There are three changes, all relating to officer titles reflecting the changes to the responsibilities of the Corporate Management team following the retirement of the Corporate Director, Services in December 2016 and to more accurately reflect the current senior management structure.

4. ∴

i) Section 1 - General Conditions of Delegations to Officers

Under the 'Limitations' heading, it is recommended to replace the existing wording in paragraph 7 (page 4 of Appendix One) from:

"The Chief Executive will nominate a Director of corporate services to assume authority to exercise all powers delegated to him in his absence"

to

“The Chief Executive will nominate the Corporate Director of Policy and Public Affairs to assume authority to exercise all powers delegated to him in his absence.”

This change accurately reflects the current structure of London Councils senior management officer team.

ii General Conditions of Delegations to Officers

In paragraph 8 of the same section it is proposed to change the existing wording from:

“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)”

to

“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 until such time as Elected Officers are able to determine what temporary or transitional arrangements will apply following such indisposition (or death).”

This change accurately reflects the responsibilities of the Corporate Management team following the retirement of the Corporate Director, Services in December 2016.

iii) Appendix A of the Scheme of Delegations to Officers – Persons Authorised by London Councils to Exercise Powers Consistent with Functions of the participating Local Authorities

It is recommended to change the Persons Authorised to attend court and appear on behalf of London Councils for the purposes of section 223 of the Local Government Act 1972 in Section 14 of Part A of Appendix A from ‘Chief Executive, Corporate Directors & Programme Directors’ to ‘Chief Executive and all Directors’ to more accurately reflect the current senior management structure.

Recommendations

5. Leaders' Committee is asked to approve the Scheme of Delegations to Officers incorporating the amendments outlined and as detailed in Appendix One to 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, LCTEC and the Pensions CIV Sectoral Joint Committee) 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.

Appendices:

Appendix One - London Councils Scheme of Delegations to Officers 2016 with proposed changes as a track changed version

Scheme of delegations to officers

~~June 2016~~ July 2017

Scheme of Delegations to Officers

INTRODUCTION

London Councils¹ may, and only in a manner consistent with the London Councils Governing Agreements²:

- (i) delegate to officers of London Councils those of its functions as are permitted by statute to be delegated; and
- (ii) 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.³

London Councils must formally resolve to delegate the exercise of one or more of their functions to officers by either:

- (i) a decision taken at a meeting of London Councils, i.e. on a case-by-case basis;
- (ii) agreeing 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 functions which have been delegated to officers under the London Councils Governing Agreements⁴. 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.

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 officers within the conditions specified below to enable the effective and efficient running of the organisation.

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).

² 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).

³ Paragraph 22 of Schedule 6 (Standing Orders) of the London Councils (Leaders' Committee) Governing Agreement, dated 13 December 2001 (as amended); .

⁴ Op cit, footnote 3.

Section 1 - General Conditions Of Delegations To Officers

Day-to-Day Management

1. 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

2. Any exercise of delegated powers by officers shall comply with London Councils current Financial Regulations⁵ and Standing Orders. The Financial Regulations will not form part of this scheme but must be read alongside it.
3. 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.
4. The Chief Executive, 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
5. With the exception of policies referred to in paragraph 3, 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 Orders⁶.
6. 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).
7. The Chief Executive will nominate [the a Corporate Director of corporate services Policy and Public Affairs](#) to assume authority to exercise all powers delegated to him in his absence.
8. 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).
9. The Chief Executive may exercise any delegated function in the absence of an officer to

⁵ Current Financial Regulations dated 2/6/15

⁶ Current Standing orders dated 7/6/16

whom that authority has been specifically delegated.

10. All delegations are without prejudice to the overriding rights and powers of 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 joint committee or decision-making sub-committee in lieu of exercising delegated powers.
11. Subject to the foregoing conditions, and to any special conditions which may have been or may in future be applied in 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

12. The Chief Executive has been granted delegated authority, in consultation with the Corporate Management Board (CMB), to approve policies and procedures relating to human resources and corporate policies and procedures⁷ subject to the following conditions ;
 - (a) any policy relating to internal organisational functions which also applies to Members will be referred to the London Councils' (Leaders) Executive Sub-Committee for approval;
 - (b) all new or amended policies relating to the internal administration of the organisation will only be approved following consultation with the Joint Consultative Committee (JCC);
 - (c) in 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) any delegations to officers made in accordance with these policies and procedures shall be considered, to be general delegations from the Chief Executive or the Finance Officer (as the case may be) in accordance with paragraph 6 above.

Section 3 – Officers authorised for certain purposes

13. In accordance with the specific statutory functions delegated to the London Councils joint committees or otherwise to allow the proper and efficient exercise of those functions in accordance with section 111 of the Local Government Act 1972, officers have been individually authorised to act in respect of particular matters (i.e. they are an "authorised officer" for those purposes). Where permitted under 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. The Chief Executive has been appointed:
 - (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
 - (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

⁷ Corporate policies and procedures would include, but not be limited to, the code of conduct, health and safety and information management policies

throughout the year.

16. 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 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.
17. 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 - 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.⁸
19. Nominations will be made by the Chief Executive under paragraph 18 in consultation with elected Members.. In making nominations the Chief Executive will first apply the **Particular Principles** at (a) below but will also seek to ensure that nothing is done to depart from the **General Principles** at (b) below. Regard should also be had to the **General Conditions** at (c), below.

(a) Particular Principles

- (i) In cases where a single nomination is required, in first instance the relevant portfolio-holder will be considered and if that is not a suitable appointment then the Chief Executive will consult elected Members on an alternative candidate.
- (ii) 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 nomination⁹.

The second principle to be applied, if the first principle does not obtain, is the number of nominations made from each political party shall reflect the balance of the parties represented on Leaders' Committee at that time.

(b) General Principles

- (i) When the Chief Executive is applying the Particular Principles set out above they will seek to reflect any particular interest that the body to be nominated to has

⁸ In accordance with the decision of the London Councils' Executive acting in their capacity as its Appointments Panel on 29 May 2012

⁹ 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

expressed to London Councils¹⁰.

- (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 Members, override the Particular Principles set out above when there is a compelling case to do so.
- (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.

Accountability

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.¹¹

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 Members of the City of London Corporation when making any nominations to outside bodies.

(c) General conditions

- (i) When a nominee to an outside body ceases to be an elected Member of a 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 Sub-Committee 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 5 – Appointments to Young People’s Education and Skills Board (YPES Board)

20. The YPES Board is a Forum (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.

¹⁰ For example outside bodies occasionally ask for cross-party appointments

¹¹ 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.

Appendix A

PERSONS AUTHORISED BY LONDON COUNCILS TO EXERCISE POWERS

CONSISTENT WITH FUNCTIONS OF THE PARTICIPATING LOCAL AUTHORITIES

PART A

The following statutory provisions give powers to 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 captured within the general delegations to the joint committee.

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

Authorised Persons should nominate, in writing, an appropriate deputy to carry out any statutory duties during planned absences. Officers should also ensure arrangements are in place to authorise 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.

	STATUTORY PROVISION	PERSONS AUTHORISED
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 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 or sub Committees 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 or sub-committees in connection with an item for consideration at their meetings	Director of Corporate Governance
7	Section 100C (2) – The officer to prepare a written summary of proceedings of committees or sub-committees from which the public were excluded	Director of Corporate Governance
8	Section 100D (1)(a) – The officer to prepare a list of background papers for reports considered by committees or sub-committees	Director of Corporate Governance
9	Section 100D (5) – The officer to determine which documents constitute background papers; and under Section 100H –to be responsible for charging for copies of those documents	Director of Corporate Governance

	STATUTORY PROVISION	PERSONS AUTHORISED
10	Section 100F (2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Director of Corporate Governance
11	Section 100G - To maintain a register of the names and addresses of Elected Members and membership of committees, lists of delegations and the like	Director of Corporate Governance
12	Section 115 – The officer to whom money properly due from officers shall be paid	Finance Officer (Director of Corporate Resources)
13	Section 151 (and section 114 of the Local Government Finance Act 1988) – The officer to be responsible for the proper administration of the London Councils' financial affairs (and to issue a report to elected Members if there is or is likely to be unlawful expenditure or an unbalanced budget)	Finance Officer (Director of Corporate Resources)
14	Section 223 - Authorising officers to attend court and appear on behalf of London Councils under Local Government Act 1972 and the County Courts Act 1984	Chief Executive, Corporate Directors & Programme and <u>all</u> Directors
15	Section 225 (1) – The officer to receive and retain statutory documents on behalf of London Councils	Chief Executive
16	Section 229 (5) – The officer to certify photographic copies of documents	Chief Executive
17	Section 233 – The officer to receive documents required to be served on London Councils	Chief Executive
18	Section 234 (1) & (2) – The officer to authenticate documents on behalf of London Councils	Chief Executive
19	Schedule 12 [paragraphs 4(1)(a) & 4(3)] – The officer responsible for issuing summons to meetings at which business is proposed	Chief Executive
20	Schedule 14 [paragraph 25(7)] – The officer responsible for the certification of true copies of resolutions	Chief Executive
LOCAL GOVERNMENT ACT 1974		
21	Section 30(5) - Notice of Local Government Ombudsman's Report	Chief Executive
LOCAL GOVERNMENT FINANCE ACT 1988		
22	Section 116 - Notification to London Councils' auditor of any meeting to be held under Section 15 of the 1988 Act (meeting to consider any report of the Finance Office under Section 114)	Finance Officer (Director of Corporate Resources)
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 required	Finance Officer (Director of Corporate Resources)
LOCAL 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

	STATUTORY PROVISION	PERSONS AUTHORISED
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
LOCAL GOVERNMENT (CONTRACTS) ACT 1997		
28	Certification of relevant powers to enter into contracts	Chief Executive and Director of Corporate Resources
DATA 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
TRAFFIC MANAGEMENT ACT 2004 and CIVIL ENFORCEMENT OF PARKING CONTRAVENTIONS (England) REPRESENTATIONS AND APPEALS REGULATIONS 2007		
30	Section 81(4)(a) requires enforcement authorities to provide administrative staff for adjudicators. The Schedule to the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 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	Head of Support Services – London Tribunals
LOCAL GOVERNMENT ACT 2003		
31	Requirement to report to London Councils annually on the robustness of estimates and financial reserves	Finance Officer (Director of Corporate Resources)
MONEY LAUNDERING REGULATIONS 2003 - PROCEEDS OF CRIME ACT 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 Corporate Resources)
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
OTHER MISCELLANEOUS PROPER OFFICER FUNCTIONS		
34	Any other miscellaneous proper or statutory officer functions not otherwise specifically delegated by the Authority	Chief Executive or his/her delegate

PART B

All London Councils officers shall have regard to the following insofar as is relevant within their job description and for the effective performance of their duties and responsibilities.

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 London Council's protocol in relation to the bringing of proceedings when deciding whether a person should be charged with any offence.
B4	Best Value	To have regard to London Councils' Best Value duties when providing services and to keep under review the provision of all services to ensure Best Value.
B5	Equalities	Ensure that London 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 (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 Finance Officer of any matter where proceeds from crime maybe used to fund an acquisition, benefit, agreement or services from London Councils or where there is a suspicion that someone maybe harbouring the proceeds of crime.

Leaders' Committee AGM

Constitutional Matters - Terms of Reference for Sub-Committees and forums Item no: 16C

Report by: Christiane Jenkins **Job title:** Director, Corporate Governance
Date: 11 July 2017
Contact Officer: Christiane Jenkins
Telephone: 020 7934 9540 **Email:** Christiane.jenkins@londoncouncils.gov.uk

Summary: In accordance with London Councils Standing Orders, the Terms of Reference for relevant sub-committees and forums are presented to the Leaders' Committee AGM for approval each year.

Recommendations: Leaders' Committee is asked to approve the terms of reference for the following sub-committees/forums:

- a. Leaders' Committee Executive;
- b. Audit Committee;
- c. Capital Ambition Board;
- d. Young People's Education and Skills Board (YPES).

Constitutional Matters - Terms of Reference for Sub-Committees and forums

Committee Structures

1. In accordance with London Councils Standing Orders, London Councils Leaders' Committee should, at its annual general meeting:
 - (a) Decide which sub-committees and forums to establish for the municipal year;
 - (b) decide the size and terms of reference for those sub-committees and forums (London Councils Standing Order 1.8 (v) and (vi)).
2. Leaders' Committee has currently appointed the following sub-committees/forums;
 - (a) Leaders' Committee Executive
 - (b) Audit Committee
 - (c) Capital Ambition Board
 - (d) Young People's Education and Skills Board (YPES)
3. The Terms of Reference (TOR) for Leaders' Committee Executive, Audit Committee, Capital Ambition Board and the YPES Board were last approved by Leaders' Committee in June 2016.
4. The TOR for each sub-committee/forum are listed in Appendix 1.
No changes are being proposed to these sub-committees/forums.
5. Separate reports have already been considered by Leaders' Committee AGM for approval of the appointments to these sub-committees/forums.
6. The TOR and membership for all the London Councils' joint committees, their sub-committees and forums and the sectoral joint committee will be available on London Councils website following the AGMs of Leaders' Committee, Grants Committee, the London Councils Transport and Environment Committee and the Pensions CIV Sectoral Joint Committee.

Recommendations

Leaders' Committee is asked to approve the terms of reference for the following sub-committees/forums:

- a. Leaders' Committee Executive;
- b. Audit Committee;
- c. Capital Ambition Board;
- d. Young People's Education and Skills Board (YPES).

Financial Implications

There are no direct financial implications.

Equalities Considerations

There are no direct equalities considerations.

Legal Implications

There are no direct legal implications although delegations of the exercise of functions by Leaders' Committee to its sub-committees/forums should be consistent with the functions that Leaders' Committee may exercise under the Governing Agreement, and should be clear to ensure that decisions by the sub-committees/forums are made with appropriate authority.

Appendix

Appendix 1 - Terms of Reference for sub-committees and forums appointed by Leaders' Committee

Appendix 1 – Terms of Reference for Sub-Committees and Forums appointed by Leaders’ Committee

The Executive

The Executive will:

1. Play an active role in giving effect to the policy direction already agreed by Leaders’ Committee;
2. Broker a London Councils position on strategic issues for submission to Leaders’ Committee;
3. Agree routine consultation responses;
4. Deal with internal staffing, finance and related matters, including best value;
5. Consider items for Leaders’ Committee in advance, and submit recommendations to Leaders’ Committee;
6. Have the power to refer any item within the remit of another Leaders’ Sub-Committee, Forum, or associated London Councils’ joint committee to the Leaders’ Committee for discussion;
7. Consider the annual corporate plan and budget before final approval by Leaders’ Committee;
8. Monitor performance of London Councils quarterly by reference to:
 - a. Financial and budgetary information
 - b. Progress on priorities set out in the business plan
 - c. Progress on key policy issues;
9. Monitor performance of London Councils annually by receiving staffing information;
10. Act as the Appointments Committee;
11. To receive reports on decisions taken under urgency procedures relating to the functions of Leaders’ Committee, or any sub-committee or Forum of Leaders’ Committee.

Audit Committee

The Audit Committee will:

Audit Activity

1. To consider the Chief Internal Auditor’s annual audit opinion and a summary of internal audit activity (actual and proposed) and the level of assurances it can give over London Councils’ corporate governance arrangements;
2. To consider specific internal audit reports as requested;
3. To consider reports dealing with the management and performance of the provider of internal audit services;
4. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale;
5. To consider the external auditor’s annual letter, relevant reports, and to report to those charged with governance;
6. To consider specific reports as agreed with the external auditor;
7. To comment on the scope and depth of external audit work and to ensure it gives value for money;
8. To make a recommendation to Leaders’ Committee on the appointment, reappointment and removal of the external auditor.
9. To commission work from internal and external audit.

Regulatory Framework

10. To maintain an overview of London Councils' contract procedure rules, financial regulations and codes of conduct and behaviour;
11. To review any issue referred to it by the Chief Executive or the Director of Corporate Resources;
12. To monitor the effective development and operation of risk management and corporate governance in London Councils;
13. To monitor London Councils' anti-fraud and anti-corruption strategy and London Councils' complaints process;
14. To oversee the production of London Councils' Annual Governance Statement and to recommend its adoption;
15. To consider the results of the annual review of London Councils' corporate governance arrangements and agree necessary actions to ensure compliance with best practice; and
16. To consider London Councils' compliance with its own and other published standards and controls.

Accounts

17. To approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Leaders' Committee; and
18. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Capital Ambition

The Capital Ambition Board will, operating within the policy and governance framework of the Leaders' Committee, be responsible for:

1. Strategic direction for improvement, efficiency, transformation and innovation in London local government including by: –
 - a. encouraging participation in, and garnering support for, shared and collaborative solutions in commissioning and service delivery within local government; and
 - b. engaging with key stakeholders to promote this ethos, products and outcomes.
2. Strategic oversight and operational responsibility for the London Ventures programme by:
 - a. reviewing business cases and selecting projects under that programme in accordance with funding criteria agreed by Leaders' Committee on 14 December 2010; and
 - b. commissioning activity and/or funding commercial contracts in line with those funding priorities;
3. Oversight and monitoring of the existing portfolio of projects funded by the Board, or its predecessor organisations, and of the efficiency savings that these projects will deliver.
4. Reporting regularly to the London Councils Leaders' Committee on the work of the Board including the status of the investment fund, project performance and efficiency savings achieved.

London Councils Young People's Education and Skills Board (YPES)

- 1.1 The role of the London Councils Young People's Education and Skills Board is to provide pan-London leadership for 14 to 19 education and training provision in relation to the current and future needs of learners and employers, support local authorities in undertaking their statutory functions, and assist other stakeholders in planning, policy and provision.
- 1.2 The key tasks of the London Councils Young People's Education and Skills Board are to:
 - 1.2.1 develop the strategic vision of the market for 14 to 19 provision in London, influencing and shaping sufficient diversity and specialism to promote full participation;
 - 1.2.2 lobby for the best resources for London's young learners;
 - 1.2.3 in partnership with the LEP:
 - 1.2.3.1 develop a clear picture of the changing jobs landscape and skills needs in London to help shape the development of provision;
 - 1.2.3.2 support stakeholders with the provision of high-quality impartial information for all London's young people;
 - 1.2.3.3 alert London providers to known regionally unmet needs and gaps in the market;
 - 1.2.4 contribute to the production and analysis of data, including demographic data, to inform planning at a provider level;
 - 1.2.5 promote consistent scrutiny of 16 to 18 provision, challenging poor quality and championing excellence across the capital;
 - 1.2.6 support local authorities and providers to operate in the collective interest of London, particularly in addressing the needs of vulnerable learners;
 - 1.2.7 co-ordinate the development of specialist education and training across London – including both provision for learners with learning difficulties and disabilities and specialist vocational provision; and
 - 1.2.8 undertake any other tasks as directed by Leaders' Committee.
- 1.3 In pursuing these ambitions it is recognised that there may be the need to undertake specific commissioning activities at a regional level on behalf of local authorities, based on clear business cases.



Leaders' Committee

Constitutional matters – Amendments to London Councils Financial Regulations

Report by:	Frank Smith/ Christiane Jenkins	Job title:	Director of Corporate Resources Director of Corporate Governance
Date:	11 July 2017		
Contact Officer:	Frank Smith/ Christiane Jenkins		
Telephone:	020 7934 9700 020 7934 9540	Email:	Frank.smith@londoncouncils.gov.uk Christiane.Jenkins@londoncouncils.gov.uk

Summary This report recommends changes to Regulations 2, 8 and Appendix 5 of London Councils Financial Regulations to:

- a. update Contracts and Procurement arrangements;
- b. clarify the arrangements for externally funded projects;
- c. provide for additional delegation of authority to authorised signatories to execute or otherwise sign off on orders, quotations, tenders and contracts and for a greater number of officers to be authorised signatories.

Organisational changes/job title changes and other minor amendments are also recommended.

Recommendations Leaders' Committee is asked to:

- Agree to the proposed changes to the Financial Regulations as detailed in Appendices A and B;
- Agree to amend the Financial Regulations and Appendices to clarify the use of the term *London Councils*;
- Agree to amend the Financial Regulations and Appendices to clarify that the title *Finance Officer* refers to the *Director of Corporate Resources* and be consistent in its use.

Constitutional matters – Amendments to London Councils Financial Regulations

Introduction

1. The Financial Regulations were last reviewed in 2015 following the introduction of the Public Contract Regulations 2015 and since then the Crown Commercial Service has issued further detailed guidance and a PPN (Procurement Policy Note) on the new transparency and legal requirements for publishing opportunities on the Contracts Finder website portal [which London Councils uses].
2. A number of member authorities have been consulted regarding their current financial thresholds and all have set a revised financial threshold for when an opportunity must be mandatorily advertised, the minimum of which is now £75,000. To be consistent with practice in member authorities and the Crown Commercial Service's further detailed guidance and PPN, this report proposes amendments to Regulation 8 of the Financial Regulations as detailed in Appendix A, whereby at least 3 written quotations or a mini-tender exercise must be carried out to establish value for money.
3. The proposed changes to the financial thresholds have been discussed and endorsed by the CMB (Corporate Management Board) and will contribute to greater flexibility in delivering future business plan priorities, including the outcome of the Challenge Review.
4. Amendments are also proposed to Regulation 2 (detailed in Appendix A) to provide that externally funded projects may be considered thus:
 - a. All requests for government or other grant support must be agreed with the Director of Corporate Resources in advance of any submission to the funding body; and
 - b. If the estimated lifetime value a grant is equal or greater than £250,000 this must be the subject of a separate detailed report to London Councils Leaders' Committee or any Sectoral joint or associated committee as appropriate, requesting approval to the proposal and to accept the grant. This report must outline the estimated costs, as well as any prevalent risks to the organisation.
5. An amendment is proposed to the Receipt of Tenders (Regulation 8.9) reflecting the acceptance of electronic tenders as a step towards the full requirements of the PCR 2015 for electronic procurement and electronic communications by 18 October 2018.

6. A proposed amendment to the Opening on Tenders (Regulation 8.10) to reflect operational practice of tenders being opened in the presence of two officers appointed by the Chief Executive, usually the Head of Budgetary Control & Procurement and the procuring manager.
7. The proposed changes to Appendix 5 of the Financial Regulations are detailed in Appendix B. The proposed changes provide for additional delegation of authority to authorised signatories to execute or otherwise sign off on orders, quotations, tenders and contracts and for a greater number of officers to be authorised signatories. This allows for a more efficient and effective administration of contracts and the day-to-day management of business and is consistent with London Councils' existing Scheme of Delegations to Officers and with practice in member authorities. The Scheme of Delegations to Officers provides *inter alia* that the Chief Executive and the Directors of any corporate service (and their nominated deputies) shall have delegated authority to carry out the day-to-day management of the London Councils services for which they are responsible, including to place orders and enter into contracts for the supply of good and services, and to incur any other expenditure for which budgetary provision has been made, consistent with the Financial Regulations. All orders, tenders and contracts must still be authorised/approved in the usual way, whether by members in committee or officers under delegated authority. Organisational changes/job title changes have also been captured.
8. The term "London Councils" is not used consistently in the Financial Regulations. Leaders' Committee is therefore also asked to agree that the use of the term *London Councils* will be clarified in the Financial Regulations by making appropriate amendments.
9. There is one other amendment which could usefully be made to ensure clarity and consistency of language, namely the inconsistent use of the title Finance Officer and Director of Corporate Resources. It is therefore also proposed that these changes are also made to the throughout the relevant documentation (the Financial Regulations and its Appendices).

Recommendations

10. Leaders' Committee is asked to:

- Agree to the proposed changes to the Financial Regulations, as detailed in Appendices A and B;
- Agree to amend the Financial Regulations and Appendices to clarify the use of the term *London Councils*;

- Agree to amend the Financial Regulations and Appendices to clarify that the title *Finance Officer* refers to the *Director of Corporate Resources* and be consistent in its use.

Financial Implications for London Councils: These are outlined in the body of the report

Legal Implications for London Councils: None

Equalities Implications for London Councils: None

Appendices:

- Appendix A – Proposed changes to Regulations 2 and 8 of the London Councils Financial Regulations 2015;
- Appendix B – Proposed changes to Appendix 5 of London Councils Financial Regulations 2015.

Background Documents:

- London Councils Financial Regulations 2015
- Appendix A – Proposed changes to Regulations 2 and 8 of the London Councils Financial Regulations 2015 - track changed version;
- Appendix B – Proposed changes to Appendix 5 of London Councils Financial Regulations 2015 - track changed version.

Item 16D - APPENDIX A – Proposed changes to Regulation 2 and 8

2 General

(Page 3 of London Councils Financial Regulations 2015)

- 2.5 The Organisation shall not consider:-
 - 2.5.1 a new policy, including the management of all externally funded projects, nor
 - 2.5.2 a development or variation of existing policy, nor
 - 2.5.3 a variation in the means or time-scale of implementing existing policy which affects or may affect the Committee's finances, unless there is before it at the same time a full statement of the financial implications by the Director of Corporate Resources.
- 2.6 The Chief Executive shall consult the Director of Corporate Resources with respect to any matter within his/her purview, which is liable materially to affect the finances of the Organisation before any commitment is incurred or before reporting thereon to any Committee.
- 2.7 Failure to observe these Financial Regulations may, at the discretion of the Director of Corporate Resources, be reported to the Audit Committee.
- 2.8 In relation to externally funded projects:
 - 2.8.1 all requests for government or other grant support must be agreed with the Director of Corporate Resources in advance of any submission to the funding body;
 - 2.8.2 if the estimated lifetime value a grant is equal or greater than £250,000 this must be the subject of a separate detailed report to London Councils Leaders' Committee or any Sectoral joint or associated committee as appropriate.
- 2.9 The Director of Corporate Resources in consultation with the Chief Executive will be responsible for submission of all claims for grant to Government Departments and other outside bodies. All agreements for the receipt of grant by a Committee shall:-
 - 2.9.1 be obtained in writing;
 - 2.9.2 state the amount and conditions relating to the receipt of grant;
 - 2.9.3 be referred to the Director of Corporate Resources for his observations on financial implications prior to signing; and
 - 2.9.4 be reviewed for any legal implications, seeking legal advice as necessary.

8 Contracts & Procurement

(Page 10 of London Councils Financial Regulations 2015)

- 8.1 All contracts and procurement that exceed the current EU threshold¹ are regulated by EU Procurement Directives, and UK domestic legislation as defined in the Public Contracts Regulations (PCR) 2015. In addition, each and every contract shall also comply with these Financial Regulations. The EU regulations and UK law take precedence over the Financial Regulations and no deviations or exceptions are permitted for contracts in excess of the threshold. Also, contracts with a full life value between £25,000 and the EU threshold are governed under Part 4 of the PCR 2015.²
- 8.2 Contracts may be defined as being agreements for the supply of goods or materials, or the carrying out of works or services. Contracts are also deemed to include the engagement of professional consultants (excluding Counsel).
- 8.3 It is a breach of the Financial Regulations to artificially divide contracts where the effect is to circumvent the regulations concerning the following financial threshold limits.
- 8.4 Financial Thresholds
- 8.4.1 The following minimum number of invitations to tender or quote shall apply, subject to EU procurement rules (including aggregation i.e. the full life value of the contract) and the exemptions, before any order for works, supplies or services is placed:

Procurement Threshold	Procedure
(a) up to £10,000	No formal tender process required. At least one written quotation obtained, duty to secure reasonable value for money
Where a decision has been made <u>NOT</u> to advertise	
(b) between £10,001 and £75,000 <i>if not advertised</i>	Request at least 3 written quotations or a mini-tender exercise must be carried out to establish value for money
Where a decision has been made to advertise	
(c) between £25,001 and EU limit (currently £164,176) (€207,000) <i>if advertised</i> (NB: you MUST advertise above £75,001)	If the Opportunity is advertised, the use of the formal tender process is mandatory by tendering the opportunity on Contracts Finder and London Councils website.
(d) over EU limit (currently £164,176) ((€207,000))	The use of the formal EU tender process is mandatory and subject to the EU procurement rules. To note that additionally if the value of procurement is in excess of £250,000 then Committee approval is required prior to formal tender process.

¹ The current Threshold for public supply and service contracts is €207,000 / £164,176. This is reviewed every two years, the next review is due January 2018

² Chapter 8 Below Threshold Procurements The obligation to advertise on Contracts Finder – Regulation 110(1), *only applies where the authority has decided to advertise.*

- 8.5 Each proposed contract for works or services, with an estimated value equal or greater than £250,000 must be the subject of a separate detailed report to London Councils Leaders' Committee or any Sectoral joint or associated committee as appropriate, requesting approval to seek tenders for the recommended design solution. This report must state the size of any contingency provision to be included in the tender documents or estimated costs, as well as any prevalent risks to the organisation.
- 8.6 No contract shall be made, nor any tender invited, unless provision has been made in the annual budget for the proposed expenditure or that written confirmation has been received from the appropriate third party that external funding is available to fund the full contract and associated costs.
- 8.7 **Formal Tender Process**
- 8.7.1 Competitive tendering will be required where the ***opportunity is advertised*** and the estimated value of the contract is expected to exceed £25,000 which is split into two categories
- 8.7.2 Below Threshold (£25,000 to less than the EU limit £164,176)
- 8.7.2.1 It is now a requirement that for any contracts estimated to be between £25,000 and the EU limit in force at the time (currently £164,176), if the contracting authority advertises it must do so via Contracts Finder.
- 8.7.3 Above EU Threshold (£164,176) where full EU processes apply
- 8.7.3.1 For above threshold tendering, the choice of procedure is detailed and regulated in the PCR (Chapter 2 Rules on Public Contracts), noting that when awarding public contracts, contracting authorities shall apply procedures that conform to the regulations.
- 8.7.4 Detailed guidance on procurement procedures is provided in the Procurement Toolkit (Appendix 6), reflecting the PCR and any specific guidance as the Minister for the Cabinet Office may issue.
- 8.8 **Contract Advertising**
- 8.8.1 Contracts above the EU financial thresholds prevailing at the time as set out in the Regulations should be advertised in the Official Journal of the European Union (OJEU and London Councils website).
- 8.8.2 For below EU threshold procurement i.e. between £25,000 and the EU Limit where a decision has been made to advertise the opportunity, the opportunity must be placed on Contracts Finder and London Councils website with no exceptions. (Ref PCR 2015, Chapter 8 paragraph 110)
- 8.8.3 8.8.4 After the expiration of the period specified in any notice, invitations to tender for the contract shall conform with Section 5 sub section 7 of the PCR, (paragraphs 65 and 66 refer).

8.9 Receipt of Tenders

- 8.9.1 Every invitation to tender shall state that no hard copy tender will be accepted unless it is received in a plain sealed envelope or package which shall bear the words TENDER - followed by the subject to which the tender relates, and shall not bear any name or mark indicating the sender. Every invitation to tender should also state the deadline date and time (usually 12 noon) for receipt. When received, an entry shall be made upon such envelopes or packages indicating the time and date of receipt and these will then remain in the custody of the Chief Executive or the Director of Corporate Resources until the time appointed for their opening.
- 8.9.2 Electronic versions of the tender submission will be accepted. Electronic tenders must be received by the deadline date and time, as detailed in the invitation to tender. Electronic tender submissions sent by e-mail should be sent to: tenders@londoncouncils.gov.uk. E-mailed tenders will not be accepted in isolation, if there is a requirement for hard copies.
- 8.9.3 All tenders received after the deadline date and time shall not be opened and will be disregarded for the purposes of the tender exercise to which they relate.

8.10 Opening of Tenders

Tenders shall be opened at one time in the presence of:-

- 8.10.1 For tenders valued at over £25,000 – in the presence of two officers appointed by the Chief Executive;

8.11 Acceptance of Tenders and Quotations

- 8.11.1 Where the value is under £10,000, one of the designated authorised signatories (as outlined in Part C of Appendix 5) , shall be authorised to accept the quotation by signing off the purchase order to place the order with the supplier;
- 8.11.2 Where the value is between £10,001 and £75,000, one of the designated authorised signatories (as outlined in Part B of Appendix 5) shall be authorised to evaluate and accept the quotation or tender by signing off the procurement approval form for submission to the Director of Corporate Resources for approval;
- 8.11.3 Where the value is between the £75,000 and the prevailing EU Limit, , one of the designated authorised signatories (as outlined in Part A of Appendix 5) shall be authorised to evaluate and accept the tender by signing the procurement approval form for submission to the Director of Corporate Resources for approval;
- 8.11.4 Where the tender is above the EU Threshold and below £249,999, the Chief Executive, the Director of Corporate Resources, or in their absence, one of the designated authorised signatories (as outlined in Part A of Appendix 5) in consultation with the Chair(man), Deputy-Chair(man) and one other Member of the appropriate committee shall

be authorised to evaluate and accept the tender;

8.11.5 For tenders of £250,000 and over London Councils Leaders' Committee or any Sectoral joint or associated committee as appropriate shall be authorised to evaluate and accept the tender;

8.11.6 A tender which exceeds the approved estimate shall be referred to the appropriate committee for consideration. Where the tender can be amended to fall within the approved budget by a minor adjustment to the approved works, goods or services and otherwise complies with these regulations, the Chief Executive, the Director of Corporate Resources, or in their absence, one of the designated authorised signatories (as outlined in Part A of Appendix 5) in consultation with the Chair(man), Deputy-Chair(man) and one other Member of the appropriate committee shall be authorised to approve the adjustment as provided for in 8.11.4 above.

8.12 **Contract Provisions and Payments**

8.12.1 Every contract in writing (unless such contract is let by a Lead Authority in accordance with Schedule 8), shall be signed by the Chief Executive or the Director of Corporate Resources, or in their absence, one of the designated authorised signatories (as outlined in Part A of Appendix 5).

8.12.2 Every contract in writing shall specify:-

8.12.2.1 the work, materials, matters, or things to be furnished, or done;

8.12.2.2 the price to be paid, with a statement of discounts or other deductions;

8.12.2.3 the payment process, including the process for resolving disputes;

8.12.2.4 the time or time within which the contract is to be performed;

8.12.2.5 insurance, employers liability and professional indemnity;

8.12.2.6 the place or places for delivery of performance.

8.13 **Contracts where tenders are not required.**

8.13.1 Contracts or orders which exceed £10,000 and not exceeding £75,000 in value, **if not advertised**, require at least 3 written quotations from suitable suppliers before the contract order is placed

8.13.2 Quotations may be submitted by post, or e-mail.

8.13.3 If the full life value of a contract is below the £75,000 **and not advertised**, it shall not be obligatory to invite formal tenders, nor give public notice of the intention to enter into a contract where:-

- 8.13.3.1 effective competition is prevented by Government control, or

- 8.13.3.2 the special nature of the work to be executed limits the number of contractors capable of undertaking the work to less than 3, or
- 8.13.3.3 the goods, services or materials to be purchased are only available from less than 3 suppliers, or
- 8.13.3.4 the work is a continuation of a previous contract or order, or
- 8.13.3.5 a corporately tendered and managed or framework contract has been established for all officers of the organisation to use:
e.g. supplies of Stationery, Computers, Office Furniture etc.,
or
- 8.13.3.6 goods or services are of a proprietary manufacture, including sole distribution or fixed price, or the services to be provided are of a proprietary nature , or
- 8.13.3.7 any repairs or works to be executed or parts, goods or
- Materials to be supplied in connection with existing machinery, vehicles plant or equipment are of a proprietary nature and involve sole distribution or fixed price, or
- 8.13.3.8 urgent supplies necessary for the protection of life or property.

8.13.4 The Chief Executive shall maintain a record of those contracts let without competitive quotations as detailed in 8.13.3, detailing the reasons why these have not been obtained.

8.13.5 The EU regulations and PCR do not provide for any exemptions from the tendering process for contracts which exceed the EU threshold.

8.14 Withdrawal of Tender

8.14.1 In the event of any person withdrawing a tender, or not signing the contract after his/her tender has been accepted, or if the Chief Executive or the Committee are satisfied that a Contractor has not carried out a contract in a satisfactory manner, or for any other justified reason, then tenders will not be accepted from such contractors in future, except after specific Committee approval.

8.15 Communications with Tenderers

8.15.1 Accounting records for all contracts must be maintained as agreed by the Director of Corporate Resources.

8.15.2 No members of the relevant Committee shall have or allow any interview or communications with any person or representative of any person proposing to tender or contract, except by the authority of that Committee. Where such interview or communication does, nevertheless, take place then it is to be reported to the relevant Committee at the first available opportunity.

8.16 Contract Variations

- 8.16.1 Subject to the provisions of the contract, every variation shall be instructed in writing and signed by the designated officer prior to the commencement of work on the variation concerned or as soon as possible thereafter. Designated officers may authorise variations which are essential for the completion of a contract, and minor variations of an optional nature, provided the cost remains within the approved estimate. Major variations to contracts shall require the approval of the appropriate committee.

8.17 Contract Payments

- 8.17.1 All ex gratia and non-contractual claims from contractors shall be referred to the Director of Corporate Resources and also to the Chief Executive for comments before settlement is reached.
- 8.17.2 Where contracts valued in excess of £25,000 provide for payments to be made by instalments, all payments to contractors shall be made on a certificate issued and signed by London Councils designated officer. Contracts subject to payment via certificate will primarily relate to construction / building works, which will be for internal / external decorations of London Councils Leased premises.³ Those contracts not subject to the issue of certificates, may be paid on invoices and/or any means allowed by the Director of Corporate Resources.
- 8.17.3 The Director of Corporate Resources shall, to the extent he/she considers necessary, examine the final accounts or interim valuations for contracts and he/she shall be entitled to make all such enquiries and receive such information and explanations as he/she may require in order to be satisfied as to the accuracy of the accounts.
- 8.17.4 The final certificate for the payment of any contract, where the final cost exceeds £25,000, shall not be issued until the Supervising Officer under the contract has produced to the Director of Corporate Resources a detailed statement of account with all relevant documents.⁴ Such papers shall be lodged with the Director of Corporate Resources two months prior to the due date of the final certificate or in exceptional circumstances a previously agreed period in order to allow a thorough review of their contents prior to the issue of the final certificate. In addition, all consultants' fee accounts that in total exceed £30,000 in value shall be forwarded to the Director of Corporate Resources for verification prior to the respective final payments being processed. A clause to this effect shall be inserted in the appropriate contract, bills of quantities, or specification.
- 8.17.5 Wherever works or services are let on a day works contract then every payment costing in excess of £100 shall be supported by day work sheets. Such day works sheets shall contain adequate descriptions of the work carried out and the names of the operatives involved, together

³ Any contractors certificates issued, including claims for additional costs and the final account would be assessed by a Project Manager / Quantity Surveyor engaged for their expertise in managing building / construction contracts and then reported to the designated officer.

⁴ See footnote 3 above

with details of the times during which the work was performed, the hourly rates applied and any plant or materials used. Day work sheets shall be signed by the designated officer indicating that the amount claimed reasonably reflects the labour and materials content of the works executed.

8.18 Lead Borough Arrangements

8.18.1 Any contract let by a Lead Authority, in its capacity as administrator of an activity delegated by London Councils or any Sectoral joint or associated committee as appropriate, shall be deemed to comply with these Financial Regulations so long as it is in compliance with the Financial Regulations and Standing Orders of that Lead Authority.

8.19 Corrupt Practices

8.19.1 Every written contract shall include the following clauses:

The Service Provider must comply at all times with the provisions of the Bribery Act 2010, in particular Section 7 thereof in relation to the conduct of its employees, or persons associated with it.

The Service Provider warrants that, at all times, it has in place adequate procedures designed to prevent acts of bribery from being committed by its employees or persons associated with it, and must provide to London Councils at its request, within a reasonable time, proof of the existence and implementation of those procedures.

London Councils will be entitled by notice to the Service Provider to terminate the Service Provider's engagement under this or any other contract with the Service Provider if, in relation to this or any other such contract, the Service Provider or any person employed by it or acting on its behalf has committed an offence in relation to the Bribery Act 2010.

8.20 Claims from Contractors

8.20.1 Claims from contractors in respect of matters not clearly within the terms of any existing contract shall be referred by the Chief Executive to London Councils Legal Adviser for consideration of the Organisation's legal liability and, where necessary, to the Director of Corporate Resources for financial consideration before a settlement is reached. No payment will be made to a contractor without the specific approval of London Councils.

8.21 Bonds and Other Security

8.21.1 Every contract that exceeds £150,000 in value or amount and is for the execution of works or for the supply of goods or materials otherwise than at one time, shall require the contractor to provide sufficient security for the due performance thereof, except where the appropriate service related Director and Director of Corporate Resources consider this to be unnecessary.

8.21.2 Use of Consultants

8.22.1 Consultants shall be engaged only where it is not feasible or cost

effective to carry out the work in-house either by using existing staff or by employing new short term or permanent staff.

Item 16 D - Appendix B

LONDON COUNCILS FINANCIAL REGULATIONS - APPENDIX 5

AUTHORISED SIGNATORIES

(Updated 11 July 2017)

PART A:

All Tenders, quotations, deeds* and contracts;

<i>DIRECTORATE</i>	<i>TITLE</i>
Chief Executive's	Chief Executive
Chief Executive's	Director of Corporate Governance
Chief Executive's	Director of Corporate Resources
Chief Executive's	Head of Budgetary Control & Procurement
Chief Executive's	Head of Financial Accounting
PaPA	Corporate Director
Services	Director, Transport & Mobility
Services	Strategy & Planning Director

*Deeds must be signed by one authorised signatory and witnessed by another.
Any of the persons authorised above are authorised to sign, or witness the signing of a deed. No-one else is authorised to witness the signing of a deed which binds London Councils.

PART B:

Tenders and quotations not exceeding £75,000:

<i>DIRECTORATE</i>	<i>TITLE</i>
Chief Executive's	Chief Executive
Chief Executive's	Director of Corporate Governance
Chief Executive's	Head of London Regional Employers Organisation
Chief Executive's	Director of Corporate Resources (Finance Officer)
Chief Executive's	Head of Budgetary Control & Procurement
Chief Executive's	Head of Financial Accounting
Policy & Public Affairs	Corporate Director
Policy & Public Affairs	Director of Communications
Policy & Public Affairs	Head of Strategic Policy
Policy & Public Affairs	Head of Children and Young People Services
Policy & Public Affairs	Interim Director of Finance, Performance & Procurement
Policy & Public Affairs	Strategic Lead for Finance, Performance & Procurement
Policy & Public Affairs	Head of Economy, Culture & Tourism

DIRECTORATE

Policy & Public Affairs
 Policy & Public Affairs
 Policy & Public Affairs
 Services
 Services
 Services

TITLE

Strategic Lead for Health & Adult Social Care
 Head of Transport & Environment
 Head of Housing & Planning
 Director, Transport & Mobility
 Chief Contracts Officer
 Head of Community Services & Grants

Services

Strategy & Planning Director

In addition, the Director of Corporate Governance is authorised to sign all contracts of employment, once the appropriate post approval form (PAF) has been signed by two of the relevant office holders (1) the Finance Officer and one of (2) the Chief Executive; Corporate Director PaPA; Director, Transport & Mobility; Strategy & Planning Director, including secondment agreements into/out of the organisation.

PART C:**Orders for Works, Goods and Services (FR para 16.2)**

Official orders, including those within a computerised ordering system, shall be in a form approved by the Finance Officer and are only to be authorised by the Chief Executive or his/her nominated deputy as set out below. These authorised officers shall then be responsible for the issue of official orders. The names of the authorised officers shall be sent to the Finance Officer together with specimen signatures. Changes shall be notified to the Finance Officer as they occur. Additional guidance on the completion of official orders can be found at appendix 10.

The schedule of authorised Purchase Order signatories by Job/post from 11 July 2017 is shown below.

DIRECTORATE***TITLE***

Chief Executive's
 Chief Executive's
 Chief Executive's
 Chief Executive's
 Chief Executive's
 Chief Executive's
 Chief Executive's
 Chief Executive's
 Chief Executive's
 Chief Executive's
 Chief Executive's

Chief Executive
 Head of Chief Executive's office
 Secretary to Head of Office
 Director of Corporate Governance
 Head of Governance
 Head of London Regional Employers Organisation
 Director of Corporate Resources (Finance Officer)
 Head of Budgetary Control & Procurement
 Head of Financial Accounting
 ICT & Facilities Manager
 Governance Manager

Policy & Public Affairs
 Policy & Public Affairs

Corporate Director
 Director of Communications

DIRECTORATE**TITLE**

Policy & Public Affairs	Head of Strategic Policy
Policy & Public Affairs	Head of Children and Young People Services
Policy & Public Affairs	Interim Director of Finance, Performance & Procurement
Policy & Public Affairs	Strategic Lead for Finance, Performance & Procurement
Policy & Public Affairs	Head of Economy, Culture & Tourism
Policy & Public Affairs	Strategic Lead for Health & Adult Social Care
Policy & Public Affairs	Head of Transport & Environment
Policy & Public Affairs	Head of Housing & Planning
Policy & Public Affairs	Promotions Manager
Policy & Public Affairs	E-communications Manager
Policy & Public Affairs	Publishing Manager
Policy & Public Affairs	Media Manager; Head of Capital Ambition; Programme Manager – Capital Ambition
Services	Director, Transport & Mobility
Services	Chief Contracts Officer
Services	Head of Community Services & Grants
Services	Head of Support Services
Services	Principal Programme Manager (Operations)
Services	Principal Programme Manager (Quality)
Services	London Care Services Manager
Services	Strategy & Planning Director -
Services	Regional Commissioning Manager – YPES
Services	Executive Assistant – YPES

Any new requests / amendments agreed by completion of the “Authorised Signatory Form” and signed by the Chief Executive, Corporate Director PaPA, Director, Transport & Mobility or Strategy & Planning Director
(See below)

Those signatories listed in PART C can also accept tenders and quotations where the value is under £10,000.

AUTHORISED SIGNATORY FORM

Name of signatory	
Job Title	
Division/Section	
Start Date	
Specimen signature	

	Contracts	<input style="width: 80px; height: 30px;" type="checkbox"/>
Authorised to sign (Please tick the relevant box)	Purchase Orders Only	<input style="width: 80px; height: 30px;" type="checkbox"/>
	Invoices Only	<input style="width: 80px; height: 30px;" type="checkbox"/>
	Both Purchase Orders & Invoices	<input style="width: 80px; height: 30px;" type="checkbox"/>

Approved by (to be completed by signatory's Chief Executive/Corporate Director
PaPA/Director, Transport & Mobility/Strategy & Planning Director)

Name	
Job Title	
Division	
Signature	
Date	