

# Scheme of delegations to officers

## June 2018

## **Scheme of Delegations to Officers**

### **INTRODUCTION**

London Councils<sup>1</sup> may, and only in a manner consistent with the London Councils Governing Agreements<sup>2</sup>:

- (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.<sup>3</sup>

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 Agreements<sup>4</sup>. 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.

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<sup>1</sup> 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).

<sup>2</sup> 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).

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

<sup>4</sup> 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 Regulations<sup>5</sup> 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 Orders<sup>6</sup>.
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 Corporate Director of 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 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 whom that authority has been specifically delegated.

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<sup>5</sup> Current Financial Regulations dated 2/6/15

<sup>6</sup> Current Standing orders dated 7/6/16

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 procedures<sup>7</sup> 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 throughout the year.

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

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.<sup>8</sup>
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 nomination<sup>9</sup>.

*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 expressed to London Councils<sup>10</sup>.

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

<sup>9</sup> 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

<sup>10</sup> For example outside bodies occasionally ask for cross-party appointments

- (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.<sup>11</sup>

#### 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.

<sup>11</sup> 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
<b>LOCAL GOVERNMENT ACT 1972</b>		
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

	<b>STATUTORY PROVISION</b>	<b>PERSONS AUTHORISED</b>
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 and all 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
<b>LOCAL GOVERNMENT ACT 1974</b>		
21	Section 30(5) - Notice of Local Government Ombudsman's Report	Chief Executive
<b>LOCAL GOVERNMENT FINANCE ACT 1988</b>		
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)
<b>LOCAL GOVERNMENT AND HOUSING ACT 1989</b>		
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
<b>CIVIL EVIDENCE ACT 1995</b>		
27	To certify Council records for the purposes of admitting the document in evidence in civil proceedings.	Any member of the Corporate Management Board
<b>LOCAL GOVERNMENT (CONTRACTS) ACT 1997</b>		
28	Certification of relevant powers to enter into contracts	Chief Executive and Director of Corporate Resources
<b>DATA PROTECTION ACT 1998</b>		
29	Duty to notify the Information Commission of any changes in accordance with Section 20 of the DPA 1998	Director of Corporate Governance
<b>TRAFFIC MANAGEMENT ACT 2004 and CIVIL ENFORCEMENT OF PARKING CONTRAVENTIONS (England) REPRESENTATIONS AND APPEALS REGULATIONS 2007</b>		
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
<b>LOCAL GOVERNMENT ACT 2003</b>		
31	Requirement to report to London Councils annually on the robustness of estimates and financial reserves	Finance Officer (Director of Corporate Resources)
<b>MONEY LAUNDERING REGULATIONS 2003 - PROCEEDS OF CRIME ACT 2002</b>		
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)
<b>LOCALISM ACT 2011</b>		
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
<b>OTHER MISCELLANEOUS PROPER OFFICER FUNCTIONS</b>		
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.