



# Mayor's Scheme of Delegation

February 2011

## Purpose

The Mayor is responsible for all executive arrangements and is required to maintain a list under Part 3 of the Council's Constitution setting out who of the following are responsible for particular Executive functions

- The Mayor (Mayoral Proceedings);
- The Mayor in consultation with an individual Cabinet Member or Mayoral Adviser (Mayoral Proceedings);
- the Mayor and Cabinet collectively or the Mayor in consultation with cabinet (Cabinet);
- officers
- area committees
- joint arrangements or
- another local authority.

The Mayor must provide the Monitoring Officer with a copy of the list and any updated list within 5 days of the amendments being made.

The scheme of officer delegation is maintained by the Monitoring Officer and is available for inspection and available on the Council's Internet site

The Mayor reports to each AGM the scheme of delegations he intends to operate for the forthcoming municipal year.

Any in-year changes shall be reported to the Monitoring Officer and to the next available Ordinary meeting of the Council.

## Related Policies

Officers Scheme of Delegation - <http://www.newham.gov.uk/YourCouncil/HowNewhamIsGoverned/SchemesofDelegation.htm>

## Who is governed by this policy?

The Mayor of Newham and all Officers in the Council.

## Executive Summary

- 1. Interpretation:** The Mayor's Scheme of Delegation aims to be as comprehensive as possible but cannot be exhaustive. It needs to be flexible to deal with changing circumstances. Therefore the Scheme refers to all major corporate and service policies, strategies and initiatives whether mentioned by name or not. Officers will apply the principles of the scheme when determining where and how, in the structure, decisions will be made. As a general rule therefore, corporate matters will be determined by the Mayor in consultation with Cabinet, and service matters by the Mayor in consultation with the relevant Cabinet Member or Mayoral Adviser. Where there is doubt, the Mayor will be asked to decide. This scheme should be read in conjunction with the Officer Scheme of Delegations.
- 2. Variations:** The Mayor may make ad-hoc one off variations on particular matters where it is appropriate to deal with that matter at variance to the scheme of delegation as set out below. Such variations shall only be made on consideration of a relevant report and publication of the decision shall be in accordance with the Access to Information procedure rules. Any variation affecting the generality of any delegation set out in this scheme shall be made in writing. Such written notice to be provided to the Monitoring Officer and reported to the next Ordinary meeting of the Council. The variation shall be effective from the date the written notice is received by the Monitoring Officer.
- 3. Plans and Strategies:** All references to Plans and Strategies mean initial approvals to them, and subsequent amendments where the impact of the amendment is significant. (If the amendment is required by law or as a result of litigation to give effect to day to day practical issues required to ensure implementation officers shall implement the change required but shall consult with the Mayor and lead Members before doing so). Where the plan or strategy is a joint matter with other bodies the recommendations shall only be in respect of those matters affecting the Council.
- 4. Key Decisions:** Any key decision shall be published in the Forward Plan in accordance with Part 4.2 (Access to Information Procedure Rules). Whether a matter is a key decision shall be determined in accordance with the key decision protocol (Part 5.7 of the constitution).
- 5. Officer decisions to be referred to Mayor:** Any decision which would ordinarily fall to officers to decide but which is controversial in nature shall be referred to the Mayor to determine in accordance with this scheme of delegation. Member Services should be consulted in this instance. In addition any matter which is an officer's decision and is subject to consultation under the influential councillors' protocol will be referred to the Mayor for decision in the event there is any unresolved dispute on the officer's proposed decision.

- 6. Decision making process:** Decisions are made in accordance with Parts 4.4 and 5.6 of the Constitution (Executive procedure rules and protocol).
- 7. The Role of the Local Strategic Partnership:** The Local Strategic Partnership meets 6 times a year to consider relevant matters in respect of the Community Plan and the Local Area Agreements. The meetings are scheduled immediately in advance of Cabinet meetings to allow for LSP decisions to be fed into the Executive Decision making process in so far as such decisions require a formal decision by the Council's Executive to implement them in the full Council.

Date Last Reviewed:	
Approved by:	
Date Approved:	
Version Number:	1
Review Date:	February 2011
Document Owner:	Monitoring Officer
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EQIA Assessed:	N/A
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## SCHEME OF DELEGATION

Title	Mayor	Mayor in consultation at Cabinet	Mayor in consultation with Individual Members at Mayoral Proceedings	LSP	Newham Executive Board pre-clearance	Comments
<b>Governance</b>						
Adoption of Powers where adoption is required under the legislation (where not a Council function)		√				
Establishment of Cabinet Boards, Policy Forums and Strategic Working Parties	√					These are formulation and advisory bodies not decision making.
Protocols for Executive Working Arrangements	√ to decide					Form part 5 of constitution
Creation, Allocation and Revision of Cabinet Member and Executive Adviser Portfolios	√					Notified to AGM. In year changes are notified to the Monitoring Officer and reported to next Full Council meeting
Appointment of Cabinet Members and Executive Advisers	√					Notified to AGM. In year changes are notified to the Monitoring Officer and reported to next Full Council meeting

Title	Mayor	Mayor in consultation at Cabinet	Mayor in consultation with Individual Members at Mayoral Proceedings	LSP	Newham Executive Board pre-clearance	Comments
Receiving Reports of the Audit Board		√				
<b>Scrutiny</b>						
Responding to reviews of the Overview and Scrutiny Committee.		√			√	
Other reports from scrutiny bodies		√			√	
To respond to the call in of Executive Decisions not delegated to officers and within the policy framework.	√					
<b>Joint Arrangements</b>						
To establish joint arrangements in relation to the delegation of any function which is the responsibility of the Executive		√				
To delegate executive functions to another local authority or the executive of another local authority		√				
<b>Consultation Papers</b>						
To agree the authority's response to consultation papers relating to proposed			√			Responses to open consultations are the responsibility of officers.

Title	Mayor	Mayor in consultation at Cabinet	Mayor in consultation with Individual Members at Mayoral Proceedings	LSP	Newham Executive Board pre-clearance	Comments
legislation of strategic importance or which will have an impact on the Council's strategies or plans. Save where circumstances require that the Chief Executive responds on behalf of the Council (for example short time scales) in which case the Chief Executive shall respond in consultation with the Mayor or in his absence the relevant lead member						
<b>Outside Bodies</b>						
Approval of the Council's representation on Outside Bodies including companies, trusts and charities ( <i>i.e. the principle and nature</i> )			√			
Appointment and nominations of Council representatives to Outside Bodies, save for any amendment to the LEA representatives on School Governing Bodies which shall be the responsibility of the lead member (see separate schedule appended to the constitution) Where the outside body is constituted as a joint authority carrying out functions of an executive and non-executive nature the nomination shall be referred to Full Council for Approval.			√			<p>Where the body is carrying out executive functions (an executive joint committee) an executive member must be appointed unless the body comprises five or more authorities.</p> <p>Once nominated all nominated representatives receive a copy of the Council's protocol for representatives on outside bodies. The Council will only nominate to Limited companies and Trusts where they can evidence indemnity insurance for the nominees.</p>

Title	Mayor	Mayor in consultation at Cabinet	Mayor in consultation with Individual Members at Mayoral Proceedings	LSP	Newham Executive Board pre-clearance	Comments
To receive reports from the Council's representatives/nominees or those Outside Bodies as required by the Mayor from time to time or on a regular basis	√ to decide					The Council's monitoring officer maintains a list of all outside bodies to which the Council makes nominations. See Annex 1 to constitution for current list.

**Draft Policy and Budgetary Framework Documents**

Consideration of draft budget and policy framework documents prior to submission to the Overview and Scrutiny Committee and consideration of final proposals prior to submission to full Council		√		√	√	
Recommending decisions outside the policy and budgetary framework for onward consideration by the Full Council in accordance with the Constitution		√			√	

**Policy Framework:**  
**Responsibility for making recommendations to Council on the following. Where the plan or strategy is a joint matter with other bodies the recommendations shall only be in respect of those matters affecting the Council.** These must be submitted to Overview and Scrutiny Committee for their views prior to approval.

Corporate Plan;		√		√	√	Secretary of State Recommendation
Sustainable Community Strategy		√			√	Statutory requirement

				√		
Strategies to reduce Crime and Anti-Social behaviour		√		√	√	Statutory requirement – all form part of the Council's strategy to reduce crime and disorder. Includes Alcohol Harm and Disorder Reduction Plan, It may also include provisions to produce a plan in respect of youth.
Strategies to tackle Drugs, Alcohol and other Substance misuse		√		√	√	Statutory requirement – all form part of the Council's strategy to reduce crime and disorder. Includes Crime and Disorder Reduction Strategy.
Transport Local Implementation Plan		√			√	Statutory requirement
Local Development Framework		√		√	√	Statutory requirement
Food Law Enforcement Service Plan		√			√	Secretary of State Recommendation
Licensing Strategy (required by Licensing Act 2003)		√			√	Licensing (2003 Act) Committee considers the Strategy in the first instance
Gambling Licensing Policy (required by Gambling Act 2005);		√			√	Licensing (2003 Act) Committee considers the Strategy in the first instance

**Budgetary Framework:**

Responsibility for deciding or making recommendations to Council (as appropriate), or the council's contribution if the responsibility of the plan lies with a partnership body. These must be submitted to Overview and Scrutiny Committee for their views prior to approval.

Proposals for the Annual budget for recommendation to Full Council		√			√	Statutory requirement
Proposals for the medium term budget strategy for recommendation to Full Council as part of the annual budget setting		√			√	Statutory requirement
Proposals formulating a plan or strategy for the control of the authority's borrowing, investments or capital expenditure (Statutory Instrument 2002 1158) for recommendation to Full Council		√			√	Statutory requirement
End of Year Financial Reports for referral to full Council		√				For noting
<b>Budget and income policies</b>						
Housing Revenue Account, business plan and rent increases		√			√	
Virement in year changes in respect of the limits specified for Mayoral decision in Part 4.6 of the Constitution		√				
Schools Budget		√			√	
Decisions relating to Council Tax Discounts under the Local Government Act 1992 and		√				

Regulations made thereunder						
Use of Charging Powers in any service area under the executive, for the first time (Local Government Act 2003)		√			√	whether a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of an executive of the authority; and  (e) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge
Use of Trading Powers (Local Government Act 2003): Setting up of Companies in any service area for the first time.		√			√	
Any proposal to "tender" on behalf of the Council for work being tendered by third parties.		√			√	
<b>Corporate Strategies : To approve the following</b>						<b>Some strategies (e.g. Active and Connected) may not require regular updating, however they should still be updated every 3 years as part of a regular review of our strategic framework.</b>
Active Communities and People Strategy (including parks)		√		√	√	
Capital Investment Strategy (provided it is within the strategy approved by Full Council)		√			√	
Children and Young People's Plan		√		√		To include any requirement to produce related plans from time to time such as child poverty and youth offending

Cleaner, Greener, Policies (including Waste Management)		√		√	√	
Customer Access Strategy		√			√	
Economic Development and Tackling Worklessness Strategy		√		√	√	
Equalities and Diversity Strategy (encompassing the single equalities scheme)		√		√	√	
Good Health Strategy		√		√	√	
Housing Strategy		√		√	√	
ICT infrastructure Strategy		√			√	
Procurement Strategy		√			√	
Property Strategy and Property Asset Management plans and strategies		√		√	√	
Treasury Management Report and strategy and Borrowing Limits (for recommendation to Full Council)		√				
2012 Games legacy plans and strategies		√		√	√	
Other significant strategies for any service area or of a corporate nature		√			√	

<b>Implementation of Policy, Strategies and Review</b>						
To receive reports on strategies or policies agreed by the Mayor where there are serious practical, legal or financial impediments to implementation, or significant changes in circumstances		√			√	
To receive reports on progress, outcomes and agree annual delivery/action plans where related to strategies agreed by the Mayor		√			√	
<b>Service specific Delivery and Plans</b>						
<b>Corporate, Chief Executive's and Resources Directorates</b>						
Corporate Debt Strategy and Write Off Strategies (but excluding decisions on individual write offs unless required by this scheme)			√			
Events Plan		√			√	
Writing off of debt over £20k for citizen debts or £50k for business debts			√			
External Auditors Management Letter		√			√	

Insurance policies and strategies relating to insurance.			√			
PFIs - Approval of initial proposals, services for inclusion in ITT, outline business case, structures for delivery, funding for proposals in accordance with budget strategy and related contractual matters over £500,000.		√			√	
Approval of Heads of Terms for Major schemes.		√				
Approving contracts with a value in excess of £500,000. Save where the contract will be a draw down from an existing framework provided that Mayoral approval has previously been given to draw down from that framework.			√			On days when Cabinet meets, but not Mayoral Proceedings, contracts may be agreed at Cabinet, but a paragraph should be included in the report to explain why the decision cannot wait until the next meeting.
Approving tendering proposals for services and supplies contracts in excess of the EU thresholds whether EU tendering is required or not			√			On days when Cabinet meets, but not Mayoral Proceedings, pre-procurement reports may be agreed at Cabinet, but a paragraph should be included in the report to explain why the decision cannot wait until the next meeting.
Approving tendering proposals for contracts in excess of £500,000 for works contracts.			√			As above
Approving renewals or amendments of contracts where the value of the renewal or amendment means the total value of the contract shall exceed £500,000			√			

Contracting out of council services under the Executive		√			√	
<b>Adults, Community and Leisure</b>						
To receive reports following service inspections, including Annual Performance Assessment		√				
Charging for AC&C Services			√			
Promoting Health and well being plan		√			√	
Tackling Health inequalities plan		√			√	
Taxicard Scheme			√	√		
Grants/commissioning strategy and policy		√			√	
Newham Heritage Services – Acquisition and Disposal Policy			√		√	

<b>Children and Young People</b>						
Accessible Schools Strategy		√				
Appointments to Adoption and Fostering Panels		√				
Education Planned Maintenance Programme		√				
LEA OFSTED Report and Action Plan and Commission for Social Care Inspection including Annual Review meeting (star rating) report		√			√	
Approve plans to undertake consultation on major changes to individual schools including expanding schools and introducing special provisions, eg. For autistic children.		√				
RE Syllabus			√			
Schools Admissions Policy		√				
School Terms and Holidays			√			

<b>Environment</b>						
<b>Community Safety</b>						
CCTV policy		√				
Enforcement Strategy and Action plan		√			√	
Setting fixed penalty levels			√			
Approval of Dog Control Orders						
<b>Highways, Transport and Parking</b>						
Controlled Parking Policy		√				
Disabled Bay parking policy		√				
Highways Asset Management and Transport Plan		√			√	
Local Implementation Plan – Annual Funding Bid to TfL		√				
Responses to Mayor of London’s London Plan and Transport Strategy, Drafts and Updates			√			

<b>Housing and Public Protection</b>						
Air Quality Action Plan			√			
Carbon Reduction Plan		√			√	
Choice Based Lettings policy and amendments with significant impact on the operation of the policy			√			
Declaration of Neighbourhood Improvement zones						<b>Cabinet to recommend to full Council to apply to Department for Communities and Local Government to designate selective licensing scheme in a NIZ.</b>
Declarations of Renewal Areas under s.29 Local Govt & Housing Act 1989			√			
Framework for applying Discretionary reductions for Leaseholder re-charges		√				
Housing Assets Plan		√			√	<b>Shared Equity Scheme</b>

Landlord's policy on anti social behaviour required under the Housing Act 1996 and section 12 of the Anti-Social Behaviour Act 2003		√			√	
Making Compulsory purchase orders		√				
Noise and Statutory Nuisance Act 1993 Schedule 8 - Resolution			√			
Houses in Multiple Occupation (HMO) : Approval to declare Selective Licensing Registration Areas		√				
<b>Waste, Cleansing and Recycling</b>						
Joint Municipal Waste Strategy for the East London Waste Authority Area.		√				
Waste collection policies for domestic and trade waste		√				
<b>Regeneration</b>						
Conservation area declaration		√			√	
Design Guide for Borough Roads		√				

Major regeneration schemes – (including SRB and NDC) approval of the initial proposals, selection of preferred option(s), approval of masterplan, receipt of grants, delivery plans (including annual plans) funding arrangements within the budget strategy, charters and/or other documents setting out Council’s proposals for residents affected by the schemes and structures for delivery.		√			√	
Parks and Conservation Strategy (link with Culture and Community)		√			√	
Supplementary Planning Guidance		√				<b>No requirement to refer to full Council</b>
LDF Annual Monitoring Report		√				
Workplace, policies to tackle worklessness and Mayor’s Employment project		√				
Approval of the annual Corporate Disposals Programme		√			√	
The approval of the disposal of any freehold or leasehold land (other than commercial or industrial tenancies of single units at full market value for 20 years or less) where the capital of the value exceeds £500,000 or more (£10,000 for voluntary or community groups) (excluding disposals of commercial premises, statutory rights such			√			

as Right to Buy, enfranchisement or a statutory right to lease extension).						
The approval of the disposal of any commercial shop or industrial unit for a lease of 20 years or less on the Council's usual terms and conditions at full market rental with a capital values of £500,000 or more (or £50,000 or more for voluntary or community groups)			√			
Acquisition of land on a freehold or leasehold basis with a capital value of over £500,000			√		√	
To receive reports on acquiring or disposing of assets previously approved by the Mayor where subsequent changes in value or circumstances require reconsideration of the matter.		√			√	
<b>Service Reviews and Inspections</b>						
To approve Service Reviews where the review will have a significant impact on service delivery		√			√	
<b>Byelaws</b>						
Recommendations to Council on the making of byelaws		√			√	

<b>Resilience</b>						
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Council's Civil contingencies plan and any arrangements for joint plans		√			√	
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<b>Ombudsman</b>						
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Reports of the Commission for Local Administration in England - findings of Maladministration		√				
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