

Mayoral Scheme of Delegation

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1. **SUMMARY OF THE EXECUTIVE DECISION MAKING PROCESS**

- 1.1 Under the Directly Elected Executive Mayor governance model in place in the London Borough of Newham, the Mayor of the Council has overall responsibility for the executive functions of the Council as described in Article 7 of the Constitution.
- 1.2 In accordance with [Article 7.07] of the Constitution, to deliver those executive functions, the Mayor has:
- appointed a Cabinet comprising up to nine further elected Members of the Council and has determined which executive functions, if any, shall be reserved to it as being the responsibility of collective Cabinet decision making at Cabinet meetings;
 - appointed one of those Members as statutory Deputy Mayor of the Council to act in the absence of the Mayor; and at their discretion may appoint (non-statutory) Deputy Mayors from time to time.
 - allocated a Portfolio of responsibility to each of the Cabinet Members, including a Portfolio of matters to be the retained as being responsibility of the Mayor, and has determined a Scheme of Delegation to Individual Cabinet Members that sets out the decisions that each Cabinet member may take;
 - established and appointed to a Cabinet Committee and to a Joint Committee [if any];
 - determined which delegated executive functions shall be the responsibility of an officer of the Council and has determined a Scheme of Executive Delegation to officers that sets out the decisions that an officer may take;

- confirmed the responsibility of the Head of Paid Service and chief officers for the general management of the authority and for day to day operations for functions and services of the Council; and
- determined the process and circumstances in which those decisions must be made.

2. EXECUTIVE DECISIONS

- 2.1 An “executive decision” is one made in connection with the discharge of a function which is the responsibility of the executive, i.e., the Mayor and Cabinet.
- 2.2 Executive decisions taken by the Mayor, Cabinet, Cabinet Members or an officer should be recorded. Executive Decisions include –
- (a) Decisions that directly relate to the development of the Budget and Policy Framework, comprising:
 - (i) decisions to approve a draft document or proposal and to commence formal consultation on that document or proposal; or
 - (ii) decisions to recommend to Council the adoption of the Budget or a policy within the Policy Framework following consideration of the outcome of the formal consultation;
 - (b) any decision taken by the Cabinet, a committee of Cabinet or by the Mayor or another individual Cabinet Member in accordance with the Council’s internal governance model and the Constitution;
 - (c) decisions taken by an Officer in specific consultation with the Mayor, Cabinet, a Cabinet Committee or an individual Cabinet Member under delegated authority of the Mayor; and

- (d) a decision taken by an Officer that would otherwise be taken by the Cabinet, a Cabinet Committee or an individual Cabinet Member but has been made under delegated powers from one of those decision-making bodies:
 - (i) under a specific express authorisation; or
 - (ii) under a general authorisation to officers to take such decisions and the effect of the decision is to—
 - (1) grant a permission or licence;
 - (2) affect the rights of an individual; or
 - (3) award a contract or incur expenditure which, in either case, materially affects the Council's financial position, for which purposes is taken to be a financial saving or expenditure of **more than £150,000 (and less than £500,000)**.
- 2.3 Certain executive decisions are defined in law as 'Key Decisions'. The Council's adopted definition of a key decision is in excess of a financial threshold of **£500,000, or a community impact on 2 or more wards within the borough.**
- 2.4 A Key Decision differs from other kinds of decisions because, where a decision maker intends to make a key decision, they must first publish a document containing publicity requirements about the decision and (subject to certain exception and urgency provisions) they cannot make the decision until at least 28 clear days the document, known as the 'Forward Plan', has been made available for inspection by the public.
- Further information on this can be found in the Access to Information Procedure Rules at Part [4.2] of the Council's Constitution.
- 2.5 All Key Decisions are subject to the Council's call-in process at paragraph [15] of the Council's Overview and Scrutiny Procedure Rules at Part [4.5] of the Council's Constitution.
- 2.6 Many administrative and operational decisions to be taken by officers relate to their general management role in conducting the Council's business and how they deal with their day to day work. This may amount to sums greater than that referred to above, particularly in relation to decisions taken on expenditure on individual children's or adult

social care packages. These decisions are not to be regarded as executive decisions and, as such, they will not need to be recorded and published in the way described here.

3. CABINET DECISION MAKING

- 3.1 The Cabinet makes all executive decisions that are not otherwise delegated to an individual Cabinet Member or an officer of the Council under the Mayoral Scheme of Delegation set out in sections 1 and 2 above.
- 3.2 Any executive functions or matters may additionally be referred by the Mayor, Cabinet Member or Corporate Director to Cabinet for consideration, determination and decision. Examples of matters that should normally be referred to Cabinet rather than be taken as a delegated decision are those that fall into one or more of the following categories:
 - (a) the matter under consideration is a high profile matter;
 - (b) the decision has a significant budgetary impact;
 - (c) there is a need or it is considered prudent to engage the public and/or raise public awareness; and/or
 - (d) the function/matter provides important performance management information.
- 3.3 Decisions of Cabinet will be taken at a meeting convened in accordance with the Council's Access to Information Procedure Rules (set out in Part 4.2 of the Constitution and which set out the requirements covering public meetings).
- 3.4 The standing orders as to the business of Cabinet are set out in Executive Procedure Rules at Part 4.4 of the Constitution.
- 3.5 An executive decision shall be taken by Cabinet only on consideration of a full report by the relevant officer(s), published in accordance with the Council's Access to Information Procedure Rules, which shall contain as a minimum:

- (a) a recommended decision;
- (b) a presentation of reasons for the recommendation being put forward
- (c) details of any other options considered and why those options were rejected;
- (d) details of any consultation undertaken or proposed including, in respect of consultation undertaken, the nature and extent of the consultation undertaken with stakeholders and the overview and scrutiny committees and the outcome of that consultation;
- (e) a consideration of the financial and legal issues pertaining to the matter, and such other matters as governance chief officers (the head of paid service, s.151 officer or monitoring officer) may require, including risk, staffing or equalities implications and assessment of Inclusive Growth, Community Wealth Building, Social Value and Climate Emergency implications, if any, in line with the Council's Just Transition Plan; plus
- (f) a list compiled of any Background Papers to the report, meaning those documents other than published works that, in the opinion of the Proper Officer, relate to the subject matter of the report or, as the case may be, the part of the report; and
 - (i) disclose any facts or matters on which the report or an important part of the report is based; and
 - (ii) were relied on to a material extent in preparing the report; together with any additional comments the Cabinet member with portfolio wished to add to the report.

3.6 The minutes of the meeting must, as a minimum, contain:

- (a) a record of the decision;
- (b) the date the decision was taken;
- (c) a record of the reasons for the decision;
- (d) details of any alternative options considered and rejected by the Cabinet at the meeting at which the decision was made;
- (e) a record of any declaration of interest and, in respect of decision making by elected members, a note of any dispensation granted; and

- (f) a record of any conflict of interest relating to the matter decided which is declared by any member of the Cabinet which made the decision and where applicable, a note of dispensation granted by the Standards Committee; and
- (g) where appropriate, a statement of urgency and that the decision is exempted from call-in.

3.7 The decisions taken by Cabinet are subject to the Council's procedures for delayed implementation and call- in (as referred to at paragraph 2.5 above).

4. **CABINET COMMITTEE DECISION MAKING**

- 4.1 Where executive decisions are delegated to a Committee of the Cabinet the Procedures relating to Cabinet meetings and consideration of business as shown at paragraph 3.3 to 3.7 above apply also to Cabinet Committee meetings, subject to any member of the Cabinet being appointed as a member of the Committee.
- 4.2 Where the Mayor decides to establish and appoint to a Committee of Cabinet, the composition and terms of reference will be set out at and appended to this Scheme at **Appendix C**.

5. **INDIVIDUAL CABINET MEMBER DECISION MAKING**

- 5.1 The Mayor of the Council has allocated a Portfolio of responsibility to each Cabinet Member. Where the Mayor determines that an individual Cabinet Members may take executive decisions, this must be within the scope of their portfolio and subject to the conditions set out in the Executive Scheme of Delegation and related procedures, including ensuring that the Mayor is kept appraised in line with the Council's internal governance model.

6. OFFICER DECISION MAKING

- 6.1 The Mayor will determine a specified Scheme of Delegation to Officers, which will be set out in **Appendix B**. An individual officer may take an Executive Decision, as defined at paragraph 2.2 above, that is within the scope of their management portfolio, subject to the conditions set out in this Scheme of Delegation and related procedures as detailed below.
- 6.2 A Key Decision may then be taken by an officer only:
- (a) where it is considered on the basis of a written report prepared in accordance with paragraphs 6.4 below; and
 - (b) when the relevant report author (or nominee) is in attendance when the decision is taken.
- 6.3 An Executive Decision may be taken by an officer where:
- (a) the proposed decision concerns the award of contract or otherwise materially affects the Council's financial position, by a financial saving or expenditure, of more than **£150,000**;
 - (b) the item of business has not been previously requested by a Cabinet Member to be referred to the Cabinet or a Cabinet member; or
 - (c) the officer concerned is not of the opinion that, due to its sensitive or high profile nature, the item of business is to be referred to a Cabinet member or the Cabinet for determination (but shall not do so if any third party rights would be adversely affected solely as a result of the officer declining to exercise their delegated power).
- 6.4 An officer who takes an Executive Decision shall ensure that an 'Officer Decision Notice' is prepared as a written record of their decision and that it contains:
- a) a record of the names and titles of the decision taker and, where appropriate, the other officer(s) in attendance;
 - b) a record of the decision including the date it was made;
 - c) a statement of the reasons for the decision;

- d) details of any alternative options considered and rejected by the officer when making the decision;
- e) a record of any statement made by any Cabinet Member who is consulted by the officer, including any conflict of interest declared by that Cabinet Member which relates to the decision; and
- f) in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service; and
- g) in respect of a Key Decision, a statement of urgency and that the decision is exempted from call-in where applicable.

6.5 The Officer Decision Notice shall be delivered to the Monitoring Officer (via the Democratic Services Team), together with the supporting report, who shall publish the Decision Notice.

6.6 Any report or papers relied upon to reach the decision must also be provided to be made available for inspection by members of the public.

6.6 Unless the officer's decision is a Key Decision, an officer decision is not eligible for call-in (as referred to at paragraph 2.5 above).

Publication and Recording requirements

| Financial Value | Requirement | Legal & Finance Clearance |
|-------------------------------------|---|---------------------------|
| >£500k+ (Key Decision) | Key Decision Report ; Added to Statutory Forward Plan and Published | Yes |
| >£150k+ (Material Decision) | Non-Key Decision Report, and Published | Yes |
| >£30k - £150k (Recordable Decision) | Automated Decision Form completed No Publication | No |

| | | |
|-------|--|----|
| <£30k | No formal recording requirements, but all officers are required to adhere to best value standards. | No |
|-------|--|----|

Appendix A

Executive Scheme of Delegation

- 1.1 This Part sets out the delegation of decision making powers by the Mayor to the Executive (meaning the Mayor and Cabinet acting as a single decision making body) and to Executive Members.
- 1.2 The Mayor retains the right to make any decisions delegated under this Scheme and any key decision making powers not delegated in this Scheme are retained by the Mayor.

Conditions on Delegations

- 1.3 The following conditions apply to the delegations set out in this Part:
 - a) The Mayor must be present when executive decisions are made, unless they have indicated in writing that they do not need to participate;
 - b) The Forward Plan and Agendas of Executive meetings will be agreed by the Mayor, unless they delegate otherwise;
 - c) Urgent decisions (where the Council's legal or financial interests or the health or safety of any individual is at risk) will be made by the Mayor. This will be limited in use but facilitate quick decisions where it protects the Council's interests.
- 1.4 The Executive Mayor can from time-to-time delegate specific functions to individual Cabinet Members. These delegations will be recorded and published on the Council's website.
- 1.5 The Executive Mayor can from time-to-time establish a Cabinet Committee.
- 1.6 If for any reason the Executive Mayor is unable to act, the Statutory Deputy Mayor will act in their place and exercise all of their executive powers.

| POWER OR FUNCTION | | MAYOR | EXECUTIVE | SOURCE (where applicable / COMMENTS) |
|--|--|-------|--|--|
| GOVERNANCE & OUTSIDE BODIES | | | | |
| 1. | The adoption of powers where required by legislation | | X | Constitution, Local Choice Functions |
| 2. | All decisions in relation to the structure, governance, membership and powers of the Cabinet and Cabinet members. | X | | Local Government Act 2000 |
| 3. | All powers relating to the joint exercise of <u>solely</u> executive functions with one or more other authorities, including appointments to joint committees. | X | | Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012/1019 Part 4 Local Government Act 1972 s.101(5) The Constitution - Art 11 |
| 4. | Power to agree the joint exercise of functions with one or more other authorities, where at least one of the functions is an executive function , authorities, including appointments to joint committees. <i>(N.B. Exercise of this power also requires <u>the agreement of full Council.</u>)</i> | X | | Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012/1019 Part 4. Local Government Act 1972 s.101(5) The Constitution - Art 11 |
| 5. | All powers relating to the delegation of <u>solely</u> executive functions to another authority or the executive of another authority. | | X | Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012/1019 Parts 2 & 3 The Constitution - Art 11 Part 5.6 - -Protocol for dealing with Joint Arrangements |
| 6. | Appointments of Council representatives (including directors and trustees) to outside bodies | X | <i>The appointment of LA governors is delegated to the lead member for Children Services</i> | Constitution, Local Choice Functions |

| POWER OR FUNCTION | | MAYOR | EXECUTIVE | SOURCE (where applicable / COMMENTS) |
|-------------------|---|-------|-----------|---|
| 7. | Appointments to the Adoption & Fostering Panels | X | | (including any successor body discharging these functions) |
| 8. | Recommendations to Full Council for the making of byelaws | | X | s.235 Local Government Act 1972 and other byelaw making powers |
| POLICY | | | | |
| 9. | All policy decisions reserved to the Executive including the recommendation of all Policy Framework documents to Council | | X | (Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 reg 4 |
| 10. | Policy decisions falling under 9 above, where an urgent decision is required (as defined by this Constitution) | X | | Access to Information Rules, rules 15-17 |
| 11. | Recommending decisions outside the Policy Framework to Full Council | | X | Constitution, Part 4.3 |
| 12. | To make objections to any Council amendments (or alternative proposals) to the Executive's proposed policy framework document and to submit proposals back to Council (including power to accept any or all such amendments or alternative proposals) | | X | Constitution Part 4.3 |

| POWER OR FUNCTION | | MAYOR | EXECUTIVE | SOURCE (where applicable / COMMENTS) |
|-------------------------|---|-------|-----------|---|
| BUDGET & FINANCE | | | | |
| 13. | All budget or financial decisions reserved to the Executive, including but not limited to: a) recommendation of all Budget Framework and Council Tax decisions; b) approval of the Treasury Management Report and Strategy and prudential borrowing limits; c) recommendations of a plan or strategy for the control of the authority's borrowing, investments or capital expenditure. | | X | (Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 reg 4 |
| 14. | Budget or financial decisions falling under 11 above, where urgent decisions (as defined by this Constitution) are required. | X | | Constitution, Part 4.3 |
| 15. | To make objections to any Council amendments (or alternative proposals) to the executive's proposed budget and related decisions (at 12 above) and to submit proposals back to Council (including power to accept any or all such amendments or alternative proposals) | | X | Constitution Part 4.3 |
| 16. | Recommending decisions outside the Budget Framework to Full Council | | X | Constitution, Part 4.3 |
| 17. | To approve the in-sourcing or out-sourcing of a Council Service | | X | s.9E of the Local Government Act 2000 |
| PROCUREMENT & CONTRACTS | | | | |

| POWER OR FUNCTION | | MAYOR | EXECUTIVE | SOURCE (where applicable / COMMENTS) |
|-------------------|---|-------|-----------|--|
| 18. | <p>To make procurement decisions, which are key decisions <u>including decisions to:</u></p> <ul style="list-style-type: none"> a. approve the pre procurement to permit the tendering of contracts b. to award contracts (including the selection of a contractor from a framework) c. to establish a framework d. To agree to join any external framework contracts or similar agreements e. To exercise an option in a contract to extend a contract f. To agree the amendment or variation of a contract g. Waiver of Contract Procedure Rules | | X | <p>s.9E of the Local Government Act 2000</p> <p>Contract Procedure Rules & Contract Standing Orders.</p> <p>There ought to be a framework / guidance on sensible levels / thresholds for all of this based on size of contract / potential liability</p> |
| 19. | Procurement decisions falling under 18 above, where urgent decisions (as defined by this Constitution) are required | X | | s.9E of the Local Government Act 2000 |

Appendix B

Scheme of Delegation to Officers

The Council and Executive delegate powers to officers through the Schemes of Delegation which sets out the powers that can be exercised by officers, depending on their post and seniority in the Council.

This Part sets out the delegations made by the Mayor and Council to officers in respect of general management functions.

1. Delegation to Officers

1.1 The Mayor and Council agree that all decisions set out in this Scheme are delegated to officers, unless one of the following exceptions apply:

- a) Where the power is otherwise excluded from delegation by the Newham Scheme of Delegation or the Constitution;
- b) Where Key Decisions are expressly delegated by the Mayor or Cabinet to an Officer in an Executive decision (such delegations will be recorded in the minutes of the meeting and maintained by Committee Services);
- c) The Mayor (or Executive) decides to make a decision delegated to officers under this Scheme (s.9E(7) of the 2000 Act);
- d) The Mayor (only) may agree individual delegations outside this Scheme for reasons of urgency or otherwise protecting the Council's interests. Such delegations will be recorded in writing and sent to the Monitoring Officer (or their delegate).
- e) Where the Council decides to make a non-Executive decision delegated to officers under this Scheme and/or decides to delegate the decision to a committee.

1.2 The Mayor and Council authorise all officers with delegated powers under this Scheme of Delegation to delegate any or all of their powers to other officers within their Directorate (or in the case of the Chief Executive, any officer), save where prohibited by law. The Mayor and Council have the right to withdraw or amend delegated powers permanently or for a fixed period to one or more Directorate where the Mayor and/or Council considers it appropriate to do so.

2. Decision Making Principles

2.1 The General Principles set out in Part 3 of the Constitution apply to the exercise of delegated authority by officers, including the decision making principles at **paragraphs 2.7-2.16**.

3. General Rules

Application & Scope

3.1 In this Scheme, the term “officer” or “officers” includes all permanent, contract and temporary staff working for the Council. Officers will have the delegated powers of the post they are undertaking, including posts held under any interim, acting up or deputising arrangements.

3.2 Unless stated, all financial limits in this Scheme:

- a) include any expenditure up to and including the figure stated *and*
- b) where no figure is stated, the Key Decision Thresholds will apply by default

3.3 All powers delegated to an officer will apply to all services and functions within their direct line management or responsibility, except where expressly stated and the terms “directorate”, “service”, “division”, “team” or “business unit” shall be interpreted to include such services and functions under the officer.

4. Exceptions to the general provisions

4.1 The following decisions will be treated as exceptions under the financial framework for Cabinet decisions:

- Certain Property Disposals or long term leases where the income per annum may be of low value, but the length of the lease will exceed £1m threshold. In such cases the financial value will be calculated on a four-year basis and the decision maker will be required to consult the Mayor and Cabinet lead.
- Individual High Cost Social Care placements; decisions on individual social care placements may be taken by the Corporate Director in consultation with the Cabinet Member. The Mayor is required to be appraised in line with the Council’s internal governance model, with the decision recorded. The decisions on individual social care placements will be noted periodically at a meeting of Cabinet.

Framework Contracts

- Where the Council is letting a framework contract to which other boroughs may join, then the value of the framework for these purposes will be the estimated annual cost to the Council, multiplied by the number of years. The estimated value of the contracts that might be called off by other boroughs will be ignored for these purposes.

Grant Funding

4.2 In consultation with the Cabinet Member and subject to adherence to the appropriate governance processes, officers are permitted to apply for, accept and thereafter spend or allocate any grant funding connected with the functions of their directorate, provided that any match funding or residual liabilities can be met from the existing budget of the directorate. This includes acceptance of any grant offered or allocated to the Council without any applications.

4.3 Where match funding cannot be met from an existing budget, the decision to accept the grant will be referred to the Corporate Director of Resources (<£1 Million) or to Cabinet (if the match funding obligation is >£1 million) . Where a decision is taken by Corporate Director of Resources, the Mayor is required to be appraised in line with the Council's internal governance model, with the decision recorded and noted at a meeting of Cabinet.

5. Discharge of Delegations by Senior Officers

5.1 Where a function or power falls to be discharged by an officer, a more senior post holder in the Directorate, Division or Service may also discharge that function or power, unless the officer has been expressly prohibited from doing so.

Successor Posts and Legislative or Constitutional Powers

5.2 Subject to any specific restriction in writing, a function or power which may be discharged by an officer with delegated powers or an authorised Officer, may also be discharged by any person who holds a post which is a successor post to that of the original post with delegated powers or the authorised Officer following any reorganisation, restructure or similar process. The Mayor will be appraised in line with the Council's internal governance model and the published list of authorised officers amended

5.3 Any reference in this Scheme to any legislation or to any Council procedure or rule shall be deemed to include a reference to any successor legislation, procedure, rule or constitutional provision (as the case may be) as may be introduced or enacted by way of substitution, revision or amendment or by Council agreement.

Delegation of Powers by Officers & Record of Delegated Powers

5.4 Where stated, this Scheme of Delegation allows for officers with delegated powers to further authorise other officers to discharge those powers. The Mayor will be appraised in line with the Council's internal governance model The list of delegations will be published on the Council's website. 3.7 Level 1 and 2 officers are responsible for maintaining the up to date list of authorisations to officers permitted to carry out their delegations on their behalf for the services within their portfolios. All changes must be notified to the Monitoring Officer within 28 days and they will arrange for the central scheme to be amended. The Mayor will be appraised in line with the Council's internal governance model,.

6. Designation of Officers

6.1 Delegations to officers are made primarily by reference to their designated level of authority, which is set out below.

6.2 Delegations of powers made to the oneSource Joint Committee (and onwards by the Committee to officers) are simply referred to as “oneSource” in this Scheme. The oneSource Scheme of Delegation is agreed separately by the Joint Committee and is available on the Council’s intranet and internet site. Delegations to officers under this Scheme refer to decisions made by oneSource in respect of LB Newham or its officers whether jointly with another authority or otherwise, e.g. procurement exercises on behalf of Newham.

| Designated Level of Authority | Posts |
|-------------------------------|---|
| 1 | Chief Executive, Corporate Directors. |
| 2 | Directors and officers reporting to Level 1 posts (excluding officers in support/clerical roles) including oneSource Directors. |
| 3 | Officers reporting to Level 2 posts (excluding administrative or clerical posts) or oneSource directors |
| 4 | Officers reporting to Level 3 posts(excluding administrative or clerical posts) or Level C oneSource officers |

| COUNCIL FUNCTION | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|------------------|---|---|---|---|-------------------------------------|
| | 1 | 2 | 3 | 4 | |

| GENERAL MANAGEMENT POWERS | | | | | | |
|---------------------------|---|---|---------|---------|--|---|
| 1. | To approve new expenditure relating to the functions of the Directorate and / or services for which the Officer is responsible | 1,000,000* | 500,000 | 250,000 | 50,000 / director to set level of delegation | *decisions above £500,000 are key decisions |
| 2. | To authorise <u>payments</u> where there is a legal obligation to make the payment e.g. a contractual payment, legal settlement or damages award. * The Mayor is required to be appraised in line with the Council's internal governance model, with the decision recorded and noted at a meeting of Cabinet. | Chief Executive and section 151 Officer = Unlimited All others = £10M* | £5M* | £1M* | Delegated to Director to set level of delegation | (n.b. this authorises payments for extant contracts for sums lawfully due to contractors and not the commitment of new expenditure) |
| 3. | To make all non-key decisions to discharge the functions and powers of services under their management | X | X | X | Delegated to Director to set level of delegation | s.101 LGA 1972 s.9E LGA 2000 |
| 4. | In addition to any of their general and/or specific delegated functions set out in this Scheme or in the Constitution, to make all decisions which are calculated to facilitate, or are conducive or incidental to the discharge of such delegated functions. | X | X | X | | s.101 LGA 1972 s.9E LGA 2000 |
| 5. | To authorise or delegate to Officers under his/her management (or with the agreement of the Chief Executive any other Council Officer) to perform any or all of the functions and powers set out in this Scheme. | X | X | X | | s.101 LGA 1972 s.9E LGA 2000 |

| COUNCIL FUNCTION | | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|--|--|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | |
| | <i>Any onward authorisation/ delegation of powers must be made in writing by way of a Directorate Scheme of Delegation, as required by the Constitution or, where for reasons of urgency, in writing copied to the Monitoring Officer.</i> | | | | | |
| CHIEF EXECUTIVE POWERS & URGENT DECISIONS | | | | | | |
| 6. | To carry out the functions and responsibilities of the head of paid service | Chief Executive | | | | s.4 Local Government & Housing Act 1989 |
| 7. | To exercise any function delegated to any other officer of the council, with the exception of those delegated exclusively to the Chief Finance Officer or the Monitoring Officer or where prohibited by law. | Chief Executive | | | | s.101 LGA 1972 s.9E LGA 2000 |
| 8. | To make key decisions which are urgent on the grounds of grounds of health and safety or legal or financial risk to the authority and where it is <u>impracticable</u> for the Mayor, Deputy mayor or the Executive to meet to make the decision and where not prohibited by law. ** ** The Mayor will be appraised in line with the Council's internal governance model, with the decision recorded and noted at the next meeting of Cabinet. | Chief Executive | | | | Access to Information Procedure Rules must be applied. s.101 LGA 1972 s.9E LGA 2000 |
| 9. | To make any non-executive decision reserved to the Council or Committee which are urgent on the grounds of grounds of health and safety or legal or financial risk to the authority and where it is <u>impracticable</u> to call a meeting of the decision-making body and where not prohibited by law. ** (excluding any powers that cannot be delegated to officers by law) | Chief Executive | | | | s.101, Local Government Act 1972 |

| COUNCIL FUNCTION | | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|------------------|--|---|--|---|---|--|
| | | 1 | 2 | 3 | 4 | |
| 10. | To incur any expenditure and making grants and loans where an emergency or disaster involves danger to life or property or is imminent and to incur expenditure for the purposes for contingency planning.** ** The Mayor will be appraised, with the decision recorded and noted at the next meeting of Council or the relevant Committee. | Chief Executive | | | | Civil Contingencies Act 2004 (London Gold joint arrangements) |
| 11. | To be the Council's Electoral Registration Officer for all statutory purposes | Chief Executive only | Director (Legal & Governance) | | | s.8 Representation of the People Act 1983 |
| 12. | To be the Council's Returning Officer or Acting Returning Officer for all elections | Chief Executive only | Director (Legal & Governance) | | | s.28 and 35 Representation of the People Act 1983 |
| 13. | To appoint a deputy chief executive and to agree the terms of the appointment, including the powers of the Chief Executive delegated to the deputy chief executive either on an ongoing basis or during periods of leave, sickness or other absence from duties of over 1 week.** ** The Mayor and Cabinet will be appraised. | Chief Executive to appoint | If the Chief Executive cannot or will not appoint, the s.151 officer & Monitoring officer may appoint a deputy | | | s.101, 112 Local Government Act 1972 s4 Local Government and Housing Act 1989 |

| COUNCIL FUNCTION | | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|------------------|--|---|-----------|-----------|-----------|---|
| | | 1 | 2 | 3 | 4 | |
| FINANCE | | | | | | |
| 14. | Calculating and determining the Council Tax Base for each financial year. The Mayor and Cabinet will be appraised as part of the budget setting process. | s.151 officer | | | | Local Government & Finance Act 1992 |
| 15. | To exercise the functions delegated under the Financial Procedure Rules (FPR). | X | X | X | X | s.101 LGA 1972 s.9E LGA 2000 |
| 16. | To carry out the virement of budgets (with s.151 Officer approval for virement of Capital financing, support service/internal recharges, rates, insurance and pensions) | 1,000,000 | 500,000 | 250,000 | | s.101 LGA 1972 s.9E LGA 2000 |
| 17. | To agree to write off citizen debts owed by Newham residents or former residents. To be reported in accordance with the Council's debt write-off policy. | 500,000* | 100,000* | 25,000 | 10,000 | *with the agreement of the s.151 officer s.101 LGA 1972 s.9E LGA 2000 |
| 18. | To agree to write off a business debt , i.e. A debt owed by a business, sole trader, or other organisation in the course of business, trading or delivery of services. To be reported in accordance with the Council's debt write off policy | 500,000* | 100,000* | 25,000 | 10,000 | *with the agreement of the s.151 officer s.101 LGA 1972 s.9E LGA 2000 |
| 19. | All powers to collect and enforce any debt owed to the Council including the instruction of debt collection agencies and all legal powers available to the Council | oneSource | oneSource | oneSource | oneSource | s.101 LGA 1972 s.9E LGA 2000 |
| 20. | To approve grants to voluntary and community organisations Decisions will be recorded and periodic reports on grants provided to Cabinet. | X | X | | | s.101 LGA 1972 s.9E LGA 2000 |

| COUNCIL FUNCTION | | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|------------------|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | |
| 21. | To approve indemnities to Officers (including insurance cover) with the agreement of the s.151 and the Monitoring Officer (or their nominees) | X | | | | LGA 2000 s. 101, 105 Local Authorities (Indemnities for Members and Officers) Order 2004/3082 |
| 22. | To approve indemnities to Members and Officers (including insurance cover) with the agreement of the s.151 and the Monitoring Officer (or their nominees) | x | | | | LGA 2000 s. 101, 105 Local Authorities (Indemnities for Members and Officers) Order 2004/3082 |
| 23. | To exercise the Council's powers to borrow, invest or lend money, including raising, varying, repaying loans, taking overdrafts, bonds and stock and arranging for investment of funds. | s.151 officer | | | | Within the budget framework set by Council s.1 and 12 LGA 2003 |
| 24. | Approving all loans or other financial assistance | s.151 officer | | | | Within the budget framework set by Council |
| 25. | Suspending financial delegation to any school where there is a failure to comply with requirements of Financial Management The Mayor and Cabinet will be appraised. | s.151 officer | | | | School Standards and Framework Act 1992 (Section 51). |

| COUNCIL FUNCTION | | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|--|--|---|---------|---|---|--|
| | | 1 | 2 | 3 | 4 | |
| COMMERCIAL ACTIVITIES, CHARGING & EXTERNALISATION (excludes any decision relating to council tax, rent, service charges or any decision agreed by full Council as part of the budget process) | | | | | | |
| 26. | To levy and collect all mandatory statutory fees and charges (including power to increase fees and charges where changed by legislation). | X | X | X | | To cover all fees which are fixed by statute. Various powers. |
| 27. | To introduce, vary or remove discretionary fees or charges for a Council service provided to residents or individuals | 500,000 | 100,000 | | | Including powers under s.93 Local Government Act 2003; s.1-4 Localism Act 2011 (and any other charging powers) |
| 28. | To agree to bid for or enter into contract for goods, services and / or works for third parties or for a council tendered service (i.e. an “in house bid”) NB: “bidder” and “client” functions must be separated in the exercise of delegated powers | 1,000,000 | 500,000 | | | Local Authorities (Goods & Services) Act 1970 s.93 & 95 Local Government Act 2003; s.1-4 Localism Act 2011 (and any other charging or trading powers) |

| COUNCIL FUNCTION | | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|------------------|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | |
| GOVERNANCE | | | | | | |
| 29. | To make any decisions arising from reports of the Commission for Local Administration in England and to approve local settlements of Ombudsman’s complaints and payments (and to provide a report to the Executive and/or the committee responsible for audit functions where any decision is made) | X | X | | | Local Government Act 1974, S.92 Local Government Act 2000 |
| 30. | To approve and submit reports to the Executive, Council and Committees and Overview and Scrutiny Committees | X | X | | | n/a |
| 31. | To maintain and amend the Constitution and the Newham Scheme of Delegation where necessary to ensure it remains up to date and accurate reflecting changes in the law, the Council’s committee structure, the delegation of powers to officers and members, the management structure and such changes as are necessary to ensure the Constitution and Scheme of Delegation remains up to date, consistent and readily understandable. | | Monitoring Officer Director (Legal & Governance) | | | |
| 32. | To determine requests from councillors for dispensations from the declaration of interests under Code of Conduct. | | Monitoring Officer (Director (Legal & Governance) | | | s.33 Localism Act 2011 |

| COUNCIL FUNCTION | | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|-------------------------|--|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | |
| PROCUREMENT & CONTRACTS | | | | | | |
| 33. | To make all procurement decisions in accordance with the rules set out in the Council's Contract Standing Orders and associated procedure rules, including but not limited to: a. approval of the procurement process for the tender of any contract ("pre-procurement approval"); b. award of contracts (including the selection of a contractor from a framework or a dynamic market); c. to establish a framework or dynamic market; d. to agree to join any external framework contracts or similar agreements; e. to extend or vary a contract; f. To end a procurement process; g. All decisions that are ancillary to powers a. to g. | 2,000,000 | 500,000 | 250,000 | 50,000 | s.101 LGA 1972 s.9E LGA 2000 Contract Standing Orders |
| 34. | To admit new suppliers and enter into relevant contracts for joining a Council Open Framework or dynamic market | No Limit x | No Limit x | No Limit x | | Procurement Act 2023 |
| 35. | To agree direct award of contracts for individual care package placements (Personal choice) including where competition is not possible or legally required. | No Limit Director of Commissioning (Adults/ Childrens) | No Limit Director of Commissioning (Adults/ Childrens) | No Limit Director of Commissioning (Adults/ Childrens) | No Limit Director of Commissioning (Adults/ Childrens) | s.101 LGA 1972 s.9E LGA 2000 Contract Standing Orders Procurement Act 2023 |

| COUNCIL FUNCTION | | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|------------------|--|---|--|--|--|--|
| | | 1 | 2 | 3 | 4 | |
| 36. | To approve the waiver of a procurement rule N.b. All contract waivers must be reported to the next meeting of the committee responsible for audit functions. | 500,000 (the s.151 officer) | -100,000 Director of Service or Head of Procurement | -30,000 Head of Procurement | £10,000 Service Manager or Budget Holder | s.101 LGA 1972 s.9E LGA 2000 CSO (any statutory requirements cannot be waived) |
| 37. | To sign contractual documents not executed under seal | Any value | 500,000 | 250,000 | 50,000 | Contract Standing Orders |
| 38. | To sign contractual documents executed under seal unless the requirement is waived (see Legal Delegations) | Director of Legal & Governance | As delegated by the Director of Legal & Governance | As delegated by the Director of Legal & Governance | As delegated by the Director of Legal & Governance | Contract Standing Orders |
| 39. | To make all contract management decisions including but not limited to: a. Suspending payments; b. Exercising provisions relating to liquidated damages; c. Terminating contracts for breach of contract or otherwise in accordance with the terms of the contract d. To refer a matter to arbitration | 1,000,000 | 500,000 | 250,000 | 100,000 | Contract Standing Orders |
| 40. | Maintaining arrangements for keeping a Corporate contracts register | Director of Corporate Services & | Head of Procurement | | | Contract Standing Orders |

| COUNCIL FUNCTION | | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|---|--|---|---------------------|---|---|--|
| | | 1 | 2 | 3 | 4 | |
| | | Business Support | | | | |
| 41. | Maintaining Standing Orders and the respective procedures with regard to the making of contracts for the supply of goods and services | The s151 Officer | | | | Contract Standing Orders LGA 1972 s.135 |
| HUMAN RESOURCES & EMPLOYMENT | | | | | | |
| 42. | To agree all the Council's policies and procedures in respect of the employment of officers, including recruitment, retention, terms and conditions of employment, change/reorganisation, redundancy, redeployment, capability, conduct and dismissal of staff (and any other matter that is subject to local agreement under the Council's collective agreements with recognised trade unions). (n.b. excluding powers relating to senior posts that are reserved for member decision in the Officer Employment Procedure Rules in the Constitution) | Chief Executive | | | | S.112 Local Government Act 1972 and various employment legislation. Local Authorities (Standing Orders) (England) Regulations 2001/3384, Schedule, Part 1, para 2 |
| 43. | To make all decisions relating to the Council's duties to inform and consult trade unions and workers under any statute or Council policy or procedure. | Chief Executive* | Director of HR & OD | | | S.188 Trade Union and Labour Relations (Consolidation) Act 1992 TUPE Regulations 2006 |
| 44. | To exercise all powers as employer in respect of its recognised trade unions | Chief Executive | Director of HR & OD | | | Trade Union and Labour Relations |

| COUNCIL FUNCTION | | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|------------------|---|---|---|---|------------------------------|---|
| | | 1 | 2 | 3 | 4 | |
| | | | | | | (Consolidation) Act 1992 |
| 45. | <p>To make all decisions in respect of the employment and management of individual officers, where the power is not delegated elsewhere in this Scheme or reserved for Member decision in the Constitution, including but not limited to:</p> <ul style="list-style-type: none"> (a) Recruitment, including probation, acting up and promotion; (b) Discipline and capability (including sickness); (c) Termination of employment (d) Restructuring, redeployment and redundancy (e) Pay and remuneration (f) Grievances (g) Appeals under any procedure (h) Applications for any statutory or contractual right or benefit (i) Secondment (s.113 LGA 1972) (j) Health & Safety (k) All other powers of an employer to ensure the efficient discharge of functions and services. | X | X | X | To be determined by Director | <p>s.112 & s.113 Local Government Act 1972 and applicable employment legislation.</p> <p>Superannuation Act 1972 and LGPS regulations made thereunder</p> |
| 46. | <p>To make all decisions in respect of the Council's Pension Scheme, where the power is not delegated elsewhere in this Scheme or reserved for Member decision in the Constitution and including but not limited to:</p> <ul style="list-style-type: none"> a. Approving early retirements, ill-health retirement and release of frozen benefits; b. Flexible retirement; c. Approval of any discretionary payments or benefits; | For statutory appeals, only Chief Executive or s.151 Officer can determine a second | X | | | Superannuation Act 1972 and LGPS regulations made thereunder |

| COUNCIL FUNCTION | | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|------------------|--|---|---------------------|---|---|--|
| | | 1 | 2 | 3 | 4 | |
| | d. Determining any statutory appeal against determinations under the LGPS regulations or otherwise. | (final) stage appeal | | | | |
| 47. | To administer the Council's Pension Scheme | S151 Officer | | | | Superannuation Act 1972 and regulations made thereunder LBN Financial Regulations |
| 48. | to exercise of discretionary powers under the Council's Pension Scheme in respect of individual employees (and in relation to any other workplace pension) | X | X | | | Superannuation Act 1972 and regulations made thereunder |
| 49. | To exercise all powers and duties relating to the Council's corporate health and safety duties (excluding managerial responsibility for the operational health and safety of employees, workers and visitors) | Chief Executive | Director of HR & OD | | | Health & Safety at Work Act 1972 and regulations. |
| 50. | To meet all duties relating to the operational health and safety of employees, workers, visitors and others as defined in the Council's Health & Safety Policy | X | X | X | X | Health & Safety at Work Act 1972 and regulations |

| COUNCIL FUNCTION | | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|---|---|---|---|---|--|-------------------------------------|
| | | 1 | 2 | 3 | 4 | |
| | | | | | | |
| LEGAL REPRESENTATION & PROCEEDINGS | | | | | | |
| n.b. legal powers should only be exercised following the receipt of legal advice as set out below | | | | | | |
| 51. | In respect of the discharge of any Council functions, powers or legal duties for which the officer is responsible, <u>to instruct</u> the Director, Legal & Governance (or his/her nominee) to: a. issue, prosecute, defend, enforce or otherwise participate in any legal proceedings in any court or tribunal; b. prepare and serve any statutory demand/notice/order or other legal document; c. prepare any agreement, contract, bond, certificate, deed, guarantee, licence, notice, order and/or other document to protect or advance the Council's interests; d. provide legal advice and representation on any matter in any way affecting the Council's interests. e. Issue instructions for external legal advice | X | X | X | To be determined by the Corporate Director | Relevant legislative powers. |

| COUNCIL FUNCTION | | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|------------------|--|---|--|--|-----------|---|
| | | 1 | 2 | 3 | 4 | |
| 52. | <p>In addition to any other function delegated in the Constitution or elsewhere:</p> <p>a. To issue, prosecute, defend, settle, enforce or otherwise participate or take any action in any legal proceedings in any court or tribunal;</p> <p>b. To prepare and serve any statutory demand/notice/order or other legal document;</p> <p>c. To prepare any agreement, contract, bond, certificate, deed, guarantee, licence, notice, order and/or other document to protect or advance the Council's interests or otherwise required by law;</p> <p>d. To provide legal advice and any other representation on any matter on behalf of the Council, its members and officers.</p> | n/a | Delegated to oneSource (Director, Legal & Governance and Monitoring Officer) acting either on instruction or using Constitutional powers | Deputy Director, Legal & Governance oneSource | oneSource | <p>S.222 Local Government Act 1972 and legislation to commence and prosecute legal proceedings.</p> <p>Constitution – Article 14.03</p> <p>See oneSource Joint Committee Scheme of Delegation</p> <p>Monitoring Officer</p> |
| 53. | Authorisation of Officers to appear in the Magistrates Court | X (with the agreement of Director, Legal & Governance) | X (with the agreement of Director, Legal & Governance) | | | S.223 LGA 1972 |
| 54. | Authorisation of Officers to appear in the County Court in possession proceedings or for the recovery of any rent, mesne profits, damages or other sum claimed by the authority in respect of the occupation by any person of such a house | X (with the agreement of Director, Legal & Governance) | X (with the agreement of Director, Legal & Governance) | | | S.60 County Court Act 1984 |

| COUNCIL FUNCTION | | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|------------------|--|---|---|---------|--------|---|
| | | 1 | 2 | 3 | 4 | |
| 55. | To prepare, issue and serve any statutory demands, certificates, notices, orders, and requisitions for information (including about the identity of driver person in charge of the vehicle in relation to any offence concerning the vehicle and Serving notices on occupiers of any land or premises requiring them to furnish information regarding details of all those with an interest in the land) | X | X | X | | Various legislation |
| 56. | To agree the settlement of any legal claim brought by or against the Council following the receipt of legal advice. (For the avoidance of doubt, this delegation includes the power to sign settlement agreements on the authority's behalf and the power to settle claims before any formal proceedings have commenced) | 500,000 Or on such non-financial terms that is of equivalent value | 500,000 Or on such non-financial terms that is of equivalent value (Director, Legal & Governance – unlimited power to settle claims including where a key decision) | 250,000 | 50,000 | s.1 Localism Act 2011, s.111 LGA 1972, s.112 LGA 1972, s. 111A Employment Rights Act 1996 |
| 57. | To issue cautions where a criminal offence is admitted by a potential defendant | X | X | X | | All enabling legislation |
| 58. | To authorise the entry to and/or the inspection of any private land or premises and any powers of seizure in respect of which the Council has a statutory power or duty to enter or inspect including the obtaining and enforcement of a search warrant. | X | X | X | | All enabling legislation. |

| COUNCIL FUNCTION | | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|------------------|---|---|--|--|--|---|
| | | 1 | 2 | 3 | 4 | |
| 59. | To exercise all powers for enforcement in any civil or criminal proceedings, including but not limited to charging orders, deductions of wages, injunctions (including agreeing undertakings by a third party to the Council) and confiscation orders. | X | X | X | | All enabling legislation |
| 60. | Authorising/affixing the Authority's seal to deeds and other documents | Director of Legal and Governance | As delegated by the Director of Legal and Governance | As delegated by the Director of Legal and Governance | As delegated by the Director of Legal and Governance | *Delegated by the OSJC to the Director, Legal & Governance) |
| 61. | All powers to give effect to a decision to make a Compulsory Purchase Order (under any enabling legislation, including but not limited to: a. Serve or publish any notice or other documents; b. To pay or recover compensation, home loss, disturbance including reaching agreements and accepting undertakings c. To issue warrants for possession, redeem mortgages d. Approval of claims of costs for successful objectors to CPO e. All steps to confirm the CPO f. Any other necessary action required by law. and where relevant all actions will follow client instructions. | Director, Legal & Governance | | n/a | n/a | *Delegated by the OSJC to the Director, Legal & Governance) |

| COUNCIL FUNCTION | | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|--|--|---|----------|---------|--------|--|
| | | 1 | 2 | 3 | 4 | |
| PROPERTY, ASSET MANAGEMENT & COMPULSORY PURCHASE | | | | | | |
| 62. | All powers and duties in relation to the ownership, management, maintenance and use of the Council's land and other property (including applying for any necessary licences or consents in respect of the use of the land or property) | x | x | x | | All powers under the LGA 1972 any other enabling legislation |
| 63. | the disposal of land (estimated land value) excluding long term leases | 1,000,000 | 500,000 | 250,000 | | s.123 LGA 1972, s.1 Localism Act 2011 and all other enabling legislation |
| 64. | The granting of a lease/licence | Up to 1,000,000 | ,750,000 | 500,000 | | .123 LGA 1972, s.1 Localism Act 2011 and all other enabling legislation |
| 65. | Acquisition of Land (estimated land value) | 1,000,000 | 500,000 | 250,000 | | ss.120-22 LGA 1972, s.1 Localism Act 2011 and all other enabling legislation |
| 66. | The making of Compulsory Purchase Orders (estimated land value) | 1,000,000 | 500,000 | 250,000 | | All enabling legislation |
| 67. | Disposal of assets other than land (estimated value) | 1,000,000 | 500,000 | 250,000 | 50,000 | s.1 Localism act 2011 |
| 68. | The Council's powers and duties in respect of assets of community value | x | x | | | Localism Act 2011, ss87-92 |
| POLICY & FORMAL CONSULTATIONS | | | | | | |
| 69. | To prepare and submit any Policy or Strategy to the Executive for approval | X | X | | | |

| COUNCIL FUNCTION | | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|--|---|---|-------------------------------|---|---|--|
| | | 1 | 2 | 3 | 4 | |
| 70. | To prepare and submit any Policy Framework documents to Council for approval on the recommendation of the Executive | X | X | | | |
| 71. | To prepare and submit responses to central and London government consultation exercises | X | X | | | |
| INFORMATION TECHNOLOGY AND GOVERNANCE | | | | | | |
| 72. | To exercise all powers of surveillance and accessing communications data including making applications to the Magistrates Court. | X | X | | | Regulation of Investigatory Powers Act 2000; Investigatory Powers Act 2016 and regulations made thereunder. |
| 73. | To be the primary qualified person for the purposes of section 36 of the Freedom of Information Act 2000 (prejudice to effective conduct of public affairs) | | Director (Legal & Governance) | | | |
| 74. | To approve the sale, lease or other disposal of spare computer capacity or any software developed and owned by the Council in whole or part (including the disposal of any hardware or other goods and services required to deliver the computer capacity or software) (see also charging and trading delegations above) | x | x | | | Section 38 of the Local Govt (Misc. Provisions) Act 1976 Local Authorities (Goods & Services) Act 1970 s.93 & 95 Local Government Act 2003; s.1-4 Localism Act 2011 (and any |

| COUNCIL FUNCTION | | OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i> | | | | SOURCES (where relevant) & GUIDANCE |
|------------------|--|---|---|---|---|-------------------------------------|
| | | 1 | 2 | 3 | 4 | |
| | | | | | | other charging or trading powers) |
| 75. | To be the senior responsible officer in respect of information governance, including compliance with the data protection principles. | Director of Legal and Governance SIRO | | | | Data Protection Act 1998 |
| 76. | Maintaining the Council's Publication Scheme, the Freedom of Information Act charging policy and re-use policy | | X | | | Freedom of Information Act 2000 |

List of Proper Officers

Proper Officer Functions

The posts below are [Proper Officers](#) for the Council. Specific responsibilities are attached to each role. If any of these Officers are unable to act or the post is vacant, the Chief Executive will nominate another officer to act in their place.

| Function exercised by | Function | Statutory provision |
|-----------------------|--|--|
| 1 Chief Executive | Certification of documents as a decision of any Officer of the Council exercising delegated powers. | Greater London Council (General Powers) Act 1969 |
| 2 Chief Executive | The Officer to whom a person elected to the office of <u>Councillor</u> shall deliver a declaration of acceptance of office on a form prescribed by rules. | s83(1) Local Government Act 1972 |
| 3 Chief Executive | The Officer before whom a declaration of acceptance of office of Chair of Council or Deputy Chair may be made | s83(3)(b) Local Government Act 1972 |
| 4 Chief Executive | The Officer to whom written notice of resignation of elected office shall be delivered. | s84 Local Government Act 1972 |

| Function exercised by | Function | Statutory provision |
|-----------------------|---|---|
| 5 Chief Executive | To declare any vacancy in any office under the Section. | s86 Local Government Act 1972 |
| 6 Chief Executive | The Officer by whom a meeting of the Council for the election of the vacant office of Chairperson of the Council may be convened. | s88(2) Local Government Act 1972 |
| 7 Chief Executive | The Officer to whom notice in writing of a casual vacancy occurring in the office of Councillor may be given by two local government electors for the Borough. | s89(1)(b) Local Government Act 1972 |
| 8 Chief Executive | To give notice and send summonses in respect of any Council meeting. | s99 & Schedule 12 Local Government Act 1972 |
| 9 Chief Executive | To give public notice of any meeting to which the public are entitled to attend, provide copies of agenda and facilities for the press. | s100 Local Government Act 1972 |
| 11 Chief Executive | The Officer to supply to any newspaper copies of documents supplied to Members of committees, sub-committees, Council or Executive meetings in connection with an item for consideration. | s100B(7)(c) Local Government Act 1972 |

| Function exercised by | Function | Statutory provision |
|-------------------------------------|---|--|
| 12 Chief Executive | The Officer to supply to any newspaper copies of documents supplied to Members of committees, sub-committees, Council or Executive meetings in connection with an item for consideration. | s100C(2) Local Government Act 1972 |
| 13 Chief Executive | The Officer to prepare a list of background papers for reports considered by committees, sub-committees, Council or the Executive. | s100D(1)(a) Local Government Act 1972 |
| 14 Director of Legal and Governance | The Officer to determine which documents constitute background papers and ability to charge for the provision of such documents | s100D(5) and s100H Local Government Act 1972 |
| 15 Director of Legal and Governance | The Officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection. | s100F(2) Local Government Act 1972 |
| 16 Chief Executive | To maintain a register of the names and addresses of Councillors and membership of committees, lists of delegations and the like. | s100G Local Government Act 1972 |

| Function exercised by | Function | Statutory provision |
|-------------------------------------|---|--|
| 17 Corporate Director of Resources | The Officer to whom money properly due from officers shall be paid. | s115 Local Government Act 1972 |
| 18 Chief Executive | The Officer responsible for the keeping of the roll of freeman. | S248 Local Government Act 1972 |
| 19 Chief Executive | The Officer responsible for the receipt of notices regarding the address to which summons to meetings is to be sent. | Paragraphs 4(2)(b) and 4(3), Schedule 12 Local Government Act 1972 |
| 20 Chief Executive | Officer responsible for the certification of true copies of resolutions. | Paragraph 25(7), Schedule 14 Local Government Act 1972 |
| 21 Director of Legal and Governance | The Officer to certify copies of any resolution, order, report or minutes of proceedings of the Authority as evidence in any legal proceedings. | s41 Local Government (Miscellaneous Provisions) Act 1976 |
| 22 Chief Executive | Notices requiring details of interest in land. | s16 Representation of the People Act 1983 |

| Function exercised by | Function | Statutory provision |
|-----------------------|--|---|
| 23 Chief Executive | The Registration Officer for the purpose of the registration of electors. | s8 Representation of the People Act 1983 |
| 24 Chief Executive | The Returning Officer at an election of London Borough Councillors. | s35 Representation of the People Act 1983 |
| 25 Chief Executive | Acting Returning Officer at an election of a Member of Parliament. | s28 Representation of the People Act 1983 |
| 26 Chief Executive | The Officer responsible for the grant and supervision of exemptions from political restriction. | S3A Local Government and Housing Act 1989 |
| 27 Chief Executive | The Officer to be designated <u>Head of the Paid Service</u> . | s4 Local Government and Housing Act 1989 |
| 28 Chief Executive | The Officer to hold on deposit the list of politically restricted posts and provide certificates as to whether a post is politically restricted. | s2 Local Government and Housing Act 1989 |

| Function exercised by | Function | Statutory provision |
|-------------------------------------|--|---|
| 29 Director of Legal and Governance | The Officer responsible for ensuring a proper record is made of Executive decisions and that the Authority's Executive Meetings and Key Decisions Notice is published in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. | Local Government Act 2000 |
| 30 Chief Executive | To make payments of relevant allowances in accordance with the Council's Members' Allowances Scheme | Local Government Act 2000 |
| 31 Chief Executive | To defray expenses of any Members making official and courtesy visits, receptions and entertainment of distinguished persons visiting the Borough. | Local Government Act 2000 |
| 32 Director of Public Health | Responsible person for ensuring that the Council complies with statutory requirements relating to complaints made to the Council about its public health functions and, where necessary, action is taken in light of the outcome of such complaints. | Health and Social Care Act 2012 |
| 33 Chief Executive | The Officer responsible for ensuring that the Council, in the exercise of its functions, have due regard to the need to prevent people vulnerable from being drawn into terrorism | Counter Terrorism and Security Act 2015 |

| Function exercised by | Function | Statutory provision |
|--------------------------------------|--|---|
| 34 Director of Legal and Governance, | Proper Officer for Births, Deaths and Marriages. | Registration Services Act 1953 |
| 35 Corporate Director, Resources | The Officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies. | s146 Local Government Act 1972 |
| 36 Corporate Director, Resources | The S151 Officer, responsible for the proper administration of the Authority's financial affairs (and to issue a report to Members if there is or is likely to be unlawful expenditure or an unbalanced budget). | s151 Local Government Act 1972 |
| 37 Corporate Director, Resources | Notification to the Council's auditor of any meeting to be held under Section 15 of the 1988 Act (meeting to consider any report of the Chief Finance Officer under Section 114). | S116 Local Government Finance Act 1988 |
| 38 Corporate Director, Resources | Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required. | s139A Local Government Finance Act 1988 |

| Function exercised by | Function | Statutory provision |
|----------------------------------|--|--|
| 39 Corporate Director, Resources | Requirement to report to Council annually on the robustness of estimates and financial reserves | Local Government Act 2003 |
| 40 Director, Legal, & Governance | Authorising Officers to attend court and appear on behalf of the Council under Local Government Act 1972 and the County Courts Act 1984. | s223 Local Government Act 1972 s60 County Courts Act 1980 |
| 41 Director, Legal, & Governance | The Officer to receive and retain statutory documents on behalf of the Authority | s225(1) Local Government Act 1972 |
| 42 Director, Legal, & Governance | The Officer to certify photographic copies of documents. | s229(5) Local Government Act 1972 |
| 43 Director, Legal, & Governance | The Officer to receive documents required to be served on the Authority. | s233 Local Government Act 1972 |
| 44 Director, Legal, & Governance | The Officer to authenticate documents on behalf of the Authority. | s234(1) & (2) Local Government Act 1972 |

| Function exercised by | Function | Statutory provision |
|----------------------------------|---|--|
| 45 Director, Legal, & Governance | The Officer to certify printed copies of Byelaws. | s238 Local Government Act 1972 |
| 46 Director, Legal & Governance | The Officer to be designated Monitoring Officer . | s5 Local Government and Housing Act 1989 |
| 47 Director, Legal & Governance | To certify Council records for the purposes of admitting the document in evidence in civil proceedings. | Civil Evidence Act 1985 |
| 48 Director, Legal & Governance | Certification of relevant powers to enter into contracts. | Local Government (Contracts) Act 1997 |
| 49 Director, Legal & Governance | To ensure that copies of the Constitution are available for inspection. | Local Government Act 2000 |
| 50 Director, Legal & Governance | Responsibility for establishing and maintaining a register of Councillors and co-opted members interests, and for ensuring that it is published on the Council's website. | Section 29 Localism Act 2011 |

| Function exercised by | Function | Statutory provision |
|---|--|--|
| 51 Corporate Director, with responsibility for function (currently Corporate Director, Resources) | The Officer to act as Local Registrar as defined in Section 3 of the Land Charges Act 1975. | s19 Local Land Charges Act 1975 |
| 52 As may be appointed by the Corporate Director with responsibility for function (Adults and Health) | The appointment of a suitably qualified person as the Council's Medical Advisor on Environmental Health and Proper Officer for notifiable diseases. | Public Health (Control of Diseases) Act 1984 and The Milk and Dairies (General) Regulations 1969 |
| 53 Director of Public Health | The exercise by the authority of its functions under section 2B, 111 or 249 or Schedule 1 – health improvement duties to take steps to improve the health of the people in the area. | s73A(1)(a) Health and Social Care Act 2012 |
| 54 Director of Public Health | The exercise by the authority of its functions by virtue of section 6C(1) or (3) – The exercise of the Secretary of State's public health protection or health improvement functions that they delegate to local authorities, either by arrangement or under regulations – these include services mandated by regulations. | s73A(1)(b) Health and Social Care Act 2012 |

| Function exercised by | Function | Statutory provision |
|--|--|--|
| 55 Director of Public Health | Anything done by the authority in pursuance or arrangements under section 7A – Any public health activity undertaken by the local authority under arrangements with the Secretary of State. | s73A(1)(c) Health and Social Care Act 2012 |
| 56 Director of Public Health | The exercise by the authority of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health. | s73A(1)(d) Health and Social Care Act 2012 |
| 57 Director of Public Health | The functions of the authority under section 325 of the Criminal Justice Act 2003 – the local authority’s role in coordinating with the police, the probation service and the prison service to assess the risks posed by violent and sex offenders. | s73A(1)(e) Health and Social Care Act 2012 |
| 58 Director of Public Health | Other public health functions that the Secretary of State may specify in regulations. | s73A(1)(f) Health and Social Care Act 2012 |
| 59 Corporate Director CYP and all Chief Officers | To have regard to the effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons. | S13 and 37 Crime and Disorder Act 1998 |
| 60 The Chief Executive, Corporate Directors with responsibility for the function | Power to authorise officers to enter premises and seize items where the Council has a power of seizure under this Act and to perform other related duties (return and security of seized items). | Criminal Justice and Police Act 2001 |

| Function exercised by | Function | Statutory provision |
|--|--|--|
| 61 Corporate Director, Children & Young People | To apply for the discharge or variation of a Child Safety Order. | s12 Crime and Disorder Act 1998 |
| 62 Director of Corporate and Business Support | The Officer designated as Scrutiny Officer. | Section 9FB Local Government Act 2000. |

The Chief Executive is appointed as Proper Officer for all existing or future statutory provisions, where no Proper Officer appointment has been made.

Appendix C

Cabinet Committees

Where the Mayor or Cabinet has established and appointed to a Committee of Cabinet, the terms of reference will be set out here.

There are no Cabinet Committees currently established.