



# Newham Scheme of Delegation Part 1: Introduction

Effective from 1 November 2018

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Document Owner:	Daniel Fenwick Director, Legal & Governance (Monitoring Officer)

# NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

## 1. Contents

- Part 1 Introduction
- Part 2 Delegation to Cabinet & Cabinet Members
- Part 3 Scheme of Delegation to Officers
  - A. General Principles
  - B. General Management Powers
  - C. Proper Officer Scheme of Delegation (to follow).
  - D. Scheme of Delegation to Directorates (to follow).
- Part 4 OneSource Joint Committee Scheme of Delegation (to follow)

## 2. Purpose & Legal Framework

- 2.1. The Council's legal powers are granted by law either to the Mayor or full Council to allow the authority to carry out its functions for the benefit of the residents, workers and businesses of Newham. The Mayor and full Council both have power to delegate the exercise of these duties to members and officers, as set out below. Under the Local Government Act 2000, all of the Council's functions, its legal powers and duties, are the responsibility of the Mayor are known as "executive functions", except where they are expressly reserved by legislation to be the responsibility of the Council and are known as "non-executive functions". This document sets out how the Mayor and full Council have delegated their executive and non-executive powers. It is to be read alongside the Council's Constitution and the delegations of power set out therein.
- 2.2. The Newham Scheme of Delegation ensures compliance with s.100(G) of the Local Government Act 1972 and paragraph 3.2.3 of Part 3 of the Council's Constitution (publication of the mayor's scheme of delegation).

## NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

### ***The Mayor's Powers of Delegation***

- 2.3. Under s.9E of the Local Government Act 2000 (as amended), the Mayor (as “the senior executive member”) determines how and by whom executive functions are exercised. The Mayor may either exercise any or all of the executive functions personally or may delegate the power to one or more of the following:
- 2.3.1. the Executive (the Mayor & Cabinet) collectively,
  - 2.3.2. a Cabinet member individually,
  - 2.3.3. an Executive committee,
  - 2.3.4. an area committee (N.B. there are no area committees currently in Newham),
  - 2.3.5. an Officer (or officers) of the Authority,
  - 2.3.6. under joint arrangements with one or more other authorities *or*
  - 2.3.7. another local authority.
- 2.4. Under s.9E(7) of the 2000 Act, the Mayor may exercise any executive functions s/he has delegated to another person or body.

### ***The Council's Powers of Delegation***

- 2.5. Full Council may delegate its powers under s.101(1)(a) of the Local Government Act 1972 (with some limited exceptions) to:
- 2.5.1. A committee
  - 2.5.2. A sub-committee
  - 2.5.3. An officer of the Council
  - 2.5.4. Another local authority.
- 2.6. A committee may delegate their powers to a sub-committee or an officer of the authority, unless Council provides otherwise. A sub-committee may delegate their powers to an officer of the authority, unless the Council or delegating committee provides otherwise. Officers have powers to authorise other officers to carry out their delegated powers.

### ***Decision Making Principles***

- 2.7. The Scheme of Delegation aims to ensure the decentralisation of decision making so that decisions are made at the right level in a transparent and open way as close to residents and service users as possible. To ensure this, decisions must be made in accordance with Council and legal requirements for decision-making, including but not limited to:
- 2.7.1. The Council having legal power to make the decision(s) confirmed in the report supporting the decision;
  - 2.7.2. Council policies that are relevant to the decision, e.g. by policies that set criteria for decision making;
  - 2.7.3. The Access to Information Rules, i.e. compliance with the rights of members, the press and public to meeting papers and attendance at meetings, unless there is a valid exemption from these rules (see Part 4 of the Constitution);
  - 2.7.4. Financial regulations and implications for the individual decisions;
  - 2.7.5. Procurement regulations, standing orders and law (where appropriate);
  - 2.7.6. Public consultation where required;
  - 2.7.7. Consultation with lead member and the Mayor where appropriate *and*
  - 2.7.8. The Council's public sector equality duty under s.149 of the Equality Act 2010.
- 2.8. In individual decisions, there may be other relevant considerations to be assessed by Director responsible proposing a decision (or responsible for a service where a decision delegated to officers is made) and these considerations may vary with the scale, risk and financial value of the decision and following consultation with the relevant lead member.

### **3. The Structure of the Scheme**

- 3.1. This Scheme of Delegation is structured as follows:
- 3.1.1. This introduction and general rules that apply to all parts of the Scheme.
  - 3.1.2. Parts that delegate functions to the following decision making bodies or individuals:
    - 3.1.2.1. the Executive;
    - 3.1.2.2. Officers with three parts:
      - a. general management powers;

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

- b. Proper officer functions (where the Council is required by law to appoint a “proper officer” to carry out a duty);
- c. Powers exercised within specific directorates;

3.1.2.3. The oneSource Joint Committee Scheme of Delegation (setting out the delegation of functions to be exercised by the oneSource, the Council’s shared service).

3.2. Where it is uncertain if a body or person has delegated authority, advice should be sought from the Monitoring Officer and if the matter remains unclear, the Mayor may take the decision or make a further express delegation in relation to executive functions (either incorporated into this Scheme or as an individual delegation as set out below).

#### 4. Key Decisions

4.1. Under this Scheme, key decisions are reserved for decision by the Executive if over £1M in value or above the Community Impact Threshold. Key decisions up to the value of £1M may be made by Level 1 officers (as defined in Part 3). The statutory definition of key decision is found in [Reg 8 of the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012/2089](#).

Category	Definition	Examples (for illustrative purposes only)
<p><b>Financial Threshold</b></p>	<p>A decision which is likely to result in the Council:</p> <ul style="list-style-type: none"> <li>a. incurring new expenditure or making new savings or</li> <li>b. Incurring financial obligations or risk</li> </ul> <p>above <b>£500,000</b>.</p>	<ul style="list-style-type: none"> <li>• Policies with direct financial implications</li> <li>• Property transactions (including leases) Decisions to award contracts for goods, services and works received by the Council</li> <li>• Waiver of Contract Procedure Rules or Standing Orders (see Contract Procedure Rules or Standing Orders)</li> <li>• Changes to fees and charges</li> <li>• Entering into contracts to provide services with third parties where the Council’s potential liability is likely exceed the threshold</li> </ul>

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

		<ul style="list-style-type: none"> <li>• Contractual provisions that incur financial risk over the threshold, e.g. claw back provisions / match funding obligations</li> <li>• Decisions relating to Council owned companies (whether as shareholder or otherwise).</li> </ul>
<p><b>Community Impact Threshold</b></p>	<p>A decision that will have <b>significant</b> impact on those living or working in 2 or more wards in the borough.</p>	<ul style="list-style-type: none"> <li>• Policies and Strategies</li> <li>• A new service or closure of a service or facility.</li> <li>• Changes to service delivery</li> <li>• transport infrastructure decisions</li> <li>• local or regional economy decisions</li> <li>• Environmental or social risk</li> </ul>

**5. Delegation to Officers**

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

5.1.1. Where the power is otherwise excluded from delegation by the Newham Scheme of Delegation or the Constitution;

5.1.2. 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);

5.1.3. The Mayor (or Executive) decides to make a decision delegated to officers under this Scheme (s.9E(7) of the 2000 Act);

5.1.4. The Mayor (only) may agree individual delegations outside of this Scheme for reasons of urgency or otherwise protecting the Council's interests. Such delegations will recorded in writing and sent to the Monitoring Officer (or his / her delegate).

5.1.5. 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.

5.2. The Mayor and Council authorises all Officers with delegated powers under this Scheme of Delegation power 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

## NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

prohibited by law. The Mayor and Council have the right to withdraw or amend delegated where the Mayor and / or Councils powers permanently or for a fixed period to one or more Directorate considers it appropriate to do so.

### **6. Approval & Publication**

- 6.1. This Scheme complies with the requirements of Part 3.2.3 of the Council's Constitution that the Mayor must maintain a list setting out who of the following are responsible for particular Executive functions. 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.
- 6.2. The Mayor reports the Scheme of Delegations s/he intends to operate for the forthcoming municipal year to the Annual Council Meeting
- 6.3. The Council approves its delegations each year at the Annual Council Meeting. Any in-year changes to the delegation of non-executive powers Scheme shall be reported to the Monitoring Officer and to the next Ordinary meeting of the Council.
- 6.4. The Scheme is maintained by the Monitoring Officer and is available for inspection and available on the Council's Internet site.



# Part 2: Executive Scheme of Delegation

October 2018

*This document is prepared in accordance with Section 3.2.3 of Part 3 of the Constitution.*



## NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

### 1 Introduction

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. 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***

1.2 The following conditions apply to the delegations set out in this Part:

- 1.2.1 The Mayor must be present when executive decisions are made, unless she has indicated that she does not need to participate;
- 1.2.2 The Forward Plan and Agendas of Executive meetings will be agreed by the Mayor, unless she delegates otherwise;
- 1.2.3 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.

POWER OR FUNCTION		MAYOR	EXECUTIVE	SOURCE (where applicable / COMMENTS)
<b>GOVERNANCE &amp; OUTSIDE BODIES</b>				
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 <b>joint exercise of solely executive functions</b> 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 <b>joint exercise of functions</b> with one or more other authorities, <b>where at least one of the functions is an executive function,</b>		X	Local Authorities (Arrangements for the Discharge of Functions)

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

POWER OR FUNCTION		MAYOR	EXECUTIVE	SOURCE (where applicable / COMMENTS)
	authorities, including appointments to joint committees.  <i>(N.B. Exercise of this power also requires <u>the agreement of full Council.</u>)</i>			(England) Regulations 2012/1019 Part 4. Local Government Act 1972 s.101(5) The Constitution - Art 11
5.	All powers relating to the <b>delegation</b> of <b>solely executive functions</b> 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
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
<b>POLICY</b>				
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

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

POWER OR FUNCTION		MAYOR	EXECUTIVE	SOURCE (where applicable / COMMENTS)
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
<b>BUDGET &amp; FINANCE</b>				
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		Access to Information Rules, rules 15-17
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 externalisation of a Council Service		X	s.9E of the Local Government Act 2000

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

POWER OR FUNCTION		MAYOR	EXECUTIVE	SOURCE (where applicable / COMMENTS)
<b>PROCUREMENT &amp; CONTRACTS</b>				
18.	To make procurement decisions, which are key decisions <u>including decisions to:</u> a. approve the procurement process for the award of any contract (known as “pre-procurement approval”) 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	s.9E of the Local Government Act 2000  Contract Procedure Rules & Contract Standing Orders.  There ought to be a framework / guidance on sensible levels / thresholds for all of this based on size of contract / potential liability
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

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018



# Part 3A: Scheme of Delegation to Officers

## General Principles

October 2018

*The Council and Executive (Mayor & Cabinet) delegate powers to officers through Schemes of Delegation that set out which powers are exercised by which officers, depending on their post and seniority in the Council.*

*This Part sets out the specific rules applying to the delegation of powers to officers and is to be read in conjunction with Part.*

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

**1. Decision Making Principles**

- 1.1. The General Principles of the Newham Scheme of Delegation apply to the exercise of delegated authority by officers, including the decision making principles at **paragraph 2.7-2.8.**

**2. General Rules**

***Application & Scope***

- 2.1. 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.
- 2.2. Unless stated, all financial limits in this Scheme:
- 2.2.1. include any expenditure up to and including the figure stated *and*
- 2.2.2. where no figure is stated, the Key Decision Thresholds will apply by default
- 2.3. 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.

***Discharge of Delegations by Senior Officers***

- 2.4. 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***

- 2.5. 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
- 2.6. 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.

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

***Delegation of Powers by Officers & Record of Delegated Powers***

- 2.7. Where stated, this Scheme of Delegation allows for officers with delegated powers to further authorise other officers to discharge those powers.
- 2.8. 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 s/he will arrange for the central scheme to be amended.

**3. Delegation to Officers**

- 3.1. Delegations to officers are made primarily by reference to their designated level of authority, which is set out below.
- 3.2. Delegation 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, Executive Directors, Managing Director oneSource see my comment to 3.1.2.3
2	Directors and officers reporting to tier 1 posts (excluding officers in support/clerical roles) including oneSource Directors.
3	Officers reporting to tier 2 posts (excluding administrative or clerical posts) or oneSource directors
4	Officers reporting to tier 3 posts(excluding administrative or clerical posts) or Tier 3 oneSource officers



NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018



# Part 3B: Scheme of Delegation to Officers General Management Powers

October 2018

*The Council and Executive (Mayor & Cabinet) delegate powers to officers through Schemes of Delegation that set out which powers are exercised by which 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.*

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

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 <b>legal obligation</b> to make the payment e.g. a contractual payment, legal settlement or damages award.	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 <b>non-key</b> 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
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. <i>Any onward authorisation/ delegation of powers must be made in</i>	X	X	X		s.101 LGA 1972 s.9E LGA 2000

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

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>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>						
<b>CHIEF EXECUTIVE POWERS &amp; URGENT DECISIONS</b>						
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 <b>key decisions</b> 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.	Chief Executive				Access to Information Procedure Rules must be applied. s.101 LGA 1972 s.9E LGA 2000
9.	To make any <b>non-executive decision</b> 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
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.	Chief Executive				Civil Contingencies Act 2004 (cf London Gold joint arrangements)

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

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	
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.	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, Local Government Act 1972
<b>FINANCE</b>						
14.	Calculating and determining the Council Tax Base for each financial year.	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,	1,000,000	500,000	250,000		s.101 LGA 1972 s.9E LGA 2000

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

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	
	rates, insurance and pensions)					
17.	To agree to write off a <b>citizen debt</b> owed by a Newham resident or former resident	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 <b>business debt</b> , i.e. A debt owed by a business, sole trader, or other organisation in the course of business, trading or delivery of services.	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	X	X			s.101 LGA 1972 s.9E LGA 2000
21.	To approve indemnities to <b>Officers</b> (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 <b>Members</b> (including insurance cover) with the agreement of the s.151 and the Monitoring Officer (or their nominees)	Chief Executive only				LGA 2000 s. 101, 105 Local Authorities (Indemnities for Members and Officers) Order 2004/3082

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

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	
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	s.151 officer				School Standards and Framework Act 1992 (Section 51).
<b>COMMERCIAL ACTIVITIES, CHARGING &amp; EXTERNALISATION</b> <b>(excludes any decision relating to council tax, rent, service charges or any decision agreed by full Council as part of the budget process)</b>						
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 <b>introduce, vary or remove</b> 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	1,000,000	500,000			Local Authorities

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

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	
	works for third parties or for a council tendered service (i.e. an “in house bid) <b>NB: “bidder” and “client” functions must be separated in the exercise of delegated powers</b>					(Goods & Services) Act 1970 s.93 & 95 Local Government Act 2003; s.1-4 Localism Act 2011 (and any other charging or trading powers)
<b>GOVERNANCE</b>						
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		Monitoring			s.33 Localism Act



NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

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	
	declaration of interests under Code of Conduct.		Officer (Director (Legal & Governance)			2011
<b>PROCUREMENT &amp; CONTRACTS</b>						
33.	To make all procurement decisions in accordance with the rules set out in the Council's Contract Procedure Rules and Standing Orders, including but not limited to: a. approval of the procurement process for the award of any contract (known as "pre-procurement approval"); b. award of 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 to extend a contract; f. to agree the variation of a contract; g. To end a procurement process; h. All decisions that are ancillary to powers a. to g.	1,000,000	500,000	250,000	50,000	s.101 LGA 1972 s.9E LGA 2000  Contract Standing Orders
34.	To approve the waiver of a procurement rule or rules  <b>N.b. All contract waivers must be reported to the next meeting of the committee responsible for audit functions.</b>	500,000 (following agreement of the s.151 officer)	500,000 (following agreement of the s.151 officer)			s.101 LGA 1972 s.9E LGA 2000 CSO (any statutory requirements cannot be waived)
35.	To sign contractual documents <b>not</b> executed under seal (by value of	Any value	500,000	250,000	50,000	Contract Standing

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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	
	the contract)					Orders
36.	To sign contractual documents executed under seal <b>unless</b> the requirement is waived (see Legal Delegations)	Any	Any	Up to 250,000	Up to 100,000	Contract Standing Orders
37.	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	X 1,000,000	X 500,000	X 250,000	X 100,000	Contract Standing Orders
38.	Maintaining an approved list of contractors and providing a written statement of reasons in respect of such a list	oneSource	oneSource	oneSource	oneSource	LGA 1988 s20 Contract Standing Orders
39.	Maintaining arrangements for keeping a Corporate contracts register in respect of any contract over the agreed threshold as set out in the Procurement Code	oneSource	oneSource	oneSource	oneSource	Contract Standing Orders
40.	Maintaining Standing Orders with regard to the making of contracts for the supply of goods and services (contained in the Contract Standing Orders & Procedure Rules)	oneSource	oneSource	oneSource	oneSource	Contract Standing Orders LGA 1972 s.135
<b>HUMAN RESOURCES &amp; EMPLOYMENT</b>						
41.	To agree all the Council's policies and procedures in respect of the	Chief				S.112 Local

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

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	
	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)	Executive				Government Act 1972 and various employment legislation. Local Authorities (Standing Orders) (England) Regulations 2001/3384, Schedule, Part 1, para 2
42.	To make all decisions relating to the Council's duties to inform and consult trade unions and workers under <b>any</b> statute or Council policy or procedure.	Chief Executive*	Support function delegated to oneSource	Support function delegated to oneSource	Support function delegated to oneSource	S.188 Trade Union and Labour Relations (Consolidation) Act 1992 TUPE Regulations 2006
43.	To exercise all powers as employer in respect of its recognised trade unions	oneSource	oneSource	oneSource	oneSource	Trade Union and Labour Relations (Consolidation) Act 1992
44.	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: (a) Recruitment, including probation, acting up and promotion; (b) Discipline and capability (including sickness);	X	X	X	To be determined by Director	s.112 & s.113 Local Government Act 1972 and applicable employment legislation.

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		1	2	3	4	
	(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.					Superannuation Act 1972 and LGPS regulations made thereunder
45.	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:  a. Approving early retirements, ill-health retirement and release of frozen benefits; b. Flexible retirement; c. Approval of any discretionary payments or benefits; d. Determining any statutory appeal against determinations under the LGPS regulations or otherwise.	X For statutory appeals, only CE or s.151 Officer can determine a second (final) stage appeal	X			Superannuation Act 1972 and LGPS regulations made thereunder
46.	To administer the Council's Pension Scheme	oneSource Chief Executive	oneSource	oneSource	oneSource	Superannuation Act 1972 and regulations made thereunder

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		1	2	3	4	
47.	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
48.	To exercise all powers and duties relating to the Council's <b>corporate</b> health and safety duties (excluding managerial responsibility for the operational health and safety of employees, workers and visitors)	Chief Executive	oneSource	oneSource	oneSource	Health & Safety at Work Act 1972 and regulations.
49.	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
<b>LEGAL REPRESENTATION &amp; PROCEEDINGS</b>						
<i>n.b. legal powers should only be exercised following the receipt of legal advice as set out below</i>						
50.	In respect of the discharge of <b>any</b> 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: <ul style="list-style-type: none"> <li>a. issue, prosecute, defend, enforce or otherwise participate in any legal proceedings in any court or tribunal;</li> <li>b. prepare and serve any statutory demand/notice/order or other legal document;</li> <li>c. prepare any agreement, contract, bond, certificate, deed, guarantee, licence, notice, order and/or other document to protect or advance the Council's interests;</li> <li>d. provide legal advice and representation on any matter in any way affecting the Council's interests.</li> </ul>	X	X	X	To be determined by Director	Relevant legislative powers.
51.	In addition to any other function delegated in the Constitution or elsewhere: <ul style="list-style-type: none"> <li>a. To issue, prosecute, defend, settle, enforce or otherwise</li> </ul>	n/a	Delegated to oneSource (Director, Legal &	Deputy Director, Legal & Governanc	oneSource	S.222 Local Government Act 1972 and legislation to commence and

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

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	
	<p>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>		Governance and Monitoring Officer) acting either on instruction or using Constitutional powers	e oneSource		<p>prosecute legal proceedings.</p> <p>Constitution – Article 14.03</p> <p>See oneSource Joint Committee Scheme of Delegation</p> <p>Monitoring Officer</p>
52.	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
53.	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
54.	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	X	X	X		Various legislation

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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	
	any land or premises requiring them to furnish information regarding details of all those with an interest in the land)					
55.	To agree the settlement of any legal claim brought by or against the Council <b>following</b> 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
56.	To issue cautions where a criminal offence is admitted by a potential defendant	X	X	X		All enabling legislation
57.	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.
58.	To exercise all powers for enforcement in any civil or criminal proceedings, including but not limited to charging orders, deductions	X	X	X		All enabling legislation

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

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	
	of wages, injunctions (including agreeing undertakings by a third party to the Council) and confiscation orders.					
59.	Authorising/affixing the Authority's seal to deeds and other documents	oneSource	oneSource	oneSource	oneSource	*Delegated by the OSJC to the Director, Legal & Governance)
60.	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.	n/a*	Director, Legal & Governance	n/a	n/a	*Delegated by the OSJC to the Director, Legal & Governance)
<b>PROPERTY, ASSET MANAGEMENT &amp; COMPULSORY PURCHASE</b>						
61.	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)	oneSource	oneSource	oneSource	oneSource	All powers under the LGA 1972 any other enabling legislation
62.	the disposal of land (estimated land value)	1,000,000	500,000	250,000		s.123 LGA 1972, s.1 Localism Act 2011 and all other enabling legislation
63.	Acquisition of Land (estimated land value)	1,000,000	500,000	250,000		ss.120-22 LGA 1972,



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		1	2	3	4	
						s.1 Localism Act 2011 and all other enabling legislation
64.	The making of Compulsory Purchase Orders (estimated land value)	1,000,000	500,000	250,000		All enabling legislation
65.	Disposal of assets other than land (estimated value)	1,000,000	500,000	250,000	50,000	s.1 Localism act 2011
66.	The Council's powers and duties in respect of assets of community value	oneSource	oneSource	oneSource	oneSource	Localism Act 2011, ss87-92
<b>POLICY &amp; FORMAL CONSULTATIONS</b>						
67.	To prepare and submit any Policy or Strategy to the Executive for approval	X	X			
68.	To prepare and submit any <b>Policy Framework documents</b> to Council for approval on the recommendation of the Executive	X	X			
69.	To prepare and submit responses to central and London government consultation exercises	X	X			
<b>INFORMATION TECHNOLOGY AND GOVERNANCE</b>						
70.	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.

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018

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		1	2	3	4	
71.	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)			
72.	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)	oneSource	oneSource	oneSource	oneSource	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 other charging or trading powers)
73.	To be the senior responsible officer in respect of information governance, including compliance with the data protection principles.	oneSource	oneSource	oneSource	oneSource	Data Protection Act 1998
74.	Maintaining the Council's Publication Scheme, the Freedom of Information Act charging policy and re-use policy		X			Freedom of Information Act 2000

NEWHAM SCHEME OF DELEGATION: EFFECTIVE FROM 1 NOVEMBER 2018