

ONESOURCE JOINT COMMITTEE 14 December 2018

Subject heading:

**Updates to the oneSource Joint
Committee Scheme of Delegation**

Report author and contact details:

**Daniel Fenwick, Director of Legal
& Governance**

Financial summary:

There are no direct financial
implications of this decision

SUMMARY

1. This report seeks the Committee's agreement to update the oneSource Joint Committee Scheme of Delegation to reflect the changes to the Newham Scheme of Delegation. It further seeks a delegation to the Director Legal & Governance to make the necessary amendments to the oneSource Scheme of Delegation. Members should note that this does not affect delegations from Havering or Bexley to the Joint Committee.

RECOMMENDATIONS

2. For the reasons set out in the report the Committee is recommended to agree:
 - 2.1 To update the oneSource Joint Committee Scheme of Delegation to reflect changes to the London Borough of Newham's Scheme of Delegation to Officers but retaining existing delegations where they are already consistent with the changes agreed by Newham.
 - 2.2 To authorise the Director, Legal & Governance to make the necessary changes and publish the Scheme of Delegation.

REPORT DETAIL

3. oneSource is a genuine shared service established as a joint committee of Newham, Havering and Bexley Councils under s.101 of the Local Government Act 1972. Each of the councils delegates executive and non-executive powers to deliver the services under the

shared service to the Committee at first instance. The Joint Committee then agrees a scheme of delegation to the council employees who work in oneSource services to deliver the services at operational level.

4. For Newham and Havering, this covers the full range of shared services and for Bexley, it is limited to financial services. This is reflected in the current agreed Scheme of Delegation.
5. In October and November 2018, the Mayor of Newham and full Council agreed to update its Scheme of Delegation, which included the delegations to the oneSource Joint Committee. The amended Scheme of Delegation is attached at **Appendix 1**. The changes were largely for clarification and simplification but also to update the financial delegations to officers based on their seniority. This is set out in the table below:

Designated Level of Authority	Posts	Financial Delegation
1	Chief Executive, Executive Directors, Managing Director oneSource	£1,000,000
2	Directors and officers reporting to tier 1 posts (excluding officers in support/clerical roles) including oneSource Directors.	£500,000
3	Officers reporting to tier 2 posts (excluding administrative or clerical posts) or oneSource directors	£250,000
4	Officers reporting to tier 3 posts(excluding administrative or clerical posts) or Tier 3 oneSource officers	£50,000 (or as set by the Director / MD)

6. This is an increase in the Level 1 delegations from £500,000 to £1M but this level of delegation to the Managing Director. Decisions over £1M will be made by Cabinet in Newham. Also decisions with a value over £500,000 will be key decisions and, whether made by Cabinet or officers, must be published on the forward plan.
7. The current Joint Committee Scheme of Delegation delegates financial decisions only up to £500,000 which reflected the level in the previous Newham Scheme of Delegation (see **appendix 2**). Havering's Scheme of Delegation has generally had significantly higher levels of financial delegation to officers but the Joint Committee applied the lower Newham delegations to ensure that decisions that affected both authorities (e.g. a joint procurement) were fully authorised by both authorities. With regard to Bexley, most of the shared services provided to Bexley are operational or transaction and so there are almost no decisions where levels of financial delegation come into play, e.g. joint contracts or procurements.
8. The Joint Committee is asked to formally incorporate the revised delegations agreed by Newham into its Scheme of Delegation and to authorise the Director, Legal & Governance to make the necessary changes and publish the Scheme. The Joint Committee is asked to note the implications of the change set out below.
9. Where there are different levels of delegation, these are identified in the Scheme of Delegation but these are limited in number. Whilst there is logic to having consistent delegations across boroughs, these are decisions of the respective councils and the shared service will respect the different decisions made.

10. Officers must follow the decision making process and statutory requirements that apply in the relevant council or councils affected by a decision. The oneSource agreement includes provisions to empower officers to discharge statutory duties and powers on behalf of the participating councils.

Legal implications and risks:

11. The Joint Committee has statutory power to delegate its functions to officers. Officers are empowered by the oneSource Agreement between the three councils to discharge duties and powers in respect of the shared services under s.1 of the Localism Act 2011 and s.112 of the Local Government Act 1972. The Scheme of Delegation ensure that these powers are clearly defined and so that officers are acting within their powers when delivering the shared services.
12. For non-executive powers, Under Section 101(5) of the Local Government Act 1972 two or more authorities may discharge any of their functions by a joint committee of their functions by a joint committee of theirs. This empowers the Councils to delegate non-executive powers to the Joint Committee and s.101 also provides that the Joint Committee may delegate powers to officers.
13. For executive powers, section 9EB of the Local Government Act 2000 (as amended) and Regulation 11 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 provide the power to delegate executive functions to a joint committee set up under section 101(5) of the Local Government Act 1972. Regulation 11(8) provides that a Joint Committee may arrange for the discharge of any of its function by an officer of one of the authorities concerned.
14. The joint committee may delegate authority to the Director, Legal & Governance to make the necessary changes to give effect to this decision.

Financial Implications and risks:

15. There are no direct financial implications to this report. The report codifies the levels of financial delegation to officers working in the shared service and so aids financial governance. The levels of delegation will be incorporated into financial systems.

HR Implications and risks:

16. The changes have already been publicised by officers informing them of the changes in Newham. Further awareness raising and training will take place.

Background Papers

OneSource Agreement 2017

Appendices

1. Newham Scheme of Delegation (2018)
2. oneSource Scheme of Delegation (2017)