



Governance Committee 1 July 2015

Subject Heading:

**DELEGATION OF FUNCTIONS TO THE
ONESOURCE JOINT COMMITTEE**

CMT Lead:

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Report Author and contact details:

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Policy context:

Structural reorganisation to minimise
costs.

Financial summary:

These changes are purely procedural and
have no specific financial implications

The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

Upon the establishment of the oneSource Joint Committee and the implementation of joint services, both Councils delegated similar functions to the Joint Committee. These separate delegations have been reviewed and brought together into a single scheme of delegation suitable for approval by both Councils. The joint scheme of delegation will make it easier for both Councils and for the Joint Committee to appreciate the precise extent of what is delegated and what is retained.

RECOMMENDATIONS

That the Governance Committee recommend to Cabinet and Council that the functions listed in Appendix 3 be delegated to the oneSource Joint Committee

REPORT DETAIL

1. Background

- 1.1 Prior to the implementation of oneSource in April 2014, both Havering and Newham Councils delegated a range of functions to the oneSource Joint Committee. The schedules of functions were essentially cut and pasted from the Councils' Schemes of Delegation.
- 1.2 Upon receipt of the delegated powers from the Councils, the oneSource Joint Committee further delegated variously to its Management Director and its Directors.
- 1.3 The result of these governance decisions was that the officers who had delegated power through one Council or the other were vested with the same powers under the oneSource arrangements and further were empowered to act on behalf of the 'other' council as well.
- 1.4 These arrangements have worked satisfactorily in the short term but are not as efficient as they might be because of the very different natures of the delegation schemes of the two authorities. Newham's delegation scheme is very comprehensive and precise, listing as many specific areas of delegation as possible. Havering's on the other hand, whilst similarly extensive is more generic in its style so that a number of Newham delegations might fit comfortably under a single Havering delegation. A good example of this is in Finance. Havering has delegated 17 matters covering the entirety of the finance functions whilst Newham has delegated 63.

2. Review of the delegated functions

- 2.1 In order to streamline the arrangements and to make operations more efficient, the functions delegated by the Councils have been reviewed with a view to bringing them together into a single set of functions delegated by both Councils.
- 2.2 Attached at Appendix 1 is the scheme of delegation from Havering to the oneSource Joint Committee. Appendix 2 is the scheme of delegation from Newham to the oneSource Joint Committee. Appendix 3 is the new proposed scheme of delegation to the oneSource Joint Committee derived from Appendices 1 and 2. In combining those schemes the intention was to find a balance between the very detailed Newham scheme and the more generic Havering version. An extra column has been added to Appendices 1 and 2 to show how the original delegations have been dealt with in the combined schedule.

IMPLICATIONS AND RISKS

*There is a **corporate** requirement to set out the implications and risks of the decision sought, in the following areas*

Financial implications and risks: None

Legal implications and risks:

Under Section 101(5) of the Local Government Act 1972 two or more authorities may discharge an of their functions by a joint committee of their functions by a joint committee of theirs. This power does not extend to executive functions.

Section 9EB of the Local Government Act 200 provides that the Secretary of State may by Regulations make provision for or in connection with permitting arrangements under Section 101(5) of the Local Government Act 1972 where any of the functions which are the subject of the arrangements are the responsibility of an executive of a local authority under executive arrangements.

Regulation 11 of the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2012 provides that arrangements made under Section 101(5) of the Local Government Act 1972 and at least one of those functions is the responsibility of the executive, the arrangements may provide for one joint committee to discharge all the functions which are the subject of the arrangements on behalf of those authorities.

In consequence of the foregoing the Cabinets (for executive functions) and the Councils (for non-executive functions) may delegate those functions to the oneSource Joint Committee.

Human Resources implications and risks: None

Equalities implications and risks: None

BACKGROUND PAPERS

None