

<b>ONESOURCE JOINT COMMITTEE</b>	<b>22 January 2016</b>
<b>Subject Heading:</b>	<b>Joint Committee Scheme of Delegation to Officers</b>
<b>Report Author and contact details:</b>	<b>Daniel Fenwick, Director of Legal &amp; Governance Daniel.fenwick@onesource.co.uk</b>
<b>Financial summary:</b>	<b>Nil</b>
<b>Is this a Key Decision?</b>	<b>Not Applicable</b>

## SUMMARY

This report seeks the committee's approval for the attached consolidated Scheme of Delegation to Officers. This follows on from the decisions of both Councils in 2015 to updates the delegation of powers to the Joint Committees.

## RECOMMENDATIONS

For the reasons set out in this report, the Joint Committee is asked to agree the Scheme of Delegation at Appendix A.

## REPORT DETAIL

### 1. Background

- 1.1 The oneSource model is to delegate the powers to operate the shared services from both authorities to the Joint Committee. The Joint Committee then agrees a Scheme of Delegation of those powers to senior officers working for oneSource. Where further delegation of powers to frontline services is required, the Managing Director and Directors agree their own schemes of delegation.

- 1.2 This ensures the exercise of services as close to the point of delivery as possible and those officers exercising statutory powers have the necessary delegated authority to do so.
- 1.3 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.
- 1.4 These arrangements have worked satisfactorily in the short term but are in need of updating to reflect the lessons learned from almost 2 years of operation. In particular, the lack of a consolidated scheme of delegation meant officers had to check both schemes to make decisions that were to the benefit of both authorities. It will also make the integration of Bexley's delegated functions simpler. Both councils have updated their delegations to this Committee as follows:

Authority	Meeting
Approval for the delegation of the scheme of executive functions to the oneSource Joint Committee	Havering Cabinet 8 July 2015 Newham Cabinet, 23 July 2015
Approval for the delegation of the scheme of non-executive functions to the oneSource Joint Committee	Havering Council, 15 July 2015 Newham Council, 21 September 2015

## **2. Proposal**

- 2.1 As a result the attached Scheme of Delegation has been drafted that consolidates the delegation of powers into a single Scheme for clarity of use, which will enable oneSource to operate more efficiently and effectively.
- 2.2 The Committee should note, however, that:
- 2.2.1 The extent of the delegations to officers is limited to the powers delegated to the Committee.
- 2.2.2 Where appropriate for a director of an operational service, the Scheme is worded so that all the functions delegated to the Joint Committee and delegated to the relevant Director for simplicity and brevity. As stated at 2.2.1, these powers can go no further than the powers delegated to the Joint Committee.
- 2.2.3 Key strategic oversight powers are retained by the Committee
- 2.3 The Scheme operates by dividing oneSource officers by tiers of seniority, for example Level A officers are the Managing Director and Directors. Broader and more significant powers are delegated to more senior officers. Lower level officers

have more limited powers or have powers in the absence of higher level officers. Where possible the Scheme deliberately does not use specific post titles or service areas as these can regularly change and potentially render the delegations invalid.

- 2.4 The Managing Director and Directors are able to further delegate their powers, via a directorate Scheme of Delegation to specific posts or grades. This enables frontline managers and officers to have authorisation for the operational powers they need to undertake their work. It is expected that all Directors then prepare their own Scheme of Delegation, which will be provided to the Monitoring Officer and are publicly available.
- 2.5 To ensure that gaps do not arise in the absence of officers with delegated authority, the Scheme provides that:
  - 2.5.1 The managing director can exercise all powers delegated to other officers.
  - 2.5.2 The Managing Director can nominate a deputy at any time, and
  - 2.5.3 Senior officers can always exercise the powers delegated to lower tier officers.
- 2.6 The Committee should note that as the delegating body it can still exercise powers it has delegated to officers.

<b>REASONS AND OPTIONS</b>
----------------------------

- 3. To ensure the effective and lawful operation of oneSource activities, it is essential that the Joint Committee agree a Scheme of Delegation to officers.
- 4. **Reasons for the decision:**
  - 4.1 The Scheme of Delegation must be approved by the Joint Committee as the body delegating powers.
- 5. **Other options considered:**
  - 5.1 If no scheme was agreed, then the current complex situation will continue. The Scheme will be kept under review and any necessary changes proposed. Most powers relate to operational decisions and so are best delegated to officers.

## IMPLICATIONS AND RISKS

### 6. Financial implications and risks

- 6.1 There are no financial implications to the proposals. Decisions are still subject to the financial and other regulations of participating authorities.

### 7. Legal implications and risks

- 7.1 The Joint Committee has statutory power to delegate its functions to officers.
- 7.2 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.
- 7.3 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.
- 7.4 For information, most of the functions delegated are executive powers and the Scheme will be kept under review. If additional powers are required to carry out oneSource functions, they must be first delegated from the two authorities.

### Human Resources implications and risks:

The Scheme of Delegation ensures officers have the necessary statutory authority to carry out their jobs.

### Equalities implications and risks:

There are no direct equalities implications of this decision.

## BACKGROUND PAPERS

None

**APPENDICES**

A – Proposed Joint Committee Scheme of Delegation to Officers for approval

B – LB Newham Delegation of Powers to Joint Committee (2015)

C – LB Havering Delegation of Powers to Joint Committee (2015)