

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Council 25 May 2022
Report Title:	Council Scheme of Delegation
Directorate:	Finance & Governance
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Wards affected:	All
Public Access	Open
Appendix	Appendix 1: General Scheme of Delegation Appendix 2: Management Structure

1. SUMMARY

- 1.1 At the annual meeting, Council is required to agree that part of the Scheme of Delegation which it is for the full Council to agree.

2. RECOMMENDATION

- 2.1. Council is asked to agree the delegation of non-executive functions (as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (amended) to officers as set out in:
- 2.1.1. The Council's Constitution and
 - 2.1.2. The attached General Scheme of Delegation
- 2.2. To agree that all officers with delegated powers have power to further delegate those powers to other officers under s.101 of the Local Government Act 1972 or as provided for by any other legislation and may agree a scheme of delegation to officers for their service areas.
- 2.3. To note that the new Management Structure attached, going live on 1 June 2022, will be incorporated into Part 11 of the Council's Constitution.
- 2.4. To agree that delegations previously given by Full Council to the holder of the title 'Strategic Director Neighbourhoods and Commercial' are also delegated to the 'Strategic Director of Place' with immediate effect and to further agree that any delegations given by the Strategic Director Neighbourhoods and Commercial to other officers shall from 1st June be treated as having been given by the

Strategic Director of Place and remain valid authorisations under the Council's Constitution.

- 2.5. To delegate to the Director of Governance and Law the power to make and publish the necessary changes to the Constitution and Scheme of Delegation to give effect to these decisions.

3. BACKGROUND

- 3.1. The Council has power to delegate its functions to officers at different levels of seniority within the organisation. It is essential to do this to ensure that Council services can operate on a daily basis and that only significant decisions are reserved for members in committee. Full Council has the power to delegate all non-executive functions to officers.

4. PROPOSAL

- 4.1. Full Council is recommended to confirm the delegations to officers in respect of those powers reserved to full Council by the Functions and Responsibilities Regulations 2000 cited above. Approval of the Scheme of Delegation is a statutory requirement under s,100(G)(2) of the Local Government Act 1972.
- 4.2. Council is asked to agree the delegations set out in the Council's Constitution, most notably, in Part 2, the Articles, and the provisions of Part 3 of the Council's Constitution (Responsibility for Functions).
- 4.3. Paragraph 4.2 of Part 3, Section 3 states that all Executive and Corporate Directors have delegated authority to act within their assigned portfolio of responsibilities. For 2021/22, these portfolios are as set out in the Management Structure incorporated into Article 12 and Part 11 of the Constitution.
- 4.4. Council is asked to agree the General Scheme of Delegation at **Appendix 1** which sets out how powers are delegated to officers by Council and the Executive (in respect of executive functions) across a range of areas, including finance, procurement and HR.
- 4.5. Council is also asked to agree that all delegations previously given by Full Council to the holder of the title 'Strategic Director Neighbourhoods and Commercial' are in addition delegated to the 'Strategic Director of Place' with immediate effect and that any delegations given by the Strategic Director Neighbourhoods and Commercial to other officers shall be from 1st June be deemed to be given by the Strategic Director of Place and remain valid authorisations. The delegations referred to relate to functions such as licensing, gambling, and a range of regulatory enforcement powers and functions which under the new Management Structure will be the responsibility of the Strategic Director of Place. These decisions will ensure that these delegations remain in effect and that officers are duly authorised to carry out functions on behalf of the Council in these key enforcement areas.

5. CONSULTATION

- 5.1. There is no requirement to consult on these proposals. The Scheme has been updated to reflect new job titles due to come live on 1 June 2022. The approval of the Scheme of Delegation is a statutory requirement.

6. IMPLICATIONS

6.1. Finance, Value for Money and Risk

- 6.1.1. An effective scheme of delegation is essential to the efficient operation of the Council. Delegation of financial powers is essential for the management of the Council's finances.

6.2. Legal

- 6.2.1. Full Council may delegate its functions to officers under Section 101 of the Local Government Act 1972 (the Leader and Cabinet may delegate their functions to officers under Part II of the Local Government Act 2000).

- 6.2.2. Powers delegated to officers in the General Scheme of Delegation include both executive and non-executive powers and must be agreed by Cabinet and Council respectively. The Executive will be asked to confirm the delegation of executive powers under the Scheme of Delegation.

6.3. Equalities and Diversity

- 6.3.1. There are no implications.

6.4. Sustainability (including climate change, health, crime and disorder)

- 6.4.1. There are no implications.

6.5. Council Infrastructure (e.g. human resources, accommodation or IT issues)

- 6.5.1. An effective scheme of delegation allows officers to carry out their duties more efficiently and help to deliver Council priorities. The senior management structure is being consulted on and will be implemented following the appropriate HR policies.

Background Information (as defined by Local Government (Access to Information) Act 1985)

None