SCHEME OF DELEGATION BY CABINET

Sections 15-20 Local Government Act 2000

1. The Cabinet has reserved to itself and delegated, under of the Local Government Act 2000, in so far as it lawfully may, the specified powers, duties and functions to decision makers specified in this Scheme of Delegation.

2. In exercising the powers conferred by the Scheme of Delegation, Cabinet, Cabinet Committees, Cabinet Members and officers are all required to adhere to the principles as set out in the Constitution. Decision makers must exercise delegated powers in accordance with practices and procedures approved by the Council.

3. Decision makers must be able to justify and explain the reasons for their decisions which are open to scrutiny internally through the overview and scrutiny process and externally by the Auditor, the Ombudsman and the Court.

4. Legal advice must be obtained in the event of any uncertainty as to the lawfulness or propriety of a proposed decision.

5. In this Scheme of Delegation, a specific decision-maker is approved to operate within the delegation. In every case, that decision-maker is constrained by approved Council policies and practices. The person is accountable within the terms of these policies and practices. The Delegation must be exercised within approved budgetary limits. No delegation can be exercised that would result in the Council’s budgetary position being exceeded. This applies to the Council’s budget in any one year, and the ongoing effect in subsequent years.

6. All Executive Matters not reserved for Cabinet or the Leader or delegated to a specified officer are delegated to the Chief Executive as set out in Section C. The Leader may arrange for any matter within his delegation to be delegated to a Cabinet Member or officer.

7. There are certain other Council procedures which specify who has authority to make decisions, in particular Employee Procedure rules, Contract Standing Orders and Financial Regulations. The general delegations contained in this part are without prejudice to those specified authorisations.

8. It is expected that in the case of decisions made by officers, matters of a controversial nature or involving a significant change in policy will be consulted upon with the relevant Cabinet Member and recorded or reported to Cabinet or committee as appropriate.

9. This Scheme of Delegation shall be published to accompany the Council’s Constitution. Matters reserved to the Cabinet are set out in Part 3-D of the Constitution.
10. **Sections Compromising this Scheme**

Section A – Matters reserved to the Leader  
Section B – Delegation to Chief Executive and Head of Paid Service
SECTION A

MATTERS RESERVED TO THE LEADER

The following matters are reserved to the Leader. Such decisions must be in accordance with the overall strategic policies set by the Council, and must in all cases be made within approved budgetary provision.

1. The Leader will maintain a list in Part 3 (c), (d) and (e) of this Constitution setting out which individual members of the Cabinet, Cabinet committees, officers or joint arrangements are responsible for the exercise of particular executive functions.

2. The responsibility to vary the allocation of portfolios held by Cabinet and Assistant Cabinet Members; and the responsibility to remove the Deputy Leader, any Cabinet member or Assistant Cabinet Member.

3. The responsibility to allocate executive decision-making functions to any particular Cabinet Member having notified Full Council of the extent of the delegation and the process to be followed. N.B. Should a conflict of interest arise, then any function so delegated will be exercised in the first instance by the person or body by whom the delegation was made.

4. To determine, which Cabinet member shall hold a lead role in respect of any cross-cutting policy matters.

5. To approve responses to central Government, the Greater London Authority and other similar organisations, consulting so far as possible with the relevant Overview and Scrutiny Panel(s)

6. To agree service development in line with policy.

7. All other matters that have not been delegated to any other decision-maker

NB
For the avoidance of doubt it is hereby explained that under Section 15 of the Local Government Act 2000 if, or to the extent that the matters which are the responsibility of the Executive are not allocated to any other decision-maker, the Leader:

(a) may discharge any of those functions

(b) may arrange for the discharge of any of those functions:

   (i) by the Cabinet
   (ii) by a Cabinet member
   (iii) by a Cabinet Committee, or
   (iv) by an officer of the Council
DELEGATION TO CHIEF EXECUTIVE AND HEAD OF PAID SERVICE

The following delegated powers are subject to the Chief Executive vesting authority to other appropriate officers.

1. Within the overall resources allocated by the Council, in direct support of the Council’s objectives and subject to the exclusions referred to in paragraph 4 below, authority to act on behalf of the Council on all matters including those which have been delegated to any other officer.

2. To make appointments to the posts of Chief Officers in accordance with requirements of the Officer Employment Procedures Rules (Part 4, Section 7 of the Constitution).

3. To appoint members and other Council representatives to Council committees, sub-committees, and other bodies and on outside organisations in accordance with the allocation of seats to the party groups and on the nomination of the Whip of the party group concerned.

4. The following matters are excluded from this scheme of delegation:
   
   (a) Any matter that the Council or the Cabinet has resolved shall be determined by itself.

   (b) Any matter that is a new policy or is a departure from the existing agreed Policy Framework of the Council unless otherwise provided for in the Constitution.

   (c) Any matter that the Chief Executive considers inappropriate to be dealt with under delegated powers.

   (d) Any matter in which the Chief Executive has declared an interest.

   (e) Any issue which is required by law to be considered by the Council, the Cabinet or by a Committee.

   (f) Any matter which is reserved to the Chief Finance Officer and to the Monitoring Officer.

NB
This Section must be read in conjunction Part 3 F

It is recognised by the Council that for the effective conduct of the Council’s business the Chief Executive will authorise the Chief Officers of the Council to exercise the various functions of the Council on his behalf.