

Annual Council Supplementary Agenda



10. Executive Mayor's Scheme of Delegations (Pages 3 - 8)

In this report, the Executive Mayor sets out the scheme of delegations.

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LONDON BOROUGH OF CROYDON EXECUTIVE MAYOR'S SCHEME OF DELEGATION

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Contents

- Part 1: Introduction
- Part 2: General principles, requirements and exclusions
- Part 3: Delegations to Cabinet, Cabinet Members and Executive Committees
- Part 4: Delegation to Joint Committees
- Part 5: Delegations to Officers

Part 1: Introduction

1. This is the Executive Mayor's Scheme of Delegation for the exercise of the Council's executive functions under the Local Government Act 2000 (the 2000 Act) and all other enabling powers.
2. It is separate from but supplements the Council's Constitution. Unless otherwise stated, terms referred to in both this Scheme and the Constitution have the same meaning as set out in the Constitution.
3. Under s9E of the 2000 Act, the Executive Mayor has responsibility for all of the Council's executive functions and this Scheme sets out the Executive Mayor's arrangements for the discharge of those functions. Nothing in this Scheme prevents the Executive Mayor from exercising the Council's executive functions even if they have been delegated to others. Nor does this Scheme prevent the Executive Mayor from making additional arrangements on an ad hoc or specific basis.
4. To the extent that arrangements have been made for others to exercise the Council's executive arrangements, the Executive Mayor reserves the right to amend and/or revoke such arrangements (in part or in full) immediately on giving notice.
5. If the Executive Mayor amends this Scheme he will give written notice to the Monitoring Officer and to the person, body or committee concerned. The Executive Mayor will also provide the Monitoring Officer with an updated Scheme within five working days.

6. This Scheme will be kept under review and is available for inspection and published on the Council's website.

Part 2 General principles, requirements and exclusions

7. The exercise of the Council's executive functions, either by the Executive Mayor personally or by others in accordance with this Scheme, must be in accordance with legal and Council requirements, including but limited to:
 - a) The law (including case law and public law principles);
 - b) The Constitution (in particular, Part 3 – Responsibility for Functions; Part 4B - Access to Information Procedure Rules (in particular, the key decision and decision recording requirements including reasons); Part 4C – Budget and Policy Framework Procedure Rules); Part 4D - Executive Procedure rules (in particular, for substantive decision making by the Executive Mayor to be in the presence of officers); Part 4E (in particular the rules on call-in); Part 4G – Delegations to Corporate Directors – Decision Making Procedure Rules; Part 4H – Financial Regulations; Part 4I – Tenders and Contracts Regulations; Part 5A - Decision Making Protocol (in particular, the requirement for a written report including financial, legal, equalities and other relevant implications) and Part 5I – Members' Code of Conduct;
 - c) Specific statutory and constitutional requirements on property transactions;
 - d) The approval of the Director of Legal Services in respect of legal proceedings and the use of external legal services;
 - e) All other Council policies and procedures;
 - f) Council values and objectives;
 - g) Financial prudence, value for money and good governance considerations;
 - h) Consultation or engagement as appropriate or required; and
 - i) Rules on interests in particular: conflict of interests, bias, pre-determination and the principles of conduct in public life.

Part 3 Delegations to Cabinet, Cabinet Members and Executive Committees

8. The Executive Mayor has not delegated any executive functions to the Cabinet or to individual Cabinet Members. Further, no cabinet or executive committees have been established by the Executive Mayor.
9. The Executive Mayor's Cabinet will comprise of the following members and portfolios:

<u>Name of Member</u>	<u>Portfolio</u>
Cllr Lynne Hale	Statutory Deputy Mayor and Cabinet Member for Homes
Cllr Jason Cummings	Cabinet Member for Finance
Cllr Maria Gatland	Cabinet Member for Children and Young People
Cllr Yvette Hopley	Cabinet Member for Health and Adult Social Care
Cllr Ola Kolade	Cabinet Member for Community Safety
Cllr Jeet Bains	Cabinet Member for Planning and Regeneration
Cllr Scott Roche	Cabinet Member for Streets and Environment
Cllr Andy Stranack	Cabinet Member for Communities and Culture

10. If for any reason the Executive Mayor is unable to act, the Statutory Deputy Mayor can act in his place and exercise all of his executive powers.
11. The role of Cabinet will be to inform and assist the exercise of the Executive Mayor's executive decision making powers whenever, at the Executive Mayor's discretion, an item is referred to a Cabinet meeting for discussion prior to a decision being taken. Cabinet's proceedings will be regulated by the Executive Procedure Rules in Part 4D of the Constitution.
12. As soon as practical in each municipal year the Executive Mayor will seek to establish a programme of business for the remainder of the year to the extent that it is possible to do so and will publish all planned executive decisions on the corporate forward plan. Items for decisions by the Executive Mayor 'in Cabinet' will be indicated on the corporate forward plan but may also be scheduled or rescheduled as necessary during the course of the year.

Part 4 Delegation to Joint Committees

13. The Executive Mayor confirms the Council's existing joint committee arrangements relating to the exercise of the Council's executive functions as recorded in Part 2 of the Constitution (in particular, Schedule 1 to Article 11).

Part 5 Delegations to Officers

14. References in this Scheme to 'officer' or 'officers' include permanent, contract, or temporary staff working for the Council. Unless expressly and clearly stated to the contrary, delegations are not personal and instead relate to the post current at the time and any successor post and can be undertaken on any interim, acting up or deputising basis.
15. The Executive Mayor confirms all officer general delegations set out in the Constitution and all other specific and on-going delegations relating to an executive function of the Council which have been conferred upon officers from time to time.

16. This includes the Chief Executive's emergency or extreme urgency powers as follows: the Chief Executive may exercise any executive function in cases of emergency or extreme urgency whether or not reserved to the Executive Mayor, subject to complying with any statutory requirements and following the exercise of such power will provide a written report to the Executive Mayor setting out the decision taken and the reason for it including the reasons for emergency or extreme urgency.
17. Unless specifically reserved by the Executive Mayor, the Chief Executive and Corporate Directors may make all non-key decisions relating to the discharge of the functions and services under their management. In addition, they may make all decisions which are calculated to facilitate, or are conducive or incidental to the discharge of such delegated functions and services.
18. The law and Constitution permitting, the Chief Executive, may exercise any function of the Council not reserved for a member decision and may delegate any such decision to any other officer.
19. The law and Constitution permitting, Corporate Directors may exercise any function of the Council not reserved for a member decision falling within their directorate and may delegate any such function to an officer within their directorate.
20. The exercise of executive functions by officers is not only subject to Part 2 of this Scheme in general but also the following specific requirements and considerations:
 - a) If in doubt, the advice of the Monitoring Officer (or their nominee) must be obtained on whether a decision is a key decision or not.
 - b) As a further safeguard and as set out in the Access to Information Rules, the Scrutiny and Overview Committee can require a decision maker to submit a report to Full Council explaining their reasons for concluding that a decision was not a key decision.
 - c) Where it is considered that in exercising a delegated power or duty a departure in policy, procedure or a significant change in financial practice is likely to be involved, officers must consult with the Director of Legal Services and/or the Corporate Director, Resources as appropriate, who shall, if necessary, refer the matter to the Executive Mayor or the Executive Mayor in Cabinet.
 - d) Where any function is delegated to an officer, that officer may choose not to exercise that function and may instead refer that matter to the Mayor or the Mayor in Cabinet, as appropriate, with the agreement of the appropriate Corporate Director. The criteria that officers may have to consider when determining whether to exercise a function could include-
 - I. Whether the decision may incur a significant social, economic reputational or environmental risk.
 - II. The likely extent of the impact of the decision both within and outside of the borough.

- III. Whether the decision is likely to be a matter of political controversy.
 - IV. The extent to which the decision is likely to generate substantial public interest.
- e) Consultation with the Executive Mayor, as appropriate having regard to the significance and profile of the decision, any (and if so the nature of the) political and community sensitivities associated with the decision and the reasonable expectations of the Executive Mayor.

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