



# **MAYOR'S SCHEME OF DELEGATION**

**PHILIP GLANVILLE  
MAYOR OF HACKNEY**

**DATE: January 2017**

## **Discharge of executive functions**

The Mayor is responsible for all executive arrangements and is required to maintain a list under Part 3 of the Council's Constitution setting out who of the following are responsible for particular executive functions

- the Mayor, or
- the Mayor in consultation with an individual Cabinet Member or Mayoral Adviser, or
- the Mayor and Cabinet collectively, or
- a committee of the Executive,
- officers
- joint arrangements or
- another local authority.

The Mayor must provide the Director, Legal, (as Monitoring Officer), with a copy of the list and any updated list within 5 days of amendments being made.

## **Mayoral Scheme of Delegation**

This Scheme of Delegation has been agreed by the Mayor and sets out which executive functions are to be discharged by the Mayor alone, the Mayor and Cabinet or a Cabinet Committee. The Mayor has decided that no functions are to be discharged by individual Cabinet Members. Matters referred to in this Scheme must therefore be referred to the Mayor alone, the Mayor and Cabinet or a Cabinet Committee for decision. Decisions will be made on the basis of formal reports and in compliance with Access to Information requirements.

## **Delegation of executive functions to officers**

The Constitution provides that, in all cases where the exercise of an executive function is not specifically reserved to the Mayor, the wider Executive or a Committee of the Executive, these functions are deemed to be delegated to and exercisable by the relevant Group Director as follows:

- The Chief Executive may exercise any executive function in the absence of a relevant Group Director or nominate another Group Director to do so in the Chief Executive's absence

- The Chief Executive may exercise any executive power in cases of extreme urgency whether or not reserved for Member - level decision making and whether or not falling within the departmental or budget area of another Group Director
- Any Group Director may exercise any executive power falling within his or her directorate or budget area

This means that if a function is not specifically reserved for Member decision by this Scheme of Delegation, it is the responsibility of the Chief Executive or appropriate Group Director.

### **Exercise of Officer Delegations – Schemes of Delegations**

The Chief Executive and Group Directors are responsible for ensuring that there is a comprehensive and up to date Scheme of Delegation within their directorates for both council and executive functions. This must specify the function, name the post which may carry out that delegated decision and the limits if any on the delegation. The limits on delegation will include the obligation to consult, record and/or refer back to the Chief Executive or Group Director in certain circumstances.

The Director, Legal will specify the format for the scheme of delegation and will maintain the current version of the Council's Scheme of Officer Delegations.

The Director, Legal, will have authority to amend and issue guidance on Directorate Schemes of Delegation.

All Group Directors have a duty to establish, review, keep the schemes of delegation up to date and submit them to the Director, Legal.

## Notes

### 1. Interpretation:

The Mayor's Scheme of Delegation aims to be as comprehensive as possible but cannot be exhaustive. It needs to be flexible to deal with changing circumstances. Officers will apply the principles of the Scheme when determining where and how in the structure decisions will be made. As a general rule, Member level decisions will be taken by the Mayor and Cabinet sitting together.

### 2. Variations:

The Mayor may make ad-hoc one off variations on particular matters where he considers that it is appropriate to deal with that matter at variance to the scheme of delegation in force at the time. Such variations shall be made in writing and given to the Director, Legal, and shall be effective from the date the written notice is received by the Director.

### 3. Plans and Strategies:

All references to plans and strategies mean initial approvals to them, and subsequent amendments where the impact of the amendment is significant. (If the amendment is required by law or as a result of litigation to give effect to day to day practical issues required to ensure implementation officers shall implement the change required but shall consult with the Mayor before doing so). Where the plan or strategy is a joint matter with other bodies the recommendations shall only be in respect of those matters affecting the Council.

### 4. Key Decisions:

Any key decision shall be published in the Executive Meetings and Key Decisions Notice in accordance with the Access to information Procedure Rules in Part 4 of the Constitution. Whether a matter is a key decision shall be determined in accordance with the Constitution and on the advice of the Director, Legal, and Group Director of Finance and Corporate Resources where appropriate. Key decisions taken by officers under delegated authority must also be published in the Executive Meetings and Key Decisions Notice and in compliance with other Access to Information requirements.

5. **Officer decisions to be referred to Mayor:** Any decision which would ordinarily fall to officers to decide but which is controversial in nature shall be referred to the Mayor for guidance on whether the matter should be referred to Members for decision.
6. **Decision making process:** Decisions are made in accordance with the Access to Information Procedure Rules and the Executive Procedure Rules in Part 4 of the Constitution.
7. **Council functions.** This Scheme does not cover council functions since by their very nature they are not the responsibility of the Mayor. Responsibility for council functions is set out in Part 3 of the Constitution.
8. **Matters reserved to the Mayor:** The Mayor may refer to Cabinet any matters that he has reserved to himself.

## SCHEME OF DELEGATION

Title	Mayor	Mayor and Cabinet	Cabinet Committee	Cabinet Member	Joint bodies	Comments
<b>Governance</b>						
Establishment of Cabinet Committees and appointments to those Committees	√					
Protocols for Executive working arrangements	√					
Creation, allocation and revision of Cabinet Member and Mayoral Adviser portfolios	√					
Appointment of Cabinet Members and Mayoral Advisers	√					
<b>Outside Bodies</b>						
Approval of the Council's representation on Outside Bodies including companies, trusts and charities ( <i>i.e. the principle and nature</i> ) where the representation relates to an executive responsibility or function		√				
Appointment of Council representatives to Outside Bodies (the individuals) where the appointment relates to an executive responsibility or function		√				
Nominations to External Organisations		√				
<b>Policy and Budgetary Framework Documents</b>						
Recommending decisions outside the policy and budgetary framework in accordance with the Constitution		√				
<b>Policy Framework</b> (Article 4 on Full Council, sections 4.7 – 4.9) Responsibility for making recommendations to Councils on the following						
Annual Library Plan		√				

<b>Title</b>	<b>Mayor</b>	<b>Mayor and Cabinet</b>	<b>Cabinet Committee</b>	<b>Cabinet Member</b>	<b>Joint bodies</b>	<b>Comments</b>
Sustainable Community Strategy		√				
Hackney Performance Plan		√				
Children and Young People's Plan		√				
Corporate Plan		√				
Local Transport Plan		√				
Local Development Framework and Local Area Action Plans		√				
Community Infrastructure Levy: Recommendations to Council regarding the charging schedule		√				
Adoption/amendment of related policies (unless otherwise delegated to officers)		√				
Housing Strategy		√				
Equalities Statement		√				
Licensing Authority Policy Statement (Gambling Policy only)		√				
Health Improvement and Modernisation Plan		√				
Crime and Disorder Reduction Strategy		√				
Youth Justice Plan		√				

Title	Mayor	Mayor and Cabinet	Cabinet Committee	Cabinet Member	Joint bodies	Comments
<b>Budgetary Framework:</b> Responsibility for deciding or making recommendations to Council (as appropriate) on the following or the Council's contribution if the responsibility of the plan lies with a partnership body		√				
Proposals for the annual budget for income and expenditure, the Council Tax base and setting the Council Tax		√				
Proposals formulating a plan or strategy for the control of the authority's borrowing, investments or capital expenditure (Statutory Instrument 2002 1158)		√				
Agreeing the Housing Revenue Account estimates and the level of rents		√				
Allocation of budgets to departments		√				
Virement limits		√				
Schools Budget		√				
Monitoring the Overall Financial Position of the authority including the revenue and capital budgets and delivery of the capital programme		√				
<b>Council Meetings</b>						
Responding to Council questions and motions in relation to executive functions		√				
To respond to the call in of executive decisions taken or to be taken outside the policy framework		√				



Title	Mayor	Mayor and Cabinet	Cabinet Committee	Cabinet Member	Joint bodies	Comments
<b>Overview and Scrutiny</b>						
Responding to Overview and Scrutiny Reports.		√				
To respond to the call-in of executive decisions not delegated to officers and within the policy framework.		√				
<b>Joint Arrangements</b>						
To establish joint arrangements in relation to the delegation of any function which is the responsibility of the Executive	√					
To delegate executive functions to another local authority or the executive of another local authority	√					
<b>Consultation Papers and Inspection Reports</b>						
To agree the authority's response to consultation papers of strategic importance or which will have an impact on the Council's strategies or plans		√				
To receive reports of external inspection and regulation bodies		√				
To agree any action plans arising from such reports		√				

Title	Mayor	Mayor and Cabinet	Cabinet Committee	Cabinet Member	Joint bodies	Comments
<b>Policies and Strategies</b>						
To approve all corporate policies and strategies		√				
To approve all formal service strategies		√				
<b>Resources and procurement</b>						
Corporate Debt Strategy and Write Off Strategies (but excluding decisions on individual write offs unless required by this scheme or the Constitution)		√				
External Auditors Management Letter		√				
Insurance policies and strategies relating to insurance.		√				
Annual Treasury Management Report and strategy and Borrowing Limits		√				

<b>Title</b>	<b>Mayor</b>	<b>Mayor and Cabinet</b>	<b>Cabinet Committee</b>	<b>Cabinet Member</b>	<b>Joint bodies</b>	<b>Comments</b>
Risk management strategy		√				
Overall funding, bidding and fees and charges strategies.		√				
Counter-fraud Strategy		√				
PFIs - approval of initial proposals, services for inclusion in ITT, outline business case, structures for delivery, funding for proposals in accordance with budget strategy and related contractual matters over £500,000.		√				
Taking decisions on high risk procurement exercises (as identified by the relevant methodology) other than those relating to major projects		√				
Taking decisions on procurement exercises relating to major projects		√				
Contracting out of Council services		√				
Procurements that arise from the acceptance of an Expression of Interest under Section 81 of the Localism Act 2011			<b>Cabinet Procurement Committee</b> √			
<b>Land and Property</b>						
Approval of the Annual Corporate Disposals Programme		√				

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Declaring land surplus to requirements		√				
The approval of the grant of a lease and sub leases for more than 7 years, in respect of General Fund and land held for housing purposes other than the approval of a lease renewal, assignment, enfranchisement and grant of a statutory right to renewal or extension of commercial leases and sub leases in respect of General Fund and land held for housing purposes.		√				
The approval of the disposal of all land held for housing purposes (whether freehold or leasehold) other than disposals under the Right to Buy legislation, the grant of a commercial lease for less than 7 years, renewal of such a lease, assignment of such a lease, enfranchisement, a statutory right to lease extension or renewal and the grant of a licence or wayleave		√				
Approval of land transactions in connection with major regeneration schemes		√				
Acquisition of land on a freehold or leasehold basis other than individual leases for private sector leasing schemes, taking leases of other property to house homeless and other vulnerable persons, and the renewal of any lease for a period of 7 years or less		√				

Title	Mayor	Mayor and Cabinet	Cabinet Committee	Cabinet Member	Joint bodies	Comments
Asset Management Plans Framework for applying Discretionary reductions for Leaseholder re-charges		√				
Making Compulsory purchase orders		√				
<b>Regeneration</b>						
Determining what areas in the Borough should be declared Conservation Areas		√				
Regeneration schemes – approval of the initial proposals, selection of preferred option(s), approval of masterplan, delivery plans (including annual plans) funding arrangements within the budget strategy, disposals and acquisitions of land, charters and/or other documents setting out Council's proposals for residents affected by the schemes and structures for delivery. Approval of formal applications for external funding with any contribution by the Council unless the contribution to be made is part of current service delivery arrangements and is within the approved budget		√				

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<b>Crime and Anti-Social Behaviour</b>						
Noise Strategy		√				
Specific Crime and Anti-Social Behaviour Strategies/policies including the statutory policy required as landlord under the Housing Act 1996 and section 12 of the Anti-Social Behaviour Act 2003		√				
Anti-Social Behaviour Crime and Policing Act 2014 Exercise the Council's powers to issue a Public Spaces Protection Orders (PSPO) to tackle issues in public places such as, but not limited to other anti-social behaviour, parking, alcohol consumption, or noise. The order relates to the area, where the activities are (a) likely to be, of a persistent or continuing nature, (b) is likely to be, such as to make the activities unreasonable, and (c) justifies the restrictions imposed by the notice.		√				
<b>Education</b>						
Education Capital Strategy		√				
Building Schools for the Future –decision on preferred bidder		√				
Education Planned Maintenance Programme		√				
Nominate and remove Local Authority School Governors		√				

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<b>Public Realm</b>						
Parking Strategy		√				
Introduction of a Controlled Parking Zone (CPZ)		√				
Traffic Reduction Plan		√				
Houses in Multiple Occupation (HMO) Registration Areas: Declaration		√				
Air Quality Action Plan		√				
Municipal Waste Strategy		√				
Recycling Strategy		√				
Home Energy Conservation Plan		√				
Noise and Statutory Nuisance Act 1993 Schedule 8 - Resolution		√				
London Mayor's Transport Spending Plan and Borough spending plan for transportation		√				
Responses to London Plan, Drafts and Updates		√				
London Bus Priority Network Measures		√				
<b>Housing</b>						
Housing Revenue Account (HRA) estimates and decisions on rents plan		√				
Tenancy Strategy		√				

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Declarations of Renewal Areas under s.89., Local Government & Housing Act 1989		√				
Housing Act 2004, Part 3 - Designation of discretionary licensing area and licensing relating to it		√				
Choice Based Lettings policy and amendments with significant impact on the operation of the policy		√				
Section 105 Housing Act 1985 – Housing management consultation affecting two or more wards		√				
Recommendations to Council on housing land transfer under Section 32 of the Housing Act 1985		√				
Homelessness Strategy		√				
Private Sector Housing Renewal Strategy		√				
Supporting People Strategy		√				
<b>Neighbourhood Planning</b>						
<ul style="list-style-type: none"> <li>a. Consider Independent Examiners Report prior to Referendum;</li> <li>b. Making, revoking and amending Neighbourhood Development Plans, Community Right to Build Orders, Designation of Neighbourhood Forums, Designation of Neighbourhood Areas, Designation of Business Areas and Neighbourhood Development Orders;</li> </ul>		√				



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c. Designation (with or without amendment) or refusal to designate Neighbourhood Forums, Neighbourhood Areas or Business Areas; d. Modification of designation for Neighbourhood Areas and Business Areas.						
<b>Health and Community Services</b>						
Sports and Physical Activity Strategy		√				
Parks Strategy		√				
Library Strategy and the 5 Year library stock strategy		√				
<b>Grants and Voluntary Sector</b>						
Voluntary Sector Strategy		√				
Agreeing the policy and criteria for grant aid to voluntary organisations		√				
Agreeing the award of grant aid from the voluntary sector grants programme		√				
<b>Adult Services</b>						
Integration of Service Provision strategies		√				
Joint Investment Plan For Elders – Annual plan		√				
Eligibility Criteria		√				

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Reports of Commission for Social Care Inspection including Annual Review meeting (star rating) report		√				
Carer's Strategy		√				
Hackney Safeguarding Adults Strategy		√				
Decisions on permanent closure, relocation or change of use and establishment of accommodation based services (for example day care centres, supported housing with care and residential care homes)		√				
<b>Children's Services</b>						
Reports of Ofsted including Annual Review meeting (star rating) report		√				
Appointments to Adoption and Fostering Panels		√				
Approval of Children's Trust arrangements		√				
Corporate Parenting Responsibility		√	Corporate Parenting Board (CPB)			Corporate Parenting Board (CPB) to advise Cabinet
Establishing or closing new services or facilities		√				

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<b>Ombudsman</b>						
Reports of the Commission for Local Administration in England - findings of Maladministration		√				
<b>General</b>						
Use of Charging Powers in any service area under the executive, for the first time (Local Government Act 2003/Localism Act 2011)		√				
Use of Trading Powers (Local Government Act 2003/Localism Act 2011): Setting up of Companies in any service area for the first time.		√				
Adoption of Powers where adoption is required under the legislation (where not a Council function)		√				