

APPENDIX 8

[Text changes are at paragraphs 3.02, 4.03, 5.04, 6.03 and 6.04 on pages 1 to 4. Text shown struck through is for deletion and text shown in italics and underlined is for insertion or addition]

Part Three, Section E **Officer Scheme of Delegation**

Section 1. INTRODUCTION AND GROUND RULES

3. General Principles of the Schemes of Delegation

3.01. This scheme delegates some of the powers and duties of the Council to Senior Officers. This scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions, and all powers and duties incidental to that legislation. Any reference to legislation in this scheme shall include any subordinate legislation within the meaning assigned in the Interpretation Act 1978 and the requirements of European law having effect in English law.

3.02. This scheme operates under Section 101, Section 151 and Section 270 of the Local Government Act 1972 in relation to the delegation of non-Executive functions by the Council. This scheme also operates under section ~~14~~ 15 of the Local Government Act 2000 in relation to the delegation of Executive functions by the Cabinet *with the Leader's agreement or by the Leader personally*. Senior Officers are authorised to exercise the functions of the London Borough of Haringey, both Executive and non-Executive relating to their areas of responsibility as set out in Appendix D of this Constitution including professional and managerial functions relating to the relevant Service subject to the limitations and reservations of the scheme.

4. General Limitations:

4.01. This scheme does not delegate to officers:

- (a) Any matter reserved to full Council;
- (b) Any matter which by law may not be delegated to an officer;
- (c) Any matter expressly reserved to the Cabinet within its Terms of Reference or otherwise, by Standing Orders or Financial Regulations or withdrawn from delegation by this scheme or by the Cabinet or full Council;

- (d) Change to fees, charges or concession policies;
- (e) Decisions on permanent savings in the budget to achieve the Cabinet's policies;
- (f) The making of an order for the compulsory acquisition of land;
- (g) The acquisition of land in advance of requirements;
- (h) The confirmation of any order or the issue or grant of any permission, consent, licence or other determination that is the subject of a statutory right of appeal to an external authority that has been duly exercised;
- (i) The adoption, amendment or deletion of any strategic plan or policy as set out in the Terms of Reference of the full Council, the Cabinet or any Committee, Sub-Committee or Panel of the Council or The Cabinet.

4.02. Officers shall not be authorised by virtue of these provisions:

- (a) to incur any capital or revenue expenditure in excess of the estimates allocated to a function under the relevant head of expenditure, but subject to such modifications as may be made in accordance with Financial Regulations;
- (b) to authorise the adoption, exercise or discharge of any policy, power or duty of a kind which has not previously been undertaken by the Council;
- (c) to take a decision in contravention of any existing Council policy.

4.03. Where action needs to be taken on any urgent matter between meetings of The Cabinet ~~individual Cabinet Members~~ or any Committee or Sub-Committee of the Cabinet or the Council and, by virtue of paragraphs 4.01 or 4.02 above, such action would not be authorised within these provisions, the following rules shall apply:

- (a) in the case of executive functions, a report will be prepared for the Cabinet Member with portfolio responsibility for that Member to take the decision in advance of the scheduled meeting. The Protocol for Decision-Making in Part 5 shall be followed.
- (b) where the matter has been allocated in the Forward Plan to the Cabinet Meeting and subsequently becomes urgent, the decision shall be referred to the Leader in accordance with the provision on Executive Functions in Part 3.
- (c) in the case of non-executive functions, a report will be prepared so that the Chief Officer or Deputy Chief Officer having operational responsibility can take the decision in consultation with the Chair of the Committee or Sub-Committee having the matter within its terms of reference. The Protocol for Decision-Making in Part 5 shall be followed.

5. Further Provisions

- 5.01. In this scheme “Chief Officer” means an officer directly accountable to the Chief Executive and “Deputy Chief Officer” means an officer directly accountable to a Chief Officer (excluding for these purposes officers with secretarial, clerical or support service duties).
- 5.02. This scheme includes power for officers vested with delegated powers to nominate in writing other officers (described by name or post) to exercise any of their administrative functions either fully or under the general supervision and control of the officer primarily responsible. Nominations shall be notified to, on the forms supplied by, and recorded in a register kept by, the Head of Local Democracy & Member Services. Nominations may be made across departmental boundaries. (Any officer exercising powers or duties in pursuance of delegation will be politically restricted under Section 2 (1)(g) of the Local Government and Housing Act 1989).
- 5.03. A power specifically delegated by this Scheme to one officer shall not be exercised by another officer without the consent of the former.
- 5.04. It shall always be open to an officer to consult with the Committee or with appropriate Members on the exercise of delegated powers; or not to exercise delegated powers but to refer the matter to the Cabinet, *the Leader* or to a Committee of the Council.
- 5.05. In exercising delegated powers, officers shall consult the relevant Cabinet Member as required in Financial Regulations or Contract Standing Orders.
- 5.06. The Chief Executive's powers shall include the power to act where necessary in relation to any matter which is not the specific responsibility of a Director or where the appropriate Director is absent or prevented from acting and no other arrangements have been made.
- 5.07. In the event of a “catastrophic incident”, declared by the Secretary of State to be imminent or to have occurred, all Council Officers are authorised to take any action in accordance with the instructions of the Chief Executive or any external Chief Executive appointed to co-ordinate the actions of some or all London local authorities.
- 5.08. This scheme operates from the date approved by the full Council.

6. Responsibility for maintaining and updating the Scheme of Delegations

6.01. The delegations in this document are necessary for officers to perform their duties in order to discharge the Council's functions and responsibilities and to demonstrate if called upon to do so that they have the necessary authority to act. It is essential therefore that the contents of this document are kept up to date.

6.02. Each Director must ensure that there is a nominated officer in their Directorate who takes responsibility for considering changes to the Scheme of Delegation. This officer must ensure that changes to existing legislation, proposed new legislation affecting the Directorate and new operational or policy developments are discussed with the Monitoring Officer. The Monitoring Officer will be responsible for preparing any necessary reports to full Council recommending amendments to the Scheme.

6.03. In cases where there is an immediate or urgent need to amend the Scheme of Delegation with respect to any Non-executive function before a report can be considered by full Council, amendments may be authorised by the Chief Executive, acting in consultation with the Chair of the General Purposes Committee. Any such urgent amendments to the Scheme will only be effective for six months unless they are formally adopted as amendments to the Constitution by full Council before the expiry of that period.

~~(a) by the Leader in relation to any Executive function, and~~

~~(b) by the Chief Executive, acting in consultation with the Chair of the General Purposes Committee, in relation to any non-Executive function.~~

~~6.04. Any such urgent amendments to the Scheme will only be effective for six months unless they are formally adopted as amendments to the Constitution by full Council before the expiry of that period.~~

6.04 Amendments to the Scheme of Delegation with respect to any Executive function may be authorised at any time by the Leader or the Cabinet and will have immediate and continuing effect. Such amendments will be reported to the full Council but only for noting and inclusion within the Council's Constitution.