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# **Part F.7 of the Constitution**

## **Scheme of Delegation**

### **Schedule**

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<b>Section 1. Introduction</b>
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#### **What is the Scheme of Delegation?**

- 1.01. The Council's Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that the Council operates in an efficient, transparent and accountable manner.
- 1.02. The Constitution describes the overall areas of responsibility for Members of the Executive and for Committees and Sub-Committees. However, to ensure that the Council runs efficiently, it is necessary for some decisions to be taken by officers. The Scheme of Delegation sets out which officers are empowered to undertake which decisions or actions on behalf of the Council.
- 1.03. Where a delegation to an officer is of a continuing nature, for example to discharge a particular statutory power on an on-going basis, or it is expected to extend beyond six months, it has to be set out in a formal Scheme of Delegation within the Constitution.
- 1.04. Certain types of decision must by law be delegated to an officer rather than being determined by Members. These include the appointment and dismissal of officers below Deputy Chief Officer level, discharge of the duties of the Returning Officer in elections and the Proper Officer functions. Other Council functions must by law be determined by Members, for example, setting the Council Tax and adopting the plans or strategies constituting the Council's Policy Framework. For the great majority of local

authority functions, it is a matter of local choice for the Council whether they are exercised by Members or delegated to officers.

- 1.05. The exclusions from the delegations to officer (i.e. the matters that are reserved for Members' decision) are set out in paragraphs 4.1 and 4.2 below. The structure of this scheme reflects best practice in other Local Authorities, notably the London Borough of Bexley, but the actual effect is to continue Haringey's existing practice with respect to the extent of the powers delegated to officers.

## **Haringey Council's Schemes of Delegation**

- 2.01. This document constitutes Haringey Council's Scheme of Delegation. The delegations are set out on a Directorate by Directorate basis in sections 2 - 7 of this document, while those general delegations that apply to all Chief Officers are brought together in section 8. Section 9 of this document sets out the Proper Officer Functions - a legal document that ensures that appropriate officers are nominated for all statutory powers requiring a Proper Officer.
- 2.02. The layout is as follows. For each Directorate, the overall delegated powers of the Director are set out in broad functional terms. These are then followed by a schedule of specific delegations for that Directorate, which are arranged in two parts: non-statutory and statutory. These specific delegations are included within the overall delegated powers. While all Local Authority powers are based on Statute, it is sometimes clearer to describe them functionally rather than by reference to the detailed legislation.
- 2.03. The Delegations follow a standard format to show:-
  - (a) the subject matter for non-statutory delegations or the relevant Act or Regulation for statutory delegations (in chronological order);
  - (b) the power delegated;
  - (c) the officer to whom the power is delegated;
  - (d) where that power must be exercised in consultation with an Executive Member or Chair, the delegation is shown with an asterisk\*.

## **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 15 of the Local Government Act 2000 in relation to the delegation of Executive functions by the Executive. 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 **Part K** of this Constitution including professional and managerial functions relating to the relevant Service subject to the limitations and reservations of the scheme.

- 3.03. This scheme includes the obligation on officers to keep Members properly informed of activity arising within the scope of these delegations and to ensure a proper record of such activity is kept and available to Members and the public in accordance with legislation. Therefore, each Director must ensure that there is a system in place within his/her Directorate which records any decisions made under delegated powers.
- 3.04. Regular reports (at least quarterly) shall be presented to the Executive Meeting, in the case of executive functions, and to the General Purposes Committee, in the case of non-executive functions, ~~recording the number and type of~~ summarising all decisions taken under urgency provisions. These reports will be sent to the next full Council for noting. There should be no abuse of urgency provisions especially since this would undermine proper forward planning.
- 3.05. Regular reports (monthly or as near as possible) shall be presented to the Executive Meeting, in the case of executive functions, and to the responsible Member body, in the case of non-executive functions, recording the number and type of all decisions taken under officers' delegated powers. Decisions of particular significance shall be reported individually. Significant decisions shall be reported for the attention of full Council by the relevant body.
- 3.06. The Council may require an officer to consult an Executive Member before exercising the delegation in specific circumstances. In this event the signed agreement of the Executive Member must be obtained. If there is disagreement, the officer must report the matter to the Executive Meeting for decision.
- 3.07. Powers exercised by an officer in relation to this scheme shall be exercised in accordance with the Council's Policy Framework and Budget, Employment Policies, Equal Opportunities Policies, the Officers' Code of Conduct, the Protocol on Officer/Member Relations, Council Procedure Rules, Contract Procedure Rules, Finance Procedure Rules and all other provisions of this Constitution and any statutory restrictions and requirements. Officers are particularly required to make decisions in accordance with the Protocol for Officers Taking Decisions under Delegated Powers, set out at the end of Section 1 (paragraphs 7.01 to 7.07).

- 3.08. The Chief Executive as Head of Paid Service, after consulting such Directors as is considered appropriate, shall be responsible for Corporate strategy, policy initiatives and integrated planning and service delivery.
- 3.09. If the post or office of any employee of the Council is vacant, or the employee is absent or otherwise unable to act, the most suitable senior officer available is hereby authorised to exercise the responsibilities of the vacant office and such action shall be recorded in writing by the Director with responsibility for the post or officer in question.