

<b>Committee:</b> Policy and Resources	<b>Date:</b> 16 March 2017
<b>Subject:</b> Decisions taken under delegated authority or urgency powers	<b>Public</b>
<b>Report of:</b> Town Clerk	<b>For Information</b>
<b>Report Author:</b> Angela Roach, Principal Committee and Members Services Manager	

### Summary

1. This report advises Members of action taken by the Town Clerk in consultation with the Chairman and Deputy Chairman, in accordance with Standing Order Nos. 41(a) and 41(b) in relation to the following:-
  - 2017/18 Pay Policy Statement.
  - The approval of the Listing review Procedure in relation to Assets of Community Value;
  - The renewal of Think Tank Memberships;
  - Central London Work & Health Programme - Procurement Stage 1; and

### **Recommendation**

To note the action taken since the last meeting of the Committee

### Main Report

2. Since the last meeting of the Committee approval was given under the urgency procedures, Standing Order No. 41(a), as follows:-

#### **2017/18 Pay Policy Statement**

Approval was given to the 2017/18 Pay Policy Statement to ensure that the City Corporation meets the requirements of the 2011 Localism Act. Sections 39(1) and (2) of the Act requires a Statement to be approved by a resolution of the local authority to come into force and that approval must be obtained by the end of 31 March in the year the Statement is published. This means that the Statement needed to be considered by the Court at its meeting on 9<sup>th</sup> March in order to comply with legislation. Whilst the Establishment Committee considered and recommended the Statement for approval at its meeting on the 14<sup>th</sup> February, due to officer oversight the report was omitted from the agenda of last meeting of the Committee.

To ensure that the City Corporation remained compliant the approval of the 2017/18 Pay Policy Statement was sought under the urgency procedures. The revised Pay Policy included updates to the pay award for 2016 as well as the

removal of two posts from the Senior Management Group, adjustments to Grade A and the changes to payments for Apprentices to London Living Wage.

3. Approval was also given under delegated authority, Standing Order No. 41(b), as follows:-

### **Listing Review Procedure – Asset of Community Value**

4. At the last meeting the Committee delegated the approval of the Listing Review Procedure to the Town Clerk in consultation with the Chairman and Deputy Chairman. It followed the Committee's concerns about adopting a procedure which enabled an officer to review a decision made by Members and its desire to have Members included in the process. The Committee was also keen to have details of the legal position on the matter and the arrangements currently operated in other local authorities.
5. Approval has subsequently been given to:-
  - the draft Listing Review Procedure for ACV;
  - the Chamberlain being designated as the Reviewing Officer; and
  - the Town Clerk being given responsibility for the designation of any other appropriate officer to undertake listing reviews as well as nominating the office to provide administrative and policy support to the Chamberlain as reviewing officer.
6. The approval was based on the Comptroller and City Solicitor's confirmation that Members were not able (under the statutory provisions governing the review of an ACV) to undertake a review when requested by an owner of such property.
7. *The Assets of Community Value (England) Regulations 2012* (made under the Localism Act 2011) sets out the procedure by which an owner of land which has been listed as an ACV may request that the local authority carry out a review of its decision to list the land as an ACV (Regulation 10 and Schedule 2). The Act and Regulations require that listing reviews must be carried out by a *senior officer* within the local authority who has not taken part in the decision to list the land as an ACV and states as follows:-

### **Localism Act 2011**

#### **92 Review of decision to include land in list**

....(6) Regulations under subsection (5) may (in particular) include—

....(b) provision requiring **the decision on the review to be made by a person of appropriate seniority who was not involved in the original decision;**

### **The Assets of Community Value (England) Regulations 2012**

## **Schedule 2 - Procedure for reviews**

3. In the following provisions of this Schedule, “the review” means a listing review or a compensation review.

4. **An officer of the authority of appropriate seniority who did not take any part in making the decision to be reviewed (“the reviewer”) shall carry out the review and make the review decision.**

Therefore there was no power in the legislation for Members to make the review decision.

8. The Comptroller and City Solicitor also advised that in some authorities the power to make the original listing decision had been delegated to officers. Whilst this is not the case for the City, the legislation does not distinguish between authorities where the initial decision may be made by a committee and those where it may have been delegated to officers.
9. There is also no power for the reviewing officer to make the **decision** with Members at the review hearing or for Members to participate with the reviewing officer’s decision-making as part of the written representations procedure. The decision is one for the officer alone (in Kensington and Chelsea it appears to have been delegated to the Director for Strategy and Local Services and in Hackney it is the Corporate Director, Finance & Resources Directorate). However, the current draft procedure for the City allows the reviewing officer discretion to receive **representations** from other parties at an oral hearing or as part of the written representations procedure, and that could include Members, at the officer’s discretion.

## **Renewal of Think Tank Memberships**

10. Approval was given to the membership of the four think tanks set out below being renewed for 2017 as follows:-
- EPF – £7,500
  - IPPR - £6,300
  - Reform – £9,000
  - LGIU - £9,995

The total cost of the renewal (£32,795) is to be met from the Committee’s Policy Initiative Fund for 2016/17, categorised under the events section of the Fund and charged to City’s Cash.

11. You might recall that at the last meeting the Committee deferred consideration of a review of the City Corporation’s membership of think tanks pending the implementation of the Corporate Affairs team coming under the remit of the Communications team. In the meantime, it was agreed that the renewal of any subscription requiring approval in the interim should be approved by the Town Clerk in consultation with the Chairman and Deputy Chairman.

12. The Director of Communications subsequently advised that four memberships were due for renewal now - the European Policy Forum (EPF), Institute for Public Policy Research (IPPR), Reform and the Local Government Information Unit (LGIU). The Corporate Affairs team also confirmed that, in terms of the City Corporation's relationship with the think tanks, a political balance was being maintained.

### **Central London Work and Health Programme – Procurement Stage 1**

13. At its meeting on 19 January 2017, the Policy Committee agreed to the City Corporation becoming the Accountable Body for the Central London sub-region of the London Work and Health Programme (WHP), a national contract for employment support. As part of this, the approval of following was delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman:-

- The City Corporation becoming the lead authority for a pan-London joint procurement process for the first stage of WHP, subject to a joint contracting agreement sharing liabilities across all authorities. This phase of the procurement process would be on behalf of the Central London Forward (CLF) Boroughs plus the London Borough of Hackney, Haringey, Tower Hamlets and Lewisham and those that fell under the sub-regional partnerships of Local London, West London Alliance and South London Partnership;
- commencing procurement of the WHP in Central London on behalf of CLF member authorities; together with the boroughs of Hackney, Haringey, Tower Hamlets and Lewisham; and
- the City Corporation becoming a 'Co-Financing Organisation' for the European Social Fund in London subject to a successful funding application.

14. Approval was subsequently given to the City Corporation:-

- i. undertaking the procurement of the WHP in Central London on behalf of CLF member authorities; together with the boroughs of Hackney, Haringey, Tower Hamlets and Lewisham;
- ii. undertaking the Supplier Selection - SQ phase (previously known as PQQ stage) for WHP on behalf of the four London sub-regional lead authorities, including the London Boroughs of Ealing, Croydon and Redbridge;
- iii. entering into the required legal arrangements in relation to recommendations 1 and 2 above, including:-
  - the Memorandum of Understanding (MOU) with Department of Works and Pension regarding funding being devolved to Central London;
  - the written agreement with the Lead authorities of the other London sub-regions, to manage the SQ stage of the procurement process for WHP; and

- the amended joint venture agreement for CLF, to include the boroughs of Hackney, Haringey, Tower Hamlets and Lewisham and to include governance for WHP.
- iv. becoming a Co-Financing Organisation for the European Social Fund in London, subject to a successful funding application and procurement of a service provider for the Central London WHP; and
- iv. the Comptroller and City Solicitor making any minor required adjustments on draft legal documentation in relation to recommendation 3.

Elements of this also require the approval of the Finance Committee and the Court of Common Council.

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