

Committee(s) Policy and Resources Committee – for decision Court of Common Council – for decision	Dated: 18 November 2021 9 December 2021
Subject: Committee Revised Scheme of Delegations to Officers	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain’s Department?	N/A
Report of: Deputy Town Clerk	For Decision
Report author: Angela Roach, Assistant Town Clerk and Executive Director of Governance	

Summary

1. The need to create a more efficient and focused decision-making system by revising the City Corporation’s current committee structure and reviewing its Scheme of Delegation (SoD) is a major part of achieving the ambitions of the governance review. The Policy and Resources Committee is responsible for the co-ordination of the City Corporation’s governance arrangements including the SoD.
2. This report sets out the changes made to the SoD to this point, some of which support the comprehensive work that is currently being undertaken in respect of the organisation’s governance arrangements. A separate, report setting out proposals for a new committee structure can be found elsewhere on the agenda for this meeting.
3. A comprehensive review of the SoD was last undertaken in 2019 and a number of revisions were approved. The Scheme was subsequently considered earlier this year in March, though at that time no changes were made to the delegations themselves as the principal aim was to amend the Scheme to accurately reflect the new roles and changes to the City Corporation’s new Tier 1 organisational structure i.e., the new job titles and the departmental arrangements.
4. All Chief Officers have been asked to review their delegations and a number of new delegations have been proposed to assist the day-to-day management. They also aim to alleviate the demands on Members, address the issue of pace by increasing financial thresholds and reducing the need for proposals to be considered by multiple committees.

5. It should be noted that the SoD is supported by a separate procedure for dealing with projects. The Projects Procedure was introduced in 2013 to encourage consistency of delivery across the organisation, without having an impact on pace. It has been reviewed periodically since its inception to ensure that it is fit for purpose. To support the desired outcomes of the governance review, a further review of the procedure is planned to ensure that it is in line with those desirable outcomes. For example, officers will be looking to improve efficiency by increasing current thresholds for capital and supplementary revenue projects, routine revenue projects and those delivered with ringfenced funds, such as the Designated Sales Pools, Additional Works Programmes and the Housing Revenue Account.
6. It should also be noted that further amendments might emerge as the implementation of the City Corporation's new Target Operating Model progresses. It is therefore likely that further revisions will need to be considered by this Committee and Court of Common Council in due course.
7. Some of the delegations proposed so far have the support of certain service committees. For example, the Property Investment Board, Bridge House Estates Board and the Projects Sub-Committee were consulted on the City Surveyors delegations and supported the proposed changes.
8. All changes recommended to this point are set out in the draft revised Scheme i.e. Appendix 1 to this report (the changes made to this point are highlighted). For ease of reference, a summary table has been included within this report highlighting the modifications made so far.

Recommendation

9. Members are asked to approved the following:-
 - revisions made to the draft SoD to date;
 - going forward, to ensure continued Member oversight, periodic reports of reporting action taken be submitted to service committees; and.
 - to ensure good governance, the SoD be reviewed on annual basis.

Main Report

Background

10. To facilitate the administration of the City Corporation's many and complex functions, the Court of Common Council delegates the majority of its functions to its Committees and Officers. Individual committee Terms of Reference set out the functions delegated to committees, whilst the Scheme of Delegations sets out those functions which have been delegated to Officers. The Policy and Resources Committee is responsible for the co-ordination of the City Corporation's governance arrangements including the SoD and for making recommendations on the Scheme to the Court of Common Council.
11. This report sets out the changes made to the draft Scheme of Delegation (SoD) to this point, some of which support the work that is currently being undertaken in

respect of the organisation's governance arrangements. A separate, report setting out proposals for a new committee structure can be found elsewhere on the agenda for this meeting.

12. A comprehensive review of the SoD was last undertaken in 2019 and a number of revisions were approved. The Scheme was subsequently considered in March earlier this year. At that stage no changes were proposed to the delegations themselves as the principle aim at that time was to amend the Scheme to accurately reflect the new roles and changes to the City Corporation's new Tier 1 organisational structure i.e. the new job titles and the departmental arrangements.
13. All Chief Officers were recently asked to review their delegations and a number of new delegations have been proposed to assist the day-to-day management, alleviate the demands on Members, address the issue of pace by increasing financial thresholds and reducing the need for proposals to be considered by multiple committees. The opportunity has also been taken to include relevant updates in legislation and correct any drafting errors.
14. The SoD is supported by a separate procedure for dealing with projects. The Projects Procedure was introduced in 2013 to encourage consistency of delivery across the organisation, without having an impact on pace. It has been appraised periodically since its inception to ensure that it is fit for purpose. A further review is being undertaken and submitted for approval to this Committee to ensure that the procedure is efficient, is in line with the ambitions of the governance review and that it mitigates the need for certain projects to be approved by multiple committees. The review will focus on the following:-
 - Project thresholds: the threshold for capital projects is currently £50k. Projects include staff costs and therefore almost all project activity enters the Gateway Process. Changes to the thresholds would enable Members to focus on more strategic issues rather than operational procedures. The portfolio currently includes over 300 projects due to the low thresholds.
 - Increasing delegations/changes to tolerances: there are no delegations or tolerances to increase approved project budgets pre-Gateway 5. The current process requires an Issues Report to Committees for any increase, no matter how modest. A more efficient way is therefore needed to assist with pace.
 - Removing routine procurement from the Gateway Process: currently all capital expenditure on assets have to go through the process. Routine procurement exercises are different from projects, which are usually fixed-term unique activities, therefore producing several Gateway reports for procurement activities seems excessive.
15. It should be noted that further amendments to the SoD might emerge as the implementation of the City Corporation's new Target Operating Model progresses. It is therefore likely that further revisions will need to be considered in due course.
16. It should also be noted that some of the delegations proposed in draft scheme attached have already been considered by, and have the support of, certain service committees. For example, the Property Investment Board, Bridge House Estates

Board and the Projects Sub-Committee all supported further increases to Property Management thresholds, delegating the granting of some long leases subject to certain conditions, and the delegation of other activities following the establishment of the Bridge House Estates Board earlier this year.

17. All the changes proposed so far are set out in the draft revised Scheme set attached as Appendix 1 (changes highlighted) and for ease, a summary table is set out below highlighting the modifications made so far. Further changes will be made following further consultation with Chief Officers as requested by the Chair and Deputy Chairman of the Sub-Committee.

Proposed changes

18. The table below highlights the major changes so far and can be cross referenced with the revised draft Scheme at Appendix 1 (changes highlighted).

Chapter	Section/Item No.	Change
General conditions of delegation		Updates to policies and codes
	Day to Day Management	(a) the deletion of the words <i>“in respect of the appointment and dismissal in relation to posts graded H and above and”</i> (d) firming up the need for consultation with the City Surveyor as the Head of Profession when declaring land and property surplus to requirements.
	Property	Para 10: firming up the need for consultation with the City Surveyor and adherence to standing orders and other corporate processes when managing property
	Head of Professions	Para 16 – 20: the inclusion of an entirely new section in relation to the duty to, amongst other things, develop and maintain standards; support enabling functions and appropriate delivery models; strive for continuous improvement and development; and embedding the importance of collaboration
Employment matters	Posts	Para 23: firming up the need to consider requests for exemptions in relation to politically restricted posts in accordance with policy.

	Terms, Conditions and Allowances (Contractual or Non-Contractual)	<p>Para 32: firming up the need to deal with appeals in relations conduct, capability, probation, attendance, employee grievances, bullying and harassment in accordance with relevant policy.</p> <p>Para 33: new para on determining declaration of interests in accordance with the relevant policy.</p>
	Delegation to Chief Officers in Agreement with other Authorities	Para 58: making redundancy calculations payments in line with relevant policies and procedures.
Town Clerk and Chief Executive	Libraries and Culture	Changes to responsibility for culture and heritage, clarifying responsibility for the London Metropolitan Archives, Guildhall Library and Small Business Research and Enterprise Centre only
	Delegations to other Officers	<p>Para 28.1 and 28.2: inclusion of the Deputy Town Clerk</p> <p>Para 28.2: inclusion of the Project Governance Director</p>
The Chamberlain and Chief Financial officer	Operational	<p>Para 9: approval of Council tax base</p> <p>Para 10: New section in relation to the write off irrecoverable debts, specifying financial thresholds</p> <p>Para 12: New section in relation to authorising the grant of discretionary rate relief</p> <p>Para 18: Inclusion of the suspension of pension contributions</p>
Commissioner for the City of London Police	Human Resources	<p>Para 7: new HR approvals to align civilian staff with police officers</p> <p>9 Authorisation to award contracts under a certain threshold</p>
	Procurement	Para 8: increased threshold for non-works procurements.

	Finance	Paras 11, 12 and 13: the authorisation of contracts for goods & services and works below certain thresholds
	Delegations to other Officers	Para 16: the delegation of paras 9 and 10 referred to above, to the Director of Finance and the Chief Operating Officer, in the absence of the Assistant Commissioner.
Comptroller and City Solicitor		Para 2: removal of this historic need to act as Vice Chamberlain and Chief Financial Officer
Chief Operating Officer	Information Technology and Commercial Services	Para 2: increased threshold for procurement waivers
	Markets	Para 4: instigation of legal proceedings
	Human Resources	Para 5: amendments to increases for payments to teachers and the occupational health manager. Para 10 and 11: removal of the need for consultation with eh Chair and Deputy Chair of the Establishment Committee.
	Delegations to other Officers	New para 10: delegation to the Markets Director
City Surveyor and Executive Director of Property	General	The inclusion of references to obligations as Trustees of Bridge House Estates and other charities were appropriate
	Property Management	Para 2: Clarifying, the submission of reports on investment portfolios on a biannual basis to relevant committees i.e. the Property Investment Board the Corporate Asset Sub-Committee. Para 2a: increase in the financial threshold for lettings and leases Para 2d: new para regarding the grant of long leases for a peppercorn rent subject to certain conditions Para 2e: new para concerning the disposal of surplus operational property assets

		<p>Para 3: increase in the financial threshold for the surrenders of leases</p> <p>Para 6: increase in threshold</p> <p>Para 8: tightening up wording around the periodic review of all operational and corporate property assets</p>
	Property Maintenance	<p>Para 11: tightening up wording around the maintenance and upkeep of investment and operational property.</p> <p>Para 12: increase in threshold</p>
	Blue Plaque Scheme	Para 15: increase in threshold for the approval of fees
	Capital Projects	Removal of previous para 17-21 i.e. certain activities in relation to capital projects
Director of Community and Children's Services	Services for Children	<p>Para 2a: inclusion of duties of the Education Act 1996, Education Act 2002; Schools Standard and Framework Act 1998</p> <p>Para 2b: inclusion of the Children and Young Persons Act 1933 and the Children and Young Persons Act 1963 (as amended)</p> <p>Para 2h: new reference to functions relating to special educational needs (SEND).</p> <p>Para 2i: inclusion of the Childcare Act 2016 and the Children and Families Act 2014</p>
	Adult Skills and Learning	Para 10: amended to include the Greater London Authority
	Homelessness	Inclusion of relevant homelessness legislation: Heading made more specific
	Property including Barbican Estate	Paras 19, 22, 23, 24: references to working collaboratively and with the approval of the City Surveyor
	Integrated health and social care	New para 38 and 39: in relation to this function

	Sports engagement and leisure services	New para 40: in relation to this function
	Miscellaneous	New para 50: in relation to the Crime and Disorder Act (1998)
Director of Built Environment	Highways and Transport	New para 59: in relation to the making of all unopposed highway stopping up orders under the relevant Acts
	Cemetery and Crematorium	New para 82: inclusion references to the rights of burial in graves in accordance with relevant regulations.
	Open Spaces	Para 92 and 93: statements about the management of open spaces.
	Epping Forest	New para 107: to mirroring references to Byelaws enforcement and Public Spaces Protection Orders in relation to other the open spaces. Para 110: issuing of fixed penalty notices New para 113m: granting other licences arising from the City of London Corporation (Open Spaces) Act 2018
	Hampstead Heath	Para 122: issuing of fixed penalty notices
	City Gardens and West Ham Park	Para 133: issuing of fixed penalty notices
	Tower Bridge	Section removed as responsibility transfers to Managing Director Bridge House Estates
	Keats House and Ten Keats Grove	New Para 142: lettings of premises at Keats House and Keats Grove New Para 145: introduction of a financial threshold for acquisitions.
	Town Planning - Development Management	New para 174: carrying out public consultation in respect of applications
Executive Director of Innovation and Growth	Culture and Libraries Functions	New section in relation cultural activities

Head Teacher, City of London Freemen's School	Operational	Para 1: Noting the letting of school premises requires the approval of the City Surveyor
	Human Resources	Para 9: deletion of the approval recruitment increment subject to prior consultation with the Executive Director of HR Para 14: to deal with matters relating to conduct, capability etc., Para 14 -17: deletion of certain references to dismissals and suspensions
Head Teacher, City of London School	Operational	Para 1: Noting the letting of school premises requires the approval of the City Surveyor
	Human Resources	Para 9: deletion of the approval recruitment increment subject to prior consultation with the Executive Director of HR Para 12-13: deletion of certain references to dismissals Para 12: to deal with matters relating to conduct, capability etc Para 23 -27: deletion of certain references to dismissals and suspensions
Head Teacher, City of London School for Girls	Operational	Para 1: Noting the letting of school premises requires the approval of the City Surveyor
	Human Resources	Para 8-9: deletion of references to the appointment of casual staff and the extension of posts and contracts Para 13: deletion of the approval recruitment increment subject to prior consultation with the Executive Director of HR Para 22: to deal with matters relating to conduct, capability etc Para 23 -27: deletion of certain references to dismissals and suspensions

Principal, Guildhall School of Music and Drama		No changes
The Remembrancer		No existing delegations
Managing Director, Barbican Centre		No existing delegations
Managing Director, Bridge House Estates		Insertion of responsibilities commensurate with new post, including transfer of Tower Bridge responsibilities from Environment Director

19. As a matter of good governance, the City Corporation should ensure it has an up-to-date SoD that is publicly available. It is therefore suggested that the Scheme is reviewed annually. Given the ambition to increase delegations without losing Member oversight it is also proposed that the practice of reporting action taken should be widened to include periodic reports of the decisions taken to relevant service committees.

Corporate & other Strategic Implications

20. It is important for the City Corporation to have governance arrangements which are efficient, and which support the organisation's vision in terms of its Corporate Plan. Ensuring that the SoD is update and publicly available contributes to the organisation's regulatory framework and ensures that it is responsive. As a matter of good governance, the City Corporation should ensure it has an up to date Scheme, that it is transparent and that to contribute to a flourishing society it is publicly available.
21. The proposals included in this paper do not carry any significant implications for the Climate Action programme.
22. Under the Equality Act 2010, all public bodies have a duty to ensure that when exercising their functions they have due regard to the need to advance equality of opportunity between people who share a protected characteristic and to take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people and encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.
23. The proposals contained in this report do not have any potential negative impact on a particular group of people based on their protected characteristics.

Conclusions

24. The Policy and Resources Committee is responsible for keeping under review and co-ordinating the City Corporation's governance arrangements, its decision-making activities which includes its committee structure and its SoD and reporting as necessary to the Court of Common Council. The Committee will therefore be asked to consider the Scheme in its entirety once it is fully updated and to submit it to the Court of Common Council for final approval.
25. It should be noted that the SoD is subject to constant change and updating. Further amendments might emerge as part of the activities associated with the implementation of the Target Operating Model. It is therefore likely that further revisions will need to be considered by the Policy and Resources Committee and Court of Common Council in due course.
26. A report on the committee structure appears elsewhere on this agenda.

Appendices

- Appendix 1 – Revisions to the Scheme of Delegations to Officers.

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