

LONDON BOROUGH OF CROYDON
EXECUTIVE MAYOR'S SCHEME OF DELEGATION

Decision maker: Executive Mayor Jason Perry
Date of approval: 28 June 2024
Effective from: 28 June 2024
Version number: v2.0 (2024)
Document owner: Monitoring Officer

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Part 1: Introduction

1. This is the Executive Mayor's Scheme of Delegation for the exercise of the Council's executive functions under the Local Government Act 2000 (the 2000 Act) and all other enabling powers.
2. Whilst it is included in the Council's Constitution, arrangements for the discharge of executive functions is the sole responsibility of the Executive Mayor. Unless otherwise stated, terms referred to in both this Scheme and the Constitution have the same meaning as set out in the Constitution.
3. Under s9E of the 2000 Act, the Executive Mayor has responsibility for all of the Council's executive functions and this Scheme sets out the Executive Mayor's arrangements for the discharge of those functions. Nothing in this Scheme prevents the Executive Mayor from exercising the Council's executive functions even if they have been delegated to others. Nor does this Scheme prevent the Executive Mayor from making additional arrangements on an ad hoc or specific basis.
4. To the extent that arrangements have been made for others to exercise the Council's executive arrangements, the Executive Mayor reserves the right to amend and/or revoke such arrangements (in part or in full) immediately on giving notice.

5. If the Executive Mayor amends this Scheme he will give written notice to the Monitoring Officer and to the person, body or committee concerned. The Executive Mayor will also provide the Monitoring Officer with an updated Scheme within five working days.
6. This Scheme will be kept under review and is available for inspection and published on the Council's website.

Part 2: General principles, requirements and exclusions

7. The exercise of the Council's executive functions, either by the Executive Mayor personally or by others in accordance with this Scheme, must be in accordance with legal and Council requirements, including but limited to:
 - a) The law (including case law and public law principles);
 - b) The Constitution (in particular, Part 3 – Responsibility for Functions; Part 4B - Access to Information Procedure Rules (in particular, the key decision and decision recording requirements including reasons); Part 4C – Budget and Policy Framework Procedure Rules); Part 4D - Executive Procedure rules (in particular, for substantive decision making by the Executive Mayor and, where applicable, individual Cabinet Members to be in the presence of officers); Part 4E (in particular the rules on call-in); Part 4G – Delegations to Corporate Directors – Decision Making Procedure Rules; Part 4H – Financial Regulations; Part 4I – Tenders and Contracts Regulations; Part 5A - Decision Making Protocol (in particular, the requirement for a written report including financial, legal, equalities and other relevant implications) and Part 5I – Members' Code of Conduct;
 - c) Specific statutory and constitutional requirements on property transactions;
 - d) The approval of the Director of Legal Services in respect of legal proceedings and the use of external legal services;
 - e) All other Council policies and procedures;
 - f) Council values and objectives;
 - g) Financial prudence, value for money and good governance considerations;
 - h) Consultation or engagement as appropriate or required; and
 - i) Rules on interests in particular: conflict of interests, bias, pre-determination and the principles of conduct in public life.

Part 3: Delegations to Cabinet, Cabinet Members and Executive Committees

8. Subject to the Executive Mayor's statutory right to exercise the Council's executive functions himself even if they have been delegated to others or to make different

decision-making arrangements on an ad hoc or specific basis, formally constituted meetings of Cabinet will operate on a collective decision-making basis This delegation is limited to such meetings only and the Executive Mayor exclusively retains executive power over the following matters:

- a) Appointing Cabinet Members;
 - b) Appointing deputy Cabinet Members;
 - c) Allocating portfolios and responsibilities;
 - d) Establishing and appointing Cabinet committees or area committees;
 - e) Agreeing joint arrangements (i.e. arrangements for executive functions to be discharged jointly with one or more other local authorities);
 - f) Agreeing arrangements for executive functions to be discharged by another local authority;
 - g) Consenting to any variation to existing executive arrangements; and
 - h) Agreeing the forward plan.
9. The Executive Mayor’s Cabinet will comprise of the following Members and portfolios:

<u>Name of Member</u>	<u>Portfolio</u>
Jason Perry	Executive Mayor and Chair of Cabinet
Cllr Lynne Hale	Statutory Deputy Mayor and Cabinet Member for Homes
Cllr Jason Cummings	Cabinet Member for Finance
Cllr Maria Gatland	Cabinet Member for Children and Young People
Cllr Yvette Hopley	Cabinet Member for Health and Adult Social Care
Cllr Ola Kolade	Cabinet Member for Community Safety
Cllr Jeet Bains	Cabinet Member for Planning and Regeneration
Cllr Scott Roche	Cabinet Member for Streets and Environment
Cllr Andy Stranack	Cabinet Member for Communities and Culture

10. If for any reason the Executive Mayor is unable to act, the Statutory Deputy Executive Mayor must act in his place and exercise all of his executive powers.
11. Cabinet’s proceedings will be regulated by the Executive Procedure Rules in Part 4D of the Constitution.

12. Subject to Part 6 (Procurement and Contract matters), the Executive Mayor has not generally delegated any executive functions to individual Cabinet Members nor has the Executive Mayor delegated any executive functions to ward Members. Further, no Cabinet or area committees have been established by the Executive Mayor.
13. As soon as practical in each municipal year the Executive Mayor will seek to establish a programme of business for the remainder of the year to the extent that it is possible to do so and will publish all planned executive decisions on the forward plan. Items for decisions by the Executive Mayor or Cabinet will be indicated on the forward plan but may also be scheduled or rescheduled as necessary during the course of the year.

Part 4: Delegation to Joint Committees

14. Joint committee arrangements relating to the exercise of the Council's executive functions only or both executive and non-executive functions are included in Part 2 of the Constitution (in particular, Schedule 1 to Article 11).

Part 5: Delegations to Officers

15. References in this Scheme to 'officer' or 'officers' include permanent, contract, or temporary staff working for the Council. Unless expressly and clearly stated to the contrary, delegations are not personal and instead relate to the post current at the time and any successor post and can be undertaken on any interim, acting up or deputising basis.
16. The Executive Mayor confirms all officer general delegations set out in the Constitution and all other specific and on-going delegations relating to an executive function of the Council which have been conferred upon officers from time to time.
17. This includes the Chief Executive's emergency or extreme urgency powers as follows: the Chief Executive may exercise any executive function in cases of emergency or extreme urgency whether or not reserved to the Executive Mayor, subject to complying with any statutory requirements and following the exercise of such power will provide a written report to the Executive Mayor or Cabinet (as determined by the Executive Mayor) setting out the decision taken and the reason for it including the reasons for emergency or extreme urgency.
18. The law and Constitution permitting, and subject to any limitations or restrictions which may apply, the Chief Executive, may exercise any executive function of the Council not reserved for a Member decision and may delegate any such decision to any other officer. In addition, the Chief Executive may make all decisions which are calculated to facilitate, or are conducive or incidental to the discharge of such delegated functions.
19. The law and Constitution permitting, and subject to any limitations or restrictions which may apply, Corporate Directors may exercise any executive function of the Council falling within their directorate and not reserved for a Member decision. Corporate Directors may delegate any such function to an officer within their

directorate. In addition, Corporate Directors may make all decisions which are calculated to facilitate, or are conducive or incidental to the discharge of such delegated functions.

20. The exercise of executive functions by officers is not only subject to Part 2 of this Scheme in general but also the following specific requirements and considerations:
- a) If in doubt, the advice of the Monitoring Officer (or their nominee) must be obtained on whether a decision is a key decision or not.
 - b) As a further safeguard and as set out in the Access to Information Rules, the Scrutiny and Overview Committee can require a decision maker to submit a report to Full Council explaining their reasons for concluding that a decision was not a key decision.
 - c) Where it is considered that in exercising a delegated power or duty a departure in policy, procedure or a significant change in financial practice is likely to be involved, officers must consult with the Director of Legal Services and/or the Corporate Director, Resources as appropriate, who shall, if necessary, refer the matter to the Executive Mayor or Cabinet.
 - d) Where any function is delegated to an officer, that officer may choose not to exercise that function and may instead refer that matter to the Executive Mayor or Cabinet, as appropriate, with the agreement of the appropriate Corporate Director. The criteria that officers may have to consider when determining whether to exercise a function could include-
 - I. Whether the decision may incur a significant social, economic reputational or environmental risk.
 - II. The likely extent of the impact of the decision both within and outside of the borough.
 - III. Whether the decision is likely to be a matter of political controversy.
 - IV. The extent to which the decision is likely to generate substantial public interest.
 - e) Consultation with the Executive Mayor, as appropriate, having regard to the significance and profile of the decision, any (and if so the nature of the) political and community sensitivities associated with the decision and the reasonable expectations of the Executive Mayor.

Part 6: Procurement and Contract matters

21. The delegations and authorisations in Appendix B (Procurement Gateway Table) to the Tenders and Contracts Regulations are approved by the Executive Mayor.

Part 7: Traffic Management Schemes

22. The following delegation decision made by the Executive Mayor on 9 February 2023 (Decision No. 8222EM refers), but updated to include the option of referring decisions to Cabinet, is recorded in this Scheme for ease of reference:

- a) Subject to b) below, the Corporate Director for Sustainable Communities, Regeneration and Economic Recovery is authorised, (subject to prior consultation with the Executive Mayor in relation to any proposed separate scheme where 5 or more objections have been received to that proposed separate scheme in response to the formal consultation), to introduce traffic management schemes, including those that require Traffic Management Orders, which the Corporate Director considers are necessary to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.
- b) Any traffic management measure that:
 - involves significant expenditure or savings having regard to the Council's budget for the service or function to which the decision relates; or
 - is significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough; or
 - the Corporate Director for Sustainable Communities, Regeneration and Economic Recovery considers it appropriate to do so for any other reason

must be referred to the Executive Mayor or Cabinet (as determined by the Executive Mayor) for decision.