

# AGENDA

## **Meeting     Budget and Performance Committee**

**Date            Thursday 3 July 2014**

**Time            10.00 am**

**Place            Committee Room 4, City Hall, The  
Queen's Walk, London, SE1 2AA**

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### **Members of the Committee**

John Biggs AM (Chairman)  
Stephen Knight AM (Deputy Chair)  
Gareth Bacon AM  
Darren Johnson AM

Joanne McCartney AM  
Valerie Shawcross CBE AM  
Richard Tracey AM

A meeting of the Committee has been called by the Chairman of the Committee to deal with the business listed below. This meeting will be open to the public. There is access for disabled people, and induction loops are available.

Mark Roberts, Executive Director of Secretariat  
Wednesday 25 June 2014

### **Further Information**

If you have questions, would like further information about the meeting or require special facilities please contact: Dale Langford, Senior Committee Officer; Telephone: 020 7983 4415; email: [dale.langford@london.gov.uk](mailto:dale.langford@london.gov.uk); Minicom: 020 7983 4458.

For media enquiries please contact London Assembly External Relations on 020 7983 4283.

If you have any questions about individual reports please contact the report author whose details are at the end of each report.

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**Agenda**  
**Budget and Performance Committee**  
**Thursday 3 July 2014**

**1 Apologies for Absence and Chairman's Announcements**

To receive any apologies for absence and any announcements from the Chairman.

**2 Declarations of Interests** (Pages 1 - 4)

**The Committee is recommended to:**

- (a) Note the list of offices held by Assembly Members, as set out in the table at Agenda Item 2, as disclosable pecuniary interests;**
- (b) Note the declaration by any Member(s) of any disclosable pecuniary interests in specific items listed on the agenda and the necessary action taken by the Member(s) regarding withdrawal following such declaration(s); and**
- (c) Note the declaration by any Member(s) of any other interests deemed to be relevant (including any interests arising from gifts and hospitality received which are not at the time of the meeting reflected on the Authority's register of gifts and hospitality, and noting also the advice from the GLA's Monitoring Officer set out at Agenda Item 2) and to note any necessary action taken by the Member(s) following such declaration(s).**

**3 Viability of Transport for London's Sponsored Transport Schemes**

(Pages 5 - 6)

Report of the Executive Director of Secretariat

Contact: William Roberts; [william.roberts@london.gov.uk](mailto:william.roberts@london.gov.uk); 020 7983 4958

**The Committee is recommended to note the report, put questions to the guests and note the discussion.**

**4 GLA's Business Plan and Project Prioritisation Process** (Pages 7 - 8)

Report of the Executive Director of Secretariat

Contact: Dan Maton; [dan.maton@london.gov.uk](mailto:dan.maton@london.gov.uk); 020 7983 4681

**The Committee is recommended to note the report, put questions on the GLA Business Plan and project prioritisation process to guests and note the discussion.**

## **5 Scheme of Delegation of Mayoral Functions of the GLA** (Pages 9 – 52)

Report of the Executive Director of Secretariat

Contact: Steve Wright; [steve.wright@london.gov.uk](mailto:steve.wright@london.gov.uk); 020 7983 4390

**The Committee is recommended to note the revised Scheme of Delegation of Mayoral Functions of the GLA, and puts questions to the Head of Governance and Resilience.**

The appendix to this report set out on pages 15 to 52 are attached for Members and officers only but are available from the following area of the GLA's website:

<http://www.london.gov.uk/mayor-assembly/london-assembly/budget-performance>

## **6 Budget and Performance Committee Work Programme** (Pages 53 – 56)

Report of the Executive Director of Secretariat

Contact: Steve Wright; [steve.wright@london.gov.uk](mailto:steve.wright@london.gov.uk); 020 7983 4390

**The Committee is recommended to note its work programme for 2014/15.**

## **7 Date of Next Meeting**

The next meeting of the Committee is scheduled for Thursday 11 September 2014 at 10.00am in Committee Room 5.

## **8 Any Other Business the Chairman Considers Urgent**

# Subject: Declarations of Interests

**Report to: Budget and Performance Committee**

**Report of: Executive Director of Secretariat**

**Date: 3 July 2014**

**This report will be considered in public**

## 1. Summary

- 1.1 This report sets out details of offices held by Assembly Members for noting as disclosable pecuniary interests and requires additional relevant declarations relating to disclosable pecuniary interests, and gifts and hospitality to be made.

## 2. Recommendations

- 2.1 **That the list of offices held by Assembly Members, as set out in the table below, be noted as disclosable pecuniary interests<sup>1</sup>;**
- 2.2 **That the declaration by any Member(s) of any disclosable pecuniary interests in specific items listed on the agenda and the necessary action taken by the Member(s) regarding withdrawal following such declaration(s) be noted; and**
- 2.3 **That the declaration by any Member(s) of any other interests deemed to be relevant (including any interests arising from gifts and hospitality received which are not at the time of the meeting reflected on the Authority's register of gifts and hospitality, and noting also the advice from the GLA's Monitoring Officer set out at below) and any necessary action taken by the Member(s) following such declaration(s) be noted.**

## 3. Issues for Consideration

- 3.1 Relevant offices held by Assembly Members are listed in the table overleaf:

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<sup>1</sup> The Monitoring Officer advises that: Paragraph 10 of the Code of Conduct will only preclude a Member from participating in any matter to be considered or being considered at, for example, a meeting of the Assembly, where the Member has a direct Disclosable Pecuniary Interest in that particular matter. The effect of this is that the 'matter to be considered, or being considered' must be about the Member's interest. So, by way of example, if an Assembly Member is also a councillor of London Borough X, that Assembly Member will be precluded from participating in an Assembly meeting where the Assembly is to consider a matter about the Member's role / employment as a councillor of London Borough X; the Member will not be precluded from participating in a meeting where the Assembly is to consider a matter about an activity or decision of London Borough X.

| <b>Member</b>            | <b>Interest</b>   |
|--------------------------|---|
| Tony Arbour AM           | Member, LFEPA; Member, LB Richmond  |
| Jennette Arnold OBE AM   | Committee of the Regions  |
| Gareth Bacon AM          | Member, LFEPA; Member, LB Bexley  |
| John Biggs AM            |   |
| Andrew Boff AM           | Congress of Local and Regional Authorities (Council of Europe)  |
| Victoria Borwick AM      | Member, Royal Borough of Kensington & Chelsea; Deputy Mayor   |
| James Cleverly AM        | Chairman of LFEPA; Chairman of the London Local Resilience Forum; substitute member, Local Government Association Fire Services Management Committee          |
| Tom Copley AM            |   |
| Andrew Dismore AM        | Member, LFEPA   |
| Len Duvall AM            |   |
| Roger Evans AM           | Committee of the Regions; Trust for London (Trustee)  |
| Nicky Gavron AM          |   |
| Darren Johnson AM        | Member, LFEPA   |
| Jenny Jones AM           | Member, House of Lords  |
| Stephen Knight AM        | Member, LFEPA; Member, LB Richmond  |
| Kit Malthouse AM         | Deputy Mayor for Business and Enterprise; Deputy Chair, London Enterprise Panel; Chair, Hydrogen London; Chairman, London & Partners; Board Member, TheCityUK |
| Joanne McCartney AM      |   |
| Steve O'Connell AM       | Member, LB Croydon; MOPAC Non-Executive Adviser for Neighbourhoods  |
| Caroline Pidgeon MBE AM  |   |
| Murad Qureshi AM         | Congress of Local and Regional Authorities (Council of Europe)  |
| Dr Onkar Sahota AM       |   |
| Navin Shah AM            |   |
| Valerie Shawcross CBE AM | Member, LFEPA   |
| Richard Tracey AM        | Chairman of the London Waste and Recycling Board; Mayor's Ambassador for River Transport  |
| Fiona Twycross AM        | Member, LFEPA   |

[Note: LB - London Borough; LFEPA - London Fire and Emergency Planning Authority; MOPAC – Mayor's Office for Policing and Crime]

3.2 Paragraph 10 of the GLA's Code of Conduct, which reflects the relevant provisions of the Localism Act 2011, provides that:

- where an Assembly Member has a Disclosable Pecuniary Interest in any matter to be considered or being considered or at
  - (i) a meeting of the Assembly and any of its committees or sub-committees; or
  - (ii) any formal meeting held by the Mayor in connection with the exercise of the Authority's functions
- they must disclose that interest to the meeting (or, if it is a sensitive interest, disclose the fact that they have a sensitive interest to the meeting); and

- must not (i) participate, or participate any further, in any discussion of the matter at the meeting; or (ii) participate in any vote, or further vote, taken on the matter at the meeting

#### UNLESS

- they have obtained a dispensation from the GLA's Monitoring Officer (in accordance with section 2 of the Procedure for registration and declarations of interests, gifts and hospitality – Appendix 5 to the Code).

- 3.3 Failure to comply with the above requirements, without reasonable excuse, is a criminal offence; as is knowingly or recklessly providing information about your interests that is false or misleading.
- 3.4 In addition, the Monitoring Officer has advised Assembly Members to continue to apply the test that was previously applied to help determine whether a pecuniary / prejudicial interest was arising – namely, that Members rely on a reasonable estimation of whether a member of the public, with knowledge of the relevant facts, could, with justification, regard the matter as so significant that it would be likely to prejudice the Member's judgement of the public interest.
- 3.5 Members should then exercise their judgement as to whether or not, in view of their interests and the interests of others close to them, they should participate in any given discussions and/or decisions business of within and by the GLA. It remains the responsibility of individual Members to make further declarations about their actual or apparent interests at formal meetings noting also that a Member's failure to disclose relevant interest(s) has become a potential criminal offence.
- 3.6 Members are also required, where considering a matter which relates to or is likely to affect a person from whom they have received a gift or hospitality with an estimated value of at least £25 within the previous three years or from the date of election to the London Assembly, whichever is the later, to disclose the existence and nature of that interest at any meeting of the Authority which they attend at which that business is considered.
- 3.7 The obligation to declare any gift or hospitality at a meeting is discharged, subject to the proviso set out below, by registering gifts and hospitality received on the Authority's on-line database. The on-line database may be viewed here:  
<http://www.london.gov.uk/mayor-assembly/gifts-and-hospitality>.
- 3.8 If any gift or hospitality received by a Member is not set out on the on-line database at the time of the meeting, and under consideration is a matter which relates to or is likely to affect a person from whom a Member has received a gift or hospitality with an estimated value of at least £25, Members are asked to disclose these at the meeting, either at the declarations of interest agenda item or when the interest becomes apparent.
- 3.9 It is for Members to decide, in light of the particular circumstances, whether their receipt of a gift or hospitality, could, on a reasonable estimation of a member of the public with knowledge of the relevant facts, with justification, be regarded as so significant that it would be likely to prejudice the Member's judgement of the public interest. Where receipt of a gift or hospitality could be so regarded, the Member must exercise their judgement as to whether or not, they should participate in any given discussions and/or decisions business of within and by the GLA.

## 4. Legal Implications

- 4.1 The legal implications are as set out in the body of this report.

## 5. Financial Implications

5.1 There are no financial implications arising directly from this report.

| <b>Local Government (Access to Information) Act 1985</b> |   |
|--|---|
| List of Background Papers: None                          |   |
| Contact Officer:   | Dale Langford, Senior Committee Officer |
| Telephone:   | 020 7983 4415                           |
| E-mail:  | Dale.Langford@london.gov.uk             |



# Subject: Viability of Transport for London's Sponsored Transport Schemes

**Report to: Budget and Performance Committee**

**Report of: Executive Director of Secretariat**

**Date: 3 July 2014**

**This report will be considered in public**

## 1. Summary

- 1.1 This report provides information on the Committee's investigation into the viability of Transport for London's (TfL) Sponsored Transport Schemes as background to the Committee meeting.<sup>1</sup>

## 2. Recommendation

- 2.1 **That the Committee notes the report, puts questions to the guests and notes the discussion.**

## 3. Background

- 3.1 The Committee held its first meeting on sponsored transport schemes on 25 June 2014. A panel of experts was questioned about the performance of the Barclays Cycle Hire Scheme and the Emirates Air Line and TfL's current plans for these schemes. In particular, the Committee explored how these schemes have performed compared to initial expectation, both in terms of costs to TfL and expected benefits. By investigating the performance of these schemes, the Committee aims to influence thinking on the use of sponsorship by TfL in the future.
- 3.2 This meeting will be used to discuss TfL's plans to use sponsorship to generate income and its strategy for ensuring it gets best value from sponsored transport schemes in the future. Guests at the meeting will include representatives of TfL as well as experts from the sponsorship industry.

## 4. Issues for Consideration

- 4.1 The terms of reference for the Committee's investigation were agreed on 25 June 2014 and are:
- To examine how much the Emirates Air Line and Barclays Cycle Hire Scheme have cost TfL and how this compares with original expectations;

<sup>1</sup> The scoping paper for the investigation is available here:  
<http://www.london.gov.uk/mayor-assembly/london-assembly/investigations>

- To examine the role that sponsorship has played in making these schemes financially viable and how TfL can go about maximising sponsorship from similar schemes in the future;
- To examine TfL's current plans for the Emirates Air Line and Cycle Hire Scheme and how these are expected to affect usage, income and profitability.

4.2 The Committee will produce a report of its findings with recommendations to the Mayor and TfL which will be published in Autumn 2014.

4.3 Guests invited to attend this meeting include:

- Graeme Craig, Director of Commercial Development, TfL;
- Richard de Cani, Director of Strategy and Policy, TfL;
- Richard Busby, Chief Executive Officer, BDS Sponsorship; and
- Jackie Fast, Managing Director, Slingshot Sponsorship.

## 5. Legal Implications

5.1 The Committee has the power to do what is recommended in this report.

## 6. Financial Implications

6.1 There are no direct financial implications of this report.

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### List of appendices to this report:

None

|  |
|--|
| <b>Local Government (Access to Information) Act 1985</b><br>List of Background Papers: None  |
| Contact Officer: William Roberts, Budget & Performance Adviser<br>Telephone: 020 7983 4958<br>E-mail: <a href="mailto:william.roberts@london.gov.uk">william.roberts@london.gov.uk</a> |

# Subject: The GLA's Business Plan and Project Prioritisation Process

**Report to: Budget and Performance Committee**

**Report of: Executive Director of Secretariat**

**Date: 3 July 2014**

**This report will be considered in public**

## 1. Summary

- 1.1 This report provides background information to the Budget and Performance Committee for its meeting with invited guests to examine the project prioritisation process, a key activity in the annual budget setting process and the revised GLA business plan for 2014-15 to 2015-16.

## 2. Recommendations

- 2.1 **That the Committee notes the report, puts questions to the guests on the GLA's Business Plan and project prioritisation process, and notes the discussion.**

## 3. Background

### **The GLA's project prioritisation process**

- 3.1 Allocating funding to specific projects – the project prioritisation process (PPP) – is a key part of the GLA's budget setting process. The core GLA has a net revenue budget of £270 million in 2014-15 and most of this expenditure is on staff and other committed costs (for example, premises costs, supplies and services).<sup>1</sup> But each year, the Mayor has some flexibility to allocate funding to different projects.
- 3.2 During the 2014-15 budget setting process, the Mayor did not complete the PPP in time for the Committee's meetings in November 2013 and January 2014. This made it difficult for the Committee to perform its scrutiny role effectively, since key spending decisions had not been taken. This part of the meeting will look at how the PPP works and examine whether the process could be improved to allow for better scrutiny of the Mayor's future budgets.
- ### **The GLA Business Plan 2014-15 to 2015-16**
- 3.3 Following the Committee's recommendation in its 2012 Pre-Budget Report, the GLA's 2013-14 Business Plan included a suite of Key Performance Indicators (KPIs) for each of the GLA's directorates. The GLA published a revised Business Plan in May 2014 covering 2014-15 to 2015-16 once it completed its annual project prioritisation process. The Committee can discuss what changes the GLA has made to its Business Plan with representatives of the authority.

<sup>1</sup> [Mayor's Final Budget 2014-15](#), March 2014, page 9 (figure excludes the London Assembly).

## 4. Issues for Consideration

- 4.1 The revised GLA business plan is available here:  
<http://www.london.gov.uk/sites/default/files/Final%20BP%202014-16%20-%20May%202014.pdf>
- 4.2 The Committee has invited the following guests to the meeting:
- Jeff Jacobs, Head of Paid Service and Executive Director (Communities and Intelligence), GLA;
  - Martin Clarke, Executive Director of Resources, GLA; and
  - Tom Middleton, Head of Governance & Resilience, GLA.

## 5. Legal Implications

- 5.1 The Committee has the power to do what is recommended in this report.

## 6. Financial Implications

- 6.1 There are no direct financial implications of this report.

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### List of appendices to this report:

None

|  |
|--|
| <b>Local Government (Access to Information) Act 1985</b>                     |
| List of Background Papers: None  |
| Contact Officer: Dan Maton, Budget & Performance Adviser                     |
| Telephone: 020 7983 4681   |
| E-mail: <a href="mailto:dan.maton@london.gov.uk">dan.maton@london.gov.uk</a> |

# Subject: Scheme of Delegation of Mayoral Functions of the GLA

**Report to: Budget and Performance Committee**

**Report of: Executive Director of Secretariat**

**Date: 3 July 2014**

**This report will be considered in public**

## 1. Summary

- 1.1 This report recommends that the Budget and Performance Committee notes the revised the Scheme of Delegation of Mayoral Functions of the GLA.

## 2. Recommendation

- 2.1 **That the Committee notes the revised Scheme of Delegation of Mayoral Functions of the GLA, and puts questions to the Head of Governance and Resilience.**

## 3. Background

- 3.1 At its Annual Meeting on 14 May 2014, the Assembly resolved that the Scheme of Delegation of Mayoral Functions of the GLA should be referred to the Budget and Performance Committee for scrutiny of the delegations to officers concerning financial transactions.

## 4. Issues for Consideration

- 4.1 The Scheme of Delegation of Mayoral Functions of the GLA forms part of the GLA's corporate governance framework. It states that it covers "every decision taken by the Mayor, or by a member of GLA staff on the Mayor's behalf, that involves the exercise of Mayoral powers within the GLA. It applies not only to decisions which are financial in nature but also to a range of non-financial decisions which rest with the Mayoralty. It also applies to certain GLA companies."
- 4.2 A number of changes have been made to the Scheme, including to the financial decision-making thresholds.
- 4.3 The Committee will put questions on the Scheme of Delegation of Mayoral Functions of the GLA to the GLA's Head of Governance and Resilience, Tom Middleton.

## 5. Legal Implications

5.1 The Committee has the power to do what is recommended in this report.

## 6. Financial Implications

6.1 There are no direct financial implications arising from this report.

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### List of appendices to this report:

Appendix 1: Scheme of Delegation of Mayoral Functions of the GLA

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|--|
| <b>Local Government (Access to Information) Act 1985</b>   |
| List of Background Papers: None  |
| Contact Officer: Steve Wright, Scrutiny Manager – Budget and Performance Committee<br>Telephone: 020 7983 4390<br>E-mail: <a href="mailto:steve.wright@london.gov.uk">steve.wright@london.gov.uk</a> |

# **Greater London Authority**

## **Mayoral Scheme of Delegation**

**This version of the Scheme came into force on 1 June 2014  
under MD1333**

## **Contents**

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| Section 8:  | All members of GLA staff  |
| Section 9:  | Updating the Scheme, further delegations and transitional matters |
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## **Section 1: Overview**

- 1.1 The London Mayoralty was created by Act of Parliament: the Greater London Authority Act 1999 (“the GLA Act”). Nearly every decision the Mayor takes, or GLA staff members take on his behalf, is supported by the exercise of a legal power which enables that decision to be taken. The GLA Act allows the Mayor to authorise (amongst others) members of GLA staff to exercise his powers under delegated arrangements; specifically under sections 38 and 380.
- 1.2 This Mayoral Scheme of Delegation (“the Scheme”) covers every decision taken by the Mayor, or by a member of GLA staff on the Mayor’s behalf, that involves the exercise of Mayoral powers within the GLA. It applies not only to decisions which are financial in nature but also to a range of non-financial decisions which rest with the Mayoralty. It also applies to certain GLA companies.
- 1.3 The Scheme sets out:
- Those “Mayoral powers” which may only be exercised by the Mayor himself, either because they are reserved by law to the Mayor or are more appropriately exercised by the Mayor alone, except in urgent circumstances or the Mayor’s unavailability or where there is a potential conflict of interest. These Reserved Mayoral Matters are listed in Annex 1;
  - The Mayor’s powers to call-in and determine planning applications of Potential Strategic Importance (PSI), which from 1 October 2013 may be delegated to GLA staff appointed by him (“the PSI Application Powers”);
  - A “General Delegation” which authorises a specified Senior Member of Staff (a list is provided at Annex 2) to exercise any Mayoral power not listed in Annex 1, provided that it is within that staff member’s area of responsibility;
  - A similar general delegation (“the Company Director Delegation”) to directors of GLA Subsidiary Companies who are also specified Senior Staff Members (with exceptions and modifications);
  - The basis and other conditions to which both delegations are subject;
  - A standing authorisation to GLA Subsidiary Companies and their directors to implement decisions taken by the Mayor and GLA Staff under this Scheme;
  - How decisions are to be recorded e.g. by Mayoral Decision (MD) form, Director Decision (DD) form, Assistant Director Decision (ADD) form, Delegated Authority Record (DAR), “Record in Writing” or company minute;
  - Power to execute or sign (“Signatory Permission”) any legal and other documents constituting or connected with the decision (“Legal Document”); and
  - How this Scheme is to be updated, its impact on previous delegations and on further delegations.

### Scope

- 1.4 This Scheme covers the taking of decisions by the Mayor and members of GLA staff. It does not, however, cover:
- Decisions concerning the Assembly and its committees, the Head of Paid Service or Greater London Returning Officer (GLRO), for which see their individual schemes of delegation or relevant procedures apply.
  - Detailed matters included within the GLA's Financial Regulations and its Contracts & Funding Code, which respectively set out how the GLA manages its financial affairs and procures supplies and services etc and how it awards grants;
  - Delegations to the Statutory Deputy Mayor or to the functional bodies and organisations to whom the Mayor can delegate functions under sections 38 and 380 of the GLA Act (which are subject to specific Mayoral decisions);
  - Decisions by companies and their directors or shareholders/ members if the company or other body in question is not a GLA Subsidiary;
  - Any specific function transferred, conferred or imposed directly by legislation on a particular office or position at the GLA: e.g. the Head of Paid Service, the Chief Finance Officer, the Monitoring Officer or the GLRO; and
  - The exercise by the Mayor of his powers as the occupant or holder of the office of the Mayor's Office for Policing and Crime (MOPAC), for which reference should be made to MOPAC's Scheme of Delegation.

### Definition of Mayoral Powers

- 1.5 A *Mayoral power* is a lawful ability to do something that involves the exercise of a legal power or duty ("function") which is exercisable by the Mayor. It includes common law powers and statutory powers transferred, conferred or imposed by any Act of Parliament, any Direction or Regulation of the European Union or secondary or subordinate legislation or byelaw of any kind (whenever passed or amended) on:
- The office of the Mayor of London directly; or
  - The GLA but which, as a result of section 35 of the GLA Act, is exercisable only by the Mayor acting on behalf of the GLA, and includes the exercise by the Mayor of any power he is required to exercise jointly with the Assembly.
- 1.6 A Mayoral power includes the power to do anything that facilitates or is conducive or is incidental to the exercise of the function in question.

## **Section 2: The General Delegation to specified Senior Members of Staff**

- 2.1 The posts specified in Annex 2 are classed as “*Senior Members of Staff*” for the purposes of this Scheme, being members of staff of the GLA appointed by the Mayor or the Head of Paid Service under sections 67 (1) or (2) of the GLA Act, whether full-time or part-time and including staff acting up into such posts.

### The General Delegation

- 2.2 This paragraph authorises specified Senior Members of Staff to exercise any Mayoral power that is within his or her area of responsibility and which is not a matter listed in Annex 1 (Mayoral Reserved Matters), noting that:
- The PSI Application Powers themselves may only be exercised by one of the following:
    - Chief of Staff
    - Deputy Mayor for Housing, Land & Property
    - Deputy Mayor for Transport
    - Deputy Mayor for Education & Culture;
  - Mayoral powers may be exercised concurrently by GLA Staff in accordance with paragraph 2.4 below;
  - The exercise of the General Delegation is on the basis and subject to the terms and conditions set out in Section 5 below;
  - As regards any question as to the ambit of any particular specified Senior Member of Staff’s area of responsibility then:
    - In the case of the Specified Mayoral Appointees listed in Annex 2, the Chief of Staff’s decision will be final
    - In the case of any other member of GLA staff the Head of Paid Service’s decision shall be final; and
  - The exercise of any Mayoral power under the General Delegation is deemed to include the power to do anything that facilitates or is conducive or is incidental to the exercise of the power or function in question.
- 2.3 The specified Senior Members of Staff may ask another member of staff (who in normal circumstances would be at manager level or above) to fulfil their duties under this Scheme for a specified period of time while they are absent from the office on leave or for some other reason. The arrangement should be set out in writing via either a memo or an email, copied to interested parties, and should make it clear which functions can be undertaken by that member of staff and for what period of time.

### Concurrent exercise of powers

- 2.4 The Chief of Staff as regards the Mayoral Appointees specified in Annex 2 (only) and the Head of Paid Service as regards all other specified Senior Members of Staff may under the General Delegation respectively exercise any Mayoral power concurrently with those postholders. In addition, if necessary or expedient:
- The Directors listed in Annex 2 may concurrently exercise the General Delegation within each other’s areas of responsibility; and

- Provided the delegation in question falls broadly within their own area of responsibilities, any member of GLA Staff (whether specified in Annex 2 or not) who is of an equal or a higher grade may exercise a delegation granted to another GLA staff member, including under the General Delegation or where the delegation in question is granted (previously or in the future) outside this Scheme to a specific named postholder(s). Each also has Signatory Permission in relation to any connected or related Legal Document.

#### The PSI Application Powers

2.5 From 1 October 2013 the following Mayoral powers are no longer required to be exercised by the Mayor personally as a consequence of section 28 of the Growth and Infrastructure Act 2013:

- The function of giving a direction under section 2A (1) or (1B) of the Town and Country Planning Act 1990 that the Mayor is to be the local planning authority to determine an application of potential strategic importance (“PSI Application”); and/or
- The function of determining such called-in PSI Applications by virtue of section 2A or 2B of that Act.

These powers (“the PSI Application Powers”) may only be exercised by members of GLA Staff appointed by the Mayor under section 67(1) of the GLA Act and cannot be delegated to staff appointed by the Head of Paid Service. They must be exercised in accordance with the requirements of the Town and Country Planning (Mayor of London) Order 2008 (SI 2008/ 580, as amended) and relevant planning legislation.

2.6 The following postholders appointed by the Mayor under section 67(1) of the GLA Act are separately and individually authorised to exercise the PSI Application Powers:

- Chief of Staff;
- Deputy Mayor for Housing, Land & Property;
- Deputy Mayor for Transport; and
- Deputy Mayor for Education & Culture.

on the basis that different postholders may exercise different functions in relation to the same PSI Application (e.g. one may make the determination to call-in and another may determine the application).

2.7 The function of determining a PSI Application includes power to:

- Refuse planning permission and to determine reasons for refusal, or
- Grant planning permission, including to grant permission subject to any conditions, informatives or notes considered appropriate, to determine their content and reasons for imposing them.

2.8 As with all other Mayoral powers, the Mayor reserves the right to exercise the PSI Application Powers himself alongside the above staff and any other planning function.

Guidance and updates etc

- 2.9. The Head of Paid Service may from time to time confirm or update and issue:
- A description of the ambit of any specified Senior Member of Staff's area of responsibilities;
  - A definitive list of posts to be regarded as Senior Members of Staff for the purposes of this Scheme; and
  - Instructions and guidance as to the ambit and exercise of the General Delegation and the GLA Company Director Delegation, the Signatory Permission, and what is regarded as a Legal Document for the purposes of this Scheme, including policies and procedures to be followed in relation to those matters and in relation to GLA Company Directors and GLA Subsidiary Companies.

### Section 3: Decisions reserved to the Mayor

3.1 Annex 1 (Mayoral Reserved Matters) includes powers:

- Reserved by law for the personal exercise of the Mayor alone: a Mayoral power that by its terms is prohibited from being delegated by the Mayor to anyone (whether a member of GLA staff or not) or by its terms it is apparent that the power is only to be exercised by the Mayor on a personal basis. A non-exhaustive list is contained in Part 1 of Annex 1; and
- Others Mayoral powers which are capable of delegation but where it is usually only appropriate for the Mayor to take the decision: a definitive list is contained in Part 2 of Annex 1.

3.2 The exercise of the Mayoral powers relating to the matters listed in Annex 1 (“Mayoral Reserved Matters”) is reserved to the Mayor alone, but in relation to the matters listed in Part 2 of Annex 1 (only) the *Urgency etc* procedures in paragraphs 3.3 to 3.6 below permit others to take those decisions in the circumstances described.

Urgency, unavailability and other circumstances: Annex 1, Part 2 Reserved Mayoral Matters

3.3 Notwithstanding anything in this Scheme to the contrary, the following listed postholders are separately and individually authorised to act in place of the Mayor to exercise a Mayoral power listed in Part 2 of Annex 1 to the same extent and to the same level of authority for financial commitments (if any) as the Mayor can authorise (and each has Signatory Permission in respect of any related or connected Legal Document) in the circumstances set out below:

| <i>Postholder authorised to act:</i>  | <i>Relevant circumstance</i>  | <i>Following consultation with:</i>                                       |
|---|---|---|
| <ul style="list-style-type: none"> <li>• Chief of Staff</li> <li>• Head of Paid Service</li> </ul>          | 1) Urgent circumstances when the Mayor is unavailable to act  | The Mayor and with each other (unless impracticable in the circumstances) |
| <ul style="list-style-type: none"> <li>• Chief of Staff</li> <li>• Head of Paid Service</li> </ul>          | The circumstances are not urgent but the Mayor:<br>2) is unavailable to act; or<br>3) considers it would be inappropriate to personally exercise the Annex 1 Part 2 power in question in the circumstances (e.g. in cases of a potential personal or other conflict of interest or where there is a risk of pre-determination or he does not wish to prejudice his future involvement in the matter etc.) | The Mayor and with each other   |
| <ul style="list-style-type: none"> <li>• Any specified Mayoral appointee</li> <li>• Any Director</li> </ul> | As in (2) or (3) above.   | The Mayor, the Chief of Staff and the Head of Paid Service                |

- 3.4 When it is considered inappropriate for the Mayor to exercise a power listed in Part 2 of Annex 1, the circumstances for invoking the procedures in paragraph 3.3 above shall be stated in the record of the decision.
- 3.5 “*Unavailable to act*” (above) refers to circumstances where the Mayor is *able to act but unavailable* rather than “temporarily unable to act” which is the situation described in paragraph 1 of Schedule 4 of the GLA Act:
- The Mayor is *temporarily unable to act* under paragraph 1 of Schedule 4 where there is no vacancy in the office of Mayor but the Mayor is unable to act in his/her office by reason of illness, imprisonment or absence abroad or for any other reason;
  - In these limited circumstances the Statutory Deputy Mayor (or the Chair of the Assembly if the office of Statutory Deputy Mayor is vacant at the time) becomes the “Acting Mayor”; and
  - Where there is an Acting Mayor the procedures under Schedule 4 of the GLA Act shall apply and the Acting Mayor shall take the place of the Mayor under this Scheme.
- 3.6 The powers listed in Part 1 of Annex 1 are incapable of delegation by the Mayor and so cannot be exercised by the Chief or Staff or the Head of Paid Service etc even under the *Urgency etc* procedures above.

## Section 4: GLA Companies

### GLA Companies

- 4.1 The GLA can establish or become involved in companies where to do so facilitates the exercise of a Mayoral power. The GLA may own shares in the company (where a company limited by shares) or be a member of the company (where a company limited by guarantee). The GLA often will appoint one or more of its board of directors from members of GLA staff. The company may be wholly owned by the GLA or the extent of the GLA's interest in it (together with rights under any connected shareholders or members' agreements) may be such that it is essentially controlled by the GLA and so is classed under company law as a "subsidiary" of the GLA (as defined by section 1159 of the Companies Act 2006). It should also be noted:
- In certain circumstances the GLA may only carry on particular defined activities ("Specified Activities"<sup>1</sup>) for a commercial purpose if it does so through a company that is a subsidiary of the GLA: see section 34B of the GLA Act; and
  - In addition, the law recognises that although the Mayor may not transfer his ability to take decisions involving the exercise of Mayoral powers to a GLA Subsidiary Company (as this would be an unlawful delegation) he can implement his decisions through a GLA subsidiary company, and he may authorise such a company and its directors to do so on his behalf.
- 4.2 Annex 3 contains a list of current GLA Subsidiary Companies, their type, status and details of directorships and other details (see below).

### Implementation of GLA decisions through GLA Subsidiary Companies

- 4.3 Every GLA Subsidiary Company, and each GLA Company Director, is authorised to take any action through the Company ("implementing action") considered necessary or expedient for the purposes of implementing a decision of the Mayor or of a specified Senior Member of Staff ("the GLA Decision") under this Scheme (including doing anything incidental to, conducive to or which facilitates the implementation of the GLA Decision in question) subject to any contrary requirement under company law.
- If the GLA Decision requires a decision form, then that form is sufficient to authorise the Company's implementing action and no further decision form is required (in addition, the decision form does not need to expressly authorise the company to implement it as this paragraph provides the necessary authority to do so);
  - If the GLA Decision is one taken that can be taken under the General Delegation or this Scheme without a decision form, then this paragraph and the General Delegation are sufficient to authorise the Company's implementing action.

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<sup>1</sup> See the Greater London Authority (Specified Activities) Order 2013 (SI 2013/973).



- 4.4 Paragraphs 4.5 to 4.8 below only apply to decisions and actions unconnected with the implementation of a GLA Decision through a GLA Subsidiary Company, and to decisions of the Company itself, e.g. approval of the company's accounts.

#### Exercise of Company powers

- 4.5 In a similar fashion to Mayoral powers, the company has legal powers to do things that are described in its Memorandum or Articles of Association, common law powers and statutory powers transferred, conferred or imposed by legislation on the company itself (collectively called "Company powers"). Generally speaking, a company that is a GLA Subsidiary Company cannot do things that the Mayor and/or GLA have no Mayoral power to do. Company law and the individual company's Articles of Association govern who can exercise Company powers and take decisions on its behalf: some decisions may only be taken by its members/shareholders in a company general meeting while others are delegated to or to be exercised by the company's board of directors, collectively or individually.
- 4.6 This Scheme permits GLA Company Directors (those specified Senior Members of Staff who are directors of the GLA Subsidiary Companies as listed in Annex 3) to authorise decisions and actions on the relevant Company's behalf (see the "Company Director Delegation" below).

#### The Company Director Delegation

- 4.7 Every GLA Company Director is authorised by his or her relevant GLA Subsidiary Company and under this Scheme to take any action or decision which involves the exercise of a Company power where the matter:
- Is within the Mayoral powers of the Mayor and/or the GLA to do so;
  - Is not by law reserved to a decision of:
    - the Company in general meeting and/or is not delegated to its board; or
    - a meeting of its board; and
  - Is not contrary to any relevant provision of company legislation or rule of company law (but where the authorisation granted under this paragraph shall so far as possible operate to accommodate any such provision or rule);

In exercising this Delegation the Director is expected, as a matter of best practice, to seek the views of the lead member of the Mayoral Team for that policy area as advised by the Governance Team.

- 4.8 The authorisation under paragraph 4.7 above to an individual GLA Director shall cease immediately without notice upon:
- That person ceasing to be a director of the Company, or
  - That person ceasing to be a member of GLA staff, or to occupy a post listed in Annex 2 or that post ceasing to be listed in that Annex; or
  - The company ceasing to be a GLA Subsidiary Company.

#### Recording of company decisions

- 4.9 Actions and decisions of a GLA Company Director and/or GLA Subsidiary Company unconnected with the implementation of a GLA Decision shall be recorded in accordance with the requirements of the Company's articles or as otherwise provided by the Company from time to time.
- 4.10 All GLA members of staff of whatever grade have, in the ordinary course of their duties within their areas of responsibility, and subject to the supervision or direction of their line manager, power to undertake the matters set out in paragraph 8.1 below on behalf of a GLA Subsidiary Company subject to anything that under company law is required to be done by a company director or by the company's secretary.
- 4.11 Where a GLA Subsidiary Company takes the form of a limited liability partnership then the above provisions, and this Scheme, including Sections 4 and 7 in particular, shall be adapted accordingly, e.g. an Incorporation Document shall replace its Memorandum or Articles etc.

#### Signatory Permission of GLA Company Directors and other staff

- 4.12 Each single GLA Company Director has Signatory Permission under the Company Director Delegation to sign or execute any Legal Document for and on behalf of the GLA Subsidiary Company that he or she is a director of, including in relation to any implementing action taken in accordance with paragraph 4.3 above. (Paragraphs 7. 3 and 7.4 below apply as regards the scope of the permission and definition of Legal Document.)

## **Section 5: Terms and conditions applying to the General Delegation**

- 5.1 The exercise of the General Delegation by specified Senior Members of Staff is on the following basis and subject to the following terms and conditions set out below.
- 5.2 Excluded from the ambit of the General Delegation is the exercise of any power relating to any matter listed in Annex 1 (Mayoral Reserved Matters).
- 5.3 Also excluded is the exercise of the PSI Application Powers by anyone other than the postholders listed in paragraph 2.6 above.

### Concurrent exercise by Mayor

- 5.4 The Mayor may exercise any Mayoral power in place of or concurrently with any specified Senior Members of Staff under the General Delegation. In relation to the Greater London Returning Officer's (GLRO) functions described in paragraph 5.22 below, the Mayor will first consult the GLRO and the Executive Director of Resources.

## **Preliminary Matters**

### Consultation with policy leads

- 5.5 In exercising the General Delegation, all staff are expected as a matter of best practice to seek the views of the lead member of the Mayoral Team for that policy area. Where a Mayoral Decision (MD) form is required for the decision, the relevant lead will be required to confirm whether the proposal has their endorsement. For certain matters, such as responding to Government consultations, making submissions to Select Committee enquiries and entering into dialogue with the European Union, staff are expected to exercise judgement in assessing whether their work is purely technical in nature (formal sign-off not required) or more wide-ranging with the possibility that extracts might be quoted as being policy assertions attributable to the Mayor. The Government Relations team should be consulted on such matters.

### Novel, contentious or repercussive proposals

- 5.6 If any proposed action or decision to be taken in reliance of the General Delegation can objectively be considered to be novel, contentious or repercussive then the matter in question must be referred to the Mayor to approve (i.e. by an MD in the normal way) unless "Permission to Proceed" has been given under paragraph 5.7 below. The Head of Paid Service may issue guidance as to what may or may not be considered novel, contentious or repercussive and staff are encouraged to seek advice from their line manager or the Governance Team if they are at all unsure as to what sort of proposal might reasonably be considered to be "novel, contentious or repercussive".

- 5.7 The requirement to refer matters to the Mayor under paragraph 5.6 above shall not apply:
- To expenditure approved by the Mayor's approval of the GLA-wide Budget in March each year including "routine" or "Non-Programme Budget" expenditure (as defined in paragraph 5.12 below) and the Affordable Housing Programme;
  - To the GLRO's functions;
  - To any town and country planning functions of the Mayor or GLA, including the PSI Application Powers;
  - To the Executive Director of Resources' functions in connection with the enforcement of the Trafalgar Square and Parliament Square byelaws;
  - To matters covered by paragraphs 5.28 to 5.31 below; or
  - Where any one of the following: the Mayor, Chief of Staff, Head of Paid Service or Executive Director of Resources, has by Record in Writing given the person concerned "Permission to Proceed" with the proposed action or decision, unless there is a material change in circumstances. Where Permission to Proceed is given, the matter can be determined by the specified Senior Member of Staff in the normal way and the Governance Team will advise on how the decision is to be recorded.

#### Recording of decision

- 5.8 A record of all decisions involving Mayoral powers (whether involving expenditure or not) shall be kept in the format set out in Section 6 below.
- Table 2 summarises the agreed approach for gaining approval and indicates the type of decision form or other record to use but guidance should be sought from the Governance team;
  - Decisions and implementing actions of GLA Subsidiary Companies and GLA Company Directors in pursuance of a decision by the Mayor or a specified Senior Member of Staff under this Scheme may rely on the decision form (if any) relating to the Mayor or Senior Member of Staff's decision (see paragraph 4.3 above); and
  - It should be noted that decision forms are not required to initiate a procurement or grant award exercise or to authorise the award of individual grants or contracts and these actions can all be undertaken within the scope of the General Delegation (see further paragraphs 5.25 and 5.26 below).

#### Compliance with GLA Budget procedures

- 5.9 The Mayor agrees a detailed GLA-wide Budget in late March each year for the financial year starting in the April immediately following.
- The GLA-wide budget is divided between "Programme" and Non-Programme" expenditure. Non-Programme expenditure is often called "Routine Expenditure" and is defined in paragraph 5.12 below. Unless the Governance Team advise otherwise, all expenditure not falling within paragraph 5.12 should be regarded as Programme Expenditure (i.e. as "non-routine expenditure");

- All Routine Expenditure elements of the GLA-wide budget are deemed to be approved at the point the Mayor agrees that budget in March each year, and such expenditure requires no further formal approval, whatever the value (see paragraph 5.13 below); and
- A separate process applies for the approval of expenditure from the Programme Expenditure Budget, as follows.

#### *General approach*

- Assistant Directors and Heads of Unit are expected to bring forward a paper covering each area of GLA work in its entirety (e.g. culture, environment) to either of the Investment and Performance Board (IPB) or, in the case of housing programmes and land, the Housing Investment Group (HIG). The papers will set out how the Programme Expenditure Budget earmarked by the Mayor will be allocated to individual projects and what outputs and outcomes the GLA can expect from its investment.

#### *Affordable Housing Programme*

- Expenditure on the GLA's Affordable Housing Programmes sits within the Programme Expenditure Budget but different rules apply. The GLA-wide Budget approved by the Mayor each year sets out expenditure and outcomes for the Affordable Housing Programme, so that at the point the Mayor approves the GLA-wide Budget then the budget for expenditure of the Affordable Housing Programme is also formally approved. As a result, the approval thresholds at paragraph 5.14 below do not apply and no further decision forms are necessary to approve expenditure or other financial commitments within the Affordable Housing Programme Budget. The Governance Team should be consulted regarding the documenting of significant decisions or stages in implementing the programme.

#### *Other Programme Expenditure*

- Following the IPB or HIG meeting, the appropriate decision form should be completed depending on the level of other Programme expenditure involved (it will normally be an MD as the value is likely to be over £150,000). That decision form should reflect the approach agreed at either IPB or HIG and it should also indicate whether expenditure on all projects in that work area or programme is to be regarded as agreed in its entirety (in which case that decision form gives the necessary approval and no further decision form is necessary to authorise spending decisions on the individual projects within it) or what further approvals for individual projects are to be required and when this is likely. Unless some other arrangement is approved by that form, the approval thresholds set out in paragraph 5.14 below will apply to authorise expenditure on those individual projects (subject to the normal rules on novel, contentious or repercussive proposals).

#### Expenditure and definition of other financial commitments

- 5.10 Every decision or action involving a “financial commitment” must be taken in accordance with the following rules and must comply with Financial Regulations and, where applicable, the Contracts and Funding Code.

5.11 A “financial commitment” covers a commitment to:

- Expenditure by the GLA;
- The creation of a guarantee or contingent liability by the GLA in favour of a third party (other than one on normal commercial terms); or
- The generation of income or a monetary payment in favour of the GLA (capital or revenue and whether immediate, contingent or deferred) including from the disposal of GLA land or property.

#### Routine financial commitments

5.12 “*Routine expenditure*” is for the purposes of this Scheme defined as follows:

- The following items constitute examples of routine expenditure (the list is not exhaustive and further guidance can be provided by the Governance team):
  - Salaries and payments to temporary staff and secondees;
  - Indirect employee costs such as travel;
  - Office supplies and services such as stationery and printing;
  - Purchase of books, publications and data; subscriptions to organisations;
  - Accommodation costs including rent, rates, insurance, and service charges;
  - Payments made under contracts for cleaning, maintenance, catering and for other facilities and estate management services; and
  - Routine IT expenditure, such as purchase of IT equipment and payment for blackberries.
- *Income or monetary payments in favour of the GLA*: unless the Governance Team advise otherwise, the creation of an obligation to pay income or make a monetary payment to the GLA should be treated as a non-routine financial commitment, and as a result authorisation must be obtained in accordance with paragraph 5.14 below and Financial Regulation 16.
- *Contingent liabilities*: unless the Governance Team advise otherwise, the creation of any new contingent liability by the GLA in favour of a third party (unless one on normal commercial terms) should be treated as a non-routine financial commitment, and as a result authorisation must be obtained in accordance with paragraph 5.14 below.
- Anything not treated as a routine expenditure or regarded as some other type of routine financial commitment under the above rules should be regarded for the purposes of this Scheme as involving *Programme expenditure* or a *non-routine financial commitment*, requiring authorisation under paragraph 5.14 below.

#### Approval of routine expenditure and other routine financial commitments

5.13 Every member of GLA Staff (whether listed in Annex 2 or not) may, in the ordinary course of their duties and subject to the supervision or direction of their line manager, authorise the entering into of routine expenditure or other type of routine financial commitment.

- This is the case even where the value is above £150,000 or unlimited;

- Decision forms (MD, DD, ADD) are not normally used for routine expenditure or other routine financial commitments, but advice should be sought from the Governance Team regarding the documenting of significant decisions or stages in implementing agreed budgets and programmes; otherwise decisions authorising routine expenditure and other types of financial commitment should be documented by a DAR or Record in Writing as appropriate; and
- The above rules also apply to expenditure under the Affordable Housing Programme and related or connected routine financial commitments.

#### Approval of Programme expenditure and non-routine financial commitments

5.14 Authorisation for all Programme Expenditure or other types of non-routine financial commitment (except in relation to the Affordable Housing Programme and any CPO Compensation Payments) must be obtained from the appropriate person in accordance with the following thresholds (unless such approval has already been given):

- Unlimited value, and all exceeding £150,000, the approval decision must be taken by the Mayor;
- Up to £150,000 in value, the decision must be taken by (at least) a Director, as defined in Annex 2;
- Up to £50,000 in value, the decision must be taken by (at least) an Assistant Director or a Head of Service, as defined in Annex 2 – it is expected that proposals under £50,000 would not normally be signed off by Directors unless there was a good reason for them to do so; and
- Up to £10,000 in value, the decision must be taken by (at least) a Manager.

**Table 2** indicates the type of decision form to use (e.g. MD, DD, ADD etc) to authorise Programme expenditure or a non-routine financial commitment.

#### CPO Compensation Payments

5.15 The settlement of CPO Compensation Claims of any value (including over £150,000) may be approved by the Executive Director of Housing & Land and the Head of Financial Services (or in their absence or unavailability, the Assistant Director: Strategic Projects & Property and the Principal Accountant (Revenue) respectively) acting jointly, and following advice from the GLA's retained professional advisors as to the appropriate level of payment (including fees etc) in settlement of any claim. Given the commercial requirement to act quickly in these cases, the exercise of this delegation does not require a decision form.

#### Mixed commitments and variations

5.16 Some decisions will involve a mixture of different financial commitment types and/or values (e.g. non-routine expenditure of £105,000 and a future receipt of £115,000 and approval of other matters at nil value). Where this is the case, the decision should be taken at the level appropriate to the aggregate level. In the example quoted, an MD should be completed.

- 5.17 Decisions involving variations to the value of previously authorised financial commitments (e.g. where contract or grant payments are to be varied to exceed previously authorised amounts) must be dealt with in accordance with Financial Regulations.

**Table 2: Approval methods for decisions (including novel contentious or repercussive decisions (“NCR”) of any value)**

| <b>ROUTINE EXPENDITURE<br/>AND OTHER ROUTINE FINANCIAL COMMITMENTS<br/>(irrespective of value)</b>                                |  |  |
|---|--|--|
| <ul style="list-style-type: none"> <li>Routine (Non-Programme) expenditure or other routine financial commitment types</li> </ul> | Record in Writing or DAR (as advised by Governance Team) | The Novel/ Contentious/ Repercussive (“NCR”) rules do not apply to routine expenditure.                                |
| <b>PROGRAMME EXPENDITURE AND OTHER NON-ROUTINE FINANCIAL COMMITMENTS<br/>(NOT NOVEL CONTENTIOUS OR REPERCUSSIVE)</b>              |  |  |
| <b>Up to £10,000</b>  | Delegated Authority Record (DAR)                         |  |
| <b>Up to £50,000</b>  | Assistant Director Decision Form (ADD)                   |  |
| <b>Up to £150,000</b>   | Director Decision Form (DD)                              |  |
| <b>Over £150,000 or where unlimited</b>   | Mayoral Decision Form (MD)                               |  |
| <b>Affordable Housing Programme (within approved budget): any value</b>   | Routine record keeping                                   | These Programmes are approved in the GLA-wide Budget. The NCR rules do not apply.                                      |
| <b>CPO Compensation Payments: any value</b>   | Routine record keeping                                   | See the delegation to Executive Director of Housing & Land and the Head of Financial Services at paragraph 5.15 above. |



| <b>NOVEL, CONTENTIOUS OR REPERCUSSIVE DECISIONS REGARDING<br/>PROGRAMME EXPENDITURE AND OTHER NON-ROUTINE FINANCIAL COMMITMENTS<br/>(irrespective of value)</b> |   |  |
|---|---|--|
| <ul style="list-style-type: none"> <li>Applies only to Programme Expenditure or other non-routine financial commitment types</li> </ul>                         | Mayoral Decision Form (MD) <ul style="list-style-type: none"> <li>unless exempt or Permission to Proceed has been given (see para 5.7) when Governance Team will advise on how decision is to be recorded.</li> </ul> | If Permission to Proceed to a NCR proposal has been given under para 5.7 then the above approval thresholds for Programme Expenditure and other non-routine commitment types under paragraph 5.14 apply in the normal way. |

5.18 **Table 3** summarises the agreed procurement process to be followed for the procurement of works, services or supplies by the GLA or GLA Subsidiary Company.

**Table 3: Procurement process to be followed for works, services and supplies**

| Estimated contract value  | Procurement process  |
|---|--|
| Goods and services:<br><b>up to £10,000</b><br><br>Works and land development opportunities:<br>up to £25,000               | (i) Seek a call-off from a suitable framework, where possible<br><br>(ii) If not, decide whether it would be preferable to opt for a single supplier route or a competitive tendering route<br><br>(iii) If using a single supplier, secure value for money<br><br>(iv) If opting for competitive tendering, seek three or more written quotes and attach all quotes received to the shopping cart |
| Goods and services:<br><b>£10,000 to £150,000</b><br><br>Works and land development opportunities:<br>£25,000 to £4,000,000 | (i) Seek a call-off from a suitable framework, where possible<br><br>(ii) If not, undertake a formal tender process which will be managed by TfL Commercial via eTendering   |

| Estimated contract value<br>(continued)  | Procurement process  |
|--|--|
| <p>Goods and services:<br/><b>above £150,000</b></p> <p>Works and land<br/>development opportunities:<br/>above £4,000,000</p> | <p>(i) Seek a call-off from a suitable framework, where possible</p> <p>(ii) If not, undertake a tender process compliant with the Public Contracts Regulations 2006 which can take up to a year</p> |

#### Compliance with Central Programme Budget procedures

- 5.19 If the source of funding for a proposal is from the Central Programme Budget, then the arrangements in place for the approval of expenditure against the Central Programme Budget should be followed.

#### Compliance with laws and approved GLA policies etc.

- 5.20 The exercise of Mayoral powers shall be in accordance with all applicable laws and procedures, taking legal advice where appropriate, and in accordance with all approved and applicable GLA procedures current at the time, including the GLA's:
- Financial Regulations;
  - Contracts and Funding Code;
  - Obligations concerning best value and value for money generally, including in relation to the disposal of GLA housing and regeneration land in accordance with section 333ZC of the GLA Act; and
  - Code of Ethics for Staff and (where applicable) the planning protocols for those GLA Staff supporting or exercising delegated planning powers (including the PSI Application Powers).

#### Compliance with Specified Activities Order

- 5.21 The exercise of any Mayoral power which involves an activity specified in the Specified Activities Order must be carried on by the GLA through a company that meets the requirements of section 34A of the GLA Act.

#### Safeguard for GLRO's functions

- 5.22 Subject to paragraphs 2.4 and 5.4 above, only the GLRO may exercise Mayoral powers under the General Delegation in support of his functions as GLRO under the GLA Act and/or as Proper Officer under the Representation of the People Acts regarding the preparation and conduct of any election of the Mayor of London or the members of the London Assembly (constituency members or London members) or upon a vacancy, or otherwise in support of the GLRO's/ Proper Officer's functions under any other enactment concerning any other election or referendum. If the GLRO is unavailable to act then the Deputy GLRO (DGLRO) may act in place of the GLRO/ Proper Officer.
- 5.23 Given the corporate nature of the GLRO functions, it is expected that the GLRO would consult the Executive Director of Resources before taking formal decisions involving a Mayoral power.

#### **Actions which can be taken under the General Delegation**

- 5.24 The following is a non-exhaustive list of the actions that can be taken at any time by specified Senior Members of Staff under the General Delegation.

#### Procurement exercises and award of contracts/ grants

- 5.25 The General Delegation includes power to commence and undertake on the GLA's behalf any value for money (VFM) or public procurement exercise (statutory or not) considered necessary or expedient in anticipation, or in consequence, of the decision or action to be taken. This includes approval of any matter involved in those processes e.g. approval of the applicable procurement procedure, the publication of OJEU notices of any kind, approval of specifications and evaluation criteria, tender documents etc. If, however, the exercise of any procurement function can be viewed as novel, contentious or repercussive, or were the exercise to become such, then approval to proceed should be sought under paragraphs 5.6 and 5.7 above.
- 5.26 The General Delegation also includes power to initiate a procurement or grant award exercise or to authorise the award of individual grants or contracts as a result of any appropriate VFM or procurement process conducted in accordance with the Contracts and Funding Code. These actions can be undertaken within the scope of the General Delegation without the need for a decision form, although care should be taken to ensure that any necessary financial approvals are in place and/or that any proposed action does not require Mayoral approval because it is novel, contentious or repercussive.

#### Setting fees and charges etc

- 5.27 The General Delegation includes power to waive or to require the payment by any person of any fee, monetary payment or charge and to set these on any permitted basis or scale (e.g. cost-recovery, not for profit, commercial or trading or other basis) including as to different cases or circumstances, but only if:
- The relevant Mayoral power expressly permits this or (otherwise) there is some legal power to do so (e.g. under section 401A of the GLA Act, sections 93 to 99 of the Local Government Act 2003 or under the Local Authorities (Goods and Services) Act 1970); and

- The Executive Director of Resources has been consulted about any potential budgetary implications of making or waiving the fee, payment or charge.

#### Negotiations and agreement of Legal Documents etc

- 5.28 The General Delegation includes power to undertake on the GLA's behalf any appropriate discussions or negotiations with relevant parties and to agree the terms of any decision or action to be taken and the terms of any connected or related Legal Document.

#### Publications etc

- 5.29 The General Delegation includes power to publish on the Mayor's and/or GLA's behalf any material and document for any appropriate purpose on the GLA's website or other publications (including advertising) and/or to arrange for its printing and supply (including at a fee) to any person. As a matter of best practice the Assistant Director of London Engagement, the Head of Media or the Head of Public and Community Liaison (as appropriate) should be consulted.

#### Legal advice and legal proceedings

- 5.30 The General Delegation includes power to take advice from the GLA's Legal Advisors from time to time. It also includes power to instruct them to undertake any legal proceedings for or on behalf of the Mayor and/or GLA before any court or tribunal or arbitrator or similar body or person with appropriate judicial or administrative jurisdiction or functions including taking any action considered necessary or expedient in order to pursue, protect or defend the Mayor's or GLA's interests in any actual or threatened legal proceedings, subject to the following as a matter of best practice:
- Liaison with the Executive Director of Resources, including in relation to the GLA incurring expenditure on legal or expert advice and support or concerning any significant proposal to commence or be a party to or to settle or withdraw from proceedings or to pay damages, compensation or costs;
  - Full cooperation with the GLA's Legal Advisors who are to have sole care and conduct of the proceedings; and
  - Keeping a Record in Writing of decisions or actions taken regarding significant steps or stages in the proceedings.

#### Signing of documents

- 5.31 The General Delegation includes power in accordance with Section 7 below for every specified Senior Member of Staff to execute or sign, for or on behalf of the Mayor and/or the GLA ("Signatory Permission"), any instrument or other document including those intended to have legal force and effect or significance (a "Legal Document" as defined in paragraph 7.4) which is connected or related to the decision in question or is considered necessary or expedient to implement it.

## Section 6: Format for recording decisions <sup>2</sup>

- 6.1 Every decision or action supported by the exercise of a Mayoral power should normally be recorded in writing and preserved in an auditable form:
- This enables the relevant policy, equalities, consultation, legal and financial implications to be considered and recorded, and aids transparency in decision-making and proper audit;
  - The requirement to record applies even where the value is nil or there are no financial commitments or implications (direct or indirect, including contingent liabilities) for the GLA arising from the decision e.g. a Mayoral appointment or direction;
  - “*Record in Writing*” (below) requires that the action or decision must be recorded in an auditable form whether in hardcopy or softcopy in a memo or in an email that is properly filed or archived, and is traceable and capable of retrieval; and

The Governance Team will provide guidance about how decisions should be recorded.

- 6.2 **Table 4** sets out the requirements as to the format for recording decisions (decision forms”) for particular decisions by the Mayor, specified Senior Members of Staff under the General Delegation and GLA staff generally in other circumstances: by Mayoral Decision Form (MD), Director Decision Form (DD), Assistant Director Decision Form (ADD), GLRO Approval Form (GLRO-AF), Delegated Authority Record (DAR), and a Record in Writing.

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<sup>2</sup> Section 6 does not apply to the recording of decisions by GLA Directors for and on behalf of GLA Subsidiary Companies that are unconnected with the implementation of a GLA Decision under paragraph 4.3 (in which case the relevant GLA decision form – if any – is sufficient). Under para 4.10 such a decision must be recorded in accordance with the requirements of the Company’s Articles or as otherwise agreed by the Company

**Table 4: Recording GLA decisions**

| GLA: recording decisions  | Document to use   | Comments   |
|---|---|--|
| <b>The Mayor</b>  |   |  |
| 1. Annex 1 Matters  | Mayoral Decision form (MD)  | Includes decisions or actions involving nil value or no GLA expenditure or other financial commitment.   |
| 2. Novel, contentious or repercussive (“NCR”) decisions of any value (including nil value) or otherwise where advised by the Governance Team to be appropriate                          | Mayoral Decision form (MD) unless exempt or Permission to Proceed given (see para 5.7). | Annex 1, Part 2 matters can be exercised by others under the Urgency etc procedures in paragraphs 3.3 to 3.6 above.  |
| 3. Programme expenditure or other Non-routine financial commitment (except Affordable Housing Programmes or CPO Compensation Payments) where value is unlimited and in all cases >£125k | Mayoral Decision form (MD)  |  |
| 4. All Mayoral appointments   | A Mayoral letter  | This includes: all GLA staff appointment under s 67(1) of the GLA Act, any statutory power of appointment to a position, office or body and any appointment not relying on any specific statutory power. |
| 5. Mayor’s GLA Group budget proposals   | Consultation budget proposals and budget document itself                                | This covers the consultation budget proposals and the formal Draft Consolidated Budget and the Final Draft Budget as presented to the Assembly.  |
| 6. Details of GLA’s own annual budget   | Mayoral Decision form (MD)  |  |

| GLA: recording decisions   | Document to use   | Comments  |
|--|---|---|
| <b>The Mayor (continued)</b>   |   |   |
| 7. Exercise of town and country planning powers  | <p>Any of the following as advised by the Assistant Director of Planning as appropriate and applicable in the circumstances:</p> <ul style="list-style-type: none"> <li>• Letter</li> <li>• Report to Mayor's Planning &amp; SDS Meeting</li> <li>• Statutory notice or document in appropriate or prescribed form</li> <li>• Mayoral Decision form (MD) or other type of decision form</li> <li>• Record in Writing</li> </ul> | <p>Includes the exercise of PSI Application Powers by Mayoral appointed staff listed in para 2.6 above.</p> <p>Letters may be signed for and on behalf of the Mayor or on behalf of staff listed in paragraph 2.6 above by the Assistant Director of Planning or anyone reporting to that post.</p> |
| <b>Directors (see Annex 2)</b>   |   |   |
| 8. Programme expenditure and other Non-routine financial commitments up to £125k not previously authorised | Director Decision form (DD)   | Except Affordable Housing Programmes and CPO Compensation Payments  |
| 9. Other delegated decisions involving the formal exercise of a Mayoral power                              | As appropriate according to circumstances but should be either a DD or a "Record in Writing" as advised by the Governance Team  | <p>Includes decisions or actions involving nil value or no GLA expenditure or other financial commitment type.</p> <p>Approval of CPO Compensation Payments should use a Director Decision form (DD)</p>  |

| <b>GLA: recording decisions</b>  | <b>Document to use</b>  | <b>Comments</b>   |
|--|---|---|
| <b>Other specified Senior Members of Staff (see Annex 2)</b>   |   |   |
| 10. Programme expenditure and other Non-routine financial commitments not previously authorised (up to £50k) | Assistant Director Decision form (ADD)  |   |
| 11. Other delegated decisions involving the formal exercise of a Mayoral power                               | As appropriate according to circumstances but should be either a ADD or a "Record in Writing" as advised by the Governance Team | Includes decisions or actions involving nil value or no GLA expenditure or other financial commitment type. |
| <b>Managers</b>  |   |   |
| 12. Programme expenditure and other Non-routine financial commitments not previously authorised (up to £5k)  | Delegated Authority Record (DAR)  |   |
| <b>All staff</b>   |   |   |
| 13. Affordable Housing Programme expenditure and other related financial commitment types.                   | "Record in Writing"   | Includes decisions or actions involving nil value or no GLA expenditure or other financial commitment type  |
| 14. Routine expenditure of any value, even over £125K  | "Record in Writing"   |   |
| 15. Work in support of decisions   | Standard record keeping   |   |



## **Section 7: Authorised signatories to Legal Documents**

- 7.1 Some decisions are taken and implemented by the decision-maker (Mayor or specified Senior Members of Staff) through simply executing (signing) the relevant decision form (e.g. MD, DD, DAR etc). Other decisions, however, require a separate or stand-alone instrument or document to be signed and it is this “Legal Document” (defined below) which formally constitutes the exercise of the particular legal power itself (e.g. a direction, notice, order or byelaw) or which implements the decision in a recognised legal form (e.g. a contract or a lease). The definition also extends to official documents of any sort.
- 7.2 Legal Documents can be executed by the Mayor, including for and on behalf of the GLA. They may also be executed by GLA staff or GLA Company Director for, or on behalf of, the Mayor, the GLA or a GLA Subsidiary Company, in accordance with the following rules.
- 7.3 “Signatory Permission” in this Scheme:
- Is the authorisation to execute a Legal Document which constitutes, implements or is otherwise is connected or related to the discharge or implementation of a Mayoral power or a decision supported by a Mayoral power (or in the context of a GLA Subsidiary Company, a Company power); and
  - The Legal Document can be executed for or on behalf of the Mayor, GLA and/or GLA Subsidiary Company; Signatory Permission includes the subsequent variation of the terms of the Legal Document in reliance of the original decision provided that the basis for that decision and the risks associated with it has not changed materially.
- 7.4 A “Legal Document” is a document (other than a decision form) that constitutes or implements the exercise of a Mayoral power or a Company power, in whatever form and by whatever name the document takes, where the document has or is intended to have legal force and effect.
- This definition applies whether the Mayor, GLA or GLA Subsidiary Company is the sole signatory or does so with other parties;
  - It applies where nil or a stated value or other consideration (including nominal consideration or value) passes under the document;
  - It applies whether the document is executed as a deed or not;
  - It applies whether the form of execution is a personal signature or by affixing and attesting a corporate seal or it is executed by permitted electronic means;
  - It includes all associated documentation required by judicial, legal, administrative, public or official bodies undertaking functions in respect of the Legal Document or its subject-matter e.g. High Court or County Court “process” documents, Land Registry forms, Memorandum or Articles of Association and Companies House forms, Charity Commission forms, shares, stock certificates etc; and
  - It also includes side letters, memorandums of understanding and heads of terms, which are not themselves legally binding but nonetheless have legal significance.

- 7.5 Annex 4 contains a non-exhaustive list of documents covered by the definition of Legal Document in paragraph 7.4 above.

#### GLA Seal

- 7.6 The GLA has a corporate seal. The application of the GLA Seal shall be authenticated by the signature of any one of the following:
- the Mayor; or
  - any specified Senior Member of Staff.

#### Mayoral Reserved Matters

- 7.7 The Mayor may execute any Legal Document but only the Mayor may execute one connected or relating to a matter listed in Annex 1 (Mayoral Reserved Matters) unless:
- The Urgency etc. procedures above apply (Annex 1 Part 2 matters only); or
  - As regards any Mayoral power (whether listed in Parts 1 or 2 of Annex 1 or not) the Mayor has, in accordance with this Scheme, taken and recorded the decision to which the Legal Document is connected, or to which it relates, and either:
    - the Mayor has authorised a specified Senior Member of Staff to execute the Document on his behalf (by Record in Writing); or
    - a member of the Governance Team (by Record in Writing) has done so.

#### Specified Senior Members of Staff (General Delegation)

- 7.8 Each specified Senior Member of Staff acting in reliance of the General Delegation has Signatory Permission unless the Legal Document is listed or relates to a matter listed in Annex 1 (in which case authorisation may be obtained under paragraph 7.7 above).
- 7.9 Any specified Senior Member of Staff may (by Record in Writing) authorise another member of GLA Staff (whether listed in Annex 2 or not) to execute a Legal Document (other than one requiring execution by means of the GLA Seal) on his or her behalf where the former has, in accordance with this Scheme, taken the decision to which the Legal Document is connected or to which it relates.

#### GLA Legal Advisors

- 7.10 The GLA's Legal Advisors have authority to act as agents for the Mayor, GLA, a GLA Company Director and/or any GLA Subsidiary Company. As such the GLA's Legal Advisors have Signatory Permission on their behalf in respect of any Legal Document those persons could themselves sign or execute.

## **Section 8: All members of GLA staff**

- 8.1 Without prejudice to the authorisations granted to specified Senior Members of Staff under the General Delegation and Company Director Delegation, this Scheme confirms that all GLA members of staff of whatever grade have, in the ordinary course of their duties within their areas of responsibility, and subject to the supervision or direction of their line manager and compliance with all applicable laws and GLA policies:
- Permission to commit the GLA or GLA Subsidiary Company to routine expenditure and (subject to paragraph 5.14) to implement decisions by the appropriate person authorising non-routine expenditure: see Table 2;
  - Power to enter into routine communications and correspondence; and
  - Power to do anything on behalf of the Mayor, GLA, a GLA Company Director or a GLA Subsidiary Company which the member of staff concerned considers necessary or expedient for the purposes of undertaking (or preparing to undertake) the exercise of a Mayoral power or a Company power by such persons (including in relation to the matters listed in Annexe 1 or the PSI Application Powers) or which he or she considers facilitates, or is conducive or incidental to doing so.

## **Section 9: Updating the Scheme, further delegations and transitional provisions**

- 9.1 The Head of Paid Service shall review the operation of this Scheme before the end of each financial year and make recommendations to the Mayor concerning any appropriate changes.
- 9.2 The Mayor may, by approval of a Mayoral Decision (MD) form, vary the terms of this Scheme from time to time. The Head of Paid Service may issue updates to Annexes 1 to 5 to this Scheme from time to time under paragraph 2.9 above. Additionally, following consultation with the Mayor, the Head of Paid Service may generally amend provisions of this Scheme (including those relating to GLA Subsidiary Companies and the Company Director Delegation) in so far as such changes do not significantly or materially alter the basis upon which Mayoral powers have been delegated. Otherwise the Mayor's consent by means of a Mayoral decision form (MD) will be required.
- 9.3 The Mayor may at any time grant authorisations to members of GLA staff, the Statutory Deputy Mayor and other persons and bodies under sections 38 or 380 of the GLA Act which are separate from and outside the scope of this Scheme. A GLA Subsidiary Company may also do the same.
- 9.4 Subject to paragraph 9.5 below, the authorisations to exercise Mayoral powers granted under this Scheme shall amend the operation of any delegation or authorisation to a member GLA staff under sections 38 or 380 of the GLA Act approved before 1 April 2013 (a "Pre-existing Delegation") with the effect that the Pre-existing Delegation shall continue in full force and effect but from 1 April 2013:
- If the delegation was to a postholder who is listed in Annex 2 as a specified Senior Member of Staff then the Pre-existing Delegation shall operate as an authorisation under the General Delegation (subject to applicable terms and conditions contained in Section 5 of this Scheme); and
  - If the postholder is not such a person, then for the purpose of continuing to exercise the Pre-existing Delegation he or she shall be regarded as a specified Senior Member of Staff to whom the General Delegation applies with appropriate Signatory Permission (subject to any applicable terms and conditions contained in Section 5 above).

In either case, the Pre-existing Delegation shall operate accordingly.

9.5 To the extent that a Pre-existing Delegation, in either case as above:

- Concerns the exercise of a power or matter listed in Annex 1 (Mayoral Reserved Matters); and/or
- Gives power to agree, sign or execute any Legal Document that is listed or relates to a matter listed in Annex 1;

then the exercise of the Pre-existing Delegation shall continue unaffected by, and shall prevail over, any condition or limitation or restriction contained in this Scheme (notwithstanding anything in paragraph 3.2, Section 6 and Section 7 to the contrary) but subject always to that person's continued compliance with the requirements of current Financial Regulations and the Contracts & Funding Code (unless the Pre-existing Delegation contained an express waiver from any of their requirements).

## Section 10: Definitions and interpretation

10.1 Table 5 contains definitions of words and phrases used in this Scheme

**Table5: Definitions**

|   |   |
|---|---|
| <i>Affordable Housing Programme</i>       | Programme for the funding or provision of “Affordable Housing”, as that term is defined from time to time in the Glossary of the National Planning Policy Framework (March 2012) <sup>3</sup> or relevant successor document  |
| <i>CPO Compensation Claims</i>            | Claims for compensation against the GLA in consequence of the making of any compulsory purchase order including any liabilities transferred to the GLA as statutory successor of the Homes and Communities Agency, London Development Agency, London Thames Gateway Development Corporation or other body under a statutory transfer scheme |
| <i>Company</i>                            | includes a company under the Companies Act 2006 and (where relevant) a limited liability partnership under the Limited Liability Partnerships Act 2000  |
| <i>Company Director Delegation</i>        | the authorisation granted by a GLA Subsidiary Company to a GLA Company Director to take actions and decisions, and to exercise Company powers for and on behalf of the company as set out in Section 4, on the basis and subject to the terms and conditions set out in Sections 5 and 7 above  |
| <i>Company power</i>                      | see paragraph 4.5 above   |
| <i>Director (GLA rather than Company)</i> | Chief of Staff, Head of Paid Service, Executive Director of Resources, Executive Director of Housing & Land, Executive Director of Development, Enterprise & Environment, Executive Director of Assembly Secretariat, and Director of Communications & External Affairs as listed in Annex 2  |
| <i>Decision form</i>                      | Mayoral Decision Form (MD), Director Decision Form (DD), Assistant Director Decision Form (ADD), GLRO Approval Form (GLRO-AF), Delegated Authority Record (DAR) and a Record in Writing, and in relation to a GLA Subsidiary Company includes a board or company minute.  |
| <i>Financial commitment</i>               | See paragraph 5.11 above  |

<sup>3</sup> Page 50; see [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

|   |   |
|---|---|
| <i>General Delegation</i>   | the authorisation to specified Senior Members of Staff under sections 38 and 380 of the GLA Act to exercise Mayoral powers set out in Section 2 on the basis and subject to the terms and conditions set out in Sections 5, 6 and 7 above |
| <i>GLA Act</i>  | Greater London Authority Act 1999 (as amended)  |
| <i>GLA Company Director</i>   | a specified Senior Member of Staff listed in Annex 3 who is a director of a GLA Subsidiary Company  |
| <i>GLA Legal Advisors</i>   | Transport for London's Legal Directorate and its Director of TfL Legal (or such other legal advisors to the GLA as may be appointed by the Executive Director of Resources from time to time)   |
| <i>Governance Team</i>  | Head of Governance & Resilience and the postholders reporting to that position  |
| <i>GLA Subsidiary Company</i>   | a company listed in Annex 3 which is a subsidiary of the GLA within the meaning of that term given in section 1159 of the Companies Act 2006 (as amended)   |
| <i>Legal Document</i>   | see paragraph 7.4 above   |
| <i>Manager (for approval of expenditure up to £10,000)</i>            | generally speaking, this will be a GLA member of staff with line management responsibilities who reports directly to an Assistant Director or "Head of"   |
| <i>Mayoral power</i>  | a function, power or duty as described in paragraph 1.5 above   |
| <i>Non-routine financial commitment</i>                               | see paragraph 5.12 above  |
| <i>Pre-existing Delegation</i>  | as defined in paragraph 9.4 above   |
| <i>Programme Expenditure (also known as non-routine expenditure")</i> | see paragraph 5.12 above  |
| <i>Record in Writing</i>  | a record in auditable form whether in hardcopy or softcopy in a memo or in an email that is properly filed or archived, and is traceable and capable of retrieval   |
| <i>PSI Application Powers</i>   | the functions exercisable under sections 2A and 2B of the Town and Country Planning Act 1990 (as amended) listed in paragraph 2.5 above   |

|  |   |
|--|---|
| <i>Routine financial commitment</i>                                  | see paragraph 5.12 above  |
| <i>Routine expenditure (also known as Non-Programme expenditure)</i> | see paragraph 5.12 above  |
| <i>Specified Mayoral Appointee</i>                                   | Chief of Staff and those postholders appointed by the Mayor under section 67(1) or (2) of the GLA Act as are listed under the heading of “Mayoral Appointees” in Annex 2 (who are authorised to take Annex 1, Part 2 decisions under paragraph 3.3 above) |
| <i>Specified Senior Member of Staff</i>                              | as listed in Annex 2 (subject to paragraph 9.4 above)   |
| <i>Signatory Permission</i>  | as described in paragraph 7.3 above   |
| <i>Specified Activities Order</i>                                    | an order made by the Secretary of State under section 34A of the GLA Act  |
| <i>Staff</i>   | GLA staff appointed under either section 67(1) or (2) of the GLA Act  |
| <i>Urgency etc procedures</i>  | as set out in paragraphs 3.3 to 3.6 above   |

- 10.2 Any example given in this Scheme is provided for clarification and is not intended to be exhaustive. Where something is stated to be inclusive it shall not limit the general nature or scope of the matter to which it relates (e.g. the matters stated to be inclusive of the General Delegation in Section 5 above).
- 10.3 Reference to legislation includes any re-enactment or amendment.
- 10.4 The Head of Paid Service’s interpretation of this Scheme shall be final.



## **ANNEX 1: RESERVED MAYORAL MATTERS**

Subject to the *Urgency etc* procedures (which concern matters in Part 2 only of this Annex), the following Mayoral powers may only be exercised by the Mayor.

### **Part 1: Matters reserved by law to be exercised only by the Mayor**

The Mayor may not delegate certain matters under statute, including under sections 38 and 380. The following is a non-exhaustive list and each Mayoral power should be checked to confirm that it is capable of delegation by the Mayor.

- Any Mayoral power that by its terms is prohibited from being delegated by the Mayor to anyone (whether a member of GLA staff or not) or by its terms it is apparent that the power is only to be exercised by the Mayor on a personal basis.

#### GLA Act

- The Mayor's functions under section 36 concerning the making of standing orders for the GLA by the Assembly: see s 36(12).
- The power to delegate functions under section 38 and the power to delegate the Mayor's Culture, Media and Sport functions under Part X of the GLA Act: see s 38(6)(a) and s 380(6)(a) respectively. (This means that the Mayor cannot delegate the power to delegate in section 38.)
- The exercise of the functions of a Minister of the Crown delegated to the Mayor under section 39A: see s 39A (6).
- Attendance by the Mayor at MQT meetings and answering questions put to him at such meetings under section 45(3).
- Attendance by the Mayor at the annual State of London debate meeting held under section 46.
- Attendance by the Mayor at People's Question Time meetings held under section 48.
- The exercise of the Mayor's power of appointment of GLA staff under section 67(1): see s 36(6)(b).
- Appointments to the London based Regional Council of the Arts Council of England; the London regional committee or panel of the English Sports Council and Museums Libraries and Archives London under section 377A and the Greater London Authority (Mayor of London Appointments) Order 2008 (SI 2008/ 701): see s 380(6)(aa).
- The making of byelaws concerning Trafalgar Square and Parliament Square Gardens under section 385(1) of the GLA Act: see s 380.
- The duty to consider a report of the Head of Paid Service prepared under section 2 of the Local Government and Housing Act 1989 or the duty to consider a Monitoring Officer or Chief Finance Officer report.

### Other legislation

- The duties imposed on the Mayor to consider a report of the Head of Paid Service or GLA Monitoring Officer under sections 2 and 5 of the Local Government and Housing Act 1989: see ss 72(8) and 73(12) of the GLA Act.
- The Mayor's consideration and attendance at a meeting of the Assembly called to consider a report by the GLA's chief finance officer (section 127 officer under the GLA Act) under section 114 of the Local Government Finance Act 1988.
- The Mayor's consideration and attendance at a meeting of the Assembly called to consider a report under section 8 or recommendations under section 11(3) of the Audit Commission Act 1998 in accordance with section 11A of that Act: s 11A(11) ACA 1998.
- The decision to issue a direction in relation to a borough's Local Development Scheme under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).
- The functions of determining and keeping under review how much money the GLA or a Functional Body can afford to borrow under section 3(2) of the Local Government Act 2003: s 3(9) LGA 2003.

### **Part 2: Matters by policy considered appropriate for exercise normally only by the Mayor**

The Mayor has indicated that he does not wish to delegate the following matters. This list is exhaustive.

- The GLA forming or acquiring interests in any company or other corporate body.
- The disposal of land held by the GLA for the purposes of housing or regeneration for less than the best consideration which can reasonably be obtained in circumstances where the General Consent issued under section 333ZC of the GLA Act requires that a specific consent from the Secretary of State is required.
- Approval in principle to the making of any Compulsory Purchase Order by the GLA under section 333ZA of the GLA Act.
- Approval of the text of the Mayoral strategies listed in section 41(1) for the purpose of submission to the Assembly under section 42B of the GLA Act and their subsequent approval for the purposes of publication as his official strategy (other than the making of non-material changes to the text including the correction of errors<sup>4</sup>).

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<sup>4</sup> Such corrections and non-material changes are covered by the General Delegation

- The giving of statutory directions and/or guidance to –
  - functional bodies: TfL under sections 155(1) and 174(1) of the GLA Act; to LFEPA under section 328A of the GLA Act; and to LLDC under section 220 of the Localism Act 2011;
  - the London Waste and Recycling Board under sections 356, 357 and 358 of the GLA Act;
  - London borough councils as regards their local air quality control functions under s 85 of the Environment Act 1995;
  - Any other person or body where such a statutory power exists.
- The Mayor's functions concerning the annual budget process as set out in sections 85 to 99 of the GLA Act, including the Mayor's functions under Schedules 6 and 7, and the presentation of the draft consolidated and final draft budgets to the Assembly under that Schedule.
- The granting of an exemption under section 36 of the Freedom of Information Act 2000.
- The confirmation by the Mayor of an order establishing a road user charging scheme under section 295 and Schedule 23 of the GLA Act including the confirmation of any order varying or revoking such a scheme.
- The approval (where required) of arrangements involving the GLA for the provision or delegation of professional technical or administrative services or functions under section 401A of the GLA Act.
- The giving of Mayoral consent under sections 120 or 121 of the GLA Act to the making of capital or revenue grants between the GLA and/or between functional bodies.

## **ANNEX 2: SPECIFIED SENIOR MEMBERS OF STAFF**

### Directors \$

Chief of Staff \*

Head of Paid Service: also Executive Director of Communities & Intelligence and GLRO

Executive Director of Resources

Executive Director of Housing & Land

Executive Director of Development, Enterprise & Environment

Executive Director of Assembly Secretariat: also Deputy GLRO

Director of Communications & External Affairs \*

### Mayoral appointees #

Deputy Mayor for Housing, Land & Property \*

Deputy Mayor for Transport \*

Deputy Mayor for Education & Culture \*

Senior Advisor: Environment & Energy \*

Senior Advisor for Team London, Volunteering, Charities & Sponsorship \*

### Mayor's Office

Head of Government & EU Relations

International Relations Manager

### Communications & External Affairs

Assistant Director of External Relations

Head of Media

Head of Public & Community Liaison

### Development, Enterprise & Environment

Assistant Director of Economic & Business Policy

Assistant Director of Planning

Assistant Director of Regeneration

Assistant Director of Environment

Head of Transport

### Housing & Land

Assistant Director of Programme, Policy & Services

Assistant Director of Strategic Projects & Property

Head of Area (North West)

Head of Area (North East)

Head of Area (South)

*\$ denotes GLA staff classified as Directors for the purposes of this Scheme*

*# denotes specified Mayoral appointees for the purposes of this Scheme*

*\* denotes GLA staff appointed by the Mayor under section 67(1) of the GLA Act*

#### Communities & Intelligence/Corporate Management Team

Assistant Director of Intelligence  
Assistant Director of Health & Communities  
Assistant Director, Team London  
Head of Governance & Resilience

#### Resources

Assistant Director of Group Finance  
Assistant Director of Human Resources & Organisational Development  
Head of Financial Services  
Head of Facilities Management  
Head of Information Technology  
European Programmes Director

#### Assembly Secretariat

Head of Scrutiny & Investigation  
Head of Committee & Member Services  
Head of Assembly External Relations

### **ANNEX 3: CURRENT GLA SUBSIDIARY COMPANIES**

#### **a. Greater London Authority Holdings Limited (Company Number 07923665)**

Status: GLA subsidiary company

Type: UK company limited by shares

Directors:

- Martin David Clarke;
- David Simon Lunts; and
- Sir Edward Julian Udney-Lister.

Shareholder: Greater London Authority

Shareholder's Representative: Executive Director of Resources

#### **b. GLA Land and Property Limited (Company Number 07911046)**

Status: GLA subsidiary company

Type: UK company limited by shares

Directors:

- Martin David Clarke;
- David Simon Lunts;
- Sir Edward Julian Udney-Lister; and
- Richard Anthony Blakeway.

Shareholder: Greater London Authority Holdings Limited

Shareholder's Representative: Executive Director of Resources

#### **c. Mayor's Academies Limited (Company Number 07198580)**

Status: GLA subsidiary company

Type: UK company limited by guarantee

Director:

- Munira Mirza.

## **ANNEX 4: EXAMPLES OF LEGAL DOCUMENTS**

The following is a non-exhaustive list of documents covered by the definition of Legal Document in paragraph 7.4 above:

- Byelaws e.g. Trafalgar Square and Parliament Square;
- Certificates, designations, specifications or confirmations of any kind;
- Company forms: articles and memorandum of association, share certificates etc
- Transfers, conveyances, contracts and agreements relating to land or interests in land of all kinds e.g. to create, acquire, grant, transfer, sell, extinguish or dispose of land and/or interests in land of any type;
- Contracts of all other kinds: e.g. contracts of employment, contracts for works, services or supplies, intellectual and other tangible or intangible property etc;
- Consents or approvals of any kind;
- “Court process” documents of any kind used before any court or tribunal or arbitrator or similar person/ body having appropriate jurisdiction whether in England and Wales or elsewhere: e.g. claim forms, summonses, acknowledgements of service, defences, witness statements, orders, notices etc;
- Section 106 and Development agreements etc;
- Agreements under section 5 or section 278 of the Highways Act 1980
- Directions of any kind: e.g. from the Mayor to a functional body, to London boroughs regarding air quality or local implementation plans, to waste disposal and collection authorities etc;
- Regulations of any kind;
- Grant agreements;
- Guarantees and indemnities;
- Leases, assignments, licences etc;
- Letters, demands, opinions and accounts etc;
- Loan, borrowing and finance agreements;
- Memoranda of understanding, heads of terms or agreement, side letters and letters of intent and the like (including where subject to contract)
- Mortgages or charges or debentures;
- Notices of any kind: e.g. notices of entry or to treat, notices to quit, notices under the Companies Acts, shareholder notices, etc;
- Orders of all kinds: e.g. compulsory purchase orders, road traffic orders, GLA road and side-road designation orders;
- Partnership agreements: LLPs or limited partnerships;

- Procurement documents of all kinds including OJEU notices of any type, invitations to negotiate or tender, conditions of contract etc;
- Share certificates and stock forms etc; and
- Statutory transfer schemes.



# Subject: Budget and Performance Committee Work Programme

**Report to: Budget and Performance Committee**

**Report of: Executive Director of Secretariat**

**Date: 3 July 2014**

**This report will be considered in public**

## 1. Summary

- 1.1 This report sets out proposals for the Budget and Performance Committee work programme for 2014/15.

## 2. Recommendation

- 2.1 **That the Committee notes its work programme for 2014/15.**

## 3. Background

- 3.1 The Committee receives a report monitoring the progress of its work programme at each meeting.

## 4 Issues for Consideration

- 4.1 During 2014/15 the Committee will scrutinise the Mayor's 2015/16 budget proposals for the Greater London Authority (GLA) Group on behalf of the London Assembly, as well as examine specific budget and performance issues across the GLA Group. The Committee is asked to note the following areas for investigation over the coming months:
- **Viability of Transport for London's sponsored transport schemes.** Ridership levels and income have both been less than originally expected for the Emirates Air Line and the Barclays Cycle Hire Scheme. The Mayor launched these schemes on the basis that the income generated through usage and from securing sponsorship partners would make them cost effective for London. Now that these schemes are established pieces of London's transport system, there is an opportunity to assess their financial performance, how much these schemes are costing TfL, and the benefits they are generating. This topic is covered in more detail elsewhere on the agenda.
  - **Core GLA project prioritisation process.** The late timing of the GLA's project prioritisation process for the 2014/15 budget made it difficult for the Committee to scrutinise the core GLA budget properly. The Committee could explore how this process works in advance of its scrutiny of the 2015/16 budget.

- **GLA business plan.** The GLA published its first business plan in May 2013 including, for the first time, key performance indicators and targets across its activities. The GLA published an updated plan in May 2014, and the Committee could examine how it has developed in light of the suggestions the Committee has made over the last year.
- **London Legacy Development Corporation operational costs.** The LLDC is responsible for delivering a lasting legacy from the Olympic Games. The Committee could investigate how the LLDC achieves value for money from its budget and whether there are opportunities to find further operational savings.
- **London Overground.** Measures of performance and passenger satisfaction levels are consistently high on this part of the TfL network. The Committee could examine the reasons for this success – particularly how it is funded and structured – and what lessons can be learned before TfL take over some rail services from West Anglia in 2015, and as it bids for the devolution of other franchises in the coming years.
- **New Homes Bonus.** From 2015/16, the London Enterprise Panel (LEP) will receive £70 million per year, top-sliced from the New Homes Bonus funding for London boroughs. Negotiations around how this will operate are ongoing. The Committee could explore how the LEP intends to use this money and what constraints it will face.

#### *Proposed meeting timetable*

- 4.2 The table below sets out scheduled future meetings of the Committee in 2014/15. The Committee can agree further topics as the year progresses. Items are subject to change to enable the Committee to respond to matters at short notice.

| Meeting date               | Proposed topic(s)                     |
|----------------------------|---------------------------------------|
| Thursday 11 September 2014 | LLDC operational costs                |
|                            | Topic to be confirmed                 |
| Wednesday 15 October 2014  | London Overground                     |
| Thursday 20 November 2014  | GLA initial budget proposals          |
|                            | New Homes Bonus                       |
| Tuesday 6 January 2015     | 2015-16 budget: GLA functional bodies |
| Thursday 8 January 2015    | 2015-16 budget: GLA functional bodies |
| Tuesday 13 January 2015    | 2015-16 budget: the Mayor             |
| Thursday 19 March 2015     | Topic to be confirmed                 |

#### **Review of the Riot (Damages) Act**

- 4.3 The Queen's Speech contained a draft Bill to reform the Riot (Damages) Act. In its 2012 report, *Picking up the pieces*, the Committee concluded that the Act was out of date, and recommended that it should be reformed. The Chairman, on behalf of the Committee, met with the independent reviewer of the Act, Neil Kinghan, in July 2013; Mr Kinghan's report to the Government was published in November 2013 and accepted many of the Committee's recommendations.

- 4.4 The Committee will continue to monitor developments, and will seek to influence the reform of the Act so that its recommendations are implemented, including submitting a response to the Home Office's consultation on reform of the Act<sup>1</sup>. At the meeting on 25 June the Committee agreed to delegate authority to the Chairman, in consultation with party Group Lead Members, to respond to the Home Office consultation on the draft Bill to reform the Riot (Damages) Act.

### **Budget Monitoring Sub-Committee**

- 4.5 The Budget Monitoring Sub-Committee monitors GLA Group spending and performance, and informs the work of the Budget and Performance Committee. It will meet four times during 2014/15:
- Wednesday 16 July 2014;
  - Tuesday 21 October 2014;
  - Wednesday 17 December 2014; and
  - Tuesday 24 March 2015.
- 4.6 Ideas under consideration for 2014/15 include:
- **Delivery of the Mayor's cycling vision.** The Mayor's manifesto made commitments for cycling, and TfL's latest Business Plan includes £913 million for cycling between 2012/13 and 2021/22 to help meet those commitments. Spending to date, however, has been slower than planned and the Committee could examine the reasons for this, and how TfL intends to meet the Mayor's cycling commitments.
  - **Business rates.** By summer 2014, there will be data available showing the outcome of the first full year of business rate retention. The Committee could consider the GLA's business rates income and its effect on GLA activities.
  - **London & Partners.** Members may wish to examine how L&P uses its £11 million budget and how its performance can be measured.
- 4.7 As well as examining the GLA Group quarterly monitoring reports, the Sub-Committee will explore topical issues or specific areas contributing to the full Committee's investigations or reports, where appropriate, and examine Mayoral Decisions.

### **Proposed meeting timetable**

- 4.8 The table below sets out scheduled future meetings of the Sub-Committee in 2014/15. The Sub-Committee can agree further topics as the year progresses. Items are subject to change to enable the Sub-Committee to respond to matters at short notice. The Sub-Committee will examine the GLA Group quarterly monitoring reports and invite functional bodies to appear as necessary.

| Meeting date            | Proposed topic(s)   |
|-------------------------|---|
| Wednesday 16 July 2014  | Budget Guidance for 2015/16<br>London Legacy Development Corporation Q4 |
| Tuesday 21 October 2014 | Delivery of the Mayor's cycling vision<br>Business rates                |

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<sup>1</sup> <https://www.gov.uk/government/consultations/reform-of-the-riot-damages-act--2>

|                            |                       |
|----------------------------|-----------------------|
| Wednesday 17 December 2014 | London & Partners     |
| Tuesday 24 March 2015      | Topic to be confirmed |

## 5 Legal Implications

5.1 The Committee has the power to do what is recommended in this report.

## 6 Financial Implications

6.1 There are no direct financial implications to the GLA arising from this report.

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**List of appendices to this report:** None

### Local Government (Access to Information) Act 1985

List of Background Papers: None

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