

# AGENDA



**Meeting:** Extraordinary Meeting of the Board of the Old Oak and Park Royal Development Corporation

**Date:** Wednesday 1 April 2015

**Time:** 2.00 pm

**Place:** Committee Room 5, City Hall, The Queen's Walk, London, SE1 2AA

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Members of the Board of the Old Oak and Park Royal Development Corporation are hereby notified and requested to attend the extraordinary meeting of the Board at 2.00 pm on Wednesday 1 April 2015 to transact the business set out below.

The meeting is an extraordinary meeting because of the requirement for the Proper Officer ordinarily to give 5 days' notice of a Corporation meeting which is not possible in this instance, as the Corporation does not come into existence until 1 April 2015.

This meeting will be open to the public, except for where exempt information is being discussed as noted on the agenda. A guide for the press and public on attending and reporting meetings of local government bodies, including the use of film, photography, social media and other means is available at

[www.london.gov.uk/sites/default/files/openness-in-meetings.pdf](http://www.london.gov.uk/sites/default/files/openness-in-meetings.pdf)

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**Members of the Board:**

Boris Johnson (Chairman)

Sir Edward Lister (Deputy Chair)

Julian Bell

David Biggs

Muhammed Butt

Stephen Cowan

Rahul Gokhale

Sir Peter Hendy CBE

Debra Humphris

Simon Kirby

William McKee

Matthew Pencharz

David Prout

Eric Sorensen

Amanda Souter

**Observers:**

Richard de Cani

Andrew Donald

Fiona Fletcher-Smith

Pat Hayes

Juliemma McLoughlin

- 1 Welcome and Chair's Opening Remarks**
- 2 Apologies for Absence**
- 3 Declarations of Interest**
- 4 Appointments of Deputy Chair of the Board, Interim Chief Executive Officer, Chief Finance Officer and Proper Officer (Pages 1 - 4)**
- 5 Approval of Standing Orders and Observers to the Board (Pages 5 - 24)**
- 6 Approval of Committee Structure, Terms of Reference for Committees and Scheme of Planning Delegation (Pages 25 - 40)**
- 7 OPDC Staff Establishment Plan (Pages 41 - 46)**
- 8 Planning Arrangement Agreements for Handling Planning Applications in the London Boroughs of Brent and Ealing (Pages 47 - 110)**
- 9 Arrangements for Shared Services (Pages 111 - 116)**
- 10 OPDC Budget 2015-16 and 2016-17 (Pages 117 - 122)**
- 11 Administrative Financial Matters (Pages 123 - 214)**
- 12 Approval of the Seal of the Corporation (Pages 215 - 218)**

**Subject:** **Appointments of Deputy Chair of the Board, Interim Chief Executive Officer, Chief Finance Officer and Proper Officer**

**Meeting date:** 1 April 2015

**Report to:** Board

**Report of:** Chairman of the Board

**For Decision**

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**This report will be considered in public**

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**1 Summary**

- 1.1 This paper proposes the appointment of officers to take on specific statutory duties for the Old Oak and Park Royal Development Corporation.

**2 Recommendations**

The board is invited to:

- 2.1 **Approve** that Sir Edward Lister be appointed Deputy Chair of the Board.
- 2.2 **Approve** that Victoria Hills, Director MDC, be appointed Interim Chief Executive Officer until the permanent Chief Executive Officer is recruited and delegate arrangements to the Deputy Chair of the Board in consultation with the GLA's Human Resources and Organisational Development Directorate.
- 2.3 **Approve** that Doug Wilson, Head of Financial Services, Greater London Authority, be appointed Chief Finance Officer.
- 2.4 **Approve** that the Interim Chief Executive Officer be appointed proper officer.

**3 Background**

**Deputy Chair of the Board**

- 3.1 The Deputy Chair of the Board will play a key role in the day-to-day oversight of the Board and delivery of the OPDC Business Plan. It is a key role in driving forward the delivery of regeneration at Old Oak and Park Royal.

**Interim Chief Executive Officer**

- 3.2 The Interim Chief Executive Officer ("CEO") will play a key role in fostering organisation development as the OPDC moves from an interim phase to its statutory basis. Overseeing the day to day functions of the OPDC, the CEO will steer the Corporation towards its delivery phase.

### **Chief Finance Officer**

- 3.3 The Greater London Authority Act 1999 under Section 127 (1) says that functional bodies (which include mayoral development corporations) shall make arrangements for the proper administration of its financial affairs and secure that one of its officers (the “Chief Finance Officer”) has responsibility for the administration of those affairs.
- 3.4 The Chief Finance Officer (“CFO”) must be a member of one of the professional accounting bodies which are in England the Institute of Chartered Accountants, the Chartered Association of Certified Accountants, the Chartered Institute of Public Finance and Accountancy and the Chartered Institute of Management Accountants.
- 3.5 The CFO has a duty under the Local Government Finance Act 1988 as applied to the Corporation to report to the Board if the Board, a committee or officer or employee:
- i) has or is about to make a decision involving unlawful expenditure;
  - ii) has taken or is about to take a course of action which if pursued would be unlawful and likely to cause a loss or deficiency on the part of the Corporation;
  - iii) is about to enter an item of account which is unlawful; or
  - iv) if it appears to him the expenditure incurred including proposed expenditure in a financial year is likely to exceed the resources available including borrowings to meet that expenditure.
- 3.6 Unlawful in this context means action outside the powers of the Corporation including the unlawful exercise of power in an administrative law sense and which is susceptible to judicial review. A copy of the report must go to the auditors and must be considered by the Board within 21 days. During that period the action proposed may not be implemented. In the case of (iv) the CFO may permit expenditure to prevent the situation leading to the report getting worse, to improve the situation or to prevent a recurrence.
- 3.7 These are reserve powers which underpin the duty of the Corporation to make proper arrangements for the management of its financial affairs and show how the Corporation is firmly established in the public law arena.

### **The proper officer for Part VA of the 1972 Act**

- 3.8 The proper officer has duties in relation to public access to meetings and related documents. Specific duties are:
- excluding from the copies of reports provided to the public those reports or parts of reports which relate to items during which, in his or her opinion, the meeting is likely to be held in private; and
  - where the minutes for the private part of the meeting do not provide members of the public with a reasonably fair and coherent record of the meeting (because they will exclude exempt information), making a summary of decisions taken but in such a way as not to disclose exempt information. This means in practice a separate summary of the private part of the meeting for public consumption.

3.9 The proper officer is simply the officer appointed by the Corporation for that purpose. It is possible to appoint the CEO to this role and for the CEO to discharge its responsibilities through a member of the secretariat.

#### **4 Timing**

4.1 The appointment of individuals to the above roles is urgent, as it will allow the Old Oak and Park Royal Development Corporation to be fully operational.

#### **5 Financial Implications**

5.1 All financial implications associated with the recommendations in this report will be accommodated within the OPDC Budget.

#### **6 Legal Implications**

6.1 Section 127 of the GLA Act 1999 requires each functional body (which the OPDC is one) to appoint a person who shall be responsible for its financial affairs. The duties of the CFO are set out in Section 127 of the Greater London Authority Act 1999, and he/she need not be an employee of the OPDC. The duties of the proper officer are set out in Part VA of the Local Government Act 1972 and relate to functions covering the despatch of papers and access to information under the 1972 Act.

#### **7 Appendices**

- None

#### **8 Background Papers**

- None

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**Subject:** Approval of Standing Orders and Observers to the Board

**Meeting date:** 1 April 2015

**Report to:** Board

**Report of:** Interim Chief Executive Officer

**For Decision**

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**This report will be considered in public**

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**1 Summary**

- 1.1 This paper seeks approval of the Old Oak and Park Royal Development Corporation’s Standing Orders. These include provisions for the calling and conduct of meetings, declarations of interest, the production of minutes, the service and signature of documents, and also include the Members’ Code of Conduct, the specification of Registrable Interests, the scheme of Allowances proposed by the Mayor, and the Gifts and Hospitality Code.

**2 Recommendations**

The board is invited to:

- 2.1 **Agree** to the adoption of Standing Orders attached as Appendix A.
- 2.2 **Agree** to the appointment of the following officers as Observers to the Board:
- Fiona Fletcher-Smith, Executive Director, Development, Enterprise & Environment, GLA
  - Richard de Cani, Managing Director – Planning, TfL
  - Andrew Donald, Strategic Director, Regeneration and Growth, LB Brent
  - Juliemma McLoughlin, Director for Planning, LB Hammersmith & Fulham
  - Pat Hayes, Executive Director Regeneration and Housing, LB Ealing
- 2.3 **Note** details attached as Appendix B of the Scheme of Board Members Allowances proposed by the Mayor, for the Board’s views, and subject to separate approval by the Mayor.

**3 Background**

- 3.1 Schedule 21 of the Localism Act 2011 gives the power to the Corporation, subject to any directions given by the Mayor, to decide its own procedure and the procedure of

any committees and sub committees. Standing Orders have been drafted to set out the provisions for the calling and conduct of meetings, declarations of interest, the production of minutes, the service and signature of documents, and also include the Members' Code of Conduct, the specification of Registrable Interests, and the Gifts and Hospitality Code.

- 3.2 Standing Orders are subject to the requirements of the general law applicable to the Corporation including the arrangements for admission of the public to meetings and access to documents in Part VA of the Local Government Act 1972 (as amended). These provisions are not repeated in these Standing Orders but the time periods set out in them follow what is required by the 1972 Act.

### **Observers to the Board**

- 3.3 The Standing Orders provide for the Chair of the Board to occasionally appoint observers to attend meetings of the Board. Such an observer shall be entitled to receive notice of, and all papers for, and to attend and speak (but not vote) at, all such meetings unless he has a direct or indirect interest in the matter under consideration.

### **Scheme of Allowances for the Board**

- 3.4 Schedule 21 paragraph 4 of the Localism Act 2011 provides that an MDC may pay allowances to its members, and that the Mayor shall determine the rates and eligibility for such payments. The Mayor has proposed the Scheme of Allowances as set out in Appendix B for the Board's comment and will separately approve them for the purposes of the 2011 Act.

## **4 Timing**

- 4.1 The adoption of standing orders is URGENT, as they will allow the Old Oak and Park Royal Development Corporation to be fully operational.

## **5 Financial Implications**

- 5.1 All financial implications associated with the recommendations in this report will be accommodated within the OPDC Budget.

## **6 Legal Implications**

- 6.1 The Standing Orders are consistent with the legislative framework for the Old Oak and Park Royal Development Corporation (in particular the Local Government Act 1972, the Greater London Authority Acts 1999 and 2007, and the Localism Act 2011), but the Standing Orders do not seek to replicate the provisions of those Acts. The Corporation can regulate its own procedures (subject to any legislative requirement or direction by the Mayor).

## **7 Appendices**

- Appendix A – Standing Orders
- Appendix B – Scheme of Board Members Allowances



## 8 Background Papers

- None

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**Standing Orders**

## **1 Background**

- 1.1 These Standing Orders were initially adopted by the Corporation at its meeting on 1 April 2015 and may be subsequently revised from time to time pursuant to the power of the Corporation in schedule 21 of the Localism Act 2011, subject to any directions given by the Mayor, to decide its own procedure and the procedure of any committees and sub committees.
- 1.2 These Standing Orders are subject to the requirements of the general law applicable to the Corporation including the arrangements for admission of the public to meetings and access to documents in Part VA of the Local Government Act 1972 (as amended). These provisions are not repeated in these Standing Orders but the time periods set out in them follow what is required by the 1972 Act.

## **2 Definitions**

- 2.1 In these standing orders the following expressions shall have the meanings assigned to them unless otherwise indicated.

|                           |  |
|---------------------------|--|
| “the Act”                 | means the Localism Act 2011  |
| “Board”                   | means the members of the Corporation for the time being  |
| “Chairman”                | means the Chairman of the Corporation or in relation to a Committee the Chairman for the time being of the Committee appointed by the Corporation or in relation to a Sub-Committee the Chairman for the time being of the Sub-Committee approved by the Chairman of the Corporation   |
| “Chief Executive Officer” | means the person for the time being appointed as the Chief Executive Officer of the Corporation  |
| “Committee”               | means a committee established by the Corporation under paragraph 6(1) of Schedule 21 of the Act  |
| “Connected Person”        | means in relation to a Member a member of his or her family being:<br><ul style="list-style-type: none"><li>(a) the spouse or civil partner of the Member; or</li><li>(b) a person with whom the Member is living as husband and wife; or</li><li>(c) a person with whom the Member is living as if they were civil partners</li></ul> |
| “Corporation”             | means the Old Oak and Park Royal Development Corporation   |
| “Deputy Chair”            | means a member of the Corporation appointed in by the Board to hold the position of Deputy Chair and to  |

|                            |  |
|----------------------------|--|
|                            | exercise such functions of the Chairman of the Corporation under these Standing Orders   |
| “Chief Finance Officer”    | means the employee of the Corporation with responsibility for the proper administration of its financial affairs   |
| “Legal Adviser”            | means the person or body appointed as the Corporation’s legal Adviser  |
| “GLA”                      | means the Greater London Authority   |
| “Mayor of London”          | means the Mayor of London as defined in the Greater London Authority Act 1999  |
| “Member”                   | means a member of the Corporation’s Board for the time being and in relation to a Committee or Sub Committee includes a member of the Committee or Sub Committee who is not a member of the Corporation  |
| “Members’ Code of Conduct” | means the Code of Conduct attached to these Standing orders at Appendix A  |
| “Planning Committee”       | means a committee of the Corporation established with delegated powers to determine applications for planning permission and other matters   |
| “Registrable Interest”     | means an interest of a kind set out in Appendix A  |
| “Sensitive Interest”       | means a Registrable Interest whose nature is such that the Member and the Chief Executive Officer consider that disclosure of the interest to the public could lead to the Member or a Connected Person being subject to violence or intimidation. |
| “SO”                       | means Standing Order   |
| “Sub Committee”            | means a sub committee established by a Committee under paragraph 6(2) of Schedule 21 of the Act.   |
| “Substitute Member”        | means a person identified by the Corporation as a substitute member of a Committee or a Subcommittee with the approval of the Board and the Mayor.   |

### **3 Membership**

- 3.1 The Board shall be appointed by the Mayor and shall comprise not less than 6 members up to such number as the Mayor from time to time decides to appoint.
- 3.2 The Mayor shall approve the nomination and recruitment process of Board members.
- 3.3 The Board’s Chairman shall be the Mayor or a person appointed by the Mayor

- 3.4 In the absence of the Chairman at a meeting of the Board, the Deputy Chair shall act in his place or (if absent) the remaining members shall elect one of themselves to chair the meeting.
- 3.5 Secretary: The Secretary to the Board shall be any such person appointed by the Chief Executive Officer.

#### **4 Calling Meetings**

- 4.1 An ordinary meeting of the Board may be convened by:
- (a) the Chairman; or
  - (b) by not less than one third of the Members of the Board by sending to the Chief Executive Officer a requisition stipulating the business to be transacted at the meeting.
- 4.2 The Chief Executive Officer will give to the Members not less than 5 clear days' notice of a meeting of the Board convened under SO 4.1 unless it is an extraordinary meeting. Where an extraordinary meeting is convened with less than 5 clear days' notice, the reasons for urgency shall be stated in the notice.
- 4.3 The notice of any Board meeting will give the date, time and place of each meeting and will set out the business to be transacted. Reports relating to the business to be transacted at the meeting will also be sent to Members with the notice of meeting or as soon as practicable thereafter except where the Chief Executive Officer has notice that a Member has a Registrable Interest in the business to which the report relates.
- 4.4 Agenda items for meetings (other than a meeting convened under SO 4.1(b)) shall be agreed by the Chairman. Agenda items for meetings convened under SO 4.1(b) shall be limited to the business identified in the requisition for the meeting.
- 4.5 A meeting of a Committee or Sub Committee may be convened by the Chairman of the relevant Committee or Sub Committee or by the Chief Executive Officer after consultation with the Chairman and the provisions of SOs 4.2 and 4.3 shall apply.

#### **5 Conduct of Meetings**

- 5.1 Subject to the provisions of these Standing Orders, the Board, a Committee or Sub Committee may otherwise regulate their meetings in such manner as they think fit.
- 5.2 The Planning Committee shall make and publish arrangements for members of the public or representatives or interested organisations to address the Committee on specific applications.
- 5.3 Procedural issues arising at a meeting that are not subject of a particular standing order shall be decided by a majority of the Members present and voting. In the case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.
- 5.4 Any part of a meeting of the Board, a Committee or Sub Committee may consist of a conference call between Members some of whom are in the place at which the meeting was called and some are in different places provided that:

- (a) A quorum of Members exists at the place at which the meeting was called;
- (b) each Member may participate in the business of the meeting whether directly or by telephone conference or any other communications equipment which enables him or her:
  - (i) to hear each of the other participating Members addressing the meeting; and
  - (ii) if s/he so wishes, to address all of the other participating Members simultaneously
- (c) each participating Member announces to the other participating Members when s/he joins and leaves the meeting
- (d) where the meeting is open to the public members of the public are able to hear and identify participating Members present at another place

and each such participating Member shall be counted in the quorum for the meeting.

5.5 The quorum at a meeting of the Board for the transaction of business shall be half of the Members in office rounded down in the event of an odd number. The quorum for a meeting of a Committee or Sub Committee other than the Planning Committee shall be two Members of the Committee or, if greater, one third of the number of Members of the Committee in office. The quorum for a meeting of the Planning Committee shall be three Members of the Committee.

5.6 The relevant Chairman, shall, if present and willing, preside at all meetings of the Corporation or a Committee or Sub Committee, but if no Chairman has been appointed, or if s/he is not present within fifteen minutes after the time fixed for holding the meeting or is unwilling to act as Chairman of the meeting, in the case of a meeting of:

- (a) the Corporation, the Deputy Chairman shall chair the meeting ;
- (b) a Committee or Sub Committee, the Member of the Committee or Sub Committee approved by the Chairman of the Corporation shall chair the meeting,

or if s/he is not present or is unwilling to chair the meeting, the Members present shall choose one of their number to act as Chairman of the meeting.

5.7 If a question arises at a meeting of the Corporation or a Committee or Sub Committee as to the right of a Member to vote, the question shall be referred to the Chairman of the meeting and his ruling in relation to any Member other than himself is final and conclusive. In relation to the Chairman of the meeting, the question shall be decided by resolution of the other Members.

## **6 Procedural and Reporting Arrangements**

6.1 The Board shall be entitled to appoint an observer to attend meetings of any Board or Committees or Sub Committee. Such an observer shall be entitled to receive notice of, and all papers for, and to attend and speak (but not vote) at, all such meetings unless s/he has a direct or indirect interest in the matter under consideration.

6.2 \* The Chairman may authorise the Chief Executive Officer to issue invitations to

others to attend meetings generally or in specific cases.

- 6.3 \*Unless otherwise agreed by the Chairman for reasons permitted under Part VA of the 1972 Act, notice to each Board member confirming the venue, time and date, together with an agenda of items to be discussed and reports (if available), shall be forwarded to each Board member no later than clear five (5) days before the date of the meeting. Supporting reports or papers shall be sent to Board or Committee members and at the same time or as soon as available.
- 6.4 \*The Secretary (or a nominated deputy) shall minute the proceedings and resolutions of all Board and Committee meetings, including recording the names of those present and in attendance.
- 6.5 \*The Secretary (or a nominated deputy) shall promptly circulate the minutes of the meetings to all Board and Committee members for their approval at the next meeting.
- 6.6 \*The Board shall conduct an annual review of its own performance, constitution and terms of reference to ensure it is operating at maximum effectiveness.

## **7 Committees and Subordinate bodies**

- 7.1 The Board may establish committees, sub committees and any other subordinate bodies as it deems appropriate.
- 7.2 The Board shall appoint members to its Committees and subordinate bodies which shall include, but not be limited to:
- a) Planning Committee
  - b) Audit Committee
- 7.3 The appointment of any member of a Committee or Sub Committee who is not a member of the Board must be approved in advance by the Mayor
- 7.4 The Board will approve and review their terms of reference.
- 7.5 The Board shall determine the quorum for Committee and Sub-Committees.
- 7.6 The Board shall agree the frequency of Committee meetings and their reporting arrangements.
- 7.7 The Board may approve procedures for the appointment and attendance of a single named Substitute to attend, speak and vote in the absence of a named member of a Committee, subject to the appointment of the substitute being approved by the Mayor (as required by the Localism Act 2011 unless the Substitute is a Board member) and to that person having received training in the business of the Committee.
- 7.8 The paragraphs above indicated with an asterisk shall apply to the Committees and Sub Committees and their members as they apply to the Board and its members with such alterations as the Secretary considers necessary in the circumstances.
- 7.9 The Board will approve procedures for the appointment of the named substitute(s) to attend committee or sub committee meetings in the absence of availability of



the person appointed by the Board. Where such substitutes are not Board members, Mayoral consent must be obtained to that person's appointment. A substitute may exercise all the rights of the person he/she substitutes for, including the right to speak and vote.

## **8 Amendments**

- 9.1 Any of the above se procedures and terms of reference may be altered or amended from time to time by resolution of the Board but may not be moved at a meeting without prior notice to its members. Notice shall be given of the proposed alteration(s) in a paper for the meeting of the Board at which they are to be discussed.

## **10 Voting**

- 10.1 All questions or matters coming before, or to be decided by, the Board or its Committees and Sub-Committees shall be decided by a majority of the members of the body in question present and voting at the meeting. In the case of an equality of votes, the person chairing the meeting shall have a second or casting vote.(The foregoing provisions are subject to any provision to the contrary contained in this or any other enactment.)
- 10.2 Subject to the second or casting vote of the person chairing the meeting, each member of shall have one vote.
- 10.3 Any member may require the Chairman to put a question or other matter to a vote. Unless a vote is held then the Board shall be regarded as having made a decision without opposition (nem con).
- 10.4 Any proposition put to the meeting may be subject to an amendment that has been proposed and seconded; if not accepted by the Chairman the amendment shall be put to the vote and if carried shall replace or correspondingly amend the original proposition.

## **11 Frequency of Meetings**

- 11.1 The Board will meet at such frequency as determined by the Chairman. Meetings of the Board shall be convened by the Secretary at the request of the Chairman.

## **12 Access to Information**

- 12.1 The Board will consider items of business and permit the press and public to be present in accordance with the requirements and procedures of Part VA of the Local Government Act 1972 which applies to meetings of the board and its committees, and provides for the publication of their agendas, reports and minutes. (The Chief Executive Officer shall be the proper officer for the Purposes of Part VA of the 1972 Act.)

## **13 Purpose of the Board**

- 13.1 To ensure the efficient and effective discharge of the OPDC's functions, through the advocacy and delivery of regeneration, business and community engagement, environmental sustainability, housing and transport programmes.

The Board will take decisions in accordance with the law, its Standing Orders and (where applicable) the Scheme of Delegations.

13.2 The Board will monitor and advocate the delivery of the OPDC's delivery programme and objectives.

13.3 In particular the board will:

a) provide entrepreneurial leadership of the OPDC Corporation operating within its overall statutory framework.

b) provide the necessary leadership and decision making to achieve the comprehensive regeneration of Old Oak and Park Royal Mayoral Development Area.

c) provide prudent and effective controls appropriate to a body responsible for the use of public funds, which ensure that high standards of corporate governance and financial management are observed and which enable risk to be assessed and managed.

d) ensure the necessary financial and human resources are in place for the OPDC Corporation to achieve its objectives.

e) set the Corporation's values and standards and ensure that the Objectives and obligations to others are understood and met.

f) prepare an annual budget and capital spending plan for each financial year for consideration by the Mayor in accordance with the Mayor's annual budget timetable and procedure.

g) as soon as practicable after the end of each financial year ensure that an annual report is prepared by the OPDC Corporation including the audited accounts for submission to the Mayor and the London Assembly.

h) ensure that proper regard is had to any guidance given by the Mayor as to the exercise of the OPDC's Corporation's functions and it complies with any direction made by the Mayor.

#### **14 Minutes and Records of Decisions**

14.1 Minutes of the proceedings of a meeting of the Board, or any subordinate body shall be recorded in accordance with provisions of Part VA of the Local Government Act 1972 (as amended).

14.2 Any such minutes shall be signed at the next suitable meeting of the Board, Committee or Sub Committee by the Chairman of, or person presiding at, that meeting. Where the minutes have been prepared but no further meeting of relevant Committee or Sub-Committee has been scheduled, those minutes shall be presented to the next suitable meeting of the Board for approval.

14.3 A Member or an employee of the Corporation acting under delegated powers shall as soon as is reasonably practicable after making a decision deliver a signed copy of that decision to the Chief Executive Officer. The decision must include a record of any conflict of interest declared by a Member who is consulted by the Member or employee in relation to the decision in a manner consistent with the procedures approved from time to time by the Chief Executive Officer.

#### **15 Members' Conduct**

15.1 The Members' Code of Conduct has been determined by the Mayor of London as

part of the Terms of Appointment of Board, Committee and Sub Committee members of the Corporation. This is attached as Appendix 1 for information.

15.2 The Chief Executive Officer must:

- (a) establish and maintain a register of the interests of Members notified to him/her by Members in writing;
- (b) ensure that that a copy of the register (excluding any Sensitive Interests) is available for inspection by the public at the principal offices of the Corporation during the usual hours of opening for business and published on the Corporation's web site; and
- (c) give effect to any changes to the Registrable Interests of a Member notified to him/her by the Member in writing.

15.3 A Member shall notify the Chief Executive Officer in writing of his or her Registrable Interests if any within 28 days of (a) the adoption of these Standing Orders and (b) the Member accepting his / her appointment as a Member and shall thereafter notify the Chief Executive Officer in writing and in any event no later than 28 days after s/he becomes aware of or ought to have become aware of the change.

## **16 Proper Officer**

16.1 The officer appointed as Clerk to the Corporation shall discharge the duties of the proper officer under Part VA of the Local Government Act 1972 (Access to Meetings and Documents) as applied to the Corporation.

## **17 The Seal**

17.1 The Board shall adopt a seal and provide for its safe custody.

17.2 The application of the seal is to be authenticated by either the Chairman or any other Member of the Corporation. In addition, each of the Chief Executive Officer, the Chief Finance Officer or the Legal Adviser are authorised to authenticate the seal.

17.3 The seal shall be used only on the authority of the Board or a Committee or Sub Committee or by the Chairman or employee of the Corporation acting under delegated powers.

## **18 Signing of Documents**

18.1 Where any document is necessary to give effect to any decision of the Board, a Committee or Sub Committee it shall be signed by either the Chief Executive Officer, Chief Finance Officer or Legal Adviser, the Chairman or Deputy Chairman and one of those three individuals, or any other member of the Executive Management Team or any other employee of the Corporation appointed as per 18.2 below.

18.2 The Chief Executive Officer may appoint in writing such employees of the Corporation as s/he thinks fit either generally or in specific cases to sign documents, notices, letters or other communications required to discharge the business of the Corporation.

## Appendix 1

### **CODE OF CONDUCT Old Oak and Park Royal Development Corporation**

#### **1. Introduction and interpretation**

(1) This Code applies to you as a member of the Old Oak and Park Royal Development Corporation (the Corporation) and to your work in connection with the Board or any Committee or Sub-Committee and its business.

(2) It is your responsibility to comply with the provisions of this Code, including as amended from time to time.

(3) In this Code—

(a) “Corporation” means the Old Oak and Park Royal Development Corporation;

(b) “business or work of the Corporation” (and cognate expressions) includes any meeting or other activity performed by you in connection with the work of the Corporation in relation to it, including with other Board Members and/or Officers.

(c) “Member” means a member of the Board, Committee or Sub-Committee of the Board “;

(d) “the Board, Committee or Sub Committee” means the Board of the Old Oak and Park Royal Development Corporation or Committee or Sub Committee of the Board

#### **2. Standards in public life**

As a person covered by this Code you must observe the seven principles of public life (‘the Nolan Principles’) set out below in your work on the Board, Committee or Sub Committee:

(1) **Selflessness** - You should act solely in terms of the public interest. You should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

(2) **Integrity** - You should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

(3) **Objectivity** - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit.

(4) **Accountability** - You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

(5) **Openness** - You should be as open as possible about all the decisions and actions that you take. You should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

- (6) **Honesty** - You have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- (7) **Leadership** - You should promote and support these principles by leadership and example.

### 3. Interests

(1) It is recognised that Board, Committee or Sub Committee members will also have strategic decision making positions in other organisations whose activities relate to the Board's work. This is welcomed as it helps provide valuable links and intelligence for the Board and the Corporation. However, issues may potentially arise regarding transparency in decision making, in particular where Board, Committee or Sub Committee members have already been involved in making decisions within other organisations on topics which are being considered by the Corporation. Therefore, it is important that Board and Committee Members – when acting in their capacity as OPDC Members – comply with the following requirements.

#### *Declaration of interests*

(2) As a Board, Committee or Sub-Committee member, you are required to:

- Register (using the prescribed form) and declare (at relevant meetings) interests in accordance with the statutory Disclosable Pecuniary Interests regime; and
- Act in accordance with the Principles of Public Life, including in particular the need to be open about any non-pecuniary interests that you or your partner holds that are relevant to the work of the Corporation. For these purposes, the nature of an interest would be one that, if a member of the public knew the relevant facts, he/she would regard it as being so significant that its existence was likely to prejudice your judgement of the public interest when undertaking the work of the Board.

(3) You must provide a completed Declaration of Interests to the Corporation's Chief Executive Officer within 28 days of becoming a Member, and thereafter within 28 days of you becoming aware of any new personal interest or change to any personal interest.

#### *Action where a conflict of interest arises*

(4) If you have a pecuniary interest - and a resulting conflict of interest - in the Board's work (as above) you must:

- (a) declare the existence and nature of the pecuniary interest to the Corporation's Chief Executive Officer as soon as possible, and provide the relevant details in writing if you have not already done so in the Standing Declaration of Interests referred to at paragraph (2) above;
- (b) seek the Corporation's Chief Executive Officer's advice as to any consequences for your work on the Board and any action you should take to remove any conflict;
- (c) not participate in the Board's work or that part of its work (including meetings, where you should leave the room) where the conflict or potential conflict arises; and

(d) not seek to influence any other Board, Committee or Sub Committee Member, Officer of the Corporation or other relevant person in relation to it.

#### **4. Gifts and hospitality**

(1) As a Member of the Board you are required to register any gifts or hospitality worth £25 or over that you receive in connection with your role on the Board. However you must at all times be, and be seen to be, fair, impartial and unbiased. As such:

- Gifts and hospitality should not be, or seen to be, part of usual business; any acceptance should be infrequent.
- Within 28 days of receiving gift(s) and/or hospitality in connection with your official duties with a value of £25 or more, you must register those items with the Monitoring Officer including providing details of the source of the gift or hospitality and your reason for accepting it.

##### *Acceptance of gifts and hospitality*

(2) For the purpose of this Code, gifts are defined as including (but are not limited to):

- (a) The free gift of any goods or services (including tickets or invitations to events etc).
- (b) The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
- (c) The opportunity to obtain goods or services not available to the general public.

(3) Hospitality is taken to refer to the offer of food, drink, accommodation or entertainment, (except that which is provided by the Corporation) or the opportunity to attend any cultural, business or sporting event. Common hospitality includes lunches or dinners provided by external bodies or tickets to events.

#### **5. Other benefits and favours**

Be cautious when purchasing anything, or when additional services, privileges, discounts or advantages are offered, which might be related to your position at the Old Oak and Park Royal Development Corporation. This might include the opportunity to acquire any goods or services at a discount or at terms not available to the general public. This does not include discounts which may have been negotiated by the Corporation on behalf of all staff, for example discounted membership fees at a fitness centre.

#### **6. Principles to Apply in Relation to Gifts and Hospitality**

In deciding whether it is appropriate to accept any gift or hospitality you must apply the following principles:

- Do not accept a gift or hospitality as an inducement or reward for anything you do at the Old Oak and Park Royal Development Corporation. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it;
- Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances; do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence; do not solicit any gift or hospitality and avoid giving any perception of so doing.
- You must be clear as to the value of the gift / hospitality at the time that you agree to accept it; where the actual value of a gift or hospitality is not known or is not

reasonably obtainable, you must decide how much a person could reasonably be expected to pay for it at a commercial rate;

- For staff, offers of hospitality should be accepted only with the prior approval of your Director; prior approval by the relevant Director of gifts should also be sought by staff where it is possible to do so;
- You should declare receipt of any gift or hospitality that an ordinary member of the public might reasonably deem to be significant (eg the identity of the provider or the wider context in which the item was provided), regardless of its formal cash value;
- Do not accept a gift or hospitality: from parties involved with the Authority in a competitive tendering or other procurement process; from applicants for planning permission and other applications for licences, consents and approvals; from applicants for grants, including voluntary bodies and other organisations applying for public funding; from applicants for benefits, claims and dispensations; or from parties in legal proceedings with the Authority.

## **7. Items that do not need to be declared**

- As a general rule, you will not need to declare:
- Gifts and hospitality that is wholly and clearly unrelated to your position at the Corporation;
- The acceptance of facilities or hospitality provided to you by the Corporation and/or working meals including meals taken in the course of attending (following approval, for members of staff) meetings or conferences or training courses where they are provided to all attendees as part of the event;
- Attendance at formal functions as a representative of the Corporation and attendance at formal social functions in relation to which invitations have been issued to all members of staff; or
- Attendance at information gathering or sharing events with public or charitable / think tank bodies, such as meetings with representatives of the Old Oak and Park Royal Development Corporation, , local authorities and Government departments / agencies, other public sector organisations.

You are not required to declare gifts and/or hospitality that have been offered but declined. However, you should report to the Chief Executive Officer) any offers you have declined that could be perceived as significant or controversial. The key criteria would be whether the offer was novel (ie unusual) and frequency/persistence of the offer. Such offers would not be published on the gifts and hospitality register; reporting of any such offers would, however, allow action to be taken corporately and/or further guidance to be given where necessary.

## **8. Making a declaration**

- You must declare any gift or hospitality of £25 or over that you receive in connection with your official duties with the Corporation, the source of the gift or hospitality, and your reason for accepting it;
- You must register the form/declaration with the Chief Executive Officer within 28 days of receiving it; and

- You must include within the form/declaration the actual value of the gift or hospitality or its value estimated in accordance with this guidance.

*Registration of gifts and hospitality*

- (1) The receipt of a gift, benefit or hospitality must be registered with the Corporation within 28 days of the date of receipt.
- (2) A summary list of all gifts and hospitality declared by Members of the Board, Committee or Sub Committee will be published on the Corporation's website.

This Code may be amended from time to time by the Mayor of London.



**Scheme for Board and Committee Members’ Allowances 2015-16**

**1. Basic Board Allowance**

With effect from 1 April 2015, and subject to the further provisions of this Scheme, a basic allowance (“the Basic Board Allowance”) of £14,000 per financial year is payable to each Board Member.

**2. Additional Committee Allowances**

2.1 Subject to the further provisions of this Scheme, a Committee Chairman’s Responsibility Allowance or a Committee Membership Allowance (“together called “Committee Allowance/s”) is payable to the chairmen and members of Committees (including to those committee members who are not Board Members), in addition to any Basic Board Allowance (where applicable),

| <i>Position</i>  | <i>Actual P.A. (financial year)</i> |
|--|-------------------------------------|
| Committee Chairman’s Responsibility Allowance                              | £4000                               |
| Committee Membership Allowance (members of a Committee other its Chairman) | £2000                               |

**3. Limit and payment of allowances**

3.1 No person may claim more than £24,000 in any one financial year in respect of the aggregate of their total permitted allowances payable under this Scheme: i.e. Basic Board Allowance, Committee Chairman’s Responsibility Allowance and/ or Committee Membership Allowance.

3.2 Subject to paragraph 4.1 below, the Basic Board Allowance and all Committee Allowances will be paid monthly at a rate per month of one twelfth of the annual amount. Payment will be made on the last day of each calendar month.

3.2 If a Member so requests, in writing to the Chief Executive Officer, payment of the Committee Chairman’s Responsibility Allowance can be made in one lump sum at the end of the financial year, on the first payment day after the end of the financial year concerned.

**4. Adjustment of Allowances**

4.1 Where the period for which a person is a Member is less than a whole financial year, the Basic Board or pay Committee Allowance (as the case may be) will be reduced to be proportionate to the number of days in the year in which she/he held the office or position concerned

**5. Waiving Allowances**

5.1 Any person entitled to any allowance under this Scheme may elect to forgo all or any of her/his entitlement by giving notice in writing to the Secretary to the Board.

## **6. Travel and Subsistence Allowances**

- 6.1 A Member of the Board, Committees or the OPDC's subordinate bodies may claim travel and subsistence allowances in accordance with the OPDC Expenses and Benefit Framework (as amended from time to time).

## **7. Amendment to the Scheme**

- 7.1 An amendment to this Scheme which affects an allowance payable for the year in which the amendment is made may be effective from the beginning of that year.

## **8. Membership/ employment of Public Bodies and eligibility**

- 8.1 A Member of the OPDC's Board, Committees or its subordinate bodies who is:
- the Mayor or a member of the London Assembly;
  - a member of staff of the GLA; or
  - an employee of another statutory or public body;
- may claim expenses but shall not be eligible to claim the Basic Board Allowance or any Committee Allowance.
- 8.2 A Member of the OPDC's Board, Committees or its subordinate bodies not mentioned in paragraph 8.1 above but who is a member of a local authority, statutory or public body of any description:
- may claim expenses; and
  - with the consent of that person's authority/ body concerned, may claim the Basic Board Allowance and/or any Committee Allowance.

**Subject:** Approval of Committee Structure, Terms of Reference for Committees, and Scheme of Planning Delegation

**Meeting date:** 1 April 2015

**Report to:** Board

**Report of:** Interim Chief Executive Officer

**For Decision**

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**This report will be considered in public**

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**1 Summary**

- 1.1 This report seeks approval of the structure and terms of reference of the proposed Audit and Planning committees of the Old Oak and Park Royal Development Corporation's (OPDC) Board, as well as the appointments to the two committees.
- 1.2 This report also proposes the adoption of a Scheme of Planning Delegation.

**2 Recommendations**

The board is invited to:

- 2.1 **Approve** the committee structure set out in section 4 and the terms of reference for the committees as set out in the appendices.
- 2.2 **Consider** nominations to Chair and be member of the Audit Committee.
- 2.3 **Agree** the proposed composition of the Planning Committee.
- 2.4 **Ratify** the appointment of William McKee as Chairman of the Planning Committee.
- 2.5 **Agree** to the establishment of the Planning Committee from 1 April 2015, in order to allow the Corporation to meet its statutory obligations as a local planning authority.
- 2.6 **Delegate** the appointment of the members of the Planning Committee to the Chairman of the Board, and **note** that appointments to the Committee will be made in advance of the first scheduled Planning Committee meeting on 21 May 2015.
- 2.7 **Agree** to the Scheme of Planning Delegation appended to this paper with effect from 1 April 2015.
- 2.8 **Note** that the Board will receive a paper on formal appointments to the Planning Committee and Planning code of conduct in May.

### **3 Background**

- 3.1 Schedule 21 of the Localism Act 2011 allows a Mayoral Development Corporation's Board to establish committees and its committees to establish subcommittees. The Act also stipulates that Mayoral agreement is required for the appointment of anyone who is not a Board member on to a committee or subcommittee. The Mayor must consent to the appointment of persons as members of committee or subcommittee who are not Board members. The Act permits the Board to delegate its statutory functions to committees and for them to delegate to subcommittees, and for single Board members and staff to exercise delegated functions.
- 3.2 Audit is mandatory in local government, with local authorities charged with the responsibility to maintain an adequate and effective internal audit function, and effective risk management, control and governance. Local government is also subject by law to external audit, carried out by auditors who were appointed independently by the Audit Commission. With effect from 1 April 2015 this role is being taken over by the Public Sector Audit Appointments Ltd. CIPFA (the Chartered Institute of Public Finance and Accounting) recommends that all public service bodies should establish an audit committee, comprising non-executive members, with responsibility for the independent review of the systems of internal control and of the external audit process.
- 3.3 Subject to Board approval, the OPDC will enter into a shared services agreement with the Mayor's Office for Policing and Crime (Directorate of Audit, Risk and Assurance) for the provision of internal audit services to the OPDC. MOPAC DARA current provides internal audit services to the GLA, LLDC and others under shared services arrangements.
- 3.4 Following his consultation on the establishment of the OPDC, the Mayor of London asked the Secretary of State to transfer full planning powers to the Corporation. To effect this, the Secretary of State for Communities and Local Government made an Order (The Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015) transferring planning powers to the Corporation, and laid it in Parliament on 4 March. The Order came into force today, 1 April, at which point the Corporation has become the Local Planning Authority within its area.
- 3.5 As Local Planning Authority the OPDC is obligated to consider planning applications submitted to it within set statutory timescales, and may establish a committee to undertake those functions.

### **4 Proposal**

- 4.1 It is proposed that two committees of the OPDC Board should be established. These are:
  - An Audit Committee; and
  - A Planning Committee.
- 4.2 The terms of reference of the two committees are set out in Appendices A and B.

4.3 In addition there will be a number of panels and groups established to support the immediate work priorities of the OPDC, in particular the transport panel, the utilities panel and landowners forum. The emerging structure is also set out in Appendix D.

#### Audit Committee

4.4 It is proposed that the Audit Committee comprise one Chairperson and two committee members, drawn from the OPDC board, with a provision for review of the composition of the committee in one year's time. The Audit Committee will be supported by the Chief Executive Officer and the Chief Finance Officer. Draft terms of reference are attached as Appendix A.

4.5 It is proposed that the Board consider nominations and agree appointments to the Audit committee at this meeting.

#### Planning Committee

4.6 It is proposed that the Planning Committee comprise one Chairperson and six Committee members, incorporating:

- One elected person from each of the three local Councils; and
- Three non-elected, non-board members, to be selected through an open and transparent search process.

4.7 It is proposed that the Board review the composition of the committee in one year's time.

4.8 It is proposed that the Planning Committee will be responsible for determining major planning applications, with others delegated to planning officers, while the development, agreement and adoption of planning policy will be reserved to the Board. A Scheme of Planning Delegation has been prepared and is attached as Appendix C, and is discussed in more detail below. Draft terms of reference are attached as Appendix B. Individual planning arrangement agreements are being developed with partner boroughs with discussions on joint working with them to ensure efficient and effective handling of applications are well under way; these are outlined in agenda item 8.

4.9 Given the urgent need to hold a meeting of the Planning Committee in mid-May, the recruitment of external members to the committee is already under way, and appointments to the Planning Committee will need to occur prior to the next meeting of the Board. This paper proposes that the Board delegate the appointment of the members of the Planning Committee to the Chairman of the Board.

#### Chairman of the Planning Committee

4.10 The Chairman of the Planning Committee will play a key role in oversight of the Corporation's statutory planning development management responsibilities. They are a Board Member and must be appointed to the role of Chairman of the Planning Committee by this Board.

4.11 It is proposed that [ ] be appointed Chairman of the Planning Committee.

## **5 Scheme of Planning Delegation**

5.1 A Scheme of Planning Delegations has been prepared and is attached as Appendix 3, This reflects the proposed scope of decision taking by the Board, the Planning Committee and planning officers. In summary:

- The Board will take all decisions relating to planning policy, delegating to planning officers the power to prepare policy proposals and to respond to minor consultations on policy matters;
- The Planning Committee will have delegated authority to take all decisions on planning applications and to respond to consultations on applications from neighbouring authorities; and
- Planning officers shall also have the power to take all decisions on planning applications, and to respond to consultations on applications from neighbouring authorities, with the exception of a range of specified significant or controversial applications.

5.2 The same broad powers of taking decisions on planning applications are therefore delegated to the Planning Committee and planning officers, to enable decisions to be taken at either level as appropriate. Agreeing which decisions need to be taken to the Committee will therefore require some exercise of judgement by the Committee Chairman and the Director of Planning within the framework set out by the Scheme, though the Scheme also sets out those cases where a decision must be referred to the Committee.

## **6 Timing**

6.1 The approval of the committee structure, membership and terms of reference along with a Scheme of Planning Delegations is URGENT due to the need to discharge the obligations and responsibilities of the OPDC as a local authority and local planning authority from 1 April 2015.

## **7 Financial Implications**

7.1 All financial implications associated with the recommendations in this report will be accommodated within the OPDC Budget.

## **8 Legal Implications**

8.1 The Localism Act 2011, pursuant to section 198 and Schedule 21, allows a Mayoral Development Corporation to establish committees, and to delegate powers to them, including single Board members and staff. Mayoral approval is required for the appointment of people who are not corporation board members onto a committee. The procedure for committees is set out in detail in the OPDC's Standing Orders.

## **9 Appendices**

- Appendix A – The Audit Committee – terms of reference
- Appendix B – The Planning Committee - terms of reference
- Appendix C –Scheme of Planning Delegations
- Appendix D – proposed OPDC Governance Structure

## **10 Background Papers**

- OPDC Standing Orders

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### Audit Committee Terms of Reference

**Status:** Advising the Board within its terms of reference. Part VA of the Local Government Act 1972, which deals with access to meetings and documents, applies to this committee.

**Membership:** The Committee shall be appointed by the Board and shall comprise at least three members, at least one shall have recent financial experience.

**Chairman:** The Committee Chairman shall be appointed from time to time by the Board. In the absence of the Committee Chairman at a meeting of the Committee, the remaining members present shall elect one of themselves to chair the meeting.

**In attendance:** GLA observer

Chief Executive Officer

Chief Finance Officer

External auditors shall be invited on a regular basis

Internal auditors, where an internal audit function is being discussed

Subject to the rights of the public to attend meetings, attendance of other officers, advisers or other persons shall be at the invitation of the Chair for all or part of the meeting. The Chair may authorise the Chief Executive to issue invitations generally or in specific cases.

**Secretary:** To be appointed by the Chief Executive Officer

**Quorum:** Two members of the Committee or, if greater, one third of the number of members of the Committee in office

### Frequency of meetings

1. The Committee will meet at least three times a year or at such greater frequency as determined by the Committee Chair. Meetings of the Committee shall be convened by the secretary at the request of request of its Chairman.

### Terms of Reference

2. The proper financial administration of the Corporation's financial affairs including but not limited to the maintenance preparation and audit of accounts, internal controls and risk management, internal and external audit.
3. The Committee may review any activity which falls within these terms of reference and to make whatever recommendations to the Board deemed appropriate in any area within its remit.
4. The Committee is authorised by the Board to obtain, at the Corporation's expense, external legal and other independent professional advice and to secure the attendance of outsiders with relevant experience and expertise if it considers this necessary.
5. In relation to Internal Controls and Risk Management, the Committee shall:

- a. review the effectiveness of the Corporation's internal financial controls and risk management systems and investigate and advise on these or related matters which are referred to it or that it considers necessary; and
  - b. review the Corporation's statement on internal control and risk management systems to be included in the annual accounts prior to endorsement by the Board.
6. In relation to Internal Audit, the Committee shall:
- a. monitor and review the internal audit programme, including the appointment of any head of internal audit, ensure co-ordination between the internal and external auditors/co-ordination of more than one audit and ensure that the internal audit function is adequately resourced and has appropriate standing in the Corporation and is free from management or other restrictions;
  - b. review and assess the annual internal audit plan and consider the findings of internal financial/audit investigations; and
  - c. review and monitor the management's responsiveness to the findings and recommendations of the internal audit.
7. In relation to External Audit, the Committee shall:
- a. oversee the relationship with the external auditors appointed by the Audit Commission;
  - b. keep under review the scope and results of the annual audit and its cost effectiveness;
  - c. meet regularly with the external auditors to discuss any problems or reservations arising from the interim and final audits or otherwise and any matters the external auditors may wish to discuss without executive directors present; and
  - d. review the external auditors' management letter and management's response to the external auditors' findings and recommendations.
8. The Committee shall review the Corporation's arrangements for its employees to raise concerns, in confidence, about possible wrongdoing in financial administration or other matters. The Committee shall ensure that those arrangements allow proportionate and independent investigation of such matters and appropriate follow-up action.
9. The Committee shall prepare an annual report to members of the Corporation on its activities. The members of the Committee shall be identified in the report, as well as the frequency of, and individual attendance of members at, Committee meetings.
10. The Committee shall consider any other topics, as determined by the Board, including a regular review of its own performance, constitution and terms of reference to ensure it is operating at maximum effectiveness.

### **Amendments**

11. Any of these procedures and terms of reference may be altered or amended from time to time by resolution of the Board. Notice shall be given of the proposed alteration(s) in a paper for the meeting of the Board at which they are to be discussed

### Planning Committee Terms of Reference

- Status:** Taking decisions within its terms of reference. Part VA of the Local Government Act 1972, which deals with access to meetings and documents, applies to this committee.
- Membership:** The Committee shall be appointed by the Board and shall comprise 1 Board member, and 3 members co-opted from the boroughs on their nomination and 3 other non-elected external members.
- Substitutions will be allowed: the Board will appoint named substitute/s for the Board members and each borough will be asked to nominate a named substitute for each of their nominated member/s.
- Chairman:** The Committee Chairman shall be appointed from time to time by the Board.
- In attendance:** Other Board members (with the approval of the chair)  
Chief Executive Officer (at his/her discretion)  
Chief Finance Officer (at his/her discretion)  
Director of Planning
- Subject to the rights of the public to attend meetings, attendance of other officers, advisers or other persons shall be at the invitation of the Chair for all or part of the meeting. The Chair may authorise the Director of Planning Policy and Decisions or the Chief Executive to issue invitations generally or in specific cases.
- Secretary:** To be nominated by the Chief Executive Officer
- Quorum:** 3 members of the Committee

### Frequency of meetings

1. The Committee will meet as determined by the Committee Chairman, in light of the need for advice and decisions. Meetings of the Committee shall be convened by the Chief Executive or the Director of Planning Policy and Decisions at the request of its Chairman.

### Purpose of the Committee

2. To enable transparent, efficient and effective discharge of the Old Oak and park Royal Development Corporation's functions to determine planning applications and to respond to consultation on applications on which the Corporation is a consultee.

### Terms of Reference and Delegated Authority

3. The Planning Committee will take decisions in accordance with the Planning Scheme of Delegations, which will also set out matters that are delegated to the Director of Planning.
4. The Chief Executive Officer, Chief Finance Officer, and Director of Planning shall be entitled to attend all meetings of the Committee, subject to any limitations in the Planning Code of Practice. Subject to the rights of the public to attend meetings, attendance of other officers, advisers or other persons shall be at the invitation of the Chair for all or part of the meeting. The Chair may authorise the Chief Executive Officer to issue invitations generally or in specific cases.

**Amendments**

5. Any of these procedures and terms of reference may be altered or amended from time to time by resolution of the Board. Notice shall be given of the proposed alteration(s) in a paper for the meeting of the Board at which they are to be discussed.

## SCHEME OF PLANNING DELEGATIONS

The Board of the Old Oak and Park Royal Development Corporation (the "Corporation") will discharge some of its town and country planning functions and responsibilities through delegation to the Planning Committee and Planning Officers as follows:

- A. Delegations to the Planning Committee – relating to town and country planning development management as set out under heading "A" below;
- B. Delegations to Planning Officers – relating to town and country planning development management as set out under heading "B" below; and
- C. Delegations to Planning Officers – relating to town and country planning policy and the Community Infrastructure Levy as set out under heading "C" below.

For the avoidance of doubt, the Board has not delegated its functions in relation to agreeing local planning policy, including community infrastructure levy charging schedules, to the Planning Committee, though the Committee will advise the Board on these matters.

### **A Delegations to the Planning Committee - relating to town and country planning development management decisions**

- 1. The Board of the Old Oak and Park Royal Development Corporation delegates the following town and country planning development management functions and responsibilities to the Planning Committee of the Corporation:
  - 1.1 all functions and responsibilities of the Corporation relating to town and country planning development management decisions on any town and country planning matter within the powers of the Corporation as local planning authority that fall within the Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (other than powers relating to the declaration of conservation areas), the Electricity Act 1989, the Planning and Compulsory Purchase Act 2004 and all secondary legislation pursuant to the same including, in relation to such planning applications, the power on behalf of the Corporation as local planning authority to negotiate, complete, discharge and vary any agreement under sections 106 and 106A of the Town and Country Planning Act 1990 and/or other appropriate powers (including under relevant highways legislation) and the power to impose conditions to any planning permission granted pursuant to such planning applications;
  - 1.2 all functions and responsibilities of the Corporation relating to town and country planning enforcement action, including the overseeing and monitoring of town and country planning enforcement action taken by the Corporation through the provision of regular reports by planning officers; and
  - 1.3 giving responses concerning or of interest to the Corporation as local planning authority (as statutory or other consultee or otherwise) to any other authority or person on applications, notifications and certificates outside of the development area as defined in The Old Oak and Park Royal Development Corporation (Establishment) Order 2015 (and any legislation amending or replacing the same).

## **B Delegations to Planning Officers relating to town and country planning development management decisions**

1. Except in relation to the functions and responsibilities specified in paragraph 2 (Exceptions) of this Section B below, the Board of the Corporation delegates the following town and country planning development management functions and responsibilities of the Corporation to the Director of Planning or in his/her absence the Head of Planning.
  - 1.1 town and country planning development management decisions on any town and country planning matter within the powers of the Corporation as local planning authority that fall within the Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (other than powers relation to the declaration of conservation areas), the Electricity Act 1989), the Planning and Compulsory Purchase Act 2004 and all secondary legislation pursuant to the same, including the power on behalf of the Corporation as local planning authority to negotiate, complete, discharge and vary any agreement under sections 106 and 106A of the Town and Country Planning Act 1990 and/or other appropriate powers (including under relevant highways legislation) and the power on behalf of the Corporation as local planning authority to impose (as far as lawfully possible) conditions to any planning permission granted pursuant to such planning applications; and
  - 1.2 town and country planning enforcement action; and
  - 1.3 the making or modifying of TPOs; and
  - 1.4 the addition or removal of individual buildings or structures to/from the local list of heritage assets; and
  - 1.5 giving responses concerning or of interest to the Corporation as local planning authority (as statutory or other consultee or otherwise) to any other authority or person on applications, notifications and certificates outside of the development area as defined in The Old Oak and Park Royal Development Corporation (Establishment) Order 2015 (and any legislation amending or replacing the same); and
  - 1.6 making exceptions to the agreed Schemes of Delegation of Planning Functions with the London Boroughs of Brent and Ealing.

### **2. Exceptions to Planning Officers' delegations**

The following matters shall be excepted from the delegation of functions and responsibilities to Planning Officers set out in paragraph 1 of this Section B above:

- 2.1 Planning applications made by Corporation members or planning officers as applicant or agent;
- 2.2 Planning applications which a Corporation Planning Committee Member or a Corporation Board Member has requested in writing to the Director of Planning within 21 days of the registering of receipt of the application by the Corporation as local planning authority should be determined by the Corporation's Planning Committee; and
- 2.3 Planning applications which in the opinion of the Director of Planning or in his/her absence the Head of Planning which:
  - 2.3.1 are of a significant or potentially contentious nature; or

- 2.3.2 have received significant objections; or
- 2.3.3 may prevent the Corporation from fulfilling its functions or responsibilities; or
- 2.3.4 propose development which involves a significant departure from planning policy or other planning guidelines or a departure from Development Plan policy (which would be required to be subject to notification to the Secretary of State), but where it is proposed to approve the application; or
- 2.3.5 are proposals which should be considered by the Planning Committee or the Board; or
- 2.3.6 any matter, which, in the opinion of the Director of Planning or in his/her absence the Head of Planning, is of such a significant nature in terms of its impact on the purposes, functions or responsibilities of the Corporation that the matter should be referred to the Corporation's Planning Committee or the Board for consideration;

**C Delegations to Planning Officers – relating to town and country planning policy and Community Infrastructure Levy charging schedule preparation**

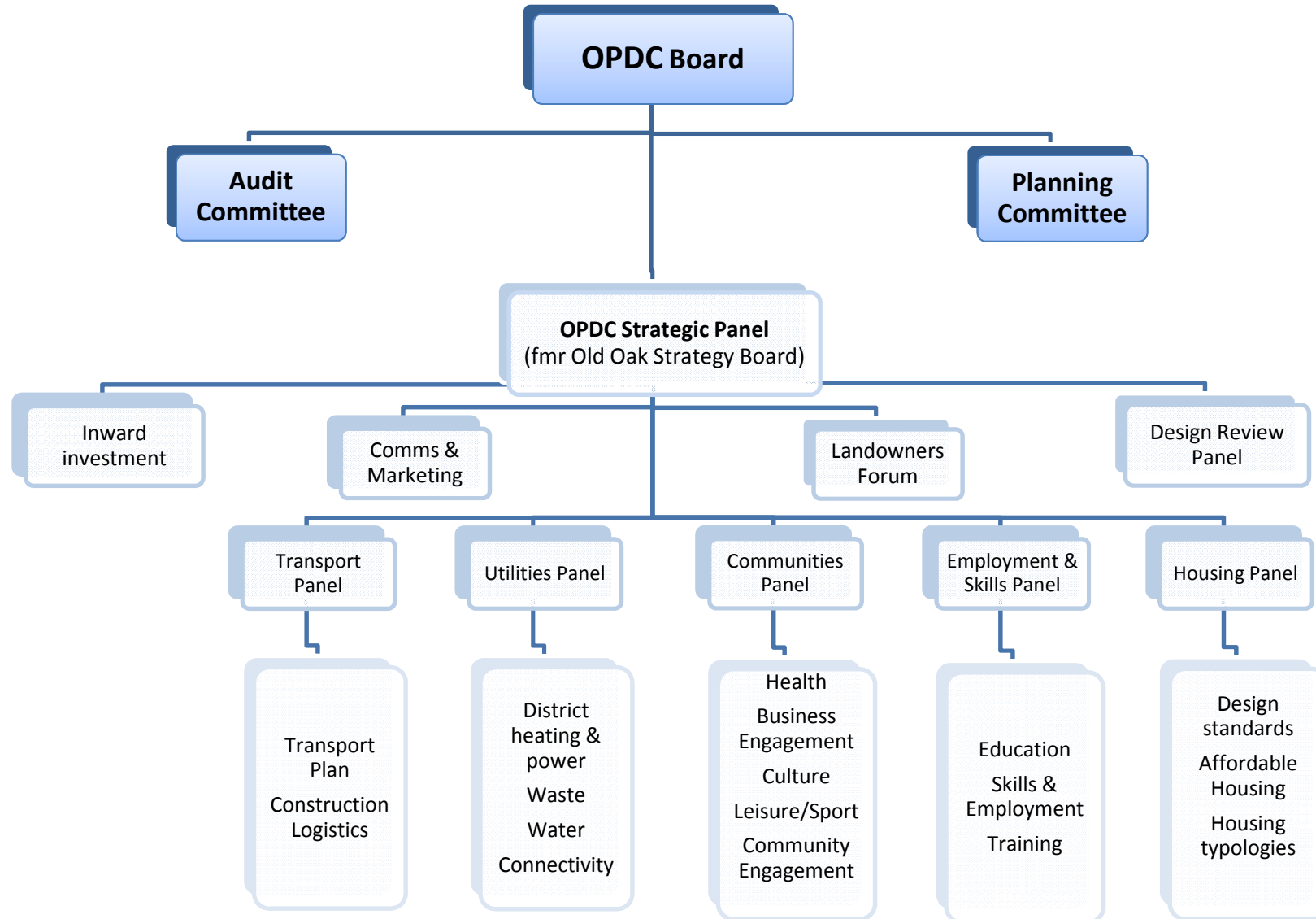
- 1. Subject to the financial delegations, the Board agrees to delegate the functions specified below to the Director of Planning or in his / her absence the Head of Planning.
  - 1.1 the power to take preparatory steps (but not decisions) in relation to the town and country planning functions of the Corporation under the Planning and Compulsory Purchase Act 2004 which relate to preparing Local Plan documents, related guidance (including supplementary planning documents) and other plan-making functions, or functions relating to the community infrastructure levy, including preparatory steps in relation to the charging schedule preparation; and
  - 1.2 subject to the exceptions set out in paragraph 2 below, the power to give responses concerning or of interest to the Corporation as local planning authority (as statutory or other consultee or otherwise) to any other authority or person on:
    - 1.2.1 new or amended town and country planning legislation, policies, guidance, plans, frameworks or strategies, and consultations or proposals in respect of the same;
    - 1.2.2 local development framework and supplementary planning document consultations for each of the London Boroughs of Brent, Ealing and Hammersmith & Fulham; and
    - 1.2.3 current and emerging strategic planning guidance for London.
- 2. The delegation in paragraphs 1.1 and 1.2 above of this Section C above shall not apply in relation to:
  - 2.1 responses to consultations which a Corporation Board Member has requested in writing to the Director of Planning within 21 days of the commencement of consultation should be agreed by the Corporation's Board; and
  - 2.2 consultations on matters which in the opinion of the Director of or in his/her absence the Head of Planning which:
    - 2.2.1 are of a significant or potentially contentious nature; or
    - 2.2.2 have received significant objection; or
    - 2.2.3 may prevent the Corporation from fulfilling its functions or responsibilities; or

2.2.4 should be considered by the Board; or

2.2.5 are of such a significant nature in terms of their impact on the purposes, functions or responsibilities of the Corporation that they should be referred to the Corporation's Board for consideration.



OPDC Governance – draft Proposed Structure 2015



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**Subject:** OPDC Staff Establishment Plan  
**Meeting date:** 1 April 2015  
**Report to:** Board  
**Report of:** Interim Chief Executive Officer

**For Decision**

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**This report will be considered in public**

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**1 Summary**

1.1 This paper sets out the details on the interim staff structure for the OPDC.

**2 Recommendations**

The board is invited to:

- 2.1 **Ratify** the interim staff structure, noting the immediate OPDC priorities;
- 2.2 **Approve** the immediate recruitment of a permanent Chief Executive Officer; and
- 2.3 **Agree** to delegate the preparation of a staff establishment plan to the Interim Chief Executive Officer, to be brought back to the Board as a matter of urgency.

**3 Background**

- 3.1 The Greater London Authority (GLA) has provided seed funding for the interim OPDC team set up during 2014/15. In addition, the Interim Director secured agreement for a two-year budget, to align with the two-year Business Plan objectives and milestones.
- 3.2 Funding for 2017/18 and beyond will be discussed with the Greater London Authority as part of the annual GLA budget process.
- 3.3 There are currently 10 staff employed to work on the OPDC. Appendix A sets out the interim structure.
- 3.4 The OPDC is still at a very early stage in its development and it is essential that the existing interim staff are retained whilst a permanent staffing structure is prepared for Board approval. Many of the staff within the interim team are either on secondment or on fixed term contracts that expire in the late summer. In order to deliver its objectives and priorities the OPDC will need a stable established team. It would therefore be advisable to ensure that a permanent staff establishment be agreed and implemented at the earliest opportunity. In order to carry out the recruitment process to implement a

new permanent workforce by Autumn 2015, there would need to be agreement on the structure by May 2015.

3.5 The structure of the organisation and the size of the team will be designed to ensure delivery of the OPDC objectives. The immediate priorities for the interim team will be:

- building a strong vision and compelling proposition for the area that gives Government, the private sector, and investors the confidence to invest in the infrastructure necessary to unlock development;
- engaging existing communities in early activation activities to give them a strong sense of ownership of the emerging new neighbourhood, and newer arrivals the confidence to make it their location of choice; and
- creating the foundations for transformational change through robust planning and regeneration policy and transparent governance arrangements that provides clear and consistent leadership and incentives to collaborate; alongside a robust delivery programme that sets out where and when development will take place.

3.6 Old Oak and Park Royal is London's largest regeneration site, and when the HS2 and Crossrail stations open in 2026 it will be the most connected opportunity area in London, and possibly the UK. There is much interest in the location and there is a tremendous amount of work that must be done quickly to ensure that the scale of the opportunity can be planned not only effectively but in a way that maximises the benefits for London and Londoners.

3.7 The HS2 Growth Taskforce identified the huge opportunities for delivering jobs and homes around HS2 stations and it is therefore appropriate that an interim team be established to undertake these urgent tasks. The detailed work priorities will be discussed with the Board in the development of the Business Plan, and are likely to include:

- Publication of an Old Oak and Park Royal Opportunity Area Planning Framework (OAPF), and adoption of a Local Plan and CIL Charging Schedule to help realise the area's growth potential;
- Planning and Development guidance on: transport study, construction and logistics, integrated utilities management plan, SMART public realm strategy, section 106 SPD, amenity space masterplan and detailed urban design guidance;
- A Growth Strategy for the area to make the case to Government and other funding partners for investment to support key strategic infrastructure;
- Development of a phased infrastructure delivery plan to support integrated urban change across the area, including utilities, transport and social infrastructure;
- A Community Charter and early activation projects to build local ownership of the redevelopment process;
- An Investment Prospectus, setting out development opportunities in the area for potential investors;
- A Communications Strategy that raises awareness of the scale of the opportunity;

- An overarching Performance Management Framework for the Old Oak and Park Royal Regeneration programme; and
- Service Level Agreements for Shared Services.

#### **4 Financial Implications**

- 4.1 All financial implications associated with the recommendations in this report will be accommodated within the OPDC Budget.

#### **5 Legal Implications**

- 5.1 The OPDC has powers to appoint staff under the Localism Act 2011 and determine their terms and conditions. The Mayor must approve the structure of their remuneration, pension and other entitlements.

#### **6 Appendices**

- Appendix A: Interim OPDC staff structure

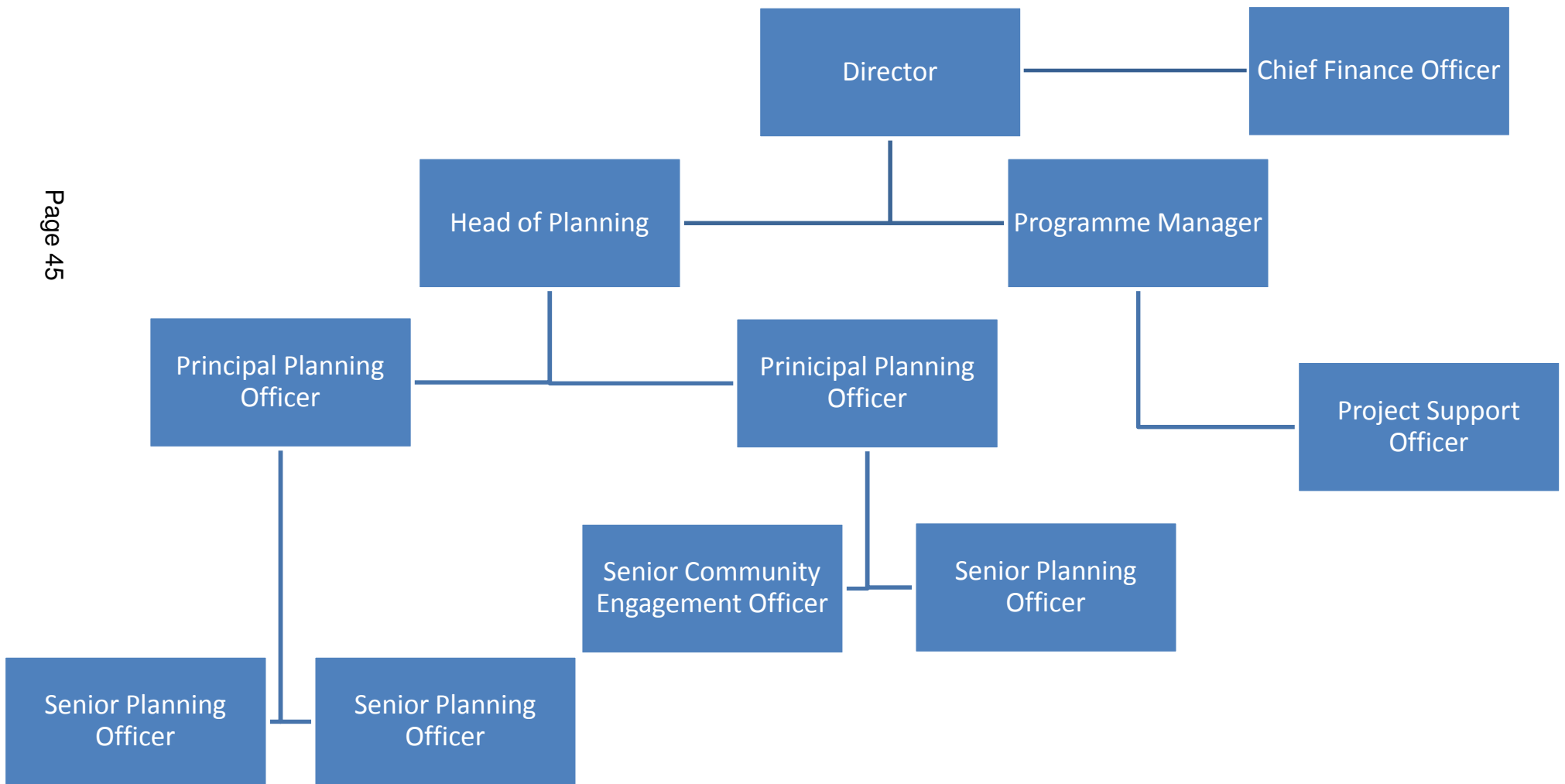
#### **7 Background Papers**

- None

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**INTERIM STAFF STRUCTURE**



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**Subject:** Planning Arrangement Agreements for Handling Planning Applications in the London Boroughs of Brent and Ealing

**Meeting date:** 1 April 2015

**Report to:** Board

**Report of:** Interim Chief Executive Officer

**For Decision**

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**This report will be considered in public**

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**1 Summary**

- 1.1 This report seeks approval to enter into agreements with the London Boroughs of Brent and Ealing on protocol and arrangements for the handling of planning applications and other planning functions.

**2 Recommendations**

The board is invited to:

- 2.1 **Approve** the Scheme of Delegation and Protocol for the handling of planning applications in LB Brent (Appendix A); and
- 2.2 **Approve** the Scheme of Delegation and Protocol for the handling of planning applications in LB Ealing (Appendix B).

**3 Background**

- 3.1 The Secretary of State for Communities and Local Government made an Order (The Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015) transferring planning powers to the Corporation with effect from 1 April 2015. The Old Oak and Park Royal Development Corporation is therefore the local planning authority for the area from this date.
- 3.2 Following discussions with the boroughs during the setup of the Corporation, there is a desire within the boroughs to maintain a degree of control over certain types of planning applications in the Mayoral Development Area.

## **4 Proposal**

- 4.1 It is proposed that the Corporation enters into arrangements with the boroughs of Brent and Ealing to delegate the determination of certain types of planning applications to the boroughs, on the Corporation's behalf. The proposed arrangements are set out in the Schemes of Delegation appended to this report.
- 4.2 Accompanying each Scheme of Delegation is a Protocol for handling planning applications and other planning-related functions in the Mayoral Development Area. The purpose of the Protocol is to facilitate general cooperation between the Corporation and the boroughs on planning matters, and to define roles and responsibilities in relation to those functions.
- 4.3 The Schemes of Delegation and Protocol represent an agreement between the Corporation and the boroughs to operate according to the thresholds and principles set out therein, to ensure a coordinated approach to development, the identification of strategic planning priorities and the resolution of joint planning issues and concerns.
- 4.4 Delegating certain planning applications to the boroughs will ensure:
- i) continuity on day to day development management across the Mayoral Development Area;
  - ii) continued accountability for locally elected members of the Councils; and
  - iii) that the Corporation can focus on the long term development and regeneration of the area.
- 4.5 The thresholds below which applications will be delegated to the boroughs are set out in the Schemes of Delegation attached as Appendices A and B. The thresholds vary according to three defined sub-areas within the Mayoral Development Area: Old Oak, Park Royal and North Acton. These have been defined according to the priorities and types of development anticipated within each sub-area, and the thresholds for delegation have been formulated accordingly.
- 4.6 It is proposed that across most of the Mayoral Development Area, the Corporation will determine large scale and other strategically important planning applications itself. The exception is in the North Acton sub-area, where, in recognition of the advanced stage of regeneration, it is proposed that Ealing Council will determine all types of applications on the Corporation's behalf.
- 4.7 The Schemes of Delegation allow for flexibility in exceptional cases, whereby applications for types of development under the delegation thresholds may be determined by the Corporation if they raise issues of strategic importance or have implications for the coordinated planning and regeneration of the area. Similarly, applications for types of development that exceed the delegation thresholds, may in exceptional circumstances be delegated to the borough by mutual agreement.

## **5 Timing**

- 5.1 The entering into these agreements with the boroughs is URGENT, as the Old Oak and Park Royal Development Corporation must be able to meet its statutory obligations with regards to certain planning functions effectively from 1 April 2015.

## **6 Financial Implications**

- 6.1 All financial implications associated with the recommendations in this report will be accommodated within the OPDC Budget.

## **7 Legal Implications**

- 7.1 The Schemes of Delegation represent an arrangement under S.203 of the Localism Act 2011 whereby a Mayoral Development Corporation may arrange for the discharge of certain planning functions by a Council within its area. The arrangements entered into with the respective Council to determine planning applications and grant planning permission on for and on behalf of the Corporation. The Corporation will at all times be the local planning authority for the whole of the Mayoral development area.

## **8 Appendices**

- Appendix A – Scheme of Delegation and Protocol with LB Brent
- Appendix B – Scheme of Delegation and Protocol with LB Ealing
- Appendix C – LB Brent report to full Council regarding the Scheme of Delegation with OPDC
- Appendix D – LB Ealing report to full Council regarding the Scheme of Delegation with OPDC

## **9 Background Papers**

- None

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## Old Oak and Park Royal Development Corporation – Scheme of Delegation for Planning Functions in the London Borough of Brent

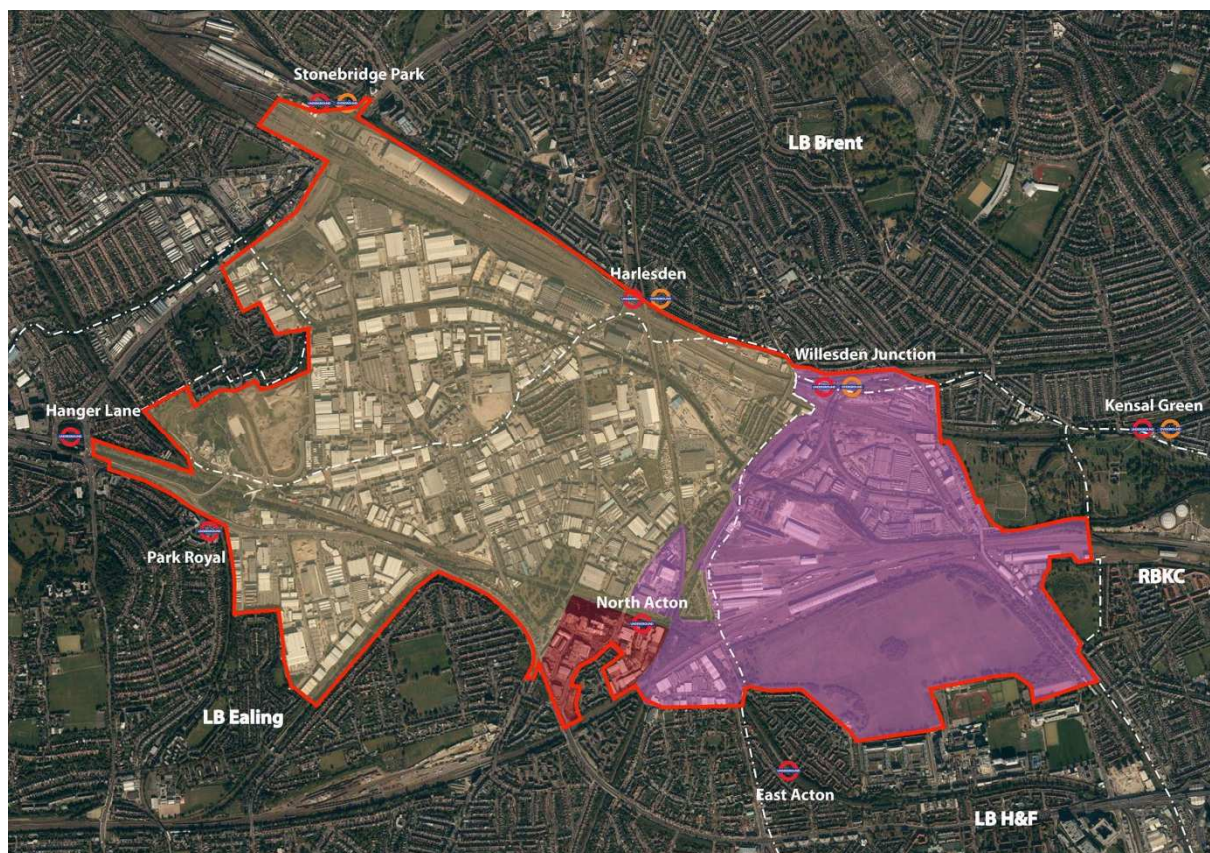
### 1. Introduction and purpose

This Scheme of Delegation is an arrangement between the Old Oak and Park Royal Development Corporation (“OPDC”) and the London Borough of Brent (“LBB”), which formalises the delegation of certain planning functions from the OPDC to LBB in those parts of the OPDC area that fall within the LBB boundary.

What follows is a guide to the types of planning applications and other planning functions that will be delegated to and dealt with by LBB. It should be read in conjunction with the attached protocol for delegated applications (Appendix 1).

### 2. Geographical coverage

The OPDC area is divided into three sub-areas: Old Oak; Park Royal; and North Acton. Two of these sub-areas, Old Oak and Park Royal, fall within the LBB boundary (see pink and yellow areas on map below). Different arrangements for the delegation of planning functions are in place in the North Acton sub-area, which falls within the London Borough of Ealing and is subject to a separate Scheme of Delegation. This Scheme of Delegation applies only to those parts of the Old Oak and Park Royal sub-areas that fall within the LBB boundary.



## 3. Functions to be delegated to LBB

a) OPDC will delegate planning applications for the following types of development to LBB for determination on OPDC's behalf:

i) in Old Oak:

- material change of use of existing buildings, including listed buildings, from C1, C2, C2A, C3 or C4, to any other use;
- alterations, conversions and extensions to existing buildings, including listed buildings, in use classes C1, C2, C2A, C3 or C4;
- the construction of less than 10 new units in use class C3 or less than 1,000 sqm of floorspace for a use falling in class C1, C2 or C4 of the General Use Classes Order 1987 (as amended);
- material change of use of existing buildings, including listed buildings, below 1,000 sqm in use classes A1 to A5, B1 to B8, D1, D2 and sui generis;
- alteration, extension and construction of buildings, structures or land (including listed buildings or listed structures) below 1,000 sqm in use classes A1 to A5, B1 to B8, D1, D2 and sui generis;
- transport applications related to new and/or altered road crossovers;
- transport measures related to an individual unit as per C1, C2, C2A, and C3 of the Use Class Order 1987;
- transport measures related to individual units below 1,000 sqm as per A1 to A5, B1 to B8, D1 to D2 and sui generis of the Use Class Order 1987.

ii) in Park Royal:

- material change of use of existing buildings, including listed buildings, from C1, C2, C2A, C3 or C4, to any other use;
- alterations, conversions and extensions to existing buildings, including listed buildings, in use classes C1, C2, C2A, C3 or C4;
- the construction of less than 50 new units in use class C3 or less than 5,000 sqm of floorspace for a use falling in class C1, C2 or C4 of the General Use Classes Order 1987 (as amended);
- alteration, extension and construction of buildings, structures or land (including listed buildings or listed structures) of less than 10,000 sqm in use classes A1 to A5, B1 to B8, D1, D2 and sui generis (excluding waste development);
- waste facilities with a waste capacity throughput of less than 50,000 tonnes;
- development for a use, other than residential use, that includes provision of less than 200 car parking spaces in connection with that use;
- development that comprises or includes mining operations (meaning the winning and working of minerals in, on or under land, whether by surface or underground working) .

b) Other types of applications delegated to LBB for determination:

- Reserved matters applications submitted in connection with planning permission for a type of development falling under the thresholds set out in part a) above

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- Discharge or variation of conditions on a planning permission for a type of development falling under the thresholds set out in part a) above
- Non-material (S96a) and minor material (S73) amendments to a planning permission for a type of development falling under the thresholds set out in part a) above

## c) Appeals:

Where an appeal is made under Section 78 of the Town and Country Planning Act 1990 in respect of an application delegated to LBB, responsibility for defending that appeal will also be delegated to LBB.

## d) Section 106 agreements:

Where a Section 106 agreement is required to make a delegated application acceptable in planning terms, responsibility for negotiating the agreement and signing on behalf of OPDC will be delegated to LBB.

## e) Exceptions:

- In Park Royal, applications for the relocation of existing uses from one location to another within the Mayoral Development Area will be determined by OPDC and not delegated to the borough.
- In Park Royal, applications for new and altered vehicle, rail, pedestrian and cycle infrastructure including but not limited to applications for new roads, tunnels and bridges, will be determined by OPDC and not delegated to the borough.
- In exceptional cases, applications for types of development that exceed the thresholds set out in part a) above, may be delegated to LBB by mutual agreement between OPDC and LBB.
- In exceptional cases, applications for types of development under the thresholds set out in part a) above, may be determined by OPDC if they raise issues of strategic importance or have implications for the coordinated planning and regeneration of the area.

### Protocol for handling planning applications and other planning-related functions

#### Background

On 1 April 2015, OPDC will assume all the powers of a local planning authority in respect of the entirety of the designated Old Oak and Park Royal Mayoral Development Area that are listed in sections 202 (2) to (5) inclusive of the Localism Act 2011.

Under section 110 of the Localism Act 2011 and as set out in the National Planning Policy Framework (paragraphs 178-181), OPDC and LBB have a duty to cooperate on planning issues. The purpose of this protocol is to facilitate general cooperation between the parties with respect to the range of planning functions and to define roles and responsibilities in relation to those functions.

As a general principle, OPDC and LBB commit to work together to ensure a coordinated approach to development, the identification of strategic planning priorities and the resolution of joint planning issues and concerns.

Where information and documentation is exchanged between OPDC and LBB, this will be done electronically insofar as practicably possible.

#### Pre-application advice

- All requests for pre-application advice will be submitted in the first instance to OPDC as local planning authority.
- OPDC will assess the proposal against the thresholds in the Scheme of Delegation. Proposals that meet the criteria for delegation will be forwarded to LBB as soon as is reasonably practicable and within 5 working days of receipt.
- LBB will provide pre-application advice in accordance with its pre-application charging service.
- For proposals that will be determined by OPDC, LBB will be notified of the pre-application request and invited to attend relevant meetings.

#### Submission, validation and determination of planning applications

- All applications for planning permission and other types of planning consent will be submitted to OPDC in this first instance, as the local planning authority.
- Any applications submitted to LBB in error shall be returned to the applicant, with advice to resubmit to OPDC.
- OPDC will assess the proposal against the thresholds in the Scheme of Delegation. Proposals that meet the criteria for delegation to LBB will be transferred as soon as is reasonably practicable and within 5 working days of receipt.



# GREATER LONDON AUTHORITY

- OPDC will transfer the planning application fee for all delegated applications, to LBB in a single monthly payment no later than the 10<sup>th</sup> day of the month following receipt of the applications.
- LBB will be responsible for registering, validating, publicising and undertaking all necessary consultations and ensuring procedural requirements are followed on delegated applications .
- LBB will validate delegated applications in accordance with its Local Validation Checklist.
- LBB will be responsible for publishing delegated applications on its Part 1 (applications pending) and Part 2 (applications determined) registers in accordance with its normal practice.
- LBB will use all reasonable endeavours to determine delegated applications within the relevant statutory determination period as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- OPDC will carry out statutory consultation on planning applications that it will determine. OPDC will consult LBB on such applications within or proximate to its area, allowing a minimum of 21 days to respond, such period to be extended by mutual agreement on a case-by-case basis.
- OPDC acknowledge that for large scale developments, LBB may wish to report the application to its own planning committee for comment. In such cases, LBB will do so expediently and in accordance with any timescale agreed with OPDC, so as not to unduly delay determination of the application by OPDC.

## Enforcement

- Unless otherwise agreed, OPDC will undertake planning enforcement functions in the Mayoral development area and will authorise enforcement action where it is expedient to do so. OPDC and LBB will cooperate with one another to ensure a coordinated approach to enforcement against breaches of planning control in the Mayoral development area.
- OPDC will work proactively with LBB to cooperate on enforcement action where there is a failure to comply with legal obligations pursuant to section 106 of the Town and Country Planning Act 1990, particularly where those obligations relate to payments or infrastructure to be passed to or otherwise to the benefit of the borough.

## Listed buildings

- OPDC will maintain a local list of heritage assets in the Mayoral development area. Where it is considered appropriate to add a building or structure to the local list, OPDC and LBB will cooperate in that process.

# GREATER LONDON AUTHORITY

- OPDC will consult LBB on applications for listed building consent within its area. In determining applications for listed building consent, OPDC and LBB shall cooperate in making appropriate resources available to advise on matters in relation to the proposal.

## Section 106 monitoring

- Where OPDC determines a planning application subject to a section 106 agreement, it will be responsible for monitoring the section 106 agreement and will receive the monitoring fee from the developer.
- Where LBB determines a delegated planning application and signs a section 106 agreement on OPDC's behalf, LBB will be responsible for monitoring that section 106 agreement and will receive the monitoring fee either directly from the developer or via OPDC.

## Appeals

- Where an appeal is made under s78(a) of the TCPA 1990 or s20 of the Listed Buildings and Conservation Areas Act 1990 in respect of an application determined by OPDC, OPDC will be responsible for defending that decision and resourcing the appeal appropriately.
- Where an appeal is made under s78(a) of the TCPA 1990 or s20 of the Listed Buildings and Conservation Areas Act 1990 in respect of a delegated application determined by LBB on OPDC's behalf, LBB will be responsible for defending that decision and resourcing the appeal appropriately.
- Where an award of costs is made by an appeal inspector, the lead authority defending or resourcing the appeal in question will bear the liability for, or receive the benefit of, those costs as appropriate.

## Planning history

- Where OPDC receives a planning application, it shall endeavour to obtain the planning history from the LBB website.
- Where OPDC is unable to obtain the complete planning history from the LBB website, OPDC will request the planning history direct from LBB. Where such a request is made, LBB will provide the planning history to OPDC within 5 working days.

## Planning Performance Agreements

- OPDC will enter into Planning Performance Agreements with applicants on a case-by-case basis. It will consult LBB on any draft PPA affecting land within its area and will include an appropriate timescale for consultation with the borough. As LBB will bear resource costs associated with reviewing planning applications, OPDC will strongly encourage applicants to contribute to LBB's costs of resourcing its involvement in the application.
- LBB will be free to enter into Planning Performance Agreements with applicants on delegated applications.

# GREATER LONDON AUTHORITY

## Designation of Conservation Areas

- Where it is considered appropriate to designate a conservation area, OPDC and LBB will cooperate in that process both in defining the extent of the conservation area and the content of the appraisal document, making relevant resources available as appropriate.

## Local Land Charges

- OPDC will not be designated as the registering authority for the area and responsibility for registering local land charges under the Local Land Charges Act 1975 will remain with LBB.
- OPDC will provide LBB with sufficient information to register a local land charge, in relation to:
  - Planning applications, listed building, advertisement and other planning consents submitted to OPDC, and copies of resolutions and decision notices issued by OPDC in relation to such applications;
  - Copies of enforcement, breach of condition and stop notices served by OPDC; and copies of resolutions and decisions to instigate enforcement proceedings;
  - Environmental impact assessment screening and scoping opinions made by OPDC;
  - Provisional and confirmed tree preservation orders and conservation area designations made by OPDC;
  - Agreements made by OPDC under section 106 of the Town and Country Planning Act 1990 and sections 38 and/or 278 of the Highways Act 1980;
  - Local Development Orders made by OPDC;
  - Compulsory Purchase Orders made by OPDC;
  - traffic schemes;
  - details of assets of community value made pursuant to section 87 of the Localism Act 2011;
  - liability for community infrastructure levy;
  - any appeal against OPDC.
- OPDC will provide this information within five working days of the relevant document being received or completed, as appropriate.

## London Development Database

- Responsibility for completing information returns to the London Development Database will continue to be the responsibility of LBB, in accordance with the Information Scheme agreement in place with the LDD.
- OPDC will provide LBB with sufficient information to report relevant planning permission and development completion information in relation to developments for which it grants planning permission. Such information will be provided in a monthly report of planning permissions and prior approvals granted and appeals allowed in whole or in part that involve:

# GREATER LONDON AUTHORITY

- New build residential units or any loss or gain of residential units through change of use or conversion of existing buildings
  - Seven or more new bedrooms for hotels, hostels, student housing or residential homes
  - 1,000 sq.m. or more of floorspace changing from one use class to another or created through new build or extension in all other non-residential categories
  - The loss or gain or change of use of open space
- LDD will enter on the LDD all planning permissions granted to the above definition within three months of the decision date.
  - OPDC will provide LBB with monitoring data for planning permissions especially starts and completions including date of action/date of survey/evidence (e.g. site visit, letter from developer).
  - LBB will update the LDD with start and completion dates on an annual basis.
  - OPDC will cooperate with LBB to respond to any queries raised by LDD

## Local Land and Property Gazetteer

- Responsibility for updating the Local Land and Property Gazetteer (LLPG), create new addresses and Unique Property Reference Numbers (UPRN) will remain with LBB.
- OPDC will provide LBB with sufficient information to maintain the LLPG and to allocate new UPRNs for properties without an existing address and/or UPRN. Such information will comprise:
  - Site plan
  - Address comprising Building Name (if applicable), Building Number (if applicable), Street Name, Postcode
  - Easting and Northing
  - Details of the use
  - What was previously on the site including the LLPG UPRN. If a building is sub-divided and each sub-division has its own address, the floor number of each unit should be provided
  - Information will be sent to [pdb@brent.gov.uk](mailto:pdb@brent.gov.uk) within three working days of receipt by OPDC
- LBB will process the above information according to its standard procedures and shall provide the information on new properties to OPDC by email (or another format as may be agreed) within five working days.

## Freedom of Information Requests

- Requests made under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 will be dealt with by the authority the request is made to.

## Annual Monitoring Report

- OPDC will provide LBB with information relating to developments in the Brent part of the Mayoral development area, in order to inform its Annual Monitoring report. The relevant monitoring points, derived from the Core Strategy and Site Specific Allocations document, are set out in tables 1 and 2 below.

Table 1: Core strategy monitoring targets

| <b>Performance Measure</b>  | <b>Target</b>   | <b>Monitoring Point</b>  | <b>Specific policies to be monitored</b> |
|---|---|--|--|
| <b>Amount of land developed or redeveloped in Park Royal for employment purposes (Core)</b> | Development or redevelopment of 50 hectares of land for employment purposes   | 1200m <sup>2</sup> annual net increase in gross internal floorspace (m <sup>2</sup> ) for B1 & other suitable employment uses in Park Royal area to 2017.<br><b>When:</b> Annually | CP3 and CP12                             |
| <b>No net loss of floorspace in other SIL and LSIS (Core)</b>                               | No Net loss of floorspace in SIL & LSIS outside of site specific allocations (Park Royal has separate target).                        | No net loss of gross internal floorspace (m <sup>2</sup> ) for use classes B1 and related uses 2007-2017 in SIL and LSIS<br><b>When:</b> Annually                                  | CP1, CP3 and CP20                        |
| <b>Secure job placements from new development</b>   | Secure 800 job placements p.a from 2007-17.   | Number of placements made by Brentin2Work each year.<br><b>When:</b> Annually  | CP1                                      |
| <b>Provision of new or extended community facilities.</b>                                   | Provide new community facilities at a rate of 370 m <sup>2</sup> per 1000 new population created by new housing development.          | New or extended floorspace that meets rate of population growth.<br><b>When:</b> Annually  | CP7, CP8, CP9, CP10, CP11 and CP23       |
| <b>Provide new school places for increased population.</b>                                  | Approval for and construction of new and extended schools in Growth Areas and Park Royal as set out in policies CP7 to CP12 inclusive | Number of new schools and extensions to schools with permission for development and completed or underconstruction by 2017.<br><b>When:</b> Annually                               | CP7, CP8, CP9, CP10, CP11 and CP12       |
| <b>Health Facilities-facilities to meet GP service needs as set out in IIF.</b>             | To meet target for GP facilities related to population growth needs.  | Secure floorspace for 1 GP per 1500 new population.<br><b>When:</b> Annually   | CP7, CP8, CP9, CP10, CP11 and CP12       |
| <b>Total additional Homes (Core)</b>  | Minimum of 11,200 homes (9150 self contained) supplied 2007/8 - 2016/17   | No. of homes completed in borough.<br><b>When:</b> Annually  | CP2                                      |
| <b>No. of affordable Units (Core)</b>   | Minimum of 4,575 or 50% completions; 2007/8 - 2016/17.  | No. of completed units.<br><b>When:</b> Annually   | CP2                                      |
| <b>Ensure reasonable proportion of</b>  | That 25% of all self-contained homes are 3  | No. of new family homes completed per annum.   | CP21                                     |

|  |  |   |   |
|--|--|---|---|
| <b>family homes (Core)</b>   | bed or larger.   | <b>When:</b> Annually   |   |
| <b>Wheelchair adaptable</b>  | 10% (of 10 units + schemes)  | No. of completed new homes that are wheelchair adaptable.<br><b>When:</b> Annually  | London Plan Policy 3.8Bd*               |
| <b>Lifetime homes.</b>   | 100%   | No. of completed new homes built to lifetime home standards.<br><b>When:</b> Annually   | London Plan Policy 3.8Bc*               |
| <b>Secure interchange improvements</b>   | Secure major improvements at First Central by 2017   | Record Planning Obligations and direct works that secure improvements.<br><b>When:</b> Annually   | CP14 and CP15                           |
| <b>Protection of all open space of value (Core)</b>  | No net loss of open space to alternative uses  | Amount of open space lost to alternative uses.<br><b>When:</b> Annually   | CP18                                    |
| <b>Protection of areas designated for intrinsic environmental value including sites of national or regional/sub-regional significance (Core)</b> | No net loss of areas of wildlife and nature conservation importance                            | No net loss of land of nature conservation value on designated sites (SSSI, local nature reserves, Sites of more than local Importance for Nature Conservation)<br><b>When:</b> Annually  | CP18                                    |
| <b>Improvement of existing and provision for new areas of nature conservation.</b>   | Enhance and increase nature conservation areas. Reduce area of wildlife deficiency.            | Monies negotiated through S106 agreements for application sites in areas of deficiency, where monies have been spent and extent of areas of wildlife deficiency.<br><b>When:</b> Annually | CP18                                    |
| <b>New Tree Planting for new neighbourhoods.</b>   | To meet tree planting targets in growth area Park royal 4,000                                  | Count of new trees planted in growth areas.<br><b>When:</b> Annually  | CP7, CP8, CP9, CP10, CP11 and CP12      |
| <b>Provision for new or improved Children's Play Areas.</b>  | Meet standards on children's play as set out in Infrastructure & Investment Framework.         | Measure number of compliant schemes.<br><b>When:</b> Annually   | CP5, CP7, CP8, CP9, CP10, CP11 and CP18 |
| <b>Installation of Sustainable Urban Drainage systems (SUDS) in new development.</b>   | Appropriate major proposals should secure SUDS or apply water retention or harvesting measures | Applications which include SUD measures.<br><b>When:</b> Annually   | London Plan Policy 5.13A*               |
| <b>Safeguard existing waste facilities and secure land for new waste operations.</b>   | Net increase of waste facilities.<br>No net loss of existing waste facilities.                 | Planning approvals p.a.<br><b>When:</b> Annually  | London Plan policy 5.17G* and 5.17H*    |

|  |  |   |      |
|--|--|---|------|
| <b>Protection of existing community facilities</b> | No net loss of community facilities unless compensation provided | Number of applications approved resulting in the net loss of a community facility for which no compensation made through planning obligation or other agreement.<br><b>When:</b> Annually | CP23 |
|--|--|---|------|

Table 2: Site Specific Allocations monitoring



| Site Specific Allocation                           | Landowner | First phase housing complete | Other land uses proposed                                   | Target date for planning application   | Achievement 2011-12   |
|--|-----------|------------------------------|--|--|---|
| <b><i>PR1 Former Guinness Brewery</i></b>          | Private   | N/A                          | Industry and warehousing                                   | Planning permission 2008   | Hybrid planning permission granted for plot 1 and 2 development (12/2862) |
| <b><i>PR2 First Central</i></b>                    | Private   | 2014                         | B1 offices / hotel   | Planning permission for offices/hotel 1999 part implemented. Planning application for residential 2010 | Planning Permission granted for 545 housing units in March 2012(10/3221)  |
| <b><i>PR3 Former CentralMiddlesex Hospital</i></b> | Private   | N/A                          | Hospital expansion and industrial / employment development | Planning application 2012  | Revised planning application June 2012.                                   |

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## Old Oak and Park Royal Development Corporation – Scheme of Delegation for Planning Functions in the London Borough of Ealing

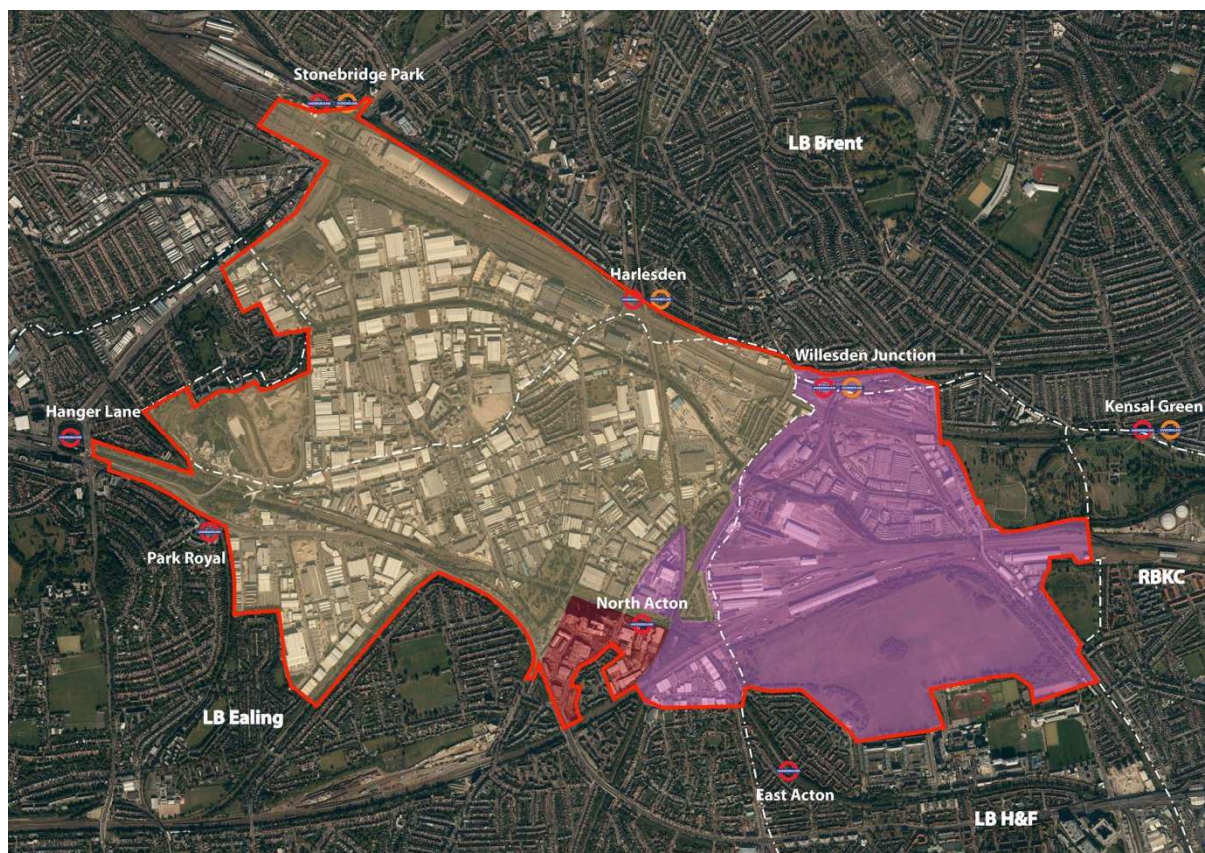
### 1. Introduction and purpose

This Scheme of Delegation is an arrangement between the Old Oak and Park Royal Development Corporation (“OPDC”) and the London Borough of Ealing (“LBE”), which formalises the delegation of certain planning functions from the OPDC to LBE in those parts of the OPDC area that fall within the LBE boundary.

What follows is a guide to the types of planning applications and other planning functions that will be delegated to and dealt with by LBE. It should be read in conjunction with the attached protocol for delegated applications (Appendix 1).

### 2. Geographical coverage

The OPDC area is divided into three sub-areas: Old Oak; Park Royal; and North Acton. Parts of all three of these sub-areas fall within the LBE boundary (see pink, yellow and red areas on map below). Different arrangements for the delegation of planning functions are in place in the three sub-areas. This Scheme of Delegation applies only to those parts of the sub-areas that fall within the LBE boundary.



## 3. Functions to be delegated to LBE

a) OPDC will delegate planning applications for the following types of development to LBE for determination on OPDC's behalf:

i) in North Acton:

- all planning applications falling under Part 3 (Control of Development) of the Town and Country Planning Act 1990.

ii) in Old Oak:

- material change of use of existing buildings, including listed buildings, from C1, C2, C2A, C3 or C4, to any other use;
- alterations, conversions and extensions to existing buildings, including listed buildings, in use classes C1, C2, C2A, C3 or C4;
- the construction of less than 10 new units in use class C1 to C4;
- material change of use of existing buildings, including listed buildings, below 1,000 sqm in use classes A1 to A5, B1 to B8, D1, D2 and sui generis;
- alteration, extension and construction of buildings, structures or land (including listed buildings or listed structures) below 1,000 sqm in use classes A1 to A5, B1 to B8, D1, D2 and sui generis;
- transport applications related to new and/or altered road crossovers;
- transport measures related to an individual unit as per C1, C2, C2A, and C3 of the Use Class Order 1987;
- transport measures related to individual units below 1,000 sqm as per A1 to A5, B1 to B8, D1 to D2 and sui generis of the Use Class Order 1987.

iii) in Park Royal:

- material change of use of existing buildings, including listed buildings, from C1, C2, C2A, C3 or C4, to any other use;
- alterations, conversions and extensions to existing buildings, including listed buildings, in use classes C1, C2, C2A, C3 or C4;
- the construction of less than 50 units in use class C1 to C4;
- alteration, extension and construction of buildings, structures or land (including listed buildings or listed structures) of less than 10,000 sqm in use classes A1 to A5, B1 to B8, D1, D2 and sui generis (excluding waste development);
- waste facilities with a waste capacity throughput of less than 50,000 tonnes;
- development for a use, other than residential use, that includes provision of less than 200 car parking spaces in connection with that use.

b) Other types of applications delegated to LBE for determination:

- Reserved matters applications submitted in connection with planning permission for a type of development falling under the thresholds set out in part a) above
- Discharge or variation of conditions on a planning permission for a type of development falling under the thresholds set out in part a) above

# GREATER LONDON AUTHORITY

- Non-material (S96a) and minor material (S73) amendments to a planning permission for a type of development falling under the thresholds set out in part a) above

c) Appeals:

Where an appeal is made under Section 78 of the Town and Country Planning Act 1990 in respect of an application delegated to LBE, responsibility for defending that appeal will also be delegated to LBE.

d) Section 106 agreements:

Where a Section 106 agreement is required to make a delegated application acceptable in planning terms, responsibility for negotiating the agreement and signing on behalf of OPDC will be delegated to LBE.

e) Exceptions:

- In Park Royal, applications for the relocation of existing uses from one location to another within the Mayoral Development Area will be determined by OPDC and not delegated to the borough.
- In Park Royal, applications for new and altered vehicle, rail, pedestrian and cycle infrastructure including but not limited to applications for new roads, tunnels and bridges, will be determined by OPDC and not delegated to the borough.
- In exceptional cases, applications for types of development that exceed the thresholds set out in part a) above, may be delegated to LBE by mutual agreement between OPDC and LBE.
- In exceptional cases, applications for types of development under the thresholds set out in part a) ii) and iii) (Old Oak and Park Royal), may be determined by OPDC if they raise issues of strategic importance or have implications for the coordinated planning and regeneration of the area.

### **Protocol for handling planning applications and other planning-related functions**

#### Background

On 1<sup>st</sup> April 2015, OPDC will assume all the powers of a local planning authority in respect of the entirety of the designated Old Oak and Park Royal Mayoral Development Area that are listed in sections 202 (2) to (5) inclusive of the Localism Act 2011.

Under section 110 of the Localism Act 2011 and as set out in the National Planning Policy Framework (paragraphs 178-181), OPDC and LBE have a duty to cooperate on planning issues. The purpose of this protocol is to facilitate general cooperation between the parties with respect to the range of planning functions and to define roles and responsibilities in relation to those functions.

As a general principle, OPDC and LBE commit to work together to ensure a coordinated approach to development, the identification of strategic planning priorities and the resolution of joint planning issues and concerns.

Where information and documentation is exchanged between OPDC and LBE, this will be done electronically insofar as practicably possible.

#### Pre-application advice

- All requests for pre-application advice will be submitted in the first instance to OPDC as local planning authority.
- OPDC will assess the proposal against the thresholds in the Scheme of Delegation. Proposals that meet the criteria for delegation will be forwarded to LBE within 5 working days of receipt.
- LBE will provide pre-application advice in accordance with its established pre-application charging service.
- For proposals that will be determined by OPDC, LBE will be notified of the pre-application request and invited to attend relevant meetings. Copies of pre-application advice issued by OPDC will be provided to LBE.

#### Submission, validation and determination of planning applications

- All applications for planning permission and other types of planning consent will be submitted to OPDC in this first instance, as the local planning authority.
- Any applications submitted to LBE in error shall be returned to the applicant, with advice to resubmit to OPDC.

# GREATER LONDON AUTHORITY

- OPDC will assess the proposal against the thresholds in the Scheme of Delegation. Proposals that meet the criteria for delegation to LBE will be transferred no later than 5 working days after receipt.
- OPDC will transfer the planning application fee for all delegated applications, to LBE. *[specific arrangements for this to be determined]*
- LBE will be responsible for registering, validating, publicising and undertaking all necessary consultations and ensuring procedural requirements are followed on delegated applications .
- LBE will validate delegated applications in accordance with its Local Validation Checklist.
- LBE will be responsible for publishing delegated applications on its Part 1 (applications pending) and Part 2 (applications determined) registers in accordance with its normal practice.
- LBE will use all reasonable endeavours to determine delegated applications within the relevant statutory determination period as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- OPDC will carry out statutory consultation on planning applications that it will determine. OPDC will consult LBE on such applications within its area, allowing a minimum of 21 days to respond, such period to be extended by mutual agreement on a case-by-case basis.
- OPDC acknowledge that for large scale developments, LBE may wish to report the application to its own planning committee for comment. In such cases, LBE will do so expediently and in accordance with any timescale agreed with OPDC, so as not to unduly delay determination of the application by OPDC.

## Enforcement

- OPDC will undertake planning enforcement functions in the Mayoral development area in a proactive and proportionate manner. OPDC and LBE will cooperate with one another to ensure a coordinated approach to enforcement against breaches of planning control in the Mayoral development area.
- OPDC will work proactively with LBE to cooperate on enforcement action where there is a failure to comply with legal obligations pursuant to section 106 of the Town and Country Planning Act 1990, particularly where those obligations relate to payments or infrastructure to be passed to the borough.

## Listed buildings

- Where it is considered appropriate to add a building or structure to the local list, OPDC and LBE will cooperate in that process.

# GREATER LONDON AUTHORITY

- OPDC will consult LBE on applications for listed building consent within its area. In determining applications for listed building consent, OPDC and LBE shall cooperate in making appropriate resources available to advise on matters in relation to the proposal.

## Section 106 monitoring

- Where OPDC determines a planning application subject to a section 106 agreement, it will be responsible for monitoring the section 106 agreement and will receive the monitoring fee from the developer.
- Where LBE determines a delegated planning application and signs a section 106 agreement on OPDC's behalf, LBE will be responsible for monitoring that section 106 agreement and will receive the monitoring fee either directly from the developer or via OPDC.

## Appeals

- Where an appeal is made under s78(a) of the TCPA 1990 or s20 of the Listed Buildings and Conservation Areas Act 1990 in respect of an application determined by OPDC, OPDC will be responsible for defending that decision and resourcing the appeal appropriately.
- Where an appeal is made under s78(a) of the TCPA 1990 or s20 of the Listed Buildings and Conservation Areas Act 1990 in respect of a delegated application determined by LBE on OPDC's behalf, LBE will be responsible for defending that decision and resourcing the appeal appropriately.

## Planning history

- Where OPDC receives a planning application, it shall endeavour to obtain the planning history from the LBE website.
- Where OPDC is unable to obtain the complete planning history from the LBE website, OPDC will request the planning history direct from LBE. Where such a request is made, LBE will provide the planning history to OPDC within 5 working days.

## Planning Performance Agreements

- OPDC will enter into Planning Performance Agreements with applicants on a case-by-case basis. It will consult LBE on any draft PPA affecting land within its area and will include an appropriate timescale for consultation with the borough. Where appropriate, OPDC will encourage applicants to contribute to LBE's costs of resourcing its involvement in the application.
- LBE will be free to enter into Planning Performance Agreements with applicants on delegated applications.

## Designation of Conservation Areas

- Where it is considered appropriate to designate a conservation area, OPDC and LBE will cooperate in that process both in defining the extent of the conservation area and the content of the appraisal document, making relevant resources available as appropriate.

# GREATER LONDON AUTHORITY

## Local Land Charges

- OPDC will not be designated as the registering authority for the area and responsibility for registering local land charges under the Local Land Charges Act 1975 will remain with LBE.
- OPDC will provide LBE with sufficient information to register a local land charge, in relation to:
  - Planning applications, listed building, advertisement and other planning consents submitted to OPDC, and copies of resolutions and decision notices issued by OPDC in relation to such applications;
  - Copies of enforcement, breach of condition and stop notices served by OPDC; and copies of resolutions and decisions to instigate enforcement proceedings;
  - Environmental impact assessment screening and scoping opinions made by OPDC;
  - Provisional and confirmed tree preservation orders and conservation area designations made by OPDC;
  - Agreements made by OPDC under section 106 of the Town and Country Planning Act 1990 and sections 38 and/or 278 of the Highways Act 1980;
  - Local Development Orders made by OPDC;
  - Compulsory Purchase Orders made by OPDC;
  - traffic schemes;
  - details of assets of community value made pursuant to section 87 of the Localism Act 2011;
  - liability for community infrastructure levy;
  - any appeal against OPDC.
- OPDC will provide this information within five working days of the relevant document being received or completed, as appropriate.

## London Development Database

- Responsibility for completing information returns to the London Development Database will continue to be the responsibility of LBE.
- OPDC will provide LBE with sufficient information to report relevant planning permission and development completion information in relation to developments for which it grants planning permission (including in exceptional circumstances those permissions that fall below the agreed threshold). Such information will meet the criteria set in the document 'London Development Database – Guide for data submission', and any further details that LDD requires (contact [Jonathan.Brooker@london.gov.uk](mailto:Jonathan.Brooker@london.gov.uk) for queries / information).

## Annual Monitoring Report

- Where OPDC determines a planning application, relevant monitoring information will be provided to LBE. Where monitoring information has already been provided for the

purpose of LDD inputting, the OPDC will not be required to provide this information to LBE. The additional monitoring information that will be required comprises of the following:

- Details of CIL / Section 106 agreements where OPDC determines the planning application, this should include the amount of CIL / S106 monies expected or received, date agreement was signed / money received, and details with regards to the allocation of expected or received monies. Should the OPDC produce their own report on these specific details, LBE will rely on such information instead of requesting it directly from OPDC.
- Details of applications formally advertised as departures.
- Details of applications appealed and Inspector's decisions where available.
- Details of changes (proposed or adopted) to planning designations (preferably in GIS form).
- Relevant monitoring data, not captured through the LDD, relating to waste activities as detailed in the monitoring section of the West London Waste Plan.
- For relevant planning applications where OPDC is the determining planning authority, relevant information regarding, Flood Risk, Sustainability, and Climate Change will be provided to LBE.

## Energy Monitoring and Sustainability Measures

- Key data relating to the performance of developments in respect of sustainable design and construction measures, including carbon emission savings achieved through the application of the Energy Hierarchy and performance ratings achieved where Code or BREEAM is employed.<sup>1</sup>

## Local Land and Property Gazetteer

- Responsibility for updating the Local Land and Property Gazetteer (LLPG), create new addresses and Unique Property Reference Numbers (UPRN) will remain with LBE.
- OPDC will provide LBE with sufficient information to maintain the LLPG and to allocate UPRNs. Such information will comprise:
  - Site plan
  - Address comprising Building Name (if applicable), Building Number (if applicable), Street Name, Postcode
  - Easting and Northing
  - Details of the use
  - What was previously on the site including the LLPG UPRN. If a building is sub-divided and each sub-division has its own address, the floor number of each unit should be provided
  - Information will be sent to LBE within three working days of receipt by OPDC

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<sup>1</sup> See separate note detailing the specific data requirements.



# GREATER**LONDON**AUTHORITY

- LBE will process the above information according to its standard procedures and shall provide the information on new properties to OPDC by email (or another format as may be agreed) within five working days.

## Freedom of Information Requests

- Requests made under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 will be dealt with by the authority the request is made to.

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**Full Council**  
2 March 2015

**Report from the Strategic Director of  
Regeneration & Growth**

Wards affected:  
Alperton, Harlesden, Kensal Green,  
Stonebridge, Tokyngton

**Old Oak and Park Royal Development Corporation Scheme  
Of Delegation**

**1.0 Summary**

- 1.1 Agreement is sought for the Old Oak and Park Royal Development Corporation (OPDC) Scheme of Delegation. This Scheme of Delegation is an arrangement between the OPDC and the London Borough of Brent, which formalises the delegation of certain planning functions from the OPDC to London Borough of Brent in those parts of the OPDC area that fall within the borough boundary.

**2.0 Recommendations**

- 2.1 That Members:
- 2.2 Agree the OPDC Scheme of Delegation for Planning Functions in the London Borough of Brent, as set out in Appendix A.
- 2.3 Agree the Protocol for handling planning applications and other planning – related functions attached as Appendix B.
- 2.4 Agree that the functions to be discharged by the Council on behalf of the OPDC be delegated to the Planning Committee and officers in accordance with the current arrangements for carrying out planning functions and that the Planning Committee Terms of Reference and Part 4 of the Constitution be amended accordingly as shown underlined in Appendix C.
- 2.5 Agree that any minor ancillary matters arising from time to time in respect of the Scheme of Delegation or the Protocol are delegated to the Strategic Director, Regeneration & Growth.

2.6 Agree that the matters set out in 2.1 – 2.4 above take effect from 1<sup>st</sup> April 2015 or such other time as the OPDC planning functions become effective.

### 3.0 Background

3.1 Under the Localism Act 2011 the Mayor of London has powers to establish a Mayoral Development Corporation ('MDC'). The Old Oak and Park Royal Development Corporation Establishment Order was made on 23<sup>rd</sup> January 2015 and comes into effect on 1<sup>st</sup> April 2015. The OPDC has been established to drive forward the regeneration of Old Oak and Park Royal in light of the proposed HS2 interchange. The corporation boundary includes land within Brent, Ealing and Hammersmith & Fulham (see Appendix A for map of boundary). The OPDC can acquire planning functions for the area covered by the MDC and it is understood that the Planning Order will be made and will come into effect on 1<sup>st</sup> April 2015. Accordingly from 1<sup>st</sup> April 2015, the OPDC will become the Local Planning Authority for the land within its boundary.

3.2 The OPDC will have a Planning Committee that includes one elected member from each of the three boroughs affected. The Council supported this approach, as although the majority of development will be located within Hammersmith & Fulham, some will be within Brent and all will have considerable impacts on the wider infrastructure and populations in Brent and Ealing.

3.3 The OPDC will also have a Board comprising an elected member from each of the three boroughs affected, a representative from the Greater London Authority, Transport for London, Department for Transport, High Speed 2, Network Rail, a local business representative, a representative from the residential community, the Chair of the OPDC Planning Committee, an independent business representative, an expert in regeneration and an expert in education. The OPDC Board will be seeking a nominated representative of Brent Council to serve on the Board. The Council will also need to nominate an elected member to represent the Council on the OPDC Planning Committee at Full Council on 20<sup>th</sup> May 2015. In both cases it will be for the Mayor of London to make the appointment, and the Council's schedule of appointments to outside bodies will be amended accordingly. Details around the need for an alternate for both the Board and Committee are yet to be finalised.

3.4 Under the Localism Act 2011, the OPDC can delegate some of its planning functions back to the Council. The OPDC therefore is seeking agreement to a Scheme of Delegation between OPDC and Brent. The Scheme is attached as Appendix A. In summary it is proposed the OPDC will delegate back the following functions:-

- Planning Applications – the OPDC will delegate planning applications for certain types of development to Brent for determination on OPDC's behalf. Generally, the OPDC would delegate minor applications to Brent, however, there are some exceptions as set out in full in the appendix.
- Appeals - Where an appeal is made under Section 78 of the Town and Country Planning Act 1990 in respect of an application delegated to Brent, responsibility for defending that appeal will also be delegated to Brent.
- Section 106 Agreements - Where a Section 106 agreement is required to make a delegated application acceptable in planning terms, responsibility for negotiating the agreement and signing on behalf of OPDC will be delegated to Brent.

- 3.5 The OPDC will not be able to delegate any of its functions until the Scheme of Delegation is agreed. Should Full Council not agree the Scheme, on becoming the Local Planning Authority on 1<sup>st</sup> April 2015 the OPDC will determine all applications in those parts of the OPDC area that fall within the Brent's boundary.
- 3.6 In addition to the Scheme of Delegation OPDC and Brent officers have developed a protocol setting out a commitment to working together to ensure a coordinated approach to development, the identification of strategic planning priorities and the resolution of joint planning issues and concerns. The protocol is included in full in Appendix B, in summary it sets out the following:-
- Pre-application advice, submission, validation and determination of planning applications - All requests for pre-application advice will be submitted in the first instance to OPDC as local planning authority. OPDC will assess the proposal against the thresholds in the Scheme of Delegation. Proposals that meet the criteria for delegation will be forwarded to Brent as soon as is reasonably practicable and within 5 working days of receipt.
  - Enforcement - Unless otherwise agreed, OPDC will undertake planning enforcement functions in the Mayoral development area and will authorise enforcement action where it is expedient to do so. OPDC and Brent will cooperate with one another to ensure a coordinated approach to enforcement against breaches of planning control in the Mayoral development area.
  - Locally Listed Buildings - OPDC will maintain a local list of heritage assets in the Mayoral development area. At present there is only one locally listed building within the area – Canal Cottage, Twyford. Where it is considered appropriate to add a building or structure to the local list, OPDC and Brent will cooperate in that process.
  - Designation of Conservation Areas - Where it is considered appropriate to designate a conservation area, OPDC and Brent will cooperate in that process both in defining the extent of the conservation area and the content of the appraisal document, making relevant resources available as appropriate.
  - Local Land Charges - OPDC will not be designated as the registering authority for the area and responsibility for registering local land charges under the Local Land Charges Act 1975 will remain with Brent.
  - London Development Database - OPDC will provide Brent with sufficient information to report relevant planning permission and development completion information in relation to developments for which it grants planning permission.
  - Local Land and Property Gazetteer - Responsibility for updating the Local Land and Property Gazetteer (LLPG), create new addresses and Unique Property Reference Numbers (UPRN) will remain with Brent. OPDC will provide London Borough of Brent with sufficient information to maintain the LLPG and to allocate new UPRNs for properties without an existing address and/or UPRN.

- Annual Monitoring Report - OPDC will provide Brent with information relating to developments in the Brent part of the Mayoral development area, in order to inform its Annual Monitoring report.

#### **4.0 Financial Implications**

- 4.1 There are no immediate or major financial implications relating to this report as it is not envisaged that the proposals would result in any significant reduction in the number of Planning applications determined by Brent. Any additional call on staffing and other financial resources will need to be contained within the current budget available to the service supplemented by any additional income generated.
- 4.2 Within the Scheme of Delegation proposals the OPDC will transfer the planning application fee for all delegated applications to Brent. Where Brent are to determine the application, Brent will provide pre-application advice in accordance with its established pre-application charging service. Where appropriate, OPDC will strongly encourage applicants to contribute to Brent's costs of resourcing its involvement in the application. If the Scheme of Delegation is not agreed no planning applications and therefore no fees will be transferred to Brent.
- 4.3 Where OPDC determines a planning application subject to a section 106 agreement, it will be responsible for monitoring the section 106 agreement and will receive the monitoring fee from the developer. Where Brent determines a delegated planning application and signs a section 106 agreement on OPDC's behalf, Brent will be responsible for monitoring that section 106 agreement and will receive the monitoring fee either directly from the developer or via OPDC.

#### **5.0 Legal Implications**

- 5.1 Part 8 Chapter 2 of the Localism Act 2011 provides the legislative basis for the Mayor of London to designate a Mayoral Development Area and for the planning functions for that area to be undertaken by the resulting Mayoral Development Corporation. Section 203 of the Localism Act 2011 enables the Mayoral Development Corporation (in this case the Old Oak and Park Royal Development Corporation ) to make arrangements for the discharge of planning functions under Part 3 of the Town and Country Planning Act 1990 to be undertaken by the Council responsible for that area. Where such arrangements are in place the Council may make arrangements for those functions to be discharged by a committee, sub committee, or officer of the Council.
- 5.2 The Old Oak and Park Royal Development Corporation proposed Scheme of Delegation seeks to transfer certain planning functions back to the Council and it is recommended to members that such functions be undertaken by the Council through its Planning Committee and by officers on the same basis that planning functions are currently carried out.
- 5.3 The Localism Act also provides that the Mayoral Development Corporation may seek that the Council give assistance with the Mayoral Development Corporation's discharge of its functions under Part 2 or Part 3 of the Planning and Compulsory Purchase Act 2004. Some of those functions arise under the proposed Protocol between Old Oak and Park Royal Development Corporation and the Council.

5.4 Section 110 of the Localism Act 2011 (and as the National Planning Policy Framework paragraphs 178-181 refers), provides that Old Oak and Park Royal Development Corporation and Brent have a duty to cooperate, engage constructively and actively on an ongoing basis in relation to planning of sustainable development.

## **6.0 Diversity Implications**

6.1 The proposal to establish the OPDC has been subject to an assessment on equality and inclusion. The Mayor has a duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between different minority groups. The assessment states the Mayor will take these duties into account when making any decisions relating to the OPDC, and would expect to work with the OPDC to involve women, BAME and disabled groups in its work. The Council has a duty under S149 Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. There are no apparent equalities issues arising from the matters to be decided by members in this report.

## **7.0 Staffing/Accommodation Implications**

7.1 The OPDC will determine some applications which otherwise would have been determined by Brent. However, based on an assessment of previous levels of applications within the OPDC area it is not envisaged this would result in a significant reduction in the number of planning applications determined by Brent. Furthermore, there will be resource implications in terms of providing comments and guidance to the OPDC and sharing data.

## **8.0 Environmental Implications**

8.1 As the local planning authority the OPDC will need to ensure planning applications accord with the requirements of the Town and Country Planning (EIA) Regulations 2011. The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.

### **Contact Officers**

Any person wishing to inspect the above papers should contact Claire Jones, Planning & Development 020 8937 5301.

**Andy Donald**  
**Strategic Director, Regeneration & Growth**

## Appendix A

### Old Oak and Park Royal Development Corporation – Scheme of Delegation for Planning Functions in the London Borough of Brent

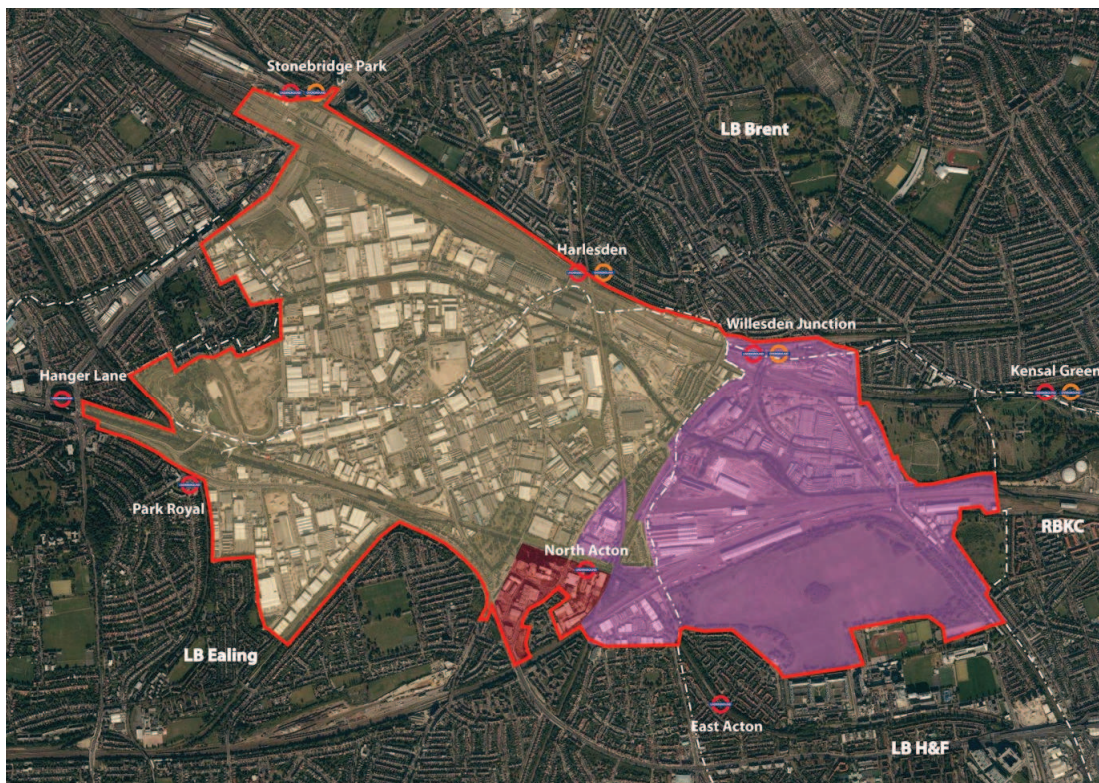
#### 1. Introduction and purpose

This Scheme of Delegation is an arrangement between the Old Oak and Park Royal Development Corporation (“OPDC”) and the London Borough of Brent (“LBB”), which formalises the delegation of certain planning functions from the OPDC to LBB in those parts of the OPDC area that fall within the LBB boundary.

What follows is a guide to the types of planning applications and other planning functions that will be delegated to and dealt with by LBB. It should be read in conjunction with the attached protocol for delegated applications (Appendix I).

#### 2. Geographical coverage

The OPDC area is divided into three sub-areas: Old Oak; Park Royal; and North Acton. Two of these sub-areas, Old Oak and Park Royal, fall within the LBB boundary (see pink and yellow areas on map below). Different arrangements for the delegation of planning functions are in place in the North Acton sub-area, which falls within the London Borough of Ealing and is subject to a separate Scheme of Delegation. This Scheme of Delegation applies only to those parts of the Old Oak and Park Royal sub-areas that fall within the LBB boundary.





3. Functions to be delegated to LBB

a) OPDC will delegate planning applications for the following types of development to LBB for determination on OPDC's behalf:

i) in Old Oak:

- material change of use of existing buildings, including listed buildings, from C1, C2, C2A, C3 or C4, to any other use;
- alterations, conversions and extensions to existing buildings, including listed buildings, in use classes C1, C2, C2A, C3 or C4;
- the construction of less than 10 new units in use class C3 or less than 1,000 sqm of floorspace for a use falling in class C1, C2 or C4 of the General Use Classes Order 1987 (as amended);
- material change of use of existing buildings, including listed buildings, below 1,000 sqm in use classes A1 to A5, B1 to B8, D1, D2 and sui generis;
- alteration, extension and construction of buildings, structures or land (including listed buildings or listed structures) below 1,000 sqm in use classes A1 to A5, B1 to B8, D1, D2 and sui generis;
- transport applications related to new and/or altered road crossovers;
- transport measures related to an individual unit as per C1, C2, C2A, and C3 of the Use Class Order 1987;
- transport measures related to individual units below 1,000 sqm as per A1 to A5, B1 to B8, D1 to D2 and sui generis of the Use Class Order 1987.

ii) in Park Royal:

- material change of use of existing buildings, including listed buildings, from C1, C2, C2A, C3 or C4, to any other use;
- alterations, conversions and extensions to existing buildings, including listed buildings, in use classes C1, C2, C2A, C3 or C4;
- the construction of less than 50 new units in use class C3 or less than 5,000 sqm of floorspace for a use falling in class C1, C2 or C4 of the General Use Classes Order 1987 (as amended);
- alteration, extension and construction of buildings, structures or land (including listed buildings or listed structures) of less than 10,000 sqm in use classes A1 to A5, B1 to B8, D1, D2 and sui generis (excluding waste development);
- waste facilities with a waste capacity throughput of less than 50,000 tonnes;
- development for a use, other than residential use, that includes provision of less than 200 car parking spaces in connection with that use;
- development that comprises or includes mining operations (meaning the winning and working of minerals in, on or under land, whether by surface or underground working) .

b) Other types of applications delegated to LBB for determination:

- Reserved matters applications submitted in connection with planning permission for a type of development falling under the thresholds set out in part a) above
- Discharge or variation of conditions on a planning permission for a type of development falling under the thresholds set out in part a) above
- Non-material (S96a) and minor material (S73) amendments to a planning permission for a type of development falling under the thresholds set out in part a) above

c) Appeals:

Where an appeal is made under Section 78 of the Town and Country Planning Act 1990 in respect of an application delegated to LBB, responsibility for defending that appeal will also be delegated to LBB.

d) Section 106 agreements:

**Where a Section 106 agreement is required to make a delegated application acceptable in planning terms, responsibility for negotiating the agreement and signing on behalf of OPDC will be delegated to LBB.**

e) Exceptions:

- In Park Royal, applications for the relocation of existing uses from one location to another within the Mayoral Development Area will be determined by OPDC and not delegated to the borough.
- In Park Royal, applications for new and altered vehicle, rail, pedestrian and cycle infrastructure including but not limited to applications for new roads, tunnels and bridges, will be determined by OPDC and not delegated to the borough.
- In exceptional cases, applications for types of development that exceed the thresholds set out in part a) above, may be delegated to LBB by mutual agreement between OPDC and LBB.
- In exceptional cases, applications for types of development under the thresholds set out in part a) above, may be determined by OPDC if they raise issues of strategic importance or have implications for the coordinated planning and regeneration of the area.

## **Appendix B**

# **Protocol for handling planning applications and other planning-related functions**

### Background

On 1<sup>st</sup> April 2015, OPDC will assume all the powers of a local planning authority in respect of the entirety of the designated Old Oak and Park Royal Mayoral Development Area that are listed in sections 202 (2) to (5) inclusive of the Localism Act 2011.

Under section 110 of the Localism Act 2011 and as set out in the National Planning Policy Framework (paragraphs 178-181), OPDC and LBB have a duty to cooperate on planning issues. The purpose of this protocol is to facilitate general cooperation between the parties with respect to the range of planning functions and to define roles and responsibilities in relation to those functions.

As a general principle, OPDC and LBB commit to work together to ensure a coordinated approach to development, the identification of strategic planning priorities and the resolution of joint planning issues and concerns.

Where information and documentation is exchanged between OPDC and LBB, this will be done electronically insofar as practicably possible.

### Pre-application advice

- All requests for pre-application advice will be submitted in the first instance to OPDC as local planning authority.
- OPDC will assess the proposal against the thresholds in the Scheme of Delegation. Proposals that meet the criteria for delegation will be forwarded to LBB as soon as is reasonably practicable and within 5 working days of receipt.
- LBB will provide pre-application advice in accordance with its pre-application charging service.
- For proposals that will be determined by OPDC, LBB will be notified of the pre-application request and invited to attend relevant meetings.

### Submission, validation and determination of planning applications

- All applications for planning permission and other types of planning consent will be submitted to OPDC in this first instance, as the local planning authority.
- Any applications submitted to LBB in error shall be returned to the applicant, with advice to resubmit to OPDC.

- OPDC will assess the proposal against the thresholds in the Scheme of Delegation. Proposals that meet the criteria for delegation to LBB will be transferred as soon as is reasonably practicable and within 5 working days of receipt.
- OPDC will transfer the planning application fee for all delegated applications, to LBB in a single monthly payment no later than the 10<sup>th</sup> day of the month following receipt of the applications.
- LBB will be responsible for registering, validating, publicising and undertaking all necessary consultations and ensuring procedural requirements are followed on delegated applications .
- LBB will validate delegated applications in accordance with its Local Validation Checklist.
- LBB will be responsible for publishing delegated applications on its Part 1 (applications pending) and Part 2 (applications determined) registers in accordance with its normal practice.
- LBB will use all reasonable endeavours to determine delegated applications within the relevant statutory determination period as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- OPDC will carry out statutory consultation on planning applications that it will determine. OPDC will consult LBB on such applications within or proximate to its area, allowing a minimum of 21 days to respond, such period to be extended by mutual agreement on a case-by-case basis.
- OPDC acknowledge that for large scale developments, LBB may wish to report the application to its own planning committee for comment. In such cases, LBB will do so expediently and in accordance with any timescale agreed with OPDC, so as not to unduly delay determination of the application by OPDC.

### Enforcement

- Unless otherwise agreed, OPDC will undertake planning enforcement functions in the Mayoral development area and will authorise enforcement action where it is expedient to do so. OPDC and LBB will cooperate with one another to ensure a coordinated approach to enforcement against breaches of planning control in the Mayoral development area.
- OPDC will work proactively with LBB to cooperate on enforcement action where there is a failure to comply with legal obligations pursuant to section 106 of the Town and Country Planning Act 1990, particularly where those obligations relate to payments or infrastructure to be passed to or otherwise to the benefit of the borough.

### Listed buildings

- OPDC will maintain a local list of heritage assets in the Mayoral development area. Where it is considered appropriate to add a building or structure to the local list, OPDC and LBB will cooperate in that process.
- OPDC will consult LBB on applications for listed building consent within its area. In determining applications for listed building consent, OPDC and LBB shall cooperate in making appropriate resources available to advise on matters in relation to the proposal.

### Section 106 monitoring

- Where OPDC determines a planning application subject to a section 106 agreement, it will be responsible for monitoring the section 106 agreement and will receive the monitoring fee from the developer.
- Where LBB determines a delegated planning application and signs a section 106 agreement on OPDC's behalf, LBB will be responsible for monitoring that section 106 agreement and will receive the monitoring fee either directly from the developer or via OPDC.

### Appeals

- Where an appeal is made under s78(a) of the TCPA 1990 or s20 of the Listed Buildings and Conservation Areas Act 1990 in respect of an application determined by OPDC, OPDC will be responsible for defending that decision and resourcing the appeal appropriately.
- Where an appeal is made under s78(a) of the TCPA 1990 or s20 of the Listed Buildings and Conservation Areas Act 1990 in respect of a delegated application determined by LBB on OPDC's behalf, LBB will be responsible for defending that decision and resourcing the appeal appropriately.
- Where an award of costs is made by an appeal inspector, the lead authority defending or resourcing the appeal in question will bear the liability for, or receive the benefit of, those costs as appropriate.

### Planning history

- Where OPDC receives a planning application, it shall endeavour to obtain the planning history from the LBB website.
- Where OPDC is unable to obtain the complete planning history from the LBB website, OPDC will request the planning history direct from LBB. Where such a request is made, LBB will provide the planning history to OPDC within 5 working days.

### Planning Performance Agreements

- OPDC will enter into Planning Performance Agreements with applicants on a case-by-case basis. It will consult LBB on any draft PPA affecting land within its area and will include an appropriate timescale for consultation with the borough. As LBB will bear resource costs associated with reviewing planning applications, OPDC will strongly encourage applicants to contribute to LBB's costs of resourcing its involvement in the application.
- LBB will be free to enter into Planning Performance Agreements with applicants on delegated applications.

### Designation of Conservation Areas

- Where it is considered appropriate to designate a conservation area, OPDC and LBB will cooperate in that process both in defining the extent of the conservation area and the content of the appraisal document, making relevant resources available as appropriate.

### Local Land Charges

- OPDC will not be designated as the registering authority for the area and responsibility for registering local land charges under the Local Land Charges Act 1975 will remain with LBB.
- OPDC will provide LBB with sufficient information to register a local land charge, in relation to:
  - Planning applications, listed building, advertisement and other planning consents submitted to OPDC, and copies of resolutions and decision notices issued by OPDC in relation to such applications;
  - Copies of enforcement, breach of condition and stop notices served by OPDC; and copies of resolutions and decisions to instigate enforcement proceedings;
  - Environmental impact assessment screening and scoping opinions made by OPDC;
  - Provisional and confirmed tree preservation orders and conservation area designations made by OPDC;
  - Agreements made by OPDC under section 106 of the Town and Country Planning Act 1990 and sections 38 and/or 278 of the Highways Act 1980;
  - Local Development Orders made by OPDC;
  - Compulsory Purchase Orders made by OPDC;
  - traffic schemes;
  - details of assets of community value made pursuant to section 87 of the Localism Act 2011;
  - liability for community infrastructure levy;
  - any appeal against OPDC.

- OPDC will provide this information within five working days of the relevant document being received or completed, as appropriate.

### London Development Database

- Responsibility for completing information returns to the London Development Database will continue to be the responsibility of LBB, in accordance with the Information Scheme agreement in place with the LDD.
- OPDC will provide LBB with sufficient information to report relevant planning permission and development completion information in relation to developments for which it grants planning permission. Such information will be provided in a monthly report of planning permissions and prior approvals granted and appeals allowed in whole or in part that involve:
  - New build residential units or any loss or gain of residential units through change of use or conversion of existing buildings
  - Seven or more new bedrooms for hotels, hostels, student housing or residential homes
  - 1,000 sq.m. or more of floorspace changing from one use class to another or created through new build or extension in all other non-residential categories
  - The loss or gain or change of use of open space
- LDD will enter on the LDD all planning permissions granted to the above definition within three months of the decision date.
- OPDC will provide LBB with monitoring data for planning permissions especially starts and completions including date of action/date of survey/evidence (e.g. site visit, letter from developer).
- LBB will update the LDD with start and completion dates on an annual basis.
- OPDC will cooperate with LBB to respond to any queries raised by LDD

### Local Land and Property Gazetteer

- Responsibility for updating the Local Land and Property Gazetteer (LLPG), create new addresses and Unique Property Reference Numbers (UPRN) will remain with LBB.
- OPDC will provide LBB with sufficient information to maintain the LLPG and to allocate new UPRNs for properties without an existing address and/or UPRN. Such information will comprise:
  - Site plan
  - Address comprising Building Name (if applicable), Building Number (if applicable), Street Name, Postcode

- Easting and Northing
  - Details of the use
  - What was previously on the site including the LLPG UPRN. If a building is sub-divided and each sub-division has its own address, the floor number of each unit should be provided
  - Information will be sent to [pdb@brent.gov.uk](mailto:pdb@brent.gov.uk) within three working days of receipt by OPDC
- LBB will process the above information according to its standard procedures and shall provide the information on new properties to OPDC by email (or another format as may be agreed) within five working days.

### Freedom of Information Requests

- Requests made under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 will be dealt with by the authority the request is made to.

### Annual Monitoring Report

- OPDC will provide LBB with information relating to developments in the Brent part of the Mayoral development area, in order to inform its Annual Monitoring report. The relevant monitoring points, derived from the Core Strategy and Site Specific Allocations document, are set out in tables 1 and 2 below.

Table 1: Core strategy monitoring targets

| <b>Performance Measure</b>  | <b>Target</b>  | <b>Monitoring Point</b>  | <b>Specific policies to be monitored</b> |
|---|--|--|--|
| <b>Amount of land developed or redeveloped in Park Royal for employment purposes (Core)</b> | Development or redevelopment of 50 hectares of land for employment purposes                                    | 1200m <sup>2</sup> annual net increase in gross internal floorspace (m <sup>2</sup> ) for BI & other suitable employment uses in Park Royal area to 2017.<br><b>When:</b> Annually | CP3 and CPI2                             |
| <b>No net loss of floorspace in other SIL and LSIS (Core)</b>                               | No Net loss of floorspace in SIL & LSIS outside of site specific allocations (Park Royal has separate target). | No net loss of gross internal floorspace (m <sup>2</sup> ) for use classes BI and related uses 2007-2017 in SIL and LSIS<br><b>When:</b> Annually                                  | CP1, CP3 and CP20                        |
| <b>Secure job placements from new development</b>   | Secure 800 job placements p.a from 2007-17.  | Number of placements made by Brentin2Work each year.<br><b>When:</b> Annually  | CP1                                      |
| <b>Provision of new or extended community facilities.</b>                                   | Provide new community facilities at a rate of 370 m <sup>2</sup> per 1000 new population created by            | New or extended floorspace that meets rate of population growth.<br><b>When:</b> Annually  | CP7, CP8, CP9, CPI0, CPI1 and CP23       |



|   |   |  |                                    |
|---|---|--|------------------------------------|
|   | new housing development.  |  |                                    |
| <b>Provide new school places for increased population.</b>  | Approval for and construction of new and extended schools in Growth Areas and Park Royal as set out in policies CP7 to CP12 inclusive | Number of new schools and extensions to schools with permission for development and completed or underconstruction by 2017.<br><b>When:</b> Annually | CP7, CP8, CP9, CP10, CP11 and CP12 |
| <b>Health Facilities-facilities to meet GP service needs as set out in IIF.</b>                     | To meet target for GP facilities related to population growth needs.  | Secure floorspace for 1 GP per 1500 new population.<br><b>When:</b> Annually   | CP7, CP8, CP9, CP10, CP11 and CP12 |
| <b>Total additional Homes (Core)</b>  | Minimum of 11,200 homes (9150 self contained) supplied 2007/8 -2016/17  | No. of homes completed in borough.<br><b>When:</b> Annually  | CP2                                |
| <b>No. of affordable Units (Core)</b>   | Minimum of 4,575 or 50% completions; 2007/8 - 2016/17.  | No. of completed units.<br><b>When:</b> Annually   | CP2                                |
| <b>Ensure reasonable proportion of family homes (Core)</b>  | That 25% of all self-contained homes are 3 bed or larger.   | No. of new family homes completed per annum.<br><b>When:</b> Annually  | CP21                               |
| <b>Wheelchair adaptable</b>   | 10% (of 10 units + schemes)   | No. of completed new homes that are wheelchair adaptable.<br><b>When:</b> Annually   | London Plan Policy 3.8Bd*          |
| <b>Lifetime homes.</b>  | 100%  | No. of completed new homes built to lifetime home standards.<br><b>When:</b> Annually  | London Plan Policy 3.8Bc*          |
| <b>Secure interchange improvements</b>  | Secure major improvements at First Central by 2017  | Record Planning Obligations and direct works that secure improvements.<br><b>When:</b> Annually  | CP14 and CP15                      |
| <b>Protection of all open space of value (Core)</b>   | No net loss of open space to alternative uses   | Amount of open space lost to alternative uses.<br><b>When:</b> Annually  | CP18                               |
| <b>Protection of areas designated for intrinsic environmental value including sites of national</b> | No net loss of areas of wildlife and nature conservation importance   | No net loss of land of nature conservation value on designated sites (SSSI, local nature reserves, Sites of more than local Importance for           | CP18                               |

|  |  |   |   |
|--|--|---|---|
| or regional/sub-regional significance (Core)   |  | Nature Conservation)<br><b>When:</b> Annually   |   |
| <b>Improvement of existing and provision for new areas of nature conservation.</b>   | Enhance and increase nature conservation areas. Reduce area of wildlife deficiency.            | Monies negotiated through S106 agreements for application sites in areas of deficiency, where monies have been spent and extent of areas of wildlife deficiency.<br><b>When:</b> Annually | CP18                                    |
| <b>New Tree Planting for new neighbourhoods.</b>                                     | To meet tree planting targets in growth area<br>Park royal 4,000                               | Count of new trees planted in growth areas.<br><b>When:</b> Annually  | CP7, CP8, CP9, CP10, CP11 and CP12      |
| <b>Provision for new or improved Children's Play Areas.</b>                          | Meet standards on children's play as set out in Infrastructure & Investment Framework.         | Measure number of compliant schemes.<br><b>When:</b> Annually   | CP5, CP7, CP8, CP9, CP10, CP11 and CP18 |
| <b>Installation of Sustainable Urban Drainage systems (SUDS) in new development.</b> | Appropriate major proposals should secure SUDS or apply water retention or harvesting measures | Applications which include SUD measures.<br><b>When:</b> Annually   | London Plan Policy5.13A*                |
| <b>Safeguard existing waste facilities and secure land for new waste operations.</b> | Net increase of waste facilities.<br>No net loss of existing waste facilities.                 | Planning approvals p.a.<br><b>When:</b> Annually  | London Plan policy 5.17G* and 5.17H*    |
| <b>Protection of existing community facilities</b>                                   | No net loss of community facilities unless compensation provided                               | Number of applications approved resulting in the net loss of a community facility for which no compensation made through planning obligation or other agreement.<br><b>When:</b> Annually | CP23                                    |

Table 2: Site Specific Allocations monitoring

|  |             |
|--|-------------|
|  | Completed   |
|  | On target   |
|  | Later years |

|  |                             |
|--|-----------------------------|
|  | Behind target               |
|  | No progress & behind target |

| <b>Site Specific Allocation</b>             | <b>Landowner</b> | <b>First phase housing complete</b> | <b>Other land uses proposed</b>                            | <b>Target date for planning application</b>  | <b>Achievement 2011-12</b>  |
|---|------------------|-------------------------------------|--|--|---|
| <b>PR1 Former Guinness Brewery</b>          | Private          | N/A                                 | Industry and warehousing                                   | Planning permission 2008   | Hybrid planning permission granted for plot 1 and 2 development (12/2862) |
| <b>PR2 First Central</b>                    | Private          | 2014                                | BI offices / hotel   | Planning permission for offices/hotel 1999 part implemented. Planning application for residential 2010 | Planning Permission granted for 545 housing units in March 2012(10/3221)  |
| <b>PR3 Former CentralMiddlesex Hospital</b> | Private          | N/A                                 | Hospital expansion and industrial / employment development | Planning application 2012  | Revised planning application June 2012.                                   |

## Appendix C

### PLANNING COMMITTEE

#### Membership

- The committee comprises 8 councillors.

#### Terms of Reference

1. To determine applications for planning permission, consent or approval (including listed building and conservation area consent) in respect of the following types of development:-
  - (i) construction of 20 or more dwellings;
  - (ii) outline residential development with a site larger than 0.1 hectare (approximately ¼ acre);
  - (iii) construction of non-residential building exceeding 500 sq. metres in floorspace outside a designated employment area; and
  - (iv) outline non-residential development with a site larger than 0.1 hectare (approximately ¼ acre), outside a designated primary employment area.
2. To determine applications for planning permission, consent or approval (including listed building and conservation area consent) which the Planning Committee has specifically indicated it wishes to consider itself.
3. To determine any application for planning permission, consent or approval (including listed building and conservation area consent) which at least three members of the Council have requested, in accordance with the Planning Code of Practice, be considered by the Planning Committee
4. To determine any other application for planning permission, consent or approval (including listed building and conservation area consent) in respect of which written objections have been received from 3 or more households or businesses except where those objections relate to:-
  - (v) Alterations to residential buildings including extensions, outbuildings (including garages), walls, vehicular accesses and hardstandings, and porches
  - (vi) satellite television dishes or aerials
  - (vii) other domestic aerials
  - (viii) certificates of lawful use or development (except applications which relate to the lawfulness of the use of a dwelling house by more than one family unit)

AND except where the officers are in any event minded to refuse the permission, consent or approval.

5. To determine any application for planning permission, consent or approval (including listed building and conservation area consent) which would, in the reasonable opinion of the Strategic Director Regeneration and Growth or the Head of Area Planning, significantly conflict with Council policies.
6. To determine any application for, or revocation of, planning permission or consent or approval (including listed building and conservation area consent) in case where the approval or revocation would, in the reasonable opinion of the Strategic Director Regeneration and Growth or the Head of Area Planning, give rise to the payment of compensation.
7. To authorise the service of an enforcement or stop notice in respect of breaches of planning, listed building, advertisement and hazardous substances control where such action would involve the payment of compensation.
8. To agree to enter into agreements pursuant to section 106 of the Town and Country Planning Act 1990, section 38 of the Highways Act 1980 or any other agreements required in connection with any permission, consent or approval granted by the committee and to authorise officers to make such agreements subject to such restrictions as it considers appropriate.
9. To determine any matter relating to planning or hazardous substances which are delegated to officers, other than Executive functions, but which the Strategic Director Regeneration and Growth or Head of Area Planning considers appropriate for the committee to consider.
10. To authorise the making of Tree Preservation Orders in cases where the relevant officer has declined to make an order.
11. In relation to other planning and/or development control matters:
  - (a) where requested by officers or the Cabinet to do so, to provide comments back to them on any applications for development in neighbouring boroughs and any changes to planning policy in other boroughs.
  - (b) to consider and recommend to the Cabinet or officers amendments to adopted or draft development plan documents, supplementary planning documents, planning briefs or other similar documents.
  - (c) to comment on development proposals following presentations by applicants and their agents of more significant proposals at a pre-application stage

12. To determine, agree, or authorise matters delegated to the Council under the Old Oak and Park Royal Development Corporation (OPDC) Scheme of Delegation and the Protocol agreed by Full Council on 2<sup>nd</sup> March 2015, so far as they fall within those functions delegated to this Committee as set out in paragraphs 1 – 11 above and subject to the limitations below.

### **Limitations**

- (a) None of the above will apply to any application for permission or consent which the Council is required to refuse in accordance with a direction to do so from the Mayor of London or any Minister of the Crown issued pursuant to any legislative provision in which case the refusal shall be issued by the Strategic Director Regeneration and Growth or the Head of Area Planning but reported to the Planning Committee for information.
- (b) Nothing in paragraphs 1-12 above shall apply to applications for permission for telecommunication masts submitted by telecom operators under Part 24 of Town and Country Planning (General Permitted Development) Order if the meeting at which the matter would be considered would take place after the deadline specified in that order for responding to the application in which case the application may, for the avoidance of doubt, be determined by officers under delegated powers.

**TABLE 1**

**FUNCTIONS WHICH CANNOT BE EXERCISED BY THE CABINET**

| <b>(1)</b>  | <b>(2)</b>  | <b>(3)</b>   |
|---|---|--|
| <i>Function</i>   | <i>Provision of Act or Statutory Instrument</i>                             | <i>Decision maker</i>  |
| <b>A. Functions relating to town and country planning and development control</b>                                 |   | <b>All of the functions listed under this section A will be exercised by the Strategic Director Regeneration and Growth and/or the Head of Area Planning or by a person nominated or authorised by the Strategic Director Regeneration and Growth , except those functions which are the responsibility of the Planning Committee or which are required to be determined by Full Council</b> |
| <b>1.</b> Power to determine application for planning permission.   | Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990. |  |
| <b>2.</b> Power to determine applications to develop land without compliance with conditions previously attached. | Section 73 of the Town and Country Planning Act 1990.                       |  |
| <b>3.</b> Power to grant planning permission for development already carried out.                                 | Section 73A of the Town and Country Planning Act 1990.                      |  |
| <b>4.</b> Power to decline to determine application for planning permission.                                      | Section 70A of the Town and Country Planning Act 1990.                      |  |

|   |  |  |
|---|--|--|
| <p><b>5.</b> Duties relating to the making of determinations of planning applications.</p>  | <p>Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.</p> |  |
| <p><b>6.</b> Power to determine application for planning permission made by a local authority, alone or jointly with another person.</p>                | <p>Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).</p>  |  |
| <p><b>7.</b> Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</p> | <p>Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).</p>  |  |
| <p><b>8.</b> Power to enter into agreement regulating development or use of land.</p>   | <p>Section 106 of the Town and Country Planning Act 1990.</p>  |  |
| <p><b>9.</b> Power to issue a certificate of existing or proposed lawful use or development.</p>  | <p>Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.</p>   |  |
| <p><b>10.</b> Power to serve a completion notice.</p>   | <p>Section 94(2) of the Town and Country Planning Act 1990.</p>  |  |
| <p><b>11.</b> Power to grant consent for the display of advertisements.</p>   | <p>Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.</p>   |  |



|   |   |     |
|---|---|-----|
| <b>12.</b> Power to authorise entry onto land.  | Section 196A of the Town and Country Planning Act 1990.   |     |
| <b>13.</b> Power to require the discontinuance of a use of land.  | Section 102 of the Town and Country Planning Act 1990.  |     |
| <b>14.</b> Power to serve a planning contravention notice, breach of condition notice or stop notice.   | Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.   |     |
| <b>15.</b> Power to issue an enforcement notice.  | Section 172 of the Town and Country Planning Act 1990.  |     |
| <b>16.</b> Power to apply for an injunction restraining a breach of planning control.   | Section 187B of the Town and Country Planning Act 1990.   |     |
| <b>17.</b> Power to determine applications for hazardous substances consent, and related powers.  | Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.   |     |
| <b>18.</b> Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject. | Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act. | N/A |
| <b>18A.</b> Power to issue a temporary stop notice  | Section 171 E of the Town and Country Planning Act 1990   |     |
| <b>19.</b> Power to require proper maintenance of land.   | Section 215(1) of the Town and Country Planning Act 1990.   |     |

|  |  |  |
|--|--|--|
| <p><b>20.</b> Power to determine application for listed building consent, and related powers.</p>                      | <p>Sections 16(1) and (2), 17, and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>   |  |
| <p><b>21.</b> Power to determine applications for conservation area consent.</p>                                       | <p>Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.</p>  |  |
| <p><b>22.</b> Duties relating to applications for listed building consent and conservation area consent.</p>           | <p>Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI 1990/1519) and paragraphs 8, 15 and 22 of Department of the Environment, Transport and the Regions Circular 01/01.</p> |  |
| <p><b>23.</b> Power to serve a building preservation notice, and related powers.</p>                                   | <p>Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>  |  |
| <p><b>24.</b> Power to issue enforcement notice in relation to demolition of listed building in conservation area.</p> | <p>Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>  |  |
| <p><b>25.</b> Powers to acquire a listed building in need of repair and to serve a repairs notice.</p>                 | <p>Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>  |  |

|  |  |  |
|--|--|--|
| <p><b>26.</b> Power to apply for an injunction in relation to a listed building.</p>   | <p>Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> |  |
| <p><b>27.</b> Power to execute urgent works.</p>   | <p>Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>  |  |
| <p><b>28.</b> Any other planning related functions which are or become a function which cannot be exercised by the Executive.</p>  |  |  |
| <p><b>29.</b> <u>Such of the functions listed in 1 – 28 above as shall arise under the Old Oak and Park Royal Development Corporation (OPDC) Scheme of Delegation agreed by the Council on 2<sup>nd</sup> March 2015</u></p> | <p><u>Section 203 Localism Act 2011</u></p>  |  |

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## Appendix D



|                                     |
|-------------------------------------|
| <b>Report for:</b><br><b>ACTION</b> |
| <b>Item Number: 12D</b>             |

|  |  |
|--|--|
| <b>Contains Confidential or Exempt Information</b> | No   |
| <b>Title</b>                                       | Proposed changes to the council's constitution |
| <b>Responsible Officer(s)</b>                      | Director of Legal and Democratic Services      |
| <b>Author(s)</b>                                   | Helen Harris                                   |
| <b>Portfolio(s)</b>                                | Leader   |
| <b>For Consideration By</b>                        | Full council                                   |
| <b>Date to be Considered</b>                       | 24 <sup>th</sup> February 2015                 |
| <b>Implementation Date if Not Called In</b>        | Not applicable.                                |
| <b>Affected Wards</b>                              | All  |
| <b>Keywords/Index</b>                              | Constitution changes, delegated powers,        |

### **Purpose of Report:**

A report recommending changes to the Council's constitution

### **1. Recommendations**

That council agrees to:

- 1.1 Amend the constitution as set out in appendix 1,
- 1.2 Authorise the Executive Director of Corporate Resources, following consultation with the three party whips, to determine the terms of reference and membership of the proposed new Local Pension Board, the manner in which such members may be appointed and removed and the terms of their appointment, and
- 1.3 Authorise the Director of Legal and Democratic Services, following consultation with members of the Constitution Review Group, to amend the Contract Procedure Rules to achieve compliance with the Public Contracts Regulations 2015

### **2. Reason for Decision and Options Considered**

**2.1** The Director of Legal & Democratic Services is responsible for keeping the constitution under review and making recommendations for change as and when appropriate.

#### **2.2 Schools Admissions Forum**

The legal requirement to hold a public meeting to approve the admissions criteria for individual schools has now been removed, although the council is still required to consult with members of the public. Full consultation on admissions criteria is now carried out separately from the SAF. The rationale

for this meeting no longer exists and it's therefore proposed that it be abolished.

### **2.3 Delegations to the Executive Director of Children and Adults**

There is no longer a statutory requirement for the council to have a Children and Young People's Plan and so it is proposed to remove reference to it in officer delegated powers and to replace it with the powers to fulfil the council's new responsibilities with regard to child poverty.

**2.4** From 1 April 2015 the Care Act requires Local Authorities to establish such an Adults Safeguarding Board. The council already has an Adults Safeguarding Board, in accordance with best practice, and it is proposed to make a delegation to oversee the management of that Board.

### **2.5 Delegations to the Director of Children and Families**

Two amendments are proposed to reflect the new requirements of the Children and Families Act 2014.

### **2.6 Delegations to the Director of Adults Services**

Additional powers are proposed to reflect new duties arising from the Care Act 2014 and to enable the council to meet these duties effectively. The relevant provisions of the Care Act have not yet come into force but it is anticipated that they will do so on 1<sup>st</sup> April 2015.

### **2.7 Delegations to the Director of Safer Communities**

It is proposed to amend the delegated powers of the Director of Safer Communities, to make it explicit that she has the power to issue legal proceedings to obtain a possession order against tenants because of rent arrears and subsequently to evict them.

### **2.8 Delegations to the Director of Environment and Leisure**

The council's environmental services contract includes reference to a supervising officer. That supervising officer has a number of complex management responsibilities under the contract. By reason of the size and importance of the environmental services contract, it is recommended that the powers and responsibilities of the supervising officer be expressly delegated to an identified officer. It is recommended that that officer be the Director of Environment and Leisure or (in his absence) the Assistant Director of Street Services.

### **2.9 Sexual entertainment venue applications**

When the Licensing Act 2003 came into force the Council established a new Licensing Committee to deal with matters relating to applications under the Act. This was established in addition to the existing Licensing Panel which continues to consider other licensing matters which fall to be dealt with by the Council except those specifically within the terms of reference of any other committee. As a result at present consideration of matters relating to the licensing of Sexual Entertainment Venues pursuant to the Miscellaneous Provisions Act 1982 fall to be considered by the Licensing Panel. Given that such license applications tend to be received in conjunction with applications under the Licensing Act 2003 it is recommended that the terms of reference of Licensing Committee be amended to include consideration of Sexual Entertainment Venue licence matters so that when the two different types of application are received relating to the same venue they can be considered by one committee rather than two separate committees.

## **2.10 Mayoral Development Order**

The Mayor of London is proposing to designate a Mayoral Development Area at Old Oak Common and Park Royal, with the aim of establishing a Mayoral development corporation (MDC) in that area, using powers granted by the Localism Act 2011. The Mayoral Development Area will become operational with planning powers on 1 April 2015. The draft regulations establishing the MDC have recently been laid before Parliament and further regulations are due to be laid before Parliament in March 2015. The proposed name of the MDC is the “Old Oak and Park Royal Development Corporation” (OPDC”) and the area includes land within the boroughs of Ealing, Brent and Hammersmith and Fulham.

The Localism Act 2011 allows the Mayor to choose whether to confer planning powers on the OPDC. Although the OPDC will act as the principal agency responsible for planning within its boundary, it is proposed that the OPDC will enter into arrangements with Ealing and the other affected boroughs to enable the boroughs to continue to exercise certain agreed planning functions on the OPDC’s behalf by means of a Scheme of Delegation. Although the MDC is not yet in existence these have already being discussed and agreed in anticipation of the 1<sup>st</sup> April start date. The Scheme of Delegation as currently proposed is attached as appendix 2.

In order to give effect to the Scheme of Delegation, full Council must accept the delegation. It is therefore proposed that a report be submitted to full Council with a recommendation that the proposed Scheme of Delegation be accepted. Subject to full Council’s agreement it is then also proposed that full Council agree that the functions delegated to the Council in the Scheme of Delegation be exercised within the Council in accordance with the Council’s existing delegations as set out in Part 3 of the Constitution and Paragraph 7.1.1 of Part 8 of the Constitution. As a result Part 3 and Paragraph 7.1.1 need to be amended to reflect this as set out on the attached schedule. It is recommended that these functions be exercised on the Council’s behalf by the Director of Built Environment, except to the extent that Planning Committee may exercise the powers as set out in the existing delegations

## **2.11 Local Pension Board**

New statutory requirements have been imposed, amending the Local Government Pension Scheme Regulations 2013, which require the council to establish a Local Pension Board.

The council must determine the membership of its Local Pension Board, the manner in which such members may be appointed and removed and the terms of their appointment. However, membership must include:

- a. Employer representatives and member representatives in equal numbers, the total of which cannot be less than four (so not less than two of each).
- b. No officer or elected member who is responsible for discharge of pensions functions (apart from any function relating to local pension boards) may be a member of the local pension board of that authority.

- c. That any elected member of the administering authority who is a member of the local pension board must only be appointed as either an employer representation or a member representative.
- d. That employer and member representatives appointed to a local pension board have the capacity to perform their respective roles.
- e. That only employer and member representatives will be able to vote, although other members may also be appointed.

As the Board must be established by no later than 1<sup>st</sup> April 2015, it is recommended that the authority to select and appoint members to it be delegated to the Executive Director of Corporate Resources, following consultation with the party whips. The regulations were laid before parliament on 28 January 2015. There are some changes to the final version in comparison to the earlier versions which were the subject of consultation. Guidance, which must be followed, has also recently been published.

Some amendments to the terms of reference of the Pensions Fund Panel are also proposed in order to clarify their duties and powers in accordance with the Local Government Pension Scheme Regulations 2013 (as amended).

## **2.12 Contract Procedure Rules**

The Public Contracts Regulations 2015 were laid before parliament on 5<sup>th</sup> February and will come into force on a rolling programme from 26<sup>th</sup> February. These regulations will require amendment to a number of provisions within the council's Contract Procedure Rules (CPRs), which are part of the constitution. Although the regulations will legally overrule the CPRs in any event, it will be clearer and more transparent if the CPRs are amended to bring them into line with the requirements of the new regulations. Because of late publication of the regulations it was not possible for officers to propose final amendments to the CPRs prior to publication of this report. It is therefore proposed that authority be given to the Director of Legal and Democratic Services (DLDS) to draft and approve appropriate changes. Members of the council's Constitution Review Group have asked to be consulted prior to final approval of the changes by the DLDS.

Changes agreed by the DLDS under the proposed authorisation will be the minimum required in order to achieve compliance with the new regulations. If it is felt that further changes to the CPRs are appropriate, albeit not strictly required in order to achieve compliance with the new regulations, then a further constitution change proposal report will be brought to full council at a later date.



### **3 Key Implications**

The Constitution sets out how the Council operates, how decisions are made and the procedures that must be followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose. It is important that the Council's constitution is up to date and relevant for the councillors, officers, and third parties who need to work with it.

### **4 Financial**

The cost of implementing the constitution changes proposed in this report will be met from within existing budgets.

### **5. Legal**

These are set out within the body of the report.

### **6. Value for Money**

The efficient and effective use of officer delegated powers should achieve greater value for money.

### **7. Sustainability Impact Appraisal**

It is not envisaged that the proposals will have any sustainability impact. Accordingly, no formal appraisal has been carried out

### **8. Risk Management**

Risks of the proposed changes have been individually evaluated.

### **9. Community Safety**

No issues.

### **10. Links to the 6 Priorities for the Borough**

The council's six priorities for the borough are to make Ealing:

- prosperous
- safer
- healthier
- cleaner
- fairer
- accessible

By facilitating open, transparent, effective and efficient decision-making, the achievement of strategic objectives should be easier.

### **11. Equalities, Human Rights and Community Cohesion**

Equalities and community cohesion issues will be relevant in relation to most decisions taken by or on behalf of the Council. The changes to the decision-making and governance structures of the Council are designed to ensure that the individual or body taking decisions is able to identify and take account of these issues in the circumstances.

**12. Staffing/Workforce and Accommodation implications:**

None.

**13. Property and Assets**

No property implications.

**14. Consultation**

Consultation has been carried out with the service heads of the council service departments responsible for each of the service areas for which constitution change is proposed.

The proposed changes were discussed in detail at a meeting of the Constitution Review Group on 12<sup>th</sup> February.

The proposed changes will be advertised on the council's website following publication of this report. Any significant responses received will be reported orally to full council.

**15. Timetable for Implementation**

All amendments to the Constitution will come into effect as soon as they are approved by full Council. Changes will be posted into the web version of the constitution as soon as possible following approval.

**16. Appendices**

Appendix 1 : full details of constitution changes proposed.

Appendix 2 : Old Oak and Park Royal Development Corporation – Scheme of Delegation for Planning Functions in the London Borough of Ealing (pdf)

**17. Background Information**

[Ealing Council constitution](#)

[The Local Government Pension Scheme \(Amendment\) \(Governance\)](#)

[Regulations 2015](#)

[Local Government Pension Scheme Guidance on the creation and operation of](#)

[Local Pension Boards in England and Wales](#)

[Care Act 2014](#)

[Children and Families Act 2014](#)

[Licensing Act 2003](#)

[Old Oak and Park Royal Development Corporation \(Establishment\) Order 2015](#)

[Explanatory memorandum to the Old Oak and Park Royal Development](#)

[Corporation \(Establishment\) Order 2015](#)

[Public Contracts Regulations 2015](#)

## Consultation

| <b>Name of consultee</b>   | <b>Post held</b> | <b>Date sent to consultee</b> | <b>Date response received</b> | <b>Comments appear in paragraph:</b>                                       |
|--|------------------|-------------------------------|-------------------------------|--|
| <b>Internal</b>  |                  |                               |                               |  |
| Constitution Review Group  |                  | 12.02.2015                    |                               | 1.3 and 2.12   |
|  |                  |                               |                               |  |
| <b>External</b>  |                  |                               |                               |  |
| All change proposals will be advertised on the council's internet site following publication of this report. |                  |                               |                               | Any significant comments received will be reported orally to full council. |

## Report History

|                       |   |
|-----------------------|---|
| <b>Decision type:</b> | <b>Urgency item?</b>  |
| Non key               | Some of the legislative changes prompting the need for constitutional change will come into force within the next few weeks, making it important for them to be agreed at this meeting of full council. |
| Report no.:           | Report author and contact for queries: Helen Harris   |
|                       | First and surname, job title : Director of Legal and Democratic Services  |

# Appendix 1

## Proposed Changes to Ealing Council constitution: Full Council 24<sup>th</sup> February 2015

|   | <u>Constitution reference, and headline</u>   | <u>Explanation</u>   | <u>Change proposed (shown highlighted in yellow)</u>   |
|---|---|--|--|
| 1 | Part 3 (Responsibility for functions), section 4 (Responsibilities of advisory committees)                                    | To take account of the fact that there is no longer a legal requirement for the council to have a Schools Admissions Forum       | Delete reference to the Schools Admissions Forum in section 4 of part 3 of the constitution  |
| 2 | Part 8 (officer delegated powers), section 4 (functions delegated to the Executive Director of Children and Adults, para. 2.4 | There is no longer any legal requirement to have a Children and Young People's Plan so it is sensible to remove reference to it. | Delete paragraph 2.4 from section 4 of part 8, and replace with the following:<br>"2.4 To make arrangements to promote cooperation between the council and relevant partners with a view to reducing, and mitigating the effects of, child poverty in the area including arrangements for a child poverty needs assessment and joint child poverty strategy"   |
| 3 | Part 8 (officer delegated powers), section 4 (functions delegated to the Executive Director of Children and Adults, para. 3.9 | To take account of a new legal requirement.  | Insert a new paragraph 3.9 into section 4 of part 8 :<br>"2. To establish an Adults Safeguarding Board".   |
| 4 | Part 8 (officer delegated powers), section 4.1 (functions delegated to the Director of Children and Families)                 | To take account of new legal requirements  | Amend paragraph 34 of section 4.1 of part 8, to read as follows:<br>"34.1 To make arrangements for the provision of suitable education for children with special educational needs and to undertake assessments of SEN and the provision and maintenance of statements of SEN and Education Health and Care Plans'<br>34.2 To publish and keep under review the 'Local Offer' containing information about the provision in the area for children and young people with Special Educational Needs and Disability." |
| 5 | Part 8 (officer delegated powers), section 4.7 (functions delegated to the Director of Adults' Services, para. 3.9            | To take account of new legal requirements  | Delete the following paragraphs of section 4.7 of part 8. Namely : paragraphs 12 to 24 , 26, 31 and 32.<br>Replace those paragraphs with:<br>"People with Care and Support Needs<br>12. To make arrangements for the exercise of the Council's functions under the Care Act 2014 and transitional provisions under prior legislation, in relation to people with care and support needs and their carers, including providing information and advice, and  |

|   | <u>Constitution reference, and headline</u>   | <u>Explanation</u>                    | <u>Change proposed (shown highlighted in yellow)</u>   |
|---|---|---------------------------------------|--|
|   |   |                                       | <p>promoting diversity and quality in the provision of services, including preventative services</p> <p>13. To make arrangements for assessing and the needs of adults with care and support needs and their carers</p> <p>14 To make arrangements for meeting the needs of adults and carers including arranging for the provision of services by the Council, the commissioning of services provided by other organisations and the making of direct payments</p> <p>15. To administer the Council’s polices with regard to charging for meeting the needs of adults and carers with support needs, including recovery of debts, protecting the property of adults being cared for away from home, and administration of the Council’s deferred payment scheme.</p> <p>16. To conduct safeguarding enquiries and make safeguarding arrangements</p> <p>17. To maintain a register of people who are sight impaired</p> <p>18. To make arrangements to ensure that the Council’s responsibilities with regard to registration of services with the Care Quality Commission under Health and Social Care Act 2008 are met.”</p> <p>Add the following delegation:</p> <p>“36. To make arrangements for Independent Advocacy Services in respect of NHS complaints and to support people with significant difficulties in doing so to be involved in the exercise of care and support and safeguarding functions.”</p> |
| 6 | Part 8 (officer delegated powers), section 7.3 (functions delegated to the Director of Safer Communities, para. 22.3(d) | To clarify existing delegated powers. | <p>To amend or add the following paragraphs of section 7.3 of part 8 of the constitution, to read as follows:</p> <p>2A. To institute proceedings on behalf of the Council on claims for possession in the County Court against secure tenants on the ground of rent arrears.“22.3(c) c) the management and the termination of tenancies including (but not limited) to the issue and enforcement of notices to quit and notices seeking possession.”</p> <p>“22.3(d) the enforcement of conditions of tenancy including (but not limited to) possession proceedings when tenants fail to comply with their tenancy obligation to pay their rent or other monies owed to the Council under the terms of their tenancy and (following consultation with the Director of Legal and Democratic Services and other relevant service directors, including the statutory children</p>  |

|    | <u>Constitution reference, and headline</u>  | <u>Explanation</u>  | <u>Change proposed (shown highlighted in yellow)</u>   |
|----|--|---|--|
|    |  |   | services director) court action to secure enforcement of possession orders”  |
| 7  | Part 8 (officer delegated powers), section 6.1 (functions delegated to the Director of Environment and Leisure | To clarify existing delegated powers.   | To add the following definition to the start of section 6.1 of part 8 of the constitution: “Environmental Services Contract means the contract entered into by the council on 28 <sup>th</sup> November 2011 for provision of environmental services and made between the council and Enterprise Managed Services Limited” Add the following new paragraph into section 6.1 of part 8: “2.8 To carry out the functions of the supervising officer under the Environmental Services Contract” |
| 8  | Part 3 (Responsibility for functions), section 2 (responsibility for council functions) Licensing Committee    | To improve the administration and arrangements for the consideration Sexual Entertainment Venue applications when received in parallel with Licensing Act 2003 applications for the same venue. | Add the following additional responsibilities to the existing responsibilities of the Licensing Committee and Licensing Sub Committees: “ 4. The determination of applications relating to sexual Entertainment Venues (under the Miscellaneous Provisions Act 1982)”  |
| 9  | Part 8 (officer delegated powers), section 7.1 (functions delegated to the Director of Built Environment       | To enable efficient and timely administration of the planning functions delegated to the council in relation to the Old Oak and Park Royal Development Corporation                              | To add the additional delegated power to part 1 of section 7.1 of part 8: “ <b>General</b> 1.2 To exercise the functions that have been delegated to the council pursuant to the Old Oak and Park Royal Development Corporation scheme of delegation of planning functions in the London Borough of Ealing”  |
| 10 | Part 3 (Responsibility for functions), section 2 (Responsibility for council functions), Planning Committee    | To enable efficient and timely administration of the planning functions delegated to the council in relation to the Old Oak and Park Royal Development Corporation                              | To add the additional power to the powers of the Planning Committee: “To exercise the functions that have been delegated to the council pursuant to the Old Oak and Park Royal Development Corporation scheme of delegation of planning functions in the London Borough of Ealing”   |
| 11 | Part 3 (Responsibility for functions), section 2 (Responsibility for council functions)                        | To comply with new statutory requirements.  | Insert into section 4 of part 3 reference to the Local Pensions Board, with the following responsibilities: “Local Pensions Board To assist the council in relation to securing compliance with— (a) The Local Government Pension Scheme Regulations 2013 (as amended); (b) any other legislation relating to the governance and administration of the Scheme; and (c) requirements imposed by the Pensions Regulator in relation to the Scheme.”  |

|    | <b><u>Constitution reference, and headline</u></b>                                      | <b><u>Explanation</u></b>   | <b><u>Change proposed (shown highlighted in yellow)</u></b>   |
|----|---|---|---|
| 12 | Part 3 (Responsibility for functions), section 2 (Responsibility for council functions) | To comply with new statutory requirements and to clarify existing delegated powers. | <p>Add the following additional responsibilities to the existing responsibilities of the Pension Fund Panel</p> <p>“3. To act as the Scheme Manager for the administering authority in the management and administration of the Local Government Pension Scheme for the London Borough of Ealing.</p> <p>4. To administer all aspects of the London Borough of Ealing Pension Fund on behalf of London Borough of Ealing.</p> <p>5. To exercise the functions of the Council in relation to the administration of the London Borough of Ealing Pension Fund.”</p> |

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**Subject:** Arrangements for Shared Services  
**Meeting date:** 1 April 2015  
**Report to:** Board  
**Report of:** Interim Chief Executive Officer

### For Decision

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**This report will be considered in public**

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## 1 Summary

- 1.1 This paper asks the Board to approve the proposed arrangements for utilising shared services with a number of different organisations. The Mayor has made clear his desire to see more shared services across the GLA family, to facilitate the efficient use of resources. The establishment of the Old Oak and Park Royal Development Corporation (OPDC) will seek to be an exemplar in shared services, drawing upon the best services across the GLA family and beyond.

## 2 Recommendations

The board is invited to:

- 2.1 **Approve** in principle the proposed arrangements for shared services between the OPDC and the Greater London Authority, Transport for London, MOPAC and the London boroughs of Brent, Ealing and Hammersmith and Fulham.
- 2.2 **Approve** the delegation of approval of the detailed shared services arrangements to the Interim Chief Executive Officer.

## 3 Background

- 3.1 To date the functions of the transitional OPDC Team have been hosted by the GLA. The OPDC is at a very early stage in its development with an existing headcount of ten staff. Given that the OPDC will be a functional body and a statutory planning authority there are a number of services required to ensure the smoother operations of the Corporation. Given limited resources, it is advantageous for the OPDC to continue to utilise many of the GLA's and TfL's services that it has had access to during the interim set-up stage, and utilise other services externally rather than provide in-house. In addition there are a number of new services areas relating to specific planning functions and audit where the OPDC will need support.

- 3.2 Based on the Mayor's view that shared services should be utilised across the GLA family wherever possible, and the experience to date of sharing services such as Secretariat and Committee services with the other Mayoral Development Corporation (LLDC), it has been agreed in principle with the Chief of Staff that the GLA should now formally take on the full range of administrative back-office functions for the OPDC board and committees.
- 3.3 The continued provision of these functions will not only ensure that services can be provided in the most efficient and cost effective manner, but will also ensure the continued effective delivery of services to the OPDC following its formal establishment on 1 April 2015. This will have the added benefit of creating the scope for further economies of scale and the sharing of best practice across the GLA family.
- 3.4 The OPDC has explored the potential of entering into analogous agreements with three local London Boroughs to continue to use their services for specific functions linked to the planning powers transferred to the OPDC, which would allow the Corporation to avoid duplication of the specialist expertise already in place at those authorities.
- 3.5 The employment law position (including TUPE risks) of any staff potentially affected will be ascertained before any such arrangements are put in place.
- 3.6 It is therefore recommended that the OPDC enter into agreements with four different categories of service provider. These are as follows:
  - Greater London Authority
  - Transport for London
  - MOPAC; and
  - The London Boroughs of Brent, Ealing and Hammersmith & Fulham.

Greater London Authority

- 3.7 Prior to entering into any shared services agreement with the Greater London Authority (GLA), a consultation with the London Assembly must be undertaken. A paper was taken to the Oversight Committee on 24 February outlining the proposal that the OPDC will enter into agreement with the GLA for the provision of the following functions:
  - Financial services (including treasury management and banking);
  - Secretariat / Committee Services;
  - Human Resources and Organisational Development;
  - Information Technology services;
  - External Relations & Media (including website, marketing, press & media monitoring) services;
  - Government Relations (for national and local government intelligence);
  - Public Liaison Unit services (for support);
  - GLA Governance and Resilience (for information governance and FOI);
  - GLA Communities and Intelligence (for economic and data services); and

- GLA Facilities Management (fully serviced office accommodation and health and safety).
- 3.8 The proposal is to establish administrative arrangements between the GLA and OPDC for the discharge by the GLA of the relevant OPDC functions under section 401A of the Greater London Authority Act 1999 (as amended). Section 401A(3) of the Act allows GLA Group constituent bodies (which include the GLA and OPDC) to establish such arrangements for the discharge by any one or more constituent bodies on behalf of any other constituent body of any functions of that other which are of an administrative, professional or technical nature. There are no staffing implications, under TUPE or any other provision, arising from these proposals in either organisation.
- 3.9 OPDC staff will experience no difference in the service upon OPDC establishment, although the OPDC will have its own corporate identity.
- 3.10 Provisional arrangements have been discussed with the GLA and a shared services agreement will be prepared following approval by the Board.

#### Transport for London

- 3.11 It is proposed that the OPDC will enter into agreement with Transport for London (TfL) for the provision of the following functions:
- Legal Services;
  - Procurement Services;
  - Transactional Finance Services; and
  - Property Services.
- 3.12 Provisional arrangements have been discussed with TfL and a shared services agreement will be prepared following approval by the Board.

#### MOPAC

- 3.13 It is proposed that OPDC will enter into agreement with the Mayor's Office for Policing and Crime Directorate of Audit, Risk and Assurance (MOPAC DARA), for the provision of internal audit services to the OPDC. MOPAC DARA currently provides internal audit services to MOPAC, Metropolitan Police Service (MPS), GLA, London Fire and Emergency Planning Authority (LFEPA) and from 1 April 2015, the London Legacy Development Corporation (LLDC), under shared service arrangements.
- 3.14 DARA has significant experience in auditing a wide variety of systems across the full spectrum of business in a complex environment, which include; Governance, Risk Management, Procurement and Contract Management, and advice on Major Change Programmes. Given their experience and provision of internal audit services to other functional bodies, it is therefore appropriate for MOPAC DARA to provide internal audit services to the OPDC.
- 3.15 Provisional arrangements have been discussed with MOPAC DARA and a shared services agreement will be prepared following approval by the Board.

#### London Boroughs

- 3.16 There are a number of planning services that it is not legislatively possible for OPDC to delegate back to boroughs. These include enforcement, the serving of certain orders

such as Tree Preservation Orders, advertising consent and untidy land requirements (section 215). It is therefore recommended that OPDC contract out these services to the respective boroughs on a costs recovery basis and in line with public procurement regulations. The three boroughs are:

- London Borough of Brent;
- London Borough of Ealing; and
- London Borough of Hammersmith and Fulham.

3.17 In addition it recommended that OPDC contract out the collection of Mayoral CIL to the above three boroughs, until such time as OPDC is in a position to collect CIL.

3.18 Provisional arrangements have been discussed with the three boroughs and contractual agreements will be finalised following approval by the Board.

#### Review

3.19 The operational arrangements will be regularly reviewed by the Interim Chief Executive and those officers responsibly in each of the respective organisations listed above.

## **4 Timing**

4.1 The approval of the proposals is URGENT, as it will allow the Old Oak and Park Royal Development Corporation to make the necessary arrangements to allow it to function as a separate functional body from the GLA from 1 April 2015.

## **5 Financial Implications**

5.1 All financial implications associated with the recommendations in this report will be accommodated within the OPDC Budget.

5.2 The shared services arrangements will operate on a cost-recovery basis, with any additional costs will be directly chargeable to the OPDC. This will be set out in the agreements that will be entered into by the OPDC and other bodies within the GLA group.

5.3 The detailed costs are subject to formal discussion and agreement between the OPDC and the respective organisations and will be reflected in the detailed budgets for the 2015-16 year.

## **6 Legal Implications**

6.1 Under section 401A of the Greater London Authority Act 1999 (“the Act”), the Mayor may, after consultation with the Assembly, authorise the GLA and any functional body to enter into arrangements for the discharge by the GLA or any functional body on behalf of one or more of the other, of any function of that other which are of an administrative, technical or professional nature. This provision covers the shared service arrangements with the GLA, TfL and MOPAC described in paragraphs 3.7 to 3.15 above. The contracting out arrangements with the boroughs described in 3.16 to 3.18 above rely on section 1 of the Local Authorities (Goods and Services ) Act 1970 (as amended).

## 7 Appendices

- None

## 8 Background Papers

- None

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**Subject:** OPDC Budget 2015-16 and 2016-17

**Meeting date:** 1 April 2015

**Report to:** Board

**Report of:** Interim Chief Executive Officer

**For Decision**

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**This report will be considered in public**

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**1 Summary**

- 1.1 This paper sets out the OPDC Budget that has been secured from the Greater London Authority (GLA) for the first two years of the OPDC existence. The Board is asked to note the budget.

**2 Recommendations**

The board is invited to:

- 2.1 **Note** the 2015-16 and 2016-17 OPDC Budget.

**3 Background**

- 3.1 The GLA has provided seed funding for the interim OPDC team set-up during 2014-15. In addition, the Interim OPDC Director secured agreement for a two-year budget, to align with the two-year Business Plan objectives and milestones. The gross budget is £3.4m for 2015-16 and £3.4m in 2016-17, therefore £6.8m over two years. It should be noted that the OPDC budget will be subject to the GLA's annual budget process. It is anticipated that the OPDC will enter into discussions with the GLA regarding the 2016/17 budget in autumn 2015.
- 3.2 Funding for 2017-18 and beyond will be discussed with the GLA as part of the annual GLA budget process.
- 3.3 Appendix A sets out the high-level summary of the budget.
- 3.4 The OPDC is still at a very early stage in its development and this budget will ensure that it can deliver its immediate priorities.
- 3.5 During the next two years a key focus for the OPDC will be:

- building a strong vision and compelling proposition for the area that gives Government, the private sector, and investors the confidence to invest in the infrastructure necessary to unlock development;
  - engaging existing communities in early activation activities to give them a strong sense of ownership of the emerging new neighbourhood, and newer arrivals the confidence to make it their location of choice; and
  - creating the foundations for transformational change through robust planning and regeneration policy and transparent governance arrangements that provides clear and consistent leadership and incentives to collaborate; alongside a robust delivery programme that sets out where and when development will take place.
- 3.6 Old Oak and Park Royal is London’s largest regeneration site, and when the HS2 and Crossrail stations open in 2026 it will be the most connected opportunity area in London, and possibly the UK. There is much interest in the location and there is a tremendous amount of work that must be done quickly to ensure that the scale of the opportunity can be planned not only effectively but in a way that maximises the benefits for London and Londoners.
- 3.7 The HS2 Growth Taskforce identified the huge opportunities for delivering jobs and homes around HS2 stations and it is therefore appropriate that a team be established to undertake these urgent tasks. The immediate work priorities will be discussed with the Board in the development of the Business Plan, and include:
- Publication of an Old Oak and Park Royal Opportunity Area Planning Framework (OAPF), and adoption of a Local Plan and CIL Charging Schedule to help realise the area’s growth potential;
  - Planning and Development guidance on: transport study, construction and logistics, integrated utilities management plan, SMART public realm strategy, section 106 SPD, amenity space masterplan and detailed urban design guidance;
  - A Growth Strategy for the area to make the case to Government and other funding partners for investment to support early delivery of key strategic infrastructure;
  - Development of a phased infrastructure delivery plan to support integrated urban change across the area, including utilities, transport and social infrastructure
  - A Community Charter and early activation projects to build local ownership of the redevelopment process;
  - An Investment Prospectus, setting out development opportunities in the area for potential investors;
  - A Communications Strategy that will provide a compelling narrative for this new London neighbourhood and an increasing awareness of the scale of the opportunity;
  - An overarching Performance Management Framework for the Old Oak and Park Royal Regeneration programme; and
  - Service Level Agreements for Shared Services.



3.8 The budget will be kept under regular review by the Section 127 Finance Officer and the Interim Chief Executive Officer.

#### **4 Financial Implications**

4.1 Funding will be provided by way of grant from the GLA payable against monthly claims.

#### **5 Legal Implications**

5.1 This report is consistent with applicable legislation.

#### **6 Appendices**

- Appendix A: OPDC Budget Summary

#### **7 Background Papers**

- None

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## OPDC BUDGET SUMMARY

| OPDC BUDGET FOR TWO YEAR BUSINESS PLAN  |                     |                     |
|---|---------------------|---------------------|
| Sub-Totals  | 2015/16             | 2016/17             |
| Local Plan  | 589,333.33          | 370,000.00          |
| CIL   | 174,666.67          | 112,000.00          |
| OAPF and marketing images   | 102,000.00          | 52,000.00           |
| Transport and other plans   | 354,000.00          | 306,000.00          |
| Growth strategy   | 396,000.00          | 476,000.00          |
| Engagement  | 306,666.67          | 424,000.00          |
| Regeneration  | 179,666.67          | 263,000.00          |
| Shared Services   | 495,000.00          | 495,000.00          |
| Development Management  | 462,000.00          | 524,000.00          |
| Programme   | 559,666.67          | 590,000.00          |
| <b>NET TOTAL</b>  | <b>3,619,000.00</b> | <b>3,612,000.00</b> |
| <b>Income</b>   |                     |                     |
| Estimated revenue from pre-application discussions (April 2015 to March 2017)     | 40,000.00           | 40,000.00           |
| Estimated revenue from submitted planning applications (April 2015 to March 2017) | 175,000.00          | 175,000.00          |
| Total   | 215,000.00          | 215,000.00          |
| <b>GROSS TOTAL</b>  | <b>3,404,000.00</b> | <b>3,397,000.00</b> |

**Notes:**

- Local Plan: this includes all the plan preparation and evidence gathering and the Examination in Public. Evidence will include employment land review, future employment uses review, retail impact study, housing needs study, waste plan, energy plan, environment assessments, biodiversity action plan, heritage and views study, design and imagery.
- CIL: this includes preparation of a CIL charging schedule, and section 106 strategy.
- OAPF & marketing: this includes interactive design images and 3D modelling required for the visualisation of the OAPF.
- Transport & infrastructure plans: this includes a Park Royal Transport Study, depot relocations work, an integrated utilities plan, a SMART public realm plan, a plan for Wormwood Scrubs and a construction logistics plan.
- Growth Strategy & Business Case: this includes further work on the DIF, financial modelling, and preparation of a detailed business case and support for any future land assembly requirements.
- Engagement: this includes support to resident and business groups to provide active input into the work of the OPDC, relocation support, an OPDC 'pop-up' shop front, and display materials for consultation events.
- Regeneration: this includes preparation of a regeneration strategy, and work on socio-economics including training and skills, and health, education and community plans.
- Shared services: this includes the provision of legal, finance, and secretariat services to the OPDC, along with services contracted to local boroughs.
- Development Management: this includes the planning applications database, statutory requirements associated with development management and support to the design advisory group and work arising.
- Programme: this includes marketing and promotion, training and development, external auditing, and corporate support and equipment to all the OPDC functions.

- Income assumption: this is based on an assumption that the OPDC will enter into five to ten pre-application agreements a year because the OPDC focus is expected to be on the large strategic schemes, and will receive circa 200 planning applications a year, of which the OPDC estimates round half would be delegated back to the boroughs for determination. The income levels are conservative estimates and could rise.
- Staffing: this assumes a staff of up to 25 during 2015/16 and up to 29 staff in 2016/17. The staffing plan will be subject to future Board approval.

**Subject:** Administrative Financial Matters

**Meeting date:** 1 April 2015

**Report to:** Board

**Report of:** Interim Chief Executive Officer

**For Decision**

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**This report will be considered in public**

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**1 Summary**

- 1.1 This paper seeks approval of the Old Oak and Park Royal Development Corporation's Financial Regulations, Contracts and Funding Code, Scheme of Delegations, banking arrangements, expenses arrangements and expenditure procedures.

**2 Recommendations**

The board is invited to:

- 2.1 **Agree** to the adoption of Financial Regulations, Expenses and Benefits Framework (subject to the Mayor's separate approval), Scheme of Delegation and Contracts and Funding Code, attached as Appendices A-D.
- 2.2 **Approve** the opening of a bank account with the Royal Bank of Scotland.
- 2.3 **Agree** that a bank account for the Corporation be established at the Royal Bank of Scotland. Signatories to the account (under the shared financial services arrangements with the GLA) will be:
- Martin Clarke, Executive Director - Resources, GLA
  - David Gallie, Assistant Director – Group Finance, GLA
  - Doug Wilson, Head of Financial Services, GLA
  - Tom Middleton, Head of Governance, GLA
  - Ray Smith, Senior Finance Manager, GLA
  - Martin Mitchell, Group Finance Manager, GLA
- 2.4 **Note** that external auditors will be appointed by the successor organisation to the Audit Commission, Public Sector Audit Appointments Limited, following consultation with OPDC and GLA in mid-2015.

### **3 Background**

- 3.1 The draft Financial Regulations are based on those used by the Greater London Authority, but have been adapted to reflect the formal role and responsibilities of the Chief Finance Officer under Section 127 of the Greater London Authority Act. They are supported by the Scheme of Delegation, the Expenses and Benefits Framework, and the Contracts and Funding Code.
- 3.2 The draft Scheme of Delegation links financial delegations closely to the corporate processes for agreeing project initiation documents and business cases.
- 3.3 The draft Contracts and Funding Code sets out the overall principles that will underpin the Corporation's procurement activity, and the different procedures that will apply in terms of tendering activity.
- 3.4 The Expenses and Benefits Framework will be approved by the Mayor.
- 3.5 As OPDC will be a functional body of the GLA, its external auditor will be appointed using the Audit Commission's approach. From 1 April 2015 the Audit Commission's appointment functions transfer to Public Sector Audit Appointments Limited (PSAA Ltd) which has been established by the Local Government Association (LGA) with the Government's agreement. PSAA Ltd will make the OPDC external auditor appointment in mid-2015 following consultation with the GLA and the OPDC.

### **4 Timing**

- 4.1 Approval of the financial regulations, scheme of delegation, expenses and benefits framework, and contracts and funding code is URGENT to enable the effective operation of the Old Oak and Park Royal Development Corporation.

### **5 Financial Implications**

- 5.1 All financial implications associated with the recommendations in this report will be accommodated within the OPDC Budget.

### **6 Legal Implications**

- 6.1 The Financial Regulations, Scheme of Delegation, and Contracts and Funding Code are consistent with the legislative framework for the Old Oak and Park Royal Development Corporation (in particular the Local Government Act 1972, the Greater London Authority Acts 1999 and 2007, and the Localism Act 2011 and European Procurement Directives). The Localism Act 2011 (para 4, Sch 21) requires that the Mayor must consent to the Expenses and Benefits Framework as this involves the payment of travel and other allowances to Board members and staff.

## 7 Appendices

- Appendix A – draft Financial Regulations
- Appendix B – OPDC Scheme of Delegation
- Appendix C – Expenses and Benefits Framework
- Appendix D – Contracts and Funding Code

## 8 Background Papers

- None

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**Old Oak & Park Royal Development  
Corporation**

**Financial Regulations**

**Approved by the Board on 1 April 2015**

## Index of Regulations

|   |    |
|---|----|
| Part A: Financial Management                                | 2  |
| Part B: Financial Planning, monitoring and control          | 3  |
| 4. Capital spending and borrowing limits                    | 4  |
| 5. Reserves   | 4  |
| 6. Budget Monitoring  | 4  |
| 7. Virements  | 5  |
| Part C: Risk Management and Control of Resources            | 7  |
| 8. Risk Management and insurance                            | 7  |
| 9. Internal Control   | 7  |
| 10. Internal Audit, Fraud and Financial Irregularities      | 8  |
| 11. Stores and Inventories                                  | 9  |
| Land, Buildings and other major assets                      | 9  |
| Treasury Management   | 10 |
| 14. Staffing  | 11 |
| 15. Appointment of Consultants                              | 11 |
| Part D: Systems and Procedures                              | 13 |
| 16. Income  | 13 |
| 17. Routine expenditure                                     | 14 |
| 18. Non-routine expenditure                                 | 14 |
| 19. Orders for Works, Goods and Services                    | 16 |
| 20. Management of contracts and agreements                  | 17 |
| 21. Procedures for Payments and Authorisation of Accounts   | 17 |
| 22. Salaries, Wages, Expenses and Pensions                  | 18 |
| 23. Banking   | 18 |
| 24. Tax   | 19 |
| 25. Credit Cards  | 19 |
| Part E: External Arrangements                               | 20 |
| 26. Grant Claims, Bids for External Funding and Sponsorship | 20 |
| 27. Funding to External Organisations                       | 20 |

## **Part A: Financial Management**

### **1. Scope of these Regulations**

- 1.1 To conduct its business efficiently, the Old Oak & Park Royal Development Corporation (OPDC) needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process is the establishment of financial regulations that set out the financial policies of the Corporation. They provide the framework for managing the Corporation's financial affairs, and govern the way financial decisions, budget setting and monitoring, financial administration and financial controls are exercised.
- 1.2 The Financial Regulations apply to the OPDC. There are some Financial Regulations that refer to financial relationships with other Functional Bodies. Unless otherwise stated, references to the "Authority" are to the GLA, references to the "Greater London Authority Group" are to the GLA and Functional Bodies.

### **2. Financial management responsibilities**

- 2.1 The Board is responsible for regulating and controlling the finances of the Corporation, including making and amending from time to time these financial regulations and any other regulations that are considered necessary and desirable for the supervision and control of the finances, accounts, income, expenditure and assets of the Corporation. The Board has approved the Financial Regulations set out in this document, which include delegations to officers, principally the Chief Finance Officer, and detailed financial procedures, guidance and instructions.
- 2.2 In exercising delegated powers provided by these Financial Regulations, officers must still comply with all other statutory and regulatory requirements, including:
- the Schemes of Delegation of the Corporation's functions;
  - the Contracts and Funding Code ;
  - the Expenses and Benefits Framework;
  - the Code of Recommended Practice on Local Authority Publicity;
  - the OPDC's Code of Ethics and Standards for Staff;
  - Regulation of Investigatory Powers Code of Conduct;
  - The Data Protection Act 1998 and the Freedom of Information Act 2000; and
  - Health and safety at work legislation and codes.
- 2.3 The Chief Finance Officer has statutory duties in relation to the financial administration and stewardship of the Corporation. This statutory responsibility cannot be overridden. The statutory duties arise from:

§ Section 127 of the GLA Act 1999;

- § The Local Government Finance Act 1988;
- § The Local Government and Housing Act 1989;
- § The Local Government Act 1999;
- § The Local Government Act 2003;
- § Audit Commission Act 1998; and
- § Accounts and Audit (England) Regulations 2011.

2.4 The Chief Finance Officer Chief Finance Officer is responsible for:

- § The proper administration of the Corporation's financial affairs;
- § Setting and monitoring compliance of strong internal controls in all areas of financial management, risk management and asset control;
- § Advising on the Corporation's financial position and on the key financial controls necessary to secure sound financial management;
- § Providing timely financial information;
- § Leading development of a medium term financial strategy and the annual budgeting process to ensure financial balance and a monitoring process to ensure its delivery;
- § Treasury Management, ensuring the effective management of cash flows, borrowings and investments of the Corporation's own funds and funds it manages on behalf others;
- § Organising and supervising the Corporation's accounting arrangements and for maintaining its principal accounting records;
- § The production and publication of the Corporation's final accounts and summary statement of accounts in such form and in accordance with such timetables and closedown procedures to ensure compliance with the relevant statutory requirements;
- § Coordinating and facilitating a culture of efficiency and value for money;

and

- § Implementing appropriate measures to prevent and detect fraud and corruption.

2.5 Executive Directors and budget managers must consult the Chief Finance Officer and seek approval in accordance with the Corporation's decision making framework on any matter liable to affect the Corporation's finances materially for both income and expenditure, before any commitment is entered into.

## **Part B: Financial Planning, monitoring and control**

### **3. Revenue Budgets**

- 3.1 The Budget is the financial expression of the Mayor's policies and priorities. Each year the Mayor will publish Budget Guidance which sets out the form and content of the forthcoming Budget and medium-term financial plans.
- 3.2 The Mayor is responsible for the preparation of the Budget for the component and consolidated budgets for the GLA group. The relevant legislation defines a component budget as consisting of a statement of the amount of component council tax requirements for the constituent body concerned and the calculations under the relevant section of the GLA Act which give rise to this amount. Also, a consolidated budget must consist of statements of the amount of the Corporation's council tax requirement and the calculations under the relevant section of the GLA Act which give rise to each of these amounts.

#### **4. Capital spending and borrowing limits**

- 4.1 The Mayor is responsible for determining a capital spending plan for the OPDC and for determining how much the OPDC can afford to borrow, after first consulting the Assembly and the functional body.
- 4.2 The Capital Spending Plan (CSP) and associated capital resources, including capital receipts and prudential borrowing for the OPDC, forms part of the OPDC Budget. Therefore, the CSP is subject generally to the same arrangements as set out for the revenue budget, with the exception that it does not need to be approved until 31 March each year.
- 4.3 All capital receipts and prudential borrowing are corporate resources administered by the Chief Finance Officer.
- 4.4 The –Chief Finance Officer will maintain a list of all amendments, additions and deletions to the Capital Programme.

#### **5. Reserves**

- 5.1 The Chief Finance Officer is responsible for advising the Board on prudent levels of reserves for the Corporation.

#### **6. Budget Monitoring**

- 6.1 The Chief Finance Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively.
- 6.2 Each Executive Director/Assistant Director/Head of Unit must sign off the budget delegated to them and it is their responsibility to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Chief Finance Officer.
- 6.3 Executive Directors/Assistant Directors/Heads of Unit may, after consultation with the Chief Finance Officer, nominate another officer to perform the day to day work to support this duty, but responsibility remains with the Executive Director/Assistant Director/Head of

Unit.

- 6.4 Generally every four weeks the Chief Finance Officer will produce budgetary control reports and circulate them to Executive Directors/Assistant Directors/Heads of Unit and, where appropriate, other nominated officers, with a list of specific variances that require explanation. These explanations and a full year forecast of income and expenditure should be prepared and submitted within agreed timetables.
- 6.5 Following consultation with relevant officers, the Chief Finance Officer will present budget monitoring reports to the Board on a quarterly basis.

## 7. Virements

- 7.1 A virement is a transfer of a revenue budget which is not committed:
- § from one Directorate to another;
  - § into or out of a programme budget;
  - § from one subjective group to another (subjective groups are pay, non-pay, premises, supplies and services etc.); and
  - § to commensurately gross up income and expenditure budgets to reflect the in-year receipt of income.
- 7.2 Virements between capital and revenue are not permitted.
- 7.3 Any virements need to commit resources to meet all and any ongoing commitments over future years.
- 7.4 A budget adjustment is any change to the revenue budget which falls outside the definition of a virement. All budget adjustments need to be explicitly approved by the Chief Finance Officer and recorded by her/his staff.
- 7.5 Virements **within** Directorate programme budgets are authorised as follows:

£150,000 or more      Chief Finance Officer

Up to £150,000      Executive Director

- 7.6 The Chief Finance Officer has the delegated authority to approve all budget virements in relation to approved confidential decisions, irrespective of amount.

- 7.7 Virements of non-programme budgets, or programme budget virements below £50,000 will not normally be considered. Any such virements are subject to approval by the Chief Finance Officer (or nominated finance officer). However, the OPDC's normal decision-making process is still required if Directorates wish to commit expenditure up to £50,000 from a budget underspend.
- 7.8 Virements between and within programme budgets greater than £50,000 require approval as set out in table 7.5 above.
- 7.9 Virements between directorates will also require the approval of the Chief Finance Officer.
- 7.10 The Chief Finance Officer will maintain a list of all virements, budget adjustments and changes to the Capital Programme.

## **Part C: Risk Management and Control of Resources**

### **8. Risk Management and insurance**

- 8.1 The Board is responsible for approving the Corporation's risk management policy statement and strategy and for reviewing the effectiveness of risk management.
- 8.2 The Chief Executive Officer and the Chief Finance Officer are responsible for preparing and promoting the Corporation's risk management policy statement, and for developing risk management controls in conjunction with other Executive Directors and senior officers.
- 8.3 The Chief Finance Officer will ensure periodic risk management studies are undertaken to assess the need for insurance cover and to identify appropriate action.
- 8.4 The Chief Finance Officer will ensure there is appropriate insurance cover through external insurance and internal funding, taking account of the results of risk management studies, and will report the level of cover and risk to the Board on a regular basis.
- 8.5 Executive Directors should immediately notify the Chief Finance Officer of the acquisition or disposal of assets requiring insurance cover and of items that, in their view may require the Corporation's insurable risks to be amended.
- 8.6 Executive Directors will immediately notify the Chief Finance Officer of any incident or occurrence which:
- § adversely affects the Corporation's assets and is likely to give rise to a claim on the Corporation's insurers;
  - § might give rise to a claim against the Corporation; and
  - § might give rise to a claim being made by the Corporation on its insurance policies, e.g. thefts or accidents.
- 8.7 The Chief Finance Officer, in consultation with other relevant officers will negotiate all claims with the Corporation's insurers.
- 8.8 Executive Directors must consult the Chief Finance Officer in respect of any terms of any indemnity which the Corporation is requested to give.
- 8.9 The Chief Finance Officer will negotiate with third parties as appropriate to ensure the Corporation's insurance risk is minimised.
- ### **9. Internal Control**
- 9.1 Internal control refers to the systems of control designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies and objectives. The Corporation has a duty to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.



- 9.2 The Chief Executive Officer and the Chief Finance Officer are responsible for advising on effective systems of internal risk control. These arrangements need to ensure compliance with the law and proper standards. Arrangements for financial and internal control, and for managing risk, are to be addressed in Annual Governance Reports.
- 9.3 The Chief Finance Officer is responsible for ensuring that the Corporation's funds are safeguarded and properly accounted for.
- 9.4 It is the responsibility of Executive Directors to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial and operational performance targets.

## **10. Internal Audit, Fraud and Financial Irregularities**

- 10.1 The Chief Finance Officer is responsible for ensuring an adequate and effective internal audit function is operating and for reporting to the Board should the possibility arise of a failure to maintain this requirement.
- 10.2 The Board, on the recommendation of the Chief Finance Officer, approves the appointment of the Internal Audit supplier.
- 10.3 The Chief Finance Officer will submit an annual audit plan to the Board. The Chief Finance Officer will monitor the operation of the internal audit service against the annual audit plan and a report will be regularly made on internal audit's performance against the plan to the Board.
- 10.4 Internal Audit have access at any reasonable time to any establishment of the Corporation and to any records, cash, stock, computer systems or any other relevant sources of information as may be deemed necessary for the performance of their functions. Executive Directors are responsible for ensuring Internal Audit is provided with such explanations as are requested for the performance of their function.
- 10.5 The Chief Finance Officer maintains an Anti-Fraud & Anti-Corruption Policy Statement and an Anti-Fraud and Anti-Corruption Response Plan. These documents detail the Corporation's approach to the prevention, detection and investigation of fraud and corruption. The Board will approve the Anti-Fraud & Anti-Corruption Policy Statement and Response Plan.
- 10.6 If any instance of theft, fraud, bribery, corruption or other financial irregularity is discovered or is suspected all Executive Directors, Assistant Directors, Heads of Unit and other staff are responsible for ensuring the Chief Finance Officer is notified immediately. The Chief Finance Officer is empowered to make arrangements for such special investigations and reports as he/she considers necessary to be undertaken.
- 10.7 Should the Chief Finance Officer consider it necessary he/she will notify the police after first advising the Chief Executive Officer and the Board.

## **11. Stores and Inventories**

- 11.1 Except where set out below, each Executive Director is responsible for ensuring there are adequate arrangements relating to the security, checking and disposal of any attractive and transportable items held in any Directorate stores and inventories.
- 11.2 The GLA's Head of Technology Group must maintain an inventory of all IT equipment, including blackberries. The GLA's Head of Facilities Management must maintain an appropriate inventory of all miscellaneous Corporation property (e.g. furniture and equipment), other than land, buildings, IT equipment and Directorate stores and inventories.
- 11.1 The GLA's Head of Facilities Management and the Head of Technology Group must arrange for physical checks of their inventories on a regular basis. They must report on significant discrepancies disclosed in such checks to the Chief Finance Officer. After investigation, the Chief Finance Officer will make a report, as necessary, to the Board identifying action taken to avoid recurrences.
- 11.2 The GLA's Head of Technology is responsible for the disposal of IT equipment and the GLA's Head of Facilities Management is responsible for the disposal of miscellaneous Corporation property (e.g. furniture and equipment), other than leased items, which are surplus to requirements or no longer serviceable for the purposes for which it was held.
- 11.3 The Chief Finance Officer is responsible for the termination of leases and return of leased assets.
- 11.4 Budget Holders may dispose of revenue assets through sale, donation or scrapping. Where the proceeds of an individual disposal are expected to exceed £1,000, the Executive Director concerned must obtain competitive quotations. Where the proceeds of an individual disposal are expected to exceed £10,000, the Executive Director concerned shall notify the Chief Finance Officer. For every disposal, officers must ensure that value for money is obtained and maintain adequate records demonstrating value for money, the reasons for the disposal and that the assets are obsolete or surplus to requirements.

### **Land, Buildings and other major assets**

- 12.1 The Chief Executive Officer is responsible for the management and optimisation of the Corporation's interests in or over land or property.
- 12.2 The Chief Executive Officer shall prepare and maintain a comprehensive asset management strategy.
- 12.3 Executive Directors must make arrangements to ensure the proper security of all buildings and other major assets under their control. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.
- 12.4 The Chief Finance Officer shall ensure that appropriate financial advice, including tax advice, is available at the point of decision on the acquisition or disposal of land and

buildings.

- 12.5 All asset disposals over £10,000 must be approved by the relevant Executive Director and the Chief Finance Officer.
- 12.6 All asset disposals over £150,000 must be approved by the Board.
- 12.7 The Chief Finance Officer is responsible for maintaining a fixed asset register for land and buildings and for making arrangements for the custody of all title deeds. All land and buildings must be revalued on a regular basis in accordance with accounting requirements and changes in value of assets must be reported appropriately to the Board.
- 12.8 The Chief Finance Officer shall ensure that estimates of expenditure and income arising from the acquisition, disposal and maintenance of land and buildings are included in the Revenue Budget and Capital Programme in accordance with sections 3 and 4 above. The Chief Finance Officer shall ensure that these estimates are monitored closely and reported to the Board as appropriate.
- 12.9 The Corporation may hold major assets, other than land and buildings (e.g. Equity interests, Investments in Special Purpose Vehicles etc.). The equivalent provisions set out above for land and buildings apply to the Corporation's interests in other major assets.

### **Treasury Management**

- 13.1 The Corporation's cash balances must be properly managed in a way that prioritises the security of the balances invested and the liquidity requirements of the Corporation while securing the best returns possible within those constraints and the Corporation's risk appetite.
- 13.2 The Corporation's borrowings shall be managed in a way that prioritises long term affordability and management of related risks.
- 13.3 The Corporation adopts the key recommendations of the Chartered Institute of Public Finance and Accountancy's "Treasury Management in the Public Services: Code of Practice", including the recommended form of Treasury Management Policy Statement, stating the policies and objectives of the Corporation's treasury management activities. Any recommendations of the code not adopted by the Corporation will be reported to the Board.
- 13.4 In line with proper practice, the Chief Finance Officer will submit a Treasury Management Strategy Statement and Treasury Management Policy Statement to the Board for approval in advance of each financial year. These documents shall be promptly revised and resubmitted as necessary in response to changing circumstances.
- 13.5 The Chief Finance Officer will create and maintain suitable treasury management practices, setting out the manner in which the Corporation will seek to achieve its treasury management objectives, and prescribing how it will manage and control treasury management activities.

- 13.6 The responsibility for the implementation and monitoring of the Corporation's Treasury Management Strategy Statement, approval of the Treasury Management Practices and all executive decisions on investment, borrowing or financing are delegated to the Chief Finance Officer.
- 13.7 All securities that are the property of or in the name of the Corporation and the title deeds of all assets in its ownership must be held in the custody of the Chief Finance Officer.
- 13.8 The Chief Finance Officer is the Corporation's registrar of stocks and bonds and will maintain records of all borrowing of money by the Corporation.
- 13.9 The Chief Finance Officer will report to the Board on the Corporation's treasury management activities and on the exercise of treasury management powers delegated to him/her. Such reports shall include, at minimum, a mid-year review and outturn report for each financial year, in addition to the annual submission of the Treasury Management Strategy Statement.

#### **14. Staffing**

- 14.1 The Corporation is required to have a Chief Executive Officer and a Chief Finance Officer..
- 14.2 In general, officers should not authorise orders, invoices, expenses, contracts, etc. for somebody with whom they have a close personal relationship. Staff who have an interest whether financial or otherwise, or if any person related to them or with whom they have a close personal relationship, has any interest in any organisation which has business dealings with the Corporation, they are required to disclose such interests immediately and ensure that the details are recorded in the Corporation's Register of Interests.
- 14.3 Executive Directors can only employ temporary staff where there is budget provision to cover the anticipated costs and this would not lead to an overspend in the Directorate's budget. The engagement of agency staff needs to follow any guidance issued by the Chief Executive Officer.

#### **15. Appointment of Consultants**

- 15.1 Consultants should only be appointed where they have specialist skills or knowledge not available from within the Corporation's establishment. Additional guidance is set out in the Contracts and Funding Code. Budget provision must exist to cover the anticipated costs and the appointment must not lead to an overspend in the Directorate's budget and any procurement must be in accordance with the Contracts and Funding Code.
- 15.2 Any appointments exceeding **£600 per day per person** must be referred to the Chief Finance Officer for initial approval, setting out the justification.
- 15.3 To ensure that the Corporation is engaging the services of a consultant (contract for services) and not that of an "employee", then the nature of the work to be undertaken

should be discussed with Legal and Procurement prior to making any offer of appointment to a consultant.

- 15.4 For self-employed consultants, a contract for services between the individual and the Corporation needs to be prepared by legal before any offer of appointment is made to the consultant.
- 15.5 When the consultancy is provided by a company the contract for services needs to be between the Corporation and the company, not the individual.

## Part D: Systems and Procedures

### 16. Income

- 16.1 The Chief Finance Officer shall make arrangements for:
- § the proper recording of all sums due to the Corporation; and
  - § The prompt and proper accounting for all sums due including, as appropriate, its collection, custody, control and deposit.
- 16.2 Income in relation to the provision of goods and services must generally be invoiced for and paid prior to the delivery of goods or the provision of the service.
- 16.3 Invoices must only be raised by Financial Services once appropriate documentation has been prepared by a Directorate and at the point the Corporation has committed to provide the goods/services. If documentation is not sufficient, Financial Services will not issue the invoice.
- 16.4 Where the organisation that the Corporation is invoicing operates a purchase order numbering system there is likely to be a requirement that all sales invoices issued to them quote this number. The Corporation's contact at the external organisation should be able to issue a purchase order number and this number should be quoted on the sales invoice request that the service should send to Financial Services.
- 16.5 Cash handling must be avoided where possible. However, in the event of receipt of cash, this must be immediately acknowledged by issuing an official receipt, ticket or voucher and by ensuring that two officers count and sign to confirm the amount of cash received.
- 16.6 All official receipt forms, books, tickets and other similar items are designed, ordered and stocked by Financial Services who will also approve all arrangements for the issue and security of such documents.
- 16.7 All sums received by officers must be paid over intact to Financial Services or by arrangement with that function to the Corporation's bankers at such intervals as may be agreed.
- 16.8 Monies received on behalf of the Corporation must not be used for cashing cheques belonging to officers of the Corporation or any other persons other than in exceptional circumstances agreed by the Chief Finance Officer.
- 16.9 The Chief Finance Officer shall be notified immediately of all documents that are signed which lead to money becoming due to the Corporation under contracts, leases and other agreements and he/she shall have access to all related documents and particulars. He/she needs to be informed immediately of any changes or cessation of such arrangements that affect the monies due.
- 16.10 Provided appropriate steps have been taken to recover monies due to the Corporation, the Chief Finance Officer may authorise the writing off of sums owed by a single debtor of up

to £150,000. Sums to be written off above £150,000 in relation to a single debtor will require the approval of the Board after consideration of a report from the Chief Finance Officer.

- 16.11 All sums written off will be recorded in a central register maintained by the Chief Finance Officer. An annual report will be submitted to the Board summarising the sums up to £150,000 that have been written off in the financial year.
- 16.12 The Chief Finance Officer shall regularly review the Corporation’s policy on fees and charges, and the Chief Finance Officer will maintain a list of all fees and charges.

**17. Routine expenditure**

- 17.1 Once budgets are approved, routine expenditure can be incurred up to the amount in an individual budget line (including any virement made in accordance with Financial Regulation 7) without further approval in accordance with these Financial Regulations and the procurement procedures set out in the Contracts and Funding Code. Examples of routine expenditure include 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, routine IT expenditure, such as purchase of IT equipment and payment for blackberries, procurement of routine legal advice etc.
- 17.2 Where an authorised signatory is the direct beneficiary of the expenditure, then approval must be obtained from his/her line manager.
- 17.3 The Chief Finance Officer has unlimited authority, subject to budget limits, to make payments relating to payroll, accommodation costs, audit fees and insurance premiums.

**18. Non-routine expenditure**

- 18.1 As a guide, contracts for services, expenditure from programme budgets, specific pieces of research, consultancy, events, projects and capital schemes are considered non-routine.
- 18.2 The Scheme of Delegation sets out three thresholds for the approval of non-routine financial decisions (the approval document is shown in brackets):

| <b>Non routine expenditure</b> | <b>Authorisation</b>    |
|--------------------------------|-------------------------|
| £150,000 or more (unlimited)   | Board                   |
| Up to £150,000                 | Chief Executive Officer |
| Up to £10,000                  | Managers (DAR)          |

- 18.3 Before seeking a decision from the Mayor and before commencing procurement activity, the award of grant funding and/or entry into Funding Agreements, proposals for

expenditure of £150,000 or more must be taken through the Investment Approval process which has been agreed by the Board to consider proposals for investment in line with an approved gateway process across all areas of OPDC activity. (N.B. in all cases formal Board approval will still be required).

- 18.4 The Chief Executive Officer and Chief Finance Officer shall issue guidance from time to time to ensure, as part of these approval arrangements, projects have been appraised thoroughly to ensure value for money in line with Treasury's Green Book principles.
- 18.5 All decision forms, except those covered by a Delegated Authority Record, must be sent to the Chief Finance Officer to consider the financial implications and to legal services to consider the legal implications before they are submitted for a decision. In order to maintain a clear audit trail, these decisions must be allocated a unique reference number.
- 18.6 Decisions taken by Executive Directors, Assistant Directors, Heads of Unit and nominated authorised signatories should be within the scheme of delegations approved by the Board for such decisions.
- 18.7 In the event that actual expenditure would exceed the amount authorised by 10% or less then the variation needs to be properly documented and virements sought as appropriate.
- 18.8 In the event that actual expenditure would exceed the amount authorised by:
- § 10% or less on total project spend of up to £500,000; or
  - § £50,000 or less on total project spend of more than £500,000;
- then the variation needs to be properly documented and virements sought as appropriate.
- 18.9 In the event that actual expenditure would exceed the amount authorised by:
- § more than 10% on total project spend of up to £500,000; or
  - § more than £50,000 on total project spend of more than £500,000;
- then further approval at the appropriate level must be obtained before any commitment is made.
- 18.10 The limitations in paragraphs 18.8 and 18.9 apply to individual projects. The presumption is made that an overspending service would identify a source of funding from within their Directorate to compensate for projects that are overspending. The level of approval must be commensurate to the value of the total revised estimate (i.e. original approval plus variation).



18.11 Nothing in these Financial Regulations prevents the Chief Executive Officer from incurring expenditure which is essential to meet any immediate needs created by a sudden emergency providing that their actions are reported as soon as practicable to the Board.

## **19. Orders for Works, Goods and Services**

- 19.1 The approval number must be stated on the shopping cart/purchase order.
- 19.2 Shopping carts/purchase orders for foreign travel (flights and accommodation) must quote the Foreign Travel Approval form number.
- 19.3 Relevant documentation should be attached to a shopping cart to be approved. For example, for shopping carts/purchase orders of £150,000 or more, a copy of the Board Decision and the signed contract or funding agreement must be submitted.
- 19.4 TfL Procurement, the Corporation's shared service provider for procurement, will convert shopping carts into purchase orders to expedite the payment of goods and services. Executive Directors and Assistant Directors/Heads of Unit are responsible for ensuring that correct details are entered onto the financial system.
- 19.5 The person authorising a shopping cart is responsible for ensuring that the estimated cost of the order is covered by a budget provision. The contract is entered into upon the issue of the purchase order by TfL procurement and therefore it is essential that the correct information is included in the shopping cart and that all procurement/financial regulations have been complied with.
- 19.6 Shopping carts must clearly indicate the nature and quantity of the goods, work or services required and contain an estimate of the sum involved. They must also be raised for all goods, work and services except in circumstances summarised in 19.9 below. Oral orders must only be issued in exceptional circumstances where a shopping cart cannot be raised or a purchase order cannot be issued at the time. If an oral order has to be made it must be confirmed within 3 working days by an approved shopping cart being passed to TfL procurement indicating all details of the Oral Order and clearly marked "Confirmation Order".
- 19.7 The Chief Finance Officer is responsible for the development and co-ordination of a corporate approach to the purchase and supply of goods and services, and will promote adherence to the Contracts and Funding Code for the preparation and processing of contracts.
- 19.8 Shopping carts must be in a form approved by the Chief Finance Officer.
- 19.9 Shopping carts need not be completed for regular payments for routine items of expenditure specified in paragraph 17.1.
- 19.10 Executive Directors should immediately inform the Chief Finance Officer of any variation or cessation of regular periodic payments that relate to their area of responsibility.

## **20. Management of contracts and agreements**

20.1 The Scheme of Delegation sets out the arrangements in place for contracts and agreements.

## **21. Procedures for Payments and Authorisation of Accounts**

- 21.1 The Chief Finance Officer is responsible for paying all properly authorised accounts submitted for payment. The normal method of payment of money due from the Corporation is by BACS.
- 21.2 When Goods/Services have been received, they must be entered promptly onto the Finance System via a Goods/Services Received Notification. For Goods, this could be entered from a Goods Received Note or a Delivery Note. For Services, this could be entered from a Time Sheet.
- 21.3 Other than for items specified in 17.1, payment will be delayed on an Invoice if a Purchase Order and Goods/Services Received Notification have not been entered onto the Finance System.
- 21.4 When an Invoice is received, and matched with the Purchase Order and Goods/Services Received Notification, the Financial Services Centre, (FSC), the Corporation's shared services payments provider, will automatically generate payment. For items specified in 17.1, FSC will generate payment as normal. All other Invoices (that do not meet the above requirements) will be referred to the relevant Directorate to resolve.
- 21.5 The Chief Finance Officer will approve a list of officers authorised to sign accounts for payment or verify on-line payments.
- 21.6 Approved signatories cannot authorise payments unless:
- § the expenditure has been properly incurred and relevant budget provision exists;
  - § the works, goods or services to which the account relates have been received, carried out, examined and approved;
  - § the prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct; and
  - § that the coding of expenditure is correct and that all other appropriate checks have been made in accordance with procedures laid down by the Chief Finance Officer.
- 21.7 Executive Directors may request, in writing, for the Chief Finance Officer to make payment where prices have increased beyond the control of the contractor/supplier. The Chief Finance Officer may make payment provided he/she is satisfied the increases are reasonable, and are in accordance with a decision of the Board or any Resolution of the Corporation and are within overall budget provision (provided by virement if necessary).
- 21.8 Each Executive Director must comply with the annual Closing of Accounts instructions to ensure that the Corporation's accounts are closed within statutory timetables. In particular, as soon as possible after 31st March and in line with the Closing of Accounts timetable,

Executive Directors must notify the Chief Finance Officer of all outstanding income and expenditure relating to the previous financial year.

## **22. Salaries, Wages, Expenses and Pensions**

- 22.1 The responsibility for making payments of salaries, wages and pension benefits is delegated to the Chief Finance Officer.
- 22.2 Any extraordinary payroll payments and payments outside of agreements of general application must be specifically approved by the Chief Finance Officer in consultation with legal services as necessary.
- 22.3 The Chief Finance Officer and the GLA's Assistant Director of HR and OD must be provided with such information, and in such form as may be prescribed, to permit the calculation and payment of salaries, wages and pension benefits, and to maintain the appropriate financial records. In particular, but not exclusively, the Chief Finance Officer and the GLA's Assistant Director of HR and OD must be informed of all:
- § appointments, resignations, dismissals, suspensions, secondments and transfers;
  - § absences from duty for sickness or other reason, apart from approved leave;
  - § changes in remuneration other than normal pay awards and agreements of general application; and
  - § information necessary to maintain records of service.
- 22.4 The Chief Finance Officer will issue an Expenses and Benefits Framework and this must be approved by the Mayor.
- 22.5 All claims for payment of travelling and incidental expenses must be submitted, duly certified in a form approved by the Chief Finance Officer.
- 22.6 The certification by the authorised signatory is taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Corporation.
- 22.7 Expenses should be authorised as set out in the Expenses and Benefits Framework.

## **23. Banking**

- 23.1 The Chief Finance Officer will make all arrangements relating to the Corporation's bank accounts. The Board on the recommendation of the Chief Finance Officer will decide on any proposals for a change in the supplier of banking services.
- 23.2 All bank accounts should have an official title that must include the name of the Corporation or a subsidiary company. In no circumstances will an account be opened in the name of an individual.

- 23.3 The GLA's Senior Group Treasury Officer - Operations will order all cheques and banking stationery and make arrangements for their safe custody. All cheque usage is to be recorded in a register.
- 23.4 One authorised signatory can sign cheques up to £10,000. Two signatures are required for cheques in excess of £10,000.

## **24. Tax**

- 24.1 The Chief Finance Officer is responsible for arrangements to ensure that the Corporation meets its requirements under tax legislation and avoids unnecessary costs that might arise. This includes the maintenance of tax records, making all tax payments, receiving tax credits, submitting tax returns by due dates and advising on tax matters for both the activities conducted by the Corporation and the activities conducted by the Corporation's subsidiary companies.
- 24.2 The Chief Finance Officer is responsible for issuing guidance on all taxation issues that affect the Corporation and its subsidiary companies, covering payroll and non-payroll related tax issues.

## **25. Credit Cards**

- 25.1 The Chief Finance Officer will provide such credit cards as he/she considers necessary.
- 25.2 Credit Cards are to be used only in relation to OPDC business and must only be used when no other means of purchasing is available. They must not be used for private expenditure.
- 25.3 Any expenditure incurred must comply with the OPDC's Contracts and Funding Code and Expenses and Benefits Framework. Full guidelines on corporate credit cards are available on the Corporation's intranet and in the Expenses and Benefits Framework.
- 25.4 Any person responsible for a credit card must keep proper records and receipts, as required by the Chief Finance Officer.
- 25.5 At the end of each month the credit card holder must reconcile all credit card expenditure and complete and sign a credit card declaration form. The declaration form must be countersigned by an Executive Director or Assistant Director and submitted to Financial Services.
- 25.6 Before leaving the employment of the Corporation or otherwise ceasing to be able to hold a credit card, the person must account to the Chief Finance Officer for the transactions on the card and surrender the card.
- 25.7 If at any time, in the opinion of the Chief Finance Officer, the credit card is subject to improper use, such as for personal transactions, the credit card will be withdrawn.

## **Part E: External Arrangements**

### **26. Grant Claims, Bids for External Funding and Sponsorship**

- 26.1 The Chief Finance Officer will co-ordinate the preparation of grant claims and submit them in the name of the Corporation.
- 26.2 Executive Directors and Assistant Directors/Heads of Unit are required to supply such information as the Chief Finance Officer requires to complete such claims.
- 26.3 Bids for external funding do not require Board approval, except where the bid exceeds £500,000. Executive Directors have delegated authority to approve bids for up to £100,000. The Chief Finance Officer has delegated authority to approve bids of up to £500,000. The Chief Finance Officer must be involved in the preparation of any bid. No bid is to be submitted unless the Chief Finance Officer has signed it.
- 26.4 The decision to seek sponsorship or donations to fund events, whether they are in cash, goods, services or in kind, must be approved at the same time as the associated event and in accordance with the levels set out above.
- 26.5 The Chief Finance Officer must be consulted on the Value Added Tax implications and raise invoices for the amounts due to the Corporation.
- 26.6 Additional guidance on sponsorship is set out in the Contracts and Funding Code. The Chief Finance Officer will issue guidance on due diligence requirements arising from sponsorship opportunities.

### **27. Funding to External Organisations**

- 27.1 Grants may be awarded to an external organisation where their activities are in line with the Corporation's objectives.
- 27.2 Funding to external organisations must be distributed fairly, transparently, and in accordance with the Corporation's equalities obligations, and any requirements as to State Aid.
- 27.3 Approval must be obtained at the appropriate level (see Regulation 18) before any commitment (whether oral or written) is made to provide funding to an external organisation.
- 27.4 Officers need to liaise with legal services to ensure that a funding agreement is put in place and signed, at the appropriate level before the recipient organisation incurs any costs.
- 27.5 The approved Funding Agreements guidance is available on the intranet.

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### Scheme of Delegation

1. This Scheme of Delegation of the Old Oak and Park Royal Development Corporation (OPDC) has been adopted by the Board (meaning the members of the Old Oak and Park Royal Development Corporation meeting as such) and can only be altered by the Board.
2. Financial commitments may only be made pursuant to a delegation if all necessary approvals and authorisations have been obtained at appropriate stages. These are:
  - a. For projects with a value of £1,000-£10,000, a short project checklist must be completed
  - b. For projects with a value of up to £250,000, a project initiation document or business case must be completed before orders are placed
  - c. For projects above £250,000, a project initiation document and a business case must be prepared before procurement commences, with a final project approval completed after procurement has been concluded.
  - d. In addition, for projects above the relevant European procurement threshold or above £250,000 (whichever is lower), a standalone procurement strategy may be required – the legal and procurement team can advise.
3. Delegations may only be exercised in accordance with the Old Oak and Park Royal Development Corporation's Financial Regulations and Contracts & Funding Code. Budgetary controls will be maintained through the finance department. Attention is drawn to the provisions of the Financial Regulations in relation to the signature or other execution of contracts and grant agreements.
4. The table below sets out how the functions of the Old Oak and Park Royal Development Corporation are delegated to staff, or reserved to the Board, to committees, or to particular tiers of management.
5. Expenditure may only be incurred within budgets and for purposes approved by the Old Oak and Park Royal Development Corporation's Board, generally through its approval of the Corporation's budget and/or business plan.
6. The notes on OPDC approvals are provided for guidance only. They reflect:
  - The provisions of the Localism Act 2011; and
  - The General Mayoral Consent to Financial Assistance by Grant 2012 made by the Mayor of London on 26 July 2012 pursuant to Sections 213 and 221 of the Localism Act 2011

| Type of decision   | Delegation  | Notes |
|--------------------|---|-------|
| General delegation | <p>The Board delegates, to any Director and equivalent, all of the functions of the OPDC (other than those functions within the delegations to the Planning Committee) that are within the scope of that officer's job description, provided that this excludes any decision:</p> <ul style="list-style-type: none"> <li>a) on a matter that is reserved to the Board or a Committee the Chief Executive Officer, or other specified officers, under these delegations, or</li> <li>b) for which there is no budget provision, or</li> <li>c) which may be novel, contentious or repercussive.</li> </ul> <p>and in each case subject to the recording of their decisions and all considerations relevant to those decisions in a manner consistent with the procedures approved from time to time by the Chief Executive Officer.</p>  |       |
| Urgent action      | <p>Other than those functions that are delegated to the Planning Committee, the Board delegates to the each of the Chairmen or Committees, the exercise of any function of the Board or Committee of the OPDC between scheduled meetings of the relevant body where the matter to be decided is urgent and where it is not possible and / or practicable to convene an extraordinary meeting of the relevant body, provided that, prior to taking action, the Chairman consults all Members of the relevant body (and the GLA Observer) notifying them in advance of the intended action and seeking their views.</p> <p>In such circumstances and where the relevant Chairman is unavailable for any reason, the Board delegates to the Chief Executive Officer the exercise of any functions of the OPDC in relation to the urgent matter provided that, prior to taking action, the Chief Executive Officer shall email all Board Members (and the GLA Observer) notifying them of the intended action and seeking their views within a reasonable time frame.</p> |       |



| Type of decision                  | Delegation   | Notes   |
|-----------------------------------|--|---|
|                                   | <p>Any Chairman's or Chief Executive Officer's action using this provision must be recorded in writing along with the Members consulted and their views (if any) and reported to the next ordinary meeting of the Board.</p> <p>All staff are delegated the authority to take emergency action in case of imminent danger to life or limb, in consultation with the most senior member of staff present.</p> |   |
| Spending, grants, asset disposals | <p>The Board reserves the approval of procurement, spend and commercial transactions (including disposals) other than as follows:</p> <ul style="list-style-type: none"> <li>• The Chief Executive Officer can give approval up to £150,000, within approved budgets.</li> <li>• Any Manager can give approval up to £10,000 within their approved budgets.</li> </ul>                                       | <p>Sums referred to are cumulative rather than annual (e.g. a ten-year contract paying £50,000 per annum would require full Board approval).</p> <p>Officers should note the following consents are required from the Mayor of London:</p> <ul style="list-style-type: none"> <li>• Giving financial assistance (e.g. grants) to any person or organisation (except where such grants are for less than £150,000, and are made in line with the OPDC's policy on grants, or are less than £10,000 and the legal and finance teams are satisfied that the grant has been made in a fair, open and transparent manner),</li> <li>• Disposal of land for less than best consideration which can reasonably be obtained, or disposal of land that was compulsorily purchased,</li> <li>• Permitting a subsidiary to borrow money, raise stock, or raise finance otherwise than from the OPDC, or which is not included in that subsidiary's business plan,</li> </ul> |

| Type of decision                    | Delegation   | Notes   |
|-------------------------------------|--|---|
| Contracts and other legal documents | <p>The signature or execution of all contractual documents and other documents creating legal rights and liabilities, requires one signature:</p> <p style="padding-left: 40px;">Either the Chief Executive Officer, Chief Finance Officer, the Chairman or Deputy Chairman</p> <p>Deeds may be executed on behalf of the OPDC by application of the seal in accordance with paragraph 11 of Schedule 21 to the Localism Act 2011 (i.e. by authentication of the seal by either the Chairman or Deputy Chairman). In addition, each of the Chief Executive Officer or Chief Finance Officer is hereby authorised to authenticate the seal.</p> | Consequential amendments have been made to the Financial Regulations and Standing Orders  |
| Applying for planning permissions   | The Board delegates the decision to apply for planning permission to the Chief Executive Officer, unless the application is novel or contentious, or has financial implications that would make it subject to approval by Board or relevant Committee.   |   |
| Compulsory purchase order           | Making compulsory purchase orders is reserved to the Board.  | Officers should note that making compulsory purchase orders requires the Mayor of London's consent.   |
| Budget, business and annual report  | The agreement of the annual budget, the business plan, and the annual report and accounts is reserved to the Board.  | The OPDC is required to consult the Mayor before the Board approves the draft budget and business plan for the purpose of their formal submission to the GLA as part of the GLA Group's annual statutory budget approval process and required to obtain the consent of the Mayor before the Board considers the business plan for approval. |
| Bodies corporate                    | <p>The following decisions are reserved to the Board:</p> <ul style="list-style-type: none"> <li>• The formation and dissolution of bodies corporate or partnerships,</li> <li>• The acquisition of more than 25 per cent of the shareholding of any company, and</li> <li>• The appointment and removal of directors to bodies corporate or partnerships.</li> </ul>  | Officers should note that forming or acquiring interests in bodies corporate requires the Mayor of London's consent.  |

| Type of decision            | Delegation  | Notes  |
|-----------------------------|---|--|
| Appointments and governance | <p>The following decisions are reserved to the Board:</p> <ul style="list-style-type: none"> <li>• The agreement of standing orders, terms of reference for committees, schemes of delegation, and financial regulations;</li> <li>• The appointment of Board members and external members to committees;</li> <li>• The settlement of any claim against the Corporation involving allegations of discrimination or whistle-blowing;</li> <li>• The appointment of the Chief Executive Officer, the setting of his or her objectives, and his or her removal from office;</li> <li>• The approval of the staffing structure; and</li> <li>• The approval of any settlement on termination of employment to members of the Executive Management Team that include more than six months' salary costs, or equivalent.</li> </ul> <p>All other settlements on termination of employment that include more than pay in lieu of notice are reserved to the Chief Executive Officer.</p> <p>The Chief Executive Officer is responsible for the employment of staff (except the Chief Financial Officer) and staffing matters.</p> | <p>The following matters require the Mayor of London's consent:</p> <ul style="list-style-type: none"> <li>• Approving terms and conditions for appointing staff;</li> <li>• Determining rates and eligibility criteria for staff remuneration, travelling and other allowances, pensions and gratuities;</li> <li>• Appointing non-board members to a committee or sub-committee;</li> <li>• The appointment of a Chief Executive Officer.</li> </ul> <p>The Mayor of London has delegated to the OPDC responsibility for determining rates and eligibility criteria for Board allowances and staff remuneration, travelling and other allowances, pensions and gratuities, subject to consultation with the Mayor.</p> <p>The OPDC is required to consult the Mayor before making any significant changes to its standing orders or other rules of procedure, or its scheme of delegations</p> |
| Planning                    | <p>Authority for planning decisions is delegated as per the separate Planning Scheme of Delegations, adopted on 1 April 2015 .</p> <p>The agreement of local planning policy including community infrastructure levy charging schedules is reserved to the Board, though the Planning Committee may advise on these matters.</p>  | Consequential amendments have been made to the Planning Scheme of Delegation   |

**Notes:**

Approvals must be sought and obtained prior to commitment of expenditure.

Approvals should be sought based on the gross lifetime cost (gross defined as including all OPDC accountable funding and any Irrecoverable VAT)

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# Old Oak and Park Royal Development Corporation Expenses & Benefits Framework

( Approved by the Board 1 April 2015)

**This Framework applies to the Board Members and Officers of the Old Oak and Park Royal Development Corporation**

# Contents

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|   |           |
|---|-----------|
| <b>Introduction</b>                         | <b>4</b>  |
| Delegated Authority                         | 4         |
| <b>Expense Claims</b>                       | <b>5</b>  |
| Procedure for Claiming Expenses             | 5         |
| Authorisation of Expense Claims             | 6         |
| Reporting of Expenses                       | 6         |
| Checklist                                   | 6         |
| <b>Travel</b>                               | <b>7</b>  |
| General                                     | 7         |
| UK (Domestic)                               | 7         |
| Reclaiming Travel Expenses                  | 8         |
| Mileage Allowances                          | 9         |
| Home to Work Travel                         | 9         |
| Late Night Working                          | 9         |
| Heavy Equipment or Files                    | 10        |
| Travel to a Temporary Workplace             | 10        |
| Travel Allowances (Press Office only)       | 10        |
| Taxable Benefits                            | 11        |
| Dispensation                                | 11        |
| Rates for Travel & Subsistence              | 11        |
| Foreign Travel                              | 12        |
| Class or Mode of Travel                     | 12        |
| Membership of Frequent Flyer Programmes     | 13        |
| Other Travel Costs                          | 13        |
| <b>Annual Travel Cards &amp; Loans</b>      | <b>14</b> |
| Annual Travel Cards                         | 14        |
| Income tax & National Insurance             | 14        |
| Loans                                       | 15        |
| Annual Limit                                | 15        |
| <b>Hotel Accommodation</b>                  | <b>16</b> |
| Guiding Principles                          | 16        |
| Payment                                     | 16        |
| Foreign                                     | 17        |
| <b>Subsistence</b>                          | <b>18</b> |
| UK (Domestic)                               | 18        |
| Foreign                                     | 19        |
| OPDC Code of Conduct                        | 19        |
| <b>Entertaining &amp; Hospitality</b>       | <b>20</b> |
| Business Entertaining                       | 20        |
| Tips/Gratuities                             | 21        |
| Civic Hospitality                           | 22        |
| Ordering Light Refreshments                 | 22        |
| Meetings                                    | 23        |
| Ordering Procedure                          | 23        |
| Alcohol (OPDC Board Members & Senior Staff) | 23        |

|  |           |
|--|-----------|
| <b>Training, Conferences &amp; Away Days</b>                           | <b>26</b> |
| <b>Reimbursement of Equipment Costs</b>                                | <b>28</b> |
| Mobile Devices   | 28        |
| Equipment at Home  | 29        |
| Return of Equipment  | 29        |
| <b>Staff benefits</b>  | <b>30</b> |
| Flexible Benefits  | 30        |
| Eye Tests  | 31        |
| Glasses  | 31        |
| Payment of Professional Subscriptions                                  | 31        |
| <b>Payments to external persons</b>                                    | <b>33</b> |
| Expense Payments to External Persons                                   | 33        |
| Payments to Consultants  | 33        |
| Payments to Work-Experience Placements                                 | 33        |
| <b>Corporate credit card</b>   | <b>35</b> |
| <b>Summary of key contacts</b>   | <b>36</b> |
| <b>Appendix A – Expense Claim Form</b>                                 | 37        |
| <b>Appendix B – Authorising Officers</b>                               | 39        |
| <b>Appendix C – Expense Claim Checklist</b>                            | 40        |
| <b>Appendix D – Quick Reference Guide to Expenses &amp; Benefits</b>   | 41        |
| <b>Appendix E – Foreign Travel Approval Form</b>                       | 42        |
| <b>Appendix F – Guidelines on the use of GLA Corporate Credit Card</b> | 43        |

# Introduction

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- 1.1. This Framework sets out the procedures for dealing with expenses at the Old Oak and Park Royal Development Corporation (the Corporation). As a general rule you should only be claiming for travel and subsistence that are reasonably incurred in carrying out the business of the Corporation.
- 1.2. You should never use the expenses regime as a means of avoiding the official ordering procedures. Wherever possible accommodation and travel should be procured in advance through the Corporation's SAP e-Procurement system.
- 1.3. Training courses, conferences, stationery, IT consumables and other such goods and services should not be purchased on personal debit/credit cards. Such goods and services should be procured via the Corporation's SAP e-Procurement system. Reimbursement for such goods will not be approved via expenses.
- 1.4. Whilst this Framework is primarily aimed at the Board Members and officers of the Corporation, for ease of reference it also includes sections on consultants and unpaid people (e.g. work placements).
- 1.5. The underlying principle is value for money in terms of cost/time and proper accountability for public funds.
- 1.6. You will find some useful examples throughout the guide to assist you in deciding whether you can make a claim. If in doubt, seek clarification from Financial Services.
- 1.7. This guide will be regularly reviewed and updated. In the meantime please send any comments to the Head of Financial Services – Telephone 020 7983 4038.

## Delegated Authority

- 1.8. The Chief Finance Officer has delegated authority, where appropriate, to:
  - Amend Expenses and Benefits rates on an annual basis, having regard to inflation rates; and
  - Approve expenditure relating to Expenses and Benefits outside the guidance Framework, subject to expenses being reasonably incurred in carrying out the business of the Corporation, and to prepare an annual report on the use of this authority to the Board.



# Expense Claims

---

## Procedure for Claiming Expenses

- 2.1. The form, as shown in Appendix A and which is also stored on the Intranet should be used for all expense claims. You should use the Excel version so that the totals will be calculated for you. If you have difficulty accessing or using the form, please contact one of the Senior Finance Officers in GLA Financial Services.
- 2.2. The procedure is:
- before incurring expenditure, obtain in principle approval from the Budget Holder;
  - fill in all the relevant sections, making sure you provide all of the requested details and include the correct WBS codes;
  - attach all relevant receipts including VAT receipts where appropriate;
  - review your claim using the Expense Claim Checklist (Appendix C);
  - get the form authorised (see Appendix B for authorisers); and
  - submit the form to Financial Services for payment.
- Note:** If the approver is not available, expenses should be approved by the approver's line manager (i.e. there is a presumption of upward delegation).
- 2.3. Supplementary information is required for the following:
- **Travel expenses:** you must show the starting point and the destination as well as the purpose of the visit;
  - **Taxis:** you must give an explicit reason why public transport was not used; and
  - **Business entertaining:** you must show the names of the recipients, their organisation and the purpose of the entertaining.
- 2.4. The OPDC will not reimburse any credit card/bank charges resulting from a delay in submitting an expense claim.
- 2.5. All claims will be paid via payroll. You need to submit your expense claim to GLA Financial Services by the deadlines set out in the payroll submission timetable. The timetable can be found on the intranet:

**If your form is incorrect it will be returned to you for amendment and re-approval.**

## Authorisation of Expense Claims

- 2.6. Where an expense claim is authorised but contravenes the Expenses and Benefits Framework, the authoriser should:
- ensure that details are recorded on the claim to show why they have not been able to comply with the Framework; and
  - provide a written note demonstrating that value for money (VFM) has been achieved.

**It is the duty of both the Claimant and the Authoriser to ensure compliance.**

## Reporting Of Expenses

- 2.7. Expenses paid to the Board senior staff will be reported in public to an appropriate Committee of the Board. The reports will include expenses paid via the payroll or by other means and include domestic and foreign travel, and subsistence.

## Checklist

- 2.8. You should refer to the checklist at Appendix C, to ensure that your form is correct, as any mistakes will delay payment.
-

# Travel

---

## General

- 3.1. All travel arrangements (trains, flights and accommodation) should be made in advance wherever possible. Each Directorate is responsible for making their own travel arrangements and must comply with the Authority's purchasing procedures and procurement rules.
- 3.2. There is, at present, no preferred supplier for the procurement of travel services. Therefore, when sourcing travel services you will need to be able to demonstrate value for money and compliance with the Contracts and Funding Code. This will entail obtaining written quotations. The Contracts and Funding Code is available on the intranet.
- 3.3. If invoices need to be paid in a foreign currency, please contact the Financial Services Centre at [accountspayable@tfl.gov.uk](mailto:accountspayable@tfl.gov.uk) or on 0845 303 5100.

## UK (Domestic)

- 3.4. The OPDC is committed to the use of public transport. Everyone is expected to use public transport wherever possible, and taxis and private cars should only be used when public transport is unavailable or impractical. Where a taxi or private car is used an explicit reason must be given as to why public transport is unavailable or impractical in order for the claim to be processed. A statement to the effect that "public transport was not available" is not sufficient in relation to the use of taxis or cars.

**Any taxi or car mileage claimed without a reason will be returned to the claimant.**

- 3.5. The requirement to use public transport extends to transport used by or booked for third parties e.g. consultants or guests. If taxis are booked for third parties the reason why public transport was not used must be provided.

### **Tube Journeys/Oyster Cards**

- 3.6. You should aim to pay the lowest fare possible for tube journeys. This is best achieved by using a pre-paid Oyster card.
- 3.7. Journeys on public transport within London will only be reimbursed up to the cost of the equivalent journey on an Oyster card.
- 3.8. All claims for Oyster card journeys must be supported by a printout of the journeys undertaken with the OPDC business journeys highlighted and the reason for the journey stated on the expense claim form.

## Reclaiming Travel Expenses

- 3.9. Claims must be made on the basis of actual expenditure incurred. The OPDC will not reimburse you for travel to/from home and your permanent workplace. There are some exceptions to this general rule and these are covered in paragraphs 3.14 onwards.
- 3.10. For all journeys by **tube, bus, taxi, train** and via the **Mayor’s Cycle Hire scheme** please ensure that you:
- Agree the journey in advance with the Budget Holder;
  - Retain a receipt/ticket/Oyster printout as proof of expenditure; and
  - Do not claim for any journey that is already covered by your existing travel card or Oyster card.

Additionally please note the following:

### **Train**

- Standard Class is the normal class of travel. Where this is not considered appropriate, prior written approval must be obtained from your Chief Executive Officer.

### **Cycle Hire Scheme**

- The total re-imburement on usage of the scheme is limited to the equivalent cost of using public transport.

| Examples   | Travel   |
|--|--|
| Scenario 1   |  |
| You live in Zone 6 and you travel from home directly to a meeting near Marble Arch which is in Zone 1, and then on to City Hall and the entire journey is covered by your travel card. | This is not substantially different from “ordinary commuting” and you cannot make a claim.                                   |
| Scenario 2   |  |
| You travel from home directly to a meeting near Marble Arch which is in Zone 1, and then on to City Hall and your annual ticket only covers mainline services to London Bridge.        | You have to pay additional tube fares, in which case you can claim for the additional fares only and not the entire journey. |

## Mileage Allowances

3.11. When you use your own vehicle for OPDC business, please ensure that you:

- Agree the journey in advance with the Budget Holder;
- Do not use your car for home to work journeys;
- Only use a car where it is essential e.g. carrying heavy files, where no other public transport is available or where the cost of public transport compared to the use of the car is prohibitive; and
- Attach proof of business use insurance to your expense claim – if you do not have this you will not be reimbursed.

**It is your responsibility, not the OPDC's, to make appropriate insurance arrangements.**

3.12. The Board Members and directly appointed OPDC staff may claim for business mileage at the approved HM Revenue & Customs rates which may be found at:

<http://www.hmrc.gov.uk/rates/travel.htm>

3.13. The current HM Revenue & Customs rates per business mile are:

| Type of vehicle | First 10,000 miles | Above 10,000 |
|-----------------|--------------------|--------------|
| Cars and vans   | 45p                | 25p          |
| Motorcycles     | 24p                | 24p          |
| Bicycles        | 20p                | 20p          |

**NB: Please check rates on HMRC website**

## Home to Work Travel

3.14. The OPDC will not normally reimburse you for travel to and from home and work. There is, however, one exception to this general rule when you are working late at night, further details are provided below.

## Late Night working

3.15. You can **only** claim the cost of using a taxi from work to home where **all** the following conditions are met:

- you are occasionally required to work late, (after 9pm);
- those occasions are neither frequent nor regular, (frequent means more than sixty times a year and regular means a predictable pattern); and

- by the time you can go home public transport has stopped or it would not be reasonable to use public transport or it is a reasonable adjustment.

| Example   | Travel   |
|---|--|
| <p>You go to a meeting in Croydon on behalf of the OPDC at 7pm and this goes on until 9pm. To get there you take the train from London Bridge to Croydon, and then take a bus to the venue. After the meeting, you get a taxi to your home which is 5 miles away.</p> | <p>Your existing annual ticket covered the main line journey. However, you had to pay extra for the bus and the taxi. You can claim for the bus and taxi fares. However, the taxi fare home is only allowable because it was late at night and not practical to use public transport. Under HM Revenue &amp; Customs guidelines this must not be a regular occurrence.</p> |

## Heavy equipment or files

- 3.16. Where you have to use a taxi to carry files or equipment in relation to OPDC business, travel will be reimbursed provided:
- the equipment/files are for OPDC business;
  - you do not usually drive to work in your own car;
  - it is not feasible to use public transport; and
  - this only happens occasionally or it is a reasonable adjustment.

**Usage of a taxi to carry files/equipment is a taxable benefit which the OPDC will meet only if all the criteria above are met.**

## Travel to a Temporary Workplace

- 3.17. You can claim the cost of travel to/from home to a location other than your permanent workplace where your attendance is necessary in order to carry out your job and the journey is significantly different to your ordinary commuting journey.
- 3.18. Travel to a temporary workplace e.g. to an event, should be by public transport. However, if you need to travel by taxi this must be agreed in advance with the Budget Holder.

## Travel Allowances (Press Office Only)

- 3.19. Special provision has been made for these staff in the Press Office to receive a fixed annual allowance to meet the cost of early travel to work. This allowance was granted purely to cover the issue of early travel to work. Other claims by these staff members will be subject to the conditions of the Expenses and Benefits Framework.

## Taxable Benefits

- 3.20. Broadly, employees are taxable on all income they receive from their employment including pay, benefits in kind and any expenses payments (including payments relating to business travel). There are, however, some types of benefits in kind or expenses payments that you do not need to include on a tax return to HMRC because they are either by law exempt from tax, e.g. cost of VDU eye tests or are covered by the GLA's dispensation (for GLA employees seconded to OPDC). A dispensation means that HMRC have reviewed the GLA's internal arrangements surrounding the reimbursement of these costs to you and have deemed these payments non-taxable and for this reason you do not have to report these on your own tax return.
- 3.21. The reimbursement of newspapers purchased for use at work is not covered by the dispensation and are a taxable benefit. This means that tax will be deducted from the amount you are reimbursed.

## Dispensation

- 3.22. The GLA has a dispensation from HM Revenue & Customs, which covers:
- business travel (excluding ordinary commuting);
  - subsistence (excluding the cost of videos, newspapers, beverages not complementing an evening meal and private phone calls);
  - business entertaining;
  - business phone calls made from a private home telephone or personal mobile telephone;
  - reimbursement of the cost of equipment, materials and services necessarily incurred, including payments made by company credit card;
  - professional subscriptions to organisations on the HMRC List 3; and
  - hire cars.
- 3.23. Details of these dispensations are covered in the relevant sections of this guide.
- 3.24. Any expenses paid outside this dispensation may be taxable and if so they will be reported on Form P11D (form P11D is an HM Revenue and Customs requirement) after the end of the tax year. Each employee included on the P11D return will receive a copy of the relevant details for their own tax return.

## Rates for Travel & Subsistence

- 3.25. See Appendix D for Quick Reference Guide to Expenses and Benefits.

## Foreign Travel

### Insurance

- 3.26. If you are to travel abroad on OPDC business, the OPDC has in place travel insurance to cover this activity but this is only activated once a Foreign Travel Approval Form (FTA) has been completed.
- 3.27. Prior to any such travel, you must contact the GLA's Senior Group Treasury Officer - Operations: ext. 4144 who will provide you with an emergency contact number and policy details.
- 3.28. The following policies and underlying principles will be applied to all overseas travel undertaken in carrying out the functions of the OPDC.

| Approval for Foreign Travel |                         |
|-----------------------------|-------------------------|
| Traveller                   | Approver                |
| Chief Executive Officer     | Chief Finance Officer   |
| Officers                    | Chief Executive Officer |
| Board Members               | Chief Executive Officer |
|                             |                         |

- 3.29. See Appendix E for Foreign Travel Approval Forms or:

[Link to relevant intranet page to be inserted]

### Foreign Travel Approval forms

- 3.30. Once completed and authorised, all Foreign Approval Forms must be forwarded to the GLA's Senior Group Treasury Officer - Operations, ext 4144.

## Class or mode of travel

- 3.31. Unless there are exceptional reasons, the following will apply:
- Flights up to 3 hours in duration – Economy Class;
  - Flights of between 3 hours and 6 hours – Premium Economy or equivalent; and
  - Flights over 6 hours – Business Class
- 3.32. The only exception to this rule is where there is a sound business reason or health-related issue. In this situation, the relevant Budget Holder must be satisfied that travel other than the relevant class is appropriate. In making any decision, Budget Holders are expected to ensure that value for money is obtained.

### Upgrades

- 3.33. Where travel arrangements are to be upgraded above the relevant class, prior approval should be obtained from the Chief Finance Officer. Where prior approval cannot be obtained, the person travelling must accept the risk that any costs arising from the upgrade over and above the pre-approved levels may not be subsequently authorised,



unless sound business or health reasons can be demonstrated. Upgrade must be booked in advance of the journey and not **at the station/airport** on the day of travel.

- 3.34. Board Members will **not** travel by air and will instead use more sustainable modes of transport, when travelling to Paris, Brussels or in mainland Britain, in connection with OPDC business.

## Membership of frequent flyer programmes

- 3.35. The OPDC has no objection to any member of staff belonging to frequent flyer programmes operated by most airlines (commonly known as air miles). However, membership of any such scheme **must not influence** travel decisions or choice of airline.
- 3.36. If staff accrue points (or something similar) solely as a result of carrying out the functions of the Authority and this entitles them to free flights at a later date, then they must utilise them for official purposes only.

## Other Travel Costs

- 3.37. Officers will be reimbursed for any reasonable business-related travel expenses incurred abroad, e.g. taxi, train, etc. In considering what is 'reasonable', the Chief Finance Officer will be guided by the principles and examples elsewhere in this Framework.

**A receipt must support all expense claims.**

# Loans

---

## Loans

### **Season Tickets**

- 4.1 Staff can apply for an interest-free annual travel card loan. The loan is paid via payroll and recovered as deductions from pay over 11 months.

### **Rent Deposits**

- 4.2 Staff can apply for an interest-free rent deposit loan. The loan is paid via payroll and recovered as deductions from pay over 11 months.

### **Annual Gym Membership**

- 4.3 Staff can apply for an interest-free loan to enable them to benefit from the discount available for those paying annual membership fees in one lump sum. The loan is paid via payroll and recovered as deductions from pay over 11 months.

## Annual Limit

- 4.4 HM Revenue & Customs sets an annual limit on the value of tax-free loans that an employer may provide. With effect from 6 April 2014, this limit is set at £10,000, so the aggregate value of loans to any employee must not exceed this sum.
- 4.5 Application forms and further information, including loan conditions can be found at on the intranet.

# Hotel Accommodation

## Guiding principles

- 5.1 The OPDC will pay for or reimburse Board Members and staff for hotel accommodation where:
- the stay is for **business purposes**;
  - the stay has been agreed **in advance** with the Budget Holder. However, where unforeseen situations arise and an appropriate Budget Holder cannot be contacted, authorisation must be obtained at the earliest possible opportunity;
  - the principle of securing **value for money** and **best use of public funds** should always be observed and lower priced suitable accommodation should be used whenever possible;
  - there is no explicit limitation to the star standard of hotel accommodation that can be used. However, three quotes should be obtained for accommodation and these quotes must be attached to expense claims. The quotes would normally be obtained by attaching a print out of relevant website searches of hotel accommodation that would demonstrate that the accommodation chosen was reasonable and good value for money. If such evidence of securing value for money is not attached, re-imburement of hotel costs will not be made. If evidence produced is not compelling, then only partial re-imburement may be made; and
  - higher costs may be incurred where it is necessary to accommodate the needs of a member of staff with a disability or special needs or where it is essential for a member of staff to use a hotel nominated by an event organiser. In these circumstances such costs must be brought to the attention of, and approved by, the Budget Holder before a booking is made.

## Payment

- 5.2 Hotel accommodation should be booked in advance and wherever possible paid for directly by the OPDC.
- 5.3 If a credit card is required to hold a booking or the purchase is being made via the Internet, you need to contact the GLA's Finance Manager, Financial Services on ext. 5521 or, in her absence, the Executive Support Officer, Finance on ext. 4316 to arrange this via a GLA corporate credit card.

| Example  | Hotel Accommodation   |
|--|---|
| As part of your trip to Manchester you stay overnight. You tried to book in advance but the B&B was not prepared to invoice the OPDC, so you had to use a credit card. | You can claim for the overnight stay, including breakfast. The OPDC will not reimburse you for extras in hotels such as laundry, room service, videos, newspapers, etc. |

## Foreign

- 5.4 When booking **hotels** abroad if it is not possible for the payment to be made by the GLA Corporate Credit Card you may pay with your personal credit card and seek reimbursement via an expense claim.
- 5.5 The principles (as set out above) in relation to hotel accommodation in the UK when on OPDC business apply equally to business trips abroad. Before a trip is undertaken approval should be sought using the Foreign Travel Approval form.
- 5.6 Hotel accommodation must only be arranged where it is clearly necessary as a direct result of a member of staff's business activities on behalf of the OPDC. The requirement for hotel accommodation must be agreed in advance with the Budget Holder, except where unforeseen situations arise and an appropriate Budget Holder cannot be contacted - in which case authorisation must be obtained at the earliest possible opportunity, based on a clear business case and with relevant supporting documentation. There is no explicit limitation to the star standard of hotel accommodation that can be used. However, three quotes should be obtained for accommodation and these quotes must be attached to expense claims. If such evidence of securing value for money is not attached, re-imbursment of hotel costs will not be made. If evidence produced is not compelling, then only partial re-imbursment may be made.
- 5.7 Evidence of the applicable **exchange rate** must be attached to the claim, e.g. bank or bureau de change receipt.

| Example   | Hotel  |
|---|--|
| You come into work on Friday and decide to stay overnight in a hotel as you are going to France early the next morning on Eurostar for a holiday. | The OPDC will not pay for any accommodation that has been booked for private reasons, even if you go there straight from work or come to work directly from the hotel. |

# Subsistence

## UK (Domestic)

- 6.1 As a general rule, subsistence will only be paid for evening meals and, where applicable, breakfast. As the Board Members and officers have to provide their own lunches, time spent away from the office during the day should not result in any additional expenditure. Claims for breakfast will normally be associated with an overnight stay. Hotel extras such as drinks, snacks, newspapers, etc. will not be reimbursed.

| Example   | Subsistence  |
|---|--|
| You go to a meeting in Harrow which lasts for 3 hours and on the way back you stop for lunch. | Staff are expected to provide their own mid-day lunch, therefore you have not incurred any additional expense and you cannot claim for this. |

- 6.2 Claims should be made on the basis of actual expenditure incurred excluding alcohol, which is not recoverable.
- 6.3 Claims for breakfast should not exceed **£10** and claims for dinner should not exceed **£30**. The Chief Finance Officer should approve any costs in excess of these amounts in advance. There is no guarantee that approval will be given and if costs have already been incurred then the excess may not be authorised for reimbursement if the circumstances were not exceptional. Lunches are not claimable within the UK (or in Belgium for those staff who are based in Brussels).

**A VAT receipt must support all expense claims.**

- 6.4 Subsistence claims should be made where you are away from the office for a period of time and have to buy meals for yourself. Please note that there is a separate section on business entertaining. Business entertaining involves taking someone from another organisation (i.e. not part of the GLA group) out for a meal and the rules are different (see section 7).

| Example  | Subsistence   |
|--|---|
| You travel to Manchester as part of a research project and stay overnight. You have an evening meal in a restaurant. | You can claim for the meal, however, you should not spend more than £30 and your claim should not include any alcoholic drinks. You must obtain a proper VAT receipt. |

All claims must exclude alcoholic drinks as alcohol is not permitted as reclaimable expenditure for Subsistence.

Alcohol may only be claimed for Business Entertaining and Civic Hospitality  
(see section 7)

## Foreign

- 6.5 No allowances will be paid in relation to undertaking any foreign travel. However, officers will be reimbursed for legitimate expenses incurred in the course of the travel e.g. breakfast, dinner and other incidental expenses.
- 6.6 Claims should not exceed the UK equivalent standard i.e. **£10** for breakfast and **£30** for dinner (excluding alcohol). Although lunches are explicitly not claimable within the UK, it is permissible for claims of up to **£15** to be made for lunch whilst on overseas travel by staff below Head of Service level. Staff at Head of Service level or above cannot claim for lunches abroad.

### **Incidental expenses**

- 6.7 In exceptional circumstances, the Chief Finance Officer can make a sterling cash advance that can be converted into the relevant foreign currency by the Board Member or senior OPDC officer where he/she is travelling abroad. Any such advance will need to be fully accounted for by the claimant in accordance with the principles in this Framework. If the Chief Finance Officer were to use this exceptional provision, he/she will publicly report its usage to an appropriate Committee of the Board as soon as practical.

## OPDC Code of Conduct

- 6.8 Under the OPDC's Code of Conduct the cost of any visit outside the UK for which the Corporation has paid or will pay is an interest, which should be registered by any recipient subject to the Code. Details should be supplied to the OPDC Monitoring Officer, ext. 4399.

# Entertaining & Hospitality

## Business Entertaining

7.1 HM Revenue & Customs dispensation states that:

- the cost of entertaining staff or colleagues in the same organisation is not considered to be bona fide business entertaining; and
- business entertaining **must involve representatives of outside organisations**, and must **not** be predominantly for social purposes.

**For these purposes, Functional Bodies are not classed as outside organisations. GLA-employed contractors (external contractors contracted in) are subject to the same rules.**

7.2 As a general rule, given that we have very limited resources available for entertaining; you should **not** take people out to lunch or dinner and expect to be reimbursed by the Corporation. We have facilities at City Hall for hosting meetings and these should be used wherever possible. You should always bear in mind that we are dealing with taxpayers' money and must demonstrate public accountability.

| Example  | Business Entertaining   |
|--|---|
| You have an informal meeting with an officer from MOPAC and decide to go to a restaurant in the London area. | You cannot claim for this as MOPAC does not count as an external organisation in this context and there is no clear benefit to the OPDC from the meeting. |

7.3 However, an exception may be made where:

- Either you are a Board Member or a senior member of staff; or
- your role requires occasional business entertaining and you have obtained specific agreement from your Chief Executive Officer in advance; or
- you are hosting a visit from overseas.

In all exceptional cases the following conditions apply:

- There is good reason to use a restaurant or other facilities rather than OPDC facilities;
- You can clearly demonstrate that the purpose of the meeting is OPDC business and not social; and
- You have chosen a reasonably priced location.

- 7.4 You should spend no more than **£40** a head (for lunch) or **£50** a head (for dinner) including alcoholic drinks which, although permissible, should be kept to a minimum. This should be inclusive of **VAT**. As VAT is not recoverable on business entertaining, it should **not** be separately analysed in your expense claim.

| Example  | Business Entertaining  |
|--|--|
| <p>You agree in advance with your Executive Director that you should take a senior official from a leading Homelessness charity out for lunch to discuss the OPDC's role in Planning. You cannot hold the meeting at OPDC offices as s/he can only meet you in Camden for an hour at 12 noon. The purpose of the meeting is to ensure that the charity understands the OPDC's role in this field, and to see if they are interested in participating in a working party.</p> | <p>You can claim for this lunch, and you can claim up to £40 a head (including VAT) subject to the presentation of a proper receipt. You must show the name and organisation of the recipient and the purpose of the meeting on the claim form. You should keep alcoholic drinks to a minimum.</p> |

- 7.5 For all business entertaining claims you will be asked to supply:

- the name and organisation of the recipients; and
- the purpose of the business entertaining.

- 7.6 The provisions regarding Business Entertaining are also applicable to foreign trips where such entertaining is necessary. However, costs of such entertaining should reflect local economic conditions and should, as far as possible, reflect the limits applicable to the UK. If possible, all Business Entertaining should be booked prior to leaving the UK or by utilising the services of foreign consultants/experts. All such entertaining must be met from within approved budgets.

**Remember that VAT cannot be recovered on business entertaining and this therefore increases the cost to the Authority.**

## Tips/Gratuities

- 7.7 Service Charges are permitted only on business entertaining and reimbursement is limited to 12.5% of the total bill within the UK and up to 20% of the total bill overseas, depending upon the convention within the country, with the claimant paying for any excess.
- 7.8 Tips on subsistence meals will not be reimbursed.
- 7.9 Tips for taxis will not be reimbursed.



## Civic Hospitality

7.10 Hospitality can be provided where:

- the guests are predominantly from outside organisations (you should not organise events that are for Board Members and Staff only);
- the purpose is clearly OPDC business and not political; and
- there is sufficient budget available to meet the cost.

7.11 Where you need to organise a function at City Hall or elsewhere you should:

- seek agreement from your Chief Executive Officer in advance;
- confirm the budget available;
- order and pay for hire of premises and refreshments in advance through the official procedures wherever possible;
- make use of OPDC accounts with suppliers where appropriate; and
- you may need to refer to the OPDC decision-making process to ensure appropriate approval has been sought; this can be found on the intranet.

7.12 Alcohol is permissible for Civic Hospitality, but should be kept to a minimum.

## Ordering Light Refreshments

7.13 As a general rule, the Board Members and officers should only order tea and coffee for meetings where there are outside visitors present. Similarly, lunch should **only** be ordered for long meetings that span the lunch period and **also** include outside visitors. Any lunch that is ordered must be ordered in advance from the in-house caterer via the Catering catalogue on SAP. Lunches should be modest and be at a reasonable cost e.g. sandwiches, fruit and soft drinks.

**This should be ordered through the GLA's in-house caterers via the Catering Catalogue on SAP.**

7.14 The provision of free or subsidised food for refreshments for Board Meetings (including invited guests) or Interview Panels is subject to a PAYE settlement agreement with HM Revenue & Customs on which tax and NI is paid by the employer only.

## Meetings

### **Board Meetings**

- 7.15 If a buffet is provided on a regular basis for Board Meetings, this is a taxable benefit and will be declared to HM Revenue & Customs at the end of the year.
- 7.16 As a guide the cost should be limited to a maximum of **£15** per head.

### **Other meetings**

- 7.17 The Board Members and officers should only order refreshments for meetings where outside visitors are present.

## Ordering procedure

- 7.18 Orders for catering should be made with the in-house caterers. All such orders should be placed in advance of the event via the Catering catalogue on SAP.
- 7.19 If you wish to order food from other suppliers (e.g. organic suppliers) you must be able to demonstrate value for money in advance of placing the order.

**It is not appropriate to go out and buy food and drinks for official GLA-related meetings and events and claim this back on expenses, as this may not comply with the GLA's Contracts Code. Those wishing to do this must present a business case to the relevant Budget Holder in advance.**

## Alcohol (Board Members & Senior Staff)

- 7.20 Alcohol is permissible but should be kept to a minimum and should primarily be for events involving outside visitors.

# Training, Conferences & Away Days

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- 8.1 All short courses and conferences should be job-related. Attendance must be agreed with your line manager in advance and it should be agreed that they would be of benefit to your work.
- 8.2 The standard ordering procedure should be followed when booking short courses and conferences and you should always check that there is sufficient budget provision before an order is completed.
- 8.3 Shopping carts for training and conferences should state the names of the staff member attending and provide a brief description of how the training/conference relates to the employee's job.
- 8.4 The OPDC has a training scheme for sponsoring longer courses and details are available on the HR & OD section of the Intranet.
- 8.5 Expenses for an evening meal when you are attending a training course or conference that does not involve staying overnight will only be paid in exceptional circumstances. These will not cover alcohol and will be limited to a maximum of **£30** a head. Such expenses will only be paid where the following conditions apply:
  - The approval of an Executive Director has been obtained in advance;
  - Attendance is job-related and will benefit your work; and
  - The conference or course extends significantly beyond normal working hours or ends at a normal time but is in a location that significantly increases travelling time, so that you would not arrive home until late.
- 8.6 Away days and similar events for Members and staff must have a clearly defined purpose and be for work and not social reasons. All the arrangements should be made in advance where possible and this includes hire of premises and catering. As a guide you should spend no more than **£15** a head on lunch.
- 8.7 See overleaf for some examples.

| Examples  | Conference/Training Course   |
|---|--|
| Scenario 1  |  |
| <p>You attend a conference that does not end until 8.00 p.m.</p>  | <p>You can claim for a meal, however, you should not spend more than £30 and your claim should not include any alcoholic drinks. You must obtain a proper VAT receipt.</p> |
| Scenario 2  |  |
| <p>You attend a course that ends at 6.00 p.m. but the length of the journey means you will not get home until 9.00 p.m.</p> | <p>As for Scenario 1.</p>  |
| Scenario 3  |  |
| <p>You attend a conference that ends at 6.00 p.m. and your journey home will take one hour.</p>                             | <p>You cannot claim for expenses for an evening meal.</p>  |
| Scenario 4  |  |
| <p>You attend a course and your journey home will take three hours, but the course ends 4.00 p.m.</p>                       | <p>As for Scenario 3.</p>  |

# Reimbursement of Equipment Costs

---

## Mobile Devices

- 9.1 Mobile devices are used to ensure that key staff can access e-mail/phone services out of working hours or while on the move. They also help facilitate flexible working.
- 9.2 Mobile devices can be purchased for use at the discretion of the Budget Holder. The Budget Holder needs to satisfy him/herself that the person has a requirement to access e-mail services out of working hours or while on the move and that the benefit to the OPDC is worth the cost of procuring and running the device, particularly if it facilitates flexible working.
- 9.3 The principle of securing value for money and best use of public funds should always be observed and, for example, an upgrade to the latest product release is unlikely to be acceptable.
- 9.4 Information regarding mobile devices is available on the Technology Group section of the intranet.
- 9.5 The Technology Group regularly reviews developments in technology and options that become available to the workforce to communicate by new means. In order to expedite such flexible working, the Chief Finance Officer may approve such additional expenses that are properly incurred by staff as part of new developments under this Framework.
- 9.6 For OPDC staff, the Corporation will pay all bills and the phone **must only be used for business calls**. Personal calls on a phone provided by the OPDC should be avoided and only made in an emergency.
- 9.7 Only as an exception, which must be authorised by line management, may staff reclaim costs for business calls using the expense claim process.
- 9.8 Bills will be posted to Financial Services. Finance staff will photocopy the bill and send it to the phone holder along with a declaration form if call charges exceed £10 per quarter. The phone holder is required to go through the itemised bill and list any personal calls on the declaration and return it to Financial Services. The amount declared plus VAT will be deducted from pay in the next available pay run. Where call charges exceed £100 per quarter line managers are required to review the bills and certify that they have reviewed and discussed the phone usage with the employee.
- 9.9 To apply for a mobile device, staff must first obtain in principle approval from their Budget Holder and then contact the Technology Group at:

[TGProcurement@london.gov.uk](mailto:TGProcurement@london.gov.uk)

(or ext. 4170, or go to the relevant page of the intranet)

## Equipment at home

- 9.10 The Technology Group maintains an asset management system that records equipment provided to officers for use at home. This includes computers, faxes, printers and pagers, but excludes mobile phones.
- 9.11 There is no tax charge arising if the equipment is provided for the sole purpose of enabling officer to perform the duties of their employment and the equipment is used for work purposes and private use is not significant.

## Return of equipment

- 9.12 Staff are responsible for returning all equipment supplied to them by the OPDC when departing the OPDC as per the arrangements relating to ICT Equipment for Departing Staff.

# Staff Benefits

## Flexible Benefits

10.1 Under the Corporation's flexible benefits scheme, within the terms and conditions of service, staff are entitled to trade in up to two days annual leave for a choice of benefits.

### Payment

10.2 Staff will be reimbursed for the value of either one or two days leave for one of the options described below. This payment will be subject to the normal PAYE deductions. Claims should be made directly to the Human Resources Team by producing a receipt or other proof of payment, together with your annual leave card for adjustment. Payment will be made in the next available salary run.

10.3 The value of leave is calculated as a standard rate for all employees and is upgraded each year in line with the cost of living award. Payments are subject to deductions for tax and national insurance. The current value of leave has been calculated as **£225** per day.

10.4 Only full days can be reimbursed and payment will not be made to cover the difference between the option being reimbursed and the one or two-day value if the amount being reimbursed is less. However, parts of options can be added to bring the value up to that of a whole one or two day(s).

### Benefit Options

Payment towards all, or part of the following:

Annual Subscription to a professional body

Additional voluntary contributions to pension

Membership of any health scheme, benefits or facilities, or fitness or sports facilities

Medical treatment

Personal training or development

Annual season ticket loan

Rent deposit loan

Gym membership loan

Spectacles or contact lenses

Private health insurance

Personal student loan

Childcare facilities

**NB: This list may be updated from time to time**

| Examples   |   |
|--|---|
| Scenario 1   |   |
| Gym membership costs £400.   | Two days leave can be traded in to cover this, but only £400 will be paid, not the full two-day's value of £450.                            |
| Scenario 2   |   |
| Gym membership costs £400 and the member of staff also purchases a £500 season ticket. | Two days leave can be traded in to cover the £400 gym membership and the additional £50 can be paid towards the value of the season ticket. |

## Eye Tests

- 10.5 The OPDC will reimburse the full cost of eye tests up to the NHS standard eye test charge (currently £20.90), which should be claimed using the standard expense claim and must be supported by proof of payment.

## Glasses

- 10.6 The OPDC will reimburse costs up to £80 for glasses if they are only required for VDU use. Claims should be made using the standard expense claim and must be supported by a letter from your optician verifying the VDU test and that the need for glasses is only for working on a VDU.

## Payment of Professional Subscriptions

- 10.7 The OPDC recognises the important work of professional associations and will support membership where this will directly benefit the organisation, as well as the individual and the body is recognised by HM Revenue and Customs:

<http://www.hmrc.gov.uk/list3/list3.htm#1>

- 10.8 The general principle will be that the OPDC will only pay for one subscription per person based on the criteria below.
- 10.9 For the OPDC to reimburse the annual subscription, criteria 1 and 2 below must be met plus one or more of the additional criteria.

### Criterion 1

The employee is a permanent member of staff who has successfully completed their probationary period (fees can be reimbursed to the individual if the association requires payment before the probation period ends). The employee can be full-time or part-time. No payments will be made for fixed term contract staff, consultants, or temporary members of staff.



**Criterion 2**

The body is recognised by the HM Revenue and Customs (see 11.7).

**PLUS** one or more of the following:

**Criterion 3**

Membership is a legal requirement of the job i.e. the person would not legally be allowed to practice if they were not members.

**Criterion 4**

Membership of the professional body is listed as an essential requirement in the recruitment criteria of the job profile.

**Criterion 5**

As part of the TUPE agreement, transferred staff will continue to have their subscriptions reimbursed if this was the case in their previous organisations.

**Criterion 6**

Payment is agreed at the point of recruitment. This includes the situation where the recruiters, on behalf of the OPDC, choose to honour the employee's existing commitment to a course of study which they have partially completed and which requires student membership.

**Criterion 7**

The OPDC agrees to fund a course of study for an employee and student membership is compulsory as part of this. The implications of the undertaking are described in the OPDC's Training Agreement. The OPDC will continue to pay full subscriptions once the employee 'graduates', providing they remain a permanent member of staff and can make a case for membership using the criteria above.

10.10 In order to claim staff must:

- Have agreement from their Line Manager and Director for membership and payment;
- Provide a copy of a certificate or membership card to Financial Services; and
- Complete the standard expense claim and attach to it the copy of the membership card and receipt or some other proof of payment.

The claim will be reimbursed through the payroll/or the organisation will be paid by cheque/BACS on submission of a Cheque Requisition Form/raising of a Purchase Order.

**If a number of staff require membership of the same professional body, there may be scope to buy corporate membership. Where this occurs, it is the responsibility of the Executive Director to bring this to the attention of Financial Services.**

# Payments to External Persons

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## Expense Payments to External Persons

- 11.1 Payments can be made to individuals, from outside bodies, for expenses they incur whilst working on a OPDC project or event. The expenses should normally be for travel and subsistence and reimbursement should be on a cost basis.
- 11.2 Claims must be made using the Non-OPDC personnel Expense Claim form, which can be found on the intranet.

VAT receipts should be attached to any claim. Reimbursement will not be made where receipts are missing.

- 11.3 Any approved ongoing allowances e.g. attendance allowances, may be subject to income tax and national insurance and would have to be paid via the payroll or the individual may need to invoice the OPDC. Any such proposals must be discussed with the Head of Financial Services on ext. 4038, before any agreement is entered into.

## Payments to Consultants

- 11.4 The Contracts and Funding Code contains a section on Payments to Consultants which can be found on the intranet.

## Payments to Work-Experience Placements

- 11.5 This section applies to people who come to work at the OPDC for a short period of time to gain work experience and who are unpaid.
- 11.6 Work placements will be reimbursed by BACS or cheque for actual expenses incurred on travel but the reimbursement for subsistence is restricted to a maximum of **£5.00** per day. Please discuss the need to have a bank account with the work experience placement early on in the engagement process.
- 11.7 Claims must be made using the Non-OPDC Personnel expense claim form found on the intranet.

VAT receipts should be attached to any claim. Reimbursement will not be made where receipts are missing.

# Corporate Credit Card

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- 12.1 Where a GLA corporate credit card has been issued to a member of staff, the card:
- must only be used where it is not possible to use the Authority's standard purchasing and payment methods (i.e. raising a shopping cart, TfL issuing a purchase order, receiving an invoice from the supplier and paying by BACS);
  - should not be used to avoid the Authority's purchase ordering processes. For example, where hotel accommodation cannot be booked in advance using conventional purchasing methods, the booking will be made by the Finance Manager, Financial Services on ext. 5521 or in her absence, the Executive Support Officer, Finance on ext. 4316 using a corporate card;
  - should not be used to avoid proper approval of expenses in line with the Authority's Expenses and Benefits Framework; and
  - should only be used for the purpose issued and should not be used as a general credit facility.
- 12.2 Corporate credit cards held outside the Finance Team should in general be used only for:
- meals and incidental expenses for the cardholder or a group of GLA members or officers travelling overseas in accordance with this Framework; and
  - purchases that cannot be made using any other method.
- 12.3 Whilst corporate credit cards may be used for group expenses, this does not preclude individual members of a group travelling together from using their own funds to meet expenses and then reclaiming them through the approved Expenses and Benefits Framework.

## **Guidelines on the use of the Corporate Credit Card**

- 12.4 Accounting for Expenditure and Providing Supporting Information:
- Each month the Senior Group Treasury Officer - Operations will receive from the Credit Card Company a statement of card usage. Details of all purchases and expenses shown on the statement for the card must be recorded on the credit card transaction log sheet, shown in Appendix G; and
  - All expenditure that is shown on the statement must be properly approved in accordance with the Expenses and Benefits Framework and supported by:
    - a transaction receipt (a receipt for VAT regulations) which shows what goods, materials or services have been received, and
    - a credit card receipt for the transaction (if the transaction receipt incorporates the credit card receipt then a separate credit card receipt will not be required).

# Summary of Key Contacts

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13.1 You should contact the following people if you have any queries or comments:

| Subject                              | Contact                                       | Extension |
|--------------------------------------|---|-----------|
| Comments on Framework & Procedures   | Head of Financial Services                    | 4038      |
|                                      | Chief Accountant                              | 4255      |
| Processing of Expense Claims & Loans | Senior Finance Officers                       | 4159/4863 |
| Insurance                            | Senior Group Treasury<br>Officer - Operations | 4144      |

# Expenses & Benefits Framework

Old Oak and Park Royal Development Corporation

## TRAVEL & SUBSISTENCE CLAIM FORM(PAYROLL)

Name:  Tel:

Directorate  Section

Payroll Number:

Claimant's Signature:

I claim the amount shown and confirm that I have incurred the expenses shown whilst on official GLA business. These expenses have not been previously claimed from the GLA or any other organisation  
YOUR PAYROLL NUMBER MUST BE INSERTED ABOVE.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Authorising Officer's Signature:

I confirm that I have checked these expenses and that they are reasonable and relate to official OPDC business and can be processed for payment.

Signature: \_\_\_\_\_ Print name: \_\_\_\_\_ Date: \_\_\_\_\_

(COMPULSORY)

Transferred from the column totals from overleaf:

| Column | TOTALS CLAIMED        | Account | WBS/Cost Code | VAT |
|--------|-----------------------|---------|---------------|-----|
| 1      | Car Mileage           | -       |               | NOT |
| 2      | Bicycle Mileage       | -       |               | NOT |
| 3      | Taxis UK              | -       |               | NOT |
| 4      | Taxis Abroad          | -       |               | NOT |
| 5      | General Fares         | -       |               | ISR |
| 6      | Meals                 | -       |               | ISR |
| 7      | Business Entertaining | -       |               | NOT |
| 8      | Accommodation         | -       |               | ISR |
| 9      | Other Expense         | -       |               | ISR |
| 10     | VAT                   | -       |               |     |
|        | <b>TOTAL CLAIMED</b>  | £ -     |               |     |

Finance Approval:  
Arithmetic Checked:  
Signatories Checked:  
Coding Checked:  
Approved for Payment: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature \_\_\_\_\_  
Print Name: \_\_\_\_\_

Transaction Reference: \_\_\_\_\_  
SAP Journal Number: \_\_\_\_\_  
Processed By: \_\_\_\_\_  
Date Processed: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

*Fill this form in on-line, it will calculate totals for you.*

You must attach receipts OR give an explanation in writing.

VAT (only applies to expenditure in Britain) must be analysed correctly.

Restaurant and hotel bills are subject to VAT at 20%

(we cannot reclaim VAT on business entertaining).

Details of all journeys must be shown - start point, finish point, plus the business reason the journey was taken.

Please refer to the Expenses and Benefits Framework on the use of taxis.

You may only claim the lesser of place of work to destination or home to destination.

Travel from home to work is NOT claimable unless under exceptional circumstances agreed with your line manager.

# Expenses & Benefits Framework

| Date  | Description of Expense<br>For Journeys please provide: |           |                    | Car Miles | Rate £0.45ppm | 1. Car Mileage Total £ | Bicycle Miles | Rate £0.20ppm | 2. Bicycle Mileage Total £ | 3. Taxis UK | 4. Taxis Abroad | 5. General Fares (Train, tube, bus) | 6. Meals | 7. Business Entertaining | 8. Accommodation | 9. Other | 10. VAT |
|---|--|-----------|--------------------|-----------|---------------|------------------------|---------------|---------------|----------------------------|-------------|-----------------|-------------------------------------|----------|--------------------------|------------------|----------|---------|
|   | Start Point  | End Point | Reason for Journey |           |               |                        |               |               |                            |             |                 |                                     |          |                          |                  |          |         |
|   |  |           |                    |           |               |                        |               |               |                            |             |                 |                                     |          |                          |                  |          |         |
|   |  |           |                    |           |               |                        |               |               |                            |             |                 |                                     |          |                          |                  |          |         |
|   |  |           |                    |           |               |                        |               |               |                            |             |                 |                                     |          |                          |                  |          |         |
|   |  |           |                    |           |               |                        |               |               |                            |             |                 |                                     |          |                          |                  |          |         |
|   |  |           |                    |           |               |                        |               |               |                            |             |                 |                                     |          |                          |                  |          |         |
|   |  |           |                    |           |               |                        |               |               |                            |             |                 |                                     |          |                          |                  |          |         |
|   |  |           |                    |           |               |                        |               |               |                            |             |                 |                                     |          |                          |                  |          |         |
|   |  |           |                    |           |               |                        |               |               |                            |             |                 |                                     |          |                          |                  |          |         |
|   |  |           |                    |           |               |                        |               |               |                            |             |                 |                                     |          |                          |                  |          |         |
|   |  |           |                    |           |               |                        |               |               |                            |             |                 |                                     |          |                          |                  |          |         |
|   |  |           |                    |           |               |                        |               |               |                            |             |                 |                                     |          |                          |                  |          |         |
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|   |  |           |                    |           |               |                        |               |               |                            |             |                 |                                     |          |                          |                  |          |         |
|   |  |           |                    |           |               |                        |               |               |                            |             |                 |                                     |          |                          |                  |          |         |
|   |  |           |                    |           |               |                        |               |               |                            |             |                 |                                     |          |                          |                  |          |         |
| Column Totals would be transferred overleaf-----> |  |           |                    | 0         |               |                        | 0             |               |                            | -           | -               | -                                   | -        | -                        | -                | -        | -       |

## Expenses & Benefits Framework

### Appendix B – Authorising Officers

| Claimant   | Authorising Officer     |
|--|-------------------------|
| Board Members  | Chief Executive Officer |
| Chief Executive Officer  | Chief Finance Officer   |
| For all other staff, authorisation will be based on the financial value of the claim as follows: |                         |
| Chief Finance Officer  | Over £5,000             |
| Chief Executive Officer  | Up to £5,000            |
| Line Managers  | Up to £500              |

## Appendix C – Expense Claim Checklist

- ☐ Have you used the right form?
- ☐ Is the arithmetic correct?
- ☐ Have you attached all the receipts?
- ☐ Do the receipts reconcile to the claim?
- ☐ If you are converting from a foreign currency have you shown the exchange rate clearly?
- ☐ Has all VAT been separately identified?
- ☐ Is the account/department code correct?
- ☐ Has the claim been signed by the Budget Holder?
- ☐ Have you supplied sufficient information?
- ☐ For all travel please show start and end destination and purpose of visit.
- ☐ For all business entertaining please show names and organisation of recipients, and purpose of meeting.
- ☐ Is the mileage rate correct?
- ☐ Is the claim for eligible expenditure reimbursable by the Authority?



## Appendix D - Quick Reference Guide to Expenses and Benefits

| EXPENSE/BENEFIT                 | ALLOWANCE  |
|---------------------------------|--|
| Public transport (tube and bus) | <ul style="list-style-type: none"> <li>• The actual cost of the ticket                             <ul style="list-style-type: none"> <li>• Journey must be agreed in advance with an authorising officer (staff only);</li> <li>• Must retain a receipt as proof of expenditure;</li> <li>• Cannot claim for any journey that is covered by your existing Oyster Card.</li> </ul> </li> </ul>   |
| Rail fares                      | <ul style="list-style-type: none"> <li>• The actual cost of the ticket                             <ul style="list-style-type: none"> <li>• Journey must be agreed in advance with an authorising officer (staff only);</li> <li>• Must retain a receipt as proof of expenditure;</li> <li>• Cannot claim for any journey that is covered by your existing Oyster Card;</li> <li>• Standard Class is the normal class of travel.</li> </ul> </li> </ul>  |
| Air Travel                      | <ul style="list-style-type: none"> <li>• Flights up to 3 hours - Economy Class; 3 to 6 hours - Premium Economy; Over 6 hours - Business Class                             <ul style="list-style-type: none"> <li>• Wherever possible air travel should be booked in advance ensuring value for money is obtained;</li> <li>• Foreign Travel Approval form must be completed and authorised.</li> </ul> </li> </ul>   |
| Taxi Fares                      | <ul style="list-style-type: none"> <li>• The actual cost of the taxi fare incurred from a hailed taxicab                             <ul style="list-style-type: none"> <li>• A receipt must be obtained;</li> <li>• Taxis should only be used where public transport is not available or not practical.</li> </ul> </li> </ul>  |
| Mileage                         | <ul style="list-style-type: none"> <li>• 45 pence for the first 10,000 miles and 25 pence thereafter                             <ul style="list-style-type: none"> <li>• Journey must be agreed in advance with an authorising officer;</li> <li>• Must provide proof of business insurance when using your personal car;</li> <li>• Cars must only be used where it is essential e.g. carrying heavy files, no public transport or too costly.</li> </ul> </li> </ul>  |
| Subsistence                     | <ul style="list-style-type: none"> <li>• Actual cost of meal, not exceeding £10 for breakfast or £30 for dinner (limits quoted do not include VAT)                             <ul style="list-style-type: none"> <li>• All claims must exclude alcoholic drinks and be supported by VAT receipts.</li> </ul> </li> <li>• Lunches cannot be claimed, except on foreign travel where a limit of up to £15 applies to staff below Head of Service                             <ul style="list-style-type: none"> <li>• Staff at Head of Service level or above cannot claim for lunches abroad;</li> <li>• For overnight stays in hotels extras such as drinks, snacks, newspapers etc. will not be reimbursed.</li> </ul> </li> </ul> |

**Appendix E – Foreign Travel Approval Form**

Foreign Travel Approval (FTA) forms are required for each person travelling and whose costs are being paid by the OPDC, regardless of whether the traveller is an OPDC employee. However, it is important to note that only OPDC employees are covered by our travel insurance.

**Third parties are responsible for their own insurance arrangements.**

The Foreign Travel Approval (FTA) form can be found on the intranet:

You will need to obtain an FTA number from the GLA's Senior Group Treasury Officer - Operations on ext. 4144.

You must quote this number in the FTA No. box on the form (top right-hand corner) and also on all shopping carts raised for foreign flights and accommodation costs.

Sign-off of FTAs is the same as for Expense Claims.

The FTA should only be approved if it has been completed in full, including the number of air miles that will be covered as this information is used to meet our carbon-offsetting obligations. The distance to your destination can be found at:

<http://www.airmilescalculator.com>

Once signed, all FTAs must be returned to the GLA's Senior Group Treasury Officer - Operations.

**It is essential that an FTA is completed each time you travel or you will not be insured.**

## Appendix F – Guidelines on the use of GLA Corporate Credit Card

The GLA has a limited number of corporate credit cards to facilitate the purchasing of goods and services in emergencies, when travelling abroad and where payment is only possible by a card. All cardholders must adhere to the guidelines below and sign the terms and conditions on receipt of the card.

- Credit cards must only be used for OPDC business, they should not be used for private expenditure.
- Credit cards must only be used where no other means of purchasing is available.
- Cardholders must comply with the OPDC's Contracts Code at all times.
- Cardholders must comply with the OPDC's Expenses and Benefits Framework at all times, particularly in relation to subsistence, hotel accommodation (3 quotes) and business entertaining.
- Cardholders must check the terms and conditions of suppliers when using their card, particularly in relation to cancellation arrangements.
- When travelling abroad, every effort should be made to book travel and accommodation in advance and the card should only be used for incidental expenses such as meals.
- The cardholder is responsible for ensuring that the OPDC secures value for money at all times.
- The cardholder must account for all expenditure on the card and provide receipts and supporting documentation monthly.
- The card (unless held by GLA Finance) should be used only by the cardholder for their own expenses or the legitimate expenses of a group travelling together (for instance, a meal for a group of OPDC staff on a trip abroad).
- If these Guidelines and the Terms and Conditions are not adhered to the card may be withdrawn.

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# **Old Oak and Park Royal Development Corporation**

## **Contracts and Funding Code**

**The Code was approved by the Board on 1 April 2015**

## TABLE OF CONTENTS

| <b>Section</b> | <b>Subject</b>  |
|----------------|---|
| 1.             | Purpose of this Code  |
| 2.             | Before you start <ul style="list-style-type: none"><li>- Contract or Funding agreement?</li><li>- Declaration of interests</li><li>- Early engagement of TfL Commercial</li></ul>   |
| 3.             | Obtaining Financial, Legal and Procurement Advice <ul style="list-style-type: none"><li>- Financial advice</li><li>- Procurement advice</li><li>- Legal advice</li><li>- Advice on Funding, and Sponsorship Arrangements and Employment Contracts</li></ul> |
| 4.             | Commercial Processes, Thresholds, Signatures and Approvals for Contracts  |
| 5.             | Code Exemptions (Single Sourcing)   |
| 6.             | Funding Processes, Signatures and Approvals   |
| 7.             | Sponsorship opportunities and donations   |
| 8.             | Recruitment <ul style="list-style-type: none"><li>- Permanent</li><li>- Non-permanent</li><li>- Consultant</li></ul>  |
| 9.             | Limits of the GLA Act and Wider Corporate Governance  |
| 10.            | Keeping records and retaining documents   |
| 11.            | Project Management and Risk Assessment  |
| 12.            | Contract Management   |

## 1. PURPOSE OF THE OLD OAK AND PARK ROYAL DEVELOPMENT CORPORATION (OPDC) CONTRACTS AND FUNDING CODE ('THE CODE')

The Old Oak and Park Royal Development Corporation (OPDC) Officers must ensure that they can account clearly for expenditure and that the money is spent effectively, efficiently and in accordance with the OPDC's legal powers, duties and governance framework as more fully outlined in this Code.

- 1.1 This Code has been developed to help you and others acting on behalf of the OPDC (e.g. secondees, consultants) to ensure that the OPDC acts lawfully, uses the OPDC's resources in an open and transparent way and secures value for money. **Compliance with the Code is compulsory. Non-compliance constitutes misconduct under the Code of Ethics and Standards for Staff and may result in disciplinary action.**
- 1.2 As you are spending public money, relationships with suppliers and external organisations must be properly approved and formal in order to safeguard the OPDC's interests, position and reputation.
- 1.3 Failure to adhere to this Code can have very serious consequences for the OPDC including:
  - Allegations of fraud or corruption
  - Audit intervention
  - The requirement to re-tender a contract (e.g. following a breach of EU requirements)
  - Payment of damages to suppliers
  - Damage to the OPDC's reputation.
- 1.4 The Code is also designed to ensure that third parties with whom the OPDC deals are treated equally, given the same opportunities and information and evaluated (where applicable) fairly. There must be no favouritism or bias or appearance of favouritism or bias. Compliance with the Code also ensures that fairness can be demonstrated through documentary evidence (the audit trail), at any time during and after the completion of a procurement process, arrangements for the provision of funding, or receipt of sponsorship. Therefore, by following this Code you will help to ensure that the OPDC:
  - Acts in a fair and transparent way
  - Secures value for money
  - Safeguards itself against allegations of corruption or bias
  - Maintains a proper audit trail to support its actions
  - Complies with the law.

1.5 Exemptions from certain requirements of the Code may be possible but are only lawful and will only be permitted in **exceptional circumstances** (see section 5.4). Early engagement of Transport for London's (TfL) Legal team ('Legal') and TfL's Commercial Procurement team ('TfL Commercial') should minimise the need to seek exemptions. In the event that an exemption is sought you must seek procurement advice before committing to any course of action, which would require an exemption.

1.6 The Code also explains:

- the legal and commercial advice and assistance available and from whom this should be sought;
- the types of arrangements with third parties and the application and impact of each;
- the approvals you must obtain prior to committing to various procurement exercises, contracts and their variation and extension, funding and sponsorship arrangements and how, when and from whom to obtain them;
- how TfL Commercial procedures must be followed to procure goods and services, land development opportunities and Works; and
- procedures that must be followed in order to enter into funding and sponsorship arrangements.

## 2. BEFORE YOU START

2.1 All members of staff are responsible for ensuring that this Code is followed and that the necessary approvals are obtained at the appropriate time when managing the procurement of, or arrangements for:

- goods and services;
- land development opportunities;
- works;
- the grant of funding; or
- entry into sponsorship arrangements.

2.2 The following chronological process should be followed at all times:

- Firstly, approval for expenditure should be sought via one of the OPDC's decision-making forms;
- Secondly, a procurement process should begin or a funding agreement be developed;
- Thirdly, officers should enter into commitments with third parties accordingly.

If this chronological process is not followed, then the OPDC will be exposed to unnecessary risk. **Retrospective approvals can only be given in extenuating circumstances.** Should you be in a position where you must seek approval



retrospectively, you must provide a valid business reason for this, and be able to explain why approval prior to the start of procurement activity was not sought.

2.3 Proposed suppliers and recipients of funding **should not be informed of an award until the above process has been exhausted**. If such organisations ask for notification before approvals are obtained the organisation in question must be informed in writing that:

- their bid/request for funding is being considered but no final decision has been taken; and
- any expenditure that they incur or to which they commit prior to formal notification of that decision is incurred/committed at their own risk.

### **Determine whether it is a Contract or Funding Agreement**

#### **Contracts**

2.4 Under contracts, the OPDC receives a benefit usually in return for an agreed sum of money. The contract requirements are specified by the OPDC, we require firm contractual commitments that they will be delivered and will have the ability to bring a claim based on a breach of contract if they are not.

#### **Funding agreement**

2.5 Under a funding agreement the funding is provided as a “conditional gift”. The recipient will be entitled to the funding as a contribution to costs provided conditions we stipulate are met. The OPDC will be entitled to withhold or reclaim the funding if the conditions are not met but may not be entitled to take any other action. Although a formal tendering exercise is not required by law, considerations of value for money, fairness, transparency and equalities still apply and it may be prudent to undertake some form of competitive exercise in this regard.

#### **Declaration of Interests**

2.6 In order to preserve the integrity of the process for awarding a contract, and any involvement in the proposed grant of funding or entry into funding agreements, it is imperative that the evaluation of proposals is undertaken objectively, consistently and without bias towards particular suppliers and/or recipient(s). Prior to the commencement of any procurement process and any involvement in the proposed grant of funding or entry into funding agreements, all evaluation panel members must declare any interest or perceived conflict of interest and take appropriate action. If, after consulting with senior managers, it is decided that a conflict of interest exists, the

person concerned must remove him/herself from the procurement process and/or from any involvement in the proposed grant of funding or entry into funding agreements.

- 2.7 An interest is where you, members of your close family or the same household have a personal, financial or other interest in, or pre-existing personal relationship with a potential supplier for the contract in question and/or potential recipient of grant funding. Examples of interests could be in the form of present or (recent) past employment, ownership of or a major shareholding in a company, influence in the company, receipt of cash or other benefits from the company or anyone associated with the company or in the case of funding, in a recipient, influence in the recipient, receipt of cash or other benefits from the recipient or anyone else associated with the recipient.

### **Early engagement of TfL Commercial**

- 2.8 TfL Commercial should be contacted **at the earliest possible opportunity and in any event as soon as you identify the need to purchase goods or services** in accordance with this Code.

Early engagement of the Commercial team helps to reduce the risk of procurement problems which can delay projects later on.

### **Before TfL Commercial can undertake procurement exercises or vary an existing contract, OPDC officers must:**

- obtain expenditure approval: by Delegated Authority Record (DAR), Director Decision Form (DD) or Board Approval as appropriate for the commencement of procurement activity to purchase supplies or services/a single source action (as applicable) and the award of contract(s) to the successful bidder(s); and
- complete and send a Procurement Engagement Form to TfL Commercial

## **3. OBTAINING FINANCIAL, LEGAL AND PROCUREMENT ADVICE**

- 3.1 Advice must be sought from the Governance, Legal and Financial Services teams **before** preparing requests for approval and **at the earliest possible opportunity**. Expert legal and financial input to Board Decisions and DDs should be sought in accordance with the OPDC's decision making procedures.

### **Financial advice**

- 3.2 Financial queries should be directed to the OPDC's Financial Services team.

Where appropriate, the Financial Services team is responsible for advising on pricing and other financial aspects of contracts and funding agreements and should also be contacted as soon as you begin to formulate any matter or project to which this Code may apply.

3.3 Financial decision-making thresholds for expenditure are contained in the Scheme of Delegation and the Financial Regulations:

- **Up to £10,000: DAR;**
- **Up to £150,000: DD; and**
- **Over £150,000: Board Decisions.**

**N.B. Decisions at whatever level of expenditure which concern novel, contentious or repercussive matters must be made by the Board.**

### **Procurement advice**

3.4 TfL Commercial deal with procurement issues.

TfL Commercial is responsible for the development and co-ordination of a corporate approach to the purchase of goods and services. In particular the team is responsible for:

- developing procurement strategy and policy;
- managing major corporate procurement exercises;
- providing support to large Directorate procurement exercises;
- conducting financial appraisals of potential suppliers;
- advising Directorates with complex contract monitoring;
- procurement administration, such as:
  - allocating procurement reference numbers;
  - maintaining a comprehensive procurement database;
  - checking progress on procurement within Directorates;
- procurement monitoring:
  - monitoring compliance with procedures;
  - monitoring performance on particular issues such as equalities;
- procurement reporting; and
- providing guidance on procurement.

TfL Commercial provides a wide range of advice on procurement issues and works closely with the Financial Services and Legal teams. They ensure that the OPDC meets all legislative requirements and demonstrates value for money and a fair and transparent approach to its procurement.

### **Procurement Procedures**

3.5 Further guidance on procurement procedures can be found in the TfL Commercial Toolkit and in section 4 of the Code.

## Legal advice

3.6 The Legal team (which sits at TfL) is responsible for providing advice on a variety of legal issues, including:

- the OPDC's powers to undertake proposed activity, enter into certain arrangements and constraints on and the procedural requirements of the exercise of such powers;
- legislative compliance and certain procedural requirements;
- complex procurement queries (in liaison with TfL Commercial);
- the use of OPDC resources;
- the proposed award of grant funding to third parties;
- the proposed entry into sponsorship arrangements with third parties; and
- a range of other commercial, employment, planning and public law advice and support.

Legal should be contacted at the earliest opportunity and in any event **as soon as you begin to formulate any matter or project to which this Code may apply, e.g. where your project or an element of your project involves the payment or grant of funds to or receipt of funds from third party organisations or individuals** to enable Legal to advise on the extent to which legal support is required.

Early engagement of Legal helps to reduce the likelihood of problems arising which might delay projects later on.

## Advice and assistance on Funding, Sponsorship Arrangements and Employment Contracts

3.7 Advice and assistance on:

- funding (see section 6);
- sponsorship arrangements (see section 7);
- employment contracts and distinction between consultancy and employment contracts (see section 8);

will continue to be provided by the Financial Services, Legal and HR teams.

TfL Commercial should **not** be contacted for advice in this regard.

## 4. COMMERCIAL PROCESSES, THRESHOLDS, SIGNATURES AND APPROVALS FOR CONTRACTS

4.1 The thresholds for the procurement of contracts for Goods and services, Works and Land development opportunities are as follows:

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

4.2 **Contracts above the EU thresholds are subject to the Public Contracts Regulations 2006. This Code has set £150,000 as the OPDC threshold for goods and services and £4,000,000 for works and land development opportunities for the application of the rules and procedures prescribed in the regulations. Specific advice must be sought regarding contracts above the OPDC thresholds.**  
**Procurement strategy**

4.3 TfL Commercial will prepare a commercial strategy form with input as required from the OPDC client.

#### **Signatories**

4.4 Signatory levels are set out in the Scheme of Delegation.

## 5. CODE EXEMPTION: SINGLE SOURCE

**For goods and services over £10,000**

**For works and land development opportunities over £25,000**

- 5.1 Exemptions from this Code require express approval and will only be granted in exceptional circumstances as the thresholds set out in section 4 are mandatory.
- 5.2 **The award of contracts without competition will not be considered, including by TfL Commercial, unless approval for an exemption is obtained:**
- **From £10,000 to £150,000: DD; and**
  - **Over £150,000: Board Decision.**
- In each case, TfL Commercial's Single Source Request Form should be appended to the OPDC decision form.**
- 5.3 When seeking approval for an exemption you must:
- Clearly set out the proposed exemption as a recommendation in the decision box of the decision form;
  - Explain why the proposed exemption is required in the decision form – you will need to make a very strong case;
  - Set out any competitive process that you will conduct; and
  - Explain how you intend to obtain value for money.
- 5.4 The reason for an exemption will normally fall into one of the following categories:
- Urgency (the requirement has to satisfy the legal definition of “urgent” and be an unforeseen situation like fire, flood or civil unrest);
  - Complete absence of competition;
  - Technical, artistic, exclusive right or intellectual property rights;
  - Previous involvement in a specific current project or continuation of existing work which cannot be separated from the new project/work;
  - Supplier unique in its ability to provide compatibility with an existing service (not applicable to the majority of contracts with contract values exceeding £150,000); and
  - Bargain advantageous conditions i.e. bankruptcy, liquidation, etc.
- 5.5 Financial and legal advice will be provided on the relevant decision form in order to enable a fully informed decision to be made. However, the decision will ultimately rest with the decision maker.

## 6. FUNDING PROCESSES, SIGNATURES AND APPROVALS

The decision-making thresholds and protocols in section 3 above also apply to the OPDC's award of grant funding and entry into Funding Agreements.

## **Funding**

- 6.1 Because it is funding rather than a contract, it must not be used where the OPDC receives goods or services or any other benefit (whether direct or indirect) from the third party (where a contract for goods or services should be used instead).
- 6.2 As this is a potentially complex issue you should seek legal advice as soon you become aware of the need for a possible funding arrangement. Individual arrangements will need to be considered on a case-by-case basis in order to determine whether it is in fact a funding arrangement or a contract for goods or services.
- 6.3 A funding arrangement will be appropriate where:
  - the OPDC is supporting an activity which is the initiative and activity of another organisation; and
  - there is an expectation that the organisation will seek additional funding for the activity from other third parties.
- 6.4 Once it has been established that it is a funding agreement and not a contract for goods or services it may not be necessary to conduct a competitive exercise, although you must be careful to ensure that the funding is distributed:
  - a) fairly,
  - b) transparently, and
  - c) in accordance with the OPDC's obligations regarding equality of opportunities.

All of the OPDC's other financial rules continue to apply and value for money must be demonstrated.

- 6.5 Steps must always be taken to demonstrate why it is appropriate and within the Corporation's priorities and strategic objectives to make the funding available and a competitive or comparative element should be incorporated into the decision-making process wherever possible.
- 6.6 The effect of a funding arrangement is that the recipient is entitled to be paid (and keep) the OPDC's funding provided it follows all of the conditions attached to the funding.

Conditions must set out clearly: what the funding can be used for (a short statement of what the OPDC wants to achieve or support with the funding); the measures to protect the funding from fraud or irregularities; and how the recipient must demonstrate the funding has been properly applied and how payments have been linked to clear specified outputs and outcomes.

If the recipient does not meet these conditions, some or all of the funding can be reclaimed by the OPDC. However, because this is funding agreement and not a contract for goods or services, the OPDC may not be able to impose any other sanctions. Therefore, particular care in the use of funding arrangements must be

exercised when large sums are involved or if there are particular risks associated with the use by the recipient of funding which may lead to the OPDC suffering loss.

- 6.7 In general funding should only be agreed for one year and organisations should be encouraged to secure funding from other sources.
- 6.8 The OPDC's Funding Agreement Toolkit must be followed.
- 6.9 You must obtain approval of funding arrangements before informing the proposed recipient that funding is to be granted and the request for approval should include:
  - details of the proposed recipient and how they have been selected;
  - the purpose of funding;
  - why it should be granted;
  - the duration and amount of the funding;
  - the measures the OPDC will take to ensure that the funding is used only for the prescribed purpose; and
  - a copy of the funding agreement for signature.
  - Funding arrangements are not subject to VAT.

## **7. SPONSORSHIP OPPORTUNITIES AND DONATIONS**

### **Sponsorship opportunities**

**Please refer to the 'Greater London Authority and Transport for London Sponsorship Policy' guidance document.**

- 7.1 The GLA has a sponsorship team and you should contact them to assist with securing sponsorship for an activity or event.
- 7.2 The sponsorship team has limited resources and must take a view on priorities for the year across the GLA and OPDC. They are experienced and will have a clear idea about which activities are likely to attract sponsorship.
- 7.3 Where possible the sponsorship team will package a series of events and present them as sponsorship opportunities.
- 7.4 It is vital that the OPDC acts in a fair and open manner and gives a wide range of organisations access to sponsorship activities.
- 7.5 It is also important that the functional bodies are approached for support in a systematic and coordinated way.
- 7.6 Companies that are tendering for OPDC contracts should not be approached for sponsorship as this could be misinterpreted by third parties.
- 7.7 All sponsorship must be subject to a formal sponsorship agreement so that it is clear what is being received by each party.

### **Distinguishing between sponsorship and donations**



- 7.8 A donation has no conditions attached whereas, under a sponsorship arrangement, the sponsor receives discretionary services in return for a sponsorship fee (either financial or benefit in-kind), such as for example, a mention in a brochure or branding in the marketing of an event.
- 7.9 Sponsorship, including sponsorship in kind, is subject to VAT. Donations are not subject to VAT.
- 7.10 It is essential that invoices be raised for all sponsorship arrangements and donations.
- 7.11 Please contact the **Financial Services** team for advice.

## 8. RECRUITMENT – PERMANENT, NON-PERMANENT AND CONSULTANT

The following are crucial issues and procedures, **which must be considered carefully and followed before seeking to engage consultants.**

Employee or Consultant (self-employed individual)?  
 Corporation and Procurement Requirements  
 Contractual Documents  
 Payments and Contract Management

### 8.1 Employee or Consultant?

This question must be answered before you seek approval to procure/recruit and dictates:

how you must proceed;  
 the risks associated with the nature of the contract in question;  
 the type of contractual relationship; and  
 What arrangements for payment must be made (i.e. via payroll or as a supplier).

### 8.2 To answer this question you must complete

- The Employment Status Indicators Table (see section 8.5)
- HMRC's Employment Status Indicator Tool (ESI) (see section 8.6).

### 8.3 Commonly, employment contracts are confused with contracts for consultancy services. You must decide at the outset of a project whether you are seeking to enter into a contract of employment or a contract for consultancy services. The distinction between the legal definition of a consultant and an employee is very fine and difficult to determine.

### 8.4 Once it has been determined whether an Employee or Consultant is required you must obtain sufficient authority to proceed with recruiting an Employee or procuring a Consultant.

#### **Employment Status Indicators Table**

### 8.5 The table below sets out the indicators that need to be considered when engaging an individual. You need to compare the proposed working arrangements with the indicators

set out below. The indicators ticked in this table will assist with the completion of the online **HMRC Employment Status Indicator Tool (ESI)**.

| <b>EMPLOYEE INDICATORS</b>  | <b>CONSULTANT/SELF EMPLOYED INDICATORS</b>  |
|---|---|
| <ul style="list-style-type: none"> <li>Working solely or largely for the OPDC</li> </ul>  |   |
| <ul style="list-style-type: none"> <li>Carrying out work similar to that carried out by other OPDC staff</li> </ul>   | <ul style="list-style-type: none"> <li>Required to deliver a particular specialist service in accordance with a brief or specification, e.g. a report</li> </ul>  |
| <ul style="list-style-type: none"> <li>Working regular or fixed hours and paid by the hour or day</li> </ul>  | <ul style="list-style-type: none"> <li>Paid a pre-determined fixed or measurable-based fee for the work on the submission of invoices</li> </ul>  |
| <ul style="list-style-type: none"> <li>Managed by someone at the OPDC who takes responsibility for checking or reviewing the work carried out; or supervising other OPDC staff</li> </ul> | <ul style="list-style-type: none"> <li>Responsible for producing the work to the required standard (as set out in specification) and making any necessary amendments in their own time and at their own expense</li> </ul>  |
| <ul style="list-style-type: none"> <li>Manages or supervises OPDC staff or OPDC contractors</li> </ul>  | <ul style="list-style-type: none"> <li>Does not manage or supervise OPDC staff or OPDC contractors</li> </ul>   |
| <ul style="list-style-type: none"> <li>Based at City Hall or other OPDC premises and using OPDC equipment and services</li> </ul>   | <ul style="list-style-type: none"> <li>Provide their own premises, equipment and services and insurance</li> </ul>  |
| <ul style="list-style-type: none"> <li>The OPDC bears the risk for any work produced, for example, which is unsatisfactory</li> </ul>   | <ul style="list-style-type: none"> <li>The Consultant bears the risk for services provided and work produced, the consultancy agreement specifying what happens if services or work are not provided on time or if they are not to the standard required. For example, in such circumstances the OPDC is likely to be able to withhold/reclaim any sums paid or to be paid to the consultant</li> </ul> |

## **HMRC'S Employment Status Indicator Tool**

- 8.6 Using the results of the **Employment Status Indicator Table** (see section 8.5) complete **HMRC's Employment Status Indicator Tool (ESI)**.

This tool will give a decision on whether the proposed engagement can be treated as a contract with a supplier and not one of employment. This tool must be used and a record kept of the results, prior to formally contracting for the services of a self employed individual.

- 8.6.1 When raising the shopping cart on SAP a copy of the ESI result and reference number in PDF format must be attached to the shopping cart.
- 8.6.2 It is the responsibility of the budget holder to ensure that the above-mentioned requirements are complied with.
- 8.6.3 When you start using the tool, your enquiry will be assigned a 10-digit ESI reference number (look for it in the top left of the screen). When all the questions have been answered, the ESI tool will provide an indication of the employment status.
- 8.6.4 You should print or save copies of the 'Enquiry Details' screen and the 'ESI Result screen', bearing the 10-digit ESI reference mentioned above and provide the SAP shopper with this document so that it can be attached to the shopping cart.
- 8.6.5 If the employment status is questioned in the future, HM Revenue & Customs will only be bound by the ESI outcome if these copies can be produced.
- 8.6.6 If the findings indicate that the engagement is one of employment you should contact Human Resources (see section 8.7), if it is a contract for the services of a self employed individual you should contact TfL Commercial (see section 8.9) and attach a copy of this table in PDF format to the SAP shopping cart.
- 8.6.7 If advice on employment status is required you should discuss the proposed terms of engagement with TfL Legal (Employment Law).

## **Corporation and Procurement Requirements**

### **8.7. Employees**

- 8.7.1 If an employee is required you must determine whether an approved post exists and if not obtain approval:
- for posts of 12 months or less, approval is sought from the Chief Executive Officer, via the Short Term Assignment Form (STAF)
  - for posts over 12 months, approval is sought from the Board
- 8.7.2 If a new post is required, funding for the post will need to be identified.

8.7.3 Once funding for the post has been identified by the unit and their Business Accountant, the Human Resources (HR) and Organisational Development (OD) team will support the unit through the approval process.

8.7.4 Once the post is approved the HR team will lead on the recruitment to the post.

8.7.5 **You must not use consultancy arrangements in an attempt to avoid the approval required for creating posts.**

## 8.8 Temporary Agency Staff

8.8.1 Temporary agency workers should normally only be engaged to cover a short-term requirement for additional resource (up to 12 weeks). Temporary agency workers may be engaged to cover short-term exceptional work demands or project work that cannot be covered by already established posts.

8.8.2 Temporary agency workers may be engaged to cover posts on the establishment, for example to cover long-term sickness absence or a vacant post whilst the permanent recruitment campaign is finalised.

8.8.3 Units wishing to engage a temporary worker should seek approval from their Executive Director via the Approval for a Temporary Agency Worker Form.

8.8.4 Once approved, all temporary agency workers should be booked via the HR & OD team.

8.8.5 All temporary agency staff will normally be sourced via the TfL Agency Framework.

## Consultants

8.9 You should approach TfL Commercial for advice on procuring a Consultant. The usual procurement process must be followed (please see Section 4).

As with all other proposed contracts for services Board's, Director's or delegated authority is required (*see section 3.2 for the appropriate approval mechanisms*).

If a self-employed individual is engaged, you will also be required to provide Financial Services with a copy of the Employment Status Indicator result and the contract for services prior to them being set up as a supplier on the finance system.

### 8.9.1 Documents

In order to ensure that Consultants are chosen on the basis that they can provide the optimum service (based on quality and price) you must ensure that appropriate documentation is put in place to govern procurement exercises and consultancy arrangements.

The documentation required will differ depending upon the type of procurement process to be conducted. However, in order to put any documentation in place you

must (as minimum) provide Financial Services, Legal and TfL Commercial teams with a completed Procurement Engagement Form, which will contain:

- I. the proposed payment details, which should relate to key milestones to be met by any consultant in relation to the particular project (although this should be dealt with in the request for authority wherever possible);
- II. details of the services required and a copy of the proposed specification for the intended services as soon as possible. Specifications should set out specific details of:
  - the services required, tasks to be undertaken and deliverables;
  - the date by which the services must be provided or dates by which any particular phases/stages of those requirements must be met;
  - the proposed payment methodology, structures and/or milestones;
  - any particular technical/legislative/policy requirements; and
  - the OPDC officer who is to manage the contract

Once your evaluation report is approved (see section 3) the documents issued to prospective consultants in order to solicit responses/quotations/tenders will form the basis of any consultancy contract awarded and you should liaise with TfL Commercial to ensure that all appropriate documentation is signed for the OPDC and consultant prior to the commencement of contract.

#### 8.9.2 **Payments**

Consultants must be paid by reference to invoices submitted. **They must not be paid through payroll.**

#### 8.9.3 **Contract Management**

Consultants should not be treated as or in a manner similar to employees. For example, they should not be line-managed or manage other members of staff or undertake tasks falling outside the scope of their contracted services.

### 9. **LIMITS OF THE GLA ACT AND WIDER CORPORATE GOVERNANCE**

#### **Legal Powers and Duties**

- 9.1 The Corporation has a variety of powers and duties under UK and EU legislation including the Greater London Authority Act 1999 (as amended) and other specific pieces of legislation, for example, the Race Relations (Amendment) Act 2000. The GLA may only do what it is empowered to do by statute and must comply fully with the statutory requirements for the use of those powers.

Before you commence work on a proposed project or matter you must ensure that the:

- Corporation has legal power to do what is proposed; and
- proposals can be achieved in accordance with the GLA's legal duties.

- 9.2 Therefore, you must seek legal advice at the earliest opportunity and in any event as soon as you begin to formulate any matter or project to which this Code may apply.

### **OPDC's Corporate Governance Framework**

- 9.3 This Code is an important part of the OPDC's corporate governance framework, which is designed to enable the OPDC to show that it is implementing its agreed policies and objectives in a way that is fair, transparent and accessible. However, Corporate Governance is very wide ranging and includes the way in which the OPDC communicates with the public and other stakeholders, statutory roles and functions and internal procedures. Along with this Code the Greater London Authority Act 1999 (as amended) sets out the roles and functions of the Chief Executive Officer and Chief Finance Officer and internal procedures include for example:

- Financial Regulations, the "Expenses and Benefits Framework" and "Tackling Fraud and Corruption Policy and Response Plan"
- The Scheme of Delegation
- The framework for developing and monitoring the budget and business plan
- Project management methodology
- Risk management framework
- Code of Conduct
- Code of Ethics and Standards for Staff
- Procedures for Gifts and Hospitality

## **10. KEEPING RECORDS AND RETAINING DOCUMENTS**

- 10.1 You must keep detailed and accurate records of any procurement exercise and/or any involvement in the proposed grant of funding or entry into funding agreements which you undertake. This ensures that there is a proper audit trail to support the decisions that have been made. The requirement to keep proper records applies to all procurement irrespective of value.
- 10.2 The documentation may have to be made available under the general right of access to information provided by the Freedom of Information legislation.
- 10.3 **The following information should be retained by the lead officer and TfL Commercial:**
- Details for the procurement database including reference number, title, lead officer, process applied, outcome
  - Evaluation report
  - Summary of financial appraisals
  - A copy of the final contract (lead officer to send scanned signed copy electronically to TfL Commercial)
- 10.4 For guidance on retention periods for documentation please refer to section 1-PC of the GLA Records Retention Schedule.

- 10.5 Processes must comply with OPDC's obligations under Freedom of Information laws and standard form documents can assist officers here.

### **Contract Transparency requirements**

- 10.6 The Mayor of London has endorsed an initiative by the Prime Minister and Secretary of State for Communities and Local Government to promote transparency in the public sector by publishing all expenditure over £250 and contracts over OJEU thresholds.

## **11. PROJECT MANAGEMENT AND RISK ASSESSMENT**

- 11.1 The OPDC has an approved project management methodology and this should be applied as appropriate.
- 11.2 All procurement requires effective planning as it can take several weeks or even months depending on the value of the contract.
- 11.3 Large procurement exercises are often part of wider projects (e.g. events or conferences) and they should therefore be managed as part of that project and in line with the methodology.
- 11.4 It is important to consider the risks associated with your procurement and for larger projects you are required to maintain a risk register.
- 11.5 Examples of the risks associated with procurement exercises include:
- Failure to follow correct procedure
  - Procurement not completed in time or not successful
  - Insufficient staff time to manage process
  - Insufficient resources to cover cost

Failure to comply with relevant laws e.g. equalities legislation

- 11.6 Where risks are identified you should take action to mitigate them as far as possible. Examples of action include:
- Identification of budget and any external funding at outset
  - Appointment of project team where appropriate
  - Training on procurement for staff
  - Consultation with the procurement team
  - Development of clear timetable for exercise
  - Development of clear specification and pricing schedule
  - Consultation with the Equalities Team

- 11.7 Advice on Project Management and Risk should be sought from the Governance and Resilience team.

## **12. CONTRACT MANAGEMENT**

All contracts for services must be managed in line with the principles set out below. Contract management can be divided into three sections, service delivery management, relationship management and contract administration.

#### 12.1 Service Delivery Management

- Service delivery management is about ensuring that the contract is performed in accordance with the specification, timescales and any other key performance indicators and identifying any need to vary the contract.
- The contract manager, normally the client, is responsible for managing service delivery.
- One of the tools the contract manager might use to help them manage the service delivery is a contract management plan. This plan identifies the resources required to deliver the contract with responsibilities allocated to client and supplier and the processes and performance criteria to be used on the contract. It might also include a communications plan.
- Once any plan has been established the contract manager needs to regularly monitor the supplier's performance against the contract criteria and develop any supplier improvement plans to bring performance back on line.
- Successful supplier improvement plans will look at the performance issue both from the client and supplier perspective, will agree improvement objectives, identify constraints and enablers and establish measures against which the improvement plan will be monitored.

#### 12.2 Relationship Management

- Relationship management is about maintaining a good business like relationship with the supplier.
- The day to day relationship with the supplier manager is the responsibility of the contract manager but this is sometimes supplemented by an account manager from both parties to whom any day to day matters can be escalated. This is particularly relevant where the supplier is contracting with more than one department at the same time and some degree of co-ordination is required.
- The account manager holds regular meetings with their supplier counterpart to discuss general performance issues, identify and resolve problems early and to discuss ways in which performance can be enhanced in the future.

#### 12.3 Contract Administration

- Contract administration is the formal governance of the contract and making any changes to the contract.
- Contract administration is normally carried out by TfL Commercial with assistance from Legal if required.
- It normally results in amendments to the terms and conditions of the contract be it a variation to the scope or value, an update to the contract rates as the result of an elapse of time, e.g. annually, or less frequently, a change necessitated by a change in legislation.
- A variation to the scope or value would normally be instigated by the contract manager who would complete a variation request with a full justification for the need for the variation.
- A variation in rates would normally be instigated by the supplier as a result of a pre-agreed "price variation" clause included in the contract terms.
- A variation brought about by a change in legislation would normally be instigated by the procurement agent who carried out the original tender.
- All variations would be processed by TfL Commercial, which prepares the formal variation document for signature by the supplier.



**Subject:** Approval of the Seal of the Corporation

**Meeting date:** 1 April 2015

**Report to:** Board

**Report of:** Interim Chief Executive Officer

**For Decision**

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**This report will be considered in public**

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**1 Summary**

- 1.1 This seeks approval of the Old Oak and Park Royal Development Corporation's seal.

**2 Recommendations**

The board is invited to:

- 2.1 **Agree** to the adoption of the Corporation's seal.

**3 Background**

- 3.1 Many organisations and most statutory bodies have traditionally used seals formally to execute deeds and other legal documents (e.g. compulsory purchase orders).
- 3.2 The Localism Act provides for Mayoral Development Corporations to execute documents under seal.
- 3.3 The Old Oak and Park Royal Development Corporation's Standing Orders provide for the application and authentication of the seal.

**4 Proposal**

- 4.1 The Board is asked to agree to adopt the Corporation's seal.
- 4.2 A copy of the impression of the seal will be made available to Board members, and affixed to the minutes of the 1 April Board meeting to provide a formal record of its adoption.

**5 Financial Implications**

- 5.1 There are no financial implications arising from the adoption of the Corporation's Seal.

## **6 Legal Implications**

- 6.1 Schedule 21, Paragraph 11 of the Localism Act 2011 provides for the application and authentication of a Mayoral Development Corporation's seal. The application of the seal may be authenticated by the Chair or another member of the Board, staff or other person authorised. Standing Orders additionally authorise the Chief Executive Officer, Chief Finance Officer or Legal Advisor to do so (SO 17).

## **7 Appendices**

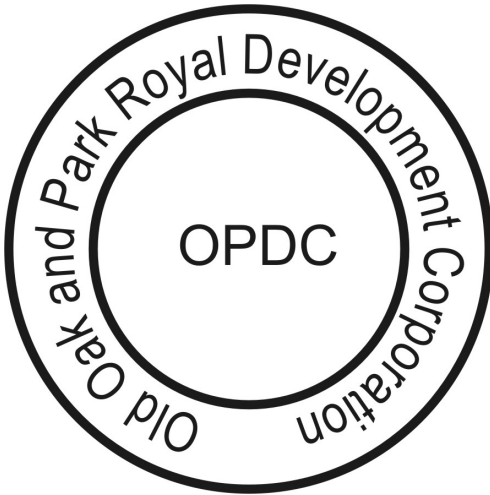
- Appendix 1 – proof of the Seal

## **8 Background Papers**

- OPDC Standing Orders

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**Appendix 1 – Company Seal (proof)**



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