

Subject: Amendments to the Standing Orders and Scheme of Delegations
Agenda item: Public item 5
Report No: 1
Meeting date: 29/06/2012
Report to: Board
Report of/by: Jonathan Dutton, Executive Director of Finance and Corporate Services

FOR DECISION

This report will be considered in public

1. SUMMARY

- 1.1. This paper seeks approval to arrangements for taking urgent decisions between meetings of the Board and for the participation of members of the board by telephone for the part of meetings open to the public.

2. RECOMMENDATIONS

- 2.1 The Board is invited to **AGREE** to the following addition to the Scheme of Delegations, with immediate effect:

“The Board delegates to the Chair the exercise of any functions of the Corporation between meetings where the matter to be decided is urgent provided that, prior to doing so, the Chair shall as far as practicable consult with or arrange for consultation with at least three Members who can be readily contacted.

“If the Chair is unavailable for any reason and where any urgent matter involves reputational or financial risk to the Corporation and it is not possible to convene an urgent meeting of the Board or the appropriate Committee the Board delegates to the Chief Executive the exercise of any functions of the Corporation in relation to the urgent matter after consulting with at least three LLDC Board members.

“Any Chair’s or Chief Executive’s action using these delegations 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.”

- 2.2 The Board is invited to **AGREE** to adopt a revised Standing Order 4.2 as follows, with immediate effect:

“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) 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
- (b) each participating member announces to the other participating members when s/he joins and leaves the meeting
- (c) 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.”

3. BACKGROUND

- 3.1. The Scheme of Delegations adopted by the Board on 2 April made specific delegations to the Chief Executive and other officers in relation to financial decisions and commitments, decisions in relation to assets and land, strategy and policy agreement, and the day-to-day management of the organisation. Further specific delegations will be agreed when the Corporation takes on its planning powers.
- 3.2. It is important for the efficient running of the Corporation's business for there to be a delegation that would enable the Chair and/or Chief Executive to take any other urgent decisions that were required between meetings, while putting in place safeguards to ensure proper accountability. The draft provisions for urgent decisions (in 2.1 above) have been prepared following a review of comparable organisations' provisions. Transport for London delegate urgent decision to the Chair subject to consultation with members who can readily be contacted and a report back to the Board on action taken. The former London Development Agency included a further delegation to the chief executive to act where the Chair was absent after consultation with at least two Board members but only if the matter involved reputational or financial risk to the LDA and it was not possible to convene an emergency meeting of their Board.
- 3.3. In relation to telephone participation in meetings, a similar approach has been adopted to Transport for London's, which will be particularly valuable when meetings are convened at short notice. The quorum for meetings of the Board is one half of the number of members rounded down, and therefore eight of the current 17 members. All meetings must begin in public because the motion to exclude the public must be taken during the public part of the meeting. The Standing Orders adopted in April 2012 only allow for participation in meetings by conference call for that part of the meeting which is held in private. The risk of an inquorate meeting will be reduced if the same arrangement is permitted for the public part of the meeting.
- 3.4. The key to allowing participation by conference call by members not present in the room where members of the public are in attendance is to ensure that the public can hear what is said and by whom and know when members join and leave the meeting.
- 3.5. It is proposed that the Board adopt the new delegation and revised standing order 4.2 which address these issues. This may be particularly important during the London 2012 Olympic and Paralympic Games, when it may be difficult formally to convene Board meetings, or for all members to attend these in person.

4. TIMING

- 4.1. It will be important to have these provisions in place for the Games-time period, so these decisions should be regarded as **PRESSING**.

5. FINANCIAL IMPLICATIONS

- 5.1. None.

6. CONSULTATION

- 6.1. The draft Memorandum of Understanding with the Mayor of London provides that the Mayor will be consulted on the adoption of the Standing Orders and Scheme of Delegations. The Mayor's Office has been consulted on these proposals and is understood to be content with them.

7. LEGAL IMPLICATIONS

- 7.1. The Localism Act 2011 allows the Corporation to delegate any of its functions to any of its members or staff, and (subject to any directions from the Mayor) to adopt its own procedure and that of its committees and sub-committees.

List of Background Papers

- Standing Orders as amended and adopted by LLDC Board April 2012
- Scheme of Delegations as amended and adopted by LLDC Board April 2012

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