

HAMMERSMITH AND FULHAM LONDON BOROUGH COUNCIL
WORMWOOD SCRUBS CHARITABLE TRUST
SCHEME OF DELEGATION

Version - 1.0

Date of adoption of this scheme of delegation

1 INTRODUCTION

Council's delegation to the Trust Committee

- 1.1 The Council is the sole corporate trustee of the Wormwood Scrubs Charitable Trust (the **Trust**).
- 1.2 The Council discharges its role as corporate trustee through the Trust Committee and has delegated that role to the Trust Committee under [the Local Government Act 1972 and the Local Government Act 2000]. The Terms of Reference (attached at Schedule 1) set out the terms of the delegation by the Council to the Trust Committee.
- 1.3 The Trust Committee has the following specific powers by virtue of the Terms of Reference:
 - 1.3.1 to discharge the Council's role as corporate trustee for the Trust, in line with Charity Commission guidance;
 - 1.3.2 to agree the Trust's annual budget and business plan;
 - 1.3.3 to approve the use of any reserves;
 - 1.3.4 to agree the Trust's annual accounts;
 - 1.3.5 to receive and respond to the audit findings related to annual accounts;
 - 1.3.6 to receive reports on the effective day to day management and financial performance of the Trust; and
 - 1.3.7 to allow interested parties to give their view on the performance and direction of the Trust.
- 1.4 The Trust Committee has the power to delegate certain of the powers conferred on it under the Terms of Reference by such means and to such extent and on such terms and conditions as the Trust Committee thinks fit. The Trust Committee may also revoke or vary any delegation made.
- 1.5 Under the Terms of Reference, the Trust Committee comprises 3 Councillors and such number of co-opted, non-voting members as the Trust Committee believes appropriate. For the avoidance of doubt, when referring to delegation by the "Trust Committee" in this scheme, the delegation can only be by the Trust Committee members who are councillors.
- 1.6 The Trust Committee meets quarterly. Its size and the frequency of its meetings mean that the Trust Committee does not have the capacity or time to carry out all the activities of the Trust itself and must rely on Council officers to operate the Trust on a daily basis (as required).

Trust Committee's delegation under this scheme

- 1.7 This scheme of delegation sets out the terms on which the Trust Committee delegates to Council officers certain activities in connection with the Trust's day-to-day operations, to ensure that the Council, its elected members and officers, and the Trust Committee are clear that the only actions taken on behalf of the Trust by Council officers are those which have been delegated to them by the Trust Committee.
- 1.8 This scheme was adopted on the date above. It shall be reviewed by the Council and Trust Committee as required. The Trust Committee may amend this scheme of delegation at any time. If the scheme of delegation is amended, then the amended scheme shall be adopted and replace the then current scheme on and from the date specified above.

2 PROCEDURE FOR DELEGATION

- 2.1 This scheme of delegation lists:
- 2.1.1 those tasks which have been delegated to the holder from time to time of a specified Council office (in other words, a change of person holding that role does not undermine the delegation made – it is not personal to the individual holding office on the date that this scheme of delegation is adopted); and
- 2.1.2 any restrictions relating to the delegation.
- 2.2 The Trust Committee remains responsible for ensuring that any delegated decisions and activities are properly carried out by suitably qualified officers who do not have any conflicts of interest.
- 2.3 This scheme of delegation does not delegate to Council officers:
- 2.3.1 any task which by law may not be delegated to an officer;
- 2.3.2 any task which is specifically excluded from delegation by this scheme, by a decision of the Council, the Cabinet/Executive, or a sub-committee.
- 2.4 Any delegation must be exercised:
- 2.4.1 in compliance with the Trust's governing documents¹ and Terms of Reference as updated from time to time;
- 2.4.2 within the terms of any business plan adopted by the Trust from time to time;
- 2.4.3 within the budget approved by the Trust from time to time (or separate approval must be sought);
- 2.4.4 following any appropriate legislative, regulatory, consultation, equalities or procedural requirements that may be required.
- 2.5 An officer, in exercising delegated powers, shall consult other appropriate officers including legal, financial and technical officers and shall have regard to any advice received.
- 2.6 In the table below, the Trust Committee is the delegating body for each of the tasks listed.

¹ The Wormwood Scrubs Act 1879 as amended by a Charity Commission Scheme dated 25 March 2002

Task delegated	Person receiving delegation	Restrictions on delegation
Preparation of annual budget	Assistant Director, Finance	Any final decision or approval (or amendments once approved) to the annual budget can only be made by Trust Committee and cannot be delegated.
Preparation of annual accounts	Assistant Director, Finance	The approval of the Annual Accounts can only be made by the Trust Committee and cannot be delegated.
Reserves expenditure	None	Decisions on expenditure of the reserves cannot be delegated.
General Expenditure	Officers	Budget is fixed and all expenditure approved by the Trust Committee
Grounds Maintenance	Assistant Director of Leisure, Sports and Culture	Maintenance of the Scrubs is currently delegated to [] on the terms of a [Service Contract]. Any queries relating to the contract can be dealt with under this delegation. This delegation does not extend to any decisions regarding renewal which would need to be approved by the Trust Committee
Events/ Sports Events	Assistant Director of Leisure, Sports and Culture	Delegation on the activities sports/events to be permitted on Trust Land to be limited to those listed below Football Athletics Tennis Cricket Basketball Secret Cinema
Habitat/Ecology	Assistant Director of Leisure, Sports and Culture	<i>Delegation limited to matters covered within the business plan</i>
Linford Christie Stadium Consultation		Delegation limited to matters relating to and arising out of the consultation. Any general Linford Christie Stadium re-development matters to be approved by the Trust Committee.
Trust Manager	Programme Manager	Delegation limited to co-ordination of trust activities, preparation of reports for the day to day management and performance of the Trust and development of long term strategy proposals for the Trust which are to be approved by the Trust