

Date: 6 December 2023

Title: Use of Delegated Authority

This paper will be considered in public

1 Summary

- 1.1 This is a standing item on the agenda to inform the Committee of any use of delegated authority by the Committee, through Chair's Action, or of Procurement Authority and Programme and Project Authority (in respect of matters within the Committee's remit) granted by the Commissioner and the Chief Finance Officer in accordance with delegated authorities under TfL's Standing Orders since the last meeting of the Committee. The paper also provides information on Mayoral Directions to TfL within the Committee's remit.
- 1.2 Since the last meeting of the Committee, on 5 October 2023, there have been:
- (a) no uses of specific authority delegated by the Board;
 - (b) no uses of Chair's Action;
 - (c) no approvals of Programme and Project Authority by the Commissioner nor by the Chief Finance Officer;
 - (d) three approvals of Procurement Authority by the Commissioner in relation to: DLR Station Controller Replacement; the Framework Agreement for the Supply of Electrical Consumable Goods; and the DLR Northern Sidings Contract;
 - (e) one approval of unbudgeted Financial Authority by the Commissioner in relation to the Superloop; and
 - (f) no Mayoral Directions within the Committee's remit.
- 1.3 A similar report is submitted to the Finance Committee and the Land and Property Committee in respect of the use of Chair's Action and of Authorities granted by the Commissioner and the Chief Finance Officer and of relevant Mayoral Directions that fall within the remit of those Committees.

2 Recommendation

- 2.1 **The Committee is asked to note the paper.**

3 Use of authority delegated by the Board

- 3.1 There has been no use of authority delegated by the Board since the last meeting of the Committee.

4 Use of Chair's Action

- 4.1 Under Standing Order 112, in situations of urgency, the Board delegates to each of the Chair and the Chairs of any Committee or Panel the exercise of any functions of TfL on its behalf, including the appointment of Members to Committees and Panels. Any use of Chair's Action is reported to the next ordinary meeting.
- 4.2 There has been no use of Chair's Action since the last meeting of the Committee.

5 Programme and Project Authority Approvals

- 5.1 To enable an appropriate level of governance, processes are in place for the authorisation, control and reporting of projects.
- 5.2 Programme and Project Authority will normally be granted by the Committee for all programmes and projects as part of the defined Programmes within the overall Investment Programme. Where individual programmes or projects have a value in excess of £50m and have not already received full approval as part of a Programme, requests will be submitted to the Committee for consideration. Those programmes and projects with an estimated final cost of £50m or below, which have been approved by the Commissioner or the Chief Finance Officer, will be reported to subsequent meetings of the Committee.
- 5.3 Where the main contract has not yet been awarded, the Financial Authority and Estimated Final Cost may not be stated because they are commercially confidential.

Approvals by the Commissioner and Chief Finance Officer

- 5.4 Since the last meeting of the Committee, neither the Commissioner nor the Chief Finance Officer has approved any Programme and Project Authority requests within the Committee's remit.

6 Procurement Authority Approvals

- 6.1 Procurement Authority is the authority to make a binding or contractual commitment with a supplier for the purchase of goods, services, land or works or to receive income arising from TfL Group activities in the areas of goods, services, land or works.

Approvals by the Commissioner and Chief Finance Officer

- 6.2 Since the last meeting of the Committee, the Commissioner has approved:
 - (a) DLR Station Controller Replacement: Procurement Authority of £66m, to replace safety critical infrastructure;
 - (b) Extension of the Framework Agreement for the Supply of Electrical Consumable Goods: Procurement Authority of £38.1m; and

- (c) DLR Northern Sidings Contract: Procurement Authority of £6.8m in relation to the termination of an existing contract following insolvency of the Contractor.

7 Financial Authority Approvals

- 7.1 Financial Authority is the authority to spend money, receive income, incur a financial liability or redistribute funds to relevant third parties in respect of their respective allocated budgets. Financial Authority is automatically granted to the extent that an activity or Programme or Project is 'budgeted'. This paper reports on any use of unbudgeted Financial Authority.
- 7.2 Since the last meeting of the Committee, the following Financial Authority has been approved:
 - (a) **Superloop:** Unbudgeted Financial Authority of £2.3m was approved by the Chief Finance Officer, with costs to be recovered from the Greater London Authority (GLA).

8 Mayoral Directions to TfL

- 8.1 The Greater London Authority Act 1999 (as amended) permits the Mayor to issue to TfL general directions as to the manner in which TfL is to exercise its functions or specific directions as to the exercise of its functions (or not to exercise a power specified in the direction). Directions are also often made in relation to the implementation of matters in respect of which the Mayor delegates statutory powers to TfL.
- 8.2 The Mayor makes Mayoral Directions through Mayoral Decisions. Papers for Mayoral Directions set out the financial and other implications. If those implications change over time, that will be reported to the GLA.
- 8.3 All Mayoral Decisions are issued in writing, with the information that is not exempt from publication included on the GLA's Decisions Database on its website: <https://www.london.gov.uk/about-us/governance-and-spending/good-governance/decisions?order=DESC>.
- 8.4 Mayoral Directions fall into three broad categories: those addressing technical issues relating to statutory powers; those related to commercial development activities; and those related to projects and programmes. Mayoral Directions relating to TfL are reported to the Board's Committees for discussion as soon as possible after they are received by TfL or published. Regular reports will list the relevant Directions for as long as they are applicable.
- 8.5 Annually the Audit and Assurance Committee considers the list as part of its consideration of the annual audit plan to ensure that appropriate audit resource is applied to assurance on TfL's work in implementing Mayoral Directions. This will also be kept under review at each quarterly meeting of that Committee.
- 8.6 A summary of current Mayoral Directions to TfL is maintained on the [How we are governed](#) page on our website, with links to the relevant Mayoral Decisions. That page will be updated as and when further Directions are made.

- 8.7 Mayoral Directions to TfL related to projects and programmes are reported to this Committee. There have been no Mayoral Directions to TfL within the Committee's remit since the last meeting.

List of appendices to this report:

None

List of Background Papers:

Minutes from previous meetings of the Committee.
Greater London Authority Decision Making Database.

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