



COUNCIL URGENCY

Date: TUESDAY, 18 OCTOBER 2011 at 2.00 pm

**Committee Room 8
Civic Suite
Lewisham Town Hall
London SE6 4RU**

**Enquiries to: Kevin Flaherty
Telephone: 020 8314 9327 (direct line)**

MEMBERS

Councillor Obajimi Adefiranye	(L)
Councillor Damien Egan	(L)
Councillor Alan Hall	(L)
Councillor Philip Peake	(LD)
Councillor Amanda De Ryk	(LD)
Councillor Alan Smith	(L)

Members are summoned to attend this meeting

**Barry Quirk
Chief Executive
Lewisham Town Hall
Catford
London SE6 4RU
Date: 12 October 2011**



INVESTOR IN PEOPLE

ORDER OF BUSINESS – PART 1 AGENDA

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Lewisham



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

Agenda Item 1

Council Urgency Committee		
Report Title	Election of Chair and Vice Chair	
Key Decision		Item No. 1
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: 20 October 2011

Recommendation

To appoint a Chair and Vice Chair for the remainder of the municipal year 20011/12.

Agenda Item 2

Council Urgency Committee			
Report Title	Minutes		
Key Decision			Item No. 2
Ward			
Contributors	CHIEF EXECUTIVE		
Class	Part 1	Date: 20 October 2011	

Recommendation

It is recommended that the Minutes of the meeting of the Council Urgency Committee, which was open to the press and public, held on 25 September 2007, be confirmed and signed (copy attached).

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the COUNCIL URGENCY COMMITTEE, which was open to the press and public, held at LEWISHAM TOWN HALL, CATFORD, SE6 4RU on TUESDAY, 25 SEPTEMBER 2007 at 6.30 p.m.

Present

The Mayor, Sir Steve Bullock, Councillors Anderson, Peake and Johnson.

Apologies for absence were received from the Deputy Mayor.

<u>Minute No.</u>	<u>Action</u>
1.	ELECTION OF CHAIR RESOLVED that Councillor Barrie Anderson be elected Chair for the Municipal Year 2007/08
2.	ELECTION OF VICE-CHAIR RESOLVED that Councillor Heidi Alexander be elected Vice-Chair for the Municipal Year 2007/08
3.	DECLARATIONS OF INTERESTS (page There were no declarations of interest.
4.	MINUTES RESOLVED that the Minutes of the meeting of the Committee held on 28 June 2006, be confirmed and signed.
5.	APPROVAL OF AUDITED STATEMENT OF ACCOUNTS 2006/07 Ms Eldridge, the District Auditor's representative presented the Annual Governance Report. She highlighted adjustments to the financial statements particularly those concerning the St. John's Estate and Silwood. She praised the Council's accounting practices. and confirmed the District Auditor had no concerns regarding the council's systems of internal control. She indicated the Value for Money conclusion remained unchanged from last year and a qualified opinion would be issued owing to remaining concerns about perceived deficiencies of internal audit systems. The Director for Resources representative tabled notes of a meeting of the Audit Panel held on September 20 which had examined the 2006/07 Accounts. Although the meeting had been declared inquorate 15 minutes after the scheduled start time, the Accounts item was subsequently considered by three

elected members and all three independent members. He responded to the points made by the District Auditor and answered committee members questions. He indicated a summary of the accounts would be included in an Annual Report to be made available to the public in accordance with CIPFA good practice guidelines. The Director for Resources also outlined measures which had been put in place to enhance internal audit prior to the next District Audit inspection scheduled for early 2008.

RESOLVED that:

1. the Audit Commission Annual Governance Report be received; and
2. the Chair of Council be authorised to sign the Statement of Accounts 2006/07 and that officers be authorised to arrange for their publication.

The meeting ended at 7.02 p.m.

Chair

Agenda Item 3

Council Urgency Committee		
Report Title	Declarations of Interests	
Key Decision		Item No. 3
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: 20 October 2011

Declaration of interests

Members are asked to declare any personal interest they have in any item on the agenda.

Personal interests

There are two types of personal interest :-

- (a) an interest which you must enter in the Register of Members' Interests*
- (b) an interest where the wellbeing or financial position of you, (or a "relevant person") is likely to be affected by a matter more than it would affect the majority of inhabitants of the ward or electoral division affected by the decision.

*Full details of registerable interests appear on the Council's website.

("Relevant" person includes you, a member of your family, a close associate, and their employer, a firm in which they are a partner, a company where they are a director, any body in which they have securities with a nominal value of £25,000 and (i) any body of which they are a member, or in a position of general control or management to which they were appointed or nominated by the Council, and (ii) any body exercising functions of a public nature, or directed to charitable purposes or one of whose principal purpose includes the influence of public opinion or policy, including any trade union or political party) where they hold a position of general management or control,

If you have a personal interest you must declare the nature and extent of it before the matter is discussed or as soon as it becomes apparent, except in limited circumstances. Even if the interest is in the Register of Interests, you must declare it in meetings where matters relating to it are under discussion, unless an exemption applies.

Exemptions to the need to declare personal interest to the meeting

You do not need to declare a personal interest where it arises solely from membership of, or position of control or management on:

- (a) any other body to which you were appointed or nominated by the Council
- (b) any other body exercising functions of a public nature.

In these exceptional cases, unless your interest is also prejudicial, you only need to declare your interest if and when you speak on the matter .

Sensitive information

If the entry of a personal interest in the Register of Interests would lead to the disclosure of information whose availability for inspection creates or is likely to create a serious risk of violence to you or a person living with you, the interest need not be entered in the Register of Interests, provided the Monitoring Officer accepts that the information is sensitive. Where this is the case, if such an interest arises at a meeting, it must be declared but you need not disclose the sensitive information.

Prejudicial interests

Your personal interest will also be prejudicial if all of the following conditions are met:

- (a) it does not fall into an exempt category (see below)
- (b) the matter affects either your financial interests or relates to regulatory matters - the determining of any consent, approval, licence, permission or registration
- (c) a member of the public who knows the relevant facts would reasonably think your personal interest so significant that it is likely to prejudice your judgement of the public interest.

Categories exempt from being prejudicial interest

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

Effect of having a prejudicial interest

If your personal interest is also prejudicial, you must not speak on the matter. Subject to the exception below, you must leave the room when it is being discussed and not seek to influence the decision improperly in any way.

Exception

The exception to this general rule applies to allow a member to act as a community advocate notwithstanding the existence of a prejudicial interest. It only applies where members of the public also have a right to attend to make representation, give evidence or answer questions about the matter. Where this is the case, the member with a prejudicial interest may also attend the meeting for that purpose. However the member must still declare the prejudicial interest, and must leave the room once they have finished making representations, or when the meeting decides they have finished, if that is earlier. The member cannot vote on the matter, nor remain in the public gallery to observe the vote.

Prejudicial interests and overview and scrutiny

In addition, members also have a prejudicial interest in any matter before an Overview and Scrutiny body where the business relates to a decision by the Executive or by a committee or sub committee of the Council if at the time the decision was made the member was on the Executive/Council committee or sub-committee and was present when the decision was taken. In short, members are not allowed to scrutinise decisions to which they were party.

Agenda Item 4

Council Urgency Committee		
Report Title	Council Scheme of Delegation	
Key Decision		Item No. 4
Ward	All	
Contributors	Head of Law	
Class	Part 1	Date: 20 October 2011

1. Summary

This report asks the Council Urgency Committee to make amendments to the Council Scheme of Delegation on a temporary basis until the full Council can consider the matter. This amendment is due to the fact that the reduction in the number of Council Directorates from 5 to 4 takes effect from 24th October this year and consequently the transfer of functions from the Regeneration Directorate needs to be reflected in the Council's Scheme of Delegation. Appropriate amendments are suggested.

2. Purpose

The purpose of this report is to ensure that the Council has robust decision making processes, with an effective Scheme of Delegation in place

3. Recommendations

That the Council approve the delegation of non-executive functions set out in the Schedule appearing at Appendix A until such time as the full Council considers it afresh.

4. Background

4.1 Under the Local Government Act 2000 and regulations made under it, certain Council functions (non-executive functions) are the responsibility of the Council to make or delegate, and certain functions (executive functions) fall to the Mayor to exercise. Broadly, subject to matters reserved to full Council, decisions are for the Mayor to make provided they are not specifically prohibited to him.

4.2 Certain matters are excluded from the Mayor's responsibility, mainly development control, highways, licensing, elections, standards, health and safety and appointments. These decisions have to be made by

the Council or in accordance with a scheme of delegation to committees and/or officers.

- 4.3 The attached schedule contains amendments which reflect the fact that the functions from Regeneration pass to the Resources directorate, with the exception of parking and passenger transport which pass to Customer Services.
- 4.4 One further amendment is proposed. It is that consideration of all development control decisions relating to public houses and unoccupied buildings which were previously public houses should be reserved to members and not delegated to officers.
- 4.5 Where matters are the responsibility of the Mayor to delegate, he may amend his scheme of delegation at any time, provided that he reports his amendments to the next meeting of the Council. His changes are effective from the date that all members of the Council are informed in writing of the change. The Mayor has already agreed to the amendments in Appendix A in so far as they relate to executive functions, and notice will be given to all members of the Council prior to 24th October.

5. Legal implications

It is a requirement that the Council and Mayoral Scheme of Delegation be appended to the Council's constitution, and an effective scheme of delegation is necessary for the proper corporate governance of the Council.

6. Financial implications

There are none

7. Equalities implications

There are none.

8. Environmental implications

There are none

9. Crime and Disorder implications

There are none.

Background Papers
None reported

If there are any queries on this report please contact the Head of Law tel 0208 3147648

Appendix A

PART VIII

**SCHEMES
OF DELEGATION**

(A) COUNCIL SCHEME OF DELEGATION**Schedule of Delegation to Officers in Relation to Non-executive Planning and Highways Matters****Delegated Functions:**

To the Executive Director for Resources or such officers as he/she may nominate

Authority to deal with all town and country planning, development control, high hedges and highway and road traffic functions under all existing and future relevant legislation, and as amended from time to time, including (without limitation) the Acts set out in the Schedule below, save for those local choice functions reserved to the Executive and those matters reserved to the planning committees A, B or C or the strategic planning committee. This includes by way of example but not limitation: -

- Determining applications, (or declining to determine applications where applicable), for planning permission, advertisement consent, listed buildings and conservation area consent, certificates of lawfulness or lawful development, works to trees, hazardous substances, environmental impact assessment screening and scoping opinions, decisions in respect of the prior approval procedure for telecommunication development.
- Issuing planning contravention notices, breach of condition notices, enforcement notices, stop notices, temporary stop notices, untidy land notices and other similar notices and questionnaires
- Making and confirming tree preservation orders and enforcing their provisions
- Taking action in relation to unauthorised advertisements, placards or posters
- Entering into agreements to regulate the development or use of land (including the approval of the detailed terms for inclusion in such agreements whether the agreement is to be entered into under delegated authority or following a resolution of members)
- Approving the details of conditions to be imposed on planning permissions (whether the permission is to be granted under delegated authority or following resolution to grant by members)

- Utilising the powers contained within planning, high hedges and highways legislation to gain entry to premises for the purpose of carrying out surveys and establishing whether there has been a breach of legislation including applying to the magistrates' court for a warrant of entry
- Carrying out any other regulatory enforcement functions contained in town and country planning, high hedges, road traffic or highways legislation in force from time to time
- Authorising the Head of Law to take any legal action which may be appropriate which relates to any function of the Executive Director including the taking or defending of legal proceedings and entering into legal agreements as may be required
- Creating, diverting and stopping up footpaths, highways and bridleways
- The making and enforcement of highways orders
- Dealing with applications for street works licences
- Exercise of non-executive powers under local legislation (including without limitation, names of streets under Sections 5 and 6 London Building Acts (Amendment) Act 1939)
- Exercise of powers under Part 8 of the Anti-social Behaviour Act 2003 in relation to high hedges

Schedule (non-exhaustive) of relevant statutes (in so far as they relate to non-executive highways and planning matters)

- Planning and Compulsory Purchase Act 2004
- Anti-Social Behaviour Act 2003, Part 8
- Town & Country Planning Act 1990,
- Planning & Compensation Act 1991,
- Planning (Listed Buildings & Conservation Areas) Act 1990,
- Planning (Consequential Provisions) Act 1990,
- Planning (Hazardous Substances) Act 1990
- Caravan Sites and Control of Development Act 1960,
- Ancient Monuments & Archaeological Areas Act 1979,
- Local Land Charges Act 1975,
- Noise and Statutory Nuisance Act 1993,
- Environmental Protection Act 1990,
- Environment Act 1995,
- Local Government (Miscellaneous Provisions) Act 1976,
- London Building Acts 1930 to 1978,
- Building Act 1984,
- Greater London Council (General Powers) Act 1982,
- Highways Act 1980,
- New Roads and Street Works Act 1991
- Cycle Tracks Act 1984,
- Road Traffic Acts 1972, 1988 and 1991,
- Road Traffic Regulation Act 1984,
- Road Traffic (Temporary Restrictions) Act 1991,
- Transport and Works Act 1992,
- Road Traffic Regulation (Special Events) Act 1994,
- Greater London Authority Acts 1999,
- Local Government Planning and Land Act 1980,
- Transport Act 2000,
- Countryside and Rights of Way Act 2000
- Wildlife and Countryside Act 1987
- Housing Act 1981
- And all other relevant legislation in place from time to time

Nothing in this Schedule of Delegation prevents any Planning Committee or the Strategic Planning Committee exercising any function within their terms of reference.

The Committee may from time to time delegate to officers such functions as it considers appropriate.

Matters reserved to planning committees A, B and C and strategic planning committee

Town and country planning and development matters where:

- 1 there are three or more valid planning objections; or
- 2 there is one or more objection from a recognised residents' association or community/amenity group; or
- 3 the application is for development which is not in accordance with the approved development plan documents or other approved planning policies or
- 4 in the opinion of the Council's Head of Planning the matter would be more appropriately dealt with by the relevant committee.
- 5 Consider all town and country planning matters relating to the demolition of any building that is in use as a public house, or which is currently unoccupied but was in use as a public house immediately prior to becoming unoccupied.

Schedule of Delegation to Officers in Relation to Non-executive Building Control Matters

Delegated Functions:

To the Executive Director for Customer Services or such officers as he/she may nominate:-

Authority to deal with all non-executive building control functions under existing and future relevant legislation, and as amended from time to time, including (without limitation) the Acts set out in the Schedule below, save for those local choice functions reserved to the Executive and those matters reserved to the planning committees A, B or C or the strategic planning committee. This includes by way of example but not limitation: -

- Determining applications, (or declining to determine applications where applicable), for building control approval.
- Issuing enforcement notices, and other similar notices and questionnaires
- Issuing notices and orders in relation to building control
- Using the powers contained within legislation to gain entry to premises for the purpose of carrying out surveys and establishing whether there has been a breach of legislation including applying to the magistrates' court for a warrant of entry
- Carrying out any other regulatory enforcement functions and building control contained in legislation in force from time to time
- Authorising the Head of Law to take any legal action which may be appropriate which relates to any function of the Executive Director including the taking or defending of legal proceedings and entering into legal agreements as may be required
- Removal of nuisance deposits on the highway
- Dealing with applications for street works licences

Schedule (non-exhaustive) of relevant statutes (in so far as they relate to non-executive building control matters:

- Noise and Statutory Nuisance Act 1993,
- Environment Act 1995,
- London Building Acts 1930 to 1978,
- Greater London Council (General Powers) Act 1982
- Local Government (Miscellaneous Provisions) Act 1976,
- Building Act 1984,
- Local Government Planning and Land Act 1980,
- Housing Act 1981
- Greater London Authority Act 1999,
- Countryside and Rights of Way Act 2000
- Wildlife and Countryside Act 1987
- And all other relevant legislation in place from time to time

Nothing in this Schedule of Delegation prevents any Planning Committee or the Strategic Planning Committee exercising any function within their terms of reference.

The Committee may from time to time delegate to officers such functions as it considers appropriate.

Matters reserved to planning committees A, B and C and strategic planning committee

Building control matters where:

1. there is one or more objection from a recognised resident's association or community/amenity group; or
2. in the opinion of the Council's Head of Housing Strategy & Regulation the matter would be more appropriately dealt with by the relevant committee

**Schedule of Delegation
From Licensing (Supplementary) Committee**

Delegated Function

- 1 To the Executive Director for Customer Services or such officer as he/she may nominate:-

Authority to exercise all of the Council's licensing and registration functions under all existing and future relevant legislation, and as amended from time to time, including (without limitation) the Acts set out in the Schedule below, save for those local choice functions reserved to the Executive and those matters reserved to the Licensing Committee and save for any licensing functions under the Licensing Act 2003. This includes by way of example but not limitation: -

Schedule (non-exhaustive) of relevant statutes

- Animal Boarding Establishments 1963
- Betting, Gaming and Lotteries Act 1963
- Breeding of Dogs Act 1973
- Breeding and Sale of Dogs (Welfare) Act 1999
- Children and Young Persons Act 1933
- Consumer Protection Act 1987
- Customs and Inland Revenue Act 1883
- Dangerous Wild Animals Act 1976
- Fire Precautions Act 1971
- Fire Safety and Safety of Places of Sport Act 1987
- Explosive Act 1875
- Food Safety Act 1990
- Game Act 1831
- Game Licences Act 1860
- Gaming Act 1968
- Greater London (General Powers) Act 1976
- Hypnotism Act 1952
- London Government Act 1963
- Local Government Acts 1985 and 1972
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982

- London Local Authorities Acts 1990, 1991, 1994, 1995 and 2000
- Lotteries and Amusements Act 1976
- Marriage Act 1949
- Nurses Agencies Act 1957
- Pet Animals Act 1951
- Poisons Act 1972
- Public Health Acts Amendment Act 1907
- Rag, Flock and Other Filling Materials Act 1951
- Riding Establishments Act 1964
- Safety of Sports Grounds Act 1975
- Scrap Metal Dealers Act 1964
- Slaughterhouses Act 1974
- Theatres Act 1968
- Town Police Clauses Act 1847
- Weights and Measures Act 1985
- Zoo Licensing Act 1981
- and all relevant legislation in place from time to time

2 To the Executive Director for Customer Services or such officer as he/she may nominate

Authority to exercise all of the Council's licensing and registration functions under existing and future relevant legislation, and as amended from time to time, including (without limitation) the Acts set out in the Schedule below, save for those local choice functions reserved to the Executive and those matters reserved to the licensing committee and save for any licensing functions under the Licensing Act 2003, which are delegated to the Executive Director for Customer Services. This includes by way of example but not limitation: -

Schedule (non-exhaustive) of relevant statutes

- Caravan Site and Control of Development Act 1960
- Highways Act 1980
- and all relevant legislation in place from time to time

Nothing in this schedule prevents the Licensing (Supplementary) Committee exercising functions within their terms of reference.

The Committee may also from time to time delegate such functions to officers as it considers appropriate.

Record of Delegations

The Executive Director for Customer Services and the Executive Director for Regeneration shall maintain an up to date list of all delegations made to other officers from time to time and a copy shall be provided to the Proper Officer.

Matters reserved to Licensing (Supplementary) Committee

- 1 Determination of any appeals against a decision made by the authorised officers under powers delegated to them to refuse or revoke licences, permits or registration.
- 2 Determination of any opposed applications for licences, permits or registration.
- 3 The review and determination of the charges to be imposed in respect of the licensing function.
- 4 where the chair or vice chair of the committee indicates that the nature or circumstances of the matter are such that the matter should be determined by the committee

Delegated Function

Nothing in this schedule prevents the Licensing (Supplementary) Committee exercising functions within their terms of reference.

The Committee may also from time to time delegate such functions to officers as it considers appropriate.

Schedule of Delegation to Officers by Licensing Committee

Delegated Function

To the Executive Director for Customer Services or such officer as he/she may nominate authority to exercise all of the Council's licensing functions under the Licensing Act 2003, as amended from time to time, save for those matters reserved to the Licensing Committee or sub-committees

The functions to be reserved to the Licensing Committee, sub-committees and those to be delegated to officers are as follows:

Matter to be dealt with	Licensing Committee	Licensing Sub-Committee	Officers
Application for Personal Licence	Any matter which the Head of Regulatory Services considers to be more appropriate for consideration by the main Committee	If a police objection	If no objection made
Application for Personal Licence with unspent convictions	Any matter which the Head of Regulatory Services considers to be more appropriate for consideration by the main Committee	All cases	
Application for Premises Licence / Club Premises Certificate	As above	If a relevant representation made	If no relevant representation made
Application for Provisional Statement	As above	If a relevant representation made	If no relevant representation made
Application to vary Premises Licence / Club Premises Certificate	Any matter which the Head of Regulatory Services considers to be more appropriate for consideration by the main Committee	If a relevant representation made	If no relevant representation made
Application to vary Designated Premises Supervisor	As above	If a police objection	All other cases

Request to be removed as Designated Premises Supervisor	Any matter which the Head of Regulatory Services considers to be more appropriate for consideration by the main Committee		All cases
Application for transfer of Premises Licence	As above	If a police objection	All other cases
Application for Interim Authorities	As above	If a police objection	All other cases
Application to review Premises Licence / Club Premises Certificate	Any matter which the Head of Regulatory Services considers to be more appropriate for consideration by the main Committee	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc	As above		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	As above	All cases	
Determination of a police objection to a Temporary Event Notice	Any matter which the Head of Regulatory Services considers to be more appropriate for consideration by the main Committee	All cases	

Nothing in this Scheme of Delegation shall prevent the Licensing Committee from exercising functions within its terms of reference.

The Committee may also from time to time delegate such functions to officers as it considers appropriate

Schedule of delegation to officers in relation to the functions of the Elections Committee

Delegated Functions

To the Chief Executive, Proper Officer or such officers as he/she may nominate, authority to deal with all arrangements in connection with Electoral Registration and Elections and all responsibility under existing and future legislation, and as amended from time to time, (without limitation) the Acts set out in the Schedule below, save for those local choice functions reserved to the Executive. This includes by way of example but not limitation:-

- **Boundary Changes** – Periodic Review imposed by the Boundary Commission in connection with Parliamentary, European, Greater London and Borough boundaries.
- **Polling Districts** – Any changes in connection with the polling district boundaries.
- **Polling Places** – Any proposals to change polling places.
- **Voting Methods** – Proposals to apply for pilot status to adopt voting methods or to trial variations in election practice.

Schedule (non-exhaustive) of relevant statutes

- Parliamentary Elections Act 1695 (s.7)
- Act of Settlement 1700 (s.3)
- House of Commons (Clergy Disqualification) Act 1801
- Roman Catholic Relief Act 1829 (s.9)
- Forfeiture Act 1870 (s.2)
- Public Bodies Corrupt Practices Act 1889 (ss. 1,2,7-9)
- Trade Union Act 1913 (ss.2,3,6,6A,7)
- Welsh Church Act 1914 (s.2(4))
- Parliament (Qualification of Women) Act 1918
- Defamation Act 1952 (s.10)
- Banking and Financial Dealings Act 1971 (ss.1,5 and Sch.1)
- Local Government Act 1972 (Extracts)
- House of Commons Disqualification Act 1975
- Recess Elections Act 1975
- European Parliamentary Elections Act 1978
- Magistrates' Courts Act 1989 (s.32)
- Representation of the People Act 1981
- Forgery and Counterfeiting Act 1981 (Extracts)

- Criminal Justice Act 1982 (s.37)
- Representation of the People Act 1983
- Representation of the People Act 1985
- Parliamentary Constituencies Act 1986
- Representation of the People Regulations 1986
- European Community (Amendment) Act 1986
- Representation of the People Act 1989
- Local Government and Housing Act 1989
- Boundary Commissions Act 1992
- Local Government Act 1992 (Extracts)
- Representation of the People Act 2000
- Political Parties Elections & Referendums Act 2000
- Representation of the People (England and Wales) Regulations 2001
- Electoral Administration Act 2006
- Constitutional Reform and Governance Act 2010
- Fixed-term Parliaments Act 2011
- Local Democracy, Economic Development and Construction Act 2009
- Local Government and Public Involvement in Health Act 2007
- Parliamentary Voting System and Constituencies Act 2011
- Police Reform and Social Responsibility Act 2011
- Political Parties and Elections Act 2009
- And all other relevant legislation in place from time to time.

Nothing in this schedule of delegation shall prevent the Council or the Elections Committee from exercising functions within its terms of reference.

Schedule of delegation to officers in relation to the functions of the Pensions Investment Committee

To the Executive Director for Resources such functions as the Pensions Investment Committee lawfully delegates from time to time.

**Schedule of delegation in relation to the functions
of the Health & Safety Committee**

To the Chief Executive or such officers as the Committee decides such functions as it lawfully delegates from time to time.

General

All non-executive functions not reserved to members, shall be delegated to the Chief Executive or such officer as he shall nominate in writing, unless there is a statutory requirement that the function be carried out by another officer, for example the personal statutory responsibilities of the Director of Childrens Services and the Director of Adult Services)

Directorate Schemes of Delegation

The extent to which non-executive decision making powers are delegated to officers below Executive Director level appear at **Page 362** (DIRECTORATE SCHEMES)

THE MAYORAL SCHEME OF DELEGATION

(B) MAYORAL SCHEME OF DELEGATION

A CONTENTS

This scheme of delegation sets out:-

- 1) the names of those councillors whom the Mayor has decided shall be members of the Executive with him
- 2) the names of committees of the executive which the Mayor has decided should be appointed, together with their terms of reference and the extent and limit of delegation to them
- 3) those executive decisions which the Mayor has not delegated to anybody else to take and those which he/she has delegated to the Executive to take collectively
- 4) those executive decisions which the Mayor has delegated to officers to take
- 5) details of the appointment of members to joint committees exercising executive functions, together with the extent and limitation of executive delegation

B PURPOSES

The purposes of this Mayoral scheme of delegation are to

- 1) be clear about who can make which executive decisions
- 2) facilitate the smooth running of Council business to produce better decisions
- 3) to ensure so far as possible that the Mayor, in leading the Executive, is concerned with the overall direction of the Council, and with the establishment and maintenance of effective partnership working with other agencies and bodies in the borough. This should ensure that officers assume responsibility for operational matters and policy implementation

C THE CONSTITUTION

Once reported to Council, this Mayoral scheme of delegation will form part of the Council's Constitution and will be appended to it. Its provisions apply in addition to the contents of the Council's Constitution, including its Rules of Procedure and Access to Information provisions.

D AMENDMENTS TO THE MAYORAL SCHEME OF DELEGATION

This Scheme of Delegation remains in force for the term of office of the Mayor unless and until it is amended or revoked by the Mayor in accordance with Part IV D 6 of the Constitution.

E NON-EXECUTIVE DECISIONS

Nothing in the Scheme of Delegation applies to any decision which is not an Executive decision, whether by law or under the Constitution (local choice matters).

F THE COMPOSITION OF THE EXECUTIVE

The Executive shall consist of 10 people, namely the Mayor and 9 other Councillors as set out below:

Name	Address	Ward	Spokesperson for...
Mayor Steve Bullock	Garden Flat, 9 Tyson Road, SE23 3AA	N/A	Mayor
Councillor Damien Egan	38 Elthrua Road Hither Green, SE13 6SR	Forest Hill	Strategy & Communications
Councillor Chris Best	52 Bishopsthorpe Rd Sydenham London SE26 4NY	Sydenham	Community Services
Councillor Susan Wise	85 Kilmorie Road London SE23 2SP	Perry Vale	Customer Services
Councillor Helen Klier	15 Davenport Road London SE6 2AY	Rushey Green	Resources
Councillor Peggy Fitzsimmons	21 Blagdon Road London SE13 7HL	Rushey Green	Older People
Councillor Crada Onuegbu	10 Arbury Terrace Sydenham London SE26 6AP	Evelyn	Community Safety

Councillor Paul Maslin	39 Aislibie Road London SE12 8QH	New Cross	Resources
Councillor Joan Millbank	14A Wallbuton Road London SE4 2NX	Telegraph Hill	Third Sector
Councillor Alan Smith	63 Ardoch Road Catford SE6 1SL	Catford South	Regeneration

None of the councillors appointed by the Mayor to the Executive has any decision making power delegated to them individually. Details of those decisions which are delegated to the Executive to exercise collectively as a whole are set out below.

G DELEGATIONS TO THE EXECUTIVE ACTING COLLECTIVELY

The Mayor has delegated to the Executive acting collectively the functions set out in Appendix 1 relating to contracts and grants. When they act collectively they shall be referred to as Mayor and Cabinet.

In addition the Mayor, in accordance with Part IV D 6 of the Constitution, may appoint such other committees of the Executive as he considers appropriate from time to time, but he does not create any such committees at this time.

H GENERAL

- 1) This Scheme of Delegation is structured to ensure that the Mayor leads the Executive on proposals for policy, the budget and partnership working. It then goes on to state that authority to exercise executive functions and make executive decisions is delegated to officers save where there is a specific exemption to the contrary. Where such a specific exemption is made, the general rule is that those decisions will be made by the Mayor individually, in consultation with his colleagues in the Executive.
- 2) Where an executive decision is exempted from delegation to an officer, the Mayor may take it alone or at a meeting of the Executive, of which notice has been served as if the Executive were collectively responsible for making a key decision at the meeting. At that meeting the Mayor will take the decision having consulted those members of the Executive

present. Access to information provisions which would apply to an executive meeting at which a key decision is to be taken apply.

- 3) If the Mayor does not attend a quorate meeting of the Executive convened to consider a matter exempted from officer delegation, then that quorate meeting of the Executive acting collectively as a whole has authority to make decisions in relation to those matters appearing on the agenda, and any matters properly arising as a matter of urgency for consideration at the meeting, under Regulation 15 or 16 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.
- 4) Where the Mayor is of the opinion that a matter for consideration at a meeting of the Executive under this paragraph H is of such a nature that the Executive should not exercise any delegated authority in relation to it in his absence, he will inform the proper officer in advance of the meeting. The proper officer will ensure that such notification is brought to the attention of the meeting of the Executive, and once the notification has been brought to the attention of the meeting, the Executive will not have power to exercise authority in relation to that matter at that meeting.
- 5) Where power is delegated to officers under this Scheme of Delegation, the power will be exercised in a manner that decisions are not made in isolation and that the decision maker takes into account the broader corporate implications for the Council. If officers take key decisions, the law requires them to comply with the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000. In addition for key executive decisions which are to be taken by officers individually the Chief Executive shall put in place a procedure to ensure that officer decision making is exercised in a manner which reflects corporate considerations. Officers may only exercise delegated authority in relation to key executive decisions by complying with the procedure approved by the Chief Executive.
- 6) Where authority to make an executive decision is delegated to an officer, that authority may also be exercised by the nominee of that officer, provided that notification of the nomination has previously been given in writing to the Monitoring Officer or their nominee.
- 7) Unless the power to make an executive decision has been specifically reserved to members, the Executive Director with responsibility for the service area in which the subject matter of the decision falls, or their nominee, shall normally exercise the delegated power. However unless the officer acts in pursuance of a personal statutory duty, the delegated authority may also be exercised by the Chief Executive at his discretion.

Where a decision straddles the remit of more than one Directorate, the decision shall be exercised by the Chief Executive or their nominee

I MATTERS NOT DELEGATED TO OFFICERS

The decisions set out in Table 1 below are not delegated to officers unless a specific written delegation from the Mayor to that effect in relation to the particular matter has been given to the proper officer in writing. The specific delegations to officers set out in this Scheme of Delegation are all subject to these general exemptions. If specific delegations and the contents of Table 1 contradict each other then Table 1 shall prevail.

**TABLE 1
EXECUTIVE MATTERS RESERVED TO MEMBERS
GENERAL**

1. Approval of proposals to be made by the Mayor in relation to the following plans:- <ul style="list-style-type: none"> • Best Value Performance Plan • Children and Young People's Plan • Sustainable Community Strategy • Crime and Disorder Reduction Strategy • Youth Justice Plan • Local Development Documents • Transport Local Implementation Plan • Housing Strategy • Food Law Enforcement Service Plan • Licensing Statement (Alcohol and entertainment and Gambling)
2. Approval of all other policy plans and strategy.
3. Approval of the Mayor's proposals to the Council for the budget (capital and revenue)
4. Decisions relating to the joint provision of a service by the Council and external agencies, where the value of that service is at least £500,000 per annum
5. Decisions relating to the introduction of new services or the cessation of a service where the value of the service concerned is or would be if introduced at least £500,000 per annum
6. Decisions relating to the options for future service delivery, including whether the service should be externalized, taken in house or commissioned jointly with

another agency, where the value of the service is at least £500,000 per annum
7. Consideration of and action to be taken as a result of the District Audit Management Letter or any other external report on Council performance and the consideration of all other external reports and/or enquiries into council performance and/or administration
8. Any matter in which the officer who would otherwise have delegated authority to act is aware that a councillor (or a person, company or organisation with which the councillor is involved,) has a personal interest under the Council's Member Code of Conduct.
9. Any matter in which the officer who would otherwise have delegated authority to act has an actual or potential interest.
10. Approval of any application for external funding which would either:- (i) require match funding from the Council in excess of £250,000, or (ii) have revenue implications in excess of that amount per annum, or (iii) exceed £1 million
11. Any matter which in the opinion of the relevant Executive Director, the Chief Executive or the Head of Law because of the scale of the decision, its potential impact, the sensitivity of the decision or for any other reason would more appropriately be dealt with by members
12. Appointment of members or officers to outside bodies, save to relevant professional associations.
13. The appointment of members to the Executive or any committee of it, or to any joint committee, or to any body or panel appointed by the Executive

J EXECUTIVE DIRECTOR CHILDREN & YOUNG PEOPLE

Subject to those matters reserved to members in Table 2 below, unless the law, the Constitution or this Scheme of Delegation requires otherwise, the following executive powers are delegated to the Executive Director for Children and Young People:

- (a) Authority to exercise the Council's executive functions in relation to children's services under Section 18 Children Act 2004 and any other functions delegated to the Executive Director for Children and Young People from time to time. This includes, but is not limited to, decisions made in relation to those matters defined as social services functions in Section 1 Local Authority Social Services Act 1970. By way of example only this includes matters under the National Assistance Act 1948,

Chronically Sick and Disabled Persons Act 1970, Children Act 1989, National Health Service and Community Care Act 1990, Health Act 1999, Health and Social Care Act 2000, Children Act 2004 and all other relevant legislation in force from time to time.

For the avoidance of doubt this includes, but is not limited to, executive decisions in relation to the following matters in so far as they relate to children:-

- Residential and day care placements
 - Family placements
 - Fostering and adoption services
 - Family support and intervention
 - Respite care
 - Social work with children and young people
 - Children with disabilities
 - Children with mental health problems and/or learning difficulties
 - Children with special needs
- (b) Authority to exercise the Council’s executive education functions including but not limited to those matters contained or referred to in the Education Act 1996, School Standards and Framework Act 1998, Special Educational Needs and Disability Act 2001, Education Act 2002, Children Act 2004, Education Act 2005 and the Education and Inspections Act 2006 and all relevant legislation in force from time to time
- (c) The exercise of executive functions in relation to education outside the school environment including pre-school learning.
- (d) All other executive functions relating to the internal management of the Directorate of Children and Young People which are not otherwise reserved to members.
- (e) Delegation to the Executive Director for Children and Young People does not include the matters referred to in Table 2 below

**TABLE 2
EXECUTIVE MATTERS RESERVED TO MEMBERS
CHILDREN AND YOUNG PEOPLE**

1.	Approval of the Mayor’s proposals to be submitted to the Council in relation to the statutory policy framework as set out in Paragraph 1 of Table 1
2.	Other policy matters including agreeing the overall strategy for the service, in particular the approval of the Children and Young People Plan. This

	would include but not be limited to the schemes of delegation to schools.
3.	Approval of the Mayor's proposals for the budget for the service to be submitted to the Council (including revenue and capital) for approval
4.	Decisions relating to the provision, commissioning or purchasing of services, which in the opinion of the Executive Director would lead to major changes in service delivery methods or service levels
5.	Receipt and consideration of inspection reports and reports from external bodies, on any elements of children's services and/or particular cases and decisions arising out of that consideration which are pertinent to the Council.
6.	Appointments to the Fostering Panel and Adoption and Permanence Panel. In so far as they operate exercise executive functions, those functions are delegated to the Panels directly.
7.	The receipt and consideration of and report relating to the death, serious injury, abuse, allegations of abuse or any other matter of serious concern in respect of a child, student, school, establishment or of any other matter which in the opinion of the Executive Director for Children and Young People gives rise to serious concern in relation to the conduct of any element of children's services.
8.	Decisions relating to the setting or amendment of eligibility criteria for children's services, whether social services or otherwise, and charges in respect of those services
9.	Decisions relating to the joint commissioning of services with health organisations or other external bodies which would have financial implications for the Council in excess of £500,000
10.	Decisions relating to the publication of any statutory notice in relation to schools or other educational units
11.	Directions as to the occupation and use of school premises
12.	Matters relating to the schools admissions policy including admissions criteria and the fixing of standard numbers for school admissions.
13.	School reorganisation - decisions relating to whether to issue a notice in respect of an establishment, discontinuance or alteration of schools, including decisions about whether to consult on such matters
14.	Decisions relating to the instruments of government of any school

15.	Appointment of LEA governors and LEA appointments to outside bodies save where such appointments are reserved to Council in accordance with the law or the Constitution. Appointments to the Education Appeals Panel are reserved to members. See Appendix 2
16.	Decisions relating to the Council's charging and remissions policy under Section 457 Education Act 1996
17.	Decisions relating to policy about attendance and/or exclusion
18.	Decisions relating to the approval and amendment of policy relating to students scholarships or pupil grants within the remit of children's services
19.	Decisions relating to the Council's scheme for Fair Funding.
20.	Decisions to issue a closure notice in respect of any school under any power of intervention relating to schools causing concern. All decisions relating to schools causing concern prior to authorization of the issue of a closure notice are delegated to the Executive Director for Children and Young People.
21.	Decisions relating to the approval and amendment of policy for children and young people with special needs
22.	To the extent that it remains a legal requirement the scoping of best value reviews of services for children and young people and consideration of the result of the review and decisions arising out of them, including their implementation
23.	All of those matters listed in Table 1.

K. EXECUTIVE DIRECTOR COMMUNITY SERVICES

Adult Social Services

Unless the law, the Constitution or this Scheme of Delegation requires otherwise, the following powers are delegated to the Director of Community Services, subject to the matters reserved to members in Table 3 below.

- (a) Authority to exercise all the executive functions of the Director of Adult Social Services as defined by Section 6 Local Authority Social Services Act 1970, as amended by Section 18 and Schedule 2 of the Children Act 2004. This shall include but not be limited to the following matters:-

- Residential and day care for adults
 - Family placements for adults,
 - Respite care for adults
 - Services for elderly people
 - Services for people with learning disabilities, mental health problems and/or learning disabilities
 - Home care
 - Domiciliary care
 - Hospital social workers
 - Adult social work
 - Funerals under the National Assistance Act 1948
 - Youth offending services
 - Joint care planning, liaison and management with health organisations and other external bodies
 - Administration of the Supporting People Grant
- (b) Authority to exercise all of the Council’s executive functions in relation to further and higher education and the provision of education, training and learning including adult and community learning.
- (c) Authority to exercise all of the Council’s executive functions in relation to leisure, culture, arts, sports, recreational activities, libraries museums, art galleries, theatres, archives, local history activity, leisure centres, parks and open spaces, allotments and any other such facilities.
- (d) All executive decisions relating to the internal management of these functions which are not otherwise reserved to members.
- (e) All executive functions in relation to community engagement and support including the enhancement of citizen participation at a neighbourhood level.
- (f) The delegation to the Executive Director Community Services does not include the matters listed in Table 3 below.

**TABLE 3
MATTERS RESERVED TO MEMBERS**

1.	Approval of the Mayor’s proposals to be submitted to the Council in relation to the statutory policy framework as set out in Paragraph 1 of Table 1
2.	Other policy matters including agreeing the overall strategy for the service, in particular the approval of a plan for adult social services and other plans

3.	Approval of the Mayor's proposals for the budget for the service to be submitted to the Council (including revenue and capital) for approval
4.	Decisions relating to the provision, commissioning or purchasing of services, which in the opinion of the Director would lead to major changes in service delivery methods or service levels
5.	Receipt and consideration of inspection reports on any elements of any part of the service within the remit of the Director of Adult Social Services and decisions arising out of that consideration
6.	Appointments to the Representation Panel. In so far as they exercise executive functions, those functions are delegated to the Panel directly. See Appendix 3
7.	The receipt and consideration of reports from any external body into the performance of the Council or the conduct of particular cases
8.	The receipt and consideration of any report relating to the death, serious injury, abuse, allegations of abuse of a client or any other matter of serious concern which in the opinion of the Director of Adult Social Services gives rise to serious concern in relation to the conduct of any element of the service
9.	The receipt and consideration of any report relating to the death, serious injury, abuse, allegations of abuse of a client or any other matter of serious concern which in the opinion of the Director of Adult Social Services gives rise to serious concern in relation to the conduct of any element of the service
10.	Decisions relating to the setting or amendment of eligibility criteria for adult social services or other services within the remit of the Director of Adult Services, and charges in respect of those services
11.	Decisions relating to the joint commissioning of services with health organisations or other external bodies which would have financial implications for the Council in excess of £500,000
12.	Decisions relating to the provision of community education which would entail the cessation of the service, decisions relating to the level of charges to be made in respect of those services and any decision which would in the opinion of the Director entail a significant change in the level of service provision, and any other matter which the Director is of the opinion is more appropriate for member decision.

13.	Decisions relating to the approval and amendment of policy relating to student awards within the remit of the Director of Adult Social Services
14.	The scoping of best value reviews of services within the remit of the Director of Adult Social Services and consideration of the result of the review and decisions arising out of them, including their implementation
15.	All of those matters listed in Table 1.

L EXECUTIVE DIRECTOR CUSTOMER SERVICES

Unless the law, the Constitution or this Scheme of Delegation require otherwise, the following executive powers are delegated to the Executive Director Customer Services:

- a) subject to b) below, in so far as they are the responsibility of the Executive, all executive functions in relation to matters within the remit of the Executive Director Customer Services, including but not limited to:-
- (i) responsibility for the management of housing properties in the Council's ownership whether that function is carried out by the Council itself or through a third party under contract, including but not limited to:-
- The clienting, monitoring and reporting on all contracts for the provision of housing management services to the Council
 - the maintenance and management of all land and property held by the Council for housing purposes;
 - the provision of garden, open spaces and land for housing purposes,
 - decisions in relation to the right to buy under the Housing Act 1985 (or other relevant legislation in force from time to time, (but not decisions relating to market value and sale prices which are delegated to the Executive Director of Resources),
 - responsibility for setting charges for heat, light and power to Council properties served by a communal supply in accordance with policy approved by the Mayor
 - dealings with housing associations, save to the extent that such decisions relate to housing development or capital schemes.

- (ii) all executive functions relating to the administration of revenues and benefits (both Council Tax and Housing Benefits), its one stop shop service, call centre services and internal communications.
- (iii) all executive functions relating to licensing and gambling, street trading, environmental issues including environmental and public health, consumer protection, building control, building works, cemeteries and crematoria.
- (iii) registration of births, deaths and marriages
- (iv) Responsibility for the corporate emergency planning and business continuity functions
- (v) all executive functions relating to housing strategy and development, housing need and homelessness including private sector housing, housing partnerships and environmental health (housing).
- (vi) all regulatory and enforcement functions that are the responsibility of the executive, including, but not limited to;
 - environmental health,
 - public health,
 - trading standards
 - building control,
 - consumer protection,
 - licensing,
 - street trading,
- (vii) the environment function, which shall include, but not be limited to;
 - all environmental matters, including enforcement
 - parks and community facilities (green scene)
 - waste management (collection, disposal, recycling etc)
 - burial and cremation
 - animal welfare and pest control
- (viii) responsibility for the management, maintenance and operation of the Councils vehicle fleet
- (ix) responsibility for the management and operation of the in-house building services function

(x) All matters relating to parking control, including but not limited to the collection of parking charges, parking regulation and enforcement.

(xi) Passenger Transport.

Delegation to the Executive Director Customer Services does not include the executive matters listed in Table 4 below, which are reserved to Members

**TABLE 4
EXECUTIVE MATTERS RESERVED TO MEMBERS
CUSTOMER SERVICES**

1. Approval of the Mayor's proposals for submission to the Council in relation to the statutory policy framework as set out in paragraph 2 of Table 2 in so far as they relate to the remit of the Customer Services Directorate
2. Approval of all other policies and overall strategy in so far as they relate to the remit of the Customer Services Directorate, including housing policy and all other plans and priorities, including those relating to lettings and allocations, tenancy agreements and rent arrears collection
3. Approval of the Mayor's proposals for submission to the Council in relation to the budget relating to the remit of the Customer Services Directorate, including but not limited to the proposals for housing expenditure, Housing Revenue Account estimates, rent and charges.
4. Approval of proposals, for consideration by the Council prior to submission for ministerial consent (including any drafts of these proposals).
5. Monitoring of expenditure by the Council or other body where funds have been obtained externally (e.g. Single Regeneration Budget) where the Council is the accountable body
6. Decisions relating to charges for services
7. Decisions to write off debts arising out of rent arrears in excess of £10,000
8. Decisions relating to the establishment, amendment or abolition of controlled parking zones.
9. All of those matters listed in Table 1.

M EXECUTIVE DIRECTOR RESOURCES

Unless the law, the Constitution, or this Scheme of Delegation require otherwise, the following executive powers are delegated to the Executive Director for Resources:-

- (a) Subject to (b) below, in so far as they are the responsibility of the Executive, all those matters which are necessary properly to exercise the administration of the Council's finances including but not limited to:-
- 1) **Day to day control** and regulation of the Council's finances
 - 2) **Virements** in accordance with Part K of the Constitution and Paragraph T of this Scheme of Delegation
 - 3) **Contracts** award and variation - Those delegated powers set out in Part IV I of the Constitution and Paragraph Q of this Scheme of Delegation
 - 4) **Property** - those powers relating to property set out in Paragraph R of this Scheme of Delegation in so far as they are stated to be delegated to the Executive Director for Resources.
 - 5) **Insurance** arrangements - Power to agree insurance arrangements where either
 - (i) the value of the premium payable does not exceed £2.5 million or
 - (ii) the renewal premium payable does not exceed the last year's premium by more than 10%
 - 6) **Treasury Management** In so far as they are executive decisions, matters delegated to the Executive Director for Resources in accordance with the Council's Treasury Management Strategy from time to time.
 - 7) **Grants** Those powers set out in relation to grants and assistance to voluntary and other external bodies set out in Paragraph P of this Scheme of Delegation.
 - 8) **Allocation** The approval of allocation of items of expenditure to the General Fund and Housing Revenue Account, subject to the submission of an information report to the Overview and Scrutiny Public Accounts Select Committee each year to inform them of the allocation.

- 9) **Subscriptions** Affiliations to and payment of subscriptions to outside bodies up to a maximum of £25,000 per annum.
 - 10) **Bad debt** The approval of the write off of bad debt in accordance with Paragraph S of this Scheme of Delegation.
 - 11) **Urban regeneration** (in so far as initiatives do not fall within the remit of another Executive Director), economic development, town planning, public health, traffic management, highways, transport planning, energy management and the provision of and provision and estate management of travellers' sites.
 - 12) **Employment & Training** The encouragement and development of employment and training opportunities and facilities.
 - 13) **Urban Regeneration Initiatives** The management and implementation of urban regeneration initiatives including single regeneration schemes and housing regeneration schemes which have been approved by the executive including management of the housing investment programme and other capital programmes and resources ensuring effective financial control of resources and the achievement of value for money, subject always to the approval of the Executive Director for Resources in relation to decisions about the allocation of funds and expenditure
 - 14) **External Funding** Application for external funding for schemes or projects relating to urban regeneration or other activities up to £1 million, save where such external funding would require match funding by the Council of £250,000 or involve revenue expenditure of that amount per annum.
 - 15) **Estate management** of Council assets including all assets but not schools (which is within the remit of Children & Young People) nor housing HRA (which is within the remit of Customer Services).
- (b) Delegation to the Executive Director for Resources does not include the executive matters listed in Table 5 below

**TABLE 5
EXECUTIVE MATTERS RESERVED TO MEMBERS
RESOURCES**

1. Approval of the revenue and capital budget proposals for submission to the Council
2. Approval of proposals for medium term financial planning and budget

strategy for submission to the Council
3. Approval of proposals for the borrowing and investment strategy for submission to the Council
4. The approval of any loan to any person, company or other organisation save in accordance with the Treasury Management Strategy in force from time to time, or to employees in accordance with a scheme previously approved by the Executive
5. Virements across budgets may only be made by members where the virement is outside the limits set out in Part IV.I of the Constitution. In effect, virements of revenue budget up to £500,000 may be made by the Executive Director for Resources and relevant Executive Director. Virements over £500,000 and up to £1 million are reserved to executive members. Budget virements above that level are for the Council to make.
6. Contracts – decisions relating to the tendering, award and variation of contracts for executive functions may only be taken by the Executive Director in the circumstances permitted in Section I of the Procedure Rules contained in Part IV of the Constitution, and Paragraph Q of this Scheme of Delegation Decisions relating to the letting of building construction and engineering works contracts with a total value of £1 million or more may only be taken by members. In the case of all other contracts those decisions may only be taken by members if the estimated value exceeds £500,000. Decisions relating to the variation of building, construction and engineering contracts may only be taken by members if the estimated value of the variation is 10% of the original contract price or £500,000 whichever is the greater. In all other cases decisions relating to variations of contracts may be taken by the Executive Director for Resources or his nominee.
7. Property - The Executive Director for Resources may only exercise delegated authority in relation to the disposal or acquisition of property in accordance with paragraph R of this Scheme of Delegation. Decisions relating to property transactions which do not fall within that paragraph shall not be exercised by officers.
8. Insurance arrangements not falling within the criteria set out in paragraph M5 of this Scheme of Delegation
9. Grants falling outside the categories set out in paragraph P of this Scheme of Delegation

10. Affiliation to and the payment of subscription to external organisations in relation to executive functions where the subscription is more than £25,000 per annum
11. Approval of the Mayor's proposals for submission to the Council in relation to the statutory policy framework as set out in paragraph 2 of Table 1.
12. The approval of any proposal relating to the adoption or amendment of the local development framework to be referred to Council, including any draft for consultation
13. Decisions relating to increases in charges for services exceeding the rate of inflation.
All of those matters listed in Table 1.

O DELEGATION TO THE HEAD OF LAW

- (1) The following have delegated authority to initiate, conduct and defend all legal proceedings brought by or against the Council in any Court, Tribunal or Arbitration and may make representations in the interests of the inhabitants at any public inquiry held by or on behalf of any Minister or public body:
- (a) the Head of Law;
 - (b) any individual holding the position of Principal Lawyer, Senior Lawyer or Lawyer within the Legal Services Department.
- (2) The Head of Law has delegated authority to settle proceedings for up to £500,000 subject to budgetary provision being available if she is of the opinion that it would be in the interests of the Council to do so. Subject to the same financial limit, the Head of Personnel & Development, Head of People Management Services, Strategic Advisors (Human Resources) and Human Resources Business Manager may also sign form COT3 in relation to potential claims arising out of the National Agreement on Pay & Conditions commonly known as the Single Status Framework Agreement on the advice of the Head of Law.
- (3) The Head of Law has delegated authority to settle proceedings up to £1 million if she is satisfied that it is in the interests of the Council to do so, has consulted with the Executive Director for Resources and she agrees with the terms of the proposed settlement. Decisions to settle proceedings for a sum above £1 million shall be taken by the Mayor.

- (4) Power to enter into financial settlement of up to £1 million in respect of any matter where legal proceedings are threatened against the Council where she has consulted the Executive Director Resources and is satisfied that it is in the Council's overall interest to do so.
- (5) The Head of Law has delegated authority to act as the proper officer for those purposes listed in Table 6 below.
- (6) In the absence of the Head of Law, the functions delegated under Paragraph (2)-(5) above may be exercised by any person holding the position of Principal Lawyer with the Council.

TABLE 6

1. The certification of photographic and other copies of documents held in the custody of the Council and byelaws (Section 229 and 238 Local Government Act 1972)
2. To receive and retain documents deposited with the Council. This provision is without prejudice to the powers of any other person so authorised for this purpose. (Section 225 Local Government Act 1972)
3. To sign Forms 53 relating to the discharge of advances made pursuant to the Housing (Financial Provisions) Act 1958, the Housing Purchase and Housing Act 1959 and the Housing Act 1985
4. To sign on behalf of the Council any contract, deed or document including those for the purchase or sale of land, in accordance with the Council's procedure rules for the signing of contracts, as set out in Part IV I of the Constitution
5. To issue Notices pursuant to the making of any compulsory purchase order under statutory powers available to the Council; and Notices to Treat and Notices of Entry under any compulsory purchase order which has been approved by the appropriate government department.
6. Without prejudice to any powers delegated to other officers of the Council, to issue on behalf of the council all Notices, orders and/or similar documents pursuant to legislation in force from time to time
7 To determine applications in relations to Town Greens

P GRANTS AND ASSISTANCE TO VOLUNTARY ORGANISATIONS

- (1) Unless the law, the Constitution, or this Scheme of Delegation requires otherwise, the following executive powers are delegated to the Chief Executive and to each Executive Director in relation to grants and assistance to voluntary organisations:-
- (a) the power to make a grant or to give other assistance to a voluntary organisation within their area of responsibility, where the total value of the assistance in money or moneysworth does not exceed £10,000
 - (b) the power to reduce or withdraw a grant or other assistance, and the power to make a grant or give other assistance to a voluntary organisation (irrespective of the value of the grant or assistance) within their area of responsibility if the value of the grant or assistance is smaller or larger than that awarded in the previous year by no more than 10% or £5000 whichever is the larger
- (2) The decisions set out in Table 7 below are not delegated to officers in relation to grants and assistance to voluntary organisations .

**TABLE 7
EXECUTIVE MATTERS RESERVED TO MEMBERS
GRANTS AND ASSISTANCE TO VOLUNTARY ORGANISATIONS**

1. Making a grant or giving assistance to a voluntary organisation where the total value of the grant and/or assistance exceeds £10,000
2. Making a grant or giving assistance to a voluntary organisation where the grant and/or assistance (irrespective of the amount) is smaller or larger than that awarded in the previous year by 10% or £5000, whichever is the larger
3. Decisions to suspend or withdraw funding completely from a voluntary organisation, where the annual funding given exceeds £10,000
4. The consideration of monitoring reports on voluntary organisations' activity and decisions to be taken as a result of that consideration
5. Approval of the criteria for voluntary sector funding and/or assistance
6. Decisions in relation to grants and/or assistance below £10,000 per annum where the Mayor or Executive requests that the matter be reserved to members, or where in the opinion of the relevant Executive Director, the Chief Executive or the Head of Law the matter would more appropriately be dealt with by members.

Q CONTRACTS

- (1) The extent to which the letting of contracts (other than those relating to property which are set out at Section R below) is delegated to officers in relation to executive functions is set out below:-
- decisions relating to the tendering, letting and award of contracts for building, construction and engineering works, where the estimated total value is under £1 million shall be taken by the appropriate Executive Director or his/her nominee;
 - in the case of all other contracts, where the estimated total value is under £500,000, decisions shall be taken by the appropriate Executive Director or his nominee;
 - all such decisions shall be taken in accordance with the contract procedure rules set out in Part 1 of the Council's Constitution.
- (2) To the extent that the letting of contracts is not delegated to officers, in so far as they relate to executive functions, it is delegated to the Executive acting collectively in accordance with the terms of reference at Appendix 1.

R PROPERTY

Unless the law, the Constitution, or this Scheme of Delegation require otherwise, the following executive powers are delegated to the Executive Director for Resources in relation to property matters:-

(1) Acquisition

The acquisition of freehold and/or leasehold interest in land and property or other interest in land including the payment of Home Loss and Disturbance Payments, subject to the necessary financial provision having been made.

(2) Property Management

In relation to all properties save dwelling houses let on secure tenancies, to take the following actions, provided where applicable, that the necessary financial provision has been made.

- a) The grant (including renewal) of leases, licences or tenancies, easements or wayleaves of all Council owned land and property for a rental or licence fee reflecting market value.

- b) The grant (including renewal) of wayleaves or easements over or affecting Council owned land and property, including licences of advertisement hoardings.
 - c) Authority for the Council to take leases, licences, tenancies, wayleaves or easements (including renewal) of land and property .
 - d) The approval of rent or fee reviews of leases, licences, tenancies, wayleaves or easements granted or held by the Council.
 - e) The alteration or waiver of terms and conditions of leases, licences, tenancies, wayleaves or easements granted or held by the Council.
 - f) The approval of terms for the waiver, variation or amendment of covenants in transfer documents including those in respect of properties sold under the Right to Buy.
 - g) The approval of the terms for the assignment, subletting, surrender or operation of a break clause of any lease, licence, tenancies, wayleaves or easements granted or held by the Council in any land or property.
 - h) The approval of the terms for the settlement of any claim for dilapidations or other breaches of covenants in respect of land and property.
 - i) The authorisation of service of notices under all legislation relating to Council land ownership.
 - j) Authority to instruct the Head of Law to instigate court proceedings for the recovery of all monies owing to the Council and possession of land and property, including authorisation of the enforcement of a Court Order for Possession.
 - k) The authorisation of the levying of distress against occupants of land and property in arrears where the Executive Director Resources is of the opinion that it is appropriate to do so
- (3) Declaring Property Surplus
- a) Upon being advised by the Executive Director for the Directorate using a property that it is surplus to the requirements of that Directorate, the Executive Director for Resources may, following consultation with other Directorates as to any alternative use for the property, and having first informed the ward members in

which the property is situated, declare the property surplus to corporate requirements and authorise its disposal, if no alternative use is identified by Directorates, provided that the estimated value of the property does not exceed £500,000.

b) If a property no longer required for use by a Directorate is required for an alternative use, the Executive Director for Resources may authorise its appropriation to the new use and the value at the time of change of use, for capital charge purposes

c) If in the view of the Executive Director for Resources, a property ought to be disposed of notwithstanding a proposed alternative use, the matter shall be referred to the Executive for decision.

(4) Disposal

A Disposal is defined as the sale of the Council's freehold interest or the grant of a lease exceeding 7 years in length in consideration of a premium and/or ground rent. Disposals will be effected in such a way to ensure that the Council receives the best consideration reasonably obtainable and in accordance with the Property Disposal Procedures approved by the Executive from time to time. Any proposed disposal at less than the best consideration reasonably obtainable will be referred to the Executive for approval. All disposals will be subject to any necessary Ministerial Consents being obtained.

a) Subject to any limitations set out elsewhere in this scheme of delegation, the valuation of properties and the decision to dispose, and the approval of the terms for the disposal of land or property which has previously been declared surplus to requirements and approved for disposal by the Executive Director for Resources acting under delegated authority.

b) The disposal of residential dwellings where there is a legal obligation on the Council to sell.

c) The approval of terms for the disposal of mortgage repossession properties, subject to the other relevant provisions of this paragraph 4 .

d) The approval of terms for the disposal of vacant land and property in charge to the Council, subject to the other relevant provisions of this paragraph 4.

e) The approval of the terms for the disposal of any residual

freehold interest in a block/building to all leaseholders jointly, subject to all other relevant provisions of this paragraph 4. This is also subject all units having previously been sold and suitable arrangements being entered into by all parties regulating the future management of the whole block/building.

f) Authority to take such action as is necessary in accordance with agreed procedures concerning the disposal of land or property.

(g) The approval of the terms for the assignment, subletting, surrender or operation of any break clause of any lease, licence, tenancies, wayleaves or easements granted or held by the Council in any land or property which has been declared surplus to requirements.

(5) Capital Finance Regulations

The Executive Director for Resources may make decisions to earmark the proceeds of sale from asset disposals for expenditure on in/out schemes under the Local Authorities (Capital Finance and Accounting) Regulations 2003 and any amendments thereto, including (without limitation) regeneration projects and replacement of asset schemes subject to the schemes themselves having previously been approved by the Executive or as delegated by the Mayor.

(6) Property - General

a) In accordance with the provisions of Part IV I of the constitution, authority to sign property related documentation for or on behalf of the Council in relation to all powers delegated by this Scheme of Delegation save for documents to be entered into by way of deed.

b) Authority to agree terms and enter into agreements for any matter of a minor or urgent nature affecting land or property either owned or leased by the Council.

c) Authority to undertake and sign valuations for statutory or other Council purposes.

d) The submission of planning applications.

e) To approve the terms of such other agreements or transactions as may be in the best interests of the Council of a minor or urgent nature

- f) to take such actions and incur such expenditure as is necessary to ensure the proper management of council owned property.
- (7) The executive decisions set out in Table 8 below are not delegated to officers but are reserved for decision by members

**TABLE 8
EXECUTIVE MATTERS RESERVED TO MEMBERS
PROPERTY**

1. Any decision relating to the use of the Council's compulsory purchase powers
2. Any decision to declare as surplus to requirements, market, acquire or dispose of property where the value of the property exceeds £500,000
3. Any decision where conditions on the exercise of delegated authority by the Executive Director for Resources have not been fulfilled

N.B. Delegated authority is given to the Mayor and Cabinet (Contracts) acting collectively in relation to property matters to the extent set out in Appendix 1 to this Mayoral Scheme of Delegation.

S WRITING OFF DEBT

Unless the law, the Constitution, or this Scheme of Delegation require otherwise, the following executive powers are delegated to officers in relation to bad debt:-

- (1) Save in relation to housing rent arrears, the Executive Director for Resources has delegated authority to write off bad debt up to £50,000. However if debts of the person or organisation to that total have been written off by the Council in the previous three years, the decision shall not be delegated to the Executive Director for Resources. In such cases the power is reserved to members.
- (2) Authority is delegated both to the Executive Director for Customer Services and the Executive Director Resources to write off bad debt in relation to housing rent arrears up to £10,000. Above that threshold, the authority to write off bad debt in respect of housing rent arrears may only be exercised by members.

T VIREMENTS

Unless the law, the Constitution, or this Scheme of Delegation requires

otherwise, the following executive powers are delegated in relation to virements:-

- (1) Up to £500,000 authority is delegated to the Executive Director for Resources, and to other relevant Executive Directors, with the approval of the Executive Director for Resources
- (2) Decisions relating to virements of £500,000 up to £1 million are reserved to members.

U EMPLOYMENT MATTERS

Save as required by law, the Council's Constitution or this Scheme of Delegation decisions relating to all employment procedures and processes are delegated to the Executive Director for Resources or such person as he may nominate, in so far as they are executive functions, unless they are specifically reserved to members.

The matters contained in Table 9 below are reserved to members.

**TABLE 9
MATTERS RESERVED TO MEMBERS
EMPLOYMENT**

Re-organisations involving at least 200 staff.
Appointment of members of, and membership of, the Council's two local joint committees (Teachers and Staff) and Works Council whose terms of reference are appended at Appendix 4.

V BEST VALUE

- (1) The conduct of best value reviews is a local choice function. In Lewisham the responsibility for best value is split. The Council approves the Best Value performance plan, whilst the scoping of the reviews is defined as an executive function. Overview and scrutiny committee is responsible for the overview of the conduct of best value reviews, receiving a report on the outcome of the review, and submitting their comments if any with the review outcome to the Executive. Decisions relating to the outcome of the review and their implementation are an executive function.
- (2) Unless the law, the Constitution or this Scheme of Delegation require otherwise, and subject to paragraph (3) below, to the extent that best value reviews are an executive function, all matters in relation to them are delegated to the Chief Executive or such officer as he/she shall nominate.

- (3) The decisions set out in Table 10 below shall not be delegated to the Chief Executive. They are reserved to members.

**TABLE 10
EXECUTIVE MATTERS RESERVED TO MEMBERS
BEST VALUE**

1. Decisions to approve proposals to be recommended to the Council in relation to the Best Value Performance Plan
2. Decisions relating to the scope of any best value review to be conducted
3. Decisions relating to action proposed as a result of a best value review, and implementation of those decisions
4. Consideration of any report arising from a best value inspection and any decision relating to action to be taken in response to such a report

W BIDDING FOR EXTERNAL WORK

Decisions about whether the Council should bid for, and if successful, perform work or provide services to external bodies is delegated to the Chief Executive, to the extent that the proposed contract would relate to executive functions. Before exercising this function, the Chief Executive must first consult with the Head of Law and Executive Director for Resources. However, where the estimated value of the work exceeds £1 million per year, or £3 million in total whichever is the smaller, the Chief Executive shall not exercise this delegated power.

X CRIME AND DISORDER

Decisions relating to the implementation of the Council's Crime and Disorder Strategy are delegated to the Chief Executive or such person as he shall nominate.

Y MAYORAL DECISIONS

The powers delegated by the Mayor in this Scheme of Delegation may be exercised by the Mayor at any time.

Z DIRECTORATE SCHEMES OF DELEGATION

The extent to which the power to make executive decisions is delegated to officers below Executive Director are set out at (C) Directorate Schemes of Delegation.

AA JOINT COMMITTEES

The Council participates in joint committees which exercise executive functions. They are SELWDG - South East London Waste Disposal Group, Joint Committee with the London Borough of Croydon on Street Lighting and the Association of London Government bodies shown as joint committees below. The Mayor has agreed to continue participation in these bodies and has appointed the following members to serve on them:

- a) South East London Waste Disposal Group (SELWDG) – Councillor Muldoon
- b) Joint Section 101 Committee with the London Borough of Croydon on Street Lighting – Councillors Maslin and Smith
- c) London Councils Committee and Panels

Committee/Panel	Membership	Appointee
Leaders' Committee (s101 Joint Committee)	Boroughs nominate one voting member (usually Leader, but not necessarily) and up to two named deputies. All three members will receive papers for meetings	The Mayor (Steve Bullock) Deputy: Councillor Smith
Health & Social Care Forum	Boroughs make nomination (usually lead member for social services or health). Appointments, including steering group, made by Leaders' Committee	Councillor Fitzsimmons Deputy: Councillor Muldoon
Housing Panel	Boroughs make nomination (usually lead member for housing). Appointments, including steering group, made by Leaders' Committee	Councillor Wise Deputy: Councillor Ibitson

Children & Young People and Family Forum	Boroughs make nomination (usually lead member for education) Appointments, including steering group, made by Leaders' Committee	Councillor Klier Deputy: Councillor Paschoud
Culture & Tourism Forum and 2012 Forum	Boroughs make nomination (usually lead member for culture, tourism or sport). Appointments, including steering group, made by Leaders' Committee	Councillor Best Deputy: Vacant
Community Safety and Policing Forum	Boroughs make nomination (usually lead member for community safety/policing matters). Appointments, including steering group, made by Leaders' Committee	Councillor Onuegbu Deputy: Councillor Morrison
Economic Development Forum	Boroughs make nomination (usually lead member for economic development, Europe or regeneration). Appointments, including steering group, made by Leaders' Committee	Councillor Smith Deputy: Councillor Curran
Transport and Environment Committee)	Boroughs nominate directly (usually lead member for transport and/or environmental issues). One voting member and up to four named deputies	Councillor Smith Deputy: Councillor Wise
Grants Committee)	Boroughs nominate directly one voting member and up to four named deputies	The Mayor Deputy: Councillor Millbank

Those members appointed may represent the Council within the terms of reference of the relevant Committee/Panel.

Those members appointed may represent the Council within the terms of reference of the relevant Committee/Panel.

BB HEALTH AND SAFETY AT WORK

Executive decisions relating to Health & Safety at Work in relation to the Council's role as employer are delegated to the Chief Executive or such officer as he may nominate.

**DIRECTORATE SCHEMES OF
DELEGATIONS**

(C) DIRECTORATE SCHEMES OF DELEGATION**The Directorate for Children and Young People Scheme of Delegation****1. Purpose**

- 1.1 The Children and Young People's Directorate scheme of delegation sets out the post titles of those officers whom the Executive Director for Children and Young People (CYP) has decided shall be nominated to take decisions on areas from the Mayoral Scheme of Delegation where responsibility has been delegated to the Executive Director for CYP.
- 1.2 This Scheme of Delegation comes into operation from 26 November 2009 and will remain in force until it is amended or revoked by the Executive Director for CYP or via changes to the Mayoral Scheme of Delegation.
- 1.3 The purpose of the CYP Directorate scheme of delegation is to be clear about which officer has been nominated to make delegated decisions within this directorate.
- 1.4 The scheme is subject to the Council's Constitution, the Mayoral Scheme of Delegation, Financial Regulations and Contract Procedure Rules.
- 1.5 Heads of Service will continue to be responsible for running their own services and taking decisions in line with their service requirements unless specifically required in this scheme of delegation or determined by the Executive Director for CYP to seek other agreement.
- 1.6 Some decisions in this scheme of delegation will still be required to be taken directly by the Executive Director for CYP or in their absence they will nominate an appropriate officer/s to assume these responsibilities but unless otherwise notified the following delegations will apply:
- Directorate financial decisions – Head of Resources
 - Legal decisions – Head of Law or Deputy Monitoring Officer/Principal Lawyers as appropriately nominated by the Head of Law
 - Directorate Personnel/Human Resources decisions - Head of Resources
 - Acts under authority delegated to the Executive Director for CYP in his/her absence - Head of Resources, (unless specifically delegated to a Head of Service)
 - Contract matters – Head of Resources
- 1.7 Where the word 'nominee' is used the nomination is to be made by the post holder referred to, in writing, and a record of all such nominations

within the directorate must be kept in the directorate and available for inspection at any time.

- 1.8 Where power is delegated to the Executive Director, and officers are nominated by him/her under this Scheme of Delegation, the power will be exercised in a manner that decisions are not made in isolation and that the decision maker takes into account the broader corporate implications for the Council. If officers take key decisions, as defined in Article 16 of the Constitution of the London Borough of Lewisham, the law requires them to comply with the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000. In addition, for key executive decisions which are to be taken by officers individually, the Chief Executive may, from time to time, put in place a procedure to ensure that officer decision making is exercised in a manner which reflects corporate considerations. Officers may only exercise delegated authority in relation to key executive decisions by complying with the procedures as stated in the Financial Regulations

Delegations

Unless required otherwise by law, the Constitution, the Council and Mayoral Scheme of Delegation or this Scheme of Delegation, the Executive Director for nominates the following post holders to make the decisions set out in the table below as listed.

Mayoral Areas of Delegation

Area	Matters to be delegated to Service Unit Manager (SUM) or other named postholder	Matters to be delegated but reserved to Head of Service (or equivalent)	Matters to be reserved to the Executive Director	Matters to be reserved to Members
Student Awards and Pupil Services	Student scholarships or pupil grants up to £10,000		Executive Director to be co-signature for drawing funding from Paymaster re: mandatory support.	
Educational Psychologists & Learning Support	Educational Psychologists & learning Support SUM to exercise all statutory powers to identify and meet		None	

	children's special educational needs under the Education Act 1996 and all Code of Practice stages within the prescribed timescales.			
Governors' Support	Governors' Support Team Leader to exercise powers including governor elections, information packs for governors, governor training programme, resolutions from Annual Parents' meetings, recruitment of governors, clerking provision, servicing of governor fora etc.		None	
Special Educational Needs	<p>SEN SUM to determine additional support provided through a formal assessment.</p> <p>SEN SUM to determine provision of free transport for eligible pupils, subject to notifying Head of Pupil Services of any decisions made at SEN Tribunals which are contrary to LEA policy.</p>	Head of Pupil Services to agree contracts between the LEA and Independent/non-maintained schools.	None	

<p>Educational Access</p>	<p>Admissions Team Leader to implement policies on admissions matters including:</p> <ul style="list-style-type: none"> • preparation of statements setting out arrangements on limits to infant class sizes • carrying out of statutory consultation on admission policies • publication of information on admissions arrangements • arrangements for admissions and exclusions appeals. 	<p>SUM Educational Access to be responsible for:</p> <ul style="list-style-type: none"> • attendance of children of compulsory school age • arrangements for out of school provision • exceptional admissions decisions e.g. children of teachers and those with social/ medical needs • pre-exclusion intervention • monitoring and improving educational outcomes for children looked after • enforcement of child employment legislation <p>Head of Pupil Services to direct schools to admit specific pupils when they have a vacancy.</p>	<p>Executive Director to approve school term and holiday dates.</p>	
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School Interventions as set out in Education and Inspection Act 2006		<p>Head of Standards and Achievement to exercise the intervention powers set out in the Education and Inspections Act 2006 :</p> <ul style="list-style-type: none"> • issue warning notices; • direct governing body to enter into specified arrangements • appointment of additional governors • with Secretary of State consent to provide for the governing body to consist of interim executive members • suspend a school's right to a delegated budget 		The issue of a closure notice following a direction from the Secretary of State.
School Discipline		Exercise of power to intervene to prevent a breakdown or continuing breakdown of discipline in a maintained school.		
Finance	Day to day control and monitoring of individual service budgets – budget holders.	Strategic Oversight and monitoring of the overall directorate budget.– Head of Resources.		

<p>Revenue Budget Virements in CYP</p> <p>Cross Directorate Revenue Budget Virements</p> <p>A Budget Virement is a transfer of a budget from the purposes for which Council originally voted in setting the budget and Council Tax to another purpose.</p>	<p>Head of Service in conjunction with Group Finance Manager – up to £20k within directorate</p>	<p>Head of Service with Head of Resources – up to £100k</p> <p>Head of Resources with Head of Service and Head of Business Mgt and SS up to £50k</p>	<p>Up to £500,000 in conjunction with Executive Director Resources.</p> <p>Executive Director for Resources via EMT up to £500k</p>	<p>All revenue budget virements above these limits are reserved to Members</p>
<p>Capital Budget Virements</p>			<p>Executive Director for Resources – up to £500k</p>	<p>Over £500k</p>
<p>Budget Adjustments</p> <p>A Budget Adjustment is a transfer of a budget from one cost centre to another whilst retaining the original purpose for which the budget was approved.</p> <p>Any items that fall outside the above definitions must</p>	<p>Group Finance Manager - within the same service area.</p>	<p>Group Finance Manager with Heads of Service – across service areas.</p>		

be referred to the Head of Resources for further clarification.				
Appeals against decisions on grant aid			Where amount does not exceed £10,000.	
Loans				Reserved to members
Licensed deficits			Up to £100,000 by Head of Resources. Up to £500,000 in conjunction with Head of Resources.	Over £500,000 reserved to members.
Land issues; acquisition and disposal of land and buildings.				See scheme of delegation for Regeneration and Resources Directorates.
<p>Contracts</p> <p>There are three categories of contracts:-</p> <p>Category A - Building construction and engineering works contracts ('works contracts') with an estimated value of over £1m, other contracts with an estimated value of over £500,000, and contracts that fall within the full provisions of the EU</p>				

<p>procurement regime (Works, Supplies and Part A Services).</p> <p>Category B - Works contracts with an estimated value of between £40,000 and £1m and all other contracts with an estimated value of between £40,000 and £500,000, and those that fall outside the full requirements of the EU procurement regime (Part B Residual Services).</p> <p>Category C- All other contracts or arrangements with an estimated value of less than £40,000.</p> <p>Inviting Contracts</p>		<p>Category C (No approved list or waiver required). Head of Service</p>	<p>Category A and B – By public advert</p> <p>Authorise the Approved list</p> <p>Category B – Waiver</p>	<p>Category A - Waiver</p>
<p>Receipt of Contracts</p>		<p>Category C – Head of Service</p>	<p>Category A – Chief Executive</p> <p>Category B –</p>	

			Executive Director	
Opening Envelopes – At least two officers		Category C Two officers approved by Executive Director	Category A Chief Executive or nominated officer and Officer approved by Executive Director for Resources/Head of Law Category B Executive Director or nominated officer and Officer approved by Executive Director for Resources	
Award of Contract		Category B (where the lowest price is not the most economical) Less than £200k Head of Resources and Head of Service Category B (Where the lowest price is the most economical) Less than £200k Executive Director or nominated officer with appropriate authorised spending level Category C Head of Service	Category B (where the lowest price is not the most economical) £200k or more Executive Director and Head of Service with Scrutiny Category B (Where the lowest price is the most economical) £200k or more Executive Director with Head of Service	Category A Mayor and Cabinet with Scrutiny
Contract Signing		Less than £200k - Officer designated by	Over £200k – Sealed by Legal Services	

		the Executive Director		
Grants to Vol orgs and other organisations Rent grants			<p>Unless the law, the Constitution, or the Mayoral Scheme of Delegation requires otherwise, the following executive powers are delegated to the Chief Executive and to each Executive Director in relation to grants and assistance to voluntary organisations:-</p> <p>(a) the power to make a grant or to give other assistance to a voluntary organisation within their area of responsibility, where the total value of the assistance in money or moneys worth does not exceed £10,000</p>	
			<p>(b) the power to reduce or withdraw a grant or other assistance, and the power to award a grant or give other assistance to a voluntary organisation (irrespective of</p>	

			<p>the value of the grant or assistance) within their area of responsibility if the value of the change in grant is no more than 10% or £5,000, (whichever is the greater), than the grant awarded in the previous year.</p> <p>All grants considered to be sensitive or controversial to be included in the forward plan</p>	
<p>Approval of any application for external funding which is below £1 million with no match funding implications.</p> <p>Note: All other applications must be approved by Members. Before submitting a report to Mayor and Cabinet to seek approval to bid for funding, an initial agreement to proceed must be sought from the Directorate Project Review</p>			<p>Executive Director and Head of Business Management and Service Support, in conjunction with the Directorate Project Review Group or where necessary the Corporate Project Board.</p>	

Group or Corporate project Board as appropriate.				
Subscriptions – affiliations to and payment of subscriptions to outside bodies up to a maximum of £25,000 per annum.		Within own area of responsibility up to £5K.	Above £5k up to £25k – Executive Director (or in their absence the Head of Resources).	
Bad Debt Write Off		Write off of bad debts (excluding housing rents); in accordance with Resources Directorate Scheme of Delegation; Head of Resources or nominee can recommend to Executive Director of Resources.		
Write off of non-land and building assets		Heads of Service – up to £20,000.		
Early Years Centres	Placements of children in need Community Placements			
Outdoor Education	Charges			
Employment Matters Probationary appeals		Heads of Service to hear probationary appeals for employees in	Executive Director to hear probationary appeals for Heads of	

Disciplinary and capability appeals		their division.	Service.	
Suspensions		Heads of Service hear disciplinary and capability appeals for employees in their division.	Executive Director to hear disciplinary and capability appeals for Heads of Service	
Reorganisations	SUMS to prepare proposals for consultation	Heads of Service to approve suspension from duty of any employees within their divisions, advised by personnel SUM.	Suspension of Heads of Service (or equivalent salary level) or any staff reporting directly to them, as advised by head of Corporate personnel.	
Health & Safety		Heads of Service to approve proposals and take to DMT.		
Settling Employment Tribunal claims out of court.	Personnel SUM to settle claims to £5000			
Resignation/ Retirement of Headteachers		Head of Resources to settle claims over £5000 advised by legal and corporate personnel.	All cases where costs to be met by LEA.	
Services for children and families				
Placements in Secure Accommodation		Head of School Effectiveness and Head of Resources to approve packages in excess of 6 months gross pay in consultation with Chair of Governors.		
Placements in residential or foster care				
Authorisation of Children Act (1989) foster carer enhancements	up to £50 per payment up to a maximum of £250	Head of Service, Children & Families		

<p>Authorisation levels for Children Act (1989) s.17 Children in Need payments:</p>	<p>per family per annum – Team Leaders</p> <p>up to £500 per payment up to a maximum of £2,500 per family per annum - SUMs</p>	<p>Group Manager</p> <p>Group Manager LAC or Group Manager PAH</p>		
<p>Authorisation levels for Children Act (1989) s.23 payments to LAC & s.24 Leaving Care payments:</p>	<ul style="list-style-type: none"> • up to £50 per payment – Team Leaders • up to £1,000 per payment - SUMS 	<p>up to £5,000 per payment up to a maximum of £15k per family p.a. – Group Managers</p> <p>up to £15k per payment up to a maximum of £50k p.a – Head of Service</p> <ul style="list-style-type: none"> • up to £5,000 per payment- Group Managers <p>over £5,000 per payment – Head of Service</p>		

3. General

All non-executive functions not reserved to members, shall be delegated to the Chief Executive or such officer as he shall nominate in writing, unless there is a statutory requirement that the function be carried out by another officer, (for example the personal statutory responsibilities of the Director of Children's Services and the Director of Adult Services).

General Guidance

Unless the law, the Constitution or this Scheme of Delegation requires otherwise, the following powers are delegated to the Executive Director for CYP:-

- (a) Authority to exercise the Council's executive functions in relation to education, including but not limited to, those contained in the Education Act 1996 and School Standards and Framework Act 1998, Learning & Skills Act 2000 and all other relevant legislation in force from time to time, with the exception of the matters listed in Table 2 above.
- (b) The exercise of all executive functions relating to the provision of opportunities for education, training and learning outside the formal school environment, including pre-school.
- (c) All executive decisions relating to the internal management of the Directorate of Children and Young People which are not otherwise reserved to members on any ground.

Exemptions

The Mayoral Scheme of Delegation states that authority to exercise executive functions and make executive decisions is delegated to officers, except where there is an exemption to the contrary. Where such an exemption exists, the general rule is that those decisions will be made by the Mayor individually, in consultation with his colleagues in the Executive. Officers should refer to the Mayoral Scheme of Delegation; to Section I and Table 1 for general exemptions, and to Section J and Table 2 for exemptions specific to the CYP Directorate. Exemptions which may override delegated authority to officers to make decisions, as detailed in Section 2 of the CYP Directorate of Delegation, are repeated below.

1. Any matter in which the officer who would otherwise have delegated authority to act is aware that a councillor (or a person, company or organization with which the councillor is involved) has a personal interest under the Council's Member Code of Conduct.
2. Any matter in which the officer who would otherwise have delegated authority to act has an actual or potential interest.

Signed

Frankie Sulke
Executive Director For CYP

Date

The Directorate for Community Services Scheme of Delegation

1. Purpose

- 1.1 The Community Services Directorate Scheme of Delegation sets out the names/titles of those officers whom the Executive Director for Community Services has decided shall be nominated by him/her to take decisions on areas from the Mayoral Scheme of Delegation where responsibility has been delegated to the Executive Director for Community Services.
- 1.2 This Scheme of Delegation comes into operation from 26 November 2009 and will remain in force until it is amended or revoked by the Executive Director Community Services or via changes to the Mayoral Scheme of Delegation.
- 1.3 The purpose of the Community Services Directorate scheme of delegation is to be clear about which officer has been nominated to make delegated decisions within this directorate.
- 1.4 The scheme is subject to the Council's Constitution, the Mayoral Scheme of Delegation, Financial Regulations and Standing Orders.
- 1.5 Heads of Service will continue to be responsible for running their own services and taking decisions in line with their service requirements unless specifically required in this scheme of delegation or determined by the Executive Director for Community Services to seek other agreement.
- 1.6 Some decisions in this scheme of delegation will still be required to be taken directly by the Executive Director for Community Services, in their absence they will nominate an appropriate officer/s to assume these responsibilities but unless otherwise notified the following nominations will apply:
 - Directorate financial decisions – Head of Business Management and Service Support
 - Acts under authority delegated to the Executive Director for Community Services in his/her absence - Head of Business Management and Service Support (unless specifically delegated to a Head of Service)
 - Contract matters – appropriate Head of Service
- 1.7 Where the word 'nominee' is used the nomination is to be made by the post holder referred to, in writing, and a record of all such nominations within the directorate must be kept in the directorate and be available for inspection at any time.
- 1.8 Where power is delegated to the Executive Director, and officers are nominated by him/her under this Scheme of Delegation, the power will be exercised in a manner that decisions are not made in isolation and that the decision maker

takes into account the broader corporate implications for the Council. If officers take key decisions, as defined in Article 16 of the Constitution of the London Borough of Lewisham, the law requires them to comply with the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000. In addition, for key executive decisions which are to be taken by officers individually, the Chief Executive may, from time to time, put in place a procedure to ensure that officer decision making is exercised in a manner which reflects corporate considerations. Officers may only exercise delegated authority in relation to key executive decisions by complying with the procedures as stated in the Constitution.

2. Scheme of Delegation

Unless required otherwise by the law, the Constitution, the Council and Mayoral Scheme of Delegation or this Scheme of Delegation, the Executive Director for Community Services nominates the following post holders to make the decisions set out in the table below.

Mayoral Areas of Delegation

Area of delegation	Officer with delegated authority
Strategic Oversight and monitoring of the overall directorate budget.	Head of Business Management and Service Support
Day to day control and monitoring of individual service budgets. The exception is care packages for individual service users which are subject to separate delegated arrangements set out below.	Budget holders or managers with budget responsibility
<p>Virements</p> <p>A Virement is a transfer of a budget from the purposes for which Council originally voted in setting the budget and Council Tax to another purpose.</p> <p>Revenue Virements</p> <p>Within the Directorate</p>	
a) Up to £20k	Head of Service on advice of Group Finance Manager

b) Above £20,000 and up to £100,000	Head of Service on advice of Head of Business Management and Service Support
c) Above £100,000 and below £500,000	Executive Director
Cross Directorate	
a) Up to £50k	Head of Service (and HOR CYP if it involves CYP) on advice of Head of Business Management and Service Support
b) Over £50k and up to £500k	Executive Director for Resources
All revenue virements above these limits are reserved to Members	
1.19.1 Capital Virements (on the Council's Capital Programme)	Executive Director for Resources
Up to £500k	
Over £500k	Members
Budget Journals	
A Budget Journal is a transfer of a budget from one cost centre to another whilst retaining the original purpose for which the budget was approved.	
Within the same Service area	Group Finance Manager
Across Service areas	Head of Service on advice of Group Manager
Any items that fall outside the above definitions must be referred to the Head of Business Management and Service Support for further clarification	

<p>Contracts</p> <p>There are three categories of contracts:-</p> <p>Category A - Building construction and engineering works contracts ('works contracts') with an estimated value of over £1m, other contracts with an estimated value of over £500,000, and contracts that fall within the full provisions of the EU procurement regime (Works, Supplies and Part A Services).</p> <p>Category B - Works contracts with an estimated value of between £40,000 and £1m and all other contracts with an estimated value of between £40,000 and £500,000, and those that fall outside the full requirements of the EU procurement regime (Part B Residual Services).</p> <p>Category C- All other contracts or arrangements with an estimated value of less than £40,000.</p> <p>Inviting Contracts</p>	
<p>Category A – By public advert</p>	
<p>Authorise the Approved list</p>	<p>Executive Director</p>
<p>Waiver</p>	<p>Mayor and Cabinet</p>
<p>Category B – By public advert</p>	
<p>Authorise Approved List</p>	<p>Executive Director</p>
<p>Waiver</p>	<p>Executive Director for Resources</p>
<p>Category C - No approved list or waiver required</p>	<p>Head of Service</p>
<p>Receipt of Contracts</p> <p>Category A</p>	<p>Chief Executive</p>
<p>Category B</p>	<p>Executive Director</p>

Category C	Head of Service
Opening Envelopes (At least two officers)	
Category A	Chief Executive or nominated officer and Officer approved by Executive Director for Resources/Head of Law
Category B	Executive Director or nominated officer and Officer approved by Executive Director for Resources
Category C	Two officers approved by Executive Director
Award of Contract	
Category A	Mayor and Cabinet
Category B (where the lowest price is not the most economically advantageous)	
£200k or more	Executive Director
Less than £200k	Head of Service on advice of Head of Business Management and Service Support
Category B (Where the lowest price is the most economically advantageous)	
£200k or more	Head of Service on advice of Executive Director
Less than £200k	Executive Director or nominated officer with appropriate authorised spending level

Category C	Head of Service
Contract Signing £200k or more	Sealed by Head of Law
Less than £200k	Officer nominated by the appropriate Executive Director
Grants and Assistance to Voluntary Organisations Unless the law, the Constitution, or the Mayoral Scheme of Delegation requires otherwise, the following executive powers are delegated to the Chief Executive and to each Executive Director in relation to grants and assistance to voluntary organisations:-	
(a) the power to make a grant or to give other assistance to a voluntary organisation within their area of responsibility, where the total value of the assistance in money or moneys worth does not exceed £10,000	Executive Director
(b) the power to reduce or withdraw a grant or other assistance, and the power to award a grant or give other assistance to a voluntary organisation (irrespective of the value of the grant or assistance) within their area of responsibility if the value of the change in grant is no more than 10% or £5,000, (whichever is the greater), than the grant awarded in the previous year.	Executive Director
Application for External Funding Approval of any application for external funding which is below £1 million with no match funding implications. Note: All other applications must be approved by Members. Before submitting a report to Mayor and Cabinet to seek approval to bid for funding, an initial agreement to proceed must be sought from the Directorate Project Review Group or Corporate project Board as appropriate.	Relevant Executive Director or Executive Director Resources if cross-directorate.

Subscriptions - affiliations to and payment of subscriptions to outside bodies up to a maximum of £25,000 per annum	
Within own area of responsibility up to £5k	Head of Service
Above £5k up to £25k	Executive Director (or in their absence the Head of Service on advice of Head of Business Management and Service Support)
Bad Debt Write Off Recommendation of write-off of bad debts (excluding housing rents) to the Executive Director for Resources (up to £50,000) (£50,000 and over)	Executive Director/ Head of Business Management and Service Support
Write off of non land and building assets Write off up to £20,000	Heads of Service on advice of Group Finance Manager
Spot contracts for care for individual clients Note : the following limits are currently subject to review. Any amended limits will be lower/tighter than current ones. Services for Older Adults and younger adults with Physical Disabilities/long term illness	
Residential Care Home Placements and Band 2 Nursing Home Placements	Service Managers
Very Sheltered Housing Placements	Service Manager, Older Adults
Domiciliary Care Packages over £200 per week	Relevant Service Manager
Domiciliary Care Packages of less than £200 per week	Operational Manager
Changes to care packages or placement following a review – same thresholds as above	

Community Occupational Therapy Services	
Adaptations or equipment from the standard list costing up to £500	Occupational Therapist
Specialist equipment costing up to £500 not on the standard list	Senior Occupational Therapist
Specialist or standard equipment costing between £500 - £1,000	Occupational Therapy Team leader
Adaptations costing between £500 - £1,000	Occupational Therapy Team leader
Major housing adaptations costing more than £1,000	Occupational Therapy team leader on advice of private sector housing/ strategic housing Manager
Equipment costing more than £1,000	Service Manager
Services for adults with mental health problems	
Residential placements or care packages costing more than £200 per week	Joint Community Mental Health Services Manager
Placements or care packages costing less than £200 per week Changes to care packages or placement following a review – same thresholds as above.	Community Mental Health Team Manager
Services for people with learning disabilities	
Residential placements or care packages costing more than £200 per week	Joint Commissioner AWLD
Placements or care packages costing less than £200 per week Changes to care packages or placement following a review – same thresholds as above.	Service Manager

<p>Integrated service provision</p> <p>Decisions relating to the integration of services under the provisions of the Health Act 1999 or other management arrangements where the value of the Council's contribution does not exceed £500k per annum.</p>	<p>Executive Director Community Services</p>
<p>Changes to service delivery</p> <p>Decisions relating to the introduction of a new service or the cessation of a service where the value of the service concerned is or would be if introduced less than £500k per annum.</p>	<p>Head of Service</p>
<p>Fees and Charges</p> <p>Library Service</p> <p>Reservations Photocopying Faxes Local History postcards and books Withdrawn stock Open learning Centre: hire of pc's.</p> <p>Hire of Halls/Rooms: Lewisham library Blackheath Village Library</p> <p>Charges for services which are currently free</p> <p>Library fines (overdue items, lost items, replacement tickets)</p> <p>Hire of halls/rooms at libraries: any deviation from, or change to existing policy for charges</p>	<p>Library Service Manager</p> <p>Head of service to apply charging policy to determine charges</p> <p>M&C</p> <p>M&C</p> <p>M&C</p>
<p>Community Centre Charges</p> <p>Apply charging policy in respect of:</p> <p>Evelyn Community Centre W G Grace Community Centre Heathside and Lethbridge Hall</p>	<p>Head of Neighbourhood and Community Development</p>

<p>Hillcrest Clubroom Meadows Community Centre Pepys Tenants Hall Ravensbourne Community Centre Scotney Hall Sedgehill Community Centre Wells Park Hall Woodpecker Community Centre</p> <p>Deviation from, or change to existing policy for charges.</p> <p>Office Premises Rent subsidies to voluntary organisations in the following office premises</p> <p>Parker House 28 Deptford High Street 2 Catford Broadway 120 Rushey Green 308 Brownhill Road 2-4 Devonshire Road Saville Centre Ackroyd Community Centre Lewisham Irish centre Wesley Halls 299 Kirkdale 300 Stanstead Road 138 Lewisham Way 77 Watson Street</p>	<p>Members</p> <p>Head of Neighbourhood and Community Development</p>
<p>Community Use Agreements (e.g. Sports Lottery)</p>	<p>Sport and Leisure Manager</p>
<p>Broadway Theatre : Setting ticket prices within charging policy</p> <p>: Policy for hire charges</p>	<p>Theatre Manager</p> <p>Mayor & Cabinet</p>
<p>Leisure Centres</p>	<p>Charges to continue to be dealt with by reference to the terms of agreement (previously approved by M&C). Any changes not in line with terms of agreement</p>

	would therefore be submitted to members as a variation to the agreement.
Fees & Charges for Community and Adult Education	CEL Service Manager to apply charges within the charging policy
Any deviation from or change to existing policy for charges	M&C
Setting casual/seasonal rates of pay. EG Libraries, Sport and Active recreation.	Head of Service
Charges for use of day centres	Service Manager

3. General

All non-executive functions not reserved to members, shall be delegated to the Chief Executive or such officer as he shall nominate in writing, unless there is a statutory requirement that the function be carried out by another officer, for example the personal statutory responsibilities of the Director of Children's Services and the Director of Adult Services).

4. Exemptions

The Mayoral Scheme of Delegation states that authority to exercise executive functions and make executive decisions is delegated to officers, except where there is an exemption to the contrary. Where such an exemption exists, the general rule is that those decisions will be made by the Mayor individually, in consultation with his colleagues in the Executive. Officers should refer to the Mayoral Scheme of Delegation; to Section I and Table 1 for general exemptions and to Section K and Table 3 for exemptions specific to Community Services. Exemptions which may override delegated authority to officers to make decisions, as detailed in Section 2 of the Community Services Scheme of Delegation, are repeated below.

Any matter in which the officer who would otherwise have delegated authority to act is aware that a councillor (or a person, company or organization with which the councillor is involved) has a personal interest under the Council's Member Code of Conduct.

Any matter in which the officer who would otherwise have delegated authority to act has an actual or potential interest.

Any matter which in the opinion of the Executive Director for Community Services, the Chief Executive or the Head of Law because of the scale of the decision, its potential impact, the sensitivity of the decision or for any other reason would more appropriately be dealt with by members.

Signed

Aileen Buckton
Executive Director for Community Services

Date:

The Directorate of Customer Services Scheme of Delegation

1. Purpose

- 1.1 The Customer Services Directorate Scheme of Delegation sets out the post titles of those officers whom the Executive Director for Customer Services has nominated to take decisions on areas from the Council and Mayoral Schemes of Delegation where responsibility has been delegated to the Executive Director for Customer Services
- 1.2 This revised Scheme of Delegation comes into operation from 26 November 2009 and will remain in force until it is amended or revoked by the Executive Director for Customer Services or via changes to the Council and Mayoral Schemes of Delegation
- 1.3 The purpose of the Customer Services Directorate scheme of delegation is to be clear about which officer has been nominated to make delegated decisions within this directorate.
- 1.4 The scheme is subject to the Council's Constitution, the Council and Mayoral Schemes of Delegation, Financial Regulations and Standing Orders.
- 1.5 Heads of Service will continue to be responsible for running their own services and taking decisions in line with their service requirements unless specifically required in this scheme of delegation or determined by the Executive Director for Customer Services to seek other agreement.
- 1.6 Some decisions in this scheme of delegation will still be required to be taken directly by the Executive Director for Customer Services, in their absence they will nominate an appropriate officer/s to assume these responsibilities but unless otherwise notified the following nominations will apply:
 - Directorate financial decisions – Head of Business Management and Service Support
 - Acts under authority delegated to the Executive Director for Customer Services in his/her absence - Head of Business Management and Service Support (unless specifically delegated to a Head of Service)
 - Contract matters – Head of Business Management and Service Support
- 1.7 Where the word 'nominee' is used the nomination is to be made by the post holder referred to, in writing, and a record of all such nominations within the directorate must be kept in the directorate and be available for inspection at any time.

- 1.8 Where power is delegated to the Executive Director, and officers are nominated by him/her, the power will be exercised in a manner that decisions are not made in isolation and that the decision maker takes into account the broader corporate implications for the Council. If officers take key decisions, as defined in Article 16 of the Constitution of the London Borough of Lewisham, the law requires them to comply with the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000. In addition, for key executive decisions which are to be taken by officers individually, the Chief Executive may, from time to time, put in place a procedure to ensure that officer decision making is exercised in a manner which reflects corporate considerations. Officers may only exercise delegated authority in relation to key executive decisions by complying with the procedures as stated in the Financial Regulations.

2. Scheme of Delegation

Unless required otherwise by law, the Constitution, The Council and Mayoral Scheme of Delegation or this Scheme of Delegation, the Executive Director for Customer Services nominates the following post holders to make the decisions set out in the table below as listed.

Mayoral Areas of Delegation

Area of delegation	Officer with delegated authority
Strategic oversight & monitoring of the overall directorate budget.	Head of Business Management and Service Support
Day to day control and monitoring of individual service budgets.	Budget holders
<p>Budget Virements</p> <p>A Budget Virement is a transfer of a budget from the purposes for which Council originally voted in setting the budget and Council Tax to another purpose.</p> <p>Revenue Budget Virements</p> <p>Within the Directorate</p>	

a) Up to £20k	Head of Service of advice of Group Finance Manager
b) Up to £100k	Head of Service on advice of Head of Business Management and Service Support
c) Up to £500k	Executive Director
Cross Directorate	
a) Up to £50k	Head of Business Management and Service Support on advice of Head of Service (and HOR CYP if it involves CYP)
b) Up to £500k	Executive Director for Resources
All revenue budget virements above these limits are reserved to Members	
1.19.2 Capital Budget Virements (on the Council's Capital Programme)	
Up to £500k	Executive Director for Resources
Over £500k	Members
Budget Adjustments	
A Budget Adjustment is a transfer of a budget from one cost centre to another whilst retaining the original purpose for which the budget was approved.	
Within the same Service area	Group Finance Manager
Across Service areas	Head of Service

<p>Any items that fall outside the above definitions must be referred to the Head of Business Management and Service Support for further clarification.</p>	
<p>Contracts</p> <p>There are three categories of contracts:-</p> <p>Category A - Building construction and engineering works contracts ('works contracts') with an estimated value of over £1m, other contracts with an estimated value of over £500,000, and contracts that fall within the full provisions of the EU procurement regime (Works, Supplies and Part A Services).</p> <p>Category B - Works contracts with an estimated value of between £40,000 and £1m and all other contracts with an estimated value of between £40,000 and £500,000, and those that fall outside the full requirements of the EU procurement regime (Part B Residual Services).</p> <p>Category C- All other contracts or arrangements with an estimated value of less than £40,000.</p> <p>Inviting Contracts</p> <p>Category A – By public advert</p> <p>Authorise the Approved list</p> <p>Waiver</p> <p>Category B – By public advert</p> <p>Authorise Approved List</p> <p>Waiver</p>	<p>Executive Director</p> <p>Mayor and Cabinet</p> <p>Executive Director</p> <p>Executive Director for Resources</p> <p>Head of Service</p>

Category C - No approved list or waiver required	
Receipt of Contracts	
Category A	Chief Executive
Category B	Executive Director
Category C	Head of Service
Opening Envelopes (At least two officers)	
Category A	Chief Executive or nominated officer and Officer approved by Executive Director for Resources/Head of Law
Category B	Executive Director or nominated officer and Officer approved by Executive Director for Resources
Category C	Two officers approved by Executive Director
Award of Contract	
Category A	Mayor and Cabinet
Category B (where the lowest price is not the most economically advantageous)	
£200k or more	Executive Director
Less than £200k	Head of Service on advice of Head of Business Management Service Support

<p>Category B (Where the lowest price is the most economically advantageous)</p> <p>£200k or more</p> <p>Less than £200k</p> <p>Category C</p> <p>Contract Signing</p> <p>£200k or more</p> <p>Less than £200k</p>	<p>Executive Director</p> <p>Executive Director or nominated officer with appropriate authorised spending level</p> <p>Head of Service</p> <p>Sealed by Head of Law</p> <p>Officer nominated by the Executive Director</p>
<p>Grants and Assistance to Voluntary Organisations</p> <p>Unless the law, the Constitution, or the Mayoral Scheme of Delegation requires otherwise, the following executive powers are delegated to the Chief Executive and to each Executive Director in relation to grants and assistance to voluntary organisations :-</p>	
<p>(a) the power to make a grant or to give other assistance to a voluntary organisation within their area of responsibility, where the total value of the assistance in money or moneys worth does not exceed £10,000</p>	<p>Executive Director</p>
<p>(b) the power to reduce or withdraw a grant or other assistance, and the power to award a grant or give other assistance to a voluntary organisation (irrespective of the value of the grant or assistance) within their area of responsibility if the value of the change in grant is no more than 10% or £5,000, (whichever is the greater), than the grant awarded in the previous year.</p>	<p>Executive Director</p>

<p>Application for External Funding</p> <p>Approval of any application for external funding which is below £1 million with no match funding implications.</p> <p>Note: All other applications must be approved by Members. Before submitting a report to Mayor and Cabinet to seek approval to bid for funding, an initial agreement to proceed must be sought from the Directorate Project Review Group or Corporate project Board as appropriate.</p>	<p>Executive Director on advice of Head of Business Management and Service Support.</p>
<p>Parking Control</p>	<p>Executive Director of Customer Services</p>
<p>Subscriptions - affiliations to and payment of subscriptions to outside bodies up to a maximum of £25,000 per annum.</p> <p>a) Within own area of responsibility up to £5k</p> <p>b) Above £5k up to £25k</p>	<p>Head of Service</p> <p>Executive Director (or in their absence the Head of Business Management and Service Support)</p>
<p>Bad Debt Write Off</p> <p>Recommendation for write-off of bad debts (excluding housing rents) to the Executive Director for Resources (up to £50,000) or the Mayor (£50,000 and over)</p> <p>Write off of Housing rent debts up to £10,000</p>	<p>Head of Business Management and Service Support (see Resources Scheme of Delegation)</p> <p>Executive Director or the Executive Director for Resources</p>

<p>Write off of non land and building assets</p> <p>Write off up to £20,000</p>	<p>Heads of Service on advice of Group Finance Manager.</p>
<p>Housing - the housing management function shall include but not be limited to;</p> <ul style="list-style-type: none"> • the maintenance and management of all land and property held by the Council for housing purposes; • the provision of garden, open spaces and land for housing purposes, • decisions in relation to the right to buy under the Housing Act 1985 (or other relevant legislation in force from time to time, (but not decisions relating to market value and sale prices which are delegated to the Executive Director Regeneration), • responsibility for the management of the Housing Revenue Account and other revenue resources ensuring effective financial control of resources and the achievement of value for money, subject always to the approval of the Executive Director Resources in relation to decisions about the allocation of funds and expenditure to the Housing Revenue Account and General Fund. • dealings with housing associations, save to the extent that such decisions relate to housing development or capital schemes, which are delegated to the Executive Director Resources. • responsibility for setting charges for heat, light and power to Council properties served by a communal supply in accordance with policies approved by the Mayor. 	<p>Head of Strategic Housing</p> <p>Head of Strategic Housing</p> <p>Head of Strategic Housing</p> <p>Head of Business Management and Service Support</p> <p>Head of Strategic Housing</p> <p>Head of Business Management and Service Support</p>
<p>Housing – the housing function shall include but not be limited to;</p> <ul style="list-style-type: none"> • housing strategy and development, • housing need and homelessness including private sector housing, housing partnerships and • environmental health (housing). 	<p>Head of Strategic Housing</p>
<p>Revenues & Benefits - all executive functions</p>	<p>Head of Public Services</p>

relating to the administration of revenues and benefits (Council Tax, NNDR and Housing Benefits), its one stop shop service, call centre services and cashiers.	
Registration of births, deaths and marriages	Head of Public Services
Business Continuity - Responsibility for the corporate emergency planning and business continuity functions	Head of Public Services
Business and Regulatory Services – The business and regulatory services functions shall include but not be limited to: Building Control, Licensing	Head of Strategic Housing
Environment - The Environment function shall include, but not be limited to: Environmental Matters, Consumer Protection, Trading Standards, Environmental Health, Environmental Enforcement Public Health, Food Safety, Health and Safety, Burial and Cremation, Refuse, Waste Management, Parks and Community Services, Community Hygiene, Animal Welfare Pest Control, Street Trading, Fleet Services and Passenger Transport	Head of Environment
Housing Benefit Overpayments	
Applications for judgement	Overpayments Manager
Employment Matters All employment matters relating to the Directorate, including recruitment, appointments, pay, pensions, disciplinary, grievance, trades union negotiations and reorganisations involving less than 200 staff	Relevant Heads of Service

Council (Non-Executive) Areas of Delegation

Area of delegation	Officer with delegated authority
<p>Non-Executive Building Control matters:</p> <p>Authority to deal with all non-executive building control functions under existing and future relevant legislation, and as amended from time to time, including (without limitation) the Acts set out in the schedule of delegation in relation to non-Executive Building Control matters, save for those local choice functions reserved to the Executive and those matters reserved to the planning committees A, B or C or the strategic planning committee. This includes by way of example but not limitation: -</p> <ul style="list-style-type: none"> • Determining applications, (or declining to determine applications where applicable), for building control approval. • Issuing enforcement notices, and other similar notices and questionnaires • Issuing notices and orders in relation to building control • Using the powers contained within legislation to gain entry to premises for the purpose of carrying out surveys and establishing whether there has been a breach of legislation including applying to the magistrates' court for a warrant of entry • Carrying out any other regulatory enforcement functions and building control contained in legislation in force from time to time • Authorising the Head of Law to take any legal action which may be appropriate which relates to any function of the Executive Director including the taking or defending of legal proceedings and entering into legal agreements as may be required • Removal of nuisance deposits on the highway • Dealing with applications for street works licences 	<p>Service Group Manager – Private Sector Housing and Regulatory Services</p>
<p>Non-executive Licensing matters from Licensing (Supplementary) Committee:</p> <p>Authority to exercise all of the Council's licensing and registration functions under all existing and future relevant legislation, and as amended from time to time, including (without limitation) the Acts set out in the Schedule of Delegation from the</p>	<p>Service Group Manager – Private Sector Housing and Regulatory Services</p>

Licensing (Supplementary) Committee, save for those local choice functions reserved to the Executive and those matters reserved to the Licensing Committee and save for any licensing functions under the Licensing Act 2003. Nothing in this schedule prevents the Licensing (Supplementary) Committee exercising functions within their terms of reference.	
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Non-Executive Licensing Matters Delegated by the Licensing Committee

To the Executive Director for Customer Services or such officer as he/she may nominate authority to exercise all of the Council's licensing functions under the Licensing Act 2003, as amended from time to time, save for those matters reserved to the Licensing Committee or sub-committees.

The functions to be reserved to the Licensing Committee, sub-committees and those to be delegated to officers are as follows:

Matter to be dealt with	Licensing Committee	Licensing Sub-Committee	Officers
Application for Personal Licence	Any matter which the Head of Regulatory Services considers to be more appropriate for consideration by the main Committee	If a police objection	If no objection Made – Licensing Manager
Application for Premises Licence / Club Premises Certificate	As above	If a relevant representation made	If no relevant representation made – Licensing Manager
Application for Provisional Statement	Any matter which the Head of Regulatory Services considers to be more appropriate for consideration by the main Committee	If a relevant representation made	If no relevant representation made – Licensing Manager
Application to vary Premises Licence / Club Premises	As above	If a relevant representation made	If no relevant representation made – Licensing Manager
Application to vary Designated Premises	Any matter which the Head of Regulatory	If a Police objection	All other cases – Licensing

Supervisor	Services considers to be more appropriate for consideration by the main Committee		Manager
Request to be removed as Designated Premises Supervisor	As above		All other cases – Licensing Manager
Application for transfer of Premises Licence	Any matter which the Head of Regulatory Services considers to be more appropriate for consideration by the main Committee	If a Police objection	All other cases – Licensing Manager
Application for Interim Authorities	As above	If a Police objection	All other cases – Licensing Manager
Decision on whether a complaint is irrelevant frivolous, vexatious etc	Any matter which the Head of Regulatory Services considers to be more appropriate for consideration by the main Committee		All other cases – Licensing Manager

Please refer to the Council Scheme of Delegation for all other matters reserved to the Licensing Committee and Licensing Sub-Committee.

General

All non-executive functions not reserved to Members, shall be delegated to the Chief Executive or such officer as he shall nominate in writing, unless there is a statutory requirement that the function be carried out by another officer, for example the personal statutory responsibilities of the Director of Children's Services and the Director of Adult Services).

3. Exemptions

The Mayoral Scheme of Delegation states that authority to exercise executive functions and make executive decisions is delegated to officers, except where there is an exemption to the contrary. Where such an exemption exists, the general rule is that those decisions will be made by the Mayor individually, in consultation with his colleagues in the Executive. Officers should refer to the Mayoral Scheme of Delegation; to Section I and Table 1 for general exemptions and to Section L and Table 4 for exemptions specific to Customer Services. Exemptions which may override delegated authority to officers to make

decisions, as detailed in Section 2 of the Customer Services Scheme of Delegation, are repeated below.

1. Any matter in which the officer who would otherwise have delegated authority to act is aware that a councillor (or a person, company or organization with which the councillor is involved) has a personal interest under the Council's Member Code of Conduct.
2. Any matter in which the officer who would otherwise have delegated authority to act has an actual or potential interest.
3. Any matter which in the opinion of the Executive Director for Customer Services, the Chief Executive or the Head of Law because of the scale of the decision, its potential impact, the sensitivity of the decision or for any other reason would more appropriately be dealt with by members.

Signed

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Executive Director for Customer Services

Date

The Directorate for Resources Scheme of Delegation

1. Purpose

- 1.1 The Resources Directorate scheme of delegation sets out the post titles of those officers whom the Executive Director for Resources has nominated to take decisions on areas from the Mayoral Scheme of Delegation where responsibility has been delegated to the Executive Director for Resources.
- 1.2 This Scheme of Delegation comes into operation from 26 November 2009 and will remain in force until it is amended or revoked by the Executive Director for Resources or via changes to the Mayoral Scheme of Delegation.
- 1.3 The purpose of the Resources Directorate scheme of delegation is to be clear about which officer has been nominated to make delegated decisions within this directorate.

- 1.4 The scheme is subject to the Council's Constitution, the Mayoral Scheme of Delegation, Financial Regulations and Contract Procedure Rules.
- 1.5 Heads of Service will continue to be responsible for running their own services and taking decisions in line with their service requirements unless specifically required in this scheme of delegation or determined by the Executive Director for Resources to seek other agreement.
- 1.6 Some decisions in this scheme of delegation will still be required to be taken directly by the Executive Director for Resources or the Head of Law, in their absence they will nominate an appropriate officer/s to assume these responsibilities but unless otherwise notified the following nominations will apply:
- Council-wide Section 151 financial decisions – Head of Business Management and Service Support deputy S151 officer
 - Planning – Head of Planning in relation to all Town & Country planning matters
 - Property & Programme matters – Director of Programme Management & Property.
 - Legal decisions – Head of Law or Deputy Monitoring Officer/Principal Lawyers as appropriately nominated by the Head of Law
 - Corporate Personnel/Human Resources decisions - Head of Personnel and Development
- 1.7 Where the word 'nominee' is used, the nomination is to be made by the post holder referred to, in writing, and a record of all such nominations within the directorate must be kept in the directorate and be available for inspection at any time.
- 1.8 Where power is delegated to the Executive Director, and officers are nominated by him/her under this Scheme of Delegation, the power will be exercised in a manner that decisions are not made in isolation and that the decision maker takes into account the broader corporate implications for the Council. If officers take key decisions, as defined in Article 16 of the Constitution of the London Borough of Lewisham, the law requires them to comply with the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000. In addition, for key executive decisions which are to be taken by officers individually, the Chief Executive may, from time to time, put in place a procedure to ensure that officer decision making is exercised in a manner which reflects corporate considerations. Officers may only exercise delegated authority in relation to key executive decisions by complying with the procedures as stated in the Financial Regulations.

Delegations

Unless required otherwise by law, the Constitution, the Council and Mayoral Scheme of Delegation or this Scheme of Delegation, the Executive Director for Resources nominates the following post holders to make the decisions set out in the table below as listed.

Area of delegation	Officer with delegated authority or their nominee
<p>Day to day control and regulation of the Council's finances.</p> <p>Overall co-ordination of council wide revenue and capital budget monitoring.</p> <p>Council wide accounting policies.</p> <p>Strategic oversight and monitoring of the overall directorate budget.</p> <p>Day to day control and monitoring of individual service budgets.</p>	<p>Executive Director for Resources</p> <p>Head of Business Management and Service Support as deputy S151 officer</p> <p>Head of Business Management and Service Support</p> <p>Head of Business Management and Service Support</p> <p>Budget holders</p>
<p>Budget Virements</p> <p>A Budget Virement is a transfer of a budget from the purposes for which Council originally voted in setting the budget and Council Tax to another purpose.</p> <p>Revenue Budget Virements</p> <p>Within the Directorate</p> <p>a) Up to £20k</p>	<p>Head of Service on advice of Group Finance Manager</p>

b) Up to £100k	Head of Service on advice of Head of Business Management and Service Support
c) Up to £500k	Executive Director
Cross Directorate	
a) Up to £50k	Head of Service (and Head of Resources for CYP virements).on advice of Head of Business Management and Service Support
b) Up to £500k	Executive Director for Resources
All budget virements above these limits are reserved to Members	
1.19.3 Capital Budget Virements (on the Council's Capital Programme)	
Up to £500k	Executive Director for Resources
Over £500k	Members
Budget Adjustments	
A Budget Adjustment is a transfer of a budget from one cost centre to another whilst retaining the original purpose for which the budget was approved.	
Within the same Service area	Group Finance Manager
Across Service areas	Head of Service on advice of Group Manager
Any items that fall outside the above definitions must be referred to the Head of Business	

Management and Service Support for further clarification	
<p>Contracts</p> <p>There are three categories of contracts:-</p> <p>Category A - Building construction and engineering works contracts ('works contracts') with an estimated value of over £1m, other contracts with an estimated value of over £500,000, and contracts that fall within the full provisions of the EU procurement regime (Works, Supplies and Part A Services).</p> <p>Category B - Works contracts with an estimated value of between £40,000 and £1m and all other contracts with an estimated value of between £40,000 and £500,000, and those that fall outside the full requirements of the EU procurement regime (Part B Residual Services).</p> <p>Category C- All other contracts or arrangements with an estimated value of less than £40,000.</p> <p>Inviting Contracts</p> <p>Category A – By public advert</p> <p>Authorise the Approved list</p> <p>Waiver</p> <p>Category B – By public advert</p> <p>Authorise Approved List</p> <p>Waiver</p> <p>Category C - No approved list or waiver required</p> <p>Receipt of Contracts</p> <p>Category A</p>	<p>Executive Director on advice of Head of Law</p> <p>Mayor and Cabinet</p> <p>Executive Director</p> <p>Executive Director for Resources</p> <p>Head of Service</p> <p>Chief Executive</p>

Category B	Executive Director
Category C	Head of Service
Opening Envelopes (At least two officers must be present)	
Category A	Chief Executive or nominated officer and Officer approved by Executive Director for Resources/Head of Law
Category B	Executive Director or nominated officer and Officer approved by Executive Director for Resources
Category C	Two officers approved by Executive Director
Award of Contract	
Category A	Mayor and Cabinet
Category B (where the lowest price is not the most economically advantageous)	
£200k or more	Executive Director
Less than £200k	Head of Service on advice of Head of Business Management Service Support
Category B (where the lowest price is most economically advantageous)	

<p>£200k or more</p> <p>Less than £200k</p> <p>Category C</p> <p>Contract Signing</p> <p>£200k or more</p> <p>Less than £200k</p>	<p>Head of Service</p> <p>Sealed by Head of Law</p> <p>Officer nominated by the Executive Director</p>
<p>Capital Finance Regulations</p> <p>To make decisions to earmark the proceeds of sale from asset disposals for expenditure on in/out schemes under the Local Authorities (Capital Finance) Regulations 1997 as amended, including (without limitation) regeneration projects and replacement of asset schemes subject to the approval of the schemes themselves having previously been approved by the Executive or the Executive Director for Resources under delegated powers.</p>	<p>Executive Director for Resources</p>
<p>Insurance arrangements</p> <p>Power to agree insurance arrangements where either</p> <p>(a) the value of the premium payable does not exceed £2.5 million or</p> <p>(b) the renewal premium payable does not exceed the last year's premium by more than 10%</p>	<p>Executive Director for Resources</p> <p>Executive Director for Resources</p>
<p>Energy contracts</p> <p>Power to award energy and water contracts for up to three years, provided that</p>	<p>Executive Director for Resources</p>

<p>a) the additional cost of green electricity over brown does not exceed 5% per unit, or b) the price per unit has not increased by more than 50% in the last year</p>	
<p>Treasury Management. In so far as they are executive decisions, matters delegated to the Executive Director for Resources in accordance with the Council's Treasury Management Strategy from time to time.</p>	<p>Head of Business Management and Support Services or Group Manager Capital and Treasury</p>
<p>Grants and Assistance to Voluntary Organisations Unless the law, the Constitution, or the Mayoral Scheme of Delegation requires otherwise, the following executive powers are delegated to the Chief Executive and to each Executive Director in relation to grants and assistance to voluntary organisations:-</p>	
<p>(a) the power to make a grant or to give other assistance to a voluntary organisation within their area of responsibility, where the total value of the assistance in money or moneys worth does not exceed £10,000</p>	<p>Executive Director</p>
<p>(b) the power to reduce or withdraw a grant or other assistance, and the power to award a grant or give other assistance to a voluntary organisation (irrespective of the value of the grant or assistance) within their area of responsibility if the cash value of the change in grant is no more than 10% or £5,000, (whichever is the greater), than the grant awarded in the previous year.</p>	<p>Executive Director</p>
<p>Application for External Funding Approval of any application for external funding which is below £1 million with no match funding implications. Note: All other applications must be approved by</p>	<p>Executive Director for Resources or Head of Business Management and Support Services</p>

<p>Members. Before submitting a report to Mayor and Cabinet to seek approval to bid for funding, an initial agreement to proceed must be sought from the Directorate Project Review Group or Corporate project Board as appropriate.</p>	
<p>Subscriptions - affiliations to and payment of subscriptions to outside bodies up to a maximum of £25,000 per annum.</p> <p>Within own area of responsibility up to £5k</p> <p>Above £5k up to £25k</p>	<p>Head of Service</p> <p>Executive Director for Resources</p>
<p>Bad Debt Write Off</p> <p>Unless the law, the Constitution, or the Mayoral Scheme of Delegation require otherwise, the following executive powers are delegated to the officers in relation to bad debt:-</p> <p>Save in relation to housing rent arrears, the Executive Director for Resources has delegated authority to write off bad debt up to £50,000. However if debts of the person or organisation to that total have been written off by the Council in the previous three years, the decision shall not be delegated to the Executive Director for Resources. In such cases the power is reserved to members.</p> <p>Authority is delegated to both the Executive Director for Customer Services and the Executive Director for Resources to write off bad debt in relation to housing rent arrears up to £10,000. Above that threshold, the authority to write off bad debt in respect of housing rent arrears may only be exercised by members.</p> <p>Recommendation of write-off of bad debts to the Executive Director for Resources.</p>	<p>Executive Director for Resources</p> <p>Executive Directors for Customer Services and Resources in relation to bad debt on rent arrears up to £10,000.</p> <p>Head of Business Management and Service Support</p>
<p>Write off of non land and building assets</p> <p>Write off up to £20,000</p>	<p>Head of Service on advice</p>

	of Head of Business Management and Service Support
<p>Employment Matters</p> <p>In so far as employment matters are delegated to the Executive Director for Resources and not reserved to members.</p> <p>1)All matters relating to employment procedures and processes other than the following items:</p> <p>a)JNC matters b)matters relating to posts above PO9 c)the award/maintenance of market supplements</p>	<p>Head of Personnel and Development.</p> <p>Chief Executive and/or Executive Director for Resources</p>
<p>Bidding for External Work</p> <p>Decisions about whether the Council should bid for, and if successful, perform work or provide services to external bodies is delegated to the Chief Executive, to the extent that the proposed contract would relate to executive functions. Before exercising this function, the Chief Executive must first consult with the Head of Law and Executive Director for Resources. However, where the estimated value of the work exceeds £1 million per year, or £3 million in total whichever is the smaller, the Chief Executive shall not exercise this delegated power.</p>	<p>Chief Executive/ Executive Director for Resources/Head of Law</p>
<p>Delegation to the Head of Law</p> <p>a) The Head of Law has delegated authority to initiate, conduct and defend all proceedings brought by or against the Council in any court, Tribunal or Arbitration</p> <p>b) The Head of Law has delegated authority to settle proceedings for up to £500,000 subject to budgetary provision being available if she is of the opinion that it would be in the interests of the Council to do so.</p> <p>c) The Head of Law has delegated authority to settle proceedings up to £1 million if she is satisfied that it is in the interests of the Council to</p>	<p>Head of Law</p> <p>Head of Law</p> <p>Head of Law</p>

<p>do so, has consulted with the Executive Director for Resources and she agrees with the terms of the proposed settlement. Decisions to settle proceedings for a sum above £1 million shall be taken by the Mayor.</p> <p>d) The Head of Law has delegated authority to act as the proper officer for those purposes listed in Table 6 of the Mayoral Scheme of Delegation</p>	Head of Law
<p>Urban Regeneration - The urban regeneration function shall include but not be limited to:</p> <p>a) Urban regeneration (in so far as initiatives do not fall within the remit of another Executive Director).</p> <p>b) The management and implementation of urban regeneration initiatives including single regeneration schemes and housing regeneration schemes which have been approved by the executive including management of the housing investment programme and other capital programmes and resources ensuring effective financial control of resources and achievement of value for money, subject always to the approval of the Executive Director for Resources in relation to decisions about the allocation of funds and expenditure.</p> <p>c) The provision & estate management of travellers' sites.</p> <p>d) Responsibility for matters relating to housing associations to the extent that such decisions relate to housing development and capital schemes.</p>	Director of Programme Management & Property
<p>Planning and Economic Development – The Planning and Economic Development functions shall include but not be limited to:</p> <p>a) Town Planning and Economic Development.</p> <p>b)The encouragement and development of</p>	Head of Planning

employment and training opportunities and facilities.	
<p>Transport - The Transport function shall include, but not be limited to:</p> <p>Traffic Management and Regulation, Highways, Transport Planning, promotion of new projects and initiatives relating to the service area.</p>	<p>Director of Programme Management and Property</p>

<p>PROPERTY</p> <p>A) ACQUISITIONS The acquisition of freehold and/or leasehold interest in land and property or other interest in land including the payment of Home Loss and Disturbance Payments, subject to the necessary financial provision having been made and agreement by Asset Management Board and where the estimated capital value of the property does not exceed £500,000.</p> <p>Authority for the Council to take leases, licences, tenancies, wayleaves or easements (including renewal) of land and property subject to agreement by Asset Management Board where the estimated value does not exceed £50,000 p.a.</p>	<p>Director of Programme Management and Property (or his nominee) on advice of Head of Law or her nominee</p>
<p>B) MANAGEMENT</p> <p>In relation to all properties save dwelling houses let on secure tenancies, to take the following actions, provided where applicable, that the necessary financial provision has been made.</p> <p>1) The grant (including renewal) of leases, licences or tenancies of all Council owned land and property for a rental or licence fee reflecting market value</p> <p>2) The grant (including renewal) of wayleaves or easements over or affecting Council owned land and property, including licences of advertisement hoardings.</p> <p>3) The approval of rent or fee reviews of leases, licences, tenancies, wayleaves or easements granted or held by the Council.</p>	<p>Director of Programme Management and Property (or his nominee) on advice of Head of Law or her nominee</p> <p>Director of Programme Management and Property (or his nominee) on advice of Head of Law or her nominee</p> <p>Director of Programme Management and Property (or his nominee) on advice of Head of Law or her nominee</p> <p>Director of Programme Management and Property (or his nominee) on advice of Head of Law or her nominee</p>

4) The alteration or waiver of terms and conditions of leases, licences, tenancies, wayleaves or easements granted or held by the Council.	Director of Programme Management and Property (or his nominee) on advice of Head of Law or her nominee
5) The approval of terms for the waiver, variation or amendment of covenants in transfer documents including those in respect of properties sold under the Right to Buy.	Director of Programme Management and Property (or his nominee) on advice of Head of Law or her nominee
6) The approval of the terms for the assignment, subletting, surrender or operation of a break clause of any lease, licence, tenancies, wayleaves or easements granted or held by the Council in any land or property.	Director of Programme Management and Property (or his nominee) on advice of Head of Law or her nominee
7) The approval of the terms for the settlement of any claim for dilapidations or other breaches of covenants in respect of land and property granted or held etc subject to necessary financial provision.	Director of Programme Management and Property (or his nominee) on advice of Head of Law or her nominee
8) The authorisation of service of notices under all legislation relating to Council land ownership	Director of Programme Management and Property (or his nominee) on advice of Head of Law or her nominee
9) The instigation of court proceedings for the recovery of all monies owing to the Council and possession of land and property, including authorisation of the enforcement of a Court Order for Possession.	Director of Programme Management and Property (or his nominee) on advice of Head of Law or her nominee
10) The authorisation of the levying of distress against occupants of land and property in arrears where the Executive Director for Regeneration is of the opinion that it is appropriate to do so	Director of Programme Management and Property (or his nominee) on advice of Head of Law or her nominee

<p>1.19.4 C) Declaring Property Surplus</p> <p>1) Upon being advised by the Executive Director for the Directorate using a property that it is surplus to the requirements of that Directorate, the Executive Director for Resources may, following consultation with other Directorates as to any alternative use for the property, and having first informed the ward members in which the property is situated, declare the property surplus to corporate requirements and authorise its disposal, if no alternative use is identified by Directorates, provided that the estimated disposal value of the property does not exceed £500,000.</p> <p>2) If a property no longer required for use by a Directorate is required for an alternative use, the Executive Director for Resources, having first informed ward members for the ward in which the property is situated, may authorise its appropriation to the new use and the book value at the time of change of use, for capital charge purposes</p> <p>3) If in the view of the Executive Director for Resources, a property ought to be disposed of notwithstanding a proposed alternative use, the matter shall be referred to the Executive for decision, ward members having first been informed as above.</p>	<p>Executive Director for Resources or Director of Programme Management & Property in his/her absence.</p> <p>Executive Director for Resources or Director of Programme Management & Property in his/her absence.</p> <p>Executive Director for Resources or Director of Programme Management & Property in his/her absence.</p>
<p>1.20 D) DISPOSAL</p> <p>A Disposal is defined as the sale of the Council's freehold interest or the grant of a lease exceeding 7 years in length in consideration of a premium and/or ground rent. Disposals will be effected in such a way to ensure that the Council receives the best consideration reasonably obtainable and in accordance with the Property Disposal Procedures approved by the Executive from time to time. Any proposed disposal at less than the best consideration reasonably obtainable will be referred to the Executive for approval. All disposals will be subject to any necessary Ministerial Consents being obtained.</p>	

<p>1) Following the decision to dispose, the approval of the terms for the disposal, of land or property which has previously been declared surplus to requirements and approved for disposal either by the Executive or by the Executive Director for Resources acting under delegated authority, where the sale is by way of formal or informal tender or public auction and the estimated value or agreed sale price does not exceed £500,000.</p>	<p>Director of Programme Management & Property on advice of the Head of Law or their nominee</p>
<p>2) The decision to dispose, and the approval of the terms for the disposal, of land or property which has previously been declared surplus to requirements and approved for disposal either by the Executive or by the Executive Director for Resources acting under delegated authority, where the sale is by way of private treaty or to a special purchaser.</p>	<p>Director of Programme Management & Property on advice of the Head of Law or their nominee where the estimated value or agreed sale price does not exceed £500,000.</p>
<p>3) The disposal of residential dwellings and agreement of sale terms where there is a legal obligation on the Council to sell where the sale price does not exceed £500,000.</p>	<p>Director of Programme Management & Property on advice of the Head of Law or their nominee</p>
<p>4)The approval of terms for the disposal of mortgage repossession properties, subject to the other relevant provisions of this paragraph (d).</p>	<p>Director of Programme Management & Property on advice of the Head of Law or their nominee</p>
<p>5)The approval of terms for the disposal of vacant land and property in charge to the Council, subject to the other relevant provisions of this paragraph (d).</p>	<p>Director of Programme Management & Property on advice of the Head of Law or their nominee</p>
<p>6)The approval of the terms for the disposal of any residual freehold interest in a block/building to all leaseholders jointly, subject to all other relevant provisions of this paragraph (d). This is also subject all units having previously been sold and subject to the purchasers Solicitors confirming that suitable arrangements will be entered into by all parties regulating the future management of the whole block/building.</p>	<p>Director of Programme Management & Property on advice of the Head of Law or their nominee</p>

<p>7) Authority to take such action as is necessary in accordance with agreed procedures concerning the disposal of land or property.</p> <p>8) The approval of the terms for the assignment, subletting, surrender or operation of any break clause of any lease, licence, tenancies, wayleaves or easements granted or held by the Council in any land or property which has been declared surplus to requirements.</p>	<p>Director of Programme Management & Property on advice of the Head of Law or their nominee</p> <p>Director of Programme Management & Property on advice of the Head of Law or their nominee</p>
<p>E) Capital Finance Regulations</p> <p>The Executive Director of Resources will take decisions to earmark the proceeds of sale from asset disposals for expenditure on in/out schemes under the Local Authorities (Capital Finance and accounting) England Regulations 2003 as amended, including (without limitation) regeneration projects and replacement of asset schemes subject to the approval of the schemes themselves having previously been approved.</p>	<p>Executive Director for Resources</p>
<p>(F) Property - General</p> <p>a) In accordance with the provisions of Part IV I of the constitution, authority to sign property related documentation for or on behalf of the Council in relation to all powers delegated by this Scheme of Delegation save for documents to be entered into by way of deed.</p> <p>b) Authority to agree terms and enter into agreements for any matter of a minor or urgent nature affecting land or property either owned or leased by the Council.</p> <p>c) Authority to undertake and sign valuations for statutory or other Council purposes.</p> <p>d) The submission of planning applications.</p>	<p>a) Head of Law/Director of Programme Management & Property or his nominee</p> <p>b) Director of Programme Management & Property or his nominee</p> <p>c) Director of Programme Management & Property or his nominee</p> <p>d) Director of Programme Management & Property or his nominee</p>

<p>e) To approve the terms of such other agreements or transactions as may be in the best interests of the Council of a minor or urgent nature</p> <p>f) To take such actions and incur such expenditure as is necessary to ensure the proper management of council owned property.</p>	<p>e) Director of Programme Management & Property or his nominee</p> <p>f) Director of Programme Management & Property or his nominee</p>
<p>Employment Matters All employment matters relating to the Directorate, including recruitment, appointments, pay, pensions, disciplinary, grievance, trades union negotiations and reorganisations involving less than 200 staff.</p>	<p>Head of Service</p>

Council (Non-Executive) Areas of Delegation

Area of delegation	Officer with delegated authority
<p>Non-executive Planning and Highways Matters</p> <p>Authority to deal with all town and country planning, development control, high hedges and highway and road traffic functions under all existing and future relevant legislation, and as amended from time to time, including (without limitation) the Acts set out in the Schedule below, save for those local choice functions reserved to the Executive and those matters reserved to the planning committees A, B or C or the strategic planning committee. This includes by way of example but not limitation: -</p> <ul style="list-style-type: none"> • Determining applications, (or declining to determine applications where applicable), for planning permission, advertisement consent, listed buildings and conservation area consent, certificates of lawfulness or lawful development, works to trees, hazardous substances, environmental impact assessment screening and scoping opinions, decisions in respect of the prior approval procedure for telecommunication development. 	<p>Head of Planning</p> <p>Head of Planning</p>

<ul style="list-style-type: none"> • Issuing planning contravention notices, breach of condition notices, enforcement notices, stop notices, temporary stop notices, untidy land notices and other similar notices and questionnaires. 	Head of Planning
<ul style="list-style-type: none"> • Making and confirming tree preservation orders and enforcing their provisions. 	Head of Planning
<ul style="list-style-type: none"> • Taking action in relation to unauthorised advertisements, placards or posters. 	Head of Planning
<ul style="list-style-type: none"> • Entering into agreements to regulate the development or use of land (including the approval of the detailed terms for inclusion in such agreements whether the agreement is to be entered into under delegated authority or following a resolution of members). 	Head of Planning
<ul style="list-style-type: none"> • Approving the details of conditions to be imposed on planning permissions (whether the permission is to be granted under delegated authority or following resolution to grant by members). 	Head of Planning
<ul style="list-style-type: none"> • Utilising the powers contained within planning, high hedges and highways legislation to gain entry to premises for the purpose of carrying out surveys and establishing whether there has been a breach of legislation including applying to the magistrates' court for a warrant of entry. 	Head of Planning
<ul style="list-style-type: none"> • Carrying out any other regulatory enforcement functions contained in town and country planning, high hedges, road traffic or highways legislation in force from time to time. 	Head of Planning
<ul style="list-style-type: none"> • Authorising the Head of Law to take any legal action which may be appropriate which relates to any function of the Executive Director including the taking or defending of legal proceedings and entering into legal agreements as may be required in relation to the following:- 	Head of Planning
<ul style="list-style-type: none"> • Creating, diverting and stopping up footpaths, highways and bridleways 	Director of Programme Management & Property or his nominee

<ul style="list-style-type: none"> • The making and enforcement of road traffic regulation and highways orders. • Dealing with applications for street works licences • Exercise of non-executive powers under local legislation (including without limitation, names of streets under Sections 5 and 6 London Building Acts (Amendment) Act 1939). • Exercise of powers under Part 8 of the Anti-social Behaviour Act 2003 in relation to high hedges <p>Please refer to the Council's Scheme of Delegation for Schedule (non-exhaustive) of relevant statutes (in so far as they relate to non-executive highways and planning matters).</p> <p>Nothing in this Schedule of Delegation prevents any Planning Committee or the Strategic Planning Committee exercising any function within their terms of reference.</p> <p>The Committee may from time to time delegate to officers such functions as it considers appropriate.</p>	<p>Director of Programme Management & Property</p> <p>Director of Programme Management & Property</p> <p>Director of Programme Management & Property</p> <p>Director of Programme Management & Property</p>
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Exemptions

The Mayoral Scheme of Delegation states that authority to exercise executive functions and make executive decisions is delegated to officers, except where there is an exemption to the contrary. Where such an exemption exists, the general rule is that those decisions will be made by the Mayor individually, in consultation with his colleagues in the Executive. Officers should refer to the Mayoral Scheme of Delegation; to Section I and Table 1 for general exemptions, and to Section M and Table 5 for exemptions specific to the Resources Directorate. Exemptions which may override delegated authority to officers to make decisions, as detailed in Section 2 of the Resources Directorate of Delegation, are repeated below.

Any matter in which the officer who would otherwise have delegated authority to act is aware that a councillor (or a person, company or organization with which the councillor is involved) has a personal interest under the Council's Member Code of Conduct.

Any matter in which the officer who would otherwise have delegated authority to act has an actual or potential interest.

Signed

Janet Senior
Executive Director for Resources

Date:

Appendix 1**1. CONTRACTS**

To approve tender strategy in relation to the setting of contracts, and all decisions relating to the contract letting process including approval of tender process, specification, shortlist if any, invitation to tender and contract documentation, as well as decisions about whether to award and if so to whom, contract monitoring and approval of clienting arrangements. Notwithstanding this delegatory, the Mayor may at any time exercise any of these functions alone.

2. GRANTS

Decisions relating to the giving or withdrawal of grants and/or other financial assistance to voluntary organisations, including:

- decisions relating to the criteria for such grant/assistance;
- consideration of applications for grant/assistance, and all decisions in relation to them;
- the monitoring of performance of voluntary organisations in receipt of grant/other assistance;
- all decisions relating to the granting withdrawal or reduction of funds/assistance to voluntary organisations.

3. PROPERTY

Where in the opinion of the Head of Law, a property transaction is integral to a contractual arrangement to be considered by Mayor and Cabinet (Contracts), Mayor and Cabinet (Contracts) shall have delegated authority to make all decisions about the disposal of property associated with the contractual matter under consideration by them (including whether to dispose, and the terms of any such disposal).

4. Notwithstanding these delegations, the Mayor may at any time exercise any of these functions alone. Attention is drawn to the delegation to officers set out in Paragraph R of this Scheme of Delegation. Notwithstanding the contents of that paragraph, the Executive acting collectively, or the Mayor alone may exercise any of those delegated functions at any time.

EDUCATION APPEALS PANELS**Terms of Reference**

To consider appeals from parents or carers in accordance with the Code of Practice on School Admission Appeals produced by the DfES; and separately on Permanent Exclusion Appeals.

Composition

Each panel must consist of three members (non-councillors) at least one of whom must be a lay member (someone who has not worked in a school in any paid capacity).

For admission appeals there must be at least one panel member who is experienced in education matters. For exclusion appeals the Chair must be a lay member, and the panel must also consist of one governor and one head teacher.

SOCIAL SERVICES REPRESENTATIONS PANELConstitution

The Panel consists of up to three people, none of whom are employees of the Council. The Panel will consist of an independent chair, a Councillor representative and a third independent person. The councillor representative will be drawn from the membership of the Children and Young Persons Select Committee.

Terms of Reference

1. To implement the provisions of Section 7b of the Local Authority Social Services Act 1970 (as amended) and the regulations issued thereunder.

- To consider representations (including any complaints) made by or on behalf of a qualifying individual with respect to the discharge of the Council's Social Services functions or any failure to discharge those functions.

Representations will include inquiries about the availability and comments on the delivery and nature of services and will not necessarily be critical.

- A person is a qualifying individual if:
 - a local authority a power or a duty to provide or secure the provision of, a social service for him and
 - if his need or possible need for such a service has (by whatever means) come to the attention of the authority.
- Complaints and representations will be presented to the Panel in accordance with the Directorate's complaints and representations procedure.

2. To implement the provisions of Section 26 of the Children Act 1989 and the Representations Procedure (Children) Regulations 1991.

- To consider representations (including any complaints) made by:
 - any child who is being looked after by the local authority or who is not being looked after by them but is in need;
 - a parent of his

- any person who is not a parent of his but who has parental responsibility for him
 - any local authority foster parent
 - such other person as the authority consider has a sufficient interest in the child's welfare to warrant his representations being considered by them about the discharge by the authority of any of their functions in relation to the child
 - those children to whom the local authority owes continuing functions pursuant to the Children (Leaving Care) Act 2000.
- Complaints and representations will be presented to the Panel in accordance with the Directorate's complaints and representations procedure.

SOCIAL SERVICES FOSTERING PANEL

Constitution

No more than ten Members in all to include:

- as Chair: a senior member of the Fostering Service with no day to day management responsibility for the assessment of foster parents OR
- a person independent of the fostering service with appropriate skills or experience to chair the Panel and
- two social workers within the employment of the Foster Service:
 - one social worker with child care expertise
 - one social worker with fostering expertise and
- at least one elected Member and
- at least four other independent members at least one of whom is or within the previous two years has been a foster parent for another foster service provider.

All members of the Fostering Panel shall hold office for a term not exceeding three years in accordance with the Fostering Services Regulations 2000.

Quorum

At least five members including the Chair/Vice-chair, one social worker employed by the Fostering Service and at least two of the independent members.

Terms of Reference

To consider each application for approval as a foster parent and to recommend whether or not a person is suitable to act as a foster parent.

- Where it recommends approval of an application, to recommend the terms on which the approval is to be given.
- To recommend whether or not a person remains suitable to act as a foster parent and whether or not the terms of his approval remain appropriate.
 - i. on the first review and
 - ii. on the occasion of any other review when requested to do so by the fostering service provider.
- To consider any case referred to it in the event that the fostering service provider does not consider that a person is suitable to act as the foster parent or
- To consider any case referred to it in circumstances where a fostering service provide is no longer satisfied that the foster parent and his household continue to be suitable to act as foster parents and the foster parents wish to make representations upon the matter.

The Fostering Panel shall also:

- a) advise on the procedures under which reviews in accordance with Regulation 29 of the Fostering Services Regulations 2000 are carried out by the fostering service provider and periodically monitor their effectiveness,
- b) to oversee the conduct of assessments carried out by the foster service provider and
- c) to give advice and make recommendations on such other matters or cases as the fostering service provider may refer to it.

Substitute

SOCIAL SERVICES ADOPTION AND PERMANENCE PANEL

Constitution:

As an adoption agency, Lewisham is required by legislation to establish an adoption panel which is legally constituted under the Adoption Agencies Regulations 2005.

Membership:

Up to ten members including:

- two social workers each with at least 3 years' relevant post-qualifying experience.
- at least one elected member of the local authority where possible from the corporate parenting group or with responsibility for children's services.
- the agency's medical adviser
- at least three other 'independent members' including, where reasonably practicable at least two people with personal experience of adoption.

The chair of the panel must be an independent member.

The panel should be 'gender balanced as far as possible' and membership should 'reflect the composition of the community that the agency serves.'

The panel has professional advisers who are not members of the panel:

- the legal adviser
- an agency adviser to the panel
- a panel secretary.

Quoracy

At least five members, which must include the Chair/Vice-chair, and at least one social worker and one independent member.

Terms of Reference

The role of the panel is to consider, make recommendations and give advice to the agency about:

- whether a child should be placed for adoption
- whether a prospective adopter is suitable to be an adoptive parent
- whether a prospective adopter would be a suitable parent for a particular child
- whether to rescind any of the above recommendations

The agency may present a 'brief report' to the panel for advice when issues have arisen e.g. health matters, which may affect the applicant's suitability to adopt.

The adoption panel may also provide advice to the adoption agency about:

- whether an application should be made for a placement order
- a child's needs for ongoing contact with people in their lives
- the number, age range and needs of a child or children to be placed with prospective adopters and the country of origin, in the case of international adopters
- proposed adoption support
- the restriction of parental responsibility.

The panel also considers:

- Permanence plans, including long term fostering, for children who are of an age where adoption should be considered e.g. 6 years
- Applications for Special Guardianship Orders for looked after children.

**THE CONSTITUTION OF
THE LONDON BOROUGH
OF LEWISHAM**

APPENDIX 1

&

APPENDIX 2

APPENDIX 1

ACCESS TO INFORMATION: EXEMPT INFORMATION

PART 1

DESCRIPTION OF EXEMPT INFORMATION: ENGLAND

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

PART 2

QUALIFICATIONS: ENGLAND

8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:
 - (a) the Companies Act 1985;
 - (b) the Friendly Societies Act 1974;
 - (c) the Friendly Societies Act 1992;

- (d) the Industrial and Provident Societies Acts 1965 to 1978;
 - (e) the Building Societies Act 1986; or
 - (f) the Charities Act 1993.
9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
10. Information which:
- (a) falls within any paragraphs 1 to 7 above; and
 - (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information if and so long, as in all the circumstances of the case, the public interest maintaining the exemption outweighs the public interest in disclosing the information.

PART 3

INTERPRETATION: ENGLAND

11. (1) In Parts 2 and 2 and this Part of this Schedule:
- “employee” means a person employed under a contract of service;
- “financial or business affairs” includes contemplated, as well as past or current, activities;
- “Labour relations matter” means:
- (a) any of the matters specified in paragraph (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or
 - (b) any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to

office-holders under the authority as they apply in relation to employees of the authority;

“office-holder”, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

“registered” in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

(2) Any reference in Parts 1 and 2 and this Part of this Schedule to “the authority” is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference:

- (a) in the case of a principal council, to any committee or sub-committee of the council; and
- (b) in the case of a committee, to:
 - (i) any constituent principal council;
 - (ii) any other principal council by which appointments are made to the committee or whose functions the committee discharges; and
 - (iii) any other committee or sub-committee of a principal council falling within sub-paragraph (i) or (ii) above; and
- (c) in the case of a sub-committee, to:
 - (i) the committee, or any of the committees, of which it is a sub-committee, and
 - (ii) any principal council which falls within paragraph (b) above in relation to that committee.

PARTS 4, 5 AND 6 APPLY ONLY IN WALES

APPENDIX 2

LONDON BOROUGH OF LEWISHAM PETITION SCHEME

1. INTRODUCTION

- 1.1 The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 14 days of receipt. This acknowledgement will set out what we plan to do with the petition.

Paper petitions can be sent to :-

The Head of Governance Support, Town Hall, Catford, SE6 4RU

Or be created, signed and submitted on line by following this link

<http://consult.lewisham.gov.uk/portal/petitions>

- 1.2 Petitions can also be presented to a meeting of the Council. These meetings usually take place eight times a year. Dates and times can be found here [insert link]. If you would like to present your petition to the Council, or would like your Councillor to present it on your behalf, please contact the Head of Governance Support on 0208 3149327 at least 5 working days before the meeting and they will talk you through the process.

2. WHAT ARE THE GUIDELINES FOR SUBMITTING A PETITION ?

- 2.1 Petitions submitted to the Council must include:-

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners would like the Council to take.
- The name, address and signature of any person supporting the petition.

- 2.2 Petitions should be accompanied by contact details, including an address for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the Council's website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

- 2.3 Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case we will write to you to explain the reasons.
3. WHAT WILL THE COUNCIL DO WHEN IT RECEIVES MY PETITION?
- 3.1 We will send an acknowledgement to the petition organiser within 14 days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.
- 3.2 If the Council can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.
- 3.3 If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected Mayor), or on a matter where there is already an existing right of appeal such as Council Tax banding and non domestic rates, other procedures apply. If you require information on any of these matters you should in the first instance contact the Head of Governance Support, London Borough of Lewisham, Town Hall, Catford SE6 4RU [0208 3419327 committee@lewisham.gov.uk].
- 3.4 We will not take any action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.
- 3.5 To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us will be published on our website except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (with personal details removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed unless you request it.

4. HOW WILL THE COUNCIL RESPOND TO PETITIONS?
- 4.1 Our response to a petition will depend on what a petition asks for and how many people have signed it but may include one or more of the following:-
- 4.2
- Taking the action requested in the petition
 - Considering the petition at a Council meeting
 - Holding an enquiry into the matter
 - Undertaking research into the matter
 - Holding a public meeting
 - Holding a consultation
 - Holding a meeting with petitioners
 - Referring the petition for consideration by a relevant Council Overview and Scrutiny Select Committee * or Business Panel **
 - Writing to the petition organiser setting out our views about the request in question
- 4.3 * Overview and Scrutiny Select Committees are Committees of councillors who are responsible for scrutinising the work of the Council – in other words they have the power to hold the Council’s decision makers to account.
- 4.4 ** Business Panels are Committees of councillors consisting mainly of the Chairs and Vice Chairs of Overview and Scrutiny Select Committees. They have the power to hold Council decision makers to account where the issue is within the remit of more than one Select Committee.
- 4.5 In addition to these steps the Council will consider other specific actions it may be able to take on the issues highlighted in a petition.
- 4.6 If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will aim to make representations on behalf of the community to the relevant body. The Council works with a large number of local partners [insert link to list of LAA Partners] and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible here [insert link].
- 4.7 If your petition is about something that a different Council is responsible for, we will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other Council,

but could involve other steps. In any event we will always notify you of the action we have taken.

5. FULL COUNCIL DEBATES

- 5.1 If a petition contains more than [8,000] signatures it will be debated by the full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The petition organiser will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. If it is within their remit, the Council may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate or to commission further investigation into the matter, for example by a relevant committee. If the matter relates to a decision which it is for the Mayor to make, then the Council may ask the Mayor to consider the matter or commission further investigation into the matter, for example by the relevant Overview and Scrutiny Select Committee. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website.

6. OFFICER EVIDENCE

- 6.1 Your petition may ask for a senior Council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example your petition may ask a senior Council officer to explain progress on an issue or to explain the advice given to elected members to enable them to make a particular decision.
- 6.2 If your petition contains at least [4,000] signatures the relevant senior officer will give evidence at a public meeting of the relevant Overview and Scrutiny Select Committee. If the subject matter of the petition falls within the remit of more than 1 Overview and Scrutiny Select Committee, the senior officer will give evidence at a public meeting of the Council's Business Panel. A list of the senior staff that can be called to give evidence can be found here [insert link]. You should be aware that the Overview and Scrutiny Select Committee or Business Panel may decide that it would be more appropriate for another officer on that list to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. Committee members will ask the questions at this meeting but you will be able to suggest questions to the Chair of the Select Committee/Business Panel by contacting [insert details] up to 5 working days before the meeting.

7. E-PETITIONS

- 7.1 The Council welcomes e-petitions which are created and submitted through our website [insert link]. E-petitions must follow the same guidelines as paper petitions [link to guidelines]. The petition organiser will need to provide us with their name, postal address, post code and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for 6 months but you can choose a shorter or longer timeframe, up to a maximum of 12 months.
- 7.2 When you create an e-petition, it may take 10 working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature. However we will make every effort to ensure that your petition is published as soon as possible.
- 7.3 If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and re-submit your petition if you wish. If you do not do this within 14 days, a summary of the petition and the reason why it has not been accepted will be published under the “Rejected Petitions” section of the website.
- 7.4 When an e-petition has closed for signature, it will automatically be submitted to [The Head of Governance Support]. In the same way as a paper petition you will receive an acknowledgement within 14 days. If you would like to present your e-petition to a meeting of the Council please contact [The Head of Governance Support] (details above) within 5 days of the petition closing. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgement and response will also be published on this website.

8. HOW DO I SIGN AN E-PETITION?

- 8.1 You can see all the e-petitions currently available for signature here
<http://consult.lewisham.gov.uk/portal/petitions>
- 8.2 When you sign an e-petition you will be asked to provide your name, address, post code and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your “signature” will be added to the petition. People

visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

9. WHAT CAN I DO IF I FEEL MY PETITION HAS NOT BEEN DEALT WITH PROPERLY?
 - 9.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's relevant Overview and Scrutiny Committee/Business Panel review the steps that the Council has taken in response to your petition. The Select Committee/Business Panel will consider your request within 30 days of receiving it. Should the Select Committee/Business Panel determine we have not dealt with your petition adequately it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendation to the Council's Mayor and Cabinet and/or arranging for the matter to be considered at a meeting of the full Council.
 - 9.2 Once the appeal has been considered, the petition organiser will be informed of the results within 7 days. The results of the review will also be published on our website.