

(Proposed)

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 Damien Egan	38 Elthruda Road Hither Green, SE13 6SR	N/A	Mayor
Councillor Chris Best	52 Bishopsthorpe Rd Sydenham London SE26 4NY	Sydenham	Deputy Mayor and Health, Adult and Children's Social Care
Councillor Kevin Bonavia	28 The Squirrels, Belmont Hill, London, SE13 5DR	Blackheath	Democracy, Refugees and Accountability
Councillor Paul Bell	4 Willow House, Dragonfly Place, London SE4 2FJ	Telegraph Hill	Housing
Councillor Amanda de Ryk (H)	71 Sunderland Road, Forest Hill, London SE23 2PS	Blackheath	Finance, Skills and Jobs
Councillor Joe Dromey (I)	227B New Cross Road, London, SE14 5UH	New Cross	Finance, Skills and Jobs

Councillor Brenda Dacres (J)	5 Barriedale, London SE14 6RW	New Cross	Parks, Neighbourhoods and Transport
Councillor Sophie McGeevor (K)	Basement Flat, 98 Manor Avenue, Brockley, SE4 1TE	Brockley	Parks, Neighbourhoods and Transport
Councillor Chris Barnham	56 Shell Road, Lewisham SE13 7TY	Crofton Park	School Performance
Councillor Joani Reid	131a Devonshire Road, London SE23 3LZ	Lewisham Central	Safer Communities
Councillor Jonathan Slater	Flat 101, 23 Monson Road, London SE14 5FF	Whitefoot	Community Sector

Councillor Dromey and Councillor Dacres will serve as a member of the Executive in the months of January to June inclusive in any municipal year. Councillor de Ryk and Councillor McGeevor will serve as a member of the Executive in the months of July to December inclusive in any municipal year. . A member who has been appointed to serve on the Executive for part of the year, may nonetheless at other times attend meetings of the Executive and, at the invitation of the Mayor, make a presentation and/or speak. However, a member who has not been formally appointed to serve on the Executive for that time may not vote on any matter before the Executive.

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 all decisions in relation to executive functions which he is entitled to make. When they act collectively the Executive 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 Executive collectively.
- 2) Notwithstanding delegations made under this Mayoral Scheme of Delegation, the Mayor may himself make any decision where he has delegated authority to others. Where he does so he will do so on the basis of a written report, and in accordance with the Council's Executive Procedure Rules appearing at Part IV D
- 3) Where an executive decision is exempted from delegation to an officer, the Mayor delegates those decisions to the Executive acting collectively. The decision will be taken at a quorate meeting of the Executive of which proper notice has been served and conducted in accordance with the Council's Executive Procedure Rules at Part IV D.
- 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 2012. 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, and/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**

<p>1. Approval of proposals to be made by the Mayor in relation to the following plans:-</p> <ul style="list-style-type: none"> • 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)
<p>2. Approval of all other policy plans and strategy.</p>
<p>3. Approval of the Mayor’s proposals to the Council for the budget (capital and revenue)</p>

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 any 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 member (or a person, company or organisation with which the member 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, any body or panel appointed by the Executive, and any appeal or representation panel
14. All decisions relating to the determination of public realm works with a value in excess of £100,000 and the award of any contract relating to the same is reserved to the Mayor and Cabinet (Contracts).

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, Education Act 1997, School Standards and Framework Act 1998, Education Act 2002, Children Act 2004, Education Act 2005, Education and Inspections Act 2006, Education and Skills Act 2008, Apprenticeships, Skills, Children and Learning Act 2009, Academies Act 2010, Education Act 2011 and the Children and Families Act 2014 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.	The receipt and consideration of any 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.
7.	Decisions relating to the setting or amendment of permissible eligibility criteria for children's services, whether social services or otherwise, and charges in respect of those services

8.	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
9.	Decisions relating to the publication of any statutory notice in relation to schools or other educational units
10.	Directions as to the occupation and use of school premises
11.	Matters relating to the schools admissions policy including admissions criteria.
12.	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
13.	Decisions relating to the instruments of government of any school
14.	Appointment of LA governors and LA appointments to outside bodies save where such appointments are reserved to Council in accordance with the law or the Constitution.
15.	Decisions relating to the Council's charging and remissions policy under Section 457 Education Act 1996
16.	Decisions relating to the Council's scheme for Financing of Maintained Schools.
17.	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.
18.	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 Executive 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:-
- Administration of the Supporting People Grant
 - Adult social work
 - Domiciliary care
 - Family placements for adults,
 - Funerals under the National Assistance Act 1948
 - Home care
 - Hospital social workers
 - Joint care planning, liaison and management with health organisations and other external bodies
 - Residential and day care for adults
 - Respite care for adults
 - Services for elderly people
 - Services for people with learning disabilities, mental health problems and/or learning disabilities
 - Youth offending services
- (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, management of parks and open spaces, allotments and any other such facilities.
- (d) Any and all executive regulatory functions, including those relating to licensing, gambling, trading standards, noise, consumer protection, food safety and environmental protection.
- (e) All executive decisions relating to the internal management of these functions which are not otherwise reserved to members.
- (f) All executive functions in relation to community engagement and support including the enhancement of citizen participation at a neighbourhood level.
- (g) 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.	The receipt and consideration of reports from any external body into the performance of the Council or the conduct of particular cases
7.	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
8.	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
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 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.
11.	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 and Regeneration),
 - 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 in relation to the Council's use of information technology

- (iv) registration of births, deaths and marriages
 - (v) responsibility for the corporate emergency planning and business continuity functions
 - (vi) all executive functions relating to housing strategy and development, housing need and homelessness including private sector housing, environmental health in private sector leasing, housing partnerships and environmental health (housing).
 - (vii) the environment function, which shall include, but not be limited to all environmental matters, including:-
 - the maintenance of parks and community facilities
 - 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) All matters relating to parking control, including but not limited to the collection of parking charges, parking regulation and enforcement.
 - (x) Passenger Transport.
- (b) 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 1 of Table 1 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 AND REGENERATION

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

- (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 U of this Scheme of Delegation
 - 3) **Contracts** award and variation - Those delegated powers set out in Part IV I of the Constitution and Paragraph R of this Scheme of Delegation
 - 4) **Property** - those powers relating to property set out in Paragraph Sof this Scheme of Delegation in so far as they are stated to be delegated to the Executive Director for Resources and Regeneration.
 - 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 and Regeneration 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) **Employment & Training** The encouragement and development of employment and training opportunities and facilities.
 - 12) **Urban Regeneration Initiatives** The management and implementation of all urban regeneration initiatives including housing regeneration schemes which have been approved by the executive including management of the capital programmes and resources ensuring effective financial control of resources and the achievement of value for money.
 - 13) **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.
 - 14) **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).
 - 15) **All Executive functions** in relation to building control.

- 16) **All Executive functions** in relation to information to security and information governance.
- (b) Delegation to the Executive Director for Resources and Regeneration does not include the executive matters listed in Table 5 below

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

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.1 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 – Subject to decisions relating to the tendering, award and variation of contracts relating to public realm works of a value in excess of £100,000 which are reserved to the Mayor and Cabinet (Contracts) Committee, 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 and Regeneration 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.
14. Decisions relating to neighbourhood planning under Localism Act 2011 in so far as they are executive functions and not specifically delegated by the Mayor.
All of those matters listed in Table 1.

N NEIGHBOURHOOD PLANNING

- The following neighbourhood planning matters are delegated to the Executive Director of Resources & Regeneration or such person as she may nominate:-

- All decisions in relation to neighbourhood planning as set out in the Localism Act 2011, and regulations made thereunder, including under any amendments made to the Act or secondary legislation in force from time to time, save those matters listed in the table below.
2. Neighbourhood planning matters shall include, but not be limited to, all decisions relating to proposals for and declaration of neighbourhood areas, neighbourhood forums, neighbourhood plans, neighbourhood development orders, community right to build orders and all other matters set out in Part 6 Localism Act 2011, amendments thereto and all relevant regulations in force from time to time.
 3. Where in the opinion of the Executive Director for Resources & Regeneration or the Council's Head of Planning a referral of a neighbourhood planning matter which has been reserved to Members, to them for decision, would entail a breach of the statutory timetable in which decisions relating to neighbourhood planning have to be made, the Executive Director for Resources & Regeneration, or such person as she may nominate, shall have authority to make that decision provided that she informs the Mayor, or in his absence the Deputy Mayor, in writing of that fact prior to making the decision and the Mayor agrees.
 4. Any decision delegated to the Executive Director for Resources & Regeneration, or such person as she may nominate, may be referred to Members for decision if either the Executive Director for Resources & Regeneration or the Head of Planning is of the opinion that the matter ought more properly to be dealt with by Members.
 5. If the Mayor requests an officer not to exercise delegated authority, then that officer will comply with the Mayor's request and refer the matter to Members for decision.
 6. For the avoidance of doubt, the Mayor notes and approves that the Executive Director for Resources & Regeneration nominates the Head of Planning to exercise all decision making powers in respect of neighbourhood planning matters which have been delegated to her.

Table 5 (a)

- | |
|---|
| <ul style="list-style-type: none"> • Any decision whether to decline to consider, refuse a proposal for a neighbourhood area, forum, plan, development order, or community right to build order. |
|---|

- Any decision about the action to be taken in response to the report of an Examiner

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 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 Regeneration 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 for Resources and Regeneration 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 DS1 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 DIRECTOR OF PUBLIC HEALTH

Unless the law, the Constitution, or this Scheme of Delegation requires otherwise, executive powers relating to the Council's public health functions are delegated to the Director of Public Health, save to the extent that they are specifically excluded below, or from time to time.

**TABLE 7
EXECUTIVE MATTERS RESERVED TO MEMBERS
PUBLIC HEALTH**

1. Consideration of the annual report of the Director of Public Health.
2. All those matters listed in Table 1.

Q 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 8 below are not delegated to officers in relation to grants and assistance to voluntary organisations .

**TABLE 8
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.

R CONTRACTS

- (1) The extent to which the letting of contracts (other than those relating to property which are set out at Section S below) is delegated to officers in relation to executive functions is set out below:-
- decisions relating to the tendering, award and variation of contracts relating to public realm works of a value not exceeding £100,000 shall be taken by the appropriate Executive Director or his/her nominee;
 - 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.

S 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 and Regeneration 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 and Regeneration 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 and Regeneration 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 and Regeneration 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 and Regeneration, 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

- 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 and Regeneration 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 9 below are not delegated to officers but are reserved for decision by members

**TABLE 9
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 and Regeneration 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.

T 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 and Regeneration 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 Customer Services and the Executive Director for Resources and Regeneration 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.

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

V 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 and Regeneration and/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 10 below are reserved to members.

**TABLE 10
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.

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 and Regeneration. 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 and/or such persons 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 is set out in the Directorate Schemes of Delegation, which schemes may be amended by the relevant Executive Director at any time.

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 **(to be confirmed at the AGM)**
- b) Joint Section 101 Committee with the London Borough of Croydon on Street Lighting – Councillor **(to be confirmed at the AGM)**
- c) London Councils Committee and Panels Councillor **(to be confirmed at the AGM)**

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	(to be confirmed at the AGM)
Greater London Employment Forum	Boroughs nominate directly (usually lead member for transport and/or environmental issues). One voting member and up to four named deputies	(to be confirmed at the AGM)
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	(to be confirmed at the AGM)
London Boroughs Grants Committee	Boroughs nominate directly one voting member and up to four named deputies	(to be confirmed at the AGM)

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 and/or such officer as he may nominate.

CC ASSETS OF COMMUNITY VALUE (as defined in Part 5, Chapter 3
Localism Act 2011)

Executive decisions are to be made in accordance with the attached Community Right to Bid Guidance for officers, (as may be amended from time to time by the Chief Executive). References in that Guidance to 'designated heads of service and to an executive director' will be to the head of service and/or executive director nominated by the Chief Executive in any particular case.

DD COMMUNITY RIGHT TO CHALLENGE

Executive decisions are to be made in accordance with the attached Guidance Note – Community Right to Challenge (as may be amended from time to time).

Community Right to Bid Guidance for Officers

1. Introduction

The Community Right to Bid is a statutory right given to community and voluntary bodies to nominate assets of community value. The right also enables eligible community organisations to bid for the assets when they come up for sale. This note provides guidance to officers about how the Council will handle this statutory right.

2. Scope of responsibilities

The framework within which asset nominations are to be managed is provided for in regulations. The Council's responsibilities extend to:

- Making decisions on asset nominations
- Maintaining and publicising two lists; one for successful nominations and the other for unsuccessful nominations

- Ensuring that reviews are conducted fairly and in timely manner
- Maintaining audit trails of evidence used to inform decision making
- Making decisions on compensation claims

A decision making process has been developed which describes how the above-mentioned functions will be managed within the framework. This appears at Appendix A, whilst a flowchart illustrating the bidding process is at Appendix B.

Key stages	Note
Processing applications	
<p>1. On receipt of an application to nominate an asset of community value, the list administrator (acting on behalf of the Principal Property Lawyer) must notify the designated Head of Service (generally the Head of Community and Neighbourhood Development) that an application has been submitted and requires a decision.</p> <p>2. The list administrator must then forward details of the application to the designated Head of Service for consideration and advise the Principal Property Lawyer who must provide written notification to the owner and lawful occupant of the land, that their property has been nominated.</p>	<p>A dedicated email account: 'community assets' has been set up to receive nominations for assets of community value.</p> <p>A number of officers from across the Council have direct access to the 'community assets' email account. Collectively this group will ensure that there will always be an officer available to identify and process new applications as they arrive.</p> <p>In order to ensure that the land/ asset owner is given notification that their asset is being considered for nomination, Land Registry searches and other enquiries may need to be made in order to establish ownership and occupancy.</p>
Making an initial decision	
<p>3. On receipt of the application the designated Head of Service must consider the application and make an initial decision. Specifically, the designated Head of Service will need to determine:</p> <ul style="list-style-type: none"> • whether the application is made by an eligible organisation 	<p>Only a voluntary or community body with local connection is eligible to make a community nomination. The regulations identify the following organisations as those able to nominate an asset of community value:</p> <ul style="list-style-type: none"> • a charity • an unincorporated body whose members include at least 21 individuals and which does not distribute any surplus it makes to its members

<ul style="list-style-type: none"> • whether the application meets the definition of an ‘asset of community value’. <p>4. If additional information is required the designated Head of Service may (at their discretion) contact the nominating organisation and ask for this to be supplied.</p> <p>5. The designated Head of Service must reach a decision as to whether or not to list the asset within <u>8 weeks</u> of receiving the nomination.</p> <p>6. Once the designated Head of Service has reached a decision they must advise the Principal Property Lawyer of that decision.</p> <p>7. The designated Head of Service must then write to the nominating organisation and the property owner to advise them of the decision. In the event that a nomination has been unsuccessful, the letter must include reasons for the decision not to list the asset.</p> <p>8. The designated Head of Service must maintain an audit trail of the evidence that informed their decision and forward this to the list administrator or Principal Property Lawyer.</p>	<ul style="list-style-type: none"> • a body designated as a neighbourhood forum • a company limited by guarantee which does not distribute any surplus it makes to its members • an industrial and provident society which does not distribute any surplus it makes to its members • a community interest company <p>The legislation provides that an asset satisfies the definition of an asset of community value if:</p> <ul style="list-style-type: none"> • the local authority decides that the actual main, current use of the building or land is to further the social wellbeing or social interests of the local community and it is realistic to think that there can continue to be a main use of the building or land which will further the social wellbeing or social interests of the local community; or • in the opinion of the local authority there is a time in the recent past when the actual and main use of the building or land furthered the social well being or social interests of the local community and, it is realistic to think that there is a time in the next five years when there could be a main use of the building or land that would further the social wellbeing or social interests of the local community. <p>“Social interests” includes (in particular) cultural, recreational and sporting interests.</p>
Review of the initial decision	
<p>9. If within eight weeks of being notified in writing, the asset owner requests a review of the decision, the Council must undertake a review of its decision within eight weeks. The review</p>	<p>The owner of the land has the right to ask for the Council’s decision to be reviewed. However, the owner of the land must request a review within <u>8 weeks</u> from time they are notified that the asset is to be included on the list.</p>

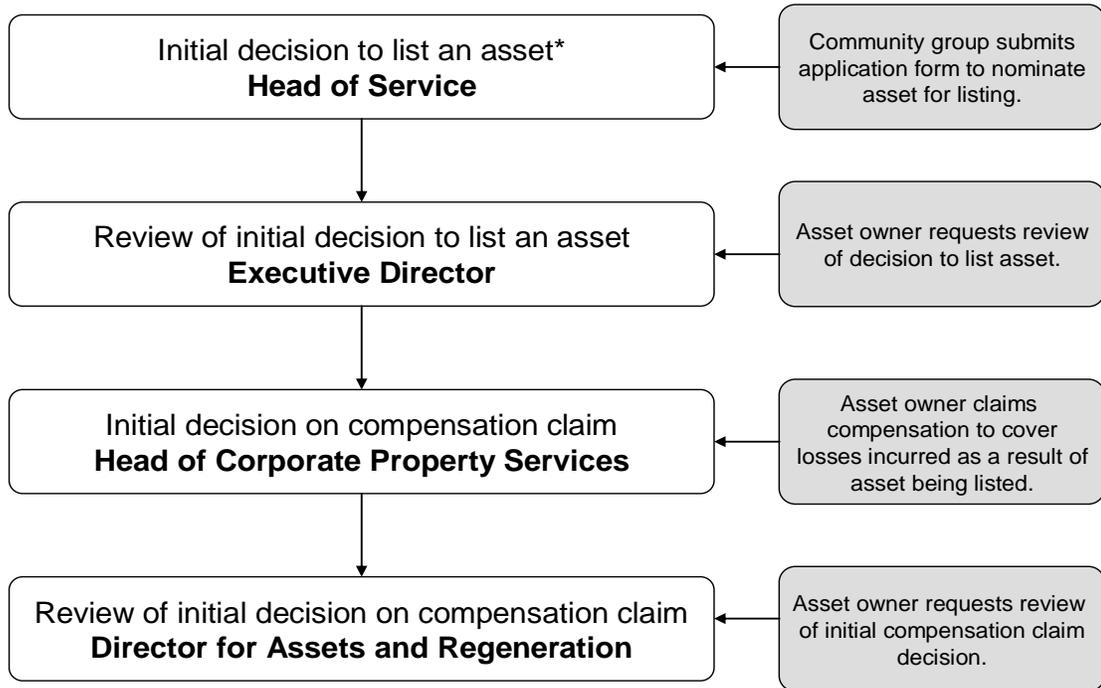
<p>must be heard by an Executive Director.</p> <p>10. In advance of the review, the Executive Director must write to the asset owner advising them when a decision will be made and whether any additional information will be required to inform that decision.</p> <p>11. To inform the review, the Head of Service who made the original decision must compile the relevant documentation to enable the Executive Director to reach their decision.</p> <p>12. Following the review the Executive Director must write to the asset owner and nominating body advising of the decision, set out how the decision was reached and the implications.</p> <p>13. If the request to review the listing of the asset is successful the entry must be removed from the successful nominations list by the list administrator (acting on behalf of the Principal Property Lawyer) and included on the list of unsuccessful nominations.</p> <p>14. The Executive Director must maintain an audit trail of the evidence that informed their decision and forward this to the list administrator or Principal Property Lawyer.</p>	<p>The Council may however, extend the review request period if it so chooses.</p> <p>If requested, the review of the decision to list must be completed within <u>8 weeks</u> unless parties otherwise agree in writing.</p> <p>An oral hearing must be held at owner's written request. If no request is made, the Council can decide whether or not an oral hearing is required.</p> <p>Representations to the Executive Director reviewing the decision may be made by the owner/owner's representative orally and/or in writing.</p> <p>The listing can also be removed if the Council for any reason no longer considers the land to be of community value and after a period of five years has elapsed (however after five years the asset can be re-nominated).</p> <p>If the asset owner wishes to appeal against listing review decision they can lodge their appeal to a First-Tier Tribunal</p> <p>The list must be published and be available for free inspection. One free copy of list must be provided on request</p> <p>Local authorities are required to add that an asset has been listed to the local land charges register. This will ensure that all prospective new owners will be aware that an asset has been listed, since local land charges apply to both registered and unregistered land.</p> <p>Local authorities are required to apply to the Land Registry for entry of a restriction on the Land Register when they list a building or other land as an Asset of Community Value, or, if necessary, where the owner of the</p>
--	--

	<p>listed asset has changed. The local authority is also required to apply to the Land Registry for cancellation of the restriction when it removes an asset from its list.</p>
Disposal of a listed asset	
<p>15. Once the asset owner notifies the Council of their intention to sell the listed asset, the Principal Property Lawyer must give written notification to the community organisation which nominated the asset for listing and arrange for public notification of the proposed disposal (in the area where the land is situated). The letter to the nominating body as well as the public notification must clearly set out the process and timescales involved.</p> <p>16. Upon notification, the Principal Property Lawyer must amend the successful nominations list to show that:</p> <ul style="list-style-type: none"> • the notice of disposal has been received, • the date the notice was received and the end of the: <ul style="list-style-type: none"> - interim moratorium period (<u>6 weeks</u> from date of notification), - full moratorium period (<u>6 months</u> from date of notification) and - protected period (<u>18 months</u> from date of notification). <p>17. If during the six week moratorium period no eligible community organisation submits a written expression of interest to bid for the asset, the Principal Property Lawyer must write to the asset owner advising them</p>	<p>The asset owner must notify the Council in writing that they wish to enter into a relevant disposal. A “relevant disposal” is a disposal with vacant possession.</p> <p>During this moratorium period a community interest group may request in writing to be treated as a potential bidder for the asset; this will bring the full moratorium period into force (see Appendix B).</p> <p>Only a defined “community interest group” may express an interest in bidding for an asset. The community interest group does not have to provide any evidence of intention or financial resources to make such a bid.</p> <p>However, a community interest group must have one or more of the following structures:</p> <ul style="list-style-type: none"> • a charity • a community interest company • a company limited by guarantee that is non profit distributing • an industrial and provident society that is non profit distributing (these groups will be renamed as community benefit societies by the Co-operative and Community Benefit Societies and Credit Unions Act 2010 when the relevant provisions come into force)

<p>that they are free to proceed with the sale of their asset to whomsoever they wish.</p>	
Responding to a request to bid	
<p>18. If the Council receives a written request (in any form) within the six week interim moratorium period from a community interest group wishing to be treated as potential bidder, details must be passed to the owner of the land by the Principal Property Lawyer.</p> <p>19. The Principal Property Lawyer must also write to the eligible organisation advising that their expression of interest has been received and has been forwarded on to the asset owner.</p>	<p>During this period it is up to the bidding organisation or organisations to pull together a business plan and finances to bid for the asset.</p> <p>Other than passing on the details of a potential bidder to the asset owner the Council is not required to play any further role in facilitating a possible sale.</p>
Dealing with compensation claims	
<p>20. Claims for compensation will be handled by the Head of Corporate Property Services. Upon receipt of a claim the Head of Corporate Property Services must write back to the claimant confirming receipt.</p> <p>21. In considering the claim, the Head of Corporate Property Services must ensure that there is sufficient evidence available to reach a decision.</p> <p>22. At their discretion the Head of Corporate Property Services may need to undertake a more detailed investigation in order to establish the validity of the claim. This may include inviting the claimant to provide additional evidence.</p>	<p>The owner of land is entitled to claim compensation where they have “incurred loss or expense in relation to the land which would not have been incurred if the land had not been listed”.</p> <p>However, the claim must be made within <u>13 weeks</u> after loss or expense incurred/finished being incurred.</p> <p>There is no time frame for a decision to be reached.</p>

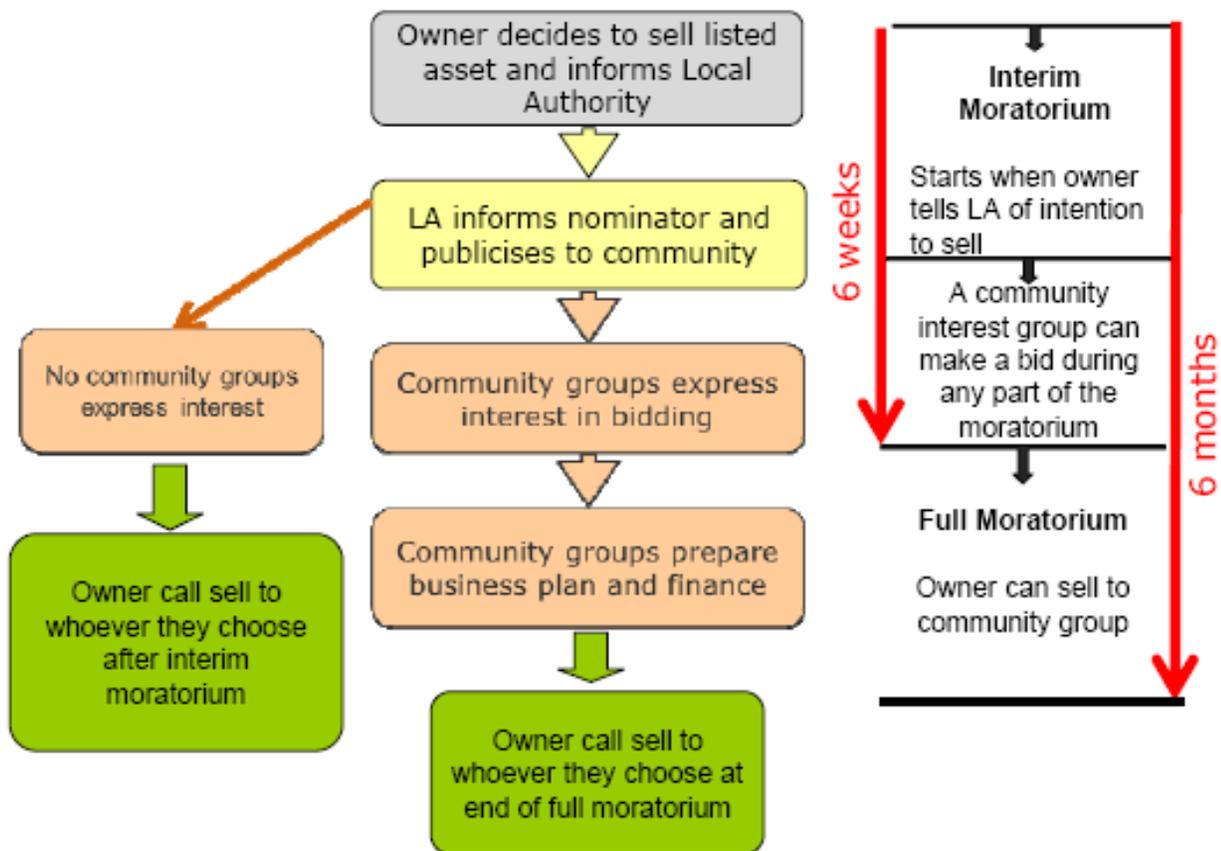
<p>23. Once the decision has been made the Head of Corporate Property Services must write to the claimant with details of the decision.</p> <p>24. The Head of Corporate Property Services must maintain an audit trail of the evidence that informed their decision and pass this on to the Principal Property Lawyer.</p>	
Compensation claim review	
<p>25. In the event that the Council rejects a claim for compensation and the owner requests a review, the review must be conducted by the Director for Assets and Regeneration.</p> <p>26. The Head of Corporate Assets and Property, who made the original decision, must assemble the relevant documentation to enable the Director for Assets and Regeneration to undertake their review.</p> <p>27. The Director for Assets and Regeneration must maintain an audit trail of the evidence that informed their decision and forward this to the Principal Property Lawyer.</p>	<p>A request to review a compensation claim must be made within <u>8 weeks</u> of written notification of reasons for decision on compensation, or such longer period as the Council may allow</p> <p>The asset owner has the right to lodge an appeal against the compensation review decision. This appeal will need to be lodged before a First-Tier Tribunal.</p>

Decision making flow chart



*The asset lists for both successful and unsuccessful nominations will be maintained by Legal Services.

Flow chart for bidding process



DD COMMUNITY RIGHT TO CHALLENGE (as defined in Part 5, Chapter 3
Localism Act 2011)

Executive decisions relating to the Community Right to Challenge as set out in Part 5, Chapter 2 Localism Act 2011, are delegated in accordance with the Guidance Note attached (as may be amended from time to time by the Chief Executive).

Guidance Note

Community Right to Challenge

1 Introduction

The community right to challenge is a statutory right given to community, voluntary and employee bodies to express an interest in providing or assisting to provide Council services. This note provides guidance for officers about how the Council will handle this statutory right.

2 Advertising for Expressions of Interest

The Council can advertise that if organisations are interested in submitting an Expression of Interest (EOI) in providing a service they must do so within a period set by the Council. For those services which are already subject to contract, the Council's Procurement Team places an advert annually setting out details of contracts coming to expiry, with the periods in which organisations must make their Expression of Interest should they wish to do so. For services that are not under contract, the Council has decided that organisations must submit their Expression of Interest between 1st May and 30th June 2013

3 Considering an Expression of Interest

What goes into an expression of interest is defined in law, and in deciding whether to accept an Expression of Interest the Council may only make its assessment on the information which must be the basis of the EOI. If the Council accepts an EOI, then a procurement exercise must take place.

4 Assessment of EOIs

This first stage of the assessment process is concerned with making sure that the EOI is compliant with the legal requirements, and will be conducted by the Procurement Team on legal advice. The steps in the process are set out below with notes to assist.

Step	Note
<i>Stage 1</i>	
1. On receipt of an EOI, Head of Procurement to notify the organisation submitting it of the maximum time it will take for a decision to be reached on the EOI	<p>This notification must be sent within 30 days of receipt of EOI, or 30 days of end of period for submission of EOI</p> <p>It must also be published on the website</p> <p>Different periods may apply to different services. The period should be reasonable and reflect such factors as the complexity of the service, the number of EOIs received, the likelihood of modifications to the EOI</p>
2. Check whether the service is exempt or not	<p>The community right to challenge applies to almost all Council services with the exclusion of those provided to people with complex individual health or social care needs.</p> <p>In addition, those services provided in partnership with health, or by health on behalf of the Council, will only be subject to the community right to challenge from April 2014.</p> <p>Services commissioned by people in receipt of direct payments are also exempt.</p>
3. Check that the EOI is made by a relevant body	<p>Relevant bodies are community, voluntary and certain employee bodies as well as bodies/trusts established for charitable purposes and parish councils. The Secretary of State may add to this list. Statutory guidance published June 2012 expands on this definition. Refer to attached guidance</p> <p>EOIs may be submitted by a number of organisations acting in partnership. They do not all have to be relevant organisations, but any information required in an EOI must be provided in relation to all organisations making the submission.</p>
4. Check whether a decision has been made, evidenced in writing to stop the provision of the service	If so, the EOI should be rejected on this ground
5. Check whether the Council is in negotiations with a third party for provision of the service	<p>If so, the EOI should be rejected on this ground.</p> <p>The negotiations must be, at least in part, in writing.</p>

6. Check whether the service is already the subject of a procurement exercise	If so, the EOI should be rejected on this ground
7. Check whether the Council has published its intention to consider the provision of the service by two or more of its employees	If so, the EOI should be rejected on this ground
8 Check whether the Council advertised a period for receipt of an EOI in respect of the service, and if so was the EOI received in that period	See Para 2 above. If not, the EOI should be rejected
9. Has the organisation provided the necessary information about the financial resources of the organisation(s) submitting the EOI.	This is likely to include copies of the organisation's audited accounts for the last three years, business plans, and company structure. The information may differ depending on the service and the nature of the organisation. Seek legal advice if necessary. If there is insufficient information on this point the Council may ask for the organisation to modify its EOI
10. If the Procurement Team is satisfied that the EOI is compliant, the Head of Procurement will inform the ED Resources and Regeneration and establish a working group to complete the evaluation of the EOI	The working group will consist of the ED Resources and Regeneration, the ED of the relevant service area(s), the Head of Law and the Head of Procurement (or their nominees). That group will assess Stage 2 of the process. Consideration will have to be given to ensuring that there is no conflict of interest for members of this group. Legal advice should be sought if necessary on this point. If the Head of Procurement is not satisfied on legal advice that an EOI is compliant, he will submit a full report to the Executive Director for Resources & Regeneration for formal consideration. If it is agreed by the ED that the EOI is non-compliant it will not be further considered and will be rejected. The Council will inform the organisation who submitted the EOI the ground(s) upon which it has been rejected.

<i>Stage 2</i>	
11. Assess whether the organisation(s) submitting the EOI will be capable of providing the service by the time of any procurement exercise	The critical words here are “at the time of any procurement”. The organisation may not be ready at the time of the assessment, but may have realistic plans to be so by the time of procurement.
12. Assess whether the outcomes proposed by the organisation(s) submitting the EOI would enhance the social economic or environmental wellbeing of the area, and how it will meet the needs of service users.	<p>This reflects the best value duty and the requirements of the Public Services (Social Value) Act 2012 which is in force now. It means the Council should take into account social considerations as well as service requirements. It may include such matters as creating local jobs, improving local skills, increasing volunteering opportunities. Proportionate engagement with users would be expected.</p> <p>The Council can also take into account value for money that a procurement exercise would entail greater costs or reduced costs including staffing and transfer costs.</p>
13. A report must then be prepared as the basis on which a decision is to be made about whether to accept or reject the EOI	<p>If the value of the service exceeds £500,000, the report must be considered by the Mayor in accordance with the Mayoral Scheme of Delegation. Below that limit, the report is referred to the ED Resources and Regeneration, who may in any event refer the decision to the Mayor if appropriate to do so.</p> <p>Any rejection may only be based on information contained in an EOI or a modification to it.</p> <p>An EOI may only be rejected on the following grounds:-</p> <ul style="list-style-type: none"> • Non compliance with the Act or regulations • Inadequate or inaccurate information in the EOI • Unsuitability of the organisation, consortium member or sub contractor • Decision made to stop the service • Integration of service with health is critical to wellbeing of users • Ongoing procurement exercise • Ongoing negotiations with an employee body • The EOI is frivolous or vexatious • Acceptance would contravene the law or entail a breach of statutory duty

14. The Council must then inform the organisation of its decision.	If the EOI is refused, the reasons must be specified. If the EOI is accepted, the Council must specify the length of time between acceptance and the commencement of the procurement exercise.
15. The procurement exercise ensues in accordance with the law and Council standing orders.	In house proposals are not prohibited by the legislation or guidance, though the Council would need to be able to show that any internal proposal had been evaluated on the same terms as external bids.

5. EOI by employees

When an EOI is submitted by 2 or more employees of the Council, arrangements will be put in place to ensure that there is no conflict between the interest of the employees concerned and that of the Council. It is likely that “Chinese walls” will have to be put in place to ensure that no conflict arises and that in any future procurement process the employee body is not seen to have had an unfair advantage over other tenderers by preferential treatment by the Council.

Following any expression of interest by employees, it is possible that they would have to take unpaid leave, or be moved to other unrelated duties until they have worked up any proposals in the procurement process in their own time. The arrangements will depend upon the circumstances of each case, but the underlying principle will be to treat all potential bidders, internal or external, with fairness.

Appendix 1**LONDON BOROUGH OF LEWISHAM WORKS COUNCIL CONSTITUTION AND FUNCTIONS**1. Title

The Joint Committee shall be called the "Works Council".

2. Terms of reference

A. The functions of the Works Council shall be;

- I. a forum for consultation and negotiation between the Council and its employees on corporate issues in relations to conditions of service;
- II. to provide a forum for the discussion and prevention of differences and the resolution of disputes where they arise;
- III. to establish regular consultation between the local authority and its employees on matters such as personnel policy initiatives;
- IV. to make recommendations to the appropriate Committee on the application and interpretation of terms and conditions of service of employees;
- V. to consider any relevant matter referred to it by a Committee of Council, or by the Joint Secretary of either Side; and
- VI. to carry out such other functions as are specifically assigned to it.

It should be noted that any issue of relevance solely to one set of national conditions, or which is considered by one employee group to be of particular relevance to its conditions, may in the first instance be considered by the appropriate Local Joint Committee. It may be referred to the Works Council if both sides of the LJC considered it appropriate. Collective appeal rights to go directly from the LJC to provincial or national level will not be affected.

B. The Works Council shall not consider:

- I. any matter concerning an individual employee, e.g. discipline, grievance, promotion or efficiency;
- II. any matter which is properly the function of any other body, including the governing bodies of locally-managed institutions.

- C. In the event of any matter arising upon which the Works Council cannot agree, the matter may be referred by either side to the appropriate recognised negotiating body, in accordance with the relevant National Scheme of Conditions of Service.
- D. The Works Council may refer any question before it for consideration by, and the advice of, the appropriate negotiating body and shall inform that body of any recommendation of the Works Council which appears to be of more than local interest, always provided that such recommendation shall be approved by the local authority prior to its submission to the provincial body.
- E. The Works Council shall use its best endeavours to ensure that all relevant collective agreements are applied throughout the Council.

3. Membership

- (a) The Councillors who sit on the Works Council should be such members of the Executive as the Mayor shall appoint and he appoints all members of the Executive with the exception of himself.
- (b) The Union Side shall comprise not more than 17 employees.
- (c) The Council and the constituent trade unions shall both appoint substitute members of the Works Council, any one of whom shall act as a substitute for a full member of the appropriate side in the event of the latter being unable to attend a meeting. A substitute attending a meeting in place of a member shall have the same powers as the member.
- (d) If a member or a substitute member of the Works Council ceases to be a Member of the Council or an employee of the Council, that member shall cease to be a member of the Works Council. Any such vacancy arising shall be filled by the Employer's Side of the Union Side as appropriate.

4. Chair

A Chair and a Vice-Chair shall be appointed by the Works Council at its first meeting in each municipal year. The Chair shall be a member of the Employer's Side, the Vice-Chair shall be appointed from the Union Side.

5. Officers and Advisers

- (a) Each Side of the Works Council shall appoint a Joint Secretary.
- (b) Each Side may invite advisers to attend meeting of the Works Council. The Joint Secretaries shall notify each other of the advisers they are inviting to each meeting. Persons attending under this provision shall be entitled to speak.

6 Meetings

- (a) The Works Council shall meet as required and not less than once a quarter. Either Joint Secretary may call a meeting at any time. The Joint Secretaries shall arrange agenda, dates and times of meetings and for the circulation of documents for meetings. The Union Side Joint Secretaries of the other Local Joint Committees may attend any meetings arranged to discuss agendas with the Joint Secretaries.
- (b) Items not included on the agenda for a meeting may be considered by the Works Council with the agreement of both Sides.
- (c) A special meeting of the Works Council shall be called within 10 working days at the request of either Joint Secretary.
- (d) The minutes of the Works Council shall be agreed by the Chair and Vice-Chair. Disputes about the minutes shall be resolved through the Joint Secretaries.
- (e) The minutes shall be reported to the Executive.

7. Quorum

Three members of the Employer's Side and five members of the Union Side with at least one representative from each of the following groups; manual, craft, officer and teacher, shall constitute a quorum.

8. Payment to Union Side and their Advisers

Members of the Union Side shall receive payment at plain time rate for attendance at Works Council meetings.