

APPENDIX 3

The Directorate for Community Services Scheme of Delegation

1. Purpose

- 1.1 The Community Services Directorate Scheme of Delegation sets out the post titles of those officers whom the Executive Director for Community 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 Community Services. The Executive Director for Resources and Regeneration delegates the financial matters listed in this scheme to the Executive Director for Community Services unless otherwise stated.
- 1.2 This Scheme of Delegation will remain in force until it is amended or revoked by the Executive Director for Community Services or via changes to the Council and Mayoral Schemes 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 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 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 or, 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 Financial Services
 - Legal Decisions – Head of Law or Deputy Monitoring Officer/Principal Lawyers as appropriately nominated by the Head of Law
 - Acts under authority delegated to the Executive Director for Community Services in his/her absence - Head of Service with specifically delegated authority otherwise Head of Financial Services
 - Contract matters – Head of Corporate Resources
- 1.7 All matters pertaining to Resources have been temporarily delegated to the Head of Corporate Resources, acting as the Chief Finance Officer. The Head of Financial Services is temporarily acting as Deputy Section 151 officer.
- 1.8 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.
- 1.9 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

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Lewisham, the law requires them to comply with prevailing access to information regulations. 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.

- 1.10 Please note that when the DEP/CEP process is in place, the necessary authorisation as specified by the process is required before any spend can be initiated.

2. Scheme of Delegation

Unless required otherwise by the law, the Constitution, the Council and Mayoral Schemes 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 as listed. Please note, throughout this document "Executive Director" refers specifically to the Executive Director for Community Services unless specified otherwise. Where a Head of Service are referred to, it is the relevant and appropriate Head of Service that the authority is delegated to.

Mayoral Areas of Delegation

Area of delegation	Officer with delegated authority
<p>Day to day control and regulation of the directorate's finances.</p> <p>Strategic oversight and monitoring of the overall directorate budget.</p> <p>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.</p>	<p>Executive Director</p> <p>Head of Financial Services in consultation with the Group Finance Manager</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 (e.g. from one service to another), or another use (e.g. from pay to non-pay or vice versa).</p> <p>Revenue Budget Virements</p> <p>Within the Directorate</p> <p>Within the same Service area</p> <p>a) Up to £20k</p>	<p>Group Finance Manager in</p>

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<p>b) Up to £100k</p> <p>c) Up to £500k</p>	<p>consultation with the Head of Service</p> <p>Head of Financial Services or Head of Corporate Resources in consultation with Head of Service</p> <p>Executive Director in consultation with Head of Financial Services or Head of Corporate Resources</p>
<p>Across Service areas</p>	
<p>a) Up to £100k</p> <p>b) Up to £500k</p>	<p>Head of Financial Services or Head of Corporate Resources in consultation with Head of Service</p> <p>Executive Director in consultation with Head of Financial Services or Head of Corporate Resources</p>
<p>Cross Directorate</p>	
<p>a) Up to £100k</p> <p>b) Up to £500k</p>	<p>Head of Financial Services or Head of Corporate Resources in consultation with the affected Executive Directors</p> <p>Executive Director for Resources & Regeneration (via Executive Management Team)</p>
<p>All Revenue Budget Virements above these limits are reserved to Members</p>	
<p>Capital Budget Virements (on the Council's Capital Programme)</p>	
<p>Up to £500k</p>	<p>Executive Director for Resources & Regeneration</p>
<p>Over £500k</p>	<p>Members</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>Within the same Service Area in the same Directorate</p>	<p>Group Finance Manager</p>

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<p>Across Service Areas in the same Directorate</p> <p>Across Directorates</p> <p>Budget transfers relating to technical accounting adjustments</p> <p>Any items that fall outside the above definitions must be referred to the Head of Financial Services or the Head of Corporate Resources for further clarification</p> <p>Loans</p> <p>Approval of any loan for Treasury Management purposes and the Employee Loan Scheme (all other loan decisions are reserved to Members)</p>	<p>Group Finance Manager in consultation with the affected Heads of Service</p> <p>Executive Directors of both Directorates</p> <p>Head of Financial Services or Head of Corporate Resources</p> <p>Executive Director for Resources & Regeneration</p>
<p>CONTRACTS</p> <p>Note:</p> <ul style="list-style-type: none"> • Certain decisions relating to contracts are reserved to Members: see the Mayoral Scheme of Delegation Section R. • The Contract Procedure Rules in the Constitution set out what the 'Categories' of contract are: see Rule 5.1 of Contract Procedure Rules. 	
<p>(Note that some decisions are reserved to Members; and other decisions may be affected by the requirements set out at 2 – 15 below)</p> <p>1. Decisions relating to contracts</p> <p style="padding-left: 20px;">a) where the estimated expenditure is £50,000 or less;</p> <p style="padding-left: 20px;">b) where the estimated expenditure is over £50,000.</p>	<p>Head of Service</p> <p>Executive Director or nominee in accordance with their delegated financial limits</p>
<p>2. Contract Pre-tender authorisations (Contract Procedure Rules 3.1) (Note: see reservations to Members)</p>	<p>Executive Director or nominee in accordance with their delegated financial limits</p>
<p>3. Contract Competitive Quotes and Tenders (Contract Procedure Rules 5.1)</p>	

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<p>Decisions about 'Permitted method of competition':</p> <p>a) All decisions other than those set out in b)</p> <p>b) Decisions about Category A or Category B contracts where the proposal is for use of a Framework Agreement or use of a Dynamic Purchasing System (either of which must have been established by the Council or a public sector body or bodies, be competitively tendered and be EU compliant)</p>	<p>Executive Director or nominee in accordance with their delegated financial limits</p> <p>Executive Director for Resources & Regeneration upon the advice of the Head of Law.</p>
<p>4. Two Stage Procurement Process (Contract Procedure Rules 5.8) Decisions about agreement on the shortlist following expressions of interest</p>	<p>Executive Director or nominee in accordance with their delegated financial limits upon the advice of the Head of Law.</p>
<p>5. Liquidated and Ascertained Damages (Contract Procedure Rules 9.3) Decisions that it is not appropriate to provide for liquidated damages</p>	<p>Executive Director for Resources & Regeneration upon the advice of the Head of Law.</p>
<p>6. Security and Guarantee (Contract Procedure Rules 9.4) Decisions about the sufficiency of security and/or guarantee for the due performance of a contract In relation to contracts with a value above £50,000</p>	<p>Executive Director for Resources & Regeneration upon the advice of the Head of Law.</p>
<p>7. Submission of Tenders (Contract Procedure Rules 10.1) Where the proposal is to take a different approach to that set out in Table 2 of Contract Procedure Rules</p>	<p>Executive Director for Resources & Regeneration upon the advice of the Head of Law.</p>
<p>8. Late Submissions, Errors etc. (Contract Procedure Rules 10.5)</p> <p>a) Decisions to accept late tender or quotation (Contract Procedure Rules 10.5.1)</p> <p>b) Decisions to allow alteration of tenders (Contract Procedure Rules 10.5.3)</p>	<p>Executive Director or nominee in accordance with their delegated financial limits upon the advice of the Head of Law</p> <p>Executive Director for Resources & Regeneration or nominee in accordance with their delegated financial limits upon the advice of the Head of Law.</p>

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<p>9. Contract Award – Energy and Water Contracts (Contract Procedure Rules 13) Decisions about award of those Energy and Water Contracts which are not reserved to Members</p>	<p>Executive Director for Resources & Regeneration</p>
<p>10. Contract Award – Contracts Exceeding the Written Estimate (Contract Procedure Rules 13, and see Rule 4.1) (Note: see reservations to Members) Decisions about award of contracts where the difference between 'Expenditure per contract' and the original 'Estimated expenditure per contract' is greater than the levels set out below:</p> <ul style="list-style-type: none"> • Goods or Services: difference is more than 10% and less than 20% subject to a maximum of £100,000; • Works: difference is more than 10% and less than 25% (subject to a maximum of £250,000). 	<p>Executive Director for Resources & Regeneration upon the advice of the Head of Law.</p>
<p>11. Insurance arrangements Decisions about insurance arrangements where either:</p> <ul style="list-style-type: none"> • The value of the premium payable does not exceed £3 million or • The insurance premium does not exceed the rate for the previous year by more than 10% 	<p>Executive Director for Resources & Regeneration</p>
<p>12. Execution of Contract (Contract Procedure Rules 14.3) (Note: see Contract Procedure Rules) Execution of contracts where the cumulative value is £200,000 or below but above £50,000</p>	<p>Executive Director or nominee in accordance with their delegated financial limits</p>
<p>13. Commencement of Contract (Contract Procedure Rules 15.2) Works contracts only: Decisions about use of a letter of intent</p>	<p>Executive Director for Resources & Regeneration or nominee in accordance with their delegated financial limits upon the advice of the Head of Law.</p>
<p>14. Permitted Extension or Variation of Contracts or Framework Agreements (Contract Procedure Rules 17.7) (Note: see reservations to Members) Decisions about Permitted Extensions or Variations of Contracts or Framework Agreements in relation to expenditure at the levels set out below, whichever is the greater of -</p> <ul style="list-style-type: none"> • Where the value of an extension or variation is not more than 10% of the original contract, the value of that extension or variation; or • The value of the extension or variation is £500,000 or less (Goods or Services) or £1,000,000 or less (Works). 	<p>Executive Director or nominee in accordance with their delegated financial limits upon the advice of the Head of Law.</p>

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<p>15. Exemption from the Contract Procedure Rules (Contract Procedure Rules 13 and 18) (Note: see reservations to Members) Decisions about exemption from the requirements of Contract Procedure Rules where there is no value involved or where the value is £500,000 or less (Goods or Services) or £1,000,000 or less (Works)</p>	<p>Executive Director for Resources & Regeneration upon the advice of the Head of Law.</p>
<p>Grants and Assistance to Voluntary Organisations</p> <p>Unless the law, the Constitution, or the Mayoral Schemes 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 (excluding loans) 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 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>Executive Director</p> <p>Executive Director</p>
<p>Application for External Funding</p> <p><u>Revenue and Capital</u> Approval of any application for external funding which is below £1 million with no match funding and/or revenue implications, or</p> <p>a) Is below £1 million, and</p> <p>b) would require match funding from the Council of below £250,000, and</p> <p>c) would have revenue implications of below £250,000 per annum</p> <p>Note: All other applications must be approved by Members.</p> <p><u>Capital Only</u> Before submitting a report to Mayor and Cabinet to</p>	<p>Executive Director or in his/her absence, Head of Corporate Resources or Head of Financial Services in consultation with the Regeneration and Capital Programme Delivery Board.</p>

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seek approval to bid for funding, an initial agreement to proceed must be sought from the Regeneration and Capital Programme Board.	
<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>Heads of Service</p> <p>Executive Director (or in their absence the Head of Financial Services)</p>
<p>Bad Debt Write Off</p> <p>Recommendation of write-off of bad debts (excluding housing rents) to the Executive Director for Resources & Regeneration (up to £50,000) or the Mayor (£50,000 and over)</p>	Executive Director in consultation with the Head of Financial Services
<p>Write off of non-land and non-building assets</p> <p>Write off up to £20,000 (must be recorded in the directorate inventory log as stated in Financial Regulations)</p>	Heads of Service in consultation with the Group Finance Manager
<p>Directorate Employment Matters</p> <p>Employment matters relating to the Directorate, namely recruitment, appointments, disciplinary, and grievance</p>	Heads of Service

Directorate Specific

<p>Spot Contracts for Care for Individual Clients</p> <p>Approval of RAS</p> <p>All new placements and packages within RAS Indicative Allocation Value</p> <p>Variations where new value is within RAS Indicative Allocation</p> <p>New and varies placements where value is greater than</p>	<p>Note: see above for general delegations about contract matters'</p> <p>Executive Director Community Services</p> <p>Operational Manager</p> <p>Operational Manager</p> <p>Panel chaired by Head of</p>
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RAS Indicative Allocation	Service or Service Manager
Placements or packages outside working hours – up to 7 days only.	Operational Manager
Community Occupational Therapy Services	<i>Note: see above for general delegations about contract matters'</i>
Adaptations or equipment from the standard list costing up to £500	OT
Specialist equipment costing up to £500 not on the standard list	Senior OT
Specialist or standard equipment costing between £500 - £1,000	Team leader
Adaptations costing between £500 - £1,000	Team leader
Major housing adaptations costing more than £1,000	OT team leader in consultation with private sector housing/ strategic housing Manager
Equipment costing more than £1,000	Service Manager
Services for adults with mental health problems	<i>Note: see above for general delegations about contract matters'</i>
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	Community Mental Health Team Manager
Changes to care packages or placement following a review – same thresholds as above.	Community Mental Health Team Manager
Integrated service provision	
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.	Executive Director

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<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>Adult Social Care</p> <p>Consideration of appeals against financial assessments</p> <p>Minor variations in charging policy including inflation of charges and disregards</p>	<p>Head of Service</p> <p>Executive Director</p>
<p>Fees and Charges</p> <p>Library Service Reservations Photocopying Faxes Local History postcards and books Withdrawn stock Open learning Centre: hire of pc.</p> <p>Hire of Halls/Rooms in Libraries:</p> <p>Applying charging policy</p> <p>Deviation from, or change to existing policy for charges</p> <p>Library fines (overdue items, lost items, replacement tickets)</p> <p>Adult Social Care Buildings</p> <p>Applying charging policy for use of day centres</p> <p>Deviation from, or change to existing policy for charges</p>	<p>Library Service Manager</p> <p>Head of service</p> <p>Mayor and Cabinet</p> <p>Mayor and Cabinet</p> <p>Service manager in consultation with Head of AA&CM</p> <p>Mayor and Cabinet</p>
<p>Community Centre Charges</p> <p>Apply charging policy in respect of:</p> <p>Facilities used by the voluntary sector</p> <p>Deviation from, or change to existing policy for charges.</p>	<p>Head of Culture and Community Services in consultation with the Director of Regeneration and Asset Management</p> <p>Mayor and Cabinet</p>

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<p>Office Premises</p> <p>Rent subsidies up to £10,000 to voluntary organisations in the following office premises:</p>	<p>Head of Culture and Community Services in consultation with the Director of Regeneration and Asset Management.</p>
<p>Community Use Agreements (e.g. Sports Lottery)</p> <p>Broadway Theatre : Setting ticket prices</p> <p style="text-align: right;">: Policy for hire charges</p>	<p>Cultural Development & Community Resources Manager</p> <p>Theatre Manager</p> <p>Mayor and 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 would therefore be submitted to members as a variation to the agreement.</p>
<p>Fees & Charges for Adult Learning Lewisham</p> <p>Any deviation from or change to existing policy for charges</p>	<p>ALL Service Manager to apply charges within the charging policy</p> <p>Mayor and Cabinet</p>
<p>Rates of Pay</p> <p>Setting casual/seasonal rates of pay. EG Libraries, Sport and Active recreation.</p>	<p>Service manager in consultation with Head of Service</p>
<p>Environmental Matters</p> <p>Trading Standards, Environmental Health, Environmental Enforcement Public Health and Nuisance, Food Safety and Health and Safety.</p>	<p>Head of Public Protection and Safety</p>

Area of delegation	Officer with delegated authority
<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</p>	<p>Service Group Manager – Private Sector Housing</p>

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<p>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.</p> <p>Nothing in this schedule prevents the Licensing (Supplementary) Committee exercising functions within their terms of reference.</p>	and Regulatory Services
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Licensing Matters Delegated by the Licensing Committee

To the Executive Director for Community 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 is made	If no objection Made – Licensing Manager
Application for Premises Licence / Club Premises Certificate	Ditto	If a relevant representation made	If no relevant representation made – Licensing Manager
Application for Provisional Statement	Ditto	If a relevant representation made	If no relevant representation made – Licensing Manager
Application to vary Premises Licence / Club Premises	Ditto	If a relevant representation made	If no relevant representation made – Licensing Manager
Application to vary Designated Premises Supervisor	Ditto	If a Police objection is made	All other cases – Licensing Manager
Request to be removed as Designated Premises Supervisor	Ditto		All other cases – Licensing Manager
Application for transfer of Premises Licence	Ditto	If a Police objection is made	All other cases – Licensing Manager
Application for Interim Authorities	Ditto	If a Police objection is made	All other cases – Licensing Manager
Decision on whether a complaint is irrelevant frivolous, vexatious etc	Ditto		All other cases – Licensing Manager

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

3. General

All non-executive functions not reserved to Members, shall be delegated to the Chief Executive or such officer as he or she 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.

4. Exemptions

The Mayoral Schemes 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 Schemes 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.

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 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: