

Part Three - Responsibility for Functions

1. Introduction

- 1.1 Local authority functions are split between “executive functions”, which are the responsibility of the Mayor and Cabinet and “non-executive functions” which are the responsibility of Full Council and its committees.
- 1.2 Whether a function is an executive or non-executive function is specified in legislation - the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- 1.3 The Council is required to explain when a function is delegated to Committees, Sub-Committees, Officers, etc. The Council does this through the Terms of Reference of those Committees, set out in Part 2 of this Constitution, and in Schemes of Delegation to Officers, set out in Part 3, below, of Constitution.
- 1.4 The Mayor is entitled to carry out all of the Council’s executive functions. The Mayor retains this entitlement whether or not they choose to delegate any or all of these functions. The Mayor may make decisions alone, or delegate them to the Executive as a whole, to a committee of the Executive, to individual members of the Executive or to Council staff. The Mayor may also delegate decision making powers to area committees, single ward members, joint committees or other local authorities or their executives in accordance with the law.
- 1.5 The Mayor will prepare and keep up to date a schedule of delegation for executive functions, which are included in Part 3, below, of the Constitution.

Chief Executive Urgency Provisions

- 1.6 Where an urgent action is necessary to protect the interests of the Council, or the inhabitants of the Borough, in connection with an executive function, that requires a decision before a meeting of the Executive can be called; the Chief Executive, after consultation with the Mayor and the Monitoring Officer, shall have power to act and shall report the action to the next meeting of the Executive.
- 1.7 Urgent action shall not be subject to the call-in procedure and may be implemented with immediate effect.
- 1.8 Where the Chief Executive considers that urgent action is necessary to protect the interests of the Council, or the inhabitants of the Borough, in connection with a non-executive function, that requires a decision before a meeting of Council or the appropriate committee can be called; the Chief Executive, after consultation with the Speaker and the Monitoring Officer, shall have power to act and shall report the action to the next meeting of Council or the relevant Committee.

2. Local Choice Functions

- 2.1 In addition to executive and non-executive functions there are also 'local choice' functions, and the Council is able to decide whether those functions should be exercised by the executive or by Council. The table below sets out how the Council has decided to allocate responsibility for these local choice functions.

Function	Executive/Non-Executive
Functions under local legislation (save those prohibited to the Executive by law)	Executive function
The determination of appeals against any decision of the Council	Executive function
The appointment of review boards under regulations made under Section 34(4) Social Security Act 1998 (determination of claims and review)	Executive function
Making arrangements for appeals against exclusions of pupils from maintained schools	Executive function
Making arrangements for admissions appeals under Section 94(1) (1A) and (4) School Standard and Framework Act 1998	Executive function
Making arrangements for appeals by governing bodies under Section 95(2) School Standards and Framework Act 1998 in respect of children who have been excluded from 2 or more schools	Executive function
Functions relating to contaminated land	Executive function
Functions relating to the control of pollution or the management of air quality	Executive function
The service of an abatement notice in respect of a statutory nuisance – Section 80 Environmental Protection Act 1990	Executive function
The passing of a resolution that Schedule 2 Noise and Statutory Nuisance Act 1993 should apply in the area	Executive function
The inspection of the area to detect any statutory nuisance (Section 79 EPA 1990)	Executive function
Investigation of complaints relating to existence of statutory nuisance	Executive function
Obtaining information under Section 330 Town and Country Planning Act 1990 as to interests in land	executive function
Obtaining particulars of persons interested in land under Section 16 Local Government (Miscellaneous Provisions) Act 1976.	Executive function
Making agreements for the execution of highways works	Executive function
Appointments to any office (save employment with the Council) and to any body (or committee	It will be the responsibility of the Executive to make

<p>or sub committee of such a body) save the Council itself or a joint committee of two or more authorities and the revocation of any such appointment</p> <p>.</p>	<p>the following appointments: -</p> <p>The Local Government Association; London Councils and all its subsidiary bodies; All bodies established to give effect to the BSF programme in Lewisham, including but not limited to Lewisham Local Education Partnership and any other joint venture company established under the BSF programme; Lewisham Homes Limited; Thames Gateway London Partnership; The South East London Waste Disposal Group (SELWDG); Newable (formerly Greater London Enterprise Limited); Lewisham Health and Care Partnership;</p> <p>South East London Combined Heat and Power (SELCHP); The Catford Regeneration Partnership Ltd; Any other bodies, which in the opinion of the Monitoring Officer, are of a similar nature.</p> <p>The making of any other appointments will be non-executive responsibility.</p>
<p>The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities</p>	<p>Executive function</p>

3. Terms of Reference – Committees, etc

- 3.1 The terms of reference for all of the various committees, sub-committees, commissions, boards etc of the Council are set out in Article 9 under Part 2 of the Constitution.

4. Executive Delegations

Introduction

4.1 This section sets out:

- the names of those councillors whom the Mayor has decided shall be members of the Executive;
- 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;
- those executive decisions which the Mayor has not delegated to anybody else to take and those which they have delegated to the Executive to take collectively;
- those executive decisions which the Mayor has delegated to officers to take;
- details of the appointment of members to joint committees exercising executive functions, together with the extent and limitation of executive delegation.

Composition of the Executive

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

Name	Ward	Cabinet Responsibility
Brenda Dacres	N/A	Elected Mayor of Lewisham
Louise Krupski	Rushey Green	Deputy Mayor Environment, Transport & Climate Action
Amanda de Ryk	Blackheath	Finance, Resources & Procurement
Will Cooper	Evelyn	Better Homes, Neighbourhoods & Homelessness
James Walsh	Rushey Green	Inclusive Regeneration & Planning
Edison Huynh	Lewisham Central	Children & Young People
Paul Bell	Telegraph Hill	Health, Wellbeing & Adult Social Care
Ese Erheriene	Lee Green	Business, Jobs & Skills
Oana Olaru-Holmes	Downham	Refugees, Safer Lewisham & Equalities
Sakina Sheikh	Perry Vale	Culture, Communities & Sports

4.3 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.

Delegations to the Executive Acting Collectively

4.4 The Mayor has delegated to the Executive acting collectively all decisions in relation to executive functions which the Mayor is entitled to make. When they act collectively the Executive shall be referred to as Mayor and Cabinet.

4.5 In addition the Mayor, in accordance with the provisions of the Constitution, may appoint such other committees of the Executive as they consider appropriate from time to time.

General Provisions

- 4.6 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.
- 4.7 Notwithstanding delegations made under this Mayoral Scheme of Delegation, the Mayor may themselves make any decision delegated to others. Where the Mayor does so, they will do so on the basis of a written report, and in accordance with the Council's Executive Procedure Rules.
- 4.8 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.
- 4.9 Where the Mayor is of the opinion that a matter for consideration at a meeting of the Executive is of such a nature that the Executive should not exercise any delegated authority in relation to it in his absence, they 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.
- 4.10 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.
- 4.11 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.
- 4.12 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.
- 4.13 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, 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.

- 4.14 If responsibility for a function passes from one Directorate to another (for example as a result of reorganisation), the Mayor passes authority to make decisions in relation to the transferred functions to the Executive Director to whom the function is transferred to the same extent that the Executive Director from whom the functions were transferred had authority to act prior to the transfer unless and until this Scheme is formally updated to reflect the transfer.

5. Scheme of Delegation to Officers

- 5.1 The Articles of the Constitution and this Part Three of the Constitution describes the overall areas of responsibility for the Council, the Executive and for Committees and Sub-Committees. However, to ensure that the Council runs efficiently, it is necessary for some decisions to be taken by officers. Certain types of decision must by law be delegated to an officer rather than being determined by Members. These include the appointment and dismissal of officers below Director level, discharge of the duties of the Returning Officer in elections and the Proper Officer functions. Other Council functions must by law be determined by Members, for example, setting the Council Tax and adopting the plans or strategies constituting the Council's Policy Framework. For the great majority of local authority functions, it is a matter of local choice for the Council whether they are exercised by Members or delegated to officers.
- 5.2 This Section describes the functions, powers and duties delegated to the most senior officers of the Council within their areas of responsibility. All functions and decisions not reserved to Members - either the Executive, full Council or one of their Committees or Sub-Committees are delegated to officers.
- 5.3 In understanding the Officer Scheme of Delegation it is important to recognise the respective roles of Members and officers. Members and officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Members are responsible to the electorate and serve until their term of office expires. As elected Members, they are responsible for determining Council Policy and Strategy. Officers are employed by, and are responsible to, the Council and as such are responsible for implementing policy and delivering services. Their job is to give advice to members and the Council, and to carry out the Council's work under the direction and control of the Council, the Executive, their committees and the management of the Chief Executive and members of the Executive Management Team.
- 5.4 This scheme, which includes the Council functions and the Mayor's delegation of executive functions, is agreed by the Council at its Annual General Meeting and operates from the date approved by Council.

6. General Principles of the Officer Scheme of Delegation

- 6.1 For the purposes of officer delegated powers, both within this part of the Constitution, the term “Director” shall include the following officers:
- The Chief Executive;
 - The Chief Executive’s Executive Management Team (Executive Directors and the Monitoring Officer).
- 6.2 For the purposes of officer delegated powers, the term “Statutory Officers” means:
- The Head of the Paid Service – This role is held by the Chief Executive;
 - The Monitoring Officer - This role is held by the Director of Law & Corporate Governance;
 - The S151 Chief Finance Officer - This role is held by the Executive Director of Finance, Digital & Corporate Resources;
 - The Director of Adult’s Services – This role is held by the Executive Director of Adult Social Care & Health;
 - The Director of Children’s Services – This role is held by the Executive Director of Children & Young People; and
 - The Director of Public Health
- 6.3 Any functions delegated shall be exercised by Executive Directors in respect only of the specific services for which they are responsible and in accordance with the following general principles:
- All other parts of the Constitution, in particular the Financial Regulations and the Contract Procedure Rules;
 - The Budget and Policy Framework;
 - The approved Budget;
 - Any instructions given by the Chief Executive;
 - Any advice given by the Monitoring Officer;
 - Any advice given by the Council’s Chief Finance Officer (S151 officer);
 - All legal requirements and any statutory codes of conduct or statutory Guidance;
 - All codes, policies and protocols as may be approved by the Council or the Executive or one of their Committees or Sub-Committees; and
 - Any relevant decisions of the Council or the Executive or one of their Committees or Sub-Committees.
- 6.4 Any function delegated to an officer may also be exercised by any officer who has been so authorised by the officer to whom the function is delegated, or by the Chief Executive. Such authorisations shall be recorded and held by the officer making the authorisation. Officers authorised under this provision to exercise a power delegated to another officer should be either fully or generally under the supervision and control of the authorising officer. This does not apply to functions delegated to the officers acting in the statutory capacity of the Council’s Chief Finance Officer (s151 officer) or the Monitoring Officer. These functions may only otherwise be exercised by the Director for Finance or Deputy Monitoring Officer as named in writing by the post holder.

- 6.5 Functions delegated by reference to job titles or posts which have changed will continue in force and shall be exercised by officers whose duties include or most closely correspond to the duties of the post originally referred to.
- 6.6 Where a post is vacant, or the officer is absent or otherwise unable to act, and no officer has been appointed in an 'acting capacity', any functions delegated may be exercised by the Executive Director whose duties include or most closely correspond to the function in question; save in relation to the Council's Chief Finance Officer (s151 officer) or the Monitoring Officer where functions may only be exercised in accordance with arrangements that have been authorised in writing by the post holder.
- 6.7 Any reference to legislation in this scheme shall include any act, statutory instrument or subordinate legislation by which it is applied, extended, amended, consolidated, repealed or replaced.
- 6.8 It shall always be open to an officer to consult with the Committee or with appropriate Members on the exercise of delegated powers; or not to exercise delegated powers but to refer the matter to the Cabinet, the Leader, relevant Cabinet Member or to a Committee of the Council.
- 6.9 In the event of a "catastrophic incident", declared by the Secretary of State to be imminent or to have occurred, all Council officers are authorised to take any action in accordance with the instructions of the Chief Executive or any external Chief Executive appointed to coordinate the actions of some or all London local authorities.
- 6.10 This scheme does not delegate any matter reserved that is reserved to Members - either the Executive or Council or one of their Committees or Sub Committees; and any matter which by law may not be delegated to an officer.

7. Protocol for Officers Taking Decisions under Delegated Powers

- 7.1 With the exception of Key Decisions, there is no prescribed form for officers taking delegated decisions. Different types of report or record appropriate to the circumstances may be used provided the essential details are recorded in writing in every case. These are: -
- The post title of the officer taking the decision;
 - The substantive facts, including what is being decided;
 - The reasons for the decision;
 - The expenditure authorised (if any);
 - The date the decision was taken;
 - Details of any alternatives considered and rejected by the officer taking the decision; details of any conflict of interest declared by any cabinet member who is consulted by the officer which relates to the decision; and
 - In respect of any officer's declared conflict of interest, a note of dispensation granted by the Head of Paid Service.
- 7.2 The officer taking the decision is responsible for ensuring that all relevant points are recorded which may include, but are not limited to, the following: -

- Any financial implications (beyond stating the expenditure);
- Any legal implications;
- Any environmental implications;
- Any equalities implications;
- Any relevant Council policies;
- Any relevant national or regional guidance;
- Any consultations undertaken and the views of consultees;
- Any other implications for service delivery in the relevant service area;
- Any implications for other Council services outside the service area;
- Any comments from other affected service areas;
- Any staffing implications;
- Any background documents relied upon;
- Any information in the report or background documents that could or should be restricted from public disclosure as confidential or exempt information under the Freedom of Information Act 2000;
- Any alternative options to the recommended decision; and
- Any consultation with Members (whether Cabinet Members, Chairs or Ward Members).

7.3 Officers taking delegated decisions should always consider carefully whether there are any factors that would make it advisable to consult the relevant Cabinet Member(s) or Chair of Committee in advance, for example, the sensitive or controversial nature of the decision.

7.4 The officer exercising delegated powers is responsible for ensuring that all decisions taken are properly recorded in accordance with the procedure for the relevant service area or function concerned. Each Executive Director will keep their own central record of all delegated decisions taken within their constituent services.

8. Schemes of delegations for each directorate

8.1 Each Executive Director will establish a scheme of delegation for their directorate or budget area which specifies the function, names the post which may carry out that delegated decision and explain any limits on the delegation. The limits on delegation may include the obligation to consult, record and/or refer back to the Executive Director in certain circumstances.

8.2 The Monitoring Officer will specify the format for the scheme of delegation and may issue guidance to Executive Directors from time to time.

8.3 Each Executive Director has a duty to review their directorate scheme of delegation at least half-yearly and otherwise keep their directorate scheme of delegation up to date to take account of any legislative changes, changes in job titles etc.

8.4 It is the responsibility of each Executive Director to provide a copy of their directorate scheme of delegation to the Monitoring Officer within 2 working days of it being amended or updated.

9. Proper Officer Functions

- 9.1 Certain Officers, known as “Proper Officers”, are designated to carry out certain functions.
- 9.2 References in this Constitution to the Proper Officer shall, unless specifically stated to be another officer, be to the Chief Executive or such person as he shall nominate in writing to all members of the Council to be the Proper Officer for any purpose.
- 9.3 The Director of Law & Corporate Governance (Monitoring Officer) is the Proper Officer in respect of the following matters: -
- The Council Procedure Rules;
 - The Executive Procedure Rules;
 - The Committee Procedure Rules;
 - The Scrutiny Procedure Rules.

Scheme of Delegation to Officers

General matters not delegated to Officers

The decisions set out 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.

1. Approval of proposals to be made by the Mayor in relation to the following plans:
 - Children and Young People's Plan
 - Crime and Disorder Reduction Strategy
 - Youth Justice Plan
 - Development Plan Documents
 - Local Transport Plan
 - Housing Strategy
 - Licensing Statement (Alcohol and entertainment and Gambling)
2. Approval of all other policy plans and strategy;
3. Approval of the Mayor's proposals to the Council for the budget (capital and revenue);
4. Decisions relating to the joint provision of a service by the Council and external agencies, where the value of that service is at least £500,000 per annum;
5. Decisions relating to the introduction of new services or the cessation of a service where the value of the service concerned is or would be if introduced at least £500,000 per annum;
6. Decisions relating to the options for future service delivery, including whether the service should be externalized, taken in house or commissioned jointly with another agency, where the value of the service is at least £500,000 per annum;
7. Consideration of and action to be taken as a result of 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. Any matter which in the opinion of the relevant Executive Director, the Chief Executive or the Director of Law and Corporate Governance 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;
11. Appointment of members or officers to outside bodies, save to relevant professional associations;
12. 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.
13. Decisions relating to the provision, commissioning or purchasing of services, which in the opinion of the Chief Executive or Monitoring Officer would lead to major changes in service delivery methods or service levels.

14. Approval of proposals, for consideration by the Council prior to submission for ministerial consent (including any drafts of these proposals).
15. Decisions relating to charges for services.
16. Decisions to write off debts arising out of rent arrears in excess of £10,000.
17. Approval of proposals, for consideration by the Council prior to submission for ministerial consent (including any drafts of these proposals).

Specific matters not delegated to Officers

The decisions set out 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.

Children & Young Persons

1. 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.
2. 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.
3. 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.
4. 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.
5. Decisions relating to the publication of any statutory notice in relation to schools or other educational units.
6. Directions as to the occupation and use of school premises.
7. Matters relating to the schools' admissions policy, including admissions criteria.
8. 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.
9. Decisions relating to the instruments of government of any school.
10. 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.
11. Decisions relating to the Council's charging and remissions policy under Section 457 Education Act 1996.
12. Decisions relating to the Council's scheme for Financing of Maintained Schools.
13. 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.

Adult Social Care & Health

14. 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.
15. The receipt and consideration of reports from any external body into the performance of the Council or the conduct of particular cases.
16. 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.
17. 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.
18. 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.
19. 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.

Place

20. 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.

Planning

21. Any decision whether to decline to consider, refuse a proposal for a neighbourhood area, forum, plan, development order, or community right to build order.
22. Any decision about the action to be taken in response to the report of an Examiner.

Finance

23. Approval of proposals for medium term financial planning and budget strategy for submission to the Council
24. Approval of proposals for the borrowing and investment strategy for submission to the Council.
25. 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.
26. Virements across budgets may only be made by members where the virement is outside the following limits: Virements of revenue budget up to £500,000 may be made by the Executive Director for Finance, Digital and Corporate 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.

27. Save in relation to housing rent arrears, the writing off of debts over £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 below £50,000 shall not be delegated to the Executive Director for Finance, Digital and Corporate Resources. In such cases the power is reserved to members.
28. Save as to housing rent arrears below £10,000, which shall be delegated to both to the Executive Director Housing and the Executive Director for Finance, Digital and Corporate Resources, write off of housing arrears may only be exercised by members.
29. 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.
30. Approval of the Mayor's proposals for submission to the Council in relation to the statutory policy framework.
31. Decisions relating to increases in charges for services exceeding the rate of inflation.
32. Decisions relating to the establishment, amendment or abolition of controlled parking zones.

Public Health

33. Consideration of the annual report of the Director of Public Health.

Grants and assistance to voluntary organisations

34. Making a grant or giving assistance to a voluntary organisation where the total value of the grant and/or assistance exceeds £10,000.
35. 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.
36. Decisions to suspend or withdraw funding completely from a voluntary organisation, where the annual funding given exceeds £10,000.
37. The consideration of monitoring reports on voluntary organisations' activity and decisions to be taken as a result of that consideration.
38. Approval of the criteria for voluntary sector funding and/or assistance.
39. 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 Director of Law and Corporate Governance the matter would more appropriately be dealt with by members.

Contracts

40. Decisions about pre-tender authorisation for contract relating to public realm works with a value in excess of £100,000.
41. Decisions about pre-tender authorisation for Category A contracts.
42. Decisions about award of Energy or Water Contracts where the additional cost of green electricity over brown exceeds 5%; or the overall cost of the contract exceeds the annual value of the previous contract by 50%; or the contract length exceeds 4 years.
43. Decisions about award of any contract relating to public realm works with a value in excess of £100,000.
44. All Decisions about award of contracts within Category A.

45. Decisions about award of contracts where the expenditure per contract exceeds the original estimated expenditure per contract for Goods and Services where the difference is more than 20% and/or is over £100,000, and for Works where the difference is more than 25% and/or is over £250,000.
46. Decisions about extensions, variations or framework agreements where the value of an extension or variation is more than 10% of the original contract or above £500,000 for Goods or Services or above £1,000,000 for Works.
47. Decisions allowing exemption from the requirements of Contract Procedure Rules where the value of the contract is above £500,000 for Goods or Services or above £1 million for Works.

Notes:

- *Category A contracts are those where the cumulative expenditure per contract is above £500,000 (goods or services) or above £1 million (works).*
- *Public realm works are those relating to any publicly owned streets, pathways, public spaces.*
- *Works contracts are those relating to building, construction and engineering.*

Property

48. Any decision relating to the use of the Council's compulsory purchase powers.
49. Any decision to declare as surplus to requirements, market, acquire or dispose of property where the value of the property exceeds £500,000

Employment

50. Re-organisations involving at least 200 staff.
51. Appointment of members to, and membership of, the Council's two local joint committees (Teachers and Staff) and Works Council.

General Functions delegated to Executive Directors in their service areas

In cases where the exercise of a function (executive or non-executive) is not specifically reserved to the (a) Full Council or delegated to a Council committee by law or by this Constitution, or (b) the Mayor, the Cabinet or a Committee of the Cabinet, then any Executive Director may exercise any executive function or non-executive function falling within their directorate or budget area, for example:

1. To exercise any functions, powers and duties of the Council to secure the effective management of their service areas including the authorisation of any procedures or contracts within the framework of Financial Procedure Rules and Contract Procedure Rules and taking and implementing decisions to maintain the operational effectiveness of their service areas where these fall within a policy decision made by the Council or Cabinet.
2. In addition to any of their general and/or specific delegated functions and powers set out below, to enter into arrangements or do anything else which is calculated to facilitate, or is conducive or incidental to, effective management of their service areas.
3. To make arrangements to secure value for money in respect of their service areas, to secure continuous improvement in the way functions are exercised

having regard to a combination of economy, efficiency and effectiveness, and to maximise economic, environmental and social value.

4. To institute, prosecute, defend, compromise, or adjourn any form of legal proceedings or enforcement functions or statutory procedure and to make or defend any appeal in criminal or civil proceedings where such action is desirable to protect the Council's interests, subject to the prior agreement of the Director of Law & Corporate Governance.
5. To exercise all Human Resources functions in accordance with agreed procedures and policies and subject to the agreement of the Director for Human Resources and Organisational Development as required.
6. To exercise all finance and contract functions in accordance with the Financial Procedure Rules, Contract Procedure Rules and any advice given by the Chief Finance Officer and/or Monitoring Officer.
7. Any decision concerning the management or use of land held for the operational requirements should be taken by Executive Director of Place in consultation with the relevant Executive Directors.
8. Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and the opinion that it is likely to affect the whole or part of the Council's area or all or some of its inhabitants, all Executive Directors may, in accordance with the Constitution:
 - incur such expenditure as is considered necessary in taking action (either by the Council itself or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in the Borough or among its inhabitants the effects or potential effects of the event; and
 - make grants or loans to other persons or bodies in respect of any such action taken by those persons or bodies, subject to ratification where necessary, as soon as possible.
9. To comply with the duties and powers imposed by the Council's Access to Information Rules.
10. To respond to consultations and to make comments and representations on matters notified to the Council by third parties including (but not limited to) Government Departments, statutory undertakers, local authorities and the Mayor of London, in consultation with the relevant Cabinet Member.
11. To submit bids for grant funding and/or other financial assistance to Government departments and other organisations and bodies for projects and initiatives consistent with Council policies, following consultation with the relevant Cabinet Member and/or the Mayor.

Specific Delegations to the Director of Law & Corporate Governance

1. Authority to initiate, conduct and defend all legal proceedings, public inquiries and planning appeals 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.
2. Authority to settle proceedings for up to £500,000 subject to budgetary provision being available if they are of the opinion that it would be in the interests of the Council to do so. Subject to the same financial limit, the Director of Human Resources and Organisational Development 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 Director of Law and Corporate Governance.

3. Authority to settle proceedings up to £1 million if they are satisfied that it is in the interests of the Council to do so, has consulted with the Executive Director for Finance, Digital and Corporate Resources and they agree with the terms of the proposed settlement. Decisions to settle proceedings for a sum above £1 million shall be taken by the Mayor.
4. Authority to enter into financial settlement of up to £1 million in respect of any matter where legal proceedings are threatened against the Council where they she has consulted the Executive Director for Finance, Digital and Corporate Resources and is satisfied that it is in the Council's overall interest to do so.
5. To act as Proper Officer in relation to the following matters:
 - The Council Procedure Rules, Committee Procedure Rules, Executive Procedure Rules and Scrutiny Procedure Rules.
 - Access to information – to ensure that decisions, including executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
 - 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).
 - 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).
 - 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.
 - 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.
 - 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.
 - To issue on behalf of the council all Notices, orders and/or similar documents pursuant to legislation in force from time to time.
 - To determine applications in relations to Town Greens.