

**SCHEME OF OFFICER AUTHORISATIONS
MADE PURSUANT TO PARAGRAPH 3.4.2 OF PART 3 OF THE CONSTITUTION
WITHIN THE PORTFOLIO OF
THE EXECUTIVE DIRECTOR ADULTS COMMUNITY AND LEISURE SERVICES**

March 2011

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Purpose

To set out the authorisations to officers to act on behalf of officers with delegated powers from the Council's Executive and Council bodies within the Adults Community and Leisure Service.

Related Policies and Documents

All parts of the Officers scheme of delegation
Adults Community and Leisure Service Schemes of Delegations

Who is governed by this policy?

The scheme of authorisation will apply to all permanent, contract and temporary staff working for the Council.

Executive Summary

The Executive Director for Adults Community and Leisure Services and the Divisional Directors within Adults Community and Leisure Services have been delegated by the Executive or the Council (as appropriate) each of the functions listed within this scheme of authorisation unless a specific restriction is stated. Those listed below are authorised by the officers with delegated powers to carry out the powers on their behalf. This list maybe updated by the officers with delegated powers wishing to authorise others to exercise them on their behalf under the provisions of paragraph 3.4.2 of Part 3 of the constitution. Any revisions must be submitted to the Council's monitoring officers within 28 days of the authorisation being approved.

All authorised officers are required to consult local ward councillors and community lead councillors if the decision has a direct impact on a local community. Please consult Democratic Services for advice. In addition, please be aware that at the very least local ward councillors should be kept aware of any decision made and implemented under delegated powers that affects members of the community in their ward.

All officers authorised to exercise functions on behalf of officers with delegated functions are required to do so in compliance with the law, the Council's Constitution, its Procurement Code, Financial Regulations and other relevant policies and procedures.

No.	Function	Authorised Posts
	<u>National Assistance Act 1948</u>	
CCA1.	National Assistance Act 1948 (Section 21) - Power to provide accommodation for persons in need	Service Head or equivalent
CCA2.	National Assistance Act 1948 (Section 22) - Power to make charges for such accommodation in accordance with persons income.	Service Head or equivalent
CCA3.	National Assistance Act 1948 (Section 23) - Power to make rules in respect of the management of premises in which accommodation is provided	Service Head or equivalent
CCA4.	National Assistance Act 1948 (Section 24) - Power to provide residential accommodation for any person subject to provisions under this Act.	Service Head or equivalent
CCA5.	National Assistance Act 1948 (Section 25) (as amended) - Power to provide accommodation in premises maintained by voluntary sector organisation and Section 26 power to make arrangements with a voluntary organisation for the purposes of providing accommodation.	Service Head or equivalent
CCA6.	National Assistance Act 1948 (Section 29) - Power to make welfare arrangements for the blind etc.	Service Head or equivalent
CCA7.	National Assistance Act 1948 (Section 30) - Power to employ voluntary sector organisations for disabled persons' welfare (in pursuance of any scheme made under section 29).	Service Head or equivalent
CCA8.	National Assistance Act 1948 (Section 32) - Power to make financial adjustments between Authority provided accommodations etc. and Local Authority area of residence.	Service Head or equivalent
CCA9.	National Assistance Act 1948 (Section 43) - Power to recover costs of assistance for persons liable for maintenance and Section 45 power to recover expenditure incurred as a result of any misrepresentation or non-disclosure.	Service Head or equivalent
CCA10.	Power to apply to a Magistrates Court for an Order requiring the removal of any person to a hospital or other place.	Service Head or equivalent
CCA11.	National Assistance Act 1948 (Section 48) - Power to provide temporary protection for property of persons admitted to hospital etc.	Service Head or equivalent
CCA12.	National Assistance Act 1948 (Section 49) (as amended) - Power to pay expenses of Officers of the Authority as receivers of mental patients.	Service Head or equivalent

No.	Function	Authorised Posts
CCA13.	National Assistance Act 1948 (Section 55) - Power of entry.	Service Head or equivalent
CCA14.	National Assistance Act 1948 (Section 56) - Power to recover sums due summarily as a civil debt.	Service Head or equivalent
CENSUS ACT 1920		
CCA15.	To make census returning as maybe required the residents of any Council premises (S3(1)(d))	Service Head or equivalent
CCA16.	General - To exercise such other powers and duties as vest in the Council by virtue of the National Assistance Act 1948 not specifically referred to above.	Service Head or equivalent
<u>Births & Deaths Registration Act 1953</u>		
CCA17.	Sections 16 and 18 duty to notify Registrar of death of any person dying in any premises for which the Council is responsible.	Service Head or equivalent
<u>Disabled Persons (Employment) Act 1958</u>		
CCA18.	Section 65 - To give grants or loans to voluntary organisations whose activities provide services similar to relevant services	Service Head or equivalent
CCA19.	Section 3 - To seek approval and comply with directions in respect of the provision of facilities employment or work for registered persons who are seriously disabled.)) Service Head or equivalent Next tier – Group Manager or equivalent
<u>Health Services & Public Health Act 1968</u>		
CCA20.	Section 45 - arrangements for promoting the welfare of elderly people.	Service Head or equivalent Next tier – Group Manager or equivalent
CCA21.	Section 65 - Grants and loans to voluntary organisations	Service Head or equivalent
<u>The Chronically Sick and Disabled Persons Act 1970</u>		

No.	Function	Authorised Posts
CCA22.	Sections 1 and 2 - Duty to provide information as to existence of welfare services and determining the number of persons to whom Section 29 of the National Assistance Act 1948 applies.	Service Head or equivalent Next tier – Group Manager or equivalent
CCA23.	Section 18 - Duty to provide to the Secretary of State information as to accommodation of younger and older persons under Part III of the National Assistance Act 1948.	Service Head or equivalent Next tier – Group Manager or equivalent
<u>Local Authority Social Services Act 1970</u>		
CCA24.	Complaints Procedure Directions 1990 - Power to take action on recommendation of the Review Panel.	Service Head or equivalent
<u>Local Government Act 1972</u>		
CCA25.	Section 195(3) - Power to submit proposals for the care of mothers and young people under the National Health Service Act 1946 prophylaxis (preventative or protective) care and after care under the Health Service and Public Health Act 1968 and schemes under the National Assistance Act 1948 relating to the accommodation and welfare of disabled persons and the employment of disabled persons.	Service Head or equivalent
<u>National Health Service Act 1977</u>		
CCA26.	Sections 21, 22, 28 & Schedule 3 - Power to place, persons in residential accommodation and co-operation with the health service.	Service Head or equivalent
<u>Mental Health Act 1983 as amended</u>		
CCA27.	Section 4 - Making emergency application to admit a patient for assessment.	Approved Social Worker
CCA28.	Sections 7, 8 and 9 - Power to apply for or confer guardianship powers on person named as guardian of the patient.	Approved Social Worker

No.	Function	Authorised Posts
CCA29.	Section 10 - Power to take over guardianship of a patient in case of death, incapacity etc. of guardian (other than a local authority), Section 19 power to transfer guardianship to or from the Council and Section 37 and 40 guardianship of offenders.	Approved Social Worker
CCA30.	Section 13 - Directing an approved Social Worker to take a patient's care into consideration Section 14 interviewing patients and 18 power to take any patients who absconds into custody.	Approved Social Worker
CCA31.	Section 20 - Power to examine patients subject to guardianship under this Act to ascertain whether the patient(s) should remain under guardianship and Section 23 orders discharging any patient who is subject to guardianship..	Practice and Development Manager (Mental Health) Approved Social Worker
CCA32.	Section 25 - Provision with regard to supervision and aftercare.	Approved Social Worker
CCA33.	Section 29 – Authority to apply and power to act as nearest relative of patient and Section 30 power to apply for discharge of a Section 29 Order.	Practice and Development Manager (Mental Health) Approved Social Worker
CCA34.	Section 40 - Power to take patient to hospital or elsewhere on court making hospital order or guardianship order.	Practice and Development Manager (Mental Health)
CCA35.	Section 114 - Power to appoint Approved Social Workers.	Practice and Development Manager (Mental Health)
CCA36.	Section 116 and 117 arranging necessary visits and aftercare facilities.	Practice and Development Manager (Mental Health)
CCA37.	Section 115 - To enter and inspect premises	Approved Social Worker
CCA38.	Section 135 - To apply for a warrant to search and remove	Approved Social Worker
CCA39.	Section 136 - To interview anyone taken to a place of safety.	Approved Social Worker
CCA40.	Section 137 - To exercise powers of a constable when having someone in their custody under this Act.	Approved Social Worker

No.	Function	Authorised Posts
CCA41.	General. To exercise such other powers and duties under the Mental Health Act 1983 as vest in the Council not specifically mentioned above.	Practice and Development Manager (Mental Health) Sections 4,7,10,11, 13,15,25B(6),29,30,115,135,36 and 37 are also delegated to approved social workers
<u>Health and Social Services Security Adjudications Act 1983</u>		
CCA42.	Section 17 - Power to abate minimum charge for Home Support Services.	Service Head or equivalent
CCA43.	Sections 21, 22 and 24 - Power to recover charges and create charge over land/property and determine interest payable.	Service Head or equivalent
<u>Public Health (Control of Disease) Act 1984</u>		
CCA44.	Section 48 - Power to make provision regarding the burial or cremation of the dead.	Service Head or equivalent
<u>Transport Act 1985</u>		
CCA45.	Section 106 - to make grants for transport facilities and services for disabled people.	Service Head or equivalent
<u>Disabled Persons (Consultation and Representation) Act 1986</u>		
CCA46.	Section 1(3) - Power to appoint authorized representative for disabled person in accordance with Regulations.	Service Head or equivalent
CCA47.	Section 2(4) - Power to exclude authorized representative of disabled person from meetings about that person.	Service Head or equivalent
CCA48.	Section 3 - Power to assess needs of disabled person.	Service Head or equivalent Next tier – Group manager or equivalent
CCA49.	Section 4 - Power to decide on needs of a disabled person.	Service Head or equivalent Next tier – Group Manager or equivalent

No.	Function	Authorised Posts
CCA50.	Section 7 (4) - Duty to make arrangements for the assessment of needs of disabled persons following discharge from hospital after receipt of medical treatment for mental disorder for continuous period of not less than 6 months	Service Head or equivalent
CCA51.	Section 8 - Power to make decision on ability of carer.	Service Head or equivalent Next tier – Group Manager or equivalent
<u>Housing Act 1986</u>		
CCA52.	Sections 182 and 213 - Regard to evidence on homelessness related functions and assistance in discharge of homeless functions.	Service Head or equivalent Next tier – Group Manager or equivalent
<u>Social Security Act 1988</u>		
CCA53.	Section 13 - In respect of the distribution of welfare foods.	Service Head or equivalent Next tier – Group Manager or equivalent
<u>NHS and Community Care Act 1990</u>		
CCA54.	General - Provision of plans and assessments of a vulnerable persons' need for community care services and negotiating and agreeing contracts with residential and nursing home providers and home support providers within the perimeters of any agreed providers list.	Head of Strategy, Performance & Commissioning Next tier – Group Manager or equivalent
<u>Carers (Recognition and Services) Act 1995</u>		
CCA55.	Ensuring assessment and provision of services and support to carers.	Service Head or equivalent Next tier – Group Manager or equivalent
<u>Community Care (Direct Payments) Act 1996</u>		
CCA56.	General - To make arrangements for direct payments to identified service users	Service Head or equivalent Next tier – Group Manager or equivalent Direct Payments Coordinator

No.	Function	Authorised Posts
<u>Community Care (Residential Accommodation) Act 1998</u>		
CCA57.	Appropriately apply the regulations and adhere to the guidance on 'charging for residential accommodation' CRAG, including the disregard of a person's capital assets up to the prevailing limits and conducting financial assessments.	Service Head or equivalent Finance Manager
<u>Health Act 1999 & National Health Service Act 2006</u>		
CCA58.	Subject to approval of the overall agreement by Cabinet, power to transfer funding between the local authority, Health and other agencies and to establish partnership arrangements to support shared objectives ensuring clear audit trails and financial probity. (Health Act 1999 Sections 28,29,30 &.31 for arrangements previously agreed and National Health Service Act 2006 part 3 for future arrangements)	Service Head or equivalent Next tier – Group Manager or equivalent
<u>Care Standards Act 2000</u>		
CCA59.	Applications, representations, Registrations and variations in respect of establishments or Agencies covered by the Act.	Service Head or equivalent Next tier – Group Manager or equivalent
CCA60.	Refer to Secretary of State details of any person who should be included in the list maintained under Section 81 (individuals who are considered unsuitable to work with vulnerable adults).	Service Head or equivalent Next tier – Group Manager or equivalent
<u>Carers and Disabled Children Act 2000</u>		
CCA61.	Adults - Ensuring carers are given the right to their own assessment whether or not the person they are caring for is being assessed.	Service Head or equivalent Next tier – Group Manager or equivalent
CCA62.	Arrange direct payments or other services for carers to meet their needs and request any other Authority to assist in the provision of such services or deal with such requests from other Authorities.	Service Head or equivalent Next tier – Group Manager or equivalent

No.	Function	Authorised Posts
<u>Health and Social Care Act 2001</u>		
CCA63.	Sections 50, 51, 54, 55, 56 and 57 - Provision of Community Care Services to those with preserved rights, additional accommodation payments, defined and direct payments.	Service Head or equivalent Next tier – Group Manager or equivalent
<u>Homelessness Act 2002</u>		
CCA64.	Section 1 - To provide assistance with homelessness review and have regard to homelessness strategy.	Service Head or equivalent
COMMUNITY CARE (DELAYED DISCHARGES ETC.) ACT 2003		
CCA65.	Section 4 - Assessment of any community care services needed on patients discharged from hospital and reviews of such assessments	Service Head or equivalent Next tier – Group Manager or equivalent
CCA66.	Section 6 - Delayed discharge payments.	Service Head or equivalent Next tier – Group Manager or equivalent
CCA67.	Section 9 - Powers and duties in relation to resolving any disputes under the Act.	Service Head or equivalent Next tier – Group Manager or equivalent
CCA68.	Section 10 - Adjustments of payments.	Service Head or equivalent Next tier – Group Manager or equivalent
CCA69.	Section 15 - Making free of charge community care provisions under Regulations made under this Section.	Service Head or equivalent Next tier – Group Manager or equivalent
MENTAL CAPACITY ACT 2005		
CCA70.	Section 35 - To make and to put into effect arrangements to enable independent mental capacity advocates to be available to represent and support persons to whom acts or decisions proposed under sections 37, 38, and 39 of this Act relate.	Service Head or equivalent Next tier – Group Manager or equivalent

No.	Function	Authorised Posts
CCA71.	Section 39 - To instruct an independent mental capacity advocate for a person who becomes subject to Schedule A of this Act as necessary.	Service Head or equivalent Next tier – Group Manager or equivalent
CCA72.	Schedule 1 and Deprivation of Liberty Safeguards – To comply with, exercise and perform any powers and duties contained in this schedule which fall to the Council by virtue of its being a managing authority or supervisory body for the purpose of this schedule and DOLS (decision and supervision of deprivation of liberty in care homes)	Service Head or equivalent Next tier – Group Manager or equivalent
NATIONAL HEATH SERVICE ACT 2006		
CCA73.	Section 74 - To make services available to each NHS body acting within the Council area so far as is reasonably necessary and practicable to enable the NHS body to discharge functions under the Act.	Service Head or equivalent
CCA74.	Section 75 - To comply with, exercise and perform any powers and duties contained in any regulations made by the Secretary of State under this section enabling the making of arrangements between the Council, other local Authorities and NHS bodies for the discharge of the functions of NHS bodies and health related local Authority functions.	Service Head or equivalent
CCA75.	Section 76 – To make payments to any Strategic Health Authority, Primary Care Trust or Local Health Board towards expenditure to be incurred in the performance of their functions and to comply with, exercise and perform any powers and duties contained in any regulations made by the Secretary of State under this section attaching conditions to any such payments.	Service Head or equivalent
CCA76.	Section 82 – To co-operate with NHS bodies when exercising any of the Council’s functions in order to secure and advance the health and welfare of the people of England and Wales.	Service Head or equivalent

No.	Function	Authorised Posts
CCA77.	Section 254 – To allow premises, furniture or equipment provided for the care of mothers, for prevention, care and aftercare, or for home help and laundry purposes to be used by other social services authorities, local education authorities or bodies established under this Act on such terms as may be agreed and to provide, improve or furnish residential accommodation for officers employed by the Council or by voluntary organisations to perform services under this section or Schedule 20 of this Act.	Service Head or equivalent
CCA78.	Schedule 20 – To make arrangements for the provision of the care and services set out in this Schedule (care of mothers and young children, care and after care, home help and laundry facilities) and to comply with, exercise and perform any powers and duties contained in this Schedule and any regulations made there under with regard to the provision of such services.	Service Head or equivalent
SAFEGUARDING VULNERABLE GROUPS ACT 2006		
CCA79.	Section 23 – To comply with, exercise and perform any powers and duties contained in any regulations made by the Secretary of State under this section with regard to the steps to be taken in connection with permitting others to engage in controlled activity in respect of children and vulnerable adults.	Executive Director Divisional Director Adults Services (Transformation) no other delegation
CCA80.	Section 27 – To make application to the Secretary of State for vetting information and to comply with, exercise and perform any powers and duties contained in any regulations made under this section with regard to informing persons of their rights to obtain information under this section.	Service Head or equivalent
CCA81.	Sections 35 to 40 - To provide the Independent Barring Board with prescribed information in the specified circumstances or as requested or required.	Service Head or equivalent
LOCAL GOVT & INVOLEMENT IN HEALTH ACT 2007		
CCA82.	Section 116 – To prepare and publish an assessment of relevant needs (health and social care) for the Council and co-operate with each partner PCT when preparing such an assessment.	Service Head or equivalent Next tier – Group Manager or equivalent

No.	Function	Authorised Posts
CCA83.	Section 224 – To comply with and to exercise and perform any powers and duties contained in any regulations made by the Secretary of State under this section imposing duties on service providers (duties in respect of responding to requests for information and dealing with reports and recommendations from a local involvement network).	Service Head or equivalent Next tier – Group Manager or equivalent
CCA84.	Section 225 – To comply with and to exercise and perform any powers and duties contained in any regulations made by the Secretary of State under this section requiring authorised representatives to enter and view, and observe the carrying-on of activities on premises owned or controlled by the Council.	Service Head or equivalent
CCA85.	Section 228 – To ensure that there are means by which activities set out in section 221 of this Act (promoting involvement of people in commissioning, providing and scrutiny of local care services etc) can be carried out and to comply with, exercise and perform any powers and duties contained in any regulations made by the Secretary of State under this section with regard to the Council’s duty (the temporary duty).	Service Head or equivalent
CCA86.	Section 243 – To comply with, exercise and perform any powers and duties contained in any order made by the Secretary of State under this section amending any enactment for the purpose of giving full effect tot his Act.	Service Head or equivalent
HEALTH AND SOCIAL CARE ACT 2008		
CCA87.	Section 146 - Power to include people who lack capacity within the meaning of the Mental Capacity Act 2005 in existing direct payment scheme	Service Head or equivalent
<u>General</u>		
CCA88.	Grants – authority to exercise any power to give assistance whether by way of grant or loan under any provision subject to any scheme or framework approved by the executive.	Head of Strategy, Performance & Commissioning
CCA89.	Such other actions as necessary for most effective discharge of all community care powers, duties and responsibilities.	Service Head or equivalent
<u>PARK AND OPEN SPACES</u>		

No.	Function	Authorised Posts
CCA90.	Appointment of park keepers with powers to seize tobacco and cigarettes from persons under 16 (under Children & Young Person's Act 1933), power to enforce park byelaws, Dangerous Dogs Act and Dogs (Fouling of Land) Act 1996.	Executive Director Divisional Director Leisure no other delegation
CCA91.	To determine opening and closing times of parks and public recreation grounds, including provision for closure on a Sunday under the Greater London Council (General Powers) Act 1978.	Executive Director Divisional Director Leisure no other delegation
CCA92.	To provide and maintain parks, open spaces, commons etc. facilities for public recreation and ancillary facilities under the Greater London Parks and Open Spaces Order 1967, the Local Government (Miscellaneous Provisions) Act 1976, Metropolitan Commons Acts, Open Spaces Acts and such other powers the Local Authority has in this regard.	Executive Director Divisional Director Leisure
CCA93.	To permit the exclusive use of any part of a park or pleasure ground for games of recreation or any pavilion, concourse, refreshment room at other building and to make such changes in respect of such use under the provisions of the Public Health Acts	Head of Service or equivalent
CCA94.	To provide boating pools and any ancillary buildings.	Head of Service or equivalent
CCA95.	To layout, plant, improve and maintain land for public walks or pleasure grounds.	Head of Service or equivalent
CCA96.	Make arrangements for the provision and enforcement of byelaws to ensure effective management of the Council's parks and recreational areas.	Head of Service or equivalent
CCA97.	To permit the exclusive use of any park or open space for the purposes of public events under Section 145(2) of the Local Government Act 1972 and power to make charges.	Head of Service or equivalent
Museums and Art Galleries		
CCA98.	To provide and maintain any museum or art gallery.	Divisional Director Leisure
CCA99.	Licensing of public exhibitions under the Greater London Council (General Powers) Act 1966.	Divisional Director Leisure

No.	Function	Authorised Posts
CCA100.	Power to contribute to expenses of any person providing or m... or benefiting a museum or art gallery under Section 12 of the Public Libraries and Museum Act 1964	Divisional Director Leisure
CCA101.	Power to establishing a fund for purchase of objects for exhibition - Section 15 of the Public Libraries and Museum Act 1964	Divisional Director Leisure
CCA102.	Power to make contributions to any body rendering public services by means of cultural facilities - Section 59 of the London County Councils (General Powers) Act 1947	Divisional Director Leisure
<u>Sports And Leisure Facilities</u>		
CCA103.	To provide and maintain swimming pools and other sports facilities including but not limited to sports centres, skating rinks, racquet courts, boarding centres, dance studios and schools, games pitches, athletics grounds, cycle tracks, boating facilities, including premises and other ancillary facilities under Section 19(1) of the Local Government (Miscellaneous Provisions) Act 1976.	Divisional Director Leisure
CCA104.	Make arrangements for the provision of byelaws and enforcement of byelaws under Section 223 of the Public Health Act 1936.	Divisional Director Leisure
CCA105.	To temporarily close any swimming pool and grant permission for exclusive use by any school or club or for completion, sports of other entertainment and to make charges thereto under Section 19(2) of the Local Government (Miscellaneous Provisions) Act 1976.	Divisional Director Leisure
CCA106.	Contribute towards the expenses incurred by any voluntary organization providing facilities which the Council has the power to provide.	Divisional Director Leisure
<u>Entertainment</u>		
CCA107.	Provision and maintenance of any theatre, concert hall, entertainment room, reading room, pavilion, bandstand, refreshment rooms, cloakrooms, lavatories and the like for the provision of concerts and other entertainments and of developing and improving the knowledge of arts and crafts under Sections 4 and 5 of the London County Council (General Powers) Act 1947 and Section 145 of the Local Government Act 1972.	Divisional Director Leisure

No.	Function	Authorised Posts
<u>War Memorials</u>		
CCA108.	To maintain, repair and protect any war memorial in the Borough.	Divisional Director Leisure