



## **Rutland County Council**

### **PART 8 – OF THE CONSTITUTION**

### **TERMS OF REFERENCE AND SCHEME OF DELEGATION TO OFFICERS**

**APPROVED BY COUNCIL  
at each Annual Meeting but subject to  
amendment at any Council Meeting**

Version May - 2018

# RUTLAND COUNTY COUNCIL DISTRICT COUNCIL CONSTITUTION

## PART 8 – SCHEME OF DELEGATION

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### 1. GENERAL PRINCIPLES

- 1.1 The Scheme is subject to other provisions of the Council's Constitution and in particular Part 3 relating to the responsibility for functions, the provisions contained in the Council's Procedure Rules and also to the roles of the officers appointed as the Council's Head of Paid Service, Monitoring Officer and Section 151 Officer.
- 1.2 Any arrangements made by the Council or Cabinet for the discharge of functions by a Committee, Sub-Committee or Officer shall not prevent the Council or Cabinet by whom such arrangements were made from exercising those functions, subject to Procedure Rule 110 (Referral of Decisions) or the provisions for the call-in of decisions in the Constitution and the Council's Procedure Rules.
- 1.3 Delegated powers may only be exercised within the Terms of Reference of the Committee or Sub-Committee exercising the power and within the framework of the Council's policy.
- 1.4 Delegated powers to purchase property, goods or services may only be exercised if provision is made in the Annual Budget or if a Supplementary Estimate has been approved.
- 1.5 All references to Acts, Orders, Regulations etc., in this Scheme shall be deemed to include references to amending or extending legislation in force from time to time.
- 1.6 No Working Party or Working Group shall have any executive powers. Their functions will be of investigation, consultation, research and reporting any recommendations to their appointing body for approval. No Working Party, or Working Group has any authority to commit the Authority to any expenditure.
- 1.7 Where a function is not reserved specifically for a Committee or Sub-Committee, it shall be deemed to be delegated to the Chief Officer responsible for the function.

### 2. MATTERS RESERVED TO COUNCIL

- 2.1 The functions reserved for Council are contained in Part 3 of the Council's Constitution.

### 3. GENERAL DELEGATED POWERS

- 3.1 The General Scheme of Delegation to all Committees is contained in Part 3 of the Council's Constitution.

### 4. MATTERS DELEGATED TO OFFICERS OF THE AUTHORITY

- 4.1 The matters delegated to the Chief Executive and other Chief Officers are contained in Part 3 of the Council's Constitution.

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### 5. “PROPER OFFICER” DESIGNATIONS FOR STATUTORY PURPOSES

5.1 The following officers are authorised to undertake the duties of the proper officer as determined by the relevant requirements of the appropriate legislation.

No	Act Section of Schedule	FUNCTION	PROPER OFFICER
1.	LOCAL GOVERNMENT ACT 1972 S.13(3) AND S.97	Parish Trustee	Chief Executive
2.	LOCAL GOVERNMENT ACT 1972 S.83(1)	Receipt of declaration of acceptance of office	Chief Executive and Monitoring Officer
3.	LOCAL GOVERNMENT ACT 1972 S.84	Receipt of notice of resignation	Chief Executive
4.	LOCAL GOVERNMENT ACT 1972 S.88(2)	Convening a Council meeting to fill casual vacancy in office of Chair	Chief Executive
5.	LOCAL GOVERNMENT ACT 1972 S.89(1)(b)	Receipt of notice of casual vacancy in office of Councillor from two local government electors	Chief Executive
6.	LOCALISM ACT 2011 S.29(1) and LOCAL GOVERNMENT ACT 1972 S. 117	Receipt of notice and record of pecuniary interests under S.29 in respect of members and S.117 in respect of officers	Monitoring Officer
7.	LOCAL GOVERNMENT ACT 1972 S.111	Registrar of Bonds	Section 151 Officer
8.	LOCAL GOVERNMENT ACT 1972 S.101	Statutory determinations regarding borrowing limits	Section 151 Officer
9.	LOCAL GOVERNMENT ACT 1972 S.115	Receipt of monies due from officers required to account	Section 151 Officer
10.	LOCAL GOVERNMENT ACT 1972 S.146(1)(a)(b)	Declarations and certificates relating to securities in case of transfer	Section 151 Officer
11.	LOCAL GOVERNMENT ACT 1972 S.151	The officer responsible for financial administration (Section 151 Officer)	Assistant Director - Finance
12.	LOCAL GOVERNMENT ACT 1972 S.191(2)	Matters relative to Ordnance Survey	Chief Executive
13.	LOCAL GOVERNMENT ACT 1972 S.210(6) & (7)	Charity functions transferred to the District Council	Chief Executive
14.	LOCAL LAND CHARGES ACT 1975 (c.76, SIF 98:2), S.19(1), Sch. 2	Local Land Charges Registrar under the Land Charges Act 1925	Chief Executive
15.	THE REGULATORY REFORM (GAME) ORDER 2007 (S.I. 2007/2007), art.6. Sch.para.1(m)	The Collection of Licence Duties	Strategic Director for Places
16.	LOCAL GOVERNMENT ACT 1972 S.223(1)	The conduct of Legal proceedings before Magistrates' Court for recovery of Council Tax and non-domestic rate arrears	Section 151 Officer or Director of Resources or Chief Executive
17.	LOCAL GOVERNMENT ACT 1972 S.225(1)	Deposit of documents	Chief Executive
18.	LOCAL GOVERNMENT ACT 1972 S.228(3) & (4)	The Proper Officer whose accounts are open to inspection by members and whose audited accounts are open to public inspection	Section 151 Officer
19.	LOCAL GOVERNMENT ACT 1972 S.229(5)	Certificate of photographic copies of documents	Any Director
20.	LOCAL GOVERNMENT ACT 1972 S.234(1) & (2)	Authentication of Documents	Any Director
21.	LOCAL GOVERNMENT ACT 1972 S.236(9)	Service and receipt of copies of bylaws made by the County or District Council	Chief Executive

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No	Act Section of Schedule	FUNCTION	PROPER OFFICER
22.	LOCAL GOVERNMENT ACT 1972 S.238	Certification of bylaws	Chief Executive
23.	LOCAL GOVERNMENT ACT 1972 Sch 12 para 4(2)(b) & (3)	Signatures of Summons to Council meetings, receipt of Notices of addresses to which summons should be sent	Chief Executive
24.	LOCAL GOVERNMENT ACT 1972 s.12(a)	Certification of resolutions under the paragraph	Chief Executive
25.	PLANNING (CONSEQUENTIAL PROVISIONS) ACT 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6	Receipt of deposit of lists of protected buildings S54(4) of Town & Country Planning Act 1971	Strategic Director for Places
26.	LOCAL GOVERNMENT ACT 1972 Sch 29 para 4(1)(a) and (c)	General provisions of existing legislation, not expressly covered by preceding provisions where reference is made to specific officers; for references to Surveyor, Public Health Inspector and Medical Officer of Health except in respect of matters which can only be dealt with by registered Medical practitioners	Strategic Director for Places
27.	LOCAL GOVERNMENT ACT 1972	For references to Town Clerk or Clerk of the Council	Chief Executive
28.	LOCAL GOVERNMENT ACT 1972 S.100B(2)	Circulation of reports and agenda	Chief Executive
29.	LOCAL GOVERNMENT ACT 1972 S.100B(7)(c)	Supply of papers to the press	Chief Executive
30.	LOCAL GOVERNMENT ACT 1972 S.100C(2)	Summaries of minutes	Chief Executive
31.	LOCAL GOVERNANCE ACT 1972 SCHEDULE 12A	Access to information	Chief Executive
32.	LOCAL GOVERNMENT ACT 1972 S.100D(1)(a)	Compilation of lists of background papers and S.100D(5)(a) Identification of background papers	Directors having responsibility for subject matter of report with the first named officer being designated in case of a joint report.
33.	LOCAL GOVERNMENT ACT 1974 S.30(5)	Public notice of publication of a Local Commissioner's report	Chief Executive
34.	REGISTRATION SERVICE ACT 1953	Registration of Births Deaths and Marriages	Senior Culture and Leisure Services Manager
35.	REPRESENTATION OF THE PEOPLE ACT 1983 S.8	Electoral Registration Officer	Chief Executive
36.	REPRESENTATION OF THE PEOPLE ACT 1983 S.52(2)	Deputy Electoral Registration Officer	Director of Resources
37.	REPRESENTATION OF THE PEOPLE ACT 1983 S.35	Returning Officer for Parish and District Council elections	Chief Executive
38.	REPRESENTATION OF THE PEOPLE ACT 1983 S.24	Returning Officer Parliamentary Elections	Mayor of Melton Borough Council
39.	REPRESENTATION OF THE PEOPLE ACT 1983 S.28	Acting Returning Officer for Parliamentary Elections	Chief Executive Melton Borough Council
40.	LOCAL GOVERNMENT AND HOUSING ACT 1989 P1.S4.1(a)	Head of the Paid Service	Chief Executive

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No	Act Section of Schedule	FUNCTION	PROPER OFFICER
41.	LOCAL GOVERNMENT AND HOUSING ACT 1989	Acting Head of the Paid Service in the Head of Paid Service's absence	Director for People
42.	LOCAL GOVERNMENT AND HOUSING ACT 1989 S.5	Monitoring Officer	Director of Resources
43.	LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990 P3, S.8	Receipt of notice of formation and membership of a political group	Chief Executive
44.	LOCAL GOVERNMENT AND HOUSING ACT 1989 S.16	Receipt of notice of wishes of political groups as to appointments to committees and sub-committees and termination of appointments	Chief Executive
45.	LOCAL GOVERNMENT AND HOUSING ACT 1989 S.18 and Reg 14 of Local Authorities (Members' Allowances)	Receipt of notice in writing that a Councillor wishes to forgo any part of his entitlement to an allowance	Director of Resources
46.	The Local Authorities (Referendums)(Petitions) (England) Regulations 2011 P2 S.4(1)	Publication of 5% of local government electors for validating petitions	Electoral Registration Officer
47.	PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984	The Proper Officer for the purposes of the Public Health (Infectious Diseases) Regulations	Director of Public Health
48.	NATIONAL ASSISTANCE ACT 1948	The Proper Officer for the Purposes of Section 47	Director of Public Health
49.	LOCAL GOVERNMENT ACT 2000 S.52	Undertakings by Members and Co-opted Members to observe the Council's Code of Conduct	Chief Executive and Monitoring Officer
50.	FREEDOM OF INFORMATION ACT 2000 S 36(2) and (5)	The qualified person for the purposes of deciding whether information is exempt from disclosure to the public relating to the prejudice to the conduct of public affairs	Director of Resources
51.	FREEDOM OF INFORMATION ACT 2000 S 36	Determination of all exemptions apart from those relating to the prejudice to the conduct of public affairs	Head of Legal and Governance or Director or representative appointed by a Director
52.	REGULATION OF INVESTIGATORY POWERS ACT 2000	Authorising Officer and Designated Person for the use of surveillance and the acquisition and disclosure of communications data	Chief Executive or Any Director or Head of Legal and Governance
53.	THE LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009 S 31	The Statutory Scrutiny Officer responsible for the promotion of the authority's scrutiny function and the provision of support and guidance to Members and Officers of the authority.	Governance Manager
54.	GENERAL DATA PROTECTION REGULATION 2016	Data Protection Officer	Information Governance Officer
55.	GENERAL DATA PROTECTION REGULATION 2016	Senior Information Risk Owner	Head of Legal & Governance
56.	CALDICOTT REVIEW 1997	Caldicott Guardian	Deputy Director for People
57.	CHILDREN ACT 2004 S 11	Local Authority Designated Officer (LADO)	Head of Safeguarding Children's Social Care

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### TERMS OF REFERENCE FOR REGULATORY COMMITTEES

#### **6. Audit and Risk Committee**

6.1 The purpose of the Committee is to undertake the County Council's responsibilities under the Accounts and Audit Regulations:

- a) to consider and approve the annual statement of accounts
- b) to ensure that the financial management of the Council is adequate and effective
- c) to ensure that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions and which includes arrangements for the management of risk
- d) to review annually the Council's system of internal control and to agree an Annual Governance Statement for inclusion in the statement of accounts
- e) to ensure that the Council has an adequate and effective internal audit function

#### **6.2 Audit Activity**

- a) To consider the Head of Internal Audit's annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
- b) To approve the risk-based internal audit plan and resource requirements
- c) To consider summaries of specific Internal Audit reports as requested.
- d) To consider reports dealing with the management and performance of the providers of Internal Audit Services.
- e) To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
- f) To approve the Internal Audit Charter
- g) To consider the External Auditor's Annual Letter, relevant reports, and the report to those charged with governance
- h) To consider specific reports as agreed with the External Auditor
- i) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- j) To liaise with the Public Sector Audit Appointments Ltd (PSAA) over the appointment of the Council's External auditor.
- k) To commission work from Internal and External Audit.

#### **6.3 Regulatory Framework**

- a) To maintain an overview of the Council's Constitution with the exception of those matters under the remit of the Executive or a regulatory committee.
- b) To review any issue referred to it by the Chief Executive or a Director, or any Council body.
- c) To monitor the effective development and operation of risk management and corporate governance in the Council.
- d) To advise and monitor council policies on 'Whistle Blowing' and the 'Anti-fraud and corruption strategy' and the Council's complaints process.
- e) To oversee the production of the authority's Annual Governance Statement and to recommend its adoption.



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- f) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- g) To consider The Council's compliance with its own and other published standards and controls.

### 6.4 Accounts

- a) To approve the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council
- b) To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

### 6.5 Accountability Arrangements

- a) To report to those charged with governance on the committee's findings conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.
- b) To report to Full Council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

### Delegations to Officers

- The Assistant Director (Finance), in consultation with the Chair of the Committee, is authorised to make changes to the Internal Audit plan. Such changes must be reported to the Committee at the earliest opportunity.

## 7. Planning and Licensing Committee

### 7.1 Planning

- a) The determination of all and any planning, listed building, advertisement or other allied applications and functions not specifically delegated to officers;
- b) Any agreement regulating development or use of land under Sections 106 and/or 106A of the Town and Country Planning Act (TCPA)1990;
- c) Any enforcement powers under any legislation relating to town and country planning or associated matters;
- d) Any formal comment or view on applications or proposals to be determined by any Statutory Body and government departments relating to matters within the remit of the Committee;
- e) Making any Direction, Order or issuing or serving any Notice under any legislation relating to town and country planning; and
- f) Any function under the Planning (Hazardous Substances) Act 1990 or the Planning (Listed Buildings and Conservation Areas) Act (LBA) 1990.

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### 7.2 Licensing

- a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the Council as licensing authority under Licensing Act 2003.
- b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the Council as licensing authority under Gambling Act 2005.
- c) To exercise all other functions relating to licensing and registration including taxi, gaming, entertainment, food, scrap metal dealers and other miscellaneous licensing.
- d) To hear and determine licensing applications and appeals where objections and/or representations have been received in relation to any of the above functions.
- e) Any other matters relating to licensing which may be referred to the Committee for consideration.

### 7.3 Licensing Sub-Committees

- a) To establish Panels (sub-committees) to determine matters that do not sit within the scope of delegation to officers, usually where representations have been received against a grant of a licence, or from the applicant against intended refusal or revocation of a licence/registration.

### 7.4 Commons Registration

- a) To exercise all those functions and responsibilities relating to common land, town and village greens under the Commons Act 2006

### 7.5 Highways Use and Regulation

- a) To exercise all those functions and responsibilities relating to highways and rights of way under the Highways Act 1980 and Wildlife and Countryside Act 1981

### 7.6 Health and Safety

- a) All those functions and responsibilities under any of the “relevant statutory provisions” within the meaning of Part 1 of the Health and Safety at Work Etc Act 1974 to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer

### 7.7 Delegations to Officers

7.7.1 The Strategic Director for Places , Planning Services Manager or Nominated Deputy is authorised to deal with the following matters:

- a) Any application under the TCPA 1990, LBA 1990, the Planning (Hazardous Substances) Act 1990, the Control of Advertisements Regulations 2007 and the determination and expression of the Council’s views where the Council, as local planning authority, is a statutory or other consultee and the making of observations on proposals made by or being determined by any other body subject to the following exceptions:
  - i. The applicant is the Council or someone acting as applicant on its behalf, with the exception of minor proposals.
  - ii. There is an Officer recommendation of approval and the application is submitted by or on behalf of a Rutland County Councillor, or an Officer of the Council directly or

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indirectly involved in planning work, a member of the Council's Strategic Management Team or any other officer where the Strategic Director for Places considers that the application should be determined by the Committee in the interests of openness and transparency

- iii. An application which has been requested by a Member to be determined by the Committee (which must include the reason for the request, and the Planning Services Manager considers that the reasons given are sufficient) shall be subject to specific additional assessment by the Operational Strategic Director for Places or the Development Control Manager, in consultation with the Chairman or Vice-Chairman of the Planning and Licensing Committee, who will decide whether the application should go to that Committee.
  - iv. An application which officers consider would normally be approved under delegated powers, but which has been submitted by a Member or Officer of the Council acting as an agent, shall be subject to specific additional assessment in consultation with the Chairman or Vice-Chairman of the Planning & Licensing Committee.
  - v. There is an Officer recommendation of approval which is materially contrary to the National Planning Policy Framework and/or the Development Plan.
  - vi. There is an Officer recommendation of approval contrary to a previous refusal by the Planning and Licensing Committee and the policy framework has remained substantially unchanged since the refusal.
  - vii. Material planning objections have been received from a town/parish council or local resident, unless it is considered upon assessment that the development will result in no significant adverse impact. Such assessment to be carried out in consultation with the Chairman or Vice-Chairman of the Planning and Licensing Committee.
- b) All functions, applications and powers in respect of enforcement. Any decision to issue an enforcement notice, serve an injunction, issue a stop notice, issue a planning enforcement order, or serve a discontinuance notice shall be carried out in consultation with the Chair or Vice-Chair of the Planning & Licensing Committee.
  - c) All functions, applications and powers under The Hedgerow Regulations 1997, Tree Preservation Orders and Trees in Conservation Areas under the TCPA 1990 and Part 8 (High Hedges) of the Anti-Social Behaviour Act 2003
  - d) To consult and respond to consultations from neighbouring authorities, government departments and other bodies on all day to day matters
  - e) To determine applications to discharge conditions on any planning or related applications
  - f) To exercise powers under the General Permitted Development Order, the Development Management Procedure Order, any other such Regulations present and future and all directions and prior notifications in these Orders.
  - g) To formulate conditions and reasons for refusal the substance of which has been determined by Committee
  - h) Any certificate of existing or proposed lawful use or development under the TCPA 1990
  - i) To negotiate, agree and where appropriate amend terms of legal agreements and secure their fulfilment

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- j) To defend appeals against the Council's decisions and to represent the council at Hearings, Inquiries and the Courts
- k) To decline to determine any application pursuant to Section 70(A) of the TCPA 1990
- l) Determination of any matter under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and any similar or successor regulations
- m) Any application for a certificate of appropriate alternative development under Section 17 of the Land Compensation Act 1961 (as amended)
- n) Determinations on overhead lines matters under Section 37 of the Electricity Act 1989 and subordinate Regulations.
- o) All Officers in Development Control team are authorised to enter onto land for any purpose permitted by any provision under TCPA 1990, LBA 1990 or any other legislation relating to town and country planning

7.7.2 The Strategic Director for Places is authorised to deal with the following matters:

- a) The agreement and operation of protocols, management agreements and/or Service Level Agreements
- b) The determination of applications for licences where no objections are received. This includes all applications made under the Licensing Act 2003 and Gambling Act 2005.

7.7.3 The Scheme of Delegation in Part 8 of the Constitution also applies.

## **8. Employment and Appeals Committee**

### 8.1 Employment

- a) To establish panels to appoint Chief Officers, Officers that are part of the Strategic Management Team, or Officers that report directly to the Director for People. Such Panels to consist of three members of the committee plus the relevant Cabinet Member. Political balance applies to the panel.
- b) To consider employee procedures, including dismissal procedures.
- c) To hear, consider and determine appeals against dismissal by employees.
- d) The constitution of any special human resources panels or working parties as may be required from time to time.
- e) The discharge of such human resources functions that cannot be delegated under statute to the Cabinet or have not been delegated to officers, as may be delegated by the Council from time to time.
- f) To consider and approve HR policies (this requires two thirds voting members present to approve a policy subject to its financial impact not exceeding the virement threshold of the Director for Resources . If this cannot be achieved the policy in question will be referred to Full Council for further consideration and determination).

### 8.2 Appeals Panels

- a) To hear, consider and determine any other appeals made under a statutory appeals process and/or where no other appeals body has been established for the specific purpose. This will include:

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- i. Access to Personal Files
- ii. Approved Marriage Premises
- iii. Curriculum Complaints
- iv. Home to School Transport
- v. Housing Improvement Renovation or Repair Grants
- vi. Discretionary Rate Relief (NNDR)
- vii. Children’s Social Services Complaints

The panel will consist of three members drawn from the Committee. For this purpose, officers may draw upon members with training relevant to the subject matter of the appeal in order to ensure sufficient members are available to conduct the hearing, and to avoid involving any member who was involved in the original decision which is the subject of the appeal. Panel members should not be a representative of the Ward of the appellant. Panels should consist of three members of the Committee, with the exception of (vii) which should comprise two members of the committee and an independent chair. Political balance applies to the panel.

### 8.3 Delegation to Officers

The Director for Resources is authorised to deal with day to day administration of Human Resources matters.

## 9. **Conduct Committee**

### 9.1 The Committee is authorised to:

- a) To promote and maintain high standards of conduct by Members of the authority.
- b) To assist Members of the authority to observe the authority’s code of conduct.
- c) To advise the authority on the adoption or revision of a Code of Conduct.
- d) To monitor the operation of the authority’s Code of Conduct for Members.
- e) To assess, consider and determine complaints of breaches of the authority’s Code of Conduct, in accordance with the Council’s approved procedures.
- f) To consider granting dispensations to Members from requirements relating to interests set out in the authority’s Code of Conduct.
- g) To advise the Council on maintaining high standards of ethics and probity and to review all codes of conduct relating to ethic and probity affecting officers and Members.
- h) To consider reports which may come from Government, the Ombudsman or other external sources relating to standards of conduct and to make recommendations to the Council.
- i) To consider any Monitoring Officer reports relating to Members’ conduct and probity.
- j) To carry out all of the functions contained within paragraphs 1 to 9 above inclusive in relation to parish councils within the county and their Members.

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### **10. Health and Wellbeing Board**

10.1 The Health and Wellbeing Board has been appointed by Rutland County Council as a statutory committee of the Local Authority. It will discharge directly the functions conferred on Rutland County Council by Section 196 of the Health and Social Care Act 2012 and any other such legislation as may be in force for the time being.

### **10.2 Aim**

- a) To achieve better health, wellbeing and social care outcomes for Rutland's whole population and a better quality of care for patients and other people using services through the provision of:
  - i. collaborative leadership that influences, shapes and drives a wide range of services and interventions that span health care, social care and public health.
  - ii. strategic oversight of, and challenge to, the planning, strategy, commissioning and delivery of services across Health, Social Care, Public Health, Children's Services and other services that the Board agrees impact on the wider determinants of health.

### **10.3 Statutory Functions**

10.3.1 Under the Health and Social Care Act 2012, the Health & Wellbeing Board has the following duties and functions:

- b) To encourage integrated working between health and social care commissioners, including arrangements under Section 75 of the National Health Service Act 2006 in connection with the provision of health and social care services.
- c) To prepare and publish a Joint Strategic Needs Assessment (JSNA) and Joint Health and Wellbeing Strategy (JHWS) that is evidence based and supported by all stakeholders to set out Rutland's objectives, trajectory for achievement and how members of the Board will be jointly held accountable for delivery.
- d) To encourage close working between commissioners of health-related services and the Board itself.
- e) To encourage close working between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services.
- f) Any other functions that may be delegated by the council under section 196(2) of the Health and Social Care Act 2012.

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### 10.4 Additional Responsibilities

10.4.1 The Board has also agreed a number of additional responsibilities which complement its statutory functions:

- a) To challenge and hold to account partners to ensure that their strategies, plans and services are aligned to Rutland's JHWS priorities, and to consider what is best for Rutland within all they plan and do.
- b) To have oversight of the use of relevant public sector resources across a wide range of services and interventions, with greater focus and integration across outcomes spanning health care, social care and public health.
- c) To task sub-groups (whether standing or time-limited) to develop solutions to challenges outlined in the JSNA and JHWS.
- d) To facilitate partnership working across health and social care to ensure that services are joined up around the needs of service users.
- e) To join up partnership working across Rutland, particularly linking to the Safer Rutland Partnership and ensure there are appropriate links with the Local Safeguarding Children's Board and the Leicestershire and Rutland Safeguarding Adults Board (The Joint Protocol for the HWB and LRSCB/LRSAB is in Appendix A).
- f) To focus resources on the agreed set of priorities for health, wellbeing and social care (as outlined in the JSNA and JHWS).
- g) To ensure that the work of the Board is aligned with policy developments both locally and nationally.

### 10.5 Principles

10.5.1 The Board agree to work to the following principles:

- a) Shared ownership of the Board by all its members (with commitment from their nominating organisations) and accountability to the communities it serves for delivering our priorities;
- b) Commit to driving real action and change to integrate services and to improve services and outcomes;
- c) Target resources in support of strategic objectives;
- d) Aim to reduce disparities in health and wellbeing in Rutland by prioritising those in greatest need;
- e) Support people to maintain their independence and make informed healthy choices;

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- f) Share success and learning to make improvements cross-organisationally for the wider benefit of Rutland;
- g) Be open and transparent in the way that the Board carries out its work - listening to service users/patients and the public, and acting on what they tell us
- h) Take advantage of Rutland's small size to utilise our resources and assets;
- i) Represent Rutland at LLR, regional and national platforms to ensure Rutland's voice is heard.

### 10.6 Sub-groups

10.6.1 There will be two permanent sub-groups of the Board:

- a) **Children's Trust Board:** Responsible for the development and improvement of services for children and young people 0 – 19 years, (and to the age of 25 years for some vulnerable young people), overseeing the delivery of the agreed vision and priorities of the Children, Young People and Families Plan.
- b) **Integration Executive Board:** Responsible for overseeing the integration of health and social care operational services, driving improvements in service delivery, and monitoring and approving the delivery of the Better Care Fund programme and Better Care Together in Rutland.

10.6.2 The Terms of Reference for each of these sub-groups is attached in Appendix B, also addressing reporting requirements and timescales. Additional sub-groups may be formed on a time limited basis at the request of the Board to address specific issues or undertake specific pieces of work. Where additional sub-groups are formed, the Chair of the Board will appoint a Chair for the sub-groups and agree reporting requirements and timescales.

### 10.7 Safeguarding

10.7.1 The Board work in line with the agreed protocol in place with the Leicestershire & Rutland Children's Safeguarding Board (LRCSB) and the Leicestershire & Rutland Safeguarding Adults Board (LRSAB). The protocol outlines the relationship between the Boards, how safeguarding shall be taken into account within the business of the HWB, and how health & wellbeing shall be taken into account within the business of the LRSCB and the LRSAB.

10.7.2 The protocol shall be approved by both the Board and by the LRSCB and the LRSAB, and reviewed at least three yearly.

### 10.8 Membership

10.8.1 The minimum membership of the Board shall consist of:

- a) Two representatives from the East Leicestershire and Rutland Clinical Commissioning Group (2).



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- b) Two local elected representatives (2) at least one to be the Portfolio Holder for Health.
- c) The Director of People for Rutland County Council (1).
- d) The Director of Public Health for Rutland County Council (1).
- e) One representative of Rutland Healthwatch (1).
- f) One representative from the Voluntary and Community Sector (1) (Non statutory member).
- g) One representative from NHS England (1).
- h) One representative from a Registered Social Landlord (1) (Non statutory member).
- i) One representative from Leicestershire Constabulary (1) (Non statutory member).

10.8.2 and such other persons as the local authority and/or the Board thinks appropriate in order to bring particular skills, knowledge and/or perspectives, including, but not limited to: additional voluntary sector representatives; clinicians; provider representatives.

10.8.3 Members can appoint a maximum of one deputy to attend meetings in their absence. Members (and their nominated deputy) will act with the necessary delegated responsibility from their organisation and take decisions on behalf of that organisation in relation to the work of the Board.

### **10.9 Voting**

10.9.1 All members of the Health and Wellbeing Board are allowed to vote (unless the County Council directs otherwise).

10.9.2 Rutland County Council's Meeting Procedure Rules in relation to voting apply; however it is hoped that decisions of the Board can be reached by consensus without the need for formal voting.

10.9.3 Decisions can be taken by the Chair where necessary for reasons of urgency outside of formal meetings. Any decisions taken outside of formal meetings shall be recorded at the following meeting along with the reasons for the urgency and the basis for the decision.

### **10.10 Standing Orders and Meetings**

10.10.1 The Access to Information Procedure Rules and Meeting Procedure Rules (Standing Orders) laid down by Rutland County Council will apply with any necessary modifications including the following:-

- a) The Chairperson will be Rutland County Council's Leader or Portfolio Holder for Health; the vice-chair will be elected from one of the other statutory members of the Board.

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- b) The quorum for a meeting shall be a quarter of the membership including at least one elected member from the County Council and one representative of the East Leicestershire and Rutland Clinical Commissioning Group.

10.10.2 Administration support will be provided by Rutland County Council.

10.10.3 There will be standing items on each agenda to include:

- a) Declarations of Interest
- b) Minutes of the Previous Meeting
- c) Matters Arising
- d) Updates from each of the subgroups of the Health & Wellbeing Board

10.10.4 Meetings will be held in public at least quarterly (4 times a year).

10.10.5 The Board may also meet for workshops or seminar sessions and for Board learning and development. These meetings will be informal and not held in public.

### 10.11 Review

10.11.1 These Terms of Reference will be reviewed at least annually, and more frequently where circumstances dictate appropriate.

## 11. DELEGATION TO OFFICERS - GENERAL

11.1 The following powers and duties are delegated to the named officer(s):

	<b>DELEGATED FUNCTION</b>	<b>OFFICER</b>
	<b><u>Adult Social Care, Health and Housing Functions</u></b>	
1.	To arrange appropriate care for persons in need, including young persons in transition	Director for People
2.	To prepare reports to Courts relating to individuals as requested by the Court	Director for People in conjunction with Chief Executive
3.	To receive persons into the Guardianship of the Authority under the Mental Health Act	Director for People
4.	To apply to the Courts for the displacement of the nearest relative or to the Court of Protection under the Mental Health Act	Director for People in conjunction with Chief Executive
5.	Payment of grants and negotiation of Service Level Agreements with Voluntary Organisations	Director for People
6.	To report to the Cabinet on new legislation, regulations or guidance and their implications for the Council	Director for People and Chief Executive

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	<b>DELEGATED FUNCTION</b>	<b>OFFICER</b>
7.	To report to the Portfolio Holder and the Care Quality Commission, as appropriate, significant events relating to persons receiving services provided or arranged by the Department excluding the expected death or natural illness of elderly persons	Director for People
<b><u>People - Children And Young People's Services Functions</u></b>		
8.	To arrange care for Children and Young Persons in need and in response to the directions of the Court, including those young persons in transition.	Director for People
9.	To prepare reports to the Court relating to care proceedings	Director for People
10.	To report to the Portfolio Holder for Children and Young People's Services and OFSTED, as appropriate, the death of a child in care	Director for People
11.	Power to give approval to County pupils and students attending schools and colleges outside the County and authorisation of recoupment charges	Director for People
12.	Power to establish teams of peripatetic staff as necessary within schemes approved by the Cabinet	Director for People
13.	To agree allocation, transport and attendance of pupils and welfare of schools, colleges and other establishments where those powers are not delegated to Governing and Managing Bodies, Heads and Principals.	Director for People
14.	To allocate responsibility allowances within the approved scheme where those powers are not delegated to Governing Bodies	Director for People
15.	To exercise the powers and duties through authorisation of the Education Welfare Officer under Sections 443 and 444 of the Education Act 1996	Director for People in consultation with the Chief Executive
16.	Power to apply approved arrangements for centrally appointed teachers	Director for People
17.	Power, in consultation with the Portfolio Holder for Children and Young People's Services to approve claims for compensation up to a maximum of £1,000 in those cases which are not covered by the County Council's insurance	Director for People
18.	Power to approve applications from teachers for premature retirement	Director for People
19.	Power to implement payments and make all necessary arrangements depending on local circumstances, for the supply of meals to pupils eligible for free school meals	Director for People
20.	Power to publish annually information required by the Education Act 1996	Director for People

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	<b>DELEGATED FUNCTION</b>	<b>OFFICER</b>
21.	Power to authorise appropriate transport arrangements where necessary in cases where there has been a difficulty or embarrassing pupil history at a school	Director for People
22.	Power to authorise amendments to Instruments of Government for schools under the responsibility of the Local Authority	Director for People
23.	To respond to National Curriculum Consultation Documents where the timescale for consultation does not allow consideration of responses by the appropriate body.	Director for People
24.	Power to give grants to youth organisations to cover equipment, maintenance and rent of premises, not exceeding £1,000 to any one organisation per year and the authorisation of grants for Youth Leaders and members of organisations attending approved courses, not exceeding £200 in any one case.	Director for People
	<b><u>Property</u></b>	
25.	To deal with day to day management of property under the control of the Services for People department including location of mobile classrooms and property consideration of requests by Governors for disposal of small pieces of land	Director for People in consultation with the Strategic Director for Places
	<b><u>Local Management of Schools Scheme</u></b>	
26.	Following consultation with the Portfolio Holder for Children and Young People’s Services to agree minor amendments to the Local Management of Schools Scheme	Director for People
	<b><u>Education otherwise than at School</u></b>	
27.	Power to make arrangements to comply with the Local Authority duty under Section 19 of the Education Act 1996 to make exceptional provision of education otherwise than at school, through service provision based on a minimum of 25 hours per week education	Director for People
28.	To deal with all matters under Part IV of the Education Act 1996 relating to special educational needs provision for children in the County	Director for People
	<b><u>Grants and Awards</u></b>	
29.	To approve and authorise payment of mandatory and discretionary awards, grants, including the approval and payment of fees, loans and travelling expenses in cases of students who are not eligible for awards. Payments to be made in accordance with Approved Schemes including Boarding Grants, assistance to pupils for out of school courses and individual grants to talented students in schools and colleges (to a maximum of £1,000).	Director for People

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DELEGATED FUNCTION	OFFICER
<b><u>Housing Functions</u></b>	
To issue all notices, certificates and consents required under the Housing Acts	Chief Executive
To carry out a periodic review of housing needs under S.8 of the Housing Act 1985	Strategic Director for Places
To authorise officers to enter premises in order to carry out duties	Director for People or Strategic Director for Places
To administer the day to day arrangement of the following functions under Housing legislation:  a) Homelessness  b) the Council's Housing waiting list  c) Shared Ownership  d) Housing Benefit/Council Tax Benefit	a) and b) Strategic Director for Places  Chief Executive  Director for Resources
To consider representations from housing applicants requesting special consideration for housing provision	Strategic Director for Places after consultation with the ward member and Portfolio Holder
To prepare all legal documents associated with the provision of housing and the administration of social service functions	Chief Executive after consultation with the Director for People or Strategic Director for Places
To administer Pt.XIV of the Housing Act 1985 – Housing Advances	Director for Resources
To administer the day to day arrangement of the following functions under Housing legislation  a) Heating Grants, Improvement Grants b) Improvement Notices c) Slum Clearance d) Overcrowding e) Houses in multiple occupation and common lodging houses f) Unfit Housing	Strategic Director for Places
To receive and advise on a day to day basis issues in respect of property	Strategic Director for Places and Chief Executive
<b><u>Community Services Functions</u></b>	
To take all necessary action to implement programmes in accordance with the Council's approved Economic Development Plan and Tourism Strategy	Strategic Director for Places

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<b>DELEGATED FUNCTION</b>	<b>OFFICER</b>
To take all necessary action to implement programmes in accordance with the Council's approved Sports Strategy	Strategic Director for Places
To arrange the day to day management of Waste Collection and Street Cleansing including provisions under the:  (a) Public Health Act 1961 – Accumulation of Rubbish, Filth and Vermin  (b) Environmental Protection Act 1990 – Household Waste, Control of Waste, Unauthorised Waste and Privies  (c) Refuse Disposal Amenity Act 1978 and Road Traffic Regulation Act 1984 – Unauthorised Dumping of Rubbish and Waste.	Strategic Director for Places
To implement the provisions of the Health Act 2006 in respect of smoke-free environments in premises to which the public has access	Strategic Director for Places
To implement the provisions of the Animal Welfare Act 2006	Strategic Director for Places
To implement the provisions of the Clean Neighbourhoods and Environment Act 2005	Strategic Director for Places
To implement the provisions of the Sunbeds (Regulation) Act 2010 including the authorising of officers for the purposes of powers of entry and enforcement	Strategic Director for Places
To authorise Inspectors, officers and persons required to perform statutory duties, including the issuing of fixed penalty notices, the inspection of premises and the issuing of notices	Strategic Director for Places
To arrange for the day to day management of Consumer Protection, Control of Environmental Health, Pest Control, Health and Safety, Food Safety, Drainage, Cemeteries and Burial Grounds under the control of the Council, Sunday Trading, Animals, Pollution, Emergency Planning, Gypsies and Travellers.	Strategic Director for Places
To undertake the functions of the Council as Weights and Measures authority by virtue of  (a) Section 8(2) Customs and Excise Management Act 1979 (as amended)  (b) Section 169 Licensing Act 1964 (as amended)	Strategic Regulatory Services Manager, Peterborough City Council

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DELEGATED FUNCTION	OFFICER
(c) Part 8 Enterprise Act 2002  (d) Tobacco Advertising and Promotion Act 2002	
To approve drainage of buildings in combination	Strategic Director for Places
To take all appropriate action under statute to abate Environmental Nuisance including requiring culverting of watercourses, dealing with watercourses, ponds and sanitary appliances	Strategic Director for Places
To carry out, in accordance with Statutory Powers available to this Authority, the maintenance of all registers, issuing and making representations with regard to all Licences or Consents and exercising associated control and day to day administration, inspection of premises including powers of entry (including obtaining warrants), service of notices and execution of works in default, compliance on behalf of owners or occupiers.	Strategic Director for Places in consultation with the Director of Public Health as appropriate.
Provided always that any such matters which relate to infectious diseases and of food poisoning should be carried out in consultation with a medically qualified proper officer or which relate to meat hygiene for which the Council has appointed an official veterinary surgeon.	
To carry out all powers and duties of the Council contained in Statutes relating to matters delegated to the Strategic Director for Places above.	Strategic Director for Places
Day to day grounds management and maintenance	Strategic Director for Places
To make observations and responses in relation to planning policy consultation documents and to make planning policy related submissions in circumstances where it is not practicable or appropriate to obtain formal Committee approval in advance.	Strategic Director for Places
To make minor wording and other amendments to planning policy documents in the course of their preparation to correct errors, to update their content and to ensure consistency.	Strategic Director for Places
To administer the Building Act 1984 and Building regulations, make decisions on applications and exercise the Council's powers, duties and responsibilities thereunder, including the issuing of notices, execution of work and recovery of expenses and authorisation of approved inspections and to implement and administer the duties of the council in respect of the receipt of Approved Inspectors and public bodies notices and certificates.	Strategic Director for Places

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DELEGATED FUNCTION	OFFICER
<b>Developer Contributions</b>	
<p>To agree variations from the total amount of developer contributions required by agreements made under section 106 TCPA 1990 or in accordance with Supplementary Planning Documents (SPD) up to and including £50,000, provided that any variation does not exceed 20% of the sum required or indicated</p> <p>(Note: with effect from the approval of this delegation by Council on 23 April 2013, the element of the 20% calculation that does not relate to affordable housing shall be measured on the basis of the Community Infrastructure Levy (CIL) proposal agreed by Cabinet on 19 March 2013 where that proposal would require a lower contribution than that required by the relevant SPD for a section 106 obligation)</p>	Strategic Director for Places
<p>To agree variations of payment of developer contributions of any amount where:-</p> <p>a. affordable housing payments from developments of one or two dwellings are deferred until completion or occupation (in accordance with Cabinet Decision No 831 of 2012/13), provided that the full affordable housing contribution still has to be paid by that time; or</p> <p>b. where development of a single new dwelling or annexe is within the curtilage of the existing family home and is to be occupied for up to seven years by a direct family member or carer with no transfer of ownership, with both properties remaining in direct family ownership (in accordance with Cabinet Decision No 831 of 2012/13); or</p> <p>c. the payment is capped to anticipated CIL levels pending the introduction of CIL (in accordance with Cabinet Decision No 830 of 2012/13)</p>	Strategic Director for Places
<b>Highway Functions</b>	
To administer, make decisions and exercise powers, duties and responsibilities, including the issue of notices, permits and licences, under the provisions of the Highways Act 1980	Strategic Director for Places
To execute works by contract, recover expenses where appropriate, and respond to winter maintenance requirements and other adverse weather conditions	Strategic Director for Places
To arrange for the renewal of traffic signs, lining and road studs	Strategic Director for Places
To undertake local traffic management	Strategic Director for Places



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<b>DELEGATED FUNCTION</b>	<b>OFFICER</b>
To administer the provisions of the New Road and Streetworks Act 1991	Strategic Director for Places
To arrange safety audits of major new works and developers proposals	Strategic Director for Places
To certify interim and final adoption certificates for highways built to standards specified by the Council and put forward for adoption	Strategic Director for Places
To arrange testing of materials in highway works and check on compliance with specification	Strategic Director for Places
To arrange condition surveys of the highway in order to assess maintenance needs	Strategic Director for Places
To investigate claims made against the Council for alleged defects in the highway	Strategic Director for Places
To consider and, if appropriate, agree licences to cultivate the highway verge	Strategic Director for Places
To consider and decide applications for brown tourist and yellow advisory signs	Strategic Director for Places
To implement the requirements of the Traffic Sign Regulations and General Directions Order 2002	Strategic Director for Places
To fulfil the Council's obligations under the various Road Traffic Acts	Strategic Director for Places
To advise on the highway implications of proposals submitted as planning applications	Strategic Director for Places
To advise on the highway implications of development and forward planning on a local regional and national basis	Strategic Director for Places
To liaise with Network Rail and the train operating companies over the provision and improvement of rail services in Rutland	Strategic Director for Places
To administer the sponsorship of planting within the highway	Strategic Director for Places
To administer, make decisions and exercise powers, duties and responsibilities, and implement the provisions of the various Acts of Parliament relating to public rights of way issues, including legal enforcement, in consultation with the Head of Legal and Democratic Services; this to include the issuing of, and authorisation of, requisite notices and certificates as may be required by statute and associated regulations	Strategic Director for Places
To make minor changes to Traffic Regulation Orders in consultation with the ward Member(s)	Strategic Director for Places
To make amendments to approved highway schemes subject to consultation with the Portfolio Holder	Strategic Director for Places

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<b>DELEGATED FUNCTION</b>	<b>OFFICER</b>
To substitute highway schemes in place of the approved programme where it is not possible to progress an approved scheme within the year, subject to there being no change in the approved budget and subject to consultation with the Portfolio Holder	Strategic Director for Places
To undertake the duties of Traffic Manager in accordance with the Traffic Management Act 2004	Strategic Director for Places

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### RESOURCES

DELEGATED FUNCTION	OFFICER
To manage day to day internal audit services for the Council	LGSS, subject to any action required to be taken by the Section 151 Officer and Monitoring Officer, arising from their statutory responsibilities.
To manage, co-ordinate and review the Council's complaints procedure and handling of individual complaints under that procedure	Director for Resources or Director for People in respect of Adult Social care complaints
To receive, evaluate and process grant applications	Director for Resources and appropriate Chief Officer
To effect debt management	Director for Resources
To write off debits up to the level fixed by Financial Regulations	Assistant Director - Finance
To invest surplus funds	Director for Resources
To arrange the Council's borrowing	Director for Resources
To effect Loan Debt Management, including taking up and repayment of loans and approval of terms	Director for Resources
To implement rent reviews in accordance with Valuer's instructions	Director for Resources
To administer all matters relating to Council Tax and Rating administration including billing collection recovery administration of benefits representation at Court and Tribunals (in consultation with the Chief Executive where appropriate) determination of exemptions maintenance of the valuation list refunds and relief	Director for Resources
To undertake the necessary work to approve the National Non Domestic Rates (NNDR) 1 form as required by The Local Government Finance Act 2012.	Assistant Director – Finance in consultation with the Portfolio Holder for Finance
To agree the disposal of surplus assets at open market value in accordance with agreed procedures, where that value is not greater than £50,000	Strategic Director for Places in conjunction with Director for Resources
To add small schemes (less than £50k) to the capital programme on the condition that all decisions are reported in the Quarterly Finance Report	Chief Executive in conjunction with relevant Portfolio Holder

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<b>DELEGATED FUNCTION</b>	<b>OFFICER</b>
To deal with all matters connected with the leasing and management of the Council's industrial and office units and investment properties	Strategic Director for Places and Head of Legal Services
To collect revenues and disbursements from the collection fund and general fund.	Director for Resources
Day to day administration of IT Section and IT matters.	Director for Resources
To review staff resources and consequential action to be taken within budget to alter the organisation structure	Chief Executive with the Strategic Management Team and that reports of these decisions be periodically reported to the Cabinet
In order to create fairness and parity across the Authority, the awarding of re-gradings, the provision of additional or accelerated increments and honoraria for all staff (excluding staff employed in schools).	Chief Executive with the Strategic Management Team
The functions of the Council in relation to the naming of streets and numbering of houses	Director for Resources