



Rutland County Council

PART 3 OF THE CONSTITUTION SCHEME OF DELEGATION

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SECTION 1 - GENERAL PRINCIPLES

- 1.1 The Scheme is subject to other provisions of the Council's Constitution and in particular the parts 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.
- 1.8 Project Boards may be established in accordance with the Council's Project Management Framework to advise those with delegated powers in the exercise of those powers.

SECTION 2 - MATTERS RESERVED TO COUNCIL

- 2.1 Local choice functions are mainly set out in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the "Functions Regulations". These functions may be, but need not be, the responsibility of the Council's Executive. This means that the Council can decide whether the function is to be the responsibility of the Executive (an 'executive function') or the responsibility of the Council (a 'non-executive' function).
- 2.2 Having regard to government guidance full Council has decided that the local choice functions will be executive or non-executive as set out in the schedule below. Where a function is allocated to the Executive Board, the Board will be able to delegate decisions within that function to a committee or sub-committee of itself or to an officer. Similarly, where a function is allocated to the Council, the Council

may delegate it to a committee or sub-committee or to an officer. Where the function is not specified then this will remain the responsibility of the Council.

No.	Local Choice Function	Status of Function: 'Executive' or 'Non- Executive'
1.	Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Local Authorities Functions Regulations or specified within the terms of reference of any non-executive committee.	Executive
2.	The determination of an appeal against any decision made by or on behalf of the authority.	Non-Executive
3.	The making of arrangements pursuant to section 52 of the Education Act 2002 and the Education (Pupil Exclusions and Appeals (Maintained Schools) (England) Regulations 2002 and the Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2008 (making arrangements for appeals against exclusion of pupils).	Non-Executive
4.	The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the Schools Standards and Framework Act 1998 (making arrangements for admission appeals).	Non-Executive
5.	The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the Schools Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	Non-Executive
6.	Any function relating to contaminated land.	Executive
7.	The discharge of any function relating to the control of pollution or the management of air quality.	Executive
8.	The service of an abatement notice in respect of a statutory nuisance.	Executive
9.	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Executive
10.	The inspection of the authority's area to detect any statutory nuisance.	Executive

11.	The investigation of any complaint as to the existence of a statutory nuisance.	Executive
12.	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Executive
13.	The making of agreements for the execution of highways works.	Executive
14.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Executive
15.	The appointment of any individual: (a) to any office other than an office in which he/she is employed by the Council; (b) to anybody other than: (i) the Council; (ii) a joint committee of two or more authorities; or (iii) to any committee or sub-committee of such a body, and the revocation of any such appointment.	Non -Executive where the body exercises Non- Executive powers, the Executive where the body exercises Executive Powers and Non-Executive where there is any doubt.
16.	The making of agreements with other local authorities for placing staff at the disposal of those other local authorities.	Executive
17.	Functions under sections 106, 110, 111, 113 of the Local Government and Public Involvement in Health Act 2007 relating to local Area Agreements	Executive
18.	Unless specifically catered for elsewhere, the adoption or approval of any plan or strategy relating to the Licensing and Regulatory functions listed in Part B of Schedule 1 of the Functions Regulations 2000.	Non-Executive

SECTION 3 - GENERAL DELEGATED POWERS

3.1 The General Scheme of Delegation to all Committees is contained in Part 3, Section 11 of the Council's Constitution.

SECTION 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, Section 11 of the Council's Constitution.

SECTION 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. The Chief Executive acting at his or her absolute discretion may reallocate functions to ensure the efficient running of the Council.

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)	Section 151 Officer

No	Act Section of Schedule	FUNCTION	PROPER OFFICER
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	Section 151 Officer or Director of Legal and Governance or Chief Executive
17.	LOCAL GOVERNMENT ACT 1972 S.225(1)	Deposit of documents	Chief Executive OR Monitoring Officer
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
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

No	Act Section of Schedule	FUNCTION	PROPER OFFICER
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	Strategic Director for Places

No	Act Section of Schedule	FUNCTION	PROPER OFFICER
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	Electoral Services Manager
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
41.	LOCAL GOVERNMENT AND HOUSING ACT 1989	Acting Head of the Paid Service in the Head of Paid Service's absence	Any Director nominated by the Head of Paid Service
42.	LOCAL GOVERNMENT AND HOUSING ACT 1989 S.5	Monitoring Officer	Director for Legal and Governance
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	Section 151 Officer
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

No	Act Section of Schedule	FUNCTION	PROPER OFFICER
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	Strategic Director for Resources and/or Monitoring Officer
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	Director 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 Director for 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	Director for Legal and Governance
56.	CALDICOTT REVIEW 1997	Caldicott Guardian	Strategic Director for Adult Services and Health
57.	CHILDREN ACT 2004 S 11	Local Authority Designated Officer (LADO)	Head of Safeguarding Children's Social Care

5.2 Deputy Proper Officer Provisions

- 5.2.1 Returning Officer - The Chief Executive can designate an individual Officer (in writing) who is authorised to act as a Deputy Returning Officer for Elections when the Chief Executive is unable to act
- 5.2.2 In other cases where the designated Proper Officer is unable to act, the following are designated Deputy Proper Officers:
- For the Chief Executive or in her absence any Corporate Director
 - For any Corporate Director, any Director or Deputy Director
- 5.2.3 The Chief Executive is designated as Proper Officer for any purposes where no other Officer has been specifically designated. If neither the Proper Officer nor the Deputy Proper Officer is able to act the Chief Executive may designate an appropriate Officer to act as Proper Officer or Deputy Proper Officer.
- 5.2.4 If the Chief Executive is unable to exercise this power, then it shall be exercised by the Strategic Director for Resources or a second tier Officer.
- 5.2.5 The Monitoring Officer and the Section 151 officer designate their own deputy direct and are not covered by the above.

TERMS OF REFERENCE FOR REGULATORY COMMITTEES

SECTION 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 as follows:**
- a) to consider and approve the annual statement of accounts
 - b) 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
 - c) to ensure that the financial management of the Council is adequate and effective
 - 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 review any issue referred to it by the Chief Executive or a Director, or any Council body.
- b) To monitor the effective development and operation of risk management and corporate governance in the Council.
- c) To advise and monitor council policies on 'Whistle Blowing' and the 'Anti-fraud and corruption strategy' and the Council's complaints process.
- d) To oversee the production of the authority's Annual Governance Statement and to recommend its adoption.
- e) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- f) 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 at least annually on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

6.6 Delegations to Officers

- a) The Section 151 Officer, 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.

SECTION 7 - CONDUCT COMMITTEE

7.1 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 a) to i) above inclusive in relation to parish councils within the county and their Members.

SECTION 8 – CONSTITUTION COMMISSION

8.1. The Constitution Commission has been appointed by Rutland County Council to review, monitor, and where necessary, recommend changes to the Constitution to full Council, in consultation with the Monitoring Officer, to ensure that it is fit for purpose.

8.2. It will undertake this role by:

- a) Reviewing areas in the Constitution to ensure that they are fit for purpose and put forward appropriate changes;
- b) Receiving requests to review certain areas of the Constitution;
- c) Considering changes proposed by Members, Officers and Committees;
- d) Recommending proposed changes to Council for approval.

8.3. The Constitution Commission shall comprise of seven members and will be politically balanced. The Chairman and Members will be appointed at the Annual Council Meeting.

SECTION 9 - EMPLOYMENT AND APPEALS COMMITTEE

9.1 Employment

- a) To establish panels to appoint Chief Officers and Officers that are part of the Strategic Management Team. 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 in line with procedures agreed by the Committee.
- d) The constitution of any Appeal or Hearing 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 budget. If this cannot be achieved the policy in question will be referred to Full Council for further consideration and determination).

9.2 Appeals Panels

- 9.2.1 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.
- 9.2.2 The panel will consist of three members drawn from the Committee. For this purpose, officers may draw upon members 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. Political balance applies to any such panel and appropriate training will be provided in relation to the subject matter.

SECTION 10 - HEALTH AND WELLBEING BOARD

The Health and Wellbeing Board (HWB) 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.

10.1. **Aim**

10.1.1. To achieve better health, wellbeing and social care outcomes for Rutland's whole population, reducing health inequalities and delivering a better quality of care for people using services through the provision of:

- a) Collaborative leadership that influences, shapes and drives a wide range of services and interventions spanning health care, social care and public health.
- b) Strategic oversight of, and challenge to, the planning, strategy, commissioning and delivery of services across health, social care, public health, children's and young people's services and other services that the Board agrees impact on the wider determinants of health.

10.2. **Statutory Functions**

10.2.1. Under the Health and Social Care Act 2012, the HWB has the following duties and functions:

- a) 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.
- b) To prepare and publish successive Joint Strategic Needs Assessments (JSNA) and Joint Health and Wellbeing Strategies (JHWS) that are 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.
- c) To encourage close working between commissioners of health-related services and the Board itself.
- d) 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.
- e) Any other functions that may be delegated by the council under section 196(2) of the Health and Social Care Act 2012.

10.2.2. The HWB has an additional responsibility derived from the amended NHS Act 2006, under which NHS England has powers to attach conditions to the payment of the Better Care Fund (BCF):

- a) The HWB is required to jointly agree plans for how BCF pooled funds will be spent to progress health and care integration in Rutland, with plans signed off by the relevant Local Authority and Clinical Commissioning Group or its successor body.

10.3. **Additional Responsibilities**

10.3.1. The Board has also agreed additional responsibilities which complement its statutory functions:

- a) To constructively challenge and hold to account partners (including local partners, those delivering services, projects and programmes across LLR, and those delivering services outside the ICS area that have significant Rutland implications), to ensure that their strategies, plans and services are aligned to Rutland's JHWS priorities, and to consider what is best for Rutland within their plans and actions.
- 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 relevant groups, whether standing or time-limited, including the sub-groups of the HWB, to develop solutions to challenges outlined in the JSNA and JHWS.
- d) To inform the development and assure the delivery of the Rutland BCF programme.
- e) To facilitate partnership working across health and social care to ensure that services are joined up around the needs of service users.
- 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 alignment, where appropriate, between ICS commissioning plans and the Rutland JHWS and BCF programme.
- h) To ensure that the work of the Board is aligned with policy developments both locally and nationally.
- i) To communicate with the public about Rutland's health, care and wellbeing needs, services and developments and to use their experiences and views to inform the work of the HWB

10.4. **Principles**

10.4.1. 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 the Board's priorities.

- b) Commit to driving real action and change to integrate services and to improve services and outcomes, also by making investment decisions that support shared aims.
- c) To adapt a proportionate universalism approach that targets resources to prioritise the most vulnerable and reduce health inequalities and improve wellbeing opportunities and outcomes.
- d) Support people to maintain their independence and play a full role in looking after themselves, encouraging and enabling people to make informed healthy choices.
- e) Share success and learning to make improvements cross-organisationally for the wider benefit of Rutland.
- f) Be evidence led, open and transparent in the way that the Board carries out its work, using local data and intelligence, and listening to service users/patients and the public, and acting on what this tells us.
- g) Represent Rutland at LLR, regional and national platforms to ensure Rutland's voice is heard.

10.5. **Position within wider governance**

10.5.1. The Board will coordinate its work with that of the system-level LLR Integrated Care Partnership (the Health and Wellbeing Partnership), the former fulfilling the responsibilities of 'place' (Rutland) and the latter of 'system' (Leicester, Leicestershire and Rutland).

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

a) Children and Young People's Partnership (CYPP):

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) Rutland Integrated Delivery Group (IDG):

Responsible for health and care needs in Rutland, managing the resources available to do this and working in partnership to provide leadership, direction and assurance to the integration and enhancement of health and care services in Rutland, with a particular focus on key local change programmes contributing to this aim, notably the JHWS and BCF programme.

10.5.3. The Terms of Reference for each of these sub-groups are agreed by the Health and Wellbeing Board and are reviewed when required.

- 10.5.4. 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.
- 10.5.5. Other temporary or permanent groups taking forward relevant work may also be asked to provide updates to the HWB.

10.6. **Safeguarding**

- 10.6.1. The Board work in line with the agreed protocol in place between the Leicestershire & Rutland Children's Safeguarding Board (LRCSB), the Leicestershire & Rutland Safeguarding Adults Board (LRSAB) and the HWB. 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.
- 10.6.2. The protocol shall be approved by both the Board and by the LRSCB and the LRSAB and reviewed at least three yearly.

10.7. **Membership**

- 10.7.1. The minimum membership of the Board shall consist of the following voting members:
- Two representatives from the Leicester, Leicestershire and Rutland Clinical Commissioning Groups or their successor body. (2)
 - Two local elected representatives (2) at least one to be the Portfolio Holder for Health.
 - The Director of Adult Services and Health for Rutland County Council. (1)
 - The Director for Children and Families for Rutland County Council. (1)
 - The Director of Public Health for Rutland County Council. (1)
 - One representative of Rutland Healthwatch. (1)
 - One representative of NHS England. (1)
 - The Clinical Director of the Rutland Health Primary Care Network. (1) (Non statutory member)
 - One senior representative of the Leicestershire Partnership Trust. (1) (Non statutory member)
 - One representative from the Voluntary and Community Sector (1) on behalf of this sector. (Non-statutory member)
 - One representative from a Registered Social Landlord on behalf of social landlords. (1) (Non statutory member)
 - One representative from Leicestershire Constabulary. (1) (Non statutory member)
 - One representative of current and veteran Armed Forces. (1) (Non statutory member)

- 10.7.2. and such other members as the Board thinks appropriate, including, but not limited to: - additional system and place representatives from neighbouring areas, voluntary sector representatives; clinicians; and provider representatives, to be added to the Terms of Reference at the next review point.
- 10.7.3. Meetings may also be attended by non-members, bringing agenda items or supporting with particular skills and knowledge. They are non-voting.
- 10.7.4. Members are kindly asked to attend all HWB meetings. All members can appoint a maximum of one deputy to attend meetings by exception in their absence.
- 10.7.5. Members (and their deputies where required) 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. It is acknowledged that resource allocation and formal approval will need to be sought from the members' respective governing bodies.

10.8. **Voting**

- 10.8.1. All members of the Health and Wellbeing Board are allowed to vote (unless the County Council directs otherwise).
- 10.8.2. 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.
- 10.8.3. 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.
- 10.8.4. Under current legislation, decisions may only be formally taken in meetings held face to face. Decisions in principle can be taken during virtual meetings and carried forward to the next in-person HWB meeting for ratification.

10.9. **Standing Orders and Meetings**

- 10.9.1. 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 Portfolio Holder for Health; the vice-chair will be elected from one of the other statutory members of the Board.
 - 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/LLR Integrated Care Board.

- 10.9.2. The business of the Board will be supported by Officers of the Board, the Rutland Consultant for Public Health and the Health and Wellbeing Integration Lead at Rutland County Council.
- 10.9.3. Administration support will be provided by Rutland County Council.
- 10.9.4. There will be standing items on each agenda to include:
 - 1. Declarations of interest
 - 2. Minutes of the previous meeting
 - 3. Matters arising
 - 4. JHWS, JSNA and BCF update
 - 5. Updates from each of the subgroups of the Board
- 10.9.5. Meetings will be held online and in public at least quarterly (4 times a year), unless members agree otherwise, or as guided by decision-making requirements or any pandemic-related guidelines in force. In particular, significant decisions must currently be taken in person.
- 10.9.6. Public meetings will be up to three hours in duration.
- 10.9.7. The Board may also meet for workshops or seminar sessions and for Board learning and development. These meetings, to include an annual review of the JSNA and JHWS, will be informal and not held in public, although outcomes will be made public (e.g., as relates to the JSNA and JHWS) as part of subsequent main Board meetings.
- 10.10. **Review**
 - 10.10.1. These Terms of Reference will be reviewed at least annually, and more frequently where circumstances dictate.

SECTION 11 - PLANNING AND LICENSING COMMITTEE

11.1 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.

11.2 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.

11.3 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.

11.4 Commons Registration

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

11.5 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

11.6 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 Act 1974 to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer

11.7 Delegations to Officers

- 11.7.1 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. An application is submitted by or on behalf of a Rutland County Councillor, or an Officer of the Council directly or 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. Other than Prior Notifications, applications relating to trees, discharge of conditions, Lawful Development Certificates and such other matters as the Strategic Director for Places in consultation with the Monitoring Officer deem appropriate, including where necessary to ensure the Authority is able to ensure that statutory deadlines are met
 - 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 Strategic Director for Place 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
- 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

- 11.7.2 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.

11.7.2 Delegations set out in Part 3 also apply.

SECTION 12 - DELEGATION TO OFFICERS - GENERAL

Officer Scheme of Delegation

12.1 Introduction

- 12.1.1 This scheme has been adopted by Rutland County Council and sets out the extent to which the powers and duties of the Council are delegated to officers under the Local Government Act 1972, the Local Government Act 2000 and all other powers enabling delegation to officers. It is adopted with the intention of giving a streamlined, clear and simple decision-making process. It should be interpreted widely.
- 12.1.2 Under this scheme officers must keep Members properly informed of action arising within the scope of these delegations. Officers must liaise closely with the relevant Portfolio Holder on executive functions and the relevant Chairman of the regulatory committee when the matter falls within the remit of that committee.
- 12.1.3 All references to legislation shall be deemed to include any subsequent amendments to such legislation.
- 12.1.4 Under section 101 of the Local Government Act 1972 the Council may authorise an officer of the authority to commission and monitor work for and on behalf of the Council by people who are not officers of the authority and such people will be bound by this scheme, and the obligations contained in it, at all times when engaged on Council business (e.g.. Peterborough Legal Services).
- 12.1.5 References to powers of 'the Council' include functions of Cabinet.
- 12.1.6 Any reference to a function/service area shall be deemed to include a reference to all statutory powers relating to that function and shall be deemed to include authority to exercise all such powers.
- 12.1.7 All delegations are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.
- 12.1.8 The specific delegations should not weaken the general delegations and are included to ensure that it is clear that those powers have been granted.
- 12.1.9 All delegations to officers are subject to:
- Statutory requirements
 - Contract Procedure Rules
 - Financial Procedure Rules
 - Consideration of the policies and plans of the Council
 - The Employee Code of Conduct and adopted protocols
 - Any financial limits set out in any budget agreed by Council and in accordance with Financial, Contract and Property Procedure Rules
 - The Budget and Policy Framework set by Council and any other Council policy having regard to any report by the Head of Paid Service, the Monitoring Officer or the Officer designated under section 151 of the Local Government Act 1972
 - Any provision contained within this Constitution

12.1.10 Where an officer has delegated powers, the Council or the Cabinet or a Committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so. Equally it is always open to an Officer not to exercise delegated powers but to refer the matter as appropriate.

12.2 Exclusions

12.2.1 This Scheme does not delegate:

- Any matter which by law may not be delegated to an officer
- Any matter which is specifically excluded from delegation by this scheme, by a decision of the Council, the Cabinet/Executive or a Committee or Sub-Committee.

12.3 Authorisations to other Officers

12.3.1 Officers with delegated powers may in writing authorise another officer or officers to exercise those powers. Such authorisations may be subject to limitations and conditions. The officer with the delegated powers must keep a register of all authorisations granted. Copies must also be sent to the Governance Manager.

12.3.2 In relation to the exercise of the authority in relation to budgets the Agresso system will contain the definitive list of budgetary authority in addition to any specific written delegations provided by either officers, committee, Cabinet or Council.

12.4 Reserve Delegations

12.4.1 The delegated powers held by a post may be exercised by the line manager of that post (or by their line manager) if:

- that post is vacant
- the post-holder is not at work for any reason

12.4.2 This does not apply to Proper Officer appointments

12.5 Consultation

12.5.1 Officers shall consult as appropriate and have due regard to the advice given. If for any reason it is not practical to consult a person required to be consulted in the exercise of a delegation then the person with the delegated power must consult someone else whom he/she considers to be an appropriate substitute. In particular, consultation must take place with legal, finance and human resources as appropriate.

12.6 Restriction on delegations to Chief Officers/Deputy Chief Officers

12.6.1 Delegations to Chief Officers/Deputy Chief Officers shall not be exercised if the Head of Paid Service, or a Director, or the Monitoring Officer, or Section 151 Officer, has given a direction to that effect.

12.6.2 The Chief Executive may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the appropriate Cabinet, Committee or Health and Wellbeing Board.

12.6.3 In the absence of the Chief Executive the Directors may exercise any delegated power possessed by the Chief Executive

12.6.4 In the absence of a Director, another Director or Deputy Director may exercise any delegated power possessed by that Director.

12.7 Transfer of Functions

12.7.1 Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet or a Committee/Sub Committee.

12.7.2 Where a service is restructured, the Chief Executive and/or relevant Director shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer.

12.8 Proper Officers

12.8.1 In addition to the specific powers delegated to Strategic Management Team, local government legislation specifies that certain officers must have responsibility for a number of specific functions as set out in the various acts of parliament. Each officer with such responsibility is known as the “Proper Officer” in relation to that task. The list of Proper Officers is approved by the Council and is attached at Appendix One

12.8.2 The Council is also required to appoint certain officers known as Statutory Officers to take responsibility for functions specified in local authority legislation. These functions are in addition to the Scheme of Delegation and are set out below.

12.9 General Powers delegated to Strategic Management Team

	Delegation	Exception
12.9.1	To exercise within approved budgets all matters of day to day administration and operational management of the services and functions for which they are responsible.	
12.9.2	To take all necessary action to achieve and implement the objectives and actions set out in approved policies, strategies, plans and decisions of Council or committees.	
12.9.3	To make orders, sign licenses and notices relevant to their service areas.	

12.9.4	To make decisions on any objection submitted which relates to a proposal, application or other matter within their service area, subject to Committee Terms of Reference.	
12.9.5	To take all relevant regulatory and enforcement action in connection with the exercise of functions, including without limitation, issuing any form of Notice, Order, Caution, an injunction or authorising the commencement of proceedings in relation to such matters. Service of any statutory notices affecting their service area.	
12.9.6	To exercise the Council's powers to enter land and premises (and to authorise others to enter land and premises) for the purposes of any of the Council's functions which the officer has responsibility for enforcing or investigating.	
12.9.7	To instruct the Council's Legal Service with respect to any legal matter concerning their department or services in consultation with the Monitoring Officer.	
12.9.10	To exercise the Council's power to publish information about its services including deciding the content of any publication.	
12.9.11	To respond to consultations including statutory consultations if there is not sufficient period of time to take to the relevant formal body for their comments.	
12.9.12	To decide the terms upon which services will be provided to the public (which may include providing services on different terms to different individuals or classes of individuals).	
12.9.13	The employment of all employees below Outside SMT level including determining the most appropriate means of recruitment and selection	
12.9.14	The decision to recruit permanent, temporary or agency staff within the services budget	

12.9.15	Formulation, review and revision of person specifications and job descriptions for posts within their service areas	
12.9.16	Application of conditions of service including the authorisation of leave of absence, payment of honoraria and scales of pay	
12.9.17	Suspension or dismissal of employees at or below Head of Service level	
12.9.18	To authorise payments for overtime in accordance with Council procedures.	
12.9.19	To deal with procurement matters acting at all times within the Council's Financial and Contract Procedure Rules	
12.9.20	To acquire, dispose of, grant and obtain rights in land and premises on such terms and conditions as considered appropriate	Limitations are as set out in the Financial Procedure Rules
12.9.20	To acquire, dispose of, grant and obtain rights in vehicles and other equipment and property	Limitations are as set out in the Financial Procedure Rules
12.9.21	To commission goods, services and works within approved budgets.	
12.9.22	To deal with media enquiries and press releases in conjunction with the Communications Officer who will contact the relevant Members.	
12.9.23	To represent the views of the Council in responding to consultations with the Council by any outside body where it is expedient to do so or where the period for a response does not allow the consultation paper to be reported to Members, subject to contacting the relevant Portfolio Holder.	Where the matter is politically contentious (as determined by the Leader/Deputy Leader) it must subsequently be reported to the next Cabinet/Council as appropriate.
12.9.24	To work with partners to achieve and implement the objectives and actions set out in the approved Corporate Plan, policies, strategies or other plans.	
12.9.25	Responding as the Responsible Authority within responsible service area	

12.9.26	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	
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Specific Delegations

12.10 Chief Executive Officer

	Delegations	Exceptions
12.10.1	In accordance with the strategies, policies and priorities of the Council and the general conditions of this Scheme, to exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff)	
12.10.2	To do, or authorise to be done, any act or thing necessary to effect any decision of the Council	
12.10.3	To determine the list of politically restricted posts within the Council and to issue certificates under Section 3 of the Local Government and Housing Act 1989	
12.10.4	To express the views of the Council with regard to Local Government and the functions associated with it, within the general policy laid down from time to time by the Council or its Committees and to act thereon	
12.10.5	<p>To take any urgent action necessary in the event of a civil emergency and deal with matters relating to civil protection/emergency planning arising from the Council's powers and duties under the appropriate legislation.</p> <p>These powers are only to be used to address issues that directly relate to the civil emergency and the recovery from that emergency. All other decisions should be made using either powers contained elsewhere in the Scheme of Delegation or</p>	

	<p>through Council, Cabinet or Committee as appropriate”</p> <p>A log of all decisions relating to the emergency will be kept and circulated regularly to all Councillors</p>	
12.10.5A	To take any action necessary action in relation to executive functions on the ground of urgency, efficiency, or cost where the Council has not elected a leader or deputy leader and the posts are vacant.	
12.10.6	If there is an urgent need for a commercial decision, the Chief Executive Officer, following consultation with the Leader and/or Deputy Leader shall make the decision and endorsement will be sought from the Cabinet or Council as appropriate.	
12.10.7	To consider and report on any report of the Local Government Ombudsman or the Housing Ombudsman and to decide on and implement the action to be taken and to approve and make compensation payments on the recommendation of the Ombudsman whether or not a budget exists	Decisions above £5000 must be decided by Cabinet
12.10.8	To implement or remove shared services with another local authority or public sector body by taking any action necessary to facilitate the arrangements including entering into and terminating agreements and granting delegations.	Subject to any agreements being within existing delegated powers and budget where it is proposed to grant and within existing budgets where it is proposed to remove such an arrangement.
12.10.9	To make authorisations of officers from services at Rutland County Council to carry out appropriate statutory powers within another Local Authority.	
12.10.10	To issue/grant such authorisations as may be necessary to enable any employee to undertake with full legal force the full range of their duties subject to such authorisation remaining only in force until the next ordinary meeting of the Committee which	

	has authority to issue/grant such authorisations.	
12.10.11	To determine all staffing matters (within approved budgets) including but not limited to: (i) determining matters relating to structure (additions, reductions post title changes and other changes to the establishment) (ii) the appointment, dismissal, suspension or discipline of staff save that in relation to the Chief Executive Officer and any of the Chief Officers	Major restructures (as determined by the Leader/Deputy Leader) should be determined by Council Suspension of Monitoring Officer and Section 151 Officer limited to suspension for a maximum of 2 months.
12.10.12	To deal as Parish Trustee, with applications for dispensation under Section 97 of the Local Government Act 1972 unless they are of such a sensitive nature as to require them being considered by the Cabinet.	
12.10.13	To make and revoke Member appointments to outside bodies in consultation with the Leader.	
12.10.14	To approve expenditure in pursuance or determination of any employment related disputes including settlement agreements	
12.10.15	To amend the Polling Place Scheme between reviews.	
12.10.16	In common with the Monitoring Officer in consultation with the Chairman of Council to decide on any application for extended absence by a Councillor.	
12.10.17	Amend and update any policies in line with changes to employment legislation/regulation. Members of the Employment and Appeals Committee should be advised in writing. For the avoidance of doubt this applies to procedures and policies that Members have previously approved	

12.11 Strategic Director Children

	Delegations	Exceptions
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12.11.1	In accordance with the strategies, policies and priorities of the Council and the general conditions of this Scheme, to exercise the Council's functions relating to Children's Services, including social care and intervention services for adults, children and young people, adoption, youth offending residential establishments, schools, further education, the youth service, care packages for children and young people.	
12.11.2	Following consultation with the Portfolio Holder for Children and Young People's Services to agree minor amendments to the Local Management of Schools Scheme	
12.11.3	To exercise any of the Chief Executive Officers delegations in their absence.	
12.11.4	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.	
12.11.5	To prepare reports to the Court relating to care proceedings.	
12.11.6	To report to the Portfolio Holder for Children and Young People's Services and OFSTED, as appropriate, the death of a child in care.	
12.11.7	Power to give approval to County pupils and students attending schools and colleges outside the County and authorisation of recoupment charges.	
12.11.8	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.	
12.11.9	To allocate responsibility allowances within the approved scheme where those powers are not delegated to Governing Bodies	
12.11.10	To exercise the powers and duties through authorisation of the Education Welfare Officer under Sections 443 and 444 of the Education Act 1996.	
11.11.11	Power to apply approved arrangements for centrally appointed teachers.	

12.11.12	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.	
12.11.13	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.	
12.11.14	Power to publish annually information required by the Education Act 1996.	
12.11.15	Power to authorise appropriate transport arrangements where necessary in cases where there has been a difficulty or embarrassing pupil history at a school.	
12.11.16	Power to authorise amendments to Instruments of Government for schools under the responsibility of the Local Authority.	
12.11.17	To respond to National Curriculum Consultation Documents where the timescale for consultation does not allow consideration of responses by the appropriate body.	
12.11.18	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.	
12.11.19	To deal with day-to-day management of property under the control of the Services for Children department including location of mobile classrooms and property consideration of requests by Governors for disposal of small pieces of land.	
12.11.20	Following consultation with the relevant Portfolio Holder to agree minor amendments to the Local Management of Schools Scheme.	
12.11.21	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.	

12.11.22	To deal with all matters under Part IV of the Education Act 1996 relating to special educational needs provision for children in the County.	
12.11.23	To arrange appropriate care for persons in need, including young persons in transition.	
12.11.24	To prepare reports to Courts relating to individuals as requested by the Court.	
12.11.25	To report to the Portfolio Holder , the Schools Commissioner and the Office for Standards in Education, Children’s Services and Skills , as appropriate, significant events relating to persons receiving services provided or arranged by the Department.	

12.12 Strategic Director for Adult Services

12.12.1	In accordance with the strategies, policies and priorities of the Council and the general conditions of this Scheme, to exercise the Council's functions relating to Adults Services, including social care and intervention services for adults and care packages.	
12.12.2	To receive persons into the Guardianship of the Authority under the Mental Health Act.	
12.12.3	To apply to the Courts for the displacement of the nearest relative or to the Court of Protection under the Mental Health Act.	
12.12.4	Payment of grants and negotiation of Service Level Agreements with Voluntary Organisations .	
12.12.5	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.	
12.12.6	In accordance with the strategies, policies and priorities of the Council and the general conditions of this Scheme, to exercise the Council's functions relating to Adults, including social care and intervention services for adults.	
12.12.7	To deal with day-to-day management of such property under the control of the Services for People that fall within the Directors area of responsibility.	

12.12.8	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	
12.12.9	To prepare all legal documents associated with the provision of housing and the administration of social service functions	

12.13 Strategic Director for Places

12.13.1	In accordance with the strategies, policies and priorities of the Council and the general conditions set out in this Scheme, to exercise the Council's functions with regard to Libraries, Museums, Archaeology, Archives and the Arts Town and Country Planning, Highways, Transportation, the Environment, Waste Disposal, Waste Management, Trading Standards, Consumer Protection, Animal Health and Welfare, Fire and Rescue, Emergency Planning and Economic Development, Consumer Protection, 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, Building Control, Anti-Social Behaviour Act(s) and other functions as may be allocated to the role from time to time.	<p>Withdrawal or major modification of public facilities should be determined by Cabinet</p> <p>Approval of planning applications and proposals in accordance with the Development Plans where objections are raised by statutory consultees or/and have more than four individual representations raising planning related objections;</p> <p>Approval of minerals and waste applications requiring Environmental Impact Assessments;</p> <p>Approval of applications for County Council development where no more than four individual representations raising planning-related objection are received and the Executive Director of Community</p>
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		and Environmental Services determines, in consultation with the Chairman of the Planning (Regulatory) Committee, that the application should be determined by the Committee.
12.13.2	To add small schemes (less than £50k) to the capital programme on the condition that all decisions are reported in the Quarterly Finance Report	
12.13.3	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	Variation must not exceed 20% for all developments except for affordable housing which is subject to a Cabinet proposal dated 19 March 2013
12.13.4	To agree variations of payment of developer contributions of any amount where:- 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 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 c) the payment is capped to anticipated CIL levels pending the introduction of CIL (in accordance with Cabinet Decision No 830 of 2012/13)	
12.13.5	To certify interim and final adoption certificates for highways built to standards specified by the Council and put forward for adoption	

12.13.6	To make minor changes to Traffic Regulation Orders in consultation with the ward Member(s)	
12.13.7	To make amendments to approved highway schemes subject to consultation with the Portfolio Holder 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	
12.13.8	To carry out a periodic review of housing needs under S.8 of the Housing Act 1985	
12.13.9	To authorise officers to enter premises in order to carry out duties	
12.13.10	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	
12.13.11	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.	
12.13.12	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, Community Safety and Anti-Social Behaviour.	
12.13.13	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)	

	<p>(b) Section 169 Licensing Act 1964 (as amended)</p> <p>(c) Part 8 Enterprise Act 2002</p> <p>(a) Tobacco Advertising and Promotion Act 2002</p>	
12.13.14	To approve drainage of buildings in combination	
12.13.15	To take all appropriate action under statute to abate Environmental Nuisance including requiring culverting of watercourses, dealing with watercourses, ponds and sanitary appliances	
12.13.16	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.	
12.13.17	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.	
12.13.18	To carry out all powers and duties of the Council contained in Statutes relating to matters delegated to the Strategic Director for Places above.	
12.13.19	Day to day grounds management and maintenance	
12.13.20	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.	

12.1321	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.	
12.13.22	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.	
12.13.23	To be the designated Proper Officer who will undertake the specific responsibilities for ensuring the duties stated within the Counter Terrorism and Security Act 2015 (CTSA) (in particular Section 36) are upheld by the Council and have delegated authority to do so.	

12.14 Strategic Director of Resources

12.14.1	To determine whether an employee who has left the employment of the Councils shall be granted early release of pension subject to approval of the budgetary implications.	
12.14.2	To act as the Section 151 Officer for the Council in accordance with the duties set out in the legislation.	
12.14.3	To approve the Draft Statement of Accounts prior to consideration by External Audit.	
12.14.4	After consultation with the relevant Portfolio Holder to authorise the write off of bad debts	Approval limit of £2,500. Larger debts will be included in a report for information to the Cabinet.
12.14.5	To authorise any amendments to the list of named officers that may prove necessary during the course of the financial year in relation to the duties identified in accordance with s.223 of the Local Government Act 1972.	

12.14.6	Changes to the Audit Plan in consultation with the Chair of Audit and Risk Committee	Changes must be reported to Audit and Risk Committee at the earliest opportunity
12.14.7	To arrange the Council's borrowing	
12.14.8	To effect Loan Debt Management, including taking up and repayment of loans and approval of terms	
12.14.9	To implement rent reviews in accordance with Valuer's instructions	
12.14.10	To invest surplus funds	
12.14.11	To administer all matters relating to Housing, 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	
12.14.12	To collect revenues and disbursements from the collection fund and general fund.	
12.14.13	To administer Pt.XIV of the Housing Act 1985 – Housing Advances	
12.14.14	The functions of the Council in relation to the naming of streets and numbering of houses	
12.14.15	To undertake the necessary work to approve the National Non Domestic Rates (NDR) 1 form as required by The Local Government Finance Act 2012.	

12.15 Director of Legal and Governance and Monitoring Officer

12.15.1	In accordance with the strategies, policies and priorities of the Council and the general conditions set out in this Scheme, to exercise the Council's functions with regard to Legal Services, Governance, Business Support and Projects	
12.15.2	To monitor the use of the Gifts and Hospitality Registers and to maintain and sign	

	acknowledgement of entries in the Gifts and Hospitality Register.	
12.15.3	To make amendments or corrections to the Constitution as necessary and any amendment necessary to ensure compliance with the law	In Consultation with the Chief Executive and subject to reporting to the next meeting of the Constitution Commission.
12.15.4	To receive petitions in accordance with the Council's Petitions Scheme.	
12.15.5	To receive applications in accordance with Chapter 2 of the Localism Act 2011.	
12.15.6	To receive applications in accordance with Chapter 3 of the Localism Act 2011.	
12.15.7	To take all actions necessary and appropriate in order to protect the legal position of the Council and where necessary to preserve the options of the Council where a formal decision of Cabinet, Council or a Committee is required	Where the proposed action is likely to exceed the service budget the decision is to be taken in consultation with the Director of Resources.
12.15.8	To take all relevant regulatory and enforcement action in connection with the exercise of functions, including without limitation, issuing any form of Notice, Order, Caution, an injunction or authorising the commencement for proceedings.	
12.15.9	In common with the Chief Executive in consultation with the Chairman of Council to decide on any application for extended absence by a Councillor	

SECTION 13 – CABINET/EXECUTIVE SCHEME OF DELEGATION

Executive Decisions will usually be taken collectively by the Cabinet in accordance with the Cabinet Procedure Rules at Part 4 of the Constitution.

Name	Date Appointed	Portfolio Responsibilities
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<u>Cllr Lucy Stephenson</u>	9 May 2022	<p>Leader of the Council and Portfolio Holder for Policy, Strategy, Partnerships and Economy</p> <p>Policy, Strategy and Partnerships Communication Equalities and Diversity Communications & Resident Engagement Economy (including digital infrastructure) Property Services</p>
<u>Cllr Rosemary Powell</u>	9 May 2022	<p>Deputy Leader and Portfolio Holder for Planning, Highways and Transport</p> <p>Planning Housing Highways Transport</p>
<u>Cllr Samantha Harvey</u>	13 May 2022	<p>Portfolio Holder for Health, Wellbeing and Adult Care</p> <p>Health Public Health Community Care Services Adult Social Care</p>
<u>Cllr Marc Oxley</u>	9 May 2022	<p>Portfolio Holder for Communities, Environment and Climate Change</p> <p>Communities Environment and Waste Climate Change Culture and Leisure Public Protection & Community Safety</p>
<u>Cllr Karen Payne</u>	9 May 2022	<p>Portfolio Holder for Finance, Governance and Performance, Change and Transformation</p> <p>Finance HR Legal & Governance (including Data Protection and Elections) IT & Customer Services Performance Procurement and Contract Management Revenues and Benefits Quality and Audit Transformation and Change</p>

<u>Clr David Wilby</u>	9 May 2022	Portfolio Holder for Education and Children's Services Children's Safeguarding Children's Social Care Special Educational Needs Learning and Skills
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