



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 - 2015

RUTLAND COUNTY COUNCIL DISTRICT COUNCIL CONSTITUTION

PART 8 – SCHEME OF DELEGATION

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PART 8 – SCHEME OF DELEGATION

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 Unless the Council or Cabinet directs otherwise, no Working Party, Working Group or Issue Panel 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, Working Group or Issue Panel 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.

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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.

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. | LOCAL GOVERNMENT ACT 1972 S.96(1)(2) | Receipt of notice and record of pecuniary interests under S.94 in respect of members and S.117 in respect of officers | Chief Executive |
| 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 | Director for Places (Environment, Planning and Transport) |
| 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 |

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| No | Act Section of Schedule | FUNCTION | PROPER 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 |
| 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 | Director for Places (Development and Economy) |
| 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 | Director for Places (Environment, Planning and Transport) |
| 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 Manager |
| 35. | REPRESENTATION OF THE PEOPLE ACT 1983 S.8 | Electoral Registration Officer | Head of Corporate Governance |

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| No | Act Section of Schedule | FUNCTION | PROPER OFFICER |
|-----|---|--|--|
| 36. | REPRESENTATION OF THE PEOPLE ACT 1983 S.52 | Deputy Electoral Registration Officer | Team Manager, Corporate Support Team |
| 37. | REPRESENTATION OF THE PEOPLE ACT 1983 S.35 | Returning Officer for Parish and District Council elections Deputy Returning Officer for Parish & District Council elections | Chief Executive Director for Resources Head of Corporate Governance |
| 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 | 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 | Head of Corporate Governance |
| 46. | LOCAL GOVERNMENT ACT 2000 (Local Authorities Referendums) (Petitions and Directions) regulations (England) 2000 P2 S4.1 and 2 | 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 | 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 | Head of Corporate Governance or Director or representative appointed by a Director |

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| No | Act Section of Schedule | FUNCTION | PROPER OFFICER |
|-----|--|---|---|
| 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 Corporate 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. | Team Manager, Corporate Support Team |
| 54. | DATA PROTECTION ACT 1998 | Data Protection Officer/Senior Information Risk Owner | Head of Corporate Governance |
| 55. | CORONERS ACT 1988 | Proper Officer – Coroner | Head of Corporate Governance |
| 56. | CALDICOTT REVIEW 1997 | Caldicott Guardian | Deputy Director for People |
| 57. | CHILDREN ACT 2004 S 11 | Local Authority Designated Officer (LADO) | Head of Families Support/Social Care |

6. AUDIT AND RISK COMMITTEE

6.1 PURPOSE

The purpose of an Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

6.2 CORE FUNCTIONS

- (1) Approve (but not direct) internal audit's strategy, plan and monitor performance.
- (2) Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
- (3) Receive the annual report of the head of internal audit.
- (4) Consider the reports of external audit and inspection agencies.
- (5) Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements. Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.

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- (6) Be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it.
- (7) Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
- (8) Review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.

6.3 TERMS OF REFERENCE

Audit Activity

- (1) 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.
- (2) To consider summaries of specific internal audit reports as requested.
- (3) To consider reports dealing with the management and performance of the providers of internal audit services.
- (4) To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- (5) To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- (6) To consider specific reports as agreed with the external auditor.
- (7) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (8) To liaise with the Audit Commission over the appointment of the council's external auditor.
- (9) To commission work from internal and external audit.

Regulatory Framework

- (10) To maintain an overview of the council's constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.

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- (11) To review any issue referred to it by the chief executive or a Strategic Director, or any council body.
- (12) To monitor the effective development and operation of risk management and corporate governance in the council.
- (13) To monitor council policies on 'Raising Concerns at Work' and the antifraud and anti-corruption strategy and the council's complaints process.
- (14) To approve the Annual Governance Statement.
- (15) To consider the council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- (16) To consider the council's compliance with its own and other published standards and controls.

Accounts

- (17) To approve the audited annual statement of accounts for publication. In reviewing the statement, to consider whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- (18) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

7. **DEVELOPMENT CONTROL AND LICENSING COMMITTEE**

7.1 TERMS OF REFERENCE

The exercise of the Council's functions, powers and duties in relation to: -

Development Control

- 1 The determination of all and any planning, listed building, advertisement or other allied applications and functions not specifically delegated to officers;
- 2 Any agreement regulating development or use of land under Sections 106 and/or 106A of the Town and Country Planning Act (TCPA)1990;
- 3 Any enforcement powers under any legislation relating to town and country planning or associated matters;

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4 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;

5 Making any Direction, Order or issuing or serving any Notice under any legislation relating to town and country planning; and

6 Any function under the Planning (Hazardous Substances) Act 1990 or the Planning (Listed Buildings and Conservation Areas) Act (LBA) 1990.

Licensing

7 The licensing of hackney carriages and private hire vehicles and proprietors, drivers and operators, other than appeals which shall be dealt with by the Appeal Panel.

8 To hear, consider and determine applications for scrap metal dealer licences where objections are received.

7.2 DELEGATION TO OFFICERS

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:-

- The applicant is the Council or someone acting as applicant on its behalf, with the exception of minor proposals.
- 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 indirectly involved in planning work, a member of the Council's Strategic Management Team or any other officer where the Director of Places considers that the application should be determined by the Committee in the interests of openness and transparency.
- An application which has been requested by a Member to be determined by the Committee (which must include the reason for the request)
 - a) Where the request is made by the Ward Member; or
 - b) Where the request is made by any other Members and the Development Control Manager considers that the reasons given are sufficient

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shall be subject to specific additional assessment by the Operational Director for Places or the Development Control Manager, in consultation with the Chairman or Vice-Chairman of the Development Control and Licensing Committee, who will decide whether the application should go to that Committee.

- 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 Development Control and Licensing Committee.
- There is an Officer recommendation of approval which is materially contrary to the National Planning Policy Framework and/or the Development Plan.
- There is an Officer recommendation of approval contrary to a previous refusal by the Development Control and Licensing Committee and the policy framework has remained substantially unchanged since the refusal.
- 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 Development Control and Licensing Committee.

DELEGATED FUNCTION OFFICER

| No. | Function | Officer |
|-----|---|---|
| 1 | 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 | Director for Places (Environment, Planning and Transport) or Senior Development Manager or Nominated Deputy |
| 2 | To consult and respond to consultations from neighbouring authorities, government departments and other bodies on all day to day matters | Director for Places (Environment, Planning and Transport) or Senior Development Manager or Nominated Deputy |
| 3 | To determine applications to discharge conditions on any planning or related applications | Director for Places (Environment, Planning and Transport) or Senior Development Manager or Nominated Deputy |
| 4 | To exercise powers under the General Permitted Development Order, the Development Management Procedure Order, any other such Regulations present | Director for Places (Environment, Planning and Transport) or Senior |

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| No. | Function | Officer |
|-----|--|---|
| | and future and all directions and prior notifications in these Orders. | Development Manager or Nominated Deputy |
| 5 | To formulate conditions and reasons for refusal the substance of which has been determined by Committee. | Director for Places (Environment, Planning and Transport) or Senior Development Manager or Nominated Deputy |
| 6 | Any certificate of existing or proposed lawful use or development under the TCPA 1990 | Director for Places (Environment, Planning and Transport) or Senior Development Manager or Nominated Deputy |
| 7 | Requiring information as to interests in land, planning contravention notices and breach of condition notices under the TCPA 1990 | Director for Places (Environment, Planning and Transport) or Senior Development Manager or Nominated Deputy |
| 8 | The authorisation 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 | All Officers in Development Control team |
| 9 | To issue and serve Temporary Stop Notices when it is thought expedient that any activity on any land that is in breach of planning control should be stopped immediately | Director for Places (Development and Economy) in consultation with Legal Services |
| 10 | Requiring the condition of land to be remedied under Section 215 of the TCPA 1990 | Director for Places (Environment, Planning and Transport) or Senior Development Manager or Nominated Deputy |
| 11 | To negotiate, agree and where appropriate amend terms of legal agreements and secure their fulfilment | Director for Places (Environment, Planning and Transport) or Senior Development Manager or Nominated Deputy |
| 12 | To defend appeals against the Council's decisions and to represent the council at Hearings, Inquiries and the Courts | Director for Places (Environment, Planning and Transport) or Senior Development Manager or Nominated Deputy |
| 13 | To decline to determine any application pursuant to Section 70(A) of the TCPA 1990 | Director for Places (Environment, Planning and Transport) or Senior Development Manager or Nominated Deputy |
| 14 | Determination of any matter under the Town and Country Planning (Environmental Impact Assessment) | Director for Places (Environment, Planning and |

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| No. | Function | Officer |
|-----|--|---|
| | Regulations 2011 and any similar or successor regulations | Transport) or Senior Development Manager or Nominated Deputy |
| 15 | Any application for a certificate of appropriate alternative development under Section 17 of the Land Compensation Act 1961 (as amended) | Director for Places (Environment, Planning and Transport) or Senior Development Manager or Nominated Deputy |
| 16 | Determinations on overhead lines matters under Section 37 of the Electricity Act 1989 and subordinate Regulations. | Director for Places (Environment, Planning and Transport) or Senior Development Manager or Nominated Deputy |
| 17 | The agreement and operation of protocols, management agreements and/or Service Level Agreements | Director for Places (Environment, Planning and Transport) |
| 18 | The determination of applications for scrap metal dealer licences where no objections are received. | Director for Places (Environment, Planning and Transport) |

8. EMPLOYMENT AND APPEALS COMMITTEE

8.1 TERMS OF REFERENCE

1. To consider employee procedures, including dismissal procedures, and make Recommendations to Council.
2. To hear, consider and determine appeals against dismissal by employees.
3. 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:-
 - a. Access to Personal Files
 - b. Approved Marriage Premises
 - c. Curriculum Complaints
 - d. Home to School Transport
 - e. Housing Improvement Renovation or Repair Grants
 - f. Discretionary Rate Relief (NNDR)
 - g. Children's Social Services Complaints

Note: Panels hearing items at g should comprise two elected members and an independent chair.

4. The constitution of any special human resources panels or working parties as may be required from time to time.

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5. 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.
6. 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 DELEGATION TO OFFICERS

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

| DELEGATED FUNCTION | OFFICER |
|--|-------------------------|
| To deal with day to day administration of Human Resources matters. | Head of Human Resources |

9. LICENSING ACT COMMITTEE

9.1 TERMS OF REFERENCE

- 1 To oversee the discharge of all licensing functions of the Council as the licensing authority under the Licensing Act 2003 and the Gambling Act 2005, except the determination of the Council's Statement of Licensing Policy and Gambling Policy Statement and the publication of those Statements. The Committee may, however, make recommendations on the Policies, amendments to them and their publication to the Council.
- 2 To establish Panels (sub-committees) to determine matters within the Licensing Act 2003 regarding personal licences, premises licences, club premises certificates, provisional statements, designated premises supervisor, interim authorities, temporary event notices and objections as consultee; and within the Gambling Act 2005 regarding premises licences and permits relating to casinos, bingo premises, betting premises, tracks, adult gaming centres, club gaming and prize gaming premises, temporary use notices and the registration of small societies.
- 3 To arrange for the discharge of the functions governed by the Licensing Act 2003 and the Gambling Act 2005 by one or more Panels (sub-committees) or by officers.
- 4 To receive and consider annual reports, where appropriate, on the needs of the local tourist economy, employment and investment in the area and

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any other matter directly relating to the Licensing Act 2003 and Gambling Act 2005 functions in the County.

- 5 To direct officers to report to the Development Control and Licensing Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder.

9.2 DELEGATION TO OFFICERS

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

| DELEGATED FUNCTION | OFFICER |
|---|--|
| Decisions on application for personal licence if no objection is made. | Director for Places (Environment, Planning and Transport) or Senior Environmental Services Manager |
| Application for premises licence/club premises certificate if no relevant representation is made. | Director for Places (Environment, Planning and Transport) or Senior Environmental Services Manager |
| Application for provisional statement. | Director for Places (Environment, Planning and Transport) or Senior Environmental Services Manager |
| Application to vary premises licence/club premises certificate if no relevant representation is made. | Director for Places (Environment, Planning and Transport) or Senior Environmental Services Manager |
| Decisions on minor variation application | Director for Places (Environment, Planning and Transport) or Senior Environmental Services Manager |
| Application to vary designated premises supervisor if no Police objection is made. | Director for Places (Environment, Planning and Transport) or Senior Environmental Services Manager |
| Request to be removed as designated premises supervisor in all cases. | Director for Places (Environment, Planning and Transport) or Senior Environmental Services Manager |
| Application for transfer of premises licence if no Police objection is made. | Director for Places (Environment, Planning and Transport) or Senior Environmental Services Manager |
| Applications for interim authorities if no Police objection is made. | Director for Places (Environment, Planning and Transport) or Senior Environmental Services Manager |
| Decision on whether a complaint is irrelevant or vexatious etc. (All cases) | Director for Places (Environment, Planning and Transport) or Senior Environmental Services Manager |

10. ALCOHOL AND ENTERTAINMENT PANEL

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10.1 TERMS OF REFERENCE

1. To determine applications for personal licences where:
 - a) a police objection is received; and/or
 - b) the applicant has an unspent conviction;
2. To determine applications for premises licences, club premises certificates, provisional statements where a relevant representation is made.
- 3) To determine applications to vary premises licences and club premises certificates where a relevant representation is made.
- 4) To determine applications to vary a designated premises supervisor where a police objection is received.
- 5) To determine applications for transfer of a premises licence where a police objection is received.
- 6) To determine applications to review premises licences and club premises certificates.
- 7) To determine applications for interim authorities where a police objection is received
- 8) To determine a police objection to a temporary event notice.
- 9) To consider when to object where the Council is a consultee and not the relevant authority considering the application.
- 10) To determine any applications or variations which are capable of being determined by officers but which the Operational Director for Places, Operational Director for Places or Licensing Officer considers appropriate for the Committee to consider.

11. **CONDUCT COMMITTEE**

11.1 TERMS OF REFERENCE

1. To promote and maintain high standards of conduct by Members of the authority.
2. To assist Members of the authority to observe the authority's code of conduct.

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3. To advise the authority on the adoption or revision of a Code of Conduct.
4. To monitor the operation of the authority's Code of Conduct for Members.
5. To assess, consider and determine complaints of breaches of the authority's Code of Conduct.
6. To consider granting dispensations to Members from requirements relating to interests set out in the authority's Code of Conduct.
7. 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.
8. 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.
9. To consider any Monitoring Officer reports relating to Members' conduct and probity.
10. 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.

12. **DELEGATION TO OFFICERS - GENERAL**

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

PEOPLE

| | DELEGATED FUNCTION | OFFICER |
|----|--|---|
| | <u>Adult Social Care, Health and Housing Functions</u> | |
| 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 | Director for People in conjunction with Chief Executive |

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| | or to the Court of Protection under the Mental Health Act | |
| 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 |
| 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 |
| | <u>People - Children And Young People's Services Functions</u> | |
| 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 | Director for People |

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| | allowances within the approved scheme where those powers are not delegated to Governing Bodies | |
| 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 |
| 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 | Director for People |

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| | 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. | |
| | <u>Property</u> | |
| 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 Director for Places (Development and Economy) |
| | <u>Local Management of Schools Scheme</u> | |
| 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 |
| | <u>Education otherwise than at School</u> | |
| 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 |
| | <u>Grants and Awards</u> | |
| 29. | To approve and authorise payment of mandatory and discretionary awards, grants, including the approval and payment of fees, | Director for People |

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| | DELEGATED FUNCTION | OFFICER |
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| | 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). | |

PLACES

| DELEGATED FUNCTION | OFFICER |
|---|---|
| <u>Housing Functions</u> | |
| 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 | Director for Places (Development and Economy) |
| To authorise officers to enter premises in order to carry out duties | Director for People or Director for Places (Development and Economy) or Director for Places (Environment, Planning and Transport) |
| 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) Director for Places (Development and Economy) Chief Executive Director for Resources |
| To consider representations from housing applicants requesting special consideration for housing provision | Director for Places (Development and Economy) 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 |
| To administer Pt.XIV of the Housing Act 1985 – Housing Advances | Director for Resources |

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| DELEGATED FUNCTION | OFFICER |
|---|---|
| <p>To administer the day to day arrangement of the following functions under Housing legislation</p> <p>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</p> | <p>a) to f) Director for Places (Environment, Planning and Transport)</p> |
| <p>To receive and advise on a day to day basis issues in respect of property</p> | <p>Director for Places (Development and Economy) and Chief Executive</p> |
| <p>Community Services Functions</p> | |
| <p>To take all necessary action to implement programmes in accordance with the Council's approved Economic Development Plan and Tourism Strategy</p> | <p>Director for Places (Development and Economy)</p> |
| <p>To take all necessary action to implement programmes in accordance with the Council's approved Sports Strategy</p> | <p>Director for Places (Development and Economy)</p> |
| <p>To arrange the day to day management of Waste Collection and Street Cleansing including provisions under the:</p> <p>(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.</p> | <p>Director for Places (Environment, Planning and Transport)</p> |
| <p>To implement the provisions of the Health Act 2006 in respect of smoke-free environments in premises to which the public has access</p> | <p>Director for Places (Environment, Planning and Transport)</p> |
| <p>To implement the provisions of the Animal Welfare Act 2006</p> | <p>Director for Places (Environment, Planning and Transport)</p> |

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| DELEGATED FUNCTION | OFFICER |
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| To implement the provisions of the Clean Neighbourhoods and Environment Act 2005 | Director for Places (Environment, Planning and Transport) |
| To implement the provisions of the Sunbeds (Regulation) Act 2010 including the authorising of officers for the purposes of powers of entry and enforcement | Director for Places (Environment, Planning and Transport) |
| 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 | Director for Places (Environment, Planning and Transport) |
| 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. | Director for Places (Environment, Planning and Transport) |
| 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) (c) Part 8 Enterprise Act 2002 (d) Tobacco Advertising and Promotion Act 2002 | Strategic Regulatory Services Manager, Peterborough City Council |
| To approve drainage of buildings in combination | Director for Places (Environment, Planning and Transport) |
| To take all appropriate action under statute to abate Environmental Nuisance including requiring culverting of watercourses, dealing with watercourses, ponds and sanitary appliances | Director for Places (Environment, Planning and Transport) |
| To carry out, in accordance with Statutory | |

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| DELEGATED FUNCTION | OFFICER |
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| 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. | Director for Places (Environment, Planning and Transport) 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 Director for Places (Environment, Planning and Transport) above. | Director for Places (Environment, Planning and Transport) |
| Day to day grounds management and maintenance | Director for Places (Environment, Planning and Transport) |
| To implement the plan and policy making of the Council and Consultations with other interested parties | Director for Places (Development and Economy) |
| 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. | Director for Places (Development and Economy) |
| 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. | Director for Places (Development and Economy) |

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| DELEGATED FUNCTION | OFFICER |
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| <p>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 including the naming, renaming and numbering of streets.</p> | <p>Director for Places (Development and Economy)</p> |
| Developer Contributions | |
| <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> | <p>Director for Places (Development and Economy)</p> |

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| DELEGATED FUNCTION | OFFICER |
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| <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> | Director for Places (Development and Economy) |
| To agree expenditure of developer contributions made under section 106 TCPA 1990 agreements, but excluding the expenditure of any sums contributed for the purposes of being applied to the provision of affordable housing | Director for Places (Development and Economy) |
| Highway Functions | |
| 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 | Director for Places (Environment, Planning and Transport) |
| To execute works by contract, recover expenses where appropriate, and respond to winter maintenance | Director for Places (Environment, Planning and Transport) |

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| requirements and other adverse weather conditions | |
| To arrange for the renewal of traffic signs, lining and road studs | Director for Places (Environment, Planning and Transport) |
| To undertake local traffic management | Director for Places (Environment, Planning and Transport) |
| To administer the provisions of the New Road and Streetworks Act 1991 | Director for Places (Environment, Planning and Transport) |
| To arrange safety audits of major new works and developers proposals | Director for Places (Environment, Planning and Transport) |
| To certify interim and final adoption certificates for highways built to standards specified by the Council and put forward for adoption | Director for Places (Environment, Planning and Transport) |
| To arrange testing of materials in highway works and check on compliance with specification | Director for Places (Environment, Planning and Transport) |
| To arrange condition surveys of the highway in order to assess maintenance needs | Director for Places (Environment, Planning and Transport) |
| To investigate claims made against the Council for alleged defects in the highway | Director for Places (Environment, Planning and Transport) |
| To consider and, if appropriate, agree licences to cultivate the highway verge | Director for Places (Environment, Planning and Transport) |
| To consider and decide applications for brown tourist and yellow advisory signs | Director for Places (Environment, Planning and Transport) |
| To implement the requirements of the Traffic Sign Regulations and General Directions Order 2002 | Director for Places (Environment, Planning and Transport) |
| To fulfil the Council's obligations under the various Road Traffic Acts | Director for Places (Environment, Planning and Transport) |
| To advise on the highway implications of proposals submitted as planning applications | Director for Places (Environment, Planning and Transport) |
| To advise on the highway implications of development and forward planning on a local regional and national basis | Director for Places (Environment, Planning and Transport) |
| To liaise with Network Rail and the train operating companies over the provision and improvement of rail services in Rutland | Director for Places (Environment, Planning and Transport) |

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| DELEGATED FUNCTION | OFFICER |
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| To administer the sponsorship of planting within the highway | Director for Places (Environment, Planning and Transport) |
| 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 | Director for Places (Environment, Planning and Transport) |
| To make minor changes to Traffic Regulation Orders in consultation with the ward Member(s) | Director for Places (Environment, Planning and Transport) |
| To make amendments to approved highway schemes subject to consultation with the Portfolio Holder | Director for Places (Environment, Planning and Transport) |
| 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 | Director for Places (Environment, Planning and Transport) |
| To undertake the duties of Traffic Manager in accordance with the Traffic Management Act 2004 | Director for Places (Environment, Planning and Transport) |

RESOURCES

| DELEGATED FUNCTION | OFFICER |
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| <u>Audit Functions</u> | |
| To manage day to day internal audit services for the Council | Head of Audit Consortium 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 | Director for Resources or Director for People in respect of adult social care |

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| handling of individual complaints under that procedure | complaints |
| Corporate Services Functions | |
| Process of making applications for external funding from external agencies | Director for Resources and appropriate Chief Officer |
| 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 agree the disposal of surplus assets at open market value in accordance with agreed procedures, where that value is not greater than £50,000 | Director for Places (Development and Economy) in conjunction with Strategic Director for Resources |
| To deal with all matters connected with the leasing and management of the Council's industrial and office units and investment properties | Director for Places (Development and Economy) 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 |

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| 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 |