

DELEGATION ARRANGEMENTS FOR THE STRATEGY & RESOURCES COMMITTEE
proposed amendments shown with track changes**1. TERMS OF REFERENCE**

- A. To be responsible for the general administration and overall policy/financial framework of the Council including:-
- (i) Civic matters (the Appointment of Representatives on Outside Bodies with the exception of the list considered at the Annual Meeting of the Council; Members' Allowances; Conferment of a Title of Honorary Alderman; and Regalia).
 - (ii) Arrangements for the appointment of, and disciplinary action against, Management Team members.
 - (iii) Land and Buildings not within the purview of any other Committee.
 - (iv) The annual budget preparation process and consideration of overall Committee budgets, including the setting of Council Tax and prudential indicators.
 - (v) Formulation and review of the Constitution.
 - (vi) Formulating and reviewing emergency plans.
 - (vii) Publicity/public relations/complaints procedure.
 - (viii) Formulating, implementing and reviewing corporate and financial strategies (e.g. those relating to IT; Data Protection; Debt Management; Risk Management; and Asset Management) which do not fall within the remit of other Committees.
 - (ix) Health & Wellbeing.
 - (x) Administration of Council Tax and benefits.
 - (xi) Treasury management (including strategies for borrowing and investment).
 - (xii) Electoral matters.
 - (xiii) Financial oversight of the procurement process for significant contracts being tendered by the Council (including those for IT and waste collection).
- ~~B. Prepare and annually review a Committee Service Plan.~~
- C-B. Subject to the agreement of the Chief Executive and in consultation with Members in accordance with Standing Order 46 of Part B of the Constitution, to deal exclusively with any matter that also falls within the terms of reference of another Policy Committee / other Policy Committees and to resolve such matters unless reserved for determination by Full Council.

2. TO RECOMMEND

- (i) New policies or changes in policy within the remit of the Committee which would require resources beyond those allocated to the Committee.
- (ii) Financial programmes for overall revenue and capital expenditure, including the medium term financial strategy and, as part of the annual budget setting process, the level of Council Tax and Prudential Indicators (subject to the Committee being able to resolve rephrasing of budgetary provision within the Council's capital programme to the next or subsequent financial years where this does not increase overall Council borrowing).
- (iii) Changes of use of Council owned (General Fund) land, subject to consultation with other Policy Committees who may be responsible for services currently operating from the land in question.
- (iv) Decisions on whether or not to proceed with freehold disposals of General Fund assets worth over £1 million.
- (v) Decisions on whether or not to proceed with leasehold disposals of General Fund assets for:
 - periods over 99 years; and
 - periods of between 16 and 99 years if the annual rental valuation is more than ~~£75,000~~ £100,000 plus premium
- (vi) Individual purchases of land or buildings within or outside the District (including by means of a loan to a Local Authority owned company) via the Council's General Fund.
- (vii) Annual pay policy statements.
- (viii) Civic matters as detailed in 1.A (i) above.
- (viii) Making of Byelaws for Good Rule and Government and the suppression of nuisance within the remit of this Committee.
- (ix) Community Governance Reviews
- (ixi) Significant revisions to the Constitution (subject to other Policy Committees being able to make recommendations direct to Council about proposed changes to their Terms of Reference).
- (xii) Changes to the Committee's Terms of Reference.
- (xiii) Other matters under the Committee's jurisdiction which, by virtue of statutory provision, must be determined by full Council.

3. TO RESOLVE

- (i) New policies or changes in policy within the remit of the Committee which can be accommodated within the Committee's overall allocation of resources.
- (ii) The formation of other subsidiary companies and special purpose vehicles as deemed necessary to support property projects.
- (iii) Decisions on whether or not to proceed with freehold disposals of General Fund assets worth between £250,000 and up to £1 million (the Chief Executive can determine freehold disposals of assets worth less than £250,000 in consultation with Members in accordance with Standing Order 46 of Part B of the Constitution).
- (iv) Decisions on whether or not to proceed with leasehold disposals of General Fund assets for:
 - periods between 16 and 99 years if the annual rental valuation is up to ~~£75,000~~ £100,000 plus premium; and
 - periods up to 16 years if the annual rental valuation is more than ~~£75,000~~ £100,000

(Authority is delegated to the Chief Executive, in consultation with Members in accordance with Standing Order 46 of Part B of the Constitution, to approve leasehold disposals of General Fund assets of up to 16 years and with an annual rental valuation of up to ~~£75,000~~ £100,000).
- ~~(v) Individual purchases of land or buildings within or outside the District at or above £10 million in value (including by means of a loan to a Local Authority owned company).~~
- (vi) The writing off of irrecoverable debts in excess of £10,000 with the exception of a National Non-Domestic Rate liability which is no longer recoverable owing to the business having become Insolvent; the company having dissolved; or the sole trader having been made bankrupt. (**Note:** the writing of off rent arrears is dealt with by the Housing Committee).
- (vii) The seeking of deemed planning consents planning permission by, or on behalf of, the Council.
- (viii) Determination of the tax base for Council Tax purposes.
- ~~(ixviii)~~ Rents and charges for services, accommodation and land.
- (ix) Local Land Charges.
- (xi) Street names, house names and street numbering records.
- (xii) Polling District Reviews (subject to the Electoral Registration Officer having authority to change a polling place, in consultation with Ward Members and Group Leaders, when it would not be practicable to seek Committee / Council approval for such a change in time for an election – Minute 268 (2020/21)).

(xiii) Responses to consultations from the Government, other authorities and external agencies where there is a potentially significant impact upon the delivery of services falling under the remit of the Committee.

(xiii) Rephasing of budgetary provision within the Council's capital programme to the next or subsequent financial years where this does not increase overall Council borrowing.

(xiv) Addition of externally funded schemes to the capital programme.

4. DELEGATION TO THE CHIEF OFFICER SUB-COMMITTEE

4.1 Definition of Chief Officer

For the purpose of this Sub-Committee's terms of reference, the term 'Chief Officer' covers the posts of:

- Chief Executive
- Deputy Chief Executive
- S151 Officer ('S151 Officer')
- Head of Legal Services & Monitoring Officer

4.2 Terms of Reference

To:

- (i) short list and interview candidates for the post of Chief Executive and to recommend such appointments to the Council
- (ii) interview shortlisted candidates for other Chief Officer posts and to determine such appointments
- (iii) consider disciplinary matters in respect of the Chief Executive and other Chief Officers, including the appointment of independent panels in accordance with Schedule 3 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (Minute 63, 2015/16 - Resources Committee, 30th June 2015 also refers
- (iv) determine discretionary payments to Officers on senior management grades (SM1 and above) in addition to which they are contractually entitled
- (v) consider and determine proposals to grant early retirement with no actuarial reduction in pension to officers on senior management grades (SM1 and above).

4.3 To Recommend (to full Council):

- (i) the appointment of the Chief Executive
- (ii) dismissal of the Chief Executive, Head of Legal Services & Monitoring Officer or S151 Officer following consideration of the advice, views or recommendations of an independent advisory panel (4.5 (iv) below refers) and other matters specified in Schedule 3 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

4.4 To Resolve:

- (i) the short listing of candidates for the post of Chief Executive
- (ii) appointments to Chief Officer posts (other than the Chief Executive)
- (iii) the appointment of an Independent Investigator to investigate allegations of misconduct against the 'Head of the Authority's paid service (Chief Executive)
- (iv) the appointment of an independent advisory panel in accordance with Schedule 3 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 to consider the findings of formal investigations into misconduct allegations against the 'Head of the Authority's paid service (Chief Executive); Head of Legal and Monitoring Officer; and the S151 Officer
- (v) disciplinary action against the Chief Executive, Head of Legal Services & Monitoring Officer or S151 Officer (other than dismissal) following (except in the case of a decision to suspend him/her) consideration of the advice, views or recommendations of the independent advisory panel referred to in (iv) above
- (vi) appeals from Chief Officers (other than those specified in (iv) above) against disciplinary action taken against them by the Chief Executive
- (vii) discretionary payments to Officers on senior management grades (SM1 and above) in addition to which they are contractually entitled
- (viii) the granting of early retirement with no actuarial reduction in pension to officers on senior management grades (SM1 and above).

5. DELEGATION TO THE INVESTMENT SUB-COMMITTEE

To Resolve:

- (i) Annual strategies for the prudent investment of surplus funds held in the Council's accounts (representing income received in advance of expenditure and cash balances and reserves held for future use) having regard to:
 - both the security and liquidity of investments; and
 - the advice of the Council's treasury consultants.... before seeking the highest rate of return.

- (ii) Relevant performance indicators to measure the effectiveness of financial investment strategies.
- (iii) Any modifications to investment policy during the course of the year to reflect the availability of funds and/or prevailing economic circumstances following an assessment of investment performance against the indicators referred to in (ii) above.
- (iv) The following shareholder functions of Council owned holding and property investment companies:
 - approving the Memorandum of Articles of Association
 - approving a Shareholder Agreement between the company and the Council (this agreement will capture how the Council, as shareholder, will exercise its control over the Company and the expectations for performance delivery)
 - approving the Business Plan (this will be developed to cover a rolling 5-year period of investment activity which will include an analysis of the market, investment strategy and outlook, target returns in line with the prevailing market conditions and will outline the company's planned operations and financial forecasts - it will be reviewed annually)
 - appointing a Company Secretary and Auditor
 - appointing a Managing Director and Director(s) to the company (they will be members of the Property Board tasked with the day to day management of the business)
 - approving a Resourcing Agreement regarding the company's use, where required, of Council staff and facilities to further its business objectives
 - approving loan draw down facilities for the company and loan agreements, setting out the funding arrangements between the Council and the company
 - reviewing performance reports.

6. DELEGATION TO OFFICERS

1. To the Chief Executive and other MT Members respectively the power to implement Council/Committee policies and deal with the day-to-day management of services relevant to this Committee, including the discharge of all functions of the Council, except for those which are identified above as reserved for determination by the Council, Committee or Sub-Committee.
2. The officers referred to in 1. above have the power in turn to delegate to other officers of their choice, the power to deal on their behalf and in their name with any of the above functions. Such delegation shall be in writing and signed by the relevant Chief Officer and may contain such limitations or be subject to such conditions as that Officer shall decide.