

Appendix 9

Table 8 - Delegations to the Corporate Director of Resources

Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above the Corporate Director of Resources is authorised to discharge any function of the Executive in relation to:

- The proper administration of the Council's financial affairs
- The provision of Legal and Democratic Services to the Council
- HR and Employee Services
- Digital Services
- Coroners
- Land charges
- The Registration of Births, Deaths and Marriages
- Transactional and Customer Services
- Information Management and Governance
- Pensions
- Procurement, Sales and Business Services

In carrying out these delegated functions the Corporate Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s)

Specific and Non-Executive Delegations

1. To authorise the termination of employment of staff by reason of early retirement with voluntary redundancy. Where there is a cost to the Council associated with the early release of pension benefits, this will be in consultation with the Cabinet Portfolio ~~Member for Corporate Resources and Rural Issues~~ Holder for Finance.
2. To determine the early release of pension benefits on compassionate grounds, in consultation with the Cabinet Portfolio Member for Social Inclusion, having regard to any representations received from Opposition Group Leaders.

Transactional and Customer Services

3. To establish an appropriate Debt Management Strategy and Policy and to implement appropriate action to ensure the collection of revenue, council tax

and business rates, including for the use of Enforcement Agents where appropriate.

4. The administration of housing benefit, the administration of the Local Council Tax Support Scheme, the administration of applications and awards in relation to Discretionary Housing Payments and the Council's Welfare Assistance Scheme.
5. The policy development and administration of Government funded financial support schemes.
6. The review and adoption of the Council's Discretionary Housing Payments Policy.
7. The review and adoption of the Council's Welfare Assistance Scheme Policy.
8. The review and adoption of the Council's Residential Care Charging Policy, in line with legislation, and the administration of billing and recovery of charges levied, including making arrangements for Deferred Payments, including:
 - (a) To waive or reduce charges for care services in individual cases.
 - (b) To disregard the value of a property in a financial assessment.
9. The review and adoption of the Council's Non-Residential Care Charging Policy, in line with legislation, and the administration of billing and recovery of charges levied, including making arrangements for Deferred Payments Arrangements, including:
 - (a) To waive or reduce charges for care services in individual cases.
 - (b) To disregard the value of a property in a financial assessment.
10. The provision of a Welfare Rights Service and the commissioning of Advice Services, including working with and supporting the Advice in County Durham Partnership.
11. To apply to the Court of Protection for Deputyship or single orders related to finance and property and to act as dually appointed Financial Appointee or Deputee for those individuals who lack mental capacity and are subject to such orders.
- 11.12. Establishing and amending a charging policy for those whom the Deputy and Appointeeship Team act as an appointee.
- 12.13. Completion of statutory submissions to Government of the council tax and business rates returns.
- 13.14. To establish and amend/update the Council Tax Exemption for Care Leavers Policy and to administer applications under this policy.

- ~~44.15.~~ To establish and amend/update the Council's Discretionary Rate Relief Policies and to administer applications under these schemes.
- ~~45.16.~~ To establish and amend the Council Tax Discretionary Reduction Policy and Business Rates Hardship Relief Policy and administer applications for relief under Section 13A(1)(c) of the Local Government Finance Act 1988.
- ~~46.17.~~ The operation and development of the systems supporting payments and financial support
- ~~47.18.~~ Agreement of remedies to customers in line with the Council's Corporate Complaints Policy

Corporate Finance and Commercial Services

- ~~48.19.~~ To exercise MTFP, annual budget setting, budgetary control and final accounts functions (Revenue and Capital) referred to the Corporate Director under the Council's Financial Procedure Rules.
- ~~49.20.~~ To arrange all borrowings, financing and investment in line with the Council's Treasury Management Policy Statement.
- ~~20.21.~~ To make appropriate banking arrangements on behalf of the Council.
- ~~21.22.~~ The operation and development of the Council's financial systems.
- ~~22.23.~~ The operation and continuous improvement of the Council's accounting systems.
- ~~24.~~ To authorise the release of funds from contingencies as set out in the Revenue Budget.
- ~~23.25.~~ To set the Council Tax Base at Local Council level and to forecast and manage the Council's Collection Funds, making adjustments to payments to principal precepting bodies as appropriate.
- ~~26.~~ To establish such reserves as required and review them for both adequacy and purpose on a regular basis.
- ~~24.27.~~ To maintain all accounting records in relation to the Pension Fund, including the preparation of the Pension Fund Statement of Accounts and Annual Report.
- ~~25.28.~~ To act as Proper Officer for the purposes of the following provisions of the Local Government Act 1972:
- (a) Section 115(2) (Accountability of Officers);
 - (b) Section 146 (Transfer of Securities on Alteration of Area Etc.)

~~26-29.~~ To write off debts.

~~27-30.~~ To deal with the payment of Coroner's remuneration.

~~28-31.~~ To ensure appropriate financial arrangements across the Council.

~~29-32.~~ To agree the terms of loans permitted under law.

~~30-33.~~ To make a statutory declaration of local authority mortgage interest.

~~31-34.~~ To receive and respond to expressions of interest under Community Right to Challenge, under Part 5, Chapter 2 of the Localism Act 2011.

~~32-35.~~ To liaise with the Schools Forum on School Funding formula allocations and to advise Council on formula changes to ensure compliance with Department for Education guidance and regulations and the proper administration of Dedicated Schools Grant (DSG) allocations, including making applications to the Secretary of State for Education as appropriate for any necessary transfer of funding between the DSG funding blocks.

~~33-36.~~ To ensure appropriate arrangements are in place in respect of the effective administration of pooled DCC and NHS monies included within the Durham Better Care Fund and associated integrated budgets.

Pensions

~~34-37.~~ In relation to the Pension Fund, to exercise the County Council's function as administering authority relating to the Local Government Pension Scheme including, but not restricted to, the following:

- (a) To ensure that Pension Fund complies with the Local Government Pension Scheme Regulations and all other legislation that governs the administration of the Pension Fund.
- (b) To exercise discretions the Council as administering authority has, under the regulations governing the Local Government Pension;
- (c) To administer the financial affairs of the Pension Fund;
- (d) To agree the write-off of bad debts;
- (e) To take any decision relating to the investment or management of the Pension Fund that cannot reasonably await the next meeting of the Pension Fund Committee.
- (f) To authorise, in cases of urgency, the taking of any action by a Manager of the Pension Fund that is necessary in order to protect the interests of the Fund.

- (g) To maintain all necessary accounts and records in relation to the Pension Fund;
- (h) To ensure that appropriate arrangements for the administration of benefits are in place, including the calculation of and payment of benefits, and collection of contributions;
- (i) To manage the triennial valuation of the Pension Fund including the preparation of membership data for actuarial valuation purposes.
- (j) To ensure appropriate Additional Voluntary Contribution arrangements are in place;
- (k) To exercise the Pension Fund's discretion over the beneficiary of any death grant payable.
- (l) To approve the payment of Dependants' Pensions in accordance with the Local Government Pension Scheme Regulations.
- (m) To maintain the system of internal control.
- (n) To accept for admission into the Pension Fund authorities and bodies, and their employees, in accordance with Local Government Pension Scheme Regulations.
- (o) To [implement and maintain an appeals procedure](#) under the dispute procedure for the Local Government Pension Scheme.
- (p) To set the appropriate investment objectives and the strategic asset allocation taking into consideration the Pension Fund's liabilities as calculated by the Pension Fund's Actuary;
- (q) To monitor and review the investments made by the Fund's appointed investment managers and to review their performance against established benchmarks. To report on the Investment Managers' performance to each meeting of the Pension Fund Committee;
- (r) To manage the Pension Fund's cash flow and allocate funds between investment managers in order to ensure that the Pension Fund's strategic asset allocation is maintained and invest the residual cash balances.
- (s) To manage the cash balances not allocated to Investment Managers in accordance with the Treasury Management Strategy and Policy approved by the Pension Fund Committee;
- (t) To arrange and authorise the provision of appropriate Member training, including the attendance at conferences and other similar pension fund related events by Members of the Pension Fund Committee and the Local Pension Board.

- (u) To prepare and submit the necessary Policy Statements to Pension Fund Committee and to arrange for the implementation and review of those statements, strategies, policies and procedures, as required. These include the Funding Strategy Statement
- (v) To prepare and submit the necessary plans and principles to the Pension Fund Committee and to arrange for the implementation and review of those plans and principles, as required. These include the Pension Fund Annual Report and the Investment Strategy Statement.
- (w) To review the Fund's approach to responsible investment and policy on social, environmental and ethical matters on the exercise of rights, including voting rights;
- (x) To produce as part of the Funding Strategy Statement, an assessment of identified risks in relation to the management of the Pension Fund.
- (y) To authorise sending instructions to and completing contracts, deeds or agreements with Border to Coast Pensions Partnership Limited to facilitate transition of assets to and management of collective investment vehicles and alternative investments within the Border to Coast pooled arrangements.
- (z) To monitor and review the investments made by Border to Coast Pensions Partnership Limited under pooled arrangements and to review performance against established benchmarks. To report on relevant investment performance of Border to Coast to each meeting of the Pension Fund Committee.
- (aa) To provide quarterly reporting to the Local Pension Board in line with the Board's Terms of Reference in order to assist the Board in securing compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and the effective and efficient governance and administration of the Scheme.

HR and Employee Services

~~35-38.~~ To implement the Council's decisions in relation to Single Status and Job Evaluation.

~~36-39.~~ To approve the regrading of posts up to and including Head of Service level.

~~37-40.~~ To seek to offer alternative employment to any permanent employee who becomes surplus to the requirements of the Service or whose employment is at risk through reasons of ill health or other incapacity.

~~38-41.~~ To determine applications for the extension of sick pay.

- ~~39.42.~~ To approve applications for leave of absence in cases not covered by the Council's policies.
- ~~40.43.~~ To agree variations to the Council's scheme for payments towards removal expenses, lodging allowances and legal fees for new employees.
- ~~41.44.~~ To approve overtime payments for employees above Grade 8.
- ~~42.45.~~ To authorise redundancy payments to school staff after consultation with the Head of Corporate Finance and Commercial Services.
- ~~43.46.~~ To decide, taking into account the opinion of an independent registered medical practitioner, whether under the Local Government Pension Scheme Regulations, a member is eligible for an ill health pension and if eligible, what level of ill health pension the scheme member should be awarded.
- ~~44.47.~~ To exercise discretions the Council as an employer has, under the regulations governing the Local Government Pension.
- ~~45.48.~~ To negotiate and agree local agreements changing staff terms and conditions of employment.
- ~~46.49.~~ To formulate and implement policies relating to employed staff.
- ~~47.50.~~ The operation and development of HR and Payroll systems.

Procurement Sales and Business Services

- ~~48.51.~~ To exercise the contractual approval functions referred to the Corporate Director under the Council's Contract Procedure Rules.
- ~~49.52.~~ To ensure appropriate contractual arrangements across the Council in relation to the receiving of goods, works and services.
- ~~50.53.~~ To ensure appropriate procurement arrangements are in place in respect of pooled DCC and NHS (or other Partner(s) or Bodies) monies held by DCC on behalf of those named bodies or partners.
- ~~51.54.~~ Approve variations as set out in the Contract Procedure Rules or elsewhere in this Constitution.
- ~~52.55.~~ Authorise the collection of income from commercial activities.
- ~~53.56.~~ Authorise the use of professional services via the approved neutral vendor model delivery strategy

Internal Audit, Fraud, Risk and Governance

- ~~54.57.~~ To maintain an effective internal audit service.

~~55-58.~~ To act as lead officer for the Audit Committee.

~~56-59.~~ To maintain an effective corporate fraud service.

~~57-60.~~ To act as the Risk Management Officer Champion and ensure appropriate risk management arrangements are in place across the Council.

~~58-61.~~ To act as lead officer for maintaining effective corporate governance arrangements and the preparation of the Annual Governance Statement.

Digital Services

~~59-62.~~ Taking all operational decisions necessary to secure the provision of digital and ICT services and/or discharge of statutory functions, including the power to enter into contracts, in accordance with the approved policies and Financial Procedure Rules including, but not restricted to the following:

- (a) Maintenance and review of an appropriate IT and Digital Service, including a council-wide strategy and support for all business systems.
- (b) Development, maintenance, and assurance of all internal and external IT solutions/systems.
- (c) Management of the Council's resources and assets, systems, digital and information technology and maintenance and ongoing delivery of Operational ICT.
- (d) The governance/assurance of technical delivery and strategy pertaining to Cyber Security, Smart Place and Digital Place agendas, including Digital Inclusion.
- (e) Maintain the delivery of Change Services; Solution Architecture & Design ensuring the ongoing delivery of Digital Services to citizens, the council, and communities.

Legal and Democratic Services

The following matters are delegated to the Head of Legal and Democratic Services:

~~60-63.~~ To act as Proper Officer for the purposes of the Local Government Acts 1972 and 2000 and all Regulations made there under other than those Proper Officer functions delegated to the Corporate Director of Resources in connection with the administration of the Council's financial affairs. This delegation shall not derogate from the general delegation under Table 1 paragraph 8.

~~61-64.~~ To carry out the Proper Officer functions relating to the freedom of the City under the Durham City Council Act 1985.

~~62-65.~~ To act as Proper Officer for the Registration of Births, Deaths and Marriages Service pursuant to Schedule 29 paragraph 41 of the Local Government Act 1972 including administration of the arrangements for the licensing of premises under the Marriage Act and the appointment of staff.

~~63-66.~~ To approve premises for the solemnization of marriages and the registration of civil partnerships

~~64-67.~~ To amend the Constitution where necessary to reflect changes in the law or decisions of council bodies or to correct inaccuracies.

- (a) To prepare, negotiate and agree all legal documentation in relation to all land and property in the Council's ownership or for the acquisition of land and property by the Council.
- (b) To prepare, negotiate and agree all legal documentation other than those contained in sub-paragraph (a) relating to or affecting the functions of the Council.
- (c) To sign or attest the Council's seal in all legal documents referred to in sub-paragraphs (a) and (b) and all other legal documentation intended to give effect to decisions of the Council.
- (d) To sign or attest the Council's seal to all documents referred to in sub-paragraph (a).

~~65-68.~~ To prepare, negotiate and agree all legal documentation in relation to all land and property held by the Council as a trustee.

~~66-69.~~ To sign any notice, demand or other document on behalf of the Council in connection with any actual or contemplated legal or enforcement proceedings.

~~67-70.~~ Generally, to institute, defend and conduct any legal proceedings relating to the Council's functions or affecting the property, rights or interests of the Council.

~~68-71.~~ To commission external legal advice as required.

~~69-72.~~ To authorise named officers to appear on behalf of the Council in legal proceedings in the Magistrates' Court pursuant to Section 223 Local Government Act 1972.

~~70-73.~~ To settle any action in any court or tribunal in which the Council is a party or where legal proceedings are indicated providing that any settlement exceeding £50,000 will be subject to prior consultation first with the Corporate Director of Resources as s151 Officer and then with the Leader or Deputy Leader of the Council except in cases of urgency where the settlement is made on the advice of Counsel.

74. To settle claims from staff for damage to personal property in accordance with the Council's policies.

75. In relation to the Pension Fund, to exercise the County Council's function as administering authority relating to the Local Government Pension Scheme in the following way:

74-a. To deal with stage 2 appeals under the dispute procedure for the Local Government Pension Scheme.

~~72-76.~~ In consultation with the Chair of the Corporate Overview and Scrutiny Management Board, to make payments or provide other benefits in cases of maladministration in accordance with Section 92 of the Local Government Act 2000 (as amended).

~~73-77.~~ To:

- i. appoint Members as proxies to attend and vote at shareholders meetings of any company of which the Council is a shareholder and
- ii. undertake the role of company secretary in any company for which the Council provides secretarial or administrative services.

~~74-78.~~ In consultation with the Chief Executive, to make appointments of Members to local and other outside bodies which are not the subject of report to the Council or the Executive, in consultation with the respective political group leaders.

~~75-79.~~ To appoint Review Boards under Regulations under Section 34(4) (Determination of Claims and Reviews) of the Social Security Act 1998.

~~76-80.~~ To make arrangements in relation to appeals against the exclusion of pupils from maintained schools.

~~77-81.~~ To make arrangements pursuant to Sections 94(1), (1A) and (4) of the Schools Standards and Framework Act 1998 (Admission Appeals).

~~78-82.~~ To make arrangements pursuant to Section 95(2) of the Schools Standards and Framework Act 1998 (Children to whom Section 87 applies; Appeals by Governing Bodies).

~~79-83.~~ In consultation with the Corporate Director for Neighbourhoods and Climate Change and the Chair and Vice-Chair of the Statutory Licensing Committee or General Licensing and Registration Committee as appropriate, to determine that a particular application shall be considered by the Statutory Licensing Committee or the General Licensing and Registration Committee rather than a Sub-Committee.

~~80-84.~~ To consider and respond to representations made by members of the public in relation to a decision to hold a meeting or part of that meeting in private.

~~81-85~~. To discharge the Council's functions in relation to voluntary registrations of village greens as set out in section 15(8) Commons Act 2006.

~~82-86~~. To discharge the Council's functions set out in Part 1 of the Commons Act 2006 and the Commons Registration Act 1965 with the exception of determinations under section 15(1) of the Commons Act 2006.

~~83-87~~. To appoint an inspector to hold an inquiry into applications to register land as town or village green where appropriate.

~~84-88~~. To appoint Assistant Coroners in accordance with the provisions of the Coroners and Justice Act 2009

~~85-89~~. To deal with the payment of Coroner's expenses.

~~86-90~~. To discharge the Council's functions in relation to Local Land Charges.

~~87-91~~. To oversee the management of the Council's Overview and Scrutiny functions.

~~88-92~~. To coordinate the Member Training and Development Programme including:

- i. management of the approved Member Training and Development Budget; and
- ii. authorisation of Member attendance at conferences, seminars and other training and development events in consultation with the Leader.

~~89-93~~. In consultation with the Chair of the Standards Committee, to approve any temporary appointment of an independent person to discharge the functions set out in section 28(7) of the Localism Act 2011 where the position is vacant or an existing appointee is unable to act.

~~90-94~~. To approve officer severance payments of less than £20,000.

~~91-95~~. To authorise expenditure within the approved budget for civic hospitality.