

## CONSTITUTION – PART 3 – TABLE 3.10

<b>RESOURCES</b>			
<b>1. <u>Finance - Accounts, Financial Management &amp; Advice</u></b>			
<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Grant of Housing / CT Benefit	Granting of Housing Benefit <i>and Local Council Tax Reduction Scheme</i> in all cases including matters of individual discretion and back-dating, except that, where a claimant is dissatisfied with the Officer's decision, the matter be referred to: <i>The Social Security and Child Support Tribunal for Housing Benefit (and Council Tax Benefit)</i> <i>Valuation Office Agency for Local Council Tax Reduction Scheme.</i>	Executive Committee	Head of Finance & Resources
Debt Collection / Recovery	To collect and recover all debts, except housing rents.	Executive Committee	H o Finance & Resources
Over-allowed Benefit <i>Moved from housing</i>	<del>To instigate proceedings in the case of over-allowed benefit.</del> <i>Covered in delegation above ref debt collection and recovery</i>	Executive Committee	Head of Housing, or in her/his absence, Principal Solicitor
CT – NDR Refund of overpayments	To refund all overpayments of Council Tax and National Non-Domestic Rates including statutory interest.	Executive Committee	Chief Executive
Discretionary Rate Relief	To grant applications under the Non-Domestic Rates – Discretionary Rate Relief Scheme recommended for approval by Executive Committee on 11th February 2004 where within budget with reference to Section 47 of the Local Government Finance Act 1988.	Executive Committee	Revenue Services Manager
Collection Fund	To administer the Collection Fund in accordance with Section 89(3) of the Local Government Finance Act 1988.	Executive Committee	Chief Executive

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Offences under Social Security Administration Act	To administer formal cautions for offences under the Social Security Administration Act 1992.	Executive Committee	Head of Finance & Resources or Principal Solicitor, as the cautioning Officer
Discretionary Housing Payments	To administer the scheme of Discretionary Housing Payments in accordance with the policy statement attached at Appendix 1 to the “Revised Discretionary Housing Payments” report presented to the Executive Committee on 23rd August 2011.	Executive Committee	Benefits Officers
Essential Living Allowance	To administer the Essential Living Allowance scheme in accordance with Council Policy (agreed 12 <sup>th</sup> March 2013)	Executive Committee	Head of Finance and Resources and Head of Housing
Stock Exchange Transactions	To seal Stock Exchange Transactions.	Executive Committee	CX
Investment of Balances	To invest balances, other and special funds.	Executive Committee	CX
Investments	To determine action to be taken in respect of the Council's funds invested by approved external Fund Managers.	Executive Committee	CX
Legal Processes- Rates, CT , NNDR	In respect of rates, Council Tax, penalties and the National Non-Domestic Rate and representation in the Valuation Tribunal, Issue of all legal processes, including applications for committal.	Executive Committee	CX
Empty Property Rates - Exemptions	To determine legal exemption under the empty property rate provisions in accordance with Section 44(A) of the Local Government Finance Act 1988 in respect of national non-domestic rates except in cases of dispute	Executive Committee	Head of Finance & Resources
Borrowing	To borrow money.	Executive Committee	Chief Executive

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Applications under LG Finance Act	To determine applications under Sections 43, 45, 49 and 64 of the Local Government Finance Act 1988.	Executive Committee	H o Finance & Resources
Insolvency Procedures	To commence insolvency procedures, both against individuals and companies.	Executive Committee	H o Finance & Resources / Principal Solicitor
Debts - Write-off – Insolvency Cases	To write off any debt, irrespective of value, where insolvency proceedings have occurred and where the Council's claim has been formally acknowledged.	Executive Committee	H o Finance & Resources / H o Housing
Debts - Write-off – Imprisonment Cases	To write off any debt, irrespective of value, where the Magistrates have remitted or committed an individual to prison at committal proceedings.	Executive Committee	H o Finance & Resources / H o Housing
Sure Start - Accounting	To take on the accounting duties of the accountable body of the Sure Start Programme.	Executive Committee	H o Finance & Resources / Finance Team H o Housing, with assistance from Sure Start Finance and Evaluation Officer
Debts – Write off – Admin Orders	To write off the balance of all outstanding debts in cases where an Administration Order has been made without prior Executive Committee approval (Bankruptcy and Liquidation).	Executive Committee	H o Finance & Resources / H o Housing
Debts – Write-off - Irrecoverables	To write off debts due to the Council in accordance with Council policy of up to and including <del>£999.99 as irrecoverable.</del>	Executive Committee	Chief Executive or, in his absence, H o Finance & Resources, in consultation with other relevant Directors
Deputy Money Laundering Officer	To appoint a Deputy Money Laundering Officer to act in absence of Head of Finance & Resources.	Council	H o Finance & Resources

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<b>2. <u>Property, Assets and Facilities Management - Estates &amp; Valuation</u></b>			
<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Day-to-Day Management	Day-to-day management of Land and Property matters including implementing management measures for assets detailed in the Asset Management Plan.	Executive Committee	Property Services Manager
Land and Property Gazetteer	To keep and maintain the Council's Local Land & Property Gazetteer (LLPG) and act as "Custodian" for this purpose.	Executive Committee	Head of Resources
Acceptance of Offers at Auction	The acceptance of an offer when a sale is effected by auction.	Executive Committee	Property Services Manager / Principal Solicitor
Leased / Tenanted Properties - Management	To manage and control all leased / tenanted properties excluding houses / flats let on residential secure tenancies under the Housing Act including those available for letting and to include those held by the Council in advance of requirements or surplus or appropriated properties.	Executive Committee	Property Services Manager
Agreements - Various	Easements / wayleaves / rights of way / garden licences / grazing licences / cultivation licences and all similar agreements – to enter into such agreements on behalf of the Council for any Council-owned land or property.	Executive Committee	Property Services Manager / Principal Solicitor
Agreements - Minor	To enter into miscellaneous agreements of a minor nature affecting any land and / or property not provided for elsewhere including street trading licences.	Executive Committee	Property Services Manager / Principal Solicitor
Disturbance / Home Loss Payments	To negotiate and settle all disturbance or home loss payments, within prior approved budgets, or where such payments are to be funded from a capital receipt.	Executive Committee	Property Services Manager / Principal Solicitor

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<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Assignment / Sub-letting – Leased Properties	The assignment or sub-letting of leased properties, subject to appropriate satisfactory references.	Executive Committee	Property Services Manager / Principal Solicitor
Rent Review Notices	To serve Rent Review Notices and agree new rents where proposal is to review rent to market value.	Executive Committee	Property Services Manager
New Leases, Lettings and Rents	To approve new leases, lettings and rents, where the proposal is to rent at market value, and accept surrenders, where a re-grant to the same or different tenant is requested.	Executive Committee	Property Services Manager
Breach of Terms – Obtaining Possession, etc.	To obtain possession of premises, terminate agreements, authorise distraint or to institute proceedings to forfeit business leases, licences and agreements if the rent, payment or other terms are being breached.	Executive Committee	Property Services Manager
Notices under Landlord and Tenant Act	To serve notices under the Landlord and Tenant Act 1954 to renew or terminate business tenancies and to serve other notices on any tenant for the remedy of any breaches of other covenants under the terms of leases as appropriate.	Executive Committee	Property Services Manager / Principal Solicitor
Sub-letting-Business Tenants	To approve applications from business tenants to sub-let maisonettes and garages no longer required in connection with shop premises, subject to satisfactory references and details of the sub-lease being approved by the Head of Legal, Equalities and Democratic Services / Property Services Manager to include that vacant possession be granted to Council on determination of the lease.	Executive Committee	Property Services Manager, with H o Legal, Equalities and Democratic Services
District Centres – Commercial Leases	To negotiate delays in exercising the redevelopment clause within a commercial lease for units in the Council’s District Centres in appropriate cases.	Executive Committee	Property Services Manager / Principal Solicitor

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<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Disposals of Surplus Assets	To deal fully with all disposals of surplus assets approved by the Executive Committee / Council, subject to reports being submitted to the Executive Committee on the receipts generated from major land or building sales, in accordance with the Asset Management Plan.	Executive Committee	Director of Finance & Resources / H o Finance & Resources
'Minor Land' * Sales	<p><i>* Defined as any land and/or building of less than half a hectare where the value is £49,999 or less, plus VAT / fees, but excluding land previously designated as a play area or sites to be developed for one or more dwellings, unless it has specifically been declared surplus by the Executive Committee in accordance with the Minor Land Disposal Policy.</i></p> <p>To conduct and conclude negotiations for the sale of the freehold or leasehold interest of any land or property falling within the limits described above (or such limit that may be revised at any time by the Executive Committee, to reflect rising prices).</p>	Executive Committee	Property Services Manager / Principal Solicitor
Dedication of Council Land	To approve, and complete documentation in respect of, the dedication of Council land for the purposes of either footpaths, bridleways, cycle routes or roads, as requested in consultation with Worcestershire County Council.	Executive Committee	Property Services Manager / Principal Solicitor
Public Open Space	To accept, on behalf of the Council, land for Public Open Space, or land for other public purposes, in connection with the provisions of Section 106 of the Town & Country Planning Act 1990, or Section 111 of the Local Government Act 1972, following consultation with other appropriate Officers.	Executive Committee	Property Services Manager / Principal Solicitor

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<b>4. Right to Buy</b>			
<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Right to Buy	To administer the Right-to-Buy scheme and carry out valuations of dwellings under the Right to Buy Scheme and for repurchases, including the interest to be sold with any necessary rights of way over Council land, as appropriate.	Executive Committee	Property Services Manager
Notices re Right to Buy	To serve notices in association with the Right to Buy Scheme.	Executive Committee	Property Services Manager / Principal Solicitor
Buy Back	To refuse (but not accept) requests to buy back properties sold under the Right to Buy Scheme, in accordance with the Council policy adopted by the Council in December 2005.	Executive Committee	Property Services Manager
Repayment of Discount	To refuse (but not to agree) to waive the Council's entitlement to repayment of discount.	Executive Committee	Property Services Manager
Discount for Disposals	To determine the level of discount to be repaid for relevant disposals under the Housing Act 2004.	Executive Committee	Property Services Manager