

# Colchester Borough Council

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## SCHEME OF DELEGATION TO REGULATORY COMMITTEES

The Council has delegated its planning functions to the Planning Committee and its licensing functions to the Licensing Committee and its Statement of Accounts to the Governance and Audit Committee, its appointment of certain officers to the Appointments Committee and the discharge of certain of its functions in relation to the Local Planning Regulations to the Local Plan Committee.

### Planning Committee

1. Authority to act on behalf of the Council on:
  - (a) The Council's town and country planning and development control functions as detailed in Part A of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended);
  - (b) Determination of all applications for planning permission, listed building consent and associated matters;
  - (c) Authorisation of all enforcement actions under town and country planning and allied legislation;
  - (d) The making of orders for the creation, diversion and extinguishment of public rights of way, authority to confirm unopposed orders for the same and authority to decide not to confirm an order, authorisation of enforcement and other actions in relation to the protection of public rights, prevention of obstructions or damage to the highway and any other matters as may from time to time require determination by the Committee.

### Licensing Committee

1. Authority to determine on behalf of the Council:
  - (a) The Council's licensing and registration functions as detailed in Part B of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended);
  - (b) To hear and determine licensing applications and appeals including applications for hackney carriages and private hire vehicles and drivers and private hire operators; and sex establishments and any other licensing matters as may from time to time require determination by the Committee;
  - (c) All licensing functions pursuant to the Licensing Act 2003;
  - (d) All gambling functions pursuant to the Gambling Act 2005;
  - (e) Authorisation of all enforcement actions in relation to the Council's licensing and registration functions;
  - (f) To review, consider and recommend to Council all policies related to those matters with the remit of the Licensing Committee.

- (g) To agree policy and licensing of markets and street trading

### Licensing Sub-Committees

- (1) Authority to determine on behalf of the Licensing Committee in relation to Licensing Act 2003 matters

<b>Matter to be dealt with</b>	<b>Delegated to the Licensing Sub-Committee</b>
<b>Personal Licences</b>	
Determination of an application for a personal licence	Where a Police objection notice is received
Determination of an application for the renewal of a personal licence	Where an objection is received from the Police
Revocation of licence where convictions come to light after grant	Where a Police objection notice is received
Determination of an application to vary a designated premises supervisor	Where a notice is received from the Police
<b>Premises Licences and Club Premises Certificates</b>	
Determination of an application for a premises licence/club premises certificate	Where representations have been made
Determination of an application for a provisional statement	Where representations have been made
Determination of an application to vary a premises licence/club premises certificate	Where representations have been made
Determination of an application for the transfer of a premises licence	Where a notice is received from the Police
Consideration of Police objection made to an interim authority notice	Where a notice is received from the Police
Determination of an application to review a premises licence/ club premises certificate	Where relevant representations have been made
Review following a Closure Order	Where relevant representations have been made
<b>Temporary Event Notices</b>	
Decision to give a counter notice to a temporary event notice	Where an objection is received from the Police

- (2) Authority to determine on behalf of the Licensing Committee in relation to Gambling Act 2005 matters.

<b>Matter to be dealt with</b>	<b>Delegated to the Licensing Sub-Committee</b>
Determination of an application for a premises licence	Where representations have been received and not withdrawn
Determination of an application for the variation of a premises licence	Where representations have been received and not withdrawn
Determination of an application for the transfer of a premises licence	Where representations have been received and not withdrawn
Application for a provisional statement	Where representations have been received and not withdrawn
Determination of an application club gaming/club machine permits	Where objections are made and not withdrawn
Cancellation of club gaming/ club machine permits	In all cases
Decision to give a counter notice to a temporary use notice	In all cases

## **Governance and Audit Committee**

1. Authority to determine on behalf of the Council:
  - (a) To consider and approve the Council's Statement of Accounts in accordance with the Accounts and Audit Regulations.
  - (b) As part of the Council's governance arrangements, to consider the findings of the annual review of the Council's internal control arrangements (including a review of the effectiveness of the system of internal audit) and approve the Statement of Annual Governance in accordance with the Accounts and Audit Regulations.
  - (c) To consider the Annual Audit and Inspection Letter in accordance with the Accounts and Audit Regulations.
2. To make recommendations to the Council on:
  - (a) The Council's functions relating to elections contained in paragraphs 3, 4, 5, 8, 11 and 15 of Part D of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended);
  - (b) The Council's functions relating to name and status of areas and individuals contained in Part E of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended);
  - (c) The Council's functions relating to the power to make, amend, revoke or enact byelaws contained in Part F of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended);
  - (d) The Council's functions relating to the power to promote or oppose local or personal Bills contained in Part G of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

## **Appointments Committee**

- (a) To recommend to the Council the appointment of the Chief Executive (Head of Paid Service).
- (b) The appointment of the Executive Directors and Heads of Service in accordance with the Officer Employment Procedure Rules.
- (c) To hear and determine any appeal by the Chief Executive, Executive Director, Strategic Director or Chief Operating Officer relating to dismissal following the Council's Disciplinary Procedures.

## **Local Plan Committee**

### 1. Authority to determine on behalf of the Council:

- (a) preparation of or a revision of a Local Plan
- (b) preparation of or a revision of a local development document
- (c) submission of a Local Plan or local development document
- (d) decision on whether to do a joint Local Plan or Supplementary Planning document and the creation of a joint committee with another authority
- (e) preparation and adoption of Supplementary Planning Documents
- (f) bring Local Development Scheme into effect
- (g) preparation of monitoring report
- (h) approval of Neighbourhood Area
- (i) approval of Neighbourhood Forum
- (j) withdraw Neighbourhood Forum status
- (k) approval of Community Right to Build organisation
- (l) making of Neighbourhood Plans
- (m) making of Neighbourhood Development Orders
- (n) revocation or modification of Neighbourhood Development Orders and Neighbourhood Plans
- (o) adoption of other non statutory planning documents including the Local List.

### 2. To make recommendations to the Council on:

- (a) the adoption of the Local Plan
- (b) the withdrawal/revocation of the Local Plan
- (c) the adoption of other local development documents

## **Functions delegated to the North East Essex Parking Partnership Joint Committee by the Cabinet**

1. Collection of charges for on street parking within the permitted parking area;
2. The administration of residents' parking schemes and the collection of charges for permits;
3. Issuing Penalty Charge Notices;
4. Deal with all correspondence, appeals, adjudication and representations to the Traffic Tribunal arising from those functions set delegated to the Joint Committee;
5. Take steps necessary to recover payments and charges due under these functions;
6. Immobilisation, removal, recovery, storage and disposal of vehicles in connection with the above activities;
7. Procurement and maintenance of signs and lines relating to on-street enforcement;
8. Determine the levels and nature of fees and charges in respect of on street car parking provisions in North Essex;
9. Establish and manage the cost of the operation incurred under the Joint Committee;
10. Decide how any surplus is re-invested in parking services;
11. The Council may retain responsibility, and budget, for the commissioning of traffic regulation orders until 1 April 2012;
12. Provide a forum to discuss strategic issues relating to parking across North Essex;
13. Provide a forum to review at a strategic level the success of the Joint Committee;
14. Set local parking policies, ensuring that primary legislation obligations are met. This includes design of parking policies with respect to:
  - a. Traffic network;
  - b. Safety;
  - c. Environment;
  - d. Public transport quality and accessibility;
  - e. Disabled persons; and
  - f. Kerb space demands.
15. The Joint Committee may make relevant traffic regulation orders as permitted under the Road Traffic Regulation Act 1984. The Joint Committee shall review this function and agree future provisions with the Council for the funding and operation to be exercised during the remainder of the period of the Joint Committee Agreement ( 7 years from 1 April 2011 – unless extended by agreement of all the partner authorities).

## **Functions delegated to the Colchester and Ipswich Joint Museums Committee by the Cabinet**

- (a) Agreeing the Three Year Development Plans for the combined museum service.
- (b) Agreeing all new, or revised, policies (such as Collections and Acquisition and Disposal Policies)
- (c) Agreeing level of service provision as agreed through the annual budget setting process and as set out in the Joint Committee Agreement
- (d) Annually agreeing the level of fees and charges pertaining to the joint museum service but not including a decision to introduce a general charge for admission
- (e) Agreeing annual budget proposal to be made to the Executive (or Cabinet) for final approval
- (f) Making budget decisions related to the use of/funding of end of year surplus or deficit situations and transitional employee savings
- (g) Key issues such as continuing as a member of the East of England Hub and other partnership arrangements with all the benefits and commitments that that entails.
- (h) Functions under ss12-20 of the Public Libraries and Museums Act 1964, section 111 of the Local Government Act 1972 and section 2 of the Local Government Act 2000.
- (i) Delegating any of the functions of the Joint Committee to an Officer of Ipswich or Colchester provided that the Joint Committee may not delegate:
  - i. The functions referred to in (a)-(h) above;
  - ii. Any decision to cease to provide any of the baseline services referred to in section 2 of the Joint Committee Agreement.
- (j) The Joint Committee will not have responsibility for staffing decisions but the Partner Authorities agree that the appointment of a replacement for the most senior employee in the joint museums service will be carried out in consultation between both Partner Authorities and a representative from Ipswich shall be invited to attend the final interview.
- (k) The parameters for operational details will be set by a Joint Committee Agreement and the three year development plan and within this framework operational implementation and decisions will be taken by the appropriate officers.

## **Functions delegated to the Essex Countywide Traveller Joint Committee by the Cabinet**

- (a) Fire safety on sites
- (b) Improving education outcomes
- (c) Health and social care
- (d) Management of local authority sites
- (e) Unauthorised encampments
- (f) Unauthorised developments