

Colchester Borough Council

SCHEME OF DELEGATION BY THE LEADER OF THE COUNCIL TO CABINET MEMBERS May 2021

The Leader of the Council in conjunction with the Cabinet leads the implementation of policy within the Council's Budget and Policy Framework. In doing this the Leader of the Council in conjunction with the Cabinet carries out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

By this Scheme of Delegation, the Leader of the Council has delegated to individual members of the Cabinet most of the Leader's executive powers within the confines of the Council's Budget and Policy Framework.

The Leader of the Council has also approved a Scheme of Delegation to Officers which is contained in Part 3 of the Constitution.

The following conditions apply to this Scheme of Delegation to Cabinet Members and shall be complied with at all times: -

1. Every delegated power shall be exercised in the name of the Council;
2. The exercise of delegated powers shall be subject to the decision not being contrary to Cabinet (Executive) functions and the Council's Budget and Policy Framework as embodied in a formal resolution and recorded in the minutes of the Council.
3. All decisions taken under this scheme are subject to the Call-In Procedure with the exception of those taken under the urgency provision.
4. A Cabinet Member exercising delegated powers shall do so in a manner consistent with the policy of the Council current at the time. The Proper Officer shall be the final arbiter of the interpretation of policy in relation to any matter.
5. In exercising delegated powers, a Cabinet Member may incur expenditure only if appropriate provision has been made in the approved annual estimates and/or capital programme except as otherwise provided for in Financial Regulations.
6. A Cabinet Member exercising delegated powers shall record the decision and the reasons for it on the Decision Notice and shall deliver it to the Proper Officer who shall publish the Decision Notice in accordance with the Constitution.

7. Any Cabinet Member who is consulted by another Cabinet Member prior to taking a decision and who has a conflict of interest in that decision shall ensure that the interest is recorded together with any note of dispensation granted by the Head of Paid Service.
8. No Cabinet Member shall exercise any delegated power that comprises a Key Decision unless that decision is contained within the Council's Forward Plan and complies with the Forward Plan process.
9. No action may be taken which is contrary to the Council's Constitution.
10. Where powers to acquire or dispose of property or land are being exercised, the delegation is subject to such acquisition or disposal being in accordance with terms approved by the District Valuer or other professional adviser.
11. Delegated powers to acquire property shall not include power to acquire property compulsorily and any proposal to make a Compulsory Purchase Order shall be submitted to the full Council as a recommendation.
12. Nothing in this scheme of delegation shall be construed in such a way as to remove the requirement that any proposal involving the granting of planning permission shall be submitted to the Planning Committee.
13. The Leader of the Council may determine which member of the Cabinet shall attend as his substitute for any meeting.

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Scheme of Delegation to Cabinet Members

Delegation to all Cabinet Members

1. To comment on any consultative document on an issue within their Portfolio.
 2. To authorise and determine grant applications within their Portfolio.
 3. The award of the lowest tenders and or agree contract variations under £500,000 for which there is financial provision.
 4. To fix fees and charges for services within their Portfolio.
 5. To authorise the write-off of individual bad debts over £5,000 on the recommendation of the Section 151 Officer and appropriate Assistant Director.
 6. To approve minutes of any Cabinet Committee, Panel or Group in respect of which they have responsibility.
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Scheme of Delegation to Cabinet Members

<p style="text-align: center;">Functions retained by the Leader of the Council and Portfolio Holder for Strategy</p>

1. The promotion of the Council on national, regional and strategic partnerships.
2. To develop and promote community leadership in the Borough.
3. To develop and keep under review the Council's Strategic Plan,
4. Relations with the general public, local authorities, the media and all other external agencies.
5. Monitoring of the Council's performance dashboard and in relation to national performance indicators and any other Government performance scheme.
6. To review the opportunities to work with other partners, both within the public and private sectors, to assist in developing 'joined-up' government.
7. Responsibility for the management and monitoring of health and safety emergency planning and business continuity across the whole of the Councils' undertakings.
8. Strategic leadership of the joint Tendring Colchester Borders Garden Community
9. Communications strategy and external communications with the media and partners.
10. Oversight of the Council's use of social media and social media policy.
11. Promotion of Member Development for all councillors.
12. Following consultation with Group Leaders, to make appointments during the municipal year to Council Groups and Outside Bodies.

Scheme of Delegation to Cabinet Members

Delegation to the Deputy Leader of the Council and Portfolio Holder for Resources

1. The functions of the Council as the Billing Authority (except the power to levy the amount of the Council Tax for each category of dwelling).
2. The implementation of legislation and its application relating to Council Tax, residual Community Charge, Council Tax Benefits Scheme, Housing Benefit Scheme and the National Non-Domestic Rates (NNDR).
3. Collection and enforcement of General Fund monies payable to the Council.
4. Determination of interest paid to investors and arrangements to meet the Council's borrowing requirements.
5. To produce and implement the Council's financial strategy, budget and resource allocation.
6. Matters relating to financial management, corporate governance, audit, insurance, risk management and management of the Council's assets.
7. Determination of the Council's financial provisions and appointment of the Council's bankers.
8. General Fund land including terms for acquisitions, disposals and commercial lettings.
9. To review and monitor the performance of Colchester Commercial (Holdings) Limited and its subsidiaries: Colchester Amphora Housing Limited, Colchester Amphora Trading Limited and Colchester Amphora Energy Limited together with the commercial aspects of Sport and Leisure
10. To oversee major regeneration projects which impact upon the Council's landholdings.
11. The employment and human resource provisions of all Council employees.
12. To examine and review the Council's customer service culture, processes and performance and to champion the customer point of view.
13. To review, monitor and improve consultation and communication between the Council and its customers.
14. Championing the continuing delivery of the Council's digital agenda.
15. Co-ordination and development of the Council's websites and online transactional processes

Scheme of Delegation to Cabinet Members

Delegation to the Deputy Leader of the Council and Portfolio Holder for Resources (continued)

16. Matters relating to procurement and maintenance of Standing Approved Lists of Contractors.
17. Development and implementation of the Council's Information Communication Technology Strategy.
18. Compliance with Freedom of Information, Environmental Information Regulations and Data Protection
19. To approve updates to the Council's Events Policy.
20. To promote partnership working with Town, Parish and Community Councils within the Borough.
21. To monitor the maintenance of the Council's asbestos register.
22. To monitor the management of repairs and maintenance and planned maintenance programmes and disability access for Council buildings.
23. Promotion and delivery of the Local Land Charges service
24. Civic matters including aspects of town twinning.
25. To monitor customer compliments and complaints and referrals to the Local Government and Social Care Ombudsman and Housing Ombudsman.

Scheme of Delegation to Cabinet Members

<h3>Delegation to the Portfolio Holder for Communities</h3>

1. Community safety.
2. Crime Prevention including CCTV and police liaison/ support.
3. Represent the Council on the Essex Police and Crime Panel.
4. To agree the Crime and Disorder Reduction Strategy and ensure that the Council is working with partners to meet the key targets identified within the strategy.
5. The Council's equality and safeguarding responsibilities.
6. Crematorium and cemetery (Bereavement Services)
7. Promotion and delivery of Welfare Benefits, Employment and Financial Support
8. Partnership with the voluntary and community sector to support the Council's community enabling approach.
9. The promotion of public health matters and infection control across the Borough.
10. Premises and/or vehicles used for the preparation, storage, sale, slaughter and/or consumption of food and the enforcement of standards for food, health and safety at work, hygiene, quality and allied matters.
11. Managing the Council's responsibilities for infectious diseases, disinfestations and the prevention of the spread of disease by or to animals, pollution, Port Health, public nuisances, control of dogs and pest control.
12. Liaison with voluntary organisations and clubs in the development and use of sporting and recreational facilities.
13. To oversee the implementation and monitoring of the Council's policies and services relating to sport, recreation and leisure facilities, parks and gardens, allotments, playing fields, beach facilities, public open spaces, amenity areas and country parks.
14. Street naming and numbering
15. Represent the Council on the Essex Countywide Traveller Unit Joint Committee.
16. Performance and operation of Neighbourhood Services, street cleansing and public conveniences

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Communities (continued)

17. Operation of markets within the Borough
18. To examine and review the development of community engagement.
19. To determine investment in “third sector” organisations which deliver services to help the Council to meet its corporate objectives.
20. Determination of licence applications under the Scrap Metal Dealers Act 2013 where the Assistant Director - Environment is minded to refuse the application and representations have been received.
21. To revoke or vary licence applications under the Scrap Metal Dealers Act 2013 where representations have been received.

Scheme of Delegation to Cabinet Members

<h3>Delegation to the Portfolio Holder for Economy, Business and Heritage</h3>

1. Economic development of the Borough of Colchester including the Economic Growth Strategy.
2. The preparation, publication and monitoring of the economic recovery plan
3. The preparation, publication and monitoring of the Town Investment Plan
4. Partnerships that improve and encourage business opportunities within the Borough.
5. Promotion, influence and improvement of lifelong learning and skills in the Borough.
6. Support the effectiveness of the operation of Business Improvement Districts
7. Monitoring of business Covid support grants within the Borough
8. To support initiatives which tackle deprivation and inequalities throughout the Borough.
9. The Council's support of national portfolio organisations of Arts Council England and promotion of other cultural facilities.
10. To oversee the implementation and monitoring of the Council's policies and services relating to heritage, culture and the Council's art collection and artefacts.
11. Promotion of tourism in the Borough.
12. Support of events of cultural and artistic merit.
13. To exercise the functions delegated to the Colchester and Ipswich Joint Museums Committee on behalf of the Cabinet.
14. Protection and promotion of Archaeological sites and monuments in the Borough.
15. Approval of expenditure under the Heritage Fund.
16. Oversight of the implementation and monitoring of the Council's policies and services relating to all licensing activities.

Scheme of Delegation to Cabinet Members

<h3>Delegation to the Portfolio Holder for Environment and Sustainability</h3>

1. Lead on the strategy, implementation and monitoring of the Council's Climate Challenge and Sustainability Themes including biodiversity and environmental initiatives across Council services and partnerships
2. To develop and monitor the implementation of the Council's carbon management reduction plan across all Council assets
3. To develop and promote policies in relation to waste collection, waste reduction, re-use and recycling.
4. Operation of an effective refuse collection, recycling, litter enforcement and cleansing service.
5. Provision of Council fleet requirements.
6. Sea defence and coastal protection matters.
7. Air and water quality policy and monitoring.
8. Promotion of the Borough Council's Transport Strategy in partnership with Essex County Council, the responsible Transport Authority and other partners to improve infrastructure.
9. All Borough Council (district) highway functions and Borough Council owned highways.
10. Traffic management schemes funded by the Borough Council.
11. To represent the Borough Council on Essex County Council's Highways Panel.
12. Implementation and monitoring of the Council's policies and services in respect of car parking and operation of Borough Council owned car parks.
13. To exercise the functions delegated to the North Essex Parking Partnership Joint Committee on behalf of the Cabinet.

Scheme of Delegation to Cabinet Members

<h3>Delegation to the Portfolio Holder for Housing and Planning</h3>

1. Management of Council owned housing stock and other related properties including the setting of rents.
2. Management of the Housing Revenue Account. (NB. All decisions relating to the financial management of the HRA are reserved to Cabinet).
3. Tenant selection/nomination criteria and conditions of tenancy.
4. The Council's statutory responsibilities to homeless people.
5. The Council's relationship with Registered Social Landlords.
6. To examine and review the operation of Colchester Borough Homes
7. The promotion of the Council's Housing Strategy and to monitor its implementation.
8. The operation of the Right to Buy Scheme.
9. The approval of minor or technical changes to the Allocations Policy.
10. Non-statutory housing functions including housing advice.
11. The Council's statutory responsibilities in respect of housing standards, home loss, disturbance and similar payments.
12. Private sector housing grants.
13. The promotion of the Council on national and regional bodies in relation to housing completions and housing developments.
14. The authorisation and determination of awards of funding from specified capital and revenue budgets to registered providers to facilitate the provision of affordable housing in return for nomination rights.
15. Housing Revenue Account land including terms for acquisitions and disposals.
16. Contributions to the preparation of the Local Plan and associated documents. [N.B. formal approval of the Local Plan and associated documents is reserved to the Local Plan Committee].
17. Monitoring performance of the Local Plan.

Scheme of Delegation to Cabinet Members

<p style="text-align: center;">Delegation to the Portfolio Holder for Housing and Planning (continued)</p>

18. To oversee the implementation and monitoring of the Council's policies and performance of planning and building control.
19. Implementation of safety at sports grounds and securing the safety dangerous buildings