

Colchester Borough Council

SCHEME OF DELEGATION BY THE LEADER OF THE COUNCIL TO CABINET MEMBERS June 2019

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
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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

Functions retained by the Leader of the Council and Portfolio Holder for Strategy
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1. The promotion of the Council on regional and sub-regional bodies in relation to developing regional partnerships.
2. Relations with the general public, local authorities, the media and all other external agencies.
3. Matters relating to financial strategy, the budget and resource allocation.
4. All strategic matters relating to major strategic partnerships e.g. ALMO & Waste
5. Following consultation with Group Leaders, to make appointments during the municipal year to Council Groups and Outside Bodies.
6. Matters relating to emergency planning.

PUBLIC RELATIONS

To procure the specified service in the provision, implementation, maintenance and management of:-

1. The understanding of the Council 's vision, actions and objectives throughout the Borough of Colchester and beyond.

HEALTH & SAFETY

To be responsible for the management and monitoring of health and safety provision across the whole of the Councils' undertakings.

(NB. Cabinet are jointly and severally the primary duty holders for health and safety across the Councils' undertakings.)

COMMUNICATIONS

To procure and or encourage the procurement of the specified service in the provision, implementation, maintenance and management of:-

1. External communications with the media and partners.

Scheme of Delegation to Cabinet Members

Functions retained by the Leader of the Council and Portfolio Holder for Strategy (continued)
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Portfolio Responsibilities

1. To oversee the development and ongoing review of the Council's Strategic Plan.
2. To monitor the implementation of the Council's Strategic Plan, including ensuring Council resources are deployed to support strategic priorities.
3. To promote the Council's Strategic Plan to Councillors, partners and the community as a whole.
4. To develop and promote community leadership in the Borough.
5. To oversee and monitor the Council's financial strategy, budget and resource allocation.
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. To determine a communications strategy that will support and deliver the Council's vision and policy priorities.
8. To oversee the Council's use of social media and social media policy.

Major Project(s) in Portfolio:

Haven Gateway Partnership, Essex Leaders, major organisational change and public sector reform.

Scheme of Delegation to Cabinet Members

<p style="text-align: center;">Delegation to the Portfolio Holder for Culture and Performance and Deputy Leader of the Council</p>

CULTURE AND THE ARTS

To procure the specified service in the provision, implementation, maintenance and management of:-

1. The Council's involvement in the Mercury Theatre, Colchester Arts Centre, Firstsite and similar organisations.
2. The Council's art collection and artefacts.
3. Events of cultural and artistic merit.
4. To exercise the functions delegated to the Colchester and Ipswich Joint Museums Committee on behalf of the Cabinet.
5. Archaeological sites and monuments.
6. Approval of expenditure under the Heritage Fund.

TOURISM

To procure the specified service in the provision, implementation, maintenance and management of:-

1. The Visitor Information Centre and the promotion of the Borough for tourism purposes.
2. Liaison with other tourism agencies for the development of tourism in the Borough.

LOCAL PLAN

To procure the specified service in the provision, implementation, maintenance and management of:

1. Contributions to the preparation of the Local Plan and associated documents. [formal approval of the Local Plan and associated documents is reserved to the Local Plan Committee].
2. Monitoring performance of the Local Plan.
3. Marine planning issues.

Scheme of Delegation to Cabinet Members

<p style="text-align: center;">Delegation to the Portfolio Holder for Culture and Performance and Deputy Leader of the Council (continued)</p>

PERFORMANCE

1. Monitoring of the Council's performance in relation to national performance indicators and any other Government performance scheme.
2. Monitoring of the Council's performance dashboard.
3. Monitoring of the indices of deprivation for the Borough of Colchester and to take action in conjunction with partner organisations, to improve the quality of life of residents in the Borough.

CIVIC

To procure the specified service in the provision, implementation, maintenance and management of all civic matters including civic aspects of town twinning.

TOWN TWINNING

To procure the specified service in the provision, implementation, maintenance and management of the Council's role in town twinning and encourage exchange visits between local groups and similar groups in twinned towns.

<p style="text-align: center;">Portfolio Responsibilities</p>
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1. To support local and regional partnerships which can lever in new investment into the Borough.
2. To lead the development and implementation of the Council's renewal agenda in partnership with Essex County Council highways in relation to Colchester Town Centre (including the bus station).
3. The promotion of Colchester as a key destination for visitors.
4. To oversee the implementation and monitoring of the Council's policies and services relating to heritage and culture.

Major Project(s) in Portfolio:

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Business and Resources

ECONOMIC DEVELOPMENT

To procure and or encourage the procurement of the specified service in the provision, implementation, maintenance and management of:-

1. Economic development issues affecting the Borough of Colchester.
2. The preparation and publication of the economic growth strategy delivery plan.
3. Effects of anti-social behaviour as an inhibitor on economic growth

BUSINESS

To procure the specified service in the provision, implementation, maintenance and management of:-

1. Partnerships that improve and encourage business opportunities within the Borough.
2. Promotion, influence and improvement of the skills base of the Borough.

FINANCIAL RESOURCES

To procure the specified service in the provision, implementation, maintenance and management of:-

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 operation of Council Tax and residual Community Charge legislation, Council Tax Benefits Scheme legislation, Housing Benefit Scheme legislation and the National Non-Domestic Rate (NNDR) legislation.
3. Collection, enforcement and matters of security in relation to the General Fund monies payable to the Council.
4. Determination of interest paid to investors and arrangements to meet the Council's borrowing requirements.
5. Matters relating to financial management, corporate governance, audit, insurance, risk management and business continuity.
6. Determination of the Council's financial provisions.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Business and Resources (continued)
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7. Appointment of the Council's bankers.
8. Financial resources in relation to ICT

LAND RESOURCES

In respect of all land and buildings owned and held by the Council in the General Fund, to procure the specified service in the provision, implementation, maintenance and management of:-

1. Acquisitions and disposals including terms for acquisitions or disposals.
2. Industrial estates and commercial lettings.

GENERAL

To procure the specified service in the provision, implementation, maintenance and management of:-

1. Approval and maintenance of Standing Approved Lists of Contractors.
2. Matters relating to the management of the Council's assets.
3. Matters relating to procurement.
4. Legal Services.

HUMAN RESOURCES

To procure the specified service in the provision, implementation, maintenance and management of:-

1. The employment of staff, the terms and conditions of service of all Council employees and industrial relations.
2. Corporate in-service training arrangements.
3. Schemes operated by the Council under Government Training Programmes.
4. Negotiations on corporate terms and conditions of service with Bodies recognised for the purposes.
5. Councillor Development.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Business and Resources (continued)

Portfolio Responsibilities

1. To monitor the operation of Council Tax, Business Rates and the Housing and Council Tax Benefit Schemes.
2. To produce and implement the Council's financial strategy, budget and resource allocation.
3. To monitor progress of obtaining disability access within Council buildings.
4. To monitor the development of the Asset Management Plan.
5. To monitor the maintenance of the Council's asbestos register.
6. To oversee all tender and contract processes in accordance with Contract Procedure Rules.
7. To ensure that the Council is working with partners to meet partnership targets.
8. To explore the significance of rural issues in the Borough and determine what programmes and actions may be needed to address these.
9. To engender partnership working between the Council and Town and Parish Councils within the Borough of Colchester.
10. To authorise any grants to Town or Parish Councils.
11. To monitor the management of repairs and maintenance and planned maintenance programmes for Council buildings.
12. To review sales, purchases and overall management of the Council's property portfolio.
13. To encourage a buoyant and diverse local economy, which encourages full employment and works towards the creation of more high-value local jobs.
14. To champion the Borough of Colchester as a centre of business excellence, and to help local companies grow and flourish.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Business and Resources (continued)

Portfolio Responsibilities

15. To help sustain a thriving town centre which satisfies the needs of all sectors of the community.
16. To encourage lifelong learning and skills development for the whole community to maximise job opportunities.

Major Project(s) in Portfolio: Customer Enterprise Programme

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Commercial Services

COLCHESTER COMMERCIAL (HOLDINGS) LIMITED

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 Heating Limited together with the commercial aspects of Sports and Leisure.

REGENERATION

The delivery of the Council's renewal agenda including sustainable housing, infrastructure and employment.

LAND RESOURCES

In respect of all land and buildings owned and held by the Council in the General Fund, to procure the specified service in the provision, implementation, maintenance and management of land to be transferred to Colchester Commercial (Holdings) Limited or its subsidiary companies for commercial development.

Portfolio Responsibilities

1. To oversee major regeneration projects which impact upon the Council's landholdings.
2. To lead the development and implementation of the Council's renewal agenda in partnership with Essex County Council highways in relation to St Botolph's Quarter.
3. To oversee the development and implementation of the Council's renewal agenda in relation to the Northern Gateway.
4. To monitor the implementation of the business plan for Colchester Amphora Housing Limited.
5. To monitor the implementation of the business plan for Colchester Amphora Energy Limited.
6. To monitor the implementation of the business plan for Colchester Amphora Trading Limited.
7. To monitor the financial performance of Colchester Lesiureworld

Major Project(s) in Portfolio: _____

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Communities, Wellbeing and Public Safety
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COMMUNITY SAFETY

To procure the specified service in the provision, implementation, maintenance and management of:-

1. Community safety.
2. Crime Prevention (excluding CCTV) including police liaison/ support.
3. To represent the Council on the Essex Police and Crime Panel.
4. Licensing matters.
5. To represent the Council on the Essex Countywide Traveller Unit Joint Committee.

COMMUNITY SERVICES

To procure the specified service in the provision, implementation, maintenance and management of:-

1. Welfare benefits and Macmillan welfare benefits service
2. Grants to the voluntary and community sector and village and community halls.

CAR PARKS

To procure the specified service in the provision, implementation, maintenance and management of:-

1. Operational car parking.
2. To exercise the functions delegated to the North Essex Parking Partnership Joint Committee on behalf of the Cabinet.

Scheme of Delegation to Cabinet Members

<p style="text-align: center;">Delegation to the Portfolio Holder for Communities, Wellbeing and Public Safety (continued)</p>

PUBLIC HEALTH & WELLBEING

To procure the specified service in the provision, implementation, maintenance and management of:

1. 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.
2. Infectious diseases, disinfestations and the prevention of the spread of disease by or to animals.
3. Pollution and nuisances.
4. Matters relating to the control of dogs.
5. The control of rodents/pests.
6. The promotion of public health matters so as to increase public awareness.
7. Liaison with voluntary organisations and clubs in the development and use of sporting and recreational facilities.
8. To oversee the implementation and monitoring of the Council's policies and services relating to sport, recreation and leisure.
9. The Council's work with partners aimed at improving the life opportunities of residents; tackling deprivation and building community resilience.
10. The Council's equality and safeguarding responsibilities.

DEVELOPMENT AND BUILDING CONTROL

To procure the specified service in the provision, implementation, maintenance and management of:

1. Monitoring performance of Development Control.
2. Dangerous buildings and safety at sports grounds.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Communities, Wellbeing and Public Safety (continued)

SCRAP METAL DEALERS

1. To determine 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; and
2. To revoke or vary licence applications under the Scrap Metal Dealers Act 2013 where representations have been received.

Portfolio Responsibilities

1. 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.
2. To oversee the implementation and monitoring of the Council's policies and services relating to all licensing activities.
3. To oversee the implementation and monitoring of the Council's policies and services in respect of car parking.
4. To oversee the implementation and monitoring of the Council's services relating to the licensing of street trading.
8. To oversee the implementation and monitoring of the Council's policies and services relating to all planning activities including conservation and building control.
9. To support initiatives which tackle deprivation throughout the Borough, but with specific reference to the Council's work on Life Opportunities.
7. To determine investment in "third sector" organisations which deliver services to help the Council to meet its corporate objectives.
8. To oversee the implementation and monitoring of the Council's policies and services relating to all public protection activities.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Customers

CUSTOMERS

To procure and or encourage the procurement of the specified service in the provision, implementation, maintenance and management of:-

1. Customer Service across the Council as a whole.
2. Performance of Customer Services.
3. Co-ordination of Community Hub and Digital Access Programme.
4. Development of the Council's websites and online transactional processes.

GENERAL

To procure and or encourage the procurement of the specified service in the provision, implementation, maintenance and management of:-

1. Crematorium and cemetery (Bereavement Services)
2. Freedom of Information and Environmental Information Regulations
3. Street naming and numbering

ICT

To procure and or encourage the procurement of the specified service in the provision, implementation, maintenance and management of:-

1. Information Communication Technology.

Portfolio Responsibilities

1. To monitor, fund and arrange for the continuing delivery of the Council's digital agenda.
2. To examine and review the Council's customer service culture, processes and performance and to champion the customer point of view.
3. To review, monitor and improve consultation and communication between the Council and its customers.
4. To examine and review the Council's Information Communication Technology Strategy.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Customers (continued)

Portfolio Responsibilities (continued)

5. To monitor customer compliments and complaints and referrals to the Local Government and Social Care Ombudsman and Housing Ombudsman.
6. To improve access to Council services by urban and rural communities within the Borough.
7. To examine and review the development of all forms of communication and community engagement.

Major Project(s) in Portfolio:

Customer Services, Digital Challenge and Community Hub

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Housing

PUBLIC SECTOR HOUSING

To procure the specified service in the provision, implementation, maintenance and management of:-

1. Public sector dwellings, management of Council owned dwellings and other properties and their environs including the setting of rents in accordance with the Management Agreement dated 9 August 2013 between the Council and Colchester Borough Homes Limited and any subsequent agreement or arrangement entered into between the parties.
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 persons.
5. The Council's relationship with Registered Social Landlords.
6. The Right to Buy Scheme.
7. The approval of minor or technical changes to the Allocations Policy.

PRIVATE SECTOR HOUSING

To procure the specified service in the provision, implementation, maintenance and management of:-

1. Non-statutory housing functions such as housing advice, etc.
2. The Council's statutory responsibilities in respect of housing standards.
3. Private sector housing grants.

GENERAL HOUSING MATTERS

To procure the specified service in the provision, implementation, maintenance and management of:-

1. The promotion of the Council on regional and sub-regional bodies in relation to housing completions, housing developments.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Housing (continued)

2. To procure the specified service for the dissemination of information regarding all housing matters.
3. Home loss, disturbance and similar payments.
4. 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.

LAND RESOURCES (HOUSING REVENUE ACCOUNT)

In respect of all land and buildings owned by the Council in its capacity as Housing Authority (Housing Revenue Account land and buildings), to procure the specified service in the provision, implementation, maintenance and management of:-

1. Acquisitions and disposals including terms for acquisitions or disposals.
2. Commercial lettings.
3. Land to be transferred to Colchester Commercial (Holdings) Limited or its subsidiary companies for commercial development.

Portfolio Responsibilities

1. To promote the Council's Housing Strategy and to monitor its implementation.
2. To examine and review the operation of Colchester Borough Homes.

Major Project(s) in Portfolio:

Review of the Housing Revenue Account and the Housing Management Agreement with Colchester Borough Homes.

Scheme of Delegation to Cabinet Members

<h2>Delegation to the Portfolio Holder for Waste, Environment and Transportation</h2>
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WASTE POLICY

To develop and promote policies in relation to waste reduction, re-use and recycling.

WASTE SERVICES

To procure the specified service in the provision, implementation, maintenance and management of:-

1. Refuse collection.
2. Recycling and composting.
3. Workshops and fleet.

SUSTAINABILITY

To develop policies in relation to sustainability and to oversee and promote the implementation of the Council's Environmental Sustainability Strategy.

ENVIRONMENT

To procure the specified service in the provision, implementation, maintenance and management of:-

1. Water supplies.
2. Port Health matters.
3. Sea defence and coastal protection matters.
4. Air quality policy and monitoring.

TRANSPORTATION

To procure and or encourage the procurement of the specified service in the provision, implementation, maintenance and management of Public transport infrastructure.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Waste, Environment and Transportation (continued)

HIGHWAYS

To procure the specified service in the provision, implementation, maintenance and management of:-

1. Maintenance of Borough Council owned highways, except for regulatory matters within the remit of the Cabinet.
2. All Borough Council (district) highway functions.
3. To act as the Council's representative on Essex County Council's Highways Panel.
4. Traffic management schemes funded by the Borough Council.

ZONES

To procure and or encourage the procurement of the specified service in the provision, implementation, maintenance and management of:-

1. Zone areas
2. Street cleansing
3. Operation of markets within the Borough
4. Leisure facilities, parks and gardens, allotments, playing fields, beach facilities, public open spaces, amenity areas and country parks.
5. Public conveniences.

Portfolio Responsibilities

1. To promote and procure the implementation of the Borough Council's Transport Strategy in partnership with Essex County Council, the responsible Transport Authority and other partners to improve infrastructure.
2. To promote partnership working with Essex County Council, the responsible Transport Authority.
3. To oversee the implementation and monitoring of the Borough Council's services and policies in relation to waste collection.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Waste, Environment and Transportation (continued)

Portfolio Responsibilities (continued)

4. To encourage operational activities which support the corporate priority to be the cleanest and greenest Borough in the Country.
5. To encourage operational activities which support the corporate priority to be cleaner and greener.
6. To monitor the implementation of the Council's Waste Strategy.
7. To oversee the implementation and monitoring of the Borough Council's services and policies relating to environmental initiatives.
8. To oversee the implementation and monitoring of the Council's services relating to markets.
9. To review and monitor the performance of the Council's Zone areas.
10. To oversee the implementation and monitoring of the Council's services and policies in relation to litter enforcement and cleansing operations.

Major Project(s) in Portfolio:
Waste Strategy
