Colchester City Council

SCHEME OF DELEGATION TO OFFICERS

October 2026

The Leader of the Council has delegated to individual members of the Cabinet most of the executive powers of implementation within the confines of the Council's budget and policy framework.

In addition, the Full Council has delegated some of its regulatory powers to the Planning Committee, Local Plan Committee, Licensing Committee and Governance and Audit Committee.

In order to ensure that business is conducted efficiently and that services are provided to the specified standards, the Leader of the Council, the Full Council, Planning Committee, Local Plan Committee and Licensing Committee have delegated some of their powers to officers.

There are two schemes of delegation which have been approved by the Leader of the Council:

1. Powers delegated to Cabinet Members.
2. Powers delegated to Officers.

The following conditions apply to the powers delegated to officers by the Leader of the Council, the Full Council, Planning Committee, Local Plan Committee and Licensing Committee.

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 any policy of the Council as embodied in a formal resolution and recorded in the minutes of the Full Council or relevant Committee.

3. All Key Decisions taken under this scheme are subject to the Call-in Procedure.

4. No officer 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.

5. An officer exercising delegated powers shall do so in a manner consistent with the current policy of the Council at the time. The Proper Officer shall be the final arbiter of the interpretation of policy in relation to any matter.

6. In exercising delegated powers, an officer may incur expenditure only if an appropriate provision has been made in the approved annual estimates and/or capital programme except as otherwise provided for in Financial Regulations.

7. No action may be taken which is contrary to the Council's Constitution.

8. 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 officer.

9. 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.

10. Powers delegated to an officer may be sub-delegated to and be exercised by another officer (including an officer of a Council owned company) acting on behalf of the named officer, provided the latter has authorised the other officer so to act.

11. The Proper Officer may require that a decision which may be taken by an officer under this scheme be referred to the Leader of the Council, Full Council or relevant Committee, for determination.

12. An officer exercising delegated powers in respect of any Key Decision 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 the approved manner.

Note Any reference to an Act of Parliament or Statutory Instrument shall include any statutory amendment or modification thereof.

Any reference in this Scheme of Delegation to Service Directors includes the Interim Chief Finance Officer (S151) and Interim Director of Estates.

Service Director - Economic Growth and Transformation
Service Director - Governance and Monitoring Officer
Service Director - Environmental Operations
Service Director - Community, Customer and Health
Service Director - Museums, Culture and Tourism
Service Director - Operational Finance
Service Director - North Essex Parking Partnership
Service Director - People
Service Director - Planning, Sustainability and Climate Change
Service Director - Public Protection
Service Director - Sport and Leisure
Service Director - Digital, Data and Technology
Strategic Lead for Housing

Chief Finance Officer (Section 151)
Interim Director of Estates

SCHEME OF DELEGATION BY THE LEADER OF THE COUNCIL TO OFFICERS

Delegated to the Chief Executive

GENERAL

1. To act as District Controller in all emergency matters.

2. To implement the electoral registration function.

HUMAN RESOURCES

1. The implementation of locally determined pay awards to the employee group in accordance with the Council's agreed pay strategy for Council employees.

2. To hear and determine all appeals by the Deputy Chief Executive and Executive Director Place, Chief Operating Officer and Strategic Directors relating to dismissal following the Council's Disciplinary Procedures.

3. Approval as Service Director, Paid of Service of any Special Severance Payments up to £100k following approval by the Leader of the Council

4. Approval of any flexible retirement decision with pension strain in accordance with the Local Government Pension Scheme discretions.

Delegation to Deputy Chief Executive and Executive Director Place and Chief Operating Officer

1. Power to authorise requests in relation to applications for renewal of, and cancellation of covert or directed surveillance in accordance with the Regulation of Investigatory Powers Act 2000. Any application that involves any confidential material (as defined within the Act) must be authorised personally by the Chief Executive.

2. To hear and determine all appeals from all employees (below Service Director, Service level) relating to dismissal following the Council's Disciplinary Procedures.

Delegated to Chief Operating Officer

COLCHESTER COMMERCIAL (HOLDINGS) LIMITED

1. Authority to act as client officer for the Council in relation to matters related to Colchester Commercial (Holdings) Limited and its subsidiary companies.

2. Authority to act as the Council's shareholder representative in relation to Colchester Commercial (Holdings) Limited and to cast the Council's vote at any relevant Board or shareholder meeting.

COLCHESTER BOROUGH HOMES LIMITED

1. Authority to act as client officer for the Council in relation to matters related to Colchester Borough Homes Limited.

2. Authority to act as the Council's shareholder representative in relation to Colchester Borough Homes Limited and to cast the Council's vote at any relevant Board or shareholder meeting.

Delegated to the Chief Executive, Deputy Chief Executive and Executive Director Place, Chief Operating Officer, Strategic Directors, Interim Director of Estates, Chief Finance Officer (S151) and Service Directors

[Where matters have been delegated in this Scheme to the Interim Director of Estates, Interim Chief Finance Officer (s151) and Service Directors, the delegation may also be exercised by the Deputy Chief Executive and Executive Director Place, the Chief Operating Officer or a Strategic Director except where roles are required to be performed by statute personally.]

FINANCIAL RESOURCES

1. To authorise financial remedies or compensation including waiver or reduction of fees, ex-gratia or goodwill payments up to £3000 (Chief Executive) or £1000 (Strategic Directors).

2. To incur revenue expenditure and recover revenue income up to the levels contained in the annual estimates of expenditure and income or any other approved revisions thereto.

3. Authority on behalf of the Council, subject to subparagraph (a) below to enter into any contract or variation(s) for works, supplies and services which do not exceed the value of £100,000 or does not form part of a series of contracts or variations, the total aggregate value or amount of which does not exceed £100,000

   (a) provided that such contract(s) or variation(s) are in accordance with the existing practice of the Council and the expenditure involved is authorised within the Council's Financial Regulations.

4. To dispose of surplus or obsolete equipment, plant, vehicles and stock on the most favourable terms in accordance with the Council's Financial Regulations.

5. When a contract is won in open competition with another local authority or public body, following acceptance of the tender, power to offer to amend the tender sum if the authority or body is prepared to waive the requirement of a performance bond.

6. To employ such subcontractors as may be required to fulfil all obligations entered into by the Council.

7. To purchase such works, supplies or services required to fulfil all obligations entered into by the Council.

Delegated to the Chief Executive, Deputy Chief Executive and Executive Director Place, Chief Operating Officer, Strategic Directors, Interim Director of Estates, Chief Finance Officer (S151) and Service Directors (continued)

HUMAN RESOURCES

8. Subject to corporate policies and standards, to determine staffing levels for their Services, including variations to meet budgetary and business plan requirements and to maintain efficient and effective services.

9. Subject to corporate policies and standards to determine recruitment, training, redundancies and dismissal of staff.

10. Subject to corporate policies and standards to approve secondary employment, leave, overtime, training courses, membership of and attendance at professional bodies, granting of ex-gratia payments up to £1000 (Chief Operating Officer) or £500 (Service Directors) to staff for damage and/ or destruction of personal items resulting directly from their employment.

GENERAL

11. In respect of every function of the Council, power to serve Notices under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 requiring information on interests in land.

12. To select shortlists of contractors to be invited to tender contracts with the Council from those available pursuant to the Contract Procedure Rules.

Delegated to Service Director - Economic Growth and Transformation

ECONOMIC DEVELOPMENT

1. Power to take action within the approved budget and approved policy objectives of the Council in relation to the promotion of economic development in the City including the Economic Growth Strategy

2. Management of Team Colchester (Town Deal, Town Investment Plan and Levelling Up Funding).

3. Management of the City Centre Masterplan

4. Support the effectiveness of the operation of Business Improvement Districts.

5. Partnerships that improve and encourage business opportunities.

6. Promotion, influence and improvement of lifelong learning and skills.

TRANSFORMATION

7. Power to take action within the approved budget and approved policy objectives of the Council in relation to the work of the Programme Management Office (PMO) and the Communications and Marketing team.

8. Management of policies and strategies relevant to the effective management of programmes, and effective communication and marketing activity.

9. Management of the PMO's work to monitor and report corporate performance.

10. Partnerships that improve and encourage good practice in project and programme management.

Delegated to Service Director - Governance

ENVIRONMENTAL PROTECTION

1. To apply for an injunction to prevent the occurrence of indoor or outdoor entertainment (or similar events) where, in the opinion of the Service Director - Public Protection, there is risk that a nuisance or a hazard to health and/or safety may be created and to give an undertaking in damages to a court if required.

2. Power to institute legal proceedings in relation to dog fouling under the Clean Neighbourhoods and Environment Act 2005.

3. To prosecute applicants for hackney carriage and private hire licences who give false information on their application forms.

4. Power to institute legal proceedings under the Shops Act 1950 and the Sunday Trading Act 1994.

5. Power to institute legal proceedings under legislation relating to the quality, safety and content of food.

6. Power to institute legal proceedings under the Environmental Protection Act 1990 in relation to litter control subject to a report to appropriate Cabinet Member on action taken.

7. Power to institute legal proceedings in respect of the unauthorised disposal of trade refuse at Civic Amenity Sites.

8. Power to institute proceedings relating to abandoned vehicles under the Refuse Disposal (Amenity) Act 1978 (as amended by the Clean Neighbourhoods and Environment Act 2005).

GENERAL

9. Power to institute, defend, participate in or settle any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Proper Officer considers that such action is necessary to protect the Council's interests.

10. To institute proceedings where the requirements of Notices under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 requiring information on interests in land are not complied with within the statutory time limits.

11. Power to make an application for an Anti-Social Behaviour Order under section 1 of the Crime and Disorder Act 1998.

Delegated to Service Director - Governance (continued)

12. Power to authorise appearances in Court pursuant to section 60(2) of the County Court Act 1984 and section 223 of the Local Government Act 1972 on behalf of the Council.

13. Power to designate officers of the Council or nominated third parties who are performing statutory functions on behalf of the Council as 'authorised officers' for the purpose of carrying out any of the Council's functions under statutory enactments or regulations as may be relevant to that officer including the appointment and authorisation of inspectors under Section 19 of the Health and Safety at Work etc. Act 1974.

14. Power to administer and effect changes in Members' Allowances consequent upon Councillors and any co-opted persons appointment changes.

15. To administer electoral registration and manage the elections function.

16. Power to take action within the approved budget and policy objective of the Council in relation to town twinning (except civic aspects).

17. To act as registrar of Local Land Charges.

18. To manage employee health and safety.

HIGHWAYS

18. Power to take prosecutions arising out of Section 6 of the Essex Act 1987 (damage to grass verges etc.).

19. Power to prosecute offences under Paragraph 10 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 relating to illegal street trading.

PUBLIC SECTOR HOUSING

20. After consultation with the Strategic Lead for Housing, to commence injunction proceedings against tenants causing nuisance/annoyance to their neighbours where they are satisfied upon evidence that it is appropriate to do so.

Delegated to the Monitoring Officer

GENERAL

1. To respond on behalf of the Council to all enquiries from the Local Government and Social Care Ombudsman and Housing Ombudsman including the determination of levels of compensation payable in respect of local settlements.

2. To agree with Heads of Service responsibility for any other Acts or regulations that may be relevant to Heads of Service's area and to maintain a written record of such delegations.

3. Power to designate officers of the Council or nominated third parties who are performing statutory functions on behalf of the Council as 'authorised officers' for the purpose of carrying out any of the Council's functions under statutory enactments or regulations as may be relevant to that officer including the appointment and authorisation of inspectors under Section 19 of the Health and Safety at Work etc. Act 1974.

4. Power to authorise officers to appear in the County Court pursuant to section 60(2) of the County Courts Act 1984 and in the Magistrates Court pursuant to section 223 of the Local Government Act 1972 on behalf of the Council.

5. Power to institute, defend or participate in and settle any legal proceedings, or authorise others to do so, in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider that such action is necessary to protect or pursue the Council's interests or where they consider it expedient for the promotion or protection of the interests of the inhabitants of the area.

6. To sign on behalf of the Council all Inland Revenue Land Transaction Return Forms, Land Registry declarations and forms and Court declarations and forms.

7. To sign any required legal documentation on behalf of the Council.

8. Power to give formal undertakings on behalf of the Council in relation to the payment of fees and disbursements.

9. Authority to sign contracts for the disposal and / or purchase of land and property on behalf of the Council.

Delegated to Service Director – Environmental Operations

PARKING

1. To act as the client for the North Essex Parking Partnership in Colchester

2. To manage the Council's car parks, assets and tariff setting

PARKS AND RECREATION

3. Power to take action within the approved budget and policy objectives of the Council in relation to the promotion and encouragement of recreational events.

4. Power to take action within the approved budget and policy objectives of the Council in relation to liaison with voluntary organisations and clubs in the development and use of sporting and recreational facilities.

5. The granting of easements, wayleaves, licences and sale of small areas of parks and recreation land.

6. Letting of beach hut sites and administration thereof other than fixing of charges.

7. Letting of open spaces, allotments and recreation grounds other than fixing of charges.

8. Granting free use of open spaces and recreation grounds to charitable, voluntary and non-profit making organisations.

9. Refusal of applications for the purchase of land held as open spaces, recreation grounds and allotments.

10. Acceptance or refusal of open space donated to the Council in accordance with the conditions of planning consents.

11. Power to take such action as considered necessary to deal with dangerous trees on land under the operational management of the Council.

12. All matters relating to the enforcement of and prosecution of alleged offenders relating to all leisure relating byelaws made by the Council and in particular: -

    a. The Maldon District and Colchester Borough Byelaws relating to the River Blackwater made by the Maldon District Council and the Council and confirmed on 21 July 1999.

b. The byelaws for the proper regulation of the speed of pleasure boats within the Harbour of Colchester made by the Council on 7 June 1972 and confirmed on 26 March 1973 (as amended by the byelaws made on 10 June 1985) and confirmed on 19 July 1985.

(c) The Seashore byelaws made by the Council on 29 August 2001 and confirmed on 5 November 2001.

13. To provide play equipment on play areas.

14. Power to take action under the Wildlife and Countryside Act 1981.

15. Granting and management of mooring rights on the River Colne.

16. Power to take such action as may be necessary to deal with dangerous trees under section 23 of the Local Government (Miscellaneous Provisions) Act 1976 and to appoint other named officers to enter land to ascertain whether action should be taken under section 23 of the Act.

NEIGHBOURHOODS

17. To manage the Council's Neighbourhood teams in order to improve local streets through street cleaning, litter collection, dog fouling and street care including abandoned cars and graffiti. In addition to provide environmental education, support, advice and enforcement to encouraging positive behaviour change and support local communities as part of consultation work and help coordinate and promote community events.

18. Power to serve notices under sections 92 and 93 of the Environmental Protection Act 1990 in relation to Litter Abatement Notices and Street Litter Control Notices subject to report to appropriate Cabinet Member on action taken.

19. To administer relevant environmental protection provisions, give directions, serve notices, enforce, carry out works in default, issue formal cautions and to lay information and complaints to Court in relation to offences in appropriate cases under the Environmental Protection Act 1990 and any order or regulations made under the said Act.

Delegated to Service Director – Environmental Operations (continued)

20. Power to take all necessary action under the following sections of the Highways Act 1980: -

Section

25	To respond to consultations concerning creation of footpath or bridleway by agreement
151	Soil washed on to streets
152	Removal of projections from buildings
153	Opening of doors on to streets
154	Cutting or felling trees
164	Removal of barbed wire
165	Dangerous land
166	Forecourt abutting street
174	Execution of street works
179	Control of construction of cellars
293 & 294	Powers of entry
296	Execution of works
297	Information as to ownership of land
305	Recovery of expenses

21. Power to take all necessary action in relation to vehicles for sale on a road and vehicles being repaired on a road under sections 3 and 4 of the Clean Neighbourhoods and Environment Act 2005

22. Power to take appropriate action regarding abandoned vehicles under sections 3, 4 and 5 of the Refuse Disposal (Amenity) Act 1978 (as amended by the Clean Neighbourhoods and Environment Act 2005).

23. Power to arrange for the removal of vehicles on grass verges etc under section 6 of the Essex Act 1987.

24. Day-to-day operation of markets and the granting of Christmas markets.

25. Fixing and levying charges in accordance with Council policy in relation to street trading.

26. The granting, suspension or revocation of street trading licences.

WASTE COLLECTION

27. Power to take action within the approved budget and policy objectives of the Council in relation to domestic refuse collection, trade waste collection, recycling, composting, workshops, fleet and toilets.

Delegated to Service Director – Environmental Operations (continued)

28. Service of notices under section 46 of the Environmental Protection Act 1990 for the provision of waste receptacles including the issuing of fixed penalty notices and prosecution if necessary.

29. To negotiate and agree contracts for the sale of material collected for recycling or salvage and from time to time to review the operation of such contracts to determine that best value is being achieved in relation to the Council's objectives.

WASTE POLICY

30. Power to take action within the approved budget and approved policy objectives of the Council in relation to development of policy and project implementation with regard to waste.

GENERAL

31. Power to take appropriate action under Part II of the Land Drainage Act 1991 (facilitating or securing the drainage of land or dealing with flooding).

32. Power to take appropriate action under Part 8 of the Anti-Social Behaviour Act 2003 (and regulations made thereunder) in relation to high hedges.

33. Temporary road closures under the Town Police Clauses Act 1847 in connection with functions, after consultation with Essex County Council and the Police.

Delegated to Service Director- Community, Customer and Health

COMMUNITY PARTNERSHIPS

1. Power to take action within the approved budget and approved policy objectives of the Council in relation to the: -

   a) promotion of Community Partnerships
   b) management and maintenance of the Community Partnerships Team
   c) Responsible Authorities Group.

PARTNERSHIP WORKING

2. To represent the Council's interests on the Members Council of Colchester Hospital University NHS Foundation Trust in the absence of the Portfolio Holder.

3. To represent the Council's interests on the North East Essex Children's Trust Board and the Health and Wellbeing Board.

4. To work with the NHS and other Health Bodies regarding heath issues for residents in the City.

5. To represent the Council's interests on any partnership with which the Council may be involved from time to time.

CEMETERY & CREMATORIUM

5. Power to take action within the approved budget and policy objectives of the Council in relation to the cemetery and crematorium.

6. The granting of Rights of Burial at the cemetery other than the fixing of charges.

COMMUNITY

7. Power to take action within the approved budget and policy objective of the Council in relation to the management and maintenance of Activity Centres for the purpose of providing activities for older people.

Delegated to Service Director - Museums, Culture and Tourism

TOURISM

1. Power to take action within the approved budget and policy objectives of the Council in relation to liaison with other tourist agencies and the development of tourism policies.

2. Power to take action within the approved budget and policy objective of the Council in relation to the management and maintenance of a Visitor Information Centre and the promotion of the City for tourism purposes.

MUSEUMS

3. Power to take action within the approved budget and policy objectives of the Council in relation to the museum service.

4. Agreement of reproduction and copyright fees in respect of museum items.

5. Power to take action within the approved budget and policy objectives of the Council in relation to the presentation, conservation and/or restoration of archaeological sites and monuments.

6. Power to take action within the approved budget and policy objectives of the Council in relation to the care of the Council's art collection and artifacts.

7. Power to agree minor amendments to fees and charges relating to museum services in response to changes in market forces after consultation with the appropriate Cabinet Member.

8. To act as lead officer for the Council in accordance with the Colchester and Ipswich Joint Museums Committee Agreement.

ARTS AND CULTURE

9. Power to take action within the approved budget and policy objectives of the Council in relation to management and funding of the Mercury Theatre, Colchester Arts Centre, Firstsite and any similar organisations.

10. Power to take action within the approved budget and policy objectives of the Council in relation to the promotion and encouragement of events of cultural and artistic merit.

Delegated to Service Director - Operational Finance

CUSTOMERS

1. To manage customer demand for Council services and the availability of multi-channel service delivery via the Council's on-line processes and customer service via the Council's customer relationship management systems.

2. To manage the Council's triage function for customers to ensure they receive the level of service their request and need deserves.

3. To manage the Council's corporate complaint handling process.

TAX COLLECTION

4. The collection and recovery of any Council Tax, rates or residual community charge payable and to carry out or make appropriate arrangements for the carrying out of all the Council Tax, rating and residual community charge functions of the Council including the following powers in respect of Council Tax, residual community charge and national non-domestic rating: -

Council Tax and Residual Community Charge

- To impose and/or quash penalties.
- To take summary proceedings in the Magistrates Court for recovery (including penalties).
- To exercise distraint, issue requests for information, apply for attachment of earnings orders, deduction from income support, committal to prison and to issue winding up/bankruptcy proceedings and charging orders.
- To select and appoint bailiffs and tracing agents.
- To refund all payments and interest where appropriate.
- To estimate occupancy level for collective community charge when the landlord has defaulted.
- To execute arrest warrants issued by the Magistrates' Court and to select and appoint suitably qualified contractors if necessary.

National Non-Domestic Rating

- To take summary proceedings in the Magistrates Court for recovery.
- To exercise the Council's power of distraint, committal to prison, bankruptcy/winding up proceedings.
- To select and appoint bailiffs and tracing agents.
- To refund all payments and interest where appropriate.
- To grant allowances under section 44A of the Local Government Finance Act 1988.
- To grant discretionary relief under section 47 of the Local Government Finance Act 1988 within criteria set down by the Council.

- To reduce or remit liability on the grounds of hardship under section 49 of the Local Government Finance Act 1988 within criteria set down by the Council.
- To execute arrest warrants issued by the Magistrates' Court and to select and appoint suitably qualified contractors if necessary.

BENEFITS

5. To operate and administer the Council Tax Support Scheme, including the recovery or waiving of overpayments, and to determine whether to accept late applications (i.e. backdating of support) where appropriate. To also consider topping up payment to vulnerable people who demonstrate exceptional hardship and who are not in receipt of maximum Council Tax Support.

6. To operate and administer the Council Tax Benefit Scheme and the recovery of overpayment Council Tax Benefit and including the waiving of recovery of overpayments and to accept late applications (including consideration of backdating of benefit) where appropriate and to top up the benefit payable to the most vulnerable who are not in receipt of maximum benefit.

7. To operate and administer the Housing Benefit Scheme and the recovery of overpayment Housing Benefit and including the waiving of recovery of overpayments and to accept late applications (including consideration of backdating of benefit) where appropriate and to top up the benefit payable to the most vulnerable who are not in receipt of maximum benefit.

8. The use of debt collection agencies to recover Housing Benefit and Council Tax Benefit overpayments.

9. To commence legal proceedings for the recovery of Housing Benefit overpayments and in cases of fraud.

10. To operate the Council's welfare rights advice service.

PROCUREMENT

11. Matters relating to procurement and the Council's procurement strategy.

Delegated to Service Director – North Essex Parking Partnership

TRAFFIC MANAGEMENT & PARKING

1. To consolidate into a single order any waiting restriction orders currently in force when amendments to waiting restrictions in the villages are proposed.

2. Power to approve and rescind Traffic Regulation Orders relating to disabled parking bays under the Road Traffic Regulation Act 1984.

3. Day to day management of car parks, residents' parking schemes and decriminalised parking including determination of applications from organisations for the short-term use of car parking spaces on public car parks which are similar to applications previously agreed by the appropriate Cabinet Member.

4. To enable management of parking under appropriate sections of legislation, a power to make or vary Off Street Car Park Orders and Traffic Regulation Orders under either the Road Traffic Regulation Act 1984 or the Traffic Management Act 2004 (as appropriate).

5. To act as lead officer in accordance with the North East Essex Parking Partnership Joint Committee Agreement.

6. Power to erect suitable Notices on grass verges etc. under section 6 of the Essex Act 1987.

Delegated to Service Director - People

HUMAN RESOURCES

1. The signing and issuing of all contracts of employment and of any associated terms and conditions.

2. To manage the process in relation to employees' grievances and dismissals.

3. To approve regrading following evaluation in accordance with the approved job evaluation scheme.

4. To authorise agreements in respect of applications made to the Advisory Conciliation and Arbitration Services. These agreements to be only used in instances where there are pending employment tribunal claims and with the prior agreement of the Chief Operating Officer. Each agreement must be supported by the appropriate analysis which clearly defines the business benefits of the agreement.

5. To oversee the management and administration of the Council's payroll system and the provisions of the Local Government Pension Scheme.

6. To ensure that the Council complies with its equality, diversity and inclusion responsibilities as an employer.

7. To manage organisational development.

8. To manage the activities of the HR Service Centre.

Delegated to Service Director - Planning, Sustainability and Climate Change

SPATIAL POLICY

1. Power to take action within the approved budget and approved policy objectives of the Council in relation to:

   (a) Local Plan and Neighbourhood Planning functions;

   (b) Development of policy for the provision of homes, jobs and places to create sustainable communities;

   (c) Development of policy and project implementation with regard to planning and transportation.

2. Power to take action under the Conservation (Natural Habitats) Regulations 1994.

ASSETS OF COMMUNITY VALUE

3. To manage and administer the Council's Register and process in relation to Assets of Community Value under the Localism Act 2011.

CLIMATE

1. To manage the Council's Climate Emergency Action Plan

2. To manage the Council's net zero emission commitment

3. To manage the Council's Climate Challenge and Sustainability Themes across Council services and partnerships

4. Manage the Council's carbon management reduction plan

5. Manage the promotion of sustainable travel in the city.

Delegated to Service Director - Public Protection

COMMUNITY SAFETY

1. To carry out projects on behalf of the community safety partnership and devise and initiate projects that address crime and disorder in the city.

SAFEGUARDING

2. To act as the Council's designated Safeguarding Lead Officer.

3. To act as the Council's Lead Counter Signatory to the Disclosure and Barring Service.

4. To ensure that the Council complies with its equality and diversity responsibilities.

ENVIRONMENTAL PROTECTION

5. Power to agree payments for compensation in accordance with the Public Health (Control of Disease) Act 1984 as amended by the Health and Social Care Act 2008, up to the limit prescribed in the Council's Financial Regulations for payments from the Insurance Provision, when satisfied by the Section 151 Officer that the claims are reasonable and justified.

6. To administer relevant environmental protection provisions, give directions, serve notices, enforce, carry out works in default, issue formal cautions and to lay information and complaints to Court in relation to offences in appropriate cases under the following Acts and any Act or Acts extending or amending the same or incorporating them and under any order or regulations made under the said Act or Acts:

   Animal Welfare Act 2006
   Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
   Anti-Social Behaviour Act 2003
   Building Act 1984
   Clean Air Act 1993
   Clean Neighbourhoods & Environment Act 2005
   Control of Pollution Act 1974
   Dogs Act 1871
   Dangerous Dogs Act 1991
   Dangerous Dogs Act (Amendment) 1997
   Environment Act 1995
   Environmental Protection Act 1990
   Environmental Damage (Prevention and Remediation) Regulations 2009
   Essex Act 1987
   Local Government Act 1972

Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Noise & Statutory Nuisance Act 1993
Pollution, Prevention & Control Act 1999
Prevention of Damage by Pests Act 1949 or the Environmental Protection Act 1990 (Part III)
Private Water Supplies Regulations 2009
Public Health Act 1936
Public Health Act 1961
Water Industries Act 1991
Health and Safety at Work etc. Act 1974
Food Safety Act 1990
European Union (Withdrawal) Act 2018, retained EU law (Revocation and Reform) Act 2023 and related statutory instruments
Sunday Trading Act 1994
Health Act 2006

7. Power to object to applications for consent to discharge under section 119 of the Water Industry Act 1991.

8. To authorise works being carried out in default up to a maximum cost of £5,000 in cases where a breach of legislation can be remedied by the Council carrying out works in default.

9. Control of the drainage of paved areas under section 84 of the Building Act 1984.

10. Power to take appropriate action under the Safety at Sports Grounds Act 1975 (as amended) following consultation with Essex County Council and Essex Police.

11. Service of Notices under section 262 of the Public Health Act 1936 relating to culverting of watercourses and ditches, and the institution of legal proceedings where Notices are not complied with after consultation with the Ward Councillors.

12. Power to reply to consultations from Essex County Council on licences for the disposal of refuse.

13. Arrangements for funerals under the Public Health (Control of Disease) Act 1984 as amended by the Health and Social Care Act 2008.

14. Take all necessary legal action required to enforce the provisions of relevant legislation relating to the following environmental protection functions:
    - Air quality
    - Contaminated land
    - Culverting of watercourses and ditches

- Smoke from bonfires
- Determination of applications for the installation of boilers, furnaces and chimneys
- Filthy and verminous premises, articles and persons
- Houseboats
- Noise from construction sites
- Noise in the street
- Obstructed, blocked or defective drains and private sewers and/or insufficient provision of drainage
- Overflowing cesspools and septic tanks
- Prescribed processes liable to give rise to air pollution
- Prevention of damage by pests
- Private Water Supplies
- Re-securing empty or unoccupied buildings
- Statutory nuisances
- Surface water drainage
- Water supply
- Employment of persons relating to health and safety at work in premises
- Sunday trading
- Licensing, registration and hygiene standards of food premises and other commercial or domestic premises
- Quality, safety and content of food produced, sold or stored within the City of Colchester
- Control of infectious diseases
- Port Health matters
- Dog control
- Pest control
- Sale or keeping of animals

14. To act as lead officer for the Council in accordance with the Essex Countywide Traveller Joint Committee Agreement.

15. Power to serve notices under section 19, commence legal proceedings under section 20 and provide certificates under section 22 of the Criminal Justice and Police Act 2001 in relation to closure orders where there are suspected unauthorised sales of alcohol or breach of licence conditions or unauthorised licensable activities taking place at premises.

PUBLIC PROTECTION

(Delegated to Colchester Borough Homes as part of the Management Agreement dated 9 August 2013 except the agreed client reserved functions) (paragraphs 17& 18 only).

17. To administer relevant anti-social behaviour provisions, give directions, serve notices, enforce, carry out works in default, issue formal cautions and to lay information and complaints to Court in relation to offences in appropriate cases under the following Acts and any Act or Acts extending or amending the same and under any order of regulations made under the said Act or Acts:

- Anti -social Behaviour Act 2003
- Crime & Disorder Act 1998
- Criminal Justice & Police Act 2001
- Criminal Justice & Public Order Act 1994
- Housing Act 1996
- Local Government Act 1972
- Local Government Act 2000
- Police & Justice Act 2006
- Policing and Crime Act 2009
- Protection from Harassment Act 1997
- Serious Organised Crime & Police Act 2005

18. To take all necessary legal action required to enforce the provisions of relevant legislation relating to the following anti-social behaviour control functions:

- Behaviour which causes alarm, distress or harassment to persons not of the same household

19. Anti-Social Behaviour, Crime and Policing Act 2014, authority to:

- Apply for, vary or discharge a civil injunction under sections 1 to 21
- Apply for, vary or discharge a Criminal Behaviour Notice under sections 22 to 33
- Issue a Community Protection Notice under sections 43 and 53
- Carry remedial works in default following the issue of a Community Protection Notice under section 47
- Issue Fixed Penalty Notices to anyone who has failed to comply with a Community Protection Notice under section 52
- Make, vary and discharge a Public Spaces Protection Order under sections 59 to 75
- Issue Fixed Penalty Notices to anyone who has committed an offence by failing to comply with a Public Spaces Protection Order under Section 68
- Issue, cancel or vary Closure Notices under sections 76 to 84
- Enforcement of Closure Orders under sections 85 to 93

20. Anti-Social Behaviour, Crime and Policing Act 2014, authority to:

- Issue a Community Protection Notice under Sections 43 and 53
- Carry remedial works in default following the issue of a Community Protection Notice under Section 47
- Issue Fixed Penalty Notices to anyone who has failed to comply with a Community Protection Notice under Section 52
- Make, vary and discharge a Public Spaces Protection Order under sections 59 to 75
- Issue Fixed Penalty Notices to anyone who has committed an offence by failing to comply with a Public Spaces Protection Order under Section 68

BUILDING REGULATIONS

21. The approval, disapproval or rejection of plans for the purposes of building regulations and power to dispense with or relax building regulations under statutory requirements.

22. Power to take appropriate action under sections 7 and 13 of the Essex Act 1987 relating to building regulations unless superseded by other UK law or regulations, such as the Building (Local Authority Charges) Regulations 2010).

23. Power to take appropriate action under section 77 and 78 of the Buildings Act 1984 in respect of dangerous buildings.

24. Power to take appropriate action and to serve counter-notices relating to the demolition of buildings under sections 80 and 81 of the Buildings Act 1984.

25. To act as the Appointing Officer under the Party Wall etc. Act 1996.

GOODS VEHICLE OPERATING CENTRES

26. To make objections to the registration of Goods Vehicle Operating Centre's pursuant to the approved policy.

PRIVATE SECTOR HOUSING

27. To authorise works being carried out in default up to a maximum cost of £5,000 in cases where a breach of legislation can be remedied by the Council carrying out works in default.

29. To exercise the powers available under the provisions of Parts 1, 2, 3,4 and 7 of the Housing Act 2004 ("the 2004 Act") and any orders or regulations made in respect of private sector housing and in particular to:

- administer the relevant enforcement provisions and serve notices or orders including taking emergency remedial action in appropriate cases as provided for in Part 1 of the 2004 Act
- be the Proper Officer for the purposes of section 4(2) of the 2004 Act (dealing with official complaints)
- impose reasonable charges for enforcement action as allowed for by Section 49 of the 2004 Act
- administer the relevant licensing provisions and determine applications for licences as provided for in Part 2 or Part 3 of the 2004 Act
- administer the additional control provisions in relation to residential premises including the application of management orders, empty dwelling management orders and overcrowding notices as provided for in Part 4 of the 2004 Act
- approve and enter into such nomination, management and other agreements as shall be necessary for the purpose of implementing management orders or empty dwelling management orders under Part 4 of the 2004 Act.
- authorise officers to enter premises in connection with their duties under sections 131, 239, 243(3) and paragraph 3(4) of Schedule 3 and paragraph 25 of Schedule 7 of the Act and to authorise officers to require documents to be produced under section 235 of the 2004 Act.
- take appropriate enforcement action in accordance with the provisions of the Act to recover any costs, expenses, fees or other monies due to the Council from actions taken under the provisions of the 2004 Act.
- determine applications for HMO licences under Part 2 of the 2004 Act
- grant, revoke or vary such licences and issue any necessary notices or certificates for those purposes.
- grant temporary exemption from licensing under section 62 of the 2004 Act.
- determine the conditions that should be attached to HMO licences that are granted or varied.
- exercise the enforcement provisions in respect of the licensing of HMO's set out in Part 2 of the 2004 Act
- the implementation of the transitional arrangements for HMO licensing under section 76 of the 2004 Act and the issue of any necessary notices or certificates

- The issue of civil penalty notices as an alternative enforcement option to the taking of prosecution proceedings.

30. To administer relevant private sector housing provisions, give directions, serve notices, enforce, carry out work in default, issue formal cautions and to lay information and complaints to Court in relation to offences in appropriate cases under the following Acts and any Act or Acts extending or amending the same or incorporating them and under any order or regulations made under the said Act or Acts:
    - Public Health Act(s) 1936 and 1961
    - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
    - Building Act 1984
    - Housing Act 1985
    - Environmental Protection Act 1990
    - Housing Act 2004
    - Energy Act 2013
    - Enterprise and Regulatory Reform Act 2013
    - Housing and Planning Act 2016
    - The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

PRIVATE SECTOR HOUSING

31. The determination of applications for housing advances.

32. To reclaim money recoverable where conditions relating to house renovation grants are not met, subject to a right of appeal to the appropriate Cabinet Member.

33. To administer the provisions of the Council Financial Assistance Policy for Private Sector Housing including Disabled Facilities Grants, Disabled Facilities Assistance, Home Safety Grants, Home Repair assistance, Home Renovation Assistance, Landlord energy Efficiency Grants, HMO Fire Safety Grants, Landlord Renovation Grants and Landlord Empty Property Loans and in particular to determine all applications, authorise payment of grants or loans, issue certificates, reclaim monies where conditions relating to grants or loans are not met or when a property is sold under the following Acts and any Act or Acts extending or amending the same or incorporating them and under any order or regulations made under the said Act or Acts:

    - Housing Grants, Construction and Regeneration Act 1996,
    - The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

34. Enforce tenancy reforms under the Renters' Rights Act 2025, including Assured Periodic Tenancies and abolition of Assured Shorthold Tenancies, by issuing civil penalties, prosecuting offences, serving notices, and applying for Rent Repayment Orders.

35. Investigate and enforce all market-fairness and tenancy-compliance provisions under the Renters' Rights Act 2025, including prohibitions on rental bidding, discrimination, inaccurate or incomplete tenancy documentation, breaches of rent-in-advance limits, and non-compliance with statutory rent-increase procedures, as required."

36. Exercise all investigatory powers under the Renters' Rights Act 2025, including issuing information notices; inspecting business premises; entering and inspecting tenanted dwellings with statutory notice; seizing and retaining documents or data; applying for and executing warrants; accessing statutory data sources for enforcement purposes; and authorising persons to accompany officers, and submit all required enforcement reports to the Secretary of State.

37. Determine, issue, vary and withdraw civil penalty notices under the Renters' Rights Act 2025; consider representations; recover financial penalties; initiate criminal proceedings where appropriate; and apply for and enforce Rent Repayment Orders against landlords or other liable persons, in accordance with the Council's published enforcement policy.

Scrap Metal Dealers Act 2013- Delegation of Functions:

Function	Delegated to Service Director - Public Protection
The grant, issue, renewal or variation of a Scrap Metal Dealer Licence	Where the applicant is deemed to be a suitable person, and no objections are received
The refusal or rejection of an application for a Scrap Metal Dealer Licence	Where no representations are received
The revocation of a Scrap Metal Dealer Licence	Where no representations are received
To ensure all Scrap Metal Dealer Licences are reported to the National database	In all instances

Delegated to Service Director - Sport and Leisure

SPORT AND LEISURE

1. Power to take action within the approved budget and approved policy objectives of the Council in relation to the management and maintenance of Council owned sport and leisure facilities including Leisure World, Colchester Sports Park and joint sports use facilities in the City

2. Power to agree minor amendments to fees and charges relating to sport and leisure services in response to changes in market forces.

Delegated to Strategic Housing Lead

HOUSING POLICY

1. Power to take action within the approved budget and policy objective of the Council in relation to housing strategies.

2. Power to take action within the approved budget and policy objective of the Council in relation to the dissemination of information regarding all housing matters.

3. To manage the Housing Revenue Account budget.

PUBLIC SECTOR HOUSING

(Delegated to Colchester Borough Homes Limited as part of the Management Agreement dated 9 August 2013 (as amended and/or varied from time to time) except the agreed client reserved functions)

4. The assessment of housing need of applicants admitted to the Housing Needs Register, the allocation of tenancies of Council dwellings, the nomination of applicants for tenancies of Registered Social Landlord dwellings.

5. To use any Council dwellings within the Housing Revenue Account for the purposes of Part VII of the Housing Act 1996 and to use bed and breakfast accommodation for homeless families in cases of emergency.

6. Determination of applications relating to homelessness under Part VII of the Housing Act 1996.

Delegated to Chief Finance Officer (S151)

FINANCIAL RESOURCES

1. The operation of the Collection Fund including the power to invest surplus monies and to borrow to cover any shortfall in monies required by the Fund.

2. To implement variations to the interest rates chargeable on all Council mortgages and to determine the date for implementation in accordance with the notifications received from the Secretary of State subject to the appropriate Cabinet Member being informed of the action taken.

3. The Council's Treasury Management Function in accordance with the approved Treasury Policy Statement.

4. Authority to exercise discretion to agree such arrangements as are considered appropriate with borrowers in arrears to assist them in meeting their mortgage obligations.

5. Authority to write off individual bad Council Tax and Community Charge debts up to £5,000.

6. Authority to write-off individual bad National Non-Domestic Rate debts up to £5,000.

7. Authority to write off individual irrecoverable Housing Benefit Overpayments of up to £5,000.

8. Authority to write off individual bad debts not exceeding £5,000.

Delegated to Service Director- Digital, Data and Technology

DIGITAL

1. To manage the confidentiality, integrity, security and availability of the Council's ICT systems, infrastructure and data.

2. To take any actions necessary to protect the Council's cyber security including emergency expenditure. All decisions to be documented and reported to the Senior Information Risk Owner at the earliest opportunity or in any event within 24 hours.

3. To act as client under the telephony contract with Virgin Media.

DATA PROTECTION

4. To manage the Council's data protection duties and ensure that the Council remains compliant with relevant legislative provisions

5. To manage and co-ordinate responses in relation to freedom of information, environmental information regulations and data protection requests.

WEBSITE

6. To manage and maintain the Council's website.

STREET NAMING & NUMBERING

7. Authority to determine house numbering and street names under sections 64 and 65 of the Town Improvement Clauses Act 1847 where there are no objections and power to object to a suggested street name.

8. Authority to alter the names of streets in accordance with section 21 of the Public Health Act Amendment Act 1907.

Delegated to Interim Director of Estates

CORPORATE LANDLORD

1. To manage the Council's Corporate Landlord team and budgets

2. To manage asset planning, investment delivery, building operations and assurance and performance in relation to the Council's estate.

PROPERTIES

1. Authority in relation to the Council's properties: -

   (a) grant licences, easements and way leaves and agree the sale of small areas of land and electricity sub-station sites.

   (b) manage and let land or property.

   (c) let and assign leases in respect of shops on Council housing estates.

   (d) grant leases on the Council's industrial estates after consultation with the appropriate Cabinet Member.

   (e) negotiate and agree rent reviews on the Council's leasehold properties.

   (f) sign on behalf of the Council, tenancies at will, notices of assignment, licences to occupy, licences to alter and rent review memoranda, any landlords consent notices or letters, notices under section 25 of Landlord and Tenant Act 1954 and to sign any required statutory declarations.

REGENERATION

Power to take action within approved programme, budget and policy objectives of the Council in relation to regeneration activities across the City as a whole and specifically in the four main regeneration areas: St Botolph's, East Colchester, North Colchester and the Garrison.

Delegated to Colchester Commercial (Holdings) Limited via a Management Agreement dated 29 March 2018

COMMUNITY ALARMS

Power to take action within the approved budget and policy objective of the Council in relation to the management and provision of the Council's community alarm (Helpline) service for the elderly.

CCTV

Power to take action within the approved budget and policy objective of the Council in relation to the management and provision of the Council's CCTV system to contribute to the reduction of crime and disorder in Colchester.

SCHEME OF DELEGATION TO OFFICERS BY:
THE FULL COUNCIL
PLANNING COMMITTEE,
LOCAL PLAN COMMITTEE
LICENSING COMMITTEE

SCHEME OF DELEGATION TO OFFICERS BY THE FULL COUNCIL

Delegated to the Chief Executive

ELECTIONS

1. To act as the Electoral Registration Officer.

2. To act as the Returning Officer for the following elections: City Council, Parish Council, County Council and Parliamentary elections and act as the Local Returning Officer for the city of Colchester area for the Greater Essex Combined County Authority Mayoral elections.

3. All other functions relating to elections and electoral registration.

4. Fees for and conditions of supply of elections documents.

GAMBLING ACT 2005

5. Power to request a review of Premises Licences.

Delegated to Chief Executive, Deputy Chief Executive and Executive Director Place, Chief Operating Officer, Strategic Directors, Interim Director of Estates and Service Directors

1. Power to appoint officers for particular purposes (appointment of "Proper Officers").

2. Power to appoint staff (below Strategic Director level), and to determine the terms and conditions on which they hold office (including procedures for their dismissal).

3. Power to make payments or provide benefits in cases of maladministration.

Delegated to the Chief Finance Officer (S151)

1. Functions relating to local government pensions.

2. Duty to make arrangements for proper administration of financial affairs etc.

3. Power to make and amend Financial Regulations.

SCHEME OF DELEGATION TO OFFICERS BY THE PLANNING COMMITTEE

Delegated to Service Director - Planning, Sustainability and Climate Change

The Council operates the National Scheme of Delegation from 31 October 2026, established under the Town and Country Planning Act 1990 and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. Planning Committee may only determine applications where such determination is permitted by those Regulations. All other planning functions shall be exercised by officers under delegated powers.

Planning applications and other planning functions shall be determined under delegated powers except where referral to Planning Committee is expressly permitted and undertaken in accordance with the Act, the Regulations and the Statutory Guidance.

Applications Subject to the National Scheme of Delegation (Schedule 1)

The following categories of application and consent shall be determined by officers under delegated powers and shall not be referred to Planning Committee, except where the application constitutes an Own Interest Application for the purposes of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026:

- Householder development.
- Minor commercial development.
- Minor residential development.
- Applications for approval of details reserved by condition (discharge of conditions).
- Prior approval applications.
- Applications for non-material amendments.
- Applications for certificates of lawfulness.
- Applications for biodiversity gain plans.
- Applications for permission in principle.
- Reserved Matters applications other than those relating to a Large Outline Planning Permission.
- Any other application, consent or approval prescribed as a Schedule 1 function under the Regulations.

Applications Subject to the National Scheme of Delegation (Schedule 2)

The following categories of application shall be determined by officers under delegated powers unless referred to Planning Committee in accordance with the referral procedure set out in this Constitution:

1. Applications for planning permission other than:
   - Householder development;
   - Minor commercial development; and
   - Minor residential development.

2. Applications under Section 73 of the Town and Country Planning Act 1990 to develop land without compliance with conditions attached to a Schedule 2 planning permission.

3. Applications under Section 73A of the Town and Country Planning Act 1990 for development that has already been carried out.

4. Reserved Matters applications relating to a Large Outline Planning Permission. For these purposes, a Large Outline Planning Permission means an outline planning permission involving:
   - 500 or more dwellings; or
   - 50,000 square metres or more of floorspace.

5. Requests under Section 106A(1)(a) of the Town and Country Planning Act 1990 to modify or discharge a planning obligation connected to Schedule 2 development.

6. Applications under Section 106A(3) of the Town and Country Planning Act 1990 for the modification or discharge of a planning obligation connected to Schedule 2 development.

7. Any other application, consent or approval prescribed as a Schedule 2 function by the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

Referral of Schedule 2 Applications

A Schedule 2 application may only be referred to Planning Committee where:

a) the Nominated Officer and the Nominated Member both agree that referral is appropriate; and
b) the application satisfies at least one of the statutory referral criteria prescribed by the Regulations.

In the absence of agreement between the Nominated Officer and the Nominated Member, the application shall be determined by officers under delegated powers.

Local Choice Functions

(a) Except where the application constitutes an Own Interest Application for the purposes of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (which will follow the referral process), authority to determine:

(i) Applications for planning permission that would otherwise fall within Schedule 1 but are connected to an application for Listed Building Consent or an application for variation or discharge of a condition attached to a Listed Building Consent.

(ii) Applications for Listed Building Consent.

(iii) Applications to vary or discharge conditions attached to Listed Building Consent.

(iv) Applications for Advertisement Consent.

(v) Applications for consent under a Tree Preservation Order.

(b) Authority to refuse planning applications where a proposed section 106 Agreement remains uncompleted for six months from the decision regarding its provision.

(c) Authority to make observations on applications to be determined by another planning authority.

(d) Authority to appoint consultants where the Council's case may be enhanced or when specialist information needs to be provided.

(e) That, subject to written confirmation from the Chief Finance Officer and the Monitoring Officer, the Service Director, Planning, Sustainability and Climate Change be authorised to agree the release of funds secured by means of a legal agreement under the Planning Acts for expenditure, for purposes solely in accordance with the specified legal agreement. Such delegated powers would only operate where such expenditure is entirely in accordance with the legal agreement attached to the development.

(f) Where an appeal has been lodged against a refusal of planning permission, the Service Director, Planning, Sustainability and Climate Change has authority to conclude a legal agreement which complies with the Council's current policies where we would expect to see the provision of such requirements a may include affordable housing, open space contribution, education contribution in circumstances where time does not permit a referral to the Planning Committee.

(g) Where an application has already been considered by the Planning Committee who have given authorisation to enter into a legal agreement delegated authority is given to the Service Director, Planning, Sustainability and Climate Change to agree alterations whereby:

(i) The mechanism for delivering the required outcomes for the agreement have changed, but the outcome remains the same (including changes to triggers, phasing and timing);

(ii) There is a need to issue a delegated refusal where a legal agreement is not completed within the statutory time limit, and it is considered by the Service Director, Planning, Sustainability and Climate Change reasonable to do so;

(iii) There is a need to remove a legal agreement from a local land charge where all clauses have been compiled with;

(iv) To enter into a new planning obligation relating to gain previously secured that needs to link back to a previous planning permission via a Deed of Variation.

(h) Authority to institute proceedings in respect of any offence against the advertisement regulations, including prosecution where it is considered appropriate. In the cases where repeated prosecution fails, this includes the authority to seek an injunction under Section 222 of the Local Government Act 1972.

(i) Authority to institute proceedings in respect of any enforcement actions where a valid notice exists, no appeal decision thereon is pending, the prescribed time for compliance with the notice has expired, and where the breach of planning control continues to exist.

(j) Authority to sign and serve “Planning Contravention Notices” under the Town and Country Planning Act 1990, Sections 171(C) and 171(D), and to arrange for the institution of proceedings where the requirements of such Notices are not complied with within statutory time limits.

(k) Authority to sign and serve enforcement notices, stop notices, temporary stop notices, section 215 notices, section 224 discontinuance notices or breach of condition notices under the Town and Country Planning Act 1990 (Parts VII & VIII) and Listed Building Enforcement Notices under Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (Part IV).

(l) Power to serve a notice under Section 330 of the Town and Country Planning Act 1990 (to require information as to interests in land).

(m) Authority to give a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended) as to whether an Environmental Impact Assessment is required and to determine the scope of the environmental issues to be covered in any such assessment.

(n) Authority to defend the Council’s decision in respect of any appeal proceedings, provided that where any additional or revised information is submitted which may overturn the Council’s initial decision; the case shall be referred back to Planning Committee to determine the Council’s case only in circumstances where the Committee itself made the initial decision. In the event that timescales do not allow the matter to be referred back to

Planning Committee, then the Service Director, Planning, Sustainability and Climate Change shall consult the Planning Committee Chairman, and Group Spokespersons, before determining the Council's case.

In the unlikely event that none of the foregoing is possible, then as an emergency procedure, Executive Director, Place or the Chief Operating Officer can determine the action required, which will be reported to the Planning Committee as soon as is practical thereafter.

(o) Authority to institute legal proceedings (including the serving of injunctions and enforcement notices) under the Town and Country Planning Act 1990 (Part VII and Part VIII) and the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (Part IV) where it is considered the most appropriate remedy in relation to the circumstances of the case, and expedient to do so.

(p) Authority to prosecute for the failure to comply with the statutory time limit imposed by any notices served in respect of Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and Sections 171C, 171D and 330 of the Town and Country Planning Act 1990, or for providing false/misleading information.

(q) Power to make orders for the creation, diversion or extinguishment of public rights of way.

(r) Authority to administer the Hedgerow Regulations 1997 and to issue notices in accordance with the Council's policy.

(s) Determination of enforcement cases where:

(i) investigations conclude that no breach of planning has occurred and therefore no further action is required; or

(ii) a breach of control has occurred, but it is not expedient in the public interest to take action; or

(iii) investigations conclude that a breach has occurred in excess of four years or ten years (as appropriate) and is therefore, immune from further action.

(t) Power to make and confirm tree preservation orders where there are no unresolved objections thereto and to determine applications to carry out works to trees in Conservation Areas.

(u) The authority to enter the Council into a legal agreement to enable a landowner to obligate themselves to deliver a Habitat Bank for the purposes of creating Biodiversity Net Gain credits for sale on the open market.

Definitions

"minor commercial application" means—

a) an application for planning permission for development of an existing building or part of a building currently in use for any of the purposes falling within Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or

b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development,

c) where such an application does not include a change of use, a change to the number of units in a building, or development that is not wholly at ground floor level or that would increase the gross internal area of a building

"minor residential application" means—

a) an application for planning permission for development that—
   (i) includes only dwellings and development for purposes incidental to the enjoyment of dwellings,
   (ii) comprises at least one but not more than nine dwellings, and
   (iii) is to be carried out on a site having an area smaller than 0.5 hectares;

b) an application for planning permission for development (other than excluded flat development) of a building containing flats, or development within the curtilage of such a building, for any purpose incidental to the enjoyment of the flats or any of the flats; or

c) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order for development within paragraph (a) or (b)

"own-interest application" means –

An application to a relevant local planning authority where—

a) the application is made (whether or not jointly with any other person) by or on behalf of—
   (i) that authority,
   (ii) a member of that authority, or
   (iii) an officer of that authority, or

b) in the view of the nominated member and the nominated officer, the authority or any of its members or officers otherwise has an interest in the application.

Appendix 2

Application Referral Protocol

1. Purpose

This Protocol establishes the process by which own-interest applications falling within Schedule 1 and applications falling within Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 are considered for referral to Planning Committee.

The Council shall operate the National Scheme of Delegation in accordance with Sections 319ZZC to 319ZZF of the Town and Country Planning Act 1990 and the Regulations, as well as having regard to the Statutory Guidance Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England.

The statutory presumption is that Schedule 2 applications will be determined by officers acting under delegated powers unless the statutory requirements for referral are met.

2. General Principle

All Schedule 1 applications shall be determined by officers under delegated powers unless they constitute an ‘own-interest’ application.

All Schedule 2 applications shall be determined by officers under delegated powers unless:

a) the application satisfies at least one of the statutory referral criteria;
b) the Nominated Officer and Nominated Member both agree that the application should be referred to Planning Committee; and
c) referral is permitted under the Regulations.

Referral to Planning Committee shall be the exception rather than the norm and decisions shall be delegated wherever possible.

3. Nominated Officer and Nominated Member

For the purposes of this Protocol:

Nominated Officer means the Service Director for Planning, Sustainability, and Climate Change; Development Manager; Planning Manager; or such officer designated by the Council for this purpose.

Nominated Member means the Chair of the Planning Committee or, in their absence, the Deputy Chair or another member authorised to act in that capacity.

Appropriate substitute arrangements shall be maintained to avoid unnecessary delays in decision-making.

4. Applications Subject to this Protocol

This Protocol applies to all applications prescribed as Schedule 2 functions under the Regulations including:

- Major planning applications.
- Section 73 applications relating to Schedule 2 permissions.
- Section 73A applications.
- Reserved Matters applications relating to Large Outline Planning Permissions.
- Relevant Section 106 modification or discharge applications.

5. Officer Referral Requests

The Case Officer, Planning Manager, Development Manager or other authorised planning officer may request consideration of referral where they consider an application may meet the statutory criteria.

5A. Officer Triage

To ensure that referral requests are considered efficiently and proportionately, Planning Managers, Team Leaders, the Development Manager and other authorised officers shall undertake ongoing review of applications progressing towards determination.

Where an officer considers that a Schedule 2 application may potentially satisfy one or more of the statutory referral criteria, the application shall be added to a Referral Triage Log for further consideration.

The purpose of the triage process is to identify applications requiring referral consideration. Inclusion on the Referral Triage Log shall not indicate that referral is justified or likely.

Applications not identified through the triage process, and for which no referral request has been made, shall normally proceed to determination under delegated powers without consideration by the Nominated Officer or Nominated Member.

6. Initial Assessment

Where a referral request is received, or where officers otherwise consider referral may be appropriate, the Case Officer shall prepare a brief assessment setting out:

- The proposal.
- Relevant planning issues.
- Whether either statutory criterion may be engaged.
- Whether referral is recommended.

This assessment shall be submitted for consideration at the next Referral Review Meeting attended by the Nominated Officer, the Nominated Member and the relevant Case Officer and/or other planning officers as appropriate. The purpose of the meeting shall be to review applications where referral is requested or

otherwise considered necessary and to discuss whether the statutory referral criteria may be engaged.

Applications included on the Referral Triage Log shall normally be considered at the next scheduled Referral Review Meeting attended by the Nominated Officer, Nominated Member and relevant planning officer(s).

6A. Referral Review Meeting

The Council shall maintain a regular Referral Review Meeting for the purpose of considering potential referrals under this Protocol.

The meeting shall normally be attended by:

a) the Nominated Officer;
b) the Nominated Member; and
c) the relevant Case Officer, Planning Manager, Development Manager or other planning officer(s) as required.

Officers may present the planning issues, relevant policy considerations and the reasons why referral is or is not considered appropriate.

The meeting shall provide a forum for discussion of potential referrals but shall not prejudice the subsequent determination of the application.

The outcome of the discussion shall be recorded and shall inform the referral decision made in accordance with Section 8 of this Protocol.

7. Statutory Referral Criteria

A Schedule 2 application may only be referred where at least one of the following criteria applies.

Criterion A

The application raises an economic, social or environmental issue of significance to the local area.

Examples may include:

- Significant community facilities.
- Major regeneration proposals.
- Development affecting a key local employer.
- Development raising significant environmental concerns of wider local importance.

The existence of local opposition shall not, by itself, constitute an issue of significance.

Criterion B

The application raises a significant planning matter having regard to:

- The Development Plan.
- National planning policy.
- Other material planning considerations.

Examples may include:

- Novel or complex policy interpretation.
- Significant departures from development plan policy.
- Development raising substantial heritage, transport, environmental or design considerations.
- Proposals involving major planning judgement.

Matters are less likely to constitute significant planning matters where:

- Development broadly complies with adopted allocations and relevant planning policy.
- Consultees' concerns have been satisfactorily addressed through amendments or conditions.
- The issues raised are routine development management matters.

8. Referral Decision

Following consideration of the application at a Referral Review Meeting, the Nominated Officer and Nominated Member shall consider whether:

1. A statutory criterion is met; and
2. Referral to Planning Committee is justified.

Both parties must agree for referral to occur.

Where agreement is reached, the application shall be referred to Planning Committee.

Where agreement is not reached, the application shall be determined under delegated powers.

Neither the Nominated Officer nor Nominated Member shall exercise a veto requiring committee determination in the absence of agreement from the other party.

9. Urgent Referral Decisions

Where an application's determination timescale does not reasonably allow consideration at the next scheduled Referral Review Meeting, the Nominated Officer and Nominated Member may consider the referral remotely by email, Microsoft Teams, telephone or other suitable means.

Any decision reached under this procedure shall be recorded in the Referral Register together with the reasons for the decision and the date on which it was made.

The same statutory requirements shall apply, and referral shall only occur where both the Nominated Officer and Nominated Member agree that referral is justified

10. Own Interest Applications

Applications involving:

- The Council;
- A Councillor;
- An Officer; or
- Any matter where the Council considers there is an interest requiring particular transparency,

shall be considered separately under the Own Interest provisions of the Regulations.

Such applications may be referred to Planning Committee where the Nominated Officer and Nominated Member agree that committee determination would support transparency, accountability or public confidence.

The statutory referral criteria need not be satisfied for an Own Interest Application to be referred.

11. Recording Decisions

The Council shall maintain a Referral Register recording:

- Application reference number.
- Development description.
- Referral request source.
- Whether referral was approved or declined.
- Whether the application was considered through the Referral Review Meeting or the Urgent Referral Procedure.
- Date of referral meeting or urgent consultation.
- Names of officers and members participating in the referral consideration process.
- Criterion relied upon.
- Reasons for the decision.
- Date of decision/Referral Review Meeting date.

The Referral Register shall be reported periodically to Planning Committee and published in accordance with the Council's transparency arrangements.

12. Matters That Shall Not Be Taken into Account

The following shall not, on their own, justify referral:

- The number of representations received.

- The level of public support or objection.
- A petition.
- A Ward Member request unsupported by planning reasons.
- The fact that an application is contentious or unpopular.
- The existence of social media interest or press coverage.

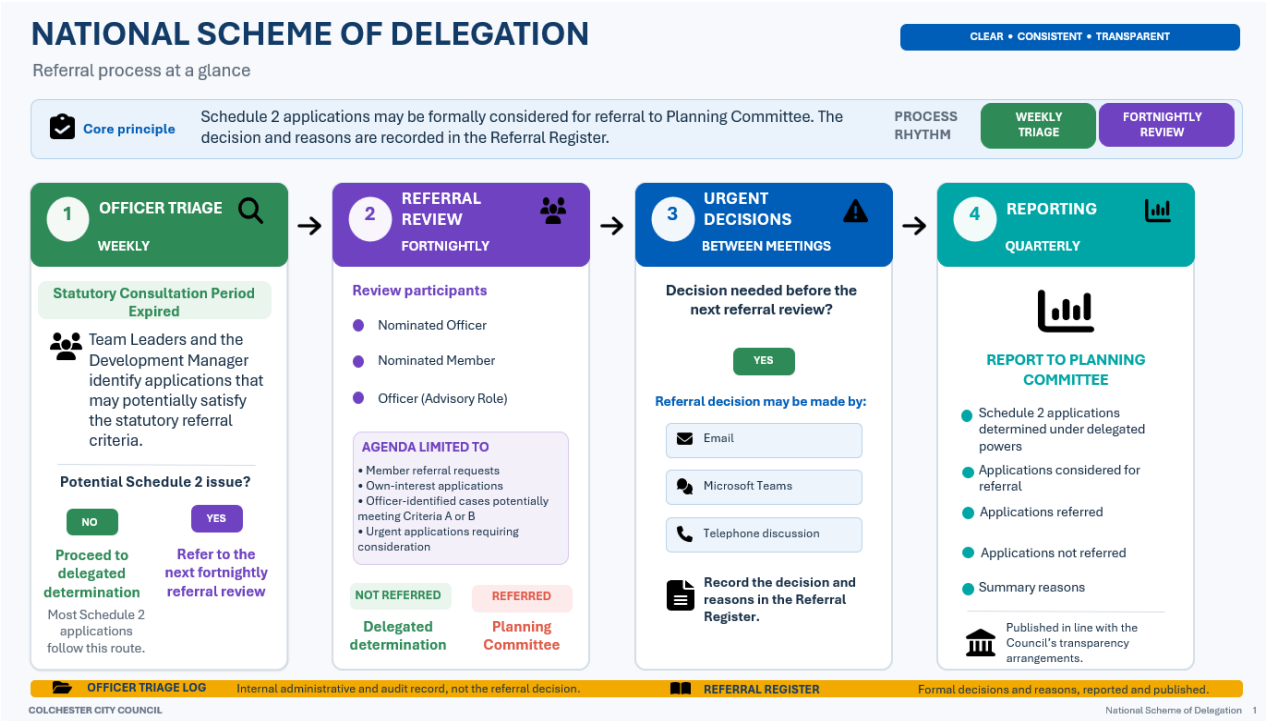
Referral must be based on the statutory criteria prescribed by the Regulations.

13. Timescales

The Nominated Officer and Nominated Member shall seek to make referral decisions promptly so as not to delay determination of planning applications.

Where no referral decision has been made by the relevant determination date, the application shall proceed to determination under delegated powers unless referral has been agreed.

This approach provides a robust and auditable process whilst remaining faithful to the principle in the Regulations that committee determination should be the exception and that Schedule 2 applications are delegated unless both the Nominated Officer and Nominated Member agree otherwise.



SCHEME OF DELEGATION TO OFFICERS
BY THE LOCAL PLAN COMMITTEE

Delegated to Service Director - Planning, Sustainability and Climate Change

1. Power to approve Neighbourhood Plan Area Designation Applications made in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).

SCHEME OF DELEGATION TO OFFICERS
BY THE LICENSING COMMITTEE

Delegated to the Service Director - Public Protection

1. Determination of applications and issue of licences, permits, registrations and certificates where no objections have been received in respect of: -

   Caravan Sites
   Dangerous Wild Animals
   Dog Breeding Establishments
   Food Exports
   Food Hawkers
   Food Premises
   Hackney Carriage and Private Hire Vehicles drivers and operators
   House to House and Street Collections
   Hypnotism – exhibitions, demonstrations or performances
   Pet Shops
   Pleasure Boats and Boatmen
   Premises and persons involved in acupuncture, tattooing, ear piercing and electrolysis
   Riding Establishments
   Sex Shops
   Zoos

2. Revocation or suspension of licences, permits, registrations, certificates.

3. Approval of individual identification signs for display on taxis and private hire vehicles, after consultation with the Chairman of the Licensing Committee.

4. To determine applications for permission to place advertisements on hackney carriages and private hire vehicles.

5. To determine applications for pavement licences in accordance with sections 1 to 7 of the Business and Planning Act 2020

Licensing Act 2003 – Delegation of Functions

Function	Licensing Committee	Service Director - Public Protection
Section 18(3) Application for a Premises Licence	Where representations have been received	Where there are no representations
Section 20 Application for authorisation of films	All cases	
Section 25A (6) Disapplication of Designated Premises Supervisor	Following police objection	Where there are no representations
Section 31(3) Application for a provisional statement	Where representations have been received	Where there are no representations
Section 35(3) Application to vary a premises licence	Where representations have been received	Where there are no representations
Section 39(3) Application to vary a Designated Premises Supervisor	Following police objection	Where there are no representations
Section 41B Application for a Minor Variation		Where representations have been received
Section 44 (5) Transfer of a Premises Licence	Following police objection	Where there are no representations
Section 48(3) Interim Authority Notice	Following police objection	Where there are no representations
Section 52(2) (3) Determination of application to Review a Licence	All cases	
Section 72(3) Application for Club Premises Certificate	Where representations have been received	Where there are no representations
Section 85(3) Application to vary Club Premises Certificate	Where representations have been received	Where there are no representations
Section 88 (2) or (3) Determination of application to review a Club Premises Certificate	All cases	
Section 105(2) Decision to give counter notice following police objection to Temporary Event Notice	All cases	
Section 120(7) Application for Grant of Personal Licence	Following police objection	Where there are no representations

Licensing Act 2003 – Delegation of Functions (continued)

Function	Licensing Committee	Service Director - Public Protection
Section 124(4) Revocation of Personal Licence where convictions come to light after grant etc.	All cases	
Section 167(5) Review following Closure Order	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious		All cases
Decision to object when the local authority is a consultee and not the lead authority		All cases
Dispensation of the need to hold a hearing if all persons required by the Licensing Act 2003 (other than the Authority) have written and agreed that it is unnecessary		All cases

Gambling Act 2005 - Delegation of functions

Function	Committee	Service Director - Public Protection
Application for a Premises Licence	Where representations have been received	Where there are no representations or representations have been withdrawn
Section 204 Application for a provisional statement	Where representations have been received	Where there are no representations or representations have been withdrawn
Application to vary a Premises Licence	Where representations have been received	Where there are no representations or representations have been withdrawn
Transfer of a Premises Licence	Following representations from the Gambling Commission	Where there are no representations from the Gambling Commission
Section 201 Determination of application to Review a Licence	All cases	
Section 224 Decision to issue a counter notice in respect of a Temporary Use Notice	All cases	
Sections 271 and 273 Application for club gaming permit or club machine permit	Where representations have been received	Where there are no representations or representations have been withdrawn
Cancellation of a Gaming Permit or Club Machine Permit	All cases	
Licensing Policy in respect of powers under the Gambling Act 2005	To make recommendations to Full Council	