

PROTOCOL FOR THE USE OF DELEGATED POWERS

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**1. GENERAL**

The functions, powers and duties of the Cabinet, portfolio holders, committees, sub-committees, working parties and officers of the Council shall be as set out in this Scheme of Delegation.

**Every decision of the Cabinet, a portfolio holder, committee, sub-committee, working party or officer under delegated powers shall comply with the Council's Constitution and in particular with its budget and Policy Framework, Council Procedure Rules, Financial Procedure Rules and Contract Procedure Rules and any expenditure involved is subject to such compliance.**

**2. THE FULL COUNCIL'S ROLE**

The Council is responsible for determining the scheme of delegation for all executive and non-executive functions.

The Council may by resolution at any time: -

- a) vary, enlarge, restrict, or take away any non executive function, power or duty referred to a Committee, Sub-Committee or Officer or may give to it further functions, powers or duties; or
- b) on the recommendation of the Cabinet vary, enlarge, restrict, or take away any executive function, power or duty referred to the Cabinet, a portfolio holder or Officer.

**3. DELEGATION OF POWERS TO THE LEADER OF THE CABINET**

The Leader may exercise any of the powers delegated to the Cabinet in cases of urgency.

The Leader may exercise any of the powers delegated to a portfolio holder: -

- In their absence
- At their request
- In cases of urgency

**PROTOCOL FOR THE USE OF DELEGATED POWERS**

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**4. DELEGATION OF POWERS TO THE CABINET**

The Cabinet shall not delegate any of its powers to a Committee of the Executive or an Officer unless such a delegation has been approved by Council following a recommendation by the Cabinet. (The Cabinet may not delegate any of its functions to a portfolio holder.)

The Cabinet may, if it considers appropriate, elect to refer to full Council the exercise of any power delegated to it.

**5. DELEGATION OF POWERS TO PORTFOLIO HOLDERS**

A portfolio holder may determine any matter within the terms of reference of his portfolio not otherwise delegated to officers or covered by any reserved powers held by full Council, the Cabinet or delegated to a Committee of the Council.

A portfolio holder shall not delegate any of his powers to an Officer unless such a delegation has been approved by Council following a recommendation by him via the Cabinet.

A portfolio holder may, if he considers appropriate, elect to refer up to the Cabinet the exercise of any power delegated to that portfolio holder.

**6. THE EXECUTIVE**

The Council's Executive is as set out below:

Leader

Portfolio Holders:

Benefits and Revenues

Community, Partnerships and Renewal

Corporate Governance and Resources

Environment

Finance

Housing

Leisure

Planning

Technical Services

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**PROTOCOL FOR THE USE OF DELEGATED POWERS**

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**7. DELEGATION OF POWERS TO OFFICERS****7.1 Statutory Basis**

The delegation of specified powers to officers is in accordance with Section 101 of the Local Government Act 1972. These delegations are recorded in accordance with Section 100(G)(2) of the same Act.

**7.2 Delegated Officers**

The delegated officers of the Authority are as follows: -

- (a) All Management Team members and all Heads of Service
- (b) Where any Head of Service has been appointed to be responsible for any particular power, function or responsibility, then by virtue of this paragraph there is also delegated to him all officer delegated powers expressed, implied or constructive which are commensurate with that appointment and area of responsibility and which facilitate or are conducive to the responsibilities of that appointment. This paragraph is in addition to any other or more specifically delegated powers.
- (c) In the Council's Constitution references to the "Head of Legal Services" mean Head of Legal Services and Monitoring Officer.

**7.3 Acting Delegated Officers**

Where the Authority has appointed an Acting Delegated Officer (such as, for example, Acting Head of Environmental Services, Acting Forward Control Officer (Emergency Planning), Acting Head of Financial Services), that Acting Delegated Officer, in addition to any other powers for the time being delegated to him, has delegated to him all the powers expressed under the Authority's scheme of delegation to be delegated to the Delegated Officer concerned.

**7.4 Exercise of Delegated Powers**

Officers can exercise all powers delegated to them in accordance with this scheme of delegation.

An Officer may, if he considers it appropriate, elect to refer up to the Cabinet, a portfolio holder, committee or sub-committee as appropriate, the exercise of any power delegated to that Officer.

**7.5 Suspension of Delegations**

The Chief Executive shall have the authority to suspend the delegation of powers to any officer.

**PROTOCOL FOR THE USE OF DELEGATED POWERS**

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**7.6 Consultation**

Where specified in the scheme of delegation, consultations with specified Members and officers must be undertaken before any delegated decision is made. Formal consultations with Members under these provisions must be in writing and recorded in a form prescribed by the Head of Legal Services. In cases of urgency such consultations may be carried out orally and later confirmed in writing.

Where officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult Members for the appropriate ward(s).

**7.7 Controversial / Political Issues**

Where officers are contemplating taking a decision under powers delegated to them which is likely to give rise to significant controversy or raise political issues or considerations, they should refer the matter to the appropriate Management Team member for consideration before the decision on the action is taken.

**7.8 Further Delegation by Delegated Officers and Acting Delegated Officers**

Delegated Officers are encouraged and authorised to further delegate powers to the most appropriate level of the Council to ensure efficient and effective service delivery.

Such further delegations should be recorded in writing by the Delegated Officer concerned but further delegation may be validly made orally where the Delegated Officer considers this appropriate. Any Officer to whom a Delegated Officer has delegated any powers may further delegate those powers to any appropriate Officer.

**7.9 Absence and Urgency**

In the absence or unavailability of a Delegated Officer or Acting Delegated Officer actions under powers delegated to him may be taken by a member of the Management Team.

**7.10 Emergency Powers**

In an emergency the Chief Executive, or in his absence the Deputy Chief Executive, is empowered to carry out any function of the local authority. (Where this involves the determination of an urgent key decision this must be in accordance with Rule 16 of the Access to Information Procedure Rules).

PROTOCOL FOR THE USE OF DELEGATED POWERS

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**7.11 Statutory Modifications and Re-enactments**

Any reference in any provision of this Constitution to any statute, a provision thereof, a statutory instrument or any guidance, regulations or directions made thereunder shall also include any modification, extension or re-enactment thereof for the time being in force and all subordinate and associated legislation, regulations and orders.

**THE COUNCIL – RESERVED POWERS**

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**THE COUNCIL – RESERVED POWERS**

Except insofar as they are otherwise permitted by legislation and/or the Constitution the following functions may only be exercised by the full Council under the Constitution:-

- 1 Adopting and changing the Constitution unless specifically delegated to the Head of Legal Services and Monitoring Officer.
- 2 Approving or adopting the Council's Policy Framework and Budget.
- 3 The making of any application to the Secretary of State in respect of any Housing Land Transfer.
- 4 Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 5 of this Constitution, making decisions about any matter in the discharge of an executive function where the decision maker is minded to make decision that would be contrary to the policy framework or contrary to /or not wholly in accordance with the budget.
- 5 The election of the Executive Leader or the passing of a resolution to remove the Executive Leader.
- 6 Duty to designate an officer as the head of the authority's paid service, and to provide staff etc in accordance with Section 4(1) of the Local Government and Housing Act 1989 (c.42).
- 7 Duty to designate an officer as the Monitoring Officer, and to provide staff etc, in accordance with Section 5(1) of the Local Government and Housing Act 1989.
- 8 Duty to designate an officer as the Chief Financial Officer, and to provide staff etc, in accordance with Section 151 of the Local Government Act 1972.
- 9 Power to appoint officers for particular purposes, not otherwise delegated to a portfolio holder or committee, under Section 270(3) of the Local Government Act 1972.
- 10 The appointment of the Chief Executive and Management Team Members where no well-founded objection has been received from any member of the Executive.
- 11 On the recommendation of the Human Resources Committee:-
  - (a) The dismissal including redundancy, in accordance with statutory provisions, of the Chief Executive and Management Team Members
  - (b) The voluntary early retirement and voluntary redundancy of the Chief Executive or Management Team Members
  - (c) The retirement on grounds of ill health of the Chief Executive and Management Team Members on the recommendation of the Council's medical advisor
  - (d) The Terms and Conditions of service of the Chief Executive and the Management Team Members

**THE COUNCIL – RESERVED POWERS**

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- 12 Determining the number and content of portfolios.
- 13 Agreeing and/or amending the terms of reference for committees, sub-committees etc, deciding on their composition and making appointments to them including their Chairmen and Vice Chairmen, (subject to the appointment of Independent and Parish Council Members of the Standards Committee following a recommendation of the Monitoring Officer).
- 14 The appointment of any individual to a joint committee of two or more authorities, or to any committee or sub-committee of such a body and the revocation of any such appointment.
- 15 Power to appoint staff, and to determine the terms and conditions on which they hold office(including procedures for their dismissal) under Section 112 of the Local Government Act 1972.
- 16 Power to make standing orders as to contracts in accordance with Section 135 of the Local Government Act 1972.
- 17 Adopting a Members' Allowances scheme.
- 18 Adopting and amending the Authority's Code of Conduct.
- 19 Approving the setting of the Council Tax.
- 20 Power to promote or oppose local or personal Bills, Orders in Parliament under Section 239 of the Local Government Act 1972
- 21 Receiving statutory reports from the Head of the Paid Service, the Monitoring Officer or the Head of Financial Services.
- 22 Adopting the provisions of an Act of Parliament where such Act requires the full Council to pass a resolution adopting the same.
- 23 Power to change the name of the district under Section 74 of the Local Government Act 1972
- 24 Power to change the name of a parish under Section 75 of the Local Government Act 1972
- 25 Power to petition for a charter to confer borough status under Section 245b of the Local Government Act 1972.
- 26 The adoption or approval of a plan or strategy, other than a plan or strategy for the control of the authority's borrowing or capital expenditure or forming part of the Policy Framework, where the Council determines that the decision whether the plan or strategy should be adopted or approved should be taken by them
- 27 The determination of any matter in the discharge of a function which is the responsibility of the Executive and is concerned with the authority's budget or borrowing or capital expenditure where the Cabinet or a Portfolio Holder:-

**THE COUNCIL – RESERVED POWERS**

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- (a) is minded to determine the matter contrary to, or not wholly in accordance with the budget or the plan or strategy for the time being approved or adopted by the authority in relation to its borrowing or capital expenditure, and
- (b) is not authorised elsewhere in the constitution to make a determination in those terms

28 Taking decisions in respect of functions which are not the responsibility of the Executive and which have not been delegated to committees, sub-committees or officers.

## THE COUNCIL

Responsibility	Delegated To
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**DELEGATED TO OFFICERS****Delegated to Officers in Consultation with the Chairman of the Council or failing him the Vice-Chairman**

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|---|----------------------------|
| 1 The appointment and dismissal of members of the Independent Remuneration Panel including terms of appointment and the setting of allowances payable to members of the Panel.  | Head of Financial Services |
| 2 The making of recommendations to Council on the appointment or reappointment (for a term not exceeding 12 months or until the next Council meeting thereafter) of an Independent Member of the Standards Committee. | Monitoring Officer         |

**Delegated to Officers**

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|---|--|
| 3 The making of recommendations to Council on the appointment or reappointment (for a term not exceeding 12 months or until the next Council meeting thereafter) of the Parish Council member of the Standards Committee.   | Monitoring Officer in consultation with the Chairman of the Standards Committee  |
| 4 The Proper Officer before whom a written undertaking by a Member under Section 52 of the Local Government Act 2000 to observe the Council's Code of Conduct may be made and the Proper Officer before whom a Member's formal Declaration of Acceptance of Office may be made. | Chief Executive  |
| 5 The appointment or removal of any individual to/from a committee, sub-committee, panel or working party at the request of the relevant Group Leader   | Chief Executive  |
| 6 Power to make payments or provide other benefits in cases of maladministration etc.   | Chief Executive  |
| 7 The designation of officers to carry out roles specified within Parts 2, 4 and 5 of the Constitution.   | Chief Executive  |
| 8 The appointment of Heads of Service.  | Chief Executive in consultation with the appropriate Portfolio Holder or Portfolio Holders, Committee Chairman, Management Team Member and Head of Human Resources and Customer Services |

## THE COUNCIL

Responsibility	Delegated To
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**DELEGATED TO OFFICERS**

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|---|---|
| 9 The dismissal as redundant of staff up to and including Head of Service level following a recommendation from the appropriate Management Team Member.   | Chief Executive in consultation with Head of Human Resources and Customer Services  |
| 10 The dismissal of Heads of Service following a recommendation from the appropriate Management Team member   | Chief Executive in consultation with Head of Human Resources and Customer Services  |
| 11 The dismissal of staff as redundant or by way of a mutually agreed Compromise Agreement, including Head of Service level, following a recommendation from the appropriate Management Team Member | Chief Executive in consultation with Head of Human Resources and Customer Services  |
| 12 The retirement on grounds of ill health of any member of staff up to and including Heads of Service on the recommendation of the Council's medical advisor                                       | Management Team on the advice of Head of Human Resources and Customer Services      |
| 13 Duty to make arrangements for proper administration of financial affairs under Section 151 of the Local Government Act 1972  | Head of Financial Services  |
| 14 The dismissal of staff up to, but not including, Head of Service level.  | Heads of Service in consultation with Head of Human Resources and Customer Services |
| 15 The amendment and re-issue of all, or any part of, the Constitution to ensure that it complies with current legislation at all times.  | Head of Legal Services  |

**THE LEADER****RESPONSIBILITIES OF THE LEADER****TERMS OF REFERENCE**

Overall political management of the Authority. To manage the overall operation of the Council's portfolios through effective management of the Cabinet. To ensure effective communication of Cabinet business including appropriate liaison with Overview and Scrutiny.

In order to fulfil his responsibilities, all decisions taken by the Leader must comply with the Council's Constitution and associated Procedure Rules. In particular decisions must: -

- Be in accordance with the Council's Budget and Policy Framework rules.
  - If key decisions, be in accordance with the Council's decision-making rules.
  - Be taken after professional advice from the Chief Executive or other appropriate officer(s).
- 1 To have overall responsibility for the political management of the Authority, the delivery of agreed Council priorities, strategies and policies and the delivery of effective and efficient services.
  - 2 To appoint and dismiss members of the Cabinet and to allocate individual portfolios to them as specified in the scheme of delegation to members of the Cabinet.
  - 3 To chair the Cabinet and to be the leading voice of the Council on all matters not in the province of the relevant portfolio holders and for overall policy.
  - 4 To appoint and dismiss a Deputy Executive Leader who will, if for any reason the Executive Leader is unable to act or the office of Executive Leader is vacant, act in his place.
  - 5 To be the main Member representative of the Council to the community, the region, businesses, the voluntary sector, the Local Government Association and other local and national organisations. (The Leader may delegate some of these functions to the appropriate portfolio holder or other members whilst retaining overall responsibility).
  - 6 To work with other portfolio holders to consider and agree actions to ensure effective delivery of services within their portfolio in accordance with the agreed policies of the Council and to ensure Cabinet responsibilities are fulfilled.
  - 7 In the event that a portfolio holder is absent, the Leader may assign that portfolio holder's responsibilities to another portfolio holder, or undertake them himself.
  - 8 To have authority to undertake portfolio holders delegated responsibilities in circumstances of urgency or at the request of a portfolio holder.

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**RESPONSIBILITIES OF THE LEADER**

- 9 To have regard to the views of the Overview and Scrutiny Committees and to ensure their views are fully considered when executive decisions are made.
- 10 To ensure effective communication to the Council and the public of all Cabinet recommendations and decisions.
- 11 The determination of whether attendances by portfolio holders at meetings, conferences and visits etc. may be classed as approved duties, including those where more than one night's accommodation or travel abroad is involved.
- 12 To ensure portfolio and cross-portfolio issues are considered and dealt with on a corporate basis.
- 13 The appointment of representatives to attend meetings of appropriate outside bodies.

**RESPONSIBILITIES OF THE CABINET**

**TERMS OF REFERENCE**

To lead the community planning process and the Council's work on best value. To lead the preparation of the Council's policies and budget. To take decisions on resources and priorities together with other stakeholders and community partners as appropriate, and to deliver and implement the budget and policies decided by full Council. To be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

In order to fulfil its collective responsibilities, all decisions taken by the Cabinet must comply with the Council's Constitution and associated Procedural Rules. In particular decisions must: -

- Be in accordance with the Council's Budget and Policy Framework rules.
- If key decisions, be in accordance with the Council's decision-making rules.
- Be taken after professional advice from the Chief Executive or other appropriate officer(s).

The exercise of the Council's functions, powers and duties in relation to: -

- 1 Reviewing from time to time the Council's Constitution.
- 2 Developing and making recommendations to the Council in respect of the policy framework.
- 3 Developing and making recommendations to the Council in respect of those elements of the Council's Best Value programme which fall outside the policy framework.
- 4 Formulation of budgets for submission to Council.
- 5 Monitoring the Council's budgetary and overall financial position.
- 6 Taking decisions relating to any duty delegated to an individual portfolio holder, which has not otherwise been delegated to officers, at that portfolio holder's request.
- 7 The determination of any executive powers not otherwise delegated in Part 3 of this Constitution.
- 8 Power to make, amend, revoke or re-enact byelaws.
- 9 Statutory key decisions.
- 10 The write-off of major debts subject to the Financial Procedure Rules.

**RESPONSIBILITIES OF THE CABINET**

- 11 The determination of any matter in the discharge of a function which is the responsibility of the Executive in relation to a part of the policy framework, where the Cabinet is minded to determine the matter in terms contrary to the policy framework, following a written statement from the Chairman of Overview and Scrutiny Committee or failing him the Vice-Chairman of Overview and Scrutiny Committee or, failing him the Chairman of the Council or, failing him the Vice Chairman of the Council, that the determination needs to be made as a matter of urgency.
  - 12 Approval of supplementary estimates, virements, fees and charges and other financial transactions subject to the requirements of the Financial Procedure Rules and other delegated powers.
  - 13 To approve various financial transactions in respect of the Final Accounts – Annual Provisional Outturn in accordance with the Financial Procedure Rules.
  - 14 The approval of a Race Equality Scheme in accordance with the Race Relations (Amendment) Act 2000.
  - 15 The declaration of Council owned land as surplus to requirements with the exception of individual Housing Revenue Account dwellings, garages or other singly tenanted land under the control of the Housing Portfolio Holder.
  - 16 Consideration and determination of objections, under Section 123 of the Local Government Act 1972, received in respect of proposed disposals of land used as public open space. All such consideration and determination to be at a public meeting of the Cabinet.
  - 17 Consideration and approval of terms of property dealing (other than those delegated to Officers) as defined in the Property Dealing Policy including any proposed disposal of land under the provisions of the General Disposal Consent (England and Wales) 2003 or of the Housing Act 1985 or Section 25 of the Local Government Act 1988 and approval of any proposed application to the Secretary of State under Section 123 of the Local Government Act 1972 for disposal at less than best consideration reasonably obtainable.
  - 18 Power to consider objections received and then determine proposed Traffic Regulation Orders under the Road Traffic Regulations Act 1984 (as amended). All such objections to be determined at a public meeting of the Cabinet.
  - 19 The determination of whether attendance by the Executive Leader at meetings, conferences and visits etc. may be classed as approved duties, including those where more than one night's accommodation or travel abroad is involved.
  - 20 The approval of initial proposals for Plans and Strategies which are Development Plan Documents, for public consultation and/or submission to the Secretary of State, following the consideration of objections in accordance with the Planning and Compulsory Purchase Act 2004.
  - 21 Approval and adoption of the Statement of Community Involvement.
  - 22 The approval, implementation and monitoring of the Council's Treasury Management Policy Statement and Treasury Management Practices.
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**COMMON TO ALL PORTFOLIOS**

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**RESPONSIBILITIES OF PORTFOLIO HOLDERS**

**GENERAL RESPONSIBILITIES**

In order to fulfil his responsibilities, all decisions taken by a portfolio holder must comply with the Council's Constitution and associated Procedural Rules. In particular decisions must: -

- Be in accordance with the Council's Budget and Policy Framework rules.
- If key decisions, be in accordance with the Council's decision-making rules.
- Be taken after professional advice from the Chief Executive or other appropriate officer(s).

**CORPORATE RESPONSIBILITIES**

- 1 To have overall responsibility for the development and implementation of Council Policy in relation to their portfolios and to be the main Council spokesperson thereon.
- 2 To represent and speak on behalf of the Cabinet at the Overview and Scrutiny Committees when they are dealing with issues in his portfolio.
- 3 To be a member of the Cabinet and exercise collective responsibility in decision making and in making recommendations to the Council.
- 4 To consult with the Overview and Scrutiny Committees, other Members, outside bodies and the public as appropriate in the formulation and development of council policy.
- 5 To monitor and evaluate policies and services within the relevant portfolio area and to report to the Overview and Scrutiny Committees as required.
- 6 To work with other portfolio holders to ensure effective Corporate Governance of the Council.
- 7 To ensure ward Members are kept informed of issues pertinent to the portfolio holders responsibilities so they can fully contribute to the decision making and scrutiny processes.

**SERVICE RELATED RESPONSIBILITIES**

- 1 The appointment of Members to attend conferences, seminars and courses in respect of matters under the jurisdiction of a portfolio holder.
- 2 The formation of working parties to undertake projects relating to specified aspects of the portfolio holder's work. Each working party shall cease following the elapse of a fixed period of time or the occurrence of a specified event, and the continuation of all of their working parties shall be reviewed annually by the portfolio holder.

**COMMON TO ALL PORTFOLIOS**

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**RESPONSIBILITIES OF PORTFOLIO HOLDERS**

- 3 The appointment of Members to serve on working parties having regard to the need to maintain a broad political balance within the membership thereof.
- 4 The appointment of representatives to attend meetings of appropriate outside bodies in respect of functions under the jurisdiction of the portfolio holder.
- 5 The determination of whether attendance at various meetings, conferences and visits etc. may be classed as approved duties but solely in those cases where they do not involve more than one night's accommodation or travel abroad and where they are within the portfolio holder's terms of reference.
- 6 Health and Safety issues in respect of matters within the terms of reference of a portfolio holder.
- 7 Subject to the approval by the Council where necessary, power to further delegate to an officer any powers which have been delegated to the portfolio holder under this Constitution and for that purpose to appoint that officer the proper officer pursuant to Section 270 (3) of the Local Government Act 1972.
- 8 The control, management and maintenance of all land holdings allocated to the Portfolio Holder by the Community, Partnerships and Renewal Portfolio Holder. This includes the granting, variation or termination of any leases, licences, or rights of way or other legal interests in property (limited to a maximum duration of 12 months) approved by the Head of Legal Services and Corporate Property Officer, provided that the best consideration reasonably obtainable is obtained.
- 9 The establishment and monitoring of a regime of maintenance and health and safety inspections and the development of a rolling five year maintenance plan for all land holdings allocated to the Portfolio Holder by the Community, Partnerships and Renewal Portfolio Holder.
- 10 The development, implementation and review of all strategic plans not specifically delegated to another portfolio holder or a Committee, which relate to matters under the jurisdiction of the portfolio holder.
- 11 The approval of virements in accordance with the Financial Procedure Rules
- 12 The invitation of tenders relating to any matter under the jurisdiction of the portfolio holder.
- 13 The approval of appropriate external lists of contractors for use in tendering procedures within the jurisdiction of the portfolio holder in accordance with the Contract Procedure Rules.
- 14 The determination of any matters relating to the discharge of the portfolio holder's functions not otherwise delegated to officers within the terms of this scheme of delegation or covered by any reserve powers held by the Council or Cabinet or other committee of the Council.

## COMMON TO ALL PORTFOLIOS

**RESPONSIBILITIES OF PORTFOLIO HOLDERS****Delegated to Officers in Consultation With The Relevant Portfolio Holder**

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| 1 | The determination under the Council's approved Complaints Procedure, of any award of financial compensation which exceeds £500.  | Chief Executive in consultation with the relevant Head of Service    |
| 2 | Authorising expenditure for official hospitality on any one occasion where the cost exceeds £250 (subject to budgetary provision being available)  | Management Team  |
| 3 | The acceptance of tenders relating to any matter under the jurisdiction of the portfolio holder  | All Heads of Service   |
| 4 | In conjunction with Financial Procedure Rules/ Contract Procedure Rules (quotation and tender rules where appropriate), the engagement of consultants and other specialist professional assistance in respect of any matter under the jurisdiction of a portfolio holder, on schemes for which fees are expected to exceed £15,000 | All Heads of Service   |
| 5 | To seek permission for the carrying out of development pursuant to the Town and Country Planning General Regulations 1992 in respect of functions under the control of a portfolio holder  | All Heads of Service   |
| 6 | The power to give a direction to leave land / move vehicles and other property in respect of land owned by the Council which is under the control of a portfolio holder  | All Heads of Service   |
| 7 | The institution and defence of legal proceedings in respect of any matter under the jurisdiction of a portfolio holder   | All Heads of Service in consultation with the Head of Legal Services |

**Delegated to Officers**

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| 1 | All portfolio holder powers delegated to any other officer and, in an emergency, the power to carry out any function within the jurisdiction of a Portfolio Holder              | Chief Executive or, in his absence, Deputy Chief Executive |
| 2 | All executive powers which have been delegated to a Head of Service, where the exercise of the power by a member of the Management Team is in the best interests of the Council | Management Team Member                                     |

## COMMON TO ALL PORTFOLIOS

## RESPONSIBILITIES OF PORTFOLIO HOLDERS

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| 3  | The authorisation, of attendance at courses conferences and seminars involving a stay of one or more nights   | Management Team Member – the Chief Executive<br><br>Heads of Service – the appropriate Management Team Member<br><br>Below Heads of Service – the appropriate Head of Service  |
| 4  | The authorisation of directed surveillance under Part II of the Regulation of Investigatory Powers Act 2000 in respect of any matter under the Jurisdiction of the Portfolio Holder   | Any member of the Management Team or Head of Service except that where it is likely that knowledge of “confidential information” will be acquired through the use of directed surveillance, this responsibility is delegated to the Chief Executive or in his absence the Head of Legal Services |
| 5  | The determination of the rate of interest to be charged whenever a ‘formal demand’, which by statute carries interest, it to be issued in accordance with the power herein below delegated to Heads of Service  | Head of Financial Services   |
| 6  | The day to day corporate management of all matters relating to Council’s Complaints Scheme  | Head of Legal Services   |
| 7  | Negotiating the terms and conditions of all disposals or purchase of land, leases, licences or other interests in land, other than as set out in item 8 below   | Head of Corporate Performance  |
| 8  | The assignment of leases and the granting and renewal of licences and tenancies at will up to a maximum duration of 12 months including annual rights of way  | All Heads of Service in consultation with the Head of Legal Services<br><br>Head of Corporate Performance  |
| 9  | Agreeing revised rents in accordance with rent review provisions in leases, which must be at not less than open market value except where the rent review provisions of the lease expressly provide otherwise   | Head of Technical and Procurement Services   |
| 10 | To select third surveyors to act for third parties in respect of the Provisions of the Party Wall etc. Act 1996, to act as a surveyor and to apply to the Secretary of State for the appointment of a third surveyor where the Council is one of the owners |  |

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## COMMON TO ALL PORTFOLIOS

**RESPONSIBILITIES OF PORTFOLIO HOLDERS**

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| 11 | The day to day management of all matters relating to service performance indicators   | All Heads of Service   |
| 12 | The execution of works or the taking of steps and the issue of a 'formal demand' for recovery of expenses incurred by the Council acting under statutory default powers where the owner or other person having control of a property has failed to comply with the terms of a statutory notice issued by that Head of Service | All Heads of Service   |
| 13 | Incurring expenditure in respect of approved schemes and revenue estimates under the jurisdiction of a portfolio holder where budgetary provision exists  | All Heads of Service   |
| 14 | In conjunction with Financial Procedure Rules and Contract Procedure Rules (quotation and tender rules where appropriate), the engagement of consultants or other specialist professional assistance on schemes for which fees are not expected to exceed £15,000   | All Heads of Service   |
| 15 | To promote, support and implement the Council's Health and Safety Policy and develop a safety culture in their Service Unit   | All Heads of Service   |
| 16 | The issue and service of notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (power of local authority to require information in connection with land), in respect of functions under the control of a portfolio holder  | All Heads of Service   |
| 17 | Appearance on the Council's behalf in proceedings relating to matters under the jurisdiction of a portfolio holder, before all courts, tribunals and inquiries  | Head of Legal Services   |
| 18 | Authorisation of possession proceedings, as matter of urgency, in the case of unauthorised occupiers on land under the control of the Council   | Head of Legal Services   |
| 19 | Instructing Counsel to advise / appear on behalf of the Council in respect of matters under the jurisdiction of a portfolio holder  | Head of Legal Services   |
| 20 | Authorisation of the institution of legal proceedings for the recovery of monies due to the Council, in respect of any function under the jurisdiction of a portfolio holder, together with the authorisation of all steps in connection with such proceedings  | Head of Legal Services in consultation with the relevant Head of Service |

## COMMON TO ALL PORTFOLIOS

## RESPONSIBILITIES OF PORTFOLIO HOLDERS

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| 21 | Authorisation of all steps in connection with any proceedings, in respect of any function under the jurisdiction of a Portfolio Holder, including the withdrawal, settlement or compromise of any such proceedings in consultation with the appropriate Head of Service   | Head of Legal Services   |
| 22 | Authorisation to seek an Order from the Magistrates' Court under Section 78 of the Criminal Justice and Public Order Act 1994 (Order for removal etc.) and to institute proceedings against persons who fail to comply with a direction or Order of the Court   | Head of Legal Services   |
| 23 | Authorisation of all steps in connection with defending any appeal, in respect of any matter under the jurisdiction of a portfolio holder, to a Magistrates' Court, County Court or Crown Court arising from the issue of a statutory notice by the Council or arising from any determination by the Council of any statutory application   | Head of Legal Services   |
| 24 | The designation of "liaison" officers, members of 'Gold Command' and members of 'Silver Command' for Emergency Planning purposes  | Chief Executive, or the Deputy Chief Executive in his absence  |
| 25 | When acting in an emergency, in respect of any matter under the jurisdiction of a portfolio holder, as a designated 'liaison' officer, member of 'Gold Command' or member of 'Silver Command' to incur minor expenditure on behalf of the Council;  | Officers authorised by or on behalf of Chief Executive, or the Deputy Chief Executive in his absence, as a 'liaison' Officer, member of 'Gold Command' or member of 'Silver Command' |
|    | Where possible in an emergency situation, in respect of any matter under the jurisdiction of a Portfolio Holder, the "liaison" Officer, member of 'Gold Command' or member of 'Silver Command' is to consult with the Chief Executive or a member of the Management Team before incurring such expenditure. Where practical all action is to be taken in compliance with the Council's procedures |  |
| 26 | The determination under the Council's approved Complaints Procedure, of any award of financial compensation which does not exceed £500 (subject to a budgetary provision being available)   | All Heads of Service in consultation with Head of Legal Services   |

**BENEFITS AND REVENUES PORTFOLIO**

**RESPONSIBILITIES OF PORTFOLIO HOLDER**

**TERMS OF REFERENCE**

The exercise of the Council's functions, powers and duties relating to Community Charge, Rating, Housing Benefits and Council Tax with the exception of those powers reserved to the Council. Operation of the Council's cash collection and enquiry service.

**RESPONSIBILITIES OF PORTFOLIO HOLDER**

The overall responsibility for the effective and efficient delivery of the Council's Benefits and Revenues Service including: -

- 1 The administration and control of all Community Charge, Rating and Council Tax matters within the financial policy set by the Cabinet.
- 2 The administration and control of the Council's Housing Benefits Service in accordance with statutory requirements.
- 3 The management and control of the Council's Cash Offices and integrated enquiry services.
- 4 To determine (within budgetary guidelines) and monitor policy and performance of the Council's functions in relation to concessionary bus and rail schemes.
- 5 The determination of applications for National Non-Domestic Rate Relief for village shops.

## PORTFOLIOS

Responsibility	Delegated To
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**BENEFITS AND REVENUES PORTFOLIO****DELEGATION TO OFFICERS****Delegated to Officers**

1 Administration and collection of National Non-Domestic Rate and allowing statutory and discretionary relief to qualifying organisations	Head of Benefits and Revenues subject to the authority delegated to the Head of Financial Services and in accordance with arrangements approved by them
2 Administer and collect Community Charge, including taking appropriate legal action to recover sums due and to represent the Council at the appropriate courts	Head of Benefits and Revenues subject to the authority delegated to the Head of Financial Services and in accordance with arrangements approved by them
3 Administer, assess and allow Housing Benefits and Council Tax benefits	Head of Benefits and Revenues subject to the authority delegated to the Head of Financial Services and in accordance with arrangements approved by them
4 Council Tax functions in accordance with the following Sections and Schedules of the Local Government Finance Act 1992 and Regulations made thereunder:-  (i) Determining dwellings liable to and exempt from the tax (Section 4)  (ii) Determining persons liable to pay the tax (Section 6)  (iii) Determining liability to the tax in respect of caravans and boats (Section 7)  (iv) Determining questions of joint and several liability (Section 9)  (v) Determining the application of discounts and exemptions (Section 11 and Schedule 1)  (vi) Determining entitlements to disabled persons reduction and other reduced amounts under this Section (Section 13)	Head of Benefits and Revenues

Responsibility	Delegated To
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## BENEFITS AND REVENUES PORTFOLIO

### DELEGATION TO OFFICERS

- (vii) Administering and collecting the tax, including dealing with cases where persons die with a liability to pay a residual amount of the tax, imposing penalties for failure to supply information and taking summary proceedings for recovery of monies due and, subject to the issue of a Liability Order by Magistrates court, taking enforcement action as necessary (Section 14 and 18 and Schedules 2, 3 and 4)
- (vii) Representing the Council at appeal proceedings before Valuation Tribunals (Section 16)
- (ix) Identifying Crown properties not exempted from liability to pay the tax (Section 19)
- (x) Arranging the deposit and availability for inspection of the Valuation List and providing information in relation thereto (Sections 22 and 26)
- (xi) Making proposals for the alteration of the Valuation List and submitting appeals in respect of the valuation band of Council and other dwellings (Section 4)
- (xii) Supplying information relating to property requested by the Inland Revenues Listing Officer (Section 27)
- (xiii) Supplying information about proposals and appeals in respect of the alteration of the Valuation List and determining a reasonable charge for supply of copies (Section 29)
- (xiv) Taking such other steps as may be necessary to implement, administer and enforce the provisions relating to Council Tax contained in the Local Government Finance Act 1992 and Regulations made thereunder

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Responsibility	Delegated To
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**BENEFITS AND REVENUES PORTFOLIO****DELEGATION TO OFFICERS**

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|--|-------------------------------|
| 5 The day to day management of the Council's cash offices and integrated enquiry service.  | Head of Benefits and Revenues |
| 6 The exercise and performance of the Council's functions within policy and budgetary guidelines in relation to concessionary bus and rail schemes                           | Head of Benefits and Revenues |
| 7 The recommendation of key financial policy issues relating to:-  | Head of Benefits and Revenues |
| (a) policy in respect of   |                               |
| <ul style="list-style-type: none"><li>- liability</li><li>- exemptions</li><li>- discounts</li><li>- relief</li><li>- billing and collection</li><li>- enforcement</li></ul> |                               |
| (b) design of tax bill and leaflet   |                               |

**COMMUNITY, PARTNERSHIPS AND RENEWAL****RESPONSIBILITIES OF PORTFOLIO HOLDER****TERMS OF REFERENCE**

The exercise and performance of the Council's functions relating to community development and regeneration including neighbourhood based initiatives and partnership activity. The effective use of the Council's non-housing property resources.

The overall responsibility for ensuring the effective and efficient delivery and management of the Council's community renewal and development and regeneration activities and the efficient use of non-housing property resources including:

**Community Development and Regeneration**

- 1 The development and promotion of strategy, proposals, partnership working and funding bids for the social, community and economic regeneration of the District.
- 2 Strategic Regeneration – including the development and amendment of the Regeneration Statement for consideration by Cabinet for proposal to full Council and the implementation of the approved Statement.
- 3 Engagement with regional and sub-regional planning and funding frameworks – including the Haven Gateway Partnership – to promote the interests of the Tendring District and the communities within it.
- 4 The development of neighbourhood based activities.
- 5 Community development, empowerment and social enterprise.
- 6 Community safety.
- 7 Communities of interest – young people and older people.
- 8 The approval of grants to organisations (including enhanced rate relief and other discretionary benefits).
- 9 European partnership including bids for funding and twinning.
- 10 Relationships with Third Sector Organisations (Commissioning/Partnerships) and the Business Sector (employment, development and investment).
- 11 The Council's tourism role and activities.

## COMMUNITY, PARTNERSHIPS AND RENEWAL

### RESPONSIBILITIES OF PORTFOLIO HOLDER

#### Community Services

- 12 The Careline service.
- 13 General community services including:
- Comment on behalf of the Council on proposed changes affecting services to local communities provided by service organisations other than the Council.
  - Support and advice to local organisations in support of applications for lottery funding.
  - Lunch clubs.
  - Management of Burrsville Public Hall, Golf Green Hall, Harwich Park Pavilion, Holland Public Hall and Jaywick Community Resource Centre.

#### Asset Management

- 14 Policy and management of property assets supporting the work of the Council – including depots, office accommodation and equipment, Member/meetings accommodation and facilities.
- 15 Strategic management of non-housing property including development of the Asset Management Plan.
- 16 The initiation of formal consideration of potential property dealing, as set out in the Property Dealing Policy, subject to final determination of transactions by Cabinet.
- 17 The control and management of land or property held for investment purposes on a commercial basis.
- 18 Power to authorise and approve the grant, renewal, assignment and surrender of any lease of freehold land or premises owned by the Council and power to authorise any amendment of the provisions of any such lease.

#### General and Miscellaneous

- 19 Research, promotion, policy and ensuring effective project management of activities related to the above.
- 20 Civic Ceremonial matters.
- 21 The Council's advisory role in respect of the buildings advisory service.
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Responsibility	Delegated To
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## COMMUNITY, PARTNERSHIPS AND RENEWAL PORTFOLIO

### DELEGATION TO OFFICERS

#### Delegated to Officers In Consultation With The Portfolio Holder

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|---|---|
| 1 The exercise and performance of the Council's functions, powers and duties in relation to making a recommendation to the Head of Housing Services in consultation also with the Housing portfolio holder, in appropriate cases, for the housing of key workers in industry in Council accommodation | Head of Regeneration and Community Services |
| 2 Responses to health service consultation documents following member consultation and the submission of observations to relevant bodies on any changes affecting services to the local community provided by Post Office and pharmacy services   | Head of Regeneration and Community Services |
| 3 Determination of urgent grant applications, Community Projects, Youth Initiatives and other related projects  | Head of Regeneration and Community Services |

#### Delegated to Officers

- |  |   |
|--|---|
| 1 The placing of commercial advertisements in the media in accordance with Council policy or in connection with the joint marketing of industrial and commercial land and premises with the private sector | Head of Regeneration and Community Services   |
| 2 The placing of tourism advertisements in the media in accordance with Council policy or in connection with joint marketing of tourism facilities with the private sector                                 | Head of Leisure Services  |
| 3 The investigation into and necessary action regarding holiday accommodation complaints   | Head of Leisure Services  |
| 4 The management and development of Tourist Information Centres and Visitor Information Points   | Head of Leisure Services  |
| 5 The setting of fees and charges associated with the organisation of promotional events   | Head of Regeneration and Community Services and/or Head of Leisure Services where appropriate |

## PORTFOLIOS

Responsibility	Delegated To
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**COMMUNITY, PARTNERSHIPS AND RENEWAL PORTFOLIO****DELEGATION TO OFFICERS**

6 The setting of advertising rates for participation in regeneration marketing publications	Head of Regeneration and Community Services
7 The setting of advertising rates for participation in tourism marketing publications	Head of Leisure Services and/or where appropriate Head of Regeneration and Community Services
8 The management of decorative lighting	Head of Leisure Services
9 To carry out the role of Corporate Property Officer in accordance with the Council's Asset Management Plan	Head of Corporate Performance
10 The management of Civic Ceremonial matters	Head of Leisure Services
11 The day-to-day administration of the Council's advisory role	Head of Regeneration and Community Services
12 The operation of Tendring Careline and the determination of straightforward applications for the installation of elderly and disabled persons alarm monitoring equipment and the monitoring thereof	Head of Regeneration and Community Services
13 The determination of applications from Housing Associations and the owners/Managing Agents of private accommodation for the monitoring of group schemes by Tendring Careline, subject to the Head of Financial Services being satisfied with the level of charges to be applied	Head of Regeneration and Community Services
14 Community development	Head of Regeneration and Community Services
15 The management of the grants schemes within areas of work under their control	All appropriate Heads of Service

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**CORPORATE GOVERNANCE AND RESOURCES PORTFOLIO****RESPONSIBILITIES OF PORTFOLIO HOLDER****TERMS OF REFERENCE**

Providing management services and information technology services to support the work of the Council. Overseeing the Council's constitutional arrangements and leading the Council's overall Corporate Planning arrangements for the Community Strategy, the Corporate Strategy and the Council's work on best value. Responsibility for the Council's Crime and Disorder functions.

The overall responsibility for the effective and efficient delivery of the Council's Resources / ICT / Corporate Governance and best value functions including: -

**Corporate Governance**

- 1 The monitoring and review of the operation of the Council's constitution and recommending amendments to the Constitution to the Cabinet / Council.
- 2 The overall co-ordination and development of the Community Strategy for consideration by the Cabinet for proposal to full council, including preparation of those elements which are not the responsibility of another portfolio holder
- 3 The implementation of the Community Strategy approved by full Council, including the monitoring of those elements that are the responsibility of other portfolio holders.
- 4 The development and amendment of the Corporate Strategy for consideration by the Cabinet for proposal to full Council.
- 5 The implementation of the Corporate Strategy approved by full Council.
- 6 Preparing an annual programme of meetings for the Council for consideration by the Cabinet and subsequent recommendation to the full Council.
- 7 The exercise and performance of the Council's functions, powers and duties in respect of its Communication Strategy and press and public relations.
- 8 Corporate co-ordination of the Council's arrangements for responding to complaints from the public and Ombudsman investigations.
- 9 The development and implementation of all equality and diversity matters not otherwise delegated to a committee.

## **CORPORATE GOVERNANCE AND RESOUERCES PORTFOLIO**

### **RESPONSIBILITIES OF PORTFOLIO HOLDER**

#### **Best Value**

- 10 The development of annual Corporate Performance Management Indicators for consideration by the Cabinet for proposal to full Council.
- 11 The monitoring and delivery of the annual Corporate Performance Management Targets agreed by full Council.

#### **Information Technology**

- 12 The development and amendment of the ICT Strategy for consideration by the Cabinet for proposal to full Council.
- 13 The implementation of the ICT Strategy approved by full Council.
- 14 The planning and implementation of all aspects of the Council's information systems and information technology based on the ICT Strategy including meeting the Council's corporate information requirements;
- 15 The planning and implementation of all aspects of the Council's communications networks and systems.

#### **Emergency Planning Functions**

- 16 The provision and operation of Emergency Planning arrangements.

#### **Crime and Disorder functions**

- 17 The provision and development of police and fire service liaison and public safety relating to matters affecting the District including:-
    - (a) The obligations contained within the Crime and Disorder Act 1998 including the responsibility with the Police and Essex County Council for leading on the preparation of a Crime and Disorder Strategy.
    - (b) Closed Circuit Television Systems.
    - (c) Liaison with the fire service on fire prevention initiatives.
  - 18 The development and amendment of the Crime and Disorder Strategy for consideration by the Cabinet for proposal to full Council.
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**CORPORATE GOVERNANCE AND RESOURCES PORTFOLIO**

**RESPONSIBILITIES OF PORTFOLIO HOLDER**

- 19 The implementation of the Crime and Disorder Strategy approved by full Council.
- 20 The development and operation of the Council's responsibility in a multi-agency group to implement the National Drugs Strategy within Tendring.

Responsibility	Delegated To
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## CORPORATE GOVERNANCE AND RESOURCES PORTFOLIO

### DELEGATION TO OFFICERS

#### Delegated to Officers In Consultation With The Portfolio Holder

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|---|---|
| 1 In cases of urgency, to consider, approve or modify as the case may be, an application from the Chief Constable for an Order to be made pursuant to Sub-Section (2) of Section 13 of the Public Order Act 1986  | Head of Legal Services  |
| 2 The determination whether to seek an Anti-Social Behaviour Order under the Crime and Disorder Act 1998 (subject to the Head of Legal Services being satisfied on the evidence available that the appropriate Court is likely to make the proposed Order) in relation to any incident of alleged anti-social behaviour within the District | Each Head of Service in consultation with relevant Chief Officer of Police for the District |
| 3 The determination whether to prosecute any person who has breached an Anti-Social Behaviour Order made under the Crime and Disorder Act 1998 on an application by the Council   | Head of Legal Services in consultation with the appropriate Head of Service                 |

#### Delegated to Officers

- |   |   |
|---|---|
| 1 Granting ex-gratia payments of up to £200 per member of staff where that member of staff has suffered loss or damage to personal property occurring during the course of normal duties  | Head of Financial Services                                |
| 2 The administration of the Council's Car Leasing Scheme  | Head of Human Resources and Customer Services             |
| 3 Facilities management of all office centres, area offices and depots including the central telecommunications voice networked systems   | Head of Human Resources and Customer Services             |
| 4 The power to give a direction to leave land / remove vehicles and other property in respect of private land   | Head of Environmental Services and Head of Legal Services |
| 5 The management of the Council's information technology resources including the Council's corporate information management, systems and strategies and information technology strategies | Head of Corporate Performance                             |

## PORTFOLIOS

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6	Power to authorise investigations under the Regulation of Investigatory Powers Act 2000	Head of Legal Services
7	Leading the day to day management and development of the Council's Corporate Plan and review cycle and performance management systems	Head of Corporate Performance
8	Directing and co-ordinating the day to day management of the Council's work on Best Value including its service review programme	Head of Corporate Performance
9	Leading and co-ordinating the preparation and development of the Corporate Strategy, annual Corporate Performance Management Indicators and ICT Strategy for approval of the Corporate Governance and Resources Portfolio Holder for consideration by the Cabinet for proposal to full Council	Head of Corporate Performance
10	Co-ordinating and developing the Council's corporate quality and continuous improvement process	Head of Corporate Performance
11	Leading, developing and co-ordinating the Council's approach to partnership working and market testing	Head of Corporate Performance
12	Leading the management of the Council's response to external audits and inspections relative to the corporate performance of the Council	Head of Corporate Performance
13	The Council's internal information communication processes (excluding IT and telecommunications), and external press and public relations	Head of Corporate Performance
14	The determination whether to support a proposed application by the Police to the appropriate Court for an Anti-Social Behaviour Order under the Crime and Disorder Act 1998	Chief Executive
15	All operational matters relating to Closed Circuit Television and similar systems, also including all associated equipment and matters	Head of Regeneration and Community Services
16	The Council's corporate approach to community consultation and engagement	Head of Corporate Performance

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**ENVIRONMENT PORTFOLIO****RESPONSIBILITIES OF PORTFOLIO HOLDER****TERMS OF REFERENCE**

The exercise and performance of the Council's functions relating to public protection and environmental health, Port Health Authority, food safety and hygiene, corporate health and safety, community health and inequality, consumer protection, waste collection and disposal, recycling and waste minimisation, health education, home safety, water safety, water quality, pest control service, dog warden service, dog control bylaws, crematorium and cemeteries, public conveniences, street cleansing, gypsy welfare liaison, abandoned vehicles and Local Agenda 21 which are not specifically the responsibility of the Regulatory Committee.

The overall responsibility for the effective and efficient delivery of the Council's Environmental Services, which are functions of the Executive, including: -

- 1 The provisions of Public Health, Environmental and Public Protection Acts and the public and environmental health and related provisions of any relevant legislation not specifically the responsibility of the Regulatory Committee.
- 2 The management and control of street sweeping and cleansing including sea front scavenging and litter collection and cleaning of all Council owned land and litter enforcement.
- 3 The management and control of the dog warden service and allied matters.
- 4 The application of dog control byelaws.
- 5 The monitoring and control of water safety and water quality issues.
- 6 The development and control of recycling and waste minimisation.
- 7 The management and control of waste collection and disposal.
- 8 The management and control of public conveniences.
- 9 The management and control of a pest control service.
- 10 The development and operation of gypsy and travellers liaison.
- 11 The preservation and enhancement of the local environment.
- 12 The management and control of abandoned vehicles.
- 13 The provision, management and control of cemeteries and crematoria

**ENVIRONMENT PORTFOLIO**

**RESPONSIBILITIES OF PORTFOLIO HOLDER**

- 14 The securing of resources and overall responsibility to monitor the discharge of the Council's health and safety obligations as an employer.
- 15 The development and amendment of the Local Agenda 21 Strategy for consideration by the Cabinet for proposal to full Council.
- 16 The implementation of the Local Agenda 21 Strategy approved by full Council.
- 17 Community health and inequality

## PORTFOLIOS

Responsibility	Delegated To
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**ENVIRONMENT PORTFOLIO****DELEGATION TO OFFICERS****Delegated to Officers in Consultation With The Portfolio Holder**

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|---|--|
| 1 The determination of applications for sites for recycling points and including those sites to be incorporated under the Profit Share Scheme   | Head of Environmental Services   |
| 2 The negotiation and acceptance of any offer made by the operators of a Compliance Scheme under the Producer Responsibility Obligations for Packaging Waste Regulations subject to the offer being either self-financing or capable of funding within existing budgets | Head of Environmental Services in consultation with the Head of Legal Services |

**Delegated to Officers**

- |   |                                |
|---|--------------------------------|
| 1 The day to day administration of the crematorium and cemeteries   | Head of Leisure Services       |
| 2 The day to day management, administration and control of the executive functions of the following services:- <ul style="list-style-type: none"> <li>• Waste Collection</li> <li>• Street Sweeping</li> <li>• Public Conveniences</li> <li>• Dog Warden</li> <li>• Pest Control</li> <li>• Recycling and Waste Minimisation</li> <li>• Abandoned Vehicles</li> <li>• Food Safety</li> <li>• Corporate Health and Safety</li> <li>• Infection Control</li> <li>• Local Agenda 21</li> </ul> | Head of Environmental Services |
| 3 The determination of applications for licences to sell milk under the Milk (Special Designations) Regulations 1963 and 1988   | Head of Environmental Services |
| 4 The determination of applications for registration as a distributor and/or dealer of milk in accordance with relevant legislation   | Head of Environmental Services |
| 5 Authority to issue and serve statutory notices and issue Certificates under the Public Health Acts  | Head of Environmental Services |

## PORTFOLIOS

Responsibility	Delegated To
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**ENVIRONMENT PORTFOLIO****DELEGATION TO OFFICERS**

6 The provisions of Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 requiring the provision of sanitary appliances at places of entertainment	Head of Environmental Services
7 The issue, service and enforcement of notices under Section 17 of the Public Health Act 1961, as amended, to repair or remedy stopped up drains (7 days notice)	Head of Environmental Services
8 The issue and service of notices under Part I of the Prevention of Damage by Pests Act 1949 requiring the destruction of rats and mice and/or the carrying out of structural repairs or other works	Head of Environmental Services
9 The issue and service of notices under Section 35 of the Local Government (Miscellaneous Provisions) Act 1976 to remove obstructions from private sewers (48 hours)	Head of Environmental Services
10 The issue and service of notices under Part III of the Building Act 1984 dealing with provisions relating to drainage, provision of sanitary conveniences, buildings, defective premises, yards and passages	Head of Environmental Services
11 The issue and service of notices in respect of Section 3 (the removal and disposal of abandoned vehicles) and Section 6 (removal and disposal of other refuse) of the Refuse Disposal (Amenity) Act 1978	Head of Environmental Services
12 The issue and service of notices under Section 34 of the Public Health Act 1961 as amended by Section 26 of the Civic Amenities Act 1967 of intention to remove accumulations of rubbish	Head of Environmental Services
13 The provisions of Parts II, XI, XII of the Public Health Act 1936, including the issue and service of notices relating to sanitation and buildings, watercourses, ditches, ponds and power of entry	Head of Environmental Services
14 The authorisation of legal proceedings in respect of the following, subject to the Head of Legal Services being satisfied as to the evidence:-  Dog Control Bylaws Control of Dogs Orders Dogs (Protection of Livestock) Act 1953	Head of Environmental Services

Responsibility	Delegated To
<b>ENVIRONMENT PORTFOLIO</b>	
<b>DELEGATION TO OFFICERS</b>	
15 The making of grants and agreements under the Public Health (Control of Diseases) Act 1984, Section 46, relating to the disposal of dead bodies, to be the appointed officer for all permissions and acts under this Act and to take all necessary action to recover monies and to liase with the Treasury Solicitor where appropriate	Head of Environmental Services
16 The issue and service of notices under Section 20 of the Public Health (Control of Diseases) Act 1984 requiring a person suffering from an infectious disease to discontinue his work	Head of Environmental Services
17 Day to day running of Port Health functions in accordance with the provisions of the Schedule to the Port Health Authority (Tendring and Suffolk Coastal) Order 1981 as amended	Head of Environmental Services
18 Carrying out works in default and the subsequent recovery of costs where appropriate under the Public Health Acts 1936 and 1961, the Building Act 1984, as amended, and the Prevention of Damage by Pests Act 1949	Head of Environmental Services
19 Duties under Part III, Chapter III of the Water Industry Act 1991:-  Section 78 (Local Authority functions in relation to undertakers supplies), Section 79 (Local Authority functions where piped supplies insufficient or unwholesome), Section 80 (Remedial powers of Local Authorities in relation to private supplies), Section 81 (Confirmation of private supply notices), Section 82 (Enforcement and variation of private supply notice), Section 85 (Local Authority powers to obtain information for the purposes of functions under Part III Chapter III of the Water Industry Act 1991)	Head of Environmental Services
20 The under-mentioned provisions of the Environmental Protection Act 1990 including the determination and renewal of authorisations and the issue and service of notices dealing with:-  Part II - Controlled Waste Part IV - Litter	Head of Environmental Services

## PORTFOLIOS

Responsibility	Delegated To
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**ENVIRONMENT PORTFOLIO****DELEGATION TO OFFICERS**

21 The issue and service of notices under Section 93 of the Environmental Protection Act 1990 to control street litter	Head of Environmental Services
22 The issue of fixed penalty notices under the Dogs (Fouling of Land) Act 1996 in respect of dog fouling	Head of Environmental Services
23 The issue of fixed penalty notices under the Litter (Fixed Penalty Notices) Order 1991	Head of Environmental Services
24 The authorisation of appropriate officers to discharge the Council's powers and duties under the Food and Environmental Protection Act 1985 and the Control of Pesticides Regulations 1986	Head of Environmental Services
25 The authorisation and appointment of officers of the Council and other regulatory and law enforcement bodies as are appropriately qualified to discharge the Council's executive powers and duties under:-	Head of Environmental Services
(a) The Environmental Protection Act 1990 Part II and IV and any Regulations made thereunder	
(b) The Food Safety Act 1990 and any Regulations made thereunder	
(c) The Dangerous Dogs Act 1991 and any Regulations made thereunder	
(d) The Breeding of Dogs Acts 1973 and 1991 and any Regulations made thereunder	
(e) The Riding Establishments Act 1964	
(f) The Animal Boarding Establishment Act 1963	
(g) The Pet Animals Act 1951	
(h) The Scrap Metal Dealers Act 1964	
(i) The Dangerous Wild Animals Act 1976	
(j) The Control of Pollution Act 1974	
(k) The Housing Act 1985	
(l) The Public Health Act 1936	
(m) The Caravan Sites and Control of Development Act 1960	
(n) The Clean Air Act 1993	
(o) The Sunday Trading Act 1994	
(p) The Dogs (Fouling of Land) Act 1996	

Responsibility	Delegated To
<b>ENVIRONMENT PORTFOLIO</b>	
<b>DELEGATION TO OFFICERS</b>	
(q) The European Communities Act 1972 and associated Regulations made thereunder	
(r) The Food and Environment Protection Act 1985	
(s) The Environment Act 1995	
(t) Litter (Fixed Penalties) Order 1991	
(u) The Clean Neighbourhoods and Environment Act 2005	
26 The administration of formal cautions for offences under the Food Safety Act 1990 and any Regulations made thereunder in accordance with Home Office Circular 59/1990	Head of Environmental Services
27 The determination of applications for consent in respect of large shops in accordance with Section 2 of Schedule 3(2) to the Sunday Trading Act 1994	Head of Environmental Services
28 The approval of applications for the payment of waste disposal credits	Head of Environmental Services
29 The issue, service and enforcement of notices under Section 8 of the Essex Act 1987 requiring the destruction of the brown tail moth	Head of Environmental Services
30 The authorisation of appointment of Proper Officers under the provisions of the :-	Head of Environmental Services
(a) National Assistance Act 1947	
(b) National Assistance Act 1948 (as amended 1951)	
(c) Public Health (Control of Diseases) Act 1984	
(d) Public Health (Infectious Diseases) Regulations 1988	
31 The Enforcement of the Duties of the Council as the Enforcing Authority at its Ports and Inland under the Products of Animal Origin (Third Country Imports) (England) Regulations 2006 (as amended) and the Products of Animal Origin (Third Country Imports) (England) (Amendment) Regulations 2010 to implement controls on the importation of Animal Products from outside of the European Union to protect public and animal health	Head of Environmental Services

Responsibility	Delegated To
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**ENVIRONMENT PORTFOLIO****DELEGATION TO OFFICERS**

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|--|--------------------------------|
| 32 The Enforcement of the Duties of the Council as the Enforcing Authority at its Ports and Inland under the Products of Animal Origin (Import and Export) Regulations 1996 (as amended) to implement controls on Animal Products from within or outside of the European Union to protect public and animal health                       | Head of Environmental Services |
| 33 The Enforcement of the Duties of the Council as the Enforcing Authority at its Ports and Inland under any Emergency Control Regulations issued under the European Communities Act 1972 to implement controls on animal, food or animal feed products from within or outside of the European Union to protect public and animal health | Head of Environmental Services |
| 34 The Enforcement of the Duties of the Council as the Enforcing Authority under The Meat (Enhanced Enforcement) (England) Regulations 2000 to protect public health   | Head of Environmental Services |
| 35 The Enforcement of the Duties of the Council as the Enforcing Authority under The TSE (England) Regulations 2002 to protect public and animal health.   | Head of Environmental Services |
| 36 The Enforcement of the Duties of the Council as the Enforcing Authority at its Ports and Inland under the Imported Food Regulations 1997 to implement controls on food products from within or outside of the European Union to protect public and animal health  | Head of Environmental Services |
| 37 The Enforcement of the Duties of the Council as the Enforcing Authority under The Food Safety (Ships & Aircraft) (England & Scotland) Order 2003 to protect public and animal health  | Head of Environmental Services |
| 38 The Enforcement of the Duties of the Council as the Enforcing Authority at its Ports and Inland under the Contaminants in Food (England) Regulations 2009 to implement controls on food products from within or outside of the European Union to protect public and animal health   | Head of Environmental Services |

Responsibility	Delegated To
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**ENVIRONMENT PORTFOLIO****DELEGATION TO OFFICERS**

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|--|--------------------------------|
| 39 The Enforcement of the Duties of the Council as the Enforcing Authority at its Ports and Inland under The Agriculture Act 1970 (as amended) to allow inspection and to implement controls on imported animal feed products from within or outside of the European Union to protect public and animal health | Head of Environmental Services |
| 40 The Enforcement of the Duties and exercise of the powers of the Council under the Clean Neighbourhoods and Environment Act 2005   | Head of Environmental Services |
| 41 Authority to take action under Part V of the Criminal Justice and Public Order Act 1994 to deal with the removal of campers and their vehicles on land forming part of a highway, unoccupied land or land without the consent of the occupier   | Head of Environmental Services |
| 42 The enforcement of the Animal Welfare Act 2006  | Head of Environmental Services |
| 43 The authorisation and appointment of officers of the Council as are appropriately qualified to discharge the Council's executive powers and duties under the Site Waste Management Plans Regulations 2008.  | Head of Environmental Services |
| 44 The monitoring of private water supplies in accordance with the Private Water Supplies Regulations 2009   | Head of Environmental Services |
| 45 The enforcement of duties of the Council under the Health Protection (Part 2A Orders) Regulations 2010, Health Protection (Notification) Regulations 2010 and Health Protection (Local Authority Powers) Regulations 2010   | Head of Environmental Services |
| 46 The authorisation and appointment of officers of the Council to discharge the Council's powers and duties under the Food Hygiene (England) Regulations 2006   | Head of Environmental Services |
| 47 The authorisation and appointment of officers of the Council to discharge the Council's powers and duties under the Official Feed and Food Controls (England) Regulations 2009  | Head of Environmental Services |

## FINANCE PORTFOLIO

### RESPONSIBILITIES OF PORTFOLIO HOLDER

#### TERMS OF REFERENCE

To develop and recommend an Annual Budget Strategy for consideration by the Cabinet. To carry out ongoing monitoring of capital and revenue budgets. To receive Internal Audit and Audit Commission reports and to recommend appropriate changes to Cabinet, portfolio holders or committees.

The overall responsibility for the effective and efficient delivery of the Council's Finance Service including: -

- 1 The preparation and recommendation of an Annual Budget Strategy to the Cabinet.
- 2 The receiving of monitoring (revenue and capital) reports from the Head of Financial Services.
- 3 The exercise of functions devolving on the portfolio holder from the Financial Procedure Rules including the approval of supplementary estimates, virements, the write-off of debts and other transactions, subject to the requirements and limitations of those Procedure Rules.
- 4 The regulation and overall control of the finances of the Council and making recommendations on the exercise of the functions devolving on the Cabinet by the Financial Procedure Rules.
- 5 The receiving of periodic reports on progress towards the identification of the savings required by the Council's financial strategy.
- 7 The approval of the Council's Council Tax Base.
- 8 Approval of the Council's insurance arrangements as recommended by the Head of Financial Services in accordance with the Council's Financial Procedure Rules.

## PORTFOLIOS

Responsibility	Delegated To
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**FINANCE PORTFOLIO****DELEGATION TO OFFICERS****Delegated to Officers In Consultation With The Portfolio Holder**

- |  |   |
|--|---|
| 1 The exercise and performance of the Council's functions, powers and duties in relation to authorisation of travelling and subsistence allowance payments to Members when undertaking visits outside the district                                 | Chief Executive   |
| 2 The authorisation of Members and officers to travel abroad on Council business and the approval of expenses in respect thereof   | Chief Executive   |
| 3 The determination of the use of discretionary powers relating to the implementation and administration of the local taxation system in those cases where local authorities are empowered to use discretionary powers under statutory regulations | Head of Financial Services in consultation with the Chief Executive |
| 4 The exercise and performance of the Council's functions, powers and duties in relation to the repayment of Public Works Loan Board debt  | Head of Financial Services  |
| 5 Arranging negotiable bond issues   | Head of Financial Services  |
| 6 Borrowing money by way of mortgage   | Head of Financial Services  |
| 7 Taking up foreign currency borrowing within the Essex County Council schemes   | Head of Financial Services  |

**Delegated to Officers**

- |   |  |
|---|--|
| 1 The write-off of debts subject to the limits and requirements of the Financial Procedure Rules  | Head of Financial Services in consultation with the Head of Legal Services and the Head of Service concerned |
| 2 Borrowing and lending and control of bank accounts and including the execution and administration of treasury management decisions in accordance with the Council's Treasury Management Policy Statement and Treasury Management Practices and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management | Head of Financial Services   |

## PORTFOLIOS

Responsibility	Delegated To
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**FINANCE PORTFOLIO****DELEGATION TO OFFICERS**

- |   |  |   |
|---|--|---|
| 3 | Negotiating and arranging lease finance  | Head of Financial Services  |
| 4 | Writing off an item in an inventory and adjusting stocks and stores accounts up to £250 in respect of any one item or £1,250 in any one year   | Head of Financial Services  |
| 5 | Writing off debt in accordance with the categories, limits and requirements set out in the Financial Procedure Rules   | Head of Financial Services  |
| 6 | Writing off of minor Council Tax and NNDR debts in accordance with the Financial Procedure Rules   | Head of Benefits and Revenues, in accordance with procedures agreed by the Head of Financial Services |
| 7 | The collection and recovery of any sums due to the Council (excluding Council Tax and NNDR)  | Head of Financial Services  |
| 8 | The recommendation of key financial policy issues including:-<br><br>(a) setting the Council Tax<br>(b) calculating the tax base<br>(c) Collection fund accounting arrangements<br>(d) claiming and collecting Government grants<br>(e) statutory reporting<br>(f) writing off debt<br>(g) performance standards and targets | Head of Financial Services  |
| 9 | In respect of the receipt of money:-<br><br>(a) acceptable payment methods<br>(b) alternative methods of receiving cash<br>(c) Contractual arrangements with bank and security carriers<br>(d) performance standards and targets   | Head of Financial Services  |

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## HOUSING PORTFOLIO

### RESPONSIBILITIES OF PORTFOLIO HOLDER

#### TERMS OF REFERENCE

The exercise and performance of the Council's functions as a local housing authority relating to its role as landlord and as an enabler of social housing for people in housing need. Specifically the management, maintenance and improvement of the housing stock, allocations and lettings, right to buy, rent control, tenant participation, special needs housing, homelessness, housing advice and the enabling and development of new housing opportunities.

The exercise and performance of the Council's functions with regard to:

- grant aid for the repair or improvement of the private sector housing stock or their adaptation for use by disabled persons
- houses in multiple occupation and unfit properties and properties in disrepair in the private sector

The overall responsibility for the effective and efficient delivery of the Council's Housing Service including: -

- 1 The duties and responsibilities set out in the Local Government Acts, Rent Acts, Housing Acts, Landlord and Tenant Acts, Home Energy Conservation Act and other relevant legislation, Government regulations and guidance.
- 2 The comprehensive management and maintenance of its housing stock, including sheltered housing schemes, and other assets held for housing purposes.
- 3 The provision of housing accommodation, advice and other direct and indirect assistance to homeless persons and other people in housing need.
- 4 The development and enablement of new housing opportunities for people in housing need or with special needs through working in partnership with the Housing Corporation, Registered Social Landlords, Social Services, Health Authority and other statutory and voluntary agencies.
- 5 The management and control of budgets relating to the Housing Revenue Account, Housing Revenue Account Business Plan, Major Repairs Allowance, Housing Subsidy, Housing General Fund, Housing Benefits and the Housing Investment Programme, including rent setting and review, within policy guidelines as determined by the Cabinet / Council.
- 6 The control and review of the Housing Allocation Scheme, Choice Based Lettings and other matters relating to applications for housing and transfer/assignment of tenancies.
- 7 The implementation and review of the Council's Homelessness Policy.
- 8 The implementation and review of the Council's obligations in respect of the National Housing Policy.

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**HOUSING PORTFOLIO****RESPONSIBILITIES OF PORTFOLIO HOLDER**

- 9 The development, implementation and amendment, as required, of the Housing Investment Programme in accordance with the annual budget set by Cabinet.
- 10 The determination of matters relating to applications that fall outside of approved policy for home renovations, common parts, disabled facilities, HMO grants and home repair assistance.
- 11 The determination of applications under Part VIII of the Local Government and Housing Act 1989 and Part I of the Housing Grants, Construction and Regeneration Act 1996 for non-payment or partial repayment of house renovation grants.
- 12 The approval of policy and review of implementation of the Council's responsibilities in relation to the regulation of private sector housing (including unfitness, disrepair, houses in multiple occupation registration and inspection).
- 13 The determination of applications for assistance by way of re-purchase under Section 534 of the Housing Act 1985.
- 14 The determination of special cases which fall outside the approved schemes for the assessment and allocation of housing.
- 15 Overseeing the implementation of the Supporting People initiative.
- 16 The disposal of Council housing dwellings and associated housing assets in accordance with the right to buy provisions of the Housing Act 1985 (as amended) and such other discretionary individual disposals that may occasionally be required in pursuance of more effective management of the housing stock including approval of the release of restricted covenants on former right to buy dwellings.
- 17 The approval of updates to the Housing Strategy, as previously adopted by Council, that may periodically be required by the Government Office.
- 18 The approval of annual Housing Revenue Account Business Plan submissions and statistical data returns that may periodically be required by the Government Office.
- 19 Approval of the Sub-Regional Housing Strategy.
- 20 Approval of the Local Supporting People Strategy.
- 21 Approval of partnership arrangements with Registered Social Landlords and approval of the transfer of individual Housing Revenue Account dwellings, garages or other singly tenanted land for the development of affordable housing.
- 22 The authorisation of delegated budgets to formally constituted stakeholder groups subject to adequate provision having been made in the revenue estimates approved by Cabinet.
- 23 The authorisation of changes that may be required from time to time in the methods of collecting housing rents including increasing the payment options for service users.

- 24 The Supporting People Contract with Essex County Council.
- 25 The Sheltered Housing Warden Support Scheme.

## PORTFOLIOS

Responsibility	Delegated To
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**HOUSING PORTFOLIO****DELEGATION TO OFFICERS****Delegated to Officers in Consultation With The Portfolio Holder**

- |   |  |
|---|--|
| 1 The allocation of Local Authority Social Housing Grant from the Housing Development Initiatives allocation within HIP   | Head of Housing Services   |
| 2 In cases of urgency the consideration of applications for housing that fall outside the approved Housing Register   | Head of Housing Services   |
| 3 In cases of urgency the approval of housing allocations that fall outside the approved Allocation Scheme  | Head of Housing Services   |
| 4 The allocation of housing to key workers in industry  | Head of Housing Services   |
| 5 The determination of requests for temporary housing for new Tendring District Council staff   | Head of Housing Services   |
| 6 The authorisation of funding allocations, subject to budgetary provision being made, in pursuance of the duties of a local housing authority to promote equality and diversity and community well-being and to combat social exclusion and racist behaviour | Head of Housing Services   |
| 7 The determination of straightforward applications for wayleave consents from public utility services in respect of land under the control of the Portfolio Holder   | All Heads of Service in consultation with the Head of Legal Services     |
| 8 Negotiating and concluding the transfer to the Council of privately owned garages on Council garage sites   | Head of Housing Services in consultation with the Head of Legal Services |
| 9 To negotiate and conclude the arrangements for granting access and rights of way and associated arrangements over housing land  | Head of Housing Services in consultation with Head of Legal Services     |

Responsibility	Delegated To
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## HOUSING PORTFOLIO

### DELEGATION TO OFFICERS

#### Delegated to Officers

- |  |                          |
|--|--------------------------|
| 1 The preparation of responses to consultation papers where it is not appropriate for the item to be reported direct to the portfolio holder   | Head of Housing Services |
| 2 The control and management of all Council dwellings, garages, land and other premises held for housing purposes  | Head of Housing Services |
| 3 The allocation of housing in accordance with the approved Housing Allocations Scheme and approved Choice Based Letting Scheme  | Head of Housing Services |
| 4 The nomination of applicants to registered social landlords and the allocation of accommodation in accordance with the approved Allocation Scheme                                  | Head of Housing Services |
| 5 The provision of housing advice and assistance to eligible homeless persons in accordance with the Council's duties under Part VII Housing Act 1996                                | Head of Housing Services |
| 6 The allocation of tenancies in respect of tied accommodation (agricultural workers) where a recommendation is received from the Agricultural Dwelling House Advisory Committee     | Head of Housing Services |
| 7 The provision of housing accommodation for the occupants of properties which are the subject of the making of a Demolition or Closing Order  | Head of Housing Services |
| 8 Mutual exchanges and other assignments of accommodation in accordance with the provisions of the Housing Act 1985  | Head of Housing Services |
| 9 The payment of compensation and allowances or the authorisation of works in accordance with the approved Tenants Compensation Scheme   | Head of Housing Services |
| 10 The determination of applications for the alteration and improvement of Council dwellings, subject to all necessary planning, building and other relevant consents being obtained | Head of Housing Services |

Responsibility	Delegated To
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## HOUSING PORTFOLIO

### DELEGATION TO OFFICERS

- |   |                          |
|---|--------------------------|
| 11 The granting of consent for the erection of garages and sheds on Council property (subject to any planning consent or building regulation approval which may be necessary) and the authorisation and issues of licences for vehicle crossovers | Head of Housing Services |
| 12 The approval of transfer and Move UK applications and the allocation of accommodation to approved applicants   | Head of Housing Services |
| 13 The collection and recovery of all rents, fees, leaseholder charges, service charges, sundry debtor accounts and other sums due to the Council in respect of premises under the control of the portfolio holder                                | Head of Housing Services |
| 14 The signing, issue and service of Notices to Quit, Notices of Seeking Possession and other similar notices, including the authorisation of injunctions and legal proceedings and the repossession of Council premises by warrant of eviction   | Head of Housing Services |
| 15 The determination of applications for internal redecoration of properties  | Head of Housing Services |
| 16 The comprehensive repair, maintenance, improvement and servicing of premises and land held for housing purposes in accordance with relevant legislation  | Head of Housing Services |
| 17 The granting of relocation and removal expenses in accordance with the scheme approved by the Council for the transfer of tenants from under occupied properties   | Head of Housing Services |
| 18 The authorisation of adaptations for the disabled in Council dwellings in accordance with the terms of the Chronically Sick and Disabled Persons Act 1970  | Head of Housing Services |
| 19 The leasing of land to the public utilities for substation sites, following approval from the Regeneration Portfolio Holder  | Head of Housing Services |

## PORTFOLIOS

Responsibility	Delegated To
<b>HOUSING PORTFOLIO</b>	
<b>DELEGATION TO OFFICERS</b>	
20 The determination of applications submitted under the “Right to Buy” provisions of the Housing Act 1985 as amended and Rents to Mortgages provisions of the Leasehold Reform, Housing and Urban Development Act 1993	Head of Housing Services
21 The signing, issue and service of completion notices under Sections 140 and 141 of the Housing Act 1985 (Right to Buy)	Head of Housing Services
22 The determination of straightforward applications under the “Do-It-Yourself Shared Ownership Scheme” and other Shared Equity Schemes approved by the portfolio holder	Head of Housing Services
23 The determination of applications made under the right to Compensation for Tenants Improvements and to pay compensation on applications meeting the eligibility criteria of the scheme from within approved Housing Revenue Account budgetary provision	Head of Housing Services
24 To determine applications and pay compensation in accordance with the provisions of the Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994	Head of Housing Services
25 The leasing of dwellings from Essex County Council for use as temporary accommodation for homeless persons, subject to agreement by the Head of Legal Services on the contents of the individual leases or such other agreements as might be appropriate	Head of Housing Services
26 The determination of the submission of applications under new build shared equity and elderly persons leasehold schemes	Head of Housing Services
27 The issue of distress warrants to the Council's Bailiffs in cases where rent is in arrears	Head of Housing Services
28 Assessment of the housing needs of the district and the provision of information relating to those needs to enable the Housing Corporation to make allocations of Social Housing Grant to registered social landlords	Head of Housing Services

## PORTFOLIOS

Responsibility	Delegated To
<b>HOUSING PORTFOLIO</b>	
<b>DELEGATION TO OFFICERS</b>	
29 The administration of the Rent Deposit Guarantee Scheme	Head of Housing Services
30 The recovery of housing benefit overpayments from the tenants of Council housing	Head of Housing Services
31 Serving notices and taking action to dispose of property found on Council premises in accordance with Section 41 of the Local Government (Miscellaneous Provisions) Act 1982	Head of Housing Services
32 The resolving and determination of tenancy issues brought about as a result of the death of the tenant or through family, marital or relationship breakdown	Head of Housing Services
33 The engagement and selection of qualified valuers for the sale of council houses	Head of Housing Services
34 The determination of procedural matters associated with shared ownership, shared equity and the Social Homebuy, New Build Homebuy and Open Market Homebuy initiatives	Head of Housing Services
35 Making grant payments up to a maximum of £250 to meet the setting up, operational and other reasonable expenses of recognised tenants groups	Head of Housing Services
36 The establishment of local environmental improvement budgets and other devolved budgets to resident groups	Head of Housing Services
37 The determination of claims / counterclaims / disputes for compensation / disrepair / settlement (where no legal proceedings have been issued)	Head of Housing Services
38 To undertake satisfaction surveys, needs surveys, stock condition surveys and similar appraisals as may occasionally be required in accordance with Government guidance or in line with good practice	Head of Housing Services
39 The authorisation of action in accordance with the powers and duties of a local housing authority to combat anti-social behaviour as set out in the Housing Anti-Social Behaviour Strategy and published policies in accordance with the Crime and Disorder Act 1998, the Anti-Social Behaviour Act 2003 and other relevant or associated legislation and guidance	Head of Housing Services

## PORTFOLIOS

Responsibility	Delegated To
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**HOUSING PORTFOLIO****DELEGATION TO OFFICERS**

40 The authorisation of action in pursuance of the duties of a local housing authority to promote equality and diversity and community well-being and to combat social exclusion and racist behaviour	Head of Housing Services
41 The authorisation of agreements with Registered Social Landlords in respect of the provision of affordable housing including the approval of nomination arrangements	Head of Housing Services
42 The administration of the Homelessness Prevention Fund	Head of Housing Services
43 The involvement and participation of the local housing authority in regional and sub-regional housing initiatives in pursuance of corporate objectives including authorisation for the funding of partnership initiatives subject to resources being in place	Head of Housing Services
44 The involvement and participation at a strategic level in the Supporting People Programme	Head of Housing Services
45 Authorisation of amendments to assessed service charge contributions where the requirements of the Commonhold and Leasehold Reform Act 2002 cannot be met or in other special circumstances	Head of Housing Services
46 Authorisation of reasonable expenses to assist and encourage tenants and leaseholders to become involved in the management of their homes at both district and local levels	Head of Housing Services
47 The administration of a Housing Services customer suggestion scheme	Head of Housing Services
48 Development of formal structures and constitutions for stakeholder involvement in the provision of Housing Services	Head of Housing Services

## PORTFOLIOS

Responsibility	Delegated To
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**HOUSING PORTFOLIO****DELEGATION TO OFFICERS**

49 The authorisation of applications to the Leasehold Valuation Tribunal for service charge determinations in accordance with the Commonhold and Leasehold Reform Act 2002	Head of Housing Services
50 The authorisation of notices, or response to notices, issued in respect of Council-owned dwellings in accordance with the Party Wall Act 1996	Head of Housing Services
51 The refusal of applications to acquire housing land, where a statutory right to acquire does not exist and it is not considered that such land is surplus to requirements	Head of Housing Services
52 The authorisation of legal proceedings to seek possession of land or property mortgaged to the council where there has been a breach of the terms of the mortgage	Head of Housing Services
53 The authorisation of legal proceedings to seek possession of a Council house or flat where there has been a breach of a tenancy condition or where a licence for the occupation thereof has been terminated	Head of Housing Services
54 The sale of land forming all or part of property mortgaged to the Council, following approval from the Regeneration Portfolio Holder	Head of Housing Services
55 In the case of properties mortgaged to the Council, the granting of applications for the transfer of properties into joint or single names subject to the Head of Financial Services being satisfied as to the applicant's ability to repay the advance	Head of Housing Services
56 The transfer of a maturity loan to a surviving spouse, subject to the Head of Financial Services being satisfied as to income and the circumstances generally	Head of Housing Services
57 The investigation, administration and determination of applications under the cash incentive scheme	Head of Housing Services in consultation with Head of Financial Services

## PORTFOLIOS

Responsibility	Delegated To
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**HOUSING PORTFOLIO****DELEGATION TO OFFICERS**

58 The determination of boundary disputes (where no legal proceedings have been issued)	Head of Housing Services in consultation with Head of Legal Services
59 The determination of applications to the appropriate Secretary of State regarding exceptions to the Right to Buy provisions with respect to dwelling houses for persons of pensionable age	Head of Housing Services in consultation with Head of Legal Services
60 The granting of licences for use and occupation and the assignment of existing leases on assets under the control of the Housing Portfolio Holder	Head of Housing Services in consultation with Head of Legal Services
61 The investigation, administration and determination of discretionary financial assistance in the form of grant and loans for home owners and landlords under The Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 and mandatory and discretionary Disabled Facilities Grants applications as prescribed under Part I of the Housing Grants, Construction and Regeneration Act 1996 and the consideration and determination of repayment obligations with regard to mandatory Disabled Facilities Grants as prescribed under The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) (General Consent) Order 2008 and, subsequent amendments in accordance with approved policy.	Head of Environmental Services
62 The implementation of the service level agreement in respect of the Tendring Home Improvement Agency	Head of Environmental Services
63 The implementation of the Council's approved Home Energy Conservation Strategy	Head of Environmental Services
64 The administration of formal cautions under the Police and Criminal Evidence Act 1984 for offences under the Protection from Eviction Act 1977 and all other similar legislation	Head of Environmental Services

(Green)

## PORTFOLIOS

Responsibility	Delegated To
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**HOUSING PORTFOLIO****DELEGATION TO OFFICERS**

65 Action under Section 33 of the Local Government (Miscellaneous Provisions) Act 1976, as amended, for restoration or continuation of supply of water, gas or electricity	Head of Environmental Services
66 Carrying out works in default and the subsequent recovery of costs where appropriate under the Building Act 1984	Head of Environmental Services
67 Authority to require information about occupation of a house and to take action to abate overcrowding in accordance with Part X of the Housing Act 1985 as amended	Head of Environmental Services
68 Authority to take all actions relating to housing conditions and the enforcement of housing standards under Part 1 of the Housing Act 2004 including the issue, service and enforcement of Improvement Notices, Prohibition and Emergency Prohibition Orders, Hazard Awareness Notices and Demolition Orders and the revocation/variation thereof and the taking of emergency remedial action	Head of Environmental Services
69 Authority to make a demolition order or declare a clearance area under the Housing Act 1985 as amended by the Housing Act 2004.	Head of Environmental Services
70 Authority to take all actions relating to the Licensing of Houses in Multiple Occupation (HMO's) under Part 2 of the Housing Act 2004	Head of Environmental Services
71 Authority to enforce the provisions of various Regulations issued under the Housing Act 2004.	Head of Environmental Services
72 Authority to take all actions relating to the Selective Licensing of certain other types of residential accommodation under Part 3 of the Housing Act 2004	Head of Environmental Services
73 Authority to take all actions under Part 4 of the Housing Act 2004 including the making of Interim and Final Management Orders, Interim and Final Empty Dwelling Management Orders and the service of over-crowding notices in respect of HMOs	Head of Environmental Services

(Green)

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Responsibility	Delegated To
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**HOUSING PORTFOLIO****DELEGATION TO OFFICERS**

- |  |                                |
|--|--------------------------------|
| 74 Authority to take all actions under Part 7 of the Housing Act 2004 including the keeping and maintenance of registers relating to licences and management orders issued under the Act; power to require certain documents and information to be provided; powers of entry and HMO declarations and revocation | Head of Environmental Services |
| 75 Authority to take action with or without the agreement of the relevant person on whom an Improvement Notice was served and recover expenses under Schedule 3 of the Housing Act 2004  | Head of Environmental Services |

## PORTFOLIOS

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**LEISURE PORTFOLIO****RESPONSIBILITIES OF PORTFOLIO HOLDER****TERMS OF REFERENCE**

The exercise and performance of the Council's functions relating to all aspects of leisure, heritage and culture, not specifically the responsibility of another portfolio holder.

The overall responsibility for the effective and efficient delivery of the Council's Leisure Services including: -

- 1 The adoption, conveyance or transfer of land for public open space or other leisure, heritage or cultural purposes. Where adequate funds provided to meet ongoing revenue costs, procedure for purchase of land to be followed in other cases.
- 2 The control and development of all Council owned sport and recreational facilities and the control and development of joint use sports centres in partnership with schools.
- 3 The provision of sports initiatives, a sports development service, children's activity sessions and school holiday playschemes.
- 4 The provision of a meteorology service.
- 5 The control and operation of the Princes Theatre, Clacton-on-Sea.
- 6 The provision of arts, entertainment, culture and heritage initiatives and events within the district.
- 7 Provide support in the form of advice and guidance to local museums as appropriate.
- 8 The implementation and review of a Museum Policy.
- 9 The development and amendment of a Culture Strategy for consideration by the Cabinet for proposal to full Council.
- 10 The implementation and review of a Culture Strategy.
- 11 The provision of advice relating to all matters under the jurisdiction of the Portfolio Holder.
- 12 The provision, development and review of action plans required to implement strategies for the delivery of leisure, heritage and cultural services within the district.

## PORTFOLIOS

Responsibility	Delegated To
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**LEISURE PORTFOLIO****DELEGATION TO OFFICERS****Delegated to Officers In Consultation With The Portfolio Holder**

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|--|--------------------------|
| 1 The authorisation of agreements with developers to adopt open space on the entering into of a Section 106 agreement or at the end of the initial maintenance period, as a result of a planning requirement, following approval from the Community, Partnerships and Renewal Portfolio Holder | Head of Leisure Services |
| 2 The termination of trading rights agreements when rent arrears have accrued or where terms and conditions have been contravened  | Head of Leisure Services |

**Delegated to Officers**

- |  |   |
|--|---|
| 1 The organisation, marketing and delivery of events and the heritage of the district  | Head of Regeneration and Community Services and/or where appropriate the Head of Leisure Services |
| 2 The management of grounds maintenance of land under the jurisdiction of the council including public open space, public parks and gardens, recreation grounds, sports pavilions and related facilities, including the determination of floral badge designs in straightforward cases | Head of Leisure Services  |
| 3 The management of all horticultural and arboricultural services on land under the jurisdiction of the Portfolio Holder   | Head of Leisure Services  |
| 4 The determination of applications for licences to sell fish  | Head of Leisure Services  |
| 5 The management and maintenance of nature reserves, country parks, pocket parks and nature areas, including the provision of a warden service for the Hamford Water National Nature Reserve   | Head of Leisure Services  |
| 6 The management and maintenance of all leisure buildings, structures and assets   | Head of Leisure Services  |

## PORTFOLIOS

Responsibility	Delegated To
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**LEISURE PORTFOLIO****DELEGATION TO OFFICERS**

7 The management and maintenance of children's playgrounds and children's activity area	Head of Leisure Services
8 The determination of applications and the setting of charges for the holding of events on Council-owned land and the use of property under the jurisdiction of the Portfolio Holder	Head of Leisure Services
9 The management of seafront amenities including seafront supervision	Head of Leisure Services
10 The management of beach chalets, beach huts and beach hut sites and the setting of fees and charges in respect thereof and the granting or the determination of licences	Head of Leisure Services and Head of Legal Services
11 The sale of beach huts taken into possession as a result of enforcement of site licence conditions	Head of Leisure Services
12 The management of the meteorology service	Head of Leisure Services
13 The enforcement of byelaws (other than the issue of legal proceedings) relating to all appropriate land and facilities under the jurisdiction of the portfolio holder	Head of Leisure Services
14 The management and maintenance of all sports facilities and seasonal facilities and amenities under the direct control of the Council and the setting of charges in respect thereof, including the issue of complimentary tickets	Head of Leisure Services
15 The management and maintenance of Brightlingsea Sports Centre and the setting of charges in respect thereof	Head of Leisure Services
16 The management of Harwich and Manningtree Sports Centres in partnership with the respective schools and the setting of charges in respect thereof	Head of Leisure Services
17 The management of sports initiatives and the youth sports development services	Head of Leisure Services

## PORTFOLIOS

Responsibility	Delegated To
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**LEISURE PORTFOLIO****DELEGATION TO OFFICERS**

18 The development and management of and setting of charges for children's activity sessions and school holiday play-schemes	Head of Leisure Services [on terms to be agreed by the Head of Legal Services]
19 The granting of trading rights in straightforward cases, including the assignment of leases	Head of Leisure Services [on terms to be agreed by the Head of Legal Services]
20 The granting of grazing rights	Head of Leisure Services
21 The management and maintenance of the Princes Theatre and the setting of charges in respect thereof and issue of complimentary tickets	Head of Leisure Services
22 The development and management of art, entertainment, cultural and heritage initiatives and events	Head of Leisure Services
23 The implementation of approved strategies in relation to services under the jurisdiction of the portfolio holder	Head of Leisure Services
24 Liaison with voluntary and private clubs and organisations relating to the sustainability and development of services and activities under the jurisdiction of the portfolio holder	Head of Leisure Services
25 The provision of advice and the promotion of services relating to all matters under the jurisdiction of the portfolio holder	Head of Leisure Services
28 The management of a museums support service and the promotion of museums within the District	Head of Leisure Services

## PLANNING PORTFOLIO

### RESPONSIBILITIES OF PORTFOLIO HOLDER

#### TERMS OF REFERENCE

The exercise and performance of the Council's Executive functions as the District Planning and Building Regulations Authority and the provision of advice on access and facilities for the disabled.

Overall responsibility for the effective and efficient delivery of the Council's Planning Service, which are functions of the Executive including:-

- 1 The enforcement of the Building Regulations.
- 2 The determination of applications for relaxation and dispensation of the Building Regulations.
- 3 The provision of a Local Land Charges service, including the setting of appropriate fees.
- 4 All Development Plan and strategic matters including the preparation and review of the local documents comprising the Local Development Framework for consideration by the Cabinet for proposals to full Council, the discharging of duties and powers arising from the Regional Spatial Strategy and dealing with sub-regional planning issues.
- 5 Countryside and coastal management projects to address the Countryside and Rights of Way Act 2000.
- 6 The Tree Warden Scheme, not otherwise delegated to the Assistant Chief Executive
- 7 Town Centre management measures.
- 8 Ensuring that there is effective two-way communication between the Executive and the Development Control Committee. In particular in relation to the implementation of current Development Plan policies and to drafts of any review of the Development Plan.
- 9 Approval of the Local Development Scheme and Supplementary Planning Documents.
- 10 All observation on proposals made by or to be determined by other bodies relating to functions within the jurisdiction of the portfolio holder.
- 11 Approval of Master Plans, Conservation Area Management Plans and Development and Design Briefs prepared to support any Development Plan Documents.

Responsibility	Delegated To
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**PLANNING PORTFOLIO****DELEGATION TO OFFICERS****Delegated to Officers in Consultation With The Portfolio Holder**

- |  |   |
|--|---|
| 1 The annual setting of fees for Building Regulations at a level which will result in the self-financing of the fee-earning Building Regulations Service having regard to the requirements of the Building (Local Authority Charges) Regulations 2010, the Local Government Model Scheme and any advisory charges issued by the Local Government Association | Assistant Chief Executive in consultation with the Head of Financial Services |
| 2 The setting of fees to be charged by the Council to complainants (and where appropriate others) in relation to complaints made to the Council under and in relation to Part 8 (High Hedges) of the Anti-Social Behaviour Act 2003 and all subordinate and associated legislation, Regulations, orders and official guidance                                | Assistant Chief Executive in consultation with the Head of Financial Services |
| 3 The determination of applications under the tree planting grants programme   | Assistant Chief Executive   |

**Delegated to Officers**

- |   |                           |
|---|---------------------------|
| 1 The day to day management of a Local Land Charges service   | Head of Legal Services    |
| 2 The authority to make grants under Sections 57 and 58 of the Planning (Listed Building and Conservation Areas) Act 1990   | Assistant Chief Executive |
| 3 The determination of whether or not observations should be made on proposals by the Church Commissioners and Diocesan Authorities to effect alterations to ecclesiastical boundaries and/or benefices and related matters including proposals made under the provisions of a Pastoral Measure | Assistant Chief Executive |
| 4 The determination of all applications to top, lop or fell trees with Tree Preservation Orders or situated in Conservation Areas   | Assistant Chief Executive |

Responsibility	Delegated To
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**PLANNING PORTFOLIO****DELEGATION TO OFFICERS**

5 The determination of applications for the Council to fell dangerous trees on private property under Section 23(3) of the Local Government (Miscellaneous Provisions) Act 1976	Assistant Chief Executive
6 The determination of applications under the Building Regulations	Assistant Chief Executive
7 The issue of Building Regulation Determinations	Assistant Chief Executive
8 The determination of applications for relaxation and dispensation of Building Regulations	Assistant Chief Executive
9 The authorisation of notices and permits under Section 95 of the Building Act 1984 (Rights of Entry)	Assistant Chief Executive
10 The assessment and collection of fees chargeable in relation to building control	Assistant Chief Executive
11 The enforcement of building regulation controls in respect of the inspection of works and the issue and service of notices under the Building Regulations in respect of opening up work or remedial work to secure compliance with the Building Regulations 2000	Assistant Chief Executive
12 The issue and service of notices under Section 36 of the Building Act 1984 regarding the removal or alteration of unauthorised work	Assistant Chief Executive
13 The initiation of legal proceedings under Section 35 of the Building Act 1984, for failure to comply with notices served under Section 36 of the Building Act 1984 regarding the removal or alteration of unauthorised work	Assistant Chief Executive in consultation with the Head of Legal Services
14 The issue and service of Notices under Section 71 and 72 of the Building Act 1984 regarding entrances, exits and means of escape in the event of fire	Assistant Chief Executive

## PORTFOLIOS

Responsibility	Delegated To
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**PLANNING PORTFOLIO****DELEGATION TO OFFICERS**

- |  |                           |
|--|---------------------------|
| 15 The issue and service of notices under Sections 81 and 82 of the Building Act 1984 relating to the demolition of buildings and site clearance   | Assistant Chief Executive |
| 16 The engagement of consultants to check matters relating to Building Regulation submissions  | Assistant Chief Executive |
| 17 The reduction of the Building Regulations Charges for repetitive building work or applications for notices for substantially the same work having regard to the requirements of the Building (Local Authority Charges) Regulations 2010, the Local Government Association Model Scheme and any advisory charges issued by the Local Government Association                          | Assistant Chief Executive |
| 18 The duties of an Access Officer in providing advice and guidance on access and facilities for disabled persons  | Assistant Chief Executive |
| 19 The day to day operation of the Tree Warden Scheme  | Assistant Chief Executive |
| 20 All conservation and heritage matters including the preparation, submission and implementation of bids for funding  | Assistant Chief Executive |
| 21 The approval of minor consequential changes to emerging Development Plan Documents, Statement of Community Involvement and Area Action Plans that would resolve areas of objection and/or issues of concern raised by the Planning Inspector at an Examination in Public that, in the view of Officers would not fundamentally conflict with or undermine the intent of the policy. | Assistant Chief Executive |
| 22 Facilitate and/or implement public consultation on drafts of Master Plans, Conservation Area Management Plans, Development and Design Briefs, enhancement schemes, Statement of Community Involvement and/or guidance documents.  | Assistant Chief Executive |

(Green)

## PORTFOLIOS

Responsibility	Delegated To
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**PLANNING PORTFOLIO****DELEGATION TO OFFICERS**

23 The preparation of responses to consultation papers where it is not appropriate for the item to be reported to the Portfolio Holder.	Assistant Chief Executive
24 The implementation of protocols, management agreements and/or Service Level Agreements including Essex County Council for Transportation, Archaeology and Urban Design advice and the Planning Inspectorate for Examinations in Public.	Assistant Chief Executive
25 The setting of fees and charges associated with the preparation and the management and monitoring of Section 106 legal agreements.	Assistant Chief Executive
26 To commission and manage technical studies including those for the Town Centres required to support policy planning work.	Assistant Chief Executive
27 To manage and implement plans, policies and alterations within Development Plan Documents and Supplementary Planning Documents which together comprise the Local Development Framework, not specifically the responsibility of the Development Control Committee.	Assistant Chief Executive
28 The setting of fees and charges for the preparation and associated work, necessary to cover the cost of footpath diversions.	Assistant Chief Executive
29 The setting of fees and charges associated with providing specialist heritage, conservation and tree and landscape advice.	Assistant Chief Executive
30 The setting of fees and charges associated with providing pre-application advice.	Assistant Chief Executive

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**TECHNICAL SERVICES PORTFOLIO****RESPONSIBILITIES OF PORTFOLIO HOLDER****TERMS OF REFERENCE**

The exercise and performance of the Council's functions relating to sewerage, land drainage and coast protection not specifically dealt with by other Committees, car parking, highways and other matters not specifically referred to any other portfolio holder. The activities carried out by the Council in respect of building and minor engineering services. Corporate procurement including central purchasing arrangements.

The overall responsibility for the effective and efficient delivery of the Council's Technical Services including: -

- 1 The provision, management and control of all public car parks including proposals for and the making of car parking regulation orders.
- 2 The overall control of matters relating to highways and lighting.
- 3 The overall control of matters relating to sewerage.
- 4 The numbering and renumbering of houses and buildings.
- 5 The naming and renaming of streets.
- 6 The control of coast protection works and seafront paths including new schemes and general maintenance.
- 7 The overall control of matters relating to land drainage.
- 8 The overall control of matters relating to advances under the Fire Precautions Act 1971.
- 9 The overall control of matters relating to oil pollution.
- 10 When requested by Essex County Council, proposals for and the making of traffic regulation orders where no objections are received.
- 11 The overall responsibility for public transport issues not delegated to another portfolio holder or committee.
- 12 The development and amendment of the Coastal Protection (Tendring) Strategy for consideration by the Cabinet for proposal to full Council.
- 13 The implementation of the Coastal Protection (Tendring) Strategy approved by full Council.

**TECHNICAL SERVICES PORTFOLIO**

**RESPONSIBILITIES OF PORTFOLIO HOLDER**

- 14 To act as lead portfolio holder in respect of all Transport cross-cutting issues.
- 15 The determination of Hackney Carriage stands under Section 63 of Part 2 of the Local Government (Miscellaneous Provisions) Act 1976.
- 16 The development and amendment of the Procurement Strategy for consideration by the Cabinet for proposal to full Council.
- 17 The implementation and review of the Procurement Strategy once approved by full Council.
- 18 The monitoring and control of a Central Purchasing function within the Authority.

## PORTFOLIOS

Responsibility	Delegated To
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**TECHNICAL SERVICES PORTFOLIO****DELEGATION TO OFFICERS****Delegated to Officers in consultation with the Portfolio Holder**

1 The determination of fees and charges associated with the Council's parking service	Head of Technical and Procurement Services in consultation with Head of Legal Services
<b>Delegated to Officers</b>	
1 Street numbering schemes	Head of Technical and Procurement Services
2 The day to day operation of architecture and building services	Head of Technical and Procurement Services
3 The issue and service of notices under Sections 77 and 78 of the Building Act 1984 (Dangerous Structures, emergency measures)	Head of Technical and Procurement Services
4 The issue and service of notices under Section 79 of the Building Act 1984 relating to ruinous and dilapidated buildings and neglected sites and the demolition of buildings and site clearance	Head of Technical and Procurement Services
5 The day to day operation of executive highways and transportation functions	Head of Technical and Procurement Services
6 The authorisation of emergency repairs to private streets	Head of Technical and Procurement Services
7 The issue and service of notices under Schedule 19 of the Water Act 1989 (powers with respect to the laying and maintenance of pipes etc.)	Head of Technical and Procurement Services
8 The appointment of agents to act on behalf of the Council in respect of assessing compensation as a result of the laying and maintenance of pipes etc	Head of Technical and Procurement Services
9 The day to day operation of coastal protection, flood defence and executive sewerage and drainage functions	Head of Technical and Procurement Services
10 The issue and service of notices under the Land Drainage Acts	Head of Technical and Procurement Services

(Green)

## PORTFOLIOS

Responsibility	Delegated To
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**TECHNICAL SERVICES PORTFOLIO****DELEGATION TO OFFICERS**

- |  |  |
|--|--|
| 11 Taking all action under the Local Service Agreement between the Council and Essex County Council  | Head of Technical and Procurement Services   |
| 12 The provision of the Council's Parking Service  | Head of Technical and Procurement Services   |
| 13 The authorisation and making of Orders pursuant to Section 21 of the Town Police Clauses Act 1847 to direct/stop traffic using streets on particular occasions  | Head of Legal Services in consultation with the Head of Technical and Procurement Services |
| 14 The making of Traffic / Car Parking Orders authorised by the portfolio holder   | Head of Legal Services in consultation with the Head of Technical and Procurement Services |
| 15 The day to day operation of the Council's Parking Enforcement and Car Parking Service including the maximisation of commercial opportunities and the provision of the enforcement of parking under the agreement between the Council and Essex County Council | Head of Technical and Procurement Services   |
| 16 Allocating staff car parking on the Council's fee paying car parks  | Head of Technical and Procurement Services   |
| 17 The issue and service of notices under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 of intention to carry out work on an unoccupied building to secure it against unauthorised entry  | Head of Technical and Procurement Services   |
| 18 Sections 3 to 9 (inclusive) of the Clean Neighbourhoods and Environment Act 2005 and all subordinate and associated legislation, regulations and orders   | Head of Technical and Procurement Services   |
| 19 The discretionary power to cancel and write-off penalty fees and charge notices where appropriate in the circumstances, or in the interest of the efficiency of the service   | Head of Technical and Procurement Services   |

**COMMON TO ALL COMMITTEES  
(Excluding Overview and Scrutiny)**

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**DELEGATION TO COMMITTEE**

- 1 The institution and the defence of legal proceedings in respect of any matter under the jurisdiction of the committee.
  - 2 In cases of urgency, any matter within the terms of reference of the committee.
  - 3 The appointment of Members to attend conferences, seminars and courses in respect of matters under the jurisdiction of the committee.
  - 4 The formation of working parties to undertake projects relating to specified aspects of the Committee's work. Each such working party shall cease following the elapse of a fixed period of time or the occurrence of a specified event and the continuation of all of their working parties shall be reviewed annually by the committee.
  - 5 The appointment of Members to serve on working parties having regard to the need to maintain a broad political balance within the membership thereof.
  - 6 Appointments of representatives to attend meetings of appropriate outside bodies, in respect of functions under the jurisdiction of the committee.
  - 7 The passing of a resolution to seek permission for the carrying out of development pursuant to the Town and Country Planning General Regulations 1992 in respect of functions under the control of a committee.
  - 8 Power to make, amend, revoke or re-enact byelaws.
  - 9 The determination of whether attendance by members at various meetings, conferences and visits etc may be classed as approved duties but solely in those cases where they do not involve more than one night's accommodation or travel abroad and where they are within the committee's terms of reference.
  - 10 Health and Safety issues in respect of matters within the terms of reference of a committee.
  - 11 The invitation of tenders relating to any matter under the jurisdiction of the committee.
  - 12 The delegation of any of the functions of a committee to an officer.
  - 13 The control, management and maintenance of all land holdings allocated to the committee by the Regeneration Portfolio Holder. This includes the granting, variation or termination of any leases, licences or rights of way or other legal interests in property (limited to a maximum duration of 12 months) approved by the Head of Legal Services and Corporate Property Officer, provided that the best consideration reasonably obtainable is obtained.
  - 14 The establishment and monitoring of a regime of maintenance and health and safety inspections and the development of a rolling five-year maintenance plan for all land holdings allocated to the committee by the Regeneration Portfolio Holder.
  - 15 The approval of appropriate external lists of contractors for use in tendering procedures within the jurisdiction of the committee in accordance with the Contract Procedure Rules.
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**COMMON TO ALL COMMITTEES  
(Excluding Overview and Scrutiny)**

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- 16 The development, implementation and review of all strategic plans not specifically delegated to a portfolio holder or another committee, which relate to matters under the jurisdiction of the committee.
- 17 The determination of any matters relating to the discharge of the committee's functions not otherwise delegated to officers within the terms of this scheme of delegation or covered by any reserve powers held by the Council or Cabinet or other committee of the Council.

**COMMON TO ALL COMMITTEES  
(Excluding Overview and Scrutiny)**

Responsibility	Delegated To
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**DELEGATION TO OFFICERS**

**Delegated To Officers In Consultation with the Relevant Chairman or Failing Him Vice-Chairman**

- |   |   |   |
|---|---|---|
| 1 | The determination under the Council's approved Complaints Procedure, of any award of financial compensation that exceeds £250   | Chief Executive in consultation with the relevant Head of Service |
| 2 | Authorising expenditure for official hospitality on any one occasion where the cost exceeds £250 (subject to budgetary provision being available), following consultation with the appropriate committee chairman   | Management Team   |
| 3 | In cases of urgency, any matter related to the service area under the jurisdiction of the committee (but also in consultation with the Head of Financial Services where any such matter has financial implications), subject to compliance with the Access to Information Procedure Rules | All Heads of Service  |
| 4 | The engagement of consultants and other specialist professional assistance in respect of any matter under the jurisdiction of a Committee, on schemes for which fees are expected to exceed £15,000   | All Heads of Service  |
| 5 | The acceptance of tenders relating to any matter under the jurisdiction of the committee  | All Heads of Service  |

**Delegated To Officers**

- |   |   |   |
|---|---|---|
| 1 | All committee powers delegated to any other officer and in an emergency the power to carry out any function within the jurisdiction of a committee                              | Chief Executive, or the Deputy Chief Executive in his absence,  |
| 2 | All committee powers which have been delegated to a Head of Service, where the exercise of the power by a Member of the Management Team is in the best interests of the Council | All Management Team Members   |
| 3 | The authorisation, of attendance at courses conferences and seminars involving a stay of one or more nights   | Management Team Member – the Chief Executive<br><br>Heads of Service – the appropriate Management Team Member<br><br>Below Heads of Service – the appropriate Head of Service |

(Green)

**COMMON TO ALL COMMITTEES  
(Excluding Overview and Scrutiny)**

Responsibility	Delegated To
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**DELEGATION TO OFFICERS**

4	The authorisation of directed surveillance under Part II of the Regulation of Investigatory Powers Act 2000 in respect of any matter under the jurisdiction of the Committee	Any member of the Management Team or Head of Service except that where it is likely that knowledge of “confidential information” will be acquired through the use of directed surveillance, this responsibility is delegated to the Chief Executive, or in his absence, the Head of Legal Services
5	The execution of works or the taking of steps and the issue of a ‘formal demand’ for recovery of expenses incurred by the Council acting under statutory default powers where the owner or other person having control of a property has failed to comply with the terms of a statutory notice issued by that Head of Service	All Heads of Service
6	Incurring expenditure in respect of approved schemes and revenue estimates under the jurisdiction of a committee where budgetary provision exists	All Heads of Service
7	The issue and service of notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (power of local authority to require information in connection with land), in respect of functions under the control of the committee	All Heads of Service
8	Appearance on the Council’s behalf in proceedings relating to matters under the jurisdiction of a committee, before all courts, tribunals and inquiries	Head of Legal Services
9	Instructing Counsel to advise / appear on behalf of the Council in respect of matters under the jurisdiction of a committee	Head of Legal Services
10	Authorisation of the institution of legal proceedings for the recovery of monies due to the Council, in respect of any function under the jurisdiction of a committee, together with the authorisation of all steps in connection with such proceedings	Head of Legal Services

**COMMON TO ALL COMMITTEES  
(Excluding Overview and Scrutiny)**

Responsibility	Delegated To
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**DELEGATION TO OFFICERS**

- |    |  |   |
|----|--|---|
| 11 | Authorisation of all steps in connection with any proceedings, in respect of any function under the jurisdiction of a committee, including the withdrawal, settlement or compromise of any such proceedings in consultation with the appropriate Head of Service   | Head of Legal Services  |
| 12 | The making of Byelaws authorised by the committee  | Head of Legal Services  |
| 13 | Authorisation of all steps in connection with defending any appeal, in respect of any matter under the jurisdiction of a committee, to a Magistrates' Court, County Court or Crown Court arising from the issue of a statutory notice by the Council or arising from any determination by the Council of any statutory application | Head of Legal Services  |
| 14 | When acting in an emergency, in respect of any matter under the jurisdiction of a committee, as a designated 'liaison officer', member of 'Gold Command' or member of 'Silver Command' to incur minor expenditure on behalf of the Council;  | Officers authorised by or on behalf of the Chief Executive or the Deputy Chief Executive in his absence, as a 'liaison officer', member of 'Gold Command' or member of 'Silver Command' |

Where possible in an emergency situation, in respect of any matter under the jurisdiction of a committee, the 'liaison officer', member of 'Gold Command' or member of 'Silver Command' is to consult with the Chief Executive or a member of the Management Team before incurring such expenditure. Where practical all action is to be taken in compliance with the Council's procedures

## AUDIT COMMITTEE

### DELEGATION TO COMMITTEE

#### TERMS OF REFERENCE

- 1 To provide independent assurance of the adequacy of the risk management framework and the associated control environment,
- 2 To provide independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment, and
- 3 To oversee the financial reporting process

The overall responsibility for the effective and efficient delivery of the Council's audit function including:-

#### Audit Activity

- 1 Considering the Head of Internal Audit's annual report and opinion and a summary of internal audit activity (actual and proposed), and the level of assurance it can give over the Council's corporate governance arrangements.
- 2 Considering reports on the operation of internal audit and summaries of specific internal audit reports where requested.
- 3 Considering reports from internal audit on agreed recommendations not implemented within a reasonable timescale.
- 4 Considering external auditor and inspection reports and providing comments on these to Cabinet as appropriate.
- 5 Commenting on the scope and depth of external audit work and ensuring it gives value for money.
- 6 Liaising with the Audit Commission in regard to the appointment of the Council's external auditor.

#### Regulatory Framework

- 7 Reviewing significant issues referred by the Chief Executive, Cabinet or any Council committee (subject to the availability of resources within the approved audit plan).

**COMMITTEES**

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- 8 Monitoring the effective development and operation of risk management and corporate governance.
- 9 Monitoring Council policies on 'Raising Concerns at Work', the whistleblowing policy and the anti-fraud and corruption strategy.
- 10 Overseeing the production of the Code of Corporate governance, including the Statement of Internal Control.
- 11 Considering the arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- 12 Considering the Council's compliance with its own and other published standards and controls (other than those covered by the Standards Committee).

**Accounts**

- 13 Reviewing and approving the annual statement of accounts.
- 14 Considering whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- 15 Receiving the external auditor's report to those charged with governance.

**COMMITTEES**

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Responsibility	Delegated To
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**DELEGATION TO OFFICERS**

**Delegated to Officers**

- |  |                        |
|--|------------------------|
| 1 The provision of advice and support to the Audit Committee on all aspects of its functions and duties. | Head of Legal Services |
|--|------------------------|

**COUNCIL TAX COMMITTEE**

**DELEGATION TO COMMITTEE**

**TERMS OF REFERENCE**

To exercise the Council's functions relating to the formal acceptance of Council Tax precepts from the major precepting authorities.

The exercise of the Council's functions, powers and duties in relation to the above Terms of Reference.

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**PLANNING COMMITTEE****DELEGATION TO COMMITTEE****TERMS OF REFERENCE**

The exercise and performance of the Council's Non-Executive functions relating to development control as set out in the scheme of delegations below and to comment on drafts of the Development Plan or any draft Local Development Document when consulted by the Executive.

The exercise of the Council's functions, powers and duties in relation to: -

- 1 The determination of all and any planning, listed building, advertisement or other allied applications not specifically delegated to the Assistant Chief Executive.
- 2 Any agreement regulating development or use of land under Sections 106 and/or 106A of the relevant Town and Country Planning Acts.
- 3 Any enforcement powers under any legislation relating to town and country planning or associated matters.
- 4 Any formal comment or view on applications or proposals to be determined by Essex County Council, any Statutory Body and government departments relating to matters within the remit of the Committee.
- 5 Making any Direction, Order or issuing or serving any Notice under any legislation relating to town and country planning.
- 6 Making any modification or revocation order.
- 7 Making any discontinuance order regarding the use of land under any legislation relating to town and country planning.
- 8 Any function under the Planning (Hazardous Substances) Act 1990.
- 9 Applying for an injunction under Section 187B of the Town and Country Planning Act 1990 to prevent a breach of planning control.
- 10 Any building preservation notice under Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**PLANNING COMMITTEE**

**DELEGATION TO COMMITTEE**

- 11 The discharge of duties and powers arising from either the Regional Spatial Strategy or sub-regional planning framework

## COMMITTEES

Responsibility	Delegated To
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**PLANNING COMMITTEE****DELEGATION TO OFFICERS****Delegated to Officers In Consultation With The Chairman or Failing Him the Vice-Chairman**

- |  |                           |
|--|---------------------------|
| 1 Service of any stop notice or a temporary stop notice or any application for an injunction under the Town and Country Planning Act 1990 (TCPA 1990) and Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA 1990) | Assistant Chief Executive |
|--|---------------------------|

**Delegated to Officers**

- |   |                           |
|---|---------------------------|
| <p>1 Any application under the TCPA 1990, LBA 1990, the Planning (Hazardous Substances) Act 1990, the Control of Advertisements Regulations 2007 or Crown Land applications (under Circular 18/84 procedure) and the determination and expression of the Council's views where the Council, as local planning authority, is a statutory or other consultee and the making of observations on proposals made by or being determined by any other body subject to the following exceptions namely where:-</p> <ul style="list-style-type: none"> <li>• There is an Officer recommendation of approval which is materially contrary to policy; "policy" meaning for the purposes of these exceptions any material policy and guidance, whether from the Government or adopted by the local planning authority.</li> <li>• There is an Officer recommendation of approval contrary to a previous refusal by the Planning Committee and the policy framework has remained substantially unchanged since the refusal.</li> <li>• There is an Officer recommendation of approval and the application is referable to the Secretary of State under a Direction(s) or "call in".</li> <li>• The applicant is the Council or someone acting as applicant on its behalf.</li> <li>• There is an Officer recommendation of approval and the application is made by or on behalf of a Tending District Councillor, any Officer of the Council directly involved in planning work or any</li> </ul> | Assistant Chief Executive |
|---|---------------------------|

COMMITTEES

Responsibility	Delegated To
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**PLANNING COMMITTEE**

**DELEGATION TO OFFICERS**

other Officer where the Assistant Chief Executive considers that the application should be determined by the Planning Committee in the interests of openness and transparency.

- Within 28 days of the commencement of the formal consultation period a written request is made by any Tending District Councillor(s) to the Assistant Chief Executive that an outline, full or reserved matters application should be brought before the Planning Committee for determination giving material planning reasons for that request. This exception will not apply to any ‘householder’\* application.

\*A ‘householder’ application is defined as “an application to enlarge, expand, improve or alter an existing dwelling, to put up a boundary wall or fence for an existing dwelling or carry out an operation in the curtilage of an existing dwelling that is ancillary to the dwelling house.”

- In addition to the categories of application referred to above, any application which the Assistant Chief Executive in his/her professional opinion, taking into account the written representations received, the relevant development plan policies and Government guidance and all other material planning considerations, considers should be referred to the Planning Committee because it raises issues of more than local significance or raises issues where there are significant areas of judgement required.

- 2 The Town and Country Planning (General Permitted Development) Order 1995, the Town and Country Planning (General Development Procedure) Order 1995, any other such Regulations past, present and future and all directions under and in relation to any of the above. For the avoidance of doubt, this power includes all and any of the above functions of the Council whether in relation to telecommunications or any other matters

Assistant Chief Executive

## COMMITTEES

Responsibility	Delegated To
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**PLANNING COMMITTEE****DELEGATION TO OFFICERS**

3 Any certificate of existing or proposed lawful use or development under Sections 191(4) or 192(2) of the TCPA 1990	Assistant Chief Executive
4 Any completion notice under Section 94(2) of the TCPA 1990	Assistant Chief Executive
5 The authorisation of entry onto land for any purpose permitted by any provision under TCPA 1990, LBA 1990 or any other legislation relating to town and country planning	Assistant Chief Executive
6 Requiring the condition of land to be remedied under Section 215(1) of the TCPA 1990	Assistant Chief Executive
7 Determination of any details submitted as required by any planning condition of any planning permission (other than by planning conditions of an outline planning permission requiring a reserved matters planning application)	Assistant Chief Executive
8 Renewal of any planning permission where there has been no material change in circumstances	Assistant Chief Executive
9 The Hedgerow Regulations 1997	Assistant Chief Executive
10 Tree Preservation Orders under Sections 198 and 201 of the TCPA 1990	Assistant Chief Executive
11 On the Council's behalf, the conduct of all matters relating to, and the appearance at, any appeal under the TCPA 1990 (or other planning legislation) and the taking of all steps in connection therewith including (but not limited to) the defence and settlement thereof	Assistant Chief Executive or Head of Legal Services
12 Determination of any matter submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and any similar or successor legislation	Assistant Chief Executive
13 Any agreement under Section 106 and/or 106A of the TCPA 1990	Assistant Chief Executive
14 To decline to determine any application pursuant to Section 70A of the TCPA 1990 (as amended)	Assistant Chief Executive

(Green)

## COMMITTEES

Responsibility	Delegated To
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**PLANNING COMMITTEE****DELEGATION TO OFFICERS**

- |   |                           |
|---|---------------------------|
| <p>15 All enforcement powers under any legislation relating to town and country planning and any associated matters including (but not limited to) the TCPA 1990 (as amended), the LBA 1990 and the Planning (Hazardous Substances) Act 1990 and the Local Government (Miscellaneous Provisions) Act 1982 (in respect of Temporary Markets) except</p> <ul style="list-style-type: none"> <li>• Stop notices and temporary stop notices</li> <li>• Prosecutions</li> <li>• Injunctions</li> </ul> <p>Unless the Assistant Chief Executive considers that the particular matter should be determined by the Planning Committee. This includes any decision not to take enforcement action.</p> | Assistant Chief Executive |
| <p>16 All prosecution powers under any legislation relating to town and country planning any associated matters including (but not limited to) the TCPA 1990 (as amended), the LBA 1990, the Control of Advertisement Regulations 2007 and the Local Government (Miscellaneous Provisions) Act 1982 (in respect of Temporary Markets) including</p> <ul style="list-style-type: none"> <li>• Display of unauthorised advertisements</li> <li>• Requisitions for information</li> <li>• Enforcement notices</li> <li>• Unauthorised works to listed buildings</li> </ul>   | Assistant Chief Executive |
| <p>17 Any application for a certificate of appropriate alternative development under Section 17 of the Land Compensation Act 1961 (as amended)</p>  | Assistant Chief Executive |
| <p>18 All discontinuance notice powers under the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended)</p>  | Assistant Chief Executive |
| <p>19 The determination of consultation responses to an application for a Goods Vehicle Operators Licence</p>   | Assistant Chief Executive |
| <p>20 The exercise of all and any of the Council's powers, functions and responsibilities under and in relation to Part 8 (High Hedges) of the Anti-Social Behaviour Act 2003 and all subordinate and associated legislation, regulations, orders and official guidance</p>   | Assistant Chief Executive |

(Green)

## COMMITTEES

Responsibility	Delegated To
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**PLANNING COMMITTEE****DELEGATION TO OFFICERS**

- |   |                           |
|---|---------------------------|
| 21 Determinations on overhead lines matters under Section 37 of the Electricity Act 1989 and subordinate Regulations.   | Assistant Chief Executive |
| 22 Any repairs notice or the acquisition of any listed building under Section 47 or 48 of the Planning (Listed Buildings) and Conservation Areas) Act 1990.   | Assistant Chief Executive |
| 23 Carrying out any urgent works under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.   | Assistant Chief Executive |
| 24 Submission of the Annual Monitoring Report to GO-East.   | Assistant Chief Executive |
| 25 The exercise of all and any of the Council's powers, functions and responsibilities under and in relation to Part 8 (High Hedges) of the Anti-Social Behaviour Act 2003 and all subordinate and associated legislation, regulations, orders and official guidance relating to any appeal, legal proceedings, prosecution or other matter referred to the Head of Legal Services by the Assistant Chief Executive or any officer under his authority. | Head of Legal Services    |

## HUMAN RESOURCES COMMITTEE

### DELEGATION TO COMMITTEE

#### TERMS OF REFERENCE

Decision-making on key Human Resource and Personnel issues not reserved by the Council or delegated to officers.

The exercise of the Council's functions, powers and duties in relation to: -

- 1 The management of all human resource, training and development matters.
- 2 The ongoing liaison and negotiation with national and local bodies relating to rates of pay and conditions of service of all personnel and the implementation of any agreements and settlements.
- 3 The approval of superannuation and sickness payments and maternity leave and discretionary provisions of the Approved Conditions of Service.
- 4 Regrading, restructuring and the fixing of staffing levels where there is a residual cost, except in cases where Section 4 of the Local Government and Housing Act 1989 makes it appropriate for the full Council to consider any specific proposals of the Head of Paid Service in this regard.
- 5 Making recommendations to full Council regarding regrading, restructuring and the fixing of staffing levels in cases where Section 4 of the Local Government and Housing Act 1989 makes it appropriate for the full Council to consider any specific proposals of the Head of Paid Service in this regard.
- 6 Agreement of key personnel policies.
- 7 The recommendation to Council of the terms and conditions of service, dismissal including redundancy, voluntary redundancy, and voluntary early retirement of the Chief Executive and Management Team members.
- 8 The recommendation to Council of the retirement on grounds of ill health of the Chief Executive and Management Team members on the recommendation of the Council's Medical Advisor.

## COMMITTEES

Responsibility	Delegated To
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**HUMAN RESOURCES COMMITTEE****DELEGATION TO OFFICERS****Delegated to Officers in Consultation with the Chairman or Failing Him the Vice-Chairman**

- |   |   |
|---|---|
| 1 The taking of urgent measures to resolve employee relations disputes either individually or collectively  | Head of Human Resources and Customer Services in consultation with the appropriate Management Team Member                             |
| 2 The exercise and performance of the Council's functions, powers and duties in relation to applications for extensions of sick pay entitlement   | Head of Human Resources and Customer Services in consultation with the appropriate Head of Service and the Head of Financial Services |
| 3 The regrading and/or restructuring of staff where there is no residual cost to the Council and in accordance with Financial Procedure Rule 6.3.4(d) except in cases where Section 4 of the Local Government and Housing Act 1989 makes it appropriate for the Full Council to consider any specific proposals of the Head of Paid Service in this regard. | Chief Executive   |
| 4 The appointment of up to four designated Heads of Service as Performance Champions, including the agreement of performance criteria for the officers concerned and an enhancement in salary not exceeding 20% for a period not exceeding three years  | Chief Executive   |
| 5 The appointment of permanent staff up to, but not including, Heads of Service level and above, in accordance with the Council's agreed procedures   | Head of Human Resources and Customer Services   |

**Delegated to Officers**

- |  |   |
|--|---|
| 1 The implementation and interpretation of Conditions of Service including decisions included in national awards               | Head of Human Resources and Customer Services |
| 2 The authorisation to reimburse expenses to newly appointed staff in accordance with the Council's approved relocation scheme | Head of Human Resources and Customer Services |

## COMMITTEES

Responsibility	Delegated To
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**HUMAN RESOURCES COMMITTEE****DELEGATION TO OFFICERS**

3 The implementation of the Council's approved training policy and programme	Head of Human Resources and Customer Services
4 The authorisation on the recommendation of a Head of Service of an additional increment:-  (a) at the satisfactory conclusion of the probationary period of service of staff who have been so advised on their appointment  (b) for career grade staff  (c) in respect of achievement of previously determined performance targets  (d) in respect of agreed qualification achievements	Head of Human Resources and Customer Services
5 The implementation of approved local agreements with the staff	Head of Human Resources and Customer Services in consultation with the appropriate Heads of Service
6 The implementation of minor variations to conditions of service, in respect of overtime, market forces issues and job evaluation maintenance, to meet operational needs and ensure effective service delivery	Head of Human Resources and Customer Services in consultation with the appropriate Heads of Service
7 The authorisation to reimburse staff for the use of their vehicle on Council business by lump sum in place of agreed casual or essential user payments	Head of Human Resources and Customer Services in consultation with the appropriate Heads of Service
8 The making of car loans to and car leasing agreements with staff in respect of car allowances and the designation of staff to be essential car users	Head of Human Resources and Customer Services in consultation with the appropriate Heads of Service and the Head of Financial Services
9 The suspension of staff up to and including those on Spinal Column Point 75	All Heads of Service in consultation with Head of Human Resources and Customer Services

(Green)

## COMMITTEES

Responsibility	Delegated To
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**HUMAN RESOURCES COMMITTEE****DELEGATION TO OFFICERS**

10	The suspension of staff beyond those at Spinal Column Point 75	Chief Executive in consultation with the Head of Human Resources and Customer Services
11	The granting of special leave in accordance with the discretionary provisions of the National Scheme of Conditions of Service	All Heads of Service in consultation with Head of Human Resources and Customer Services
12	The designation of appointments on the staffing establishment	All Heads of Service in consultation with Head of Human Resources and Customer Services
13	The granting of consent to officers to take part in activities relating to their duties; on the basis that subsistence and travelling expenses shall be paid by the Council, but that any fees or remuneration received for any period during normal working hours shall be paid into Council funds	All Heads of Service
14	The carrying over of up to five days leave	All Heads of Service
15	The engagement of temporary personnel where as a result the total numbers in post would not exceed the Council's approved establishment	All Heads of Service
16	Authorisation of the use by members of staff of their vehicles on Council business on a casual user basis	All Heads of Service

**LICENSING COMMITTEE**

**DELEGATION TO COMMITTEE**

**TERMS OF REFERENCE**

The exercise and performance of the Council's functions not specifically dealt with by other committees or portfolio holders relating to:-

- 1 Licensing matters within the terms of reference of the Licensing (General Purposes) Sub-Committee and the Premises/ Personal Licences Sub-Committees;
- 2 Premises and Personal Licensing (Licensing Act 2003)
- 3 Premises and Miscellaneous Licensing (Gambling Act 2005)
- 4 Street trading;
- 5 Charter boat operators;
- 6 All other licensing functions of the Council not specifically dealt with by other committees, sub-committees or portfolio holders

The exercise of the Council's functions, powers and duties in relation to:-

- 1 All functions within the Terms of Reference above.
- 2 Preparing and recommending to full Council for adoption the corporate Statements of Licensing Policy under the Licensing Act 2003 and the Gambling Act 2005.
- 3 The consideration of representations and the making/amending/revocation of Alcohol Consumption in Designated Public Places Orders under Section 13(2) of the Criminal Justice and Police Act 2001.

## COMMITTEES

Responsibility	Delegated To
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**LICENSING COMMITTEE****DELEGATION TO OFFICERS****Delegated to Officers in consultation with the Chairman or failing him the Vice-Chairman**

- |  |                        |
|--|------------------------|
| 1 The authorisation of criminal proceedings against those responsible for contraventions of licensing laws within the jurisdiction of the committee (including non-compliance with conditions or other requirements of licences issued by the Council under the terms of reference of the committee) | Head of Legal Services |
| 2 The decision to object to a premises/personal licence application where the Council is a consultee and not the lead authority  | Head of Legal Services |

**Delegated to Officers**

- |   |                                |
|---|--------------------------------|
| 1 The licensing of charter boat operators and boatmen   | Head of Legal Services         |
| 2 The decision on whether a complaint is irrelevant, frivolous or vexatious etc. in relation to matters the subject of the Licensing Act 2003   | Head of Legal Services         |
| 3 Authority to make representation on, or apply for a review of, a Premises Licence under the Gambling Act 2005   | Head of Legal Services         |
| 4 The discharge of all administrative functions by the Licensing Authority under the provisions of the Licensing Act 2003 which are not already prescribed in the Constitution  | Head of Legal Services         |
| 5 The service of Closure Notices under Section 19 of the Criminal Justice and Police Act 2001 in respect of premises being used for the unlicensed sale of intoxicating liquor for consumption on, or in the vicinity of such Premises  | Head of Legal Services         |
| 6 The enforcement of all environmental health duties and associated matters of the Council as the Licensing Authority under the provisions of the Licensing Act 2003  | Head of Environmental Services |
| 7 The closure of noisy premises where a Premises Licence, or Temporary Event Notice, is in effect, where public nuisance is being caused, under the provisions of the Anti-Social Behaviour Act 2003 (Sections 40 and 41) and the closure of the premises is necessary to prevent that nuisance | Head of Environmental Services |

(Green)

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## REGULATORY COMMITTEE

### DELEGATION TO COMMITTEE

#### TERMS OF REFERENCE

The exercise and performance of the Council's functions not specifically dealt with by other committees or portfolio holders relating to: -

- 1 Licensing and registration matters in connection with food safety, caravan sites, camping sites, scrap metal dealers, pet shops, boarding and breeding of dogs, riding establishments, dangerous wild animals, zoos, game dealers, acupuncture, tattooing, ear-piercing, electrolysis;
- 2 The creation, stopping up and diversion of footpaths and bridleways;
- 3 The control of pollution and the management of air quality;
- 4 The control of statutory nuisance.
- 5 Health and safety (excluding the Council's duties as an employer);
- 6 The administration of central and local government elections;
- 7 Electoral Registration
- 8 All matters within the terms of reference of the Appeals Sub-Committee

The exercise of the Council's functions, powers and duties in relation to: -

- 1 Power to create footpath or bridleway by Agreement under Section 25 of the Highways Act 1980 (c. 66).
- 2 Power to create footpaths and bridleways under Section 26 of the Highways Act 1980 (c. 66).
- 3 Power to stop up footpaths and bridleways under Section 118 of the Highways Act 1980.
- 4 Power to make a Rail Crossing Extinguishment Order under Section 118A of the Highways Act 1980.
- 5 Power to make a Special Extinguishment Order under Section 118B of the Highways Act 1980.
- 6 Power to determine application for a Public Path Extinguishment Order under Sections 118ZA and 118C(2) of the Highways Act 1980
- 7 Power to divert footpaths and bridleways under Section 119 of the Highways Act 1980.

**COMMITTEES**

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**REGULATORY COMMITTEE****DELEGATION TO COMMITTEE**

- 8 Power to make a Rail Crossing Diversion Order under Section 119A of the Highways Act 1980.
- 9 Power to make a Public Path Diversion Order under Sections 119ZA and 119C(4) of the Highways Act 1980.
- 10 Power to decline to determine certain applications under Section 121C of the Highways Act 1980.
- 11 Power to extinguish certain public rights of way under Section 32 of the Acquisition of Land Act 1981 (c. 67).
- 12 Power to include modifications in other orders under Section 53A of the Wildlife and Countryside Act 1981.
- 13 Power to prepare map and statement by way of consolidation of definitive map and statement under Section 57A of the Wildlife and Countryside Act 1981.
- 14 Power to extinguish a public right of way over land acquired for clearance under Section 294 of the Housing Act 1981 (c. 68).
- 15 Power to authorise stopping-up or diversion of footpath or bridleway under Section 257 of the Town and Country Planning Act 1990.
- 16 Power to extinguish public rights of way over land held for planning purposes under Section 258 of the Town and Country Planning Act 1990.
- 17 Power to enter into agreements with respect to means of access under Section 35 of the Countryside and Rights of Way Act 2000 (c. 37).
- 18 Power to provide access in absence of agreement under Section 37 of the Countryside and Rights of Way Act 2000.
- 19 Health & Safety enforcement (including the authorisation of officers).
- 20 Duty to appoint an electoral registration officer under Section 8(2) of the Representation of the People Act 1983 (c. 2)
- 21 Functions in relation to parishes and parish councils under Part II of the Local Government and Rating Act 1997 (c. 29) and subordinate legislation under that Part
- 22 Power to dissolve small parish councils under Section 10 of the Local Government Act 1972
- 23 Power to make orders for grouping parishes, dissolving groups and separating parishes from groups under Section 11 of the Local Government Act 1972

**COMMITTEES**

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**REGULATORY COMMITTEE**

**DELEGATION TO COMMITTEE**

- 24 Duty to appoint Returning Officer for local government elections under Section 35 of the Representation of the People Act 1983
- 25 Power to fill vacancies in the event of insufficient nominations under Section 21 of the Representation of the People Act 1985
- 26 Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000 under Section 10 of the Representation of the People Act 2000 (c. 2)

## COMMITTEES

Responsibility	Delegated To
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**REGULATORY COMMITTEE****DELEGATION TO OFFICERS****Delegated to Officers in Consultation with the Chairman or Failing Him the Vice-Chairman**

- |  |                 |
|--|-----------------|
| 1 Duty to divide constituency into polling districts under Section 18 of the Representation of the People Act 1983                                   | Chief Executive |
| 2 Power to divide electoral wards into polling districts at local government elections under Section 31 of the Representation of the People Act 1983 | Chief Executive |
| 3 Power to pay expenses properly incurred by electoral registration officers under Section 54 of the Representation of the People Act 1983           | Chief Executive |
| 4 Power to make temporary appointments to parish Councils under Section 91 of the Local Government Act 1972  | Chief Executive |
| 5 Fixing, as and where necessary, revised scale of fees payable at elections of District and Parish Councillors and at Parish Polls                  | Chief Executive |

**Delegated to Officers – Licensing & Registration Matters**

- |   |                                |
|---|--------------------------------|
| 1 The day to day management, administration and control of animal and other licensing services not delegated elsewhere  | Head of Environmental Services |
| 2 The provisions of the Caravan Sites and Control of Development Act 1960 including the administration, determination, transfer, variation and issue of Caravan Site Licences   | Head of Environmental Services |
| 3 The determination of licences for camping sites   | Head of Environmental Services |
| 4 The provisions of the Scrap Metal Dealers Act 1964 including the administration, determination and issue of Scrap Metal Dealers' Licences   | Head of Environmental Services |
| 5 The responsibility for administering a Motor Salvage Operator's registration scheme including the power to grant registration where the applicant is believed to be a fit and proper person and the power to refuse registration or cancel an existing registration where the applicant is not believed to be a fit and proper person | Head of Environmental Services |

## COMMITTEES

Responsibility	Delegated To
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**REGULATORY COMMITTEE****DELEGATION TO OFFICERS**

- |  |                                |
|--|--------------------------------|
| 6 The provisions of the Pet Animals Act 1951 including the determination of initial and renewal applications for licences to keep a pet shop   | Head of Environmental Services |
| 7 The provisions of the Breeding of Dogs Act 1973 including the determination of initial and renewal applications for licences for Dog Breeding Establishments   | Head of Environmental Services |
| 8 The provisions of the Animal Boarding Establishments Act 1963 including the determination of initial and renewal applications for licences for animal boarding establishments  | Head of Environmental Services |
| 9 The provisions of the Riding Establishments Acts 1964 and 1970 including the determination of initial and renewal applications for licences for riding establishments  | Head of Environmental Services |
| 10 The provisions of the Dangerous Wild Animals Act 1976 including the determination of initial and renewal applications for licences for persons to keep dangerous wild animals   | Head of Environmental Services |
| 11 The provisions of the Zoo Licensing Act 1981 including the determination of applications for licences to keep a zoo   | Head of Environmental Services |
| 12 The determination of applications for the issue of Game Dealers Licences  | Head of Environmental Services |
| 13 The provisions of Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 including the determination of licences for premises for the purpose of acupuncture, tattooing, ear-piercing and electrolysis | Head of Environmental Services |
| 14 The determination of applications for approval or licensing or registration of premises or persons submitted in accordance with Regulations made under the Food Safety Act 1990                                       | Head of Environmental Services |

## COMMITTEES

Responsibility	Delegated To
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**REGULATORY COMMITTEE****DELEGATION TO OFFICERS****Delegated to Officers – Power To Make Closing Orders on Take-Away Food Shops**

- |   |  |                                |
|---|--|--------------------------------|
| 1 | Authority to issue and serve notices of intention to make “Closing Orders” under the provisions of Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 in respect of premises in the District from which meals are supplied for consumption off the premises | Head of Environmental Services |
|---|--|--------------------------------|

**Delegated to Officers – The Control of Pollution & Statutory Nuisance**

- |   |   |                                |
|---|---|--------------------------------|
| 1 | The provisions of Part II of the Clean Air Act 1993 including the determination of applications for approval of furnace installations, arrestment plant and chimney heights   | Head of Environmental Services |
| 2 | The provisions, including the issue and service of notices, of Parts I, IV, V, VI and VII of the Clean Air Act 1993 relating to dark smoke, control of certain forms of air pollution, information and enforcement of air pollution matter  | Head of Environmental Services |
| 3 | The provisions of Part III of the Control of Pollution Act 1974 including the issue of notices and consents dealing with control of noise on construction sites, the keeping of a register and service of notices relating to Noise Abatement Zones   | Head of Environmental Services |
| 4 | Carrying out works in default and the subsequent recovery of costs where appropriate under the Environmental Protection Act 1990  | Head of Environmental Services |
| 5 | The under-mentioned provisions of the Environmental Protection Act 1990 including the determination and renewal of authorisations and the issue and service of notices dealing with:-<br><br>Part I - Local Authority Air Pollution Control<br>Part IIA - Contaminated Land<br>Part III - Statutory Nuisances and Clean Air | Head of Environmental Services |
| 6 | The provisions of the Pollution (Prevention and Control Act) 1999 including the determination and renewal of authorisations and the issue and service of notices  | Head of Environmental Services |

## COMMITTEES

Responsibility	Delegated To
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**REGULATORY COMMITTEE****DELEGATION TO OFFICERS**

- |   |                                |
|---|--------------------------------|
| 7 The authorisation and appointment of officers as are appropriately qualified to discharge the Council's powers and duties under The Environmental Protection Act 1990 Parts I, IIA, and III and any Regulations made thereunder | Head of Environmental Services |
| 8 The provisions of Part IV of the Environment Act 1995 relating to the review and assessment of local air quality, the designation of air quality management areas and the development of an Air Quality Strategy                | Head of Environmental Services |

**Delegated to Officers – Action Under the Local Service Agreement**

- |  |  |
|--|--|
| 1 Under the Local Service Agreement between the Council and Essex County Council, power to authorise erection of stiles etc. on footpaths or bridleways under Section 147 of the Highways Act 1980 | Head of Technical and Procurement Services |
|--|--|

**Delegated to Officers – Elections**

- |  |                 |
|--|-----------------|
| 1 Power to assign officers in relation to requisitions of the registration officer under Section 52(4) of the Representation of the People Act 1983            | Chief Executive |
| 2 Actions required to meet the duty to provide assistance at European Parliamentary elections under Section 6 of the European Parliamentary Elections Act 2002 | Chief Executive |
| 3 Powers in respect of holding of elections under Section 39(4) of the Representation of the People Act 1983   | Chief Executive |
| 4 Duty to declare vacancy in office in certain cases under Section 86 of the Local Government Act 1972   | Chief Executive |
| 5 Duty to give public notice of a casual vacancy under Section 87 of the Local Government Act 1972   | Chief Executive |
| 6 The designation of polling places  | Chief Executive |

**COMMITTEES**

Responsibility	Delegated To
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**REGULATORY COMMITTEE**

**DELEGATION TO OFFICERS**

**Delegated to Officers – Health & Safety**

- |  |                                       |
|--|---------------------------------------|
| <p>1 The authorisation and appointment of officers as are appropriately qualified to discharge the Council's powers and duties under The Health and Safety at Work etc. Act 1974 and any Regulations made thereunder</p>                       | <p>Head of Environmental Services</p> |
| <p>2 Power to enforce offences committed under Sections 6(5), 7(4) and 8(4) of the Health Act 2006 and to transfer enforcement functions to another enforcement authority under the Smoke-Free (Premises and Enforcement) Regulations 2006</p> | <p>Head of Environmental Services</p> |

**SCRUTINY COMMITTEE**

**DELEGATION TO COMMITTEE**

**TERMS OF REFERENCE**

To review or scrutinise decisions made or other actions taken in connection with the Council's functions.

The exercise of the Council's functions, powers and duties in relation to: -

- 1 Scrutinising executive decisions before they are implemented, through the call-in mechanism and if appropriate, recommending that the decision be reconsidered by the person or body who made it.
- 2 Recommending that the power set out in 1 above, so far as it relates to a particular decision, be exercised by the full Council where the Committee believes that the decision is contrary to the Council's budget or Policy Framework.

## STANDARDS COMMITTEE

### DELEGATION TO COMMITTEE

#### TERMS OF REFERENCE

To exercise and perform the Council's functions relating to standards in relation to the Council and its Members and in relation to parish councils wholly or mainly in its area and the Members of those councils.

The exercise of the Council's functions, powers and duties in regard to the Council and parish councils in relation to: -

- 1 Promoting and maintaining high standards of conduct by the Members and co-opted Members of the authority.
- 2 Assisting Members and co-opted Members of the authority to observe the Members' Code of Conduct.
- 3 Advising the Council on the adoption of local codes of conduct or protocols for Members.
- 4 Approving updates and amendments to the adopted local codes of conduct or protocols
- 5 Monitoring the operation of the Member's Code of Conduct
- 6 Advising, training or arranging to train Members and co-opted Members on matters relating to the authority's Code of Conduct.
- 7 To consider and determine any allegations against any Member of the Council in respect of the Members' Code of Conduct.
- 8 To consider the action, which should be taken in respect of all cases of maladministration relating to Members, referred to the Council by the Local Government Ombudsman and to make recommendations to the full Council in relation thereto.
- 9 The granting of any dispensation within the meaning of Section 81(4) of the Local Government Act 2000 to a Member or co-opted Member of an authority.
- 10 The exercise of statutory functions in relation to the parish councils wholly or mainly in the Council's area and the members of those parish councils.

**COMMITTEES**

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Responsibility	Delegated To
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**STANDARDS COMMITTEE**

**DELEGATION TO OFFICERS**

**Delegated to Officers**

- |  |                        |
|--|------------------------|
| 1 The provision of advice and support to the Standards Committee on all aspects of its functions and duties. | Head of Legal Services |
|--|------------------------|

**SUB-COMMITTEE OF THE STANDARDS COMMITTEE**

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**REFERRALS SUB-COMMITTEE**

**DELEGATION TO SUB-COMMITTEE**

**TERMS OF REFERENCE**

1. The Referrals Sub-Committee will receive allegations that a Member of Tendring District Council (TDC) and/or a member of any parish or town council in the area of TDC may have failed to comply with the authority's Members' Code of Conduct.
2. Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall, in accordance with Section 57A of the Local Government Act 2000, then decide one of the following:
  - (1) that no further action should be taken in respect of the allegation; or
  - (2) decide, after prior consultation with the Monitoring Officer, that "other" action such as training, conciliation or appropriate other steps are taken as permitted by the Standards Committee (England) Regulations 2008; or
  - (3) to refer the allegation to the Monitoring Officer for investigation of the allegation;
  - (4) refer the allegation to the Standards Board for England.
  - (5) where the allegation is against a person who is no longer a Member of TDC or any parish or town council in its area, but who is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority and instruct the TDC Monitoring Officer to take reasonable steps to notify the person making the allegation and the Member concerned of that decision.
3. A decision in accordance with paragraph 2 above shall include its reasons.

**SUB-COMMITTEE OF THE STANDARDS COMMITTEE**

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**REVIEW SUB-COMMITTEE**

**DELEGATION TO SUB-COMMITTEE**

**TERMS OF REFERENCE**

1. The Review Sub-Committee must review a decision of the Referrals Sub-Committee that no action be taken in respect of an allegation within 3 months of receiving a written request from the person who made the allegation that a Member of Tendring District Council (TDC) and/or a member of a parish or town council within TDC's area may have failed to comply with the authority's Code of Conduct.
2. Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Referrals Sub-Committee and shall in accordance with Section 57B of the Local Government Act 2000 decide one of the following:
  - (1) that no further action should be taken in respect of the allegation; or
  - (2) decide, after prior consultation with the Monitoring Officer, that "other" action such as training, conciliation or appropriate other steps are taken as permitted by the Standards Committee (England) Regulations 2008; or
  - (3) to refer the allegation to the Monitoring Officer for investigation of the allegation;
  - (4) refer the allegation to the Standards Board for England.
  - (5) where the allegation is against a person who is no longer a Member of TDC or any parish or town council in its area, but who is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that relevant authority and instruct the TDC Monitoring Officer to take reasonable steps to notify the person making the allegation and the Member concerned of that decision.
3. A decision in accordance with paragraph 2 above shall include its reasons.

**SUB-COMMITTEE OF THE STANDARDS COMMITTEE**

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**HEARING SUB-COMMITTEE**

**DELEGATION TO SUB-COMMITTEE**

**TERMS OF REFERENCE**

1. The Hearing Sub-Committee may exercise all and any of the delegated powers and functions of the Standards Committee to hear and determine any allegation that a Member of Tendring District Council (TDC) and/or a member of a parish or town council within TDC's area may have failed to comply with the authority's Code of Conduct. This Sub-Committee will usually only need to exercise those powers after a decision has been made by TDC's Referrals Sub-Committee or Review Sub-Committee to refer the allegation to the Monitoring Officer for investigation and/or after a final Report has been issued to the Monitoring Officer by the Investigator or the Ethical Standards Officer. It is possible that any other matters or procedures relating to specific allegations or investigations (which are not the exclusive responsibility of the Referrals Sub-Committee or the Review Sub-Committee) will fall to be determined or dealt with, in which case these are also within the terms of reference and delegated powers of the Hearing Sub-Committee.
2. When conducting a hearing to determine any such allegation(s) of misconduct, the Hearing Sub-Committee will normally be expected to follow the procedure for hearings adopted by the Standards Committee, subject to any other advice from the Monitoring Officer or the Legal Advisor to the Sub-Committee. Where the context admits, the appropriate procedure will also depend on the circumstances, relevant legislation and applicable Standards Board Guidance.

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## OVERVIEW AND SCRUTINY COMMITTEES

### DELEGATION TO COMMITTEES

#### TERMS OF REFERENCE

**(i) Community Leadership and Partnerships Committee**

To perform the functions in relation to the Council's external-facing functions including:-

- Community Strategy
- Community Services
- Regeneration
- Local Plan/Local Development Framework
- Consultation
- Emergency Planning (Civil Contingencies)
- Partnerships
- External Scrutiny (e.g. Crime and Disorder Reduction and Health).

**(ii) Service Development and Delivery Committee**

To perform the functions in relation to the policy development and implementation of the Council's services including:-

- Direct and support services
- Services provided by contractors

**(iii) Corporate Management Committee**

To perform the functions in relation to the Council's internal-facing functions including:-

- Financial Strategy
- Budget setting
- Efficiency/value for money/procurement
- Corporate Strategy
- Best Value Performance Plan
- Performance management reports
- Capital Strategy and asset management
- ICT, contact management and communications
- Local Area Agreement

### Functions

Within their terms of reference, each Committee will:-

- 1 Review or scrutinise decisions made, or other actions taken in connection with the Council's functions,
- 2 Assist with policy formulation and review of policies
- 3 Make reports or recommendations to the Executive or the Council as appropriate, with respect to the discharge of any Council function or on any matter affecting the authority's area or its inhabitants.

This will include: -

- 4 The co-ordination of all overview and scrutiny functions on behalf of the Council;
- 5 Receiving reports from the Leader on the Executive's priorities for the coming year and its performance in the previous year;
- 6 Submitting to full Council for approval an annual overview and scrutiny work programme;
- 7 In the event of the volume of reports to the Executive creating difficulty for the management of Executive business or jeopardising the efficient running of Council business, at the request of the Executive to make decisions about the priority of referrals made;
- 8 Appoint members to attend relevant conferences, seminars and courses;
- 9 Determine whether attendance by Members at meetings, conferences and visits etc may be classed as approved duties, subject to these being within the Committees terms of reference and not involving more than one night's accommodation or any travel abroad.

**APPEALS SUB-COMMITTEE**

**DELEGATION TO SUB-COMMITTEE**

**TERMS OF REFERENCE**

The exercise of the Council's functions relating to the Right to Review in respect of Housing Register applications and the discharge of Homelessness duties

The exercise of the Council's functions, powers and duties in relation to: -

- 1 The determination of applications for a review of a decision under Part VI and Part VII of the Housing Act 1996 (allocation of accommodation and homelessness) or Part IV of the Housing Act 1985 (security of tenure and succession).
- 2 The determination of applications for a review of a decision to determine a non-secure tenancy.

**LICENSING (GENERAL PURPOSES) SUB-COMMITTEE**

**DELEGATION TO SUB-COMMITTEE**

**TERMS OF REFERENCE**

The exercise and performance of the Council's functions relating to:-

- 1 The issue, renewal, suspension or revocation of individual Hackney Carriage Vehicle, Hackney Carriage Driver, Private Hire Operator, Private Hire Driver and Private Hire Vehicle Licences;
- 2 The fixing of vehicle fare tariffs;
- 3 Street trading;
- 4 The determination of applications for Sex Establishment Licences and/or Sexual Entertainment Venues;
- 5 All other licensing functions of the Council not specifically dealt with by other committees, sub-committees or portfolio holders

The exercise of the Council's functions, powers and duties in relation to the Terms of Reference above

Responsibility	Delegated To
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**LICENSING (GENERAL PURPOSES) SUB-COMMITTEE****DELEGATION TO OFFICERS****Delegated to Officers in Consultation with the Chairman or Failing Him the Vice-Chairman**

- |   |  |                        |
|---|--|------------------------|
| 1 | The authorisation of criminal proceedings against those responsible for contraventions of licensing laws within the jurisdiction of the sub-committee (including non-compliance with conditions or other requirements of licences issued by the Council under the terms of reference of the sub-committee) | Head of Legal Services |
|---|--|------------------------|

**Delegated to Officers**

- |   |   |                        |
|---|---|------------------------|
| 1 | Determination of applications for street collection permits and house to house collection permits which accord with Council policy  | Head of Legal Services |
| 2 | Registration and renewal in respect of lotteries  | Head of Legal Services |
| 3 | The determination of applications for Hackney Carriage Vehicle, Hackney Carriage Driver, Private Hire Operator, Private Hire Driver and Private Hire Vehicle Licences in accordance with the Council's policy or in cases where no more than three penalty points have been endorsed on the applicant's driving licence   | Head of Legal Services |
| 4 | Renewal of Hackney Carriage Vehicle, Hackney Carriage Driver, Private Hire Operator, Private Hire Vehicle and Private Hire Driver Licences where there is no change in circumstances or in cases where no more than three penalty points have been endorsed on the applicant's driving licence, subject in the latter instance to such renewals being dealt with in accordance with the protocol adopted by the Council                                       | Head of Legal Services |
| 5 | In those case where convictions or offences are revealed, and where more than three penalty points have been endorsed on the applicant's driving licence, to renew on a short term basis, Hackney Carriage Driver or Private Hire Driver Licences from the date of expiry of the current licence to the date of the Sub-Committee at which the application is to be determined, where the applicant meets the Council's published criteria for such a licence | Head of Legal Services |

## SUB-COMMITTEES

Responsibility	Delegated To
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**LICENSING (GENERAL PURPOSES) SUB-COMMITTEE****DELEGATION TO OFFICERS**

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| 6 The suspension of a licence and / or the removal of the licence plate from any Hackney Carriage or Private Hire Vehicle which is overdue for its test or has failed its mechanical test  | Head of Legal Services |
| 7 The determination of the content and design of signs or advertisements on Hackney Carriages and Private Hire Vehicles in accordance with the Council's policy  | Head of Legal Services |
| 8 The power to inspect vehicles under Section 68 of Part 2 of the Local Government (Miscellaneous Provisions) Act 1976   | Head of Legal Services |
| 9 The approval of all initial registration and continuation registrations of pool promoters except where any relevant convictions are disclosed, to appoint a qualified accountant and recover relevant fees from the registered pool promoter   | Head of Legal Services |
| 10 The grant and / or renewal of Street Trading Consents which accord with Council policy where no objections are received   | Head of Legal Services |
| 11 The issuing of Street Collection Permits for "moving" collections to take place in conjunction with carnival processions and similar processions which take place other than a Saturday received from:-<br><br>(a) The Clacton Carnival Association in respect of its annual carnival and torchlight processions; and<br><br>(b) Other local carnival committees in respect of their carnival processions | Head of Legal Services |
| 12 The power to transfer vehicle licences (HCV/PHV) under Section 49 of Part 2 of the Local Government (Miscellaneous Provisions) Act 1976   | Head of Legal Services |

Responsibility	Delegated To
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**LICENSING (GENERAL PURPOSES) SUB-COMMITTEE****DELEGATION TO OFFICERS**

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| 13 The determination of any applications received for Exemption Certificates/Notices of Exemption, due to a medical condition, from the duty placed on licensed hackney Carriage drivers by the Disability Discrimination Act 1995 to carry, free of charge, guide, hearing and certain other assistance dogs   | Head of Legal Services |
| 14 The determination of any applications received for Exemption Certificates/Notices of Exemption, due to a medical condition, from the condition imposed by the Council under Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976, upon licensed Private Hire drivers and Private Hire vehicle owners to carry, free of charge, guide, hearing and certain other assistance dogs | Head of Legal Services |
| 15 The power to require mechanical tests under section 50 of Part 2 of the Local Government (Miscellaneous Provisions) Act 1976   | Head of Legal Services |
| 16 The suspension of a Licensed Hackney Carriage or Private Hire Vehicle Driver charged with a serious criminal offence pending the outcome of any court proceedings  | Head of Legal Services |

**PREMISES/PERSONAL LICENCES SUB-COMMITTEES**

**DELEGATION TO SUB-COMMITTEE**

**TERMS OF REFERENCE**

The exercise and performance of the Council's functions relating to:-

- 1 All matters pursuant to the provisions of the Licensing Act 2003 and the Gambling Act 2005 not specifically dealt with by other committees, sub-committees or portfolio holders;

The exercise of the Council's functions, powers and duties in relation to the provisions of the Licensing Act 2003 and the Gambling Act 2005 where not further delegated to officers.

## SUB-COMMITTEES

Responsibility	Delegated To
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**PREMISES/PERSONAL LICENCES SUB-COMMITTEES****DELEGATION TO OFFICERS****Delegated to Officers****LICENSING ACT 2003**

1 The determination of applications for personal licences where no representations have been made	Head of Legal Services
2 The determination of applications for premises licences/club premises certificates where no representations have been made	Head of Legal Services
3 The determination of applications for provisional statements where no representations have been made	Head of Legal Services
4 The determination of applications for premises licences/club premises certificates coming under the full variation process where no objections have been made	Head of Legal Services
5 The determination of requests to be removed as designated premises supervisor	Head of Legal Services
6 The determination of applications to vary designated premises supervisor where no Police objection has been made	Head of Legal Services
7 The determination of applications for transfer of premises licence where no Police objection has been made	Head of Legal Services
8 The determination of applications for Interim Authorities where no Police objection has been made	Head of Legal Services
9 The determination of applications for minor variations to premises licences/club premises certificates	Head of Legal Services

## SUB-COMMITTEES

Responsibility	Delegated To
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**PREMISES/PERSONAL LICENCES SUB-COMMITTEES****DELEGATION TO OFFICERS****GAMBLING ACT 2005**

1 The determination of applications for premises licences where no representations have been made or if so made are then subsequently withdrawn	Head of Legal Services
2 The determination of applications to vary a premises licence where no representations have been made or if so made are then subsequently withdrawn	Head of Legal Services
3 The determination of applications to transfer a licence where no representations have been made by the Gambling Commission	Head of Legal Services
4 The determination of applications for a provisional statement where no representations have been made or if so made are then subsequently withdrawn	Head of Legal Services
5 The determination of applications for club gaming/club machine permits where no objections have been made or if so made are then subsequently withdrawn	Head of Legal Services
6 The determination of applications for other permits	Head of Legal Services
7 The cancellation of licensed premises gaming machine permits	Head of Legal Services
8 The consideration of a temporary use notice	Head of Legal Services
9 The consideration of an occasional use notice	Head of Legal Services
10 The setting of fees (when appropriate)	Head of Legal Services
11 The duty to provide information to the Gambling Commission, including the functions relating to the exchange of information under Sections 29 and 30 of the Gambling Act 2005	Head of Legal Services
12 The power to disapply exempt gaming or the automatic entitlement to one or two gaming machines	Head of Legal Services
13 Functions relating to the registration of small society lotteries	Head of Legal Services

**SUB-COMMITTEES**

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Responsibility	Delegated To
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**PREMISES/PERSONAL LICENCES SUB-COMMITTEES**

**DELEGATION TO OFFICERS**

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|---|------------------------|
| 14 The power to designate an officer of the licensing authority under Section 304 of the Gambling Act 2005 as an authorised person for a purpose relating to premises | Head of Legal Services |
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**REPRESENTATIVE OF THE SOLE MEMBER OF TENDRING REGENERATION LIMITED**  
**DELEGATION TO SOLE MEMBER REPRESENTATIVE**

**TERMS OF REFERENCE**

To act on behalf of the Council and represent the Council's interest as the "Sole Member" of Tendring Regeneration Limited.

**Delegated Powers**

1. The exercise of the Sole Member's Rights relating to visitation, information, conduct and roles at General Meetings as set out in Sections 3.2, 3.3, 3.5, 4.1, 5.1, 9 and 11 of the Articles of Association for Tendring Regeneration Limited.

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