

COLCHESTER CITY COUNCIL

Annual Council Meeting

22 May 2024

Supplementary Information

7. Have Your Say!

9. Constitutional Changes

F... The Leader of the Council will move that the recommended decisions in the report by the Head of Governance and Monitoring Officer be approved and adopted subject to the Have Your Say! Scheme contained at Appendix 3 being amended following consultation with the Leader of the Labour Group and Leader of the Conservative Group to reinstate the one minute right of reply at paragraph (11) of the scheme.

An amended Have Your Say! Scheme is attached at page 3 to the Supplementary Information.

10. Delegations made by the Leader of the Council

Council to note the appointment of Deputy Leader of the Council, the appointment of Cabinet members and the allocation of responsibility for portfolios, as determined by the Leader of the Council, is as circulated at this meeting (see page 5 of this Supplementary Information).

11. Appointment of Panels, Committees and Sub-Committees

G... Motion that:-

(i) In accordance with the provisions of the Local Government and Housing Act 1989 the number of seats, group representation and membership of the Environment and Sustainability Panel, Governance and Audit Committee, Local Plan Committee, Planning Committee, and Scrutiny Panel (including the Crime and Disorder Committee) for the ensuing municipal year be as circulated at this meeting (see page 20 of this Supplementary Information).

(ii) In accordance with the provisions of section 17 of the Local Government and Housing Act 1989 the appointments to Licensing Committee for the ensuing municipal year shall not be on a Group basis and membership shall

be as circulated at this meeting (see page 20 of this Supplementary Information).

(iii) that the membership of the Independent Remuneration Panel be as circulated at this meeting (see page 20 of this Supplementary Information).

(iv) Sarah Blacker and Sarah Greatorex be appointed as Independent Persons for a period of four years.

12. Schedule of Portfolio Holder Decisions

Council is invited to note the Schedule of Portfolio Decisions for the period 14 February 2024 – 14 May 2024.

13. Motion of Thanks to former Councillors

H... Motion of thanks to former Councillors Barton, Bickersteth, Bloomfield, Burrows, Hogg, Jowers and Nissen.

The Mayor to welcome new Councillors Alake-Akinyemi, Çufoğlu, Kelly, Osborne, Parsons and C. Spindler and to invite them to briefly introduce themselves to Council.

14. Exclusion of the Public

In accordance with Section 100A of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential, personal, financial or legal advice) in Part B of this agenda may be decided. Exempt information is defined in Section 1000I and Schedule 12A of the Local Government Act 1972).

Item 9 Constitutional Changes

Revised Appendix 3

Public Participation at all Public Meetings (Have Your Say!)

- (1) At every meeting of the Cabinet, Panel or Committee meetings there shall be an opportunity for up to eight members of the public to ask a question or make a statement on a matter within the terms of reference of that meeting (except in cases where the Cabinet, Panel or Committee is acting in a quasi-judicial capacity or similar or in relation to planning applications). In very exceptional circumstances, the Chair has the discretion to increase the number of have Your slots available to members of the public.

NB. In the case of Full Council: on any matter in relation to which the Council has powers or duties or which affects the City.

- (2) A question may only be asked if the member of the public has registered to speak by giving notice to the Head of Governance no later than 12 noon on the working day before the day of the meeting. Each question must give the name and contact details of the questioner.
- (3) At any one meeting no person, organisation or group may submit more than one question or statement.
- (4) Questions or statements which have been accepted will be circulated prior to the meeting to those councillors who members of the Cabinet / Panel or Committee,
- (5) If a question or statement is rejected, then a written explanation as to why it has been rejected will be provided.
- (6) Questions or statements shall normally be dealt with in the order in which notice was received. However, the Chair may revise the order of questions if they consider it appropriate and may group similar questions.
- (7) Public participation at meetings must be made orally in person at the meeting. Written statements may not be submitted instead of personal attendance and documents including photographs may not be circulated by a member of the public participating in the meeting except for a petition which may be presented to the Chair. However, the Chair may exercise discretion to allow a question or statement to be read out by an Officer in the absence of the person making it.

- (8) At the absolute discretion of the Chair the order of business for the meeting may be changed for the convenience of the public who wish to participate.
- (9) A member of the public may ask a question or make a statement for a period not exceeding three minutes. When a speaker has one minute of the allotted time remaining, a bell will be rung. At the end of the period of time, the bell will be rung again and the speaker will stop speaking whether or not the speech has been concluded.
- (10) The Chair or other member of the meeting will respond to a question posed or statement made by a member of the public in the form of:
 - (a) a direct oral answer; or
 - (b) where the desired information is contained in a Council publication, a reference to that publication; or
 - (c) where a reply cannot conveniently be given orally, a written answer will be provided within ten working days of the meeting which will also be reported to a future meeting.
- (11) Following the conclusion of the answer the member of the public may, if they wish, have a further period of up to one minute to ask a supplementary question or comment on the answer provided. At the end of that period of time, the bell will be rung and the speaker will resume their seat whether or not their comments have been concluded. A further response to the speaker's comments may be made.
- (12) A question or statement may be rejected by the Chair if it addresses matters that would be inappropriate to consider at the meeting. For this purpose, "inappropriate" includes any question or statement falling within any of the following categories:
 - (a) defamatory, frivolous, vexatious or offensive
 - (b) substantially the same as any question put to a meeting in the previous 6 months
 - (c) would require the disclosure of Confidential or Exempt Information as defined in the Access to Information Procedure Rules; or
 - (d) already the subject of a separate appeal, adjudication, litigation mediation or dispute resolution.

Colchester City Council

SCHEME OF DELEGATION BY THE LEADER OF THE COUNCIL TO CABINET MEMBERS May 2024

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

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

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

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

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

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

C O N T E N T S

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Scheme of Delegation to Cabinet Members

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

Functions retained by the Leader of the Council and Portfolio Holder for Strategy
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1. The promotion of the Council on national, regional and strategic partnerships.
2. To develop and promote community leadership in the City.
3. To develop and keep under review the Council's Strategic Plan.
4. Oversight of the Fit for the Future programme.
5. Relations with the general public, local authorities, the media and all other external agencies.
6. To review the opportunities to work with other partners, both within the public and private sectors, to assist in developing collaborative government with specific reference to devolution and place based leadership in north Essex.
7. Responsibility for the management and monitoring of health and safety emergency planning and business continuity across the whole of the Councils' undertakings.
8. Strategic leadership of the joint Tendring Colchester Borders Garden Community.
9. Communications strategy and external communications with the media and partners.
10. Oversight of the Council's use of social media and social media policy.
11. Strategic oversight of Team Colchester (Town Deal, Town Investment Plan and Levelling Up Funding).
12. Strategic overview of the City Centre Masterplan
13. Support the effectiveness of the operation of Business Improvement Districts.
14. Shareholder for Colchester Commercial (Holdings) Limited.
15. Appointment and removal of directors to the Board of Colchester Commercial (Holdings) Limited
16. Shareholder for Colchester Borough Homes Limited
17. Appointment and removal of directors to the Board of Colchester Borough Homes Limited
18. Following consultation with Group Leaders, to make appointments during the municipal year to Council Groups and Outside Bodies.
19. Oversight and direction for the Council's organisational family, of Colchester City Council, Colchester Borough Homes Limited and Colchester Commercial (Holdings) Limited (and its commercial companies).

Scheme of Delegation to Cabinet Members

<p>Functions retained by the Leader of the Council and Portfolio Holder for Strategy (continued)</p>

20. Oversight of the Council's response regarding assistance for refugees and asylum seekers.
21. Civic matters including town twinning.

Scheme of Delegation to Cabinet Members

<h3>Delegation to the Deputy Leader of the Council and Portfolio Holder for Resources</h3>

1. The functions of the Council as the Billing Authority (except the power to levy the amount of the Council Tax for each category of dwelling).
2. The implementation of legislation and its application relating to Council Tax, residual Community Charge, Council Tax Benefits Scheme, Housing Benefit Scheme and the National Non-Domestic Rates (NNDR).
3. Promotion and delivery of Welfare Benefits, Employment and Financial Support.
4. Collection and enforcement of General Fund monies payable to the Council.
5. Determination of interest paid to investors and arrangements to meet the Council's borrowing requirements.
6. Strategic oversight of the Housing Revenue Account
7. To produce and implement the Council's financial strategy, budget and resource allocation.
8. Determination of the Council's financial provisions and appointment of the Council's bankers.
9. General Fund land including terms for acquisitions, disposals and commercial lettings.
10. Monitoring of business support grants within the City.
11. Matters relating to procurement and maintenance of Standing Approved Lists of Contractors.
12. To monitor the maintenance of the Council's asbestos register.
13. To monitor the management of repairs and maintenance and planned maintenance programmes and disability access for Council buildings.
14. Promotion and delivery of the Local Land Charges service.
15. To monitor customer compliments and complaints and referrals to the Local Government and Social Care Ombudsman and Housing Ombudsman.
16. To act as the Council's substitute member on the North Essex Parking Partnership Joint Committee.

Scheme of Delegation to Cabinet Members

<p>Delegation to the Deputy Leader of the Council and Portfolio Holder for Resources (continued)</p>

17. Oversee the management of the Council's Estate including the accessibility of premises.
18. Oversight of the Council's capital programme.
19. Fit for the Future programme lead on Asset Management.

Scheme of Delegation to Cabinet Members

<h3>Delegation to the Portfolio Holder for Communities, Heritage and Public Protection</h3>
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1. The Council's equality, diversity and safeguarding duties and responsibilities.
2. To support initiatives which tackle deprivation and inequalities throughout the City.
3. Partnership with the voluntary and community sector to support the Council's community enabling approach and support organisations which deliver services to help the Council to meet its corporate objectives.
4. To examine and review the development of community engagement with particular reference to the Council's Community Wardens.
5. To promote partnership working with Town, Parish and Community Councils within the City.
6. Strategic leadership of the City Councils role within the North East Essex Health & Wellbeing Alliance, including oversight of the development and delivery of joint plans to meet current and future health, wellbeing and care needs of the population.
7. The promotion of public health matters and infection control across the City.
8. Premises and/or vehicles used for the preparation, storage, sale, slaughter and/or consumption of food and the enforcement of standards for food, health and safety at work, hygiene, quality and allied matters.
9. Managing the Council's responsibilities for infectious diseases, disinfestations and the prevention of the spread of disease by or to animals, pollution, Port Health, public nuisances, control of dogs and pest control.
10. Oversight of the implementation and monitoring of the Council's policies and services relating to all licensing activities.
11. Determination of licence applications under the Scrap Metal Dealers Act 2013 where the Head of Public Protection is minded to refuse the application and representations have been received.
12. To revoke or vary licence applications under the Scrap Metal Dealers Act 2013 where representations have been received.
13. Represent the Council on the Essex Countywide Traveller Unit Joint Committee.
14. Community safety and Crime Prevention including CCTV and police liaison/support.

Scheme of Delegation to Cabinet Members

<p style="text-align: center;">Delegation to the Portfolio Holder for Communities, Heritage and Public Protection (continued)</p>
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15. Represent the Council on the Essex Police and Crime Panel.
16. To agree the Crime and Disorder Reduction Strategy and ensure that the Council is working with partners to meet the key targets identified within the strategy.
17. Crematorium and cemetery (Bereavement Services).
18. Operation of markets within the City.
19. Protection and promotion of Archaeological sites and monuments in the City.
20. Approval of expenditure under the Heritage Fund.
21. The Council's support of national portfolio organisations of Arts Council England and promotion of other cultural facilities.
22. To oversee the implementation and monitoring of the Council's policies and services relating to heritage, culture and the Council's art collection and artefacts.
23. To exercise the functions delegated to the Colchester and Ipswich Joint Museums Committee on behalf of the Cabinet.
24. Oversee the management of the Council's heritage assets.
25. Fit for the Future programme lead on Culture and Heritage.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Economic Growth and Transformation
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1. Organisational transformation, inclusive of shared services and future workforce.
2. Monitoring of the Council's performance dashboard and in relation to national performance indicators and any other Government performance scheme.
3. Matters relating to financial management, corporate governance, audit, insurance, anti-fraud and corruption, risk management and management of the Council's assets.
4. The employment and human resource provisions of all Council employees and including Equalities, Diversity & Inclusion.
5. Development and implementation of the Council's Information Communication Technology Strategy.
6. To examine and review the Council's customer service culture, processes and performance and to champion the customer point of view.
7. To review, monitor and improve consultation and communication between the Council and its customers.
8. Championing the continuous improvement and delivery of the Council's digital agenda.
9. Co-ordination and development of the Council's websites and online transactional processes.
10. Promotion of Member Development for all councillors.
11. Community wealth building.
12. Economic development of the City of Colchester including the Economic Growth Strategy.
13. To oversee major regeneration projects which impact upon the Council's landholdings.
14. Partnerships that improve and encourage business opportunities.
15. Promotion, influence and improvement of lifelong learning and skills.
16. Promotion of tourism.

Scheme of Delegation to Cabinet Members

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

17. To approve updates to the Council's Events Policy.
18. Support events of cultural and artistic merit.
19. Fit for the Future programme lead on Digital Customer.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Housing

1. Management of Council owned housing stock and other related properties including the setting of rents.
2. Management of the Housing Revenue Account.
(NB. All decisions relating to the financial management of the HRA are reserved to Cabinet).
3. Tenant selection/nomination criteria and conditions of tenancy.
4. The Council's statutory responsibilities to homeless people.
5. The Council's relationship with Registered Social Landlords.
6. To examine and review the operation of Colchester Borough Homes.
7. The operation of the Right to Buy Scheme.
8. The approval of minor or technical changes to the Allocations Policy.
9. Non-statutory housing functions including housing advice.
10. The authorisation and determination of awards of funding from specified capital and revenue budgets to registered providers to facilitate the provision of affordable housing in return for nomination rights.
11. Housing Revenue Account land including terms for acquisitions and disposals.
12. To ensure that health and safety requirements are met in accordance with the Consumer Regulations for social housing stock where the Council is the 'body corporate' and delegation to a named person is in place to ensure compliance.
13. Private sector housing grants.
14. To ensure that the Council is meeting its statutory responsibilities under the Regulatory Reform (Fire Safety) Order 2005 as amended by the Fire Safety Act 2021.
15. The promotion and monitoring of the Council's Housing Strategy and the identification of new schemes.
16. The Council's statutory responsibilities in respect of housing standards, home loss, disturbance and similar payments.
17. Fit for the Future programme lead on Housing Revenue Account and housing provision.

Scheme of Delegation to Cabinet Members

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

1. Monitoring performance of the Local Plan.
2. Contributions to the preparation of the Local Plan and associated documents. (N.B. formal approval of the Local Plan and associated documents is reserved to the Local Plan Committee).
3. To oversee the implementation and monitoring of the Council's policies and performance in relation to planning and building control.
4. To review the Council's statutory responsibilities in regard to the Building Safety Act 2022 ensuring that the Council fulfils its legal duties in regard to the safety of buildings.
5. Implementation of safety at sports grounds and securing the safety of dangerous buildings.
6. The promotion of the Council on national and regional bodies in relation to housing completions and housing developments.
7. Monitoring of the Council's Climate Emergency Action Plan.
8. Monitoring of the Council's net zero emission commitment.
9. Lead on the strategy, implementation and monitoring of the Council's Climate Challenge and Sustainability Themes including biodiversity and environmental initiatives across Council services and partnerships.
10. To develop and monitor the implementation of the Council's carbon management reduction plan across all Council assets.
11. Monitoring the Council's Woodland and Biodiversity programme.
12. Air and water quality policy and monitoring.
13. Sea defence and coastal protection matters.
14. Monitoring sustainable development.
15. Promotion of the City Council's Transport Strategy in partnership with Essex County Council, the responsible Transport Authority and other partners to improve infrastructure.
16. All City Council (district) highway functions and City Council owned highways.
17. Traffic management schemes funded by the City Council.

Scheme of Delegation to Cabinet Members

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

18. To respond on behalf of Colchester City Council as a supporting authority to the pre-consultation, consultation, pre-publication, publication and review stages of the preparation of the Local Nature Recovery Strategy by Essex County Council in accordance with The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Waste, Neighbourhoods and Leisure

1. Performance and operation of Neighbourhood Services, street cleansing and public conveniences.
2. To develop and promote policies in relation to waste collection, waste reduction, re-use and recycling and overview of the strategic waste review.
3. Operation of an effective refuse collection, recycling, litter enforcement and cleansing service.
4. Provision of Council fleet requirements.
5. Implementation and monitoring of the Council's policies and services in respect of car parking and operation of City Council owned car parks.
6. To exercise the functions delegated to the North Essex Parking Partnership Joint Committee on behalf of the Cabinet and to act as the Council's member on the North Essex Parking Partnership Joint Committee.
7. Street naming and numbering.
8. To oversee the policy and operation of the Council's services relating to sport, recreation and leisure facilities, playgrounds, parks and gardens, allotments, playing fields, beach facilities, public open spaces, amenity areas and country parks together with monitoring of the grounds maintenance contract.
9. To review and monitor the performance of the commercial aspects of Sport and Leisure.
10. Liaison with voluntary organisations and clubs in the development and use of sporting and recreational facilities.
11. Fit for the Future lead for Waste Services, Greening and Street Care, Active and Wellbeing.

Membership of Cabinet, Panels and Committees Municipal Year 2024/25

Cabinet (7 seats)										
Group representation Lib Dem 7										
Members: Cllr King Cllr Cory Cllr Jay Cllr Goss Cllr Luxford Vaughan Cllr Sommers Cllr Smith				Portfolio Leader of the Council and Portfolio Holder for Strategy Deputy Leader of the Council and Portfolio Holder for Resources Portfolio Holder for Economic Growth and Transformation Portfolio Holder for Waste, Neighbourhoods and Leisure Portfolio Holder for Planning, Environment and Sustainability Portfolio Holder for Communities, Heritage and Public Protection Portfolio Holder for Housing						
Governance and Audit Committee (7 seats)			Licensing Committee (12 seats)				Local Plan Committee (9 seats)			
Group Representation			Group Representation				Group Representation			
Con	3		Con	4		Con	3		Lab	2
Lab	2		Lab	3		Lab	2		Lib Dem	3
Lib Dem	2		Lib Dem	4		Lib Dem	3		Green	1
Green	-		Green	1		Green	1			
Members: Dundas (Con) Kelly (LD) McLean (Lab) Naylor (Con) Pearson (Lab) Smith (LD) Sunnucks (Con)			Members: Alake-Akimbeye (Lab) Appleton (LD) Buston (Con) Çufoğlu (Green) Hagon (Con) Harris (Lab) Lilley (Lab) Mannion (Con) Osborne (Lab) Powling (Con) Spindler, C (LD) Spindler, M (LD) <i>*To note that the Liberal Democrat Group has agreed to relinquish one seat to the Labour Group</i>				Members: Ellis (Con) Kelly (LD) Kirkby-Taylor (Green) Moffat (LD) Parsons (Con) Smalls (Lab) Smithson (Con) Spindler, M (LD) Young, T (Lab)			

Planning Committee (9 seats)			Scrutiny Panel (including Crime and Disorder Committee) (7 seats)			Environment and Sustainability Panel (7 seats)		
Group Representation			Group Representation			Group Representation		
Con	3		Con	3		Con	3	
Lab	2		Lab	2		Lab	2	
Lib Dem	3		Lib Dem	2		Lib Dem	2	
Green	1		Green	-		Green	-	
Members: Arnold (LD) Davidson (Con) Maclean (Con) Goacher (Green) McCarthy (LD) Rippingale(Lab) Spindler, C (LD) Tate (Con) Warnes (Lab)			Members: Appleton (LD) Law (Lab) Laws (Con) Moffat (LD) Rowe (Con) Scordis (Lab) Willets (Con)			Members: Barber (Con) Bentley (Con) Cox (Lab) Lissimore (Con) McCarthy (LD) Spindler, C (LD) Young, J (Lab)		

**Independent
Remuneration Panel**

Richard Aldridge
David Priest
Amanda Westbrook