

COLCHESTER BOROUGH COUNCIL

Annual Council Meeting

25 May 2022

Supplementary Information

7. Have Your Say!

9. Appointment of the Leader of the Council

F.... Motion to appoint Councillor King as Leader of the Council for the remainder of his term of office.

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 3 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, Planning Committee, Policy Panel and Scrutiny Panel (including the Crime and Disorder Committee) for the ensuing municipal year be as circulated at this meeting (see page 15 of this Supplementary Information).

(ii) In accordance with the provisions of section 17 of the Local Government and Housing Act 1989 the appointments to the Licensing Committee and Local Plan Committee for the ensuing municipal year shall not be on a Group basis and membership shall be as circulated at this meeting (see page 15 of this Supplementary Information).

(iii) that the membership of the Independent Remuneration Panel be as circulated at this meeting (see page 17 of this Supplementary Information).

(iv) that the terms of reference of the Tendring Colchester Borders Garden Community Joint Committee be amended to remove the requirement that one of the members appointed by Colchester Borough Council must be the Chairman of the Local Plan Committee. Therefore Colchester Borough Council's membership of the Joint Committee be three members, one of whom must be a member of Cabinet, all to be appointed by the Leader.

12. Notification of Urgent Decisions taken under Council Procedure Rule 18 – Adoption of Marks Tey and West Mersea Neighbourhood Plans

Council is invited to note the decisions taken under Council Procedure Rule 18 (Matters of Urgency) to make the Neighbourhood Plans for Marks Tey and West Mersea.

13. Motion of Thanks to former Councillors

H... Motion of thanks to former Councillors Bourne, Chillingworth, Cope, Crow, Dundas, Hayter, Hazell, Loveland, P. Oxford and Whitehead.

The Mayor to welcome new Councillors Arnold, Bloomfield, Kirkby-Taylor, Law, McLean, Ripplingale, Smith, Smithson, Spindler and Sunnucks 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 100(1) and Schedule 12A of the Local Government Act 1972).

Colchester Borough Council

SCHEME OF DELEGATION BY THE LEADER OF THE COUNCIL TO CABINET MEMBERS May 2022

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

Portfolio Holder

Page(s)

All Cabinet Members

Leader of the Council and Strategy – Councillor King

Deputy Leader of the Council and Local Economy
and Transformation – Councillor Fox

Culture and Heritage – Councillor Cox

Environment and Sustainability – Councillor Nissen

Housing and Communities – Councillor J Young

Neighbourhood Services and Waste – Councillor Goss

Resources – Councillor Cory

Planning and Infrastructure – Councillor Luxford Vaughan

Scheme of Delegation to Cabinet Members

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

Functions retained by the Leader of the Council and Portfolio Holder for Strategy
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1. The promotion of the Council on national, regional and strategic partnerships.
2. To develop and promote community leadership in the Borough.
3. To develop and keep under review the Council's Strategic Plan.
4. Relations with the general public, local authorities, the media and all other external agencies.
5. Monitoring of the Council's performance dashboard and in relation to national performance indicators and any other Government performance scheme.
6. To review the opportunities to work with other partners, both within the public and private sectors, to assist in developing 'joined-up' government.
7. Responsibility for the management and monitoring of health and safety emergency planning and business continuity across the whole of the Councils' undertakings.
8. Strategic leadership of the joint Tendring Colchester Borders Garden Community.
9. Communications strategy and external communications with the media and partners.
10. Oversight of the Council's use of social media and social media policy.
11. Economic development of the Borough of Colchester including the Economic Growth Strategy.
12. Strategic oversight of the Colchester Town Deal and Town Investment Plan.
13. Support the effectiveness of the operation of Business Improvement Districts.
14. Partnerships that improve and encourage business opportunities.
15. Following consultation with Group Leaders, to make appointments during the municipal year to Council Groups and Outside Bodies.
16. Client role for Colchester Commercial (Holdings) Limited.
17. Northeast Essex Alliance integrated working.
18. Promotion, influence and improvement of lifelong learning and skills.

Scheme of Delegation to Cabinet Members

Delegation to the Deputy Leader of the Council and Portfolio Holder for Local Economy and Transformation

1. Organisational transformation.
2. Matters relating to financial management, corporate governance, audit, insurance, risk management and management of the Council's assets.
3. The employment and human resource provisions of all Council employees.
4. Development and implementation of the Council's Information Communication Technology Strategy.
5. To examine and review the Council's customer service culture, processes and performance and to champion the customer point of view.
6. To review, monitor and improve consultation and communication between the Council and its customers.
7. Championing the continuous improvement and delivery of the Council's digital agenda.
8. Co-ordination and development of the Council's websites and online transactional processes.
9. To review and monitor the performance of Colchester Commercial (Holdings) Limited and its subsidiaries: Colchester Amphora Housing Limited, Colchester Amphora Trading Limited and Colchester Amphora Energy Limited together with the commercial aspects of Sport and Leisure.
10. To approve updates to the Council's Events Policy.
11. To promote partnership working with Town, Parish and Community Councils within the Borough.
12. 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.
13. Promotion of Member Development for all councillors.
14. Community wealth building.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Culture and Heritage
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1. Promotion of tourism in the Borough.
2. Support of events of cultural and artistic merit.
3. The Council's support of national portfolio organisations of Arts Council England and promotion of other cultural facilities.
4. Protection and promotion of Archaeological sites and monuments in the Borough.
5. Approval of expenditure under the Heritage Fund.
6. 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.
7. To exercise the functions delegated to the Colchester and Ipswich Joint Museums Committee on behalf of the Cabinet.
8. Civic matters including aspects of town twinning.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Environment and Sustainability
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1. Monitoring of the Council's Climate Emergency Action Plan.
2. Monitoring of the Council's net zero emission commitment.
3. 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.
4. To develop and monitor the implementation of the Council's carbon management reduction plan across all Council assets.
5. Monitoring the Council's Woodland and Biodiversity programme.
6. Air and water quality policy and monitoring.
7. Monitoring sustainable development.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Housing and Communities

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. Community safety and Crime Prevention including CCTV and police liaison/ support.
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.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Housing and Communities (continued)

17. The Council's equality, diversity and safeguarding duties and responsibilities.
18. Promotion and delivery of Welfare Benefits, Employment and Financial Support.
19. To support initiatives which tackle deprivation and inequalities throughout the Borough.
20. 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.
21. The promotion of public health matters and infection control across the Borough.
22. 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.
23. 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.
24. Represent the Council on the Essex Countywide Traveller Unit Joint Committee.
25. To examine and review the development of community engagement.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Neighbourhood Services and Waste
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1. Performance and operation of Neighbourhood Services, street cleansing and public conveniences.
2. Operation of markets within the Borough.
3. Crematorium and cemetery (Bereavement Services).
4. To develop and promote policies in relation to waste collection, waste reduction, re-use and recycling.
5. Operation of an effective refuse collection, recycling, litter enforcement and cleansing service.
6. Provision of Council fleet requirements.
7. To oversee the policy and operation of the Council's services relating to sport, recreation and leisure facilities, parks and gardens, allotments, playing fields, beach facilities, public open spaces, amenity areas and country parks together with monitoring of the grounds maintenance contract.
8. Liaison with voluntary organisations and clubs in the development and use of sporting and recreational facilities.
9. Implementation and monitoring of the Council's policies and services in respect of car parking and operation of Borough Council owned car parks.
10. To exercise the functions delegated to the North Essex Parking Partnership Joint Committee on behalf of the Cabinet.
11. Oversight of the implementation and monitoring of the Council's policies and services relating to all licensing activities.
12. Determination of licence applications under the Scrap Metal Dealers Act 2013 where the Assistant Director - Environment is minded to refuse the application and representations have been received.
13. To revoke or vary licence applications under the Scrap Metal Dealers Act 2013 where representations have been received.
14. Sea defence and coastal protection matters.
15. Street naming and numbering.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Resources

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

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Planning and Infrastructure

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. Implementation of safety at sports grounds and securing the safety dangerous buildings.
5. 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.
6. The promotion and monitoring of the Council's Housing Strategy and the identification of new schemes.
7. The Council's statutory responsibilities in respect of housing standards, home loss, disturbance and similar payments.
8. The promotion of the Council on national and regional bodies in relation to housing completions and housing developments.
9. Promotion of the Borough Council's Transport Strategy in partnership with Essex County Council, the responsible Transport Authority and other partners to improve infrastructure.
10. All Borough Council (district) highway functions and Borough Council owned highways.
11. Traffic management schemes funded by the Borough Council.
12. To represent the Borough Council on Essex County Council's Highways Panel.
13. To oversee major regeneration projects which impact upon the Council's landholdings.

Membership of Cabinet, Panels and Committees Municipal Year 2022/23

Cabinet (8 seats)								
Group representation Lib Dem 4, Labour 3, Green 1								
Members: Cllr King Cllr Fox Cllr Cory Cllr Cox Cllr Goss Cllr Luxford Vaughan Cllr Nissen Cllr J. Young			Portfolio Leader of the Council and Portfolio Holder for Strategy Deputy Leader of the Council and Portfolio Holder for Local Economy and Transformation Portfolio Holder for Resources Portfolio Holder for Heritage and Culture Portfolio Holder for Neighbourhood Services and Waste Portfolio Holder for Planning and Infrastructure Portfolio Holder for Environment and Sustainability Portfolio Holder for Housing and Communities					
Governance and Audit Committee (7 seats)			Licensing Committee (11 seats)			Local Plan Committee (11 seats)		
Group Representation			Group Representation			Group Representation		
Con	3		Con	4		Con	4	
Lab	2		Lab	3		Lab	3	
Lib Dem	2		Lib Dem	3		Lib Dem	3	
High	-		High	-		High	-	
Green	-		Green	1		Green	1	
Members: Cllr Harris (Lab) Cllr McCarthy (LD) Cllr Pearson (Lab) Cllr Smith (LD) Cllr Smithson (Con) Cllr Willetts (Con) Cllr Wood (Con)			Members: Cllr Burrows (LD) Cllr Buston (Con) Cllr Chuah (LD) Cllr Hagon (Con) Cllr Harris (Lab) Cllr Hogg (LD) Cllr Leatherdale (Con) Cllr Moore (Con) Cllr Nissen (Green) Cllr B. Oxford (Highwoods) Cllr T. Young (Lab) *To note that the Labour Group has agreed to relinquish one seat to the Highwoods Group.			Members: Cllr Arnold (LD) Cllr Barber (Con) Cllr Goss (LD) Cllr Kirkby-Taylor (Green) Cllr Law (Lab) Cllr McLean (Lab) Cllr Moore (Con) Cllr G. Oxford (Highwoods) Cllr Rippingale (Lab) Cllr Smith (LD) Cllr Sunnucks (Con) *To note that the Conservative Group has agreed to relinquish one seat to the Highwoods Group.		

Planning Committee (11 seats)			Policy Panel (7 seats)			Scrutiny Panel (including Crime and Disorder Committee) (7 seats)		
Group Representation			Group Representation			Group Representation		
Con	4		Con	3		Con	3	
Lab	3		Lab	2		Lab	2	
Lib Dem	3		Lib Dem	2		Lib Dem	2	
High	-		High	-		High	-	
Green	1		Green	-		Green	-	
Members: Cllr Barton (LD) Cllr Chapman (Con) Cllr Chuah (LD) Cllr Kirkby-Taylor (Green) Cllr Lilley (Lab) Cllr Mannion (Con) Cllr McLean (Lab) Cllr Maclean (Con) Cllr McCarthy (LD) Cllr Tate (Con) Cllr Warnes (Lab)			Members: Cllr Bentley (Con) Cllr Coleman (LD) Cllr Jowers (Con) Cllr Law (Lab) Cllr Pearson (Lab) Cllr Scott-Boutell (LD) Cllr Smithson (Con)			Members: Cllr Laws (Con) Cllr Lilley (Lab) Cllr Lissimore (Con) Cllr McCarthy (LD) Cllr Scordis (Lab) Cllr Smith (LD) Cllr Willetts (Con)		

Environment and Sustainability Panel (11 seats)			Independent Remuneration Panel	
Group Representation			David Priest Richard Aldridge Amanda Westbrook	
Con	4			
Lab	3			
Lib Dem	3			
High	-			
Green	1			
Members Cllr Arnold (LD) Cllr Barber (Con) Cllr Bloomfield (Lab) Cllr Burrows (LD) Cllr Ellis (Con) Cllr Goacher (Green) Cllr Lissimore (Con) Cllr Rippingale (Lab) Cllr Scordis (Lab) Cllr Spindler (LD) Cllr Sunnucks (Con)				