

RESPONSIBILITIES OF COUNCIL, CABINET AND COMMITTEES

RESPONSIBILITY FOR COUNCIL – NON EXECUTIVE FUNCTIONS		
Committee	Functions and Terms of Reference	Delegated Functions
Full Council	<p>Those functions retained for responsibility by Full Council as set out in Article 4 of the Constitution and the following specific functions as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in the Appendix 1 to Part 3 of the Constitution.</p> <p>D. Discharge the following Functions Relating to Elections:</p> <ul style="list-style-type: none"> • Duty to appoint an Electoral Registration Officer • Power to dissolve Parish Councils • Power to make orders for grouping parishes, dissolving groups and separating parishes from groups. • Duty to appoint Returning Officer for local government elections • Duty to provide assistance to European Parliamentary elections. • Power to fill vacancies in the event of insufficient nominations. • Power to submit proposals to 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. • Duty to consult on change a scheme for elections and associated powers under the Local Government Public Involvement and Health Act 2007. 	<p>Chief Executive in consultation with the Council Chairman:</p> <ol style="list-style-type: none"> 1. Agreeing the scale of fees payable at elections at District and Parish Councils, referenda and Parish Polls. <p>Chief Executive:</p> <ol style="list-style-type: none"> 1. Returning Officer at Local Elections 2. Power to assign Officers in relation to requisitions of the Registration Officer. 3. Actions required meeting the duty to provide assistance at European Parliamentary elections. 4. To divide constituency and electoral divisions into polling districts. 5. Powers in respect of holding of elections. 6. Power to pay expenses properly

	<p>E. The discharge of the following functions relating to the Name and Status of Areas</p> <ul style="list-style-type: none"> • Power to change the name of the district or parish • Power to petition for a charter to confer borough status <p>EB. Discharge the Duties, Functions and Powers relating to Community Governance</p> <p>F. Power to Amend, Revoke or Re-enact Byelaws</p> <p>G. Power to Promote or Oppose Local or Personal Bills</p> <p>Discharge of the following miscellaneous functions – Part II:</p> <ul style="list-style-type: none"> • Power to make standing orders (this includes amendments to the Constitution) • Power to make standing orders as to contracts • Duty to make arrangements for the proper administration of financial affairs. • Power to appoint Officers for particular purposes (appointment of “Proper Officers”) • Duty to designate Officer as the head of the authority’s Paid Service, and to provide staff, etc. • Duty to designate Officer as the Monitoring Officer, and to provide staff, etc. • Duty to provide staff etc. to person nominated by Monitoring Officer. • Power to make payments or provide 	<p>incurred by Electoral Registration Officers.</p> <p>7. Duty to declare vacancy in office in certain cases.</p> <p>8. Duty to give public notice of a casual vacancy.</p> <p>9. Power to make temporary appointments to parish councils.</p> <p>10. Regrading posts, restructuring and determining staffing levels (except where Section 4 of the Local Government and Housing Act 1989 applies and it is appropriate for the full Council to consider any specific proposals of the Head of Paid Service in this regard).</p> <p>Chief Executive or Monitoring Officer:</p> <p>1. The Proper Officer before whom a Member’s formal Declaration of Acceptance of Office may be made.</p> <p>2. The appointment or removal of any individual to/from a Committee, Sub-Committee, panel or</p>
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	<p>other benefits in cases of maladministration.</p> <p>Other matters</p> <p>Those as set out in Article 4 of the Constitution together with:</p> <ul style="list-style-type: none"> • Prepare and approve a Pay Policy Statement for the financial year in accordance with Chapter 8 of the Localism Act 2011. • The appointment of the Chief Executive • On the recommendation of the Human Resources Committee: <ul style="list-style-type: none"> (a) The dismissal including redundancy, in accordance with the statutory provisions, of the Chief Executive, Chief Finance Officer or Monitoring Office (following the outcome of an Independent Panel) (b) The voluntary early retirement and voluntary redundancy of the Chief Executive (c) The retirement on grounds of ill health of the Chief Executive on the recommendation of the Council's medical advisor (d) The terms and conditions of service of the Chief Executive 	<p>working party at the request of the relevant Group Leader.</p> <p>3. The advertisement of vacancies for the position of Independent Person(s) and the Independent Remuneration Panel, the review of applications received; the interview of suitable candidates and the making of recommendations to Council as to who should be appointed.</p>
Committee	Functions and Terms of Reference	Delegation of functions
Audit Committee	<p><i>The discharge of the following miscellaneous functions – Part II as set out in Schedule 1 to the Local Authorities (Functions and Responsibility Regulations) (England) 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution.</i></p> <p>Duty to approve the authority's statement of accounts, income and expenditure and balance sheet or record of receipts or payments (as the case may be).</p> <p>Additional roles and functions of the Committee are as set out below:</p>	<p>Section 151 Officer and Audit and Governance Manager:</p> <p>The Provision of advice and support to the Audit Committee on all aspects of its functions and duties</p>

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;
3. Considers the annual budget for the Internal audit Service as part of the Council's budget setting process; and
4. To oversee the financial reporting process:

Audit Activity

1. Considering the Audit and Governance Manager'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

	<p>Council's external auditor.</p> <p>Regulatory Framework</p> <p>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).</p> <p>8. Monitoring the effective development and operation of risk management and corporate governance.</p> <p>9. Monitoring Council policies on 'Raising Concerns at Work', the whistleblowing policy and the anti-fraud and corruption strategy.</p> <p>10. Overseeing the production of the Code of Corporate Governance, including the Statement of Internal Control.</p> <p>11. Considering the arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.</p> <p>12. Considering the Council's compliance with its own and other published standards and controls (other than those covered by the Standards Committee).</p> <p>Accounts</p> <p>13. Reviewing and approving the annual statement of accounts.</p> <p>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.</p> <p>15. Receiving the external auditor's report to those charged with governance.</p>	
Committee	Functions and Terms of Reference	Delegation of functions
Council Tax	To exercise the Council's functions relating to the formal acceptance of Council Tax	

Committee	<p>precepts from the major precepting authorities.</p> <p>The exercise of the Council's functions, powers and duties in relation to the Terms of Reference.</p>	
Committee	Functions and Terms of Reference	Delegation of functions
Local Plan Committee	<p>To exercise the Council's functions relating to overseeing the preparation of the Local Plan and ensuring it meets the 'tests of soundness' from national and planning policy.</p> <p>The exercise of the Council's functions, powers and duties in relation to the following:</p> <ol style="list-style-type: none"> 1. To oversee the preparation of the new Tendring District Local Plan* to ensure that it meets the 'tests of soundness' set out in the National Planning Policy Framework. 2. To ensure that the Local Plan* is "positively prepared", based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development. 3. To ensure the Local Plan* is "justified", promoting the most appropriate strategy for growth, when considered against reasonable alternatives, based on proportionate evidence. 4. To ensure that the Local Plan* is "effective", being deliverable over the plan period and based on effective joint working on cross-boundary strategic priorities. 5. To ensure that the Local Plan* is "consistent with national policy" enabling the delivery of sustainable development in accordance with the 	

	<p>policies in the National Planning Policy Framework.</p> <ol style="list-style-type: none">6. To ensure that the Council effectively complies with the statutory duty to co-operate.7. To consider and recommend the content of the Local Plan*, in consultation with the Cabinet, for consideration and formal approval by Full Council for either public consultation (preferred options or pre-submission versions), submission to the Secretary of State (to be examined by a Planning Inspector), or final adoption (following receipt of the Planning Inspector's report).8. To formally approve Supplementary Planning Documents (SPDs) and other planning documents for public consultation and final adoption.9. To approve the preparation, commissioning and subsequent publication of studies, surveys and other technical documents that form part of the "evidence base" needed to justify the content of the Local Plan*, Supplementary Documents (SPDs) and other planning documents.10. To scrutinise, note and understand the recommendations and conclusions of the "evidence base" to ensure that it provides a robust platform upon which to base policies and proposals in the Local Plan*, SPDs and other planning documents.11. To approve the publication of the Annual Monitoring Report (AMR) each year and to consider whether or not it highlights development trends that may or may not require changes to policies or proposals in the Local Plan*, SPDs or other planning documents.12. To consider representations submitted in response to public consultation exercises on the Local Plan*, SPDs or	
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	<p>other planning documents and consider the need for any changes to these documents in response to any issues that they raise.</p> <p>13. To consider and agree responses to consultation exercises on national, regional and sub-regional planning policy issues and on other authorities' planning documents.</p> <p>14. Approve the work programme required for the Committee to undertake its functions effectively and in a timely manner.</p> <p>15. Refer to Cabinet and/or Council any recommendations in respect of the Council's overall strategy and policies.</p> <p><i>* The Local Plan can consist of one or more 'Development Plan Documents' which could include one document for the majority of the Tendring District and a separate document, if necessary, prepared jointly with Colchester Borough Council, for any major development crossing the Tendring/Colchester border</i></p>	
Committee	Functions	Delegation of functions
Planning Committee	<p><i>The discharge of the Town and Country Planning and Conservation functions as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution.</i></p> <p>Additional roles and functions of the Committee are as set out below:</p> <p>1. 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.</p>	<p>All planning and conservation matters delegated to the Head of Planning except in relation to the determination of certain planning applications as detailed below for determination by the Committee:</p> <p>(i) Officer recommendations for approval materially contrary to national or local policy.</p> <p>(ii) Officer</p>

		<p>recommendation of approval contrary to a previous refusal by the Planning Committee, where the policies remain substantially unchanged.</p> <p>(iii) Officer recommendation of approval and the application should be referred to the Secretary of State under a Direction(s) or “call in”.</p> <p>(iv) The applicant is the Council or someone acting as applicant on the Council’s behalf or in respect of Council owned land.</p> <p>(v) The applicant is a Member of the Council, Planning Officer or a Senior Officer and there is an Officer recommendation for approval, a Member of the Council, Planning Officer or a Senior Officer Member of the Council and there is an Officer recommendation for approval.</p> <p>(vi) Within 28 days of the commencement of formal consultation, a written request is</p>
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	<p><i>The discharge of the Miscellaneous functions – Part I – relating to Public Rights of Way, within the District Council’s responsibility as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution.</i></p> <p><i>The discharge of the following Miscellaneous functions – Part II – relating to hedgerows, trees and hedges as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution.</i></p>	<p>received from a District Councillor requesting that the application should be brought before the Planning Committee for determination giving material planning reasons for that request.</p> <p>(vii) Any application which the Head of Planning in their professional opinion, taking into account the written representations received, plans and policies and other material planning considerations be referred to the Planning committee because it raises more than significant local issues.</p> <p>All public rights of way matters delegated to the Corporate Director (Public Experience)</p> <p>All hedgerows, trees and hedges matters delegated to the Head of Planning</p>
Committee	Functions and Terms of Reference	Delegation of functions
Human Resources Committee	<i>The discharge of the following Part II - miscellaneous functions as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), and as detailed in Appendix 1 to Part 3 of the Constitution.</i>	Chief Executive: Regrading posts, restructuring and determining staffing levels (except where Section 4 of the Local

	<p>Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).</p> <p>Additional roles and functions of the Committee are as set out below:</p> <ol style="list-style-type: none"> 1. Decision-making on key Human Resource and Personnel issues not reserved by the Council or delegated to officers. 2. Strategic Overview and Monitoring of General Staffing Profile and Data through assessment and consideration of periodical statistical reports. 3. Agreement of key personnel policies, including but not exclusively: <ul style="list-style-type: none"> • Recruitment and Selection • Pay and Reward • Performance Management • Flexible Working and Work Life Balance • Equality and Diversity • Discipline and Grievance • Managing Change • Human Resources and Organisation Development Strategy 4. The recommendation to Council of the terms and conditions of service, dismissal including redundancy, voluntary redundancy, and voluntary early retirement of the Chief Executive. 5. The recommendation to Council of the retirement on grounds of ill health of the Chief Executive on the recommendation of the Council's Medical Advisor. 6. The appointment, or dismissal of, 	<p>Government and Housing Act 1989 applies and it is appropriate for the full Council to consider any specific proposals of the Head of Paid Service in this regard).</p> <p>Chief Executive in consultation with the Manager of Human Resources:</p> <p>The approval of a redundancy or mutually agreed Settlement Agreement for dismissal of staff up to and including Management Team level.</p> <p>Any Corporate Director or Head of Planning Services in consultation with the Human Resources Manager:</p> <ol style="list-style-type: none"> 1. The exercise and performance of the Council's functions, powers and duties in relation to applications for extensions of sick pay entitlement. 2. The recruitment and appointment of permanent staff up to, but not including Corporate Directors or Head of Planning above, in consultation with
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	<p>disciplinary action against Corporate Directors and Head of Planning.</p>	<p>the Workforce Panel and accordance with the Council's agreed procedures</p> <p>Human Resources Manager in consultation with Corporate Director (Corporate Services)</p> <p>3. Minor amendments to Human Resources Policies and Procedures necessary as a result of legislation, national guidance or best practice.</p> <p>4. Approval of Pension Scheme related matters.</p> <p>The Chief Executive and Corporate Directors, Head of Planning shall have authority to act in relation to all matters within their areas of responsibility connected with management of staff including terms and conditions of employment and dismissal in accordance with the Council's Human Resources Policies and Staff Handbook, as maintained on the Council's intranet.</p>
Committee	Functions and Terms of Reference	Delegation of functions

<p>Licensing and Registration Committee</p>	<p><i>Functions relating to licensing, registration (B), Health and Safety at Work (C) and Smoke-free premises (FA) as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution.</i></p> <p>Additional roles and functions of the Committee are as set out below:</p> <ul style="list-style-type: none"> • Recommending the Licensing and Gambling Policy Statements to full Council and Sex Establishment Policy; • Power to consider consult and consider representations in respect of an Early Morning Restriction Order (EMRO) under Sections 172A to 172E of the Licensing Act 2003 and to recommend implementation or rejection of application for EMRO to Full Council; and • Power to consult and consider representations in respect of Late Night Levy (LNL) Provisions under Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and to recommend implementation or rejection of an application to introduce LNL to Full Council. <p><i>The discharge of the following Part II - Miscellaneous Functions as set out in Schedule 1 to the Functions and Responsibilities Regulations and as detailed in Appendix 1 to Part 3 of the Constitution:</i></p> <ul style="list-style-type: none"> • Power to make closing order with respect to take away food shops; and • Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption. 	<ol style="list-style-type: none"> 1. All licensing and registration functions (are delegated to the Licensing (General Purposes) Sub - Committee, and Premises/Personal Licences Sub-Committees as detailed below and otherwise the Corporate Director (Public Experience) except determining licensing conditions and criteria, and commenting on proposed policies, which remain with the Committee. 2. All functions relating to Health and Safety at Work and Smoke Free Premises are delegated to the Corporate Director (Public Experience).
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	<p>In addition the following powers and duties:</p> <ul style="list-style-type: none"> The setting of any fees and/or charges payable to the Council for the issue of any licences (with the exception of under the Scrap Metal Act 2013) or otherwise in relation to any of the functions falling within the remit of the Licensing Committee and various Sub-Committees. 	
Committee	Functions and Terms of Reference:	Delegation of functions
Licensing and Registration (General Purposes) Sub-Committee	<p>To consider and determine matters relating to all licences, consents, registrations and certificates that fall within the terms of reference of the Licensing and Registration Committee, except where:</p> <ol style="list-style-type: none"> The function relates to the Licensing Act 2003 or the Gambling Act 2005 The function falls within the terms of reference of another Committee or Sub-Committee, board or body; or The function has been delegated to Officers of the Council <p>In addition the Sub-Committee will exercise the following powers and duties:</p> <ol style="list-style-type: none"> Consideration for recommendations to local Highway Panel and Cabinet on: <ul style="list-style-type: none"> setting taxi fares installation of new taxi ranks and amendments/removals to existing taxi ranks. Consider appeals or objections received against the Council's Street Trading Policy or refusal of consent by Officers. Approval to move Street Collections, except where it is for a recognised carnival for charitable purposes which is currently delegated to Officers. Consider appeals or objections received against Officers refusal of 	<p>All matters are delegated to the Corporate Director (Public Experience) except in circumstances where the matter:</p> <ol style="list-style-type: none"> remains with the Committee or Sub-Committee or does not meet the policy criteria set by the Council.

	Street or House Collection applications.	
Committee	Functions and Terms of Reference:	Delegation of functions
Premises/ Personal Licences Sub-Committee(s)	<p>1.To consider applications for licences where representations have been received and not withdrawn, and applications for the review of licences, covered by the Licensing Act 2003 as follows:-</p> <ul style="list-style-type: none"> (i) Application for Premises Licence (ii) Application for Provisional Statement (iii) Application for Variation of Premises Licence (iv) Application to vary Designated Premises Supervisor following police objection (v) Application for Transfer of Premises Licence following police objection (vi) Consideration of police objections made to interim Authority Notice (vii) Determination of Application for Club Premises Certificate (viii) Determination of Application to vary Club Certificate (ix) Decision to give counter notice following police objection police or environmental health authority to temporary event notice (x) Application for grant of personal licence following police objection (xi) Revocation of Licence where convictions came to light after grant etc. (xii) Application for review of premises licence. (xiii) Application for review of Club Premises Certificate (xiv) Review following Closure Order <p>2.To consider applications for licences, where representations have been received and not withdrawn, and applications for the review of licences, covered by the Gambling Act 2005, as follows:</p> <ul style="list-style-type: none"> (i) Application for Premises Licence (ii) Application for Variation of Licence (iii) Application for Transfer of a Licence 	<p>To the Corporate Director (Public Experience):</p> <ul style="list-style-type: none"> 1. The approval or refusal of applications where no representations have been received. 2. All other Council functions, powers and duties in relation to the Licensing Act 2003 and the Gambling Act 2005 which do not remain the specific function of the Committee or Sub-Committee.

	<ul style="list-style-type: none"> (iv) Application for a Provisional Statement (v) Review of a Premises Licence (vi) Application for Club Gaming/Club Machine Permit (vii) Cancellation of a Club Gaming/Club Machine Permit (viii) Decision to give a Counter Notice to a Temporary Use Notice (Section 224) (ix) Matters referred to the Sub-Committee by Officers, notwithstanding the delegations set out opposite (x) Application for Prize Gaming Permit (xi) Application for Family Centre Gaming Machine Permit 	
Committee	Functions and Terms of Reference	Delegation of functions
Standards Committee	<ol style="list-style-type: none"> 1. To promote and maintain high standards of conduct by Members and Co-opted Members of the authority; 2. To develop a culture of openness, transparency, trust and confidence between Members and in Member and Officer relationships and to embed a culture of strong ethical and corporate governance at all levels in the Council; 3. To advise the Council on the adoption or revision of the Members' Code of Conduct; 4. To advise, train or arrange training on matters relating to and assisting Members, Co-Opted Members and Town and Parish Councillors on observing the Members' Code of Conduct; 5. To approve procedures for the conduct of hearings into complaints against Members; 6. To advise the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council; 7. To receive reports from the Monitoring Officer and assess the operation and effectiveness of the Members' Code of 	<p>Delegation to Monitoring Officer:</p> <ol style="list-style-type: none"> 1. Deal with complaints against Members and co-opted Members of the Council and / or any Town or Parish Council in the Tendring District alleging a breach of the Members' Code of Conduct of the Council / Town or Parish Council ("Code") in accordance with the Complaints Procedure. 2. Assess complaints in accordance with the Assessment Criteria and may consult with a duly appointed Independent Person and determine whether the complaint: <ul style="list-style-type: none"> • Merits no further action • Merits early

	<p>Conduct and the other elements of the Standards Framework;</p> <p>8. To inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;</p> <p>9. To hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to Section 33 of the Localism Act 2011; and</p> <p>10. To maintain oversight of the Council's arrangements for dealing with complaints delegated to Standards Town and Parish Sub-Committee.</p> <p>Proceedings:</p> <p>1. To conduct proceedings in accordance with the Complaints Procedure, giving due consideration to the Monitoring Officer's advice and guidance, and following the principles of natural justice and innocent until proven otherwise;</p> <p>2. To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the assessment criteria and Complaints Procedure;</p> <p>3. To hear and determine complaints about Tending District Council Members and Co-Opted Members referred to it by the Monitoring Officer; and</p> <p>4. Any determination by the Committee which is contrary to the recommendation of the Monitoring Officer will include detailed reasons. The decision of the Committee will also be reported to the next meeting of full Council.</p>	<p>informal conciliation</p> <ul style="list-style-type: none"> • Merits further investigation • Should due to exceptional circumstances be referred to the Standards Committee or Sub-Committee for consideration for further investigation <p>3. Determine the format of the Complaints Form, Decision Notices and Procedure Flowchart and review where necessary.</p> <p>4. Commission external resources to investigate, undertake consultation with an Independent Person and report on any complaints relating to Member Conduct.</p> <p>5. Grant dispensations in compliance with Section 33(a) to (e) of the Localism Act 2011.</p> <p>6. Submit reports to the Standards Committee or Sub-Committee on the actions taken under these delegated powers and to provide advice and support making recommendations to the relevant</p>
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		Committee on any matters relating to the promotion and maintenance of high standards of conduct.
Committee	Functions and Terms of Reference	Delegation of functions
Town and Parish Councils' Standards Sub-Committee	<p>To advise and assist Town and Parish Councils and Councillors to maintain high standards of conduct and to make recommendations to Parish and Town Councils on improving standards or actions following a finding of a failure by a Parish Councillor to comply with its Code of Conduct.</p> <p>Proceedings:</p> <ol style="list-style-type: none"> 1. To conduct proceedings in accordance with the Complaints Procedure, giving due consideration to the Monitoring Officer's advice and guidance, and following the principles of natural justice and innocent until proven otherwise; 2. To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the assessment criteria and Complaints Procedure; 3. To hear and determine complaints about Town and Parish Council Members and Co-Opted Members referred to it by the Monitoring Officer; and 4. Any determination by the Sub-Committee which is contrary to the recommendations of the Monitoring Officer will include detailed reasons. The decision of the Sub-Committee will also be reported to the next meeting of full Council. 	<p>Delegation to Monitoring Officer:</p> <ol style="list-style-type: none"> 1. Deal with complaints against Members and co-opted Members of the Council and / or any Town or Parish Council in the Tendring District alleging a breach of the Members' Code of Conduct of the Council / Town or Parish Council ("Code") in accordance with the Complaints Procedure. 2. Assess complaints in accordance with the Assessment Criteria and may consult with a duly appointed Independent Person and determine whether the complaint: <ul style="list-style-type: none"> • Merits no further action • Merits early informal conciliation • Merits further investigation • Should due to exceptional

		<p>circumstances be referred to the Standards Committee or Sub-Committee for consideration for further investigation</p> <p>3. Determine the format of the Complaints Form, Decision Notices and Procedure Flowchart and review where necessary.</p> <p>4. Commission external resources to investigate, undertake consultation with an Independent Person and report on any complaints relating to Member Conduct.</p> <p>5. Submit reports to the Standards Committee or Sub-Committee on the actions taken under these delegated powers and to provide advice and support making recommendations to the relevant Committee on any matters relating to the promotion and maintenance of high standards of conduct.</p>
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THE LEADER OF THE COUNCIL

1. The Leader of the Council is responsible for the overall operation of the Council's portfolios through effective management of their Cabinet.
2. To ensure effective communication of Cabinet business including appropriate liaison with Overview and Scrutiny.
3. To be the leading voice of the Council on all executive functions and for overall policy.
4. To be the member representative for executive functions of the Council working with the Council's partners and stakeholders, on statutory bodies, the voluntary sector, the business community and other national and local organisations.
5. Ensure that their actions are taken in accordance with Section 3 below when making formal decisions.

CABINET

TERMS OF REFERENCE

To be responsible for Community Leadership for the District of Tendring. To lead the preparation of the District 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.

1. Developing and making recommendations to the Council in respect of the plans and strategies that form the Council's policy framework.
2. Formulation of budgets and other statutory financial requirements for submission to Council.
3. Monitoring the Council's budgetary and overall financial position.
4. Decisions as required by the Council's Financial and Procurement Procedure Rules including transactions in respect of the Final Accounts.
5. Decisions outside of the Budget or Policy Framework in accordance with the Procedure Rules.
6. The approval of strategies, policies, plans and guidance which are the responsibility of the Executive and are not delegated elsewhere within the Constitution.
7. Consideration and approval of the acquisition and disposal of property in accordance with the Property Dealing Procedure, legislation and specific consents.
8. Consideration and approval 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.

9. 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.
10. Issues delegated to individual Portfolio Holders that in their opinion a collective decision by the Cabinet is required.
11. Issues delegated to an Officer that in their opinion of the Management Team a collective decision by the Cabinet is required.
12. Reviewing from time to time the Council's Constitution.

PORTFOLIO HOLDERS

Portfolio	Responsibilities	
Enforcement and Community Safety	Corporate Enforcement	<ul style="list-style-type: none"> • Corporate Enforcement (excludes regulatory functions that are the responsibility of Planning and Licensing Committees)
	Community Safety	<ul style="list-style-type: none"> • Community Safety (including police and fire service liaison) • Crime and disorder strategy • Business continuity
	Corporate Asset Management	<ul style="list-style-type: none"> • Overview and formulation of assets strategy and policy • Assets service providing property advice and support to service areas • Initiation and disposal of property matters in accordance with the Property Dealing Procedure
	ICT Services	<ul style="list-style-type: none"> • ICT contract and strategy • Networks and systems support • Data Protection • Information management • Internet
Corporate Services	Legal Services	<ul style="list-style-type: none"> • Legal advice and support to Council (re: executive and non-executive functions) • Legal services to departments • FOI / EIR requests for information • Regulation of Investigatory Powers Act 2000 – policy (compliance and co-ordination)
	Human Resources and Business Management	<ul style="list-style-type: none"> • Performance management • Intranet • Career Track • Public Service Reform <p>(NB other HR functions are non- executive and are delegated to the Human Resources Committee)</p>
	Committee Services	<ul style="list-style-type: none"> • Council, Cabinet and Committee Services • Corporate Administration including

		programming meetings
	Management and Members' Support	<ul style="list-style-type: none"> • Corporate Plan • Community Leadership • Member support • Corporate complaints • Ombudsman issues • Outside bodies appointments and support • Equality and Diversity
Commercialisation	Coastal Protection and Engineering	<ul style="list-style-type: none"> • Coast protection and flood defence – planning and major schemes • Coast protection maintenance • Minor engineering works • Sewerage and land drainage • Local highways and lighting functions e.g. road closures, street naming, numbering and name plates and highways rangers • Transport liaison
	Parking	<ul style="list-style-type: none"> • Off street car parking service • Traffic Regulation Orders • Strategic parking advice and on street functions as delegated by the Highway Authority
	Seafronts	<ul style="list-style-type: none"> • Seafront management • Beach huts and beach cleaning • Kiosks
	Public Conveniences	<ul style="list-style-type: none"> • Public conveniences
Environment	Environment	<ul style="list-style-type: none"> • Household waste minimisation and collection • Recycling maximisation and collection • Street cleansing • Dog warden service • Pest control • Food, safety and hygiene • Corporate health and safety • Water safety / quality • Pollution • Animal welfare • Public protection • Environmental health • Abandoned vehicles • Port health • Unlawful car sales
	Open Spaces and Bereavement	<ul style="list-style-type: none"> • Crematorium and cemeteries • Horticultural services • Open spaces • Recreation grounds • Children's play areas • Public halls • Sports clubs • Fleet management and vehicle workshops
Finance and Revenues and Benefits	Finance	<ul style="list-style-type: none"> • Annual budget strategy • Budget management • Accountancy

		<ul style="list-style-type: none"> • Exchequer • Insurance • Treasury management and banking • Procurement strategy and central purchasing • Internal audit • Big Society scheme
	Broadband	<ul style="list-style-type: none"> • Broadband
	Revenues and Benefits	<ul style="list-style-type: none"> • Administration of council Tax and housing benefit • Business Rates (NNDR) and reliefs • Local Council Tax Support Scheme • Cash collection / Paypoint • Rent collection • Right to Buy and other disposals
Housing	Strategic Housing (Private Sector Housing)	<ul style="list-style-type: none"> • Financial assistance for private sector housing • Houses in multiple occupation • Private sector housing – regulation and improvement • Tenant redress scheme • Private sector housing conditions enforcement and advice • Gypsy / traveller liaison • Home energy efficiency and fuel poverty • Jaywick team
	Strategic Housing (Housing Options and Allocations)	<ul style="list-style-type: none"> • Housing strategy and development • Homelessness policy and advice and assistance to homeless persons and in housing need • Housing allocation scheme
	Building Services and Facilities Management	<ul style="list-style-type: none"> • Maintenance of housing assets including sheltered schemes • Housing investment programme • Dangerous structures • Buildings advisory service • Council office and buildings policy including facilities management and maintenance • Depots • Office cleaning • Telephony • Switchboard
	Housing Management	<ul style="list-style-type: none"> • Sheltered housing • Estates management • Housing Revenue Account and business plan • Supporting people contract with Essex County Council • Local supporting people • Partnership with registered providers • Enable new opportunities to address housing need through partnership working
	Commercial	<ul style="list-style-type: none"> • Customer services • Careline service

		<ul style="list-style-type: none"> • Provision, maintenance and development of CCTV systems • Out of hours service • Tenant relations • Contact centre
Leisure, Health and Well-Being	Leisure Services	<ul style="list-style-type: none"> • Sports centres and facilities (including in partnership with schools) • Sports initiatives and sports development • Communities of interest (children and Young People)
	Health and Well-Being	<ul style="list-style-type: none"> • Health service liaison • Health and well being • Community health • Health inequalities • Provision of emergency planning
	Partnerships	<ul style="list-style-type: none"> • Education • Community engagement, development and empowerment (including consultations, advice and support) • Relationships with public and third sector organisations • Neighbourhood activities
Planning and Regeneration	Planning	<ul style="list-style-type: none"> • Strategic planning policy • Local land charges service, including the setting of appropriate fees • Planning pre-application advice service including the setting of appropriate fees
	Regeneration and Inward Investment	<ul style="list-style-type: none"> • Strategic regeneration • Economic growth strategy • Inward investment • Business support (employment and development) • Town centres support • Policy and project development • Funding bids • Skills and apprenticeships • Job Centre Plus partnerships
Tourism and Culture	Tourism and Events	<ul style="list-style-type: none"> • Tourism strategy • Tourism events • Tourism information and promotion • Princes Theatre management • Arts, entertainment, culture and heritage initiatives and events

OVERVIEW AND SCRUTINY COMMITTEES

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)

- Reviewing the key drivers that impact the educational attainment and aspirations in Tendring

- Reviewing the work undertaken by the Council, including within its partnership activities, to develop the skills of those that live and work in the District.

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

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
- Performance management reports
- Capital Strategy and asset management
- ICT, contract management and communications

Proposed work programmes along with the schedule to consider the items during the year

CORPORATE MANAGEMENT COMMITTEE

<i>Meeting Date</i>	<i>Topic</i>
9 May 2016	<ul style="list-style-type: none"> ◆ Performance Report 2015/16 Fourth Quarter and Outturn ◆ Corporate Plan and Performance Management 2016/17 ◆ Update on Careline Budgets e.g. Lifting Service
27 June 2016	<ul style="list-style-type: none"> ◆ Transforming Tending Project Update and Review ◆ Cost Efficiencies/Marketing of Leisure Plans/Projects Going Forward
26 September 2016	<ul style="list-style-type: none"> ◆ Performance Report 2016/17 First Quarter ◆ Corporate Budget Monitoring 2016/17 First Quarter ◆ Initial Financial Baseline Scrutiny ◆ Waste and Recycling – Performance against Targets and Value for Money in Contracts
12 December 2016	<ul style="list-style-type: none"> ◆ Performance Report 2016/17 Second Quarter ◆ Corporate Budget Monitoring 2016/17 Second Quarter ◆ “Growing the Beach Economy” – Performance Review of the first year following the completion of the new beach defences
19 December 2016 (Provisional)	<ul style="list-style-type: none"> ◆ Initial Budget and Financial Baseline Scrutiny – Briefing and Discussion on Cabinet’s Budget Decisions on 16 December 2016
3 and 5 January 2017	<ul style="list-style-type: none"> ◆ Revised Financial Baseline and Initial Budget Scrutiny Detailed Review
13 February 2017	<ul style="list-style-type: none"> ◆ Annual Treasury Strategy Scrutiny ◆ Performance Report 2016/17 Third Quarter
13 March 2017	<ul style="list-style-type: none"> ◆ Corporate Budget Monitoring 2016/17 Third Quarter ◆ Review of the Year and Work Programme for 2017/18
TBA (Formal)	<ul style="list-style-type: none"> ◆ Devolution – Financial Implications for TDC ◆ Review of the Council’s Loans, Ring-fenced Reserves and the Level of Risk with regard to Investments ◆ Review of Councillor Amos’ Motion to Council in respect of the Budget Setting Council Meeting
INFORMAL SESSION(S) TBA	<ul style="list-style-type: none"> ◆ Impact of Emerging Local Plan/Garden Settlements on Housing Revenue Account ◆ Recharges

COMMUNITY LEADERSHIP AND PARTNERSHIPS COMMITTEE

Meeting Dates	Topic
23 May 2016	<ul style="list-style-type: none"> ◆ Community Safety Hub ◆ Business Support
11 July 2016	<ul style="list-style-type: none"> ◆ Local Bus Service Network Review ◆ Review of Highway Issues (A120 roundabout; A133 upgrade; and Manningtree Railway Bridge Bottleneck)
3 October 2016	<ul style="list-style-type: none"> ◆ Police and Crime Commissioner – vision for the four year term ◆ Annual Review of Community Safety Partnership’s work ◆ Corporate Antisocial Behaviour Policy – six month review
14 November 2016	<ul style="list-style-type: none"> ◆ To be advised
9 January 2017	<ul style="list-style-type: none"> ◆ Update on progress against the Children and Young People’s Delivery Plan – Child Poverty
20 February 2017	<ul style="list-style-type: none"> ◆ Public Health – Recruitment in Colchester/Tendring ◆ Review of Mental Health services in Tendring – Mental Health Hub ◆ Emotional Wellbeing Mental Health Services – potential pilot project within Tendring
20 March 2017	<ul style="list-style-type: none"> ◆ Review of the year 2016/2017 and Work Programme 2017/2018
TBA (Formal)	<ul style="list-style-type: none"> ◆ Review of the Ambulance Service ◆ Discussion with Bidders for the new Rail Franchise ◆ Working in Partnership to support the recruitment and retention of Teachers – Subsidised Housing Provision ◆ Review of MoU with Anglia Ruskin University – addressing the skills gap in Tendring ◆ Review of Adult Education provision in Tendring; ◆ Attendance of ECC Cllr Ray Gooding to discuss: (i) Working in partnership with ECC and through the Local Plan to ensure adequate school provision; and (ii) working together to support school attendance

SERVICE DEVELOPMENT AND DELIVERY COMMITTEE

Meeting Date	Topic
<i>11 April 2016</i>	<ul style="list-style-type: none"> ◆ Review of the year 2015/16 and Work Programme for 2016/17 ◆ Accommodation for the Homeless ◆ Low occupancy rates in the Council's Sheltered Housing
<i>1 June 2016</i>	<ul style="list-style-type: none"> ◆ Licensing – Premises and Taxis (Association of Taxi Drivers to be invited)
<i>18 July 2016</i>	<ul style="list-style-type: none"> ◆ Clacton Air Show – Review of cost and arrangements ◆ Dog-fouling on the Council's sports pitches – Dog warden to attend ◆ Impact of Dispensing of Black Sacks Delivery
<i>10 October 2016</i>	<ul style="list-style-type: none"> ◆ Impact of New Computer System on Services – John Higgins, IT Manager to attend
<i>23 November 2016</i>	<ul style="list-style-type: none"> ◆ Review of refurbishment of Swimming Pools
<i>23 January 2017</i>	<ul style="list-style-type: none"> ◆ Update on Careline and other Services provided by Barnes House – CCTV Out of Hours
<i>27 February 2017</i>	<ul style="list-style-type: none"> ◆ Car Parks and effects of free parking ◆ Update on relationship with the NE Essex Parking Partnership
<i>3 April 2017</i>	<ul style="list-style-type: none"> ◆ Review of Universal Credit
<i>TBA (special meeting in September 2016)</i>	<ul style="list-style-type: none"> ◆ Review the contract for the cleaning of Public Conveniences ◆ Sheltered Housing Accommodation – Further Review