

A5 APPENDIX S

Part 3 Delegated Powers - Schedule 3 Responsibility for Executive Functions

4.1 THE CABINET COLLECTIVELY

The following details the broad principles of issues that are the responsibility of the Cabinet and which shall be considered by the Cabinet collectively at public meetings:

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. Formulations 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 Cabinet 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, approval and determination of objections, under Section 123 of the Local Government Act 1972, received in respect of proposed disposals of land used as public open space. All such consideration and determination to be at a public meeting of the Cabinet.

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. The approval of planning policy matters that are the responsibility of the Executive such as Local Development Orders and Neighbourhood Plans (including statutory public consultations thereon).

~~40.~~ **11.** Issues delegated to individual Portfolio Holders that in their opinion a collective decision by the Cabinet is required.

~~44.~~ **12.** Issues delegated to an Officer that in the opinion of the Management Team a collective decision by the Cabinet is required.

~~42.~~ **13.** Reviewing from time to time the Council's Constitution.

4.3 ADDITIONAL SPECIFIC DELEGATIONS TO INDIVIDUAL PORTFOLIO HOLDERS

Leader

1. Ensuring that there is effective two-way communication between the Executive and the Local Plan and Planning Committees. In particular in relation to the implementation of current Development Plan policies and to drafts of any review of the Development Plan
2. Approval, where permitted, of Master Plans, Conservation Area Management Plans and Development and Design Briefs prepared to support any Development Plan Documents.
- 3. To consider and agree responses to consultation exercises on national, regional and sub-regional planning policy issues and on other authorities' planning documents.**

Corporate Finance and Governance

1. Overseeing implementation of the Property Strategy, Property Programme and Property Office Procedures in accordance with the Property Dealing Procedure
2. The exercise of functions delegated to the Portfolio Holder by the Property Dealing Procedure.
3. The monitoring and review of the operation of the Council's Constitution and recommending amendments to the Constitution to the Cabinet/Council.
4. To oversee the preparation and recommendation of financial forecasts and annual detailed budget, including Housing Revenue Account.

5. In consultation with the Chief Financial Officer, to agree the outturn position/report each year to provide the necessary flexibility to comply with the new statutory timetable for publishing the Council's Statement of Accounts.
6. Overview and presentation of financial monitoring reports to Cabinet.
7. The exercise of functions delegated to the Portfolio Holder by the Financial and Procurement Procedure Rules.
8. The approval of the Council's Council Tax Base and the Government's Annual NNDR Forecast Return.
9. Implementation and Monitoring of the Council's Treasury Management Policy Statement and Treasury Management Practices.
- 10. The approval of the draft Annual Capital and Treasury Strategy, in advance of it being formally considered by Cabinet, for consultation purposes with the Resources and Services Overview & Scrutiny Committee. In due course, the Cabinet will then recommend the final version of the Strategy to Full Council for formal adoption.**

4.4 DELEGATION OF EXECUTIVE FUNCTIONS TO OFFICERS

4.4.1 General Responsibilities delegated to Officers:

1. The Deputy Chief Executive and all Corporate Directors have the authority to incur expenditure (with the exception of external legal resources) in accordance with the Budget and Policy Framework, Financial Procedure Rules and Procurement Procedure Rules. Instructing external legal resources remains the responsibility of the Head of Governance and Legal Services.
2. The Deputy Chief Executive and all Corporate Directors are authorised to apply for planning permission in respect of land and/or buildings owned by or within the control of the Council and held in respect of the functions of a Portfolio Holder. In such instances, consultation with the relevant Portfolio Holder is mandatory.
3. In consultation with the Deputy Chief Executive all Corporate Directors are authorised to deal with the assignment of leases and granting, variation and renewal of licences up to a maximum duration of 12 months including annual rights of way within their respective service areas of responsibility.
4. The management and maintenance of all the land holdings occupied or within the control of the service area remit, including health and safety inspections.
5. The Deputy Chief Executive and all Corporate Directors are authorised to issue and serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of functions under the control of a Portfolio Holder.

6. All Corporate Directors are authorised in consultation with the Deputy Chief Executive to take all steps in connection with any legal proceedings, in respect of any function under the jurisdiction of a Portfolio Holder including the commencement or defence of, withdrawal, settlement or compromise of any such proceedings.
7. The Deputy Chief Executive and all Corporate Directors are authorised in consultation with the Head of Governance and Legal Services to appear on the Council's behalf in any legal proceedings, under the jurisdiction of a Portfolio Holder, before all courts, tribunals and inquiries.
8. **All Heads of Service, in consultation with the relevant Portfolio Holder, Management Team Member and the Head of Finance, Revenues and Benefits, are authorised to decide the level of the annual discretionary fees and charges for their service (including any in-year changes that may be required) for inclusion within the Council's corporate schedule of fees and charges.**