

# Schedule 3

## Responsibility for Executive Functions

**EXECUTIVE FUNCTIONS ARE THE RESPONSIBILITY OF THE CABINET.**

### **1. ROLE AND RESPONSIBILITIES**

1. The general roles and responsibilities of the Cabinet are as follows:-

- (i) To make recommendations to the District Council with regard to the formulation of its policy framework, including the setting of the budget and council tax levels.
- (ii) To advise the District Council on all matters requiring a decision outside of the Council's agreed budget and policy framework.
- (iii) To discharge in accordance with the District Council's policy framework all functions of the Council, except those functions which cannot, by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and other legislation, be the responsibility of the Cabinet. Such functions are the responsibility of the Council and its various Committees as set out in Schedule 2 to Part 3 of the Constitution.
- (iv) To deal with those "local choice functions" which have been delegated to the Cabinet by the Council as detailed in Schedule 1 of Part 3 of the Constitution.

### **2. RESPONSIBILITIES OF 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.

### **3. GENERAL PRINCIPLES REGARDING DECISION MAKING BY THE CABINET**

1. The Leader of the Council is responsible for approving the delegation of executive functions to either:
  - (i) The Cabinet collectively (see 4.1 below);
  - (ii) An individual Member of the Cabinet (Portfolio Holder) (see 4.2 below);

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- (iii) A Working Party of the Cabinet (known as a Portfolio Holder Working Party);
- (iv) An Officer, in consultation with the relevant Portfolio Holder(s); or
- (v) An Officer.

Executive functions can also be delegated to, and discharged by an area committee or another local authority or jointly with one or more local authorities.

No Member or Committee of the Cabinet to whom the Leader of the Council has delegated a function may delegate on to another Member or Committee.

2. Powers and duties of the Cabinet and Portfolio Holders under their delegated authorisation must be:-

- (i) performed on behalf of and in the name of the Council;
- (ii) subject to the directions of the Council and of the Cabinet as appropriate;
- (iii) subject to powers and duties reserved for confirmation by the Council as set out in Article 4 of the Constitution;
- (iv) within the limits of the Council's approved policy framework and budget;
- (v) statutory provisions and restrictions;
- (vi) taking into account Officer's advice; and
- (vii) in accordance with the Council's approved Policies, Procedures, Protocols and Codes of Conduct.

3. Absence of the Leader of the Council:

The Portfolio Holder designated by the Leader as their Deputy may exercise the functions of the Leader of the Council in the absence of the Leader.

4. The Leader of the Council may exercise any of the powers delegated to the Cabinet:

- a. Following a resolution of the Cabinet (subject to the Constitution), or
- b. In cases of urgency, in consultation with the Monitoring Officer and/or Section 151 Officer.

In cases of urgency the decision of the Leader of the Council will be recorded and published in accordance with the Constitution. The Leader of the Council will also be required to make a public statement at the next formal meeting of the Cabinet which will explain why they had taken the decision as a matter of urgency.

5. The Leader of the Council may exercise any of the powers delegated to a Portfolio Holder:

- a. In their absence
- b. At their request
- c. In cases of urgency, in consultation with the Monitoring Officer and/or Section 151 Officer, or
- d. As the Leader so determines.

6. Where decisions are taken by individual Portfolio Holders under delegated powers the following principles and decisions shall apply:

- (a) All delegations to Portfolio Holders will be exercised after consultation and written advice from all relevant Officers.

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- (b) In cases where there is a significant difference of opinion between Portfolio Holders, the issue will be referred to the Leader of the Council in consultation with the Chief Executive and if necessary to the Cabinet for decision.
  - (c) The exercise of delegations by Portfolio Holders shall be within the Scheme of Delegated Powers of the Portfolio Holders.
  - (d) A Portfolio Holder shall not delegate any powers to an Officer unless such delegation is approved by the Leader of the Council.
  - (e) A Portfolio Holder may, if they consider it appropriate, elect to refer up to the Cabinet, the exercise of any power delegated to them.
7. In cases where there is an overlap in responsibilities between Portfolio Holders, the Leader of the Council shall determine which Portfolio Holder(s) should make the decision.
  8. The Monitoring Officer shall in any case of uncertainty and after having considered relevant legislation, determine whether any matter falls within the remit of the Council, the Cabinet, a Committee or an Officer of the Council.
  9. A record of Portfolio Holder decisions shall be maintained and published, as set out in Article 7 of the Constitution.
  10. In the event of a change to the delegations of Executive Functions by the Leader or to the corporate structure of the Council by the Chief Executive, the changes will take immediate effect. The relevant amendments to this scheme of delegation should be made in the Constitution as soon as practicable.

#### **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.

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<p><b>CORPORATE FINANCE AND GOVERNANCE</b></p>	<ul style="list-style-type: none"> <li>• <b>Finance</b></li> </ul> <p><i>Officers: Richard Barrett (Assistant Director for Finance and IT &amp; S.151 Officer)</i></p> <p><i>and John Higgins (Head of Digital and Assurance Services)</i></p>	<ul style="list-style-type: none"> <li>• Financial Strategy</li> <li>• General Fund and Housing Revenue Account Annual Budget</li> <li>• Budget Management</li> <li>• Accountancy</li> <li>• Exchequer</li> <li>• Insurance</li> <li>• Treasury management and banking</li> <li>• Procurement strategy and central purchasing</li> <li>• Internal Audit</li> <li>• Corporate Health and Safety</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Legal and Governance</b></li> </ul> <p><i>Officers: Lisa Hastings and Linda Trembath, Head of Legal Services; and</i></p>	<ul style="list-style-type: none"> <li>• Legal advice and support to Council (re: executive and non-executive functions)</li> <li>• Legal services to departments</li> <li>• Regulation of Investigatory Powers Act 2000 – policy (compliance and co-ordination)</li> </ul>
	<p><i>Lisa Hastings and Will Lodge, Communications Manager</i></p>	<ul style="list-style-type: none"> <li>• Corporate Communications</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Democratic Services</b></li> </ul> <p><i>Officers: Lisa Hastings and Keith Simmons</i></p>	<ul style="list-style-type: none"> <li>• Council, Cabinet and Committee Services</li> <li>• Corporate Administration including programming meetings</li> <li>• Member support</li> <li>• Member Development</li> <li>• Corporate complaints</li> <li>• Ombudsman issues</li> <li>• Outside bodies appointments and support</li> </ul>

Overall strategic responsibilities with Lead Officer(s) named for reference		
<p><b>DEPUTY LEADER</b></p> <p><b>&amp;</b></p> <p><b>ECONOMIC GROWTH REGENERATION TOURISM</b></p>	<ul style="list-style-type: none"> <li><b>Economic Growth</b></li> </ul> <p><i>Officers: Lee Heley (Corporate Director for Place and Economy) and Mike Carran (Assistant Director Economic Growth and Leisure)</i></p>	<ul style="list-style-type: none"> <li>Tendring for Growth</li> <li>Economic Growth Strategy and representative on the North Essex Economic Board</li> <li>Economic Partnerships</li> <li>Business Engagement</li> <li>Inward Investment</li> <li>Business Support (employment and development)</li> <li>Employability, Skills and apprenticeships linked to Business Growth &amp; Vocational Skills agenda and Freeports (*working in conjunction with the Portfolio Holder for Partnerships – education and skills agenda)</li> </ul>
	<ul style="list-style-type: none"> <li><b>Freeports and Freeport East</b></li> </ul> <p><i>Officers: As above</i></p>	<ul style="list-style-type: none"> <li>Director of Freeport East appointed by the Leader</li> </ul>
	<ul style="list-style-type: none"> <li><b>Regeneration</b></li> </ul> <p><i>Officers: As above</i></p>	<ul style="list-style-type: none"> <li>Strategic Regeneration Programmes</li> <li>Representative on Tendring Regeneration Board</li> <li>Lead Portfolio Holder for delivery and administration of the Levelling Up Funds for: <ul style="list-style-type: none"> <li>- <i>the Clacton Civic Quarter proposal and</i></li> <li>- <i>the Capital Regeneration Project proposal for Dovercourt Town Centre Improvement Corridor.</i></li> </ul> </li> <li>Delivery and administration of the Interventions included in Tendring District Council's Investment Plan for Shared Prosperity Fund</li> <li>Town Centre Regeneration</li> <li>Sunspot Covered Market</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Tourism</b></li> </ul> <p><i>Officers: As above</i></p>	<ul style="list-style-type: none"> <li>• Tourism Strategy</li> <li>• Tourism Events</li> <li>• Tourism Information and promotion</li> <li>• Arts, entertainment, culture and heritage initiatives and events</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Superfast Essex</b></li> </ul> <p><i>Officers: As above</i></p>	<ul style="list-style-type: none"> <li>• Representative on Superfast Essex Steering Group</li> </ul>
<b>ASSETS</b>	<p><b>Corporate Asset Management</b></p> <p>Officers: Damian Williams Corporate Director (Operations and Delivery) and Andy White (Assistant Director Building and Public Realm)</p>	<ul style="list-style-type: none"> <li>• Overview of the Property Programme</li> <li>• Overview and formulation of Assets Management Plan, Property Strategy and Property Office Procedures</li> <li>• Property Service providing property advice and support to service areas</li> <li>• Initiation and authorisation of property transactions in accordance with the Property Dealing Procedure</li> <li>• Public Conveniences</li> <li>• Street Furniture</li> <li>• Carbon Neutral Action Plan relating to Council's Assets</li> </ul>
	<p><b>Building Services and Facilities Management</b></p> <p><i>Officers: As above</i></p>	<ul style="list-style-type: none"> <li>• Dangerous structures</li> <li>• Buildings advisory service</li> <li>• Council office and buildings policy including facilities management and maintenance</li> <li>• Depots</li> <li>• Office cleaning</li> </ul>
	<p><b>Bereavement</b></p> <p><i>Officers: As above</i></p>	<ul style="list-style-type: none"> <li>• Crematorium and cemeteries</li> </ul>

	<p><b>ICT</b></p> <p><i>Officers: Richard Barrett (Assistant Director for Finance and IT &amp; S.151 Officer) and John Higgins (Head of Digital &amp; Assurance Services)</i></p>	<ul style="list-style-type: none"> <li>• ICT Strategy</li> <li>• ICT contracts</li> <li>• Networks and system support</li> <li>• Data Protection</li> <li>• Information Management</li> <li>• Cyber Security</li> <li>• FOI/EIR requests for information</li> <li>• Internet</li> <li>• Intranet</li> <li>• Telephony</li> <li>• Digital Infrastructure Champion</li> </ul>
	<p><b>Procurement and Social Value</b></p> <p><i>Officers: Lisa Hastings (Deputy Chief Executive and Monitoring Officer) and Karen Townshend, Executive Projects Officer (Governance)</i></p>	<ul style="list-style-type: none"> <li>• Procurement Strategy</li> <li>• Social Value Policy</li> <li>• Shared Procurement Service development</li> <li>• Central Purchasing</li> </ul>
<b>ENVIRONMENT</b>	<p><b>Environment</b></p> <p><i>Officers: Damian Williams, Corporate Director (Operations and Delivery) and Tim R Clarke (Assistant Director for Housing and Environment)</i></p>	<ul style="list-style-type: none"> <li>• Pest Control</li> <li>• Food, safety and hygiene</li> <li>• Water safety/quality</li> <li>• Pollution</li> <li>• Animal welfare</li> <li>• Public protection</li> <li>• Environmental Health</li> <li>• Port Health</li> </ul>
	<p><b>Refuse Collection and Cleansing</b></p> <p><i>Officers: As above</i></p>	<ul style="list-style-type: none"> <li>• Household waste minimisation and collection</li> <li>• Recycling maximisation and collection</li> <li>• Street cleansing</li> <li>• Dog Warden Service</li> <li>• Abandoned Vehicles</li> <li>• Unlawful car sales</li> </ul>
	<p><b>Enforcement matters relating to Portfolio Holder responsibilities</b></p> <p><i>Officers: Damian Williams, Corporate Director (Operations and Delivery)</i></p>	<ul style="list-style-type: none"> <li>• Strategic Oversight of Enforcement Policies, Procedures and Performance within areas of responsibility</li> <li>• Attendance at Corporate Enforcement Group, where appropriate</li> </ul> <p>(excludes regulatory functions that are the responsibility of Planning and Licencing Committees)</p>



	<p><b>Coast Protection and Engineering</b></p> <p><i>Officers: Damian Williams, Corporate Director (Operations and Delivery and Andy White (Assistant Director (Building and Public Realm)</i></p>	<ul style="list-style-type: none"> <li>• Coast Protection and flood defence – planning and major schemes</li> <li>• Coast Protection Maintenance</li> <li>• Minor Engineering Works</li> <li>• Sewerage and land drainage</li> <li>• Local highways and lighting functions e.g. road closures, street naming, numbering and name plates and highways rangers</li> </ul>
	<p><b>Transport</b></p> <p><i>Officers: As above</i></p>	<ul style="list-style-type: none"> <li>• Fleet management and vehicle workshops</li> </ul>
	<p><b>Climate Change and Carbon Neutral</b></p> <p><i>Officers: Lee Heley Corporate Director (Place and Economy) and Tim R Clarke (Assistant Director for Housing and Environment)</i></p>	<ul style="list-style-type: none"> <li>• Champion &amp; Green Issues</li> <li>• Strategy and Policy</li> <li>• Action Plan Development and Monitoring</li> </ul>
	<p><b>Tendring/Colchester Borders Garden Community</b></p>	<ul style="list-style-type: none"> <li>• Executive Representative on Tendring/Colchester Borders Garden Community Joint Committee</li> <li>• Executive Steering Group Representative</li> </ul>
<p><b>HOUSING AND PLANNING</b></p>	<p><b>Strategic Housing (Private Sector Housing)</b></p> <p><i>Officers: Damian Williams, Corporate Director (Operations and Delivery) and Tim R Clarke (Assistant Director for Housing and Environment)</i></p>	<ul style="list-style-type: none"> <li>• Financial assistance for private sector housing</li> <li>• Houses in Multiple Occupation</li> <li>• Private Sector Housing – regulation and improvement</li> <li>• Tenants Redress Scheme</li> <li>• Private Sector Housing conditions enforcement and advice</li> <li>• Gypsy/Traveller liaison and representative on Essex Countywide Traveller Joint Committee</li> <li>• Home energy efficiency and fuel poverty</li> <li>• Jaywick Sands Team</li> <li>• Housing Stock Review</li> </ul>

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	<p><b>Strategic Housing (Housing Options and Allocations)</b></p> <p><i>Officers: Damian Williams, Corporate Director (Operations and Delivery) and Tim R Clarke (Assistant Director for Housing and Environment)</i></p>	<ul style="list-style-type: none"> <li>• Housing strategy and development</li> <li>• Homelessness policy and advice and assistance to homeless persons and in housing need</li> <li>• Housing allocation scheme</li> </ul>
	<p><b>Housing Maintenance and Investment Programme</b></p> <p><i>Officers: Damian Williams, Corporate Director (Operations and Delivery), Tim R Clarke (Assistant Director for Housing and Environment) and Andy White, Assistant Director (Building and Public Realm)</i></p>	<ul style="list-style-type: none"> <li>• Maintenance of housing assets including sheltered schemes</li> <li>• Housing Investment Programme</li> </ul>
	<p><b>Housing Management</b></p> <p><i>Officers: Damian Williams, Corporate Director (Operations and Delivery) and Tim R Clarke (Assistant Director for Housing and Environment)</i></p>	<ul style="list-style-type: none"> <li>• Sheltered housing</li> <li>• Tenancy management</li> <li>• Housing Revenue Account business plan</li> <li>• Supporting people contract with Essex County Council</li> <li>• Local supporting people</li> <li>• Partnership with registered providers</li> <li>• Enable new opportunities to address housing need through partnership working</li> <li>• Tenant Relations</li> </ul>
	<p><b>Revenue and Benefits</b></p> <p><i>Officer: Richard Barrett, (Assistant Director for Finance and IT &amp; S.151 Officer)</i></p>	<ul style="list-style-type: none"> <li>• Administration of council tax and housing benefit</li> <li>• Business rates (NNDR) and reliefs</li> <li>• Local Council Tax Support Scheme</li> <li>• Cash Collection/Paypoint</li> <li>• Rent collection</li> <li>• Right to Buy and other disposals</li> </ul>

	<p><b>Strategic Planning</b></p> <p><i>Officer: Gary Guiver, Director of Planning</i></p>	<ul style="list-style-type: none"> <li>• Corporate Strategic Oversight of the various planning functions delivered by the Service</li> <li>• Planning Policy and Guidance such as Supplementary Planning Documents and Guidance</li> <li>• Neighbourhood Planning District Council responsibilities</li> <li>• Constructive liaison with the Chairman of the Planning Committee and Chairman of the Planning Policy and Local Plan Committee</li> <li>• Substitute member on the Tendring Colchester Borders Garden Community Joint Committee</li> </ul>
	<p><b>Licensing – Executive Functions</b></p> <p><i>Lisa Hastings (Deputy Chief Executive and Monitoring Officer) and Keith Simmons (Head of Democratic Services and Elections)</i></p>	<ul style="list-style-type: none"> <li>• Overseeing licensing policy matters, specifically under the Gambling Act 2005, but more widely (excluding under the Licensing Act 2003) including for taxi and private hire matters.</li> </ul>
	<p><b>Enforcement Matters related to Portfolio Holder responsibilities</b></p> <p><i>Officers: All named in this Portfolio</i></p>	<ul style="list-style-type: none"> <li>• Strategic Oversight of Enforcement Policies, Procedures and Performance within areas of responsibility.</li> <li>• Attendance at Corporate Enforcement Group, where appropriate</li> </ul> <p>(excludes regulatory functions that are the responsibility of Planning and Licensing Committees)</p>

<b>LEISURE AND PUBLIC REALM</b>	<p><b>Leisure Services</b></p> <p><i>Officers: Lee Heley (Corporate Director for Place and Economy) and Mike Carran (Assistant Director Economic Growth and Leisure)</i></p>	<ul style="list-style-type: none"> <li>• Sports centres and facilities (representative on Joint Consultative Committees and partnerships with schools)</li> <li>• Sports initiatives and sports development</li> <li>• Communities of interest (Children and Young People for sport and leisure)</li> <li>• Princes Theatre Management</li> </ul>
	<p><b>Public Realm and Open Spaces</b></p> <p><i>Officers: Damian Williams, Corporate Director (Operations and Delivery) and Andy White Assistant Director (Building and Public Realm)</i></p>	<ul style="list-style-type: none"> <li>• Horticultural Services</li> <li>• Open Spaces</li> <li>• Recreation Grounds</li> <li>• Children's Play Areas</li> <li>• Public Halls</li> <li>• Sports Clubs</li> </ul>
	<p><b>Seafronts</b></p> <p><i>Officers: Lee Heley (Corporate Director for Place and Economy) and Mike Carran (Assistant Director Economic Growth and Leisure)</i></p>	<ul style="list-style-type: none"> <li>• Seafront Management</li> </ul>
	<p><i>Officers: Damian Williams, Corporate Director (Operations and Delivery) and Andy White (Assistant Director for Building and Public Realm)</i></p>	<ul style="list-style-type: none"> <li>• Beach Huts</li> <li>• Beach Cleaning</li> <li>• Kiosks</li> </ul>
	<p><b>Car Parking</b></p> <p><i>Officers: Damian Williams, Corporate Director (Operations and Delivery) and Andy White Assistant Director (Building and Public Realm)</i></p>	<ul style="list-style-type: none"> <li>• Off street car parking service</li> <li>• Traffic Regulation Orders</li> <li>• Strategic parking advice and on street functions as delegated by the Highway Authority</li> <li>• Council's representative on North Essex Parking Partnership (NEPP)</li> <li>• Electric Vehicle Charging Policy</li> </ul>

	<p><b>Enforcement Matters related to Portfolio Holder responsibilities</b></p> <p><i>Officers: All named in this Portfolio</i></p>	<ul style="list-style-type: none"> <li>• Strategic Oversight of Enforcement Policies, Procedures and Performance within areas of responsibility.</li> <li>• Attendance at Corporate Enforcement Group, where appropriate</li> </ul> <p>(excludes regulatory functions that are the responsibility of Planning and Licensing Committees)</p>
<b>PARTNERSHIPS</b>	<p><b>Health and Well-being</b></p> <p><i>Officers: Anastasia Simpson (Assistant Director, Partnerships)</i></p>	<ul style="list-style-type: none"> <li>• Health Service Liaison</li> <li>• Health and Well-being</li> <li>• Community Health</li> <li>• Health inequalities</li> </ul>
	<p><b>Partnerships</b></p> <p><i>Officers: As above</i></p>	<ul style="list-style-type: none"> <li>• Education and Skills Agenda including Job Centre Plus Partnerships</li> <li>• Community engagement, development and empowerment (including consultations, advice and support)</li> <li>• Stakeholder relationships with public and third party organisations</li> <li>• Neighbourhood activities</li> </ul>
	<p><b>Community Safety</b></p> <p><i>Officers: As above</i></p>	<ul style="list-style-type: none"> <li>• Community Safety Partnership</li> <li>• Representative on the Essex Police, Fire and Crime Panel</li> <li>• Crime and Disorder Strategy</li> <li>• Serious Violence Duty</li> <li>• Safeguarding</li> </ul>
	<p><b>Enforcement Matters related to Portfolio Holder responsibilities</b></p> <p><i>Officers: As above</i></p>	<ul style="list-style-type: none"> <li>• Strategic Oversight of Enforcement Policies, Procedures and Performance within areas of responsibility.</li> <li>• Attendance at Corporate Enforcement Group, where appropriate</li> </ul> <p>(excludes regulatory functions that are the responsibility of Planning and Licensing Committees)</p>

	<p><b>Customer Services</b></p> <p><i>Officers: As above</i></p>	<ul style="list-style-type: none"> <li>• Customer Services</li> <li>• Careline Service</li> <li>• Provision, maintenance and development of CCTV systems</li> <li>• Out of Hours Service</li> <li>• Contact Centre</li> <li>• Switchboard</li> </ul>
	<p><b>Human Resources</b></p> <p><i>Officers: As above</i></p>	<ul style="list-style-type: none"> <li>• Career Track</li> <li>• (NB other Human Resources functions are non-executive and some are delegated to the Human Resources and Council Tax Committee, with others being delegated to the Head of Paid Service)</li> </ul>
	<p><b>Equality and Inclusion</b></p> <p><i>Officers: As above</i></p>	<ul style="list-style-type: none"> <li>• Strategy and Champion</li> </ul>
	<p><b>Civil Contingencies</b></p> <p><i>Officers: As above</i></p> <p><i>Officers: Richard Barrett, (Assistant Director for Finance and IT &amp; S151 Officer) and John Higgins (Head of Digital &amp; Assurance Services)</i></p>	<ul style="list-style-type: none"> <li>• Provision of Emergency Planning</li> <li>• Business continuity</li> </ul>

#### **4.2.2 Role of Leader and Individual Portfolio Holders**

In addition to the general principles set out in Section 3 above, the role of individual Portfolio Holders with areas of responsibility is as follows:-

1. To have overall responsibility for the development, implementation and review of Strategies and District Council Policy in relation to their portfolios and to be the main Council spokesperson thereon.
2. To monitor service performance regarding progress towards achieving strategies and objectives and delivery of service performance targets within approved budgets.
3. To satisfy themselves as the integrity of financial information and the adequacy of financial controls and risk management arrangements.
4. To represent and speak on behalf of the Cabinet at the Overview and Scrutiny and Audit Committees when they are dealing with issues in their portfolio.
5. To be a member of the Cabinet and exercise collective responsibility in decision making and in making recommendations to the Council.
6. To consult with the Committees, other Members, partners and stakeholders including the public as appropriate in the formulation and development of Council policy within their portfolio.
7. To inform and consult relevant ward Members when making formal decisions.
8. To make decisions in accordance with the Council's Strategies, Policies, Procedures, Protocols and Codes of Conduct or as otherwise required by the Constitution.

#### **4.3 ADDITIONAL SPECIFIC DELEGATIONS TO INDIVIDUAL PORTFOLIO HOLDERS**

##### **Corporate Finance and Governance**

1. The monitoring and review of the operation of the Council's Constitution and recommending amendments to the Constitution to the Cabinet/Council.
2. To oversee the preparation and recommendation of financial forecasts and annual detailed budget, including Housing Revenue Account.
3. In consultation with the Chief Financial Officer, to agree the outturn position/report each year (including carry forwards) to provide the necessary flexibility to comply with the new statutory timetable for publishing the Council's Statement of Accounts.
4. Overview and presentation of financial monitoring reports to Cabinet.
5. The exercise of functions delegated to the Portfolio Holder by the Financial and Procurement Procedure Rules.
6. The approval of the Council's Council Tax Base and the Government's Annual NNDR Forecast Return.
7. Implementation and Monitoring of the Council's Treasury Management Policy Statement and Treasury Management Practices.

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8. 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.

### **Assets**

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 exercise of functions delegated to the Portfolio Holder by the Procurement Procedure Rules.

### **Leisure and Public Realm**

1. To approve the making of car parking regulation orders when requested by Essex County Council.
2. Proposals for and approve the making of traffic regulation orders where no objections are received.
3. The determination of Hackney Carriage stands under Section 63 of Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (in consultation with the Portfolio Holder for Housing and Planning).

### **Housing and Planning**

1. The authorisation of delegated budgets to formally constituted stakeholder groups subject to adequate provision having been made in the revenue estimates approved by Cabinet.
2. Oversee the preparation of the Housing Revenue Account Business Plan, Housing General Fund, Housing Benefits and the Housing Investment Programme, including rent setting and review, within policy guidelines as determined by the Cabinet.
3. The development, implementation and amendment, as required, of the Housing Investment Programme in accordance with the annual budget set by Cabinet.
4. The development and review of the Council's Local Council Tax Support Scheme for presentation to Cabinet for recommendation to Council for approval.
5. 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
6. Approval, where permitted, of Master Plans, Conservation Area Management Plans and Development and Design Briefs prepared to support any Development Plan Documents.
7. To consider and agree responses to consultation exercises on national, regional and sub-regional planning policy issues and on other authorities' planning documents.
8. To act as lead portfolio holder in respect of the Council's Statement of Licensing Policy (Gambling Act 2005).

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9. The approval of grants to organisations within the areas of responsibility (including enhanced rate relief and other discretionary benefits).

### **Economic Growth, Regeneration and Tourism**

1. To act as lead portfolio holder in respect of all Transport cross-cutting issues.
2. Engagement with regional and sub-regional partnerships, planning and funding frameworks – including the Haven Gateway Partnership – to promote the interests of the Tendring District and the communities within it.
3. The approval of grants to organisations within areas of responsibility (including enhanced rate relief and other discretionary benefits).

#### **4.4 DELEGATION OF EXECUTIVE FUNCTIONS TO OFFICERS**

1. With the exception of the matters which the Leader of the Council has determined are to be discharged by the Cabinet or individual Portfolio Holders, as detailed in the Cabinet Scheme of Delegation, the Corporate Directors and, where appropriate, the Assistant Directors have delegated authority to discharge all executive functions within their respective service areas as set out in Article 12, having authority to act on all such matters. The Chief Executive shall determine from time to time what the service responsibilities of Corporate Director and each Assistant Director shall be.
2. The delegation of powers to officers is underpinned by the principle and culture of consultation and liaison with Members, as appropriate and the ability for officers to refer matters to the relevant decision maker i.e. individual Portfolio Holder or a meeting of the full Cabinet, where it is felt that this is appropriate due to the nature of an issue.
3. In all cases of delegations to officers where consultation with the relevant Portfolio Holder is necessary, and in cases where the relevant Portfolio Holder is not available, the Leader of the Council is to be consulted.

In instances, where there is disagreement between the officer and the relevant Portfolio Holder the matter should be referred to Cabinet for consideration and determination.

4. The discharge of all such functions by Officers shall be subject to:-
  - (i) actions being taken in accordance with the Council's Budget and Policy Framework and other Council Policies, Procedures, Protocols and Codes of Conduct;
  - (ii) consultation, as appropriate with relevant Portfolio Holder;
  - (iii) the referral of any required decision or action which is controversial in nature to the appropriate Member decision making individual or body; and
  - (iv) recording the decision in the required format.

5. The Leader of the Council has delegated authority for executive functions to Chief Executive and the Corporate Directors, however any authority granted to the Chief Executive, a Corporate Director or an Assistant Director, unless otherwise indicated, may be exercised by an Officer authorised by the Corporate Director or Assistant Director in writing for that purpose. The Monitoring Officer will maintain a record of such authorisations which shall be available for inspection.
6. The Corporate Directors and, where appropriate, the Assistant Directors are Designated Officers for the purposes of legislation within their respective service areas as set out in Article 12 of the Constitution and have the power to designate Officers of the authority as an authorised person for purposes relating to legislation falling within their areas of responsibility as set out in Article 12.
7. Any authority which can statutorily only be discharged by Officers with a specific level of qualification must only be conferred to and discharged by such Officers. Furthermore, where the matter relates to a statutory power or duty conferred or imposed directly on an Officer of the Council, only that Officer may discharge the function.
8. The Chief Executive has authority to exercise any executive function delegated to Officers, except where an Officer with appropriate qualifications must only discharge such a delegation or where the matter relates to a statutory power or duty conferred or imposed directly on an Officer of the Council as referred to in paragraph 6.
9. The delegations to Officers include the normally accepted powers and duties of Officers to deal with matters of routine occurrence falling within the scope of their departmental and service responsibilities. This includes all present and future legislation relating to the functions of the service and nothing in this schedule shall derogate from any statutory power or duties conferred or imposed directly on an Officer of the Council.
10. In accordance with the legislative requirements, any Officer making a decision in connection with the discharge of an executive function under their delegated powers shall be responsible for maintaining a record of such decisions and arranging for this to be published on the Council's website.
11. Where functions, which are the responsibility of the Cabinet, are delegated to Officers, the Cabinet remain accountable to the Council, through overview and scrutiny committees for the discharge of those functions. That is to say, the Cabinet will be held to account for both its decision to delegate a function and the way that the function is being carried out. Officers may be requested to attend an Overview and Scrutiny Committee, if an Officer's decision is called in.
12. The Monitoring Officer shall determine in any case of uncertainty whether any matter falls within the remit of the Council, the Cabinet, a Committee or an Officer of the Council. Such a determination will be having taken account of relevant legislation.

#### **4.4.1 General Responsibilities delegated to Officers:**

1. 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 Assistant Director (Governance).
2. 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

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3. In consultation with the Assistant Director (Governance), 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. 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 Assistant Director (Governance), 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. All Corporate Directors are authorised in consultation with the Assistant Director (Governance), 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 Assistant Directors, in consultation with the relevant Portfolio Holder, Management Team Member and the Assistant Director (Finance & IT), 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.
9. The Chief Executive is delegated the power to authorise compensation payments up to a maximum of £5,000 as a result of Local Government & Social Care Ombudsman or Housing Ombudsman recommendations or by virtue of the Corporate Complaints Procedure.