

PART 3

RESPONSIBILITY FOR FUNCTIONS

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This is in the form of a Practice Note

Part 3.0 INTRODUCTION TO “RESPONSIBILITIES FOR FUNCTIONS”

- 3.0.1 Part 3 of the Constitution sets out which bodies and individuals within the Council are responsible for carrying out particular functions. The following principles will always apply: -
- a) There are three categories of function: Local Choice, Council and Executive functions.
 - b) Council functions (including local choice functions, which the Council decides should be Council functions) may not be exercised by the Cabinet.
 - c) Executive functions may not be exercised by the Full Council.
 - d) All functions not defined in law, or determined by local choice to be Council functions, are executive functions.
 - e) All executive powers of the Council are held by the Leader of the Council at the time they are elected, who may then delegate these onwards. These delegations are included either in the Leader’s Scheme of Delegation in Part 3.3.2, the Officer Scheme of Delegation in Part 3.4 or contained in the minutes of the relevant Cabinet meeting where the delegation was authorised.
- 3.0.2 **Local Choice functions** These are functions which the Council can choose to make either Council functions (and discharge them accordingly) or executive functions which the Executive will then discharge. Responsibilities for these functions are set out in Part 3.2.
- 3.0.3 **Council functions** (legally referred to as Non-executive functions). These may be exercised by the Full Council or be delegated to: -
- a) A Council Committee or Sub-Committee;
 - b) Another authority in whole or part;
 - c) By way of joint arrangements with other authorities; or
 - d) A Council officer.
- 3.0.4 Matters delegated to a Committee or Sub-Committee are set out in the Terms of Reference of Part 3.2, and Part 7.1 of the Constitution contains a diagram of the current committee structure.
- 3.0.5 **Executive functions.** The Leader may exercise these or may delegate them to: -
- a) The Cabinet,
 - b) A Cabinet Committee,
 - c) An individual Cabinet Member,
 - d) Another authority or
 - e) An officer.
- 3.0.6 The Leader’s delegations are set out in Part 3.3.2 of the Constitution.

Part 3.1 RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS**3.1.1 Local Choice Functions**

	Function	Decision-making body	Delegation of functions
	Miscellaneous		
3.1.1.1	Any function under a local Act, other than a function specified under Regulation 2 of or Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Full Council	To be determined when the function is adopted
3.1.1.2	The determination of an appeal against any decision made by or on behalf of the authority	Full Council	The appropriate non-executive committee
3.1.1.3	Any function relating to contaminated land	Full Council	Director of Public Places
3.1.1.4	Obtaining Information The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Full Council	Directors of Public Places and Sustainable Communities or the appropriate non-executive committee
3.1.1.5	The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Full Council	Directors of Public Places and Sustainable Communities or the appropriate non-executive committee
	Staff		
3.1.1.6	The appointment of any individual and the revocation of any such appointment		
	a) to any office other than an office in which they are employed by the authority	Full Council	Chief Executive
	b) to any body other than i) The authority; ii) A joint committee of two or more authorities; or	Full Council	Chief Executive
	c) To any committee or sub-committee of such a body.	Full Council	Chief Executive

3.1.1.7	The making of agreements with other local authorities for the placing of staff at the disposal of those authorities	Full Council	Chief Executive
Statutory Nuisance			
3.1.1.8	The service of an abatement notice in respect of a statutory nuisance	Full Council	Director of Public Places
3.1.1.9	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 shall apply in the authority's area	Full Council	Director of Public Places
3.1.1.10	The inspection of the authority's area to detect any statutory nuisance	Full Council	Director of Public Places
3.1.1.11	The investigation of any complaint as to the existence of a statutory nuisance	Full Council	Director of Public Places

Part 3.2 RESPONSIBILITY FOR COUNCIL FUNCTIONS

3.2.1 The Council has established the following committees to discharge Council functions: -

- a) Audit and Risk Committee
 - i. Treasury Management and Investment Sub-Committee
- b) Chelmsford Policy Board
- c) Governance Committee
- d) Licensing and Regulatory Committee:
 - i. Licensing Committee
 - ii. Regulatory Committee
- e) Overview and Scrutiny Committee
- f) Planning Committee
- g) Employment Committee
- h) Employment Appeals Committee

3.2.1.2 The terms of reference of these Committees and their delegated powers are set out in Rule 3.2.3. Where the Council has delegated responsibility for the discharge of Council Functions (i.e. non-executive functions) to officers, these are set out in the Scheme of Officer Delegations in Part 3.4.

3.2.1.3 **List of Council Functions**

The functions of a local authority specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) by reference to the enactments, directions and circulars including:
-

- a) Functions relating to Town and Country Planning and Development Control;
- b) Functions relating to Licensing and Registration;
- c) Functions Relating to Health and Safety at Work;
- d) Functions relating to the name and status of areas and individuals;
- e) Power to make, amend, revoke, re-enact or enforce byelaws;
- f) Functions relating to smoke free premises
- g) Power to promote or oppose local or personal Bills;
- h) Miscellaneous Functions;
- i) Any function resulting from enactments passed before 2000.

3.2.2 **Full Council**

The table below contains the specific terms of reference for the Full Council

Full Council		
Membership 57 Members	Quorum One quarter of the total membership of Full Council	Frequency of meetings One Annual Meeting and three ordinary meetings per year
Functions/Purpose		Delegations
The functions listed in the table below are specifically reserved to the Full Council. Other functions are delegated to committees and can be exercised by the Full Council if necessary or appropriate. Appointments and Approvals 1. Elect the Mayor and Deputy Mayor; 2. Appoint and dismiss the Leader; 3. Approve the Terms of Reference, procedures for and the appointment of Committees and such other bodies as the Council may decide; 4. Appoint the Chair and Vice-Chair and to determine the membership of Council Committees; 5. Approve appointments to outside organisations to which the Full Council is entitled to appoint representatives; 6. Confirm the appointment of, and dismissal of the Head of Paid Service, S151 Officer and the Monitoring Officer; 7. Determine the number of committees, the total number of places and allocate those places in accordance with the political balance requirements; and 8. Approve the absence of a member from meetings for more than six months. Budget, Finance and Policy 9. Adopt, with or without amendment, statutory and major non-statutory policies, plans and strategies (the “policy framework”) recommended to it by the Cabinet. The current list of policies, plans and strategies is identified in 4.11 and will be updated by the Monitoring Officer as necessary; 10. Approve, with or without amendment, the Council’s budget, borrowing limits, and the Council Tax for the City recommended to it by the Cabinet; 11. Determine any expenditure proposed by the Executive which is outside of the Budget set by Full Council, subject to delegations in financial rules; and 12. Agree a Councillors’ Allowances Scheme (Part 6 of this Constitution). Constitution 13. Adopt, approve, agree changes to, and keep under review the Constitution of the Council; 14. Consider reports by the Monitoring Officer and the Chief Finance (Section 151) Officer.		

Elections Consider matters related to elections, including appointing an Electoral Registration Officer and Returning Officer; 15. Consider proposals relating to the status and the variation of District boundaries, electoral divisions, wards and polling districts; 16. Take decisions on proposals to establish, dissolve or group Parish Councils and fix the number of Parish Councillors; 17. Employment issues Appoint and dismiss particular officers in accordance with the Officer Employment Procedure Rules; 18. Designate officers as the authority's Head of Paid Service, Section 151 Officer and Monitoring Officer and to provide staff; 19. Approve the annual Pay Policy Statement. 20. Governance Receive reports from the Cabinet and to question it about the performance of its duties; 21. Resolve disputes between the Cabinet and the Overview and Scrutiny Committee; 22. Deal with any issues required under the Council Procedure Rules; 23. Carry out any other functions required by statute to be discharged by the Council; 24. Take disciplinary action against any member on advice from the Governance Committee. 25. Licensing, Regulatory and Planning Adopt policies under the Licensing Act 2003 and the Gambling Act 2005; 26. Adopt Statutory Development Plan documents within the Local Development Framework required to be approved by the Full Council. 27. Miscellaneous Promote and oppose Bills and Orders in Parliament; 28. Name or confer status on areas or individuals; 29. Take all decisions for the introduction, amendment or revocation of Byelaws. 30.	
Procedures	Part 4.1 – Council Procedure Rules Part 4.7 – Budget and Policy Framework Rules Part 4.8 – Officer Employment Rules Part 4.9 – Financial Rules
Codes	Part 5.1 – Code of Conduct for Councillors

3.2.3 Committees of the Council

3.2.3 (a) The tables below contain the terms of reference of the Council's Committees

Audit and Risk Committee			
Membership Nine - No more than two members each of the Cabinet and Overview and Scrutiny Committee - A maximum of two Independent Persons to attend the meetings of the Audit & Risk Committee as non-voting Members.			
Quorum	Substitutes	Politically Balanced	Frequency of meetings
THREE	YES	YES	FOUR PER YEAR
Functions/Purpose			Delegations
Statement of Purpose - The Audit and Risk Committee is a key component of Chelmsford City Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards. - The purpose of the Audit and Risk Committee is to provide independent assurance to the members (and others charged with governance in Chelmsford City Council e.g. Governance Committee) of the adequacy of the risk management framework and the internal control environment. It provides independent review of Chelmsford City Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place. Governance, Risk and Control - To review the Council's corporate governance arrangements against the good governance framework including the ethical framework and consider the local code of governance. - To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.			Treasury Management and Investment Sub-Committee

5. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements. 6. To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council. 7. To monitor the effective development and operation of risk management in the Council. 8. To monitor progress in addressing risk-related issues reported to the committee. 9. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions. 10. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption. 11. To monitor the counter-fraud strategy, actions and resources. 12. To review the governance and assurance arrangements for significant partnerships or collaborations	
Internal Audit 13. To approve the Internal Audit Charter 14. To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations. 15. To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources. 16. To approve significant interim changes to the risk-based internal audit plan and resource requirements. 17. To make appropriate enquiries of both management and the Audit Services Manager to determine if there are any inappropriate scope or resource limitations. 18. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Audit Services Manager. To approve and periodically review safeguards to limit such impairments. 19. To consider reports from the Audit Services Manager on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include: a) Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work b) Regular reports on the results of the Quality Assurance and Improvement Programme	

c) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether non-conformance is significant enough that it must be included in the Annual Governance Statement. 20. To consider the Audit Services Manager's annual report: a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit. b) The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the Annual Governance Statement. 21. To consider summaries of specific internal audit reports as requested. 22. To receive reports outlining the action taken where the Audit Services Manager has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions. 23. To contribute to the Quality Assurance and Improvement Programme and in particular to the external quality assessment of internal audit that takes place at least once every five years. 24. To consider a report on the effectiveness of internal audit to support the Annual Governance Statement as required to do so by the Account and Audit Regulations (Regulation 6) requires an annual review of the effectiveness of the Council's system of internal audit. The findings of the review of the effectiveness must be considered as part of the Committee's view of the system of internal control. 25. To provide free and unfettered access to the audit and risk committee chair for the Audit Services Manager, including the opportunity for a private meeting with the Committee. External Audit 26. To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by the regulators.	
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27. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance. 28. To consider specific reports as agreed with the external auditor 29. To comment on the scope and depth of external audit work and to ensure it gives value for money 30. To commission work from internal and external audit. 31. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies. Financial Reporting 32. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statement or from the audit that need to be brought to the attention of the Council. 33. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts. Accountability Arrangements 34. To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangement, and internal and external audit functions. 35. To report to full Council on a regular basis the committee's performance in relation to the terms of reference and effectiveness of the committee in meeting its purpose. 36. To publish an annual report on the work of the committee.	
Procedures	Part 4.2 – Cabinet and Committee Procedure Rules Part 4.9 – Financial Rules
Codes	Part 5.1 – Code of Conduct for Councillors

3.2.3 (a)(i)

Treasury Management and Investment Sub-Committee			
Membership: Seven Members			
Quorum	Substitutes	Politically Balanced	Frequency of meetings
THREE	YES	YES	THREE PER YEAR
Functions/Purpose		Delegations	
1. To comment on the draft Treasury Management and Investment Strategies and make recommendations to Cabinet on those Strategies. 2. To receive reports on Treasury Management and Investment activities and performance three times per year. 3. To report to the Audit and Risk Committee on any breaches of Treasury Strategy, Investment Strategy or Treasury Management Procedures. 4. On occasion of urgent matters to agree changes to the Treasury Management or Investment Strategy without reference to Full Council. 5. In the light of performance and market conditions recommend changes to either strategy going forward. 6. The sub-committee is not intended to be a consultee to individual investment decisions.		N/A	
Procedures	Part 4.2 – Cabinet and Committee Procedure Rules Part 4.9 – Financial Rules		
Codes	Part 5.1 – Code of Conduct for Councillors		

Part 3.2.3 (b)

Chelmsford Policy Board				
Membership	Quorum	Substitutes	Politically Balanced	Frequency of meetings
THIRTEEN	FIVE	YES	YES	SIX PER YEAR
Functions/Purpose				Delegations
1. To review existing and develop new policies and strategies, including statutory development plans, in relation to any function for which the City Council is responsible and to make recommendations to the Cabinet and Council, as appropriate. 2. To establish working groups to examine in detail existing policies, develop new ones and to make recommendations on new or revised policies to the Chelmsford Policy Board 3. To consider draft new policies and strategies, including statutory development plans, for the purposes of engagement and formal consultation, as appropriate. 4. To recommend to the Cabinet approval and adoption of the final versions of Masterplans, Supplementary Planning Documents and other non-statutory planning and housing policy documents. 5. To consider responses to any formal policy related consultations from external bodies which the relevant Director considers should be referred to the Policy Board The above provisions do not prevent Cabinet or Council adopting new or revised policies that have not been reviewed by the Chelmsford Policy Board.				
Procedures	Part 4.2 – Cabinet and Committees Procedure Rules			
Codes	Part 5.1 – Code of Conduct for Councillors			

3.2.3 (c)

Governance Committee			
Membership Seven councillors of the City Council; - Three co-opted Parish Tier Councillors appointed by the Parish Tier Councils in the City Council's area; - Between 2-4 Independent Persons who can participate but cannot vote. An Independent Person must be in attendance and provide their views in relation to any standards hearing that takes place. - Parish Tier Councillors can participate in the debates of the Committee but cannot vote on decisions to be taken. At least one Parish Tier Councillor to be invited to attend when dealing with any complaint against a Parish Tier Councillor; - The following Councillors may not be members of the Committee - the Mayor; - the Deputy Mayor; - the Leader of the Council; - No more than two members of the Cabinet may be members of the Committee at any time.			
Quorum THREE of those members who can vote (Also note the requirements relating to standards hearings for an independent person to be in attendance and a parish tier representative where necessary)	Substitutes YES	Politically Balanced YES	Frequency of meetings AT LEAST FOUR PER YEAR
Functions/Purpose			Delegations
Roles and responsibilities of the Committee related to the Council's Code of Conduct - Promote and maintain high standards of conduct by councillors, whether Co-Opted or not, by: - - Assisting councillors and Co-Opted Councillors to observe the Code of Conduct for Councillors; - Hearing and determining complaints about councillors and Co-Opted councillors referred to it by the Monitoring Officer; - Advising the Council on the adoption or revision of the Code of Conduct for Councillors; - Advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council; - Informing Full Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints; - Receiving referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority's assessment criteria;			

- g) Receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Code of Conduct for councillors; and
 - h) Advising and assisting Parish Council(s) and councillors to maintain high standards of conduct and to make recommendations to Parish Councils on improving standards or actions following a finding of a failure by a Parish Councillor to comply with the Code of Conduct.
2. To conduct a Hearing into an allegation that a councillor or Co-opted councillor has breached the Code of Conduct.¹
- 2.1 To make one of the following findings: -
- a) That the councillor has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the Hearing;
 - b) That the councillor has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the matters considered at the Hearing;
 - c) That the councillor has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed; or
 - d) The committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to it by law or policy.
- 2.2 After making a finding the committee shall, as soon as reasonably practicable, provide written notice of its findings and the reasons for its decision to the Councillor and complainant.
3. To grant dispensations to councillors: -
- 3.1 After consultation with the Independent Person pursuant to Section 33(2) (b), (c) and (e) of the Localism Act 2011.
- 3.2 Hear and determine appeals against a refusal to grant dispensations by the Monitoring Officer pursuant to S33(2)(a) and (d) of the Localism Act 2011.
4. Assistance and training for members of the authorities: -
- 4.1 Advising, training or arranging to train councillors and Co-Opted councillors on matters relating to the Code of Conduct for Councillors.

Other Roles and Responsibilities

- 5. To maintain oversight of the Council's arrangements for dealing with complaints and in particular: -

¹ See also: [Practice Note on Hearings, available on the Council's website.](#)

	5.1 To consider complaints to the Local Government Ombudsman where a councillor decision is required and to receive reports on Local Government Ombudsman investigations. 5.2 To consider the Annual Whistle-blowing report. 6. To review annually the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA). 7. To approve and monitor the Code of Corporate Governance and the Council's Annual Governance Statement with the Audit and Risk Committee. 8. To grant exemptions from politically restricted posts. 9. To consider any other reports relating to non-executive functions where a councillor view or decision is required. 10. To approve under Section 85 of the Local Government Act 1972 the absence of a councillor for more than six months if: (a) the Governance Committee is satisfied that there is a valid reason for that absence, and (b) no meeting of the Council is scheduled before the date on which the councillor would be disqualified for failure to attend a meeting of the authority for six consecutive months.
OTHER INFORMATION	A maximum of two Independent Persons are to be recommended for appointment by the Governance Committee for approval by Full Council. The Independent Persons will be invited to attend the meetings of the Governance Committee when dealing with complaints under the standards regime, but will not be members of the Committee. Parish/town representatives are appointed for a 4 year term by the Governance Committee. Should a parish/town councillor resign from office before this period they may continue to serve as a parish/town council representative on the Governance Committee for up to 12 months after they cease to be a parish/town councillor.
Procedures	Part 4.2 Cabinet and Committee Procedure Rules Part 4.6 Access to Information Procedure Rules Practice Note on Hearings
Codes	Part 5.1 – Code of Conduct for Councillors

3.2.3 (d)(i)

Licensing and Regulatory Committee (i) Licensing Committee				
Membership	Quorum	Substitutes	Politically Balanced	Frequency of meetings
THIRTEEN	THREE	YES	NOT REQUIRED BY LAW	AS REQUIRED
Functions/Purpose				Delegations
1. To exercise all the Licensing functions of a licensing authority under the Licensing Act 2003 or any regulations or orders made under that Act except: - a) approving the Authority's Licensing Statement under section 5 of the Act; and b) referring licensing matters to another Committee under section 7(5) of the Act. These functions will include the consideration, determination and review of applications for Personal Licences, Premises Licences, Club Premises Certificates and Temporary Event Notices in relation to the supply of alcohol, the provision of regulated entertainment and late-night refreshment where there have been relevant representations in relation to those applications). 2. To promote the four licensing objectives: a) the prevention of crime and disorder b) public safety c) the prevention of public nuisance d) the protection of children from harm 3. To exercise all the functions of the Council in respect of Small Society Lotteries. 4. To determine those matters within its terms of reference which are to be delegated to officers of the Council for action. 5. To establish any sub-committees which it considers necessary and determine the powers and functions to be delegated to such sub-committees and, if appropriate, to officers of the Council in respect of such sub-committees. 6. To receive reports, from time to time, on the needs of the tourist economy, the cultural strategy, the employment situation and the need for new investment and employment for the City of Chelmsford and to ensure that these are reflected in the Committee's considerations.				Licensing Act 2003 Sub-Committee other than those delegated to the Public Health and Protection Services Manager in accordance with the Officers' Scheme of Delegation

7. To deal with all matters relating to the discharge by the Council of its Licensing functions under the Gambling Act 2005. 8. All matters pursuant to Part 1 of the Health Act 2006 and Smoke-free (Premises and Enforcement) Regulations.	
Procedures	Part 4.2 – Cabinet and Committee Procedure Rules
Codes	Part 5.1 – Code of Conduct for Councillors

3.2.3 (d)(ii)

Licensing and Regulatory Committee (ii) Regulatory Committee				
Membership	Quorum	Substitutes	Politically Balanced	Frequency of meetings
THIRTEEN	FIVE	YES	YES	SEVEN PER YEAR
Functions/Purpose				Delegations
The regulatory responsibilities of this Committee (insofar as they are functions of this Council, including non-Licensing Act 2003 and registration functions) are described in the Local Authorities (Functions and Responsibilities) (England)(Regulations) 2000 as amended, other than those delegated in accordance with the Officers' Scheme of Delegation. These functions include: 1. Considering and determining any applications, renewals, regulatory matters and other matters which arise from the following functions and have been referred to the Committee by the relevant Director: - a) acupuncture, tattooing, ear-piercing and electrolysis; b) pet shops, zoos, dog breeding and other animal welfare functions; c) betting, gaming and lotteries; d) food hawkers and game dealers; e) hackney carriage and private hire vehicles, drivers and operators; f) house to house and street collections; g) late night refreshment houses; h) entertainments and indoor sports; i) sex establishments; j) market and street trading; k) theatres and cinemas; l) food safety; m) street trading; n) placing of tables, chairs and umbrellas on the highway under section 15 of Part VIIA of the Highways Act 1980. 2. Exercising the Council's regulatory functions under health and safety legislation; 3. Determining any appeal against any decision made by or on behalf of the Council, provided members who have been involved with the original decision take no part in the consideration of any appeal against it;				To officers in accordance with the Scheme of Delegation at Part 3.4

4. Considering objections to Traffic Orders and Footpath Orders proposed by the Council and to: - a) confirm an Order without amendment; b) confirm an Order with only minor amendments that would not negate the effect or intention of the Order; or c) not confirm an Order but refer it to the appropriate officers with or without suggested amendments. Having considered the views of the Committee, the officers may confirm an Order either as advertised or amended to the extent that it would be less onerous. Where an amendment would add to or make more onerous the original Order, the amended proposal shall be advertised in the normal way; 5. Exercising non-executive functions of the Council in relation to the protection of the environment; 6. To receive reports from time to time on the needs of the tourist economy, the cultural strategy, the employment situation and the need for new investment and employment for the City of Chelmsford and to ensure that these are reflected in the Committee's considerations, particularly the adoption or amendment of any policies related to the functions of the committee. 7. To adopt, approve or amend any policy related to the functions of the Committee other than those that are required to be approved by Full Council by statute or for constitutional reasons. 8. Considering the results of consultation on proposals to designate areas where the consumption of alcohol would be restricted and to make recommendations to the Council accordingly.	
Procedures	Part 4.2 – Cabinet and Committees Procedure Rules
Codes	Part 5.1 – Code of Conduct for Councillors

3.2.3 (e)

Overview and Scrutiny Committee			
Membership Thirteen - No member of the Cabinet may be a member of the Committee. - The Committee may co-opt persons from outside the Council to assist it with a particular review. Those persons shall be appointed only for the duration of the review and will not have the right to vote. - The Committee's chair will normally be a member of an opposition group on the Council. The vice chair will normally be a member of the majority group.			
Quorum	Substitutes	Politically Balanced	Frequency of meetings
FIVE	YES	YES	AT LEAST FOUR TIMES A YEAR
Functions/Purpose			Delegations
The purpose of the Overview and Scrutiny Committee ("the Committee") is to: - act as a channel for public involvement in the activities of the Council and other bodies operating in the City; - oversee the proper and efficient administration of the Council; - review the effectiveness of the Council's work and services; and - support and complement the activities of the Cabinet, whilst at the same time scrutinising them and offering constructive comment or advice where appropriate. Within that general description the Committee will: - monitor the performance of the Council's services, carry out detailed reviews of them where considered necessary and report any resulting recommendations to the Cabinet; - review the decisions, decision-making processes and activities of the Executive, and in respect of the Committee's own work to ensure that they comply with the requirements of the Constitution and the policies of the Council; - exercise the right to call in decisions made by the Cabinet but not yet implemented; - scrutinise and monitor the activities and performance of relevant external bodies (including health), liaising with them where necessary, invite reports from them and carry out detailed assessments of the effectiveness of services provided by them if any apparent shortcomings are identified; - scrutinise the work of the community safety partnership (Safer Chelmsford) and the partners who comprise it, insofar as their activities relate to the partnership itself, and exercise all the other			Task and Finish Groups - these are not decision-making bodies, and all recommendations from Task and Finish Groups stand referred to the Overview and Scrutiny Committee. The Terms of Reference for Task and Finish Groups are in the table below.

functions of a crime and disorder committee pursuant to Section 19 of the Police and Justice Act 2006; 6. consider Councillor Call for Action requests following agreement by the Chair and Vice-Chair of the Committee after consultation with the Director of Connected Chelmsford; 7. review the Council's handling of or responses to petitions where the petition organiser is dissatisfied with the action taken. The Committee will also: - i. consider complaints to the Local Government Ombudsman and make recommendations where a member decision is required; ii. provide opportunities for officers to acquaint members with the operation of the Council.	
Procedure Rules	Part 4.2 – Rules Common to Cabinet and committees Part 4.3 – Petitions Part 4.5 – Overview and Scrutiny Procedure Rules Part 4.6 – Access to Information Procedure Rules
Codes	Part 5.1 – Code of Conduct for Councillors

Overview and Scrutiny Task and Finish Groups			
Membership 1. At least two and no more than nine councillors. 2. If not already appointed by the Committee on the setting up of the Task and Finish Group, each Group shall elect a chair or vice chair from among its councillor membership. 3. Each Group may include (i) councillors who are not members of Cabinet or the Overview and Scrutiny Committee and (ii) non-voting persons from outside the Council who have a particular knowledge of or interest in the subject matter for which the Group is responsible. Those persons shall be appointed only for the duration of the review and will not have the right to vote.			
Quorum TWO	Substitutes NO	Politically Balanced YES, as far as practicable	Frequency of meetings The panel shall decide the dates and times of its meetings
Functions/Purpose			Delegations
1 Task and Finish Groups are responsible for undertaking in-depth reviews to investigate specific aspects of policy, services or issues of concern to the community. The work undertaken by Task and Finish Groups aims to influence and improve policy and service delivery. 2 The Terms of Reference are to be agreed by the Overview and Scrutiny Committee.²			
Procedure Rules	Panels and their meetings will not be regarded as meetings of the Council for the purposes of Section 100 of the Local Government Act 1972. The provisions of that Act and the Rules in Parts 4.1 and 4.2, other than the procedures described in this Rule, will not therefore apply to them. Part 4.5 - Overview and Scrutiny Procedure Rules		
Codes	Practice Note: Task and Finish Group Protocol for Chelmsford City Council Part 5.1 – Code of Conduct for Councillors		

² See also: [Task and Finish Group Protocol Practice Note, available on the Council's website.](#)

3.2.3 (f)

Planning Committee				
Membership	Quorum	Substitutes	Politically Balanced	Frequency of meetings
THIRTEEN	FIVE	YES	YES	13 per year, or every three weeks
Functions/Purpose				Delegations
The Committee shall be responsible for all those planning and conservation functions which are not delegated to the Director of Sustainable Communities or which they decide to refer to the Committee for decision. These responsibilities include: 1. The determination of applications for planning permission. 2. The granting or refusal of planning permission for development that does not comply with conditions imposed by a previous planning permission. 3. The determination of applications for: a) consent for the display of advertisements b) listed building consent c) conservation area consent d) hazardous substances consent e) consent under a tree preservation order f) certificates of lawful use or development 4. The service of: a) an enforcement notice b) a stop notice c) a listed building enforcement notice 5. The revocation or modification of: a) a planning permission b) a listed building consent c) hazardous substances consent 6. The diversion, closure or creation of a public right of way in connection with a development being considered by the Committee. 7. The consideration of objections to Tree Preservation Orders.				Director of Sustainable Communities: To deal with specific matters or classes of matters delegated from time to time by the Planning Committee
Procedures	Part 4.2 – Cabinet and Committees Procedure Rules			
Codes	Part 5.1 – Code of Conduct for Councillors Part 5.3 – Planning Code of Conduct			

3.2.3 (g)

Employment Committee			
Membership Five councillors of Chelmsford City Council - At least one of the Committee members must also be a member of the Cabinet. Two independent persons (appointed under section 28(7) of the Localism Act 2011) but only in those cases where the Committee is to consider whether to recommend to Full Council the dismissal of any of the Statutory Officers referred to in Article 13 of the <u>Constitution</u>.			
Quorum	Substitutes	Politically Balanced	Frequency of meetings
Three	Yes, other than for the Independent Persons.	Yes	As and when required
Functions/Purpose			Delegations
1. Responsibility for the recruitment and appointments process in relation to: 1.1 The Council's Statutory Officer posts referred to in Article 13 of the Constitution namely: • Head of Paid Service (Chief Executive), • Chief Finance Officer • Monitoring Officer 1.2 Any Director 2. Responsibility for dealing with any disciplinary issues relating to the Statutory Officers or any Director. 2.1 Hearing and determining any such issues referred to it in accordance with the requirements of the Employment Procedure Rules in Part 4.8 of the Constitution, subject to:			None

a) any conclusion reached in relation to paragraph 2.1 above to dismiss any of the statutory officers is subject to formal approval by Full Council b) any conclusion to impose any sanction in relation to a Director or any sanction other than a dismissal in the case of a Statutory Officer, is subject to a right of appeal to the Employment Appeals Committee. 2.2 Where disciplinary proceedings relate to the any of the Statutory Officers and the decision to be reached could lead to their dismissal, the Committee will be operating as a "Panel" under Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) and therefore the Committee's membership must: a) include two Independent Persons b) whose function it is to advise and make recommendations to the Council before a vote is taken on whether to dismiss the relevant Statutory Officer. 3. General Responsibilities as regards Recruitment 3.1 The recruitment of the Council's Head of Paid Service (i.e. Chief Executive) subject to any recommendation to appoint a preferred candidate being referred to Full Council for approval. 3.2 The recruitment of the Council's Monitoring Officer, subject to: a) any recommendation to appoint a preferred candidate being referred to Full Council for approval, other than b) where the appointment is to be on an interim or temporary basis, in which case the decision to appoint will rest with the Chief Executive. 3.3 The recruitment and appointment of the Council's Chief Finance Officer and the Council's Directors, except in those cases where the appointment is to be on an interim or temporary basis, in which case the appointment will rest with the Chief Executive. 4. General responsibilities as regards Disciplinary Action 4.1 The screening of potential disciplinary issues relating to the Statutory Officers or any Director to determine whether: a) they warrant investigation (or further investigation), and b) the relevant officer should be suspended or, if already suspended, whether the suspension should continue. 4.2 To appoint, or authorise the Chief Executive or Human Resources Manager to select and appoint on its behalf, one or more persons to investigate any disciplinary issues relating to the Statutory Officers or any Director, with a view to such person(s) submitting a written report, setting out their findings, to the Committee for consideration.	
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4.3 Where appropriate to hold (as part of its proceedings) a hearing for the purpose of considering the investigation report prepared and any representations the relevant officer may wish to make. 4.4 To take disciplinary action (as defined in regulation 2 of the Local Authorities (Standing Orders) Regulations 2001 short of dismissal against any of the Statutory Officers. 4.5 When operating as a Panel under Schedule 3 to the 2001 Regulations, to recommend to full Council that the Head of Paid Service (Chief Executive), Monitoring Officer, or section 151 Chief Finance Officer be dismissed where, after due consideration, the Committee considers dismissal to be the appropriate disciplinary action to take. 4.6 To take disciplinary action (including, where considered appropriate, the issue of a notice of dismissal) in respect of any Director. 5. Other functions 5.1 To consider and, if appropriate, approve any proposed post which attracts a total remuneration package of £100,000 or more.	
OTHER INFORMATION	The Independent Persons will, when part of the Committee, have full voting rights.
Procedures	Part 4.2 - Cabinet and Committee Procedure Rules Part 4.8 - Officer Employment Procedure Rules
Codes	Part 5.2 – Code of Conduct for Officers

3.2.3 (h)

Employment Appeals Committee			
Membership Four councillors of Chelmsford City Council - At least one member of the Committee will be a Cabinet Member - Members of the Committee will only be appointed when there is an appeal to be heard and by one of the following officers (in order of priority) and only after consultation with the Leaders of the political groups of the Council: - the Head of Paid Service; or (if unavailable or directly involved the subject matter of the appeal) - the Director of Connected Chelmsford; or (if unavailable or directly involved the subject matter of the appeal) - the Monitoring Officer.			
Quorum	Substitutes	Politically Balanced	Frequency of meetings
Three	Yes	Yes	As and when required
Functions/Purpose			Delegations
- To hear appeals lodged by the Head of Paid Service, Section 151 Officer, and Monitoring Officer against any disciplinary action (falling short of dismissal) taken by the Employment Committee. - To hear appeals by Directors against any disciplinary action (including dismissal) taken by the Employment Committee.			None
Procedures	Part 4.2 - Cabinet and Committee Procedure Rules Part 4.8 - Officer Employment Procedure Rules		
Codes	Part 5.2 – Code of Conduct for Officers		

3.2.4 Advisory Panels

The Council and Cabinet may establish outside the formal Member Bodies structure of the Council ad-hoc panels to review existing policies or to develop new policies, or to look into other issues within their remits.

Advisory Panels for Council Functions

Mayoral Working Group			
Membership Mayor Deputy Mayor Leader Leader of the Opposition Chief Executive Civic Services Manager			
Quorum	Other attendees	Politically Balanced Not applicable	Frequency of meetings
Functions/Purpose			Delegations
The Mayoral Working Group will meet at regular intervals to discuss Civic matters, including: 1. Mayoral Protocol 2. Mayoral Engagements 3. Civic Events 4. Honorary Freeman and Freedoms 5. Town Twinning 6. Guidance for the Mayor designate			None
Procedures	N/a		
Codes- Part 5	Part 5.1 – Code of Conduct for Councillors Part 5.5 – Mayoral Party Protocol		

Constitutional Working Group			
Membership: Seven Members including the Leader of the Council and Chair of Governance Committee			
Quorum	Other attendees	Politically Balanced	Frequency of meetings
3	Monitoring Officer, Democratic Services officer	Yes (by convention see para 4.2.8A.1)	as necessary
Functions/Purpose		Delegations	
The Constitutional working group will meet as necessary to review proposed changes to the constitution where member consultation is required. The working group may also act as a consultative group for matters arising from the Governance Committee where it would be helpful for informal member consultation to take place prior to public consideration. This does not prevent Council adopting changes to the constitution that have not been reviewed by the Constitutional working group.		Minor changes – see 2.16.3 of constitution	
Procedures	Constitution		
Codes	Part 5.1 – Code of Conduct for Councillors		

Advisory Panels for Cabinet Functions

Chelmsford Garden Village Delivery Board
Membership <u>Chelmsford City Council (CCC)</u> Leader Cabinet Member for Greener Chelmsford Chief Executive (Chair) Director of Sustainable Communities Spatial Planning Services Manager Notetaker <u>Essex County Council (ECC)</u> Deputy Cabinet Member for Infrastructure Director for Transport and Infrastructure Head of Planning and Development <u>Chelmsford Garden Community Consortium (CGC)</u> Director Head of Planning – Countryside Properties Director of Planning – DLBP on behalf of Threadneedle Pension Ltd Managing Director – Ptarmigan Land Property Development Manager – Hanson Quarry Products Ltd
Purpose To provide strategic guidance and oversight and act as resolution forum to ensure the timely delivery of the Chelmsford Garden Village and its supporting infrastructure. Specific Terms 1. That the Board retains its function as an informal partnership with no separate legal status or powers in its own right. It will draw on the powers of its membership to co-ordinate and deliver an agreed masterplan for the Chelmsford Garden Village and supporting infrastructure delivery. 2. That the Board has three scheduled meetings annually – February, June and October. Any issues arising in between dates can be dealt with by a virtual meeting³. Agendas and

³ Via electronic communication e.g. e-mail, tele/video conference

action notes to be produced by CCC. In the event that a member is unable to attend, a substitute can be nominated.

3. Chelmsford City Council is the Local Planning Authority for the Chelmsford Garden Village scheme and Essex County Council is the Mineral Local Planning, Highways and Transportation, Education and Social Services Authority. Chelmsford City Council will coordinate the development and approval of a masterplan, receive and determine relevant planning applications and conduct statutory consultation as part of the process.
4. That actions of the Delivery Board are monitored at each meeting.
5. That the Board monitor Planning Performance Agreements (PPAs) for the preparation of a comprehensive masterplan and future PPAs governing pre-application and planning applications at the appropriate time
6. That the Board is consulted on the submission of any additional delivery or other bids including those to the Local Enterprise Partnership or Homes England e.g. Garden Communities Prospectus.
7. That the Board endorse the use of regular promotor/developer and Council officer meetings to oversee the day-to-day development of the masterplan and subsequent pre-application and application process. The outcomes of these meetings will be reported regularly to the Board.

Chelmsford Garden Village Community Liaison Group

Membership

Chair

Member from the Delivery Board (Leader of Chelmsford City Council)

Chelmsford City Council (CCC)

Cabinet Member for Greener Chelmsford

Director of Sustainable Communities

Spatial Planning Services Manager

Planning Development Services Manager

Notetaker

Essex County Council (ECC)

Deputy Cabinet Member for Infrastructure

Head of Planning and Development

NE Chelmsford Garden Community Consortium (NEGCC)

Two representatives

CCC Ward Members

Ward Councillor(s) representative from each of the wards:

Ward	Ward Members
Boreham and the Leighs	2
Broomfield and the Walthams	3
Chelmer Village and Beaulieu Park	3
Springfield North	3

ECC Division Members

Division	Division Members
Springfield	1
Broomfield and Writtle	1
Chelmer	1

Parish Councils

A representative from:

- Boreham Parish Council
- Broomfield Parish Council
- Chelmer Village Council
- Chelmsford Garden Community Council
- Little Waltham Parish Council
- Springfield Parish Council

Interest Groups

A representative from:

- Boreham Neighbourhood Plan Group
- Broomfield Neighbourhood Plan Group
- Beaulieu Residents Association
- Channels Resident Association
- Essex Wildlife Trust
- Living Landscapes Group (Title to be confirmed)
- Cycling Action Group
- Bridleway Association
- Land Trust
- Beaulieu Churches
- Beaulieu Schools
- New Hall School

Purpose

To provide updates to local interest groups and foster the opportunity for the local community to engage with the existing and emerging communities as the Garden Community develops over the next 20+ years.

Specific Terms

1. That the liaison group retains its function as an informal engagement group with no separate legal status or powers in its own right. It will draw on the membership of the group to co-ordinate and provide updates to the community on the delivery of the Chelmsford Garden Village and supporting infrastructure.
2. That the community group has two scheduled meetings annually – May and September. Any issues arising in between dates shall be raised to the chair⁴ and if necessary dealt with by a virtual meeting⁵. Any issues raised outside of a meeting will be reported to the community liaison group as a way of an update. Agendas and action notes to be produced by CCC. In the event that a member is unable to attend, a substitute can be nominated.
3. Chelmsford City Council is the Local Planning Authority for the Chelmsford Garden Village scheme and Essex County Council is the Mineral Local Planning, Highways and Transportation, Education and Social Services Authority. Chelmsford City Council will coordinate the development and approval of a master plan, receive and determine relevant planning applications and conduct statutory consultation as part of the process.
4. That any actions arising from the community group are monitored at each meeting.

⁴ Or nominated person to deal with queries as they arise

⁵ Via electronic communication e.g. e-mail, tele/video conference

Community Funding Panel				
Membership	Quorum	Other attendees	Politically Balanced	Frequency of meetings
Cabinet Member for an Active Chelmsford (Chair) Cabinet Member for Finance Cabinet Deputy for Sustainable Transport Director of Sustainable Communities Director of Connected Chelmsford Economic Development and Implementation Manager Services Manager External Funding professional Climate Ambassador	3 including at least one councillor	Relevant Ward Members may also be invited to join the Panel on occasion when the Neighbourhood Allocation CIL funding is being discussed for Neighbourhood groups There will be no substitutes	Not applicable	Normally twice a year
Functions/Purpose				Delegations
1. To oversee the governance of Chelmsford's Community Funding Scheme, which includes the Neighbourhood Allocation of the Community Infrastructure Levy (CIL) in the nine unparished wards the Greener Chelmsford Grant Scheme, the Council's Discretionary Corporate Grant Aid scheme and the Rural England Prosperity Fund Grant Scheme. Appropriate recommendations on spend to Cabinet and Council are made as appropriate.				Director of Connected Chelmsford in consultation with the Panel for awards of up to £10k.

2. To make recommendations to Cabinet on the allocation of Community Funding including commissioning service level agreements of up to 3 years.	
Procedures	Chair of the Panel is appointed by the Leader of the Council
Codes	Part 5.1 – Code of Conduct for Councillors

Essex Countywide Traveller (Joint) Committee			
Membership: Thirteen comprising: - One Executive Councillor from each of the following Councils: Basildon, Castle Point, Chelmsford, Colchester, Maldon, Rochford, Tendring, Thurrock and Uttlesford; - One representative each from the Essex County Fire and Rescue Service & the Chief Constable of Essex Police; and - Two Executive Councillors from Essex County Council (“the Council”) In addition, each organisation is also entitled to send an officer in support of their member representative.			
Quorum	Substitutes	Politically Balanced	Frequency of meetings
SIX	another Executive Councillor	NO	At least twice a year
Functions/Purpose			Delegations
1. The Joint Committee shall exercise the following functions; 1.1 The Functions delegated to it as set out in the Essex Countywide Traveller Committee Agreement (the Agreement). For the avoidance of doubt, the Council shall be responsible for the Functions in the first instance, unless another Authority, or the Chief Constable, notifies the Manager of the Essex Countywide Traveller Unit (“the Unit Manager”) either in writing (electronic or otherwise) or by telephone communications, that they shall be managing the Function. 1.2 Such other functions as the Authorities may from time to time delegate to the Joint Committee with the written agreement of the Joint Committee. 1.3 This Agreement is without prejudice to each Authority’s other powers and responsibilities for their respective areas and each Authority agrees that it will not exercise the Function of the Joint Committee except: i) Via the Joint Committee; ii) Via powers delegated to an officer by the Joint Committee; iii) After consulting the other Partner Authorities; or iv) After notification that they wish to manage a Function in accordance with Paragraph 10.1 of the Agreement. Where notification is received and relates to the enforcement of unauthorised encampments, the Partner Authorities agree to follow the enforcement process set out in the Agreement at Appendix 1a and to use the standard templates contained within Appendix 1b.			To the Council, as contained in the Agreement or as subsequently agreed by the Committee. Sub Committees can be established by any of the individual Partner Authorities but will have no decision powers, except where provided within the Agreement and without prejudice to the provisions of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.

1.4	For the avoidance of doubt: i) The Agreement shall not relate to the management of travelling showman, who remain the responsibility of the respective Authorities and the Chief Constable. ii) It is acknowledged that the Chief Constable is subject to unique statutory duties and obligations, which cannot be compromised or otherwise affected by the Agreement.	
2.	The Joint Committee shall be responsible for: 2.1 Overseeing the provision of the baseline services contained in Appendix 1 to the Agreement; 2.2 Agreeing future Annual Business Plans for the Joint Committee; 2.3 Agreeing all new, or revised, strategies and processes for the implementation of the Partner Authorities' and Chief Constable's policies (such as enforcement); 2.4 Agreeing the level of service provision through the annual budget setting process and as set out in this Agreement; 2.5 Annually agreeing the level of fees and charges pertaining to the Joint Committee (to be proposed to each Partner Authority's and Chief Constables appropriate decision-making body for final approval as appropriate); 2.6 Agreeing an annual budget proposal to be submitted to each Partner Authority's and Chief Constables appropriate decision making body for final approval; 2.7 Making decisions relating to the use of funding of end of year deficits and surpluses; 2.8 Approving an Annual Report to be made available to the Partner Authorities and Chief Constable; and 2.9 Reviewing this agreement at the annual meeting held after 1 April in any year.	
3.	The Joint Committee may not delegate the functions referred to in paragraph 2 above;	
4.	The Joint Committee will not have responsibility for staffing decisions but the Authorities and Council agree that the appointment of a replacement for the Unit Manager will be carried out in consultation between all Authorities and an officer from each of the Authorities shall be invited to take part in the recruitment process if they choose to do so.	
Procedures	The Committee will operate in accordance with: i) the terms of the Essex Countywide Traveller Committee Agreement; and	

	ii) where the agreement is silent, the Constitution of the Essex County Council, particularly as regards the management and administration of its meetings.
Codes	The Code of Conduct for Councillors - All Committee Members shall observe at all times the provisions of the Code of Conduct adopted by their respective authorities.

Chelmer Waterside Panel	
Purpose	To have strategic oversight of the delivery of the vision for the future of Chelmer Waterside and to oversee the delivery of infrastructure in Chelmer Waterside utilising the Housing Infrastructure Fund.
Terms of Reference	1. To shape the Vision for Chelmer Waterside in line with the wider development of the City Centre. 2. To shape the master planning of Chelmer Waterside in line with the Council's adopted approach to Master Planning. 3. To shape the housing and property strategy to deliver the Vision for Chelmer Waterside. 4. The shape the marketing strategy for the delivery of housing sites in Chelmer Waterside. 5. To receive regular project updates on the delivery of the infrastructure elements being funded by the Housing Infrastructure Fund. 6. To make recommendations to Cabinet on any key decisions linked to the delivery of the infrastructure at Chelmer Waterside. 7. To receive financial reports regarding the use the Housing Infrastructure Fund to deliver the infrastructure for which the funding is provided to the Council. 8. To monitor the programme(s) for the delivery of the infrastructure at Chelmer Waterside being funded by the Housing Infrastructure Fund.
Composition	Councillors: • Cabinet Member for a Fairer Chelmsford (Chair) • Leader of the Council • Cabinet Member for Finance • Cabinet Member for a Greener Chelmsford • Cabinet deputy for Economy and Strategic Projects • Moulsham & Central Ward Cllr (Adutwim) • Chair of the Chelmsford Waterways Working Group (Lee) Directors: • Director of Sustainable Communities • Director of Public Places Statutory Officers: • S151 Officer • Monitoring Officer Service Managers: • Corporate Property Services Manager

	• Economic Development and Implementation Services Manager
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Part 3.3 Responsibility for Executive Functions

3.3.1 Executive functions - Introduction

The Executive is led by the Leader and includes members of the Cabinet, any Cabinet Committees, any officers and joint arrangements discharging Executive functions. It should be noted that: -

The Executive is responsible for any functions which are not specifically required to be carried out by the Council under regulations and any local choice functions that the Council has chosen to make executive functions.

Council functions may not be exercised by the Executive.

Executive functions may only be exercised by the Executive.

LEADER'S SCHEME OF EXECUTIVE DELEGATION including Functions of Cabinet Members and Areas of Responsibility

Explanatory

1. The Scheme of Executive Delegation set out in paragraph 3 below is the current Scheme and has been agreed by the Leader. It describes who and/or which bodies exercise the Executive functions of Chelmsford City Council ("the Council").

Legal position

2. When elected, the Leader of the Council holds all of its Executive functions but may delegate them to one or more of the following: -
 - (a) the Cabinet as a whole
 - (b) individual members of the Cabinet
 - (c) committees of the Cabinet
 - (d) officers
 - (e) joint executive committees or under joint arrangements

The Scheme of Delegation

3. This Scheme of Executive Delegation provides that the following arrangements exist for the discharge of Executive functions:
 - (a) The Cabinet may discharge all Executive functions. Functions to be discharged by the Cabinet are set out in Part 3.3.2(i) of the Council's Constitution.

- (b) Individual members may only discharge functions delegated to them by the Leader in accordance with paragraph 2 above.
 - (c) The Leader may discharge any Executive function where it is not possible for the Cabinet to do so in a timely manner.
 - (d) Committees of the Cabinet may discharge the functions described in Part 3.3.4 of the Constitution.
 - (e) Officers may discharge, subject to paragraph 5, those delegations described in Part 3.4 of the Constitution, "Officer Scheme of Delegation", which are Executive functions.
4. Under this Scheme, no arrangements are made for the delegation of executive functions by:
- (a) a committee of the Cabinet
 - (b) an individual member of the Cabinet (other than the Leader)
5. Any officer authorised to exercise an Executive function by this Scheme of Executive Delegation may from time to time by giving written notice to the Legal and Democratic Services Manager nominate another officer as their deputy to exercise that Executive function in situations where they are not available through annual leave, sick leave or other leave of absence. The Legal and Democratic Services Manager will keep a record of these nominations. A nominated deputy exercising an Executive function must comply with the requirements of this Scheme of Delegation.
6. All current specific delegations of authority granted by the Cabinet prior to the making of this Scheme of Executive Delegation shall remain in full force and effect.
7. Deputising Arrangements. The Leader must appoint a Deputy Leader and notify their appointment to the Council. This will be done by notice in writing to the Legal and Democratic Services Manager, who will report the appointment to the next available meeting of the Council. If for any reason the Leader is unable to act, or the office of elected Leader is vacant, the Deputy Leader will act in their place. If the Leader is unable to act or the office of elected Leader is vacant, and the Deputy Leader is unable to act, or the office of Deputy Leader is vacant, then the Cabinet must act or arrange for a Cabinet Member to act.

Interpretation and changes

8. Any questions about the interpretation of any part of this Scheme of Delegation will be determined by the Legal and Democratic Services Manager.
9. Any changes to this Scheme of Delegation will come into operation 48 hours after receipt by the Legal and Democratic Services Manager or another date or time specified by the Leader. The Legal and Democratic Services Manager will ensure that an up-to-date version of the scheme is available for councillors, officers and the public and notify any changes to councillors.

3.3.2 (i) Functions of Cabinet Members and Areas of Responsibility

In addition to their collective responsibility for discharging Executive functions, each Cabinet Member will have a portfolio of issues on which they will lead. These are as follows: -

Leader	
	<u>Communications and engagement</u> 1. Corporate communications, consultation, public relations and information services in connection with the Council's activities; 2. the oversight of town centre management; 3. community development and the promotion of partnerships with other bodies; and; community engagement, with particular reference to Individual Electoral Registration.
	In accordance with policies and strategies adopted by the Council, to be responsible for the powers and duties of the Council with respect to, and arising from: 1. overseeing the performance of the Council, in consultation with the Overview and Scrutiny Committee; 2. monitoring of the Council's major projects to ensure that they are being developed and implemented in a timely and cost-effective manner; 3. the preparation and review of the Community Plan and corporate strategies of the Council not primarily the responsibility of other Cabinet members; 4. inclusivity matters; 5. ensuring compliance with and responding to any external assessment regimes to which the Council may be subject.
Fairer Chelmsford (Deputy Leader)	
In accordance with policies and strategies adopted by the Council, to be responsible for the powers and duties of the Council with respect to, and arising from:	
	<u>Strategic housing</u> 1. Meeting the housing needs of the City, including the statutory homeless; 2. the provision of housing and other advice to the local community; 3. promoting partnerships with Registered Social Landlords to secure and effectively manage affordable housing in the City; 4. residential and related property retained, whether tenanted or leased to partner organisations; 5. monitoring the Stock Transfer Agreement.
	<u>Land and property</u> 1. the administration, in conjunction with the relevant Cabinet Members, of the Council's land and property, including its public buildings and all commercial and industrial landholdings, and to identify strategic opportunities in relation to the acquisition, disposal and use of land and property.
Active Chelmsford	

	In accordance with policies and strategies adopted by the Council, to be responsible for the powers and duties of the Council with respect to, and arising from:
1.	<u>Leisure & Heritage</u> The provision of sporting and leisure facilities, including Hylands House.
2.	<u>Voluntary & Community Sector Support</u> 1. Grant funding for local voluntary and community groups 2. Community engagement and voluntary sector development
3.	<u>Public Health & Wellbeing</u> 1. the safety of the community and accident prevention, including emergency planning.
	<u>Cabinet Deputy for Cultural Services</u> <u>Museums and culture</u> 1. The provision of entertainment and cultural activities and facilities, including theatres, galleries and special events; 2. community and village halls; 3. the development and management of arts, cultural and entertainment facilities and services and the award of grants in appropriate cases; Museum services.
Finance	
	In accordance with policies and strategies adopted by the Council, to be responsible for the powers and duties of the Council with respect to, and arising from:
1.	<u>Accountancy</u> 1. The efficient and effective management of the Council's financial resources, in conjunction with the designated officer under Section 151 of the Local Government Act 1972; 2. the presentation of an annual budget to the Cabinet and Council and making recommendations on the budget process; 3. receipt of the Financial Monitoring Reports, Annual Report and Statement of Accounts 4. the write-off of debts over £100,000 individually or cumulatively for the year. 5. be consulted on the annual end of year funding of capital programme by the Chief Financial Officer 6. arrangements to consult with representatives of non-domestic ratepayers under Section 65 of the Local Government Finance Act 1992;
2.	<u>Audit</u>

	1. The delivery of a full and effective internal audit function, in consultation with the Audit and Risk Committee;
3.	<u>Procurement, Risk, Insurance and Revenue/Benefits</u> - the efficient and cost-effective procurement of goods and services required by the Council; - fraud investigation; - Revenue and Benefits Services
Greener Chelmsford	
	In accordance with policies and strategies adopted by the Council, to be responsible for the powers and duties of the Council with respect to, and arising from:
1.	<u>Technical services</u> Municipal engineering, architectural design, facilities management, building maintenance and residual highways matters.
2.	<u>Planning and Development</u> - All matters (with the exception of functions relating to town and country planning, development control and tree preservation orders) relating to the physical development of the City, including the preparation of supplementary planning guidance, the designation of conservation areas, the removal of permitted development rights, the making of compulsory purchase orders and the designation of clearance areas; - overseeing the development of housing policy and strategy and development of the Council's enabling role for housing provision; - assisting with meeting the City's housing needs; - all building regulations and associated matters;
3.	<u>Environmental services</u> - The protection of the local environment and the promotion of sustainability; - the provision of environmental services in the City, including: - public and environmental health; - consumer protection, food and drugs; - the condition and standards of housing.
4.	<u>Parks</u> - Parks strategy and development; - open spaces, ground maintenance, horticulture and allotments; - biodiversity; - Countryways services; and - All matters relating to the cemeteries and crematorium
5.	<u>Embed Climate Action in every Council department.</u>
Safer Chelmsford	
	In accordance with policies and strategies adopted by the Council, to be responsible for the powers and duties of the Council with respect to, and arising from:
1.	<u>Street Care, Waste Management, and Recycling</u>

	1. Strategies on waste collection and recycling; overseeing the functions of the Council's Direct Services Organisation, including the arrangements for waste collection and recycling, street cleansing and works to the highway.
2.	<u>Public Health and Protection Services (Regulatory)</u> 1. the development of policies relating to the Council's licensing and regulatory functions.
	<u>Cabinet Deputy for Support Services</u> <u>Central Services</u> 1. The Council's workforce and its duties as an employer; 2. the development of customer care objectives and the delivery of associated initiatives; and 3. the Council's legal, business and democratic services functions, including the Mayoralty but excluding electoral matters. <u>Digital services</u> The powers and duties of the Council with respect to and arising from the strategic development of information technology and its use to enhance the delivery of the Council's services and strategies.
Economic Development and Property	
	In accordance with policies and strategies adopted by the Council, to be responsible for the powers and duties of the Council with respect to, and arising from:
1.	Managing our relationship with the Business Improvement District and broader city centre management;
2.	Providing advice and skills initiatives to new and existing local businesses to encourage economic growth;
3.	Promoting local economic development and tourism;
4.	Listed buildings and heritage advice, public realm, community infrastructure levy projects and delivery
5.	Land and property – the administration, in conjunction with the relevant Cabinet Members, of the Council's land and property, including its public buildings and all commercial and industrial landholdings, and to identify strategic opportunities in relation to the acquisition, disposal and use of land and property.
	<u>Cabinet Deputy for Sustainable Transport</u> 1. Oversee the revised car park strategy 2. Oversee the sustainable transport policy in the revised local plan

	3. Represent the Council on SEPP 4. Improve CCC’s connections with bus and train operators, to lobby for improved services 5. Consider “walk to school” initiatives
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3.3.3 Terms of Reference of the Cabinet

Cabinet		
Frequency of meetings EIGHT per year	Membership UP TO TEN (Political balance rules do not apply)	Quorum THREE
Functions		Delegations
1. To propose the Council's annual budget. 2. To oversee expenditure within budget heads, and to agree: - items which are specifically included in revenue and capital budgets; - additional urgent expenditure beyond the heads and limits approved by the Council, provided that such expenditure can be offset by additional income, savings or the use of reserves; - items of virement up to £1,000,000 (outside of delegations to the Director of Financial Services); and - requests for supplementary estimates up to £1,000,000 (outside of delegations to the Director of Financial Services) where adequate uncommitted revenue working balances and uncommitted capital resources exist to fund them.⁶ - increases in fees & charges in any one service area that generate more than £1m additional income in a full year. Also approve any charges that have been increased more than 2 times under officer delegations (see 3.4.1.2) in a financial year. <i>Exceptions: Requests for supplementary estimates over £1m that are funded by Council resources. Virements over £1m shall require the approval of the Full Council, where the outcome is change in service provision.</i> 3. To ensure consultation with the public, the Overview and Scrutiny Committee and other members of the Council on policies and strategies. 4. Taking into account the views of Member Bodies, to recommend to the Council the adoption, amendment of or departures from statutory and major non-statutory plans, policies and strategies ("the policy framework") as set out in the Appendix to the Budget and Policy Framework at 4.11. 5. To implement, within approved budgets, agreed plans and the policy framework of the Council. 6. To review the Constitution of the Council and its officer and member structures and to recommend changes to the Council.		1. <u>Cabinet Committees</u> - Financial Appeals Committee (details of which are set out in Part 3.3.4) 2. <u>Officers</u> - Officers Scheme of Delegation (details of which are set out in Part 3.4.)

⁶ See [Practice Note on Financial Limits](#)

7. Generally to carry out within the policy framework adopted by the Council the major operational functions of the Council, including: a) the provision of recreational, cultural, sporting and entertainment facilities in the City; b) the provision of services that protect and enhance the social and community life of the City and the health and safety of the public; c) the democratic functions of the Council and its promotional activities; d) the promotion of economic development and employment in the City; e) the promotion of community well-being and community development to prevent social exclusion; f) the promotion of housing initiatives to enable the City's housing needs to be met; g) the implementation and operation and monitoring of policies to facilitate the provision of housing across all tenures; h) the proper and efficient administration of the Council's finances and its auditing procedures; i) the implementation and operation of policies relating to the Council's corporate assets, including human resources and land and property; j) transportation; k) the adoption of non-statutory Supplementary Planning Documents. l) Determine policy for using Cil to fund expenditure. 8. The following are specifically delegated to the Cabinet: a) approving the annual Council Tax Base; and b) the Council's responsibilities and functions under the Scrap Metal Dealers Act 2013 including agreeing a procedure for the determining of applications which are subject to representations.	
Procedures	Part 4.2 – Cabinet and Committees Procedure Rules Part 4.4 – Executive Procedure Rules Part 4.6 – Access to Information Procedure Rules Part 4.7 – Budget and Policy Procedure Rules Part 4.9 – Financial Rules
Codes	Part 5.1 – Code of Conduct for Councillors

3.3.4 Delegations to Cabinet Committees

Finance Appeals Committee			
Membership Three members of the Cabinet, other than the Cabinet Member responsible for Finance and their Deputy	Quorum Two	Politically Balanced Not applicable	Frequency of meetings When required
Functions/Purpose			Delegations
To consider appeals in respect of decisions by the Chief Officer responsible for Financial Services under Sections 47 and 49 of the Local Government Finance Act 1988 (appeals from non-domestic rate payers in respect of decisions on requests for discretionary rate relief).			
Procedures			
Codes	Part 5.1 – Code of Conduct for Councillors		

3.3.5 Joint arrangements with other local authorities

South East Parking Partnership Joint Committee			
Membership: Seven (one Executive Councillor from each of Essex, Basildon, Castle Point, Chelmsford, and Rochford Councils and one Policy Committee Councillor from each of Brentwood and Maldon Councils)			
Quorum THREE	Substitutes Either another Cabinet Councillor or a Policy Committee Councillor	Politically Balanced NO	Frequency of meetings At least 4 times a year
Functions/Purpose			Delegations
The Joint Committee shall exercise the following functions; 1. Collection of charges for on street parking within the permitted parking area; 2. The administration of residents' parking schemes and the collection of charges for permits; 3. Issuing Penalty Charge Notices; 4. Deal with all correspondence, appeals, adjudication and representations to the Traffic Tribunal arising from those functions set out where appropriate; 5. Take steps necessary to recover payments and charges due under these functions; 6. Immobilisation, removal, recovery, storage and disposal of vehicles in connection with the above activities;			

7. Procurement and maintenance of signs and lines relating to on-street enforcement; 8. Determine the levels and nature of fees and charges in respect of on street car parking provisions in South Essex; 9. Establish and manage the cost of the operation incurred under the Joint Committee; 10. Decide how any surplus is re-invested in parking services; 11. The Council shall retain responsibility, and budget, for the commissioning of traffic regulation orders during the first year of the Operational Period except for the City of Chelmsford; 12. The Council shall retain responsibility and budget for signs and lines backlog and ongoing maintenance during the first year of the Operational Period; 13. Provide a forum to discuss strategic issues relating to parking across South Essex; 14. Provide a forum to review at a strategic level the success of the Joint Committee; 15. Set local parking policies, ensuring that primary legislation obligations are met. This includes design of parking policies with respect to; i) Traffic network; ii) Safety; iii) Environment iv) Public transport quality and accessibility; v) Disabled persons; vi) Kerb space demands; 16. The Joint Committee may make relevant traffic regulation orders as permitted under the Road Traffic Regulation Act 1984, save that the Council shall retain the funds as allocated by the Council in relation to this function during the first year of the Operational Period, upon which the Joint Committee may draw down from during this time. The Joint Committee shall review this function and agree future provisions with the Council for the funding and operation to be exercised during the remainder of the Operational Period.	
Procedures	
Codes	Part 5.1 – Code of Conduct for Councillors

Part 3.4 DELEGATIONS TO OFFICERS

3.4.1 General Power of Competence, Delegations and General Principles under which this Scheme will operate

3.4.1.1 The Chief Executive and Directors of Services shall have authority (the general power of competence) to act in relation to all matters within their areas of responsibility.

3.4.1.2 This general power of competence shall, within any area of responsibility, include, but not in any way be limited to, the following:

- a) financial management including budget management,
- b) matters connected with management of staff including recruitment, terms and conditions of employment and dismissal in accordance with the Council's disciplinary, recruitment and competency procedures;
- c) management of performance, including service planning and performance indicators;
- d) liaison with Cabinet members and other councillors;
- e) development of policies and strategies and undertaking consultations with statutory officers regarding implications arising;
- f) development and management of external partnerships;
- g) act as the Council's Proper Officer or Authorised Officer under any legislation relevant to the service;
- h) respond as statutory consultee on any matter relevant to the service for which they are responsible;
- i) service of statutory notices;
- j) grants of licences and consents;
- k) issue of authority to enter land for the purposes of inspection, or to execute works;
- l) negotiations for contracts for supplies, goods and services subject to compliance with the Council's Contracts Rules;
- m) negotiation of agreements;
- n) management of land or premises;
- o) apply for planning consents;

- p) Fees and Charges Setting:
- Annual Fees and charges setting, in consultation with Cabinet member and Cabinet member for finance.
 - Develop and implement new charges during the financial year in consultation with Cabinet member and Cabinet member for finance.

Restrictions on fees and charges setting under delegation;

- Cabinet can only approve fees and charges increases for a service area when two increases have already been made during a financial year, or
- when the increase in a service area generates an additional £1m in a full financial year.
- All fees and charges setting can be a key or executive decision and should be reported appropriately

- q) approve the making of arrangements with other local authorities for the placing of staff at the disposal of those authorities.

- 3.4.1.3 In consultation with the relevant Cabinet Member or Chair, to make minor changes to existing policies and strategies.
- 3.4.1.4 A manager may make onward delegation of any matter to another officer, subject to any statutory restriction applicable to such delegation, or any restriction contained in the Council's Constitution. A copy of the onward delegation must be provided to the Council's Monitoring Officer.
- 3.4.1.5 In the absence of any officer to whom a delegation (including an onward delegation) is made, that delegation shall be exercised by that officer's manager. In the absence of the Chief Executive, any matter delegated to them shall be exercised by the appropriate Director (see also paragraph 3.4.2.21).
- 3.4.1.6 This general power of competence shall not include any matter expressed to be specifically delegated to a particular officer under any part of the Council's Constitution or following a decision of the Council, the Cabinet or any other Committee of the Council.
- 3.4.1.7 Any delegation exercised under this scheme must be in accordance with adopted policies and strategies of the Council.
- 3.4.1.8 Specific delegations to individual officers or post-holders are set out in the remainder of this scheme and include a:
1. statement of functional responsibility
 2. statement of any functions expressly delegated to that officer
 3. statement of any restrictions on the exercise of any matter within the area of responsibility
- 3.4.1.9 Where any restriction in this scheme requires consultation with a Cabinet member, or another Director or officer, a written record of the details of the consultation shall be made.
- 3.4.1.9

References to legislation in this Scheme shall be interpreted to incorporate any legislation amending or replacing it.

3.4.2 Chief Executive

General Responsibilities

- 3.4.2.1 Act as the Head of Paid Service under the Local Government and Housing Act 1989.
- 3.4.2.2 Overall management of the Council and its resources.
- 3.4.2.3 Development and implementation of the Council's strategies.
- 3.4.2.4 Liaison with Councillors.
- 3.4.2.5 Development of external partnerships, including the Local Strategic Partnership and the Community Safety Partnership.
- 3.4.2.6 Management of elections and the exercise of all functions of the
- Returning Officer at City and Parish Council elections;
 - Deputy Returning Officer at County Council elections;
 - Acting Returning Officer at Parliamentary elections;
 - Local Returning Officer at European Parliamentary elections;
 - Returning or Counting Officer (whether acting in their own right or on appointment by others) in respect of elections or referendums of any other description held in the City; and
 - Electoral Registration Officer for Chelmsford.
- 3.4.2.7 Oversight of the Council's Chief Finance Officer under S151 of the Local Government Act 1972.
- 3.4.2.8 The internal audit service.

Specific Delegations

- 3.4.2.9 Deal with any matter on grounds of urgency, following consultation with the Leader of the Council, or the Chair and Vice Chair of the appropriate committee in respect of non-executive matters.
- 3.4.2.10 Identify and designate polling places and polling stations to serve polling districts in Chelmsford.
- 3.4.2.11 Amend the designation of any post.
- 3.4.2.12 Withhold increments of salary for any officer in accordance with the Council's Scheme of Conditions of Service following consultation with the Director of Connected Chelmsford.
- 3.4.2.13 Approve the implementation of nationally or locally agreed salary and wages awards following consultation with the Section 151 Officer and subject to adequate budgetary provision being available.

- 3.4.2.14 Exercise intervention powers in accordance with the Council's disciplinary procedures following consultation with the Director of Connected Chelmsford.
- 3.4.2.15 Approve the making of arrangements with other local authorities for the placing of staff at the disposal of those authorities.
- 3.4.2.16 Decisions on requests for flexible retirement by employees, other than the Chief Executive or Directors, subject to these being determined:
- a) in accordance with the Council's adopted policy; and
 - b) after consultation with the Director of Connected Chelmsford.
- 3.4.2.17 Decisions on requests for flexible retirement by Directors, subject to these being determined:
- a) in accordance with the Council's adopted policy and the other Rules (Employment and Financial) and requirements in the Constitution; and
 - b) after consultation with the Cabinet Member for Connected Chelmsford, the relevant Portfolio-holder for the services for which the Director is responsible and the Director of Connected Chelmsford (except where the Director of Connected Chelmsford has made the request in which case the service manager for Human Resources shall be consulted).
- NOTE: Decisions on requests by the Chief Executive for flexible retirement shall be dealt with by the Director of Connected Chelmsford in accordance with paragraph 3.4.3.32 of this Officer Scheme of Delegation.
- 3.4.2.18 Decisions on requests for discretionary compensation severance payments for redundancy and payments and the approval of payments for early retirement by Directors, subject to these being determined:
- a) in accordance with the Council's adopted policy and the other Rules (Employment and Financial) and requirements in the Constitution; and
 - b) after consultation with the Cabinet Member for Connected Chelmsford and the Portfolio-holder for the relevant service area affected.
- NOTE: Decisions on requests by the Chief Executive and other employees shall be dealt with by the Director of Connected Chelmsford in accordance with paragraph 3.4.3.33 of this Officer Scheme of Delegation.
- 3.4.2.19 Determine the membership of the Independent Remuneration Panel and convene the Panel when a review of members' allowances is due or required.
- 3.4.2.20 Negotiate suitable terms in accordance with the Superannuation Regulations and the Local Government (Compensation for Premature Retirement) Regulations, except where negotiations concern the Chief

Executive this delegation shall be to the Director of Connected Chelmsford.

- 3.4.2.21 Make ex gratia payments of up to £2,000 in consultation with the appropriate Director.

Restrictions on the exercise of functions

- 3.4.2.22 Prior consultation with the appropriate Cabinet member in respect of:
- a) elections to the Local Government Association and the Association of Essex Councils;
 - b) the dates of closure of the Council's offices, and leave arrangements in respect of public holidays; and
 - c) appointment of an Appeals Panel, comprising three non-executive members of the Council, to hear appeals under the Council's Disciplinary and Grievance Procedures.
- 3.4.2.23 Decisions on requests for discretionary compensation severance payments for redundancy and the approval of payments for early retirement, by employees, other than the Chief Executive or Directors, subject to these being determined in accordance with the Council's adopted policy and the other Rules ([Employment](#) and [Financial](#)) and [requirements](#) in the Constitution.
- NOTE: Decisions on requests by the Chief Executive and Directors shall be dealt with by the Director of Connected Chelmsford or Chief Executive respectively in accordance with paragraphs 3.4.3.33 and 3.4.2.18 of this Officer Scheme of Delegation.

Deputising for the Chief Executive

- 3.4.2.24 No one officer shall have a general authority to act as deputy to or assume any of the duties and responsibilities of the Chief Executive. Instead, in the absence of the Chief Executive any one of the Directors will have the authority to assume the duties and responsibilities of that post; in any given circumstances, the Director most qualified and appropriate to do so will perform the function(s) or take the required decision(s).
- 3.4.2.25 **Section 151 Officer**
- 3.4.2.26 Management of all the Council's financial resources, including ledger and treasury management (including Banking).
- 3.4.2.27 Organise Payments to suppliers, debt management, procurement and insurance arrangements.
- 3.4.2.28 Management of the budget setting and monitoring arrangements.

- 3.4.2.29 Administration of the staff scheme for car leasing and car loans.
- 3.4.2.30 Develop and manage the policy and procedures for budget making and monitoring of budgets.
- 3.4.2.31 Approve transfer between budgets within the delegations included in financial rules. Review and be consultee (before approval can be given) to Supplementary estimates.
- 3.4.2.32 Determine and approve the resources applied at the end of the financial year to fund capital expenditure within the approved borrowing limits and after consultation with Cabinet Member responsible for Finance.
- 3.4.2.33 Approval of transfers within one Director's estimates, subject to virement criteria.
- 3.4.2.34 Delegation to settle all debt write offs with an annual statement of write off to the Cabinet Member responsible for Finance up to £100,000 cumulative for the year. Amounts over £100,000 to be agreed with Cabinet Member responsible for Finance
- 3.4.2.35 Prior consultation with the Cabinet Member responsible for Finance on:
 - a. the calculation of the Council's tax base for the purpose of setting the following year's Council Tax;
 - b. approving the tax bases calculated for each of the areas arising under Section 35 of the Local Government Finance Act 1992 (precepts issued by Parish Councils and Special Expenses); and
 - c. approving the annual revised estimate of the Collection Fund,

3.4.3 Director of Connected Chelmsford

General Responsibilities

- 3.4.3.1 Legal services to the Council.
- 3.4.3.2 Support for the democratic functions of the Council and the Mayor.
- 3.4.3.3 Human Resources.
- 3.4.3.4 ICT services.
- 3.4.3.5 Town Centre management.
- 3.4.3.6 Communications and public involvement.
- 3.4.3.7 Marketing and corporate events, including the special events programme.
- 3.4.3.8 Street naming and numbering.

- 3.4.3.9 The Policy and Performance Team.
- 3.4.3.10 Town Twinning.
- 3.4.3.11 Reception, telephone and public information services.
- 3.4.3.12 Provision, development and maintenance of arts facilities, theatres and arts activities.
- 3.4.3.13 Provision, management and maintenance of museums, museum facilities and collections and museum activities.
- 3.4.3.14 Management of Council Tax and NNDR functions.
- 3.4.3.15 Management of Housing Benefit administration.
- 3.4.3.16 Administration of the Business Improvement District Levy, including its billing, collection and transfer to the Business Improvement District company.
- 3.4.3.17 Benefit Fraud Investigation.
- 3.4.3.18 Grants to voluntary organisations.

Specific Delegations

- 3.4.3.22 Procurement of ICT equipment and software.
- 3.4.3.23 Completion of agreements with other public bodies under the Local Authority (Goods and Services) Act 1970.
- 3.4.3.24 Development and management of personnel policies and procedures.
- 3.4.3.25 Advice and support on personnel matters.
- 3.4.3.26 Training.
- 3.4.3.27 Recruitment of staff.
- 3.4.3.28 Disciplinary policies and procedures.
- 3.4.3.29 Welfare support.
- 3.4.3.30 Payroll administration.
- 3.4.3.31 Whistleblowing matters.
- 3.4.3.32 Decisions on requests by the Chief Executive for flexible retirement, subject to these being determined:
 - a) in accordance with the Council's adopted policy; and
 - b) after consultation with the Cabinet Member for Connected Chelmsford, the Leader of the Council and the Section 151 Officer

NOTE: All other requests for flexible retirement will be dealt with by the Chief Executive in accordance with paragraphs 3.4.2.16/17 of this Officer Scheme of Delegation.

3.4.3.33 Decisions on requests for discretionary compensation severance payments for redundancy and the approval of payments for early retirement by the Chief Executive, subject to these being determined:

- a) in accordance with the Council's adopted and the other Rules (Employment and Financial) and requirements in the Constitution
- b) after consultation with the Cabinet Member for Connected Chelmsford and the Leader of the Council

NOTE: Decisions on requests by the Directors and other employees shall be dealt with in accordance with paragraph 3.4.2.18 of this Officer Scheme of Delegation.

3.4.3.34 Approve the making of arrangements with other local authorities for the placing of staff at the disposal of those authorities.

3.4.3.35 Legal proceedings to recover unpaid Council Tax and NNDR, subject to authorisation of officers in accordance with paragraph 3.4.1.4.

3.4.3.36 Administer a simple caution.

Restrictions on the exercise of functions

3.4.3.37 Prior consultation with the appropriate Cabinet member in respect of applications for grants to voluntary organisations that provide services to the community.

3.4.3.38 Prior consultation with the Cabinet Member responsible for Finance on any necessary decisions regarding consultation on the Local Council Tax Support Scheme.

3.4.4 Legal and Democratic Services Manager

Specific Delegations

3.4.4.1 Act as the Monitoring Officer under the Housing and Local Government Act 1989 and the Local Government Act 2000.

3.4.4.2 Approve the administration of a simple caution in accordance with current legislation and guidance.

3.4.4.3 Authorise, approve, institute, defend, participate, settle and give undertakings in any legal proceedings (including criminal proceedings, prospective proceedings and potential disputes) where such action is required to protect the interests of the Council or the City or some or all of

its inhabitants, workers or visitors or to give effect to decisions of the Council or those authorised on its behalf and to execute such documents as are required to give effect to such decisions.

- 3.4.4.4 Consider, having due regard to statutory and other guidance, and approve or otherwise, recommendations from Service Managers for prosecutions by the Council and to take any action required to institute, manage or withdraw such proceedings including the laying of informations, the lodging of appeals and the execution of documents required to give effect to such decisions.
- 3.4.4.5 Instruct and manage counsel and solicitors where their services are required in connection with any legal matter or proceeding.
- 3.4.4.6 Authorise any officer to appear before the Magistrate's Court, the County Court, or any other tribunal.
- 3.4.4.7 Sign all conveyances, leases (excluding those for plant and equipment) and similar and associated documents.
- 3.4.4.8 Seal documents in accordance with the Council's Constitution.
- 3.4.4.9 Amend this scheme of delegation to reflect changes in areas of responsibility or legislation.

3.4.5 Director of Public Places

General and Responsibilities

Leisure, Hylands House and Estate

- 3.4.5.1 Provision, development and maintenance of leisure and sports facilities and sports activities.
- 3.4.5.2 Hylands House and Stables Visitor Centre including events at Hylands Estate.

Parks and green spaces

- 3.4.5.3 Provision, management and maintenance of parks and open spaces (including Hylands Park Estate), sports and playing fields, trees, woodlands, commons, countryside areas and local nature reserves in the City and their strategic development and use.
- 3.4.5.4 Landscaping and grounds maintenance of Council owned and other land.
- 3.4.5.5 Allotments, horticultural services and the Countryways service.
- 3.4.5.6 Provision, management and maintenance of equipped play areas and other play facilities.
- 3.4.5.7 Promoting and encouraging biodiversity in the City.
- 3.4.5.8 Events in parks and green spaces (with the exception of Hylands Estate).

Street Care and Recycling and Waste Collection services

- 3.4.5.9 Development of the Council's recycling and waste collection strategy.
- 3.4.5.10 Collection of waste and materials for recycling and composting from domestic households and business and other commercial premises.
- 3.4.5.11 Provision, management and maintenance of public toilets.
- 3.4.5.12 Street cleansing and other street care services.

Depot and premises management

- 3.4.5.13 Major depot facilities for the Council.
- 3.4.5.14 Vehicle maintenance workshop.
- 3.4.5.15 Goods Vehicles Operators Licences and any necessary Environmental Permits.
- 3.4.5.16 Management of Chelmsford Market, other street trading activities and shopmobility scheme.

- 3.4.5.17 Placing of tables, chairs and umbrellas on the highway under section 115A of Part VIIA of the Highways Act 1980.

Community safety

- 3.4.5.18 Education, advice and enforcement in relation to community safety and anti-social behaviour.
- 3.4.5.19 Community Safety Partnership.
- 3.4.5.20 Management of CCTV systems.
- 3.4.5.21 Emergency planning, business continuity and community resilience.
- 3.4.5.22 Prevent strategy.
- 3.4.5.23 Protection of children and vulnerable people through appropriate safeguarding measures.
- 3.4.5.24 Arrangements for undertaking serious case reviews and/or domestic homicide reviews.

Public Health & Protection Services

- 3.4.5.25 Abandoned vehicles.
- 3.4.5.26 Civil engineering, including land drainage matters.
- 3.4.5.27 Provision, development and management of the Cemetery and Crematorium.
- 3.4.5.28 Drainage matters under Public Health legislation.
- 3.4.5.29 Licensing functions within the responsibility of the Authority.
- 3.4.5.30 Statutory nuisance.
- 3.4.5.31 Provision of water supplies.
- 3.4.5.32 Pest control matters.
- 3.4.5.33 Animal welfare, including stray dogs.
- 3.4.5.34 Public health.
- 3.4.5.35 Education, advice and enforcement in relation to food safety and hygiene services and legislation.
- 3.4.5.36 Education, advice and enforcement in relation to health and safety services and legislation within the Council and the community.
- 3.4.5.37 Education, advice and enforcement in relation to the protection and improvement of the environment.

- 3.4.5.38 Assessing the quality, condition and quality of management of the housing stock in the social and private sectors, and, where appropriate:
- a) developing and implementing measures to bring empty properties into use;
 - b) working with private landlords, and implementing measures to improve standards of property and management in the private rented sector using relevant statutory powers, including through landlord accreditation schemes;
 - c) implementing measures to improve private homes, including providing assistance to home owners on low incomes to maintain their homes to a decent standard;
 - d) administering and enforcing mandatory and additional HMO licensing schemes;
 - e) promoting energy efficient homes including administering grants for energy efficiency;
 - f) administering and awarding grants for house renovation and repair; and
 - g) administering grants for aids and adaptations.

Building Services

- 3.4.5.39 Management, maintenance and site security of the Civic Centre buildings and land.
- 3.4.5.40 Reprographics facilities.
- 3.4.5.41 Porterage facilities.
- 3.4.5.42 Arrangements regarding access for persons with disabilities to the Council's properties.
- 3.4.5.43 Architecture and design services.
- 3.4.5.44 Maintenance of all Council buildings in conjunction with the appropriate Director/premises manager.

Partnerships

- 3.4.5.45 Support and keep under review of the Council's significant partnerships including the Local Strategic Partnership and Community Safety Partnership.

Corporate Property Management

- 3.4.5.45A General property management.
- 3.4.5.46 Negotiate and agree (taking valuation advice where appropriate) terms for all disposals or acquisitions (including, for example, but not limited to leases, sales and easements) of land and or buildings, after consultation with the Cabinet Member for Fairer Chelmsford.
- 3.4.5.47 Approve disposal of land in accordance with the terms of the General Consent 2004 (taking valuation advice) following consultation with the appropriate Cabinet member.

Other functions

- 3.4.6.48 a) Blue Plaque Scheme - Determining the eligibility of requests for commemoration under the 'blue plaque' scheme.
- b) Review of Assets of Community Value - That the Director of Public Places has delegated authority to discharge the following functions in accordance with Chapter 3, Part 5 of the Localism Act 2011 and associated secondary legislation:
- (i) to conduct reviews of the Council's decisions to include land/buildings in the Council's ACV list
 - (ii) to conduct reviews of the Council's decisions in respect of landowners' claims for compensation and
 - (iii) to put in place all necessary procedures and processes to support these functions.

Specific Delegations to the Director of Public Places

- 3.4.5.49 The creation, diversion, extinguishment and stopping up of rights of way under the Highways Act 1980 and all other enabling powers, in consultation with the Director of Sustainable Communities.
- 3.4.5.50 Administer a simple caution.
- 3.4.5.51 Implement and manage the Late Night Levy.

Restrictions on the exercise of functions

- 3.4.5.52 After consultation with the appropriate Cabinet Members, to allocate all or any building maintenance budgets according to priority on an ongoing basis.
- 3.4.5.53 Referral to Cabinet of proposals under paragraph 3.4.5.46 that are over £200,000.
- 3.4.5.54 Prior consultation with the appropriate Cabinet member in respect of:
- terms to be included in leases that are not standard terms for the type of lease;
 - terms of leases for periods of more than three years;

- terms for disposals of land (whether freehold or leasehold); and
- grants of easements over Council property.

3.4.6 Public Health & Protection Services Manager

Specific Delegations

- 3.4.6.1 Institute prosecutions under the Health and Safety at Work Act 1974.
- 3.4.6.2 Exercise the functions of the Surveyor under the Public Health Amendment Act 1890.
- 3.4.6.3 Issue appointments under S19 Health and Safety at Work Act 1974 and make all authorisations to inspectors for the purposes of the Act.
- 3.4.6.4 Exercise all the functions of the Authority (including the appointment of persons external to the Council who exercise functions in connection with the control of communicable diseases (currently the Consultant in Communicable Disease Control) to act as Proper Officer for the receipt of notifications under the Public Health (Control of Diseases) Act 1984 and the Health Protection (Notification) Regulations 2010 and to authorise other officers so to act.
- 3.4.6.5 Exercise the functions of the Authority under the Gambling Act 2005 and set fees in accordance with Regulations made under that Act.
- 3.4.6.6 Exercise the functions of the Authority under the Licensing Act 2003.
- 3.4.6.7 Refuse applications for Hackney Carriage and Private Hire Vehicle Driver's Licences in case of four consecutive failed local knowledge tests and advise applicants that no further application is likely to be granted within twelve months.
- 3.4.6.8 Amendment of any Policy related to the requirements for trading on streets within the City Council's area Consent Trading policy, in consultation with the Chair and Vice Chair of the Licensing and Regulatory Committee.
- 3.4.6.9 Proposals for consents for Street Trading in streets designated consent streets pursuant to the Local Government (Miscellaneous Provisions) Act 1982 for events of up to three days' duration.

Restrictions on the exercise of functions of Director of Public Places and Public Health & Protection Services Manager

- 3.4.6.10 Prior consultation with the appropriate Cabinet member in respect of:

- a. determination of applications for environmental grants; and
- b. determination of grants for disabled facilities in excess of £60,000.

3.4.6.11 Referral to the Regulatory Committee in respect of:

- a. applications (including renewals) for hackney carriage and private hire licences where the applicant has more than 6 penalty points on his/her licence or does not meet the current policy requirements, save where the Regulatory Committee has previously determined that an application need not be referred back to it, and can instead be determined by officers under delegated powers;
- b. applicants for private hire licences who have convictions or who do not meet the current policy requirements; and
- c. applications for a private hire licence where the circumstances of the applicant have changed since the grant of a previously held licence.

3.4.6.12 Referral to the Licensing and Regulatory Committee in respect of:

- a applications for personal licences where there is a police objection, or the applicant has unspent convictions;
- b application for premises/club premises licence or variation to such licence where a relevant representation is made;
- c application for provisional statement where a relevant representation is made;
- d application to vary designated premises supervisor where a police objection is made;
- e application for transfer of premises licence where there is a police objection;
- f application for interim authorities where there is a police objection;
- g application to review premises/club premises certificate;
- h decision to object when the local authority is consultee and not the relevant authority considering the application; and
- i determination of a police objection to a temporary event notice

3.4.6.13 Act in respect of applications under the Gambling Act 2005 in accordance with the scheme of delegation approved by the Licensing Committee on 15 March 2007.

3.4.6.14 Act in respect of applications under the Licensing Act 2003 in accordance with the scheme of delegation approved by the Licensing Committee on 17 May 2012.

- 3.4.6.15 After consultation with the appropriate Cabinet Members, to allocate all or any building maintenance budgets according to priority as agreed with them, on an ongoing basis.

3.4.7 Director of Sustainable Communities

General Responsibilities

Planning

- 3.4.7.1 Development Management, including decisions and representations on all planning and other applications.
- 3.4.7.2 Negotiation, settlement or variation of planning obligations (Section 106 Agreements and Unilateral Undertakings).
- 3.4.7.3 All matters relating to the enforcement of planning controls (including but not limited to enforcement notices, stop notices, temporary stop notices, CIL stop notice, breach of condition notices, S215 notices, building preservation notices etc).
- 3.4.7.4 Tree control.
- 3.4.7.5 Preparation, consultation and monitoring of planning policies and proposals within statutory development plans, supplementary planning documents and planning guidance.
- 3.4.7.6 Implementing the Community Infrastructure Levy in accordance with section 205 of the Planning Act 2008.
- 3.4.7.7 Proposals to approve, revoke, modify or discontinue use orders where no compensation is involved.
- 3.4.7.8 Applications for certificates of lawfulness of existing use or development (CLEUD).

Building Control

- 3.4.7.9 Management of statutory building control functions.

Parking Services

- 3.4.7.10 Management of car parks and administration of parking control.

Strategic Housing Services

- 3.4.7.11 Management of housing register and allocations
- 3.4.7.12 Homeless administration
- 3.4.7.13 Housing advice service
- 3.4.7.14 Management of retained housing
- 3.4.7.15 Assessing current and future need for affordable housing, including addressing the housing and housing related needs of vulnerable people and minority groups
- 3.4.7.16 Tracking and analysing key trends and dynamics in the local housing market
- 3.4.7.17 Enabling the provision of affordable housing

Other functions

- 3.4.7.18 Strategic infrastructure development, economic development, local employment and tourism.
- 3.4.7.19 Local Land Charges and Local Land and Property Gazetteer.

Restrictions on the exercise of functions

- 3.4.7.20 Prior consultation with the appropriate Cabinet member in respect of:
 - a) responses to government consultation on planning policies and documents, and
 - b) Approving the transfer for development contributions to third parties in line with contractual agreements.
- 3.4.7.21 Referral to the Planning Committee of:
 - a) proposals where a representation has been received before the end of the consultation expiry date that is contrary to the recommendation of the appropriate officer, and a City Councillor(s) for the ward or wards in which the proposal is intended to take place has notified officers on or before the consultation expiry date that they wish the case to be reported to Members for determination;
 - b) proposals which would have the effect, either cumulatively or otherwise, of granting permission, consent or other approval for matters previously refused by Members;
 - c) proposals to which The Town and Country Planning (Consultation) (England) Direction 2009 applies where it is not proposed to refuse

planning permission, such that consultation with the Secretary of State is required under Paragraph 9;

- d) proposals (other than the submission of details required by condition) identified as being submitted by or on behalf of the City Council, or in respect of land in which the City Council has an interest that would be affected by the proposal, and an adverse representation or comment has been received;
- e) proposals, except for applications for certificates of lawfulness, identified as being submitted by or on behalf of City Councillors or employees where an adverse representation or comment has been received, unless the Monitoring Officer has notified the Director of Sustainable Communities Services in writing that they are satisfied that the delegation may be exercised in the case concerned;
- f) proposals to approve, revoke, modify or discontinue use orders where compensation is involved;
- g) proposals to confirm or modify a tree preservation order where an objection has been received and where a City Councillor has requested that the case be reported to Members for determination; and
- h) decisions whether it is expedient to issue an enforcement notice where the Director of Sustainable Communities, after consultation with the Chair and Vice-Chair of the Planning Committee, considers the case should be reported to Members for determination. (If the Vice Chair is of the same political group as the Chair, the spokesperson of the largest minority group will also be consulted.)

3.4.7.22 Referral to the Cabinet of approval for any new or amended Council policies that support the implementation of the Community Infrastructure Levy (CIL) or their withdrawal, including amendments to CIL requirements on specific sites.

3.4.7.23 Confirm Article 4 Directions under the Town and Country Planning (General Permitted Development) Order 2015 where there are no objections following publication of a notice under paragraph 1 of Schedule 3 to the Order.

3.4.7.24 Except where urgent action is needed at short notice, diversion and stopping up of rights of way under the Town and Country Planning Act 1990, and all other enabling powers, in consultation with the Director of Public Places.

Specific delegations

3.4.7.25 Responses to consultations on Nationally Significant Infrastructure proposals as defined by section 14 of the Planning Act 2008 and other proposals of statutory bodies and agencies, and proposed changes to national planning policy and guidance.

3.4.7.26 All matters (including statutory functions) relating to the development and making of Neighbourhood Development Plans.

3.4.7.27 Initial Decisions of Assets of Community Value - That delegated authority be given to the Director of Sustainable Communities to discharge the following functions in accordance with Chapter 3, Part 5 of the Localism Act 2011 and associated secondary legislation:

- (i) to determine nominations for land/buildings to be added to the Council's Asset of Community Value ('ACV') list;
- (ii) to determine claims from ACV owners for compensation as a result of listing;
- (iii) to make all necessary additions, removals and annotations to/from the ACV list;
- (iv) to manage all statutory notifications in connection with sub-paragraphs (i) to (iii) above; and
- (v) the management and administration of an ACV decision panel. Membership of the ACV decision panel is the Manager of Legal & Democratic Services, Spatial Planning Services Manager and Corporate Property Manager.