

## Part 3

### Scheme of Delegation

#### Appendix 3

#### DELEGATION APPROVED BY OR ON BEHALF OF THE COUNCIL

Changes Approved by Full Council – 1 November 2018

#### Key:

**Officer Levels: Level 4 – Chief Executive, Strategic Directors, Level 3 – Service Directors, Level 2 – Service Manager**

The following table gives an indication of the scope of control of the current management structure, delegations made under this scheme of delegation can be made by the officers listed insofar as those further delegations are:

1. Legally permissible; and
2. Within that officer's area of responsibility.

<b>Service Director Officer Role:</b>	<b>Current services (November 2018)</b>
Business Support Services	People Team, Business Support, Building Services, Reprographics, ICT, Accountancy, Treasury Management, Insurance, Accounts payable, Land Charges, Health and Safety, Emergency Planning and business continuity
Contract and Technical Services	Waste and Recycling, Car Parking, Leisure Management, Fleet Operations, Land Drainage, Contaminated Land, Grounds Maintenance, Arboriculture, Countryside, Highways liaison, Procurement
Commercial and Regulatory Services	Estates and valuation, North Weald Airfield, Licensing, Building Control, Environmental Health and Co-ordination, Private Sector Housing,
Community and Partnership Services	Safer Communities, Neighbourhood Services, Safeguarding, Community Development, Arts and Museum Services, Grant Aid, Youth Council, Local Strategic Partnership, Economic Development, Health and Wellbeing, Tourism
Customer Services	Customer Services, Compliments and Complaints, Corporate Communications, Website, Public consultation, Revenues, Benefits, Debt recovery, cashiers
Governance and Members Services	Democratic Services, Civic and Members Services, Elections, Data Protection/Freedom of Information, Transformation Programme, Project Management, Performance Monitoring, Legal Services, Corporate Plan/Equalities.
Housing and Property Services	Housing Management, Housing Options, Older peoples Housing, Home ownership, Housing Repairs, Housing Assets, Housing Development, Facilities Management, Depot Management.
Planning Services	Development Management, Planning Policy, Garden Town Liaison, Local Plan Implementation, Planning Enforcement, Tree Preservation, Landscape, Built Heritage, Conservation,

	<b>Original Authority Details</b>	<b>Officer(s) Authorised/ Level of Officer Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>CLA1</b>	Council - 29.10.85 (Minute 57(2))	<b>SERVICE DIRECTOR GOVERNANCE AND MEMBER SERVICES OR ANY LEVEL 3 OFFICER OR ABOVE</b>	<b>ACCESS TO INFORMATION ACT 1985 – PROPER OFFICER</b>  To act as Proper Officer for the purposes of the Act generally and in particular for the purposes of – Section 100(B)(2) – circulation of reports and agenda Section 100(B)(7)(c) – supply of documents to the press Section 100(C)(2) – summaries of minutes Section 100(D)(1)(a) – compilation of lists of background papers Section 100(D)(5)(a) – identification of background papers Section 100(F)(2) – papers not open to members
<b>CLA2</b>	Policy & Co-ordinating Committee (Minute 62(1) - 11.2.86)	<b>CHIEF EXECUTIVE SERVICE DIRECTORS</b>	<b>ACCESS TO INFORMATION ACT 1985 – DEPOSIT OF BACKGROUND DOCUMENTS</b>  Proper Officers for the purpose of Section 100(D)(1)(b) – provision of one copy of relevant background papers to be open for inspection by the public at all reasonable times.
<b>CLA3</b>	Policy & Co-ordinating Committee (Minute 56 – 30.9.97)	<b>LEGAL SERVICES MANAGER/ASSISTANT DIRECTOR LEGAL SERVICES OR ANY LEGALLY QUALIFIED STAFF MEMBER WITHIN LEGAL SERVICES NOMINATED BY THEM</b>	<b>AFFIDAVITS – SWEARING OF</b>  To secure sworn affidavits from any member of Council staff where required by the Council.
<b>CLA4</b>	Council (Minute 104(5) – 19.4.83)	<b>CHIEF EXECUTIVE AND STRATEGIC DIRECTORS</b>  <b>SERVICE DIRECTORS AND LEVEL 2 AND 1 MANAGERS</b>	<b>APPRAISAL OF TOP MANAGEMENT*</b> To implement the Council’s scheme for staff performance development reviews (*NB. ‘Top Management’ includes Service Directors)  <b>APPRAISAL OF STAFF</b> To implement the Council’s scheme for staff performance development reviews (NB excluding Service Directors).

	<b>Original Authority Details</b>	<b>Officer(s) Authorised/ Level of Officer Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>CLA5</b>	Personnel Sub-Committee (Minute 13 – 7.6.88)	<b>CHIEF EXECUTIVE OR ANY LEVEL 2 MANAGER OR ABOVE</b>	<b>ATTENDANCE ALLOWANCES FOR OFFICERS</b>  To authorise attendance of such officers at any function or meeting and to grant payments on rates applicable for weekend working.
<b>CLB1</b>	Council (Minute 78(5) – 27.2.90)	<b>SERVICE DIRECTOR BUSINESS SUPPORT SERVICES OR ANY APPROPRIATELY QUALIFIED STAFF MEMBERS WITHIN ACCOUNTANCY SERVICES NOMINATED BY THEM.</b>	<b>BORROWING DETERMINATION</b>  (a) To discharge all powers regarding sources of borrowing available to the Council under Section 43(2) of the Local Government and Housing Act 1989 subject to regular monitoring reports to the Cabinet, and  (b) To compile and maintain a register of loan instruments.
<b>CLB2</b>	Policy & Resources Committee (Minute 3 – 11.10.73)	<b>LEGAL SERVICES MANAGER/ASSISTANT DIRECTOR LEGAL SERVICES OR SOLICITOR OR FELLOW OF THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES WITHIN LEGAL SERVICES NOMINATED BY THEM</b>	<b>BYELAWS – CERTIFICATION</b>  To act as Proper Officer for the purposes of Section 238 of the Local Government Act 1972.
<b>CLB3</b>	Policy & Resources Committee (Minute 3 – 11.10.73)	<b>LEGAL SERVICES MANAGER/ASSISTANT DIRECTOR LEGAL SERVICES OR SOLICITOR OR FELLOW OF THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES WITHIN LEGAL SERVICES NOMINATED BY THEM</b>	<b>BYELAWS – PARISH &amp; COUNTY COUNCIL COPIES</b>  To act as Proper Officer for the purposes of Section 236(a) of the Local Government Act 1972.
<b>CLC2</b>	Policy & Resources Committee (Minute 3 – 11.10.73)	<b>CHIEF EXECUTIVE</b>	<b>CHAIRMAN OF COUNCIL – CASUAL VACANCY</b>  To act as Proper Officer for the purposes of Section 88(2) of the Local Government Act 1972 (Convening of special Council meeting to fill casual vacancy in the office of Chairman of the Council).

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<b>CLC3</b>	Finance Sub-Committee (Minute 13 – 14.11.73)	<b>SERVICE DIRECTOR BUSINESS SUPPORT SERVICES OR ANY APPROPRIATELY QUALIFIED STAFF MEMBERS WITHIN ACCOUNTANCY SERVICES NOMINATED BY THEM. (or other duly authorised signatory)</b>	<b>CHEQUES – SIGNING</b>  To sign cheques on behalf of the Council.
<b>CLC4</b>	Council (Minute 90(4) – 22.4.97) S.O. F1(3), F1(4)	<b>MR PETER MADDOCK</b>	<b>CHIEF FINANCIAL OFFICER</b>  Designated as Chief Finance Officer being the officer having responsibility under Section 151 of the Local Government Act 1972, Section 73 of the Local Government Act 1985 and Section 114 of the Local Government Finance Act 1988.
<b>CLC5</b>	Policy & Co-ordinating Committee (Minute 51 – 4.1.94)	<b>SERVICE DIRECTOR BUSINESS SUPPORT SERVICES OR ANY APPROPRIATELY QUALIFIED STAFF MEMBERS WITHIN ACCOUNTANCY SERVICES NOMINATED BY THEM.</b>	<b>COLLECTION FUND</b>  To calculate the surplus or deficit on the Collection Fund in accordance with the Local Authorities (Funds) (England) Regulations 1992.
<b>CLC6</b>	Council (Minute 90(4) – 22.4.97)	<b>ANY LEVEL 4 OR 3 OFFICER THAT IS NOT THE INITIATING OFFICER FOR THE SUBJECT MATTER.</b>	<b>COMMON SEAL – ATTESTATION OF</b>  To attest the Common Seal of the Council.
<b>CLC7</b>	Personnel Sub-Committee (Minute 13 – 15.11.73)	<b>ANY LEVEL 4 OR 3 OFFICER</b>	<b>COMPASSIONATE LEAVE</b>  To grant to staff up to five days leave (with pay) per year for compassionate reasons.

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CLC8	Council (Minute 18 - 18.6.12)	<b>MONITORING OFFICER (or in the absence of, the DEPUTY MONITORING OFFICER)</b>	<p><b>CONDUCT OF COUNCILLORS</b> In accordance with Sections 26-37 of the Localism Act 2011:</p> <p>(a) To determine whether a complaint merits formal investigation after consultation with the independent person;</p> <p>(b) To arrange any such investigation;</p> <p>(c) To seek resolution of complaints without formal investigations wherever practicable;</p> <p>(d) To submit regular reports to the Standards Committee on the exercise of this delegated authority under (a), (b) and (c) above;</p> <p>(e) To refer decisions on whether to investigate any complaint to the Standards Committee, if it is considered that this is appropriate;</p> <p>(f) To close any complaint where an investigation finds no breach of the Code of Conduct, subject to the report and the findings from the investigation being provided to the subject councillor, the independent person and to the Standards Committee;</p> <p>(g) To seek local resolution of any complaint where an investigation finds evidence of a failure to comply subject to the following:  (1) consultation with the independent person and the complainant;  (2) a summary report being made to the Standards Committee on the action taken;</p> <p>(h) To refer any investigation report where local resolution is not possible to a hearing Sub-Committee of the Standards Committee for consideration;</p> <p>(i) To prepare, maintain and publish registers of members' interests in respect of this Council and all Parish and Town Councils in the District and to make these available for public inspection at the Civic Offices, Epping, on the District Council's website and (where appropriate) on the websites</p>

	<b>Original Authority Details</b>	<b>Officer(s) Authorised/ Level of Officer Authorised</b>	<b>Subject and Function(s) Delegated</b>
	Standards Committee (Minute 21 – 13.12.12)	<b>MONITORING OFFICER (or in the absence of, the DEPUTY MONITORING OFFICER)</b>	of parish and town councils; and  (j) To determine applications for dispensations from the effect of Section 31(4) of the Localism Act 2011 in the following categories: Section 33(2)(a) (Quorum) Section 33(2)(b) (Political Balance) Section 33(2)(d) (Executive Business)
<b>CLC9</b>	Policy & Resources Committee (Minute 3 – 11.10.73)	<b>CHIEF EXECUTIVE</b>	<b>COUNCIL MEETINGS – NOTICES AS TO ADDRESSES FOR DELIVERY OF SUMMONS</b>  To act as Proper Officer in accordance with Schedule 12 (paragraph 4(3) of the Local Government Act 1972 as to the receipt of these notices.
<b>CLC10</b>	Council (Minute 127 – 23.4.13)	<b>MONITORING OFFICER</b>	<b>CONSTITUTION – MINOR AMENDMENTS</b>  To make amendments to the Constitution as set out in the Article relating to Revision, Amendment and Suspension of the Constitution
<b>CLC11</b>	Policy & Resources Committee (Minute 3 – 11.10.73)	<b>CHIEF EXECUTIVE</b>	<b>COUNCIL MEETINGS – SIGNATURE OF SUMMONS TO ATTEND</b>  To act as Proper Officer in accordance with Schedule 12 (paragraph 4(2)(b) of the Local Government Act 1972 as to the signing of the summons.
<b>CLC12</b>	Policy & Resources Committee (Minute 3 – 11.10.73)  Council 28 May 2015 (Minute 12 – 28.5.15)	<b>CHIEF EXECUTIVE</b>  <b>ANY LEVEL 4 MANAGER IN THE ABSENCE OF THE CHIEF EXECUTIVE</b>	<b>COUNCILLORS – ACCEPTANCE OF OFFICE</b>  (a) To act as Proper Officer under Section 83(1)-(4) of the Local Government Act 1972 in respect of the witness and receipt of declarations and acceptances of office by councillors; and  (b) That in the absence through unavailability, absence, incapacity or vacancy to undertake the functions specified in the delegation.

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<b>CLC13</b>	Policy & Resources Committee (Minute 3 – 11.10.73)	<b>CHIEF EXECUTIVE</b>	<b>COUNCILLORS – RESIGNATION FROM OFFICE</b>  To act as Proper Officer for the purposes of Section 84 of the Local Government Act 1972, in respect of the receipt of notices of resignation from office by councillors.
<b>CLC14</b>	Council (Minute 49 – 18.12.01)	<b>SERVICE DIRECTOR GOVERNANCE AND MEMBERS SERVICES OR ANY LEVEL 2 OFFICER NOMINATED BY THEM</b>	<b>COUNCILLORS – SUBSTITUTES</b>  To receive notices from Group Leaders regarding the appointment of substitute members, subject to certain conditions.
<b>CLC15</b>	Council (Minute 100(7) – 18.4.2000)	<b>ASSISTANT DIRECTOR LEGAL SERVICES/ LEGAL SERVICES MANAGER</b>	<b>COURT, TRIBUNAL, INQUIRY PROCEEDINGS – ENGAGEMENT OF STAFF AND ADVICE</b>  To appoint appropriate staff and/or external Solicitors and/or Counsel to appear for, conduct and settle proceedings on behalf of the Council in Courts, tribunals, inquiries and other similar venues.
<b>CLD1</b>	Council (Minute 78(4) – 17.2.85)	<b>S TAUTZ</b>	<b>DATA PROTECTION ACT 2018</b>  To act as Data Protection Officer for the purposes of the Data Protection Act 2018 and General Data Protection Regulation.
<b>CLD2</b>	Council 31 July 2018	<b>SERVICE DIRECTOR – PLANNING SERVICES OR A LEVEL 2 OR 1 OFFICER NOMINATED BY THEM.</b>	<b>DEVELOPMENT MANAGEMENT</b>  <b>A. To determine:</b>  (a) All Full Planning Applications  (b) All Householder Planning Applications  (c) All Outline Applications and Reserved Matters Applications  (d) All applications for Advertisement Consent,  (e) All Applications for Listed Building Consent

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			<p>(f) All applications for Demolition in Conservation Areas</p> <p>(g) All Applications for Hazardous Substance Consent</p> <p>(h) Tree Preservation Order Consent applications where felling is proposed.</p> <p>(i) All Applications for Variation or Removal of Conditions</p> <p>except the following which shall be determined by the committee or subcommittee indicated in Article 10 to the constitution:</p> <ol style="list-style-type: none"> <li>1. Applications for residential developments consisting of 10 or more dwellings (unless approval of reserved matters only) which are recommended for approval;</li> <li>2. Applications made by the Council on land and / or property in its ownership which are for disposal, in accordance with the size of application set out in Article 10 of the Constitution.</li> <li>3. Applications recommended for approval where at least one of the following have been received: <ol style="list-style-type: none"> <li>a. At least 5 expressions of objections material to the planning merits of the proposal are received (or where less than five have been consulted, the majority of those have objected); or</li> <li>b. An objection is received from a local council, supported by at least one non-councillor resident, with material planning reasons; or</li> <li>c. An objection from a Local Council, material to the planning merits of the proposal is received and confirming in writing their intention to attend and speak at the meeting where the proposal will</li> </ol> </li> </ol>



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			<p>be considered.</p> <p>d. Applications which a member (whose ward is within the Plans Sub-Committee Area) has requested be referred to committee for consideration subject to the request being made in writing within 4 weeks of that application's notification in the weekly list.</p> <p>5. Any application by an elected member or Senior Officer (Head of Service and above) of the Council or a relevant person (see code of conduct for definition) recommended for approval;</p> <p>6. Any other application which the Head of Planning considers appropriate to be determined by members.</p> <p><b>B. To determine;</b></p> <p>All matters, set out below, unless the Service Director, Planning considers it appropriate to be determined by members.</p> <p><b>1. Planning Related Applications</b></p> <p>(a) Tree Preservation Order consent applications other than where felling is proposed</p> <p>(b) All notification applications</p> <p>(c) All prior approval applications including telecommunications equipment.</p> <p>(d) All certificates of lawful use and development.</p> <p>(e) All applications for non-material amendments to applications.</p> <p>(f) All applications for approval of details reserved by condition.</p>

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			<p>(g) All applications for Permission in Principle for Minor Housing Led Development and for Technical Details Consent</p> <p><b>2. Planning and Related Procedures</b></p> <p>(a) Finalising the conditions or reasons for refusal, which appear on decision notices.</p> <p>(b) The preparation of legal agreements, in consultation with the Service Director Governance and Member Services/Solicitor to the Council within the terms of any relevant Committee resolution.</p> <p>(c) Determining the need for information required to make a decision on a planning application including the need for, and scoping of, an Environmental Assessment.</p> <p>(d) Deciding the charge to be made for the provision of information where the normal scale of charges is inappropriate (e.g. information requiring research and/or to be used for commercial purposes.)</p> <p>(e) Deciding what should be within the Councils Local Validation Checklist.</p> <p><b>3. Enforcement</b></p> <p>(a) To determine whether any enforcement should be taken and what such action should entail.</p> <p>(b) Issuing Stop Notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Buildings Enforcement Notices, Planning Contravention Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Notices under Section 215-219 of the Town and Country Planning Act 1990 (as amended), for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy.</p>

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			<p>(c) Prosecution of the unauthorised display of advertisements, unauthorised works to a listed building or in a conservation area, or breach of Tree Preservation or Hedgerow Regulations and non-compliance where enforcement action has previously been authorised.</p> <p>(d) Take appropriate enforcement action, including serving an injunction where the Service Director Planning or their nominee, having regard to the evidence, considers the circumstances to require urgent action.</p> <p>(e) Investigation and prosecution of breaches of temporary market requirements</p> <p>(f) Variation of the requirements for compliance with any enforcement related notices already authorised, including altering the period required for compliance, service of further notices and withdrawal of notices.</p> <p>(g) To authorise direct action (or re-charge the cost of that action) in pursuit of a valid enforcement notice subject to budget provision being available and to local District Councillors being notified</p> <p>(h) To report to an Area Plans Sub-committee on specific enforcement cases were requested by members.</p> <p><b>4. Entry onto Land</b></p> <p>(a) To Authorise officers and agents engaged by the Council to use the relevant powers of entry as necessary and make application to the magistrate's court for a warrant authorising entry where applicable in relation to any matter.</p>
<b>CLD3</b>	Finance Sub-Committee (Minute 67(iii) – 6.3.74)	<b>CHIEF FINANCIAL OFFICER</b>	<p><b>DIRECT DEBITING</b></p> <p>To execute a direct debiting indemnity on behalf of the Council.</p>

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<b>CLD4</b>	Policy & Co-ordinating Committee (Minute 44 – 29.11.83)	<b>LEVEL 3 OFFICER AND ABOVE OR ANY LEVEL TWO OFFICER SO AUTHORISED</b>	<b>DISTURBANCE COMPENSATION</b>  To grant disturbance allowances following home loss in appropriate cases and subject to the budgetary provision of the Council, in any one year, not being exceeded and in accordance with the Land Compensation Acts.
<b>CLD5</b>	Policy & Resources Committee (Minute 3 – 11.10.73)	<b>LEGAL SERVICES MANAGER/ASSISTANT DIRECTOR LEGAL SERVICES</b>	<b>DOCUMENTS – AUTHENTICATION</b>  To act as Proper Officer for the purposes of Section 234(1) – (2) of the Local Government Act 1972 for the purposes of authentication of documents.
<b>CLD6</b>	Policy & Resources Committee (Minute 3 – 11.10.73)	<b>LEGAL SERVICES MANAGER/ ASSISTANT DIRECTOR LEGAL SERVICES</b>	<b>DOCUMENTS – CERTIFICATION OF PHOTOGRAPHIC COPIES</b>  To act as Proper Officer for the purposes of Section 229(5) of the Local Government Act 1972 for the purposes of certifying photographic copies of documents.
<b>CLD7</b>	Policy & Resources Committee (Minute 3 – 11.10.73)	<b>SERVICE DIRECTOR GOVERNANCE AND MEMBERS SERVICES OR DULY NOMINATED OFFICER</b>	<b>DOCUMENTS – DEPOSIT</b>  To act as Proper Officer for the purposes of Section 225(1) of the Local Government Act 1972 in relation to the deposit of documents.
<b>CLD8</b>	Standing Order A32 Council (Minute 24(1) – 9.7.91)	<b>CHIEF EXECUTIVE (OR ANY LEVEL 3 OFFICER OR ABOVE))</b>	<b>DOCUMENTS – INSPECTION AND SUPPLY FOR COUNCILLORS</b>  To determine requests by members of the Council to inspect or to be provided with copies of Council documents.
<b>CLE1</b>	Council (Minute 105 - 22.2.18)	<b>SIMON HILL SERVICE DIRECTOR GOVERNANCE AND MEMBERS SERVICES</b>  <b>(Deputy Registration Officer: W MACLEOD</b>	<b>ELECTORAL MATTERS</b>  (a) Registration Officer under section 8(2)(a) of the Representation of the People Act (RPA) 1983 and  (i) through Section 28 of the RPA, Acting Returning Officer for the purposes of UK Parliamentary elections; and

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			<p>(ii) through Section 6 of the European Elections Act 2002, Local Returning Officer for European Parliamentary elections.</p> <p>(Duties: responsibility for the electoral register, for EU parliamentary elections (under the direction of the Regional Returning Officer) and for UK Parliamentary elections.)</p> <p>(b) Counting Officer for the purposes of Section 61E of the Town &amp; Country Planning Act 1990 and the Localism Act 2011 (Section 116)</p> <p>(Duties: responsibility for the local referendums on Neighbourhood Plans)</p> <p>(c) District Returning Officer for the Epping Forest District under Section 35(1) of the RPA 1983</p> <p>(Duties: responsibility for the conduct of District Council/Parish Council elections and, through Sections 52ZQ and 113 of Local Government Finance Act 1992, Proper Officer for local referendums in connection with Council Tax precepts.)</p> <p>(d) Proper Officer under Sections 34, 35 and 105(2) of the Local Government Act 2000</p> <p>(Duties: responsibility for petitions and referendums in connection with the Executive Constitution of the Council).</p> <p>(e) Nominated Deputy County Returning Officer under Section 35(1) of the RPA 1983</p> <p>(Duties: responsibility for County Council elections as appointed by and under the direction of the County Returning Officer.)</p> <p>(f) Nominated Local Returning Officer under Section 54 of the Police &amp; Social Responsibility Act 2011</p> <p>(Duties: conduct of elections for Police &amp; Crime Commissioners under the</p>

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			<p>direction of County Returning Officer.)</p> <p>(g) Nominated Local Counting Officer for the purposes of Section 128 of the Political Parties, Elections and Referendums Act 2000.</p> <p>(Duties: conduct of national referendums under the direction of the Chief Counting Officer (i.e. the Chief Executive of the Electoral Commission)).</p>
<b>CLE2</b>	Council (Minute 105 - 22.2.18)	<b>SIMON HILL RETURNING OFFICER</b>	<p><b>ELECTIONS – DISCRETIONARY FEES AND CHARGES</b></p> <p>To determine annually the scale of discretionary fees and charges, for which there is no statutory amount, by allowing for inflation and rounding up to the nearest whole number.</p>
<b>CLE3</b>	Council (Minute 105 - 22.2.18)	<b>SIMON HILL RETURNING OFFICER</b>	<p><b>ELECTIONS – FEES AND EXPENSES</b></p> <p>To determine the scale of fees and expenses payable by the Returning Officer at elections of District and Parish Councils, adjusting the schedule for inflation and rounding up to the nearest whole number.</p>
<b>CLE4</b>	Policy & Co-ordinating Committee (Minute 101 – 1.12.98)	<b>ELECTORAL REGISTRATION OFFICER</b>	<p><b>ELECTORAL REGISTRATION – PROSECUTIONS</b></p> <p>To institute and pursue proceedings in relation to electoral registration offences.</p>
			<p><b>ENFORCEMENT ACTION</b></p> <p>Into CLD2</p>
<b>CLG1</b>	Council (Minute 19.12.06)	<b>SERVICE DIRECTORS OR ANY LEVEL 3 OFFICER OR ABOVE WITHIN THEIR MANAGEMENT CONTROL (</b>	<p><b>GAMBLING ACT 2005 – LICENSING FUNCTIONS</b></p> <p>See Annex A.</p>

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<b>CLG2</b>	District Development Control Committee (Minute 49 (3) - 26.6.13)	<b>SERVICE DIRECTORS OR ANY LEVEL 3 OFFICER OR ABOVE WITHIN THEIR MANAGEMENT CONTROL</b>	<p><b>GROWTH AND INFRASTRUCTURE ACT 2013</b></p> <p>To determine applications received under Section 7 to modify, remove or discharge affordable housing obligations, subject to:</p> <p>(a) Prior consultation with the Chief Executive and the Monitoring Officer; the Chairman (or in his/her absence, the Vice-Chairman) of the relevant Area Plans Sub-Committee and local ward members; and</p> <p>(b) Details of the application and the resultant Determination being reported in the following issue of the Council Bulletin.</p>
<b>CLH2</b>	Council (Minute 109 - 22.2.18)	<b>CHIEF EXECUTIVE (or in his absence the A NOMINATED LEVEL 4 OR 3 OFFICER)</b>	<p><b>HEAD OF PAID SERVICE</b></p> <p>In accordance with Section 4 of the Local Government and Housing Act 1989 designated as Head of the Authority's Paid Service.</p>

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<b>CLH3</b>	<p>Council (Minute 54(4) – 20.12.77)</p> <p>Personnel Sub-Committee (Minute 49(6) – 4.10.88)</p>	<p><b>CHIEF EXECUTIVE</b></p> <p><b>SERVICE DIRECTORS, ALL LEVEL 1,2 AND 3 MANAGERS RESPONSIBLE FOR ONE OR MORE STAFF</b></p>	<p><b>HEALTH AND SAFETY AT WORK – IMPLEMENTATION</b></p> <p>(a) To be responsible on behalf of the Council for the general policy for the safety, health and welfare of employees as set out in the Council's statement of policy;</p> <p>(b) To be directly responsible for the implementation in each Directorate of the Council's general policy for safety, health and welfare;</p> <p>(c) To ensure that adequate budgetary provision is made to meet the cost of any safety programme; and</p> <p>(d) To be responsible in the work area under their control for:</p> <p>(i) implementation of general policy of health, safety and welfare;</p> <p>(ii) annual review of work areas to assess training needs and priorities for improvements;</p> <p>(iii) identification of hazards for employees and the public;</p> <p>(iv) consultation with employee representatives on safety matters; and</p> <p>(v) setting an example in safe behaviour.</p>



	Original Authority Details	Officer(s) Authorised/ Level of Officer Authorised	Subject and Function(s) Delegated
CLH4	Council (Minute 52(c) – 12.12.00)	<b>LEGAL SERVICES MANAGER/ASSISTANT DIRECTOR LEGAL SERVICES OR ANY LEGALLY QUALIFIED SOLICITOR WITHIN THE LEGAL SERVICES FUNCTION</b>	<p><b>HIGH COURT ACTION</b></p> <p>To instigate High Court action in the following circumstances:</p> <p>(a) appeals lodged in accordance with Sections 288 and 289 of the Town and Country Planning Act 1990 (as amended)</p> <p>(b) applications for High Court injunctions to secure planning enforcement under the Town and Country Planning Act 1990 (as amended) which shall be authorised by the District Development Control Committee or an Area Plans Sub-Committee, or to deal with breaches of Abatement Notices under the Environment Act 1995 or Amendments thereof which shall be authorised by the Cabinet;</p> <p>(c) any applications for High Court injunctions where immediate emergency action is required to prevent serious distress to public safety or residential amenity which shall be authorised by the Legal Services Manager/Assistant Director Legal Services in consultation with the appropriate Portfolio Holder.</p> <p>(d) any other category of High Court action which shall not admit of delay resulting from reference to the full Council – which shall be authorised by the Cabinet or any appropriate committee or subcommittee; and</p> <p>(e) to make applications in consultation with the appropriate members under High Court injunctions where immediate emergency action is required to prevent serious distress to public safety or residential amenity.</p>
	Council (Minute 100(5) – 18.4.00)	<b>LEGAL SERVICES MANAGER/ASSISTANT DIRECTOR LEGAL SERVICES</b>	<p>To defend High Court Proceedings instituted against the Council (subject to reporting on action taken to the next Cabinet meeting).</p>

	<b>Original Authority Details</b>	<b>Officer(s) Authorised/ Level of Officer Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>CLI1</b>	Council (Minute 34 – 22.7.97)	<b>LEGAL SERVICES MANAGER/ASSISTANT DIRECTOR LEGAL SERVICES AND THE RELEVANT LEVEL 3 OR 4 MANAGER</b>	<b>INSOLVENCY – ENFORCEMENT OF DEBTS</b>  To issue statutory demands pursuant to Section 268(1)(a) of the Insolvency Act 1986.  To take steps to enforce a debt following the commencement of bankruptcy proceedings,
<b>CLI2</b>	Council (Minute 100(6) – 18.4.2000)	<b>SERVICE DIRECTOR BUSINESS SUPPORT SERVICES OR ANY APPROPRIATELY QUALIFIED STAFF MEMBERS WITHIN ACCOUNTANCY SERVICES NOMINATED BY THEM.</b>	<b>INSURANCE – INSTITUTION OF LEGAL PROCEEDINGS</b>  To institute, defend, appeal, withdraw or agree a compromise in connection with any legal proceedings concerning the Council's insurance matters, subject to reporting on any significant issues to the next appropriate Cabinet meeting.
<b>CLL1</b>	Policy & Resources Committee (Minute 3 – 11.10.73)	<b>SERVICE DIRECTORS OR ANY LEVEL 3 OFFICER OR ABOVE WITHIN THEIR MANAGEMENT CONTROL</b>	<b>LAND CHARGES</b>  To act as proper officer to the Council for the purposes of Section 212(1) and (2) of the Local Government Act 1972 (local registrar of land charges)
<b>CLL2</b>	Cabinet (Minute 184 – 10.4.06)	<b>SERVICE DIRECTORS OR ANY LEVEL 3 OFFICER OR ABOVE WITHIN THEIR MANAGEMENT CONTROL</b>	<b>LICENSING</b>  To authorise suitably qualified officers to exercise those functions relating to licensing set out in the attached list of environmental health legislation as set out in Annex B, subject to the policies from time to time agreed by the Licensing Committee.  To delegate appropriate powers relating to the management and provision of service set out in the attached list of environmental health legislation as set out in Annex B.

	<b>Original Authority Details</b>	<b>Officer(s) Authorised/ Level of Officer Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>CLL3</b>	Licensing Committee (Minute 12 – 15.10.08)	<b>SERVICE DIRECTORS OR ANY LEVEL 3 OFFICER OR ABOVE WITHIN THEIR MANAGEMENT CONTROL SENIOR LICENSING OFFICER or suitably qualified officer authorised by them</b>	<p><b>LICENSING – HACKNEY CARRIAGE AND PRIVATE VEHICLE LICENCES</b></p> <p>To determine Licences in respect of hackney carriage and private hire licensing (as set out in Annex C) except in those circumstances where under the Council's policy they stand referred to the Licensing Sub Committee (see Minute 12 opposite).</p>
<b>CLL4</b>	Council (Minute 48 – 26.9.13)	<b>SERVICE DIRECTORS OR ANY LEVEL 3 OFFICER OR ABOVE WITHIN THEIR MANAGEMENT CONTROL</b>	<p><b>LICENSING – SCRAP METAL DEALERS ACT 2013</b></p> <p>To implement Annex D (Schedule of delegations under the Act) insofar as they relate to matters to be undertaken by officers.</p> <p>To authorise officers to carry out inspections of the sites and vehicles used and conduct investigations and to issue and undertake prosecutions that may arise under the Act.</p>
<b>CLL5</b>	Policy & Co-ordinating Committee (Minute 24(2) – 8.10.91)	<b>ASSISTANT DIRECTOR ACCOUNTANCY/ SERVICE DIRECTOR BUSINESS SUPPORT SERVICES</b>	<p><b>LOCAL GOVERNMENT AND HOUSING ACT 1989 – DETERMINATIONS UNDER PART IV</b></p> <p>To make determinations under the following sections of the Local Government and Housing Act 1989:</p> <p>Section 42(2)(g) – Reimbursable expenditure Sections 50(3)(b) and 60(2) – Usable capital receipts</p>



	<b>Original Authority Details</b>	<b>Officer(s) Authorised/ Level of Officer Authorised</b>	<b>Subject and Function(s) Delegated</b>
	Council (Minute 70 – 6.11.12)	<b>SIMON HILL</b>	To be responsible for any Parish or Town Councils which are affiliated for the time being to the Epping Forest Standards Committee under Chapter 7 of the Localism Act.
	Council (Minute 10 – 15.5.01)	<b>MR STEPHEN TAUTZ and/or MR JAMES HALLINAN</b>	To act as Deputy Monitoring Officer(s) with the power to act in the absence or during any illness of the Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989.
<b>CLO1</b>	Policy and Resources Committee (Minute 3(3) – 11.10.73)	<b>CHIEF FINANCIAL OFFICER</b>	<b>OFFICERS – RECEIPT OF MONEY DUE</b>  To act as Proper Officer for the purposes of Section 115 of the Local Government Act 1972).
<b>CLO2</b>	Council (Minute 86 – 15.2.05)	<b>CHIEF EXECUTIVE AND MONITORING OFFICER</b>	<b>OMBUDSMAN – NOTICES</b>  To act as proper officer for the purposes of Section 30(5) of the Local Government Act 1974 (publication of notice on receipt of a report from the Local Ombudsman).
<b>CLP1</b>	Council (Minute 105 - 22.2.18)	<b>SIMON HILL RETURNING OFFICER</b>	<b>PARISH POLLS</b>  To act as Returning Officer for the purposes of a Parish Poll in the District in accordance with the Parish and Community Meetings (Polls) Rules 1987,
<b>CLP2</b>	Personnel Sub-Committee (Minute 139 – 20.3.90)	<b>SERVICE DIRECTOR</b>	<b>POLITICALLY RESTRICTED POSTS</b>  (a) To notify all politically restricted post holders of their designations; (b) To incorporate the designation as to politically restricted status in contracts of employment; and (c) To maintain and issue revised lists when necessary and notify the independent Adjudicator.

	<b>Original Authority Details</b>	<b>Officer(s) Authorised/ Level of Officer Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>CLP3</b>	Policy and Resources Committee (Minute 3 – 11.10.73)		<b>PROTECTED BUILDINGS</b>  To act as Proper Officer for the purposes of paragraph 28 of Schedule 16 to the Local Government Act 1972 (receipt and deposit of lists of protected buildings).
<b>CLR1</b>	Council (Minute 117 – 20.4.04)	<b>MONITORING OFFICER</b>	<b>REGISTRATION OF INTERESTS – DISTRICT COUNCIL</b>  Receipt, custody and public deposit of registration of interests of District Councillors under the Local Government Acts 2000 and 2007 and regulations made thereunder.
<b>CLR2</b>	Council (Minute 117 - 20.4.04)	<b>MONITORING OFFICER</b>	<b>REGISTRATION OF INTERESTS – TOWN AND PARISH COUNCILS</b>  Receipt, custody and public deposit of registration of interests of Parish and Town Councillors in accordance with the Local Government Acts 2000 and 2007 and regulations made thereunder.

	Original Authority Details	Officer(s) Authorised/ Level of Officer Authorised	Subject and Function(s) Delegated								
CLR3	Council (Minute 23 – 15.5.08) as amended by Council 28 May 2015	<div>CHIEF EXECUTIVE</div> <div>STRATEGIC DIRECTOR (LEVEL 4 OFFICER)</div> <div>SERVICE DIRECTOR GOVERNANCE AND MEMBERS SERVICES</div>	<div>REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000 – as amended by the Protection of Freedoms Act 2012 -DESIGNATION OF SENIOR RESPONSIBLE OFFICER, AUTHORISING OFFICERS and RIPA COORDINATOR</div> <div>For the purposes of RIPA and regulations or orders made thereunder, the following officers of the Council be appointed to the roles specified, to exercise on behalf of the Council, the power to administer and give initial authorisation of covert surveillance :</div> <table><tr><th>Role</th><th>Purpose</th></tr><tr><td>Senior Responsible Officer (SRO)</td><td>To ensure compliance with the Act and associated Codes of Practice. To liaise with Commissioners and Inspectors and implement any post-inspection actions.</td></tr><tr><td>Authorising Officer</td><td>To consider and a give initial authorisation of covert surveillance, whether directed or covert human intelligence source, if confidential material is likely to be captured</td></tr><tr><td>Authorising Officer</td><td>To consider and a give initial authorisation of covert surveillance, whether directed or covert human intelligence source,</td></tr></table>	Role	Purpose	Senior Responsible Officer (SRO)	To ensure compliance with the Act and associated Codes of Practice. To liaise with Commissioners and Inspectors and implement any post-inspection actions.	Authorising Officer	To consider and a give initial authorisation of covert surveillance, whether directed or covert human intelligence source, if confidential material is likely to be captured	Authorising Officer	To consider and a give initial authorisation of covert surveillance, whether directed or covert human intelligence source,
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Authorising Officer	To consider and a give initial authorisation of covert surveillance, whether directed or covert human intelligence source, if confidential material is likely to be captured										
Authorising Officer	To consider and a give initial authorisation of covert surveillance, whether directed or covert human intelligence source,										

	<b>Original Authority Details</b>	<b>Officer(s) Authorised/ Level of Officer Authorised</b>	<b>Subject and Function(s) Delegated</b>
		<b>SENIOR LEGAL EXECUTIVE</b>  <b>EXECUTIVE ASSISTANT (STRATEGIC SUPPORT)</b>	<b>Authorising Officer</b> To consider and a give initial authorisation of covert surveillance, whether directed or covert human intelligence source,  <b>RIPA Coordinator</b> To maintain a central record of refusals, authorisations and cancellations as directed by the SRO.
<b>CLR4</b>	Policy & Co-ordinating Committee (Minute 3 – 11.10.73)	<b>DIRECTOR GOVERNANCE AND MEMBERS SERVICES</b>	<b>RESOLUTIONS – CERTIFICATION</b>  To act as Proper Officer for purposes of paragraph 25 of Schedule 4 to the Local Government Act 1972 (certification of resolutions).
<b>CLR5</b>	Council (Minute 29 – 28.6.11)  Council (Minute 29 – 28.6.11)	<b>CHIEF EXECUTIVE</b>	<b>RE-USE OF PUBLIC SECTOR INFORMATION REGULATIONS 2005</b>  To be responsible in accordance with the Council's policy for administering requests for information under the Re-use of Public Sector Information Regulations 2005, including the level of fees and charges to be made if information supplied is to be re-used.  To be responsible for administering requests under the 2005 Regulations in respect of use of CCTV data, taking account of the Council's policy and charging arrangements.
<b>CLS1</b>	Personnel Sub-Committee (Minute 2 – 4.10.73) (As amended by Personnel Sub-Committee Minute 169 – 26.9.78)	<b>CHIEF EXECUTIVE STRATEGIC AND SERVICE DIRECTORS</b>	<b>STAFF – APPOINTMENTS PROCEDURE</b>  To make all appointments to each service in respect of posts graded below level 3 except appointments where, in the opinion of the Head of the Paid Service, member involvement is considered desirable.
<b>CLS2</b>	Policy & Co-ordinating Committee (Minute 59(b) – 8.2.94)	<b>HEAD OF PAID SERVICE, STRATEGIC AND SERVICE DIRECTORS WITHIN THEIR AREAS OF MANAGEMENT RESPONSIBILITY.</b>	<b>STAFF – MISCELLANEOUS DELEGATIONS</b>  To determine staff issues in terms of grading, structure and local conditions of service (subject to consultation with staff representatives).within the budget and policy framework



	<b>Original Authority Details</b>	<b>Officer(s) Authorised/ Level of Officer Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>CLS3</b>	Council (Minute 90(5) – 23.2.82)	<b>HEAD OF PAID SERVICE</b>	<b>STAFF – RETIREMENT</b>  To offer early retirement and redundancy under the terms of the superannuation scheme or gratuity scheme to appropriate staff where the resultant vacated posts can be made available for redeployment of otherwise redundant employees.
<b>CLT2</b>	Resource Committee (Minute 40 – 28.9.93)	<b>SERVICE DIRECTOR BUSINESS SUPPORT SERVICES ANY APPROPRIATELY QUALIFIED STAFF MEMBER WITHIN ACCOUNTANCY SERVICES NOMINATED BY THEM</b>	<b>TREASURY MANAGEMENT</b>  (a) To have control of the aggregated monies under Section 151 of the LGA 1972.  (b) To be responsible for all executive decisions on borrowing, investment or financing under Section 151 subject to a requirement to act in accordance with the CIPFA Code for Local Authorities.
<b>CLT3</b>	Council decision April 2016	<b>SERVICE DIRECTORS OR ANY LEVEL 3 OFFICER OR ABOVE WITHIN THEIR MANAGEMENT CONTROL</b>	<b>TREES, CONSERVATION AND RELATED FUNCTIONS</b>  To be responsible for delegations set out in Annex E to this schedule
<b>X</b>	<b>NIL</b>		
<b>Y</b>	<b>NIL</b>		
<b>Z</b>	<b>NIL</b>		

**GAMBLING ACT 2005 – TABLE OF DELEGATIONS OF LICENSING FUNCTIONS  
SERVICE DIRECTOR RESPONSIBLE FOR LICENSING SERVICE**

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>SUB-COMMITTEE</b>	<b>ALL OFFICERS</b>
Three-year licensing policy	<b>X</b>		
Policy not to permit casinos	<b>X</b>		
Fee Setting – when appropriate			<b>X (to be approved by Executive Councillor)</b>
Application for premises licences		<b>Where representations have been received and not withdrawn</b>	<b>Where no representations received/representations have been withdrawn</b>
Application for a variation to a licence		<b>Where representations have been received and not withdrawn</b>	<b>Where no representations received/representations have been withdrawn</b>
Application for a transfer of a licence		<b>Where representations have been received from the Commission</b>	<b>Where no representations received from the Commission</b>
Application for a provisional statement		<b>Where representations have been received and not withdrawn</b>	<b>Where no representations received/representations have been withdrawn</b>
Review of a premises licence		<b>X</b>	
Application for club gaming/club machine permits		<b>Where representations have been received and not withdrawn</b>	<b>Where no representations received/representations have been withdrawn</b>
Cancellation of club gaming/club machine permits		<b>X</b>	
Applications for other permits			<b>X</b>
Cancellation of licensed premises gaming machine permits			<b>X</b>
Consideration of temporary use notice			<b>X</b>
Decision to give a counter notice to a temporary use notice		<b>X</b>	

**SERVICE DIRECTOR RESPONSIBLE FOR LICENSING SERVICE  
LICENSING**

**Charities Act 1992**

Part III (Street Collections)

**Local Government (Miscellaneous Provisions) Act 1976**

S16 (Power to obtain particulars of Persons interested in Land)

**Local Government (Miscellaneous Provisions) Act 1982**

Sections 14, 15, 16 and 17 (Acupuncture, Tattooing, Ear Piercing and Electrolysis)

Section 37 (Temporary Markets)

Schedule 3 Paragraphs 7, 8, 9, 10, 13, 15 to 19 and 25 (Control of Sex Establishments)

Schedule 4 paragraphs 7, 9 and 10 (Street Trading)

**Hackney Carriage and Private Hire Licences**

**Town and Police Clauses Act 1847** (Sections 37, 41, 42, 43, 45, 46, 47, 50, 68)  
(except temporary road closures which are the subject of objections which shall be dealt with by the Licensing Sub-Committee)

**Town and Police Clauses Act 1889** (Sections 4, 5 and 6)

**Local Government (Miscellaneous Provisions) Act 1976 (Part II)**

**LICENSING ACT 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY  
TO SERVICE DIRECTOR RESPONSIBLE FOR LICENSING SERVICE**

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Decision to object when local authority is acting as a Responsible Authority			All cases
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary licence at community premises to include alternative licence conditions		If a police objection	All other cases

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Decision whether to consult other responsible authorities on minor variation			All cases
Determination of minor variation			All cases
All policy matters except the formulation of the statement of licensing policy	All cases		

## Annex D

### SCRAP METAL DEALERS ACT 2013 - DELEGATION OF POWERS TO ERVICE DIRECTOR RESPONSIBLE FOR LICENSING SERVICE

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Licensing policy	All cases		
Fee Setting - when appropriate	All fees		
Application for or renewal of a Site or Collector's licences		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
To issue a closure notice on non-residential premises being used as a scrap metal dealer's site		All cases	All cases
Application to the Magistrates Court for a closure order		All cases	All cases
Termination of a closure order		All cases	All cases
Application to the Magistrates Court to discharge a closure order.		All cases	All cases
Revocation of a licence		All cases	All cases
Consideration of and imposition of conditions		All cases	All cases

## TREES, CONSERVATION AND RELATED FUNCTIONS

Function	Relevant Legislation	Relevant Details	Exceptions
<b>Buildings</b>	Planning (Listed Buildings and Conservation Areas) Act 1990 Section: 3 (1-8)	To serve Building Preservation Notices in urgent cases, subject to report to and review by the next meeting of District Development Control Committee.  To obtain and exercise powers of entry to undertake surveys in connection with:  (1) Statutory Plans  (2) Applications for Planning Permission	Yes
<b>Dangerous trees on private land</b>	Local Government (Miscellaneous Provisions) Act 1976 Sections: 23 and 24	Discretionary power to take action to make safe trees on private land, including to:  (1) Obtain and use necessary Powers of Entry to the land;  (2) Serve relevant notices;  (3) Respond to appeals;  (4) Undertake works directly where necessary; and  (5) Recover expenses.	No
<b>Countryside hedgerows</b>	The Hedgerow Regulations 1997 Sections: 5 to 15 incl.	The responsibility to:  (1) Regulate the removal of certain hedgerows;  (2) Issue relevant notices, including to require hedgerow replacement;  (3) Respond to appeals;  (4) Take necessary enforcement or legal action;	No

Function	Relevant Legislation	Relevant Details	Exceptions
		<p>(5) Obtain and use necessary powers of entry to the land including exercise of rights of entry under warrant;</p> <p>(6) Surveying land in connection with any hedgerow removal notice;</p> <p>(7) Ascertaining whether any offences have been committed under Regulation 7; and</p> <p>(8) Determination of whether a notice should be served under Regulation 8.</p>	
<b>High Hedges</b>	Anti-social Behaviour Act 2003 (Part 8) Sections: 68, 69, 70, 74, 75, 77, 79 and 80.	<p>The responsibility to:</p> <p>(1) Deal with complaints in relation to the height of domestic hedgerows;</p> <p>(2) Issue, withdraw or relax the requirements or relevant notices;</p> <p>(3) Serve relevant documents regarding notifications;</p> <p>(4) Notify interested parties;</p> <p>(5) Respond to appeals;</p> <p>(6) Take relevant legal or enforcement action, including undertaking works directly and recovering expenses; and</p> <p>(7) Obtain and use powers of entry necessary in relation to (1), (2), (3), (5) and (6).</p>	No
<b>Protection of trees</b>	Town and County Planning Act 1990 (as amended) Part VIII Sections: 197, 198, 199, 201, 203, 205, 206, 207, 208, 209, 210, 211, 214, 214A, B, C&D, 324, 325	<p>The duty and responsibility to:</p> <p>(1) Take all necessary measures to make Tree Preservation Orders where trees are at risk, and are of significant existing or potential amenity value, or where they are of wider or strategic importance, subject to publication of the details in the Council Bulletin;</p>	No



Function	Relevant Legislation	Relevant Details	Exceptions
		<p>(2) Amend, confirm, decide not to confirm or revoke such orders (i.e. TPOs);</p> <p>(3) Determine applications for works to preserved trees except as set out below:</p> <p>(i) applications recommended for approval where more than two expressions of objection material to the planning merits of the proposal have been received;</p> <p>(ii) applications recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal;</p> <p>(iii) applications which a Councillor representing a ward within the relevant Area Plans Sub-Committee area requests in writing within four weeks of notification in the Council Bulletin should be referred to the appropriate Sub-Committee provided that the member has notified the Ward Councillor in advance; and</p> <p>(iv) any application which the Service Director, Planning considers is expedient or appropriate to present to committee for decision (e.g. those raising issues of subsidence, claims for compensation etc).</p> <p>(4) Take any necessary action in respect of claims for compensation;</p> <p>(5) Take action to ensure replacement planting where appropriate, by serving relevant notices, or by undertaking such planting directly and reclaiming the costs, and to publish any decision not to require replacement planting in the Council Bulletin;</p> <p>(6) Respond to appeals;</p> <p>(7) Take legal action in aspect of breaches of Part VIII of the Act where expedient, in conjunction with legal services, including injunctive action and recovery of costs;</p> <p>(8) Take appropriate action in respect of notification of works to trees in</p>	

Function	Relevant Legislation	Relevant Details	Exceptions
		<p>Conservation Areas, including the issue of the Tree Preservation Orders as necessary; and</p> <p>(9) Authorise all expedient measures to gain entry to land in respect of the execution of any of the above, including to:</p> <p>(i) issue a warrant if admission has been refused or if a refusal is reasonably anticipated or if the case is urgent;</p> <p>(ii) to take samples of trees or soil; and</p> <p>(iii) for the authorised person(s) to take with them such other persons as may be necessary.</p>	

- Note: The authorities to undertake the stated functions, as set under the relevant sections shall be taken to be automatically updated to take into account changes, modifications and updating as they occur in the relevant legislation, subject to no new authorities being created. All references are to the legislation as currently amended.