



### NOTICE OF COUNCIL MEETING

You are hereby summoned to a meeting of the EPPING FOREST DISTRICT COUNCIL to be held in the COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING at 7.30 pm on Thursday, 20 December 2018 for the purpose of transacting the business set out in the agenda.

A handwritten signature in black ink, appearing to read 'D Macnab'.

Derek Macnab  
Acting Chief Executive

Democratic Services  
Officer:

Council Secretary: Simon Hill  
Tel: 01992 564249 Email:  
democraticservices@eppingforestdc.gov.uk

#### WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

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If you have any queries regarding this, please contact the Public Relations Manager on 01992 564039.

**BUSINESS****1. WEBCASTING INTRODUCTION**

This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking. The Service Director (Governance and Member Services) will read the following announcement:

“The chairman would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

**2. MINUTES (Pages 7 - 14)**

To approve as a correct record and sign the minutes of the meeting held on 1 November 2018 (attached).

**3. DECLARATIONS OF INTEREST**

To declare interests in any item on the agenda.

**4. ANNOUNCEMENTS**

- (a) Apologies for Absence
- (b) Chairman's Announcements

**5. PUBLIC QUESTIONS (IF ANY)**

To answer questions asked after notice in accordance with the provisions contained within Part 4 of the Council Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

- (a) to the Leader of the Council;
- (b) to any Portfolio Holder; or
- (c) to the Chairman of the Overview and Scrutiny Committee.

Questions, if any, will follow if not received in time to be incorporated into the agenda.

**6. MEMBER REMUNERATION PANEL - ANNUAL REPORT (Pages 15 - 38)**

To consider the attached report.

**7. QUESTIONS BY MEMBERS UNDER NOTICE**

To answer questions asked after notice in accordance with the provisions contained within the Council's rules in Part 4 of the Constitution on any matter in relation to

which the Council has powers or duties or which affects the District:

- (a) to the Chairman of the Council;
- (b) to the Leader of the Council;
- (c) to any Member of the Cabinet; or
- (d) the Chairman of any Committee or Sub-Committee.

The Council's rules provide that answers to questions under notice may take the form of:

- (a) direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Answers to questions falling within (a) and (b) above will be made available to the member asking the question one hour before the meeting. Answers to questions falling within (c) above will be circulated to all councillors.

Questions, if any, will follow if not received in time to be incorporated into the agenda.

## **8. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET (Pages 39 - 66)**

To receive reports and any announcements from the Leader and members of the Cabinet on matters falling within their area of responsibility:

- (a) Report of the Leader;
- (b) Report of the Business Support Services Portfolio Holder (attached);
- (c) Report of the Contract and Technical Services Portfolio Holder (attached);
- (d) Report of the Commercial and Regulatory Services Portfolio Holder (attached);
- (e) Report of the Community and Partnership Services Portfolio Holder (attached);
- (f) Report of the Customer Services Portfolio Holder (attached);
- (g) Report of the Housing and Property Services Portfolio Holder (attached);
- (i) Report of the Planning Services Portfolio Holder (attached); and
- (j) Report of the Strategic Projects Portfolio Holder.

## **9. QUESTIONS BY MEMBERS WITHOUT NOTICE**

The Council's rules provide for questions by any member of the Council to the Leader or any Portfolio Holder, without notice on:

- (i) reports under the previous item; or
- (ii) any other matter of a non operational character in relation to the powers and duties of the Council or which affects all or part of the District or some or all of its inhabitants.

The Council's rules provide that answers to questions without notice may take the form of:

- (a) a direct oral answer from the Leader or, at the request of the Leader, from another member of the Cabinet;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner; or
- (d) where the question relates to an operational matter, the Leader or a member of the Cabinet will request that a response be given direct to the questioner by the relevant Service Director.

In accordance with the Council's rules, a time limit of thirty minutes is set for questions. Any question not dealt with within the time available will receive a written reply. The Chairman may extend this period by up to a further ten minutes at their discretion.

## 10. MOTIONS

To consider any motions, notice of which has been given under Council Rules.

Motions, if any, will follow if not received in time to be incorporated into the agenda.

## REPORTS OF THE CABINET

To consider any reports from the Cabinet meeting on 10 December 2018. (To follow).

## 11. STANDARDS COMMITTEE - APPOINTMENT OF INDEPENDENT PERSONS

### **Recommending:**

**That, on the recommendation of the Committee, the Council endorse the appointment of Mr. A. Brooks and Mrs. J. Clare to the current vacancies for Independent Persons on the Standards Committee.**

(Chairman of Standards Committee) The Localism Act 2011 places a duty on the Council and the local councils in the district, to promote and maintain high standards of conduct for elected and co-opted members. This includes the requirement to have a Code of Conduct with which members must comply. The Act also requires that authorities adopt arrangements for dealing with complaints about breaches of the Code of Conduct by members, including making provision for the appointment of at least one Independent Person to support arrangements for dealing with standards matters.

The Standards Committee has recently undertaken recruitment activity to fill current

vacancies for Independent Persons and interviews for these positions were held on 5 November 2018. On the recommendation of the Committee, the Council is requested to endorse the appointment of Antony Brooks and June Clare as Independent Persons. The Committee considers that Mr. Brooks and Mrs. Clare will each bring relevant skills and experience to its role and responsibilities.

**12. ANTI-FRAUD AND CORRUPTION STRATEGY (Pages 67 - 96)**

(Chairman of the Audit and Governance Committee) To consider the attached report.

**13. LICENSING ACT 2003 STATEMENT OF POLICY - PERIODIC REVIEW (Pages 97 - 114)**

(Chairman of the Licensing Committee) To consider the attached report.

**14. CONSTITUTIONAL WORKING GROUP (Pages 115 - 128)**

To consider the attached report.

**15. APPOINTMENT OF MONITORING OFFICER, RETURNING OFFICER AND OTHER OFFICER DELEGATIONS (Pages 129 - 200)**

(Monitoring Officer) To consider the attached report.

**16. OVERVIEW AND SCRUTINY COMMITTEE (Pages 201 - 202)**

(a) To receive the report of the Chairman of the Overview and Scrutiny Committee and to answer any questions without notice asked in accordance with Council Rules.

(b) Reports of the Overview and Scrutiny Committee (if any);

**17. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS (Pages 203 - 204)**

(a) To received the attached report from Councillor C Whitbread, on the Local Strategic Partnership Board following the request for an update from Councillor J H Whitehouse;

(b) To receive from Council representatives any other reports on the business of joint arrangements and external organisations and to receive answers to any questions on those bodies which may be put without notice; and

(c) To request written reports from representatives on joint arrangements and external organisations for future meetings.

**18. EXCLUSION OF PUBLIC AND PRESS**

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

| Agenda Item No | Subject | Exempt Paragraph Number | Information |
|----------------|---------|-------------------------|-------------|
| Nil            | Nil     | Nil                     |             |

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Background Papers:** Article 17 of the Constitution (Access to Information) define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## EPHING FOREST DISTRICT COUNCIL COUNCIL MINUTES

- Committee:** Council **Date:** 1 November 2018
- Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.29 pm
- Members Present:** Councillors R Bassett (Chairman), R Gadsby (Vice-Chairman), R Baldwin, H Brady, P Bolton, R Brookes, L Burrows, G Chambers, K Chana, D Dorrell, A Grigg, I Hadley, S Heap, S Heather, R Jennings, J Jennings, H Kane, S Kane, H Kauffman, P Keska, J Knapman, J Lea, A Lion, M McEwen, A Mitchell, G Mohindra, R Morgan, S Neville, M Owen, A Patel, J Philip, C P Pond, B Rolfe, M Sartin, J Share-Bernia, P Stalker, S Stavrou, D Stocker, B Vaz, E Webster, C Whitbread, H Whitbread, J H Whitehouse, J M Whitehouse and D Wixley
- Apologies:** Councillors N Avey, A Beales, N Bedford, L Hughes, S Jones, Y Knight, L Mead, S Murray, C C Pond, C Roberts, D Roberts, B Sandler and D Sunger
- Officers Present:** D Macnab (Acting Chief Executive), G Blakemore (Strategic Director), S Hill (Service Director (Governance & Member Services)), P Maddock (Assistant Director (Accountancy)), S Kits (Social Media and Customer Services Officer), S Mitchell (PR Website Editor) and R Perrin (Senior Democratic Services Officer)

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#### 44. WEBCASTING INTRODUCTION

The Service Director, Governance and Members Services reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

#### 45. MINUTES

**RESOLVED:**

That the minutes of the meeting on 25 September 2018 be taken as read and signed by the Chairman as a correct record.

#### 46. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct, Councillor G. Mohindra declared a pecuniary interest in agenda item 11 - Waltham Abbey Swimming Pool Site Development by virtue of Essex Housing Services being part of his Essex County Council Cabinet Portfolio. He advised that he would leave the meeting for the discussion and decision of this item.

#### 47. ANNOUNCEMENTS

**(a) Chairman's Announcements**

The Chairman informed the Council that he had attended many events, which included the 10<sup>th</sup> Anniversary celebrations of St John's Primary School; promotion of

the Youth Council's Drug Awareness Project and the Recycling Awards. He had also promoted the District at various events to the neighbouring authorities and London boroughs.

He advised that the Chairman's charity quiz had been confirmed for Friday 1 February 2018 and that he would be raising funds for the Chess Homeless charity by sleeping outside at Chelmsford Cathedral on 30 November 2018.

**(b) Flowers**

The Chairman announced that he intended to send the flowers from tonight's meeting to the Queens Court Nursing Home, Buckhurst Hill.

**48. PUBLIC QUESTIONS (IF ANY)**

The Council noted that there were no public questions for this meeting.

**49. QUESTIONS BY MEMBERS UNDER NOTICE**

**Question by Councillor S. Heap to the Assets and Economic Development Portfolio Holder and the Environment Portfolio Holder**

**(1) Epping Forest Shopping Park**

"Following the full occupation of the retail park, could the respective portfolio holders enlighten us as to the following:

(a) what measures are in place to constantly assess the economic impact of the retail park on businesses in the District?

(b) by what criteria are we assessing whether the retail park has been a success?

(c) how do we know if it has offset business failures in the surrounding area?

(d) what assessments have been carried out to measure extra pollution, if any, generated by traffic build up in the local streets?"

**Answer to Councillor S. Heap from Councillor A. Grigg, Assets and Economic Development Portfolio Holder**

"(a) and (c) A retail impact study by Lichfield & Partners is currently being carried out to assess the impact of the shopping park on neighbouring areas. This is something I have previously stated would happen and was requested by the Broadway Town Centre Partnership. This is expected to be available by the end of 2018. The study will test the impact of the shopping park and provide a before and after comparison. The previous study was a requirement of planning at the time in 2009.

(b) The fact that all units are let (tenant demand), retailers are reporting good sales figures (i.e. consumer demand), and the return on investment is in line or above market expectations for this type of property indicates that the Shopping Park is a success.

(d) We monitor air quality at various locations throughout the district, however we do not have any monitoring points in the vicinity of the Broadway/that end of Rectory



Lane. So, I guess the simple answer is that we don't know the impact of the recent changes on air pollution. We generally focus air quality monitoring locations on those where there are residential properties in close proximity to busy roads/regular standing traffic as this would mean there is a source / pathway / receptor link. Obviously, Langston Road is not residential, and the Broadway/Rectory Lane properties are set back a fair distance from the road and therefore less likely to be exposed to high concentrations. We have a finite resource for this type of monitoring which is why we concentrate our efforts at those locations where we think they will have the most impact. However, I will keep this under review."

**Supplementary Question by Councillor S. Heap to the Assets and Economic Development Portfolio Holder**

"When was the impact study commissioned?"

**Answer to Councillor S. Heap from Councillor A. Grigg, Assets and Economic Development Portfolio Holder**

"The impact study was commissioned in October 2018 and should be completed by Christmas 2018. The company that would undertake the impact study were Lichfields, who had previously conducted a similar study for the Council in 2010."

**50. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET**

The Council received written reports from all the Portfolio Holders. The Chairman invited the Leader of Council, to provide an oral report and the opportunity for other members of the Cabinet to give updates.

(a) The Leader of Council

The Leader advised that he had attended a number of meetings around the District including the South East Local Enterprise Partnership (SELEP) and the local Citizen Advice offices in Epping.

On Monday he had updated the Overview & Scrutiny Committee on the achievement of the authority's corporate priorities and plans for the next five years, which included the Cabinet's ambitious savings target of £2.5m over the next three years. This was in order to protect front line services, keep Council Tax low and cease the reliance on government grants by the end of 2023. These aims were to be achieved through the People Strategy, Accommodation Strategy and the ICT Strategy. He advised that there was still a commitment to re-develop the condor building, as set out in the Local Plan and use smarter and flexible working. The new common operating model had been implemented, which focused on the customer and had driven efficiencies which brought together the business functions across the Council.

Furthermore, the Local Plan was back on track following the Judicial Review and this had been submitted with the examination in public expected in March/April 2019. The shopping park had been trading well and the Council was now in the position to take forward the St John's Road Site, Epping, to potentially develop a new leisure centre. In addition the community policing funded by the Council had made an impact on the fear of crime and was working well with Park Guard.

Finally the Financial Issues Paper had been published and the budget process had begun. The Cabinet looked forward to bringing forward a low Council Tax budget and securing the Council's aims for the future.

(b) Finance Portfolio Holder

Councillor G. Mohindra advised that the Local Government Settlement would be published on 6 December 2018.

(c) Safer, Greener and Transport Portfolio Holder

Councillor S. Kane updated members on the effects of Halloween across the District. There had been 17 officers available which included regular officers, Specials, PCSO's and Park Guard which had resulted in fewer incidents that were dealt with swiftly.

**51. QUESTIONS BY MEMBERS WITHOUT NOTICE**

(a) Diwali

Councillor A. Patel invited the Chairman to light five Diya's in the Members Room following the meeting, in celebration of Diwali on 7 November 2018.

(b) Leisure Centre - St John's Site

Councillor H. Whitbread asked the Leisure and Community Services Portfolio Holder how the consultation process was progressing for the proposed new Epping Leisure Centre and when would members be able to see initial plans.

Councillor H. Kane advised that external consultants had already been appointed to carry out the consultation and viability studies with Stakeholders and Ward Councillors being invited to discuss the future development. No timescale could be given at the moment, although she would update members before the end of the year.

(c) Section 106 Funds

Councillor J. Knapman asked the Planning and Governance Portfolio Holder to ensure that the Council did not send Section 106 funds to the incorrect recipient and to provide assurances that Chigwell Parish Council would correctly receive future Section 106 funding.

Councillor J. Philip advised that he would investigate the issue regarding the misplacement of the funds to Chigwell Parish Council and that with the Section 106 Officer in place would ensure that funds were correctly designated.

(d) Waltham Abbey Leisure Centre

Councillor L. Webster asked the Safer, Greener and Transport Portfolio Holder whether any consideration had been given to the potential increased usage and parking facilities that would be required at new Waltham Abbey Leisure Centre.

Councillor S. Kane advised that adequate parking provisions had been provided and that the Council had been very aware of the residential nature of the site at the new Waltham Abbey Leisure Centre. There were approximately 100 parking bays, available to the leisure centre users that were free of charge for up to 3 hours and also a coach parking bay.

(e) Epping Town Council Christmas Market

Councillor L. Burrows asked the Safer, Greener and Transport Portfolio Holder whether there would be free parking at the Cottis Lane, Epping car park on the 7 December 2018 for the Epping Town Christmas Market.

Councillor S. Kane advised that this was correct and that the Council was providing free weekend parking at all Council carparks throughout December 2018.

(f) Epping Forest Retail Park

Councillor M. Owen asked the Assets and Economic Development Portfolio Holder whether there would be any studies on the impact of traffic queuing throughout Loughton in regards to the Retail Park and that all day parking was occurring.

Councillor A. Grigg advised that the queuing issues had been identified with regards to parking by the Aldi retail unit and the Council was approaching Essex County Council for advice. Regarding the all day parking at the Retail Park, the Council was aware of the activity and would be taking action on those vehicles. The issues were being investigated and solutions were being considered.

(g) Waltham Abbey Leisure Centre – Use by Primary Schools

Councillor R. Brookes asked the Leisure and Community Services Portfolio Holder to update members on the opening plans of the new Waltham Abbey Leisure Centre and what was Places for Peoples' approach, to attracting new people and primary schools to attend and use the new facilities.

Councillor H. Kane advised that the new Leisure centre would be opening on 17 November 2018 at 2 pm, with guests to arrive at 1.30pm. She stated that Places for People were engaging with local residents and primary schools.

(h) Policing

Councillor D. Wixley asked the Safer, Greener and Transport Portfolio Holder if he could report back to the Council on the benefits and operations of the locally funded Police Officers for the District.

Councillor S. Kane advised that a six monthly review would be taking place with Communities Select Committee and a new Twitter account had been set up advising on the activity of these officers. (@EppingForestCSP) Currently, the officers had been tasked to deal with hot spots within the District, which included burglars in the South of the District. He advised that where possible, he would keep members updated through the Members Bulletin.

## 52. MOTIONS

(a) Honorary Alderman – Scheme for Epping Forest

**Moved by Councillor J. Philip and seconded by Councillor C. Whitbread**

“That, in recognition that the Council has the option, under the provisions of Section 249 of the Local Government Act 1972, to confer the title of Honorary Alderman on any person who, in the opinion of the Council has rendered eminent services to the Authority, asks the Chief Executive to:

- (i) report further to the Council's Constitution Working Group on proposals that would bring forward such a scheme to enable the Council to confer a title; and
- (ii) asks that the Working Group report back to the full Council on the adoption of such a scheme together with the likely resources required."

**Carried**

**Motion as first moved ADOPTED**

**RESOLVED:**

That, in recognition that the Council has the option, under the provisions of Section 249 of the Local Government Act 1972, to confer the title of Honorary Alderman on any person who, in the opinion of the Council has rendered eminent services to the Authority, asks the Chief Executive to:

- (i) report further to the Council's Constitution Working Group on proposals, to bring forward a scheme to enable the Council to confer a title; and
- (ii) that the Working Group reports back to the full Council on the adoption of such a scheme together with the likely resources required.

**53. EPPING FOREST LOCAL HIGHWAYS PANEL**

**Mover: Councillor S. Kane, Safer, Greener & Transport Portfolio Holder**

Councillor S. Kane presented a report seeking a supplementary estimate for matching funding for the Local Highways Panel to implement a number of highway schemes in the District.

Report as first moved **ADOPTED**

**RESOLVED:**

That a District Development Fund supplementary of £100,000 for highway improvement to match fund the contribution from Essex County Council for the Epping Forest Local Highways Panel, to implement highway improvement schemes within the District for 2018/19 be approved.

**54. WALTHAM ABBEY SWIMMING POOL SITE - DEVELOPMENT**

**Mover: Councillor A. Grigg, Asset & Economic Development Portfolio Holder**

Councillor A. Grigg presented a report seeking a supplementary estimate for the outline planning application and the demolition of the swimming pool at the existing Waltham Abbey Swimming Pool site.

Report as first moved **ADOPTED**

**RESOLVED:**

That a Capital supplementary sum of £275,000 for the preparation of the outline planning application and the demolition of the old Waltham Abbey swimming pool be approved.

**55. LEISURE MANAGEMENT CONTRACT - SUPPLEMENTARY CAPITAL ESTIMATE**

**Mover: Councillor H. Kane, Leisure & Community Services Portfolio Holder**

Councillor H. Kane presented a report seeking a Capital supplementary estimate for the unanticipated costs in relation to the construction of Waltham Abbey Leisure Centre and other Leisure Centre refurbishments at Loughton Leisure Centre and Epping Sports Centre. In addition a further Capital supplementary was sought, to undertake the partial demolition of the vacant buildings and site investigation surveys on the former junior school site in St John's Road, Epping.

Report as first moved **ADOPTED**

**RESOLVED:**

(1) That a Capital supplementary of £225,000 for the unanticipated costs in relation to the construction of Waltham Abbey Leisure Centre and other Leisure Centre refurbishments at Loughton Leisure Centre and Epping Sports Centre be approved; and

(2) That a Capital supplementary of £475,000 to undertake the partial demolition of the vacant buildings and site investigation surveys on the former Junior School site in St John's Road, Epping be approved.

**56. INDEPENDENT REMUNERATION PANELS - APPOINTMENT**

The Council noted and endorsed the appointment of Tina Finn to the vacant seat on the Independent Remuneration Panel.

**57. SCHEME OF DELEGATIONS BY OR ON BEHALF OF THE COUNCIL - REVIEW**

The Monitoring Officer advised that the Scheme of Delegations within the Council's Constitution required updating following the recent restructuring of the Council's senior management. No new delegations were being sought as a result of the proposed revisions. Further revisions would be required at the December Council.

**RESOLVED:**

(1) That where an Statutory Officer was named in person within the Scheme of Delegations, their job title be included; and

(2) That the revised Scheme of Delegations by or on Behalf of the Council be agreed.

**58. OVERVIEW AND SCRUTINY COMMITTEE**

The Chairman of the Overview and Scrutiny, Councillor M. Sartin reported that officers from the Manchester Airport Group had attended the most recent meeting, to discuss issues concerning Stansted Airport including the planned expansion, sustainable development plans and the effects on the Districts residents.

In addition, the Leader gave a mid-year update on the achievement of the authority's corporate priorities. The Corporate Plan 2018/23 – Performance Report Quarter 1 – 2018/19, the Council's Forward Plan of Key Decisions and the work programmes were also considered. Finally, members discussed a review of the Overview and

Scrutiny Select Committee Framework, which set out intentions to align the Select Committees with the new officer structure and Portfolio Holder responsibilities. Councillor M. Sartin asked all members to consider and comment on the consultation which had been sent out in the Members Bulletin.

At the next meeting on 18 December 2018, the committee would be scrutinising the implementation of the Council's People Strategy.

#### **59. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

(a) Councillor R. Morgan updated the Council on the Stansted Airport Community Trust Fund and the various grants which had been given out. He advised that projects, groups and organisations could apply to the scheme, if they were located within a 10 mile radius of the airport. This included areas within the north of the district. Councillor M. Sartin asked whether the Stansted Airport Community Trust Fund would consider areas that were within the turning circle of airport, although not within the 10 mile radius. Councillor R. Morgan advised that this issue would be raised and discussed at the next meeting in March 2019.

(b) The Council received a written report regarding the Royal Gunpowder Mills from Councillor H. Kane and the Grange Farm Trust from Councillors M. Sartin and M McEwen, who were the Council's Representatives. Councillor C.P. Pond enquired about further details on the grants that were given out by the Grange Farm Trust. Councillor M. Sartin advised that she provided the information in the Members Bulletin.

(c) Councillor J.H. Whitehouse requested an update from the Strategic Partnership. Councillor C Whitbread advised that the partnership was not represented in the same way as before, although the Cabinet would ensure that an update would be brought forward.

**CHAIRMAN**

## **Report to the Council**

**Date: 20 December 2018**

**Subject:** Member Remuneration Panel - Annual Report

**Member:** Mr. S. Lye

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### **RECOMMENDING:**

#### **Members' Allowances Scheme**

##### **Basic Allowance**

- (1) That, for the 2019/20 municipal year, no change be made to the level of Basic Allowance of £4,300.00 per member per annum, currently included in the Council's Members' Allowances Scheme;

##### **Special Responsibility Allowance**

- (2) That the award of Special Responsibility Allowance for the Chairman of the Staff Appeals Panel be removed from the Members' Allowances Scheme from the 2019/20 municipal year;
- (3) That for the 2019/20 municipal year, no other changes be made to the application or implementation of the Special Responsibility Allowances currently included in the Members' Allowances Scheme;
- (4) That the Council be encouraged to increase the implementation level of Special Responsibility Allowance applied to the responsibilities identified in the Members' Allowances Scheme, in order to achieve the full amount of each allowance as soon as possible;

##### **Revised Scheme and Guidance**

- (5) That, subject to the above recommendations and other administrative matters set out in this report, the Members' Allowances Scheme and Guidance for 2019/20 attached as Appendix 1 to this report, be adopted and implemented with effect from 24 May 2019;
- (6) That the Statement of Implementation of the Special Responsibility Allowances set out in the Members' Allowances Scheme for 2019/20, attached as Appendix 2 to this report, be agreed; and
- (7) That the Panel be kept apprised of the Council's intentions with regard to any future restructure proposals that directly affect the application of Special Responsibility Allowance for the specific member roles and responsibilities currently reflected in the Members' Allowances Scheme.

## **Report**

1. The Remuneration Panel (the Panel) undertakes a review of Epping Forest District Council's Members' Allowances Scheme each year in order that any recommendations for revision to elements of the Scheme can be considered alongside the preparation of the Council's budget for the next financial year. This annual report of the Panel sets out the findings of our recent review of the Members' Allowances Scheme and our conclusions and recommendations with regard to the application of members' allowances for the 2019/20 municipal year.
2. The Remuneration Panel was established in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003. These regulations, which arose from relevant provisions of the Local Government Act 2000, require all local authorities to set up and maintain an advisory independent Remuneration Panel to review and provide advice on members' allowances. All Councils are required to convene their Panel and seek its advice before making any changes or amendments to allowances schemes and must 'pay regard' to the Panel's recommendations before setting a new or amended Members' Allowances Scheme.
3. The Panel is required to gather information, to hear and consider evidence and to make recommendations to the Council on:
  - the amount of Basic Allowance to be paid to members;
  - those positions that should receive a Special Responsibility Allowance and the level of such allowance; and
  - travel, subsistence and certain other allowances.
4. The current members of the Remuneration Panel are Mrs. T. Finn, Mr. D. Jackman and Mr. S. Lye. This report will be presented to the Council by Stephen Lye on behalf of the Panel.

## **Members' Allowances Scheme**

5. The last review of the Members' Allowances Scheme was undertaken by the Panel in late 2017 and our recommendations in regard to members' allowances for the 2018/19 municipal year were considered by the Council at its meeting on 21 December 2017. We have recently undertaken the annual review of the Scheme for 2019/20, in order that any proposals for changes to members' allowances can be considered by the Council as part of the budget-setting process for the next financial year.
6. As in previous years, we have been keen to understand the views of councillors in connection with the operation of the scheme in practice and specific matters that members would like the Panel to consider. As part of our current review, we requested the Service Director (Governance and Member Services) to invite councillors to raise issues or concerns about the current scheme that they wished us to consider. Such invitation was made through the Council Bulletin. A submission was made by Councillor R. Brookes, the issues from which we have considered as part of our review of the Members' Allowances Scheme.

## **Basic Allowance**

7. All local authorities must make provision for a flat-rate allowance to be payable to all members. This 'Basic Allowance' is payable equally to all councillors and is designed to cover activities such as constituency casework, preparation for and attendance at meetings of the Council's committees etc. and service as a representative of the



authority on outside bodies for which no separate remuneration is made.

8. In considering the recommendations of the Panel in December 2017, the Council agreed that no change be made to the payment of the full amount of Basic Allowance of £4,300.00 per member per annum to be included in the Members' Allowances Scheme for 2018/19. An increase in the implementation rate of the Basic Allowance was introduced from 2016/17 in line with the recommendations of the Panel over a number of years, that the authority should implement 100% of the amount of Basic Allowance for each member, rather than the level of 80% previously applied.
9. The Panel does not consider it necessary to recommend any further changes to the application of Basic Allowance for 2019/20. However, we consider that it is appropriate for us to continue to revisit the application of Basic Allowance as part of our annual review of the Members' Allowances Scheme on an ongoing basis, although we recognise that implementation of any increase would be a matter for the Council to determine and that there remains a continued need for restraint in the setting of the authority's annual budget.
10. The Council is therefore asked to note that the Panel intends to undertake a comprehensive benchmarking exercise amongst comparable local authorities as part of its review of the Members' Allowances Scheme in 2019, to assess whether an inflationary increase in the level of Basic Allowance linked to recent local government pay awards, should be considered.

#### **Special Responsibility Allowance**

11. Each local authority may make provision in its Members' Allowances Scheme for the payment of Special Responsibility Allowance (SRA), for those Councillors who have been allocated significant responsibilities. The current Scheme provides that Members may receive more than one SRA if they hold more than one relevant position. As previously with the Basic Allowance, the Council has traditionally decided not to implement payment of full SRA amounts for a number of positions and to restrict these to a percentage of the amount set out in the Members' Allowances Scheme, which are calculated as multipliers of the Basic Allowance.
12. This percentage application of certain SRA is reflected in a Statement of Implementation that forms part of the Members' Allowances Scheme. The Statement of Implementation illustrates the operation of the Scheme in terms of the application of SRA as proportions of the amounts provided in the Scheme. However, we feel that this approach is not always fully understood and that members may not appreciate that the Council has decided not to implement payment of full SRA amounts recommended by the Panel, for certain positions.
13. We do not consider that it is necessary to make any changes to the SRA applied to various member positions for 2019/20, as we understand that there has been no change in such responsibilities since our review of the Members' Allowances Scheme for the current year. However, in formulating its budget for future years, we would encourage the Council to increase the implementation level of the relevant SRA identified in the Members' Allowances Scheme, in order to achieve the full amount of each allowance as soon as possible.
14. We understand that the Council will shortly be considering options for the review of the existing framework of its overview and scrutiny select committees. Any reduction in the number of select committees would have the effect of generating savings to the current budget provision for members' allowances and could present opportunities to

progress the application of the full level of SRA previously agreed by the Council. The Panel would therefore respectfully request that it be kept apprised of the Council's intentions with regard to any restructure proposals that directly affect the application of SRA for specific member roles and responsibilities reflected in the Members' Allowances Scheme.

15. We will continue to revisit the application of SRA as part of our annual review of the Members' Allowances Scheme, on an ongoing basis.

#### **Group Leaders - Special Responsibility Allowance**

16. The Panel has considered comments submitted for consideration by Councillor R. Brookes, in relation to the possible application of Special Responsibility Allowance (SRA) to the leaders of the constituted political groups on the Council, to recognise the time commitment required of Group Leaders. In support of her submission, Councillor Brookes suggested that Group Leaders have given a lot of extra time on panels and local plan workshops etc. over the last year and have rarely missed meetings.
17. We understand that Group Leader appointments are made by the constituted political groups and not by the Council and that Group Leaders have no formal role or responsibility within the authority. We have been advised that, whilst formal meetings of Group Leaders as a consultative body, were held during the period in which the Council had no overall political control, these are not currently held on a routine or programmed basis.
18. We have been advised that Group Leaders (and Deputy Group Leaders) are members of the Appointments Panel, which makes recommendations to the Council each year on nominations for appointment to committees etc. from the political groups and non-affiliated members. Such councillors can claim normal travelling expenses for attendance at meetings of the Panel, which are usually held on a maximum of two occasions in each municipal year.
19. We have previously considered similar proposals for the application of SRA to councillors attending a specified number of meetings. However, we continue to be of the view that this approach should not be pursued, in view of the difficulty involved in drawing up a workable scheme that could be monitored efficiently.
20. From benchmarking we have established that some local authorities award annual SRA to Group Leaders, including the leaders of majority political groups (thereby applying an even-hand) or just the leaders of minority political groups. However, such application of SRA is by no means universal across comparable authorities and we do not consider that this approach is appropriate at the present time, as no justification has been made to support the allocation of significant additional responsibility to Group leaders, by the Council. However, the Panel would be willing to give further consideration to this issue as part of its next review of the Members' Allowances Scheme, should it have misunderstood the role of Group Leaders or on the submission of additional evidence to highlight the role of Group Leaders in the formal operation of the business of the Council.

#### **Staff Appeals Panel - Special Responsibility Allowance**

21. We have been advised that, at its meeting in September 2018, the Council adopted a new Staff Appeals Procedure Policy that has resulted in the cessation of the operation of the Staff Appeals Panel.

22. The Members' Allowances Scheme currently provides for the award of Special Responsibility Allowance of £1110.00 to be made to the Chairman of the Staff Appeals Panel for any meeting held during each municipal year. As a result of the cessation of the operation of the Staff Appeals Panel, such SRA should be removed from the Members' Allowances Scheme from 2019/20.

### **Recommendations**

23. The draft revised Members' Allowances Scheme for the 2019/20 municipal year, incorporating the recommendations contained within this report is attached as Appendix 1. The Scheme has been subject to minor drafting amendments, primarily to reflect the Council's new management structure arrangements.
24. The Panel has also prepared a Statement of Implementation (based on the assumption that the Council will not increase the Basic Allowance or the implementation of any Special Responsibility Allowance other than as reflected in this report) for publication on the Council's website. The format of the statement illustrates the operation of the Members' Allowances Scheme, in terms of the implementation of Special Responsibility Allowances as proportions of the amounts provided in the Scheme. The Statement of Implementation of the Special Responsibility Allowances set out in the Members' Allowances Scheme, is attached as Appendix 2 to this report.
25. We have not considered changes to any other elements of the Members' Allowances Scheme, such as travel and subsistence allowances etc. These are generally remunerated at levels that also apply to officers of the Council and are subject to national application.
26. The Panel would like to thank Councillor R. Brookes for her contribution to the review of the Members' Allowances Scheme for 2019/20. We would also like to acknowledge the support and assistance of the Service Director (Governance and Member Services) and the Democratic Services Manager that we received in undertaking our annual review of the Members' Allowances Scheme.
27. We recommend as set out at the commencement of this report.

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**MEMBERS' ALLOWANCES SCHEME**

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## **EPPING FOREST DISTRICT COUNCIL - REMUNERATION AND EXPENSES SCHEME**

The Epping Forest District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 1990 and the Local Authorities (Members' Allowances) (England) Regulations 2001, hereby makes the following scheme:

### **1. Scheme**

- 1.1 This scheme may be cited as the Epping Forest District Council Members' Allowance Scheme and shall have effect for the period from 24 May 2019 to 23 May 2020.

### **2. Definition**

- 2.1 In this scheme:

**"business mileage"** means mileage incurred for journeys by Councillors between their homes and business venues or between the Civic Offices, Epping and business venues;

**"Councillor"** means a member of the Epping Forest District Council who is a Councillor;

**"home to office mileage"** means mileage incurred for journey by Councillors between their homes and the Civic Offices in Epping;

**"independent person"** means: (a) a member of the Standards Committee or the Remuneration Panel who is not an elected councillor; or (b) a co-opted member of an Overview and Scrutiny Committee or the Audit and Governance Committee who is not an elected councillor; and

**"year"** means the period ending with 26 May 2019.

### **3. Basic Allowance**

- 3.1 Subject to Paragraph 7, £4,300 shall be paid to each Councillor. Payments are subject to deductions for tax and national insurance dependant on the circumstances of individual councillors.

### **4. Special Responsibility Allowances**

- 4.1 For each year a special responsibility allowance shall be paid to those councillors who hold the special responsibilities in relation to the allowances specified in Schedule 1 to this scheme. Special responsibility allowances shall be calculated as multipliers of the Basic Allowance. There is no restriction on the number of separate SRA's which are payable to an individual member.
- 4.2 Subject to Paragraph 7, the amount of each allowance shall be the amount specified against that special responsibility in Schedule 1 for the year.
- 4.3 The Council has decided not to implement payment of the full Special Responsibility Allowance amounts and to restrict these to a percentage of each allowance as set out in an annual statement of implementation.

## **5. Travelling and Subsistence (including Cycle Allowance)**

- 5.1 These expenses may be claimed by members of the Council in connection with the carrying out of approved duties specified in Schedules 2, 3 and 4 of this scheme.
- 5.2 Payments may be claimed up to the maximum casual user rate set for officers of the Council as adjusted annually by the National Joint Council for Local Government Services (travel expenses) and the East of England Regional Assembly (subsistence expenses).
- 5.3 Payment of home to office car mileage will be subject to deduction of tax and national insurance contributions, dependant on the circumstances of individual councillors. Business mileage incurred by councillors will not be subject to such deductions if the mileage rate claimed does not exceed 45 pence per mile.
- 5.4 Claims for the payment of business and/or home to office mileage may be made by members that have been driven to the approved duty giving rise to the claim, other than by way of taxi or other form of public transport, subject to the Council's usual checks and controls and the provision of appropriate VAT receipts.

## **6. Child Care and Dependant Carers' Allowances**

- 6.1 The maximum rate for this allowance shall be set at a rate equivalent to the current National Living Wage.
- 6.2 A member of the Council or an independent person shall be eligible to claim up to four hours of the allowance for the performance of approved duties under this scheme and for the purpose of contributing to the cost of providing personal care to immediate dependants who are in need of care and supervision.
- 6.3 The rate applicable shall be subject to automatic increases on an annual basis in line with uprating of the National Living Wage.
- 6.4 The allowance is not payable in respect of carers who are members of the member's immediate and close family i.e. parents, children, spouses, co-habitees or members of the same household as the member.
- 6.5 All claims shall be subject to Audit checks and no claim in excess of the maximum level will be payable, whatever the circumstances.

## **7. Renunciation**

- 7.1 A councillor or independent person may by notice in writing given to the Governance Manager, elect to forego any part of his/her entitlement to an allowance under this scheme.

## **8. Part-year Entitlements**

- 8.1 The provisions of this paragraph shall have the effect of regulating the entitlements of a councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that councillor becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

- 8.2 If an amendment to this scheme changes and the amount to which a councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:
- (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect; or
  - (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the end of the year; and
  - (c) the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.
- 8.3 Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.
- 8.4 Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a councillor does not subsist throughout the period mentioned in such-paragraph (2)(a), the entitlement of any such councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole of the same proportion as the number of days during which his term of office as a councillor subsists bears to the number of days in that period.
- 8.5 Where a councillor has during part of, but not throughout a year such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of that allowance as bears to the whole of the same proportion as the number of days during which he/she has such special responsibilities, bears to the number of days in that year.
- 8.6 Where this scheme is amended as mentioned in sub-paragraph (2), and a councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (2)(a) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

## **9. Claims and Payments**

- 9.1 Payments shall be made in respect of basic and special responsibility allowances, subject to sub-paragraph (2), in instalments of one quarter of the amount specified in this scheme.
- 9.2 Where a payment of one-quarter of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the councillor receiving more than the amount to which by virtue of paragraph 8(1), he or she is



entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

- 9.3 Claims must be made within a period of one year of the duty being carried out. Payments after that period will only be made in exceptional circumstances.

## **10. Up-rating for Inflation**

- 10.1 There will be no inflationary adjustment to the allowances set out in this scheme, except those relating to travel and subsistence.

## **11. Co-optees' Allowance**

- 11.1 Co-optees' allowance will be payable to independent persons as set out in Schedule 5 to this scheme.

## **12. Withholding/Recovery of Payments**

- 12.1 Where any councillor or independent member has already received a payment in respect of any period during which they have been:

- (a) ceased to be a member of the Authority; or
- (b) not entitled in any other way to receive the allowance in respect of that period, the Council may require that such part of the allowance as relates to the period in question shall be repaid to the Authority.

## **13. Pensionable Status**

- 13.1 Remuneration payable to councillors of Epping Forest District Council under this scheme shall only be entitled to pensionable status in accordance with a scheme made under Section 7 of the Superannuation Act 1972, if the member opted in to the Essex Superannuation Scheme before 1 April 2014.

- 13.2 For the purposes of a Paragraph 13.1 above basic allowance and special responsibility allowance will be treated as amounts in respect of which such pensions are payable in accordance with a scheme under that Act.

- 13.3 The Local Government Pension Scheme (LGPS) (Transitional Provisions, Savings and Amendment) Regulations 2014 removed access to the LGPS for Councillors from 1 April 2014, with the exception of those who were members of the Scheme on 31 March 2014, who retain access to the LGPS up to the end of their current term of office only (or to age 75 if earlier).

## **14. Further Guidance**

- 14.1 Further guidance on this scheme can be found in Appendix 1.

## SCHEDULE 1

### SPECIAL RESPONSIBILITY ALLOWANCES

1. The following are specified as the special responsibilities in respect of which special responsibility allowances are payable and the amounts of those allowances.

| DUTY  | ANNUAL TOTAL AMOUNT OF SRA  |
|---|---|
| Chairman of the Council                                   | £10,750.00  |
| Vice-Chairman of the Council                              |   |
| Leader of the Council                                     | £10,750.00  |
| Cabinet Members   | £6,450.00 (each)  |
| Chairman of the District Development Management Committee | £3,225.00   |
| Chairmen of the Area Plans Sub-Committees                 | £3,225.00 (each)  |
| Chairman of the Overview and Scrutiny Committee           | £4,300.00   |
| Chairman of the Licensing Committee                       | £500.00   |
| Chairmen of the Licensing Sub-Committees                  | £2,225.00 (allocated according to the number of meetings chaired each year) |
| Chairman of the Audit and Governance Committee            | £2,150.00   |
| Chairmen of the Overview and Scrutiny Select Committees   | £2,150.00 (each)  |
| Chairman of the Standards Committee                       | £110.00 per meeting held each year  |
| Chairman of the Constitution Working Group                | £500.00   |

## SCHEDULE 2

### APPROVED DUTIES

1. The following are specified as an approved duty for the purpose of the payment of travelling and subsistence expenses, attendance at any of the following:
  - (a) a meeting of the authority, the Cabinet, a Cabinet Committee, the Overview and Scrutiny Committee and its Panels, the Standards Committee and its Sub-Committees, or as a member of any other Committee or sub-committee, panel, working group, special committee or board of the authority;
  - (b) any other meeting held by the authority provided that:
    - where the authority is divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited; or
    - if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
  - (c) duties relating to the supervision of tender opening as required by the Council's Procurement Rules;
  - (d) attendance as representative of the Council at any approved conference or meeting of the outside organisations set out in Schedules 3 and 4;
  - (e) attendance at any meeting or other official function at the request of the Chief Executive, the Strategic Directors or a Service Director, including meetings between group representatives for a particular Committee and officers;
  - (f) any other duty approved by the Council or the Cabinet or any other committee, sub-committee, special committee or Board or Panel or any duty of a class so approved, for the purpose of, or in connection with, the discharge of functions or the body, or of any of its committees or sub-committees;
  - (g) attendance by a councillor at a meeting of which he or she is not a member for the purpose of explaining a motion referred from the Council;
  - (h) attendance as a councillor at the invitation of the Local Government Ombudsman for the purpose of investigating a complaint against this Council of maladministration;
  - (i) attendance as an appointed representative of Epping Forest District Council at any meeting of Essex County Council or any of its committees or sub-committees for the purpose of formal consultations on any matter affecting the powers or duties of this Council or the district or any part thereof;
  - (j) attendance on behalf of the Council or the Cabinet or as a Chairman on behalf of a Committee at an official function;
  - (k) attendance at seminars and training courses arranged by the authority;
  - (l) consultation meetings arranged by the authority where the member's attendance is required or where the business directly affects the member's ward;

- (m) site visits arranged by Area Plans Sub-Committees or the District Development Management Committee;
  - (n) informal site visits by individual councillors in respect of their duties as members of an Area Plans Sub-Committee;
  - (o) attendance at a meeting concerning joint working or partnership arrangements to represent the Council's interests; and
  - (p) attendance at any civic event to which the Chairman or Vice-Chairman is attending in that capacity (or representative) for which Council funded transport is not provided.
2. There is specified as an approved duty for the purpose of paying travelling and subsistence expenses attendance at any of the outside organisations shown in Schedule 4.
  3. Attendance by members of the Council at meetings of outside organisations not shown in Schedule 4 shall NOT qualify for payment of travelling and subsistence expenses.

### **SCHEDULE 3**

#### **CONFERENCE AND MEETINGS**

|   |  |
|---|--|
| Conference and meetings organised by any person or body who is not doing so by way of trade nor whose objects are wholly or partly political, attendance at which is authorised by or on behalf of the authority and which does not involve an absence overnight from the councillor's normal place of residence.       | Appropriate subsistence and travelling expenses (second class return rail fare or car mileage at the appropriate rates whichever is the less if travel outside the Epping Forest District is required).    |
| Conferences and meetings organised by any person or body who is not doing so by way of trade, nor whose objects are wholly or partly political, attendance at which is authorised by or on behalf of the authority and which involves an absence from the councillor's normal place of residence of one or more nights. | Appropriate subsistence and travelling expenses (second class return rail fare or car mileage at the appropriate rate whichever is the less if travelling outside the Epping Forest District is required). |

### **SCHEDULE 4**

#### **OUTSIDE ORGANISATIONS**

Attendance as appointed representative of the Council on any outside organisations, such attendances being deemed approved duty for the purpose of paying subsistence and travelling expenses.

## SCHEDULE 5

### CO-OPTEEES' ALLOWANCE

|   |                   |
|---|-------------------|
| Independent Persons affiliated to the Standards Committee                   | £500.00 per annum |
| Independent Members of the Remuneration Panel and Parish Remuneration Panel | £250.00 per annum |
| Co-opted members of the Audit and Governance Committee                      | £500.00 per annum |
| Co-opted independent members of an Overview and Scrutiny Committee          | £500.00 per annum |

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**MEMBER REMUNERATION SCHEME**

**EPPING FOREST DISTRICT COUNCIL  
GUIDANCE NOTE ON ALLOWANCES AND EXPENSES FOR MEMBERS**

**1. INTRODUCTION**

- 1.1 A Councillor is eligible for the payment of attendance allowances and for reimbursement of travel and subsistence expenses in respect of approved duties carried out on behalf of the Council. An approved duty is one which has been authorised by or on behalf of the Council in advance.
- 1.2 The Council has a formal scheme for allowances which is updated from time to time. A copy of the scheme is set out in the Constitution. This note is of a more informal nature and is designed to assist members in dealing with their claims and explaining the arrangements to the public.

**2. BASIC ALLOWANCE**

- 2.1 This is a flat rate allowance payable to all members of the Council. This annual amount is paid in quarterly instalments. Members do not have to claim this amount. The full amount of the Basic Allowance is £4,300.00 per member, per annum.
- 2.2 The Council requires each of its elected councillors to be registered as a data controller in accordance with the provisions of the Data Protection Act 2018. Although members are responsible for their individual compliance with the data protection principles of the General Data Protection Regulation, the Council coordinates the registration (and annual renewal) process on behalf of members and an amount of £40.00 is therefore withheld from the Basic Allowance each year to meet the registration fee imposed by the Information Commissioner.

**3. SPECIAL RESPONSIBILITY ALLOWANCE**

- 3.1 This is a special allowance payable to the Leader, Cabinet members and certain Chairmen. It is designed to reflect the additional responsibilities of these office holders. This amount is paid in quarterly instalments during the year and does not have to be claimed.
- 3.2 The Special Responsibility Allowance applicable to the chairmen of the Standards Committee and the Licensing Sub-Committees is applied on a 'per-meeting' basis and is paid in a single instalment at year-end.
- 3.3 The Council has decided not to implement payment of the full Special Responsibility Allowance amounts and to restrict these to a percentage of each allowance set out in the Scheme.

**4. TRAVEL EXPENSES**

- 4.1 Members may re-claim reasonable travel expenses (including public transport tickets, taxi fares, parking costs where appropriate subject to submission of evidence of expenditure) in respect of approved duties as defined in the scheme (Schedule 2).

### **Car Travel**

- 4.2 The normal rates for car travel are the same as the higher rates paid to officers classed as casual users. Claims must be fixed on the rates applicable at the time of the journey. These rates are set out on the claim form and are reviewed annually.

### **Shortest Distance**

- 4.3 Claims for car travel should be by reference to the shortest distance from home to the Council offices or other venue for the approved duty concerned. No claim for additional expenses will be entertained unless there is a valid reason for incurring the additional mileage.

### **Travel Direct from Place of Employment etc**

- 4.4 For claims involving direct travel from a Councillor's place of employment (or other departure point) for an approved duty, the distance claims shall be limited to the home to meeting venue element of the journey. All such claims must be endorsed "CLAIM LIMITED" on the form.

### **Travel outside the District – Limit on Amount Claimable**

- 4.5 For journeys to approved meetings outside the District or by members resident outside the district, claims irrespective of mode of travel must not exceed the lower of:
- (a) second class return rail fare plus underground and other fares from station to destination at each end of the journey; or
  - (b) the appropriate car mileage.
- 4.6 This is subject to consideration of any special circumstances as set out in 4.7 below.

### **Travel over Long Distances – Special Circumstances**

- 4.7 If, for any reason, a councillor undertakes travel over long distances or from outside the District, members are advised to contact the Governance Manager in advance for advice on what would constitute a reasonable claim in the circumstances.

### **Use of Public Transport within Epping Forest District**

- 4.8 The rate for travel by public transport must not exceed the ordinary fare (or any available cheap fare). A member may not claim travelling expenses in respect of a single duty from more than one body. In all such claims evidence of expenditure (i.e. tickets or other receipts) MUST be provided. No claim will be allowed without such evidence.

### **Cycle Allowance**

- 4.9 This allowance is payable at the highest of the higher casual rates paid to officers classed as casual users.

### **Child and Dependant Carer's Allowance**

- 4.10 This allowance may be claimed at a rate equivalent to the current rate for the National Living Wage. Certain conditions are set out in the Scheme.

## **5. SUBSISTENCE EXPENSES**

- 5.1 Subsistence expenses (covering refreshments and meals etc paid for by a member) are claimable by councillor in respect of making attendances connected with approved duties on behalf of the Council. The rates for such expenses are set out (by reference to meal time and periods of absence) on the reverse of the form which is supplied to members on a quarterly basis. These rates may not be exceeded. Periods of absence will be calculated on the basis of departure from home or place of work if it is not possible to return home in the time available.
- 5.2 All claims for subsistence must be accompanied by receipts in respect of meals etc as evidence of expenditure actually having been incurred. No claims will be allowed in the absence of such evidence.
- 5.3 Special arrangements exist in respect of subsistence expenses in respect of duties involving an absence overnight from a councillor's normal place of residence. These are outlined under Section 7 relating to conferences.
- 5.4 A councillor may not claim subsistence expenses in respect of a single duty from more than one body.

## **6. CONFERENCES**

- 6.1 Attendance at Conferences and payment of allowances and expenses are subject to prior approval by the Council, Cabinet, appropriate committee, Leader or Deputy Leader in all cases.
- 6.2 All conferences deemed to be approved duties shall, in accordance with statutory requirements, be relevant to the District and not wholly or partly commercial or political in their objectives.

### **Allowances for Attendance at Conferences (Involving an Absence from Home)**

#### **(a) Subsistence - Nights Away from Home**

- 6.3 For conferences involving one or more night's absence, claims can be made for reasonable day or overnight expenses that are necessarily and exclusively incurred in the attendance as an authorised representative of the Council at a meeting, conference or seminar that it held outside of the Epping Forest District.

#### **(b) Claims for Subsistence**

- 6.4 These claims should cover such items as hotel bills, refreshments, meals (other than free meals which should be discounted) and similar items. No claims will be allowed unless evidence is provided of all expenditure being claimed. All relevant bills and receipts should be forwarded to the Governance Manager with claims.

#### **Travel Claims**

- 6.5 The guidance outlined under paragraph 4.5 will apply to all conferences.

## **7. TAXATION AND NATIONAL INSURANCE IMPLICATIONS**



7.1 Details of the tax and national insurance implications of allowance payments and expenses claimed are available through Democratic Services. In such matters, members are advised to seek advice from their tax office in the event of any concerns.

7.2 Supplementary Note Regarding Treatment of Claims for Travel Expenses by Car for Tax and National Insurance Purposes.

**(a) Travel by Car – Councillors’ Homes to Civic Offices Expenses (“Home to Office Mileage”)**

7.3 Her Majesty’s Revenue and Customs (HMRC) deems a councillor’s workplace for the purposes of their role as an elected representative to be the Civic Offices, Epping. From April 2016, ‘Home to Office Mileage’ is no longer subject to tax and national insurance deductions, provided that the distance between a councillor’s home and the Civic Offices is no more than 20 miles.

7.4 If the upper rate of mileage is also claimed (any amount above 45p per mile) this part of the payment will be treated as a taxable benefit and national insurance will be deducted. A petrol/diesel VAT receipt will be required to be submitted with all claims before payment can be made, which must predate the first date of mileage on the submitted claim. The receipt must also be dated within a reasonable timeframe of the first journey for which a claim is made.

**(b) Travel by Car – Councillors’ Homes to Other Venues or Civic Offices to Other Venues for the Purposes of Council Business (“Business Mileage”)**

7.5 HMRC has determined that such travel shall not be subject to tax or national insurance deductions except where the rate of reimbursement exceeds 45 pence per mile. Travel to any meetings of the Council or its subordinate bodies which are held at a location other than the Civic Offices is deemed to be business mileage.

**(c) Second Journeys**

7.6 Second journeys will be subject to taxation and National Insurance deductions depending on whether the journey constitutes home to office or business mileage.

**8. ALTERATION OF CLAIMS**

8.1 All claim forms submitted by members are checked by Democratic Services. The Governance Manager is authorised to reduce incorrect claims in the following circumstances:

- (a) where a member does not attend at a claimed meeting;
- (b) where a claimed meeting is not approved;
- (c) where an incorrect amount of allowance is claimed; and
- (d) where a correct date has not been claimed.

8.2 Any changes under paragraph 8.1 will be notified to members after the claim form has been processed. Any other problems with members' claims will be referred back for the claimant and processing of the claim will not take place until the query has been clarified.

## **9. INTERPRETATION**

- 9.1 These guidelines are subject to the overall interpretation of the Chief Executive as to what constitutes a reasonable claim in any individual circumstances.

DRAFT

## 10. DOCUMENT HISTORY

| Prepared/Revised | Written by                                | Agreed/Authorised                                   | Details of Change(s)                        |
|------------------|---|---|---|
| November 2015    | S. Tautz<br>(Democratic Services Manager) | Remuneration Panel (17/11/15)<br>Council (15/12/15) | Review of Scheme for 2016/17 municipal year |
| October 2016     | S. Tautz<br>(Democratic Services Manager) | Remuneration Panel (28/9/16)<br>Council (20/12/16)  | Review of Scheme for 2017/18 municipal year |
| November 2017    | S. Tautz<br>(Democratic Services Manager) | Remuneration Panel (30/10/17)<br>Council (21/12/17) | Review of Scheme for 2018/19 municipal year |
| November 2018    | S. Tautz<br>(Democratic Services Manager) | Remuneration Panel (29/11/18)<br>Council (20/12/18) | Review of Scheme for 2019/20 municipal year |

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## SCHEME OF MEMBERS' ALLOWANCES - STATEMENT CONCERNING IMPLEMENTATION 2018/19

**The following scheme has been agreed for the period  
from 24 May 2019 to 23 May 2020**

The Council decided at its meeting on 21 December 2017 to implement the amount of Basic, Special Responsibility and Co-optees Allowances provided in the scheme as set out below:

| BASIC ALLOWANCE | ANNUAL BASIC ALLOWANCE | IMPLEMENTATION OF BASIC ALLOWANCE |
|-----------------|------------------------|-----------------------------------|
| All Councillors | £4,300.00              | £4,300.00 (100%)                  |

The amounts set out below show the amounts of Special Responsibility Allowance (SRA) payable during the year:

| DUTY  | ANNUAL SPECIAL RESPONSIBILITY ALLOWANCE | IMPLEMENTATION OF SPECIAL RESPONSIBILITY ALLOWANCE |
|---|---|--|
| Chairman of the Council                                   | £10,750.00 (total)                      | £8,600.00 (80%)                                    |
| Vice-Chairman of the Council                              |   | £2,150.00 (20%)                                    |
| Leader of the Council                                     | £10,750.00                              | £7,875.00 (73%)                                    |
| Cabinet members   | £6,450.00 (each)                        | £6,300.00 (98%)                                    |
| Chairman of the District Development Management Committee | £3,225.00                               | £2,362.00 (73%)                                    |
| Chairmen of the Area Plans Sub-Committees                 | £3,225.00                               | £2,362.00 (73%)                                    |
| Chairman of the Overview and Scrutiny Committee           | £4,300.00                               | £3,150.00 (73%)                                    |

|   |   |   |
|---|---|---|
| Chairman of the Licensing Committee                     | £500.00   | £500.00   |
| Chairmen of the Licensing Sub-Committees                | £2,725.00 (allocated according to the number of meetings each year) | £1,862.00 (allocated according to the number of meetings each year) (73%) |
| Chairman of the Audit and Governance Committee          | £2,150.00   | £2,150.00   |
| Chairmen of the Overview and Scrutiny Select Committees | £2,150.00   | £2,150.00 (each)  |
| Chairman of the Standards Committee                     | £110.00 (per meeting)   | £110.00 (per meeting)   |
| Chairman of the Constitution Working Group              | £500.00   | £500.00   |

**The amounts payable during the year for independent and co-opted members are:**

|   |         |
|---|---------|
| Independent Persons affiliated to the Standards Committee                   | £500.00 |
| Independent Members of the Remuneration Panel and Parish Remuneration Panel | £250.00 |
| Co-opted members of the Audit and Governance Committee                      | £500.00 |
| Co-opted independent members of an Overview and Scrutiny Committee          | £500.00 |

**A copy of the full scheme is available on request from Democratic Services, Civic Offices, High Street, Epping, CM16 4BZ.**

## ***Report to the Council***

**Committee:** Cabinet

**Date:** 20 December 2018

**Subject:** Business Support Services

**Portfolio Holder:** Councillor G. Mohindra

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**Recommending:**

**That the report of the Business Support Services Portfolio Holder be noted.**

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### **Accountancy**

The Local Government settlement was original expected on 6<sup>th</sup> December however this has now been delayed until after the Brexit vote on the 11<sup>th</sup>. It is hoped that the Governments proposal to remove negative Revenue Support Grant will be honoured and assurances have been given that the usual consultation period will not be truncated as a result of this delay, having said that it will give less time to analyse the outcome which isn't particularly helpful.

We are still awaiting information on the Fair Funding Review (FFR) and what the arrangements will be for the consultation. It is intended that responses to the consultations will be considered by the Resources Select Committee as and when a response is required. The settlement should hopefully give some more clarity around the timetable for this and also whether the 75% Essex Business Rates Pilot bid has been successful or not.

The budget process is continuing with the detailed General Fund and HRA budgets as well as the overall budget commentary due at Finance and Performance Management Cabinet Committee on 24<sup>th</sup> January 2019. The process will continue onto Cabinet on 7<sup>th</sup> February culminating in the budget setting report due at Council on 21<sup>st</sup> February. The process this year has been a little more involved mainly because of the continuing change as a result of the People Strategy implementation.

Going forward, Accountancy will be providing support to the St Johns Road and Accommodation Review projects as ensuring the financial aspects of both these schemes are fully evaluated will be an important part of the project teams work.

### **Support Services**

The apprentices are organising a charitable event, for all staff to donate to Save the Children's 'Christmas Jumper Day' on 14 December. The apprentices are appearing on the front page of District Lines edition 96, wearing their Christmas Jumpers to promote the event.

Apprentices will be hands-on at the 'Careers-fest stand' at Epping Forest College on 31 January, to promote the advantages to students in joining the Council's successful apprenticeship programme, by gaining qualifications and experience at the same time.

We are very pleased to report that 8 of the Council's business administration apprentices have passed their Level 2 apprenticeships, which is equivalent to a GCSE level. This includes several of them improving their Maths and English GCSE results to a Grade C. Another apprentice will have passed their Level 3 apprenticeship in January, which is equivalent to an A Level.

The latest national achievement rates for apprenticeships is currently at 67% out of 100 apprentices who complete the programme. The Council currently has a 100% completion rate for this cohort.

The apprentices have now started their Level 3 qualifications and have moved across to other service areas within the Council, to gain valuable experience. Brandon Alford, who started as one of this cohort's Business Administration apprentices, has now been offered an AAT Accountancy apprenticeship with Accountancy in a career graded role.

Work is progressing on implementing the People Strategy. The new structure (i.e. Common Operating Model), continues to be developed and implemented. Officers are working with the trade unions on a new pay and grading structure, the initial meetings have just taken place and work is on-going. The Council's HR/Payroll IT system continues to be rolled out.

The Council has launched a Winter Wellness Programme where anti-bacterial hand wash has been introduced along with regular washing of door handles with the intention of trying to reduce the number and spread of infections during the winter months. Also publicising a flu jab scheme, the Council operates through a local pharmacy for staff.

### **Legal**

At Chelmsford Magistrates Court on 15 November 2018 a prosecution was brought by the Council against Mr. Halil Kanteper of Stoke Newington Road, London N1, for carrying out unauthorised work to the listed building at 309 High Street, Epping known as Poppy's Café and the first floor of that building. Mr. Kanteper pleaded guilty to the offence and was fined £1,200 and ordered to pay costs of £500 and a victim surcharge of £120.

Consents had been granted in 2016 and 2017 for an extension and conversion of the first floor into 2 flats and for a replacement shop front at the property, but on 15 August 2017 the Council was alerted to the possibility of work being carried out to the listed building which was more extensive than contained in the permissions granted. Council Officers visited the property the same day and it was immediately clear, that substantial unauthorised work had been carried out, including walls being stripped of their historic lath and plaster, ceilings floors and joists removed in their entirety and stud walls being removed. Work is being carried out now in conjunction with new planning approvals.



On the 29 May 2019 the Council was alerted by a member of the public, to the fact that work was being carried out at 19 Hartland Road, Epping adjacent to a cedar tree that was protected by a Tree Preservation Order made in 2001.

The work being carried out was the construction of a new driveway at the property. An inspection revealed that several significant roots of the tree had been cut and that no consent had been sought or obtained from the Council as required in the Tree Preservation Order.

Both Mr. Kingsley and Mr. Delaney were prosecuted by Epping Forest District Council and at the hearing in Chelmsford Magistrates Court on 15 November 2018. Mr. Kingsley pleaded guilty to the offence of causing or permitting the cutting of the tree roots without consent. He was given an absolute discharge and ordered to pay a contribution towards the Council's costs of £200. Mr. Delaney failed to attend and was convicted in his absence of cutting the roots. He was fined £660 and ordered to pay the balance of the Council's costs of £945.32 and a Victim Surcharge of £66.

### **Technology**

The rollout of approximately 500 laptops is now largely complete, on time and within budget, enabling agile and home working. All old stock of equipment is now being reallocated and dispatched to other sites and will be used by staff who are unable to adopt flexible working.

Testing is now complete for enhancing to Blackberry Good to enable a secure printing solution.

The Council's remote working solution, Virtual Private Network (VPN) is being replaced by a more flexible online solution. The system is now capable to have a pc based soft phone.

Background work is now in progress for the technology support to the Planning system, which is due to begin formal testing in the final quarter of 2018/19. Similar preparatory work is in progress for the transfer of email system to the cloud using Office365, which will greatly increase resilience of our email and reduce our future requirements for on premises data storage.

The new SharePoint based intranet facility is planned to live in January 2019, Members access is being planned and introduced once the main system has embedded down.

### **Gazetteer & Street Naming and Numbering (Spatial Information Team)**

Enhancements to property classifications a new statutory requirement from central government - have now been completed, with 5000 records updated since the last report and 9000 in total since September. These classifications identify specific types and uses of every residential property within the district.

The project to link to Capita Academy is now awaiting resource from the business area, but we now have an implementation plan available when ready.

Our gazetteer is now rated Silver in the current Geoplace improvement schedule and is just a few points away from an overall Gold rating. The Council's replacement Street Naming and Numbering solution is now live and is offering improvements to our Planning colleagues. Collaborative working with the parish councils we have been able to encourage developers to use names preferred by the parish.

### **Geographical Information System - GIS (Spatial Information Team)**

Grounds Maintenance is now piloting a mobile survey solution for their Basic Tree Maintenance (BTM) process, and we are already in the process of designing a similar solution for their playgrounds maintenance.

A new mobile app for the waste development team is now complete and fully tested with January 1 the go live date.

Central reporting tool for Street Cleaning and Waste Collection to be able to check which streets have been cleaned and which bins have been collected. Both randomly select from the waste contractors daily work for inspection and reporting.

We have also been working on several nearly new web pages for the new website this supports the following pages:

- Who is my Councillor, and which is my Town/Parish council?
- What is my Council Tax band and cost?
- Where is my Polling Station?
- When is my Waste Collection?

We have created a web mapping application for Essex Police, giving them full access to our CCTV mapping which shows the location and direction of all the Council's CCTV. This enables better partnership working and reduces requests from the police where we don't have coverage as they can now accurately see the locations.

### **Digital Forms Team**

Works is underway to move data from the old No lone working visit to the new accompanied attendance is being completed, to be self-managed and saving officer time.

Our new complaints and escalation process is now live and working well and automatically saving officer time and ensure statutory deadlines are met.

Several new forms and processes for the public and internally for the Customer Relationship Management system are now live, including reporting dead animal, noise and graffiti. We now have a new missed bin reporting system which enables information from Biffa and our systems.

A UAV flight was carried out on Remembrance Sunday commemorations at Bobbingworth Park. Despite the weather, they were able to collect some good

video and images that were used by Corporate Communications. Chairman starts Remembrance Sunday march:  
<http://www.eppingforestdc.gov.uk/news/?p=37205>

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# ***Report to the Council***

**Committee: Cabinet**

**Date: 20 December 2018**

**Subject: Commercial and Regulatory Services**

**Portfolio Holder: Councillor A. Grigg**

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## **Recommending:**

**That the report of the Commercial and Regulatory Services Portfolio Holder be noted**

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## **Public Health Team**

The team will be utilising social media to promote the Food Standards Agency (FSA) festive safe food campaign. It is often the case at this time of year that we see a spike in food poisoning incidents due to people using unsafe food preparation practices in the home.

The team have recently embarked on a pilot project co-ordinated by the FSA to develop on line enhanced Food Business Registration as part of the FSA Regulating Our Future program.

In relation to air quality, we continue to monitor levels of Nitrogen Dioxide (NO<sub>2</sub>) at 31 locations across the district. We retain one Air Quality Management Area (AQMA) at Bell Common. Complaints relating to air quality and nuisance have been received and investigated. Standard conditions that incorporate mitigation measures are in the process of being updated with planners to minimise environmental impact from the emerging Local Plan.

We have recently undertaken monitoring in businesses utilising charcoal to cook food, (BBQ and Tandoori ovens) for Carbon Monoxide (CO). Monitoring is to ensure employees and those living above such premises are not exposed to dangerous levels of CO.

A project to ensure the health and safety of care staff in residential care homes is starting in the New Year, focussing on staff safety when moving residents, this project is in line with national priorities and the HSE 'Go Home Healthy' campaign.

## **Private Sector Housing**

As part of the Government's objective to deal with rogue landlords, new legislation that came in force on 1 October 2018 extended the requirement for mandatory HMO licensing to include all HMOs of any storey whereas it previously applied only to the larger 3 storey properties. Since 1 October 2018 landlords are committing an offence by operating a licensable HMO without a licence.

An on-line HMO licence application process was introduced in time for the October deadline to make it easy for landlords to apply and to streamline the process and make it more efficient for officers to administer. A review of the Councils procedures and charges for HMO licensing was carried out and approved earlier in the year in anticipation of the additional properties likely to be involved. It is designed to be self- funding without making profit and uses a risk-based approach towards property standards and management that rewards good landlords with well-run properties and encourages compliance.

The extended licensing scheme was widely publicised for several months leading up to the 1 October deadline including an 'HMO licence toolchecker' to help landlords determine

whether they need a licence for their property. To date 38 additional HMOs have been licensed resulting in an income to the Council of £31,414.00.

Going forward officers will be taking proactive steps to identify HMOs that require a licence but do not have one, taking enforcement action by issuing civil penalties or taking prosecutions where appropriate.

### **Building Control**

Recently we have been successful in winning a partnership contract with Weston homes for the extension of their own offices "Skyway House" at Takely, the construction of 217 apartments in a fifteen-storey tower block and the erection of 92 flats in Westcliff.

Officers were also closely involved in a dangerous structure call-out for the incident at Tesco's in Theydon Bois. It was clearly disruptive for residents but no individuals were put at risk over the period of the incident.

### **Licensing Team**

It's a busy time of year in licensing , we are currently renewing all of our three yearly taxis. We are also carrying out inspections under the Animal Welfare Act for riding schools, dog & cat boarding, pets shops, aquatic & reptile centres.

New regulations were published in October that have made the inspections of these establishments more comprehensive. We are ensuring that all of the establishments are compliant with the new legislation and will work with licensees giving expert advice and assistance to ensure that they meet the requirements.

### **Estates and Valuations**

Epping Forest Shopping Park – all units are now let. The last letting was to Boots who opened on 31 Oct. We have experienced some parking issues, which are being resolved by using parking marshals and issuing Penalty Charge Notices and using Automatic Number Plate Recognition. There have been some issues with leaks to the roof and we are awaiting a report on the cause of the problem. All of the retailers on the site report very good trading figures.

Broadway – The old Save the Children unit is under offer and the Green Owl owner has submitted application to sub-let to another restaurant operator. Lettings to Caribbean Restaurant and Subway have been completed and they are now fitting out. Retail impact assessment is due to be published shortly and will be formally presented to Asset Management & Economic Development Cabinet Committee in January.

Landmark - New letting agent has been appointed and there is new interest in the corner unit. The lease to the Mediterranean restaurant is complete and the tenant is fitting out. The Pub lease is close to completion.

St John's Road – is progressing well with the leisure operator and we are seeking to formally appoint consultants to move development forward.

North Weald Airfield – officers are working to prepare a design brief for a draft masterplan in accordance with the draft Local Plan. The first draft is anticipated by mid-January. The process to re-tender the market contract is about to commence. Interim terms with existing operator have been agreed and currently being documented.

Pyrles Lane Nursery site – in solicitors hands. Heads of terms for sale agreed. Site and title investigations on-going.

# ***Report to the Council***

**Committee:** Cabinet

**Date:** 20 December 2018

**Subject:** Community and Partnerships Services

**Portfolio Holder:** Councillor S. Kane

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**Recommending:**

**That the report of the Community and Partnerships Services Portfolio Holder be noted.**

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## **Community Safety**

### **Community, Health and Wellbeing (CHW)**

**Award Nomination:** The Council's Disability Inclusion Project has been shortlisted in this year's Active Essex Services to Inclusive Sport Award. The project provides 25 sport and leisure opportunities per week for children, young people and adults with various disabilities in the Epping Forest District. The Award will be given to an organisation that has made a significant contribution in the last year, to advancing sport and physical activity for people with disabilities.

**Stay Well This Winter Events:** CHW in partnership with West CCG have delivered four "Stay Well This Winter" events to help residents prepare for the cold spell ahead. These free, informative health and wellbeing events provided an opportunity for residents to speak to local service providers including; pharmacists, Community Nurses, NHS specialist providers and local voluntary organisations, to learn about keeping warm, fit and healthy over the winter months. This year the events took place in Nazeing, Ongar, Epping and Fyfield and over 240 older people attended and 14 different partner organisations supported the delivery.

**Junior Park Runs:** With funding from Epping Forest Public Health Grant, the District now has a Junior Parkrun, based at Roding Valley Recreational Ground. This volunteer lead event takes place every Sunday at 9am and all participants have to do to take part is register online. To date over 200 young people have taken part, with numbers rising by the week!

**Buckhurst Hill Social Isolation Project:** This new project was launched following work with West CCG and local doctors' surgeries in Buckhurst Hill and Chigwell, which identified a high number of older people presenting to GP's with symptoms of isolation and loneliness rather than medical conditions. Partners including Community Agents, Community Matrons, doctors, West CCG, Essex County Fire and Rescue, Independent Age, VAEF, Waitrose and Buckhurst Hill Parish Council, are now working together to support local residents through sustainable, community-led social action. It is hoped that in doing so, social connections will be strengthened, and experiences of isolation and loneliness will decrease. A multi-agency Action Plan has been developed with a set of recommendations and is available from Patrick Arnold, Senior Community Engagement Officer.

**Community Champions:** Linked to the above, ten district Community Champions have now been recruited from the following Parish and Town Council areas: Buckhurst Hill, Chigwell (x 2),

Loughton, Nazeing, Ongar, The Lavers, Theydon Bois, Waltham Abbey and Willingale. To date, Community Champions have attended a number of peer group meetings, undertaken an induction session, completed a Dementia Friends Awareness session and basic Safeguarding training. They have already been busy out in their communities and promoted and attended the Stay Well This Winter events. Many have also produced articles for their Parish magazines and organised coffee mornings to promote the work of the Community, Health and Wellbeing Team. In Buckhurst Hill the Community Champion has promoted a number of community events via social media and co-ordinated a group for consultation as part of Essex County Council's wider Social Isolation project group.

**Epping Forest Youth Council:** The Youth Council Drugs Awareness Project is now complete and the young peoples` full report is available for Members and partner organisations. Youth Councillors consulted with around 3200 local young people, and also took on board concerns shared by adult Councillors and their constituents, about drug taking amongst teenagers. The impact on the wider community and environment caused by drug taking and, specifically, discarded NO2 canisters, was identified as a major concern facing people living in the Epping Forest District. In response to this the Youth Council has undertaken and delivered:

- 1) A one-day event to clean up Nitrous Oxide cannisters
- 2) A drug awareness poster campaign which featured on local buses
- 3) An anonymous on-line survey
- 4) The production of a project report and associated recommendations for key agencies

Next on the agenda for the Youth Councillors is a project to keep young people safe. A practical guide to personal safety, including how to avoid becoming involved in a gang and an awareness of issues such as County Lines, is in the planning. Expert advice is being gathered through close work with Essex Police and wider agencies in the development of the project.

## **Economic Development**

**Business support:** The Team continues to work to attract external grant funding for businesses within the District, although the Officer leading this work has secured another role in the council and the team is looking at how this can be resourced in the short term pending the organisational review. Work on the current Eastern Plateau LEADER programme which supports projects that will benefit the rural economy has so far approved investment of more than £300,000 locally and the Team is working to ensure that local projects earmarked for awards progress to completion.

Economic Development supported the Chairman of Council in hosting an event for local businesses in late November, with over 70 partners in attendance. Councillor Bassett has stated that he wishes to use his period as Chairman to understand what the district Council can do to help local businesses thrive, and celebrate the contribution our businesses make to the life of the district.

**Visitor Economy:** Our annual Tourism and Visitor event was held on 26 October at the Marriott Hotel Waltham Abbey, with sponsorship from the Marriott Hotel. The topic for this year's event was better cross border working to build the tourism economy. The event was attended by over 70 local businesses and other stakeholders, who were joined by colleagues from across west Essex, eastern Hertfordshire and beyond. Speakers highlighted the opportunities for enhanced cross border working and the results of the annual tourism value study were presented. This study showed a total value to the districts economy from tourism and visitor spend had reached £226 million, up by 7% on the previous year, while many other areas of the UK had seen in a fall in the value of this sector. The Tourism Conference report, which contains details of the presentations and the outcomes of the event is now available from the Economic Team. An



initial meeting of council officers and members from East Herts, Harlow, Broxbourne, and Uttlesford will be reconvened to explore a more formal link up of tourism promotion and coordination following the conference.

The Visit Epping Forest website continues to grow and the board has set a target of 250,000 individual users for this year. Work continues to progress for a major Food Fair in 2019 for Waltham Abbey on 05 and 06 May, which will involve many local partners including Waltham Abbey Town Council, Waltham Abbey Church, Waltham Abbey Town Partnership, Vibrant Partnerships, Epping Forest District Museum, Abbey View Produce, P A Sparks and Sons Ltd and One Epping Forest. A bid from Waltham Abbey Town partnership to the Town Centre's Fund is anticipated to help fund this important event.

**Epping Forest District Skills Board:** Members of the team have met with the new leadership of Epping Forest College to relaunch the Skills board. The joint principal of Epping Forest and Redbridge Colleges has confirmed their wish to continue supporting this programme and it is hoped the next meeting will be held early in the New Year.

### **Superfast Broadband High-Speed Internet**

Whilst the new Phase 4a Superfast Essex broadband project remains at a very early planning stage, discussions between Superfast Essex, BDUK and Gigaclear have resulted in a revised timetable for delivery of the programme being issued. It is planned that all proposed works will be completed by July 2020.

At the time of writing the next in the series of ongoing Smart Place Seminars, Future Proofing Garden Towns Through Digital, delivered by the Essex & Herts Digital Innovation Zone, was scheduled to take place on 14 December at the Chesterford Research Park. The seminar will explore the opportunity to ensure future garden communities are future-proofed for all ages from their inception and design. Works has also continued to promote and raise the profile of the Essex and Herts Digital Innovation Zone (DIZ) with numerous engagement events undertaken. Officers and Members engaged directly with DCMS to discuss upcoming 5G Funding programmes and representatives from Southend Borough Council and Business Partnership were hosted to discuss potential synergies between the DIZ and Southend Borough Council's own approach to digital technologies and service delivery.

### **Museums, Heritage and Culture (MHC)**

**Take Over Day:** Takeover Day is a national celebration of young people's contributions to museums, galleries, arts organisations, archives and heritage sites. It's a day on which they work alongside staff and volunteers to participate in the life of the organisation or venue.

As part of Lowewood Museum's current Heritage Lottery Funded project, St Catherine's School: 200 years of memories, twelve Year 6 pupils took over and ran the museum on Friday 23 November. They ran tours and activities for over 100 visitors including Year 5 pupils from St Catherine's School. Epping Forest District Museum was also taken over by eleven Year 8 pupils from King Harold's Business Academy, who gave over 130 members of the public a guided tour of the Museum.

**Education and Outreach:** In October and November over 2100 children and young people from local schools took part in the outreach programme, which included history, dance and arts and crafts workshops and many adults took part in a range of talks.

**Cavalcade of Light:** On Friday 30<sup>th</sup> November, the District Museum stayed opened late to celebrate the Cavalcade of Light event in Waltham Abbey. Pupils & students from King Harold

Academy and Upshire Primary School performed in the garden, where the historic building was lit in a stunning light display, and visitors enjoyed refreshments and crafts in the museum. A total of 358 people visited the museum during the 2 hour event, many of them for the first time.

**Volunteers:** During October and November MHCs volunteer contribution totalled over 490 hours which equates to over £4,000 in kind support. Volunteer duties combine a mix of collection work, Museum garden and visitor service support.

**The Great War Centenary Dance:** The District Museum came to life as Essex Youth Dance Company's Dance Station and Re:Generation's Forever Young, (both dance groups from The Dance Network Association) performed The Great War Centenary dance, a piece choreographed especially for 2018. One of the older performers, Frances Maynard, recited a poem called 'Never Forget', that she had specifically written for the Great War commemorations. This project was part of The Dance Network Association's 'Keeping Dance Alive' annual en masse performance at events all over Essex.

**"A Purely Agricultural Parish?":** An exhibition by the Nazeing History Workshop linked to its new book of the same name which tells the story of Nazeing in the decades before and during the First World War can currently be seen at the museum. Production of the exhibition was funded by a community grant from the Council.

**Westminster Abbey Centenary Service:** MHC staff attended The National Service of Thanksgiving at Westminster Abbey, commemorating the 100<sup>th</sup> anniversary of the Armistice. The team were invited to the service by the Heritage Lottery Fund (HLF), after having worked on three key centenary projects funded by them: Walter Spradbery, Artist in War and Peace; Stephen Warner, One Man's Journey through War and Broxbourne: We Will Remember Them across both museums. The projects have been made possible by grants totalling £124,540 from the HLF.

**Transformation Award:** On 16 November Lowewood Museum won the Transformation Award from Hertfordshire Association of Museums at their inaugural awards event. The award was given for the shop and café area at the Museum which was recently refurbished as part of our Arts Council England funded No Borders development project.

**Epping Forest 'Tea' Hut paintings on display:** The District Museum is exhibiting two paintings by local artist Martin Barrall, which show the famous tea hut near Fairmead Road in Epping Forest. One of the paintings was recently on display at The Royal Academy as part of their 250<sup>th</sup> summer exhibition, curated by artist Grayson Perry.

## **Private Sector Housing**

Essex County Council in partnership with Epping Forest, Harlow and Uttlesford District Councils has proposed a pilot scheme to employ a Senior Occupational Therapist (OT) in Housing. The post will be jointly funded from the Integration and Better Care Fund and managed by Adult Operations (Hub of Independent Practitioners) at ECC. The post will initially be for a 1 year pilot and subject to full review thereafter.

This pilot scheme will enable a Senior OT to work exclusively in housing across the 3 Districts in partnership with housing officers, to facilitate the safe and early discharge of residents from hospital, residential or nursing home placements, hospices and assist the smooth progress of the Disabled Facilities Grant recommendations. This includes working with adults and children with life-limiting conditions and life-altering injuries, in which their home environment does not suit their needs, in order to prevent formal care placements and ensure they can remain

independent in the community. The Senior OT would also monitor the progress of the project and liaise with health, housing and hospital staff to ensure the appropriate adults and children are referred thereby improving services and ensuring a smooth and efficient discharge. This will ensure there is a consistent link between all services to progress cases and provide the most cost-effective solutions. Any training or support by health colleagues would be provided by the Senior OT.

### **Community Safety Team Policing Hub Activity.**

Our Safety Hub continues to go from strength to strength in reducing crime and disorder in the district. Apart from the recent high profile and very successful operation which saw the arrest of 25 people involved in drug dealing across the district, our police officers have also been able to support a range of council teams when officers have been faced with threats, intimidation and aggression. The team supported our Planning Enforcement Officers who needed to serve enforcement notices on a domesticated Traveller site where officers had been previously subjected to very aggressive threats and intimidation preventing them carrying out their duty. The police team liaised with the council legal services and planning department and developed a plan to allow notices to be served safely. Operation Xerxes phase one was successfully completed without incident.

The team have completed or are in the process of actioning 25 tasking requests. They have been active in every ward in the district. A selection of the work they have undertaken is as follows;-

- High power motor vehicle involved in Organised Criminal Gang activity located Limes Farm and seized.
- Work with Parkguard in weapons sweep at Limes Farm recovering a zombie knife.
- Arrest of two suspects in stolen van at Ongar believed linked to OCG criminality. One of the suspects was subject to international arrest warrant.
- Responding to tasking at Buckhurst Hill arrested two suspects from Kent for going equipped, drugs and offensive weapon.
- Acting on information from EFDC Environmental officers stopped a van suspected of serial fly-tipping and seizing it as uninsured.
- Working with Community Safety to support female who came to Civic Offices as Homeless, who it was found had been trafficked into the UK and raped on multiple occasions. NRM completed and female safeguarded.
- Working with IOM to locate and arrest prolific offender responsible for series of shoplifting offences Epping. Successfully obtaining Criminal Behaviour Order on the same subject.
- Supporting Operation Rose on multiple search warrants and arrests relating to serious gang violence by Hainault/HQ gang active around Limes Farm.
- Currently tasked to work on Operation Rose using established cross border links between Community Safety and Metropolitan Police Hainault, Safer Neighbourhoods Team to draft fifteen Criminal Behaviour Orders to further disrupt local gang activity

**Safeguarding:** We continue to receive a high number of cases related to poor Mental Health and are actively working with Essex Police to deal with the more serious cases that involve aggression and violent behaviour. As part of the re-structure of the Council we will also be looking to improve our own ability to deal with cases very early on, by transferring some Housing officer time to Community Safety in order to deal with people as soon as any concerns are flagged up.

Our Safeguarding Officers are also in the process of rolling out a new, bespoke training package for all Council staff, which has been tailored specifically to meet the needs of the Council in dealing with the range of cases that are being identified. A revised member training programme has also been produced and I urge all Members to take the opportunity of booking on this training when it is promoted.

## **Environment & Neighbourhoods**

**Fly-tipping:** In order to reduce the amount of waste being handed to potential fly-tippers, the Environment & Neighbourhoods (EN) team continue to promote the message that it is a “Crime not to Care” if residents and businesses hand waste over to a rogue trader, if they have failed to carry out some simple checks, consider the potential implications and record who took their waste away. The message is simple:

**Before handing your waste to somebody else, always check, consider and record to protect yourself and reduce fly-tipping by rogue traders.**

Please pass on this message to friends, family and any business associates. With extra waste often produced over Xmas, it is more important than ever that we all recycle and care about what we do with our waste. Click here for more information [Crime Not to Care](#). A series of short films produced by the Cleaner Essex Group (CEG), a campaign group made up from representatives from local authorities across Essex, are also available to view on this web page.

In a related case, evidence gathered by the Council’s EN team led to a prosecution in Chelmsford Magistrates Court on 22<sup>nd</sup> October 2018. Mr Akinrinade of Willingale Close Loughton was arrested after failing to attend court and was ordered to pay a fine of £1153. He was also ordered to pay the Council’s prosecution costs of £627.82 together with a victim surcharge £115 after he pleaded guilty to failing to comply with his duty of care, by transferring household waste to an unauthorised person, which was then dumped in a commercial waste bin belonging to a shop in the Broadway Loughton without the consent of the owner.

To help promote compliance with waste duty of care, the Government now has firm plans to introduce a new fixed penalty notice (FPN) to deal with household waste offences as an alternative to prosecution. The new FPN should be available in 2019, with a default level of £200. Further information available at:

[www.gov.uk/government/publications/household-waste-duty-of-care-fixed-penalty-notice-guidance](http://www.gov.uk/government/publications/household-waste-duty-of-care-fixed-penalty-notice-guidance)

**Careful fly-tipping:** “Careful” fly-tipping in somebody else’s bin, or in and around an existing bin store is not a victimless crime. Commercial premises have to pay for their waste disposal and if their bin is full of other people’s waste they incur additional cost and may have problems storing their own waste. This can attract more fly-tipping and result in failed waste collections, leading to waste accumulating and escaping. The Council often has to arrange and pay for additional waste collections when residents fail to store and dispose of their waste correctly. The issue of “careful” fly-tipping has recently been highlighted in an article in the Council Housing News.

**New warning posters:** Poor waste management by residents in and around bin stores is an ongoing problem contributing to local fly-tipping. Housing Management are in the process of installing additional education/warning signs in the bin stores they manage for residents, to make it very clear that dumping waste in and around bin stores is fly-tipping and may result in a

fixed penalty or prosecution. The Council provides a special collection service for bulky waste items. Collections can be booked online.

[www.eppingforestdc.gov.uk/index.php/residents/your-environment/recycling-and-waste/special-collections](http://www.eppingforestdc.gov.uk/index.php/residents/your-environment/recycling-and-waste/special-collections)

**“Wanted” poster:** CCTV images of an unidentified individual dumping a mattress near to a bin store in Springfields, Waltham Abbey, recently prompted officers to develop a “wanted” poster, to encourage other residents to provide the details of the alleged fly-tipper and to act as a warning to other potential “careful” fly-tippers in the area. The alleged fly-tipper recognised his own image and contacted the officer investigating the case. The alleged offender is due to be interviewed under caution. The team have a number of images of other alleged offenders that they intend to use in the same manner.

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# ***Report to the Council***

**Committee:** Cabinet

**Date:** 20 December 2018

**Subject:** Contracts and Technical Services

**Portfolio Holder:** Councillor Nigel Avey

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## **Recommending:**

**That the report of the Contracts and Technical Services Portfolio Holder be noted.**

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## **Grounds Maintenance**

The Grounds Service were pleased to receive a note of thanks from Loughton Town Council for its contribution in helping them to achieve the award for the Best Kept Playing Fields 2018 Class 1 for the Roding Valley Recreation Ground. This award has been won by the Town Council for the second year running and is a real credit to the hard work and commitment of the staff at both Councils in managing and maintaining the site to such a high standard. We look forward to our continued partnership with the Town Council and achieving a hat-trick win in 2019.

As we approach the winter period, the grounds team are starting to gear up for its winter works programme. Part of this work involves tree planting and the grounds team have just taken delivery of the new tree stock. Over 100 new trees of varying types are to be planted in our streets and open spaces across district. It is worth noting that 23 of these trees have been purchased from the kind donations of residents, which is most appreciated.

The Grounds Service is relied upon each year to provide the saluting dais and floral displays for the Remembrance Day parades in both Epping and Loughton. The grounds team work hard to ensure the planted troughs and tubs provide a wonderful display and that the wooden staging is correctly installed and maintained in first class order.

## **Flooding and Drainage.**

As one would expect, the dry summer and only intermittently wet Autumn have produced little in the way of flooding to property. The Team have however ensured that going in to winter the drainage assets that the Council is responsible for are ready for any potential winter storms. Alongside this the Team also engaged a Certified Reservoirs Panel Engineer to undertake formal inspections of the Council's four main Flood Storage Areas situated in Thornwood and North weald. His subsequent report highlights that these are being managed in line with industry good practice and are in good order. Continued regular inspection and ongoing maintenance, the latter in conjunction with the CountyCare Team who manage the sites' biodiversity elements, will ensure their dual functionality continues to provide a positive contribution to the environment.

The downside of the drier weather is the distinct reduction in water flows through a high proportion of the districts watercourses and small streams. This has led to a spike in complaints concerning pollution in the rural areas from individual properties sewage treatment plants and septic tanks, as there is little flow to disguise the poor quality treated effluent being produced from a small number of malfunctioning plants and tanks. Officers

have needed to educate owners on the importance of regular inspection and maintenance of their plants and have in some circumstances had to resort to issuing Community Protection Notices to bring about improvements and stop the damage to the water environment.

Essex County Council's Flood and Water Management Team has recently identified Lower Sheering as an area for further investigation in respect of the flood risk posed by Surface Water. Members may recall that a Surface Water Management Plan (SWaMP) was produced by ECC's consultants for Loughton, Buckhurst Hill and Theydon Bios, and the Team will now work with ECC's newly appointed consultants to look at the issues facing the Lower Sheering area. ECC have also invited Hertfordshire County Council to participate in the work given the area of Sawbridgeworth that falls within the catchment for the River Stort. As with the Loughton Plan, the Sheering plan is intended to be completed in around 9 months' time, will be shared with EFDC members before publication.

Planning Applications involving drainage and flooding being referred to the Drainage Team for consultation in a rolling 12-month period have recently exceeded 1000 for the first time. The quality of drainage designs within applications remains incredibly varied which obviously impacts on the amount of time Officers need to spend dealing with applicants and their consultants. But the effort required does result in proposals ultimately being constructed on site that address the impact that new development has on the districts drainage assets, be that Thames Water's sewers or open ditches and watercourses.

Additionally, the increasing embedment of one of the teams Engineers within the Local Plan Implementation Team will ensure that as the master planning on the strategic local plan residential and employment sites progresses, the inclusion of high quality and sustainable medium and large-scale drainage schemes will be a top priority in the process rather than an afterthought.

### **Private Water Supply**

The Engineering, Drainage and Water Team had its first successful prosecution under the Private Water Supply Regulations. The owner of a Nazeing nursery was fined £583 plus £500 costs and a £58 victim surcharge after pleading guilty at Chelmsford Magistrates Court to not having complied with a Notice served on him by Epping Forest District Council. The Notice specified improvement works to be carried out to the private water supply serving the nursery. Inspection of the supply confirmed it to be high risk and samples of the water showed that it contained E. coli and Enterococci which posed a potential danger to human health. These bacteria are commonly associated with human or animal bodily waste and the concentrations found were the highest the council has encountered. Residents of the site would be using this water to wash, cook and clean with.

After serving the Notice the Council had agreed to extend the time for completion of the works until 5th May 2018 however on the 4th May, the Council was informed that the work had still not been started. The improvement work continued until the 9th October 2018 when an inspection confirmed it was substantially complete subject to final sampling and analysis of the supply by the Council.

Council Officers will continue to inspect all private water supplies that are judged to be a risk, and take the necessary enforcement action to safeguard human health. These bacteria can cause significant illness and in some cases even death, especially at such high concentrations. It is the Council's statutory duty to risk assess and restore water quality to these supplies.

### **Fleet Operations Service**



The Service has just launched an online mot booking system. This will enable motorists to book mot appointments through the internet and this will hopefully improve customer experience as well as increase customer base. As part of improving customer experience a touch screen has been installed in the Fleet reception area in Oakwood Hill Depot which will have a link to the Council website as well as the one-line booking system.

A vehicle apprentice has been appointed under the Council's Apprentice Scheme. This will create additional capacity in the team and could potentially increase income stream.

The service has placed orders for two electric charged Nissan vans. Depending on the operational performance of these two vehicles it would be possible to consider wider roll out of electrically chargeable fleet vehicles.

## **Parking**

### Christmas arrangements:

In keeping with previous years all Council car parks are free on Saturday and Sunday through the month of December.

Vere Road Loughton car park was closed on 30<sup>th</sup> November for the annual Christmas market to assist with the event.

Queens Road Upper Car Park was closed on Friday 7<sup>th</sup> December for the annual Christmas market.

Cottis Lane car park was free from 12 noon on Friday 7<sup>th</sup> December for the annual Christmas market.

### Loughton Broadway Parking Review:

A public consultation on the final designs for the scheme, as agreed with Ward Members, has just closed and the comments/objections are being collated. Once a report on the outcome of the consultation becomes available I shall inform the Loughton Broadway Parking Review Members.

### Epping Town Parking Review:

Following a review of the responses from the public consultation by Ward Members officers have finalise the proposed changes and made the legal Traffic Regulation Orders. This scheme will now be implemented early part of January.

Letters will be circulated to local businesses in Epping advising them about the impending changes and making them aware about business permits. Christmas Markets

## **Countrycare**

Since the last report Countrycare has worked on eight different sites with its volunteers.

At Chigwell Heath we spent two days eradicating the aspen and birch saplings from amongst the heather and gorse. This will help the heath to develop rather than evolving into secondary woodland. The scrapes that were made in 2015 are sprouting heather so the heath is expanding, as planned.

At Roughtalleys Wood, North Weald we have made improvements to the rustic path and carried out some safety work on the boardwalk.

In Linder's Field, Buckhurst Hill we replaced the kissing gate box and eradicated an alien species that was beginning to encroach onto the meadow.

At Sheering Copse we felled some Scots pine and bramble bashed which has created a new glade in the woodland.

Church Lane, North Weald has had its willow coppiced around the pond.

Coppicing was undergone at Old Shire Lane, Waltham Abbey and the permissive rustic path with log edges has been created.

At Epping Upland Millennium Garden, we made a bug hotel.

An average of 12 volunteers came to each task.

On other sites without volunteers we have been doing routine maintenance of footpaths and strimming and pulling unwanted species. The winter work plan is underway with coppicing and tree planting planned for the new year. One such plan is the creation of a Community Orchard at Epping Upland Millennium Garden. The trees are being donated anonymously and will be planted with community assistance in February.

### **Leisure Management**

November saw the opening of the new Waltham Abbey Leisure Centre by the Chairman on Saturday the 17<sup>th</sup>. The week leading up to the opening was particularly fraught with lots of last minutes issues to deal with. The first week of operation was massively successful - staff from all the centres across the district were brought in to conduct tours for local residents. The leisure contractor had forecast a first month increase in membership of 220 but by close of business today (28<sup>th</sup> November) there have been 663 new members signed up, over three times the forecast in just two weeks.

Centre users have been incredibly complimentary about the new facility especially via social media. As anticipated there have been some relatively minor operational issues as staff and users get used to doing things differently. The centre management have been collating suggestions from users to provide a 'you asked, we did' style feedback mechanism which has been well received. Contractually the centre is now in its six-month bedding in period which will continue until 17<sup>th</sup> May 2019.

Epping, Ongar and Loughton centres are performing well, seeing year on year increases in usage. There have been some ongoing complex complaints at Loughton which are being addressed by Officers and the contractor, however the refurbished gym and changing village continue to attract new members. Epping is suffering from some dilapidation issues due to the age of the building – the roof has a number of leaks which the recent wet weather has brought to light and the sports hall floor is in very poor condition. Ongar too has some issues with its aging pool tank and boilers which the contractor is trying to address especially as the weather gets colder.

### **Waste Management**

As part of the Recycling Rewards project residents voted for prizes to be awarded to nominated charities. Cheques were presented in November to the following charities:

Epping Forest Community Transport  
Chigwell Riding trust  
Epping Forest Food Bank  
Safer Places

Work has begun in partnership with Essex County Council on a county wide initiative to promote reuse and recycling.

There will be a change in the current sub-contractor to Biffa, LMB Textiles, who collect and process textiles from the recycling centres as well as door step. Once Biffa have appointed a new sub-contractor I will ask officers to inform Members through the Council Bulletin. The change will not affect current services which will continue to operate as normal.

Waste Management Team is continuing to work with various town and parish councils on volunteer litter picks and are helping Epping Town Council in reducing waste collection costs in Epping Market.

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# ***Report to the Council***

**Committee: Cabinet**

**Date: 20 December 2018**

**Subject: Customer Services**

**Portfolio Holder: Councillor H. Kane**

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## **Recommending:**

**That the report of the Customer Services Portfolio Holder be noted.**

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1 The Customer Directorate has taken shape with the Customer Contact Team joined by the Revenues, Benefits, Corporate Communications, Civic and Member Services and Electoral Registration teams. We aim to drive forward and shape the organisation in the future as we put the customer at the heart of everything we do.

2 There are two significant events that have happened that I would like to highlight to Members. The first of these is the beta launch of the Council's new website. This is an exciting development in our drive to achieve customer service excellence and modernise the Council's operations to deliver efficiencies we need. The website is a fundamental redesign that aims to provide our customers, businesses and visitors with digital solutions they can use to self-serve and which will enable us to streamline our back-office operations. The beta site can be accessed by visiting our current website where there is an option to visit the beta version. I would encourage my fellow Members to explore the new website and provide feedback through the 'Smiley' tool linked to every page. The plan is to launch the live version of the website in January so your participation is very important.

3 The other recent development is the full roll-out of Universal Credit within our district after the last remaining Job Centre at Loughton went live on 5<sup>th</sup> December. This affects the majority of working-age benefit claimants which make up around 50% of our Housing Benefit caseload. As from 5<sup>th</sup> December any new Housing Benefit claimants of working age are now referred to the Job Centre to apply for Universal Credit which will incorporate the Housing element of their Benefit entitlement. There is a phased migration of existing Housing Benefit claimants onto Universal Credit which the Government has now extended to 2023.

4 I am aware of the financial difficulties that some Universal Claimants have experienced, particularly before their first payment arrives in around 5 weeks. The DWP offers an advanced payment scheme which can be applied for ahead of the first payment and the repayment period can extend to 12 months. However, the Council can play a role by signposting claimants to other support they can receive and officers are doing this now. Examples include the Essential Living Fund, Epping Food Bank and the Peabody. Officers will be monitoring the impact of Universal Credit on our residents and services through a new working group which will bring closer together the range of support that can be offered and identify any changes needed to service delivery to reduce any of the effects of Universal Credit.

5. On a final note I would like to explore ways in which myself and fellow Members can reduce the amount of paper we use and look to ways that we use digital methods instead. This keeps Members in line with the transformation work that the rest of the authority is undertaking and will save the Council money that can be used for services for our Council Tax payers. I initially plan to work with the Youth Council to explore the digital options and will come back to Members with the outcomes of this work.

# ***Report to the Council***

**Committee:** Cabinet **Date:** 20 December 2018

**Subject:** Housing & Property Services

**Portfolio Holder:** Councillor S. Stavrou

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**Recommending:**

**That the report of the Housing & Property Services Portfolio Holder be noted.**

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## **Council House-building Programme**

I am pleased to be able to report that in November the Council has taken handover of five new Council homes from Phase 3 of the Council house-building programme at Centre Avenue, Epping (now named Matthews Close) and in Centre Drive. These are a mixture of 2 and 3-bed houses, which will be let to applicants on the Council's housing register.

Having previously reported that there was an ongoing issue over ground cross-contamination at the site in Stewards Green Road, Epping. I am pleased to be able to report that the soil contamination tests have now come back clear and the four houses are being prepared for handover. In addition, we expect to take handover of the site in Springfields Epping, which includes a mixture of houses and bungalows, enabling tenants to move into their new homes for Christmas.

Good progress is also being made at Burton Road, Loughton, where Mulalley, who is the appointed contractor for Phase 2, is still on target to hand-over all of the new properties, with the exception of the block affected by the fire in Block D, later in January 2019. Mulalley have been made aware that the Council will be seeking to recover the loss of rent as a result of this delay to Block D, which will be collected through Liquidated and Ascertained Damages as part of the Contract.

A contract has been tendered for the demolition of the garages making up Phases 4-6 to enable the site investigations to be completed. This means tenders are expected to be sought between February 2019 and April 2019, with works starting on site in June 2019 for the early packages.

## **Universal Credit**

From 5<sup>th</sup> December 2018, the remaining job centres within the District migrated from legacy benefits to the Universal Credit (UC) full service. The Council already have some experience of UC as some Job Centres who serve our District, like Harlow, have been operating under the Universal Credit's Live Service for some time.

This means that all new Claimants from the 5<sup>th</sup> December 2018 will claim UC. However, Claimants currently claiming legacy benefits (which include - Income Support (IS), Jobseekers Allowance (Income Based) (JSA(IB)), Employment & Support Allowance (Income Related) (ESA(IR)), Working Tax Credit (WTC), Child Tax Credit (CTC) and Housing benefit (HB), will remain on their existing benefits until such time that their claim can migrate to UC.

At the end of September 2018, the Council enrolled as a Trusted Partner of the DWP, which gives Housing Management access to the UC's online Landlord Portal. Through this portal Officers can quickly verify our tenant's housing costs, speeding up a Claimants verification process which is a positive step, but additionally we can also ask for Managed or Alternative

Payments on behalf of tenants who may otherwise struggle to pay their rent or may have fallen behind on their rent, subject to certain conditions.

### **Homelessness Pods**

I am also pleased to be able to report that work has now started on the Homeless Pods at Norway House. An order has been placed for the Pods to be manufactured off site, with the preparation works to form the ground slabs and incoming services starting in November. The Pods are anticipated to be ready for occupation in February 2019.

### **Facilities**

All roofing and external redecoration works at the Museum in Waltham Abbey have now been completed to a high standard, on time and under budget. The building is now looking very impressive and most importantly, will be protected from the elements for years to come.

Planning permission has now been granted for the conversion of Building 21 at Townmead Depot, into accommodation for the Nursery Service, who will be relocating from their site in Pyrles Lane, Loughton. Preparatory works have already begun, and the aim is for as much of the construction works as possible to be completed in-house by the works unit.

External redecoration to communal walkway areas at Oakwood Hill Industrial Estate and at the shopping parade at Market Square in Waltham Abbey, have also been completed by the works unit. The lift refurbishment contract at the Limes Farm Estate is continuing well and on budget. All 9 lifts are scheduled to be completed by April 2019.

Fire detection upgrade works to parts of the main Civic Offices is now complete. The corporate PAT testing programme has begun, with portable appliances and equipment being safety inspected and tested.



# ***Report to the Council***

**Committee: Cabinet**

**Date 20 December 2018**

**Subject: Planning Services**

**Portfolio Holder: Councillor J. Philip**

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**Recommending:**

**That the report of the Planning Services Portfolio Holder be noted.**

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## **1. Local Plan**

The Inspector appointed to undertake the independent examination of the plan has now published a draft programme of hearing sessions which will open on Tuesday 12 February. She has identified 16 matters, each with a number of associated main issues and detailed questions for the Examination. These are set out in a Matters, Issues and Questions (MIQs) document which has been issued and is available on the Council's website. All those who made representations to the Regulation 19 publication of the Local Plan Submission Version have been advised either by email or letter with this Inspectors Guidance Note. The examination of the Plan, including during the hearing sessions, will focus upon the Plan. The current programme of hearing sessions has 15 days of hearings in February, March and May and in accordance with the recently adopted Local Development Scheme by the Local Plans Cabinet Committee on 22 November 2019 we anticipate that the Inspector will report in July 2019.

### **1. Epping Forest Special Area of Conservation and proposed mitigation strategy**

Cabinet agreed on 18 October 2018 an interim approach to managing recreational pressures on the Epping Forest Special Area of Conservation. The proposal is to seek contributions from net increases in new residential units within 3km of the Epping Forest Special Area of Conservation arising from the granting of planning permissions and prior approval consents under permitted development rights. Work is concluding on the air quality and traffic modelling in order to address the air quality impacts and it is anticipated that this will be available shortly.

### **2. Neighbourhood Planning**

The Examiner has now reported on the Chigwell Neighbourhood Plan. In his report dated 5 November 2018 he has concluded that the Plan should not proceed to referendum as it does not meet the basic conditions. A copy of the final report is available on the Council's website and a report will go to Cabinet on 7 February 2019 for the Council to agree the recommendation.

### **3. Harlow and Gilston Garden Town**

Work continues apace on the Garden Town. The outcome of the capacity bid submitted to MHCLG to seek further funding to support the work is still awaited. The Council's representatives on the Board are currently Cllr Whitbread, Bedford and Philip. An independent Chair has been appointed – Guy Nicholson. The vision and design guide for the Garden Town went to the Council's Cabinet meeting on 10 December 2018 for

endorsement as a material planning consideration for the preparation of masterplans, pre-application advice, assessing planning applications and any other development management purposes for sites within the Harlow and Gilston Garden Town. Similar reports are going to East Herts and Harlow District Councils for endorsement with a final version of the documents due to go to the 4 February 2019 Garden Town Member Board meeting for endorsement.

#### **4. Development Management**

Total Planning Income, including Pre-application fees for the first eight months of 2018/19 up to November 2018 is £938,541 (Budget for the year £1,179,860).

This is encouraging and is an indication of Development Management's resilience in maintaining and improving planning income against previous year's levels.

#### **Development Control**

Development Controls income for November 2018 was £86,251 (2017 £66,916).

DC's income year to date income for 2018/19 is £856,757 (2017/18 £529,406) and comprises of 80% of the annual budget for eight months, which is 67% of the current financial year.

The income predicted for 2018/19 is like to be up to £1.2 million (eight months actual plus four months budget) with a possible excess of £200,000 over budget.

#### **Pre-application Income**

Pre-application income for November 2018 is £17,740 (2017 £7,547).

Pre-application Income Year to date for 2018/19 is £81,784 (2018/18 £73,215) and comprises of 78% of the annual budget for eight months, which is 67% if the current financial year.

Planning Pre-application income is predicted for 2018/19 is likely to be over £110,000 (eight months actual plus four months budget) with a possible £8,000 surplus for the year over budget.

## ***Report to the Council***

**Committee:** Audit & Governance Committee

**Date:** 20 December 2018

**Subject:** Anti-Fraud & Corruption Strategy

**Chairman:** Councillor J. Knapman

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### **Recommending:**

**That the Council's revised Anti-Fraud and Corruption Strategy be approved.**

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### **Report:**

1. The Anti-Fraud and Corruption Strategy is an integral part of the Council's overall governance framework. It is designed to encourage prevention and promote the detection of both fraud and corruption against the Council. The Strategy sets out the expectation that Members, employees, individuals and organisations will be honest and fair in any dealings they might have with the Council.
2. It is responsibility of the management of the authority to take action to mitigate fraud risks through expecting high standards of conduct and operating strong systems of internal control. Any loss through fraud and other irregularity is a drain on resources which, in turn, reduces the funds available for service delivery and to support those in genuine need. It is equally important that those working for and with the Council have a clear understanding of the Council's standards and expectations through effective communication and monitoring.
3. The Council keeps the threats from fraud under continuous review, to ensure that it allocates resources to the highest identified areas of existing and emerging risks. However, there is always scope for improvement in its responsiveness to emerging risks and pressures. The Council needs to continue to monitor its mechanisms for assessing the risk of fraud and having the means to share information and quantify the outcome whenever fraud occurs.
4. The Anti-Fraud and Corruption Strategy has recently been reviewed by the Audit and Governance Committee, to incorporate amendments around the prevention of bribery introduced by the Public Contracts Regulations 2015. The revised Strategy also strengthens anti-corruption elements in light of the new United Kingdom Anti-Corruption Strategy for 2017-2022, which sets out a long-term framework for tackling corruption. The revised version of the Anti-Fraud and Corruption Strategy is attached as Appendix 1 to this report.
5. Once approved, the revised Strategy will be published on the Council's internet and intranet and its provisions conveyed to all staff via the staff newsletter District Lines. Training will be provided as appropriate through the Corporate Fraud Team Strategy so that awareness of roles and responsibilities is further cascaded to all staff.

6. We recommend as set out at the commencement of this report.

# Anti-Fraud and Corruption Strategy

November 2018

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## Anti-Fraud and Corruption Policy

Epping Forest District Council (EFDC) is committed to high legal, ethical and moral standards, and the proper accountability of public funds.

The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.

The Council's expectation of propriety and accountability is that Members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

The Council also expects that individuals and organisations with which it comes into contact will act towards the Council with integrity.

The key controls in place to reduce the likelihood of fraud and corruption are:

- The Council has an effective anti-fraud and corruption policy and maintains a culture that will not tolerate fraud or corruption
- All Members and staff act with integrity and lead by example
- Senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the authority or who are corrupt
- High standards of conduct are promoted amongst Members by the Standards Committee
- The maintenance of a register of interests in which any hospitality or gifts offered which are accepted or refused must be recorded
- Confidential reporting procedures are in place and operate effectively
- Legislation including the Public Interest Disclosure Act 1998 is adhered to
- Standard contract clauses prohibit fraud and corruption

Additionally, the Council:

- Maintains a Corporate Fraud Team which plays a key role in both the prevention and investigation of matters relating to suspected fraud, corruption and abuse of council services and property.
- Uses the Internal Audit Service as an independent appraisal function for the review of the Council's internal control system as a contribution to the proper, economic, efficient and effective use of resources
- Recognises the importance of criminal prosecution in deterring fraud and will seek to prosecute offenders where appropriate
- Supports the work of the police and other external agencies in fighting fraud and corruption in the public sector.

- Is a member of the National Anti-Fraud Network (NAFN), and
- Participates in the National Fraud Initiative, which is the Cabinet Office's biennial data matching exercise designed to combat fraud.

This policy applies to suspected fraud and corruption, which concerns EFDC, involving employees, Members and/or external parties unless the matter is more properly a matter for the Police. Any investigation required will be conducted without regard to any person's relationship to EFDC, position or length of service.



## Section One

### Introduction

EFDC aims to provide community leadership and quality services. This strategy document embodies a series of measures designed to frustrate any attempted fraudulent or corrupt act and the steps to be taken if such an act occurs.

In applying this strategy regard will be had to all relevant EFDC policies and any obligations as an employer and the requirements of the Code of Conduct for Local Government Employees.

The Chartered Institute of Public Finance and Accountancy (CIPFA) defines fraud and corruption as:

**Fraud** – *“the intentional distortion of financial statements or other records by persons internal or external to the authority which is carried out to conceal the misappropriation of assets or otherwise for gain”*.

In addition, fraud can be defined as *“the intentional distortion of financial statements or other records by persons internal or external to the authority, which is carried out to mislead or misrepresent”*.

**Corruption** – *“the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person”*.

The Fraud Act 2006 created the following specific criminal offences surrounding fraud:

- Fraud by False Representation
- Fraud by Failing to Disclose Information (where there is a legal duty to do so)
- Fraud by Abuse of Position
- Obtaining services dishonestly
- Possession of Articles for use in fraud
- Making or Supplying Articles for use in fraud

This policy strongly advocates the following four key principles in the Council's approach to combatting fraud and corruption, namely:

- **Culture** – The ongoing process of maintaining and developing a “top to bottom” anti fraud and corruption culture throughout the organisation focusing not just on employees, but Members, suppliers, contractors and the public also. This includes risk management processes, fraud/corruption proofing policy and processes, fraud and corruption awareness.
- **Prevention** – Ensuring that a range of anti-fraud and corruption measures are deployed throughout the Council such as internal audits, fraud aware sessions, staff and supplier vetting, participation in the National Fraud Initiative and the pan-Essex council tax matching campaign, staff and Member code of conduct and declarations of interest, information security and IT policies. etc.
- **Detection and Investigation** – Where fraud and / or corruption is suspected, the Council must ensure that investigations are carried out by professional and qualified investigators to the highest standards of fairness and probity, having due regard to the appropriate legislation at all times.
- **Deterrence** – In the event of fraud and / or corruption being discovered, the Council must take appropriate steps to ensure that further instances do not occur by utilising methods such as criminal prosecution, disciplinary action, etc. The Council will also seek to obtain financial redress where public money has been lost by utilising The Proceeds of Crime Act wherever appropriate.

## Section Two

### Culture

EFDC will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council. Fraud risk is considered as part of the Authority's overall risk management strategy.

The prevention and detection of fraud and corruption, and the protection of the public purse is everyone's responsibility.

The Members and employees play an important role in creating and maintaining this culture. They are positively encouraged to raise concerns regarding fraud and corruption, irrespective of seniority or status, in the knowledge that such concerns will, wherever possible, be treated in confidence. In order to make sure this occurs; the Council has and maintains a separate Whistleblowing Policy.

Members, employees or contractors are encouraged to raise concerns in line with the fraud response plan (section 8) if they reasonably believe that one or more of the following has occurred, is in the process of occurring or is likely to occur:

- a criminal offence
- a failure to comply with a statutory or legal obligation
- improper unauthorised use of public or other funds
- improper use or misappropriation of assets
- a miscarriage of justice
- maladministration, misconduct or malpractice
- any other similar occurrences
- deliberate concealment of any of the above.

Management Board will ensure that any allegations received in any way, including anonymous letters or phone calls, will be taken seriously and investigated in an appropriate manner, subject to legislative requirements.

The Council has agreed the provision of a Corporate Fraud Team in order to bring a uniform approach to fraud investigation and to adequately resource the detection and prevention of fraud.

The Corporate Fraud Team (CFT) investigate matters of suspected fraud, theft and corruption within EFDC (except for Housing Benefit fraud investigation which transferred to the Department for Work and Pensions). The CFT will, as one of its key operating principles also seek to maintain an anti-fraud and corruption culture by engaging staff, Members and the general public by way of fraud awareness sessions and seeking to publicise its successes both internally and externally.

EFDC will deal firmly with those who defraud the Council, or who are corrupt, or who are responsible for financial malpractice.

When fraud or corruption has occurred because of a breakdown in the Council's systems or procedures, the Corporate Governance Group in conjunction with the Corporate Fraud Team and Internal Audit will ensure that appropriate improvements in systems of control are implemented to prevent a recurrence.

## Section Three

### Prevention

It is important that the Council recognises and manages the risks relating to fraud and corruption in order to prevent them from occurring. Furthermore, it is imperative that these risks are routinely considered as part of the Council's overall approach to risk management. In order to understand the nature of these risks, the following have been identified as key issues that are relevant to EFDC:

- Social Housing Tenancy Fraud – this includes risks such as fraudulent housing applications, mutual exchanges, illegal subletting etc.
- The Right to Buy scheme – fraudulent applications and suspected money laundering
- Money Laundering – Exposure to suspect transactions
- Council Tax – fraudulently claimed discounts (including Local Council Tax Support), refund scams
- Non-Domestic Rates – fraudulent applications for exemptions, unlisted properties
- Grants (including Disabled Facilities Grants) – false eligibility and applications, diverted funds, works not carried out.
- Insurance Fraud – suspected false claims particularly those relating to personal injury
- Planning Fraud – risk of manipulation, collusion and potential conflicts of interest
- No recourse to public funds – fraudulent eligibility for Council services such as Social Housing
- Payroll Fraud – false and “ghost” employees, overtime and mileage claims, expenses.
- Internal Frauds – such as fund diversion, accepting bribes, stealing monies and / or Council property, social housing misallocations for personal gain, working elsewhere whilst off sick, abuse of position such as misuse of assets / resources.
- Procurement Fraud – tendering issues, split contracts, double invoicing
- Cyber Crime / Fraud – frauds such as false applications for services, fund diversion.

It is important to note that the above represents the key fraud risk areas and examples of each. It is not intended to be an exhaustive list.

As with the culture, the concept of fraud prevention applies to the organisation from top to bottom.

The United Kingdom Anti-Corruption Strategy 2017-22 sets out a long term framework for tackling corruption. For local government, including Epping Forest District Council, this sets out the following goals:

- Greater procurement transparency, enabling better identification and mitigation of corruption risks.
- Strengthened awareness and capability within contracting authorities leading to a stronger awareness of corruption risks and more capability to detect and deter illegality.

## Members

As elected representatives, all Members of the Council must act in accordance with statutory requirements and the Members' Code of Conduct. These matters and other guidance are specifically brought to the attention of Members at the induction course for new Members and include rules on the declaration and registration of potential areas of conflict between Members' Council duties and responsibilities, and any other areas of their personal or professional lives.

Members sign to the effect that they have read, understood and will comply with the Member's Code of Conduct when they take office. The Monitoring Officer advises Members of new legislative or procedural requirements.

## Managers

Managers at all levels are responsible for the communication and implementation of this policy in their work area. They are also responsible for ensuring that staff are aware of the Council's Financial Regulations and Procurement Rules, and that the requirements of each are being met in their everyday business activities. In addition, managers must make sure their staff are aware of the requirements of the Officers' Code of Conduct through the induction process and regular reminders

Managers are expected to strive to create an environment in which their staff feel able to approach them with any concerns they may have about suspected irregularities. Where they are unsure of the procedures, they must refer to the information in the Whistleblowing Policy, which is accessible to all staff via the intranet. Managers should also periodically review complaints as this may be an indication of potential fraud.

Special arrangements will apply where employees are responsible for cash handling or are in charge of financial systems and systems that generate payments, for example payroll, the integrated benefits computer system or council tax. Managers must ensure that relevant training is provided for staff. Checks must be carried out at least annually to ensure that proper procedures are being followed.

The Council recognises that a key preventative measure in dealing with fraud and corruption is for managers to take effective steps at the recruitment stage to establish, as far as possible, the honesty and integrity of potential employees, whether for permanent, temporary or casual posts.

The Council has a formal recruitment procedure, which contains appropriate safeguards on matters such as written references and verifying qualifications held.

As with other public bodies, police checks are undertaken on employees working with children.

Further checks will be introduced in areas where an increased risk of potential fraud and corruption has been identified (for example, positions whereby a professional qualification is essential).

Human Resources will keep under review the checks that legislation allows.

## **Employees**

Each employee is governed in their work by the Council's Procurement Rules and Financial Regulations, the Officer Code of Conduct and various policies. Guidelines on gifts and hospitality, and codes of conduct associated with professional and personal conduct and disclosure of interests are contained within the Staff Handbook, which is available to all staff via the corporate intranet.

Employees are responsible for ensuring that they follow the instructions given to them by management, particularly in relation to the safekeeping of the assets of the Authority. These will be included in induction training and procedure manuals. Employees are expected always to be aware of the possibility that fraud, corruption or theft may exist in the workplace and be able to share their concerns with management. If for any reason, they feel unable to speak to their manager, they can relay their suspicions to either the Chief Internal Auditor or the Corporate Fraud Manager. Employees can also avail themselves of the Whistleblowing Policy readily available on the intranet alongside the Council's safeguarding and gifts and hospitality policies

## **Conflicts of Interest**

Both Members and employees must ensure that they avoid situations where there is a potential for a conflict of interests. Such situations can arise with externalisation of services, partnering arrangements, internal tendering, planning and land issues, etc. Effective role separation will ensure decisions made are, and are seen to be made, based upon impartial advice thereby avoiding improper disclosure of confidential information. Since 2017, the Performance Development Review process requires employees to annually confirm their position regarding any potential conflicts of interest.

## **Official Guidance**

In addition to Financial Regulations and the Procurement Rules, Services will have their own procedures to prevent and detect fraud. There may also be audit reports that recommend methods to minimise losses to the Council. Staff must be made aware of these various sources of guidance and alter their working practices accordingly.

## **Role of the Corporate Fraud Team**

The Corporate Fraud Team role is in both the prevention and investigation of instances of suspected fraud against the Council. Fraud awareness training is given to officers within the Council to assist in ensuring that any cases referred to the team contain good quality information to assist with the investigation. All investigations are carried out in accordance with the respective legislation.

In cases where the offence is deliberate and serious enough to warrant prosecution, consideration will be given to the Council's fraud prosecution / sanction policy. If deemed appropriate legal proceedings will be undertaken in conjunction with Legal Services and / or other bodies such as the Police.

Utilising the provisions of Section 222 of The Local Government Act 1972, the Corporate Fraud Team in conjunction with Legal Services are appropriately authorised to undertake investigations and criminal prosecutions into cases of fraud and corruption that involve the Council.

## **The Role of Internal Audit**

Internal Audit plays a vital preventative role in trying to ensure that systems and procedures are in place to prevent and detect fraud and corruption. They liaise with management to recommend changes in procedures to prevent potential or further losses to the Council. Internal Audit works closely in conjunction with the Corporate Fraud Team.

## **The Role of External Audit**

Independent external audit is an essential safeguard in the stewardship of public money. This role is delivered through the carrying out of specific reviews that are designed to test (amongst other things) the adequacy of the Council's financial systems, and arrangements for preventing and detecting fraud and corruption. It is not the external auditor's function to prevent fraud and irregularity, but the integrity of public funds is at all times a matter of general concern. External auditors are always alert to the possibility of fraud and irregularity, and will act without undue delay if grounds for suspicion come to their notice. The external auditor has a responsibility to review the Council's arrangements to prevent and detect fraud and irregularity, and arrangements designed to limit the opportunity for corrupt practices.

## **Co-operation with Others**

The Corporate Fraud Team and Internal Audit have arranged (subject to legislative requirements regarding data sharing) and will keep under review procedures and arrangements to develop and encourage the exchange of information on national and local fraud and corruption activity in relation to local authorities with external agencies such as:

- Police
- County, Unitary and District groups
- External Audit
- Government departments
- National bodies such as The National Fraud Intelligence Bureau, Action Fraud etc.



## Section Four

### Detection and Investigation

The Corporate Fraud Team and Internal Audit play an important role in the detection of fraud and corruption. Included in their respective business plans are reviews of system financial controls and specific fraud and corruption tests, spot checks and unannounced visits.

In addition to Internal Audit, there are numerous systems controls in place to deter fraud and corruption, but it is often the vigilance of employees and members of the public that aids detection.

In some cases, frauds are discovered by chance or 'tip-off' and arrangements are in place to deal with such information properly.

All suspected irregularities are required to be reported (orally or in writing) either by the person with whom the initial concern was raised or by the originator, as detailed in the Council's Whistleblowing Policy. This will:

- ensure the consistent treatment of information regarding fraud and corruption
- facilitate a proper and thorough investigation by an investigator from the Corporate Fraud Team in accordance with the requirements of current legislation. Should a member of the Corporate Fraud Team be implicated or the subject of an investigation, either the Chief Internal Auditor or Monitoring Officer will provide a suitable, qualified investigator.

This process will apply to all the following areas:

- a) fraud/corruption by Members
- b) fraud/corruption by Council employees
- c) fraud/corruption by contractors' employees
- d) fraud/corruption by the public/ external parties

In most cases of reported fraud and / or corruption, any allegation or suspicion will, in the first instance be investigated by the Corporate Fraud Team. Depending on the nature of the case, the CFT may consider undertaking joint investigations with other relevant parties (such as other Local Authorities, Government Departments, and the Police etc.).

Alternatively, the CFT may, in some cases, refer the investigation on to another investigating body if more appropriate to do so.

Any decision to refer a matter to the police will be taken by the Chief Executive in consultation with the Monitoring Officer, the s151 Officer, the Director of the responsible service and the Corporate Fraud Manager / Chief Internal Auditor however any investigation whereby financial impropriety is discovered, will be dealt with, normally, in the first instance by the Corporate Fraud Team. However, the mere fact that a Corporate Fraud Team and / or police investigation leads to them taking no further action will not compromise any private action/procedure or investigation that the Council may pursue.

The Council's disciplinary procedure will be used to facilitate a thorough investigation of any allegation of improper behaviour by employees. Decisions to refer potential criminal activity by a Member to the Police will be taken by the Monitoring Officer in consultation with the Chief Executive and s151 Officer.

If a Member is suspected of the specific offence of failing to disclose a Disclosable Pecuniary Interest as defined by the Localism Act 2011 the decision to refer the matter to the Police will be taken by the Monitoring Officer.

## **Section Five**

### **Deterrence**

#### **Criminal Prosecution**

In order to strike the correct balance taking into account punishment and deterrence, the Council will undertake criminal prosecutions where it is considered evidentially appropriate and in the public interest. A corporate policy will be developed taking account of legal guidelines, to encompass the public, Members, contractors and employees. It is designed to clarify the Authority's action in specific cases and to deter others from committing offences against the authority. However, it also recognises that it may not always be in the public interest to refer cases for criminal proceedings and will seek to always take a fair and balanced view on each matter according to each case's particular merits.

#### **Disciplinary Action**

Theft, fraud and corruption are serious offences against the Council and employees will face disciplinary action if there is evidence that they have been involved in these activities. Disciplinary action may be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case, but in a consistent manner.

Members will face appropriate action under this strategy if they are found to have been involved in theft, fraud or corruption against the Council. Action may be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case, but in a consistent manner.

This aspect of the policy is to be read in conjunction with the powers of the Standards Committee, the delegated powers of the Monitoring Officer and the adopted Code of Conduct.

#### **Publicity**

The Council will optimise the publicity opportunities associated with anti-fraud and corruption activity within the Council. As a matter of course, a press release will be drafted following any successful criminal prosecution and passed to Public Relations (PR) in order for them to ensure that the results of any action taken, are reported positively in the media. This will be particularly relevant where a financial loss to the Council has occurred and any action taken to recover any such losses will also be promoted.

Provision will also be made for publicity to be taken for any such cases whereby details cannot be made public (for example: where formal cautions and / or financial penalties are utilised). In these cases, any press release will contain the pertinent details but will not identify individuals by name.

From time to time, the Council may be approached by the media such as television, radio etc. in order to provide content regarding anti-fraud and corruption activities. It is acknowledged that this type of media publicity can be extremely useful in promoting anti-fraud and corruption activities and as a tool for deterrence. Should such approaches be received, they are to be considered on a case by case basis with the involvement of both PR and Corporate Governance Group at the earliest opportunity.

All anti-fraud and corruption activities, including the update of this strategy, will be publicised in order to make employees and the public aware of the Council's commitment to taking action on fraud and corruption when it occurs.

Regular reports will be made to the Audit and Governance Committee, about countering fraud and corruption activities and their success or otherwise.

## Section Six

# Anti-Bribery Policy

### Objective of this policy

This policy provides a coherent and consistent framework to enable Epping Forest District Council (EFDC) Members and employees to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable Members and employees to identify and effectively report a potential breach.

We require that Members and all staff, including those permanently employed, temporary agency staff and contractors:

- act honestly and with integrity at all times and safeguard the organisation's resources for which they are responsible
- comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Council operates, in respect of the lawful and responsible conduct of activities.

### Scope of this policy

This policy applies to all of the Council's activities. For partners, joint ventures, agents and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy.

Within the Council, the responsibility to control the risk of bribery occurring resides at all levels of the Council. It does not rest solely within assurance functions, but in all business units and corporate functions.

This policy covers all staff, including all levels and grades, those permanently employed, temporary agency staff, contractors, agents, elected Members, co-opted members of the public, volunteers and consultants.

### The Council's commitment to action

The Council commits to:

- Setting out a clear anti-bribery policy and keeping it up to date
- Making all Members and employees aware of their responsibilities to adhere strictly to this policy at all times
- Raising awareness and where appropriate offer training so all Members and employees can recognise and avoid the use of bribery by themselves and others
- Encouraging its Members and employees to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately

- Rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution
- Taking firm and vigorous action against any individual(s) involved in bribery
- Provide information to all Members and employees to report breaches and suspected breaches of this policy
- Include appropriate clauses in contracts to prevent bribery.

## **Facilitation payments**

Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

## **Gifts and hospitality**

This policy does not change the requirements of our gifts and hospitality policy. This makes it clear that:

Sample tokens of modest value (for example, pens, diaries or calendars) whether given personally, or received in the post, may be retained unless they could be regarded as an inducement or reward.

You should refuse the offer or invitation (or return the gift) unless your Service Director has advised you that it may be accepted or retained.

## **Public contracts and failure to prevent bribery**

One of the main changes introduced by the Public Contracts Regulations 2015 is that a company will no longer face permanent debarment (referred to as an 'exclusion' in the 2015 Regulations) from bidding for public contracts following a corporate conviction for certain economic crimes. Instead, a company will face a period of debarment and will be able to recover eligibility to bid for public contracts if it has undergone a 'self-cleaning' process.

## **Member and Staff responsibilities**

All Members and staff are required to avoid activity that breaches this policy. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Council or under its control.

Members and staff must:

- ensure that they read, understand and comply with this policy
- raise concerns as soon as possible if they believe or suspect that a conflict with this policy has occurred, or may occur in the future.

## **Staff**

As well as the possibility of civil action and criminal prosecution, staff who breach this policy may face disciplinary action, which could result in summary dismissal for gross misconduct. Dismissal can still be an outcome with or without civil action or criminal prosecution.

## Members

The Member Code of Conduct requires that where a Member acts as a representative of the Council he or she must not use or attempt to use their position as a Member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.

Allegations against a Member for breach will be routed through the Standards complaints process administered by the Monitoring Officer.

## Raising a concern

This Council is committed to ensuring that all of us have a safe, reliable, and confidential way of reporting any suspicious activity. We want Members and each and every member of staff to know how they can raise concerns.

We all have a responsibility to help detect, prevent and report instances of bribery. If you have a concern regarding a suspected instance of bribery or corruption, please speak up – your information and assistance will help. The sooner you act, the sooner it can be resolved.

Preferably the disclosure will be made and resolved internally (e.g. to your Section Manager/Service Director). Secondly, where internal disclosure proves inappropriate, concerns can be raised with the External Auditor or relevant professional bodies or regulatory organisations.

Concerns can be reported anonymously. In the event that an incident of bribery is reported, we will act as soon as possible to evaluate the situation. We have a clearly defined Anti Fraud and Corruption Strategy which sets out procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in any investigation of this kind.

Members and staff who refuse to accept a bribe, or those who raise concerns can understandably be worried about the repercussions. The Council aims to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken.

The Council is committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery, or because of reporting a concern in good faith.

## Section Seven

### Anti-Money Laundering Policy

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## Introduction

Although local authorities are not directly covered by the requirements of the Money Laundering Regulations 2007, guidance from CIPFA indicates that they should comply with the underlying spirit of the legislation and regulations.

Epping Forest District Council is committed to the highest possible standards of conduct and has, therefore, put in place appropriate and proportionate anti-money laundering safeguards and reporting arrangements.

## Scope of the Policy

This policy applies to all employees and contractors, whether permanent or temporary, and Members of the Council.

Its aim is to enable employees and Members to respond to a concern they have in the course of their dealings for the Council. Individuals who have a concern relating to a matter outside work should contact the Police.

## Definition of Money Laundering

The most common motive for crime is financial gain or to obtain valuable property. Whenever criminals do anything with that financial gain or criminal property, they 'launder' it. Money laundering offences are serious; they carry sentences of up to 14 years imprisonment, but criminals and their associates still commit them every day.

Money laundering is the process by which criminals try to hide the origin of the proceeds of their crimes, making it look as if those proceeds were acquired legitimately. In doing so, criminal property obtained unlawfully is turned into property or money that can be accessed via legitimate methods without arousing suspicion. In other words, 'laundering' is the process of turning 'dirty' money into 'clean' money.

Money laundering has three distinct phases. They are:

- Placement; the movement of criminally-obtained money into the wider economy;
- Layering; undertaking transactions (perhaps bogus) to conceal the origin of the money; and
- Integration; making it look as if money has come from a legitimate source.

Two distinct offences affect employees, contractors and Members of the Council

- Failure to disclose one of the offences listed above, where there are reasonable grounds for knowledge or suspicion.
- Tipping off a person(s) who is or is suspected of being involved in money laundering in such a way as to reduce the likelihood of or prejudice an investigation.

Although the term 'money laundering' is generally used to describe the activities of organised crime, for most people it will involve a suspicion that someone they know, or know of, is benefiting financially from dishonest activities.

Successful money laundering means criminals can enjoy the fruits of their



criminality and fund further criminal activity. Stopping money laundering disrupts organised crime by removing the life-blood of the 'business' and prevents low level criminals from moving up into major level crime.

## Requirements of the Money Laundering Legislation

The main requirements of the legislation are:

- To appoint a money laundering reporting officer.
- Maintain client identification procedures known as know your customer (KYC) and know your business (KYB).
- Implement a procedure to enable the reporting of suspicions of money laundering.
- Maintain record keeping procedures.

## The Money Laundering Reporting Officer (MLRO)

The Council must appoint an MLRO to act as the focal point within the organisation for money laundering matters. The MLRO is responsible for:

- receiving disclosures from other staff; and
- deciding whether disclosures should be passed on to NCA.

The MLRO must keep copies of all disclosures received by them, notes of action taken and copies of all correspondence with NCA and other agencies.

## Identifying and disclosing suspicious transactions

Epping Forest District Council will consider the threats to Council being used by money launderers and put systems in place to guard against them. Policies and procedures should be laid out clearly so that all relevant staff understand and have access to them.

The officer nominated to receive disclosures about money laundering activity within the Council is the Section 151 Officer Peter Maddock. He can be contacted as follows:

Peter Maddock - Section 151 Officer  
Civic Offices  
Epping  
Essex  
CM16 4BZ

Telephone: 01992 564602.  
Email: [pmaddock@eppingforestdc.gov.uk](mailto:pmaddock@eppingforestdc.gov.uk)

In the absence of the MLRO, the deputy MLRO (also the deputy Section 151 Officer) should be contacted in their absence, telephone number 01992 564387 or by email at [jbelle@eppingforestdc.gov.uk](mailto:jbelle@eppingforestdc.gov.uk)

All suspicions should be reported directly to the MLRO or his deputy using the

relevant documentation.

## **Client Identification Procedures**

Although not a legal requirement, the Council has developed formal client identification procedures which must be followed when Council land or property is being sold. These procedures require individuals and if appropriate, companies to provide proof of identity and current address (KYC).

All verification documents are capable of being forged and can be bought over the internet. For this reason, industry guidance usually recommends face-to-face meetings with new clients. Excuses for non-attendance and excuses for missing documents should be explored and treated with some scepticism.

If satisfactory evidence is not obtained at the outset of a matter, then the transaction must not be progressed and a disclosure report must be submitted to the Money Laundering Reporting Officer.

All personal data must be collected, kept or destroyed in compliance with the General Data Protection Regulation and The Data Protection Act 2018.

## **Reporting Procedure for Suspicions of Money Laundering**

Where you know or suspect that money laundering activity is taking/has taken place, or become concerned that your involvement in a matter may amount to a prohibited act under the Act, you must disclose this as soon as practicable to the MLRO. The disclosure should be within "hours" of the information coming to your attention, not weeks or months later.

Your disclosure should be made to the MLRO using the disclosure report; the report must include as much detail as possible including

- Full details of the people involved
- Full details of the nature of their/your involvement.
- The types of money laundering activity involved
- The dates of such activities
- Whether the transactions have happened, are ongoing or are imminent;
- Where they took place;
- How they were undertaken;
- The (likely) amount of money/assets involved;
- Why, exactly, you are suspicious.

Along with any other available information to enable the MLRO to make a sound judgment as to whether there are reasonable grounds for knowledge or suspicion of money laundering and to enable him to prepare his report to the National Crime Agency (NCA), where appropriate. You should also enclose copies of any relevant supporting documentation.

Once you have reported the matter to the MLRO you must follow any directions he may give you. You must NOT make any further enquiries into the matter yourself: any necessary investigation will be undertaken by the NCA. Simply report your suspicions to the MLRO who will refer the matter on to the NCA if appropriate. All members of staff will be required to co-operate with the MLRO and the authorities during any subsequent money laundering investigation.

Similarly, at no time and under no circumstances should you voice any suspicions to the person(s) whom you suspect of money laundering, even if the NCA has given consent to a particular transaction proceeding, without the specific consent of the MLRO; otherwise you may commit a criminal offence of "tipping off".

Do not, therefore, make any reference on a client file to a report having been made to the MLRO – should the client exercise their right to see the file, then such a note will obviously tip them off to the report having been made and may render you liable to prosecution. The MLRO will keep the appropriate records in a confidential manner.

## **Consideration of the disclosure by the Money Laundering Reporting Officer**

Upon receipt of a disclosure report, the MLRO must note the date of receipt on his section of the report and acknowledge receipt of it. He should also advise you of the timescale within which he expects to respond to you.

The MLRO will consider the report and any other available internal information he thinks relevant e.g.:

- reviewing other transaction patterns and volumes;
- the length of any business relationship involved;
- the number of any one-off transactions and linked one-off transactions;
- any identification evidence held;

And undertake such other reasonable inquiries he thinks appropriate in order to ensure that all available information is taken into account in deciding whether a report to the NCA is required (such enquiries being made in such a way as to avoid any appearance of tipping off those involved). The MLRO may also need to discuss the report with you.

Once the MLRO has evaluated the disclosure report and any other relevant information, he must make a timely determination as to whether:

- there is actual or suspected money laundering taking place; or
- there are reasonable grounds to know or suspect that is the case; and
- whether he needs to seek consent from the NCA for a particular transaction to proceed.

Where the MLRO does so conclude, then he must disclose the matter as soon as practicable to the NCA on their standard report form and in the prescribed manner, unless he has a reasonable excuse for non-disclosure to the NCA (for example, if you are a lawyer and you wish to claim legal professional privilege for not disclosing the information).

Where the MLRO suspects money laundering but has a reasonable excuse for non-disclosure, then he must note the report accordingly; he can then immediately give his consent for any ongoing or imminent transactions to proceed.

In cases where legal professional privilege may apply, the MLRO must seek independent legal advice or consult with an Accredited Financial Investigator to decide whether there is a reasonable excuse for not reporting the matter to the NCA.

All disclosure reports referred to the MLRO and reports made by him to the NCA must be retained by the MLRO in a confidential file kept for that purpose, for a minimum of five years.

The MLRO commits a criminal offence if he knows or suspects, or has reasonable grounds to do so, through a disclosure being made to him, that another person is engaged in money laundering and he does not disclose this as soon as practicable to the NCA.

## **Training**

Officers considered likely to be exposed to suspicious situations, will be made aware of these by their senior officer and provided with appropriate training.

Additionally, all employees and Members will be familiarised with the legal and regulatory requirements relating to money laundering and how they affect both the Council and themselves.

Notwithstanding the paragraphs above, it is the duty of officers and Members to report all suspicious transactions whether they have received their training or not.

## Section 8

# Epping Forest District Council Fraud Response Plan

### Introduction

The Fraud Response Plan defines the way in which the Council applies its various policies and procedures to suspected instances of theft, fraud corruption and bribery. It fits in with, and is designed to be read in conjunction with the Council's Anti Fraud and Corruption Policy, Anti-Bribery Policy, Anti Money Laundering Policy and the Whistleblowing / Confidential Reporting Policy. The aim of this plan is to provide clear guidance for dealing with these issues, access to rapid relevant advice and a guide for managers on how to react and deal with suspicions of fraud, theft, corruption and bribery.

Additionally, it seeks to give a brief outline on how investigations will be progressed (although no detail will be given regarding investigation techniques etc.).

The Fraud Response Plan is designed to ensure timely and effective action in the event of suspected fraud by:

- Seeking to minimise the extent of the fraud by taking prompt action
- Preventing further losses where fraud had occurred.
- Maximising the recovery (or the chances of recovering) any financial losses
- Ensuring the accuracy and integrity of evidence for successful criminal prosecution and / or disciplinary action
- The early identification of any system weaknesses and the lessons to be learnt for preventing them in the future
- Maximising positive publicity where frauds are discovered and dealt with.
- Deterring others from any illegal / inappropriate conduct they may be committing or contemplating.

## The Manager's Role in dealing with suspected fraud

### First Response

Where managers suspect a fraud or involvement in a fraud is taking place, the first course of action must be to contact the Section 151 Officer, Chief Internal Auditor or the Corporate Fraud Manager who will ensure that the Section 151 Officer and the Chief Executive are informed.

Although, the Council no longer investigates Housing Benefit fraud, where a suspicion occurs of a staff member's involvement in a Housing Benefit (including Local Council Tax Support) fraud, the above steps should still be followed.

All other suspicions of benefit fraud (including Local Council Tax Support) must be reported to the Compliance Manager within the Benefits Division. Suspicions can also be reported directly to The Department for Work and Pensions (DWP) via their website ([www.gov.uk/report-benefit-fraud](http://www.gov.uk/report-benefit-fraud)) or by calling the National Benefit Fraud Hotline on 0800 854440 or by textphone on 0800 328 0512. It may be prudent to seek the advice of either The Corporate Fraud Manager or The Compliance Manager before contacting the DWP however, as Local Council Tax Support cannot be investigated by the DWP.

In usual circumstances, the suspicion will be passed to the Corporate Fraud Team to assess and undertake an investigation if appropriate. The Corporate Fraud Manager / Chief Internal Auditor will retain overall responsibility for the conduct of the investigation; however, it is probable that the matter will be allocated to a member of the Corporate Fraud Team to undertake any investigation. As part of the Internal Audit service, the Corporate Fraud Team will be independent of any service area under investigation and all of the officers comprising the Corporate Fraud Team currently are fully trained and accredited investigators each holding the qualification of Accredited Counter Fraud Officer / Specialist whilst the Corporate Fraud Manager also holds the qualification of Accredited Counter Fraud Manager.

There may be circumstances where it is appropriate for managers to undertake some preliminary enquiries to ascertain the validity of an allegation or irregularity (for example, to establish whether on the face of it, there is a case to be investigated), however before embarking on such action, advice should always be sought from a member of the Corporate Fraud Team as such action may alert the fraudster and could result in the concealing or destroying of vital evidence or compromise the investigation and the collection of further evidence.

The investigating officer will liaise and work with Human Resources at the earliest available opportunity on disciplinary matters such as suspending the staff member to enable further investigation and protect vital evidence.

### Initial Enquiries

As stated above, the manager may make discreet initial enquiries in order to:

- Determine any facts that gave rise to the suspicion
- Examine any factors to determine whether there has been a genuine mistake made or whether an irregularity has occurred

Any actions and findings should be clearly recorded and documented ensuring that access is restricted (for example, not held on an “open” area of the computer network or in the case of paper notes, making sure they are securely locked away).

It is important that the suspected perpetrator is not interviewed at this stage nor any allegations / suspicions put to them. If in doubt at any point, the manager must seek the guidance of the Corporate Fraud Team or the Chief Internal Auditor.

## **Formal Investigation**

If a formal investigation is required, it will be conducted by a qualified Corporate Fraud Investigator. The nature of the investigation, lines of enquiry followed and evidence obtained will vary depending on the irregularity being investigated and will, for the most part be fluid and reactive. Generally, however, the investigating officer will be seeking to gather evidence by way of interviews, the taking of written witness statements and the obtaining of evidence be it physical, documentary etc.

The investigating officer will consult and take advice from Human Resources particularly on matters regarding employment law, policies and procedural matters. It is imperative however, that a clear distinction must be made in these circumstances between those advising the investigating officer and those advising the staff member.

Legal Services will be consulted as appropriate to advise or seek external advice in order to support any investigation.

Any investigation will be conducted with full compliance with The Criminal Procedures and Investigations Act 1996 which governs the conduct of a criminal investigation (such as obtaining and recording evidence etc.) as well as any other legislation that may apply such as The Police and Criminal Evidence Act 1984 (PACE), The Regulation of Investigatory Powers Act 2000 (RIPA), The Human Rights Act 1998 and Data Protection Act etc. (this list is meant as an example and is not exhaustive).

In general terms however, the following principles will apply to the investigation:

- Any investigation will be conducted promptly (subject to evidence gathering activities) with periodic updates given as appropriate to the Chief Internal Auditor and / or the relevant Service Director.
- All actions and evidence will be recorded either by written or electronic means and stored securely with access given purely on a “need to know” basis.
- Enquiries and evidence gathering activities will be undertaken as discreetly as possible with sensitivities observed where appropriate.
- Confidentiality will be maintained throughout with information only shared where circumstances and the law allows.

Where it is considered appropriate, the investigation may involve the input of other agencies such as local authorities as well as other law enforcement agencies such as the Police and HM Revenue & Customs. Liaison and / or joint working will be conducted in accordance with established guidelines and protocols.

The investigating officer must not and will not accept any offer of repayment of monies or resignation at any stage during the investigation, however any such offers

will be noted and recorded on the investigation file and reported to the Chief Internal Auditor/responsible Service Director.

The Council has a right to suspend any employee involved pending the outcome of an investigation. Any such suspension, is, in the opinion of the Council, a neutral act and does not imply any guilt on behalf of the suspended employee. The suspension of an employee can, in some circumstances aid the speed in which an investigation can be conducted and serve to preserve vital evidence.

When suspects are not suspended, supervision of the employee will usually need to be increased and any manager should seek the advice of Human Resources and ICT on how this can best be accomplished.

## **Actions following the completion of an investigation**

Upon the completion of an investigation, the investigating officer will report their findings in the first instance to the Corporate Fraud Manager and Chief Internal Auditor, who will in turn make the findings known to Human Resources, relevant Service Director or the Chief Executive

In the case of any monetary losses, a report will be given to the Council's Insurance Officer.

Should any control weaknesses be identified, the Service Director and relevant manager will be informed and remedies be actioned immediately. The Chief Internal Auditor / Internal Audit Service will be able to provide advice and support regarding effective control mechanisms.

Should there be disciplinary issues identified as part of the investigation, a full report will be made to Human Resources who will work with the relevant Service Director and manager to decide what happens next. Should any course of action result in a disciplinary hearing, the investigating officer will (if required) make themselves available to give evidence at the hearing.

Although some organisations delay the bringing of any disciplinary action pending the outcome of any criminal prosecution, the Council will seek to deal with any disciplinary matters using the appropriate processes.

Should it be the case that criminal action presents itself as an option, this decision will be fully explored and subject to the Council's Fraud Prosecution Policy. Should fraud be proven, the Council will make every effort to recover any monetary losses. The method of doing so may vary depending on the type of loss and relevant legislation, however all options will be explored including civil court proceedings and in the case of criminal prosecution, proceedings brought under The Proceeds of Crime Act 2002.



## ***Report to the Council***

***Committee: Licensing***

***Date of meeting: 20 December 2018***

**Subject: Statement of Licensing Policy**



**Epping Forest  
District Council**

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### **Recommending:**

**That the attached Statement of Licensing Policy be adopted.**

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1. The Council was required to review their Statement of Policy made under the Licensing Act 2003 at defined intervals. A new draft policy had been prepared and consultation had taken place with interested parties and the trade. It also gave officers an opportunity to update or make minor changes, although there had only been minor typographical corrections.

2. The Licensing Committee had considered the responses received and incorporated them into the final policy. The Licensing Committee were now recommending the adoption of the revised Statement of Licensing Policy, as attached to this report.

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# **STATEMENT OF LICENSING POLICY**

**Made under section 5 of the Licensing Act 2003**

**This policy shall be reviewed not later than 2021**

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## **1. Purpose and Scope**

- 1.1 Epping Forest District Council ('the Council') is the licensing authority under the Licensing Act 2003 ('the Act'). This policy relates to all those licensing activities identified as falling within the provisions of the Act, including granting premises licences, club premises certificates, temporary events and personal licences in the district in respect of the sale and/or supply of alcohol and/or the provision of regulated entertainment and late night refreshment.
- 1.2 The Act requires that the Council publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act and to regulate licensable activities on, and in the vicinity of, licensed premises. This 'Statement of Licensing Policy' has been prepared in accordance with the Act.
- 1.3 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the guidance issued under Section 182 of the Act.
- 1.4 This Statement of Licensing Policy has been produced in consultation with the Chief Police Officer for Essex, the Fire and Rescue Authority and bodies representing local holders of premises licences, club premises certificates and personal licences, businesses and residents of the area. The policy will be reviewed in not less than 3 years, or in the light of changes to legislation or circumstances, whichever is sooner.

## **Licensing Objectives**

- 1.5 The Act requires that the Council carry out its various licensing functions so as to promote the following four licensing objectives:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 1.6 To achieve these objectives the Council will use the full range of measures available to it, including relevant legislation. The Council will work closely with the police, the fire authority, businesses, community representatives and local people in meeting these objectives.
- 1.7 There are a number of other Council and Government policies, strategies, responsibilities, and guidance documents that have been considered in the formulation of this licensing policy and which will be taken into account in its implementation.
- 1.8 Applicants must be able to demonstrate that they have considered the four licensing objectives within their operating schedule. Applicants know their premises best and will be expected to address all aspects relevant to the individual style of their premises. Consideration must be given to all of the licensing objectives. There are many control measures that are available to applicants to achieve this goal. Where appropriate applicants should consider whether or not any additional measures are required in respect of occasional or specific events that are intended or are likely to attract larger audiences.

## Consultation, Strategies and Policies

- 1.9 In developing this Policy Statement, the Council consulted widely. Along with the statutory consultees (the Chief Police Officer for the District and the Essex County Fire and Rescue Service), the views of existing licence holders, businesses, voluntary groups and residents were also taken into account. Due consideration was given to the views of all those who responded to that consultation process.

### Details of the consultation on this policy are attached as Appendix 2.

- 1.10 The Council will take account of the guidance and strategies listed or any replacement guidance or strategy when preparing its policies and in its decision making.

- Environmental Health Enforcement Policy
- Enforcement Concordat
- The Corporate Plan

#### Other Responsibilities

- Responsibilities under Anti-Social Behaviour Act 2003
- Equality Act 2010

#### Guidance Documents

- Guidance issued under S182 of the Licensing Act 2003
- A practical guide for dealing with Alcohol related problems issued by the Home Office
- Home Office - Safer Clubbing Guide
- LACORS – A Practical Guide to Test Purchasing
- Any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols

Any documentation relating specifically to temporary events such as:

- The Event Safety Guide: A Guide to Health, Safety and Welfare at Music and Similar Events (HSE 1999)
- Managing Crowds Safely'
- Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0716 150804
- The Guide to Safety at Sports Grounds
- Safety Guidance for Street Arts, Carnivals, Processions and Large-scale Outdoor Performances Independent Street Arts Network copies of which may be obtained through [www.streetartsnetwork.org.uk/pages/publications.htm](http://www.streetartsnetwork.org.uk/pages/publications.htm)

- 1.11 The Council will have regard to, and consult with those involved with, local crime prevention, planning, transport, tourism, race equality and cultural strategies. Review or amendment to these strategies will be considered for their impact on this Statement of Licensing Policy.

- 1.12 Furthermore, arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations. The Licensing Committee will

also be appraised of the local employment situation and the need for new investment and employment, where appropriate.

- 1.13 To ensure proper integration with the Council's planning policies, the Licensing Committee will provide reports to the Development Control Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder, to enable the Development Control Committee to have regard to such matters when making its decisions.

### **Equality Duty**

- 1.14 The Council recognises its responsibilities under the Equality Act 2012 to have due regard to the need to eliminate unlawful discrimination, harassment and victimization; to advance equality of opportunity; and foster good relations between persons with the characteristics mentioned in the Act. These characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The impact of this policy on its services will be monitored through the Council's Equality scheme. This Statement of Licensing Policy has been assessed to take account of equality issues.

### **Regulated Entertainment**

- 1.15 As part of implementing local cultural strategies, proper account/consultation will be taken of the need to encourage and promote in suitable locations, a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of communities.
- 1.16 If representations are made concerning the potential for disturbance in a particular neighbourhood, the Council's consideration where disturbance is likely to be of limited extent, will be balanced against the wider benefits to the community. When attaching conditions the Council will also be aware of the need to avoid measures that might deter live music, dancing or theatre by imposing indirect costs of a substantial nature.

### **Applications**

- 1.17 In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits, taking into account:
- the Licensing Act 2003 and the four licensing objectives;
  - Government Guidance issued under Section 182 of the Licensing Act 2003;
  - Supporting regulations;
  - This statement of Licensing Policy; and
  - the nature and locality of the premises and the Operating Plan submitted by the applicant.
- 1.18 The Council requires the applicants to satisfactorily address the licensing objectives, from the design of the premises through to the daily operation of the business, in their Operating Plans, which must be submitted with their application.

1.19 Nothing in this Statement of Policy will:

- Undermine the rights of any person to apply under the Act for a variation of permissions and have the application considered on its individual merits;
- Override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act;
- Prevent any person from applying for a variety of permissions under the Act.

1.20 So far as possible, this policy will not duplicate existing legislation and

regulatory regimes that already place obligations on employers and operators e.g. The Health & Safety at Work etc Act 1974, The Environmental Protection Act 1990, equalities legislation, and the Fire Safety Regulatory Reform Order 2005. Conditions in respect of public safety will only be attached to licences if they are necessary for the promotion of a licensing objective. When considering applications the provisions of the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls) Order 2009 will apply.

1.21 When one part of the Council seeks a premises licence from the Licensing Committee, the application will be considered from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the Committee.

1.22 In all cases, the applicants and those making representations have a right to appeal to the magistrates' court against any decision made by the Council.

### **Representations**

1.23 Responsible Authorities may make representations on applications, so far as they relate to the promotion of the four licensing objectives, and request reviews once licences have been granted. Representations must be evidentially based.

The Responsible Authorities are:

- The relevant licensing authority or any other licensing authority in whose area part of the premises is situated.
- Chief Officer of Police,
- the Fire and Rescue Authority,
- the Enforcing Agency for health and safety purposes,
- the local authority responsible for environmental health,
- the local planning authority,
- the authority responsible for minimising or preventing the risk of pollution
- the Child Protection Authority,
- the local Clinical Commissioning Group
- the local weights and measures authority (trading standards).

1.24 The Act permits other persons to make representations. This includes any individual, body or business, or their representatives are known as 'interested parties' and are free to raise relevant representations regardless of their geographical proximity to the premises. Any representations must be 'relevant' in that the objection relates to one or more of the four licensing objectives. In the case of a review the ground must not be considered to be repetitious.



- 1.25 A Councillor for the District may also make representations. A representation would only be 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. Any representation must not be frivolous or vexatious, and in addition, in the case of reviews, not be repetitious. Parties intending to make a representation are directed to the guidance issued by the Department for Culture, Media and Sport (or similar government issued guidance) for assistance as to whether a representation is relevant.
- 1.25 In the absence of any representations the licence must be granted and any representations must be heard at a hearing of the Licensing Sub-committee.

### **Conditions**

- 1.26 Licence conditions will be tailored to the individual application and those **appropriate** to promote the licensing objectives will be imposed. Licence conditions will not be imposed where other controls/legislation exist to provide sufficient protection to the public. The Council may create its own pool of conditions to assist applicants. Essex Police have created a pool of conditions which may also assist applicants.
- 1.27 Any conditions arising from the operating schedule or as a result of representations will be focused on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in normal activity in the area concerned and which are within the control of the individual licensees and others with relevant authorisations.

### **Administration, Exercise and Delegation of Functions**

- 1.28 The powers of the Council under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.
- 1.29 With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making. A table setting out how we will approach this is attached at Appendix 1.
- 1.30 The Licensing Committee will receive regular reports regarding licences determined by officers under delegated powers, in order to maintain an overview of the general situation.
- 1.31 The Licensing Committee will expect individual applicants to address the licensing objectives in their Operating Plan, having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.

## **Cumulative Impact of a Concentration of Licensed Premises**

- 1.32 Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 1.33 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the Council can take into account. This will not be confused with 'need', which relates more to the commercial demand for a particular type of premises, and is therefore a matter for planning consideration and does not form part of this Licensing Policy Statement.
- 1.34 The Council may receive representations from either a Responsible Authority or any party, (both defined by the Act), that the cumulative impact of new licences is leading to an area becoming saturated with premises of a certain type, making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. In such cases, the issue of cumulative impact may be taken into account when considering the individual merits of any application.
- 1.35 The Council will not operate a quota of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.
- 1.36 In determining whether to adopt a 'cumulative impact' policy for a particular area the Council may, amongst other things:
- gather evidence of local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
  - gather evidence of environmental health complaints particularly in relation to litter and noise;
  - gather evidence of health-related statistics such as alcohol-related emergency attendances and hospital admissions
  - Identify the area from which problems are arising and the boundaries of that area;
  - Make an assessment of the causes;
  - Adopt a policy about future applications for premises within that area.
- 1.37 The Council recognises however, that as well as the licensing function there are a number of other mechanisms for addressing issues of unruly behaviour that occur away from licensed premises. The Council recognises that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the licence holder.

## Advice and Guidance

- 1.38 The Council recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act provide and welcomes the diversity of activities that are provided by licence holders. For this reason, pre-application discussions will be encouraged to assist applicants to develop their operating schedule. The Council, Essex Police and/or Essex County Fire and Rescue Service will offer as much advice and guidance to applicants, as resources permit.
- 1.39 The Council will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the licensing department/section and those from who they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

## Reviews

- 1.40 A Responsible Authority and/or other parties can trigger a review of a premises licence or club premises certificate but an evidentiary basis would be required to be presented to the Licensing Authority. Representations received must be relevant to the promotion of the licensing objectives and submitted in writing. Representations must not be frivolous or vexatious.
- 1.41 The Act provides a mechanism for reviewing Premises Licences where problems associated with achieving the Licensing Objectives occur. However, no more than one review from an interested party will normally be permitted within any 12 month period on similar grounds, except in exceptional and compelling circumstances or where it arises following a Closure Order.
- 1.42 In addition where premises are associated with serious crime or serious disorder a senior police officer (Superintendent or above) may apply for a summary review of the premises licence which may result in :-
- (a) the modification of the conditions of the premises licence;
  - (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
  - (c) the removal of the designated premises supervisor from the licence;
  - (d) the suspension of the licence.

The initial decision may be determined in the absence of the premises licence holder. A review hearing must then take place within 28 days.

- 1.43 Where an interested any Party applies for a review, the Licensing Authority has to be satisfied that the grounds are relevant. There is no appeal to the decision of the Authority other than by way of judicial review.

- 1.44 The Licensing Authority accepts that in exceptional circumstances, an Interested Party may not wish to provide his/her personal details to the licence or certificate holder. In those circumstances an Interested Party might consider providing the relevant Responsible Authority with details of how they consider the licensing objectives are being undermined so that the Responsible Authority can apply for a review.
- 1.45 Where possible and appropriate the Council, Essex Police and/or Essex Fire Service will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 1.46 No more than one review from interested parties will be normally permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances.

## **Enforcement**

- 1.47 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to the principles of good inspection and enforcement practice and recognises the Hampton principles by carrying out its regulatory functions in a fair, open and consistent manner.
- 1.48 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives, and compliance with the specific conditions of their licence and their Operating Plan. The Council will make arrangements to monitor premises and take appropriate enforcement action to ensure this.
- 1.49 The Council has established an enforcement protocol with Essex Police, Essex County Fire and Rescue Service and (Essex County Council) Trading Standards on enforcement issues. This protocol provides for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises.

## **2. Licensing Objectives**

- 2.1 The following sections set out the Council's Policy relating to the four licensing objectives:
- the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance;
  - the protection of children from harm.

### **3. Prevention of Crime and Disorder**

3.1 When considering Crime & Disorder applicants should look to include in their Operating Plan measures to control problems associated with this as required:

- Effective training and supervision of staff
- Adoption of best practice guidance (e.g. Safer Clubbing, The National Alcohol Harm Reduction Strategy Toolkit, Pub watch schemes, CCTV, Drug Awareness)

### **4. Public Safety**

4.1 When considering Public Safety the applicant should consider whether it is necessary to address the following in their Operating Plan:

- Suitable and sufficient risk assessments;
- Effective and responsible management of premises;
- Adoption of best practice guidance (e.g. Guide to Fire Precautions in Licensed Premises).

### **5. Public Nuisance**

5.1 When considering prevention of public nuisance applicants should consider what measures may be necessary and should take account of the following:

- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Property, Noise, published by BBPA);
- Ensuring customers leave quietly;
- Installation of sound proofing.

### **6. Protection of Children from Harm**

6.1 The Council recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered necessary to do so in order to protect them from harm.

6.2 When deciding whether to limit access to children or not, the Council will judge each application on its own individual merits. Examples that may give rise to concern in respect of children would include premises where:

- entertainment of an adult or sexual nature is provided;
- there is a strong element of gambling taking place;
- there is a known association with drug taking or dealing;
- there have been convictions of members of the current staff at the premises for serving alcohol to those under 18;
- there is a reputation for underage drinking;
- where the supply of alcohol for consumption is the exclusive or primary purpose of the services provided at the Premises.

6.3 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Council itself.

- 6.4 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then conditions will be imposed requiring the presence of an appropriate number of adult staff to ensure the children's safety and their protection from harm.
- 6.5 Venue operators seeking premises licenses and club premises certificates should consider including in their operating schedules particularly where their own risk assessments have determined that the presence of children is undesirable or in appropriate conditions which could include –
- A limit on the hours when children may be present;
  - A limitation or exclusion when certain activities may take place;
  - The requirement to be accompanied by an adult;
  - Limiting access to parts of the premises;
  - An age limitation.
- 6.6 The Council will not impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club. In all cases, it is expected that the applicant will have considered the protection of children in their Operating Plan. The Council commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and would expect applicants to consider the Code in their Operating Plan.
- 6.7 In the case of premises giving film exhibitions the Council would expect licensees or clubs to include in their operating schedules arrangements for restricting children from age-restricted films as classified according to the recommendations of the British Board of Film Classification.
- 6.8 The competent responsible authority in relation to the protection of children from harm is the Essex County Council's Children's Safeguarding Service.

## **7. Licensing Hours**

- 7.1 The Council recognises that longer licensing hours may be in the interests of the community by avoiding concentrations of disturbance from customers leaving premises whilst ensuring that nuisance is minimised to local residents. Premises will generally be able to sell alcohol during the hours they are permitted to open. Entertainment providers may provide a range of entertainment during their operating hours. When issuing a licence, however, stricter conditions are likely to be imposed with regard to noise control in the case of premises situated in largely residential areas.

## Contact Details

Further information concerning all aspects of licensing can be obtained from our website: [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk)

or

Licensing Section  
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Email: [licensing@eppingforestdc.gov.uk](mailto:licensing@eppingforestdc.gov.uk)

**Delegation of Functions**

Appendix 1

| <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 <del>police</del> -objection to a temporary event notice                                      |                       | All cases                         |                                    |
| 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             |                                   |                                    |



## Consultation

Consultation will be undertaken with those listed below. The majority of those being contacted via email and the remainder by post. A copy of the draft policy will be available on the EFDC website. All comments received will be considered and the results of the consultation published on the EFDC website. The consultation period will be 6 weeks.

|  |  |
|--|--|
| Alex Burghart MP<br>Arriva Bus Company<br>Arts Council England<br>Association of Licensed Retailers<br>Attwater & Liell Solicitors<br>Berwin Leighton Paisner Solicitors<br>British Transport Police<br>Butler & Mitchells Brewers<br>Churches and Religious Groups<br>Citizens Advice Bureau<br>Consumers Association<br>Cooley Partnership<br>Campaign for the Protection of Rural<br>England Curwens Solicitors<br>Council for Voluntary Services<br>Crime and Disorder Strategy Panel<br>East Herts DC<br>EFDC Councillors<br>EFDC Senior Officers<br>Eleanor Laing MP<br>Environment agency<br>Epping Forest Conservators<br>Epping Magistrates<br>Equity<br>Essex Ambulance NHS Trust<br>Essex County Council<br>Essex Fire & Rescue<br>Essex Police<br>Essex Probation Service<br>Essex Tourist Bodies<br>Fosket Marr Gadsby & Head | General Municipal and Boilermakers Union<br>Hammonds Solicitors<br>Health and Safety Executive Essex<br>Jarmans Solicitors<br>Laurel Pub Co<br>Lea Valley Park Authority<br>Limes Farm Synagogue<br>Local Chambers of Commerce<br>Local Council Liaison Committee<br>Local Round Tables<br>Local Taxi Operators<br>Loughton Residents Association<br>LUL Transport for London<br>McMullens Brewery<br>Musicians Union<br>Parish and Town Councils<br>Police & Community Consultative Group<br>Princess Alexandra NHS Trust<br>Ridleys Brewery's<br>Robert Halfon MP<br>Rural Community Council of Essex<br>Scottish & Newcastle Retail<br>Somerfield Supermarkets<br>Spirit Group Brewery<br>Transport and General Workers Union<br>Town Centre Partnerships<br>Union of Shop, Distributive and Allied Workers<br>Unison<br>Licensed Victuallers Association<br>West Essex CCG<br>Whiskers & Co Solicitors<br>Whipps Cross NHS Trust |
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## ***Report to the Council***

**Committee: Constitution Working Group  
(Councillor M McEwen)**

**Date: 20 December 2018**

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### **1. PLANNING PROCESS REVIEW – LOCAL COUNCIL’S ATTENDANCE**

**Recommending:**

**(1) That in the instance where a local council has not registered to speak at an Area Plans Subcommittee and fails to attend, having previously advised the Council of their intention to attend and speak, relevant applications be automatically referred (without any consideration of the merits of the development proposal) to the Service Director (Planning Services) for determination in accordance with the Scheme of Delegation;**

**(2) That to facilitate (1) above, the following additions be made to the constitution:**

**(i) That in Part 3 of the Constitution – Scheme of Delegations from the Council: delegation CLD2, paragraph 3 (c) be reworded to read:**

**“3(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 be considered. Should the relevant Local Council fail to register to speak, the application be referred (without any consideration of the merits of the development proposal) to the Service Director (Planning Services) for determination in accordance with Rule P2 (2) (Planning Applications) set out in Part 4 of the Constitution.”**

**(ii) That in Part 4 – Council Rules P2 (planning Applications, a further paragraph be added to read:**

**“P2 (2) That, pursuant to the scheme of delegation on planning applications set out in Part 3 of this constitution, where a local council have indicated, during the course of planning consultations, of their intention to attend and speak at the meeting where the proposal will be considered and then subsequently fail to register and attend, the application be referred (without any consideration of the merits of the development proposal) to the Service Director (Planning Services) for determination.”**

- 1. At its meeting on 31 July 2018, the Council adopted a number of recommendations of the Working Group arising from a review of planning processes, which had been considered against the implications of the delivery of the Local Plan and the resource implications likely to result from an increased volume of work at the pre-application and application stages.**
- 2. Part of the review undertaken by the Working Group concerned existing arrangements for the consideration of planning applications by the Area Plans**

Sub-Committees, many of which did not meet the national target for determination within eight weeks of receipt, to which an objection to a development proposal was made by a local town or parish council. This report concerns issues that have arisen as a result of the application in practice of this arrangement.

3. To improve relevant processes in this regard, the Council agreed that, in all cases where a local council had submitted a material objection to a development proposal but such objection was not supported by local residents, applications be determined in accordance with the authority delegated to the Service Director (Planning Services) within the Scheme of Delegation set out in the Council's Constitution.
4. Applications recommended for approval where an objection to the planning merits of a development proposal has been received from a local council continue to be considered by an Area Plans Sub-Committee, only where the local council has confirmed in writing its intention to attend the relevant meeting where the proposal will be considered, in order to present such objection to the Sub-Committee.
5. In at least four recent instances, applications contained within the agenda for a meeting of one of the Area Plans Sub-Committees have been referred to the Sub-Committee for determination solely as a result of the receipt of an objection to the development proposal by the relevant local council. In each instance, no other objection had been received to the development proposal and, without the receipt of an objection by the relevant local council, each would have been determined by the Service Director (Planning Services) in accordance with the current Scheme of Delegation. The Local Council's concerned then failed to attend and speak at the subsequent meeting.
6. As each of the applications had been correctly published within the agenda for the respective meeting, the Monitoring Officer considered that it was inappropriate for them to be simply withdrawn without some form of 'consideration' by members and advice was issued to each chairman and vice-chairman in this respect.
7. We considered the following options that appear available to address this unforeseen situation:
  - (a) that relevant applications be automatically referred (without any consideration of the merits of the development proposal) to the Service Director (Planning Services) for determination in accordance with the Scheme of Delegation; or
  - (b) that the Area Plans Sub-Committees be authorised to consider and determine relevant applications on the basis of the information set out in the report of the Service Director (Planning Services) and presented at the meeting by the Principal Planning Officer (and external speakers where relevant).
8. We are of the view that we should act now to alter the scheme of delegation and the Council Rules to ensure that such application are referred back to officers for determination in this instance. We recommend accordingly.

## **2. PETITION SCHEME – REVIEW**

### **Recommending:**

**(1) That the revised version of the Petition Scheme for inclusion within the Constitution, attached as Appendix 1 to this report, be adopted.**

1. The Council's Petition Scheme, adopted on 14 December 2010 in accordance with the requirements of the Local Democracy, Economic Development and Construction Act 2009 as part of a duty to promote democracy, was reviewed by the Governance Select Committee (GSC) on 23 October 2018. Feedback from neighbouring local authorities on the handling of petitions and signature thresholds used suggests that generally a low number of petitions are received. Therefore, no changes are made to the current threshold levels.
2. The existing guidance for the Petition Scheme has also been reviewed to ensure it is clear and consistent with the revised scheme that incorporates previous separate guidance on the creation of e-petitions. However, as a result that many of the petitions received relate to services provided by other authorities, e.g. Essex County Council (highway issues) and North Essex Parking Partnership (parking enforcement), which did not meet some of the acceptance criteria, the revised scheme also includes a list of the main functions of local authorities (appended to the Petition Scheme).
3. On adoption by Council, the revised Petition Scheme will be publicised on the Council's website to increase public, member and officer awareness, since Democratic Services often receive petitions indirectly from ward members or other officers.
4. We recommend as set out at the commencement of the report.

### **3. APPOINTMENT OF HONORARY ALDERMEN AND ALDERWOMEN**

#### **Recommending:**

**(1) That the scheme for the Appointment of Honorary Aldermen and Alderwomen, attached as Appendix 2 to this report, be adopted; and**

**(2) That a DDF budget sum of £3,500 be approved to fund the implementation of the scheme, production of a supply of Badges of Office and Roll of Honour book.**

1. At a meeting of Full Council held on 1 November 2018 the following Motion was moved by Councillor J Philip and seconded by Councillor C Whitbread, was adopted:

“That, in recognition that the Council has the option, under the provisions of Section 249 of the Local Government Act 1972, to confer the title of Honorary Alderman on any person who, in the opinion of the Council has rendered eminent services to the Authority, asks the Chief Executive to:

- (i) report further to the Council's Constitution Working Group on proposals that would bring forward such a scheme to enable the Council to confer a title; and

- (ii) asks that the Working Group report back to the Full Council on the adoption of such a scheme together with the likely resources required.”
2. We have therefore been asked to consider how such a scheme could be implemented.
3. Section 249 of the Local Government Act 1972 allows the Council to confer the title of Honorary Alderman (or Alderwoman) on persons who have, in the opinion of Council, rendered ‘eminent services’ to the Authority as past members of the Authority but who are not then members of the Authority.
4. It is a Council decision to confer the title which must be passed at a meeting specially convened for the purpose (i.e. an extraordinary meeting) and approved by vote by not less than two-thirds of the members present.
5. An Honorary Alderman may attend and take part in such civic ceremonies as the Authority may from time to time decide but, as such, has no right to:
  - (i) attend meetings of Council, Cabinet or Committee other than as a member of the public; or
  - (ii) receive any of the allowances or other payments to which Councillors are entitled.
6. Section 249(2) provides that such an honour can only be held by someone who is not a serving Councillor of the Council. As such, were a recipient to be re-elected or co-opted back onto the Council, the title would be suspended for their further term. It is also suggested that there should be provision for the removal of the honour by resolution.
7. We have also considered the criteria by which nominations are approved by Council. We are suggesting that the following criteria apply:
  - (i) they are no longer a serving Councillor; and
  - (ii) the proposed recipient must be willing to accept their nominationAND one of the following criteria apply to the proposed recipient:
  - (a) they have served at least 16 years in office; or
  - (b) they have held a significant position of public responsibility with the Council, for a minimum period of one year; or
  - (c) they have provided demonstrable eminent service to the Council throughout a long and distinguished period of public service;
8. It is also suggested that a nomination supported by a proposer and seconder should form part of the consideration by the Council whether to bestow the title. Applications would be submitted to the Proper Officer and initially considered by the Chairman of Council in consultation with the Leader, taking soundings from Group Leaders.

9. The DDF sum requested would cover the cost of an initial run of medals and a 'roll of honour' book. This sum would enable the scheme to be operated for a number of years, depending on the number of nominations.
10. We recommend as set out at the commencement of the report.

## **Petition Scheme – Epping Forest District Council**

### **1. Definition**

- 1.1 For the purpose of this procedure a petition is a request to the Council made either in writing; or through the Council's e-petitions system on its website.
- 1.2 The petitions page of the Council's website is available at:  
<https://rds.eppingforestdc.gov.uk/mgePetitionListDisplay.aspx>

### **2. Scope of Scheme**

- 2.1 The Council will accept paper-based petitions, e-petitions (but only those submitted through its own petition system) or a mix of paper and e-petitions. The proper officer for petitions is the Service Manager (Governance).

### **3. Acknowledgement**

- 3.1 The Council will treat something as a petition if it is identified as being a petition, or if it seems to the Council that it is intended to be a petition.
- 3.2 All petitions sent or presented to the Council will be acknowledged within seven days of receipt. Such acknowledgement will be sent to the lead petitioner and will set out what the Council plan to do with the petition.

### **4. Exceptions to the Scheme**

- 4.1 The following do not fall within the scope of this Petition Scheme:
  - (a) emailed petitions, as email systems are not secure. Petitioners must use either paper or the Council's e-petitions system. The Council will not monitor third party petitions systems;
  - (b) petitions which are considered to be vexatious, abusive, anonymous or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum the Council may need to deal with a petition differently – if this is the case the Council will explain the reasons with the petitioner and discuss the revised timescale which will apply;
  - (c) petitions relating to a planning application, including those about a development plan document or the community infrastructure levy. The planning application process deals with objections to applications;
  - (d) petitions relating to a licensing decision; (as the Licensing scheme deals with objections to applications);
  - (e) petitions relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal;
  - (f) any matter for which the Standards Committee has powers for determining complaints received under the Local Assessment process;



- (g) any complaint made against an employee of the District Council;
- (h) any matter which is substantially the same as a petition submitted in the previous 12 months;
- (i) where the subject matter is subject to ongoing legal proceedings; or
- (j) petitions made during formal Council consultations related to the subject matter of the consultations (these will be formally referred to that process as appropriate).

4.2 Where a petition submitted relates to one of the categories set out above the Council will write to the lead petitioner and explain why the matter is not covered by the authority's Petition Scheme. In appropriate circumstances, the Council may advise how the public views can be considered via alternative means.

## **5. Submission guidelines/Signatory Requirements**

5.1 Petitions submitted to the Council must include:

- (a) a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take;
- (b) the name and address and signature of any person supporting the petition; and
- (c) contact details, including an address (and a valid email address if submitted electronically), for the lead petitioner;

5.2 If the lead petitioner wishes to start an e-petition, the Council and the lead petitioner will agree the period over which signatures will be collected and the final wording of the petition. The petition will then be available to sign 'electronically' for the agreed period on the Council's website. On the expiration of that time, the Council will respond in accordance with Section 7 below.

5.3 Anyone who lives, works or studies in Epping Forest District is entitled to sign to support a petition. The supporter's name, address, a valid email address and/or postcode are required to sign an e-petition on the Council's website. For paper petitions signatories must provide their, name, address and signature.

5.4 A paper petition template can be downloaded from the Council's website.

5.5 E-petitions will run on the Council website for a maximum of 3 months, but the Council and the lead petitioner can choose a shorter timeframe up to the maximum period.

## **6. The procedure when the Council receives a petition**

6.1 The Council will send the lead petitioner an acknowledgement of the petition within seven working days. Local ward councillors will be informed of the receipt of a petition.

- 6.2 If the Council can do what the petition asks for, the acknowledgement may confirm that the Council have taken the action requested and the petition will be closed.
- 6.3 If the petition needs more investigation, the Council will advise the lead petitioner of the steps that it plans to take.
- 6.4 If the lead petitioner has created an e-petition, the Council will check that the content of the e-petition is suitable before it is made available for signature. This will take a maximum of ten working days. Any person wishing to submit an e-petition should ensure there are no existing petitions addressing the same issue before creating a new petition.
- 6.5 If the Council cannot publish an e-petition for some reason, the Council will contact the lead petitioner within ten working days to explain the reason for not publishing a petition based upon the exceptions in section 4 above.
- 6.6 A lead petitioner is able to change and resubmit their e-petition within ten working days. If they fail to do so within that time, a summary of the e-petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 6.7 When an e-petition has closed for signature, it will automatically be submitted to the Council's Democratic Services Section. In the same way as for a paper petition, the lead petitioner will receive an acknowledgement within 10 working days.
- 6.8 All e-petitions currently available for signature will be available on the Council's website. Any person visiting the e-petition will be able to see the name of each signatory in the list of those persons that have signed the petition, but contact details will not be visible. All members of the Council will be advised of the submission of an e-petition, through the Council Bulletin.

**7. How the Council considers petitions**

| <b>Petition type</b>                         | <b>Response</b>   |
|--|---|
| Correspondence with fewer than 20 signatures | This will normally be dealt with by the appropriate Directorate as ordinary correspondence, unless the Service Director concerned is of the opinion that the subject matter is sufficiently important or contentious to warrant referring the matter to the appropriate Portfolio Holder. |

| <b>Petition type</b>                                       | <b>Response</b>  |
|--|--|
| Petitions with more than 20 but fewer than 1200 signatures | These will be considered and dealt with by the relevant portfolio holder who may: <p>(a) take action if he or she has delegated powers to act alone;</p> <p>(b) prepare a report to the Cabinet or a Sub-Committee of the Cabinet for decision if appropriate.</p> |
| Petition containing at least 1200 signatures.              | The relevant Portfolio Holder will prepare a report to the Cabinet for decision on the matter.   |
| 2400 signatures or more                                    | These large petitions will be scheduled for a council debate.  |
| E-petitions  | When an e-petition has closed for signature, it will automatically be submitted to the relevant officer, portfolio holder or Council In the same way as a paper petition.  |

## **8. Decisions on petitions**

8.1 The Council's response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition;
- considering the petition at a council meeting;
- holding an inquiry into the matter;
- undertaking research into the matter;
- holding a public meeting;
- holding a consultation;
- holding a meeting with petitioners;
- referring the petition for consideration by the Cabinet or a Cabinet Committee;
- writing to the lead petitioner setting out our views about the request in the petition.

8.2 In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

8.3 If a petition is about something over which the Council has no direct control, the responsible body (under section 7 above) will consider making representations on behalf of the community to the relevant body.

8.4 There is a three-tier system of local government in the Epping Forest District. Generally, Essex County Council is responsible for strategic functions and services such as education and social care and the district and borough councils provide more local services, although some functions are shared between the county and district councils. Details of the main functions of Essex

County Council and Epping Forest District Council can be found in the Appendix to this Scheme. Some of the Council's functions and responsibilities have also been devolved to local town and parish councils.

- 8.5 In addition, many public services are delivered by other organisations, including the police (through the Police, Fire and Crime Commissioner), health services (via the National Health Service), welfare benefits and employment services etc.
- 8.6 If the Council is not able to meet the petitioners' requests for any reason (for example if what the petition calls for conflicts with council policy), then the Council will set out the reasons for not taking the action requested in writing to the lead petitioner.
- 8.7 Decisions made by a Portfolio Holder will be recorded in writing and notified to the public, the lead petitioner and all members of the Council.
- 8.8 All petitions received will be reported to the Council via regular Portfolio Holder reports.

#### **9. Petitions received after a decision is made**

- 9.1 In cases where a petition is received after a decision has been made by the Council on any matter, the following steps will be taken by the relevant service director unless the petition meets the threshold for a Council debate:
  - (a) a letter of acknowledgement shall be sent to the lead petitioner, including a statement of the action already taken by the Council;
  - (b) in consultation with the appropriate Portfolio Holder, Committee or Sub-Committee Chairman a decision will be taken as to whether the petition raises new evidence requiring further consideration by the Portfolio Holder or Committee concerned;
  - (c) if it is decided that no new matters are raised by the petition, the lead petitioner shall be advised accordingly;
  - (d) if new matters are raised then the petition will be treated as 'new' under this Scheme.

#### **10. Full Council and Cabinet debates**

- 10.1 If a petition contains more than 2400 signatures it will be debated by the full Council at its next ordinary meeting.
- 10.2 If a petition contains more than 1200 signatures it will be subject to report and debate by the Cabinet at its next available meeting.
- 10.3 The lead petitioner will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors.
- 10.4 The Council or Cabinet will decide how to respond to the petition at this meeting. The Council or Cabinet may:

- (a) decide to take the action the petition requests, and in the case of a Cabinet debate, report to Council if appropriate (see paragraph 11 below)
- (b) not to take the action requested for reasons put forward in the debate, or
- (c) commission further investigation into the matter, for example by the Cabinet (if the matter was debated at Council) or a relevant Cabinet committee.

## **11. Council Referrals**

- 11.1 Where the issue is one on which the Council Executive are required to make the final decision (i.e. within the financial and policy framework), the Council will decide whether to make recommendations to inform that decision. The lead petitioner will receive written confirmation of this decision. This confirmation will also be published on the Council's website.

## **12. Further Information**

- 12.1 Further information about the Council's Petition Scheme can be obtained by contacting:

[democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

## Appendix: main functions of local authorities

| Function  | Tier            |
|---|-----------------|
| Allotments  | Town/Parish     |
| Arts and recreation   | County/District |
| Births, ceremonies and deaths registration                                  | County          |
| Building regulations  | District        |
| Burials and cremations  | District        |
| Cemeteries  | Town/Parish     |
| Children's services   | County          |
| Community safety  | District        |
| Concessionary travel  | County          |
| Consumer protection   | County          |
| Council tax and business rates  | District        |
| Economic development  | County/District |
| Education, including special educational needs, adult education, pre-school | County          |
| Elections and electoral registration  | District        |
| Emergency planning  | County/District |
| Environmental health  | District        |
| Highways (not trunk roads), street lighting and traffic management          | County          |
| Housing   | District        |
| Libraries   | County          |
| Licensing   | District        |
| Markets and fairs   | District        |
| Minerals and waste planning   | County          |
| Museums and galleries   | County/District |
| Open spaces   | Town/Parish     |
| Parking   | County/District |
| Passenger transport (buses) and transport planning                          | County          |
| Planning and development  | County/District |
| Public conveniences   | District        |
| Public health   | County          |
| Social services, including care for the elderly and community care          | County          |
| Sports centres, parks, playing fields                                       | District        |
| Street cleaning   | District        |
| Tourism   | County/District |
| Trading standards   | County          |
| Waste collection and recycling  | District        |
| Waste disposal  | County          |

**Epping Forest District Council  
Honorary Alderwoman/ Alderman  
Scheme**

The appointment of Honorary Alderman may be conferred by the Full Council in recognition on a previous Councillor who over a period of time, has made a significant eminent contribution to the Council and the District.

Any member of Council may nominate an ex-Councillor for the role of Honorary Alderman (or Alderwoman). A nomination form, as set out in Appendix A, must be completed and signed by two members of Council. Once completed the form should be submitted to the Chairman for consultation with the Leader of the Council.

If for any reason the nomination does not meet the criteria then a full written reply will be sent to the nominating members.

An individual will be eligible for nomination and appointment to the role of Honorary Alderman provided:

- (i) They are no longer a serving Councillor; and
- (ii) the proposed recipient must be willing to accept their nomination

AND one of the following criteria apply to the proposed recipient:

- (a) they have served at least 16 years in office; or
- (b) they have held a significant position of public responsibility with the Council, for a minimum period of one year; or
- (c) they have provided demonstrable eminent service to the Council throughout a long and distinguished period of public service;

The award must be the subject of a resolution passed by not less than two thirds of the members present at a meeting specially convened for that purpose.

An Honorary Alderman/Alderwoman does not carry any right to attend meetings of the Council or its committees or to claim any allowances payable to Members.

An Honorary Alderman/Alderwoman of the Council may attend and take part in such civic ceremonies as the Council may from time to time decide. Honorary Aldermen are entitled to wear the badge of 'Honorary Alderman' at Civic events within the district.

The badge of Honorary Alderman/Alderwoman must only be worn at civic events outside the District at the specific request of the organisation of the event.

Those elected to the Roll of Honorary Alderman/Alderwoman are entitled to use the title of 'Honorary Alderman of the District of Epping Forest'.

Following notification of the death of an Honorary Alderman/Alderwoman, the district flag will be flown at half-mast over the Civic Offices on the day after of notification of death and the date of the funeral as a mark of respect.

## **Presentation**

The award of Honorary Alderman/Alderwoman shall take place during an extraordinary meeting of the Council, called for this specific purpose. The Chairman will preside over this meeting.

During the meeting a Notice of Motion will be put forward to confer the title of Honorary Alderman on the Nominee(s) to recognise their services to the Council and the community.

The motion before the Council shall be proposed and seconded, and members of the Council shall be invited by the Chairman to speak.

The Chairman shall seek the agreement of those present and voting.

Should the motion not be unanimously carried, a vote shall be called by the Chairman, and a majority of two thirds of those present shall be required to carry the motion.

If the resolution is passed, the person being awarded the title of Honorary Alderman/Alderwoman will be presented with a Badge of Office and their name entered into the Roll of Honorary Alderman/Alderwoman.

The Roll of Honorary Alderman/Alderwoman, which will include the date of election to the Roll, will be maintained by the Proper Officer.

Following the presentation, the person appointed will be given the opportunity to address the Council meeting.

## **Removal of Award**

If any person appointed Honorary Alderman/Alderwoman is subsequently elected as a member of Epping Forest District Council their appointment will be suspended for the duration of their further term(s) in office.

The Council may remove the award of Honorary Alderman/Alderwoman. A motion to remove the award of Honorary Alderman/Alderwoman must be signed by at least six current Councillors and passed by not less than two thirds of members present at the Council meeting.



## ***Report to the Council***

Report of Monitoring Officer: S Hill (Ext 4249)    Date: 21 December 2018

Subject:        Appointment of Monitoring Officer, Returning Officer and other  
                  Officer delegations

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Recommending:

### **Monitoring Officer**

(1)        That Nathalie Boateng, be designated as Monitoring Officer with immediate effect in accordance with Section 5 of the Local Government and Housing Act 1989 and Sections 26-37 of the Localism Act 2011 for the purpose of performing the duties imposed by those sections; and 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;

(2)        That the existing delegations to the Monitoring Officer set out within appendix 1 to this report be noted;

### **Returning Officer and Electoral Registration Officer**

(3)        That, in accordance with the Representation of the People Act 1983 and all related legislation, Derek Macnab, be confirmed as Electoral Registration Officer (ERO) for the Council with immediate effect with authority to appoint deputy or deputies as may be required;

(4)        That, in terms of Section 41 of the Local Government Act 1972 and all related legislation, and with immediate effect, Derek Macnab be appointed as Returning Officer for the Council, with authority to act in that capacity for elections to the District Council and all or any parish and town councils within the Epping Forest District, This appointment to continue until a further review of this position when a new chief executive is appointed by the Council;

(5)        That the Council's Returning Officer/Electoral Registration Officer be also appointed or authorised to act in respect of all related electoral, poll or referendum duties, including those in relation to County Council elections, elections to the European Parliament (if required), and for national and regional or local polls and referendums;

(6)        That, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such appointment, the Returning Officer shall be entitled to be remunerated in accordance with scale of fees approved by the Council for local elections, or the relevant scale of fees prescribed by a Fees Order in respect of national, regional or European Parliament elections, polls or referendums;

**(7) That in all cases where it is a legal requirement or normal practice to do so, fees paid to the Returning Officer shall be superannuable, and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such employer's contributions from central government or other local authorities or agencies where this can be done;**

**(8) That, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out and maintain in force insurance indemnifying the Council and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council or the Returning Officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the People Acts or other legislation governing the electoral process, or accidental breach of any ministerial or other duty by the Returning Officer or any other person employed by or officially acting for him in connection with the election or poll); and**

**(9) That any such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council, through its internal insurance fund or otherwise, will indemnify the Returning Officer up to the value of such excess.**

#### **Other Officer Delegations**

**(10) That the proposed changes to the Council Scheme of Delegation reflecting changes to the above posts and to the revised responsibilities of level 3 and 4 officers attached at Appendix 1 be approved;**

**(11) That consequential changes made by the Leader of the Council to the Scheme of Executive Delegation attached at Appendix 2 be noted;**

**(12) That the Monitoring Officer be granted authority to make changes to the Constitution, as required to reflect the new officer structure.**

1. (Monitoring Officer) The Council's Service Director for Governance and Members Services has tendered his resignation and is anticipated to leave the Council at Christmas 2018. The postholder currently also holds the posts of Monitoring Officer, Returning Officer and Electoral Registration Officer.

2. The Council is required to comply with the requirements in accordance with Section 5 of the Local Government and Housing Act 1989 and Sections 26-37 of the Localism Act 2011 requiring the appointment of a Monitoring Officer and under the Representation of the People Act 1983, namely Sections 8, 28(1), 35 and 52(2) respectively, in relation to the appointment of the Council's Returning Officer, and Electoral Registration Officer.

3. It is proposed that, Nathalie Boateng, be appointed as Monitoring Officer. The Council has entered into an agreement with Broxbourne Borough Council to share a Head of Legal Services from January 2019. Part of this arrangement includes the post of Monitoring Officer It is also recommended that the Acting Chief Executive,

Derek Macnab, be appointed to undertake this role until the Council makes an alternative appointment. The Returning Officer and Registration Officer require full authority to act consolidated into a single resolution as set out in the recommendations.

4. The resolution covers the following:
  - (a) matters to which the Monitoring Officer is responsible under statute and delegations under the scheme of delegations from the Council (Appendix 1);
  - (b) the Returning Officer's role in respect of District and Parish and Town Council elections;
  - (c) the Registration Officer's role in respect of County Council, European Parliamentary elections and national/local referendums and polls;
  - (d) the payment of national scale fees to the Returning Officer and their superannuable status;
  - (e) authorisation of indemnity insurance by the Council in respect of the Returning and Registration Officer's functions; and
  - (f) indemnification of the Returning and Registration Officer by the Council of any liability insurance excess.
5. These powers and duties are already shown in the schedule of delegation of Council functions in the Constitution. No new delegations have been proposed.

#### **Other Officer Delegations**

6. Since the last meeting, a further rationalisation of the management structure has been proposed at level 3. There are now seven Service Directors. This has necessitated further revisions to both schemes of officer delegation. The Council Scheme (Appendix 1) is a matter for Council to approve, the Executive Scheme (Appendix 2), is a matter for the Leader and is for noting only.
7. Across the wider Constitution, there is a need to ensure that officer titles reflect the new structure. It is requested that the Monitoring Officer be given authority to make changes to titles and posts as required.

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**Part 3  
Scheme of Delegation  
Appendix 3**

**DELEGATION APPROVED BY OR ON BEHALF OF THE COUNCIL  
Changes Approved by Full Council – 20 December 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 (December 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, Legal Services                        |
| Contract and Technical Services             | Waste and Recycling, Car Parking, Leisure Management, Fleet Operations, Land Drainage, Contaminated Land, Grounds Maintenance, Arboriculture, Countrycare, Highways liaison, Procurement  |
| Commercial and Regulatory Services          | Estates and valuation, North Weald Airfield, Licensing, Building Control, Environmental Health and Environmental Co-ordination, Private Sector Housing,   |
| Community and Partnership Services          | Community Safety , Environment and Neighbourhood Services, Safeguarding, Community Health and Wellbeing and Museum, Heritage and Culture, Grant Aid, Youth Council, Local Strategic Partnership, Economic Development, Tourism, CARE Agency and Grants  |
| Customer Services                           | Customer Services, Compliments and Complaints, Corporate Communications, Website, Public consultation, Revenues, Benefits, Debt recovery, cashiers, Democratic Services, Civic and Members Services, Elections, Data Protection/Freedom of Information, |
| Currently allocated to a Strategic Director | Transformation Programme, Project Management, Performance Monitoring, 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.  |

|                                       |  |
|---------------------------------------|--|
| <b>Service Director Officer Role:</b> | <b>Current services (December 2018)</b>  |
| 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>   |
|----------|--|---|--|
| Page 194 | <b>CLA1</b><br>Council - 29.10.85<br>(Minute 57(2))                      | <b>SERVICE DIRECTOR CUSTOMER SERVICES, OR ANY LEVEL 3 OFFICER OR ABOVE</b>                                  | <b>ACCESS TO INFORMATION ACT 1985 – PROPER OFFICER</b><br><br>To act as Proper Officer for the purposes of the Act generally and in particular for the purposes of –<br>Section 100(B)(2) – circulation of reports and agenda<br>Section 100(B)(7)(c) – supply of documents to the press<br>Section 100(C)(2) – summaries of minutes<br>Section 100(D)(1)(a) – compilation of lists of background papers<br>Section 100(D)(5)(a) – identification of background papers<br>Section 100(F)(2) – papers not open to members |
|          | <b>CLA2</b><br>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><br><br>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><br>Policy & Co-ordinating Committee (Minute 56 – 30.9.97)    | <b>LEGAL SERVICES MANAGER OR ANY LEGALLY QUALIFIED STAFF MEMBER WITHIN LEGAL SERVICES NOMINATED BY THEM</b> | <b>AFFIDAVITS – SWEARING OF</b><br><br>To secure sworn affidavits from any member of Council staff where required by the Council.  |
|          | <b>CLA4</b><br>Council (Minute 104(5) – 19.4.83)                         | <b>CHIEF EXECUTIVE AND STRATEGIC DIRECTORS</b>  | <b>APPRAISAL OF TOP MANAGEMENT*</b><br>To implement the Council’s scheme for staff performance development reviews (*NB. ‘Top Management’ includes Service Directors)<br><br><b>APPRAISAL OF STAFF</b>   |

|             | <b>Original Authority Details</b>                     | <b>Officer(s) Authorised/ Level of Officer Authorised</b>   | <b>Subject and Function(s) Delegated</b>  |
|-------------|---|---|---|
|             |   | <b>SERVICE DIRECTORS AND LEVEL 2 AND 1 MANAGERS</b>   | To implement the Council's scheme for staff performance development reviews<br>(NB excluding Service Directors).  |
| <b>CLA5</b> | Personnel Sub-Committee<br>(Minute 13 – 7.6.88)       | <b>CHIEF EXECUTIVE OR ANY LEVEL 2 MANAGER OR ABOVE</b>  | <b>ATTENDANCE ALLOWANCES FOR OFFICERS</b><br><br>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<br>(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><br><br>(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<br><br>(b) To compile and maintain a register of loan instruments. |
| <b>CLB2</b> | Policy & Resources Committee<br>(Minute 3 – 11.10.73) | <b>LEGAL SERVICES MANAGER OR SOLICITOR OR FELLOW OF THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES WITHIN LEGAL SERVICES NOMINATED BY THEM</b>   | <b>BYELAWS – CERTIFICATION</b><br><br>To act as Proper Officer for the purposes of Section 238 of the Local Government Act 1972.  |
| <b>CLB3</b> | Policy & Resources Committee<br>(Minute 3 – 11.10.73) | <b>LEGAL SERVICES MANAGER 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><br><br>To act as Proper Officer for the purposes of Section 236(a) of the Local Government Act 1972.  |
| <b>CLC2</b> | Policy & Resources Committee<br>(Minute 3 – 11.10.73) | <b>CHIEF EXECUTIVE</b>  | <b>CHAIRMAN OF COUNCIL – CASUAL VACANCY</b><br><br>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).  |

|             | <b>Original Authority Details</b>                        | <b>Officer(s) Authorised/ Level of Officer Authorised</b>  | <b>Subject and Function(s) Delegated</b>  |
|-------------|--|--|---|
| <b>CLC3</b> | Finance Sub-Committee<br>(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><br><br>To sign cheques on behalf of the Council.   |
| <b>CLC4</b> | Council (Minute 90(4) – 22.4.97)<br>S.O. F1(3), F1(4)    | <b>MR PETER MADDOCK</b>  | <b>CHIEF FINANCIAL OFFICER</b><br><br>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<br>(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><br><br>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><br><br>To attest the Common Seal of the Council.  |
| <b>CLC7</b> | Personnel Sub-Committee<br>(Minute 13 – 15.11.73)        | <b>ANY LEVEL 4 OR 3 OFFICER</b>  | <b>COMPASSIONATE LEAVE</b><br><br>To grant to staff up to five days leave (with pay) per year for compassionate reasons.  |



|             | <b>Original Authority Details</b> | <b>Officer(s) Authorised/ Level of Officer Authorised</b>                       | <b>Subject and Function(s) Delegated</b>  |
|-------------|-----------------------------------|---|---|
| <b>CLC8</b> | 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><br/>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:<br/> (1) consultation with the independent person and the complainant;<br/> (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<br>(Minute 21 – 13.12.12)   | <b>MONITORING OFFICER (or in the absence of, the DEPUTY MONITORING OFFICER)</b>                | of parish and town councils; and<br><br>(j) To determine applications for dispensations from the effect of Section 31(4) of the Localism Act 2011 in the following categories:<br>Section 33(2)(a) (Quorum)<br>Section 33(2)(b) (Political Balance)<br>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><br><br>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><br><br>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<br>(Minute 3 – 11.10.73)   | <b>CHIEF EXECUTIVE</b>   | <b>COUNCIL MEETINGS – SIGNATURE OF SUMMONS TO ATTEND</b><br><br>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<br>(Minute 3 – 11.10.73)<br><br>Council 28 May 2015<br>(Minute 12 – 28.5.15) | <b>CHIEF EXECUTIVE</b><br><br><b>ANY LEVEL 4 MANAGER IN THE ABSENCE OF THE CHIEF EXECUTIVE</b> | <b>COUNCILLORS – ACCEPTANCE OF OFFICE</b><br><br>(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<br><br>(b) That in the absence through unavailability, absence, incapacity or vacancy to undertake the functions specified in the delegation. |

|              | <b>Original Authority Details</b>                  | <b>Officer(s) Authorised/ Level of Officer Authorised</b>                                | <b>Subject and Function(s) Delegated</b>   |
|--------------|--|--|--|
| <b>CLC13</b> | Policy & Resources Committee (Minute 3 – 11.10.73) | <b>CHIEF EXECUTIVE</b>   | <b>COUNCILLORS – RESIGNATION FROM OFFICE</b><br><br>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 CUSTOMER SERVICES OR ANY LEVEL 2 OFFICER NOMINATED BY THEM</b>       | <b>COUNCILLORS – SUBSTITUTES</b><br><br>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>LEGAL SERVICES MANAGER</b>  | <b>COURT, TRIBUNAL, INQUIRY PROCEEDINGS – ENGAGEMENT OF STAFF AND ADVICE</b><br><br>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 – DEMOCRATIC SERVICES MANAGER</b>   | <b>DATA PROTECTION ACT 2018</b><br><br>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><br><br><b>A. To determine:</b><br><br>(a) All Full Planning Applications<br><br>(b) All Householder Planning Applications<br><br>(c) All Outline Applications and Reserved Matters Applications<br><br>(d) All applications for Advertisement Consent,<br><br>(e) All Applications for Listed Building Consent |

|  | Original Authority Details | Officer(s) Authorised/ Level of Officer Authorised | Subject and Function(s) Delegated   |
|--|----------------------------|--|---|
|  |                            |  | <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. <b>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 be considered. Should the relevant Local Council fail to register to</b></li> </ol> </li> </ol> |

|  | Original Authority Details | Officer(s) Authorised/ Level of Officer Authorised | Subject and Function(s) Delegated   |
|--|----------------------------|--|---|
|  |                            |  | <p><b>speak, the application be referred (without any consideration of the merits of the development proposal) to the Service Director (Planning Services) for determination in accordance with Rule P2 (2) (Planning Applications) set out in Part 4 of the Constitution</b></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> |

|          | Original Authority Details | Officer(s) Authorised/ Level of Officer Authorised | Subject and Function(s) Delegated  |
|----------|----------------------------|--|--|
| Page 142 |                            |  | <p>(f) All applications for approval of details reserved by condition.</p> <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</p> |

|  | Original Authority Details | Officer(s) Authorised/ Level of Officer Authorised | Subject and Function(s) Delegated   |
|--|----------------------------|--|---|
|  |                            |  | <p>legislation, in accordance with the Council's adopted enforcement policy.</p> <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>Original Authority Details</b>                                   | <b>Officer(s) Authorised/ Level of Officer Authorised</b>                               | <b>Subject and Function(s) Delegated</b>  |
|-----------------|---|---|---|
|                 | <b>CLD3</b> Finance Sub-Committee (Minute 67(iii) – 6.3.74)         | <b>CHIEF FINANCIAL OFFICER</b>  | <b>DIRECT DEBITING</b><br><br>To execute a direct debiting indemnity on behalf of the Council.  |
|                 | <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><br><br>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</b>   | <b>DOCUMENTS – AUTHENTICATION</b><br><br>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>Page 144</b> | <b>CLD6</b> Policy & Resources Committee (Minute 3 – 11.10.73)      | <b>LEGAL SERVICES MANAGER</b>   | <b>DOCUMENTS – CERTIFICATION OF PHOTOGRAPHIC COPIES</b><br><br>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 CUSTOMER SERVICES OR DULY NOMINATED OFFICER</b>                     | <b>DOCUMENTS – DEPOSIT</b><br><br>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><br><br>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>DEREK MACNAB<br/>ACTING CHIEF EXECUTIVE<br/><br/>(Deputy Registration Officer: W</b> | <b>ELECTORAL MATTERS</b><br><br>(a) Registration Officer under section 8(2)(a) of the Representation of the People Act (RPA) 1983 and   |



|  | Original Authority Details | Officer(s) Authorised/ Level of Officer Authorised | Subject and Function(s) Delegated  |
|--|----------------------------|--|--|
|  |                            | <p><b>MACLEOD</b></p>                              | <p>(i) through Section 28 of the RPA, Acting Returning Officer for the purposes of UK Parliamentary elections; and</p> <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> |

|          | <b>Original Authority Details</b> | <b>Officer(s) Authorised/ Level of Officer Authorised</b> | <b>Subject and Function(s) Delegated</b>   |
|----------|-----------------------------------|---|--|
|          |                                   |   | <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 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> |
| Page 946 | <b>CLE2</b>                       | Council (Minute 105 - 22.2.18)                            | <p><b>DEREK MACNAB<br/>RETURNING OFFICER</b></p> <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)                            | <p><b>DEREK MACNAB<br/>RETURNING OFFICER</b></p> <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)   | <p><b>ELECTORAL REGISTRATION OFFICER</b></p> <p><b>ELECTORAL REGISTRATION – PROSECUTIONS</b></p> <p>To institute and pursue proceedings in relation to electoral registration offences.</p>  |
|          | <b>CLG1</b>                       | Council (Minute 19.12.06)                                 | <p><b>SERVICE DIRECTORS OR ANY LEVEL 3 OFFICER OR ABOVE WITHIN THEIR MANAGEMENT CONTROL</b></p> <p><b>GAMBLING ACT 2005 – LICENSING FUNCTIONS</b></p> <p>See Annex A.</p>  |
|          |                                   |   |  |

|             | <b>Original Authority Details</b>                                   | <b>Officer(s) Authorised/ Level of Officer Authorised</b>                                | <b>Subject and Function(s) Delegated</b>  |
|-------------|---|--|---|
| <b>CLG2</b> | District Development Control Committee<br>(Minute 49 (3) - 26.6.13) | <b>SERVICE DIRECTORS OR ANY LEVEL 3 OFFICER OR ABOVE WITHIN THEIR MANAGEMENT CONTROL</b> | <b>GROWTH AND INFRASTRUCTURE ACT 2013</b><br><br>To determine applications received under Section 7 to modify, remove or discharge affordable housing obligations, subject to:<br><br>(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<br><br>(b) Details of the application and the resultant Determination being reported in the following issue of the Council Bulletin. |
| <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>          | <b>HEAD OF PAID SERVICE</b><br><br>In accordance with Section 4 of the Local Government and Housing Act 1989 designated as Head of the Authority's Paid Service.  |

|             | <b>Original Authority Details</b>  | <b>Officer(s) Authorised/ Level of Officer Authorised</b>   | <b>Subject and Function(s) Delegated</b>   |
|-------------|--|---|--|
| <b>CLH3</b> | <p>Council<br/>(Minute 54(4) – 20.12.77)</p> <p>Personnel Sub-Committee<br/>(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> |

|             | <b>Original Authority Details</b>    | <b>Officer(s) Authorised/ Level of Officer Authorised</b>   | <b>Subject and Function(s) Delegated</b>   |
|-------------|--------------------------------------|---|--|
| <b>CLH4</b> | Council<br>(Minute 52(c) – 12.12.00) | <b>LEGAL SERVICES MANAGER OR ANY LEGALLY QUALIFIED OFFICER 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> |

|             | <b>Original Authority Details</b>                  | <b>Officer(s) Authorised/ Level of Officer Authorised</b>   | <b>Subject and Function(s) Delegated</b>   |
|-------------|--|---|--|
|             | Council<br>(Minute 100(5) – 18.4.00)               | <b>LEGAL SERVICES MANAGER</b>   | To defend High Court Proceedings instituted against the Council (subject to reporting on action taken to the next Cabinet meeting).  |
| <b>CLI1</b> | Council<br>(Minute 34 – 22.7.97)                   | <b>LEGAL SERVICES MANAGER AND THE RELEVANT LEVEL 3 OR 4 MANAGER</b>   | <b>INSOLVENCY – ENFORCEMENT OF DEBTS</b><br><br>To issue statutory demands pursuant to Section 268(1)(a) of the Insolvency Act 1986.<br><br>To take steps to enforce a debt following the commencement of bankruptcy proceedings,  |
| <b>CLI2</b> | Council<br>(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><br><br>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><br><br>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<br>(Minute 184 – 10.4.06)                  | <b>SERVICE DIRECTORS OR ANY LEVEL 3 OFFICER OR ABOVE WITHIN THEIR MANAGEMENT CONTROL</b>  | <b>LICENSING</b><br><br>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.              |

|             | <b>Original Authority Details</b>                            | <b>Officer(s) Authorised/ Level of Officer Authorised</b>  | <b>Subject and Function(s) Delegated</b>  |
|-------------|--|--|---|
|             |  |  | 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>CLL3</b> | Licensing Committee<br>(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> | <b>LICENSING – HACKNEY CARRIAGE AND PRIVATE VEHICLE LICENCES</b><br><br>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).   |
| <b>CLL4</b> | Council<br>(Minute 48 – 26.9.13)                             | <b>SERVICE DIRECTORS OR ANY LEVEL 3 OFFICER OR ABOVE WITHIN THEIR MANAGEMENT CONTROL</b>   | <b>LICENSING – SCRAP METAL DEALERS ACT 2013</b><br><br>To implement Annex D (Schedule of delegations under the Act) insofar as they relate to matters to be undertaken by officers.<br><br>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. |
| <b>CLL5</b> | Policy & Co-ordinating Committee<br>(Minute 24(2) – 8.10.91) | <b>SERVICE DIRECTOR BUSINESS SUPPORT SERVICES/CHIEF FINANCIAL OFFICER</b>  | <b>LOCAL GOVERNMENT AND HOUSING ACT 1989 – DETERMINATIONS UNDER PART IV</b><br><br>To make determinations under the following sections of the Local Government and Housing Act 1989:<br><br>Section 42(2)(g) – Reimbursable expenditure<br>Sections 50(3)(b) and 60(2) – Usable capital receipts  |

|             | <b>Original Authority Details</b>                                     | <b>Officer(s) Authorised/ Level of Officer Authorised</b>   | <b>Subject and Function(s) Delegated</b>  |
|-------------|---|---|---|
| <b>CLL6</b> | Council<br>(Minute 24(1)(2) – 9.7.91)                                 | <b>PEOPLE TEAM MANAGER</b><br><br><b>CHIEF FINANCIAL OFFICER</b>  | <b>LOCAL GOVERNMENT AND HOUSING ACT 1989 – PROPER OFFICER DESIGNATIONS</b><br><br>Proper Officer designations made for the purposes of the Sections of the Local Government and Housing Act 1989 indicated:<br><br><b>Section and Purpose</b><br><br><b>Section 2 (preparation and maintenance of lists of politically restricted posts).</b><br><br><b>Section 37 (deposit and preparation of statements as to the provision of financial assistance).</b> |
| <b>CLM1</b> | Council<br>(Minute 34 – 22.7.97)<br>(Minute 168 - 20.4.10)            | <b>LEGAL SERVICES MANAGER OR IN THEIR ABSENCE ANY APPROPRIATELY QUALIFIED OFFICER NOMINATED BY THEM</b> | <b>MAGISTRATES' AND COUNTY COURTS – DEFENCE AND PURSUIT OF PROCEEDINGS</b><br><br>To institute, defend, pursue and settle proceedings on behalf of the Council and to appear on the Council's behalf, in any proceedings before the Magistrates' and County Courts.   |
|             | Personnel Sub-Committee<br>(Minute 88 – 21.11.89 and 88(b) – 1.12.92) | <b>MR G OAKLEY (MANAGING LEGAL EXECUTIVE)/MRS L COLE (LITIGATION EXECUTIVE)</b>                         | To appear for the Council in legal proceedings pursuant to Section 223(1) of the Local Government Act 1972 and Section 60(2) of the County Courts Act 1982.   |
| <b>CLM2</b> | Council April 2016  | <b>CHIEF EXECUTIVE OR SERVICE DIRECTOR OR A LEVEL 2 OFFICER NOMINATED BY THEM</b>                       | <b>MALADMINISTRATION – POWER TO MAKE PAYMENTS OR PROVIDE OTHER REMEDIES</b><br><br>The power to make payments or provide other remedies in cases of maladministration, or in cases by individuals which amount to or could amount to maladministration by the Council.  |
| <b>CLM3</b> | Council<br>(Minute 10 – 15.5.2001)                                    | <b>NATHALIE BOATENG</b><br><b>LEGAL SERVICES MANAGER</b>  | <b>MONITORING OFFICER AND DEPUTY</b><br><br>To act as Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989 and Sections 26-37 of the Localism Act 2011 for the purpose of performing the duties imposed by those sections.  |



|             | <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)<br><br>Council (Minute 10 – 15.5.01) | <b>MR STEPHEN TAUTZ</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.<br><br>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><br><br>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><br><br>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>DEREK MACNAB RETURNING OFFICER</b>                     | <b>PARISH POLLS</b><br><br>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 DIRECTORS</b>                                  | <b>POLITICALLY RESTRICTED POSTS</b><br><br>(a) To notify all politically restricted post holders of their designations;<br>(b) To incorporate the designation as to politically restricted status in contracts of employment; and<br>(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><br><br>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><br><br>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><br><br>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. |

|   | <b>Original Authority Details</b>  | <b>Officer(s) Authorised/ Level of Officer Authorised</b>                                   | <b>Subject and Function(s) Delegated</b>   |             |                |   |  |                            |  |                            |  |
|---|--|---|--|-------------|----------------|---|--|----------------------------|--|----------------------------|--|
| <b>CLR3</b>                             | Council<br>(Minute 23 – 15.5.08) as amended by Council 28 May 2015   | <p><b>CHIEF EXECUTIVE</b></p> <p><b>STRATEGIC DIRECTOR (LEVEL 4 OFFICER)</b></p> <p>tbd</p> | <p><b>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</b></p> <p>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 :</p> <table border="0"> <thead> <tr> <th data-bbox="1155 507 1435 542"><b>Role</b></th> <th data-bbox="1435 507 2139 542"><b>Purpose</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="1155 574 1435 643"><b>Senior Responsible Officer (SRO)</b></td> <td data-bbox="1435 608 2139 740">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 data-bbox="1155 1015 1435 1050"><b>Authorising Officer</b></td> <td data-bbox="1435 1015 2139 1149">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 data-bbox="1155 1185 1435 1220"><b>Authorising Officer</b></td> <td data-bbox="1435 1185 2139 1284">To consider and a give initial authorisation of covert surveillance, whether directed or covert human intelligence source,</td> </tr> </tbody> </table> | <b>Role</b> | <b>Purpose</b> | <b>Senior Responsible Officer (SRO)</b> | To ensure compliance with the Act and associated Codes of Practice. To liaise with Commissioners and Inspectors and implement any post-inspection actions. | <b>Authorising Officer</b> | 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 | <b>Authorising Officer</b> | To consider and a give initial authorisation of covert surveillance, whether directed or covert human intelligence source, |
| <b>Role</b>                             | <b>Purpose</b>   |   |  |             |                |   |  |                            |  |                            |  |
| <b>Senior Responsible Officer (SRO)</b> | To ensure compliance with the Act and associated Codes of Practice. To liaise with Commissioners and Inspectors and implement any post-inspection actions.                   |   |  |             |                |   |  |                            |  |                            |  |
| <b>Authorising Officer</b>              | 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 |   |  |             |                |   |  |                            |  |                            |  |
| <b>Authorising Officer</b>              | 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><br><br><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,<br><br><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>MONITORING OFFICER</b>   | <b>RESOLUTIONS – CERTIFICATION</b><br><br>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)<br><br>Council (Minute 29 – 28.6.11)  | <b>CHIEF EXECUTIVE</b>  | <b>RE-USE OF PUBLIC SECTOR INFORMATION REGULATIONS 2005</b><br><br>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.<br><br>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><br><br>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><br><br>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<br>(Minute 90(5) – 23.2.82)         | <b>HEAD OF PAID SERVICE</b>  | <b>STAFF – RETIREMENT</b><br><br>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<br>(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><br><br>(a) To have control of the aggregated monies under Section 151 of the LGA 1972.<br><br>(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><br><br>To be responsible for delegations set out in Annex E to this schedule   |
|             | <b>NIL</b>                                  |  |   |
|             | <b>NIL</b>                                  |  |   |
|             | <b>NIL</b>                                  |  |   |

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**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                                 | X                   |  |   |
| Policy not to permit casinos                                | X                   |  |   |
| Fee Setting – when appropriate                              |                     |  | X (to be approved by Executive Councillor)                            |
| Application for premises 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 |
| Application for a transfer of a licence                     |                     | Where representations have been received from the Commission | Where no representations received from the Commission                 |
| Application for a provisional statement                     |                     | Where representations have been received and not withdrawn   | Where no representations received/representations have been withdrawn |
| Review of a premises licence                                |                     | X  |   |
| Application for club gaming/club machine permits            |                     | Where representations have been received and not withdrawn   | Where no representations received/representations have been withdrawn |
| Cancellation of club gaming/club machine permits            |                     | X  |   |
| Applications for other permits                              |                     |  | X   |
| Cancellation of licensed premises gaming machine permits    |                     |  | X   |
| Consideration of temporary use notice                       |                     |  | X   |
| Decision to give a counter notice to a temporary use notice |                     | X  |   |

**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**

| <b>MATTER TO BE DEALT WITH</b>  | <b>FULL COUNCIL</b> | <b>SUB-COMMITTEE</b>                                       | <b>OFFICERS</b>   |
|---|---------------------|--|---|
| 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<br>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.<br><br>To obtain and exercise powers of entry to undertake surveys in connection with:<br><br>(1) Statutory Plans<br><br>(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:<br><br>(1) Obtain and use necessary Powers of Entry to the land;<br><br>(2) Serve relevant notices;<br><br>(3) Respond to appeals;<br><br>(4) Undertake works directly where necessary; and<br><br>(5) Recover expenses.            | No         |
| <b>Countryside hedgerows</b>           | The Hedgerow Regulations 1997<br>Sections: 5 to 15 incl.                        | The responsibility to:<br><br>(1) Regulate the removal of certain hedgerows;<br><br>(2) Issue relevant notices, including to require hedgerow replacement;<br><br>(3) Respond to appeals;<br><br>(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>   |            |
| <p><b>High Hedges</b></p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 164</p> | <p>Anti-social Behaviour Act 2003 (Part 8) Sections: 68, 69, 70, 74, 75, 77, 79 and 80.</p>   | <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> | <p>No</p>  |
| <p><b>Protection of trees</b></p>   | <p>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&amp;D, 324, 325</p> | <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>  | <p>No</p>  |

| 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.

**Part 3**  
**Scheme of Delegation**  
**Appendix 5**  
**Scheme of Delegation of Executive Functions**

**Release note: Dated December 2018, Amendments by Simon Hill to reflect decisions taken by Leader as a result of changes to Service Director Structure**

**1. GENERAL PRINCIPLES**

- (a) This scheme delegates the powers and duties of the Executive to Cabinet Members and officers as a partnership.
- (b) This scheme delegates powers and duties within portfolios and includes powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation as well as authorising the affixing of the Common Seal.
- (c) This scheme operates under Sections 9D to 9DA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 and all other powers enabling.
- (d) Officers and Cabinet Members shall keep members (especially ward members) properly informed of activity and its implications arising within the scope of these delegations.

**2. GENERAL LIMITATIONS**

- (a) Before taking a decision a Cabinet Member shall receive advice from the appropriate officer.
- (b) Any exercise of delegated powers shall be subject to a policy framework approved by the Council or the policies approved by the Cabinet from time to time including the Employment Policies (and Disciplinary Procedures), Equal Opportunities, Service Delivery Policies, and shall be guided by the relevant Codes of Conduct or Council protocols.
- (c) Any exercise of delegated powers shall be subject to:
- (i) any statutory restrictions;
  - (ii) standing orders;
  - (iii) financial regulations; and
  - (iv) procurement rules.

(d) In exercising delegated powers, Cabinet members and officers shall not go beyond the provision in the revenue or capital budgets for their service except to the extent permitted by financial regulations and procurement policy.

### **3. GENERAL PROVISIONS**

(a) This scheme includes the power for officers further to delegate in writing all or any of the delegated functions to other officers (described by name or post) either fully or under the general supervision and control of the delegating officer. Sub-delegations shall be recorded and kept by the relevant Director.

(b) All action taken under the terms of these delegations shall be properly documented.

(c) It shall always be open to an officer either to consult with the appropriate Cabinet member on the exercise of delegated powers, or not to exercise delegated powers but to refer the matter to the Cabinet.

(d) It shall be open to a Cabinet member to determine that the exercise of their delegated powers is not appropriate in cases where a Chief Officer or the Monitoring Officer recommends reference to the Cabinet, where consultation with other members indicates that the matter should be referred to the Cabinet or where the Leader of the Council so directs.

(d) In exercising delegated powers, officers shall consult with other appropriate officers and shall have regard to any advice given.

(e) In this scheme "officer" means the holder of any post named in this scheme as having delegated powers and duties.

### **4. SPECIFIC DELEGATIONS**

#### **4.1 Leader of Council**

Exercise of the powers and duties of the Leader of the Council in accordance with Section 9E of the Local Government Act 2000 including:

(a) appointment of other Cabinet members up to a maximum of 9;

(b) allocation of responsibility for executive functions to Cabinet Members and Service Directors;

(c) establishment and terms of reference of Cabinet Committees;

(d) approval of representatives on outside organisations directly involved in the carrying out of executive functions;



(e) appointment of a Deputy Leader of the Council.

#### 4.2 Cabinet Members

Decisions on executive functions falling within the allocated Cabinet service portfolio, and which are not delegated to officers.

#### 4.3 Officers

May take any decision which:

- (a) implements a policy or decision previously approved or taken by the Council, the Cabinet or a Cabinet member;
- (b) facilitates or is conducive or incidental to the implementation of a policy or decision previously taken by the Council, the Cabinet or a Cabinet member;
- (c) relates to the management of the human, material and financial resources made available for carrying out the functions for which they are responsible; and
- (d) matters delegated by the Council, the Cabinet, a Committee or Subcommittee from time to time under this scheme.
- (e) matters that are legally permissible and within that officers area of control (see table and key below):

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:

| <b>Service Director Officer Role:</b> | <b>Current services (December 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, Legal Services |

| <b>Service Director Officer Role:</b>       | <b>Current services (December 2018)</b>   |
|---|---|
| Contract and Technical Services             | Waste and Recycling, Car Parking, Leisure Management, Fleet Operations, Land Drainage, Contaminated Land, Grounds Maintenance, Arboriculture, Countrycare, Highways liaison, Procurement  |
| Commercial and Regulatory Services          | Estates and valuation, North Weald Airfield, Licensing, Building Control, Environmental Health and Environmental Co-ordination, Private Sector Housing,   |
| Community and Partnership Services          | Community Safety , Environment and Neighbourhood Services, Safeguarding, Community Health and Wellbeing and Museum, Heritage and Culture, Grant Aid, Youth Council, Local Strategic Partnership, Economic Development, Tourism, CARE Agency and Grants  |
| Customer Services                           | Customer Services, Compliments and Complaints, Corporate Communications, Website, Public consultation, Revenues, Benefits, Debt recovery, cashiers, Democratic Services, Civic and Members Services, Elections, Data Protection/Freedom of Information, |
| Currently allocated to a Strategic Director | Transformation Programme, Project Management, Performance Monitoring, 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,  |

## 5. SPECIAL CIRCUMSTANCES

- 5.1 Where the proposed decision affects more than one service portfolio, there shall be an obligation for the other Cabinet members to be consulted before a decision is made.
- 5.2 Where a decision is of corporate significance or where there is a conflict of view, such matter shall stand referred to the Cabinet for consideration.
- 5.3 Cabinet members shall, in the exercise of delegated powers, consult with the Chairman of the appropriate Overview and Scrutiny Committee and the ward Councillor(s) where appropriate.
- 5.4 Cabinet Members shall have regard to the requirements of the Council's petitions procedure when making decisions on matters raised in such representations.

**EXECUTIVE FUNCTIONS – DELEGATION BY THE LEADER OF COUNCIL**

|             | <b>Authorising Committee and Minute Ref or Other Authority</b>      | <b>Officer(s) Authorised</b>   | <b>Subject and Function(s) Delegated</b>   |
|-------------|---|--|--|
| <b>EXA1</b> | Finance Sub-Committee<br>(Minute 398 - 31.1.80)                     | <b>ANY LEVEL 3 OR 4 OFFICER WITHIN THEIR MANAGEMENT CONTROL</b>                            | <b>AGENDA AND MINUTES - CHARGES TO SUBSCRIBERS</b><br><br>To approve charges.  |
| <b>EXA2</b> | Housing Committee<br>(Minute 74 – 4.3.92)                           | <b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICES</b>                                      | <b>AGRICULTURAL DWELLINGS</b><br><br>To accept applications for rehousing and offer suitable alternative accommodation where the Agricultural Dwelling House Advisory Committee advises that the property is required for occupation by an agricultural employee in the interest of efficient agriculture.   |
| <b>EXA3</b> | Environmental Health and Control Committee<br>(Minute 10 – 10.5.78) | <b>HEALTH PROTECTION AGENCY (HPA)<br/>(Any Consultant Staff Member)</b>                    | <b>AIRCRAFT</b><br><br>Proper Officer for the purposes of the Public Health (Aircraft) Regulations 1970.   |
| <b>EXA4</b> | By Leader Decision dated:<br>26 April 2016                          | <b>SERVICE DIRECTOR COMMUNITY AND PARTNERSHIPS OR A LEVEL 2 MANAGER NOMINATED BY THEM.</b> | <b>ASB Crime &amp; Policing Act 2014 (see also Annex B for other delegations)</b><br><br>Part 2 Criminal Behaviour Orders (CBO)<br><br>Section 29<br><br>To act in cooperation with the Chief Officer of Police when carrying out a review of a CBO on a person under 18 using existing ASB process (10.5) as attached.<br><br>Part 4, Chapter 3, Section 77 (2) (b) – Closure Notices<br><br>To issue closure notices of 24 and 48 hours pursuant to the above section. |

|             | <b>Authorising Committee and Minute Ref or Other Authority</b>                                    | <b>Officer(s) Authorised</b>  | <b>Subject and Function(s) Delegated</b>  |
|-------------|---|---|---|
| <b>EXA5</b> | Cabinet<br>(Minute 14(4) – 6.10.14)   | <b>SERVICE DIRECTOR FOR HOUSING AND PROPERTY OR A LEVEL 2 MANAGER NOMINATED BY THEM</b>                                   | <b>APPROPRIATIONS OF LAND</b><br><br>(a) To seek the consent of the Secretary of State for Communities and Local Government, pursuant to Section 19 of the Housing Act 1985, to appropriate land held for housing purposes and identified for Council housebuilding for planning purposes; and<br><br>(b) Subject to the receipt of such consent, to advertise the Council's intention to make the appropriation in accordance with the provisions of Section 122(A) of the 1972 Act. |
| <b>EXB1</b> | Development Committee<br>(Minute 19 – 30.5.2000)  | <b>ANY LEVEL 4 MANAGER AND SERVICE DIRECTOR COMMERCIAL AND REGULATORY SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b> | <b>BUILDING ACT 1984 – SECTION 95 AUTHORISATION</b><br><br>To authorise designated postholders to exercise powers under Section 95 of the Building Act 1984 to enter premises in connection with the enforcement of the Building Regulations.   |
| <b>EXB2</b> | Development Committee<br>(Minute 23(1) – 6.2.74)<br><br>Council Minute<br>(Minute 24(1) - 9.7.91) | <b>SERVICE DIRECTOR COMMERCIAL AND REGULATORY SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b>                         | <b>BUILDING REGULATIONS</b><br><br>To determine applications under the Building Regulations and associated legislation, including the Building Act 1984,  |

|             | <b>Authorising Committee and Minute Ref or Other Authority</b>           | <b>Officer(s) Authorised</b>   | <b>Subject and Function(s) Delegated</b>   |
|-------------|--|--|--|
| <b>EXB3</b> | Development Committee (Minute 35(1) – 15.7.99)                           | <b>SERVICE DIRECTOR COMMERCIAL AND REGULATORY SERVICES OR BUILDING CONTROL SURVEYORS NOMINATED BY THEM</b> | <b>BUILDING ACT 1984</b><br>To act as Proper Officer for the purposes of Section 78 of the Building Act 1984.  |
|             | Development Committee (Minute 35(2) - 15.7.99)                           | <b>SERVICE DIRECTOR COMMERCIAL AND REGULATORY SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b>          | <b>BUILDING ACT 1984</b><br>To carry out the following functions under the Building Act 1984:<br><br>(a) Section 34 - serve notices requiring work contravening building regulations to be removed or altered to achieve compliance;<br><br>(b) Section 77 - approve applications to a Magistrates' Court for an order requiring dangerous buildings or structures to be made safe;<br><br>(c) Section 79 - serve notices where it appears that a building is by reason of ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood; and<br><br>(d) Section 81 - serve notices specifying certain matters and conditions in relation to the demolition of buildings. |
| <b>EXB4</b> | Personnel Sub-Committee (Minute 138 – 20.3.90) and Development Committee | <b>SERVICE DIRECTOR COMMERCIAL AND REGULATORY SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b>          | <b>BUILDING CONTROL – VETTING OF APPLICATIONS</b><br>To enter into working arrangements with other local authorities within East Anglia for the checking of one (Minute 66 - 16.1.90) another's building regulation activities on a consultancy basis, this arrangement to be activated where staffing levels fall below establishment or volume of applications submitted exceeds staffing capacity.  |

|             | <b>Authorising Committee and Minute Ref or Other Authority</b> | <b>Officer(s) Authorised</b>  | <b>Subject and Function(s) Delegated</b>  |
|-------------|--|---|---|
| <b>EXB5</b> |  | <b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICE OR A LEVEL 2 MANAGER NOMINATED BY THEM</b>     | <b>BUY-BACK OF FORMER COUNCIL HOUSING</b><br><br>To decide, in consultation with the relevant Portfolio Holder, whether or not the Council would wish to exercise its pre-exemption rights to purchase former Council properties previously sold under the Right to Buy (RTB), in accordance with the Housing Act (Right of First Refusal) (England) Regulations 2005, subject to a sufficient amount of unallocated "One for One Replacement" RTB Receipts or Section 106 financial contributions of affordable housing being available. |
| <b>EXC1</b> | Transportation Committee<br>(Minute 115 – 26.1.93)             | <b>SERVICE DIRECTOR CONTRACTS AND TECHNICAL SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b> | <b>CAR PARK TARIFFS</b><br><br>To determine individual tariffs in off-street Pay and Display Car Parks within agreed policy.  |
| <b>EXC2</b> | Personnel Sub-Committee<br>(Minute 79 – 17.11.81)              | <b>SERVICE DIRECTOR CONTRACTS AND TECHNICAL SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b> | <b>CAR PARKS (COUNCIL)</b><br><br>To determine applications to use Council office car parks.<br>(See also under "Offices – Use of")   |
| <b>EXC3</b> | Policy & Co-ordinating Committee<br>(Minute 44(3) - 29.11.83)  | <b>SERVICE DIRECTOR CONTRACTS AND TECHNICAL SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b> | <b>CAR PARKS (PUBLIC)</b><br><br>To approve the use of Council car parks by charitable organisations or for other charitable purposes.  |
| <b>EXC4</b> | Policy and Co-ordinating Committee<br>(Minute 66(a) - 4.12.90) | <b>CHIEF EXECUTIVE</b>  | <b>COMMERCIAL TENANCIES - SERVICE OF NOTICES</b><br><br>To sign notices and answers to originating applications for new tenancies under Part II of the Landlord and Tenant Act 1954.  |
| <b>EXC5</b> | Executive Committee<br>(Minute 449 - 11.3.02)                  | <b>ANY LEVEL 4 OR 3 MANAGER</b>   | <b>COMPLAINTS AND COMPLIMENTS PROCEDURE</b><br><br>To make payments up to £250 in respect of upheld complaints at Stages 1 & 2  |
| <b>EXC6</b> | Council  |   | <b>COMPULSORY COMPETITION - AUTHORITY FOR THE COUNCIL TO SUBMIT</b>   |

|             | <b>Authorising Committee and Minute Ref or Other Authority</b> | <b>Officer(s) Authorised</b>  | <b>Subject and Function(s) Delegated</b>   |
|-------------|--|---|--|
|             | (Minute 74(3) - 20.12.88)                                      | <b>CHIEF EXECUTIVE</b>  | <b>BIDS FOR WORK INSIDE THE DISTRICT</b><br><br>To submit bids for work inside the District, to utilise spare capacity/manpower only.  |
| <b>EXC7</b> | Council<br>(Minute 74(3) - 20.12.88)                           | <b>CHIEF EXECUTIVE</b>  | <b>COMPULSORY COMPETITION - AUTHORITY FOR THE COUNCIL TO SUBMIT BIDS FOR WORK OUTSIDE THE DISTRICT</b><br><br>To refer to the Management Board and through them to the Cabinet any proposal involving the authorisation of bids for work outside the district but only in the context of agreed policy for shared services.  |
| <b>EXC8</b> | Policy and Resources Committee<br>(Minute 347 - 14.2.78)       | <b>ANY LEVEL 4, 3 or 2 MANAGER</b>  | <b>CONFERENCES - ATTENDANCE BY OFFICERS</b><br><br>To approve the attendance of officers at annual conferences, taking into account the subject matter of the conference and the budgetary provision made.   |
| <b>EXD1</b> | Council (Minute 52 – 12.12.2000)                               | <b>SERVICE DIRECTOR CUSTOMER SERVICES, SERVICE MANAGER LEGAL SERVICES (or nominated Deputy)</b> | <b>DEBTS</b><br><br>To take steps to enforce a debt following the commencement of bankruptcy proceedings, subject to action being reported to the Cabinet.   |
| <b>EXD2</b> | Cabinet minute 25(3) – 23.7.15                                 | <b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICES OR A LEVEL MANAGER NOMINATED BY THEM</b>      | <b>DEVELOPMENT AGREEMENTS</b><br><br>To enter into Development Agreements with private developers, and agree terms for the purchase, for affordable rented housing required to be provided by developers in accordance with Section 106 Agreements, where an opportunity is presented that is considered suitable and appropriate subject to the value being no more than the value considered by the Council to require a key decision. |
| <b>EXE1</b> | Policy & Co-ordinating Committee<br>(Minute 78 - 1.12.81)      | <b>SERVICE DIRECTOR COMMERCIAL AND REGULATORY SERVICES OR A LEVEL 2 MANAGER NOMIATED</b>        | <b>ENERGY MANAGEMENT &amp; CONSERVATION</b><br><br>To implement the Council's policy.  |

|             | <b>Authorising Committee and Minute Ref or Other Authority</b> | <b>Officer(s) Authorised</b>  | <b>Subject and Function(s) Delegated</b>   |
|-------------|--|---|--|
|             |  | <b>BY THEM</b>  |  |
| <b>EXE2</b> | Personnel Sub-Committee<br>(Minute 67 - 24.11.87)              | <b>ANY LEVEL 4 OR 3<br/>MANAGER</b>   | <b>EX GRATIA PAYMENTS</b><br><br>To consider and approve the making of appropriate ex gratia payments to staff at all levels for temporarily undertaking significant additional duties and responsibilities subject, in the case of emergencies where payments are not covered by the approved salary budget, to a report being made to the Cabinet.   |
| <b>EXF1</b> | Leisure Services Committee<br>(Minute 5 - 23.5.91)             | <b>SERVICE DIRECTOR<br/>CONTRACTS AND<br/>TECHNICAL SERVICES<br/>(LEISURE CONTRACT) ,<br/>SERVICE DIRECTOR<br/>COMMUNITY AND<br/>PARTNESHIPS<br/>(CULTURAL AND<br/>COMMUNITY SERVICES)<br/>OR A LEVEL 2<br/>MANAGER NOMINATED<br/>BY THEM</b> | <b>FEES AND CHARGES – LEISURE</b><br><br>To approve the level of fees and charges within the parameters outlined within the Leisure Management Contract.<br><br>To introduce individual pricing charges for Community Health and Wellbing and Museum, Heritage and Culture generally in line with the current level of inflation, or in certain circumstances at a rate which reflects the true cost of providing the service. |
| <b>EXF2</b> | Public Health Committee<br>(Minute 72 - 21.9.83)               | <b>HPA<br/>(Any Consultant Staff<br/>Member)<br/>(see also under<br/>"Disease Control")</b>   | <b>FOOD HYGIENE - ENTRY TO PREMISES</b><br><br>To act as registered medical practitioner to the Council under the Public Health (Control of Disease) Act 1984 and thereby authorised to enter any premises, vessel or aircraft for the purpose of regulations made under that section.   |
| <b>EXG1</b> | Portfolio Holder Decision<br>HSG-029 – 2009/10                 | <b>SERVICE DIRECTOR<br/>HOUSING AND<br/>PROPERTY SERVICES<br/>OR A LEVEL 2<br/>MANAGER NOMINATED<br/>BY THEM</b>  | <b>GARAGES</b><br><br>To sell isolated garages in accordance with the Council's Policy.  |



|             | <b>Authorising Committee and Minute Ref or Other Authority</b>      | <b>Officer(s) Authorised</b>   | <b>Subject and Function(s) Delegated</b>  |
|-------------|---|--|---|
| <b>EXH1</b> | Housing Services Committee<br>(Minute 155 - 12.2.80)                | <b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b> | <b>HARDSTANDINGS - COUNCIL HOUSES</b><br><br>(a) To approve, subject to satisfactory works to boundary walls, hedges and fences and other necessary works and also Essex County Council being satisfied as to the standard of footpath crossings, applications by tenants to construct car hardstandings in front gardens; and<br><br>(b) To apply the above policy to hardstandings provided by tenants without permission.  |
| <b>EXH2</b> | Council Housebuilding Cabinet Committee<br>(Minute 4 (5) – 10.7.13) | <b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b> | <b>HOMES AND COMMUNITIES AGENCY – SHORT FORM AGREEMENTS</b><br><br>That the Director of Communities be authorised to enter into Short Form Agreements with the Homes and Communities Agency for all (Council housing) developments, to enable affordable rents to be charged for the properties built under the Housebuilding Programme, and that the “Provider Representative” named in the Agreements be a senior figure at East Thames Group.  |
| <b>EXH3</b> | Council Housebuilding Cabinet Committee<br>(Minute 5 (3) – 10.7.13) | <b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b> | <b>HOUSEBUILDING PROGRAMME – ALLOCATION OF FUNDING TO SCHEMES</b><br><br>That, once the Cabinet Committee has authorised the use and provisional level of subsidy required for individual developments and/or development packages, the Director of Communities be authorised to allocate funding from the sources listed in Minute 5 (1) of the Housebuilding Cabinet Committee held on 10th July 2013 to individual developments and/or development packages – utilising the most appropriate source of funding for the development(s), having regard to the time limits within which they must be utilised - up to and in excess of the provisional level approved by the Cabinet Committee, once tenders to undertake the works have been received from contractors, subject to:<br><br>(a) The amount allocated being no more than 15% of the level provisionally approved by the Cabinet Committee;<br>(b) Sufficient funds being available at the time of allocation; and<br>(c) The Cabinet Committee receiving a report to its next meeting on the amount of subsidy allocated, and its source of funding. |

|             | <b>Authorising Committee and Minute Ref or Other Authority</b> | <b>Officer(s) Authorised</b>   | <b>Subject and Function(s) Delegated</b>  |
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|             |  |  | <p>Note - Minute 5 (1) of the Housebuilding Cabinet Committee held on 10th July 2013 lists the following sources of funding:</p> <ul style="list-style-type: none"> <li>• Loans from PWLB</li> <li>• Capital receipts from additional RTB sales covered by the Agreement with CLG</li> <li>• Current and future financial contributions for affordable housing from Section 106 Agreements</li> <li>• Capital receipts from the sale of HRA land or building, where the Cabinet has specifically agreed that they should be used to help fund the Council Housebuilding Programme</li> <li>• Grant from the HCA</li> <li>• Any other external funding sources.</li> </ul> |
| <b>EXH4</b> | Housing Committee<br>(Minute 125-27.1.97)                      | <b>SERVICE DIRECTOR<br/>HOUSING AND<br/>PROPERTY SERVICES<br/>OR A LEVEL 2<br/>MANAGER NOMINATED<br/>BY THEM</b> | <p><b>HOUSING ACCOMMODATION – ALLOCATION</b></p> <p>To allocate accommodation in accordance with the Housing Allocations Scheme.</p>  |
| <b>EXH5</b> | Housing Committee<br>(Minute 49 – 30.10.91)                    | <b>SERVICE DIRECTOR<br/>HOUSING AND<br/>PROPERTY SERVICES<br/>OR A LEVEL 2<br/>MANAGER NOMINATED<br/>BY THEM</b> | <p><b>HOUSING ACCOMMODATION - DESIGNATION FOR ELDERLY</b></p> <p>To cancel designations.</p>  |
| <b>EXH6</b> | Housing Committee<br>(Minute 41(20) & (21) –<br>17.9.96)       | <b>SERVICE DIRECTOR<br/>HOUSING AND<br/>PROPERTY SERVICES<br/>OR A LEVEL 2<br/>MANAGER NOMINATED<br/>BY THEM</b> | <p><b>HOUSING ACCOMMODATION – TENANCIES FOR 'LIVE IN' CARERS</b></p> <p>To grant requests to provide or extend joint tenancies to 'live in' carers where such requests are considered to be justified.</p>  |
| <b>EXH7</b> | Housing Committee<br>(Minute 93(b) - 11.3.87)                  | <b>SERVICE DIRECTOR<br/>HOUSING AND<br/>PROPERTY SERVICES<br/>OR A LEVEL 2<br/>MANAGER NOMINATED</b>             | <p><b>HOUSING DEFECTS - PLANNING APPLICATIONS FOR REINSTATEMENT WORKS</b></p> <p>To submit applications for deemed planning consent in connection with the reinstatement of all Council owned designated defective dwellings.</p>   |

|              | <b>Authorising Committee and Minute Ref or Other Authority</b>                     | <b>Officer(s) Authorised</b>   | <b>Subject and Function(s) Delegated</b>   |
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|              |  | <b>BY THEM</b>   |  |
| <b>EXH8</b>  | Portfolio Holder Decision (1.3.04)   | <b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b>   | <b>HOUSING LAND – USE FOR COMMUNITY EVENTS</b><br><br>To grant licences for community events to be held on housing land in the future, subject to consultation with Ward Members and local residents (where residential properties are located nearby) and all health and safety insurance requirements being met by the organisation staging the event. |
| <b>EXH9</b>  | Council (Minute 23(7)(2) - 29.6.82)<br>Housing Committee (Minute 116(4) - 26.1.98) | <b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM (in consultation with the appropriate Portfolio Holder)</b> | <b>HOUSING LAND - SURPLUS PLOTS</b><br><br>To negotiate, agree terms and dispose of surplus plots of garden land (in consultation with the relevant Portfolio Holder and appropriate Ward Members) as identified by the Council.   |
| <b>EXH10</b> | <b>Deleted July 2018</b>   |  |  |
| <b>EXH11</b> | Cabinet (Minute 155 – 6.2.06)  | <b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b>   | <b>HOUSING OPTIONS CONSORTIUM</b><br><br>To exercise the Cabinet's functions in respect of the Housing Options Consortium, being a partnership of local authorities of which the Council is a member.  |
| <b>EXH12</b> | Housing Committee (Minute 74 - 4.3.92)   | <b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b>   | <b>HOUSING REGISTER RULES – WAIVING</b><br><br>To waive Housing Register Rules where the Director of Communities considers there are good grounds for so doing.  |
| <b>EXH13</b> | Housing Services Director Committee (Minute 6(a)(iii) - 29.10.73)                  | <b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICES OR A LEVEL 2</b>   | <b>(HOUSING) MUTUAL EXCHANGES</b><br><br>To approve applications under the Mutual Exchange Scheme.   |

|             | <b>Authorising Committee and Minute Ref or Other Authority</b>            | <b>Officer(s) Authorised</b>                    | <b>Subject and Function(s) Delegated</b>  |
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|             |   | <b>MANAGER NOMINATED BY THEM</b>                |   |
| <b>EXI1</b> | Public Health Committee<br>(Minute 72 - 21.9.83)                          | <b>HPA<br/>(Any Consultant member of staff)</b> | <b>ILLNESS - PERSONS IN NEED OF CARE AND ATTENTION</b><br><br>To act as proper officer to the Council for the purposes of Section 47 of the National Assistance Act 1948 (removal to suitable premises of persons in need of care and attention or those suffering from grave chronic illness). |
| <b>EXI2</b> | Public Health Committee<br>(Minute 72 - 21.9.83)<br>(Minute 92 - 17.3.92) | <b>HPA<br/>(Any Consultant member of staff)</b> | <b>INFECTIOUS AND COMMUNICABLE DISEASES</b><br><br>To act as proper officer to the Council for the purposes of the Public Health (Infectious Diseases) Regulations 1968, the Public Health (Control of Diseases) Act 1984 and Section 47 of the National Assistance Act 1948.                   |

|      | <b>Authorising Committee and Minute Ref or Other Authority</b>            | <b>Officer(s) Authorised</b>   | <b>Subject and Function(s) Delegated</b>   |
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| EXL1 | <p>Council (Minute 23 – 15.5.08)</p> <p>Cabinet (Minute 42 – 29.7.13)</p> | <p><b>SERVICE DIRECTOR CONTRACTS AND TECHNICAL SERVICES AND ANY LEVEL 2 MANAGER NOMINTED BY THEM (AND RELEVANT STAFF DULY AUTHORISED TO ACT ON HIS BEHALF)</b></p> | <p><b>LAND DRAINAGE AND FLOOD DEFENCE</b></p> <p>To act under the statutory provisions in the Epping Forest District Council – Land Drainage Byelaws 2005.</p> <p>To act under the statutory provisions listed below:</p> <p><b>Land Drainage Act 1991</b></p> <p>Section 14 General drainage powers to maintain, construct and improve drainage works etc</p> <p>Section 15 Disposal of spoil from works to watercourse</p> <p>Section 23, 24 and 25 Consenting to and enforcement of ordinary watercourses as delegated by Essex County Council as amended by the Flood &amp; Water Management Act 2010</p> <p>Sections 26 and 27 Powers to require works for maintaining flow of watercourses etc</p> <p>Section 64 Powers of entry for internal drainage boards and local authorities</p> <p><b>Public Health Act 1936</b></p> <p>Section 260 Power to deal with ponds, ditches etc</p> <p>Section 262 Power to require culverting of watercourses and ditches where building operations in prospect</p> <p>Section 263 Approval of plans to culvert or cover any stream or watercourse</p> <p>Section 264 Issue of notice requiring the repair or cleansing of culverts</p> <p>To approve updates to the list of legislation set out above.</p> |

|                     | <b>Authorising Committee and Minute Ref or Other Authority</b> | <b>Officer(s) Authorised</b>   | <b>Subject and Function(s) Delegated</b>   |                     |                       |                    |                              |                     |                              |                    |                                     |
|---------------------|--|--|--|---------------------|-----------------------|--------------------|------------------------------|---------------------|------------------------------|--------------------|-------------------------------------|
| <b>EXL2</b>         | Leader decision May 2016                                       | <p><b>SERVICE DIRECTOR COMMERCIAL AND REGULATORY SERVICES OR A LEVEL TWO MANAGER NOMINATED BY THEM</b></p> <p>(in amounts shown in column 4)</p> <p><b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICES (or officer duly authorised) for Land held under Housing Act Powers Only</b></p> | <p><b>LANDLORD AND TENANT - MANAGEMENT OF COUNCIL PROPERTY</b></p> <p>(a) To serve notices under Part II of the Landlord and Tenant Act 1954 as amended by Part I of the Law of Property Act 1969 in connection with negotiation of new rentals for Council properties.</p> <p>(b) To take immediate corrective management action (except the institution of legal proceedings) for breaches of covenant in leases of shops, industrial estates and industrial land</p> <p>(c) For all property transactions including acquisitions, disposals, new lettings, lease renewals, lease surrenders, rent reviews, sub-lettings / assignments, all licences (including change of use, alterations), deeds of variations, wayleaves and rights of way, and licences to cross council land.</p> <p>Officers delegated to approve the above transactions for the following amounts and by the Officer approval levels shown:</p> <p>Revenue transactions:</p> <table> <tr> <td>level two manager –</td> <td>upto £25,000 per year</td> </tr> <tr> <td>Service Director -</td> <td>£25,001 to £100,000 per year</td> </tr> </table> <p>Capital Transactions:</p> <table> <tr> <td>level two manager –</td> <td>upto £50,000 per transaction</td> </tr> <tr> <td>Service Director -</td> <td>£50,001 to £500,000 per transaction</td> </tr> </table> <p>(d) To approve licences to assign and licences for change in use in consultation with the relevant Portfolio Holder.</p> | level two manager – | upto £25,000 per year | Service Director - | £25,001 to £100,000 per year | level two manager – | upto £50,000 per transaction | Service Director - | £50,001 to £500,000 per transaction |
| level two manager – | upto £25,000 per year  |  |  |                     |                       |                    |                              |                     |                              |                    |                                     |
| Service Director -  | £25,001 to £100,000 per year                                   |  |  |                     |                       |                    |                              |                     |                              |                    |                                     |
| level two manager – | upto £50,000 per transaction                                   |  |  |                     |                       |                    |                              |                     |                              |                    |                                     |
| Service Director -  | £50,001 to £500,000 per transaction                            |  |  |                     |                       |                    |                              |                     |                              |                    |                                     |
| <b>EXN1</b>         | Policy and Co-ordinating Committee Minute 44(3) – 29.11.83     | <b>SERVICE DIRECTOR BUSINESS SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b>   | <p><b>NAMING OF STREETS</b></p> <p>To approve the names of new streets in accordance with the Town and Police Clauses Act 1847, where, following consultation, one name is agreed by all parties.</p>  |                     |                       |                    |                              |                     |                              |                    |                                     |
| <b>EXN2</b>         | Council (Minute 138 –  | <b>SERVICE DIRECTOR</b>  | <b>NORTH WEALD AIRFIELD - NON COMMERCIAL LETTINGS</b>  |                     |                       |                    |                              |                     |                              |                    |                                     |

|             | <b>Authorising Committee and Minute Ref or Other Authority</b>      | <b>Officer(s) Authorised</b>  | <b>Subject and Function(s) Delegated</b>  |
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|             | 28.4.09)<br>Portfolio Holder Decision<br>L/001/2005/6 dated 20.5.05 | <b>COMMERCIAL AND REGULATORY SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b>  | (a) To negotiate and produce agreements and licences for all regular bookings and single events (of a non public character) which comply with the standard licence agreement and fees operated by the Council.<br><br>(b) To negotiate in liaison with the Airfield Manager, any arrangements regarding use of the Airfield (except those which fall under item (1) above), and, where appropriate, to draft and execute appropriate agreements or licences for all Airfield uses including any negotiated under (a) above,<br><br>(c) That subject to compliance with the Council's policy to sanction the Concessionary Hire of Leisure Facilities by, or on behalf of, registered charities, for Fundraising Events. |
| <b>EXN3</b> | Public Health Committee<br>(Minute 72 – 21.9.83)                    | <b>HPA<br/>(Any Consultant member of staff) (See also under "Disease Control")</b>  | <b>NOTIFIABLE DISEASES</b><br><br>To act as proper officer for the purposes of the Public Health (Control of Disease) Act 1984.   |
| <b>EXN4</b> | Cabinet (Minute 142 – 14.3.05)                                      | <b>SERVICE DIRECTORS FOR COMMERCIAL AND REGULATORY AND COMMUNITY AND PARTNERSHIPS SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM (or authorised Officer)</b> | <b>NUISANCES</b><br><br>Authority to make closure orders under Section 40 of the Anti Social Behaviour Act 2003 and to give notices of cancellation of closure orders under Section 41 of that Act  |
| <b>EXO1</b> | Personnel Sub-Committee<br>(Minute 79 – 17.11.81)                   | <b>ANY LEVEL 4 OR 3 MANAGER</b>   | <b>OFFICES - USE OF</b><br><br>To determine applications to use Council offices (See also under "Car Parks (Council)").   |
| <b>EXO2</b> | Cabinet Minute 151(10) – 18.4.11                                    | <b>SERVICE DIRECTOR HOUSING AND</b>   | <b>OFF STREET CAR PARKING SCHEMES</b>   |

|             | <b>Authorising Committee and Minute Ref or Other Authority</b> | <b>Officer(s) Authorised</b>   | <b>Subject and Function(s) Delegated</b>  |
|-------------|--|--|---|
|             |  | <b>PROPERTY SERVICES</b>   | "To submit planning applications for future off-street parking schemes at the appropriate time after the resident consultation exercise."   |
| <b>EXO3</b> | Policy and Resources Committee<br>(Minute 3 – 11.10.73)        | <b>SERVICE DIRECTOR<br/>BUSINESS SERVICES<br/>OR A LEVEL 2<br/>MANAGER NOMINATED<br/>BY THEM</b>   | <b>ORDNANCE SURVEY</b><br><br>To act as proper officer for the purposes of Section 191 of the Local Government Act 1972 (Marking out and checking of reputed boundaries).   |
| <b>EXP1</b> | Leader Decision dated April 2016                               | <b>SERVICE DIRECTOR<br/>COMMERCIAL AND<br/>REGULATORY<br/>SERVICES OR A LEVEL<br/>2 MANAGER<br/>NOMINATED BY<br/>THE PRINCIPAL<br/>BUILDING CONTROL<br/>SURVEYOR</b> | <b>PARTY WALL ACT 1996</b><br><br><b>SECTION 10 (8)</b><br><br>To act as Appointed Officer pursuant to Section 10(8) of the Party Wall Act 1996 which allows the appointment of a third surveyor to resolve party wall disputes.  |
| <b>EXP2</b> | Policy and Co-ordinating Committee<br>(Minute 99 – 21.11.89)   | <b>SERVICE MANAGER<br/>LEGAL SERVICES</b>  | <b>PHYSICAL ASSAULTS ON STAFF</b><br><br>In the event of the Crown Prosecution Service not proceeding after physical assault on a Council employee, to give instructions to prosecute where they consider that the Attorney General's guidelines for prosecutions in a private prosecution for assault are satisfied. |
| <b>EXP3</b> | Environment Portfolio Holder Decision<br>ENV-004-2017/18       | <b>SERVICE DIRECTOR<br/>COMMERCIAL AND<br/>REGULATORY<br/>SERVICES<br/>Or suitably qualified<br/>officers</b>  | <b>Pollution Prevention - Idling vehicles Fixed Penalty Notices</b><br><br>Authority under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 to issue fixed penalty notices in respect of idling vehicles.  |
| <b>EXP4</b> | Housing Committee<br>(Minute 74 – 4.3.92)                      | <b>SERVICE MANAGER<br/>LEGAL SERVICES IN<br/>CONSULTATION WITH A<br/>RELEVANT LEVEL 4 OR</b>   | <b>POSSESSION ORDERS - MORTGAGE ARREARS</b><br><br>To obtain and execute in the case of mortgage arrears where an Order for possession is granted by the Courts, a warrant for the possession of a property.  |





|             | <b>Authorising Committee and Minute Ref or Other Authority</b>                                       | <b>Officer(s) Authorised</b>   | <b>Subject and Function(s) Delegated</b>  |
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|             | Housing Management Sub Committee (Minute 161 – 15.2.77)<br><br>Portfolio Holder Decision (24.3.2004) |  | House) including the eviction of any homeless person who defaults in the payment of accommodation charges for four successive weeks or more.<br><br>(j) Approve and sign Notices of Seeking Possession on the grounds of a breach of tenancy conditions for not allowing the Council access to undertake required repairs and maintenance;<br><br>(k) Initiate proceedings in the County Court for possession or to provide access for the purpose of undertaking the statutory annual Gas Safety Inspection in accordance with the relevant legislation; and<br><br>(l) Seek and execute warrants of execution for possession authorised by the Court. |
| <b>EXP6</b> | Deleted December 2018  |  |   |
| <b>EXP7</b> | Cabinet (Minute 109 – 18.12.06)  | <b>SERVICE DIRECTOR COMMUNITY AND PARTNERSHIPS SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b> | <b>PRIVATE SECTOR HOUSING – ASSISTANCE (including Decent Homes Repayable Assistance, Small Works Repayable Assistance, Thermal Comfort Grants, Conversion Grants, Empty Homes Repayable Assistance and Disabled Facilities Grants)</b><br><br>To exercise the powers and duties under relevant legislation.<br>(See also ‘Private Sector Housing – General’)  |
| <b>EXP8</b> | Cabinet (Minute 184 – 10.4.06)   | <b>SERVICE DIRECTOR COMMERCIAL AND REGULATORY SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b>  | <b>PRIVATE SECTOR HOUSING – GENERAL</b><br><br>To exercise the powers and duties set out in Annex A including powers of entry by warrant where this is not specified in the legislation listed.<br><br>To authorise updates to the list of legislation set out in Annex A (see also ‘Private  |

|             | <b>Authorising Committee and Minute Ref or Other Authority</b>                         | <b>Officer(s) Authorised</b>  | <b>Subject and Function(s) Delegated</b>  |
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|             |  |   | Sector Housing )  |
| <b>EXR2</b> | Housing Portfolio Holder Decision<br><br>HSG-027-2015/16<br><br>Dated 11 February 2016 | <b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICES OR A LEVEL 2 MANAGER NOMINTADE BY THEM</b>                        | <b>RENEWAL OF LEASES WITH NACRO</b><br><br>To renew leases (and any subsequent leases) on expiry for a further 5 years on the 12 properties currently leased to NACRO provided there is a continuing need to accommodate vulnerable younger homeless applicants.  |
| <b>EXR3</b> | Housing Management Sub-Committee (Minute 152(c)(2) – 11.3.80)                          | <b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICES OR A LEVEL 2 MANAGER NOMINTADE BY THEM</b>                        | <b>RENT ARREARS - DECEASED TENANTS</b><br><br>To write off rent arrears in respect of deceased tenants, where there is no means of recovering the debt.   |
| <b>EXR4</b> | Cabinet Minute 46 – 12.9.11  | <b>SERVICE DIRECTOR COMMERCIAL AND REGULATORY SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b>                   | <b>RESTRICTIVE COVENANTS – HOUSING IN MULTIPLE OCCUPATION</b><br><br>To agree requests to vary restrictive covenants on former Council houses, in order to grant permission for their use as privately-rented shared accommodation, provided all of the conditions set out in Cabinet Minute 46 – 12.9.11 have been met.  |
| <b>EXR5</b> | Housing Portfolio Holder Decision<br><br>HSG-001-2018/19                               | <b>ANY LEVEL 4 MANAGER AND SERVICE DIRECTOR HOUSING AND PROPRTY SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b> | <b>AUTHORITY FOR RIGHT TO BUY (RTB) SALES AND POST-COMPLETION RELATED MATTERS</b><br><br>To sell the freehold or leases of properties in accordance with then current legislation. Example as of the terms of sale that are prescribed by legislation are: <ul style="list-style-type: none"> <li>• The discount level applicable at the time of sale of a property,</li> </ul> |

|  | <b>Authorising Committee and Minute Ref or Other Authority</b> | <b>Officer(s) Authorised</b> | <b>Subject and Function(s) Delegated</b>  |
|--|--|------------------------------|---|
|  |  |                              | <ul style="list-style-type: none"> <li>• which tenants fulfil the criteria for purchasing their properties (freehold or leasehold)</li> <li>• the method of valuation of a property.</li> </ul> <p>To re-mortgage the property without repaying the discount. If the reason the loan is requested for is one specified by statute the Council has no discretion but to consent. There may also be additional borrowing involved (which the Council would agree to postpone its charge for in accordance with statute).</p> <p>Re-mortgages where the Director of Communities agrees, if the Council wishes to exercise its discretion and agree to postpone its charge in respect of additional borrowing, which is not to be used for one of the statutory 'approved purposes'.</p> <p>If the owner of a RTB property intends to sell within 10 years, the Council must first be offered the right to buy it back. The Council would either proceed to buy the property back (the purchase being in accordance with statute) or issue a consent to the Land Registry allowing the property to be sold on the open market.</p> <p>To the release of a restriction / charge on the title to a property if the owner repays the discount or the relevant time period has lapsed. (i.e for matters relating to repayment of discount, discharge of legal charge, redemption of mortgage(s) etc.)</p> <p>For leaseholders, to extend the term of a lease for an additional ninety years from the end of the current lease term. The provisions of the new lease and method of valuation are specified by statute.</p> <p>For leaseholders, to purchase the freehold of a block of flats and the estate if sufficient numbers of tenants apply to the Council. Again the process to be followed is set out in legislation.</p> <p>For subsequent purchasers of freehold properties to enter onto a Deed of Covenant to ensure that they are bound by the positive covenants mentioned in the Transfer (which do not run with the land).</p> <p>To enter into Deeds of Rectification / Variation to enable us to rectify errors relating to title, plans etc.</p> |

|             | <b>Authorising Committee and Minute Ref or Other Authority</b>   | <b>Officer(s) Authorised</b>  | <b>Subject and Function(s) Delegated</b>  |
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|             |  |   | <p>To give delegated authority to the Director of Communities to determine requests for the release of covenants restricting development within the curtilages of properties previously sold under the Right to Buy, and whether or not the release should be agreed, having regard to what would be the reasonable viewpoint of both parties, noting that the Council is not entitled to any payment for the release of the covenant (other than payment of the Council's reasonable legal costs), in accordance with current case law.</p> <p>(The Housing Act 1985 and various other acts and subsequent legislation (i.e. statutory instruments) govern the Right to Buy sales and other related matters; the list mentioned above is not exhaustive. Any future legislation will also impact the way such matters are dealt with.)</p> |
| <b>EXS1</b> | <p>Cabinet<br/>(Minute 184 – 10.4.06)</p> <p><b>Leader decision<br/>2/11 (May 2011)</b></p> <p>Portfolio Holder Decision<br/>ENV/004/2009-10</p> <p>Council<br/>(Minute – 20.4.10)</p> | <p><b>SERVICE DIRECTORS<br/>CONTRACTS AND<br/>TECHNICAL SERVICES<br/>OR COMMERCIAL AND<br/>REGULATORY<br/>SERVICESs<br/>(or suitably qualified<br/>officers authorised by<br/>the above-named)</b></p> <p><b>Appropriate Portfolio<br/>Holder</b></p> | <p><b>“SAFER, CLEANER, GREENER” LEGISLATION – AUTHORISATION OF OFFICERS</b></p> <p>To exercise those functions relating to the management and provision of the Environmental Health Service set out in the list of environmental health legislation in Annex B including, where necessary, powers of entry by warrant.</p> <p>To delegate appropriate powers to Officers relating to the management and provision of the Environmental Health Service set out in the attached list of environmental health legislation as set out in Annex B.</p> <p>To approve updates to the list of environmental legislation set out in Annex B.</p>  |
| <b>EXS2</b> | <p>Council<br/>(Minute 24(2) – 30.6.81)</p>  | <p><b>SERVICE DIRECTOR<br/>HOUSING AND<br/>PROPERTY SERVICES<br/>SERVICES OR A LEVEL<br/>2 MANAGER</b></p>  | <p><b>SALE OF COUNCIL HOUSES - DISCOUNTS</b></p> <p>To determine, under Part V of the Housing Act 1985, applications for discounting of entitlement periods where a potential purchaser lives with their parents.</p>   |

|             | <b>Authorising Committee and Minute Ref or Other Authority</b>                      | <b>Officer(s) Authorised</b>  | <b>Subject and Function(s) Delegated</b>   |
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|             |   | <b>NOMINATED BY THEM (after considering the views of the Portfolio Holder)</b>                        |  |
| <b>EXS3</b> | Council<br>(Minute 40(4) – 15.7.86)<br><br>Housing Committee<br>Minute 117(5) & (6) | <b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICES SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b> | <b>SALE OF COUNCIL HOUSES - RESTRICTIVE COVENANTS, MINOR EXTENSIONS AND ALTERATIONS</b><br><br>To deal with applications for minor extensions or alterations in sold Council houses in accordance with the terms of the house sales agreement.<br><br>To agree, in consultation with the Portfolio Holder, future requests for release of restrictive covenants to allow development within the curtilage of former Council properties, prior to planning permission being obtained.<br><br>To negotiate terms for the release of covenants agreed by the Director of Communities, subject to the outcome being reported to the Portfolio Holder for approval. |
| <b>EXS4</b> | Council<br>(Minute 11(c) – 2.6.77)  | <b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICES SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b> | <b>SALE OF COUNCIL HOUSES - VALUATIONS</b><br><br>To carry out all valuations in respect of sale of Council houses.  |
| <b>EXS5</b> | Policy and Resources Committee<br>(Minute 3 – 11.10.73)                             | <b>CHIEF EXECUTIVE</b>  | <b>SECURITIES</b><br><br>To act as proper officer for the purposes of Section 146 (1)(a)(b) of the Local Government Act 1972 (declarations and certificates regarding securities).   |
| <b>EXS6</b> | Public Health Committee<br>(Minute 73 – 21.9.83)                                    | <b>HPA (Any Consultant member of staff)</b>   | <b>SHIPS</b><br><br>To act as proper officer to the Council for the purposes of the Public Health (Ships) Regulations 1970.  |

|              | <b>Authorising Committee and Minute Ref or Other Authority</b> | <b>Officer(s) Authorised</b>  | <b>Subject and Function(s) Delegated</b>  |
|--------------|--|---|---|
| <b>EXS7</b>  | Housing Committee<br>(Minute 121 – 8.11.77)                    | <b>SERVICE MANAGER<br/>LEGAL SERVICES<br/>(in consultation with<br/>Service Director Housing<br/>and Property Services)</b> | <b>SQUATTERS - EVICTION</b><br>To take such urgent action as is necessary to secure the vacation of any Council properties, which are occupied by squatters.  |
| <b>EXS8</b>  | <b>Deleted July 2018</b>                                       |   |   |
| <b>EXS9</b>  | Personnel Sub-Committee<br>(Minute 3 – 31.5.83)                | <b>ANY LEVEL 3 OR 4<br/>MANAGER</b>   | <b>STAFF - TRAVELLING ALLOWANCES</b><br>To consider and adjudicate on any request to make an exception to policy for reimbursement of travelling expenses in pursuance of an officer's duties, being limited to second class rail fare.   |
| <b>EXS10</b> | <b>Deleted July 2018</b>                                       |   |   |
| <b>EXS11</b> | Policy & Co-ordinating<br>Committee (Minute 23 –<br>5.10.93)   | <b>ANY LEVEL 3 OR 4<br/>MANAGER</b>   | <b>SUBSCRIPTIONS - OUTSIDE ORGANISATIONS</b><br>To pay subscriptions in respect of organisations on which the Council is represented at member level.   |
| <b>EXS12</b> | Public Health Committee<br>(Minute 46 – 19.9.84)               | <b>SERVICE MANAGER<br/>LEGAL SERVICES IN<br/>CONJUNCTION WITH<br/>THE RELEVANT<br/>SERVICE DIRECTOR</b>                     | <b>SUNDAY TRADING - CAR BOOT SALES</b><br>To institute proceedings in respect of such sales where complaints have been received and satisfactory evidence is available.   |
| <b>EXS13</b> | Portfolio Holder<br>decision reference<br>H/026/2002-3         | <b>SERVICE DIRECTOR<br/>HOUSING AND<br/>PROPERTY SERVICES<br/>OR A LEVEL 2<br/>MANAGER NOMINATED<br/>BY THEM</b>            | <b>SUPPORTING PEOPLE – SIGNING OF CONTRACTS</b><br>To sign the Supporting People “Block Subsidy” and “Block Grants” contracts with Essex County Council for 2003/03, and subsequent years, in order to receive funding from the Essex Supporting People Commissioning Body for the provision of support services. |

|             | <b>Authorising Committee and Minute Ref or Other Authority</b> | <b>Officer(s) Authorised</b>  | <b>Subject and Function(s) Delegated</b>  |
|-------------|--|---|---|
| <b>EXT1</b> | Council Minute 127 – 23.4.13                                   | <b>CHIEF FINANCIAL OFFICER</b>  | <b>TAX BASE</b><br><br>To declare the Council's Domestic and NNDR Tax Bases in accordance with the Local Government Finance Act 1992 and the Local Authorities (Calculation of Tax Base)(England) Regulations 2012 and any subsequent legislation.    |
| <b>EXT2</b> | Personnel Sub-Committee (Minute 37 – 14.2.74)                  | <b>ANY LEVEL 3 OR 4 MANAGER OR LEVEL 2 MANAGER NOMINATED BY THEM</b>                                  | <b>TEMPORARY STAFF</b><br><br>To engage temporary staff and/or part time staff and subject to the overall estimated salaries bill for the service concerned not being exceeded in any one year.   |
| <b>EXT3</b> | Housing Services Committee (Minute 6(a)(iii) – 29.10.73)       | <b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICES SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b> | <b>TENANCIES - COUNCIL HOUSES</b><br><br>To allocate tenancies in accordance with the Housing Allocation Scheme.  |
| <b>EXT4</b> | Portfolio Holder Decision (23.8.04)                            | <b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICES SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b> | <b>TENANCIES – DEMOTED TENANCY ORDERS</b><br><br>Inter alia:<br>(1) To serve demoted tenancy notices in appropriate cases;<br><br>(2) To apply to the County Court for Tenancy Demotion Orders and subsequent Possession Orders in appropriate cases. |
| <b>EXT5</b> | Housing Management Sub-Committee (Minute 33(c)(2) – 15.5.74)   | <b>SERVICE DIRECTOR HOUSING AND PROPERTY SERVICES SERVICES OR A LEVEL 2 MANAGER NOMINATED BY THEM</b> | <b>TENANCIES - SERVICE</b><br><br>To accept any application for priority Council housing in cases where a tenant of service accommodation reaches retirement age after having occupied the accommodation for a minimum of 15 years.                   |



|             | <b>Authorising Committee and Minute Ref or Other Authority</b>   | <b>Officer(s) Authorised</b>  | <b>Subject and Function(s) Delegated</b>   |
|-------------|--|---|--|
| <b>EXU1</b> | Housing Portfolio Holder<br>Decision HSG/-33/2013-14   | <b>SERVICE DIRECTOR<br/>HOUSING AND<br/>PROPERTY SERVICES<br/>SERVICES OR A LEVEL<br/>2 MANAGER<br/>NOMINATED BY THEM</b>   | <b>USE OF OPEN SPACES ON LAND HELD UNDER HOUSING ACT POWERS</b><br><br>To agree or refuse (in consultation with Ward Members), events managed by Town and Parish Councils or other organisations on any land held under Housing Act powers; provided the Council enters into an Agreement with the organisation meeting the Council's required conditions.   |
| <b>EXW1</b> | Housing Services<br>Committee<br>(Minute 6(d)(1) – 29.10.73)   | <b>SERVICE DIRECTOR<br/>HOUSING AND<br/>PROPERTY SERVICES<br/>SERVICES OR A LEVEL<br/>2 MANAGER<br/>NOMINATED BY THEM</b>   | <b>WARRANTS OF DISTRAINT</b><br><br>To issue warrants of distraint in housing cases.   |
| <b>EXW2</b> | Development Committee<br>(Minute 60 – 6.1.93)<br>Public Health Committee<br>(Minute 52 – 17.11.92)<br>Housing Committee<br>(Minute 56 – 24.11.92)<br><br>Development Committee<br>(Minute 60 – 6.1.92) | <b>SERVICE MANAGER<br/>LEGAL SERVICES IN<br/>CONSULTATION WITH<br/>THE RELEVANT<br/>SERVICE DIRECTOR</b>  | <b>WARRANTS FOR ENTRY</b><br><br>To make applications to the Magistrates Court for entry pursuant to the Environmental Protection Act 1990, Public Health Acts 1936-61, Control of Pollution Act 1974, Clean Air Acts 1956-68, Food Safety Act 1990, Building Act 1984, Housing Acts 1957-85 and Local Government and Housing Act 1989.<br><br>To make applications to the Magistrates' Court for warrants of entry in accordance with the Building Act 1984 and the Town and Country Planning 1990. |
| <b>EXW3</b> | Public Health Committee<br>(Minute 144(a) – 9.3.77)  | <b>SERVICE DIRECTOR<br/>COMMERCIAL AND<br/>REGULATORY<br/>SERVICES OR A LEVEL<br/>2 MANAGER<br/>NOMINATED BY THEM<br/>(after consideration of<br/>any views of the<br/>Portfolio Holder and<br/>local ward member(s))</b> | <b>WASTE DISPOSAL ON LAND</b><br><br>To submit representations to Essex County Council on any proposed licence.  |

**DELEGATIONS UNDER THIS ANNEX MAY BE UNDERTAKEN BY ANY CHIEF OFFICER (OR OFFICER APPOINTED BY THEM) PURSUANT TO THEIR AREA OF MANAGERIAL RESPONSIBILITY**

**PRIVATE SECTOR HOUSING - SCHEDULE OF DELEGATION**

**Building Act 1984**

Sections 59-62, 63, 64, 66, 67, 68, 70, 71, 76, 79, 84-85, 91-115.

**Caravan Sites and Control of Development Act 1960**

Sections 1, 2, 3, 4-5, 8-11, 12, 23, 24, 25, 26.

**Caravan Sites Act 1968**

Sections 3, 14.

**Civil Evidence Act 1995**

Section 9.

**Clean Neighbourhoods and Environment Act 2005**

Sections 102, 103.

**Criminal Procedure and Investigations Act 1996**

Section 26.

**Environmental Protection Act 1990**

Sections 79-82, Schedule 3.

**Home Energy Conservation Act 1995**

Sections 2, 5.

**Home Safety Act 1961**

Section 1.

**Housing Act 1985**

Sections 17, 54, 265-275, 289, 290-297, 300-306, 308, 309, 319, 320, 324-340, 435-443, 523, 535-537, 540-542, 544-546, 584A, 584B, 596, 597, 609, 611, 617.

**Housing Grants, Construction and Regeneration Act 1996**

Sections 1-3, 19, 21-24, 29-31, 34-44, 51, 52, 55-57, 95.

**Housing Act 2004**

Sections 4, 5, 7, 8, 10, 11, 12, 16, 17, 20, 21, 25-29, 31-32, 40-43, 46, 47, 49, 50, 55-62, 64-67, 69, 70, 73, 74, 102-107, 110-113, 115, 116, 121, 122, 127, 129-131, 133, 136-140, 144, 210, 225, 232, 232-236, 239, 243, 255, 256.

**Landlord and Tenant Act 1985**

Sections 1, 2, 4, 8, 11, 12, 20, 34.

**Local Government Act 1974**

Section 36.

**Local Government and Housing Act 1989**

Sections 89-93, 95, 97, 169.

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

Section 13, 15, 16, 33, 35.

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

Sections 27, 29, 30, 31, 32, 33, 37, 41.

**Planning and Compensation Act 1991**

Sections 196A-C

**Prevention of Damage by Pests Act 1949**

Sections 4-7, 10, 22, 26.

**Protection from Eviction Act 1977**

Sections 6, 7.

**Protection from Harassment Act 1997**

Sections 1, 6, 7.

**Public Health Act 1936**

Sections 1, 45, 48-50, 83, 84-87, 264, 265, 268-270, 275, 276, 278, 284, 287, 290, 291, 293, 298.

**Public Health Act 1961**

Section 17, 22, 34, 36, 37, 73, 74.

**Town and Country Planning Act 1990 (as amended)**

Sections 215 – 219

**DELEGATIONS UNDER THIS ANNEX MAY BE UNDERTAKEN BY ANY CHIEF OFFICER (OR OFFICER APPOINTED BY THEM) PURSUANT TO THEIR AREA OF MANAGERIAL RESPONSIBILITY**

**LIST OF SAFER, CLEANER, GREENER LEGISLATION**

**Animal Boarding Establishments Act 1963**

Sections 1, 2 and 4.

**Animal Welfare Act 2006**

All

**Anti-Social Behaviour Act 2003**

Sections 40 and 41

**Anti-Social Behaviour, Crime and Policing Act 2014**

Sections 43 to 68

**Breeding and Sale of Dogs (Welfare) Act 1999**

All

**Breeding of Dogs Act 1973**

All

**Breeding of Dogs Act 1991**

All

**Building Act 1984**

Sections 59-62, 63, 64, 66, 67, 68, 71, 76, 79, 84-85, 91-115

**Burial Act 1857**

Section 25

**Caravans Sites and Control of Development Act 1960**

All

**Charities Act 2006**

All

**Chronically Sick and Disabled Persons Act 1970**

Section 4

**Cinemas Act 1985**

All

**Civil Contingencies Act 2004**

All

**Clean Air Act 1993**

Sections 4, 6 to 12, 15, 16, 18, 19, 22(3), 24 to 26, 30, 31, 34, 35, 35(2), 35(4) 36, 38, 39, 45 to 48, 51, 55, 56, 57(5), 58, 60.

**Clean Neighbourhoods and Environment Act 2005**

All

**Consumer Rights Act 2015**

Schedule 5

**Contaminated Land (England) Regulations 2006 as amended by the Contaminated Land (England)(Amendment) Regulations 2012**

All

**Control of Dogs Order 1992**

Sections 4 and 5

**Control of Pollution Act 1974**

Section 22

Section 23

Sections 57, 60, 61, 62, 68, 91 and 93

**Control of Pollution (Amendment) Act 1989**

All

**Crime and Disorder Act 1998**

Section 1

**Criminal Justice and Police Act 2001**

Sections 13, 19, 20, 22 and 25

Sections 50, 52 to 55 and 60 to 62

**Criminal Justice and Public Order Act 1994**

Sections 77, 78, 79(3), and 163

**Criminal Procedure and Investigations Act 1996**

Section 26

**Dairy Products (Hygiene) Regulations 1995** Regulations 6, 6(11), 7, 8, 16 and 19

**Dangerous Dogs Act 1991**

Section 5

**Dangerous Wild Animals Act 1976**

Sections 1, 3(1) to 3(3) and 4

**Egg Products (Regulations) 1993**

Regulations 5, 5(5), 8 and 9

**Environment Act 1995**

Sections 82 to 84, 88 and 90

Sections 108 to 113

Paragraphs 2 and 6 of Schedule 18

**Environment and Safety Information Act 1988**

Sections 1 and 3

**Environmental Permitting (England and Wales) Regulations 2010**

All

**Environmental Protection Act 1990**

Parts I, II, III, IV, VIII.

**Epping Forest DC Bye laws for Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis**

All

**Food Premises (Registration) Regulations 1991**

All

**Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998**

All

**Food Safety & Hygiene (England) Regulations 2013 (as amended)**

All

**Food Safety Act 1990**

Sections 5 and 6

Sections 9 and 10

Sections 11, 11(6) and 11(7)

Section 12

Sections 18, 19, 23, 27 and 28

Section 29

Section 30

Section 31

Section 32

Sections 32(2), 40 to 42, 44 to 46 and 49

**Game Act 1831**

Section 18

**Gambling Act 2005**

All

**Guard Dogs Act 1975**

Section 3

**Health Act 2004**

Sections 1 to 12

**Health and Safety at Work etc Act 1974**

Sections 20, 21, 22, 25 and 39 and to exercise all the powers of an inspector contained in all the other relevant statutory provisions. To institute proceedings in England and Wales pursuant to section 38.

**Home Safety Act 1961**

Section 1

**Licensing Act 2003**

All

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

Sections 13, 15, 16, 20, 33, 35, Part II

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

Sections 2, 27, 29, , 32

**Meat and Meat Preparations (Hygiene) Regulations 1995**

Regulations 4, 5 and 12

**Meat Products (Hygiene) Regulations 1994**

Regulations 4 to 6, 12 and 17

**National Assistance Act 1948**

Section 47

**Noise Act 1996**

All

**Noise and Statutory Nuisance Act 1993**

Section 10

**Official Feed and Food Controls (England) Regulations 2009**

All

**Performing Animals (Regulation) Act 1925**

Sections 1 to 4

**Pet Animals Act 1951 (as amended)**

All

**Police and Criminal Evidence Act 1984**

Section 67(9)

**Pollution Prevention and Control Act 1999**

Section 2

**The Pollution Prevention and Control (England and Wales) Regulations 2000**

All

**Poultry Meat (England) Regulations 2011**

All

**Prevention of Damage by Pests Act 1949**

Sections 2, 4 to 7, 10, 19, 22 and 26

**Private Water Supplies (England) Regulations 2016**

All

**Public Health (Control of Disease) Act 1984**

Sections 1, 11, 13, 16, 18, 20 to 24, 26 to 32 and 34 to 43, 47, 48, 54, 56 to 59, 61, 64 and 69

**Public Health Act 1925**

Section 14

Sections 17 to 19

Section 56

**Public Health Act 1936**

Sections 1, 45, 48 to 50, 83, 84 to 87, 124, 140, 221, 222, 223, 227, 260, 261, 264, 265, 268 to 270,

275, 276, 278, 284, 287, 290, 291, 293 and 298

**Public Health Act 1961**

Sections 17, 22, 34, 36, 37, 45, 73, 74 and 77

**Refuse Disposal Amenity Act 1978**

Sections 1, 2, 3, 4, 5, 6, 7 and 8

**Riding Establishments Acts 1964 and 1970**

All

**Scrap Metal Dealers Act 2013**

All

**Slaughter of Poultry Act 1967**

Sections 4 and 6

**Sunbeds (Regulation) Act 2010**

All

**Sunday Trading Act 1994**

Section 2(3)

Paragraphs 4(3) and 5 of Schedule 1

Paragraphs 1 and 2 of Schedule 2

Paragraphs 3, 7 and 8 of Schedule 3

**Town and Country Planning Act 1990**

Sections 215, 224 and 225

**Town Police Clauses Act 1847 and 1889**

Sections 21, 37 to 68

**Water Industry Act 1991**

Sections 77 to 85

Section 115

Section 200

**Water Supply (Water Quality) Regulations 2016**

All

**Zoo Licensing Act 1981**

All

**SH July 2018 – Agreed With S Stranders**



## ***Report to Council***

***Date of meeting: 20 December 2018***

**Subject: Overview and Scrutiny Report to Council**

**Contact for further information: Councillor M. Sartin  
(Chairman, Overview and Scrutiny Committee)**

**Democratic Services Officer: R. Perrin (01992 564532)**

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### **Recommendations/Decisions Required:**

**That the Overview and Scrutiny progress report from 29 October 2018 to the present be noted.**

### **Report:**

#### **Overview and Scrutiny Committee Meeting – 29 October 2018**

1. At our meeting on Monday 29 October, we welcomed the Planning Manager, Corporate Affairs Director and the Corporate Social Responsibility Manager from Manchester Airport Group. They covered issues which included the planned expansion of the airport, associated infrastructure requirements, the handling of increased passenger numbers in the short term, employment and educational opportunities for local residents, improvements in the existing railway infrastructure serving the airport and costs associated with taxi services from the airport.
2. The committee scrutinised the officers further on noise issues, air pollution and monitoring of the increases at the airport, the new facilities that would be provided at the airport, employment and education opportunities for schools and colleges in the district, the possible effects of Brexit, lessons learnt from the recent fire at the airport and the issues surrounding Border Force.
3. Furthermore, the Leader gave a mid-year update on the achievement of the authority's corporate priorities and answered questions from the committee. We went on to consider the Corporate Plan 2018/23 – Performance Report Quarter 1 – 2018/19 and the Council's Forward Plan of Key Decisions.
4. We reviewed the Council's Forward Plan of Key Decisions and the work programmes of our committee, select committees and external organisations.
5. Finally, members considered a report regarding a review of the Overview and Scrutiny Select Committee Framework, which set out to align the Select Committees with the new structure and responsibilities of the cabinet. Members concluded that further consultation was required before any decisions could be made and this would be reported back to the next meeting.

#### **Overview and Scrutiny Committee Meeting – 18 December 2018**

The meeting is scheduled two days before the Council meeting and will be considering the implementation of the Council's People Strategy; the Overview and Scrutiny Select

Committee Framework; Review of Polling Districts, Polling Places and Polling Stations; the Corporate Plan 2018/23 – Performance Report Quarter 2 (2018/19); the Council’s Forward Plan of Key Decisions; and work programmes for the committee, select committees and external organisations.

## **One Epping Forest (Previously Local Strategic Partnership)**

Presented by Councillor C Whitbread

One Epping Forest has evolved out of the former District Council led Local Strategic Partnership.

Following budget reductions and a consultation among partners it now focuses on 'delivering services better together', in the areas of Health and Economy. The partnership is supported by a District Council Officer, with costs recovered from the members of the One Epping Forest Executive Board. The Board is made up of a senior member from each of the organisations which pay an annual subscription. This includes: Epping Forest District Council, West Essex Clinical Commissioning Group, Epping Forest College, Princess Alexandra Hospital, Essex Partnership University Trust, Vibrant Partnerships and the Corporation of London. The Board controls the overall direction of the partnership, identifying new areas of work that could deliver the aim of making the area a 'great place to live, work, study and do business'. The partnership leads and supports a variety of bodies working on areas of mutual interest. Leadership of these work streams are shared across partner members and include a Health and Wellbeing board, an Economic Board, under which there are a Skills Board, a Tourism Board, a Digital Innovation Zone Board, a Green Arc Board, and Lea Valley Food Board.

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