

**PART 3(2) - RESPONSIBILITY
FOR COUNCIL FUNCTIONS
APPENDIX 1**

DISTRICT DEVELOPMENT CONTROL COMMITTEE - TERMS OF REFERENCE

- (1) To determine, subject to paragraph (4) below:
 - (a) any development proposals of major importance to the Council or the whole District or affecting more than one Area Plans Sub-Committee;
 - (b) any departure applications or proposals for development of which the Committee approve but which would have to be notified to the Secretary of State under the prevailing Town and Country Planning (Development Plans and Consultation) Direction as being development which, by reason of its scale or nature or the location of the land would significantly prejudice the implementation of development plans, policies and proposals.
- (2) To determine any application referred by an Area Plans Sub-Committee for any reason including matters referred by a minority of members of an Area Plans Sub-Committee in accordance with the Council's Standing Orders.
- (3) To determine any recommendation of an Area Plans Sub-Committee which relates to potential decisions liable to give rise to claims for costs or compensation including development control matters and enforcement of planning requirements (including recommendations of no action) but excluding works on preserved trees.
- (4) To consider any planning application or other planning matter submitted by, or on behalf of, a Councillor of the Authority (and/or a spouse or partner thereof).
- (5) The power to determine proposals under paragraph (1) above shall be subject to any ruling by the Leader of the Council after consultation with the Chief Executive that any such matter should be determined by the Council.

**PART 3(2) - RESPONSIBILITY
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APPENDIX 2

AREA PLANS SUB-COMMITTEES - TERMS OF REFERENCE

Area Plans Sub-Committees

- (1) No business shall be transacted by a Plans Sub-Committee unless at least five members of that Sub-Committee are present.
- (2) The three Sub-Committees shall be responsible for considering matters which fall within these terms of reference insofar as they relate to the electoral wards of the Epping Forest District determined in Article 10 of the Constitution.
- (3) To consider all applications (except as may be delegated to the Director of Planning and Economic Development) received for development within the District (including the Council's own proposals and plans for its own development) and, except in regard to applications referred to in items (3) and (4) below, to make decisions on behalf of the district planning authority thereon and to consider informal proposals for development and to give advice to prospective developers thereon.
- (4) To consider and make recommendations to the District Development Control Committee on applications for development within the District where:
 - (i) the proposals are of major importance; or
 - (ii) the Sub-Committee propose consent to development contrary to the Council's policy; or
 - (iii) the proposals would cause a substantial departure from the development or other approved plan for the area; or
 - (iv) the refusal of consent may involve the payment of compensation; or
 - (v) the District Development Committee or Council have so directed; or
 - (vi) the Sub-Committee wish for any reason to refer the application to the District Development Committee for decision.
- (5) To consider and make recommendations to the County Planning Authority upon applications for development within the District which are county matters and applications in respect of which the county planning authority directs that the decision be made by them. Provided that where any application falls within the provisions of paragraph (3) above, the recommendation be first submitted to the District Development Control Committee.
- (6) To consider any planning applications referred to the Council by other local authorities for comment.

- (7) To consider applications for planning consent initiated by the Council within the meaning of Regulation 3 of the Town and Country Planning General Regulations 1992 and associated legislation and applications affecting land in the Council's ownership and to determine such applications or make recommendations thereon to the Development Committee. (See Appendix 2).
- (8) To determine the confirmation of those tree preservation orders which are opposed.
- (9) To consider the need for enforcement action including legal proceedings under the Town and Country Planning Acts and the Civic Amenities Act, and to take such action thereon as may appear necessary.
- (10) To be responsible for the dedication, creation stopping up diversion of footpaths, bridleways and other public rights of way within the area concerned.
- (11) To report to the District Development Committee all decisions made under the provisions of items (1) to (5) above or which are subject to Operational Standing Order 11.
- (12) An Area Plans Sub-Committee is not authorised to consider or determine any planning application or other planning matter submitted by, or on behalf of a member of the Authority (and/or spouse or partner of same).

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APPENDIX 3

STAFF APPEALS PANEL - TERMS OF REFERENCE

1. Membership

(a) The Staff Appeals Panel shall comprise five members of the Epping Forest District Council (hereinafter called the Council) to be appointed by the Council at its annual meeting or in respect of any casual vacancy at any other meeting of the Council. The Council shall also appoint five substitute members drawn from the same political groups as the Panel members who shall be authorised to deputise for members of the Panel in their absence.

(b) The Council shall also appoint a Chairman and Vice-Chairman of the Panel at the Annual Council meeting for the ensuing municipal year.

(c) No meeting of the Panel shall be held in the absence of both the Chairman and the Vice-Chairman and unless the five members (if necessary including substitutes) are in attendance.

(d) No member (or substitute) shall be a member of the Cabinet.

2. Scope of Panel

(a) The Panel shall be empowered to consider and determine appeals by employees of the Council for the following matters:

- (i) Re-grading
- (ii) Grievance
- (iii) Disciplinary
- (iv) Re-deployment
- (v) Redundancy; and
- (vi) Dismissal

and may take such action pursuant to any appeal as they think just, provided it is not contrary to any policy of the Council.

(b) The Staff Appeals Panel shall report to the Council on action taken in relation to any appeal and may submit reports, in the first instance, on any related policy issue to the Cabinet.

3. Procedure

The Panel shall at all times conduct its proceedings strictly in accordance with the procedure agreed by the Council.

**PART 3(2) - RESPONSIBILITY
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APPENDIX 4

LICENSING COMMITTEE – TERMS OF REFERENCE

(1) The full Committee shall comprise 15 Councillors appointed by the Council at its annual meeting, including a Chairman and Vice-Chairman.

... (2) For the functions set out in Annex 1, and the legislation listed in Annex 2, a Sub-Committee consisting of no more than any three Councillors drawn, in alphabetical order, from the members of the full Committee shall be formed. Any such Sub-Committee shall elect a Chairman on an ad-hoc basis.

(3) For the transaction of business at full Committee meetings, the quorum shall be a minimum of five Committee members save that no business shall be transacted unless either the Chairman or Vice-Chairman of the Committee is present.

(4) The Committee and Sub-Committees shall have full authority to hear and determine licensing applications.

(5) The Committee and Sub-Committees shall be further empowered to determine appeals made against the decisions of the Head of Environmental Services taken under delegated authority on licensing applications.

... (6) The Committee shall at all times carry out its duties solely within the policy from time to time determined by the Council and shall conduct its proceedings in accordance with the requirements set out in Annex 3 (Conduct of Business by Licensing Committee and Sub-Committees).

(7) The Licensing Committee shall take no part in the production or revision of the statement of licensing policy made under Section 5 of the Licensing Act 2003, however, they may determine policy under the legislation listed in Annex 3.

(8) To be responsible for the consideration and approval of Designation Orders under Section 13 of the Criminal Justice and Police Act 2001 (Exercise of Controls over the consumption of alcohol in Public Places).

**PART 3(2) – RESPONSIBILITY
FOR FUNCTIONS
LICENSING COMMITTEE**

APPENDIX 4 (ANNEX 1)

Licensing Act 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY

Matter to be dealt with	Full Committee	Sub Committee	Officers
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	
Determination of a police objection to a temporary event notice		All cases	
All policy matters except the formulation of the statement of licensing policy	All cases		

**PART 3(2) – RESPONSIBILITY
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LICENSING COMMITTEE**

APPENDIX 4 (ANNEX 2)

LIST OF STATUTORY POWERS

Those functions pertaining to licensing and registration and permits and consents contained in the following legislation and any regulations, orders, byelaws or other subsidiary legislation made under the above Acts:

Animal Boarding Establishments Act 1963
Breeding & Sale of Dogs (Welfare) Act 1999
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Caravan Sites & Control of Development Act 1960
Caravan Sites Act 1968
Dangerous Wild Animals Act 1976
Gambling Act 2005
Game Licences Act 1860
Gaming Act 1968
Guard Dogs Act 1975
House to House Collections Act 1939
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Lotteries & Amusements Act 1976
Pet Animals Acts 1951 & 1981
Riding Establishments Acts 1964 & 1970
Scrap Metal Dealers Act 1964
The Game Act 1831
Town Police Clauses Act 1847
Town Police Clauses Act 1889
Zoo Licensing Act 1981

Part 3(2) – Responsibility for Functions

APPENDIX 4 (ANNEX 3)

PART A – CONDUCT OF BUSINESS BY LICENSING COMMITTEE AND SUB-COMMITTEES

All references to committee in this annex shall be taken to infer a reference to the associated sub-committees.

1. General Conduct

- 1.1 All hearings of the Licensing Committee under the Licensing Act 2003, are to be held in accordance with the Personal Licences, Hearings, Premises Licences and Club Premises Certificates, and Licensing Register Regulations, made under the Licensing Act 2003.
- 1.2 The Council's Constitution shall regulate the conduct of and debate at meetings.
- 1.3 In the case of hearings under the Licensing Act 2003, the Committee shall only consider those matters relevant to the licensing objectives as set out in the Licensing Act 2003 and the statement of licensing policy adopted by the Council.

2. Declarations of Interest

- 2.1 Members of the Committee are subject to the Council's Code of Conduct and to advice from the Standard Board for England, details of which will be provided to those members.

3. Participation in the Hearing

- 3.1 Debate shall be restricted to members of the Licensing Committee. Where a local ward member, not being a member of the Committee, wishes to participate in the hearing, they may do so only with the permission of the Chairman and their participation shall be subject to the same rules as are applied to any other witnesses to the application.
- 3.2 In hearings other than those under the Licensing Act 2003, where a ward member is a member of the Committee, and wishes to object to the application, the member shall give 14 days' notice of their intention, and shall play no part in the decision-making process of the Committee. In hearings under the Licensing Act 2003, those named as responsible authorities and interested parties in the Act may only make representations within the time limits set out in the relevant statutory provisions.
- 3.3 All persons participating in the hearing shall be made aware of the limitations or scope of statements that will be acceptable and, in particular, that statements should be factual or a fair statement on a matter of public interest.

4. Attendance of the Public

- 4.1 The Council's Constitution and relevant statutory provisions relating to the admission or exclusion of the public shall apply to all meetings of the Licensing Committee.

5. Natural Justice

5.1 There are two elements to natural justice:

(a) Fairness

- (i) All persons affected by the decision or in the case of matters associated with the Licensing Act 2003, those named as responsible authorities and interested parties in the Act, will be allowed a hearing before a decision is made.
- (ii) Only objectors who can show clearly that they are affected by a decision shall be afforded the right to be heard or, in the case of hearings under the Licensing Act 2003, only those named in the Act as responsible authorities or interested parties.
- (iii) All information shall be made available, where possible in advance, to the applicant and the Committee.
- (iv) All members of the Committee shall be present throughout the hearing of a particular application. Where a member arrives late or leaves during a hearing of a particular application, that member shall play no part in the decision-making process. Where an application is adjourned it shall be continued by the same members only, and no others.
- (v) The Committee shall have discretion in respect of 'late' objections. Such objections shall be clearly marked on the agenda as such and the Committee shall decide on their acceptability. The applicant shall be advised of any late objections. In the case of representations made in relation to the Licensing Act 2003 applications, these shall only be accepted in accordance with the relevant statutory provisions.

(b) Prevention of Bias

- (i) The rules on the declarations of interest shall be firmly applied.
- (ii) If the Committee moves into private session to consider its decision, it shall be accompanied only by its advising officers, none of whom shall have taken a substantive part in the hearing, and shall play no substantive part in the decision-making process.

6. General Procedures for Hearings

6.1 The following procedural requirements shall be followed at all times:

- (a) There shall be no recommendation from officers on the agenda;
- (b) The Committee shall be supplied with copies of all relevant documentation and the process and order of procedure shall be as follows:
 - (i) The Chairman will open the meeting and introduce persons as appropriate asking applicants and representatives to identify themselves.
 - (ii) The Chairman will outline the procedure to be followed.

- (iii) The Lead Officer will outline the matter in hand.
- (iv) The applicant or representative will present his/her case, with or without witnesses, and be questioned by members or any objectors/persons making representations present.
- (v) Any objectors/persons making representations may then present their objections/representation, with or without witnesses, and be questioned by members or the applicant/s or their representative.
- (vi) The objectors/persons making representations may make a final statement (without introducing new issues).
- (vii) Finally, the applicant has the right to make a final statement (without introducing new issues).
- (viii) All evidence/disclosures are to be made in the presence of all persons, unless someone voluntarily excuses themselves from the proceedings.
- (ix) Committee members shall restrict themselves to questions and not discussion or comment.
- (x) The applicant, objectors/persons making representations shall be allowed to ask officers questions of a technical/factual nature at any time during the proceedings.
- (xi) An adjournment should be granted where to do otherwise would deny a fair hearing.
- (xii) The Committee may resolve to decide upon the application in private session, however, if it becomes necessary to recall anyone for additional information, everyone shall be invited to return to the Hearing.
- (xiii) The decision shall be given in the presence of all parties that wish to be present and confirmed in writing as soon as possible thereafter. If legal advice is given to members this advice will be repeated in summary form.

**PART 3(2) - RESPONSIBILITY
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APPENDIX 5

COMPLAINTS PANEL – TERMS OF REFERENCE

Complaints

1. The Complaints Panel is responsible for hearing appeals against decisions by the Council on complaints designated as Stage 4 in the Council's Compliments and Complaints Procedure.

2. The Panel is authorised to hear and determine such appeals in accordance with the Council's Compliments and Complaints Procedure and may uphold or dismiss complaints. In upholding complaints the Panel is also authorised to approve a local settlement under the Compliments and Complaints Procedure whether by means of financial compensation or any other action.

3. Before a meeting of the Panel is convened, complainants shall be advised that they are able to involve their Ward Councillor before the Stage 4 procedure is invoked. If the complainant opts to involve a Ward Councillor at Stage 3, the Complaints Panel will not be convened until the Stage 3 review has been completed and the complainant remains dissatisfied.

4. The Panel is authorised to approve payments or benefits to individuals adversely affected by Council action which amounts to or could result in maladministration.

5. In determining payments of financial compensation where complaints have been upheld at Stage 4:

(a) the decision of the Panel is to be final;

(b) payments up to and including a sum of £1,000 shall be notified by the Panel to the Cabinet member responsible for the 'People First' portfolio together with the budget(s) from which the payment will be made;

(c) payments approved in sums over £1,000 shall be notified to the Cabinet with details from which the budget(s) payment will be made.

6. The Panel is authorised, on the recommendation of the Chief Executive, the Deputy Chief Executive or the Director of Finance and ICT, to make payments in excess of the limit delegated to officers of £250 in respect of any complaint upheld at Stages 1, 2 or 3 of the Compliments and Complaints Scheme.

7. In exercising its terms of reference, the Panel shall (a) comply with the limits of its jurisdiction and remedies for complaints which are upheld (Annex 1); and (b) comply with the Council's procedure for dealing with persistent complainants (Annex 2).

Ombudsman Cases

8. The Panel is authorised to approve the terms of compensation (whether financial or in some other form) which arise from a report of the Ombudsman with a finding of maladministration against the Council or as a result of a proposed local settlement recommended by the Ombudsman in lieu of a formal report where a finding of maladministration would otherwise be made.

Constitution of the Panel

9. The Panel will comprise five councillors (including a Chairman and Vice-Chairman) drawn from a pool of 11 Councillors appointed at the Annual Council meeting each year. Membership of the Panel must be allocated between the political groups represented on the Council in accordance with pro rata procedures.

Quorum

10. No business shall be transacted at a meeting of the Panel unless at least three members are in attendance. These three members must include either the Chairman or Vice-Chairman of the Panel.

11. No meetings of the Panel shall be held in the absence of both the Chairman and Vice-Chairman.

12. Only those members of the Panel who are in attendance throughout consideration of any appeal may participate in the final decision. A member of the Panel not in attendance at the commencement of an appeal hearing may not join such a hearing and shall not be admitted to the meeting until that appeal has been determined.

Representation at Panel Meetings

13. The appellant may attend the appropriate meeting of the Panel for the purposes of presenting their case and may be accompanied by one representative, adviser or supporter for the purpose of pursuing the appeal. That representative, adviser or supporter may be a Ward Councillor.

14. The appellant shall advise the Council in advance of the name of their representative.

15. The appellant may request the Council in advance of the Panel hearing to call witnesses in support of the complaint. The Chairman shall consider such a request and determine whether witnesses are appropriate to the complaint hearing and whether the number of witnesses is acceptable. In the event of the Chairman agreeing to admit witnesses the Council Side shall be offered the same facility. Both the appellant and the Council shall advise the Panel in advance of the names of the witnesses to be called.

16. A Council Officer to advise on policy matters relevant to the subject matter of the complaint shall attend the hearing together with a Panel Secretary.

Order of Proceedings at Panel Meetings

17. The following order of proceedings shall apply to any appeal being considered by the Panel:

(a) Chairman's introductory remarks on the details of the appeal and how it will be heard;

- (b) presentation of the case by the appellant (or representative) including any witnesses;
- (c) questions by the Council representative;
- (d) questions by members of the Panel;
- (e) presentation of the case for the Council, by the Council representative including any witnesses;
- (f) questions by the appellant or representative;
- (g) questions by members of the Panel;
- (h) summing up by Council representative of the Council's case;
- (i) summing by the appellant (or representative) of the case for the appeal;
- (j) consideration by the Panel of its findings in the absence of the appellant and the Council's representative; and
- (k) recall of the appellant and Council representative to be informed of the Panel's decision.

18. The Panel may, with the agreement of the Council representative and the appellant, reverse the order in which the cases for the Council and the appellant are presented.

19. The Council shall consider their decision on the appeal in private. The Secretary to the Panel shall remain in the meeting whilst the Panel deliberates on its decision.

20. If, after excluding the appellant and the Council representative, the Panel require further information before making a decision, the Chairman shall call back both the appellant and the Council representative and ask further questions. No questions shall be asked or information sought by the Panel unless both sides are present.

Further Recommendations by the Panel

21. The Panel may, as a result of a decision on any appeal, make recommendations to the Executive or other relevant Committee on any matter arising from matters raised in the appeal.

Hearing of Appeals

22. A meeting of the Complaints Panel shall be convened no later than one month from the date on which the appellant has notified the Council of their wish to proceed to a Stage 4 complaint. Any deferment beyond a period of one month may be agreed by the Chairman of the Panel but only with the agreement of the appellant.

Notification of Panel Decisions

23. The decisions of the Panel shall be confirmed in writing to the appellant and Council representative within seven working days of the Panel hearing.

24. The minutes of the Panel hearing shall be circulated at the latest 14 working days after the Panel meeting.

**COMPLAINTS PANEL -
TERMS OF REFERENCE -**

ANNEX 1

**EFDC COMPLAINTS PANEL - LIMITS OF JURISDICTION AND REMEDIES TO
COMPLAINTS WHICH ARE UPHELD**

1. Limits of Jurisdiction

The following categories of complaints cannot be considered by the Complaints Panel (CP).

- (a) a complaint about a situation which arose more than 12 months before it was brought to the attention of the Council (unless new information has since been identified which would justify a further review of the complaint).
- (b) where an alternative and formal right of appeal exists (e.g. Planning Appeal; Housing Appeal; Benefits Tribunal) and for which the complainant failed to exercise his/her right to appeal within the specified timescale, or has not yet appealed, or has already made such an appeal.
- (c) matters which would best be dealt with by the Courts, e.g. Human Rights issues.
- (d) matters which would affect the majority of the people in the Epping Forest District, e.g. a complaint that "the Council Tax is too high".
- (e) complaints for which a resolution could only be achieved through a change in the law, or a change in the policies of another organisation.
- (f) complaints about policies currently subject to a review, or about matters for which it has already been agreed that a policy needs to be reviewed or formulated. (Note - this exclusion does not preclude the consideration of a complaint about the way a policy has been administered, e.g. an allegation that a policy had been administered unfairly, or that the Council had fettered its discretion).
- (g) complaints about the frequency of delivery, or the level of a service which is subject to contract conditions (again, a complaint about the way a contract service has been delivered could still be considered by the CP).
- (h) where the customer elects to pursue legal action as a means of determining their complaint. (Note - this would not preclude the CP considering non-legal elements of a complaint, e.g. an allegation of unreasonable delay by the Council in undertaking a statutory or agreed course of action).

2. Remedies

Remedies to complaints which are wholly or partly upheld include:

- (a) a formal apology.
- (b) a recommendation to the Council that the relevant policy should be reviewed to prevent a re-occurrence of the problem.

- (c) where practical and affordable, to restore the customer to the position he/she was in before the problem arose.
- (d) the provision of the service or action requested.
- (e) financial compensation - reimbursement of actual and reasonable costs incurred by the customer, or a payment in recognition of the time, distress or inconvenience incurred to them.

3. Authority to make financial awards

- (a) the CP to have the delegated authority to make financial awards in respect of complaints which are upheld.
- (b) all awards made by the CP up to and including £1,000 to be notified to the relevant Portfolio Holder together with details of which Service Budget(s) will meet the costs. Awards over £1,000 to be notified to the Executive Committee.
- (c) the Chief Executive, Deputy Chief Executive and Service Directors to be authorised to make awards up to and including £250. Such awards to be notified to the Portfolio Holder.
- (d) the above officers to be authorised to make awards above £250 subject to the approval of the Complaints Panel.

NOTE:

The Portfolio Holder responsible for the service area(s) concerned must be notified of all financial awards.

**COMPLAINTS PANEL -
TERMS OF REFERENCE -**

ANNEX 2

POLICY FOR DEALING WITH PERSISTENT COMPLAINANTS

1. Aim of the Policy

To deal fairly, honestly and properly with persistent complainants while ensuring that other service users, officers, or members do not suffer any detriment.

2. Human Rights

In implementing this policy, the Council will seek to ensure its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within that Act.

3. Definition of a Persistent Complainant

A persistent complainant is an individual or an organisation whose behaviour is deemed by the Council to be unreasonable or illogical on one or more of the following grounds:

- (a) regular submission of complaints about trivial matters.
- (b) fixation on one or more minor issues within a complaint.
- (c) resubmission of a complaint which has already been fully investigated by the Council and the Ombudsman.
- (d) introduction of new or unrelated issues during the investigation of a complaint.
- (e) unwillingness to accept established facts or reasonable solutions.
- (f) unreasonable demands on officer or member time e.g. excessive correspondence, constant telephone calls, e-mails or faxes, or unreasonable demands for meetings or site visits.
- (g) insistence on unrealistic, impracticable or illegal outcomes.
- (h) provision of inconsistent or wrong information to different officers and members.
- (i) rejection of unreasonable requests to provide supporting evidence, additional information or clarification, which would assist the Council in the investigation and resolution of the complaint.
- (j) refusal to conform to the Council's complaints procedure.
- (k) refusal to accept that the Council may not have the necessary power to resolve the complaint.

4. Procedure for Dealing with a Persistent or Difficult Complainant

- (a) Establish whether the complaint has been made previously and already dealt with by the Council.
- (b) If so, the customer to be advised that a further investigation will only be undertaken if they can supply new and relevant information which would justify a further review.
- (c) A bona fide complaint raised by a persistent complainant must be investigated as fairly, rigorously and objectively as a complaint made by any other person.
- (d) When complaints from the same person or organisation become persistent, the investigating officer(s) shall advise their Service Director that this situation has developed.
- (e) When a complaint is about only one service, the Service Director concerned should determine whether or not it would be appropriate to nominate a Lead Officer to act as the sole point of contact with the customer(s). Where a Lead Officer is nominated, the customer shall be advised that future communication must be solely with the Lead officer and that other officers have been instructed to refer any letters, telephone messages etc on to the Lead Officer and not to respond direct.
- (f) When the complaint is about more than one service, the Deputy Chief Executive will determine, in consultation with the Service Directors concerned, who shall be the Lead Officer (usually the Corporate Complaints Officer).
- (g) The Lead Officer may be changed if it is believed that this would assist the resolution of the complaint.
- (h) Other relevant officers and members will be advised that they may be contacted by the customer and of the procedure for dealing with the individual concerned.
- (i) Where there is evidence to suggest that a persistent complainant may bully, harass, threaten or assault staff, the Council shall reserve the right, subject to legal requirements, to restrict or refuse access by that customer to Council premises and/or officers.
- (j) The Council's complaint procedure shall be complied with by both the investigating officer and/or member, and the customer. If the customer refuses to abide by the procedure and the Deputy Chief Executive believes that this refusal would make it impossible for the Council to investigate the matter effectively, then the customer to be advised to refer the matter direct to the Local Government Ombudsman. The customer should be reminded of their right to also take independent legal advice.
- (k) if the customer continues to complain, the advice in (j) should be repeated.
- (l) If correspondence continues, the Deputy Chief Executive may authorise the officers concerned to decline to respond further. In this event, the complainant must be advised of this decision.
- (m) If the complainant continues to communicate with officers or members, the Executive Committee then determines the appropriate course of action.
- (n) All new correspondence should, however, be examined to ensure it does not contain either a new bona fide complaint or fresh, relevant information about a previous complaint that the complainant neither knew nor should have known about at the time of making the original complaint but which would justify a further review of the complaint.

**PART 3(2) - RESPONSIBILITY
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APPENDIX 6

HOUSING APPEALS AND REVIEW PANEL – TERMS OF REFERENCE

- (1) The terms of reference of the Housing Appeals Panel shall be to hear appeals against and reviews of the decisions of the Head of Housing Services ("the Head of Service") acting under delegated authority, on housing matters.
- (2) The Panel shall comprise five Councillors, including a Chairman and Vice-Chairman, appointed at the Annual Council meeting. Each political group represented on the Panel shall be required to nominate the equivalent number of substitutes to cover for any member of the Panel who is unavailable.
- (3) A minimum of three members shall constitute a quorum for meetings of the Panel. Only members of the Panel present throughout the proceedings shall participate in the decision making process. Members arriving after the commencement of a Panel meeting will be required to leave immediately without taking part in the proceedings.
- (4) In the absence of both the Chairman and Vice-Chairman at any meeting of the Panel, a Chairman shall be appointed from the members of the Panel present (but not any substitute members) for that meeting only.
- (5) Notwithstanding the provisions of paragraph 3 it shall be competent for the Panel to hear and adjudicate on applications if less than three members are present, provided that both the applicant and the Officer or representative agree.
- (6) In relation to appeals or reviews at which the applicant's case is presented in person or by a representative, the hearing shall be conducted in the following order:
 - (a) Chairman's introductory remarks;
 - (b) Presentation of the case for the applicant;
 - (c) Questioning by Officer (or representative);
 - (d) Questioning by members of the Panel;
 - (e) Presentation of the Officer's case;
 - (f) Questioning by the applicant (or representative);
 - (g) Questioning by members of the Panel;
 - (h) Summing up by Officer;
 - (i) Summing up by the applicant;
 - (j) Panel considers its findings in the absence of the applicant and the Officer;

- (k) The decision of the Panel will be conveyed to the applicant and Officer in writing.
 - (l) The Panel shall have discretion to reverse the order in which the cases of the applicant and the Council are presented, provided that both parties agree.
- (7) Meetings of the Panel shall be open only to those members appointed save that a Councillor or nominated person shall be permitted to attend in order to assist with the presentation of the applicant's case.
- (8) The Panel shall make recommendations to the Housing Portfolio Holder/Cabinet on any matters of policy arising from specific cases.

JOINT CONSULTATIVE COMMITTEE – TERMS OF REFERENCE

- (1) The Committee shall be called the "Epping Forest District Joint Consultative Committee" hereinafter called "the Joint Consultative Committee".

(2) Objects

(a) For the purposes of efficiency and good industrial relations to keep all Council employees informed by the Employers on matters which concern them, and to ensure that their views are sought on existing practices and on proposed changes which would affect them so that misunderstandings and friction are prevented.

(b) To bring together employers and staff in consultation with the object of developing and maintaining an efficient and effective service.

(c) To provide a regular forum for consultation and negotiation on matters relevant to industrial relations, productivity and work arrangements (including matters covered by the Scheme of Conditions of Service) and terms and conditions of employment which are not negotiated at national, provincial or other agreed local levels.

(d) To secure the largest possible measure of agreement as to the Conditions of Service to be operated by the Council.

(e) To discuss, in relation to local conditions, the implementation of matters which have been prescribed or recommended at national, provincial or other agreed levels.

(f) To maintain an effective means of reporting back to staff.

(3) Functions

The functions of the Joint Consultative Committee shall be:

(a) To conduct employee negotiations between the Council and all its officers on any potential points of disagreement always provided that questions of individual discipline, promotion or efficiency are not within the scope of the Committee.

(b) To consider any relevant matter referred to it by a committee of the Council, by any staff organisation or by an officer of the Council. Relevant matters may include management matters, reorganisation, productivity, conditions of service, staff welfare, grievance procedures and policy for discipline and conduct.

(c) To make recommendations as appropriate or the application of terms and conditions of service and the education and training of Council employees.

(d) To make recommendations on any aspects of the Council's safety and welfare policy in so far as they affect Council employees.

(e) To discharge any other functions from time to time specifically referred to the Committee by the Cabinet.

(f) The Committee may refer any question coming before them for consideration by the appropriate Provincial Council for advice and shall inform the Provincial Council of any recommendation of the Joint Consultative Committee which has wider

implications than the local situation provided that such recommendation shall be approved by the Council prior to its submission to the Provincial Council.

(g) The duties listed above must exclude matters which, pursuant to the Scheme of Conditions of Service, must be referred to the Provincial Council. The proceedings of any meeting of the Committee shall be reported to the Cabinet, but before submission the report shall be signed by the Chairman and Vice-Chairman of the Committee. In the absence of the Chairman and Vice-Chairman, the minutes may be signed by such other member or members as are nominated by them.

(h) The Committee shall only act in an advisory role, making recommendations for consideration by the Cabinet. This Committee shall not arrive at any agreement which conflicts with the policy or recommendations of the Eastern Essex and Hertfordshire Provincial Council.

(4) Membership

(a) The Joint Consultative Committee shall comprise 18 persons.

(b) The Joint Consultative Committee shall include nine councillors (to be known as the "Council Side") to be appointed annually by the Epping Forest District Council at its annual meeting based on pro rata allocations between the political groups in accordance with the Local Government and Housing Act 1989.

(c) Nine employees of the Council (to be known as the "Employee Side") shall be appointed by the staff organisations represented on the Eastern Essex and Hertfordshire Provincial Council pro rata to the number of such employees of the Council who are members of each organisation, provided that, where the number of members of any one organisation is insufficient to qualify such organisation to appoint a representative, it may combine with one or more organisations for this purpose.

(d) All members shall retire annually and shall be eligible for reappointment. If a member of the Committee ceases to be either a member or officer of the Council, they shall thereupon cease to be a member of the Joint Consultative Committee. Any vacancies shall be filled by the Council, the organisation or combination of organisations concerned.

(e) Each political group or union represented on the Committee shall be entitled to nominate one substitute member provided that the Head of Policy Unit is given two working days' notice.

(5) Chairman and Vice-Chairman

(a) A Chairman and a Vice-Chairman shall be appointed by the Committee at their first meeting in each Council year. The offices to alternate each year between the Council and Employee Sides. If the Chairman appointed is a member of the Council, the Vice-Chairman shall be appointed from the staff side, and vice-versa. The member appointed from the Council Side to be Chairman or Vice-Chairman shall be a member of the Cabinet. The Chairman of the meeting shall not have a casting vote.

(b) It shall be competent for either side to waive its right under (a) above to nominate a Chairman at the first meeting of each Council year, in which case the

Committee may proceed to elect a Chairman and appoint a Vice-Chairman on that basis.

(c) The employee representatives on the Committee shall be paid the equivalent of three hours at their flat rate, or in the case of those in receipt of salaries in excess of the maximum prescribed in paragraph 38 of the Scheme of Conditions of Service, at the flat rate applicable to spinal point 30, for each meeting of the Committee which they attend, outside normal office hours, subject to any future review.

(6) Appointment of Officers

Each side of the Committee shall nominate a secretary for the purpose of formal and informal liaison between meetings.

(7) Advisers

(a) Either side shall have the right to co-opt, in a consultative capacity, representatives of particular departments or sections affected by a question under discussion which are not directly represented on the Committee, but only for a period during which the relevant question is under consideration.

(b) Either side may arrange for the attendance in an advisory capacity of an officer or trade union official at any committee meeting where it would be helpful to the business under discussion. Such attendances shall be notified to the Chairman and Vice-Chairman of the Committee by the relevant Side Secretary.

(8) Procedure

(a) The Committee shall meet as and when required, in advance of the Cabinet. The Chairman or Vice-Chairman may call a meeting at any time. A meeting shall also be called within seven days following the receipt by the Chief Executive of a requisition signed by not less than one-third of the members of either side. The matters to be discussed at any meeting of the Committee shall be stated upon the notice summoning the meeting; provided that any other business (of which notice has been given to the secretaries of both sides not later than 10.00 a.m. on the day of the meeting) may be considered if admitted by a majority vote of those present on each side at such a meeting.

(b) The quorum of the Committee shall be three representatives from each side.

(c) No resolution shall be regarded as carried unless it has been approved by a majority of the members present on each side of the Committee and in the event (a) of the Committee being unable to arrive at an agreement, or (b) of the Council disagreeing with the recommendations of the Committee, the matters in dispute may in accordance with the Constitution of the Eastern Essex and Hertfordshire Provincial Council (Employers Representative Body) be referred to that Council.