

DRAFT

**DISTRICT COUNCIL AND  
LOCAL COUNCIL  
CHARTER**

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## INTRODUCTION

1. Since the inception of the Epping Forest District in 1974, the District Council and the parish and town councils have come together to discuss matters of mutual interest and concern. This body, the Local Councils' Liaison Committee, comprises representatives from all parish and town councils and Members of Essex County Council and the District Council.
2. Secretariat services are provided by the District Council. Agenda preparation is undertaken by **Research and Democratic Services** of the District Council in conjunction with Co-ordinator for Local Councils.
3. The consultation and information exchange achieved through the Committee has tended to be limited to matters of general concern and interest, leaving parish specific matters to be taken up direct with the Council concerned.
4. In addition, the District Council formally consults the local councils upon those matters where the local council is entitled to formal consultation.
5. In December 1993, following publication of the first series of reports by the Local Government Commission, the District Council, noting the views of the Commission, decided to pursue the concept of a Charter for parish and town councils. The District and Local Councils review the Charter jointly at approximately two yearly intervals.
6. This is the **fifth** version of the Charter.

# **1. EPPING FOREST DISTRICT - CHARTER BETWEEN THE DISTRICT AND LOCAL COUNCILS**

## **1. Introduction**

- 1.1 This Local Charter has been drawn up jointly between Epping Forest District Council and the Town and Parish Councils within the District. The Charter emphasises the importance attached by these bodies to working in partnership in the provision of services to the public. It is also designed to enhance and enrich communications between these bodies so as to assist the exchange of information, the expression of views and the making of representations.

## **2. General Principles and Expectations**

- 2.1 The District Council acknowledges the right of local councils to a clear statement of the matters affecting their local communities upon which they will be consulted. The list of matters will be widely drawn and will acknowledge the statutory rights of Parish and Town Councils to be part of the statutory consultation in relation to the Community Strategy, the Council Plan, the Best Value Performance Plan and other similar statutory processes.
- 2.2 The District Council will provide sufficient information about matters upon which the views of local councils are sought.
- 2.3 Except where more specific arrangements apply (e.g. within the Planning Code of Practice) the District Council will, when requested, provide a written explanation to a local council in cases where the District Council decides not to agree with the views of the local council and will advise local councils when such a disagreement is likely, with the reasons for the disagreement, so that the local councils further comments can be submitted before the matter is discussed.
- 2.4 The District Council will facilitate regular meetings between representatives of the bodies to discuss matters of common interest.
- 2.5 Local councils will invite appropriate district ward councillors to their meetings on a regular basis and will provide agendas and minutes of their meetings.
- 2.6 Local councils will assist the District Council and local district ward councillors in keeping them informed about local opinion and views upon matters affecting their areas generally and upon specific issues.
- 2.7 Local councils will arrange the dissemination of information within their areas to ensure the reasonable spread of knowledge and the reasonable opportunity for the general public to participate in the decision-making process.
- 2.8 In order to allow proper consideration of views and comments, local councils will respond in writing to invitations to comment within time periods specified, wherever reasonably practicable.

## **3. Commitment to Liaison**

- 3.1 Where relevant and known, the views of the local council will be represented at Council, Cabinet, or Cabinet Committee meetings by either a local ward councillor, the Chairman of the Committee or a senior officer if not already received as a written

report. Where any matter is under consideration by a member of the Cabinet on an individual basis, he or she will consult local ward councillors.

#### **4. Basic Information**

4.1 The District Council will supply to local councils at the appropriate times the following basic reference documents:

Annual Report  
Community Strategy  
Best Value Performance Plan (BVPP)  
Council Plan  
District Council Year Book and Calendar of Meetings  
Agenda and Minutes of the Council, Cabinet Committees, plus other committees and Sub-Committees  
Press Releases  
Annual Budget (Capital and Revenue Spending)  
Internal Telephone Directory (2 copies)

4.2 Subject to availability, the District Council will upon request, provide speakers on any of its services or aspect of particular services for local council meetings.

4.3 Key officer contacts will be supplied via the District Council's internal telephone directory supplied to each local council. The District Council has nominated John Scott, Joint Chief Executive (Community Services) as its central point of contact on strategic or policy issues. In his absence or in connection with more routine matters, his assistant Shirley Hawkins will deal with inquiries from parish Councils.

#### **5. Service Specific Information**

5.1 The following sections of this Charter are a series of **Codes** setting out the procedures in relation to specific services. These Codes are in addition to and not in substitution to the arrangements for the supply of basic information.

#### **6. Review of Charter**

6.1 Both the District Council and Parish and Town Councils have undertaken to review the Charter on a regular basis and to issue factual revisions at six monthly intervals.

**Signed:** \_\_\_\_\_

**CHAIRMAN OF LOCAL COUNCILS' LIAISON COMMITTEE**

**Date:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

**VICE-CHAIRMAN OF LOCAL COUNCILS' LIAISON COMMITTEE**

**Date:** \_\_\_\_\_

## ENVIRONMENTAL HEALTH

### 1. Purpose

1.1 The purpose of the **charter** is to enhance consultation and communication between the District and local councils in the area of environmental health, thereby improving its quality and accountability.

1.2 The major work areas covered are:

- (a) Licensing;
- (b) Animal Welfare;
- (c) Health and Safety at Work;
- (d) Food Safety;
- (e) Pest Control;
- (f) Pollution Control; and
- (g) Private Sector Housing.

### 2. General Liaison

2.1 District Council members and officers with relevant responsibilities undertakes to attend the Local Councils' Liaison Committee when appropriate. District Council members and officers will also meet with representatives of local councils to discuss areas of concern. Local councils will respond in a similar manner to requests from the District Council.

### 3. Licensing

3.1 Under the Licensing Act 2003 local councils are not listed as responsible authorities and therefore cannot be consulted directly. However, all applications are required to be advertised at the premises concerned and in a newspaper circulating in the vicinity of the premises.

3.2 The Act identifies two groups who are entitled to make representations with regard to an application for a premises licence or club premises certificate.

#### (a) Interested parties.

3.3 These are bodies or individuals who are entitled to make representations to licensing authorities on applications for the grant, variation or review of premises licences. This group includes:

- a person living in the vicinity of the premises in question;
- a body representing persons living in that vicinity;
- a person involved in a business in the vicinity of the premises in question;
- a body representing persons involved in such businesses.

3.4 Any of these individuals or groups may specifically request a representative to make representation's their behalf. For example, a legal representative, a friend, a Member of Parliament or a County, local District, Town or Parish councillor could all act in such a capacity. It is expected that "persons involved in a business" will be given its widest possible

interpretation. It is also expected that the expression can be held to embrace the functions of charities, churches and medical practices.

**(b) Responsible authorities.**

3.5 These are public bodies that must be fully notified of applications and that are entitled to make representations to the licensing authority in relation to the application these are:

- the chief officer of police;
- the local fire authority;
- the local enforcement agency for the Health and Safety at Work etc. Act 1974 ;
- the local authority responsible for preventing the risk of pollution of the environment or of harm to human health;
- the local planning authority;
- any body that represents those who are responsible for the protection of children from harm;
- any licensing authority, other than the relevant licensing authority, in whose area part of the premises are situated.

3.6 The Secretary of State for Culture, Media and Sport may prescribe other responsible authorities by means of regulations, however, to date none have been so prescribed.

3.7 The Local Authorities Co-ordinators on Regulatory Services (LACORS) have issued the following statement in response to questions relating to the status of Town and Parish Councils:

“there is no requirement on the licensing authority to keep the Town/Parish Council appraised of all applications/hearings. The Government quite clearly defined certain bodies as being Responsible Authorities and this does not include the Town/Parish Council”.

If the licensing authority exceeds its powers in relation to the statutory consultation requirements it may provide grounds for appeal against any subsequent decision it makes. It would also be liable to judicial review for acting beyond its powers.

3.8 Local councils will be supplied by the District Council with the procedure for its Licensing Sub-committee.

**4. Animal Welfare**

4.1 Local councils will be fully consulted about any proposals to designate land for the purpose of dog control. Where local councils wish to implement byelaws, the District Council will provide advice and guidance.

4.2 Where District Council byelaws and designation orders are in place the Council's Animal Welfare Officers (AWOs) will enforce them. Where local councils have introduced such byelaws the AWOs will endeavour to assist in enforcement but it must be recognised by local councils that resources are limited and that the District's primary responsibility is towards its own byelaw and land designation enforcement.

## **5. Other Issues**

5.1 In responding to any County or National consultation exercise on environmental issues, local councils will be invited to respond directly or to input into any District Council response.

5.2 The Environmental Health Group will respond positively to any request for information, or for the investigation of any issue raised by local councils, and undertakes to report back with the findings of such investigations.



**ENGINEERING SERVICES****1. Land Drainage**

- 1.1 The Land Drainage section within the Environmental Services has responsibility for management of district flood defence assets, identifying areas of flood risk pursuing schemes for flood alleviation, administration of land drainage byelaws, precautionary planning/development to manage flood risk, enforcement action under the 1991 and 1994 Land Drainage Acts and byelaws, management and enforcement of the District's watercourses/drainage systems (Third Party) and Emergency planning for flooding.
- 1.2 The Section manages watercourses for which the Council is responsible by acting for Leisure and Housing Services where they are riparian owners. Equally important to an efficient system of drainage is the management and maintenance of the District's system of ditches and watercourses which are the responsibility of other riparian owners. This means regular inspection of the District's critical watercourses to ensure they are free running, not suffering from encroachment or from illegal tipping, blocking or other activities, which could restrict the flow of water, identifying where maintenance, rehabilitation or new works are required to ensure a satisfactory system of drainage. Where such works are the responsibility of a Local Council, by way of riparian ownership, they are informed by the Land Drainage section and given advice on the type and nature of works. Where the Parish Councils have concerns or wish to report blocked ditches then they can get in touch with the Land Drainage Section.
- 1.3 The Section provides technical advice to Planning Services in respect of any development within a catchment where a flood risk can exist. The Council's Local Plan now has specific reference to the Flood Risk Assessment Zones and the requirements of Flood Risk Assessments. The measures implemented through the system of planning controls and land drainage consents are increasingly being aimed at minimising surface run-off (through attenuation and sustainable drainage systems – SUDS) rather than just maintaining the efficiency of the existing system. Further detail can be obtained from officers of the Land Drainage Section.
- 1.4 Land Drainage section besides managing the Flood Alleviation Schemes and their associated assets also provides support to the Council's emergency response team in events of flooding emergencies, who maintain contacts with all Parish/Town Councils but predominantly those who have historically suffered from major flooding e.g. Nazeing Parish and Waltham Abbey Town Councils.

## HOUSING SERVICES

### 1. Purpose

- 1.1 The purpose of the Code is to enhance consultation and communication between the District and local councils in the area of social housing, thereby improving its quality and accountability.
- 1.2 For the purpose of this code, "Social Housing" shall be defined as housing provided and/or managed by the District Council or a Housing Association registered with the Housing Corporation.

### 2. General Liaison

- 2.1 The Housing Portfolio Holder and Head of Housing Services will attend the Local Council's' Liaison Committee as and where appropriate.
- 2.2 The Housing Portfolio Holder and District Council officers will meet local councils on request to discuss aspects of Social Housing provision and management. Local councils will respond in a similar manner to requests from the District Council.
- 2.3 Any Local Council views will be put forward at Cabinet meetings by the Housing Portfolio Holder. If the matter concerned is one where the Portfolio Holder may act alone, any views from local councils will be reported to that member by the Head of Housing Services.

### 3. Specific Commitments

- 3.1 The District Council will undertake to consult with and invite comments/input from local councils as part of the regular process of updating and developing the District Council's Housing Strategy.
- 3.2 The District Council will invite local councils to comment annually on proposed changes to the Housing Allocations Scheme. The comments of local councils will then be made known to the appropriate District Council member body, so that they may be taken into account in the annual review.
- 3.3 Local councils will bring to the attention of the District Council's Head of Housing Services any land within their area that they consider would be suitable for an affordable housing development, that has not already been allocated within the District Local Plan or Local Development Documents.
- 3.4 In the event of proposals by a developer or housing association to build social housing in association with the District Council, the District Council undertakes to keep appraised those local councils covering areas affected by the scheme.
- 3.5 In order to keep local councils up to date with social housing matters, the District Council will provide local councils with copies of the following items produced for tenants:

- (a) Housing News (three times per year)
  - (b) The Tenants Handbook and subsequent up-dated versions
  - (c) Any other publicity information sent to tenants
-

## HIGHWAYS

### 1. Purpose

- 1.1 This part of the Charter is designed to clarify responsibilities for highway and traffic matters following the decision of Essex County Council to terminate the Highways Agency, which previously allowed the District Council to act as its agents.
- 1.2 The District Council's remaining powers/responsibilities are as follows:
- Parking (Off-street, on-street (as agent of Essex County Council) and Residential Parking Schemes and enforcement)  
 Some Bus Shelters and Street Names (as part of town centre regeneration and enhancement schemes **and where local contractual arrangements exist**)  
 Footpath and Bridleways (only as part of voluntary work undertaken on behalf of EFDC by Countrycare)
- 1.3 The District Council has a consultation agreement (The Local Service Agreement) with the County on highway matters. **Where** appropriate, the District will consult with Local Councils **on relevant highway matters**.

### 2. General Liaison

- 2.1 Parish councils are free to contact their local District Councillors to enlist their support for any problems they are raising or representations being submitted. The District Council also undertakes to pursue issues of national significance with the Government via local MP's or Local Government Association without detracting from the direct responsibility of Essex County Council for these matters.

### 3. Highway Maintenance

- 3.1 Requests by local councils for specific highway maintenance **and improvement** information should be forwarded by the Parish or Town Council concerned to the Highways department of the County Council (contact details in Appendix 1).
- 3.2 **Following notification from the County, the District Council will provide Parish Clerks with details of proposed highways schemes via the EFDC Member's Bulletin.**
- 3.3 Local Councils can obtain details of proposed works via the Highways Hotline. If local councils wish to raise specific problems they **can** do so via the hotline number (0845 603 7631) or via email to [highways.helpline@essexcc.gov.uk](mailto:highways.helpline@essexcc.gov.uk).

### 4. Rights of Way

- 4.1 Matters relating to public rights of way are the responsibility of Essex County Council whose duties are to maintain public rights of way including maintaining the surface, preventing stopping up and obstruction, ensuring farmers restore paths over cultivated land, maintaining a definitive map and signposting.

4.2 Local councils are also empowered to maintain footpaths and bridleways. They can take action to remove obstructions or require the highway authority to take any necessary action.

4.3 Local councils are encouraged to establish processes whereby problems can be identified and brought to the attention of **Essex County Council** Highways staff.

## **5. Off-Street Parking & Residential Parking Schemes**

5.1 The District Council is responsible for off street car parks and on **and off**-street enforcement of parking restrictions, including parking fees, enforcement, maintenance and management and relevant statutory procedures. Enforcement of **on and off-street** car parking is contracted out to named contractor available from the District Council.

5.2 The District Council, **from time to time, undertakes parking reviews, which includes carrying** out consultation. **Local** Parish and Town Councils will be consultees **when** such **reviews are undertaken**.

5.3 The Parking Management section of Environmental Services is located at The Parking Office, Burton Road Depot, Burton Road, Loughton, IG10 3QS (Telephone number 01992 564000).

1. Essex County Council is exclusively responsible for the following areas as the Highways Authority:

- Footpaths and Bridleways
- Highways and Highways Maintenance (excluding Motorways)
- Traffic Management
- Parking, on street (the District Council operates the enforcement on behalf of the county)
- Road Safety
- Highway (& Footway) Lighting
- Street Furniture on Highway Land
- Highways covering estates and non-classified and non-trunk routes
- Footway Lighting
- Footpath and Bridleways (Creation, Diversion and Extinguishment)
- Speed Reduction
- Accident Reduction Schemes
- Street Lighting
- Highway Works

2. Parish councils should obtain information, report highway problems and make representations direct to Essex County Council in the following ways:

(a) On operational matters to the Area highways office at:  
West Area Office, Warwick House, Roydon Road, Harlow, Essex CM19 5DX  
(Tel. 0845 603 7621) (email: [highways.westarea@essexcc.gov.uk](mailto:highways.westarea@essexcc.gov.uk) or to their local County Councillor.

(b) On policy matters to the area Highways office (details as above) or to their local County Councillor, the County Council Portfolio Holder or the County Head of Highways (based at County Hall, Chelmsford).

## LEISURE SERVICES

### 1. Purpose

- 1.1 Leisure Services is responsible for the provision of a wide range of cultural and leisure opportunities designed to assist people of all ages and abilities to live a healthy and active life. This is achieved through the management and direct provision of specialist facilities and targeted activity programmes, by supporting local community initiatives and by developing partnerships with other statutory, voluntary, public and commercial agencies.
- 1.2 The purpose of this code is to secure the best possible delivery of leisure services by ensuring effective communication with local councils in respect of both localised and district-wide leisure issues.
- 1.3 It should be noted that the District Council has no statutory duty to provide leisure facilities or activities and the level, nature and range of provision may therefore be subject to variation.

### 2. General Liaison

- 2.1 District Council members and officers with responsibility for leisure will attend the Local Councils' Liaison Committee meetings and individual town/parish council meetings as and when appropriate.
- 2.2 District Council members and officers will meet local councils on request to discuss aspects of leisure which are of mutual interest and concern. The local councils will respond in a similar manner to requests from the District Council.

### 3. Specific Commitments

- 3.1 The District Council will consult with local councils in respect of the long term strategic planning for leisure, and any major events that will have a significant impact on a particular geographical community.
- 3.2 The District Council and local councils will inform each other of forthcoming leisure activities and opportunities relevant to particular communities whether these form a regular or occasional part of the programme.
- 3.3 The development of partnerships will be encouraged to enable the best possible service delivery at local level. Such partnerships may embrace facility provision and usage, activity programmes, funding arrangements, marketing of leisure opportunities, and market research into the leisure needs of specific geographical communities.

## Trees in Epping Forest District: Contact List

<b>Tree Location</b>	<b><i>Person/contact details responsible</i></b>
Potentially dangerous trees immediately by the highway: During normal hours Out of office hours	EFDC, Leisure Contracts 01992 564562 01992 564000
Potentially dangerous trees on private land adjacent to the highway:	Essex County Council, Area Highways 01279 624500
General enquiries: Trees on Epping Forest District Council land:	EFDC, Leisure Contracts 01992 564562
Trees on open spaces that are the responsibility of The Corporation of London and trees within the Forest Land:	The Corporation of London: The Warren, Loughton 010 8532 1010
Trees in Local Nature Reserves:	Epping, Leisure Contracts 01992 564562
Trees on Town/Parish Council maintained greens and Town/Parish Council open spaces:	Contact your relevant Town or Parish Council
Tree Preservation Orders; Conservation Areas (trees); Dangerous trees on private land (not adjacent to highway) High hedges, countryside hedges, trees on development sites, community tree strategies – all:	Epping Forest District Council Planning Services 01992 564120
Trees included in conservation projects, volunteering, tree wardens:	Epping Forest Countrycare 01992 788203
Trees protected by Essex County Council Tree Preservation Orders:	Essex County Council 01245 436352



**USEFUL CONTACT NUMBERS**

**PLANNING SERVICES, EFDC**

- (a) **Trees in Relation to New Developments, Parish Tree Strategies, Tree Warden Scheme, Tree Preservation Orders, Trees in Conservation Areas, Tree Advisory Service (garden trees)**

Landscape Team Tel. 01992 564120

High Hedges Tel. 01992 564117

- (b) **Local Plan Queries**

Planning Services Landscape Officer Tel:01992 564117

**COUNTRYCARE**

- (c) **Sources of Grant Aid, Free Tree Scheme, Countryside Planting Projects,**

Guided Walks, Talks and Demonstrations, Tree Advisory Service (Countryside sites), Tree Warden Scheme, Free Tree Scheme  
Countrycare Tel. 01992 788203

- (d) **Animated Walks and Celebratory Tree Events**

Arts Officer Tel. 01992 564552

Countrycare Manager Tel. 01992 788203

**LEISURE SERVICES, EFDC**

- (e) **Council-Owned Trees (General Enquiries), Tree Donation Scheme**

Tel. 01992 564562

- (f) **Epping Forest Conservators (Epping Forest)**

Tel: 0208 532 1010

**PLANNING SERVICES****1. Purpose**

- 1.1 The purpose of the Code is to enhance communication between the District and local councils and thereby mutual understanding and support. The statutory responsibilities of the District Council and local councils knowledge and sensitivity to planning decisions affecting local communities are acknowledged.
- 1.2 The constraints inevitably imposed by planning regulations, resource availability, the requirements of other customers of the planning system and performance targets (e.g. Citizen's Charter) must be taken into account. Perhaps the key target is dealing with the vast majority of planning applications within eight weeks of receipt. Other codes of practice will explain these targets in more detail.
- 1.3 The District Council's Codes of Good Practice relating to Development Control and the Enforcement of Planning Control, designed to set out procedures for the public, are attached as annexes to this Code.
- 1.4 The provisions of this Code of Practice set out the undertakings given by the District Council and Local Councils regarding planning matters. As to how those undertakings should function in practice, this Code should be read in conjunction with the District Council's planning protocol. Although the protocol is mandatory to the District Council and Councillors, the Town and Parish Councillors should follow it as good practice.

**2. General Liaison**

- 2.1 District Council members and officers with planning responsibilities will attend the Local Councils' Liaison Committee, including a senior officer with special responsibility for liaison with local councils.
- 2.2 District Council members or officers will meet local councils on request to discuss major and significant planning issues. Local councils to respond in a like manner to requests from the District Council.
- 2.3 The calendar for District Council, meetings and agenda & minutes for those meetings will be sent to local councils, together with agenda background papers on request. Agenda are despatched on the Tuesday or Friday of the week preceding a committee, at the same time as they are despatched to District Councillors.
- 2.4 Local council views can be put forward at Area Plans Sub-Committees and District Development Control Committee meetings by local council representatives in addition to ward councillors, or the relevant senior officer, plus views that may already be reflected in a written report.
- 2.5 The District Council will take up agreed issues of national significance with the Government via local MPs or the Local Government Association.
- 2.6 Local councils may attend any of the planning seminars or open days held by the District Council. Planning regulations are always changing and it would be good practice if the Chairmen of the Town and Parish Planning Committees should attend the training courses. These courses are also open to all Town and Parish members and should be taken advantage off by all councillors and clerks. The Town and

Parish clerks may wish to obtain more in depth training to enable them to advise their members. Local Council members and clerks are reminded that they can attend the Area Plans Sub-committees as observers to get a 'feel' for the type of information that they are looking for and how planning decisions are arrived at.

- 2.7 The District Council undertakes to consult all parish and town councils on Service Reviews carried out in respect of any planning function.

### **3. Development Control**

- 3.1 Local councils will be consulted weekly about planning applications in their areas (and subsequent amendments thereto) and applications in an adjoining parish or district, which affect them. Copies of other applications to be supplied on request or may also be obtained from the District Council's website.
- 3.2 Local councils will be sent a weekly list of planning applications, with the case officer identified by initials and target response date. The weekly list to include advertisement/conservation area/listed building applications, works to protected trees and certificates of lawful development.
- 3.3 Local councils will be sent copies of Adopted Local Plans/Supplementary Planning Guidance and given advice about planning considerations and "reasonableness" of decisions. The local councils are encouraged to liaise with the case officer about planning policies, history etc and the likely determination date. **(N.B.:** The District Council aims to deal with 80% of householder applications within 8 weeks, although complex applications can take much longer).
- 3.4 Local councils will be advised on request by the case officer of publicity/consultations undertaken in accordance with the District Council Code of Practice. It is open to local councils to undertake further local publicity or consultations, having regard to the prospective determinate date and following liaison with the case officer.
- 3.5 Local councils will respond in writing within the timetable on each weekly list (or otherwise agreed with case officer) in the form of:
- (i) objection with valid planning reasons;
  - (ii) no comment/no objection (neutral);
  - (iii) support with valid planning reasons; and
  - (iv) identification of local issues relevant to the planning decision, but without necessarily offering a definite view one way or another.
- 3.6 If responses are specifically anticipated, late comments will be sought by the case officer (and reported orally to the Committee if necessary). Local councils will make known names of contacts for planning matters and their responsibilities.
- 3.7 Local council representatives can discuss differences of view with the case officer or a senior officer in Development Control in the run up to determination of an application. They may then brief District ward councillor(s) or use the public speaking arrangements, which enable Parish and Town Councils to make direct representations at meetings of Area Plans Sub-Committees.

- 3.8 Local councils' views are reported in summary on Area Plans Sub-Committee agenda and on case sheets where decisions are taken under delegated authority. It should be noted that Town and Parish Councils are not just restricted to commenting on an application on technical terms but can include their local knowledge as background to their comments. Where there is a difference of view, an application will be reported to Area Plans Sub-Committee. Where the local council suggests refusal of an application, and officers also have reasons for refusal (whether or not they are the same as the local councils) then such a case will be refused under delegated powers unless referred for determination by an Area Plans Sub-Committee.
- 3.9 Applications for Certificates of Lawful Development (CLD) are matters that are decided upon in accordance with facts and not opinions. There are two types of CLD applications: one for proposed development and the other for existing development, and these will be distinguished on the Weekly Lists.
- (a) Those for proposed developments (i.e. confirming whether planning permission is or is not required) will be included on the Weekly List but need be 'noted' only by local councils as their determination is a matter of applying planning law; and
- (b) those for existing developments (i.e. confirming whether an existing use or building is exempt from enforcement action) will also be included on the Weekly List and local councils are encouraged to comment upon the facts of the matter. On particular cases, the case officer will contact the local council with specific queries about the applicant's submissions.
- In every case, determination of these applications is made under delegated powers since they are by consideration of facts and not opinion.
- 3.10 Local councils are encouraged to liaise with the case officer about the outcome of a decision and how local council views were taken into account.
- 3.11 Adjoining Planning Authorities consulting the District Council have the details placed at the rear of the weekly list, although some, but not all directly notify affected Local Councils. Local Councils can request that the District Council actively supports their comments on such an application so long as the request is made early in the process and if in agreement with their case. Local council views will be reported in cases brought formally to District Council members. Further information of development control is set out in Annex 1.
- 3.12 Local councils will advise the District Council of suspected breaches of planning control. The District Council to respond in accordance with the Enforcement Code of Practice. (Annex 2). District Council now have an email address where Local Councils can report any infringements.  
The address is: [developmentcontrol@eppingforestdc.gov.uk](mailto:developmentcontrol@eppingforestdc.gov.uk)
- 3.13 The District Council to supply copies of enforcement notices on request.
- 3.14 The District Council to notify local councils of appeals lodged and, on request, prospective timetable of events. It should be noted that Local Councils have the right to attend appeal hearings and make written representations to those meetings.
- 3.15 Local councils will liaise with the case officer to provide local information or mutually supportive statements where appropriate.

- 3.16 If local councils wish to have copies of appeal decisions then there is a longstanding procedure where they need to ask the Planning Inspectorate for a copy. If this procedure does not work or the appeal is an historic one then the District Council will supply a copy on request and the District Council will notify local councils of all appeal decisions in its area in the weekly list.
- 3.17 Development Control contact officers for parishes or groups of parishes may be nominated by the District Council for general enquiries etc.
- 3.18 The District Council will supply local councils with copies of relevant circulars, regulations and operational procedures (e.g. delegation; neighbour consultation) on request.
- 3.19 The District Council will notify local councils of all appeals in the weekly list and will provide them with copies of plan (if not previously kept), together with details of the appellants case and details of the council's grounds for refusal.
- 3.20 Local councils agree to provide District Council with copies of any correspondence sent to the Planning Inspectorate.
- 3.21 Local councils agree to liaise with officers to endeavour to produce co-ordinated arguments where possible.

#### **4. Forward Planning and Conservation**

- 4.1 The District Council will consult local councils about new local plans and alterations thereto, supplementary planning guidance, major development or design briefs on major sites, major changes to employment/housing/transport/leisure strategies etc and significant alterations to public transport services. The local councils to offer reasoned responses within target timescales.
- 4.2 Local councils will offer advice about local publicity arrangements and to assist where possible (e.g. parish newsletters, notice boards).
- 4.3 The District Council will consult local councils about Conservation Area boundary alterations, appraisals and enforcement schemes and will supply information and advice on request about Conservation Areas, historic buildings, ancient monuments, protected trees, sites of special scientific interest or other nature conservation significance.
- 4.4 The District Council will liaise with local councils regarding the promotion of "sustainability" (e.g. environmental audits, publicity about good practice etc.).
- 4.5 Local councils will advise the District Council of significant damage or deterioration to listed buildings, ancient monuments, protected trees, landmark trees and sites of nature conservation significance.
- 4.6 Local councils are encouraged to discuss the implications of strategic planning or transport issues with District Council officers and to keep the District Council informed about formal comments made to the County Council about the Structure Plan, Minerals/Waste Disposal Plans and Transport Plans etc. The District Council undertakes to keep Parish and Town Councils informed about any representations being made on such issues where they affect individual parishes or groups of parishes. Issues relating to whole parishes will be notified via the District Council's Members' Bulletin or another relevant means.

4.7 The District Council and local councils will follow the Code of Practice for the identification and promotion of sites for affordable housing as exceptions to normal planning policy.

4.8 The Annex attached sets out responsibilities and contact details relating to tree problems according to location.

## **5. Village Design Statements**

5.1 Local Councils may be instrumental in starting work on Village Design Statements, or similar documents, that stress particular features of their communities, using advice from the Rural Community Council for Essex. The District Council supports the principles of that process. The Statements would provide a useful context for local council comments on planning applications and guidance for the development of the village in ways that the local community desires.

5.2 Such a Statement can be a material consideration in dealing with planning applications by the district council but the weight given will depend upon their inclusion into the adopted Local Development Framework as a Supplementary Planning Document (SPD). If a Local Council wishes to prepare a Village Design Statement, it is advised to discuss its production at an early stage as significant steps are necessary to achieve SPD status. The District Council will provide advice and assistance on the processes involved as resources permit.

## **ADDENDUM ON DEVELOPMENT CONTROL**

### **1. Service and Quality**

- 1.1 Development control is a process that regulates the development and use of land. It involves the consideration of planning applications, the monitoring of development as it takes place, the taking of enforcement action where breaches of control have occurred and the provision of information and advice about the system generally and individual proposals specifically. It is a process governed by the law and can be complex.
- 1.2 The objective of development control is to ensure that changes to our physical surroundings (buildings and land) are right for their purpose and location. A framework for development is set out in Government Guidance and in more detail in structure and local development plans. These are supplemented by local policies and advice. All these documents are available for inspection at the District Council's, Civic Offices. Planning applications are considered against this framework, in particular the adopted development plan for the area, but also any other material considerations.
- 1.3 The aim is to make the best decision about each application, not necessarily the quickest. This means taking into account a proposal's impact upon the environment and on the interests of the community. It may also mean balancing the needs of the applicant against the effect a development might have on neighbours and other people living nearby.
- 1.4 Applicants, neighbours and the public generally are all customers of the Development Control Service. Many have little or no experience of how the system works. They must be treated positively, courteously and equally. This Code sets out how the service is delivered in this District. It defines the services and the standards to be met.
- 1.5 Some planning applications raise complicated or specialist issues, or require assessments of their environmental impact. By their nature such applications will take longer to deal with and be subject to some variations in procedure.
- 1.6 All letters and documents relating to Development Control will be written in plain English.

### **2. Pre-application Discussions: Information and Advice**

- 2.1 The District Council welcomes discussions before an application is made so as to encourage high quality applications and to ensure that they can be dealt with as efficiently as possible. An officer (the Duty Planner) is available each working day to provide general information and advice.



- 2.2 In practice other officers may be available as well and until 5 p.m. Most officers are usually available between 9 a.m. and 10 a.m. In the case of more major or complex proposals applicants are advised to make a prior appointment to ensure that the relevant officers are available. If advice is sought by letter a response will normally be made within ten working days of receipt. Telephone enquiries not capable of being dealt with immediately will be returned within one working day.
- 2.3 Providing they have been given full details, officers will always try to give accurate and objective advice, but it will be without prejudice and subject to the formal consideration of an application by the Council. Relevant information will be given about planning policies and previous decisions, and about the Council's requirements in relation to such factors as design and servicing standards. Advice will be given about the merits of an application whenever possible. Applicants will be encouraged to discuss some schemes with local councils.
- 2.4 Notes for guidance on the completion of planning application forms and the plans required to accompany them are available. The Council produces leaflets etc. to assist those intending to make planning applications. These include leaflets on shop front design and trees on development sites, Conservation Areas, Listed Buildings, Crime Reduction etc.
- 2.5 Copies of the Council's planning policies and other relevant documents are available to members of the public. Assistance will be given with enquiries about Council procedures, committee dates, elected members and other details related to the planning system.

### **3. Submitting a Planning Application**

- 3.1 Applicants should ensure that the application is submitted correctly with appropriate plans and documentation following the receipt of the advice in the pre-application discussions. Officers are available to give help or advice on fees or completing the application forms. Ordnance survey site plans are available for a fee if required in association with a planning application.
- 3.2 If the application is incomplete or invalid (particularly because the plans are inadequate) then the applicant will be notified by letter and the submitted plans returned within 5 working days with an explanation as to how the deficiency can be corrected. If the proposed development is in fact permitted development or such that planning permission is not required, it will normally be returned within 15 working days and the fee refunded thereafter.
- 3.3 Each valid application will be registered and its receipt acknowledged within 3 working days. The acknowledgement letter will explain the applicants' rights of appeal and give a target date for a decision.
- 3.4 If applicants choose to use a professional adviser or agent, any discussions, correspondence or negotiations about the application will take place directly with the adviser.

### **4. Dealing with an Application**

- 4.1 The officer dealing with the application will be identified within the acknowledgement letter. That officer will visit the site and if access is required a suitable appointment will be made if necessary.



- 4.2 If the need for further information arises while the application is being dealt with, applicants will be notified promptly of the requirements and the reasons for them. A time limit for its return will be given.
- 4.3 If the application is unacceptable as submitted but amendments could be easily made to make it more acceptable, suggestions will be made if time constraints permit but, since a decision within the given timescale will be paramount, refusals will inevitably occur that must be addressed through the submission of a new, revised application. Amendments should be received within a specific period, failing which the application will be determined in its original form.
- 4.4 If amendments are received then more time may be needed to consider the revised application before a decision can be made.
- 4.5 When amendments are made consideration will be given by officers to the significance of the amendments. Major amendments are likely to require consultees such as Local Councils to be reconsulted. Where a second round of consultation has not taken place, this will be indicated in the schedule of applications submitted for consideration by Area Plans Sub-Committees or the District Development Control Committee. Such references will make reference to drawing numbers for revised plans where necessary.
- 4.6 The making of the proposed amendments will not guarantee approval, as the Council might not approve the proposed scheme.
- 4.7 Applicants will be informed on request about the progress of their application.

## **5. Notifying the Public**

- 5.1 A Statutory Register of current planning applications, previous decision notices, enforcement notices and stop notices are available for inspection by the public during normal office hours at Planning Services, Epping Forest District Council, Civic Offices, High Street, Epping. Whenever possible, copies of valid planning applications and decision notices will be placed on the Register within 3 working days of receipt or of the date when the decision is made.
- 5.2 The Council notifies neighbours of planning applications and publicises them as required by the Town and Country Planning Acts (and in accordance with an adopted Code which is available for inspection at Planning Services). The District Council will consider carefully who should be defined as "neighbours" according to local circumstances. In addition the Council will supply a weekly list of submitted applications, which is circulated throughout the District and can be seen at public libraries and at Buckhurst Hill, Epping, Loughton, Ongar and Waltham Abbey centres. If local Councils become aware that site notices have been removed before their expiry date, they undertake to notify the case officer in Planning Services so that they can be replaced.
- 5.3 Information and advice can be obtained from the planning officers about current planning applications. Those people notified about a specific planning application will be advised how they can make comments upon it and will be renotified and allowed a further period for comment in respect of amended proposals.
- 5.4 Copies of planning applications for sites in Loughton, Buckhurst Hill and Chigwell can be viewed at the Council's Information Office at Traps Hill, Loughton (opening times 9.00 a.m. - 4.45 p.m. Mondays to Thursdays and 9.00 a.m. - 4.30 p.m. Fridays).

Plans may be inspected by courtesy of parish/town clerks. It should be noted that a planning officer is not available at these locations and any queries relating to applications should be referred to Planning Services at the Civic Offices, Epping.

- 5.5 Those Local Councils with office facilities may make plans available to the public at their offices.
- 5.6 All comments received will be recorded and considered before the decision on the application is reached. They will be brought to the attention of the Head of Planning Services if it is he making the decision, or if the decision is made by a committee, members will be told about the comments and their relevance to the application will be explained.
- 5.7 All those making individual representations will be informed of the decision on the application within 10 working days of issue of the formal decision notice. Information about the application and its decision will be explained by a planning officer if requested.

## **6. Making the Decision**

- 6.1 The Council publicises its performance targets, indicating the timetable within which it is expected to make decisions. The delegated powers under which the Head of Planning Services can deal with certain types of application and other matters are also published.
- 6.2 Once a final decision has been made, the decision notice will be issued to the applicant within 3 working days. Any conditions attached to a permission and reasons for refusal will be stated clearly and reasons for the conditions set out.
- 6.3 Before a decision is reached the applicant and other relevant parties may be requested to enter into a planning obligation. If such an obligation is believed to be required the applicant will be informed at the earliest opportunity so that negotiations may take place during the normal processing period of the application. It is almost inevitable that, in the event of an obligation being entered into, that the processing period will take longer than the expected 8 weeks.
- 6.4 When an application has been refused, changes or alternatives will be suggested, on request, where it is felt these could lead to a favourable decision on a revised application. However no guarantee can be given as to the outcome of the revised application. The right of appeal against the decision will be explained.
- 6.5 If, after permission has been granted, the applicant wishes to alter the proposal, he will be advised, after discussion, as to whether or not the suggested alteration requires to be the subject of a new formal application.
- 6.6 Applicants are reminded that many developments require Building Regulations approval, sewer connections, land drainage consent or vehicular crossovers, for which separate approvals are necessary. Information can be obtained from Planning Services.

## **7. Monitoring Development**

- 7.1 Once full planning permission has been given, the applicant may need to submit for approval by the Council any details of the development which have not been agreed beforehand. These details will be described in conditions attached to the permission

and approval must be sought before development can take place. In the case of straightforward matters such as materials to be used, a decision will be issued or a request for further information will be made within 10 working days of receipt. In the case of more complex matters such as landscaping schemes, a decision will be issued within 20 working days.

- 7.2 Development must be carried out in accordance with the approved plans.
- 7.3 It is important that the Council's requirements are met and the permission is correctly implemented. Any departure from the approved plans must be agreed in writing by the Council prior to it being carried out.
- 7.4 The parish focus of the Local Councils is recognised, particularly where this has been formalised (for example the Parish Tree Wardens). Thus they act as an extra set of "eyes and ears" in monitoring development, and prompting officers, including enforcement officers, where they have clear evidence that work is not proceeding to plan, and is in prominent locations.
- 7.5 When the Council receives a report alleging a departure from the approved plans, the site or the premises will be inspected and other information sought to establish the facts. The procedures followed in such circumstances are set out in the Council's Enforcement Codes of Practice. Resources in this area have been increased.

## **8. Appeals**

- 8.1 If called upon to do so the Council will defend all its decisions at appeal, but it will also be prepared to review decisions or individual reasons for refusal if there is a sound basis for so doing.
- 8.2 The Council will seek to present the best quality evidence in defending its decisions.
- 8.3 The Council will endeavour to meet the requirements and time-tables imposed by the Planning Inspectorate/Department of the Environment, Transport and the Regions for the preparation of the Council's evidence or will provide reasons in writing upon request explaining why, exceptionally, it has not proved possible in the individual cases.
- 8.4 The appellant's agent, or the appellant if there is no agent, will receive copies of all correspondence sent to the Planning Inspectorate (naturally, the Council expects the same courtesy of an appellant or agent in return). At an appropriate time the Council will notify third parties of the receipt of appeals and the manner in which they will be determined.

## **9. Progress Reporting**

- 9.1 Councillors receive regular reports about decisions and performance in key areas such as appeals, costs of appeals and the outcomes of Section 106 obligations.

## **ADDENDUM ON ENFORCEMENT OF PLANNING CONTROL**

### **1. Policy**

1.1 The Council's policy on Enforcement as set out in the adopted District-Wide Plan is as follows:

"In determining what, if any, enforcement action to take where development has been undertaken either without the requisite planning permission or consent or in breach of a planning condition the council will:

(a) take prompt, appropriate enforcement action in cases where:

(i) it considers the development to be demonstrably harmful to public amenity or public interest and would not gain approval even with the imposition of any planning conditions; or

(ii) a planning application has been invited but has not been submitted;

(b) serve a breach of condition notice in cases where it considers that the breach is demonstrably harmful to public amenity or public interest;

(c) serve a planning contravention notice or seek a prompt planning application in cases where it considers that the development is demonstrably harmful to public amenity or public interest but could be made acceptable by imposing planning conditions;

(d) allow an appropriate and reasonable period of time for compliance with its requirements while ensuring that good planning is not prejudiced by virtue of the development having been undertaken;

(e) where possible, issue a stop notice in cases where it considers the development to be exceptionally harmful to public amenity or public interest;

(f) commence appropriate legal proceedings in cases where there is evidence that an offence has been committed."

1.2 The District Council's actions on enforcement of planning controls will, at all times, be dependent on available resources. The District Council undertakes to keep under constant review the resources required within the constraints of Council budgets.

### **2. Procedure**

2.1 There may be some exceptional circumstances where the following targets are not met. The time taken to deal with an enforcement complaint will also be dictated by the time officers give to a person to comply with a request or offer to submit a planning application. The time given to a person very much depends on the nature of the planning problem and what the breach of planning control is. However, the following is the preferred level of service for enforcement.

2.2 An incoming complaint is dated and passed to the Principal Officer.

- 2.3 The Principal Officer will give the complaint a priority level; A, B, C, D and allocate the case to an Enforcement Officer.
- 2.4 Category A implies a severe and/or urgent case requiring immediate attention. For example, this would include harmful works to a listed building or new physical development which would present a serious danger to members of the public; works to a tree subject to legal protection. A site visit should be carried out within 7 working hours.
- 2.5 Category B implies a less severe and/or less urgent case requiring prompt attention. For example, this would include noise disturbance or nuisance to residential amenity arising from a breach of planning control; the erection of unauthorised buildings having an extreme adverse effect on residential amenities e.g. an extension dramatically reducing daylight; or activities which are clearly detrimental to the environment and appear to be intensifying e.g. the dumping of waste material. A site visit within two weeks is expected.
- 2.6 Category C implies a use having a relatively limited degree of disturbance at unsocial hours. A building or extension that fails to conform to the Council's design guidelines, but has only a limited impact on the amenities of adjacent residential property or the street scene. A development that is not in accordance with national or local planning policies, but one which is not in danger of becoming time debarred by virtue of the "four" or "ten" year rules. This could also include unfulfilled conditions for example. A site visit within six weeks is expected.
- 2.7 Category D includes minor matters such as checking landscape conditions, neighbour or civil disputes between parties. Unauthorised satellite dishes or advertisements that are sited in a harmless position. A site visit within eight weeks is expected.
- 2.8 The case will be recorded on a colour coded card and placed on the "battle board" to show the progress of the complaint. The investigation of the complaint will involve checking Council and other records. Assessing the proposal against planning legislation, policy and planning guidelines. Pending the outcome of these investigations will determine what course of action shall be taken. This may require a report being prepared for Committee recommending enforcement action or proceedings or indeed that it is not expedient to take enforcement action.
- 2.9 Depending on the outcome of the investigations the complainant and other interested parties, Councillors etc., will be advised of what steps are being taken or what the outcome of the investigation was.
- 2.10 There are seven key events possible in resolving an enforcement complaint:
  - (a) no action appropriate;
  - (b) inviting and receipt of a planning application (see also 2.11 below);
  - (c) voluntary cessation of the use, or the alteration of the development to meet approved plans, or the making of a revised proposal, which is considered acceptable;
  - (d) serving an enforcement notice (or breach of condition notice);
  - (e) serving a stop notice;

- (f) taking criminal or injunctive court action;
- (g) action by another service or organisation.

The level and nature of action will have a significant impact on the application of resources.

- 2.11 Retrospective planning applications will not be invited by officers where it is obvious that they have no prospect of being granted.

### **3. Communications**

- 3.1 Communications with complainants and those complained of, is an important aspect of the enforcement process. The targets outlined below relate to these key events, and also have attendant administrative requirements as follows:

- (a) acknowledge within 5-10 working days receipt of external complaints.
- (b) within 10 working days of a key event write to complainant or interested party advising them of the findings of the enforcement officer.
- (c) within 10 working days of the receipt of correspondence from a complainant a response will be sent provided that the correspondence does not raise complex or legal issues (this would not include repetitious or vexatious correspondence or correspondence which had already been covered in an earlier response).
- (d) after three months the complainant will be given an update of the progress on a complaint.
- (e) in the absence of a planning application, then all parties be given notice that the matter will be reported to the relevant Planning Committee within 5 working days of that Committee, except in urgent cases or in exceptional circumstances.

### **4. Confidentiality**

- 4.1 The Local Government (Access to Information) Act 1985 indicates that certain types of information are confidential. Of relevance to Planning Enforcement, are the following:

- (a) the identity of those indicating breaches of planning control;
- (b) financial/business affairs;
- (c) where Counsel's opinion is involved or contemplated; and
- (d) where prior disclosure would reveal that Notices or Orders are proposed.

The District Council will, in most cases, debate enforcement items in public session, as the exercise of these powers is in the public interest.

- 4.2 As far as possible and recognising the above limits, complaints, other than from public organisations, will be kept confidential. Similarly the affairs of operators/owners of businesses will also be respected.
- 4.3 However, it must be recognised that in pursuing certain complaints (e.g. my neighbour's apples fall in my garden and there is only one apple tree) it is obvious who the complainant must be. In addition, if written comments are made about planning applications, in other public arenas, in connection with a planning appeal, or in court, then to secure control, that initial confidentiality can no longer be relied upon.
- 4.4 At present, cases are charted manually on a "battle board" which includes the following territories:
- 'Pending.' 'Under Investigation.' 'Application Invited.' 'Application Received.' 'Next Committee.' 'Enforcement Authorised.' 'Notice Issued.' 'Notice Appealed.' 'Prosecutions.'
- 4.5 Each Enforcement Officer's coloured case cards are checked monthly where the total time elapsed since first logged has exceeded two months and the case has not yet generated a planning application or a report to Committee. The target is to minimise the number of such cases and to review them each month to see if any change in approach is called for.

## **5. Site Visits**

- 5.1 In investigating breaches of planning control, or suspected breaches, Enforcement Officers or others exercising the same powers bestowed by the Authority, will not necessarily take the same approach as other officers. If they are asked to investigate someone doing something, in particular a use that others consider they should not be doing, they may well wish to monitor the situation at random. They are exceedingly unlikely to make an appointment to forewarn the operator complained of. Indeed, to do so can enable some operators to effectively hide what they are doing to the Enforcement Officer, but not the neighbour who is complaining and who then cannot understand why the Enforcement Officer cannot see what is upsetting them. Similarly, an officer arriving at a site may well briefly note what they can see before marching up to the door to announce their presence. Not all activities complained of take place in normal working hours, and Enforcement Officers do visit sites outside those hours.
- 5.2 In an age of concern about crime or worry about "who is up to what" this is difficult to reconcile with the Council's Code concerning safer communities. However, each Enforcement Officer or other officer carrying out similar duties has a name badge, and other specific rights of entry documentation which can be inspected on request and a courteous explanation of what the officer is doing will be given.
- 5.3 The rights of entry are satisfactorily used on an informal basis in the vast majority of cases and such co-operation is appreciated. The rights stem from the Town and Country Planning Act 1990 Sections 196A-196C. The rights are briefly as follows:
- Admission to any land at any reasonable hour
  - Admission to dwelling house if twenty-four hours notice has been given to the occupier

The rights can be secured formally if they are denied and wilfully obstructing an officer is an offence.

- 5.4 Some complaints may be referred to other specialists, such as the Council's Landscape Officer, or to other departments of the Council, who will then be expected to process the matter. If the Enforcement Officer cannot control the matter, but knows a man who can, then the complainant/commentator will be advised whom to contact.



## RESEARCH AND DEMOCRATIC SERVICES

### 1. Introduction

- 1.1 Research and Democratic Services is at the corporate centre of the District Council and supports work of the elected members and top management in decision-making processes.
- 1.2 The service operates a number of services of direct relevance to local councils and these are outlined below.

### 2. Code of Conduct

- 2.1 Through the District Council's Monitoring Officer, the Standards Committee offers advice, support, training in respect of District Council and local council codes of conduct. The District Council undertakes to make available:

- (a) advice to Parish and Town Council clerks and local councillors on the interpretation of Codes of Conduct and associated protocols;
- (b) guidance on registration and declaration of interests;
- (c) guidance on complaint procedures (including those concerning the Standards Board for England);
- (d) the publication of public notices required by Government regulations on behalf of local councils on a cost sharing basis;
- (e) advice and administrative procedures in relation to registration of gifts and hospitality and proper use of members' support facilities;
- (f) advice on dispensations for Councillors from the effects of prejudicial interests;
- (g) training and information (including relevant sections of the information bulletin provided for District Council members);
- (h) liaison with Human Resources Division of the District Council regarding allocation of spare places in officer training courses to Parish and Town Council Clerks for a suitable fee.

- 2.2 Local Councils undertake to assist the District Councils in the following respects:

- (a) compiling and forwarding to the District Council registration of interest forms, declarations of acceptance of office, registrations of gifts and hospitality in respect of parish and town councillors;
- (b) contributing to the cost of public notices required by Government regulations;
- (c) committing themselves to ensuring that local council members participate in training sessions for councillors arranged by the Standards Committee ensuring that members keep up to date;

(d) advising the Epping Forest District Council Standards Committee of any changes to their Codes of Conduct;

(e) providing information relevant to the ethical framework to the Standards Committee or the Monitoring Officer when required.

### **3. Member Remuneration**

3.1 The District Council undertakes to provide through its Parish Council Remuneration Panel advice on the scheme of member remuneration available to local councils under the Local Government Act 2000, including:

(a) participation allowances;

(b) travel and subsistence payments.

3.2 Local Councils undertake to advise the District Council in advance of changes to their remuneration arrangements they are planning to make.

### **4. Standing Orders**

4.1 The District Council will, on request, provide advice on the Standing Orders operated by any local council or on points of interpretation relating thereto. The District Council acknowledges the right of any local council to determine its own procedures as bodies independent of the District Council.

### **5. Electoral Matters**

5.1 For the purposes of local council elections, nomination of candidates, electoral expenses, by-elections, co-options and casual vacancies, the District Council, through the Returning Officer, undertakes to provide advice and support in meeting statutory requirements.

5.2 The Returning Officer undertakes to consider suggestions from local councils on polling and counting centres bearing in mind the need to make the best use of available resources and achieve the most efficient electoral arrangements.

5.3 The District Council will provide advice to local councils on:

(a) periodic electoral reviews;

(b) reviews of parish boundaries;

(c) creation, amalgamation or winding up of parishes.

(d) Parish polls.

5.4 The District Council undertakes to provide in advance estimates of the likely costs of forthcoming local council elections so as to assist with parish precept calculations.

5.5 The District Council undertakes to keep its electoral arrangements under constant review so as to assist local councils in keeping their electoral costs as low as possible.

5.6 Local Councils undertake to liaise with the District Council on:

- (a) Policy and counting arrangements;
- (b) Casual vacancies and co-option of local councillors.

## **6. Democratic Services**

6.1 The District Council undertakes to provide the following information to local councils:

- (a) District Council agenda and minutes electronically or by traditional means;
- (b) advice and written material on public speaking at Area Plans Sub-Committees and the District Development Control Committee;
- (c) advice and guidance on standing orders and legal requirements for meetings;
- (d) information about the operation of the Cabinet and the Overview and Scrutiny Committee;
- (e) relevant sections of the Members' Information Bulletin produced for District Councillors.

6.2 The District Council undertakes to supply through its electronic extranet (COMS system) electronic notifications of agenda, minutes and similar material when published.

## **7. Chairman of Council**

7.1 The District Council will liaise with local councils on matters relating to the Chairman of the Council's civic role, including:

- (a) civic events;
- (b) inviting the Chairman or Vice-Chairman of the Council to attend specific parish occasions;
- (c) the Chairman's Charity; and
- (d) Protocol and precedence.

7.2 Local Councils undertake to provide information of relevance or interest to the District Council, whether requested or not, in a timely way. Local councils undertake to provide sufficient resources to enable this to be achieved.

## **8. Public Relations and Information Services**

8.1 The District Council undertakes to assist local councils by supplying written and other information relating to District Council services.

8.2 The District Council undertakes to pay for the maintenance of its notice boards. Local Councils undertake to monitor the condition and use of these boards and to post information on these boards on behalf of the District Council. In exchange, the District Council undertakes to provide space on the boards for Local Council materials to be posted.

- 8.3 The District Council will also assist Parish and Town Councils in improving their public profile through its website.
- 8.4 Provide Town and Parish Councils with a complimentary copy of its annual year book and diary.
- 8.5 On application to the District Council, advice on public relations and information issues will be available from the Council's Public Relations Officer.
- 8.6 Local Councils may bring forward ideas for inclusion of articles of broad interest in the District Council's "Forester" newspaper, subject to the constraints of editorial space and cost.

## **9. Projects and Partnerships**

- 9.1 Advice is available to local councils from the Projects and Partnerships Section of the Policy Unit including:
    - (a) grant aid;
    - (b) safer communities and crime issues;
    - (c) community legal service.
- (NB. Economic Development; Environmental Co-ordination; Young People)

**CRIME AND DISORDER AND ANTI SOCIAL BEHAVIOUR**

1. Section 17 of the Crime and Disorder Act 1998 states that all relevant authorities – which includes Town and Parish Councils – have a duty to consider the impact of all their functions and decisions on crime and disorder in their local area.
2. The Act introduces a partnership approach to local crime reduction and Town and Parish Councils should be partners in that process as they are in an ideal position to represent the views of their communities and ensure that local crime reduction strategies represent those views.
3. The most effective way to reduce crime and anti social behaviour at a local level is by following an evidence based, problem solving approach. The District Council will invite the Town and Parish councils to discuss areas of concern. Local councils will respond in a similar manner to requests from the District Council.
4. Part 4 (Sections 30-36) of the Anti-Social Behaviour Act 2003 gives the police, working with local authorities, new powers to target action in problem areas to help communities remove intimidation and anti-social behaviour from their streets. The powers enable a senior police officer to designate an area where there is persistent anti-social behaviour and a problem with groups causing intimidation. The local authority must also agree to the designation, this decision will be made as part of the strategic work of the Crime and Disorder Partnership. When the District Council is approached by police with regard to designating an area under these powers the District Council will consult the relevant local council and their views will be taken into account when a decision is reached. The District Council will inform the relevant local council of this decision.
5. Local councils can report any concerns regarding anti-social behaviour directly to the District Council's Anti Social Behaviour Co-ordinator who can offer advice and take up concerns with relevant partner agencies as deemed necessary. The District Council's Anti-Social Behaviour Co-ordinator will enter the details onto the ASB database and will provide details of any outcome as appropriate and in accordance with Data Protection guidance.
6. The District Council undertakes to work with local councils to identify needs in relation to young people, along with guidance and support in seeking solutions. The local council will likewise undertake to work with the District Council to identify same needs.
7. The District Council undertakes to inform local councils of any research or initiatives being undertaken in their area. The local council will likewise inform the District Council of any research or initiatives being undertaken in their area.
8. On January 10<sup>th</sup> 2006 the government launched its Respect Action Plan, which focuses on six strands of work to “rebuild the bonds of community”. Every area is to be given the chance to have a Neighbourhood Charter, which will set clear service standards and will empower communities to trigger a response. The government is to publish a draft National Neighbourhood Agreement for consultation in the spring. Following the publication of this draft the District Council undertakes to involve local councils in this consultation process.

9. A quarterly newsletter, "CDRP News" (and further publicity as appropriate), produced by the Epping Forest Crime Reduction Team will provide a means of regularly highlighting some of the good work that is being achieved by working together with partner agencies. The District Council will provide a copy of this newsletter to local councils, which will also serve to update on new legislation and the progress of the Respect Agenda. Local councils are invited to feedback any comments to the Crime Reduction Team.

## SURPLUS LAND AND PROPERTY

### 1. Introduction

- 1.1 This document sets out the terms and conditions of an agreement between Epping Forest District Council and the Town and Parish Councils within its area.
- 1.2 The purpose of the agreement is to set down a process whereby the parties to the agreement will give each other prior notice of their intention to dispose of surplus land or property. It also puts in place a procedure for councils to indicate an interest in acquiring that land or property for use in connection with a statutory duty or some other public benefit.

### 1.3 Definitions

For the purposes of this agreement:

"Public Benefit" means any use where the primary purpose is to provide a facility (including amenity/open space) of benefit to the public in general or to the population of the immediate area in particular.

"Applicant Authority" means the authority notifying its interest in acquiring the surplus land or property.

"Disposing Authority" means the authority declaring the land or property surplus to requirement and indicating its interest to sell it.

### 2. Which Land or Property is covered by the Agreement?

- 2.1 Only land or property declared to be surplus to the requirements of the disposing authority is covered by the scheme. It therefore follows that the following types of land and property are excluded:
- (a) land being made available to a specific third party in order to fulfil a statutory duty, for example, to a registered social landlord to meet local housing needs;
  - (b) shops, commercial or industrial premises being re-let through the normal process;
  - (c) small pieces of land on former housing estates being sold to the occupier of neighbouring dwellings; and
  - (d) land or property where disposal to a third party is essential to achieve an identified council objective;
- 2.2 This list is illustrative of the types of land and property transaction excluded from this agreement, it is not intended to be exhaustive. **The intention of the Charter is, however, not to restrict unreasonably property transfer between Councils if it is in the public interest to do so.**

### 3. Notification of Land or Property Declared Surplus

3.1 Where a Council has land or property, which it declares surplus to its requirements, in accordance with the spirit of this agreement, it will send notice of that fact to adjoining local councils. The notice will be issued following the decision of the appropriate committee to dispose of the land or property in question and before it is advertised on the open market or offered through private treaty.

#### 4. Registration of Interest in Acquisition

4.1 Notified Councils are required to take immediate action if they wish to acquire the land or property in question. They will be allowed a period of **6 weeks** in which to notify the disposing authority of their interest in a possible acquisition.

4.2 In notifying an interest of possible acquisition the applicant authority must:

(a) submit a statement showing the intended use of the land or property in question and setting out the way in which the use fulfils either a statutory duty or some other public benefit referred to in paragraph 1.2 of this agreement; and

(b) demonstrate that it has the necessary funds to proceed with the purchase of the land or property concerned, or is able to raise them within a reasonable timescale.

4.3 The land or property in question will be offered for sale on a freehold basis. The sale will be at the full open market value as determined between the parties or by the District Valuer where agreement cannot be reached.

4.4 In some circumstances the sale may be at an under value by virtue of the Local Government Act 1972 General Disposal Consent (England) 2003 Order.

The specified circumstances are:

(a) that the disposing authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;

(i) the promotion or improvement of economic well-being;

(ii) the promotion or improvement of social well-being;

(iii) the promotion or improvement of environmental well-being; and

(b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000.

In all other circumstances any discount would require specific consent of the Secretary of State.

4.5 Any sale will be subject to an appropriate covenant or covenants restricting the use to the purpose agreed linked to a right for the disposing authority to buy back the land or property in question at the **then market value taking account of the cost of any improvements carried out to the property**. Should any use other than that specified in the original sale be proposed by the applicant authority, this will be considered by the District Council **if it is demonstrably in the public interest**.



- 4.6 On receipt of a notice of interest, the disposing authority will:
- (a) acknowledge the receipt of the notice **within 21 days**;
  - (b) check that the proposed use complies with the spirit of the agreement and that the applicant authority is in a position to proceed with the purchase if terms can be agreed;
  - (c) refer the request to the relevant Committee or Cabinet as appropriate who will:
    - (i) consider whether or not the sale can be authorised;
    - (ii) consider whether or not a discount can and should be offered;
    - (iii) dependent upon (ii) consider the amount of any discount;
  - (d) make any application required to the Secretary of State for consent to the sale having regard to paragraph 4.4 above;
  - (e) **within 6 weeks of receipt** of authority from the relevant Committee/Cabinet to the sale, and if required consent of the Secretary of State, notify the applicant authority in writing of the terms and conditions of the proposed sale;
  - (f) following confirmation by the applicant authority **of agreement to the terms and conditions of the prepared sale, the disposing authority will instruct its legal representatives with 21 days of that decision to prepare a draft sale contract**;
  - (g) **the disposing authority's legal representative shall issue a draft sale contract within 2 months following the date of notification under (f) above to the applicant authority for consideration, subject to both parties mutually agreeing an extension of time if necessary; and**
  - (h) **the applicant authority shall complete the sale and purchase within 3 months of the draft contract being issued by the dispensing authority, subject to both parties mutually agreeing a reasonable extension of time if necessary.**
- 4.7 The notice giving details of the land or property available under this Agreement may specify response dates, which must be complied with. The purpose of this will be to establish a timetable, which will fit in with the relevant committee meeting dates, etc.

WASTE MANAGEMENT

*Waste Management section to be updated after the District Council had reviewed its waste collection policy. A revised appendix will be issued just as soon as the District Council's policy on this issue is settled.*

## QUALITY PARISH COUNCILS

### 1. Introduction

- 1.1 Parish and Town Councils may seek accreditation as “quality” parish councils. This will require them to apply to a County Panel, which will consider applications against national accreditation standards.
- 1.2 Once accreditation has been achieved, local councils may enter into negotiations with the District Council for devolution of functions and services, including:
  - (a) Noise and nuisance abatement;
  - (b) Development control;
  - (c) Aspects of management of museums;
  - (d) Leisure and tourism;
  - (e) Street lighting (except principal routes);
  - (f) Litter collection and litter control measures;
  - (g) Parking restrictions (on-street parking now responsibility of Essex County Council but is devolved to EFDC under an agency agreement);
  - (h) Control of Markets;
  - (i) Street Cleansing;
  - (j) Recycling provisions;
  - (k) Street naming;
  - (l) Issue of Bus and Rail passes and other transport voucher schemes;
  - (m) Tree preservation orders; and
  - (n) Public conveniences.

Other functions which could be devolved are not the responsibility of the District Council.

### 2. Charters

- 2.1 Agreed arrangements for devolution of functions and services will result in charters specific to the partner authorities in relation to the service agreements reached.
- 2.2 The District Council undertakes to consider proposals for individual charters when received, and will undertake to ensure that double taxation does not arise.

## **DEFINITION OF EXECUTIVE PORTFOLIOS**

### **1. Leader**

Chairman of the Cabinet;  
Constitutional Matters;  
Management and Co-ordination of Cabinet business;  
Local Land Charges;  
Major property/development proposals affecting the Council's property portfolio (where necessary in consultation with the Housing Portfolio Holder) but excluding ongoing estate management;  
Staff Development Reviews for Joint Chief Executives.

### **2. Community Wellbeing**

Community Plan;  
Complaints Policy;  
Concessionary Fares;  
Crime and Disorder;  
Day Clubs for the Elderly;  
Emergency Planning;  
External Funding;  
Grant Aid;  
Health Services (including Epping Forest Primary Care Trust, P A Hospital Trust, UCWC Hospital Trust, Community Health Providers, Mental Health providers);  
Meals on Wheels;  
Social Inclusion.

### **3. Finance, Performance Management and Corporate Support Services**

Accountancy;  
Administrative Services;  
Asset Management;  
Audit;  
Benefits;  
Best Value;  
Business Rates;  
Cashiers;  
Council Buildings;  
Council Tax/NNDR  
Democratic Services;  
Depots;  
Financial Management;  
Health and Safety Employer's Responsibilities;  
Human Resources;  
Insurance;  
Internal Audit;  
Invoices;  
Land acquisition/Sales;  
Legal services;  
North Weald Airfield (Operational – Estates Management);

Property Management (excluding Housing and those property/development proposals reserved to the Leaders Portfolio)  
Superannuation and Pensions.

#### **4. Housing**

Adaptations for the Disabled;  
Caravan Sites;  
Careline Emergency Alarm System;  
Care and Repair (CARE);  
Council House Sales;  
Council Housing Management;  
Elderly Persons Garden Maintenance for Council Tenants;  
Estate Management (Council Estates);  
Garages (Council owned);  
Homelessness;  
Housing Needs Advice;  
Housing investment Programme;  
Leasehold Enquiries (Council Housing);  
National Mobility Scheme;  
Private Sector Housing Stock;  
Repairs (Council Housing) (and DSO);  
Right to Buy;  
Social Housing Applications;  
Supporting People Initiative;  
Tenancy matters (Council Housing);  
Transfers and Mutual Exchanges (Council Housing);  
Warden Assisted/ Sheltered Housing.

#### **5. Environmental Protection**

Abandoned Vehicles;  
Air Quality;  
Animal Welfare (excluding licensing aspects);  
Asbestos;  
Contaminated Land;  
Corporate Sustainability;  
Dangerous Waste;  
Energy Conservation;  
Environmental Co-ordination;  
Environmental Health;  
Food, Home and Water Safety;  
Infectious Diseases;  
Licensing Act 2003 – Policy (all other matters of licensing policy are dealt with by the Licensing Committee);  
Pest control;  
Pollution (Noise and other);  
Public Conveniences;  
Statutory and other Nuisances;  
Skips;  
Street Cleansing;  
Waste Management Contract (operational issues only i.e. excluding the customer services aspects of introduction of wheeled bins for refuse/recycling).

**6. Leisure and Young People**

Arts;  
Community Development;  
Holiday Schemes;  
Health Improvement Programmes;  
Leisure Centres;  
Museum;  
North Weald Airfield (Operational Activities – Leisure including market);  
Play Provision;  
Roding Valley Nature Reserve;  
Swimming Pools;  
Young People;

**7. Planning and Economic Development**

Building Control;  
Business Prosperity;  
Conservation;  
Countrycare;  
Design Advice;  
Economic Development;  
Forward Planning;  
Local Plan;  
North Weald Airfield (Planning);  
Public Transport;  
Rural Issues;  
Town Centre Enhancement Schemes;  
Town Centre Management (Strategy and Overall Co-ordination);  
Town Centre Partnerships;

**8. Civil Engineering and Maintenance**

Car Parking;  
Dangerous Buildings;  
Grounds Maintenance;  
Fleet Management;  
Highways and Roads (including Local Service Agreement);  
Land Drainage (including flooding issues in the District);  
Sewerage.

**9. Customer Services, Media Communications and ICT**

Information Technology/IEG programme (Development and Operations);  
Telephones;  
Customer Services Champion (Initially dealing with Customer Services aspects of the introduction of wheeled bins for refuse/recycling);  
Public Relations and Information Services.

## EPPING FOREST DISTRICT COUNCIL ORGANISATION STRUCTURE

**JOINT CHIEF EXECUTIVE**  
*(Community Services)*  
John Scott

**JOINT CHIEF EXECUTIVE**  
*(Resources)*  
Peter Haywood

**HEAD OF ENVIRONMENTAL SERVICES -**  
*John Gilbert:*

Environmental Health;  
Private sector housing;  
Refuse collection, recycling, street cleaning  
& abandoned vehicles;  
Engineering;  
Surveying;  
Parking enforcement;  
Parking reviews;  
Licensing;  
Environmental Co-ordination.

**HEAD OF HUMAN RESOURCES &  
PERFORMANCE MANAGEMENT –**  
*Tony Tidey:*

Recruitment;  
Training & development;  
Employee relations;  
Performance management.

**CHIEF WORKS OFFICER -** *Mick Merrick:*

Housing General Maintenance;  
Sewerage operations;  
Fleet operations;  
MoT Test provision.

**HEAD OF LEGAL ADMINISTRATION &  
ESTATES AND MONITORING OFFICER -**  
*Colleen O'Boyle:*

Legal services;  
Local Land Charges;  
Administrative support & services;  
Estate & Valuations.

**HEAD OF HOUSING SERVICES -** *Alan Hall:*

Management of Council properties;  
Housing register & homelessness;  
Repairs, planned maintenance &  
improvements;  
Sheltered housing & Careline;  
Rent collection;  
Right to buy;  
Housing strategy & housing association  
development.

**HEAD OF RESEARCH AND DEMOCRATIC  
SERVICES -** *Ian Willett:*

Democratic & Members Services;  
Elections;  
Public relations;  
Grant Aid;  
Freedom of Information;  
Information Centres;  
Civic Matters;  
Training Courses for Councillors;  
Crime & Disorder including Anti-social  
behaviour.

**HEAD OF PLANNING AND ECONOMIC DEVELOPMENT - *John Preston:***

Planning policy;  
Planning applications;  
Planning enforcement;  
Building control;  
Forward planning;  
Conservation & environment;  
Countrycare.

**HEAD OF LEISURE SERVICES –  
*Derek Macnab:***

Arts & Museum services;  
Sports & Play development schemes;  
Grounds Maintenance & Arboriculture;  
Leisure Centres & Swimming Pools;  
North Weald Airfield.

**FINANCE – *Bob Palmer:***

Council Finances;  
Pay;  
Invoices;  
Revenue;  
Council Tax.

**INFORMATION & COMMUNICATION TECHNOLOGY – *Adrian Scott:***

Council ICT services;  
Data Protection;  
Procurement.