

EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee:	Council	Date:	22 February 2018
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	7.30 - 10.15 pm
Members Present:	Councillors D Stallan (Chairman), R Bassett (Vice-Chairman), R Baldwin, A Beales, N Bedford, H Brady, W Breare-Hall, R Brookes, R Butler, G Chambers, D Dorrell, R Gadsby, L Girling, A Grigg, S Heap, L Hughes, R Jennings, H Kane, S Kane, H Kauffman, P Keska, J Knapman, A Lion, L Mead, G Mohindra, S Murray, S Neville, A Patel, J Philip, C P Pond, C C Pond, C Roberts, D Roberts, B Sandler, M Sartin, G Shiell, P Stalker, D Sunger, E Webster, C Whitbread, H Whitbread, J H Whitehouse, J M Whitehouse and D Wixley		
Apologies:	Councillors N Avey, A Boyce, K Chana, J Jennings, S Jones, Y Knight, J Lea, M McEwen, R Morgan, B Rolfe and S Stavrou		
Officers Present:	G Chipp (Chief Executive), D Macnab (Deputy Chief Executive and Director of Neighbourhoods), C O'Boyle (Director of Governance), R Palmer (Director of Resources), A Hall (Director of Communities), S Hill (Assistant Director (Governance)), S Kits (Social Media and Customer Services Officer), P Maddock (Assistant Director (Accountancy)), J Whittaker (Finance Officer), R Perrin (Democratic Services Officer) and P Seager (Chairman's Secretary)		

87. WEBCASTING INTRODUCTION

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

88. COUNCILLOR B SURTEES

It was with much sadness that the Chairman informed the Council of the death of Councillor Brian Surtees.

Councillor B Surtees had represented the Chipping Ongar, Greensted and Marden Ash Ward of the District as a Liberal Democrat Councillor from 2014 to 2018. He had served on many of the Council's Committees, Sub-Committees, Select Committees and member bodies during this time. He had also been a very active member of his local community, an Ongar Town Councillor and Minister for the Church of England.

Members paid tribute to the memory of Councillor B Surtees and stood for a minute's silence in his memory.

89. COUNCILLOR D COLLINS

It was with much sadness that the Chairman informed the Council of the death of former Councillor Diana Collins.

Diana Collins had represented the Epping Hemnall Ward between 1991-1999 and the Passingford Ward between 2001 and 2011 as a Conservative Councillor. She

had been the Leader of the Council between 2006 – 2011 and Leader of the Conservative Group from 2004 to 2011. She had served and attended many of the Executive Committees, Sub-Committees, Select Committees and Outside Bodies that had related to her Executive position. She had also supported a large number of local charities and charity groups in the district.

Members paid tribute to the memory of former Councillor D Collins and stood for a minute's silence in her memory.

90. MINUTES

RESOLVED:

That the minutes of the Council meetings on 14 December 2017 and 21 December 2017 be taken as read and signed by the Chairman as a correct record.

91. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Staff Code of Conduct, S Hill (Assistant Director of Governance) declared a personal interest in agenda item 18 (Appointment of Returning and Electoral Registration Officer and Associated Matters). He advised that he had determined that his interest was pecuniary and that he would leave the meeting for the consideration and voting on the matter.

(b) Pursuant to the Council's Staff Code of Conduct, D Macnab (Deputy Chief Executive and Director of Neighbourhoods), C O'Boyle (Director of Governance) and R Palmer (Director of Resources) declared a personal interest in agenda item 22 (Appointment of Acting Chief Executive and Associated Matters). They advised that they had determined that their interest was pecuniary and that they would leave the meeting for the consideration and voting on the matter.

(c) Pursuant to the Council's Staff Code of Conduct, A Hall (Director of Communities) declared a personal interest in agenda item 22 (Appointment of Acting Chief Executive and Associated Matters). He advised that he had determined that his interest was non-pecuniary but he would leave the meeting for the consideration and voting on the matter.

(d) Pursuant to the Council's Staff Code of Conduct, S Hill (Assistant Director of Governance) declared a personal interest in agenda item 22 (Appointment of Acting Chief Executive and Associated Matters). He advised that he had determined that his interest was non-pecuniary and he would remain in the meeting for the consideration and voting on the matter.

92. ANNOUNCEMENTS

(a) Announcements by the Chairman of Council

(i) Chairman's Events

The Chairman advised that he had attended and represented the Council at a number of events around the District since the last meeting.

(ii) Chairman's Civic Dinner

The Chairman asked Members to advise the Chairman's Secretary, Pat Seager whether they were attending the Chairman's Civic Dinner on Friday 16 March 2018.

(iii) Floral Display

The Chairman announced that he intended to send the flowers from tonight's meeting to Councillor S Stavrou.

93. PUBLIC QUESTIONS (IF ANY)

(a) Traders at the Debden Broadway

Question from Duncan Gould to Councillor A Grigg, Assets and Economic Development Portfolio Holder

"I would like to ask some questions at the meeting on Thursday 22 February as set out below. Some context is put at the start to clarify the questions.

The responses just received from a detailed written survey completed by approximately 30 (out of around 45) of the traders on Debden Broadway tell us at least three things:

- many of the businesses are suffering badly, unfortunately made worse by the opening of new business park, as footfall is being taken away from the Broadway (unlike was expected);
- the rent rises being seen of c40% this year will for many put them out of business. Even small rises are unsupportable for some of the traders. It seems keys may soon be handed back by more than a few traders, potentially worsening footfall and income to the Council; and
- the traders' own customers are saying that the severely inadequate parking caused by recent changes is putting those customers off coming back.

Hence my questions are:

1. What do you think is really going on, and what steps can be taken straight away to ensure that this historic shopping area survives before businesses collapse/customers go elsewhere?
2. The traders themselves in the survey have detailed a number of recommendations. How can their first-hand experience of the situation also best be assessed and acted on with some urgency? And
3. What else would need to happen to move this issue forward with pace?"

Reply of Councillor A Grigg, Assets and Economic Development Portfolio Holder

"I would like to thank Mr Gould for his question that covers a number of related points.

The Council manages a significant commercial estate comprising of commercial, light industrial and retail premises, in numerous locations across the District. As with all

the Council's assets, income received from shops and businesses in The Broadway goes towards funding the public services provided by this Council on behalf of everyone who lives and works in our District. It is, therefore, very much in the Council's interest, to ensure that The Broadway continues to thrive and remain a vibrant local shopping centre.

In the past, consultants reported that 85% of spending by Epping Forest residents was being spent outside our District. This led Members to invest in the Shopping Park in order to encourage a shift in that trend by giving our residents more opportunity to spend in our area. This, in turn, enables us to continue with our policies of quality services combined with low Council Tax.

In the Broadway, as with any High Street, some businesses do better than others for a variety of reasons, and some traders have concerns that their businesses are not performing to their expectations. However, I can confirm that demand for premises on The Broadway remains at a high level. There are significant levels of interest in any unit that becomes vacant, with demand well in excess of supply. It is also a fact that this interest is from a more diverse range of commercial tenants, including café and restaurants, which will both increase dwell time in The Broadway and encourage trade throughout the day and evening. Such expressions of interest support our belief that there may be an increase in footfall, which should continue to rise with the new residential developments at Burton Road, and Vere Road, to the benefit of all tenants on The Broadway.

The Council has invested in The Broadway improvement scheme and it should be noted that other retailers have demonstrated confidence in its future. For example the major refurbishment of Sainsbury's, the new M&S Simply Food in the petrol station and the prospective tenants expressing interest in the new retail shops in the Landmark Development.

It is true that rents are increasing. However, this is from a comparatively low base position, and whilst appearing significant in percentage terms, is not excessive in overall quantum terms. Current rents and proposed increases are still extremely competitive when compared to other similar locations within the M25.

It is suggested that tenants of the Shopping Park have benefited unfairly from rent-free periods. It is, in fact, normal practice to allow rent free periods over the time tenants are fitting out units at their cost, and tenants in The Broadway have, over the years, benefited from similar arrangements. At the time of the Shopping Park planning application, an impact assessment on local shopping centres was undertaken. Whilst this demonstrated no significant negative effect, it is our intention to commission a further impact assessment once all the units have traded for a period of time. I will keep Members advised of the outcome and any action I propose if there is demonstrable negative effect.

We are very happy to continue to liaise with Tenants and The Broadway Town Centre Partnership, who we have supported by way of grant-aid over a number of years. To date, and to the best of our knowledge, no tenant has ever returned their keys and I believe that our estates and valuation staff currently have the skills, experience and flexibility to support our tenants in remaining viable.

Finally, I have taken on board the concerns regarding parking at The Broadway. I know that there is a Parking Review for the area underway and I will be liaising with the Safer, Cleaner and Transport Portfolio Holder to ensure that future shopper parking requirements are being addressed as part of the review.

I appreciate that this is a long answer, but the topic is important. I will provide a written copy of my response to Mr Gould and Members.”

Supplementary Question from Duncan Gould to Councillor A Grigg, Assets and Economic Development Portfolio Holder

“How was the footfall of The Broadway being measured before and after the opening of the Retail Park?”

Reply of Councillor A Grigg, Assets and Economic Development Portfolio Holder

“There continues to be a great number of enquiries regarding any shops that became vacant in The Broadway. With the housing developments near by, there is an expectation that these residents would use the shops increasing footfall. Furthermore, there is a new restaurant opening with extended opening hours, which would create another reason for people to visit The Broadway and provide an opportunity for them to spend money in the shops.

With regards to a further retail impact study, this would be carried out later in the year, when all the units at the Retail Park had been let and were trading.”

94. QUESTIONS BY MEMBERS UNDER NOTICE

Question to Councillor W Breare-Hall, Portfolio Holder for Environment Portfolio Holder by Councillor R Butler.

“Could the Environment Portfolio Holder confirm that the tons of waste paper collected weekly by our waste contractor throughout Epping Forest is actually being recycled and not shipped off to a landfill site far away?”

There have been recent reports in the media that waste paper being shipped off to India and other countries and not being recycled but left in landfill sites. Could the portfolio Holder guarantee that this is not happening in Epping Forest?”

Answer to Councillor R Butler from Councillor W Breare-Hall, Portfolio Holder for Environment Portfolio Holder.

“Ensuring the public can have confidence that the material they sort and put out for recycling is actually being recycled is very important, and something this Council takes very seriously. Articles in the press that highlight rogue traders and bad practice can inevitably cause concern.

I am pleased, therefore, to have this opportunity to reassure Epping Forest residents that all the recyclable material processed on our behalf by Biffa, our waste and recycling contractor, is indeed being recycled, and is not sent to landfill.

Biffa take the recycling collected from our doorsteps to their Material Recycling Facility in Edmonton, where it is separated, sorted and sold on to various companies who then use those materials in their manufacturing processes. Until recently, all of the paper produced by the Material Recycling Facility was being sold to China. This has now changed, due to the Chinese Government’s decision to encourage the use of their own recycling materials. However, Biffa continue to sell the recycling materials to other national and international businesses for use as raw material.

I hope this alleviates any concerns Cllr. Butler had, and I encourage him and all our residents to continue recycling as much of their waste as possible, safe in the knowledge that they really are helping reduce our impact on the environment.”

95. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET

The Council received written reports from all the Portfolio Holders. The Chairman invited the Leader to provide an oral report and any other members of the Cabinet to give an update of their written report, if required.

(a) Leader of Council

The Leader advised that following the Council decision on 14 December 2017 to agree the Draft Local Plan, they were working towards the submission deadline. He would be supporting the process throughout this period and would be attending the Duty to Co-operate meetings.

In addition, he had recently attended sites in Epping, North Weald and Coopersale to look at the construction of new housing stock. He thanked A Hall and P Pledger who had accompanied him and advised that with the adjusted housing policy, more local residents should benefit from these houses.

Lastly, the Leader advised that this would be the last meeting of the current Chief Executive, Glen Chipp. He took the opportunity to thank him for his loyal service over the past 5 years and thanked him on a personal level for his support and guidance.

96. QUESTIONS BY MEMBERS WITHOUT NOTICE

(a) Epping Forest District Health & Wellbeing Strategy

Councillor J H Whitehouse asked the Portfolio Holder for Leisure and Community Services, what consultation had been done with the groups, she thought would benefit by the initiatives in the Epping Forest District Health & Wellbeing Strategy 2018-2028?

Councillor G Mohindra, the Health and Wellbeing Champion for West Essex replied on behalf of Councillor H Kane as he had been involved with the Strategy. He assured Councillor J H Whitehouse that the strategy itself had been done in consultation with voluntary groups including VAEF, dentists, opticians and other local groups and he would send a list of organisations to her.

(b) Alternative use of funding for the Police

Councillor S Murray asked the Safer, Greener and Transport Portfolio Holder whether any consideration had been given to the District Development Funding for the extra Policing, to be alternatively used to fund the reintroduction of street lighting throughout the hours of darkness in the District.

Councillor S Kane advised that many residents had advocated the extra support to the local police and the Safer Communities Programme. Although it was not a statutory service, a three year initiative had been considered to bridge the gap between the shortfall of police officers today and the increase in police officers promised by the Police, Fire and Crime Commissioner, Roger Hurst.

(c) Policing Presence in the District

Councillor D Sunger asked the Safer, Greener and Transport Portfolio Holder what was being done to increase the policing presence in the district, especially in the Chigwell area.

Councillor S Kane advised that, in addition to the proposed Council funding for additional police officers, the Council had provided further funding for the Parkguard initiative, which provided a visual reassurance for residents and a valuable method of gathering information. The Council had been working closely with both the Essex Police and Metropolitan Police to provide a police presence in the Chigwell area. He advised that any crimes should be reported to the 101 hotline or if it was emergency to 999.

(d) Debden Parking Review

Councillor C Roberts asked the Safer, Greener and Transport Portfolio Holder that as landlord's of retail units on The Broadway, Debden and with the current parking review taking place; could this be an opportunity to provide the same concessions to customers as the retail park.

Councillor S Kane advised that there were many factors effecting the trading at The Broadway which included the parking. He advised that the Council had a duty to get the balance right between residents, commuters and businesses and the parking review would be the correct process.

(e) Local Plan – Member Involvement

Councillor J M Whitehouse asked the Planning and Governance Portfolio Holder whether he could give an update on his commitment to involve members in the implementation of the Local Plan.

Councillor J Philip advised that the calendar of meetings had re-established the Local Plan Cabinet Committee and there would be a Members briefing on the 15 March 2018. It had not been decided how exactly the Master Plans would be dealt with although the Council would be considering the planning approaches through the Constitutional Working Party.

(f) Localism Task and Finish Panel Essex County Council (ECC)

Councillor C C Pond asked the Leader to respond and attend the ECC Task and Finish Panel's request regarding what prospective services they would like devolved to the District Council.

Councillor C Whitbread advised that he would attend the meetings and respond to the request about services that EFDC would benefit in providing and taking from ECC.

(g) Local Plan – Jessel Green

Councillor S Murray asked the Planning and Governance Portfolio Holder whether the Cabinet had faith in the Local Plan and whether Loughton, in particular Jessel Green had been treated fairly.

Councillor J Philip advised that he had faith in the Local Plan and that with the hierarchy of assessment that had been required in terms of how the sites were

assessed, it had been clear that green space within a built up area would be rated as a higher selection choice for proposed development. He stated that at the beginning of the process, five green sites within Loughton had been selected for housing and by the time the Council had reached Regulation 19, this had been reduced to one and the area had been reduced to 50%. Some changes had occurred and he would have been happy for more housing within Theydon Bois, although the sites were not available. He was confident that the Local Plan would be submitted within the required time scales.

97. MOTIONS

The Chairman reported that there were no motions to be considered at this meeting.

98. PAY POLICY STATEMENT 2018/19

Mover: Councillor A Lion, Portfolio, Technology and Support Services

Councillor A Lion submitted a report regarding the Council's Pay Policy Statement for 2018/19 which was required by Section 38(1) of the Localism Act 2011 to be published each financial year. It specifically included the Council's approach to its highest and lowest paid employees.

Report as first moved **ADOPTED**

RESOLVED:

That, the Council's Pay Policy Statement for 2018/19 attached as Appendix 1 to these minutes be adopted.

99. CALENDAR OF COUNCIL MEETINGS 2018/19

Mover: J Philip, Planning and Governance Portfolio Holder.

Councillor J Philip submitted a report regarding the Calendar of Council meetings for 2018/19.

Report as first moved **ADOPTED:**

RESOLVED:

That, as attached at Appendix 2 to these minutes, the draft Calendar of Council meetings for 2018/19 be adopted.

100. TREASURY MANAGEMENT STRATEGY STATEMENT 2018/19

Mover: Councillor G Mohindra, Finance Portfolio Holder.

Councillor G Mohindra presented a report on the Council's Treasury Management Strategy, Annual Investment Strategy and the prudential indicators.

Report as first moved **ADOPTED**

RESOLVED:

That the following documents attached to these minutes as Appendices 3 and 4 be adopted;

- (a) Treasury Management Strategy Statement 2018/19;
- (b) Minimum Revenue Provision Strategy;
- (c) Treasury Management Prudential Indicators for 2018/19 to 2020/21;
- (d) Rate of interest to be applied to any inter-fund balances; and
- (e) The Treasury Management Policy Statement.

101. COUNCIL BUDGET 2018/19

Mover: Councillor G Mohindra, Finance Portfolio Holder

Councillor G Mohindra presented a report on the Budget and Council Tax Declarations for 2018/19. He thanked Finance Officers for an excellent budget and sound financial advice.

There voted for the recommendations (41) namely: R Baldwin, R Bassett, A Beales, N Bedford, H Brady, W Breare-Hall, R Butler, G Chambers, D Dorrell, R Gadsby, L Girling, A Grigg, L Hughes, B Jennings, H Kane, S Kane, H Kauffman, P Keska, J Knapman, A Lion, L Mead, G Mohindra, S Neville, A Patel, J Philip, C C Pond, C P Pond, C Roberts, D Roberts, B Sandler, M Sartin, G Shiell, P Stalker, D Stallan, D Sunger, E Webster, C Whitbread, H Whitbread, J H Whitehouse, J M Whitehouse and D Wixley.

There voted against the recommendation (1) namely: S Murray

Abstentions (2) namely: R Brookes and S Heap.

Report as first moved **ADOPTED**

RESOLVED:

Budget

- (1) That the list of CSB growth and savings for the 2018/19 budget (set out in Annex 1) be approved;
- (2) That the list of District Development Fund and Invest to Save items for the 2018/19 budget (set out in Annexes 2 and 3 to these minutes) be approved;
- (3) That the revenue estimates for 2018/19 and the draft Capital Programme for 2018/19 be approved as set out in Annexes 4, 5 (a-f) and 6 to these minutes including all contributions to and from reserves as set out in the attached Annexes;
- (4) That the Medium Term Financial Strategy be approved as set out in Annexes 9 a and 9 b to these minutes;
- (5) That the 2018/19 HRA budget be approved on the basis that the contribution to the self-financing reserve continues to be suspended, and that the application of rent decreases resulting in an average decrease of 1% from £96.30 to £95.34, be approved;

(6) That the Council's policy of retaining revenue balances at no lower than £4.0M or 25% of the net budget requirement whichever is the higher for the four year period to 2020/21 be amended to no lower than £4.0M or 25% of the net budget requirement whichever is the higher during the four year period up to and including 2021/22;

(7) That the report of the Chief Financial Officer on the robustness of the estimates for the purposes of the Council's 2018/19 budgets and the adequacy of the reserves (Annex 10 attached to these minutes) be noted.

Declaration of Council Tax

(8) That it be noted that under delegated authority the Director of Resources, in consultation with the Finance Portfolio Holder, calculated the Council Tax Base 2018/19:

(a) for the whole Council area as 53,562.8 (Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended); and

(b) for dwellings in those parts of its area to which a Parish precept relates as set out below and in Annex 7 attached to these minutes:

	Tax Base
Abbess, Beauchamp & Berners Roding	224.1
Buckhurst Hill	5,211.0
Chigwell	6,125.3
Epping Town	5,251.6
Epping Upland	407.5
Fyfield	413.4
High Ongar	553.2
Lambourne	884.9
Loughton Town	12,408.9
Matching	439.1
Moreton, Bobbingworth and The Lavers	584.1
Nazeing	2,064.9
North Weald Bassett	2,544.3
Ongar	2,726.1
Roydon	1,337.5
Sheering	1,352.0
Stanford Rivers	357.5
Stapleford Abbots	522.3
Stapleford Tawney	79.5
Theydon Bois	1,986.8
Theydon Garnon	84.4
Theydon Mount	118.4
Waltham Abbey Town	7,650.3
Willingale	235.7

(9) That the following amounts be calculated for the year 2018/19 in accordance with sections 31 to 36 of the Local Government Finance Act 1992:

- (a) £117,101,309 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils;
 - (b) £105,454,170 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act;
 - (c) £11,647,139 being the amount by which the aggregate at 9 (a) above exceeds the aggregate at 9 (b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act);
 - (d) £217.45 being the amount at 9 (c) above (Item R), all divided by Item T (the amount at 8 (a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);
 - (e) £3,480,955 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached Annex 7 to these minutes);
 - (f) £152.46 being the amount at 9 (d) above less the result given by dividing the amount at 9 (e) above by Item T (8 (a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
- (10) That it be noted that the County Council, the Police Authority and the Fire Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each of the category of dwellings in the Council's area as shown in Annex 8 (attached to these minutes);
- (11) That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts in Annex 8 Part B (tabled) as the amounts of Council Tax for 2018/19 for each part of its area and for each of the categories of dwellings.
- (12) That in accordance with section 52ZB of the Local Government Finance Act 1992, Council determines that the amount of Council Tax shown at (9) (f) of £152.46 for 2018/19, being an increase of 2.48% from 2017/18 is not excessive and therefore there is no need to hold a local referendum.

102. OVERVIEW AND SCRUTINY COMMITTEE

The Council noted the written report from Councillor M Sartin, the Chairman of the Overview and Scrutiny Committee.

103. CONSTITUTION WORKING PARTY REPORT

Mover: Councillor M Sartin, Vice-Chairman of the Constitution Working Party, in the absence of the Chairman

Councillor M Sartin presented a report of the Constitution Working party following a review of the Procurement Rules.

Report as first moved **ADOPTED**

RESOLVED:

That the Council's updated Procurement Rules, attached as Appendix 5 to these minutes, be adopted.

104. COUNCILLOR D DORRELL

The Chairman advised that in accordance with the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) Regulations 1990, Councillor D Dorrell had given notice that he had joined the Conservative Group.

RESOLVED:

(1) That in accordance with the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) Regulations 1990, Councillor D Dorrell had given notice that he had joined the Conservative Group; and

(2) The Council also noted that following this notification there had been no request for a review of pro rata membership of Committee and Sub-Committee places pending the forthcoming elections.

105. APPOINTMENT OF RETURNING AND ELECTORAL REGISTRATION OFFICER AND ASSOCIATED MATTERS

The Monitoring Officer presented a report to the Council regarding the appointment of an Electoral Registration Officer and Returning Officer.

RESOLVED:

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

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

(3) That the Council's Returning Officer/Electoral Registration Officer be also appointed or authorised to act in respect of all related electoral, poll or referendum duties, including those in relation to County Council elections,

elections to the European Parliament (if required), and for national and regional or local polls and referendums;

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

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

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

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

106. EXTRAORDINARY COUNCIL MEETING

The Chairman of the Council reported that an Extraordinary Council meeting would be held on 24 April 2018 to confer the Freedom of the District on 56 Squadron RAF and would be followed by the Ordinary Council meeting at 8 pm.

RESOLVED:

(1) That a Extraordinary Council meeting of Epping Forest District Council be convened at 7pm on 24 April 2018 for the sole purpose of conferring the Freedom of Epping Forest District on Number 56 Squadron RAF be approved; and

(2) That the change of time of the Ordinary Council meeting of Epping Forest District Council to 8pm for the purposes of transacting the normal items of business for that evening, be approved.

107. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

(a) The Council received an oral report from Councillor H Kane, the Council's representative on the Royal Gun Powder Mills Ltd. She advised that a new business

plan had been put forward for the future of the Royal Gun Powder Mills. The proposals had been submitted to the foundation company and a joint working arrangement had been suggested with consultations starting between stakeholders, neighbours and EFDC. She would keep members informed on the progress.

(b) The Council received an oral report from Councillor M Sartin, on behalf of Councillor R Morgan, the Council's representative on the Stansted Airport Community Trust Fund. She advised that two grants from the district had been successful which included the North Weald Airfield Museum and Epping Ongar Railway. Members were advised that there was an opportunity for organisations within a 10 mile radius of Stansted Airport to qualify and asked members to make organisations aware of these grants where possible.

(c) The Council received an oral report from Councillor M Sartin, the Council's representative on the Stansted Airport Consultative Committee. She advised that Stansted Airport Ltd had submitted a planning application to Uttlesford District Council, to grow passenger numbers from 35 million to 40 million passengers per annum.

(d) There were no requests made for written reports by representatives on joint arrangements and external organisations for the next meeting.

108. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
22	Appointment of Acting Chief Executive and Associated Matters	1

109. APPOINTMENT OF ACTING CHIEF EXECUTIVE AND ASSOCIATED MATTERS

Mover: The Leader of Council

The Leader submitted a report regarding the appointment of Acting Chief Executive and Associated Matters.

RESOLVED:

(1) That D Macnab, Deputy Chief Executive and Director of Neighbourhoods, be designated Acting Chief Executive with effect from 23 February 2018 for a fixed period until 22 February 2019; on existing terms and conditions and salary of annum (as at 1 April 2017) as outlined in the report;

(2) That an option to extend the arrangement above (1) for up to 6 months, subject to the agreement of both parties be agreed;

- (3) That, in accordance with Section 4(1) of the Local Government and Housing Act 1989, the Acting Chief Executive be designated Head of Paid Service with effect from 23 February 2018;
- (4) That Settlement Agreements for R Palmer, Director of Resources and C O'Boyle, Director of Governance, be approved;
- (5) That the cost of the proposal under (4) be met from existing provision approved in the District Development Fund budget for 2017/18 relating to the implementation of the Common Operating Model;
- (6) That the Chief Executive, G Chipp, be authorised to agree and sign off final terms of the Settlement Agreements under (4) above;
- (7) That P Maddock, Assistant Director – Accountancy and Deputy Chief Finance Officer, be designated as Chief Finance Officer, on a temporary basis, being the officer having responsibility under Section 151 of the Local Government Act 1972, Section 73 of the Local Government Act 1985 and Section 114 of the Local Government Finance Act 1988 with immediate effect;
- (8) That S Hill, Assistant Director – Governance and Deputy Monitoring Officer, be designated as Monitoring Officer, on a temporary basis, in accordance with Section 5 of the Local Government and Housing Act 1989 and Sections 26-37 of the Localism Act 2011 for the purpose of performing the duties imposed by those sections; and to be responsible for any Parish or Town Councils which are affiliated for the time being to the Epping Forest Standards Committee under Chapter 7 of the Localism Act with immediate effect;
- (9) That consequential changes made by the Leader of the Council to the Scheme of Executive Delegation be noted;
- (10) That the proposed changes to the Council Scheme of Delegation attached at Appendix 6 be approved; and
- (11) That a further report on the Common Operating Model, covering the new management structure for the Council, be brought to Council on 24 April 2018.

CHAIRMAN

This page is intentionally left blank

EPHING FOREST DISTRICT COUNCIL**PAY POLICY STATEMENT 2018/19****Introduction**

Epping Forest District Council is located adjacent to three outer London boroughs and on the Central Line into the City of London. Also residents have easy access to major motorway routes as both the M11 and M25 run through the district. There is a high incidence of commuting from the district which impacts on the local labour market and levels of pay, particularly for jobs that require skills that are in relatively short supply. There are some long standing recruitment difficulties and retention issues in key skill areas, the situation is not static and is capable of changing very rapidly.

This Statement reflects the Council's current pay, pension and leave policies and strategies which will be amended over time to deal with changing circumstances. These documents play an important role in attracting and retaining the best people to the Council.

All decisions on pay and reward for Chief Officers will comply with the Council's current Pay Policy Statement. Salaries for Chief Officers will be considered by Full Council.

Glossary. (*Hyperlink to Glossary 1*)

Hutton Review 2011 (*Hyperlink to Review 2*)

The Hutton Review looked at the rise in executive pay in the private and public sectors. It suggested that the 'public overestimates how much public sector executives are paid' and that 'chief executive officers of companies with a turnover of between £101 million and £300 million earn more than twice their public sector counterparts'. It also suggested that pay multiples (between the highest and lowest paid employees) were much wider in the private than public sector.

The Review proposed that public bodies should publish information on senior managers pay and pay multiples between the highest and lowest paid employees and to that end some of these recommendations have been taken forward by the Localism Act 2011.

Legislation

Section 38 (1) of the Localism Act 2011 requires English and Welsh Councils to produce a Pay Policy Statement for 2012/2013 and for each financial year thereafter.

The Council's Pay Policy Statement;

- Must be approved formally by the Council;
- Must be approved each year;
- May be amended during the course of the financial year; and
- Must be published on the Council's website.

The Pay Policy Statement must include;

- The level and elements of remuneration for each of the Chief Officers;
- The remuneration of its lowest paid employees (together with its definition of 'lowest paid employees' and the Council's reasons for adopting that definition);
- The relationship between the remuneration of its Chief Officers and other Officers; and

- Other aspects of Chief Officers' remuneration; remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments and transparency.

Remuneration is defined widely, to include not just pay but also charges, fees, allowances, benefits in kind, increases/enhancements of pension entitlements and termination payments.

All salaries and calculations are based on full time equivalent (fte) figures and where applicable includes Inner Fringe Allowance.

Publication of the Pay Policy Statement

The Policy has been made available on the Council's website and contains hyperlinks to associated documents.

Effect of this Policy Statement

Nothing in this Policy Statement enables unilateral changes to employee's terms and conditions. Changes to terms and conditions of employment must follow consultation and negotiation with individuals and recognised trade unions as set out in other agreements and in line with legislation.

Single Status Agreement

In 1997, the National Joint Council (NJC) for Local Government Services (a body that brings together public sector employers and trade unions) came to an agreement to introduce a new pay and grading structure covering all employees whose terms and conditions are governed by the 'Green Book'. In 2004 the NJC set a timetable that required all pay and grading reviews to be completed by 31 March 2007. Epping Forest District Council met this timetable and implemented Single Status in July 2003.

As a result of this process a new salary structure (*hyperlink to structure 3*) and a Job Evaluation Maintenance Procedure (*hyperlink to procedure 4*) were agreed between the trade unions and the Council. Collective Agreements, which set out a number of terms and conditions and pay arrangements, were also agreed with the trade unions (*hyperlink 5, 6 & 7 to agreements*). The Agreements are applied consistently to all employees.

Pay Awards

Major decisions on pay, such as annual pay awards, are determined for most local authorities in England and Wales by the National Agreement on Pay, arrived at through a system of central collective bargaining mechanisms between representatives of Local Government Employers and representatives of the relevant trades unions on the National Joint Council. *Currently*, it is the Council's policy to implement national agreements.

Overtime and Evening Meeting Allowances

Payments for working outside normal working hours are set out in the Council's Collective Agreements. (*hyperlink to Agreements 5, 6, & 7*).

Annual Leave

The Council's Annual Leave Policy sets out leave entitlements for employees. (*Hyperlink to Policy 8*).

Flexi-Time Scheme

The Council's Scheme applies to all employees with some exemptions due to service delivery needs. The arrangements are set out in the Council's guidance. (*Hyperlink to Policy 9*).

Subsistence Policy

Subsistence Allowances are paid in accordance with the Council's Subsistence Policy. The policy sets out when employees are able to claim, what to claim and how. (*Hyperlink to Policy 10*).

Car and Cycle Allowance Policy

The Council pays Essential and Casual Car User allowances in appropriate circumstances which are in accordance with 'Green Book' rates. The Car and Cycle Allowance Policy sets out when employees are able to claim, what to claim and how. (*Hyperlink to Policy 11*).

The general principles of both policies are to ensure that employees only claim for additional expenses when undertaking work for the Council.

These policies are applied consistently to all employees.

Car Leasing

The Council's Car Leasing Scheme terminated at the end of 2016/17 and there is no longer a scheme in place.

The Council has implemented a Green Car Salary Sacrifice Scheme, accessed by all eligible staff with no Council contribution towards the cost of an employee's lease payments. Currently there are 21 employees on this Scheme an increase of 1 employee on last year.

Professional Fees and Subscriptions

The Council will meet the cost of a legal practising certificate for all those employees where it is a requirement of their employment, in addition the professional fees for the statutory roles of the s151 Officer and Deputy s151 Officer. No other professional fee or subscription is paid. The Council does not differentiate between Chief Officers and other staff.

Pensions and Termination Payments

On ceasing to be employed by the Council, individuals will only receive compensation:

- in circumstances that are relevant (e.g. redundancy), and
- that is in accordance with our published Pension Policy on how we exercise the various employer discretions provided by the Local Government Pension Scheme (LGPS), and/or
- that complies with the specific term(s) of a compromise agreement.

All employees with contracts of 3 months or more are automatically enrolled into the Local Government Pension Scheme (LGPS), which is administered by Essex County Council. Details of the contribution rates are set out below. In addition, the Council will automatically enrol employees into the LGPS if they meet the relevant criteria in accordance with the automatic enrolment provisions.

The Council has the option to adopt a number of statutory discretions under the;

- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006.
- The Local Government Pension Scheme (Administration) Regulations 2008.
- The Local Government (Discretionary Payments) Regulations 1996 (as amended).

- The Local Government Pension Scheme (LGPS) April 2014.

In general the Council has chosen not to exercise a range of discretions relating to the LGPS due to additional costs. The Council's Pension Policy ([hyperlink to Policy 12](#)) contains information regarding all its discretions and includes information regarding Flexible Retirement arrangements.

Payments on grounds of Redundancy are covered by the Council's Redundancy and Efficiency Payments Policy. ([hyperlink to policy 13](#))

All employees are treated in the same way with regard to the calculation of severance payments in situations of redundancy.

Pension Contributions

Employee contribution rates for 2017/2018;

Salary	Contribution	
	Main Section	50/50 Section
Up to £13,700	5.5%	2.75%
£13,701 to £21,400	5.8%	2.9%
£21,401 to £34,700	6.5%	3.25%
£34,701 to £43,900	6.8%	3.4%
£43,901 to £61,300	8.5%	4.25%
£61,301 to £86,800	9.9%	4.95%
£86,801 TO £102,200	10.5%	5.25%
£102,201 to £153,300	11.4%	5.7%
£153,301 and above	12.5%	6.25%

Contribution rates for 2018/19 are not due to be released until the beginning of March 2018.

Election Fees

Council employees engaged by the Returning Officer for election duties received payments under the relevant schedule of fees (i.e. polling and counting duties).

Remuneration of Employees, Grades 2-12

Pay Scale

For employees subject to the 'National Agreement on Pay and Conditions of Service of the National Joint Council (NJC) for Local Government Services' (commonly known as the 'Green Book'), the Council uses a pay spine that commences at national Spinal Column Point (SCP) 6 and ends at local SCP 58. This pay spine is divided into 11 pay grades; 2 – 10 contain five incremental points and grades 11 and 12 contain 4 incremental points. Grade 2 is the lowest and grade 12 is the highest of these pay grades. Posts are allocated to a pay band through a process of job evaluation.

As part of the national pay award, with effect from 1 October 2015 scp 5 was deleted from the pay spine, therefore grade 1 was deleted.

The Council uses the NJC Job Evaluation Scheme to evaluate all posts on grades 2 – 12. This also includes Craft Workers who are subject to the Joint Negotiating Committee (JNC) for Local Authority Craft and Associated Employees National Agreement on Pay and Conditions (commonly known as the 'Red Book').

The Council does not operate overlapping pay grades therefore, the minimum point of a pay grade is not lower than the maximum point of the preceding pay grade. (*Hyperlink to pay scale 3*).

Individuals will normally receive an annual increment, subject to the top of their grade not being exceeded. For grades 2 – 10 the 5th point each grade will only be awarded if the employee has at least 5 years continuous service with the Council.

An Inner Fringe Allowance of £840 per annum is paid to employees (this does not apply to Apprentices).

Assistant Directors

Assistant Directors are paid on grades 11 or 12 and are also subject to the NJC Job Evaluation Scheme. The salary ranges for these grades wef 1 April 2017 are;

Grade	Scale Column Points	Salary Range
Grade 11	SCP 51 – 54	£48,345 - £52,076
Grade 12	SCP 55 - 58	£54,169 - £58,637

The salary shown is inclusive of the Inner Fringe Allowance of £840 per annum.

Definition of Lowest Paid Employees

For the purpose of this Policy Statement, employees on grade 2 are defined as our lowest-paid employees. This is because no employee of the Council is paid lower than SCP 6 which is contained in grade 2. With effect from 1 October 2015 SCP 5 and grade 1 was deleted from the pay spine.

Employees on scp 5 automatically progressed to SCP 6, which is currently the bottom of grade 2. These employees will not be subject to incremental progression and will remain on scp 6. At 1 April 2017, the fte annual value of this SCP 6 is £15,854 which includes an Inner Fringe Allowance of £840 per annum.

The exceptions to the lowest grade are Apprentices who are paid £150 per week.

General

The values of the SCPs in grades 2 – 12 are increased by pay awards notified from time to time by the National Joint Council for Local Government Services. A national pay award was implemented to these grades effective from 1 April 2016 covering the period 1 April 2016 to 31 March 2018 of 1% for each year. The current Employers' offer from 1 April 2018 has not been agreed.

An Inner Fringe Allowance of £840 per annum is paid to employees (this does not apply to Apprentices).

Annual salaries are paid pro-rata to part-time employees based on the hours contracted to work.

Remuneration of Chief Officers

The Council will not agree any pay arrangement which does not reflect the correct employment and/or tax/NI status of a Chief Officer or employee.

It will be the responsibility of Council to agree the initial salaries for Chief Officers following external advice/evaluation/benchmarking.

Chief Executive

When appointing to the Chief Executive role in 2012 the Council took external advice to set the appropriate salary for the role which took account of current economic circumstances and the recruitment market. The

current postholder has recently resigned and will be leaving the Council's employment in April 2018. The Council will consider options for recruitment and pay taking advice as necessary.

As at 1 April 2017 the salary for the Chief Executive role was a spot salary of £114,251 per annum which includes the Inner Fringe Allowance of £840 per annum and evening meeting allowances. The national pay award wef 1 April 2017 applied an increase of 1% to the salary of the Chief Executive. The postholder is entitled to claim essential car allowance in accordance with the Council's policy. The salary and pay arrangements for the Chief Executive were agreed at Full Council on 18 June 2012.

No pay award beyond March 2018 has been made.

The Chief Executive is also the Council's Head of Paid Service and from 16 June 2014 the Chief Executive took on the responsibility of the Returning Officer. The Council will be required to make arrangements for a new Returning Officer by the end of March 2018 as a result of the Chief Executive's resignation.

Returning Officer

The Returning Officer role attracts payment of fees and expenses, depending on the elections held in any year. The amount for such payments varies according to the particular elections held from year to year. These fees are taxable and subject to National Insurance and pension deductions.

The amount for such payments varies according to the particular elections held from year to year. These fees are taxable and subject to National Insurance and pension deductions.

Only a proportion of the fees were retained by the Returning Officer. The remainder were paid to employees who provide specific support in the organisation of elections which are outside the scope of the ordinary scale of election fees.

Returning Officer – Chief Executive

Feb 2017

Chigwell Village District by-election: £399.75

March 2017

Ongar Town Council by-election: £195.48

May 2017

County Council elections: £4704

June 2017

UK Parliamentary Election: £3542

August 2017

Epping Town Council by-election: £514.80

October 2017

Lower Sheering District by-election: £196.85

Directors

The pay scale for Directors consists of 3 incremental points. The level of pay is locally determined following benchmarking with other public sector organisations and agreement by Council.

All Directors report to the Chief Executive. As at 1 April 2017, the annual FTE salary range for the four Director posts was £85,812 - £91,942 which includes the Inner Fringe Allowance of £840 per annum. The postholders are entitled to claim essential car allowance in accordance with the Council's Policy and can claim evening meeting allowances. There are three incremental points in this grade.

Any pay awards to Directors' salaries will be agreed at a national level as notified from time to time by the JNC for Chief Officers of Local Authorities. The last pay award was agreed for the period April 2016 to end of March 2018 for an increase of 1% per year. No pay award beyond March 2018 has been agreed.

The statutory roles of Monitoring Officer and 'Section 151' Officer will be carried out by the Director of Governance and the Director of Resources respectively. This will be reviewed as part of the proposed new structure during Spring/Summer 2018. The postholders do not receive additional payments for these duties.

General Principles Applying to Remuneration of All Employees

On recruitment, individuals will be placed on the appropriate SCP within the pay grade for the post that they are appointed to. Usually new starters will be placed on the bottom of the pay grade unless their current salary is higher. In these circumstances their starting scale point will match their previous salary at least.

Access to appropriate elements of the Council's Relocation Scheme may also be granted in certain cases, when new starters need to move to the area.

The Council does not apply performance-related pay or bonuses.

Market Supplements will be paid in accordance with the Council's Policy for Payment of Market Supplements. ([Hyperlink to Policy 14](#))

Honorarium or ex-gratia payments will be paid in accordance with our Additional Payments Policy. ([Hyperlink to Policy 15](#))

These policies are applied consistently to all employees.

Pay Multiples

The Hutton Review raised concerns about multiples in the order of 20 or higher between the lowest and the highest paid employees in local authorities. However the Interim Report noted that the most top to bottom pay multiples in the public sector are in the region of 8:1 to 12:1. The Council is therefore content that having due regard for the level of responsibilities and personal accountability between the lowest and highest paid roles, the current multiple of 7.2 seems to be both justifiable and equitable.

The council does not set the remuneration of any individual or group of posts by reference to a multiple. However, as suggested by the Hutton Review the Council will monitor multiples over time to ensure they are appropriate and fair and will explain significant changes in pay multiples. The multiples are as following;

Role	2015/2016		2016/2017		2017/2018		2018/2019	
	Multiple	Salary	Multiple	Salary	Multiple	Salary	Multiple	Salary
Chief Executive compared to lowest salary	x7.8	£112,000	x7.8	£112,000	x7.4	£113,000	x7.2	£114,251
Directors compared to lowest salary	x6.3	£90,130	x6.3	£90,130	x5.9	£91,031	x5.8	£91,942
Assistant Directors compared to	x4	£57,225	x4	£57,225	x3.8	£57,797	x3.7	£58,637

lowest salary								
Average salary compared to Chief Executive	x4.1	£27,500	x4.1	£27,500	x4.1	£27,775	x4.1	£28053
Average salary compared to lowest salary	x1.9	£27,500	x1.9	£27,500	x1.8	£27,775	x1.8	£28053

- The Director salary used is the top point of the Director range
- The Assistant Director used is the top point of grade 12
- The average salary is based on fte and has not been pro rata'd for part-time employees
- The lowest fte salary in the Council is £15,854

Remuneration Panel

The Council is not at this time considering forming a separate Remuneration Panel to set pay rates for Council employees. The Council will continue to use an external body to evaluate Chief Officer roles when required and/or to provide benchmark pay information for these roles. It will also continue to use an internal job evaluation panel to evaluate those posts graded 2 – 12.














Annual pay awards will continue to be determined at a national level and implemented by the Council.

It will be the responsibility of Council to agree the initial salaries for Chief Officers following external advice/evaluation/benchmarking.

Review

The Localism Act 2011 requires relevant authorities to prepare a Pay Policy Statement for each subsequent financial year. Our next Statement is scheduled to be for 2019/20 and will be submitted to Council for approval as reasonably practical before 31 March 2019.

During 2018/19 the Council will review all terms and conditions (including grading and pay) to enable the achievement of the People Strategy and financial self-sufficiency. This may result in significant changes to current arrangements, but all proposals will be subject to member approval and full consultation.

Epping Forest District Council Calendar of Meetings 2018/19										Appendix 2				
		2018								2019				
Meeting		May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Executive														
Council		24th		31st		25th		1st	20th		21st		25th	23rd
Cabinet			14th	17th		6th	11th	8th	6th		7th	7th	11th	
FPM Cab Comm			21st	26th		13th		15th		24th		21st		
AM & ED Cab Comm				5th			18th			17th			18th	
Local Plan Cab Comm		14th			30th			22nd			14th			
Scrutiny														
OS Committee			4th	24th			29th		18th		26th		16th	
Communities Sel. Comm			12th			4th		13th		15th		12th		
Governance Sel. Comm				3rd			2nd	27th			5th	26th		
Neighbourhoods Sel. Comm			26th			20th		20th		29th		19th		
Resources Sel. Comm				9th			16th		4th		12th		2nd	
Constitution Working Grp						27th						28th		
Planning														
District Development			6th		1st		3rd	28th		30th		27th		
Plans East		9th	13th	11th	8th	5th	10th	7th	5th	9th	6th	6th	3rd	8th
Plans West		16th	20th	18th	15th	12th	17th	14th	12th	16th	13th	13th	10th	15th
Plans South		30th	27th	25th	22nd	26th	24th	21st	19th	23rd	20th	20th	17th	29th
Licensing														
Licensing Committee							17th						24th	
Licensing Sub-Comm			5th	3rd	7th	4th	2nd	6th	4th	8th	5th	5th	2nd	
Miscellaneous														
Member Briefings														
Audit & Governance				30th		24th		26th		28th		25th		
Joint Consultative Comm				16th			15th			14th			8th	
Local Councils Liaison						10th						11th		
Appointments Panel		10th-17th											9th-16th	
Dev Control Chairs/Officers						17th						18th		
OS Chairs/Officers						3rd						5th		
Webcast meeting:			Easter 2019	Fri 19-Apr-19 to Mon 22-Apr-19										
			Rosh Hashanah	Mon 10-Sep-18 to Tue 11-Sep-18 (Sundown Sun 9-Sep-18)										
			Yom Kippur	Wed 19-Sep-18 (Sundown Tue 18-Sep-18)										
			Pesach	Sat 20-Apr-19 (Sundown Fri 19-Apr-19)										
			District Council Elections	Thu 2-May-19										

This page is intentionally left blank

Treasury Management Strategy Statement 2018/19

Introduction

In April 2002 the Council adopted the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice 2011 Edition* (the CIPFA Code) which requires the Council to approve a treasury management strategy before the start of each financial year. CIPFA consulted on changes to the Code in 2017, but has yet to publish a revised Code.

In addition, the Department for Communities and Local Government (CLG) issued revised *Guidance on Local Council Investments* in March 2010 that requires the Council to approve an investment strategy before the start of each financial year.

This report fulfils the Council's legal obligation under the *Local Government Act 2003* to have regard to both the CIPFA Code and the CLG Guidance.

The Council has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk are therefore central to the Council's treasury management strategy.

Revised strategy: In accordance with the CLG Guidance, the Council will be asked to approve a revised Treasury Management Strategy Statement should the assumptions on which this report is based change significantly. Such circumstances would include, for example, a large unexpected change in interest rates, in the Council's capital programme or in the level of its investment balance.

External Context

Economic background: The major external influence on the Council's treasury management strategy for 2018/19 will be the UK's progress in negotiating its exit from the European Union and agreeing future trading arrangements. The domestic economy has remained relatively robust since the surprise outcome of the 2016 referendum, but there are indications that uncertainty over the future is now weighing on growth. Transitional arrangements may prevent a cliff-edge, but will also extend the period of uncertainty for several years. Economic growth is therefore forecast to remain sluggish throughout 2018/19.

Consumer price inflation reached 3.0% in September 2017 as the post-referendum devaluation of sterling continued to feed through to imports. Unemployment continued to fall and the Bank of England's Monetary Policy Committee judged that the extent of spare capacity in the economy seemed limited and the pace at which the economy can grow without generating inflationary pressure had fallen over recent years. With its inflation-control mandate in mind, the Bank of England's Monetary Policy Committee raised official interest rates to 0.5% in November 2017.

In contrast, the US economy is performing well and the Federal Reserve is raising interest rates in regular steps to remove some of the emergency monetary stimulus it has provided for the past decade. The European Central Bank is yet to raise rates, but has started to taper its quantitative easing programme, signalling some confidence in the Eurozone economy.

Credit outlook: High profile bank failures in Italy and Portugal have reinforced concerns over the health of the European banking sector. Sluggish economies and fines for pre-crisis behaviour continue to weigh on bank profits, and any future economic slowdown will exacerbate concerns in this regard.

Bail-in legislation, which ensures that large investors including local authorities will rescue failing banks instead of taxpayers in the future, has now been fully implemented in the European Union, Switzerland and USA, while Australia and Canada are progressing with their own plans. In addition, the largest UK banks will ringfence their retail banking functions into separate legal entities during 2018. There remains some uncertainty over how these changes will impact upon the credit strength of the residual legal entities.

The credit risk associated with making unsecured bank deposits has therefore increased relative to the risk of other investment options available to the Council; returns from cash deposits however remain very low.

Interest rate forecast: The Council's treasury adviser Arlingclose's central case is for UK Bank Rate to remain at 0.50% during 2018/19, following the rise from the historic low of 0.25%. The Monetary Policy Committee re-emphasised that any prospective increases in Bank Rate would be expected to be at a gradual pace and to a limited extent.

Future expectations for higher short term interest rates are subdued and on-going decisions remain data dependant and negotiations on exiting the EU cast a shadow over monetary policy decisions. The risks to Arlingclose's forecast are broadly balanced on both sides. The Arlingclose central case is for gilt yields to remain broadly stable across the medium term. Upward movement will be limited, although the UK government's seemingly deteriorating fiscal stance is an upside risk.

A more detailed economic and interest rate forecast provided by Arlingclose is attached at **Appendix A**.

For the purpose of setting the budget, it has been assumed that new investments will be made at an average rate of 0.3%, and that new long-term loans will be borrowed at an average rate of 2.85%.

Local Context

On 31st December 2017, the Council held £185.5m of borrowing and £29.9m of investments. This is set out in further detail at **Appendix B**. Forecast changes in these sums are shown in the balance sheet analysis in table 1 below.

Table 1: Balance sheet summary and forecast

	31.3.17 Actual £m	31.3.18 Estimate £m	31.3.19 Forecast £m	31.3.20 Forecast £m	31.3.21 Forecast £m
General Fund CFR	38.9	52.3	66.2	67.1	67.1
HRA CFR	155.1	155.1	155.1	155.1	155.1
Total CFR	194.0	207.4	221.3	222.2	222.2
Less: Other debt liabilities *	-2.3	-1.8	-1.2	-0.6	0
Borrowing CFR	191.7	205.6	220.1	221.6	222.2
Less: External borrowing **	-185.5	-185.5	-212.0	-212.0	-212.0
Internal borrowing	6.2	20.1	8.1	9.6	10.2
Less: Usable reserves	43.9	40.7	37.3	37.7	37.7
Less: Working capital	3.6	2.0	2.0	2.0	2.0
Investments	41.3	22.6	31.2	30.1	29.5

* finance leases, PFI liabilities and transferred debt that form part of the Council's total debt

** shows only loans to which the Council is committed and excludes optional refinancing

The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. The Council's current strategy is to maintain borrowing and investments below their underlying levels, sometimes known as internal borrowing.

The Council has an increasing CFR due to the capital programme, but minimal investments and will therefore be required to borrow up to £40m over the forecast period.

CIPFA's *Prudential Code for Capital Finance in Local Authorities* recommends that the Council's total debt should be lower than its highest forecast CFR over the next three years. Table 1 shows that the Council expects to comply with this recommendation during 2018/19.

Borrowing Strategy

The Council currently holds £185.5 million of loans, the same as the previous year, as part of its strategy for funding previous years' capital programmes. The balance sheet forecast in table 1 shows that the Council expects to borrow up to £30m in 2018/19. The Council may also borrow additional sums to pre-fund future years' requirements, providing this does not exceed the authorised limit for borrowing of £250 million.

Objectives: The Council's chief objective when borrowing money is to strike an appropriately low risk balance between securing low interest costs and achieving certainty of those costs over the period for which funds are required. The flexibility to renegotiate loans should the Council's long-term plans change is a secondary objective.

Strategy: Given the significant cuts to public expenditure and in particular to local government funding, the Council's borrowing strategy continues to address the key issue of affordability without compromising the longer-term stability of the debt portfolio. With short-term interest rates currently much lower than long-term rates, it is likely to be more cost effective in the short-term to either use internal resources, or to borrow short-term loans instead.

By doing so, the Council is able to reduce net borrowing costs (despite foregone investment income) and reduce overall treasury risk. The benefits of internal and short-term borrowing will be monitored

regularly against the potential for incurring additional costs by deferring borrowing into future years when long-term borrowing rates are forecast to rise modestly. Arlingclose will assist the Council with this 'cost of carry' and breakeven analysis. Its output may determine whether the Council borrows additional sums at long-term fixed rates in 2018/19 with a view to keeping future interest costs low, even if this causes additional cost in the short-term.

Alternatively, the Council may arrange forward starting loans during 2018/19, where the interest rate is fixed in advance, but the cash is received in later years. This would enable certainty of cost to be achieved without suffering a cost of carry in the intervening period.

In addition, the Council may borrow short-term loans to cover unplanned cash flow shortages.

Sources of borrowing: The approved sources of long-term and short-term borrowing are:

- Public Works Loan Board (PWLB) and any successor body
- any institution approved for investments (see below)
- any other bank or building society authorised to operate in the UK
- UK public and private sector pension funds (except the Essex Pension Fund)
- capital market bond investors
- Other Local Authorities

In addition, capital finance may be raised by the following methods that are not borrowing, but may be classed as other debt liabilities:

- operating and finance leases
- hire purchase
- Private Finance Initiative
- sale and leaseback

The Council has previously raised all of its long-term borrowing from the PWLB but it continues to investigate other sources of finance, such as local authority loans and bank loans that may be available at more favourable rates.

Short-term and variable rate loans: These loans leave the Council exposed to the risk of short-term interest rate rises and are therefore subject to the limit on the net exposure to variable interest rates in the treasury management indicators below.

Debt rescheduling: The PWLB allows authorities to repay loans before maturity and either pay a premium or receive a discount according to a set formula based on current interest rates. The Council may take advantage of this and replace some loans with new loans, or repay loans without replacement, where this is expected to lead to an overall cost saving or a reduction in risk.

Investment Strategy

The Council holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. In the past 12 months, the Council's investment balance has ranged between £41.3 and £29.9 million, and reduced levels are expected to be seen in the forthcoming year.

Objectives: Both the CIPFA Code and the CLG Guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its investments before seeking the highest rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income. Where balances are expected to be invested

for more than one year, the Council will aim to achieve a total return that is equal or higher than the prevailing rate of inflation, in order to maintain the spending power of the sum invested.

Negative interest rates: If the UK enters into a recession in 2018/19, there is a small chance that the Bank of England could set its Bank Rate at or below zero, which is likely to feed through to negative interest rates on all low risk, short-term investment options. This situation already exists in many other European countries. In this event, security will be measured as receiving the contractually agreed amount at maturity, even though this may be less than the amount originally invested.

Strategy: Given the increasing risk and very low returns from short-term unsecured bank investments, the Council will aim to diversify its portfolio, but with falling investment balances in the medium-term to fund its capital programme the cash balances will have to remain as fluid as possible. The majority (87%) of the Council's surplus cash is currently invested in short-term unsecured bank deposits and money market funds. This diversification will represent a continuation of the strategy adopted in 2017/18.

Approved counterparties: The Council may invest its surplus funds with any of the counterparty types in table 2 below, subject to the cash limits (per counterparty) and the time limits shown.

Table 2: Approved investment counterparties and limits

Credit rating	Banks unsecured	Banks secured	Government	Corporates	Registered Providers
UK Govt	n/a	n/a	£ Unlimited 50 years	n/a	n/a
AAA	£3m 5 years	£3m 20 years	£5m 50 years	£3m 20 years	£1m 20 years
AA+	£3m 5 years	£3m 10 years	£5m 25 years	£3m 10 years	£1m 10 years
AA	£3m 4 years	£3m 5 years	£5m 15 years	£3m 5 years	£1m 10 years
AA-	£3m 3 years	£3m 4 years	£5m 10 years	£3m 4 years	£1m 10 years
A+	£2m 2 years	£3m 3 years	£5m 5 years	£2m 3 years	£1m 5 years
A	£2m 13 months	£3m 2 years	£5m 5 years	£2m 2 years	£1m 5 years
A-	£2m 6 months	£3m 13 months	£2.5m 5 years	£2m 13 months	£1m 5 years
None	£2m 6 months	n/a	£5m 25 years	n/a	£1m 5 years
Pooled funds	£5m per fund				

This table must be read in conjunction with the notes below

Credit rating: Investment limits are set by reference to the lowest published long-term credit rating from Fitch, Moody's or Standard & Poor's. Where available, the credit rating relevant to the specific investment or class of investment is used, otherwise the counterparty credit rating is used. However, investment decisions are never made solely based on credit ratings, and all other relevant factors including external advice will be taken into account.

Banks unsecured: Accounts, deposits, certificates of deposit and senior unsecured bonds with banks and building societies, other than multilateral development banks. These investments are subject to the risk of credit loss via a bail-in should the regulator determine that the bank is failing or likely to fail. See below for arrangements relating to operational bank accounts.

Banks secured: Covered bonds, reverse repurchase agreements and other collateralised arrangements with banks and building societies. These investments are secured on the bank's assets, which limits the potential losses in the unlikely event of insolvency, and means that they are exempt from bail-in. Where there is no investment specific credit rating, but the collateral upon which the investment is secured has a credit rating, the higher of the collateral credit rating and the counterparty credit rating will be used to determine cash and time limits. The combined secured and unsecured investments in any one bank will not exceed the cash limit for secured investments.

Government: Loans, bonds and bills issued or guaranteed by national governments, regional and local authorities and multilateral development banks. These investments are not subject to bail-in, and there is an insignificant risk of insolvency. Investments with the UK Central Government may be made in unlimited amounts for up to 50 years.

Corporates: Loans, bonds and commercial paper issued by companies other than banks and registered providers. These investments are not subject to bail-in, but are exposed to the risk of the company going insolvent. Loans to unrated companies will only be made following an external credit assessment or to a maximum of £3 million per company as part of a diversified pool in order to spread the risk widely.

Registered providers: Loans and bonds issued by, guaranteed by or secured on the assets of registered providers of social housing, formerly known as housing associations. These bodies are tightly regulated by the Homes and Communities Agency and, as providers of public services, they retain the likelihood of receiving government support if needed.

Pooled funds: Shares in diversified investment vehicles consisting of any of the above investment types, plus equity shares and property. These funds have the advantage of providing wide diversification of investment risks, coupled with the services of a professional fund manager in return for a fee. Short-term Money Market Funds that offer same-day liquidity and very low or no volatility will be used as an alternative to instant access bank accounts, while pooled funds whose value changes with market prices and/or have a notice period will be used for longer investment periods.

Bond, equity and property funds offer enhanced returns over the longer term, but are more volatile in the short term. These allow the Council to diversify into asset classes other than cash without the need to own and manage the underlying investments. Because these funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Council's investment objectives will be monitored regularly.

Operational bank accounts: The Council may incur operational exposures, for example through current accounts, collection accounts and merchant acquiring services, to any UK bank with credit ratings no lower than BBB- and with assets greater than £25 billion. These are not classed as investments, but are still subject to the risk of a bank bail-in, and balances will therefore be kept below £5 million per bank. The Bank of England has stated that in the event of failure, banks with assets greater than £25 billion are more likely to be bailed-in than made insolvent, increasing the chance of the Council maintaining operational continuity.

Risk assessment and credit ratings: Credit ratings are obtained and monitored by the Council's treasury advisers, who will notify changes in ratings as they occur. Where an entity has its credit rating downgraded so that it fails to meet the approved investment criteria then:

- no new investments will be made,
- any existing investments that can be recalled or sold at no cost will be, and
- full consideration will be given to the recall or sale of all other existing investments with the affected counterparty.

Where a credit rating agency announces that a credit rating is on review for possible downgrade (also known as “rating watch negative” or “credit watch negative”) so that it may fall below the approved rating criteria, then only investments that can be withdrawn on the next working day will be made with that organisation until the outcome of the review is announced. This policy will not apply to negative outlooks, which indicate a long-term direction of travel rather than an imminent change of rating.

Other information on the security of investments: The Council understands that credit ratings are good, but not perfect, predictors of investment default. Full regard will therefore be given to other available information on the credit quality of the organisations in which it invests, including credit default swap prices, financial statements, information on potential government support and reports in the quality financial press. No investments will be made with an organisation if there are substantive doubts about its credit quality, even though it may meet the credit rating criteria.

When deteriorating financial market conditions affect the creditworthiness of all organisations, as happened in 2008 and 2011, this is not generally reflected in credit ratings, but can be seen in other market measures. In these circumstances, the Council will restrict its investments to those organisations of higher credit quality and reduce the maximum duration of its investments to maintain the required level of security. The extent of these restrictions will be in line with prevailing financial market conditions. If these restrictions mean that insufficient commercial organisations of high credit quality are available to invest the Council’s cash balances, then the surplus will be deposited with the UK Government, via the Debt Management Office or invested in government treasury bills for example, or with other local authorities. This will cause a reduction in the level of investment income earned, but will protect the principal sum invested.

Specified investments: The CLG Guidance defines specified investments as those:

- denominated in pound sterling,
- due to be repaid within 12 months of arrangement,
- not defined as capital expenditure by legislation, and
- invested with one of:
 - the UK Government,
 - a UK local Council, parish council or community council, or
 - a body or investment scheme of “high credit quality”.

The Council defines “high credit quality” organisations and securities as those having a credit rating of A- or higher that are domiciled in the UK or a foreign country with a sovereign rating of AA+ or higher. For money market funds and other pooled funds “high credit quality” is defined as those having a credit rating of A- or higher.

Non-specified investments: Any investment not meeting the definition of a specified investment is classed as non-specified. The Council does not intend to make any investments denominated in foreign currencies, nor any that are defined as capital expenditure by legislation, such as company shares. Non-specified investments will therefore be limited to long-term investments, i.e. those that are due to mature 12 months or longer from the date of arrangement, and investments with bodies and schemes not meeting the definition on high credit quality. Limits on non-specified investments are shown in table 3 below.

Table 3: Non-specified investment limits

	Cash limit
Total long-term investments	£5m
Total investments without credit ratings or rated below A- (except UK Government and local authorities)	£3m
Total investments (except pooled funds) with institutions domiciled in foreign countries rated below AA+	£3m
Total non-specified investments	£11m

Investment limits: The Council's revenue reserves available to cover investment losses are forecast to be £15 million on 31st March 2018. In order that no more than 20% of available reserves will be put at risk in the case of a single default, the maximum that will be lent to any one organisation (other than the UK Government) will be £3 million. A group of banks under the same ownership will be treated as a single organisation for limit purposes. Limits will also be placed on fund managers, investments in brokers' nominee accounts, foreign countries and industry sectors as below. Investments in pooled funds and multilateral development banks do not count against the limit for any single foreign country, since the risk is diversified over many countries.

Table 4: Investment limits

	Cash limit
Any single organisation, except the UK Central Government	£3m each
UK Central Government	unlimited
Local Authorities	£25m in total
Any group of organisations under the same ownership	£3m per group
Any group of pooled funds under the same management	£5m per manager
Negotiable instruments held in a broker's nominee account	£7m per broker
Foreign countries	£3m per country
Registered providers	£5m in total
Unsecured investments with building societies	£5m in total
Money Market Funds	£15m in total

Liquidity management: The Council uses its own cash flow forecasting techniques to determine the maximum period for which funds may prudently be committed. The forecast is compiled on a prudent basis to minimise the risk of the Council being forced to borrow on unfavourable terms to meet its financial commitments. Limits on long-term investments are set by reference to the Council's medium term financial plan and cash flow forecast.

Non-Treasury Investments

Although not classed as treasury management activities and therefore not covered by the CIPFA Code or the CLG Guidance, the Council may also purchase property for investment purposes and may also make loans and investments for service purposes, for example in a loan to the Waste Services Contractor for the purchase of vehicles.

Such loans and investments will be subject to the Council's normal approval processes for revenue and capital expenditure and will be formally approved by the treasury advisors and need not comply with this treasury management strategy.

The Council's existing non-treasury investments are listed in Appendix B.

Treasury Management Indicators

The Council measures and manages its exposures to treasury management risks using the following indicators.

Security: The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

	Target
Portfolio average credit rating	A-

Liquidity: The Council has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling three month period, without additional borrowing.

	Target
Total cash available within 3 months	£10m

Interest rate exposures: This indicator is set to control the Council's exposure to interest rate risk. The upper limits on fixed and variable rate interest rate exposures, expressed as the proportion of net principal borrowed will be:

	2018/19	2019/20	2020/21
Upper limit on fixed interest rate exposure	100%	100%	100%
Upper limit on variable interest rate exposure	75%	75%	75%

Fixed rate investments and borrowings are those where the rate of interest will not change over the life of the transaction. All other instruments are classed as variable rate.

Maturity structure of borrowing: This indicator is set to control the Council's exposure to refinancing risk. The upper and lower limits on the maturity structure of fixed rate borrowing will be:

	Upper	Lower
Under 12 months	100%	0%
12 months and within 24 months	100%	0%
24 months and within 5 years	100%	0%
5 years and within 10 years	100%	0%
10 years and above	100%	0%

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

Principal sums invested for periods longer than 364 days: The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end will be:

	2018/19	2019/20	2020/21
Limit on principal invested beyond year end	£5m	£3m	£3m

Other Items

There are a number of additional items that the Council is obliged by CIPFA or CLG to include in its Treasury Management Strategy.

Policy on the use of financial derivatives: Local authorities have previously made use of financial derivatives embedded into loans and investments both to reduce interest rate risk (e.g. interest rate collars and forward deals) and to reduce costs or increase income at the expense of greater risk (e.g. LOBO loans and callable deposits). The general power of competence in Section 1 of the *Localism Act 2011* removes much of the uncertainty over local authorities' use of standalone financial derivatives (i.e. those that are not embedded into a loan or investment).

The Council will only use standalone financial derivatives (such as swaps, forwards, futures and options) where they can be clearly demonstrated to reduce the overall level of the financial risks that the Council is exposed to. Additional risks presented, such as credit exposure to derivative counterparties, will be taken into account when determining the overall level of risk. Embedded derivatives, including those present in pooled funds and forward starting transactions, will not be subject to this policy, although the risks they present will be managed in line with the overall treasury risk management strategy.

Financial derivative transactions may be arranged with any organisation that meets the approved investment criteria. The current value of any amount due from a derivative counterparty will count against the counterparty credit limit and the relevant foreign country limit.

Policy on apportioning interest to the HRA: On 1st April 2012, the Council notionally split each of its existing long-term loans into General Fund and HRA pools. In the future, new long-term loans borrowed will be assigned in their entirety to one pool or the other. Interest payable and other costs/income arising from long-term loans (e.g. premiums and discounts on early redemption) will be charged/credited to the respective revenue account. Differences between the value of the HRA loans pool and the HRA's underlying need to borrow (adjusted for HRA balance sheet resources available for investment) will result in a notional cash balance which may be positive or negative. This balance will be measured each month and interest transferred between the General Fund and HRA at the Council's average interest rate on investments, adjusted for credit risk.

Investment training: The needs of the Council's treasury management staff for training in investment management are assessed every three months as part of the staff appraisal process, and additionally when the responsibilities of individual members of staff change.

Staff regularly attend training courses, seminars and conferences provided by Arlingclose and CIPFA. Relevant staff are encouraged to study professional qualifications from CIPFA, the Association of Corporate Treasurers and other appropriate organisations.

Investment advisers: The Council has appointed Arlingclose Limited as treasury management advisers and receives specific advice on investment, debt and capital finance issues. The quality of this service is controlled by Director of Resources.

Investment of money borrowed in advance of need: The Council may, from time to time, borrow in advance of need, where this is expected to provide the best long-term value for money. Since amounts borrowed will be invested until spent, the Council is aware that it will be exposed to the risk of loss of the borrowed sums, and the risk that investment and borrowing interest rates may change in the intervening period. These risks will be managed as part of the Council's overall management of its treasury risks.

The total amount borrowed will not exceed the authorised borrowing limit of £250 million. The maximum period between borrowing and expenditure is expected to be two years, although the Council is not required to link particular loans with particular items of expenditure.

Financial Implications

The budget for investment income in 2018/19 is £45,000, based on an average investment portfolio of £15.5 million at an interest rate of 0.29%. The budget for debt interest paid in 2018/19 is £6.3 million, based on an average debt portfolio of £212 million at an average interest rate of 3%. If actual levels of investments and borrowing, and actual interest rates differ from those forecast, performance against budget will be correspondingly different.

Other Options Considered

The CLG Guidance and the CIPFA Code do not prescribe any particular treasury management strategy for local authorities to adopt. The Director of Resources, having consulted the Portfolio Holder, believes that the above strategy represents an appropriate balance between risk management and cost effectiveness. Some alternative strategies, with their financial and risk management implications, are listed below.

Alternative	Impact on income and expenditure	Impact on risk management
Invest in a narrower range of counterparties and/or for shorter times	Interest income will be lower	Lower chance of losses from credit related defaults, but any such losses may be greater
Invest in a wider range of counterparties and/or for longer times	Interest income will be higher	Increased risk of losses from credit related defaults, but any such losses may be smaller
Borrow additional sums at long-term fixed interest rates	Debt interest costs will rise; this is unlikely to be offset by higher investment income	Higher investment balance leading to a higher impact in the event of a default; however long-term interest costs may be more certain
Borrow short-term or variable loans instead of long-term fixed rates	Debt interest costs will initially be lower	Increases in debt interest costs will be broadly offset by rising investment income in the medium term, but long-term costs may be less certain
Reduce level of borrowing	Saving on debt interest is likely to exceed lost investment income	Reduced investment balance leading to a lower impact in the event of a default; however long-term interest costs may be less certain

Appendix A - Arlingclose Economic & Interest Rate Forecast November 2017

Underlying assumptions:

- In a 7-2 vote, the MPC increased Bank Rate in line with market expectations to 0.5%. Dovish accompanying rhetoric prompted investors to lower the expected future path for interest rates. The minutes re-emphasised that any prospective increases in Bank Rate would be expected to be at a gradual pace and to a limited extent.
- Further potential movement in Bank Rate is reliant on economic data and the likely outcome of the EU negotiations. Policymakers have downwardly assessed the supply capacity of the UK economy, suggesting inflationary growth is more likely. However, the MPC will be wary of raising rates much further amid low business and household confidence.
- The UK economy faces a challenging outlook as the minority government continues to negotiate the country's exit from the European Union. While recent economic data has improved, it has done so from a low base: UK Q3 2017 GDP growth was 0.4%, after a 0.3% expansion in Q2.
- Household consumption growth, the driver of recent UK GDP growth, has softened following a contraction in real wages, despite both saving rates and consumer credit volumes indicating that some households continue to spend in the absence of wage growth. Policymakers have expressed concern about the continued expansion of consumer credit; any action taken will further dampen household spending.
- Some data has held up better than expected, with unemployment continuing to decline and house prices remaining relatively resilient. However, both of these factors can also be seen in a negative light, displaying the structural lack of investment in the UK economy post financial crisis. Weaker long term growth may prompt deterioration in the UK's fiscal position.
- The depreciation in sterling may assist the economy to rebalance away from spending. Export volumes will increase, helped by a stronger Eurozone economic expansion.
- Near-term global growth prospects have continued to improve and broaden, and expectations of inflation are subdued. Central banks are moving to reduce the level of monetary stimulus.
- Geo-political risks remains elevated and helps to anchor safe-haven flows into the UK government bond (gilt) market.

Forecast:

- The MPC has increased Bank Rate, largely to meet expectations they themselves created. Future expectations for higher short term interest rates are subdued. On-going decisions remain data dependant and negotiations on exiting the EU cast a shadow over monetary policy decisions.
- Our central case for Bank Rate is 0.5% over the medium term. The risks to the forecast are broadly balanced on both sides.
- The Arlingclose central case is for gilt yields to remain broadly stable across the medium term. Upward movement will be limited, although the UK government's seemingly deteriorating fiscal stance is an upside risk.

	Dec-17	Mar-18	Jun-18	Sep-18	Dec-18	Mar-19	Jun-19	Sep-19	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20	Average
Official Bank Rate														
Upside risk	0.00	0.00	0.00	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.19
Arlingclose Central Case	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Downside risk	0.00	0.00	0.00	0.00	0.00	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.15
3-month LIBID rate														
Upside risk	0.10	0.10	0.10	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.22
Arlingclose Central Case	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Downside risk	-0.10	-0.10	-0.15	-0.15	-0.15	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.20
1-yr LIBID rate														
Upside risk	0.15	0.15	0.20	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.27
Arlingclose Central Case	0.70	0.70	0.70	0.70	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.77
Downside risk	-0.15	-0.20	-0.30	-0.30	-0.30	-0.30	-0.30	-0.30	-0.30	-0.30	-0.30	-0.30	-0.15	-0.26
5-yr gilt yield														
Upside risk	0.20	0.25	0.25	0.25	0.30	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.40	0.32
Arlingclose Central Case	0.75	0.75	0.80	0.80	0.80	0.85	0.90	0.90	0.95	0.95	1.00	1.05	1.10	0.89
Downside risk	-0.20	-0.20	-0.25	-0.25	-0.25	-0.35	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40	-0.33
10-yr gilt yield														
Upside risk	0.20	0.25	0.25	0.25	0.30	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.40	0.32
Arlingclose Central Case	1.25	1.25	1.25	1.25	1.25	1.30	1.30	1.35	1.40	1.45	1.50	1.55	1.55	1.36
Downside risk	-0.20	-0.25	-0.25	-0.25	-0.25	-0.30	-0.35	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40	-0.33
20-yr gilt yield														
Upside risk	0.20	0.25	0.25	0.25	0.30	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.40	0.32
Arlingclose Central Case	1.85	1.85	1.85	1.85	1.85	1.90	1.90	1.95	1.95	2.00	2.05	2.05	2.05	1.93
Downside risk	-0.20	-0.30	-0.25	-0.25	-0.30	-0.35	-0.40	-0.45	-0.50	-0.50	-0.50	-0.50	-0.50	-0.38
50-yr gilt yield														
Upside risk	0.20	0.25	0.25	0.25	0.30	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.40	0.32
Arlingclose Central Case	1.70	1.70	1.70	1.70	1.70	1.75	1.80	1.85	1.90	1.95	1.95	1.95	1.95	1.82
Downside risk	-0.30	-0.30	-0.25	-0.25	-0.30	-0.35	-0.40	-0.45	-0.50	-0.50	-0.50	-0.50	-0.50	-0.39

Appendix B - Existing Investment & Debt Portfolio Position

	31.12.17 Actual Portfolio £m	31.12.17 Average Rate %
External borrowing:		
PWLB - Fixed Rate	153.656	3.00
PWLB - Variable Rate	31.800	0.45
Total external borrowing	185.456	
Other long-term liabilities:		
Finance Leases	2.327	
Total other long-term liabilities	2.327	
Total gross external debt	187.783	
Treasury investments:		
Banks & building societies (unsecured)	13.937	0.51
Government (incl. local authorities)	4.000	0.32
Money Market Funds	12.000	0.22
Total treasury investments	29.937	
Net debt	157.846	

Non-treasury investments:		
BIFFA Loan	1.861	5.00
Total investments	31.798	

Appendix C - Prudential Indicators 2018/19

The Local Government Act 2003 requires the Council to have regard to the CIPFA *Prudential Code for Capital Finance in Local Authorities* (the Prudential Code) when determining how much money it can afford to borrow. The objectives of the Prudential Code are to ensure, within a clear framework, that the capital investment plans of local authorities are affordable, prudent and sustainable, and that treasury management decisions are taken in accordance with good professional practice. To demonstrate that the Council has fulfilled these objectives, the Prudential Code sets out the following indicators that must be set and monitored each year.

Estimates of Capital Expenditure: The Council's planned capital expenditure and financing may be summarised as follows. Further detail is provided in Cabinet Report C-035-2017/18 - Capital Review 2017/18 - 2021/22.

Capital Expenditure and Financing	2017/18 Revised £m	2018/19 Estimate £m	2019/20 Estimate £m	2020/21 Estimate £m
General Fund	17.010	12.125	1.433	0.540
HRA	23.114	22.786	25.641	15.157
Total Expenditure	40.124	34.911	27.074	15.697
Capital Receipts	5.341	4.632	7.712	2.289
Grants	0.666	0.080	0.085	0.090
Reserves	2.233	2.696	3.753	0.000
Revenue	15.499	16.684	14.496	13.168
Borrowing	16.385	10.819	1.028	0.150
Total Financing	40.124	34.911	27.074	15.697

Estimates of Capital Financing Requirement: The Capital Financing Requirement (CFR) measures the Council's underlying need to borrow for a capital purpose.

Capital Financing Requirement	31.03.18 Revised £m	31.03.19 Estimate £m	31.03.20 Estimate £m	31.03.21 Estimate £m
General Fund	52.3	66.2	67.1	67.1
HRA	155.1	155.1	155.1	155.1
Total CFR	207.4	221.3	222.2	222.2

The CFR is forecast to rise by £14.8m over the next three years as capital expenditure financed by debt outweighs resources put aside for debt repayment.

Gross Debt and the Capital Financing Requirement: In order to ensure that over the medium term debt will only be for a capital purpose, the Council should ensure that debt does not, except in the short term, exceed the total of capital financing requirement in the preceding year plus the estimates of any additional capital financing requirement for the current and next two financial years. This is a key indicator of prudence.

Debt	31.03.18 Revised £m	31.03.19 Estimate £m	31.03.20 Estimate £m	31.03.21 Estimate £m
Borrowing	185.5	212.0	212.9	212.9

Total debt is expected to remain below the CFR during the forecast period.

Operational Boundary for External Debt: The operational boundary is based on the Council's estimate of most likely (i.e. prudent but not worst case) scenario for external debt. It links directly to the Council's estimates of capital expenditure, the capital financing requirement and cash flow requirements, and is a key management tool for in-year monitoring. Other long-term liabilities comprise finance leases and other liabilities that are not borrowing but form part of the Council's debt.

Operational Boundary	2017/18 Revised £m	2018/19 Estimate £m	2019/20 Estimate £m	2020/21 Estimate £m
Borrowing	240.00	260.00	260.00	260.00

Authorised Limit for External Debt: The authorised limit is the affordable borrowing limit determined in compliance with the Local Government Act 2003. It is the maximum amount of debt that the Council can legally owe. The authorised limit provides headroom over and above the operational boundary for unusual cash movements.

Authorised Limit	2017/18 Limit £m	2018/19 Limit £m	2019/20 Limit £m	2020/21 Limit £m
Borrowing	250.00	270.00	270.00	270.00

Ratio of Financing Costs to Net Revenue Stream: This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet financing costs, net of investment income.

Ratio of Financing Costs to Net Revenue Stream	2017/18 Revised %	2018/19 Estimate %	2019/20 Estimate %	2020/21 Estimate %
General Fund	0.60	0.91	0.96	0.93
HRA	16.68	17.37	17.54	17.72

Appendix D - Annual Minimum Revenue Provision Statement 2018/19

Where the Council finances capital expenditure by debt, it must put aside resources to repay that debt in later years. The amount charged to the revenue budget for the repayment of debt is known as Minimum Revenue Provision (MRP), although there has been no statutory minimum since 2008. The Local Government Act 2003 requires the Council to have regard to the Department for Communities and Local Government's *Guidance on Minimum Revenue Provision* (the CLG Guidance) most recently issued in 2012.

The broad aim of the CLG Guidance is to ensure that debt is repaid over a period that is either reasonably commensurate with that over which the capital expenditure provides benefits, or, in the case of borrowing supported by Government Revenue Support Grant, reasonably commensurate with the period implicit in the determination of that grant.

The CLG Guidance requires the Council to approve an Annual MRP Statement each year, and recommends a number of options for calculating a prudent amount of MRP. The following statement incorporates options recommended in the Guidance as well as locally determined prudent methods.

1. For unsupported capital expenditure incurred after 31st March 2008, MRP will be determined as being equal to the accounting charge for depreciation. (*Option 4 in England and Wales, Option 2 in Northern Ireland*)
2. No MRP will be charged in respect of assets held on a temporary basis where a capital receipt will arise to repay the debt.
3. No MRP will be charged in respect of assets held within the Housing Revenue Account.

During 2016/17 there was £9.3m of unfinanced capital expenditure on non-HRA assets. The first £5m was on land acquired as part of site assemblage, which is an asset held on a temporary basis as set out under 2 above. The remaining £4.3m was incurred on the shopping park and this asset became operational during 2017/18. Given the nature of this asset it will be maintained to a very high standard and accordingly no depreciation will be charged. As no depreciation is being charged it is not appropriate to charge MRP, as set out in 1 above. Additional comfort on the prudent nature of this treatment is provided by the substantial income stream being generated which could be used to repay debt.

During 2017/18 there is likely to be £15m of unfinanced capital expenditure on non-HRA assets. The first £9.5m will be on the shopping park and will be treated as set out in the previous paragraph. The remaining £5.5m will be incurred on the new leisure centre in Waltham Abbey. This asset will not come into operation until 2018/19 and so MRP will not be required until 2019/20. It is anticipated that the full cost of the leisure centre will be £14m and that it will be depreciated over 40 years, consequently £350,000 of CSB growth has been included for the MRP charge commencing in 2019/20.

Based on the Council's latest estimate of its Capital Financing Requirement and the policy set out above no budget for MRP is required for 2018/19 but the MTFS includes £350,000 from 2019/20 onwards.

Appendix E - Current Recommended Sovereign and Counterparty List as at 31/12/2017

Country/ Domicile	Counterparty	Maximum Counterparty Limit £m	Maximum Group Limit (if applicable) £m	Maximum Maturity Limit
UK	Santander UK Plc (Banco Santander Group)	3.0		6 months
UK	Bank of Scotland (Lloyds Banking Group)	3.0	3.0	6 months
UK	Lloyds TSB (Lloyds Banking Group)	3.0		6 months
UK	Barclays Bank Plc	3.0		100 days
UK	Close Brothers Ltd.	3.0		6 months
UK	Goldman Sachs	3.0		100 days
UK	HSBC Bank Plc	3.0		6 months
UK	Standard Chartered	3.0		100 days
UK	Nationwide Building Society	3.0		6 months
UK	Coventry Building Society	3.0		6 months
UK	Leeds Building Society	3.0		100 days
UK	NatWest (Council's current banker - see section above on operational bank accounts)	5.0	5.0	35 days
UK	Royal Bank of Scotland (RBS Group)	5.0		35 days
Australia	Australia and NZ Banking Group	3.0		6 months
Australia	Commonwealth Bank of Australia	3.0		6 months
Australia	National Australia Bank Ltd (National Australia Bank Group)	3.0		6 months
Australia	Westpac Banking Corp	3.0		6 months
Canada	Bank of Montreal	3.0		6 months
Canada	Bank of Nova Scotia	3.0		6 months
Canada	Canadian Imperial Bank of Commerce	3.0		6 months
Canada	Royal Bank of Canada	3.0		6 months
Canada	Toronto-Dominion Bank	3.0		6 months

Finland	Op Corporate Bank	3.0		6 months
Denmark	Danske Bank	3.0		100 days
Germany	Landesbank Hessen-Thuringen	3.0		6 months
Netherlands	ING Bank NV	3.0		100 days
Netherlands	Rabobank	3.0		13 months
Sweden	Nordea Bank AB	3.0		13 months
Sweden	Svenska Handelsbanken	3.0		13 months
Switzerland	Credit Suisse	3.0		100 days
UK	Building Societies	See below		See below

The following 11 building societies have limits of £1m and 100 days - Darlington, Furness, Hinckley & Rugby, Leek, Mansfield, Marsden, Melton Mowbray, National Counties, Newbury, Scottish, Tipton & Coseley.

***Please note this list could change if, for example, a counterparty/country is upgraded, and meets our other creditworthiness tools or a new suitable counterparty comes into the market. Alternatively, if a counterparty is downgraded, this list may be shortened.*

Group Limits - For institutions within a banking group, the authority executes a limit of that of an individual limit of a single bank within that group.

Appendix F - Non-Specified Investments

Instrument	Maximum maturity	Maximum £M	Capital expenditure?	Example
Call accounts, term deposits & CDs with banks, building societies & local authorities which do not meet the specified investment criteria (on advice from TM Adviser)	5 years	3	No	
Deposits with registered providers	5 years	3	No	
Gilts	5 years	3	No	
Bonds issued by multilateral development banks	5 years	2	No	<i>EIB Bonds, Council of Europe Bonds etc.</i>
Sterling denominated bonds by non-UK sovereign governments	5 years	2	No	
Money Market Funds and Collective Investment Schemes	5 years	15	No	<i>Investec Target Return Fund; Elite Charteris Premium Income Fund; LAMIT; M&G Global Dividend Growth Fund</i>
Corporate loans and debt instruments issued by corporate bodies	5 years	3	No	
Collective Investment Schemes (pooled funds) which do not meet the definition of collective investment schemes in SI 2004 No 534 or SI 2007 No 573	These funds do not have a defined maturity date	3	Yes	<i>Way Charteris Gold Portfolio Fund; Lime Fund</i>

TREASURY MANAGEMENT POLICY STATEMENT

1. INTRODUCTION AND BACKGROUND

1.1 The Council adopts the key recommendations of CIPFA's Treasury Management in the Public Services: Code of Practice (the Code), as described in Section 5 of the Code.

1.2 Accordingly, the Council will create and maintain, as the cornerstones for effective treasury management:-

- A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities
- Suitable treasury management practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

1.3 The Council will receive reports on its treasury management policies, practices and activities including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.

1.4 The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Finance & Performance Cabinet Committee and for the execution and administration of treasury management decisions to the Director of Resources who will act in accordance with the organisation's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.

1.5 The Council nominates the Audit & Governance Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

2. POLICIES AND OBJECTIVES OF TREASURY MANAGEMENT ACTIVITIES

2.1 The Council defines its treasury management activities as:

"The management of the Council's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

2.2 This Council regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Accordingly, the analysis and reporting of treasury management activities will focus on their risk implications for the organisation, and any financial instruments entered into to manage these risks.

2.3 This Council acknowledges that effective treasury management will provide support towards the achievement of its business and service objectives. It is therefore committed to the

principles of achieving value for money in treasury management, and to employing suitable performance measurement techniques, within the context of effective risk management.”

2.4 The Council’s borrowing will be affordable, sustainable and prudent and consideration will be given to the management of interest rate risk and refinancing risk. The source from which the borrowing is taken and the type of borrowing should allow the Council transparency and control over its debt.

2.5 The Council’s primary objective in relation to investments remains the security of capital. The liquidity or accessibility of the Council’s investments followed by the yield earned on investments remain important but are secondary considerations.

CONTINUING SERVICES BUDGET - GROWTH / (SAVINGS) LIST

Directorate	Service		Estimate 2017/18 £000's	Revised 2017/18 £000's	Estimate 2018/19 £000's	Estimate 2019/20 £000's	Estimate 2020/21 £000's	Estimate 2021/22 £000's
Chief Executive	Corporate Policy Making	Annual Customer Satisfaction Survey			20			
	Total Chief Executive		0	0	20	0	0	0
Communitites	Homelessness Advice	Additional post	30	0				
	Homelessness Advice	Homelessness Reviews/Rough Sleepers	12	0				
	Total Communities		42	0	0	0	0	0
Governance	Building Control	Fees & Charges		50				
	Building Control	Ring Fenced Account		(50)				
	Corporate Fraud Investigation	Corporate Fraud Team	8	8				
	Development Control	Fees & Charges			(210)			
	Development Control	Pre Application Consultation Fees		(10)				
	Development Control Group	Trainee Planning Officers		20	34			
	Development Management	Additional Temporary Staffing - Systems Technical Officer		14	15			
	Development Management	Planning Validation Officer		15	15			
	Enforcement / Trees & Lanscape	Compliance Officer			27			
	Governance Admin	Training	5	5				
	Internal Audit	Shared Service (GF element)		(9)				
	Legal Services	Reduction Re Fees & Charges		5				
	Members Allowances	Increase in Basic Allowances	7	7				
	Planning Appeals	Reduction Re Fees & Charges		8				
	Total Governance		20	63	(119)	0	0	0
Neighbourhoods	Land and Property	Brooker Road	(107)	(157)				
	Land and Property	Epping Forest Shopping Park	(490)	(213)	(1,562)	(759)		
	Land and Property	Broadway Gate development			(50)	(200)		
	Land and Property	Rental Income - Shops	(45)	(54)	(61)			
	Leisure Management	Savings from New Contract	(250)	(744)	(944)	(266)		
	North Weald Airfield	Additional rental income		(35)	(113)			
	Off Street Parking	New Chargeable Parking Spaces (ITS)	(11)	(12)	(17)			
	Off Street Parking	Machine Maintenance and collections	8	8				
	Off Street Parking	Additional Staffing	32	19	13			
	Off Street Parking	New Management Contract (ITS)	(88)	(64)	26			
	Off Street Parking	Lea Valley Management Fee (ITS)	(2)					
	Off Street Parking	Vere Road Pay & Display (ITS)	(5)	(3)	(7)			
	Waste Management	Trade Waste		(7)				
	Total Neighbourhoods		(958)	(1,262)	(2,715)	(1,225)	0	0

50 CONTINUING SERVICES BUDGET - GROWTH / (SAVINGS) LIST

Directorate	Service	Estimate 2017/18 £000's	Revised 2017/18 £000's	Estimate 2018/19 £000's	Estimate 2019/20 £000's	Estimate 2020/21 £000's	Estimate 2021/22 £000's
Resources	Bank and Audit charges			(5)			
	Car Leasing	(25)	(25)				
	Cashiers	(8)					
	Cashiers		9				
	Cashiers		5	15			
	Civic Offices	68	67				
	Civic Offices	14	20				
	Council Tax Collection		(60)				
	Facilities Management			5			
	Finance Miscellaneous			(437)	(1,058)	(200)	
	Housing Benefits Administration	42	42	29			
	Housing Benefits	25	26	4			
	Housing Benefits		(7)				
	Human Resources	69	75				
	Human Resources	60	75	15			
	ICT	(13)	(9)	(3)			
	ICT			373			
	NNDR Collection		(5)				
	Procurement		5				
	Sundry Non Distributable Costs		10				
	Resources	(9)	(9)				
	Total Resources	223	219	(4)	(1,058)	(200)	0
Other Items	Investment Interest	93	177	18			
	General Fund Loans			200			
	New Homes Bonus	122	122	1,125	202	531	
	Pensions			22	31		
					350		
	Provision for repayment of General Fund Loan						
	Total CSB	(458)	(681)	(1,453)	(1,700)	331	0

DISTRICT DEVELOPMENT FUND

Directorate	Service	Description	Estimate	B/F from 2016/17	Revised	Estimate	Estimate	Estimate	Estimate
			2017/18 £000's	2017/18 £000's	2017/18 £000's	2018/19 £000's	2019/20 £000's	2020/21 £000's	2021/22 £000's
Chief Executive	Chief Executive Policy Group	Transformation Staffing	90		88	50			
	Transformation	External Partnerships	100						
	Transformation	Transformation Prototype Fund	80	7	87				
	Transformation	Transformation Staffing				107			
	Total Chief Executive		270	7	175	157	0	0	0
	Homelessness	Legal Challenges	20	20	30	10			
	Homelessness	Homelessness Reduction Act Grant				50		34	
	Homelessness	Homelessness Reduction Act Grant			(45)	(41)	(48)		
	Private Sector Housing	Landlord Accreditation Scheme	1		1				
	Safer Communities	CCTV Trainee Assistant post	20		23	23	2		
	Safer Communities	Security Costs			25				
	Safer Communities	Contribution for Police Officers				215	215	215	
	Youth Council	Enabling Fund			8	8			
	Grant - Citizens Advice Bureau	CAB Debt Advisors	4		4	4			
	Total Communitites		45	20	46	269	219	249	0
Governance	Building Control	Fees & Charges			(30)				
	Building Control	Ringfenced account			20				
	Conservation Policy	Consultant Fees & Grants			(4)				
	Corporate Fraud Investigation	Fees & Charges			(14)	(27)			
	Development Control	Fees & Charges	(175)		30				
	Development Control	Pre Application Consultation Fees	(13)		(6)	(5)			
	Development Control	Strategic Implementation / Planning Performance				278	278		
	Development Control	Developer Contributions - Strategic Implementation			(40)		(100)		
	Development Control Group	Trainee Contaminated Land Officer	23		10				
	Development Control Group	Trainee Planning Officer	45		15				
	Development Control Group	Agency Staff			87				
	Development Management	Administrative Assistant	13		13	17			
	Development Management	Additional Temporary Staffing - Systems Technical Officer	28		14				
	Development Management	Planning Validation Officer	26		15				
	Development Management	Document Scanning	113	1	116	113			
	Development Management	Casual Staff Re Scanning / Indexing Building Control Files			5	5			
	Elections	Savings / Costs Re District Elections	(41)		(77)	139			
	Electoral Registration	Individual Registration Costs	37	25	22	36	34	31	
	Electoral Registration	Individual Registration Grant			(21)	(18)			
	Enforcement / Trees & Landscape	Technical Assistant - Conservation		7					
	Enforcement / Trees & Landscape	Agency Staff			25				
	Legal Services	Transformation Programme	10	2	12				
	Local Land Charges	Local Land Charges Officer			7	14			
	Local Land Charges	Agency Staff			23				
	Local Land Charges	Government Grant - New Burdens			(9)				
	Planning Appeals	Contingency for Appeals	41	(9)	15	32	21		
	Total Governance		107	26	268	544	233	31	0

DISTRICT DEVELOPMENT FUND

52

Directorate	Service	Description	Estimate	B/F from 2016/17	Revised	Estimate	Estimate	Estimate	Estimate
			2017/18 £000's	2017/18 £000's	2017/18 £000's	2018/19 £000's	2019/20 £000's	2020/21 £000's	2021/22 £000's
Neighbourhoods	Contaminated Land & Water Quality	Contaminated land investigations	79	(7)		72	50		
	Flood defence	Flood Risk Works Pynest Green Lane		16	16				
	Countrycare	BRIE - SLA	4		4	4			
	Economic Development	Economic Development Strategy	8		8				
	Economic Development	Town Centres Support	52	26	18	60			
	Economic Development	Smart Places			100				
	Economic Development	Smart Places			(52)				
	Asset Rationalisation	Council Asset Rationalisation	61	(8)	61				
	Asset Rationalisation	New Development Project Officer		3					
	Forward Planning	Local Plan	1,028	195	1,227	946	400		
	Forward Planning	Brownfield Register		15	15				
	Forward Planning	Hillhouse		6	6				
	Forward Planning	Garden Town		665	178	432	55		
	Forward Planning	Community		53	32	21			
	Forward Planning	Neighbourhood Planning	3	(1)	2				
	Highways General Fund	Contribution to ECC			50				
	Land and Property	Brooker Road			(35)				
	Land and Property	Epping Forest Shopping Park empty rates			160	81			
	Leisure Management	New Management Contract	65				(266)	(444)	(259)
	Off street parking	Payment to NEPP for redundancies	20	(20)	5				
	Off street parking	Loss of income			20				
	North Weald Airfield	Second hand Fire Truck		5	5				
	North Weald Airfield	Additional Income			(33)				
	Parks & Grounds	Open Spaces - Tree Planting	10			10			
	Parks & Grounds	Tree Service - Oak Tree Planting			2	3			
	Parks & Grounds	Tree Service - Oak Tree Planting			(5)				
	Parks & Grounds	Roding Valley Development - Woodland Planting		50	10	20	20		
	Parks & Grounds	Survey of River Roding erosion	15		7	8			
	Waste Management	Waste Professional Fees			6				
	Waste Management	DCLG recycling reward scheme	218	2	156	85			
	Waste Management	DCLG recycling reward scheme contribution received			(20)				
	Waste Management	Possible reduction in recycling income				150			
	Waste Management	Additional Sacks and Recycling payment	(104)		(104)				
Total Neighbourhoods			1,459	1,000	1,839	1,892	259	(444)	(259)

DISTRICT DEVELOPMENT FUND

Directorate	Service	Description	Estimate	B/F from 2016/17	Revised	Estimate	Estimate	Estimate	Estimate
			2017/18 £000's	2017/18 £000's	2017/18 £000's	2018/19 £000's	2019/20 £000's	2020/21 £000's	2021/22 £000's
Resources	Building Maintenance - Non HRA	Planned Building Maintenance Programme	104	92	124	215	160	123	23
	Cashiers	Consultants fees		1	12				
	Cashiers	Waltham Abbey Kiosk Replacement & Licence fees			15				
	Council Tax Collection	Collection Investment	(57)		(47)	(47)			
	Council Tax Collection	Local Council Tax New Burdens Expenditure - E-Services		52	9	9			
	Finance Miscellaneous	Implementation of People Strategy			300	1,040			
	Housing Benefits Administration	Hardship & Compliance	(71)		(80)	(80)			
	Housing Benefits Administration	Benefits Specific Grants - Data Matching		60	19	27	5	5	4
	Housing Benefits Administration	Benefits Specific Grants - Unallocated	20				20		
	Housing Benefits Administration	Benefits Specific Grants			(111)				
	Housing Benefits Administration	Atlas upgrades - Software Consultancy			11				
	Housing Benefits Administration	Atlas upgrades - Government Grant			(11)				
	Housing Benefits	Hardship & Compliance - Benefits Officers	58	6	40	56	56	13	
	Housing Benefits	Benefits Specific Grants - Agency Staff / Equipment New		2	69	44			
	ICT	Technology Strategy				133	24	24	24
	NNDR Collection	Consultants / Professional fees			(28)				
	Revenues	Temporary Additional Staffing	207	32	171	177			
	Revenues	Equipment New			7				
	Sundry Non Distributable Costs	Emergency Premises Works	9	3	2	5	5		
	Sundry Non Distributable Costs	St Johns - Non-Domestic Rates & Security			24	17			
	Total Resources		270	248	526	1,596	270	165	51
	Total Service Specific District Development Fund		2,151	1,301	2,854	4,458	981	1	(208)
	Tranistional Grant		(53)		(53)				
	New Homes Bonus				(7)				(34)
	Council Tax Collection	Technical Agreement Contributions	(200)		(485)	(400)	(400)	(400)	(400)
	Pensions	Deficit Payments	(8)		(8)				
	Total District Development Fund		1,898	1,301	2,301	4,058	581	(399)	(642)

INVEST TO SAVE

54

			Estimate 2017/18 £000's	B/F from 2016/17 2017/18 £000's	Revised 2017/18 £000's	Estimate 2018/19 £000's	Estimate 2019/20 £000's	Estimate 2020/21 £000's	Estimate 2021/22 £000's
Chief Executive	Customer Services Transformation	Software prototype Behavioural Insights project	Capital Revenue		5	21			
			0	0	5	21	0	0	0
Communities	Homelessness Museum Resilience	Rental Loans Scheme Contribution	Revenue Revenue	30	20	30	30		
			30	20	50	30	0	0	0
Neighbourhoods	Car Parking Car Parking Car Parking Car Parking Car Parking Car Parking North Weald Airfield	Replacement LED lighting New Car Parks ICT infrastructure Lea Valley pay & display Vere Road Pay & Display Vere Road Pay & Display Extension to Vehicle Compound	Capital Capital Capital Capital Capital Revenue Capital	70 40 45 15 51 4	14 20 45 10 4 12	32 20 10 4 0	100 20 41 12		
			180	71	66	173	0	0	0
Resources	Civic Offices ICT	Reception area structural survey Ariel Camera System	Capital Revenue	15 1	0 1				
			0	16	1	0	0	0	0
			210	107	122	224	0	0	0

REVENUE EXPENDITURE, INCOME AND FINANCING

2017/18 ORIGINAL ALL REVENUE ITEMS £	2017/18 REVISED ALL REVENUE ITEMS £		GENERAL FUND ACCOUNT £	2018/19 ORIGINAL HOUSING REVENUE ACCOUNT £	ALL REVENUE ITEMS £
Gross Expenditure					
1,458,820	1,411,880	Office of the Chief Executive	5(a) 1,443,390	0	1,443,390
4,989,410	5,155,820	Governance	5(b) 5,589,820	0	5,589,820
18,793,680	22,284,870	Neighbourhoods	5(c) 19,132,710	0	19,132,710
38,857,260	37,840,810	Resources	5(d) 35,830,310	0	35,830,310
37,478,410	31,580,250	Communities	5(e) 5,957,290	26,980,030	32,937,320
101,577,580	98,273,630	Total Expenditure on Services	67,953,520	26,980,030	94,933,550
5,572,000	5,535,420	Interest Payable (Inc HRA)	381,000	5,387,220	5,768,220
24,128,000	14,987,570	Revenue Contribution to Capital	197,000	12,654,500	12,851,500
134,164	134,164	Parish Support Grants	67,084		67,084
3,361,180	3,361,180	Precepts Paid to Parish Councils	3,480,955	0	3,480,955
134,772,924	122,291,964	Total Gross Expenditure	9a 72,079,559	45,021,750	117,101,309
Gross Income					
35,642,010	34,076,270	Government Subsidies	31,677,210	0	31,677,210
31,613,000	31,536,390	Rents from Dwellings	0	31,323,900	31,323,900
6,175,950	6,290,660	Miscellaneous Rents, Trading Operations etc.	7,022,810	876,330	7,899,140
6,495,930	6,968,530	Fees and Charges	5,797,990	1,938,710	7,736,700
196,000	206,000	Interest on Mortgages and Investments	102,000	0	102,000
6,160,530	7,184,940	Grants and Reimbursements by other Bodies	5,003,490	13,500	5,016,990
86,283,420	86,262,790	Total Operational Income	49,603,500	34,152,440	83,755,940
1,773,570	2,042,080	Contribution from/(to) Revenue Reserves	306,836	268,850	575,686
(51,000)	(44,000)	IAS 19 Adjustment	(218,000)	0	(218,000)
1,890,000	1,423,000	Contribution from/(to) District Development Fund	2,982,000	0	2,982,000
252,000	93,000	Contribution from/(to) Other Reserves	2,000	0	2,000
9,734	9,734	Contribution from/(to) Collection Fund	(350,000)		(350,000)
28,121,000	15,896,160	Contribution from/(to) Capital Reserves	2,953,000	10,600,460	13,553,460
5,243,866	5,358,866	Exchequer Support & Business Rates	5,153,084		5,153,084
123,522,590	111,041,630	Total Gross Income	9b 60,432,420	45,021,750	105,454,170
11,250,334	11,250,334	To be met from Council Tax	9c 11,647,139	0	11,647,139
Financed by:					
7,889,154	7,889,154	District Precept			8,166,184
3,361,180	3,361,180	Parish Council Precepts	9e		3,480,955
11,250,334	11,250,334	Total Financing			11,647,139

Office of the Chief Executive

Programme 2018/19

2017/18 Original		2017/18 Probable		Revenue Expenditure	2018/19 Original	
£	£	£	£		£	£
2,416,150		2,839,870		Corporate Activities	3,271,250	
	2,416,150		2,839,870	Total Expenditure		3,271,250
	957,330		1,427,990	Income from Internal Charges		1,827,860
	1,458,820		1,411,880	Net Expenditure (see Annex 4)		1,443,390
	1,458,820		1,411,880	To be met from Government Grant and Local Taxation		1,443,390
	-		-	Capital Expenditure (see Annex 6)		-

Governance

Programme 2018/19

2017/18 Original		2017/18 Probable		Revenue Expenditure	2018/19 Original	
£	£	£	£		£	£
607,860		532,010		Elections	617,410	
1,349,880		1,339,250		Member Activities	1,430,160	
3,240,300		3,482,610		Planning & Development	3,750,090	
4,010,280		3,840,570		Support Services	3,909,070	
	9,208,320		9,194,440	Total Expenditure		9,706,730
	4,218,910		4,038,620	Income from Internal Charges		4,116,910
	<hr/>		<hr/>			<hr/>
	4,989,410		5,155,820	Net Expenditure (see Annex 4)		5,589,820
				Service Generated Income		
1,794,780		1,763,720		Fees and Charges	2,009,660	
180,000		207,620		Grants and Reimbursements by other Bodies	18,000	
<hr/>	1,974,780	<hr/>	1,971,340	Total Income	<hr/>	2,027,660
	<hr/>		<hr/>			<hr/>
	3,014,630		3,184,480	To be met from Government Grant and Local Taxation		3,562,160
	<hr/>		<hr/>			<hr/>
	-		-	Capital Expenditure (see Annex 6)		-
	<hr/>		<hr/>			<hr/>

Neighbourhoods

Programme 2018/19

2017/18 Original		2017/18 Probable		Revenue Expenditure	2018/19 Original	
£	£	£	£		£	£
1,423,850		1,401,030		Environmental Health	1,558,800	
445,700		385,200		Licensing	416,990	
1,711,460		1,230,260		Leisure Management	1,048,030	
1,080,360		1,114,670		North Weald	1,097,190	
120,470		68,530		Emergency Planning	91,560	
7,332,570		7,171,930		Waste Management	7,628,600	
902,490		761,530		Land Drainage & Sewerage	831,120	
793,390		4,252,250		Land and Property	874,580	
1,138,040		1,146,550		Parks and Grounds	1,186,380	
1,859,300		1,921,330		Technical Services	1,905,710	
2,145,810		2,911,280		Forward Planning & Economic Development	2,583,990	
4,700,960		4,743,500		Support Services	4,526,700	
	23,654,400		27,108,060	Total Expenditure		23,749,650
	4,860,720		4,823,190	Income from Internal Charges		4,616,940
	18,793,680		22,284,870	Net Expenditure (see Annex 4)		19,132,710
Service Generated Income						
5,003,140		5,158,460		Miscellaneous Rents, Trading Operations etc	6,742,810	
2,093,420		2,149,670		Fees and Charges	2,879,980	
2,017,590		2,414,420		Grants and Reimbursements by other Bodies	2,003,990	
	9,114,150		9,722,550	Total Income		11,626,780
	9,679,530		12,562,320	To be met from Government Grant and Local Taxation		7,505,930
	7,620,000		16,027,000	Capital Expenditure (see Annex 6)		9,317,000

Resources						
Programme 2018/19						
2017/18 Original		2017/18 Probable		Revenue Expenditure	2018/19 Original	
£	£	£	£		£	£
36,703,670		34,946,210		Housing Benefits	32,798,640	
1,987,780		1,989,980		Local Taxation	2,093,240	
115,950		832,710		Other Activities	907,690	
2,971,250		3,201,270		Accommodation Services	3,273,020	
3,070,150		3,112,960		ICT Services	3,886,620	
2,848,660		2,847,990		Financial Services	2,949,070	
1,774,800		1,786,900		Other Support Services	1,866,540	
	49,472,260		48,718,020	Total Expenditure		47,774,820
	10,615,000		10,877,210	Income from Internal Charges		11,944,510
	38,857,260		37,840,810	Net Expenditure (see Annex 4)		35,830,310
Service Generated Income						
35,642,010		34,076,270		Government Subsidies	31,677,210	
350,420		438,750		Miscellaneous Rents, Trading Operations etc		
300,000		315,410		Fees and Charges	411,470	
				Grants and Reimbursements by other Bodies	300,410	
	36,292,430		34,830,430	Total Income		32,389,090
	2,564,830		3,010,380	To be met from Government Grant and Local Taxation		3,441,220
	1,024,000		674,000	Capital Expenditure (see Annex 6)		2,108,000

Communities

Programme 2018/19

2017/18 Original			2017/18 Probable			2018/19 Original			
General Fund	Housing Revenue	Total	General Fund	Housing Revenue	Total		General Fund	Housing Revenue	Total
£	£	£	£	£	£	Revenue Expenditure	£	£	£
	31,789,410	31,789,410		25,699,170	25,699,170	Council Housing		26,980,030	26,980,030
1,500,000		1,500,000	1,506,940		1,506,940	Private Sector Housing	1,517,120		1,517,120
759,570		759,570	854,170		854,170	Homelessness	935,210		935,210
435,940		435,940	441,870		441,870	Voluntary Sector Support	435,360		435,360
1,234,110		1,234,110	1,589,840		1,589,840	Community services	1,541,070		1,541,070
1,559,340		1,559,340	1,298,710		1,298,710	Sports Development	1,317,250		1,317,250
570,510		570,510	547,740		547,740	Support Services	584,200		584,200
6,059,470	31,789,410	37,848,880	6,239,270	25,699,170	31,938,440	Total Expenditure	6,330,210	26,980,030	33,310,240
370,470	0	370,470	358,190		358,190	Income from Internal Charges	372,920		372,920
5,689,000	31,789,410	37,478,410	5,881,080	25,699,170	31,580,250	Net Expenditure (see Annex 4)	5,957,290	26,980,030	32,937,320
Service Generated Income									
	31,613,000	31,613,000		31,536,390	31,536,390	Rents from Dwellings		31,323,900	31,323,900
280,000	892,810	1,172,810	280,000	852,200	1,132,200	Miscellaneous Rents, Trading Operations etc	280,000	876,330	1,156,330
505,760	1,751,550	2,257,310	496,770	2,119,620	2,616,390	Fees and Charges	496,880	1,938,710	2,435,590
	0	0			0	Interest on Mortgages			0
1,235,940		1,235,940	1,514,990	13,500	1,528,490	Grants and Reimbursements by other Bodies	1,232,090	13,500	1,245,590
	(4,141,540)	(4,141,540)		(10,391,830)	(10,391,830)	HRA Interest & Reversal of Depn		(7,441,260)	(7,441,260)
	1,673,590	1,673,590		1,569,290	1,569,290	Use of Balances		268,850	268,850
2,021,700	31,789,410	33,811,110	2,291,760	25,699,170	27,990,930	Total Income	2,008,970	26,980,030	28,989,000
3,667,300	-	3,667,300	3,589,320	0	3,589,320	To be met from Government Grant and Local Taxation	3,948,320	0	3,948,320
688,000	28,064,000	28,752,000	309,000	23,114,000	23,423,000	Capital Expenditure (see Annex 6)	700,000	22,786,000	23,486,000

Non Service Budgets

Programme 2018/19

2017/18 Original			2017/18 Probable			Revenue Expenditure	2018/19		
General Fund	Housing Revenue	Total	General Fund	Housing Revenue	Total		General Fund	Housing Revenue	Total
£	£	£	£	£	£		£	£	£
(196,000)		(196,000)	(206,000)		(206,000)	Interest & Investment Income	(102,000)		(102,000)
176,000	23,952,000	24,128,000	62,000	14,925,570	14,987,570	Revenue Contribution to Capital	197,000	12,654,500	12,851,500
(2,427,000)		(2,427,000)	(2,719,000)		(2,719,000)	Other Items	(1,449,000)		(1,449,000)
172,460	5,399,540	5,572,000	266,000	5,269,420	5,535,420	Interest Payable (Inc HRA)	381,000	5,387,220	5,768,220
(2,911,000)		(2,911,000)	(6,093,000)		(6,093,000)	Depreciation Reversals & Other Adjs.	(2,953,000)		(2,953,000)
(5,185,540)	29,351,540	24,166,000	(8,690,000)	20,194,990	11,504,990		(3,926,000)	18,041,720	14,115,720
-	25,210,000	25,210,000	-	9,803,160	9,803,160	Transferred to Housing Summary	-	10,600,460	10,600,460
(5,185,540)	54,561,540	49,376,000	(8,690,000)	29,998,150	21,308,150		(3,926,000)	28,642,180	24,716,180
						(472,790) Contribution (from)/to Revenue Reserves	(306,836)		
						44,000 IAS 19 Adjustment	218,000		
						(93,000) Contribution (from)/to Other Reserves	(2,000)		
						(9,734) Contribution (from)/to the Collection Fund	350,000		
						(1,423,000) Contribution from District Development Fund	(2,982,000)		

Capital Programme

Programme 2018/19

2017/18 Original			2017/18 Probable			Gross Expenditure	2018/19 Original		
General Fund £	Housing Revenue £	Total £	General Fund £	Housing Revenue £	Total £		General Fund £	Housing Revenue £	Total £
7,620,000		7,620,000	16,027,000		16,027,000	Neighbourhoods	9,317,000		9,317,000
1,024,000		1,024,000	674,000		674,000	Resources	2,108,000		2,108,000
688,000	28,064,000	28,752,000	309,000	23,114,000	23,423,000	Communities	700,000	22,786,000	23,486,000
9,332,000	28,064,000	37,396,000	17,010,000	23,114,000	40,124,000	Total Capital Expenditure	12,125,000	22,786,000	34,911,000
						Less:			
70,000	25,699,000	25,769,000	62,000	17,670,000	17,732,000	Revenue Contributions to Capital	197,000	19,183,000	19,380,000
9,262,000	2,365,000	11,627,000	16,948,000	5,444,000	22,392,000	To be met from Capital Resources	11,928,000	3,603,000	15,531,000
Financed by:									
5,709,000	1,933,000	7,642,000	554,000	4,787,000	5,341,000	Capital Receipts	1,109,000	3,523,000	4,632,000
12,621,000		12,621,000	16,385,000		16,385,000	Borrowing	10,819,000		10,819,000
	450,000	450,000		75,000	75,000	Government Grants		80,000	80,000
	45,000	45,000	9,000	582,000	591,000	Other Grants			-
18,330,000	2,428,000	20,758,000	16,948,000	5,444,000	22,392,000	Total Financing	11,928,000	3,603,000	15,531,000

COUNCIL TAX RATES FOR DISTRICT & PARISH/TOWN COUNCILS 2018/19

ANNEX 7

Authorities	Tax Base No.'s	Precept 2018/19	Council Tax Band D	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
		£	£	£	£	£	£	£	£	£	£
District Expenses	53,562.8	8,166,184	152.46	101.64	118.58	135.52	152.46	186.34	220.22	254.10	304.92
Abbess, Berners and Beauchamp Roding	224.1	5,400	24.10	117.71	137.32	156.94	176.56	215.80	255.03	294.27	353.12
Buckhurst Hill	5,211.0	358,989	68.89	147.57	172.16	196.76	221.35	270.54	319.73	368.92	442.70
Chigwell	6,125.3	285,262	46.57	132.69	154.80	176.92	199.03	243.26	287.49	331.72	398.06
Epping Town	5,251.6	458,099	87.23	159.79	186.43	213.06	239.69	292.95	346.22	399.48	479.38
Epping Upland	407.5	15,464	37.95	126.94	148.10	169.25	190.41	232.72	275.04	317.35	380.82
Fyfield	413.4	11,400	27.58	120.03	140.03	160.04	180.04	220.05	260.06	300.07	360.08
High Ongar	553.2	12,895	23.31	117.18	136.71	156.24	175.77	214.83	253.89	292.95	351.54
Lambourne	884.9	35,525	40.15	128.41	149.81	171.21	192.61	235.41	278.21	321.02	385.22
Loughton Town	12,408.9	665,000	53.59	137.37	160.26	183.16	206.05	251.84	297.63	343.42	412.10
Matching	439.1	14,768	33.63	124.06	144.74	165.41	186.09	227.44	268.80	310.15	372.18
Moreton, Bobbingworth and the Lavers	584.1	14,771	25.29	118.50	138.25	158.00	177.75	217.25	256.75	296.25	355.50
Nazeing	2,064.9	72,994	35.35	125.21	146.07	166.94	187.81	229.55	271.28	313.02	375.62
North Weald Bassett	2,544.3	184,249	72.42	149.92	174.91	199.89	224.88	274.85	324.83	374.80	449.76
Ongar Town	2,726.1	306,569	112.46	176.61	206.05	235.48	264.92	323.79	382.66	441.53	529.84
Roydon	1,337.5	30,898	23.10	117.04	136.55	156.05	175.56	214.57	253.59	292.60	351.12
Sheering	1,352.0	40,629	30.05	121.67	141.95	162.23	182.51	223.07	263.63	304.18	365.02
Stanford Rivers	357.5	20,298	56.78	139.49	162.74	185.99	209.24	255.74	302.24	348.73	418.48
Stapleford Abbots	522.3	6,111	11.70	109.44	127.68	145.92	164.16	200.64	237.12	273.60	328.32
Stapleford Tawney	79.5	1,537	19.33	114.53	133.61	152.70	171.79	209.97	248.14	286.32	343.58
Theydon Bois	1,986.8	106,771	53.74	137.47	160.38	183.29	206.20	252.02	297.84	343.67	412.40
Theydon Garnon	84.4	1,000	11.85	109.54	127.80	146.05	164.31	200.82	237.34	273.85	328.62
Theydon Mount	118.4	1,600	13.51	110.65	129.09	147.53	165.97	202.85	239.73	276.62	331.94
Waltham Abbey Town	7,650.3	825,800	107.94	173.60	202.53	231.47	260.40	318.27	376.13	434.00	520.80
Willingale	235.7	4,926	20.90	115.57	134.84	154.10	173.36	211.88	250.41	288.93	346.72
Town and Parish Total	53,562.8	3,480,955	64.99	43.33	50.55	57.77	64.99	79.43	93.87	108.32	129.98
District, Town and Parish Total	53,562.8	11,647,139	217.45	144.97	169.13	193.29	217.45	265.77	314.09	362.42	434.90

This page is intentionally left blank

PART A : ANALYSIS OF MAJOR PRECEPTING AUTHORITIES 2018/19

Authorities	Tax Base No.'s	Precept 2018/19	Council Tax Band D		Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
		£	£		£	£	£	£	£	£	£	£
Essex County Council	53,562.8	65,440,351	1,221.75		814.50	950.25	1,086.00	1,221.75	1,493.25	1,764.75	2,036.25	2,443.50
Essex Police Authority	53,562.8	9,053,184	169.02		112.68	131.46	150.24	169.02	206.58	244.14	281.70	338.04
Essex Fire and Rescue Authority	53,562.8	3,769,750	70.38		46.92	54.74	62.56	70.38	86.02	101.66	117.30	140.76
District Expenses	53,562.8	8,166,184	152.46		101.64	118.58	135.52	152.46	186.34	220.22	254.10	304.92

PART B : SUMMARY - COUNCIL TAX RATES INCLUDING ALL PRECEPTS 2018/19

Abbess, Berners and Beauchamp Roding	224.1	5,400	24.10		1,091.81	1,273.77	1,455.74	1,637.71	2,001.65	2,365.58	2,729.52	3,275.42
Buckhurst Hill	5,211.0	358,989	68.89		1,121.67	1,308.61	1,495.56	1,682.50	2,056.39	2,430.28	2,804.17	3,365.00
Chigwell	6,125.3	285,262	46.57		1,106.79	1,291.25	1,475.72	1,660.18	2,029.11	2,398.04	2,766.97	3,320.36
Epping Town	5,251.6	458,099	87.23		1,133.89	1,322.88	1,511.86	1,700.84	2,078.80	2,456.77	2,834.73	3,401.68
Epping Upland	407.5	15,464	37.95		1,101.04	1,284.55	1,468.05	1,651.56	2,018.57	2,385.59	2,752.60	3,303.12
Fyfield	413.4	11,400	27.58		1,094.13	1,276.48	1,458.84	1,641.19	2,005.90	2,370.61	2,735.32	3,282.38
High Ongar	553.2	12,895	23.31		1,091.28	1,273.16	1,455.04	1,636.92	2,000.68	2,364.44	2,728.20	3,273.84
Lambourne	884.9	35,525	40.15		1,102.51	1,286.26	1,470.01	1,653.76	2,021.26	2,388.76	2,756.27	3,307.52
Loughton Town	12,408.9	665,000	53.59		1,111.47	1,296.71	1,481.96	1,667.20	2,037.69	2,408.18	2,778.67	3,334.40
Matching	439.1	14,768	33.63		1,098.16	1,281.19	1,464.21	1,647.24	2,013.29	2,379.35	2,745.40	3,294.48
Moreton, Bobbingworth and the Lavers	584.1	14,771	25.29		1,092.60	1,274.70	1,456.80	1,638.90	2,003.10	2,367.30	2,731.50	3,277.80
Nazeing	2,064.9	72,994	35.35		1,099.31	1,282.52	1,465.74	1,648.96	2,015.40	2,381.83	2,748.27	3,297.92
North Weald Bassett	2,544.3	184,249	72.42		1,124.02	1,311.36	1,498.69	1,686.03	2,060.70	2,435.38	2,810.05	3,372.06
Ongar Town	2,726.1	306,569	112.46		1,150.71	1,342.50	1,534.28	1,726.07	2,109.64	2,493.21	2,876.78	3,452.14
Roydon	1,337.5	30,898	23.10		1,091.14	1,273.00	1,454.85	1,636.71	2,000.42	2,364.14	2,727.85	3,273.42
Sheering	1,352.0	40,629	30.05		1,095.77	1,278.40	1,461.03	1,643.66	2,008.92	2,374.18	2,739.43	3,287.32
Stanford Rivers	357.5	20,298	56.78		1,113.59	1,299.19	1,484.79	1,670.39	2,041.59	2,412.79	2,783.98	3,340.78
Stapleford Abbots	522.3	6,111	11.70		1,083.54	1,264.13	1,444.72	1,625.31	1,986.49	2,347.67	2,708.85	3,250.62
Stapleford Tawney	79.5	1,537	19.33		1,088.63	1,270.06	1,451.50	1,632.94	1,995.82	2,358.69	2,721.57	3,265.88
Theydon Bois	1,986.8	106,771	53.74		1,111.57	1,296.83	1,482.09	1,667.35	2,037.87	2,408.39	2,778.92	3,334.70
Theydon Garnon	84.4	1,000	11.85		1,083.64	1,264.25	1,444.85	1,625.46	1,986.67	2,347.89	2,709.10	3,250.92
Theydon Mount	118.4	1,600	13.51		1,084.75	1,265.54	1,446.33	1,627.12	1,988.70	2,350.28	2,711.87	3,254.24
Walden Abbey Town	7,650.3	825,800	107.94		1,147.70	1,338.98	1,530.27	1,721.55	2,104.12	2,486.68	2,869.25	3,443.10
Willingale	235.7	4,926	20.90		1,089.67	1,271.29	1,452.90	1,634.51	1,997.73	2,360.96	2,724.18	3,269.02

PART C : CHANGES IN BAND D CHARGES

Authorities	Council Tax Requirement			Council Tax Band D		Increase
	2017/18 £	2018/19 £		2017/18 £	2018/19 £	
Essex County Council	61,710,080	65,440,351		1,163.70	1,221.75	4.99
Essex Police Authority	8,328,236	9,053,184		157.05	169.02	7.62
Essex Fire and Rescue Authority	3,660,606	3,769,750		69.03	70.38	1.96
District Expenses	7,889,154	8,166,184		148.77	152.46	2.48
Abbess, Berners and Beauchamp Roding	5,300	5,400		24.42	24.10	-1.31
Buckhurst Hill	356,465	358,989		68.89	68.89	0.00
Chigwell	276,954	285,262		45.89	46.57	1.48
Epping Town	446,252	458,099		85.52	87.23	2.00
Epping Upland	14,954	15,464		36.84	37.95	3.01
Fyfield	11,067	11,400		26.29	27.58	4.91
High Ongar	12,939	12,895		23.31	23.31	0.00
Lambourne	33,000	35,525		37.90	40.15	5.94
Loughton Town	634,800	665,000		51.63	53.59	3.80
Matching	14,282	14,768		33.30	33.63	0.99
Moreton, Bobbingworth and the Lavers	14,481	14,771		25.07	25.29	0.88
Nazeing	71,964	72,994		35.23	35.35	0.34
North Weald Bassett	175,475	184,249		69.50	72.42	4.20
Ongar Town	287,485	306,569		106.65	112.46	5.45
Roydon	29,914	30,898		22.89	23.10	0.92
Sheering	33,958	40,629		25.52	30.05	17.75
Stanford Rivers	20,298	20,298		56.95	56.78	-0.30
Stapleford Abbots	5,716	6,111		11.01	11.70	6.27
Stapleford Tawney	1,537	1,537		19.53	19.33	-1.02
Theydon Bois	106,615	106,771		53.74	53.74	0.00
Theydon Garnon	1,000	1,000		12.56	11.85	-5.65
Theydon Mount	1,600	1,600		13.82	13.51	-2.24
Waltham Abbey Town	800,400	825,800		105.88	107.94	1.95
Willingale	4,724	4,926		20.00	20.90	4.50

Medium Term Financial Strategy

Introduction

1. For a number of years as part of the Council's sound financial planning arrangements a four-year financial strategy has been prepared. This document allows a considered view to be taken of spending and resources. Without a medium term financial strategy finances would be managed on an annual basis leading to sudden expansions and contractions in services. Clearly such volatility would lead to waste and be confusing for stakeholders.
2. Managing this Council's finances has been made easier by isolating one off fluctuations (District Development Fund or DDF) from the ongoing core services (Continuing Service Budgets or CSB). This distinction highlights the differing effects in the medium term of approving different types of initiative.
3. A key part of the strategy is future rises in Council Tax and the Council has a stated ambition to remain a low tax authority in the long term. To achieve this over the long term it is important to avoid the gimmick of one-off reductions. For 2018/19 it appears that most authorities across Essex will be increasing charges to just below the referendum limit.
4. At its 20 July 2017 meeting the Finance and Performance Management Cabinet Committee decided to recommend a 0% increase in the Council Tax. This recommendation was adopted by Cabinet on 7 September 2017.

Previous Medium Term Financial Strategy

5. The July meeting of the Cabinet Committee considered the annual Financial Issues Paper and an updated medium term financial strategy. At that time Members attention was drawn to a number of areas of significant uncertainty. Key amongst those were the structural reforms to the financing of local authorities and the local retention of NNDR. The general state of domestic and world economies were a concern as was the progress towards and potential outcomes from Brexit. There were also questions over welfare reform, development opportunities and the Transformation Programme.
6. Against this background of risk and uncertainty a forecast was constructed that set a target of £12.920m for CSB expenditure for 2018/19 and maintained the requirement for annual CSB savings over the forecast period. At this time deficit budgets were anticipated for each year of the forecast, although these were reducing at the end of the forecast.
7. At that time the predicted General Fund balance at 1 April 2021 of £5.287m represented 41% of the anticipated Net Budget Requirement (NBR) for 2020/21 and was therefore somewhat higher than the guideline of 25%. It was also predicted at that time that there would be £0.564m left in the DDF at 1 April 2021, although this was after a transfer in of £0.5m in 2018/19.

Updated Medium Term Financial Strategy

8. In the period since the Financial Issues Paper the Government has provided the draft settlement figures for the period up to and including 2019/20. The reductions in grant are slightly higher than had been anticipated, being £7,000 higher in 2018/19 and £50,000 higher in 2019/20. Revenue Support Grant still goes negative by the end of the period. The reductions in New Homes Bonus are also more than had been estimated and a further £50,000 of income has been lost here. In constructing the forecast it has been necessary to make certain assumptions, these are set out below:
 - a) CSB Growth – the net savings required for 2018/19 have been found and the CSB figure is comfortably below the target established in July. Budgets will be re-visited during the course of 2018/19 to seek further reductions, particularly areas like waste management that have not seen any changes to address previous growth. In common with the earlier version of the strategy, target CSB savings are included for 2020/21 to 2021/22. Additional savings on the new leisure management contract and salary savings from the people strategy have helped achieve the savings required for 2018/19. However, on top of known predicted savings, net savings targets of £300,000 for both 2020/21 and 2021/22 are needed.
 - b) DDF – all of the known items for the four-year period have been included and at the end of the period a balance of £1.09m is still available. This is only possible after the transfer in of £2.8m from the General Fund Reserve in earlier years due to the high level of expenditure on the Local Plan.
 - c) Grant Funding – the amounts included are those from the draft settlement, including the negative amount in 2019/20.
 - d) Other Funding – the amounts included for New Homes Bonus have been reduced further in line with the draft settlement. Only limited growth in funding has been anticipated from growth in the non-domestic rating list. It has been assumed that the allowance for losses on appeals will be adequate but there are hundreds of appeals still outstanding, including one against the largest item on our rating list. It has been assumed that the remaining three units on the shopping park will be let before the end of March 2018.
 - e) Council Tax Increase – Members have indicated that they wish to increase the Council Tax by 2.48% for 2018/19 and then reverse this in 2021/22.
9. This revised medium term financial strategy has deficits in the final two years of the period, although these are increasing and the use of reserves in 2021/22 is £557,000. The predicted revenue balance at the end of the period is £4.8m, which represents 37% of the NBR for 2021/22 and thus exceeds the target of 25%.
10. It is worth repeating that savings of £0.6m are still to be identified for the last two years of the strategy and that identified savings of £3.4m in 2018/19 and £2.3m in 2019/20 will have to be delivered. In approving the medium term financial strategy Members are asked to note these targets. The strategy will be monitored during the year and updated for the July 2018 meeting of the Finance and Performance Management Cabinet Committee.

The Chief Financial Officer's report to the Council on the robustness of the estimates for the purposes of the Council's 2018/19 budgets and the adequacy of the reserves.

Introduction

1. The Local Government Act 2003 section 25 introduced a specific personal duty on the "Chief Financial Officer" (CFO) to report to the Authority on the robustness of the estimates for the purposes of the budget and the adequacy of reserves. The Act requires Members to have regard to the report when determining the Council's budget requirement for 2018/19. If this advice is not accepted, the reasons must be formally recorded within the minutes of the Council meeting. Council will consider the recommendations of Cabinet on the budget for 2018/19 and determine the planned level of the Council's balances.
2. Sections 32 and 43 of the Local Government Finance Act 1992 also require billing and precepting authorities to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the net budget requirement.
3. There are a range of safeguards, which exist to ensure local authorities do not over-commit themselves financially. These include:
 - The CFO's s.114 powers, which require a report to the Cabinet and to all Members of the local authority if there is or is likely to be unlawful expenditure or an unbalanced budget
 - The Prudential Code, which applied to capital financing from 2004/05.

The Robustness of the Recommended Budget

4. A number of reports to the Cabinet in recent years have highlighted the difficulties inherent in setting budgets, not least because of significant changes in the level and complexity of Government funding and continuing pressure to protect and develop services. At the same time major changes have been introduced to the way the Council is structured and managed and the way services like waste and leisure are delivered. These changes and the extended period of low economic growth are still ongoing and represent significant risks to the Council's ability to evaluate all the financial pressures it faces.
5. However the Council's budget process, developed over a number of years, has many features that promote an assurance in its reliability:
 - The rolling four year forecast provides a yardstick against which annual budgets can be measured
 - The early commencement of the budget process and the clear annual timetable for both Members and officers including full integration with the business planning process promotes considered and reasoned decision making
 - The establishment of budget parameters in the summer is designed to create a clear focus before the budget process commences

- The analysis of the budget between the continuing services and one off District Development Fund items smoothes out peaks and troughs and enables CSB trends to be monitored
 - The adoption of a prudent view on the recognition of revenue income and capital receipts
 - The annual bid process whereby new or increased budgets should be reported to Cabinet before inclusion in the draft budget
 - Clear and reasoned assumptions made about unknowns, uncertainties or anticipated changes
6. With a Cabinet system the onus is on Portfolio Holders to work closely with Directors to deliver acceptable and accurate budgets. This role has been taken seriously and has helped enhance the detailed knowledge of the Cabinet. There is an established process that allows the Resources Select Committee to challenge and debate the detailed budgets with the Finance and Performance Management Cabinet Committee.
 7. The budget is therefore based on strong and well-developed procedures and an integrated and systematic approach to the preparation of soundly based capital and revenue plans and accurate income and expenditure estimates. The risks or uncertainties inherent in the budget have been identified and managed, as far as is practicable, and assumptions about their impact have been made.
 8. **The conclusion is that the estimates as presented to the Council are sufficiently robust for the purposes of the Council's overall budget for 2018/19.**

Factors to be taken into account when undertaking a Risk Assessment into the overall Level of Reserves and Balances

9. Guidance from the Chartered Institute of Public Finance and Accountancy (CIPFA) states that the following factors should be taken into account when the CFO considers the overall level of reserves and balances:
 - Assumptions regarding inflation;
 - Estimates of the level and timing of capital receipts;
 - Treatment of demand led pressures;
 - Treatment of savings;
 - Risks inherent in any new partnerships etc;
 - Financial standing of the authority i.e. level of borrowing, debt outstanding etc;
 - The authority's track record in budget management;
 - The authority's capacity to manage in-year budget pressures;
 - The authority's virements and year-end procedures in relation to under and overspends;
 - The adequacy of insurance arrangements.
10. These issues have formed the basis for budget reports in the past and they remain relevant for the current budget.

Factor Assessment

a. Inflationary pressures

11. Every year base budget estimates are produced and then different inflation factors are applied to the resultant figures to take budgets to out-turn prices. It is inevitable that there will be either over or under provision for the full cost of inflation, as prices will vary against the estimates made. Efforts have been made to predict the level of inflation in the coming year, although the uncertainty around the overall economic position makes this more difficult. We have already seen growth in inflation being caused by the weakness of the pound after the Brexit vote. How the Brexit negotiations proceed and the general state of other economies across the world will have implications for the United Kingdom.
12. The Consumer Price Index (CPI) rose by 2.7% in the year to December 2017, down from 2.8% in November. This figure was below market expectations of 2.8%. It is likely that CPI will continue at a similar level through 2018 and the Bank of England's target rate of 2% will not be achieved. This is likely to result in reductions in real wage growth and restrain household spending. Pay increases for the year to October 2017 were running at 2.5%, inclusive of bonuses. However, pay rises in the public sector will not match those in the private sector so the Medium Term Financial Strategy (MTFS) includes an allowance of 2% for pay awards for 2018/19 and 2019/20 and 1% for subsequent years. In the budgets the centrally held vacancy allowance has been maintained at 1.5%. This reflects the level of salary underspend currently being seen in 2017/18.

b. Estimates on the level and timing of capital receipts

13. The Council has always adopted a prudent view on the level and timing of capital receipts. Capital receipts are not recognised for budgetary purposes unless they have been received or their receipt is contractually confirmed prior to the budget being ratified. Currently, the only significant disposal anticipated in 2018/19 is the St Johns road site.
14. The exception to this is receipts from council house sales. In this instance because sales occur throughout the year assumptions are made about their generation. Following the increase in Right to Buy discounts the number of sales increased significantly. During 2012/13 there were 13 sales but 2013/14 saw the number rise to 53, with a further 46 in 2014/15. This dipped back to 20 for 2015/16 but a higher level was evident again in 2016/17 with 46 sales for the year. Going forward, it is anticipated that there will be 30 sales in 2017/18 and that this will then reduce to 24 per annum for subsequent years.
15. Even with the Authority's substantial capital programme, which exceeds £127m over five years, it is anticipated that the balance of usable capital receipts at 31 March 2022 will be just under £2.1m. By this stage the amount in the reserve will consist entirely of one for one receipts to be re-invested in new housing stock. Priority will be given to capital schemes that create future revenue benefit, either through increased income or reduced costs. The Treasury Management Strategy has been amended to state that new borrowing will only be undertaken for capital schemes with positive revenue consequences.

c. Treatment of demand led pressures and savings

16. Demand led pressures have stabilised on the benefits and homelessness services and the additional resources previously allocated appear adequate. It is disappointing that none of the £0.5m of CSB growth for the waste contract included in the 2016/17 revised budget has been recovered through changes to the service. Key income streams are generally on target, with the exception of development control. The income from development control should be greater in 2018/19 as some large developments are currently stalled by the local plan process.
17. The net savings for the budget have arisen from two main areas. Firstly, the treatment of capital as part of the new leisure management contract has been different to what was anticipated. This has had the effect of increasing capital expenditure but has generated greater CSB savings. Payments fluctuate over the life of the contract so the MTFS will need to be reviewed and updated accordingly. Secondly, the saving from the People Strategy which, like the new leisure contract, is spread over the period of the MTFS. With the phases of the restructure expected to take varying times to complete a saving of £437,000 has been included for 2018/19 followed by further amounts of £858,000 in 2019/20 and £200,000 in 2020/21. A number of other smaller savings have also been identified and together these provide a sound base for the 2018/19 budget. However, there is still a need for further savings in 2020/21 and beyond and action is needed to take forward a new development scheme.

d. Risks inherent in partnership arrangements etc

18. There are several partnership arrangements, some of which carry risks of varying degrees in monetary terms. The risks have not been specifically identified in the budget but are underwritten through the Authority's balances.

e. Financial standing of the authority (i.e. level of borrowing, debt outstanding etc)

19. The only borrowing, as at 1 February 2018, is due to self-financing for the Housing Revenue Account (HRA). This had not been a significant concern as the 30 year business plan for the HRA demonstrated that the Council would be considerably better off in the long term. However, the requirement to reduce rents and support the house building programme meant the HRA business plan had to be re-examined in 2017/18 and it will be kept under review.
20. It has been evident for a while that the future for local authorities is financial self-sufficiency, based on income from local taxation and service generated revenues. This Council has already moved a long way in that direction and the loss of funding from both Revenue Support Grant and New Homes Bonus has been allowed for in the MTFS. The reductions in the draft settlement were larger than had been anticipated in the MTFS, with the combined effect for 2018/19 being £100,000 worse than anticipated.
21. Local retention of non-domestic rates has been helpful and has resulted in far higher levels of income to the Council than DCLG had predicted. However, significant concerns remain about the new 2017 rates list and changes to transitional relief and the appeals process. The combination of changes makes it difficult to predict the amount of our income. There also remain several hundred appeals outstanding on the current rating list, including one against the

largest item on our rating list, and it is difficult to robustly predict what the combined outcomes will be. It is also difficult to predict the outcome from pooling and whilst this reduces the levy the Council pays there is additional risk in 2018/19 with the widening of the pool.

f. The authority's track record in budget management, including its ability to manage in-year budget pressures

22. The Authority has a proven track record in financial management as borne out by the Annual Audit Letters from the Authority's external auditors. A comparison of actual net expenditure with estimates over a number of year's shows that the Council rarely experiences over spends of any significance.
23. Most managers have received training on budget management. A course involving an external trainer, the CFO and the Chief Internal Auditor has now been supplemented with additional detailed training on a directorate basis being provided by accountancy staff.
24. The quarterly budget monitoring reports on key budgets to both the Finance and Performance Management Cabinet Committee and the Resources Select Committee will continue throughout 2018/19. The production of these reports during the year is essential in identifying emerging problems at the earliest opportunity. This allows maximum benefit to be accrued from any corrective action taken.

g. The authority's virement and year-end procedures in relation to under and overspends

25. The Council has recognised and embedded virement procedures that allow funds to be moved to areas of pressure. Although underspends and overspends are not automatically carried forward, the Council does have an approved carry forward scheme for capital and DDF which is actioned through the formal provisional outturn report to the Finance & Performance Management Cabinet Committee in the summer of each year.

h. The adequacy of insurance arrangements

26. The Council is in a five year agreement following an OJEU procurement exercise. This exercise attracted interest from several insurance companies but the best overall package of cover was offered by the Council's existing insurer, Zurich Municipal. Despite the general increases seen in the market for insurance, the new long term agreement was procured at a lower cost with some increases in indemnities. The Council still maintains an insurance fund, which as at 31 March 2017 had a balance of £1.01m.

i. Pension liabilities

27. The latest triennial valuation as at 31 March 2016 showed an increase in the funding level of the scheme to 85% (the value of the scheme's assets cover 85% of the liabilities). This has allowed the actuaries to reduce both the deficit payments and the projected recovery period. However, ongoing contributions have increased from 15.9% to 18% and this results in small amounts of CSB growth in 2018/19 and 2019/20.

Statement on the adequacy of the reserves and balances

28. The Use of Resources assessment previously conducted by the external auditors moved on from the formulaic approach of CPA to achieve the 'good' ranking for reserves. The old formula had suggested that the Council should maintain a General Fund balance of at least £0.89m but no more than £17.86m. The Council's current best estimate of the General Fund balance at 31 March 2019 is £5.4m as shown in the Annex 9 b. This is clearly within the range specified but as a benchmark is not particularly useful. Therefore a risk assessment related to the Authority's individual circumstances is provided as a more meaningful benchmark against which the adequacy of the balances can be determined.
29. The following table lists those developments and cost pressures within the four-year forecast that offer the greatest risk to financial stability.

Item of risk	Estimated value of financial risk £000	Level of risk %	Adjusted level of risk £000
Basic 5% of Net Operating Expenditure			700
Negative RSG earlier and larger than draft settlement	500	20	100
Failure to achieve savings from People Strategy and other transformation projects	3,000	40	1,200
Pay award being settled 1% in excess of estimate for 18/19 and future years	800	25	200
Inflationary pressures between 1-4% higher than budget	600	40	240
Loss of North Weald Market Income	2,800	10	280
Unintended consequences of HRA reform impacting on General Fund	2,000	10	200
Localisation of Council Tax Benefit - Increase in caseload not covered by funding	1,000	20	200
Retention of non-domestic rates – losses on appeals	2,000	40	800
Additional costs arising on waste contract and not being mitigated	2,000	40	800
Renegotiating External contracts and partnership arrangements	4,000	25	1,000
Emergency Contingency	800	20	160
Total	19,500		5,880

30. A number of contracts have been granted to outside bodies for the provision of Council services. The failure of any of these contracts would lead to the Council incurring costs, which may not be reimbursed. Other than certain bond arrangements there is no specific provision made in the estimates for this type of expenditure, which therefore would have to be covered by revenue balances.

31. The presentation in this table is not a scientific approach, but a crude attempt to put a broad order of scale on the main financial risks potentially facing the Council. It is meant to be thought provoking rather than definitive. It is certainly not a complete list of all the financial risks the Council faces but it shows the potential scale of some of the risks and uncertainties and the impact they may have on the Council's balances if they were to come to fruition.
32. Based on the old CPA formula there is an expectation that an authority should carry a level of balance that equates to at least 5% of the net operating expenditure (NOE) of the Authority. During the period of the four-year plan NOE is expected to average out at £13.6m, which suggests a figure of £682,000.
33. The Council has always been conscious of its balances position as can be demonstrated by budget reports over many years. Fortunately for the Council the question had not been whether it had a sufficient level of balance but rather that it had too much. The General Fund balance reduced by £1.07m in 2016/17 (after use of £1m to fund the capital programme) to leave a balance of £6.21m at 31 March 2017.
34. Policies have been determined previously to bring about reductions, including the use of revenue to finance the capital programme, and the current MTFS has deficit budgets in the final two years. The current policy allows for balances to fall to no lower than 25% of Net Budget Requirement (NBR). This is slightly different from the NOE stated above, the average NBR figure for the next four years is expected to be £12.9m therefore 25% of that figure equates to £3.2m. The current four-year forecast shows balances still at £4.8m at the end of 2021/22.
35. The risk assessment undertaken above suggests that 20-25% of NBR is an appropriate range for this authority to be maintaining its balances within. By 31 March 2022 balances will represent 37% of NBR, which is adequate. However, Members are aware that this situation can only be achieved with both the planned CSB savings being delivered and significant further savings or income being identified in the final two years of the MTFS.
36. The only balances in the capital fund going forward will be receipts from the sale of Council houses that will need to be re-invested in the new build programme. Additional borrowing will be required to fund the capital programme in 2018/19. Further borrowing is affordable but Members have stated that new borrowing should only be for capital schemes with positive revenue consequences.
37. The main earmarked reserve is the District Development Fund (DDF) which is used to keep one off items separate from the base budget. At 31 March 2017 the balance on the DDF was £4.19m, which was an increase of £0.45m in the year. The DDF is predicted to have a balance of £1.09m at the end of 2021/22, although this requires transfers in from the General Fund Reserve of £2.8m over the period of the MTFS. The only other earmarked reserve with a significant balance is the Insurance Reserve, which stood at £1.01m at the end of 2016/17. There were no significant movements in the year on this fund.
38. The HRA revenue balance of £3.85m at 31 March 2017 is expected to decrease by £1.35m in 2017/18 and then a further £0.45m in 2018/19 to remain above £2m. The balance on the Housing Repairs Fund is expected to reduce slightly over the next year, from £1.26m to £1.23m. The Housing Major

Repairs Reserve is predicted to decrease from £12.2m to £11.4m. The HRA business plan will be reviewed during 2018/19 to assess any further steps necessary to respond to the ongoing reductions in rent levels.

- 39. The conclusion is that the reserves of the Council are adequate to cope with the financial risks the Council faces in 2018/19 but that savings will be needed in subsequent years to bring the budget back into balance in the medium term. There are particular concerns about the delivery of the savings from transformation, the introduction of a new system of “Fair Funding” and the difficulties of estimating income from the retention of business rates.**

Procurement Rules

May 2017

Contents

1. Introduction
2. General rules
3. Exceptions for Central Purchasing Bodies
4. Contract Conditions
5. Rules for identifying and selecting Contractors/suppliers to be invited to submit Tenders
6. Nominated Sub-contractors and Suppliers
7. Checks to be undertaken on the experience, abilities and financial standing of Tenderers
8. Checks of financial standing
9. Obtaining value for money for Contracts where Tenders are not required from more than one Contractor
10. Rules for inviting Tenders where more than one Tender is required
11. Additional rules for inviting and accepting Tenders based on the Most Economically Advantageous Tender (MEAT) (i.e. price and quality) and/or a Schedule of Rates
12. Rules for the receipt, custody and opening of Tenders with Total Contract Values within Category 1 of Appendix 1 or higher
13. Late receipt of Tenders
14. Alterations
15. Post-Tender Negotiations
16. Rules for accepting Tenders
17. Procurement Process ("Regulation 84") Report
18. Contract Documentation and Retention
19. Rules for negotiated Contracts
20. Use of Consultants
21. Rules for the Contract Extensions
22. Contract monitoring
23. Final Accounts
24. Publication of procurement information
25. Disposal and freehold/leasehold property transactions

Appendix 1 Table of Tendering Requirements for Nos. of Tenders, Returns and Openings

Appendix 2 Glossary and Definitions of Terms used in the Procurement Rules

Documents referred to in (and that support the Operation of) these Procurement Rules:

- | | |
|--|------------------------------------|
| (a) Council's Procurement Toolkit | [Available here] |
| (b) Council's Corporate Procurement Checklist | [Available here] |
| (c) A Basic Guide to Public Sector EU Procurement Legislation | [Available here] |
| (d) Council's Standard Pre-Qualification Questionnaire (PQQ) | [Available here] |
| (e) Council's Procedure Note on Financial Checks for Tender Processes | [Available here] |
| (f) Crown Commercial Service's Guidance on Electronic Procurement & Electronic Communication | [Available here] |
| (g) Council's EFDC Guidance of Electronic Tendering | [Available here] |
| (h) Council's Tender Return Label | [Available here] |
| (i) Council's Certificate of Bona Fide Tendering | [Available here] |
| (j) Council's Formal Declaration of Tender Offer | [Available here] |
| (k) EFDC Corporate MEAT Assessment Methodology | [Available here] |
| (l) Standard Procurement Process ("Regulation 84") Report | [Available here] |
| (m) Council's Standard Consultants Agreement | [Available here] |

(Note: A Glossary and Definitions of Terms used in these Procurement Rules is provided at Appendix 2. Reference to such terms in these Procurement Rules are denoted with a capital letter)

1. Introduction

- 1.1 These Procurement Rules set out the procedures that must be followed by all officers for the procurement of Contracts for any Works, Supplies or Services on behalf of the Council, including Official Orders issued through the Council's Marketplace electronic ordering system. A serious/wilful failure to comply with these Procurement Rules could result in disciplinary action being taken.
- 1.2 They seek to adopt a modern and flexible approach to procurement, that is easy to follow and comply with, and are responsive to the Council's current and future procurement needs, whilst ensuring appropriate controls and probity to safeguard the use of public money. They are also set out in a logical, sequential order to help lead officers through the procurement process.
- 1.3 These Procurement Rules also relate to certain disposals of land and property, and other property transactions, which are covered in Section 25 below. Associated delegations to officers are covered by the Schedule of Officer Delegations within the Council's Constitution. However, these Procurement Rules do not relate to the acquisition of land or properties, which must be authorised through reports to the relevant Portfolio Holder or Cabinet as appropriate.
- 1.4 The transitional arrangements to apply when these Procurement Rules are first introduced is that, wherever possible, any procurement activities for procurements commenced before the adoption of these Procurement Rules must comply with these Procurement Rules. For example, if a Select List was formulated before the adoption of these Procurement Rules (under the Council's previous Contract Standing Orders), but Tenders had not been invited at the time of adoption, the Tenders should still be invited in accordance with these Procurement Rules.
- 1.5 These Procurement Rules represent the Council's Contract Standing Orders for the purposes of Section 135 of the Local Government Act 1972. The Council's useful Procurement Toolkit can be [\[downloaded here\]](#).

2. General rules

(a) Responsibility

- 2.1 It is the responsibility of the designated Spending Control Officer for the budget that will be used to fund the resultant Contract to ensure that these Procurement Rules are followed.
- 2.2 When the Total Contract Value of a Contract or Official Order to be issued is less than the minimum for Contract Category 1 at Appendix 1, subject to the requirements at Section 2.9 below (Total Contract Values over a 12-month period), these Procurement Rules do not have to be followed. However, it is the responsibility of all Spending Control Officers to try to obtain value for money, in terms of price and quality, through any Contract or Official Order that they issue, irrespective of its value. Spending Control Officers should therefore be aware of what constitutes appropriate price and quality for the Works, Supplies or Services sought.

(b) Approach to procurement

- 2.3 In order to help ensure compliance, and to provide a documented audit trail, Spending Control Officers must use and complete the Council's **"Corporate Procurement Checklist"** which can be [\[downloaded here\]](#) throughout the procurement process for any Contracts with a Total Contract Value within Category 2 of Appendix 1 or higher. They must also keep a copy of the completed **"Corporate Procurement Checklist"** on

the relevant Contract file, both throughout the procurement process and for at least 3 years after the completion of the Contract.

- 2.4 Reference to “Directors” throughout these Procurement Rules also includes the relevant Assistant Director responsible for providing the service to which the relevant procurement relates, except where an Assistant Director is also the Spending Control Officer responsible for undertaking the procurement. Where a Director is responsible for a procurement, the Chief Executive will take the role of the Director.

(c) Compliance with EU Regulations additional to these Procurement Rules

- 2.5 These Procurement Rules do **not** set out or duplicate the legal requirements that must be followed for EU Regulated Contracts with Total Contract Values above the value thresholds set out in the Public Contracts Regulations 2015. For such EU Regulated Contracts, officers **must** comply with the requirements of the Public Contracts Regulations 2015. If there is any conflict between these Procurement Rules and the Public Contracts Regulations 2015 or any other legislation, then the relevant legal requirements take precedence. Advice on the Public Contracts Regulations 2015 can be obtained from the Corporate Procurement Officer. A **“Basic Guide to Public Sector EU Procurement Legislation”** can be [\[downloaded here\]](#). However, these Procurement Rules do set out the Council’s own requirements for complying with EU Regulated Contracts specified within the Public Contracts Regulations 2015, which are shown in italic text. Particular attention is drawn to Section 17 of these Procurement Rules, which explains the Council’s requirements, in respect of EU Regulated Contracts, for Spending Control Officers to complete and maintain the required Procurement Process Report under Regulation 84 of the Public Contracts Regulations 2015 throughout the procurement process.

(d) Framework Agreements

- 2.6 Where appropriate, Spending Control Officers are encouraged to use central contracts and existing Framework Agreements – either through the Essex Procurement Hub or with other organisations to which the Council has access. Where such central contracts or existing Framework Agreements are used, Spending Control Officers must inform the Council’s Legal Team of their proposed use, so that they can provide guidance and advice on the Council’s corporate legal requirements. Some parts of these Procurement Rules do not have to be followed – except where competitive tendering is undertaken amongst Contractors on Framework Agreement Select Lists. Spending Control Officers should seek advice, and receive confirmation in writing, from the Council’s Corporate Procurement Officer on which parts of these Procurement Rules do not have to be followed in such circumstances.

(e) Exemption from Procurement Rules

- 2.7 These Procurement Rules do not have to be followed in the following circumstances:

- (a) Where the relevant Director or Asst. Director obtains formal approval from the relevant Portfolio Holder or the Cabinet, confirming that he/she/it is satisfied that the work required could reasonably only be undertaken by one specialist contractor/supplier, together with the reasons.

Such approval is required from:

- (i) A Portfolio Holder for Contracts with a Total Contract Value within Contract Categories 1-3 at Appendix 1; and
- (ii) The Cabinet for Contracts with a Total Contract Value within Contract Category 4.

This provision does not apply for EU Regulated Contracts with a Total Contract Value within Contract Category 5 (i.e. above the EU Procurement Thresholds; or

(b) Where it is essential to meet an immediate need, subject to the Spending Control Officer seeking advice from the Corporate Procurement Officer where the Total Contract Value is within Contract Category 5 at Appendix 1 (i.e. above the EU Procurement Thresholds), which;

- (i) Has been created by a sudden emergency; or
- (ii) Is outside the Council's control (e.g. by order of the Courts or another body with an equivalent power), or
- (ii) Has some other over-riding urgency.

In such circumstances, the Spending Control Officer must provide a report to the next available meeting of the Corporate Governance Group explaining the reasons why the matter had to be treated as a matter of urgency and why these Procurement Rules could not be followed.

If it is necessary to incur expenditure outside of the Council's budgetary framework, Spending Control Officers must comply with the additional relevant requirements within the Council's Financial Regulations

- 2.8 In other circumstances, where a Spending Control Officer feels that there are good reasons why specific parts of these Procurement Rules should not be followed for a particular procurement, they may seek a waiver from compliance with that part of the Procurement Rules. Requests for such waivers must be made in writing by the Spending Control Officer. Approvals can only be given in writing (or through a Portfolio Holder Decision or Cabinet minute as appropriate) by the relevant person/body listed at Appendix 1 who is responsible for accepting Tenders for the Contract Category relating to the Total Contract Value of the proposed Contract.

(f) Cumulative value of Contracts

- 2.9 When seeking to procure a Contract, Spending Control Officers must:

- (a) Consider and assess the likely total value of Contracts and/or Official Orders to be provided to a potential Contractor by their Directorate over a 12 month period for similar Works, Supplies and/or Services *(or over a 4-year period where the total value would exceed the thresholds for EU Regulated Contracts set out in the Public Contracts Regulations 2015 and reproduced at Appendix 1)* that could, alternatively, be procured through one or more Contracts or Framework Agreements over that period; and
- (b) If the total value of such Contracts over any 12 month period is likely to be more than the threshold for Contract Category 1 listed at Appendix 1, seek Tenders and procure a Contract in accordance with these Procurement Rules.

- 2.10 Contracts must not be artificially separated to avoid compliance with either these Procurement Rules or the Public Contracts Regulations 2015.

(g) Breaches of Procurement Rules

- 2.11 If it comes to light that these Procurement Rules have not been followed, the relevant Assistant Director must submit a report to the next available meeting of the Corporate Governance Group (or successor officer group) explaining the reason for the breach and, if appropriate, the proposed remedy for correcting or mitigating the effects of the breach. The CGG will identify any breaches that it considers to be sufficiently serious to be reported to the Audit and Governance Committee (or successor member body).

- 2.12 The provision of in-house Council Services is excluded from the requirement of these Procurement Rules.

(h) Suspension of Contractors

- 2.13 Contractors can only be suspended from consideration for future contracts on the grounds of one of the mandatory and discretionary exclusions set out in the Public Contracts Regulations 2015 and only for the periods specified in the Public Contracts Regulations 2015.
- 2.14 If any Spending Control Officer considers that a Contractor should be suspended from consideration for future Contracts with the Council for a specified period, they must submit a report to the Corporate Governance Group;
- (a) Explaining the reasons for suspending the Contractor;
 - (b) Recommending a proposed period of suspension; and
 - (c) Seeking approval to such a decision.
- 2.15 If the Corporate Governance Group agrees that a Contractor should be suspended, the Spending Control Officer must:
- (a) Advise the Corporate Procurement Officer of the decision, who must in turn notify all Directors and Assistant Directors of the decision; and
 - (b) Advise the Contractor of the reasons for the suspension and the period of the suspension.

(i) Conflicts of interest

- 2.16 No person or body who has given material advice to the Council, or a Consultant acting on behalf of the Council, on a proposed Contract can then submit a Tender for that Contract, where more than one Tender is required (i.e. for Contracts with a Total Contract Value within Contract Category 1 of Appendix 1 or higher).

(j) Absence of post-holder

- 2.17 In the absence of the post-holder, the responsibilities of specifically named posts within these Procurement Rules, can be discharged by:
- (a) Their Director or Assistant Director; or
 - (b) An officer designated by them.
- 2.18 All designations of committees, portfolio holders, other bodies and officers referred to in these Procurement Rules also include successor bodies and posts.

3. Exceptions for Central Purchasing Bodies

- 3.1 These Procurement Rules do not apply for the procurement of Contracts by a Central Purchasing Body, of which the Council is a member, or under which the Council is entitled to benefit by virtue of its status as a public authority. In such circumstances, the rules for procurement that relate to the member of the Central Purchasing Body undertaking the procurement on behalf of the Central Purchasing Body will apply.
- 3.2 However, where Tenders are invited by an officer of the Council on behalf of a Central Purchasing Body, these Procurement Rules must be followed.
- 3.3 In any event, if the value of the Works, Supplies or Services that the Council will be required to fund itself through a Central Purchasing Body or collaborative arrangement is:

- (a) Within Contract Categories 1 or 2 at Appendix 1 - The relevant Director or Asst. Director must be satisfied that the terms and conditions of the proposed Contract are appropriate under all the circumstances, taking any legal advice from the Asst. Director (Legal Services) that the Spending Control Officer, Director and/or Asst. Director considers necessary.
- (b) Within Contract Category 3 at Appendix 1 or higher - The Spending Control Officer must report to the relevant Portfolio Holder on the proposed arrangements for the procurement of the Contract and obtain a formal Portfolio Holder Decision agreeing to the proposed arrangements;

3.4 Where the Council is considering sharing services with other public bodies or arranging for services to be provided to the Council by a company in which the Council has an interest, legal advice should be obtained.

4. Contract Conditions

(a) Compliance with Procurement Rules by Consultants

- 4.1 Where one or more Consultants are appointed to advise or act on behalf of a Spending Control Officer in respect of the procurement or administration of a Contract, the Contract for their appointment(s) must include a condition that the Consultant must comply with these Procurement Rules and the Consultant must be provided with a hard or electronic copy of these Procurement Rules.
- 4.2 It is the responsibility of the Spending Control Officer to ensure that Consultants appointed by them are aware of the requirements of these Procurement Rules, and that they comply with them.

(b) Standard Contract terms

- 4.3 If the Council's Standard Form of Contract or Official Order is used, no amendments can be made without consulting the Asst. Director (Legal Services). If the Council's Standard Form of Contract is not used, the Contract must include standard contract terms, which are available on the Council's Intranet, unless the Asst. Director (Legal Services), in consultation with the Spending Control Officer, determines that individual standard terms are not required for a particular Contract.

(c) Liquidated and Ascertained Damages

- 4.4 For Contracts with Total Contract Values within Contract Category 3 of Appendix 1 or higher, and where late completion or non-completion of the Contract would result in a quantifiable financial loss to the Council, the Contract must include a condition that Liquidated and Ascertained Damages will be payable in such circumstances.
- 4.5 In such circumstances, the Contract must set out the level of Liquidated and Ascertained Damages that will be payable, which must be the Spending Control Officer's best estimate of the loss to the Council for each week of late or non-completion. Advice regarding the calculation can be obtained from the Council's Asst. Director (Accountancy) or his/her designated officer.

(d) Performance Bonds and Parent Company Guarantees

4.6 It is not a requirement of these Procurement Rules that contractors must provide either a Performance Bond for the Contract's due performance, or a Parent Company Guarantee or deposit as security. However, Spending Control Officers may consider it appropriate to use one of these arrangements for certain types of contracts - where they are considered to be both appropriate and beneficial for the Council.

If any of these arrangements are to be used, they must be arranged in consultation with the Asst. Director (Accountancy).

(e) Retentions

4.6 Where a Contract includes provision for a Defects Liability Period, a condition must be included within the Contract allowing the Council to hold a Retention for:

- (a) At least 5% of the Contract Sum during the course of the Contract Period; and
- (b) At least 2.5% of the Contract Sum on Practical Completion;

which must not be finally released until the end of the Retention Period.

(f) Insurances

4.7 Subject to Section 4.8 below, conditions must be included within:

- (i) All Contracts that require Contractors to have in effect, at the time of signing the Contract:
 - A minimum third party insurance cover of £5 million; and
 - A minimum employer liability cover of £10 million; and
- (ii) All appointments of Consultants that require them to have in effect, at the time of signing the Contract:
 - Professional Indemnity Insurance with a minimum cover of £2million for any one claim or such other sum as may be determined.

4.8 Subject to obtaining written advice from the Council's Insurance Officer, Spending Control Officers may include conditions within Contracts specifying lower levels of insurance than set-out at Section 4.7 above, dependent on the risk assessed by the Spending Control Officer, based on the advice of the Council's Insurance Officer.

4.9 The Contractor shall also be required:

- (i) To show to the Spending Control Officer evidence of all relevant insurance policies, both in place at the time of signing the Contract and any new policies obtained on the expiry of insurance policies, who must check that all required insurances are in effect throughout the duration of the Contract for the required levels of cover; and
- (ii) For construction contracts only, with Total Contract Values within Contract Category 4 of Appendix 1, to have the interest of the Council noted on the insurance policies.

(g) Assignment

4.10 A condition must be included within every Contract which prohibits the Contractor from transferring or assigning (directly or indirectly) any part of the Contract to another person or body without the written permission of the Council. *It should be noted that EU Regulated Contracts may only be assigned in limited circumstances.*

4.11 On receipt of a request from a Contractor to assign all or part of a Contract, the Spending Control Officer must undertake the checks of the proposed assignee required by Sections 7 and 8 below, before approving the assignment.

(h) Cancellation

- 4.12 All Contracts must include conditions relating to the cancellation of the Contract, in terms specified by the Assistant Director (Legal), either generally or for specific contracts.
- 4.13 *All EU Regulated Contracts must include a condition providing an express right for the Council to terminate the contract in specified circumstances, in the form prescribed in Regulation 73 of the Public Contracts Regulations 2015.*

(i) Appointment of Sub-Contractors and alternative suppliers

- 4.14 A condition must be included within every Contract which prohibits the Contractor from appointing a sub-contractor or alternative supplier to perform any part of the Contract without the prior written consent of the Council.

(j) Access to sites and documentation for audit purposes

- 4.15 All Contracts must contain a provision allowing an officer designated by the relevant Director, Asst. Director and/or Chief Internal Auditor access, for audit purposes, to:

- (i) A site where a Contract is being performed; and/or
- (ii) Relevant documentation relating to a Contract.

(k) Payments to Contractors

- 4.16 In order to comply with Regulation 113 of the Public Contracts Regulations 2015, a condition must be included within every Contract requiring that all payments made by the Council to Contractors, and by Contractors to any sub-contractors, must be made no later than 30 days from the date a valid and undisputed invoice is received. Spending Control Officers must then ensure that this Contract condition is complied with.

5. Rules for identifying and selecting Contractors/suppliers

- 5.1 Subject to 2.9 above, where a Total Contract Value is below Contract Category 1 at Appendix 1, there is no requirement for Spending Control Officers to obtain competitive Tenders for procurements. In such circumstances, Spending Control Officers can decide the most appropriate Contractor to select to perform the Contract. However, for the avoidance of doubt, Spending Control Officers can seek competitive Tenders if they consider it appropriate.
- 5.2 *Except for EU Regulated Contracts, where the procedure for inviting Tenders must comply with Public Contracts Regulations 2015*, Spending Control Officers may use any of the following methods that they consider most appropriate, under all the circumstances, to determine which Contractors should form a Select List to be invited to submit Tenders, subject to a written explanation of the criteria adopted for selecting Contractors being held on the relevant Contract file and a copy being provided to the Corporate Procurement Officer at the time of formulating the Select List:
- (a) Use of Constructionline – Spending Control Officers may reduce a Long List produced by Constructionline for the type and value of Contract required to an appropriate Short List (comprising the required number of Tenderers set out in Appendix 1) using a method previously considered appropriate, and approved in writing, by their Director or Asst. Director;
 - (b) Use of an existing or new Framework Agreement – including a Framework procured by the Essex Procurement Hub;

- (c) Use of Contractors known to be able to meet the Council's requirements to a good quality and to provide good value for money;
- (d) Use of Contractors who have previously been successful in Tendering for similar work for the Council in the past; and
- (e) Through the formulation of a Select List by:
 - (i) The inclusion of Contractors considered to be able to perform the Contract; and/or
 - (ii) Advertising for potential Contractors as appropriate (but note 5.3 below).

5.3 Where Contractors are invited to express an interest in being considered for specific procurements for Contracts with a Total Contract Value in excess of £25,000, through the placement of an advertisement in any media, the Corporate Procurement Officer must be notified and provided with the details of the procurement. The Corporate Procurement Officer must then publish the required information on the Government's Contracts Finder website, in accordance with the Public Contracts Regulations 2015.

5.4 Unless there are good reasons, if an in-house Council service can meet the requirements of the Specification to the required quality, they must be used in preference to an external Contractor. This includes the Council's Reprographics and Building Control Services.

5.5 When Spending Control Officers are deciding which Contractors should be invited to provide Tenders, they must take account of the following:

- (a) *If the Contract is for a Total Contract Value in excess of the thresholds for EU Regulated Contracts set out in the Public Contracts Regulations 2015, the selection of Contractors to Invite to Tender must be in accordance with these Regulations;*
- (b) *With the exception of EU Regulated Contracts, where appropriate and possible, at least one business with its headquarters located in the Epping Forest District should be invited to Tender;*
- (c) Contractors who have previously provided good quality Works, Supplies or Services with good value for money should be invited to Tender in preference to Contractors with whom the Council has not had any previous experience; and
- (d) It may be appropriate to seek references for Contractors from other local authorities or public bodies for whom they have previously undertaken Works or provided Supplies or Services.

5.6 In accordance with the Public Contracts Regulations 2015, Pre-Qualification Questionnaires (PQQs) must not be used for any procurement exercises that are not EU Regulated Contracts. It is still possible to ask questions relating to Contractors' suitability, provided that they are relevant to the subject matter of the procurement, are proportionate and are only used to establish whether Contractors meet minimum requirements of suitability, capability, legal status and financial standing. All candidates meeting the minimum criteria must be invited to tender.

5.7 *For EU Regulated Contracts, if Pre-Qualification Questionnaires (PQQs) are used, unless there are good reasons, the "Council's Standard Pre-Qualification Questionnaire (PQQ)" should be used, which can be [\[downloaded here\]](#). If a different form of PQQ is required, or the questions in the Council's Standard PQQ are not considered to be reasonable or proportionate, the amendments must be agreed with the Council's Corporate Procurement Officer.*

6. Nominated Sub-Contractors and Suppliers

- 6.1 Nominations made by the Council to a main Contractor for a sub-contractor or a supplier must be made following Tenders being sought in accordance with these Procurement Rules to select the Nominated Sub-Contractor or Supplier, except where a supplier has previously been used by the Council and the likely overall cost to the Council of changing supplier is considered by the relevant Director or Assistant Director to be greater than any reduced costs that could reasonably be obtained through a further Tendering process.

7. Checks to be undertaken on the experience, abilities and financial standing of Tenderers

- 7.1 If Tenders are to be invited from Contractors listed on Constructionline or an existing Framework Agreement no further checks are required, subject to the required checks of financial standing referred to in Section 8 below.
- 7.2 If Tenders are to be invited for Contracts with Total Contract Values covered by Contract Categories 1 or 2 in Appendix 1 no checks of Contractors are required, subject to:
- (a) The required checks of financial standing referred to in Section 8 below; and
 - (b) If the Contract has any material health and safety implications, evidence of a good track record of health and safety and the adoption and use of satisfactory health and safety policies being obtained, to the satisfaction of the Spending Control Officer.
- 7.3 However, if the Spending Control Officer considers it appropriate, any (further) checks (including those listed at Section 7.3 and 7.4 below), can be undertaken for any Contracts with Total Contract Values covered by Contract Categories 1 or 2 in Appendix 1 (provided that they are in line with Section 5.6 above).
- 7.4 For all Contracts with Total Contract Values covered by Contract Category 3 in Appendix 1 or higher, the following checks must be undertaken of all Tenderers intended to be invited to submit Tenders, prior to issuing Invitations to Tender, in a form considered appropriate by the Spending Control Officer. *For EU Regulated Contracts, the wording provided by the Crown Commercial Service's Standard Pre-Qualifying Questionnaire (PQQ) must be used:*
- (a) Details of each potential Tenderer's previous experience and ability to undertake the work - to ensure that they are able to perform the Contract to the required standard;
 - (b) If the Contract has any material health and safety implications, evidence of a good track record of health and safety and adoption and use of satisfactory health and safety policies;
 - (c) The financial standing of proposed tenderers, if/as required by the Council's **"Procedures for Financial Checks of Contractors"** referred to in Section 8 below, which can be [\[downloaded here\]](#);
 - (d) Details of each Contractor's approach to equality and diversity, to ensure that both the Contractor and the Council comply with the requirements of the Equality Act 2010; and
 - (e) If the Contractor or their staff are likely to identify any Safeguarding issues relating to the wellbeing of either adults with care and support needs or children in the performance of the Contract, details of each Contractor's approach to Safeguarding, to ensure that the Contractor and its employees are able to assist the Council to comply with its legal requirements under the Care Act 2014 and the Children Act 2004.

8. Checks of financial standing

8.1 Checks of Contractors' financial standing should be undertaken as shown below, for the types of Contracts set out below:

- | | | |
|-----|-----------------|---|
| (a) | Supplies | Not required. |
| (b) | Works | For all Contracts with a Total Contract Value within Contract Category 2 of Appendix 1 or higher. |
| (c) | Services | For all Contracts with a Total Contract Value within Contract Category 5 of Appendix 1. |

8.2 If checks of Contractor's financial standing are required in accordance with Section 8.1 above, the checks must be undertaken in accordance with the Council's ***"Procedures for Financial Checks of Contractors"***, which can be [\[downloaded here\]](#), and which sets out:

- (a) At what point in the procurement process financial checks should be undertaken;
- (b) Who has responsibility for undertaking the checks;
- (c) What checks should be undertaken and the methodology to be followed; and
- (d) What action should be taken based on the outcome of the checks.

9. Obtaining value for money for Contracts where Tenders are not required from more than one Contractor

9.1 Tenders are not required from more than one Contractor for Contracts with a Total Contract Value below the Total Contract Values of Category 1 at Appendix 1. However, Tenders can still be sought in such circumstances - with the manner in which such Tenders are sought being determined by the Spending Control Officer and which does not have to comply with these Procurement Rules.

9.2 If Spending Control Officers do not seek Tenders from more than one Contractor, they must still take reasonable and appropriate steps to ensure that the Council obtains good value for money from Contractors, in terms of price and quality.

10. Rules for inviting Tenders where more than one Tender is required

10.1 For Contracts with a Total Contract Value within Category 1 of Appendix 1 or higher (including the value of any potential Contract Extensions), Spending Control Officers must invite Tenders from at least the number of Contractors shown in Appendix 1 for the relevant Contract Category.

10.2 Where Spending Control Officers consider that increased value for money may be obtained by inviting more Contractors to Tender for a Contract than the number required for the relevant Contract Category at Appendix 1, they should invite more Contractors to Tender as appropriate.

10.3 Where the Total Contract Value (including the value of any potential Contract Extensions) is close to the upper threshold for a Contract Category in Appendix 1, Tenders should be sought based on the Contract Category with the higher Total Contract Values.

10.4 Spending Control Officers must give Tenderers sufficient time to properly complete and return Tenders before the Tender Return Date.

- 10.5 *For EU Regulated Contracts with a Total Contract Value above the thresholds within the Public Contracts Regulations 2015 (i.e. within Category 5 of Appendix 1), Spending Control Officers must comply with the e-communication requirements of Regulations 22(8-21) and 53 of the Public Contracts Regulations 2015. With effect from 18th October 2018, Spending Control Officers must comply with the full e-communication requirements of Regulation 22 and any other provisions of the Public Contracts Regulations 2015 relating to e-communications. A copy of the Crown Commercial Service’s “**Guidance on Electronic Procurement & Electronic Communication**”, to comply with the Public Contracts Regulations 2015, can be [\[downloaded here\]](#).*
- 10.6 Any electronic procurements undertaken by Spending Control Officers on behalf of the Council must comply with the “**Council’s Guidance on Electronic Tendering**” which can be [\[downloaded here\]](#).
- 10.7 For procurements within Categories 1-4 of Appendix 1, Invitations to Tender can be issued either by post or electronically. However issued, Invitations to Tender provided in accordance with this Section must:
- (a) Include a copy of the Council’s standard “**Tender Return Label**” (which can be [\[downloaded here\]](#)) within the Tender Documents, giving:
 - (i) A brief description of the Tender;
 - (ii) The designation of the person listed in Appendix 1 to whom the Tender must be returned;
 - (iii) The time (which must be Noon) and date by which the Tender must be received by the person designated within Appendix 1; and
 - (iv) Notification in large letters that the return document is a “TENDER”.
 - (b) Include, in the form prescribed by the Asst. Director (Governance and Performance Management):
 - (i) A “**Certificate of Bona Fide Tendering**” (which can be [\[downloaded here\]](#)); and
 - (ii) A “**Formal Declaration of Tender Offer**” (which can be [\[downloaded here\]](#)).
 - (c) Advise Tenderers that Tenders must be returned:
 - (i) In a plain envelope;
 - (ii) Which must be securely sealed; and
 - (iii) Which must not bear any distinguishing matter or mark to indicate the identity of the sender.
 - (d) Advise Tenderers that details of their Tender may be published:
 - (i) In the public agenda or minutes of the Council or become available as a background paper; or
 - (ii) By means of a request under the Freedom of Information (FOI) Act 2000 or the Environmental Information (EI) Regulations 2004, in response to which the Council would provide any information which is not covered by any of the statutory exemptions of the FOI Act or EI Regulations.
- 10.8 At the same time as sending the Invitations to Tender, Spending Control Officers must:
- (a) Advise the person listed in Appendix 1, to whom the Tender must be returned, of the return details of the Tenders; and
 - (b) Request the person to whom Tenders must be returned to arrange a time, date and venue for a Tender Opening.
- (a) Invitations to Tender by post*
- 10.9 Invitations to Tender must be sent to all Tenderers on the same date.

- 10.10 On the same day as sending the Invitations to Tender by post, Spending Control Officers must also send an email to all the Tenderers, but not revealing the names of other tenderers, to:
- (a) Advise them that Invitations to Tender have been despatched; and
 - (b) Request Tenderers to confirm safe receipt of the Tender Documents when received.
- 10.11 If safe receipt is not confirmed by a Tenderer within 3 working days of an Invitation to Tender being sent, Spending Control Officers must contact the Tenderer(s) concerned again to check receipt, and must continue to make appropriate periodic checks until all Tenders have been safely received.
- 10.12 Where it is apparent that Tender Documents have not been received by a Tenderer within a reasonable period, the Spending Control Officer must make appropriate arrangements to send duplicate Tender Documents as soon as reasonably possible (e.g. by hand or by courier).
- (b) Invitations to Tender by email*
- 10.13 Where Invitations to Tender are emailed to Tenderers, they must all be sent on the same date.
- 10.14 The email Invitation to Tender must require Tenderers to notify the Spending Control Officer of the safe receipt of the Tender Documents when received.
- 10.15 If safe receipt of Tender Documents is not confirmed within 24 hours of an Invitation to Tender being sent, Spending Control Officers must contact the Tenderer(s) concerned by telephone (not email) to check receipt.
- 10.16 Where it is apparent that Tender Documents have not been received by a Tenderer, the Spending Control Officer must make appropriate arrangements to immediately re-send the Tender Documents, either by email again or by post as appropriate, and then check receipt in accordance with Section 10.14 above.
- 11. Additional rules for inviting and accepting tenders based on the Most Economically Advantageous Tender (MEAT) (i.e. price and quality) and/or a Schedule of Rates**
- (a) Most Economically Advantageous Tenders (MEATs)*
- 11.1 If the assessment of Tenders is to be based on an evaluation to assess the Most Economically Advantageous Tender (MEAT), i.e. taking account of both price and quality, Spending Control Officers must follow the Council's "**Corporate MEAT Assessment Methodology**", which can be [\[downloaded here\]](#).
- 11.2 Prior to Invitation of Tenders being issued, a MEAT Evaluation Assessment must be formulated by the Spending Control Officer and:
- (i) (A copy) must be provided to the Corporate Procurement Officer, prior to the Invitation of Tenders being issued, for audit purposes;
 - (ii) Must not be changed after Invitations to Tender have been issued; and
 - (iii) Must be held on the relevant Contract file for at least 1 year after the Contract has been let.
- 11.3 A copy of the MEAT Evaluation Assessment must be provided to Tenderers as part of the Tender Documents.
- (b) Schedule of Rates*
- 11.4 Where Tenders are based on a Schedule of Rates, a reasonable Pre-estimate of Quantities for each of the rates contained in the Tender must:

- (i) Be produced prior to Invitations to Tender being issued;
- (ii) Be lodged with the Corporate Procurement Officer for audit purposes;
- (iii) Not be changed after Invitations to Tender have been issued;
- (iv) Be held on the relevant Contract file for at least 6 years after the Contract has been let;
- (v) Be used to multiply the rates provided by Tenderers to reach an Estimated Tender Sum, which shall be the Tender Sum reported for consideration of acceptance by the relevant person/body specified in Appendix 1.

12. Rules for the receipt, custody and opening of Tenders with Total Contract Values within Category 1 of Appendix 1 or higher

- 12.1 All Tenders received through electronic procurements must be received, held and opened in accordance with EFDC's **"Guidance on Electronic Tendering"** which can be [\[downloaded here \]](#).
- 12.2 For Tenders with Total Contract Values within Category 1 of Appendix 1 or higher, the Assistant Director (Governance) must:
- (a) Make appropriate arrangements to hold returned Tenders in a secure location; and
 - (b) Maintain a Record of Tenders received by the Council, together with their time and date of receipt.
- 12.3 Unless it is known that all expected Tenders have been received, Tenders must not be opened on the same day as the Tender Return Date. This is to ensure that any Tenders that may have been delivered to the Civic Offices in time still reach the Asst. Director (Governance & Performance Management) before the Tender Opening.
- 12.4 Tenders must be opened, all at the same time, by the person(s) listed in Appendix 1 for the Contract Category related to the expected Total Contract Value and, if possible, the Spending Control Officer or their representative.
- 12.5 Tenders must not be accepted if they:
- (a) Are not in a plain envelope;
 - (b) Are not securely sealed;
 - (c) Do not have a **"Tender Return Label"**;
 - (d) Bear any distinguishing matter or mark to indicate the identity of the sender;
 - (e) Do not include a **"Certificate of Bona Fide Tendering"**; or
 - (f) Do not include a **"Formal Declaration of Tender Offer"**.
- 12.6 The Asst. Director (Governance & Performance Management) must ensure that a Democratic Services Officer maintains a record of all Tenders opened, which must be signed by all those in attendance at the Tender Opening.

13. Late receipt of Tenders

- 13.1 Any Tenders received after the Tender Return Date must be examined, unopened, by the person designated within Appendix 1 to open the Tenders and shall be dealt with in accordance with this section.
- 13.2 Where Tenders have been received after the Tender Return Date, but the other Tenders have not yet been opened, and the person responsible for opening the Tenders is satisfied that there is evidence that the Tender was sent in time for delivery by the Tender Return Date, a Late Tender can be opened at the same time as the other Tenders, provided that:
- (a) The details relating to the Late Tender are noted in the Record of Tenders kept by the Democratic Services Officer at the time the Tenders are opened; and
 - (b) The circumstances are reported to the body or individual responsible for accepting the successful Tender.
- 13.3 Where other Tenders have already been opened or, in the opinion of the person responsible for opening the Tenders, there is no evidence that the Tender was sent in time to reach the Council by the Closing Date:
- (a) The Tender must be opened by the Asst. Director (Governance & Performance Management), in the presence of a Democratic Service Officer and, if possible, the Spending Control Officer or their representative;
 - (b) The Record of Tenders received must be annotated with details that a Late Tender was received, but was disqualified;
 - (c) The relevant Spending Control Officer must advise the Tenderer, as soon as reasonably possible, of the disqualification and the reason; and
 - (d) The circumstances must be reported to the body or individual responsible for approval of the successful Tender.

14. Alterations

- 14.1 Tenders must not be altered after they have been opened. However, *except in the case of EU Regulated Contracts*, the Spending Control Officer can recommend to the person or body responsible for accepting the Tender that it is appropriate to accept the correction of Arithmetical Errors, if the Spending Control Officer is satisfied that such errors were made inadvertently. *For EU Regulated Contracts, any proposed alterations to Tenders after they have been opened must be discussed with the Council's Legal Services.*
- 14.2 If an error is identified within the Tender Documents before the Tender Return Date, all the Tenderers must be informed of the error and invited to adjust their Tenders prior to submission.
- 14.3 If an error in the Tender Documents is identified after the Tender Return Date, all Tenderers must be given details of the error and afforded the opportunity of withdrawing their Tender or submitting an amended Tender.

15. Post-Tender Negotiations

- 15.1 No Post-Tender Negotiations are permitted, unless the Contract has been advertised and Tendered under the Competitive Dialogue Procedure and the relevant Director or Asst. Director is satisfied, and determines, that Post-Tender Negotiations are appropriate to the procurement process.

- 15.2 Seeking clarification from Tenderers on queries related to their Tenders does not constitute Post-Tender Negotiations. However, the Spending Control Officer must first consult with the Corporate Procurement Officer for advice and, if necessary, seek further legal advice.
- 15.3 If the Specification for a Contract needs to be amended, due to the lowest Tender exceeding the available budget, or if the Council's requirements have changed since the Tenders were invited, all Tenderers must be given the opportunity to submit revised Tenders based on the revised Specification.
- 16. Rules for accepting Tenders**
- 16.1 Tenders must only be accepted by the person/body listed in Appendix 1 for the relevant Contract Category relating to the Total Contract Value.
- 16.2 The report to the person/body listed in Appendix 1 on the proposed award of a Contract must seek approval from that person/body to the proposed arrangements for any proposed Contract extensions, including a recommendation on whether subsequent decisions to extend Contracts, in accordance with the Contract Terms, will be agreed by the:
- (a) The Spending Control Officer;
 - (b) The relevant Director (or Assistant Director);
 - (c) The relevant Portfolio Holder; or
 - (d) The Cabinet.
- 16.3 Where the actual Total Contract Value of the Tender to be recommended for acceptance exceeds the expected Total Contract Value for the relevant Contract Category at Appendix 1, and results in Tenders not having been invited and/or opened in accordance with the higher Contract Category, the Tenders must be reported to, and approved by, the person/body authorised to accept Contracts for the higher Contract Category, together with an explanation of why the actual Total Contract Value is above the expected Contract Value.
- 16.4 For Contracts that are not EU Regulated Contracts, if a Tender, other than either:
- (a) The lowest Tender (for Tenders based only on price); or
 - (b) The Tender with the highest weighted Tender Evaluation Score (for procurements undertaken to assess the Most Economically Advantageous Tender (MEAT))
- is recommended by the Spending Control Officer, it may only be approved by:
- (c) A Director or the relevant Asst. Director - where the Tender would normally be accepted by the Spending Control Officer;
 - (d) The relevant Portfolio Holder - where the Tender would normally be accepted by a Director, Asst. Director or the Portfolio Holder; or
 - (e) The Cabinet - where the Tender would normally be accepted by the Cabinet.
- 16.5 *For EU Regulated Contracts, there are only limited circumstances when a Tender, other than either the lowest-priced Tender or having the highest weighted Tender Evaluation Score, can be accepted. If acceptance of a different Tender is proposed, Spending Control Officers are required to seek the advice of the*

Corporate Procurement Officer and follow the requirements of the Public Contracts Regulations, and/or undertake a further Tender exercise.

- 16.6 For audit purposes, where the circumstances in Sections 16.3 and 16.4 above apply, the Spending Control Officer must provide an explanation in writing to the person/body accepting the Tender of why the lowest Tender or highest weighted Tender Evaluation Score should not be accepted, and must retain a copy of the written explanation on the Contract file.
- 16.7 Prior to a Tender being accepted, evidence of valid satisfactory insurances required under Section 4.8 above to the amount, and on the terms, determined by the Council's Insurance Officer must be received from the Preferred Tenderer by the Spending Control Officer.
- 16.8 Spending Control Officers are authorised to enter into Contracts or issue Official Orders that have been Tendered and approved in accordance with these Procurement Rules.
- 16.9 For all procurement exercises with Total Contract Values in excess of £25,000, Spending Control Officers must provide details of all Tenders received, and the name of the successful Tenderer, to the Council's Corporate Procurement Officer within 5 working days of a Contract being entered into, in order to:
- (a) Maintain a central record of all procurement exercises; and
 - (b) Enable the Corporate Procurement Officer to provide the required information to the Contracts Finder website, in order to comply with the requirements of the Public Contracts Regulations 2015.
- 16.10 On receipt of the information provided by the Spending Control Officer, the Corporate Procurement Officer must upload the required information to the Crown Commercial Service's Contracts Finder website as soon as reasonably possible.

17. Procurement Process ("Regulation 84") Report

- 17.1 *For EU Regulated Contracts undertaken with a Total Contract Value within Category 5 of Appendix 1, throughout the procurement process, Spending Control Officers must complete and maintain the required Procurement Process Report under Regulation 84 of the Public Contracts Regulations 2015. At the same time as informing Tenderers that their Tenders have been either successful or unsuccessful, Spending Control Officers must provide a copy of the completed Report to the Corporate Procurement Officer, in order to maintain a central record. A template for the "Procurement Process ("Regulation 84") Report" can be [\[downloaded here\]](#).*

18. Contract Documentation and retention

- 18.1 Contracts with a Total Contract Value within Contract Category 1 of Appendix 1 can be dealt with by the use of an Official Order, provided that the relevant Director or Asst. Director is satisfied that there is no need for more extensive terms and conditions to be specified in order to protect the interests of the Council. An Official Order (or formal Contract) is required for all Council Contracts.
- 18.2 All Contracts with a Total Contract Value within Contract Category 2 of Appendix 1 or higher must:
- (a) Be in a standard form of an appropriate formal legal agreement approved by the Council's Asst. Director (Legal Services); and
 - (b) Be under seal, unless the Council's Asst. Director (Legal Services), in consultation with the Spending Control Officer, determines otherwise. This would be on the basis that the period of liability for breach of contract does not need to be extended from six to twelve years.

- 18.3 Spending Control Officers (and their successors) must ensure that:
- (a) All appropriate Contract Documentation is retained in a secure location for a minimum period, following the date of final payment, of at least:
 - (i) Six years if the Contract is not executed as a deed under seal;
 - (ii) Twelve years if the Contract is executed as a deed under seal; and
 - (b) Documentation relating to unsuccessful Tenders is retained in a secure location for a period of at least two years.
- 18.4 Original signed Contracts with Total Contract Values within Contract Category 2 of Appendix 1 or higher must be forwarded to the Asst. Director (Legal Services) for secure storage within 28 days of signing/sealing. Original signed Contracts with Total Contract Values within Contract Category 1 of Appendix 1 can also be forwarded to the Asst. Director (Legal Services) for secure storage if the Spending Control Officer wishes.
- 18.5 The Asst. Director (Governance & Performance Management) must ensure that Records of Tenders are retained indefinitely in a secure location.

19. Rules for negotiated contracts

- 19.1 Contracts with Total Contract Values within Contract Category 1 at Appendix 1 or higher may only be negotiated where the relevant Portfolio Holder (or, for Contracts within Contract Category 4, the Cabinet) has resolved that competitive Tenders need not be invited and that a Contract may be negotiated with just one Contractor.
- 19.2 In such circumstances, the reason for not inviting competitive Tenders must be set out in the report to the Portfolio Holder or Cabinet, which can be for any reason considered appropriate by the relevant Director or Asst. Director, including the following reasons:
- (a) The Contract is urgent and there is insufficient time to invite Tenders;
 - (b) The requirements of the Contract are of a specialist nature, where no other Contractor is known to provide them;
 - (c) No demonstrable material benefit would be obtained from inviting competitive Tenders; or
 - (d) Tenders have previously been sought for a similar Contract within the previous 6 months and no Tenders were received.
- 19.3 *For EU Regulated Contracts, procurements must be undertaken in accordance with the Public Contracts Regulations 2015 in all circumstances.*

20. Use of Consultants

- 20.1 The definition of a “Consultant” is provided at Appendix 2.
- 20.2 The procurement of all Consultants must be undertaken in accordance with these Procurement Rules *and, where appropriate, the EU Regulations.*

- 20.3. Spending Control Officers are responsible for ensuring that any Consultants acting on behalf of the Council comply with these Procurement Rules in full.
- 20.4 Except where a recognised national Form of Contract or other accepted and standard type of agreement is used for the appointment of a Consultant, or where the Asst. Director (Legal Services) determines otherwise, the Council's **"Standard Consultants Agreement"** must be used for the appointment of any Consultant. A template for the **"Standard Consultants Agreement"** can be [\[downloaded here\]](#).
- 20.5 Where a national Form of Contract or other accepted and standard type of agreement is to be used for the appointment of a Consultant, Spending Control Officers must take the advice of the Asst. Director (Legal Services (or staff designated by him/her) on any specific provisions to be included or excluded within the Contract / agreement.

21. Rules for Contract Extensions

- 21.1 Where Contracts allow one or more Contract extensions, Spending Control Officers are authorised to extend existing Contracts up to the maximum period allowed by the Contract in accordance with the decision of the person/body listed in Appendix 1 when they formally accepted the original Tender, as required under Section 16.2 above..
- 21.2 Where a Contract allows a Contract extension, but the original decision to award a tender did not specify the arrangements for proposed extensions in accordance with Section 16.2 above, and the Contract has a Total Contract Value within Category 4 of Appendix 1, Spending Control Officers must consult the relevant Portfolio Holder, in writing, on any intention to extend the Contract prior to the Contract being extended. In response, the Portfolio Holder may either raise no objections to the proposed extension or require that a formal decision on the proposed extension is made through a formal Portfolio Holder or Cabinet Decision.
- 21.2 Spending Control Officers must ensure that arrangements are made for any decisions about whether or not a contract should be extended in compliance with Sections 21.1 and 21.2 above in sufficient time to enable the works, goods, supplies or services to be procured through a new Contract, instead of through the extension of an existing Contract if that is the decision made.

22. Contract monitoring

- 22.1 For all Contracts with a Total Contract Value within Category 4 of Appendix 1, the Spending Control Officer must provide a written progress report to the relevant Portfolio Holder(s) at least every three months, between the Tender Return Date and the date of Practical Completion. The Progress Report must report on the progress with the required Works or Services and the current financial position, in relation to:
- (a) Contract and fee expenditure to date;
 - (b) The latest anticipated Total Contract Cost and the anticipated total cost of all fees;
 - (c) Any variations between the budget approved at the time of the acceptance of the Tender and the latest anticipated Total Contract Cost and anticipated total cost of all fees; and
 - (d) The use of any contingency sums to date and the amount of any contingency sums remaining.
- 22.2 For Contracts with Total Contract Values within Contract Category 3 of Appendix 1 or higher, where the latest anticipated Total Contract Cost is in excess of 20% of the Tender Sum, the Spending Control Officer must submit a written report to the next available meeting of the Council's Corporate Governance Group

after the date the excess has been identified, explaining the reasons for the increase and, if appropriate, any remedial action to be taken to reduce the excess.

23. Final Accounts

- 23.1 The Spending Control Officer responsible for any Contract with a Total Contract Value within Contract Category 4 of Appendix 1 or higher must produce a written Final Account, and provide a copy to the Asst. Director (Accountancy), within 3 months of all financial transactions relating to the Contract being completed. The Final Account must include details of the Tender Sum, Contract variations, Final Account sum, any deducted Liquidated and Ascertained Damages, any extensions of time awarded and any claims agreed with the Contractor.
- 23.2 If considered necessary, the Chief Internal Auditor may examine and audit the Final Account and associated Contract Documentation to satisfy that the Final Account is correct and represents an accurate and appropriate summary of Contract payments and deductions.

24. Publication of procurement information

- 24.1 In order to comply with the Local Government Transparency Code 2015, the Corporate Procurement Officer is responsible for ensuring that the information required by Part 2.1 of the Code is published every 3 months in accordance with the Code.

25. Disposal and freehold/leasehold property transaction

- 25.1 For the purposes of these Procurement Rules:
- (a) All disposals and freehold/leasehold property transactions, including interests in land (such as acquisitions, disposals, new lettings, lease renewals, lease surrenders, rent reviews, sub-lettings, assignments, licences, deeds of variations, easements, wayleaves and land covenants on land) must be dealt with in accordance with the Schedule of Delegation set out in Part 3 of the Council's Constitution and any procedures required by law; and
 - (b) References to Total Contract Value within these Procurement Rules (including in Appendix 1) mean:
 - (i) The anticipated purchase price or premium for the disposal or freehold/leasehold property transaction; or
 - (ii) The annual rent.
- 25.2 Disposals or freehold/leasehold property transactions involving Council land and property may be through:
- (a) Formal tendering (providing for an initial deposit and binding contract if the Tender is successful);
 - (b) Formal tendering (providing for no initial deposit and no binding contract if the Tender is successful);
 - (c) Private treaty; or
 - (d) Public auction.
- 25.3 These Procurement Rules must be followed in full for all disposals or freehold/leasehold property transactions where Tenders from potential purchasers are sought in accordance with Section 25.2 (a) or (b) above.

- 25.4 If the method of disposal or property transaction set-out in Section 25.2(a) or (b) above is followed, the person/body that will be asked to accept the Tender may pre-determine that the relevant sale particulars should make provision for a two-stage offer process, that provides the Council with the option of inviting best and final offers after receipt of initial offers, where this is demonstrated to them to be appropriate:
- (a) By the relevant Spending Control Officer making such a recommendation in a written report to the person/body that will be asked to accept the Tender; and
 - (b) Having considered the case for adopting this method of disposal based on an assessment of the risks involved and concluding that this procedure is the most appropriate for achieving best value.
- 25.5 Disposals or other freehold/leasehold property transactions involving Council land or property sought through the methods set-out in Section 25.2 (c) or (d) above can only be approved:
- (a) In exceptional circumstances and if the person/body that will be asked to accept the Tender has considered a report prepared by the relevant Spending Control Officer which justifies the proposed procedure as the most suitable method of achieving best consideration; and
 - (b) If the transaction is for less than the open market value, the report referred to in Section 25.5(a) above contains an estimate of what the value of the transaction would be if advertised on the open market.
- 25.6 Where disposals or other freehold/leasehold property transactions involving Council land or property are sought through the methods set-out in Section 25.2 (c) or (d) above:
- (a) The relevant Director or Asst. Director may determine the appropriate arrangements to be followed if the anticipated Total Contract Value for the disposal or freehold/leasehold property transaction is within Contract Category 2 of Appendix 1 or lower;
 - (b) The relevant Portfolio Holder must determine the appropriate arrangements to be followed if the anticipated Total Contract Value for the disposal or freehold/leasehold property transaction is within Contract Category 3 of Appendix 1; and
 - (c) The Cabinet must determine the appropriate arrangements to be followed if the anticipated Total Contract Value for the disposal or freehold/leasehold property transaction is within Contract Category 4 of Appendix 1 or higher.
- 25.7 The arrangements referred to in Section 25.6 above may include:
- (a) Determining the most appropriate method of disposal to achieve the Council's statutory duty of obtaining best consideration; or
 - (b) Deciding to sell for less than the open market value, provided that all statutory procedures are complied with, including (where necessary) obtaining the consent of a Secretary of State.
- 25.8 The Chief Estates Officer or Director of Neighbourhoods may agree, on behalf of the Council, to all estates acquisitions, disposals and licences set out within the Schedule of Officer Delegations in Part 3 of the Council's Constitution, where it would be in accordance with good estate management and would not adversely affect the premises concerned.
- 25.9 The relevant Portfolio Holder may take decisions under delegated authority for all estates management matters that, individually, have a cumulative value of between £500,001 and £999,999, subject to all other matters within these Procurement Rules being satisfied and undertaken in accordance with Article 14 (Decision Making) of the Council's Constitution.

Alan Hall/May 2016

Table of Tendering Requirements for Nos. of Tenders, Returns and Openings

Contract Category	Total Contract Value ^(*)	Minimum no. of tenders to be invited ^{(+)(@)}	Designation of person to whom tenders must be addressed	Designation of person required to open tenders	Designation of person/body required to accept tender
1	£25,000 - £50,000	Three	Assist. Director (Governance & Performance Mgt)	Spending Control Officer ^(#) + Democratic Services Officer	Spending Control Officer ^(#)
2	£50,001 - £250,000	Three	Assist. Director (Governance & Performance Mgt)	Director or Asst. Director + Democratic Services Officer	Director or Asst. Director
3	£250,001 - £1million	Three	Assist. Director (Governance & Performance Mgt)	Portfolio Holder + Director/Asst. Director + Democratic Services Officer	Portfolio Holder
4	Over £1million	Three	Assist. Director (Governance & Performance Mgt)	Portfolio Holder + Director/Asst. Director + Democratic Services Officer	Cabinet
5	Above the relevant EU Threshold for Works, Supplies or Services	Five	As 1-4 above (dependent on contract value)	As 1-4 above (dependent on contract value)	As 1-4 above (dependent on contract value)

Notes:

(*) Total Contract Value means the total value of the Works, Services and Supplies over the total period of the Contract, including all potential Contract Extensions to the initial Contract Period.

Where the Total Contract Value is within Contract Category 5, the arrangements for Contract Category 5 should be followed, and not the arrangements for any of the other Contract Categories that may also apply to the Total Contract Value.

(+) If the estimated Total Contract Value is in excess of the value thresholds for Works, Supplies or Services, above which the Public Contracts Regulations 2015 apply, the required number of Tenders determined by the Regulations must be applied.

(@) Includes any in-house Tenders submitted.

(#) Spending Control Officer means the person who is the named person responsible for the budget heading under which payments for the contract will be made, and is responsible for all aspects of the procurement process for a Contract and for complying with these Procurement Rules.

Current EU Procurement Thresholds (1st January 2016 – 31st December 2017)

Contract Type	EU Threshold
Services / Supplies	£164,176
Works	£4,104,394
Light Touch Regime Services	£589,148

The EU Thresholds are updated at regular intervals. The latest Thresholds can be [\[downloaded here \]](#)

Glossary and Definitions of Terms used in the Procurement Rules

Term	Definition or Explanation
Arithmetical Error	An error in addition, subtraction, multiplication or division within a submitted Tender.
Cabinet	The Leader of the Council and other councillors appointed by the Leader to form a group of councillors authorised by the Council's Constitution to make decisions on certain issues.
Central Purchasing Body	A contracting authority which either: <ul style="list-style-type: none"> • Acquires supplies and/or services intended for contracting authorities; or • Awards public contracts (concludes framework agreements) for works, supplies or services intended for contracting authorities
<i>"Certificate of Bona Fide Tendering"</i>	A form that Tenderers must complete, sign and return with their Tender to confirm that the Tender they are putting forward is the true offer that will be available to the Council if the Tender is won by the Tenderer (i.e. to confirm that the offer is genuine and is not just a competitive offer to push them forward through the Tender process). The Council's Standard <i>"Certificate of Bona Fide Tendering"</i> can be obtained from the Council's Intranet, and can be [downloaded here] .
Competitive Dialogue Procedure	A formal and complex process, allowed by the Public Contracts Regulation 2015, for procuring a Contract through discussions with Contractors in a structured way.
Constructionline	The UK's leading procurement and supply chain management web-based service that collects, assesses and monitors standard company information through a question set that is aligned to the standardised pre-qualification questionnaire developed by the British Standards Institute, to reduce duplication within the construction industry.
Consultant	A person or organisation who is not employed by the Council, included on the Council's payroll or covering an establishment post, who is procured directly - through a company (or similar commercial undertaking) or an agency and is engaged to perform a specific task over a predetermined period.
Contract Award	The decision to enter into a Contract with a Contractor
Contract Documentation	All documents related to the administration of a Contract, not just the Tender Documents
Contract Extension	The continuation of a Contract for a further period of time allowed by the Contract. There can be more than one Contract Extension for a Contract.
Contracts Finder	A service provided by the Crown Commercial Service, and referred to in the Public Contracts Regulations 2015, that enables Contractors to search

	for information about Contracts worth over £25,000 with the Government, Government agencies and local government.
Contract Period	The period commencing with the date a Contract specifies that the provisions of the Contract are to start to the date the Contract comes to an end.
Contract Sum	The amount to be paid to a Contractor to perform a Contract, prior to any Contract Extensions, and referred to in the formal Contract between the Council and the Contractor.
Contracts	Contracts, agreements or orders for Works, Supplies or Services.
Contractors	Works contractors, Suppliers, Service providers and Consultants.
Corporate Governance Group	A group of officers, chaired by the Chief Executive, comprising members of Management Board, the Chief Internal Auditor and the Deputy Monitoring Officer.
Corporate Procurement Officer	The officer designated by the Director responsible for procurement arrangements within the Council, who co-ordinates procurement matters on the Director's behalf.
Crown Commercial Service	A Government Agency that brings together policy, advice and direct buying information in a single organisation and provides commercial Services to the public sector and saving money for the taxpayer. Much of the CCS's advice gives formal detailed guidance on the operation of the Public Contracts Regulations 2015.
Defects Liability Period	A set period of time after a Works Contract has been completed, during which a Contractor has the right to return to the site to remedy any defects at the Contractor's own cost.
Director	A Director, Assistant Director or the Chief Executive.
e-Communications	The method of using electronic communications, including email and web-based applications, to provide and receive documents and communications to and from Contractors, in accordance with the Public Contracts Regulations 2015 – detailed in the <i>"Guidance on Electronic Procurement & Electronic Communication"</i> produced by the Crown Commercial Service, which can be [downloaded here]
Essex Procurement Hub	A Central Purchasing Body of six local authorities in Essex, including Epping Forest DC, that provides strategic and operational procurement support, advice and guidance in order to add demonstrable value to the procurement process to its members. The Hub lets and manages a number of national Framework Agreements that are accessible to any UK Public Authority.
Estimated Tender Sum	A Tender Sum formulated by applying rates submitted by a Tenderer to Pre-Estimated Quantities that are estimated to apply over the Contract Period and used to compare the Tenders received from different Contractors. This is nearly always different from the Total Contract Cost.

EU Regulated Contracts	Procurements by public bodies in the UK that are above the financial thresholds for Works, Supplies and Services Contracts referred to in the Public Contracts Regulations 2015, which stipulate the way in which any procurements above the financial thresholds must be undertaken. A <i>“Basic Guide to Public Sector EU Procurement Legislation”</i> can be [downloaded here] .
Final Account	A written statement that includes details of the Tender Sum, Contract variations, Final Account sum, any deducted Liquidated and Ascertained Damages, any extension of time awarded and any claims agreed with the Contractor.
<i>“Formal Declaration of Tender Offer”</i>	The form that Tenderers must complete, sign and return with their Tender to state and confirm their Tender Sum. The form includes a number of statements that Tenderers sign to confirm their compliance. The Council’s Standard <i>“Formal Declaration of Tender Offer”</i> is available on the Council’s Intranet, and can be [downloaded here] .
Framework Agreement	An agreement with Contractors to establish terms governing Contracts that may be awarded during the life of the Framework Agreement, or a general term for agreements that set out terms and conditions for making specific purchases (referred to as “call-offs”).
Insurance Officer	The officer designated by the Director responsible for insurance arrangements within the Council, who co-ordinates insurance matters on behalf of the Director.
Invitations to Tender	A letter, email or other communication sent to Tenderers – either by post or electronically – together with Contract Documents, that invites Tenderers to submit a Tender by the Tender Return Date.
Late Tender	A Tender that has not been received by the Asst. Director (Governance & Performance Management) by the Tender Return Date.
Light Touch Regime (LTR) / Procurement	A specific set of rules introduced by the Public Contracts Regulations 2015 for certain Services contracts that tend to be of lower interest to cross-border competition, that replace the previous distinction between “Part A” and “Part B”. These include certain social, health and education services, defined by the Regulations. A relatively high financial threshold is applied to the LTR, below which contracts do not need to be advertised in the OJEU. For LTR contracts above the threshold, contracting authorities have to follow a new light-touch set of procurement rules, set out in the Regulations.
Liquidated and Ascertained Damages	Fixed damages stated in a Contract, and usually set as an amount per week (or part of a week), which the Contractor must pay the Council (or which the Council may deduct from payments to the Contractor) if completion of the Contract is delayed beyond the Contract completion date, as adjusted by any extensions of time. Note that they are void as a penalty if they are not a “genuine pre-estimate” of the Council’s potential loss, in which case the Council can usually recover normal, unliquidated damages for breach of Contract.

Long List	A list of all Contractors expressing an interest in receiving an Invitation to Tender, before any selection process has been undertaken by the Council to produce a Short List.
Most Economically Advantageous Tender (MEAT)	A Tender for a Contract that has been evaluated not only on the basis of the price submitted by a Tenderer, but also on the basis of the assessed quality of both the submitted Tender and the Tenderer. This is in accordance with a pre-determined MEAT Assessment Methodology, with Tenders evaluated using a pre-determined MEAT Evaluation Assessment, which usually provides for pre-determined weightings to be applied to the price and the quality of various aspects of the Tender.
<i>“MEAT Assessment Methodology”</i>	The pre-determined approach agreed by the Council, and available on the Council’s Intranet, to assess the Most Economically Advantageous Tender (MEAT). The Council’s current Methodology can be [downloaded here] .
MEAT Evaluation Assessment	The document that sets out the pre-determined weightings to be applied to the price and the quality of various aspects of the Tender, and used to calculate the relative scores of all the Tenders received.
Nominated Sub-Contractors and Suppliers	Sub-contractors and suppliers that the Council requires a Works Contractor, Service provider or other Supplier to use to perform the Contract.
Official Order	A standard form of Contract placed with a Works Contractor, supplier, service provider or Consultant, that is usually issued through the Council’s Marketplace System or the Northgate Open Housing Management System (OHMS)
Parent Company Guarantee	A guarantee by the parent company of a Contractor in respect of the Contractor’s performance under its Contract with the Council, where the Contractor is a subsidiary of the parent company
Partnering Contract	A broad term used to describe a collaborative management approach that encourages openness and trust between the parties to a Contract. The parties become dependent on one another for success, which often requires a change in culture, attitude and procedures throughout the supply chain. Most commonly used on large, long-term or high-risk contracts, Partnering Contracts can be adopted for a one-off project, or can be a long-term relationship over a number of projects (such as a Framework Agreement).
Performance Bond	A means of insuring a Contractor against the risk of the Contractor failing to fulfil its contractual obligations to the Council. The Performance Bond provides compensation, guaranteed by a third party, up to the amount of the Performance Bond (which is typically set at 10% of the Total Contract Value), to enable the Council to overcome difficulties that have been caused by non-performance of the Contractor, such as, for example, finding a new Contractor to complete Works.
Portfolio Holder	A Councillor appointed by the Leader of the Council as a member of the Cabinet with responsibility for a particular portfolio of services, as set out

	in the Council's Constitution.
Post-Tender Negotiations	Discussions that take place with one or more Tenderers on price and/or other terms of the Contract or Specification after Tenders have been received and opened.
Practical Completion	The completion of all the Works required to fulfil a Contract.
Pre-estimate of Quantities	A Spending Control Officer's best estimate of the quantities of items relating to the Contract that will arise over the Contract Period, that are applied to rates submitted by Tenderers to produce an Estimated Tender Sum, which is used to compare the Tenders received from different Contractors.
Preferred Tenderer	A Tenderer that is being recommended to be awarded a Contract.
Procurement Toolkit	An EFDC Toolkit, that can be [downloaded here] , that provides advice and guidance on procurement issues, that supports and complements the Council's core financial procedures and clearly sets out the Council's corporate processes for procurement. In no circumstances should these be overlooked and all guidance should be considered alongside the relevant procedures.
<i>"Procurement Process ("Regulation 84") Report"</i>	A requirement of Regulation 84 of the Public Contracts Regulations 2015, relating to procurements where the Total Contract Value is above the EU thresholds for EU Regulated Contracts, which is completed throughout the procurement process and is a written statement, in a defined format, that provides information on different aspects of the procurement and must be made available to Tenderers on request. A template for the <i>"Procurement Process ("Regulation 84") Report"</i> can be obtained from the Council's Intranet, and can be [downloaded here] .
Professional Indemnity (PI) Insurance	A liability insurance that helps protect individuals and companies (usually Consultants) from bearing the full cost of defending a negligence claim in respect of professional advice provided to the Council by the Consultant.
Public Contracts Regulations 2015	Regulations made by the UK Government to exercise the powers given by the European Communities Act 1972, relating to procurements by public bodies in the UK and, in particular, for EU Regulated Contracts that are above the financial thresholds for Works, Supplies and Services Contracts referred to in the Regulations.
Record of Tenders	A record of Tenders received for every procurement, where the Total Contract Value is within Contract Category 1 of Appendix 1 or higher, listing the Tender Sums submitted by each Tenderer, together with the Tenderer's names, completed by a Democratic Services Officer and held by the Asst. Director (Governance & Performance Management).
Retention	A percentage of the amount certified as due to a Contractor following their completion of a Contract, which is deducted from the amount due and retained by the Council. The purpose of holding a Retention is to ensure that the Contractor properly completes the activities required of them under the Contract.

Retention Period	The period during which a Retention is held by the Council.
Safeguarding	Ensuring the wellbeing of either adults with care and support needs or children in accordance with the requirements of the Care Act 2014 and the Children Act 2004 respectively.
Schedule of Rates	A list of prices provided by a Tenderer against items within a list produced by the Council for Tenderers to complete. The prices are multiplied by the Pre-Estimate of Quantities to produce an Estimated Tender Sum.
Select List	A list of selected Contractors to which Invitations to Tender are issued.
Services	<i>(According to Volume 1 of the EU Public Procurement: Law and Practice)</i> In relation to public Contracts, means matters which have as their object the provision of services other than those defined as Works.
Short List	A list of Contractors that has been reduced, following a selection process, from a Long List of Contractors expressing an interest in receiving an Invitation to Tender. The Short List often then forms a Select List.
Specification	A document that sets out the detailed requirements of the Council for the undertaking or provision of Works, Supplies or Services, and forms an important part of the Tender Documents and the subsequent Contract issued to a Contractor.
Spending Control Officer	The officer designated by a Director as being responsible for a specified Council budget, from which payments for a Contract will be made, who is responsible for all aspects of the procurement process for a Contract and for complying with these Procurement Rules.
Supplies	<i>(According to Volume 1 of the EU Public Procurement: Law and Practice)</i> In relation to public contracts, means a matter that has as its object the purchase, lease, rental or hire-purchase (with or without an option to buy) of a product or products.
Tender	A written tender, quotation or fee submission submitted by a Tenderer in accordance with these Procurement Rules, that sets out the Tenderer's proposed price for performing a Contract, together with any other information required by the Council and these Procurement Rules.
Tender Documents	A set of documents sent to Contractors with an Invitation to Tender, which explains the Council's requirements for a proposed Contract and includes documents to be returned to the Council for consideration
Tenderer	A person or organisation that is invited to submit a Tender to the Council.
Tender Evaluation Score	The score that results from a MEAT Evaluation Assessment of a Tender, which is used to rank Tenders in order of the Most Economically Advantageous Tender in terms of best price and quality. A Contractor with the highest Tender Evaluation Score is usually offered the Contract.
Tender Sum	The total price set out in a Tender that a Contractor would charge to perform the required Contract, before any Contract Extensions are

	applied. An Estimated Tender Sum is calculated where a Contractor prices a Schedule of Rates.
Tender Opening	A meeting between those designated within Appendix 1 to be present when Tenders received for a Contract are opened, and which must be held no earlier than the day after the Tender Return Date.
Tender Return Date	The time and date specified within an Invitation to Tender by which Tenders must be returned and received by the Council. The time must always be specified as Noon, in order to minimise the potential for Tenders not being received by the Asst. Director (Governance & Performance Management) or his/her staff on the day of the Tender Return Date and to provide time for Tenders received at the Civic Offices before Noon to be passed to the Asst. Director (Governance & Performance Management) before the Tender Opening
<i>“Tender Return Label”</i>	A label provided by the Council to Tenderers to affix to the envelope in which they return their Tender - which gives details of the Contract, the Tender Return Date and the name of the officer to whom the Tender must be returned. A copy of the Council’s <i>“Tender Return Label”</i> can be obtained from the Council’s Intranet, and can be [downloaded here] .
Total Contract Cost	The actual total cost of the Contract at the end of the Contract Period, after any Contract Extensions have been applied.
Total Contract Value	The total value of the Works, Services, and/or Supplies over the Contract Period, including all potential Contract Extensions to the initial Contract Period.
Works	<p><i>(According to Volume 1 of the EU Public Procurement: Law and Practice)</i> means the outcome of building or civil engineering works taken as a whole, which is sufficient in itself to fulfil an economic or technical function.</p> <p>In relation to public contracts, means matters which have as their object any one of the following:</p> <ul style="list-style-type: none"> (a) The execution, or both the design and execution, of works related to one of the activities listed in Schedule 2 to the Public Contracts Regulations 2015; (b) The execution, or both the design and execution, of a work; and/or (c) The realisation, by whatever means, of a work corresponding to the requirements specified by the contracting authority “exercising a decisive influence on the type or design of the work”.

Part 3
Scheme of Delegation
Appendix 3
DELEGATION APPROVED BY OR ON BEHALF OF THE COUNCIL
Approved by Full Council – February 2018

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

109

Minute Item 109

110	Original Authority Details	Officer(s) Authorised	Subject and Function(s) Delegated
			To implement the Council's scheme for staff performance development reviews (NB excluding Service Directors).
	CLA5 Personnel Sub-Committee (Minute 13 – 7.6.88)	CHIEF EXECUTIVE SERVICE DIRECTORS	ATTENDANCE ALLOWANCES FOR OFFICERS To authorise, in cases where the Service Directors determine that time off in lieu cannot be allocated due to workload, the attendance of such officers at any function or meeting and to grant payments on rates applicable for weekend working, in the same way as currently applies to Members' approved duties.
	CLB1 Council (Minute 78(5) – 27.2.90)	ASSISTANT DIRECTOR ACCOUNTANCY	BORROWING DETERMINATION (a) To discharge all powers regarding sources of borrowing available to the Council under Section 43(2) of the Local Government and Housing Act 1989 subject to regular monitoring reports to the Cabinet, and (b) To compile and maintain a register of loan instruments.
	CLB2 Policy & Resources Committee (Minute 3 – 11.10.73)	ASSISTANT DIRECTOR LEGAL SERVICES	BYELAWS – CERTIFICATION To act as Proper Officer for the purposes of Section 238 of the Local Government Act 1972.

	Original Authority Details	Officer(s) Authorised	Subject and Function(s) Delegated
CLB3	Policy & Resources Committee (Minute 3 – 11.10.73)	ASSISTANT DIRECTOR LEGAL SERVICES	BYELAWS – PARISH & COUNTY COUNCIL COPIES To act as Proper Officer for the purposes of Section 236(a) of the Local Government Act 1972.
CLC1	Policy & Co-ordinating Committee (Minute 48 – 3.12.85)	CHIEF EXECUTIVE SERVICE DIRECTORS	CAR LEASING SCHEME (a) To approve applications from eligible staff under the Scheme; (b) To check eligibility of applicants, approve ordering of vehicles, notify users of outcome of applications; and (c) To be responsible for the financial administration of the Scheme;
	Cabinet (Minute 61 – 1.9.08) Personnel Sub-Committee (Minute 37 – 25.7.89)	MANAGEMENT BOARD CHIEF EXECUTIVE SERVICE DIRECTORS	(d) To determine essential car user status for relevant staff posts. (e) To authorise early termination charges to members of staff with leased cars who receive redundancy notices; (f) To determine the appropriate user business mileage contribution banding for each member of staff receiving authorisation for a leased car.
CLC2	Policy & Resources Committee (Minute 3 – 11.10.73)	CHIEF EXECUTIVE	CHAIRMAN OF COUNCIL – CASUAL VACANCY To act as Proper Officer for the purposes of Section 88(2) of the Local Government Act 1972 (Convening of special Council meeting to fill casual vacancy in the office of Chairman of the Council).
CLC3	Finance Sub-Committee (Minute 13 – 14.11.73)	ASSISTANT DIRECTOR ACCOUNTANCY (or other duly authorised signatory)	CHEQUES – SIGNING To sign cheques on behalf of the Council.
CLC4	Council (Minute 90(4) – 22.4.97) S.O. F1(3), F1(4)	MR PETER MADDOCK, ASSISTANT DIRECTOR ACCOUNTANCY	CHIEF FINANCIAL OFFICER Designated as Chief Finance Officer being the officer having responsibility under Section 151 of the Local Government Act 1972, Section 73 of the Local

111

	Original Authority Details	Officer(s) Authorised	Subject and Function(s) Delegated
112			Government Act 1985 and Section 114 of the Local Government Finance Act 1988.
CLC5	Policy & Co-ordinating Committee (Minute 51 – 4.1.94)	ASSISTANT DIRECTOR ACCOUNTANCY	COLLECTION FUND To calculate the surplus or deficit on the Collection Fund in accordance with the Local Authorities (Funds) (England) Regulations 1992.
CLC6	Council (Minute 90(4) – 22.4.97)	CHIEF EXECUTIVE/ DIRECTOR OF COMMUNITIES/ ASSISTANT DIRECTOR (LEGAL SERVICES) ASSISTANT DIRECTOR (GOVERNANCE)	COMMON SEAL – ATTESTATION OF To attest the Common Seal of the Council.
CLC7	Personnel Sub-Committee (Minute 13 – 15.11.73)	CHIEF EXECUTIVE SERVICE DIRECTORS	COMPASSIONATE LEAVE To grant to staff up to five days leave (with pay) per year for compassionate reasons. (Note: Leave in excess of five days to be granted at the discretion of the Management Board).
CLC8	Council (Minute 18 - 18.6.12)	MONITORING OFFICER (or in the absence of, the DEPUTY MONITORING OFFICER)	CONDUCT OF COUNCILLORS In accordance with Sections 26-37 of the Localism Act 2011: (a) To determine whether a complaint merits formal investigation after consultation with the independent person; (b) To arrange any such investigation; (c) To seek resolution of complaints without formal investigations wherever practicable;

	Original Authority Details	Officer(s) Authorised	Subject and Function(s) Delegated
	Standards Committee (Minute 21 – 13.12.12)	MONITORING OFFICER (or in the absence of, the DEPUTY MONITORING OFFICER)	<p>(d) To submit regular reports to the Standards Committee on the exercise of this delegated authority under (a), (b) and (c) above;</p> <p>(e) To refer decisions on whether to investigate any complaint to the Standards Committee, if it is considered that this is appropriate;</p> <p>(f) To close any complaint where an investigation finds no breach of the Code of Conduct, subject to the report and the findings from the investigation being provided to the subject councillor, the independent person and to the Standards Committee;</p> <p>(g) To seek local resolution of any complaint where an investigation finds evidence of a failure to comply subject to the following: (1) consultation with the independent person and the complainant; (2) a summary report being made to the Standards Committee on the action taken;</p> <p>(h) To refer any investigation report where local resolution is not possible to a hearing Sub-Committee of the Standards Committee for consideration;</p> <p>(i) To prepare, maintain and publish registers of members' interests in respect of this Council and all Parish and Town Councils in the District and to make these available for public inspection at the Civic Offices, Epping, on the District Council's website and (where appropriate) on the websites of parish and town councils; and</p> <p>(j) To determine applications for dispensations from the effect of Section 31(4) of the Localism Act 2011 in the following categories: Section 33(2)(a) (Quorum) Section 33(2)(b) (Political Balance) Section 33(2)(d) (Executive Business)</p>
CLC9	Policy & Resources Committee (Minute 3 –	CHIEF EXECUTIVE	COUNCIL MEETINGS – NOTICES AS TO ADDRESSES FOR DELIVERY OF SUMMONS

114	Original Authority Details	Officer(s) Authorised	Subject and Function(s) Delegated
	11.10.73)		To act as Proper Officer in accordance with Schedule 12 (paragraph 4(3) of the Local Government Act 1972 as to the receipt of these notices.
	CLC10 Council (Minute 127 – 23.4.13)	MONITORING OFFICER	CONSTITUTION – MINOR AMENDMENTS To make amendments to the Constitution as set out in the Article relating to Revision, Amendment and Suspension of the Constitution
	CLC11 Policy & Resources Committee (Minute 3 – 11.10.73)	CHIEF EXECUTIVE	COUNCIL MEETINGS – SIGNATURE OF SUMMONS TO ATTEND To act as Proper Officer in accordance with Schedule 12 (paragraph 4(2)(b) of the Local Government Act 1972 as to the signing of the summons.
	CLC12 Policy & Resources Committee (Minute 3 – 11.10.73) Council 28 May 2015 (Minute 12 – 28.5.15)	CHIEF EXECUTIVE DIRECTOR OF COMMUNITIES	COUNCILLORS – ACCEPTANCE OF OFFICE (a) To act as Proper Officer under Section 83(1)-(4) of the Local Government Act 1972 in respect of the witness and receipt of declarations and acceptances of office by councillors; and (b) That in the absence through unavailability, absence, incapacity or vacancy to undertake the functions specified in the delegation.
	CLC13 Policy & Resources Committee (Minute 3 – 11.10.73)	CHIEF EXECUTIVE	COUNCILLORS – RESIGNATION FROM OFFICE To act as Proper Officer for the purposes of Section 84 of the Local Government Act 1972, in respect of the receipt of notices of resignation from office by councillors.
	CLC14 Council (Minute 49 – 18.12.01)	ASSISTANT DIRECTOR GOVERNANCE	COUNCILLORS – SUBSTITUTES To receive notices from Group Leaders regarding the appointment of substitute members, subject to certain conditions.

	Original Authority Details	Officer(s) Authorised	Subject and Function(s) Delegated
CLC15	Council (Minute 100(7) – 18.4.2000)	ASSISTANT DIRECTOR LEGAL SERVICES	COURT, TRIBUNAL, INQUIRY PROCEEDINGS – ENGAGEMENT OF STAFF AND ADVICE To appoint appropriate staff and/or external Solicitors and/or Counsel to appear for, conduct and settle proceedings on behalf of the Council in Courts, tribunals, inquiries and other similar venues.
CLD1	Council (Minute 78(4) – 17.2.85)	ASSISTANT DIRECTOR GOVERNANCE	DATA PROTECTION ACT 1984 To act as Proper Officer for the purposes of the Data Protection Act 1984 for the receipt of notices.
CLD2	Council April 2016	ASSISTANT DIRECTOR DEVELOPMENT MANAGEMENT	DEVELOPMENT MANAGEMENT To determine matters relating to Development Management Matter set out in Annex E to this schedule
CLD3	Finance Sub-Committee (Minute 67(iii) – 6.3.74)	CHIEF FINANCIAL OFFICER	DIRECT DEBITING To execute a direct debiting indemnity on behalf of the Council.
CLD4	Policy & Co-ordinating Committee (Minute 44 – 29.11.83)	SERVICE DIRECTORS/ ASSIST DIRECTOR ACCOUNTANCY	DISTURBANCE COMPENSATION To grant disturbance allowances following home loss in appropriate cases and subject to the budgetary provision of the Council, in any one year, not being exceeded and in accordance with the Land Compensation Acts.
CLD5	Policy & Resources Committee (Minute 3 – 11.10.73)	ASSISTANT DIRECTOR LEGAL SERVICES	DOCUMENTS – AUTHENTICATION To act as Proper Officer for the purposes of Section 234(1) – (2) of the Local Government Act 1972 for the purposes of authentication of documents.
CLD6	Policy & Resources Committee (Minute 3 – 11.10.73)	ASSISTANT DIRECTOR LEGAL SERVICES	DOCUMENTS – CERTIFICATION OF PHOTOGRAPHIC COPIES To act as Proper Officer for the purposes of Section 229(5) of the Local

116	Original Authority Details	Officer(s) Authorised	Subject and Function(s) Delegated
			Government Act 1972 for the purposes of certifying photographic copies of documents.
	CLD7 Policy & Resources Committee (Minute 3 – 11.10.73)	ASSISTANT DIRECTOR GOVERNANCE	DOCUMENTS – DEPOSIT To act as Proper Officer for the purposes of Section 225(1) of the Local Government Act 1972 in relation to the deposit of documents.
	CLD8 Standing Order A32 Council (Minute 24(1) – 9.7.91)	CHIEF EXECUTIVE (or in his absence the ASSISTANT DIRECTOR GOVERNANCE)	DOCUMENTS – INSPECTION AND SUPPLY FOR COUNCILLORS To determine requests by members of the Council to inspect or to be provided with copies of Council documents.
	CLE1 Council (Minute 105 - 22.2.18)	SIMON HILL ASSISTANT DIRECTOR GOVERNANCE (Deputy registration officer : W MACLEOD)	ELECTORAL MATTERS (a) Registration Officer under section 8(2)(a) of the Representation of the People Act (RPA) 1983 and (i) through Section 28 of the RPA, Acting Returning Officer for the purposes of UK Parliamentary elections; and (ii) through Section 6 of the European Elections Act 2002, Local Returning Officer for European Parliamentary elections. (Duties: responsibility for the electoral register, for EU parliamentary elections (under the direction of the Regional Returning Officer) and for UK Parliamentary elections.) (b) Counting Officer for the purposes of Section 61E of the Town & Country Planning Act 1990 and the Localism Act 2011 (Section 116) (Duties: responsibility for the local referendums on Neighbourhood Plans) (c) District Returning Officer for the Epping Forest District under Section 35(1) of the RPA 1983

	Original Authority Details	Officer(s) Authorised	Subject and Function(s) Delegated
			<p>(Duties: responsibility for the conduct of District Council/Parish Council elections and, through Sections 52ZQ and 113 of Local Government Finance Act 1992, Proper Officer for local referendums in connection with Council Tax precepts.)</p> <p>(d) Proper Officer under Sections 34, 35 and 105(2) of the Local Government Act 2000</p> <p>(Duties: responsibility for petitions and referendums in connection with the Executive Constitution of the Council).</p> <p>(e) Nominated Deputy County Returning Officer under Section 35(1) of the RPA 1983</p> <p>(Duties: responsibility for County Council elections as appointed by and under the direction of the County Returning Officer.)</p> <p>(f) Nominated Local Returning Officer under Section 54 of the Police & Social Responsibility Act 2011</p> <p>(Duties: conduct of elections for Police & Crime Commissioners under the direction of County Returning Officer.)</p> <p>(g) Nominated Local Counting Officer for the purposes of Section 128 of the Political Parties, Elections and Referendums Act 2000.</p> <p>(Duties: conduct of national referendums under the direction of the Chief Counting Officer (i.e. the Chief Executive of the Electoral Commission).</p>
CLE2	Council (Minute 105 - 22.2.18)	SIMON HILL RETURNING OFFICER (With effect from 22 JANUARY 2018)	<p>ELECTIONS – DISCRETIONARY FEES AND CHARGES</p> <p>To determine annually the scale of discretionary fees and charges, for which there is no statutory amount, by allowing for inflation and rounding up to the nearest whole number.</p>

	Original Authority Details	Officer(s) Authorised	Subject and Function(s) Delegated
CLE3	Council (Minute 105 - 22.2.18)	SIMON HILL RETURNING OFFICER (With effect from 22 JANUARY 2018)	ELECTIONS – FEES AND EXPENSES To determine the scale of fees and expenses payable by the Returning Officer at elections of District and Parish Councils, adjusting the schedule for inflation and rounding up to the nearest whole number.
CLE4	Policy & Co-ordinating Committee (Minute 101 – 1.12.98)	ASSISTANT DIRECTOR LEGAL SERVICES	ELECTORAL REGISTRATION – PROSECUTIONS To institute and pursue proceedings in relation to electoral registration offences.
CLE5	Council (Minute 71 – 17.12.02)	ASSISTANT DIRECTOR DEVELOPMENT MANAGEMENT (or, in the absence of the office holder, a nominated deputy)	ENFORCEMENT ACTION 1. Authority to prosecute the unauthorised display of advertisements, unauthorised works to a listed building or in a conservation area breach of Tree Preservation or Hedgerow Regulations, and non-compliance where enforcement action has previously been authorised. 2. Authority to take the appropriate enforcement action, including serving an injunction where the Director of Governance, or his nominee, considers the circumstances to be urgent.

	Original Authority Details	Officer(s) Authorised	Subject and Function(s) Delegated
CLF1	Cabinet (Minute 138 – 25.11.02) Council (Minute 29 - 28.6.11)	DEMOCRATIC SERVICES MANAGER ASSISTANT DIRECTOR (GOVERNANCE) SERVICE DIRECTORS	FREEDOM OF INFORMATION ACT 2001/RE-USE OF PUBLIC SECTOR INFORMATION To be responsible for co-ordinating compliancy with the requirements of the Freedom of Information Act throughout the Council, including providing guidance and promoting compliance with the Act so as to assist with the easy, appropriate and timely retrieval of information. To be responsible for establishing and operating procedures for their service areas for managing requests for information under the Act and ensuring that requests are dealt with in accordance with statutory deadlines.
CLG1	Council (Minute 19.12.06)	ASSISTANT DIRECTOR NEIGHBOURHOOD SERVICES	GAMBLING ACT 2005 – LICENSING FUNCTIONS See Annex A.
CLG2	District Development Control Committee (Minute 49 (3) - 26.6.13)	DIRECTOR OF COMMUNITIES	GROWTH AND INFRASTRUCTURE ACT 2013 To determine applications received under Section 7 to modify, remove or discharge affordable housing obligations, subject to: (a) Prior consultation with the Director of Governance; the Chairman (or in his/her absence, the Vice-Chairman) of the relevant Area Plans Sub-Committee and local ward members; and (b) Details of the application and the resultant Determination being reported in the following issue of the Council Bulletin.
CLH1	Development Committee (Minute 31 – 25.8.92)	ASSISTANT DIRECTOR DEVELOPMENT MANAGEMENT	HAZARDOUS SUBSTANCES To determine applications for hazardous substances consent under the Planning (Hazardous Substances) Regulations 1992 except where there are

120	Original Authority Details	Officer(s) Authorised	Subject and Function(s) Delegated
			objections from interested parties, which shall be determined by the Plans Sub-Committees.
	CLH2 Council (Minute 109 - 22.2.18)	CHIEF EXECUTIVE (or in his absence the DIRECTOR OF COMMUNITIES)	HEAD OF PAID SERVICE In accordance with Section 4 of the Local Government and Housing Act 1989 designated as Head of the Authority's Paid Service.
	CLH3 Council (Minute 54(4) – 20.12.77) Personnel Sub-Committee (Minute 49(6) – 4.10.88)	CHIEF EXECUTIVE SERVICE DIRECTORS ALL MANAGERS OR SUPERVISORS RESPONSIBLE FOR ONE OR MORE STAFF	HEALTH AND SAFETY AT WORK – IMPLEMENTATION (a) To be responsible on behalf of the Council for the general policy for the safety, health and welfare of employees as set out in the Council's statement of policy; (b) To be directly responsible for the implementation in each Directorate of the Council's general policy for safety, health and welfare; (c) To ensure that adequate budgetary provision is made to meet the cost of any safety programme; and (d) To be responsible in the work area under their control for: (i) implementation of general policy of health, safety and welfare; (ii) annual review of work areas to assess training needs and priorities for improvements; (iii) identification of hazards for employees and the public; (iv) consultation with employee representatives on safety matters; and (v) setting an example in safe behaviour.

	Original Authority Details	Officer(s) Authorised	Subject and Function(s) Delegated
CLH4	Council (Minute 52(c) – 12.12.00)	ASSISTANT DIRECTOR LEGAL SERVICES (or nominated Deputy)	HIGH COURT ACTION To instigate High Court action in the following circumstances: (a) appeals lodged in accordance with Sections 288 and 289 of the Town and Country Planning Act 1990 (as amended) which shall be authorised by the Director of Governance; (b) applications for High Court injunctions to secure planning enforcement under the Town and Country Planning Act 1990 (as amended) which shall be authorised by the District Development Control Committee or an Area Plans Sub-Committee, or to deal with breaches of Abatement Notices under the Environment Act 1995 or Amendments thereof which shall be authorised by the Cabinet; (c) any applications for High Court injunctions where immediate emergency action is required to prevent serious distress to public safety or residential amenity which shall be authorised by the Director of Governance in consultation with the appropriate Portfolio Holder. (d) any other category of High Court action which shall not admit of delay resulting from reference to the full Council – which shall be authorised by the Cabinet or any appropriate committee or subcommittee; and (e) to make applications in consultation with the appropriate members under High Court injunctions where immediate emergency action is required to prevent serious distress to public safety or residential amenity.
	Council (Minute 100(5) – 18.4.00)	ASSISTANT DIRECTOR LEGAL SERVICES (or nominated Deputy)	To defend High Court Proceedings instituted against the Council (subject to reporting on action taken to the next Cabinet meeting).
CLI1	Council (Minute 34 – 22.7.97)	ASSISTANT DIRECTOR LEGAL SERVICES AND ASSISTANT DIRECTOR REVENUES	INSOLVENCY – ENFORCEMENT OF DEBTS To issue statutory demands pursuant to Section 268(1)(a) of the Insolvency Act

	Original Authority Details	Officer(s) Authorised	Subject and Function(s) Delegated
122			1986. To take steps to enforce a debt following the commencement of bankruptcy proceedings, subject to action taken being reported to the next appropriate Cabinet meeting.
CL12	Council (Minute 100(6) – 18.4.2000)	ASSISTANT DIRECTOR ACCOUNTANCY(or nominated Deputy)	INSURANCE – INSTITUTION OF LEGAL PROCEEDINGS To institute, defend, appeal, withdraw or agree a compromise in connection with any legal proceedings concerning the Council's insurance matters, subject to reporting on any significant issues to the next appropriate Cabinet meeting.
CLL1	Policy & Resources Committee (Minute 3 – 11.10.73)	ASSISTANT DIRECTOR DEVELOPMENT MANAGEMENT	LAND CHARGES To act as proper officer to the Council for the purposes of Section 212(1) and (2) of the Local Government Act 1972 (local registrar of land charges)
CLL2	Cabinet (Minute 184 – 10.4.06)	ASSISTANT DIRECTOR (NEIGHBOURHOOD SERVICES) Appropriate Portfolio Holder	LICENSING To authorise suitably qualified officers to exercise those functions relating to licensing set out in the attached list of environmental health legislation as set out in Annex B, subject to the policies from time to time agreed by the Licensing Committee. To delegate appropriate powers to the Director of Neighbourhoods relating to the management and provision of service set out in the attached list of environmental health legislation as set out in Annex B.

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

	Original Authority Details	Officer(s) Authorised	Subject and Function(s) Delegated
CLL6	Council (Minute 24(1)(2) – 9.7.91)	ASSISTANT DIRECTOR HUMAN RESOURCES ASSISTANT DIRECTOR ACCOUNTANCY	LOCAL GOVERNMENT AND HOUSING ACT 1989 – PROPER OFFICER DESIGNATIONS Proper Officer designations made for the purposes of the Sections of the Local Government and Housing Act 1989 indicated: Section and Purpose Section 2 (preparation and maintenance of lists of politically restricted posts). Section 37 (deposit and preparation of statements as to the provision of financial assistance).
CLM1	Council (Minute 34 – 22.7.97) (Minute 168 - 20.4.10)	ASSISTANT DIRECTOR (LEGAL SERVICES)	MAGISTRATES' AND COUNTY COURTS – DEFENCE AND PURSUIT OF PROCEEDINGS To institute, defend, pursue and settle proceedings on behalf of the Council and to appear on the Council's behalf, in any proceedings before the Magistrates' and County Courts.
	Personnel Sub-Committee (Minute 88 – 21.11.89 and 88(b) – 1.12.92)	MR G OAKLEY (MANAGING LEGAL EXECUTIVE)	To appear for the Council in legal proceedings pursuant to Section 223(1) of the Local Government Act 1972 and Section 60(2) of the County Courts Act 1982.
CLM2	Council April 2016	CHIEF EXECUTIVE OR DIRECTOR OF COMMUNITIES OR HEAD OF CUSTOMER SERVICES	MALADMINISTRATION – POWER TO MAKE PAYMENTS OR PROVIDE OTHER REMEDIES The power to make payments or provide other remedies in cases of maladministration, or in cases by individuals which amount to or could amount to maladministration by the Council.

	Original Authority Details	Officer(s) Authorised	Subject and Function(s) Delegated
CLM3	<p>Council (Minute 10 – 15.5.2001)</p> <p>Council (Minute 70 – 6.11.12)</p> <p>Council (Minute 10 – 15.5.01)</p>	<p>ASSISTANT DIRECTOR GOVERNANCE</p> <p>ASSISTANT DIRECTOR GOVERNANCE</p> <p>DELEGATED TO ASSISTANT DIRECTOR GOVERNANCE)</p>	<p>MONITORING OFFICER AND DEPUTY</p> <p>To act as Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989 and Sections 26-37 of the Localism Act 2011 for the purpose of performing the duties imposed by those sections.</p> <p>To be responsible for any Parish or Town Councils which are affiliated for the time being to the Epping Forest Standards Committee under Chapter 7 of the Localism Act.</p> <p>To act as Deputy Monitoring Officer with the power to act in the absence or during any illness of the Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989.</p>
CLO1	Policy and Resources Committee (Minute 3(3) – 11.10.73)	ASSISTANT DIRECTOR ACCOUNTANCY	<p>OFFICERS – RECEIPT OF MONEY DUE</p> <p>To act as Proper Officer for the purposes of Section 115 of the Local Government Act 1972).</p>
CLO2	Council (Minute 86 – 15.2.05)	CHIEF EXECUTIVE AND MONITORING OFFICER	<p>OMBUDSMAN – NOTICES</p> <p>To act as proper officer for the purposes of Section 30(5) of the Local Government Act 1974 (publication of notice on receipt of a report from the Local Ombudsman).</p>
CLP1	Council (Minute 105 - 22.2.18)	SIMON HILL RETURNING OFFICER (With effect from 22 JANUARY 2018)	<p>PARISH POLLS</p> <p>To act as Returning Officer for the purposes of a Parish Poll in the District in accordance with the Parish and Community Meetings (Polls) Rules 1987,</p>

	Original Authority Details	Officer(s) Authorised	Subject and Function(s) Delegated
CLP2	Personnel Sub-Committee (Minute 139 – 20.3.90)	ASSISTANT DIRECTOR HUMAN RESOURCES	POLITICALLY RESTRICTED POSTS (a) To notify all politically restricted postholders of their designations; (b) To incorporate the designation as to politically restricted status in contracts of employment; and (c) To maintain and issue revised lists when necessary and notify the independent Adjudicator.
CLP3	Policy and Resources Committee (Minute 3 – 11.10.73)	ASSISTANT DIRECTOR DEVELOPMENT MANAGEMENT	PROTECTED BUILDINGS To act as Proper Officer for the purposes of paragraph 28 of Schedule 16 to the Local Government Act 1972 (receipt and deposit of lists of protected buildings).
CLR1	Council (Minute 117 – 20.4.04)	MONITORING OFFICER	REGISTRATION OF INTERESTS – DISTRICT COUNCIL Receipt, custody and public deposit of registration of interests of District Councillors under the Local Government Acts 2000 and 2007 and regulations made thereunder.
CLR2	Council (Minute 117 - 20.4.04)	MONITORING OFFICER	REGISTRATION OF INTERESTS – TOWN AND PARISH COUNCILS Receipt, custody and public deposit of registration of interests of Parish and Town Councillors in accordance with the Local Government Acts 2000 and 2007 and regulations made thereunder.

12

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

	Original Authority Details	Officer(s) Authorised	Subject and Function(s) Delegated
GLR4 ∞	Policy & Co-ordinating Committee (Minute 3 – 11.10.73)	ASSISTANT DIRECTOR GOVERNANCE	RESOLUTIONS – CERTIFICATION To act as Proper Officer for purposes of paragraph 25 of Schedule 4 to the Local Government Act 1972 (certification of resolutions).
CLR5	Council (Minute 29 – 28.6.11) Council (Minute 29 – 28.6.11)	CHIEF EXECUTIVE DIRECTOR OF COMMUNITIES	RE-USE OF PUBLIC SECTOR INFORMATION REGULATIONS 2005 To be responsible in accordance with the Council's policy for administering requests for information under the Re-use of Public Sector Information Regulations 2005, including the level of fees and charges to be made if information supplied is to be re-used. To be responsible for administering requests under the 2005 Regulations in respect of use of CCTV data, taking account of the Council's policy and charging arrangements.
CLS1	Personnel Sub-Committee (Minute 2 – 4.10.73) (As amended by Personnel Sub-Committee Minute 169 – 26.9.78)	CHIEF EXECUTIVE SERVICE DIRECTORS	STAFF – APPOINTMENTS PROCEDURE To make all external appointments to each service in respect of posts graded below Assistant Director level except appointments where member involvement is considered desirable.
CLS2	Policy & Co-ordinating Committee (Minute 59(b) – 8.2.94)	CHIEF EXECUTIVE SERVICE DIRECTORS	STAFF – MISCELLANEOUS DELEGATIONS To determine staff issues in terms of grading, structure and local conditions of service (including car leases, posts requiring an increase in hours of up to 1 or 2 per week, creation of junior posts in direct substitution of more senior ones, restructurings which reduce the number of posts and costs within a section, minor re-ranging subject to prior consultation with staff representatives, no increase in budget, maintenance of a register.

	Original Authority Details	Officer(s) Authorised	Subject and Function(s) Delegated
CLS3	Council (Minute 90(5) – 23.2.82)	MANAGEMENT BOARD (in consultation with appropriate Service Director and the Portfolio Holder with responsibility for Finance)	STAFF – RETIREMENT To offer enhanced early retirement and redundancy under the terms of the superannuation scheme or gratuity scheme to appropriate staff where the resultant vacated posts can be made available for redeployment of otherwise redundant employees.
CLT1	Development Committee (Minute 73 – 2.3.93) (Minute 108 – 6.3.01)	ASSISTANT DIRECTOR DEVELOPMENT MANAGEMENT	TELECOMMUNICATIONS EQUIPMENT To determine, after prior consultation with ward councillors, whether the prior approval of the Council should be required to the siting and appearance of notified development under the Town and Country Planning (General Permitted Development) Order 1995. To exercise the above-mentioned authority in consultation with the Chairman of the appropriate Committee or Sub-Committee and all ward councillors in respect of those proposals submitted in accordance with the prior approvals procedure where the Director of Governance consider that an objection should not be raised to the development but where opposition has been received.
CLT2	Resource Committee (Minute 40 – 28.9.93)	ASSISTANT DIRECTOR ACCOUNTANCY (or staff delegated to act)	TREASURY MANAGEMENT (a) To have control of the aggregated monies under Section 151 of the LGA 1972. (b) To be responsible for all executive decisions on borrowing, investment or financing under Section 151 subject to a requirement to act in accordance with the CIPFA Code for Local Authorities.
CLT3	Council decision April 2016	ASSISTANT DIRECTOR DEVELOPMENT MANAGEMENT	TREES, CONSERVATION AND RELATED FUNCTIONS To be responsible for delegations set out in Annex F to this schedule
X	NIL		
Y	NIL		
Z	NIL		

**GAMBLING ACT 2005 – TABLE OF DELEGATIONS OF LICENSING FUNCTIONS
ASSISTANT DIRECTOR NEIGHBOURHOOD SERVICES**

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

ASSISTANT DIRECTOR NEIGHBOURHOOD SERVICES
LICENSING

Charities Act 1992

Part III (Street Collections)

Local Government (Miscellaneous Provisions) Act 1976

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

Local Government (Miscellaneous Provisions) Act 1982

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

Section 37 (Temporary Markets)

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

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

Hackney Carriage and Private Hire Licences

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

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

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

**LICENSING ACT 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY
TO ASSISTANT DIRECTOR NEIGHBOURHOOD SERVICES**

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	
Decision to object when local authority is acting as a Responsible Authority			All cases
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary licence at community premises to include alternative licence conditions		If a police objection	All other cases

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

Annex D

**SCRAP METAL DEALERS ACT 2013 - DELEGATION OF POWERS TO THE
ASSISTANT DIRECTOR NEIGHBOURHOOD SERVICES**

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

Annex E

DEVELOPMENT CONTROL FUNCTIONS – Delegation to the Assistant Director Development Management

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
Care of the Environment	Town and Country Planning (Environmental Impact Assessments) (England and Wales) Regulations 1999	To determine the need for and scope of environmental impact assessments required under the Town and Country Planning Acts.	No
District Development Control Committee (Minute 30 – 7.12.10)	Planning (Hazardous Substances) Act 1990, Section 36, 36A and 36B	To determine applications for hazardous substances consent except those where there are objections from interested parties, which shall be determined by the relevant Area Planning Sub-Committee.	
	Planning (Hazardous Substances) Regulations 1992	To use necessary powers of entry to the land in relation to the above and duly authorise officers and agents engaged by the Council to use the relevant powers of entry as necessary.	
Development Control	Town and Country Planning Act 1990 - Section 70, 70(A), 191-3, 324, 325	<p>1. Subject to Appendix A below, which are matters to be determined by Committee, to determine or decline to determine any:</p> <p>(a) planning applications;</p> <p>(b) applications for approval of reserved matters;</p> <p>(c) applications arising from any condition imposed on any consent, permission order or notice;</p> <p>(d) advertisement consents; and</p> <p>(e) listed buildings.</p> <p>2. To agree the precise wording of additional/revised conditions to be attached to planning permissions, at members' request, and discharge of conditions.</p> <p>3. To determine whether a 28 day prior approval application of the method</p>	Yes (See Appendix A to this Schedule)
District Development Control Committee (Minute 30 – 7.2.10)	Planning and Compensation Act 1991, Section 10		
Council Minute 29 – 28.6.11	Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Part 1, Reg. 16-19		
	Town and Country Planning (Development Management Procedure) (England) Order 2010, Part 6, Article 35		
	Town and Country Planning (Control		

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
	<p>of Advertisements) (England) Regulations 2007, Part 3, Reg. 14-15 Town and Country Planning General Permitted Development Order 1995, Part 6 and Part 31 of Schedule 2 As amended by SI2008 No. 2362 and 5</p> <p>Town and Country Planning (Development Management Procedure) (Amendment) (England) Order 2013</p>	<p>of any proposed demolition and any proposed site restoration is required and to give such approval where required.</p> <p>4. In relation to prior approval of telecommunications equipment, to determine, after prior consultation with ward Councillors in cases where a valid planning objection has been made, whether the prior approval of the Council should be required to the siting and appearance of notified development.</p> <p>5. In relation to agricultural development, to determine whether to require the formal submission of details.</p> <p>6. Subject to Appendix A(g), to determine applications in relation to certificates of lawful use and development.</p> <p>7. To use necessary powers of entry to the land in relation to the above and duly authorise officers and agents engaged by the Council to use the relevant powers of entry as necessary.</p> <p>8. To determine or decline to determine any non-material amendments.</p> <p>9. Subject to consultation with Ward Members in the cases where a valid objection has been made and are minded to grant, to determine applications for prior approval.</p> <p>Note: The categories of Prior Approval in operation at any particular time can be confirmed by the Assistant Director (Development Management).</p>	

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
Enforcement District Development Control Committee (Minute 30 – 7.12.10)	<p>Town and Country Planning Act 1990 (as amended), Part 7, section 171-190, 196 A, B, C, 198-200 214(A)-(D), 215-219, 220 or 221, 224, 225, 325 and 330</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 5, sections 27 and 30</p> <p>Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 4, sections 38, 88, 88A and 88B</p> <p>Local Government (Miscellaneous Provisions) Act 1982 (Section 37)</p>	<p>Authority for Director of Governance to:</p> <ol style="list-style-type: none"> 1. Issue Stop Notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Buildings Enforcement Notices, Planning Contravention Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Section 215-219 Notices for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy. 2. Prosecute the unauthorised display of advertisements, unauthorised works to a listed building, and non-compliance where enforcement action has previously been authorised. 3. Take appropriate enforcement action, including serving an injunction where the Director of Governance or their nominee, having regard to the evidence considers the circumstances to require urgent action. 4. Investigate if a temporary market has been held in breach of Section 37 of the 1982 Act. 5. Vary the requirements for compliance with notices already authorised, including altering the period required for compliance, service of further notices and withdrawal of notices. 6. Determine when action is not expedient in relation to breaches of control considered inconsequential or insignificant. 7. To use necessary powers of entry to the land in relation to the above and duly authorise officers and agents engaged by the Council to use the relevant powers of entry as necessary. 	
	<p>Town and Country Planning Act 1990 (Section 178) (Council Minute 126 – 23.4.13)</p>	<ol style="list-style-type: none"> 8. To authorise direct action (or re-charge the cost of that action) in pursuit of a valid enforcement notice under Section 178. 	<p>Subject to budget provision being available and to local District Councillors being notified</p>

APPENDIX A: MATTERS TO BE DETERMINED BY THE RELEVANT COMMITTEE

- (a) Applications contrary to the provisions of an approved draft Development Plan or Development Plan, and which are recommended for approval;
- (b) Applications contrary to other approved policies of the Council and which are recommended for approval;
- (c) Applications for major commercial and other developments, (e.g. developments of significant scale and/or of wide concern) and which are recommended for approval;
- (d) Applications for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and which are recommended for approval);
- (e) The Council's own applications on its land or property which are for disposal;
- (f) Those applications recommended for approval where there are more than two expressions of objections received, material to the planning merits of the proposal to be approved, apart from approvals in respect of householder type developments, telecommunication masts, shop fronts and vehicular crossovers and "other" category developments (changes of use, advertisements, listed building consents), where more than four expressions of objections material to the planning merits of the proposal to be approved are received;
- (g) Applications including certificates of lawfulness in respect of existing use and development, recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal;
- (h) Applications referred by a District Councillor, whose own ward must be within the remit of the relevant Area Plans Sub-Committee and who has firstly notified the relevant Ward Councillors in advance, so long as the referral has been requested in writing to Officers within 4 weeks of that applications notification in the weekly list;
- (i) Applications where the recommendation conflicts with a previous resolution of a Committee;
- (j) Applications submitted by or on behalf of a Councillor of the Authority (and/or spouse/partner) or on behalf of a member of staff of Development Control Division of the Governance Directorate and the Forward Planning and Economic Development Division of the Neighbourhoods Directorate (and/or spouse/partner) and also in those cases where a councillor is an objector in a purely personal capacity;
- (k) Any other application which the Director of Governance considers it expedient or appropriate to present to committee for decision (e.g. those raising issues not covered by existing policies, or of significant public interest, or those with a significant impact on the environment);
- (l) An application which would otherwise be refused under delegated powers by the Director of Governance but where there is support from the relevant local council and no other overriding planning consideration necessitates refusal.

Annex F

TREES, CONSERVATION AND RELATED FUNCTIONS

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

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

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

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

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