

Part 3

Scheme of Delegation

Section 13 of the Local Government Act 2000 provides that all the functions of the Council shall be functions of the Executive (Cabinet) except in so far as they are reserved to the Council by regulations made under the Act (or by subsequent or other legislation). The reservation of functions to the Council is made under The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ('the Regulations') define those functions:

- (a) which must not be discharged by the Cabinet;
- (b) which may be the responsibility of the Cabinet;
- (c) which may not be the sole responsibility of the Cabinet; and
- (d) circumstances in which functions which would otherwise be functions of the Cabinet fall to be discharged other than by the Cabinet.

Matters that are the responsibility of the Council

- Article 4 sets out those matters which the Council has reserved its decision making upon or are required to be determined by the Council under act of parliament
- Article 14 sets out the responsibility for decision making by Council.
- Appendix 1 to this scheme sets out the matters which fall into Category (d) above
- Appendix 2 to this scheme sets out the delegation of Council function to committees other than the Cabinet
- Appendix 3 sets out the delegation of matters to officers that fall within the responsibility of the Council

Matters that are the responsibility of the Cabinet or its Committees

- Article 4 contains those Plans and Strategies that the Council has reserved. The Cabinet will recommend to the Council on changes to those matters.
- Article 7.01 sets out the responsibilities of the Cabinet
- Appendix 2 to Article 7 sets out the responsibilities and powers of the Cabinet Committees
- Appendix 5 to this scheme sets out the delegations of Executive functions made to officers by the Leader and the Cabinet and amended from time to time by Leader Decision.

Matters that are the responsibility of Portfolio Holders/Leader

- Article 14 sets out the responsibility for decision making by Portfolio Holder

- Appendix 4 sets out those areas of the Council where Portfolio Holders have the responsibility for decision making in the absence of officer delegated powers.
- The Leader shall exercise the powers and responsibilities of Part 3 of the Local Government and Public Involvement in Health Act 2007 as detailed in Appendix 5 to this scheme.

Matters which are the responsibility of Regulatory and other Committee

- Appendix 2 of this scheme sets out the responsibilities of regulatory and other committee which are detailed within the relevant Article of the Constitution shown.
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Matters that are the responsibility of Officers

- Article 13 (Officers) sets out the responsibilities of officers and those holding statutory positions.
- Article 14 sets out the responsibility for decision making by officers
- Appendix 3 sets out the delegation of matters to officers that fall within the responsibility of the Council
- Appendix 5 to this scheme sets out the delegations of Executive functions made to officers by the Leader and the Cabinet and may be amended from time to time by Leader Decision.

Responsibility for local choice functions

FUNCTION	DECISION-MAKING BODY	DELEGATION OF FUNCTIONS
1. Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000.	Council	-
2. The determination of an appeal against any decision made by or on behalf of the authority.	Staff Appeals Panel Housing Appeals and Review Panel	- - -
3. Any function relating to contaminated land.	Executive	Function delegated to Director of Neighbourhoods/ Governance
4. The discharge of any function relating to the control of pollution or the management of air quality.	Executive	Function delegated to Director of Neighbourhoods.
5. The service of an Abatement Notice in respect of a statutory nuisance.	Executive	Function delegated to Director of Neighbourhoods
6. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisances Act 1993 should apply in the authority's area.	Council	-
7. The inspection of the authority's area to detect any statutory nuisance.	Executive	Function delegated to Director of Neighbourhoods.
8. The investigation of any complaint as to the existence of a statutory nuisance.	Executive	Function delegated to Director of Neighbourhoods
9. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	District Development Control Committee	Function delegated to Directors
10. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Council	Function delegated to Chief Executive, Deputy Chief Executive, Directors.
11. The making of agreements for the execution of highways works under Section 278 of the Highways Act 1980, substituted by Section 23 of the New Roads and Street Works Act 1991.	Executive	Function delegated to Executive Member holding the Civil Engineering and Maintenance Portfolio.

FUNCTION	DECISION-MAKING BODY	DELEGATION OF FUNCTIONS
<p>12. The appointment of any individual:</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than:</p> <p style="padding-left: 40px;">(i) the authority;</p> <p style="padding-left: 40px;">(ii) a Joint Committee of two or more authorities; or</p> <p>(c) to any Committee or Sub-Committee of such a body, and the revocation of any such appointment.</p>	<p>Council</p>	<p>Item (a) delegated to Head of Paid Service/Chief Executive and Directors.</p> <p><u>Item (b) and (c)</u></p> <p>No delegation.</p> <p>No delegation.</p>

Delegation of Council functions to other Committees

Committee	Function	Details of where delegation can be found
Appointments Panel	To consider appointments to Committees, subcommittees, Panels and Groups including Non-scrutiny Chairman and Vice Chairman position and make recommendations to Council	Article 8 for matters within its terms of reference
Area Plans Subcommittees	Planning and Conservation Functions relating to town and country planning and development control	Article 10 for matters within their terms of reference and defined geographical area
Audit and Governance Committee	Providing assurance on the governance of the authority including risk and financial controls	Article 11 for matters within its terms of reference
District Development Management Committee	Planning and Conservation Functions relating to town and country planning and development control	Article 10 for matters within its terms of reference
Housing Review and Appeals Panel	To decide appeals by tenants and housing register applicants against determinations made by officers	Article 8 for matters within its terms of reference
Joint Consultative Committee	To undertake consultation and negotiation on matters relevant to industrial relations, productivity, work arrangements and terms and conditions of employment.	Article 8 for matters within its terms of reference
Licensing Committee and Licensing Subcommittee	Licensing Functions	Article 8 for matters within its terms of reference
Member Remuneration Panel	To consider the Council's scheme of member remuneration and submit recommendations to Council	Article 8 for matters within its terms of reference

Committee	Function	Details of where delegation can be found
Overview and Scrutiny	The undertaking of the Council's overview and scrutiny function pursuant to Section 21 of the Local Government Act 2000	Article 6 for matters within its terms of reference
Parish Remuneration Panel	To consider any Local Council's scheme of member remuneration and submit recommendations to that Council	Article 8 for matters within its terms of reference
Staff Appeals Panel	To decide appeals by employees of the Council.	Article 8 for matters within its terms of reference
Standards Committee	Promotion of high standards of conduct by Councillors in the Council and in Local Councils. Agreeing the Code of Conduct for Councillors	Article 9 for matters within its terms of reference

Schedule of Council Delegation

Schedule To be inserted here

Portfolio Responsibilities

Leaders Portfolio

Cabinet Chairman, Signatory for decisions taken in absence of other portfolio holders or where they have a material (Disclosable or personal) interest, Co-ordination of Cabinet business, Corporate Objectives, performance indicators and plans. Representation of Council across established forums and meetings as at present. Liaison with Chief Executive, Directors and Leadership Team.

Finance

Deputy Leader. Budget setting and reporting, financial management including investments, procurement and insurance. Risk Management. Responsibility for finance functions including Accountancy, Housing Benefits, Council Tax and NNDR, Cashiers. Welfare Reform. Debt and recovery.

Technology and Support Services

Matters related to the Council's ICT team and future strategy. Those support services within the remit of the Resources Directorate, for example, HR, Payroll, Administration, Reprographics, Health and Safety and Facilities management.

Governance and Development Management

Matters related to legal services, local land charges, Democratic services, information and PR including the website provision. To lead on performance improvement and meeting the equality duties of the Council. Elections section and compliments/complaints. Freedom of information. Audit. Matters relating to Development Control, Enforcement and Building Control.

Assets and Economic Development

Commercial property, estates and asset management (including North Weald airfield assets) and economic development/tourism. Broadband for the District, Business Champion.

Housing

Council housing and housing land sales, proposals for affordable housing. Homelessness and its prevention, HRA estate management, investment, tenant matters including transfers and maintenance/repairs. Sheltered and private sector housing. Decent homes and adaptations. Careline and Care and Repair. Park Homes.

Safer, Greener, Transport

Community Safety, Safeguarding, Premises & Taxi Licensing, Conservation, Countrycare, Tree Protection, Energy Efficiency, Energy conservation, Fuel Poverty, Car Parking & NEPP Liaison, Highways Liaison, Public Transport Liaison, Community Transport.

Environment

Environmental Health matters and management, waste management, pollution and land drainage/sewers. Statutory nuisances, abandoned vehicles and animal welfare. Environmental co-ordination. Depots management and Fleet Operations. Grounds maintenance and Roding Valley LNR.

Leisure and Community Services

Leisure Management. Emergency Planning and North Weald Airfield (Operations). Neighbourhood services

Health and sport. Arts, Community and Sports Development including holiday schemes, Museum Services, Young people and Youth Council. Grant Aid requests. A champion for the voluntary sector.

Planning Policy

All matters related to the delivery of the local plan, planning policy and large scale S106 and CIL.

**EPPING FOREST DISTRICT COUNCIL - SCHEME OF DELEGATION
OF EXECUTIVE FUNCTIONS**

1. GENERAL PRINCIPLES

- (a) This scheme delegates the powers and duties of the Executive to Cabinet Members and officers as a partnership.
- (b) This scheme delegates powers and duties within portfolios and includes powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation as well as authorising the affixing of the Common Seal.
- (c) This scheme operates under Section 15 of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and all other powers enabling.
- (d) Officers and Cabinet Members shall keep members (especially ward members) properly informed of activity and its implications arising within the scope of these delegations.

2. GENERAL LIMITATIONS

- (a) Before taking a decision a Cabinet Member shall receive advice from the appropriate officer.
- (b) Any exercise of delegated powers shall be subject to a policy framework approved by the Council or the policies approved by the Cabinet from time to time including the Employment Policies (and Disciplinary Procedures), Equal Opportunities, Service Delivery Policies, and shall be guided by the relevant Codes of Conduct or Council protocols.
- (c) Any exercise of delegated powers shall be subject to:
 - (i) any statutory restrictions;
 - (ii) standing orders;
 - (iii) financial regulations; and
 - (iv) procurement standards.
- (d) In exercising delegated powers, Cabinet members and officers shall not go beyond the provision in the revenue or capital budgets for their service except to the extent permitted by financial regulations and procurement policy.
- (e) A Cabinet member shall not exercise delegated powers in respect of any issue which relates solely to his/her ward only, except if.
 - (i) the action is recommended by a Chief Officer; or
 - (ii) the action is one of a range of options recommended by a Chief Officer

3. GENERAL PROVISIONS

(a) This scheme includes the power for officers further to delegate in writing all or any of the delegated functions to other officers (described by name or post) either fully or under the general supervision and control of the delegating officer. Sub-delegations shall be recorded and kept by the relevant Director.

(b) All action taken under the terms of these delegations shall be properly documented.

(c) It shall always be open to an officer either to consult with the appropriate Cabinet member on the exercise of delegated powers, or not to exercise delegated powers but to refer the matter to the Cabinet.

(d) It shall be open to a Cabinet member to determine that the exercise of their delegated powers is not appropriate in cases where a Chief Officer or the Monitoring Officer recommends reference to the Cabinet, where consultation with other members indicates that the matter should be referred to the Cabinet or where the Leader of the Council so directs.

(d) In exercising delegated powers, officers shall consult with other appropriate officers and shall have regard to any advice given.

(e) In this scheme "officer" means the holder of any post named in this scheme as having delegated powers and duties.

4. SPECIFIC DELEGATIONS

4.1 Leader of Council

Exercise of the powers and duties of the Leader of the Council in accordance with Part 3 of the Local Government and Public Involvement in Health Act 2007 including:

(a) appointment of other Cabinet members up to a maximum of 9;

(b) allocation of responsibility for executive functions to Cabinet Members and Service Directors;

(c) establishment and terms of reference of Cabinet Committees;

(d) approval of representatives on outside organisations directly involved in the carrying out of executive functions;

(e) appointment of a Deputy Leader of the Council.

4.2 Cabinet Members

Decisions on executive functions falling within the allocated Cabinet service portfolio, and which are not delegated to officers.

4.3 Officers

May take any decision which:

(a) implements a policy or decision previously approved or taken by the Council, the Cabinet or a Cabinet member;

(b) facilitates or is conducive or incidental to the implementation of a policy or decision previously taken by the Council, the Cabinet or a Cabinet member;

(c) relates to the management of the human, material and financial resources made available for carrying out the functions for which they are responsible; and

(d) matters delegated by the Council, the Cabinet, a Committee or Sub-Committee from time to time under this scheme.

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5. SPECIAL CIRCUMSTANCES

- 5.1 Where the proposed decision affects more than one service portfolio, there shall be an obligation for the other Cabinet members to be consulted before a decision is made.
- 5.2 Where a decision is of corporate significance or where there is a conflict of view, such matter shall stand referred to the Cabinet for consideration.
- 5.3 Cabinet members shall, in the exercise of delegated powers, consult with the Chairman of the appropriate Overview and Scrutiny Committee and the ward Councillor(s) where appropriate.
- 5.4 Cabinet Members shall have regard to the requirements of the Council's petitions procedure when making decisions on matters raised in such representations.

Schedule to be inserted here