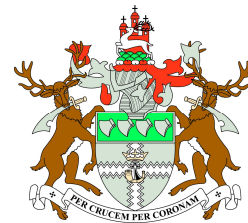


Supplementary Council Agenda



**Epping Forest
District Council**

Annual Council Tuesday, 21st May, 2013

Place: Civic Offices, High Street, Epping
Room: Council Chamber
Time: 7.30 pm
Committee Secretary: Council Secretary: Ian Willett
Tel: 01992 564243 Email:
democraticservices@eppingforestdc.gov.uk

4. ELECTION OF CHAIRMAN (Page 35)

To elect a Chairman of the Council for the municipal year 2013/14. The nomination received is attached. The new Chairman will then make a declaration of acceptance of office.

5. APPOINTMENT OF VICE-CHAIRMAN (Pages 35 - 36)

To appoint a member to be a Vice-Chairman of the Council for the municipal year 2013/14. The two nominations received are attached. The new Vice-Chairman will then make a declaration of acceptance of office.

9. REPORT OF THE APPOINTMENTS PANEL (Pages 37 - 56)

Report attached regarding:

- (a) Notice of Constitution of Political Groups, Group Leaders and Deputies;
- (b) Appointments made by the Leader to the Cabinet, Cabinet Committees and Outside Organisations carrying out Executive Functions;
- (c) Membership, Chairmanship and Vice-Chairmanship of Committees, Sub-Committees and Panels (Non-Executive Bodies);
- (d) Appointments to Outside Organisations carrying out Council, Regulatory or non-Cabinet Functions.

The Council will need to vote on (c) and (d) where the number of nominations exceeds

the number of places available.

11. SCHEME OF OFFICER DELEGATION - COUNCIL AND REGULATORY FUNCTIONS (Pages 57 - 84)

The Constitution requires that the scheme of delegation be agreed at the Annual meeting – attached.

12. SCHEME OF OFFICER DELEGATION - EXECUTIVE FUNCTIONS (Pages 85 - 118)

To note new and revised officer delegation in respect of Executive Functions approved by the Leader of the Council following the 2012/13 review – attached.

ANNUAL COUNCIL MEETING - 21 MAY 2013

Item 4

Nominations for Chairman of the Council:

Councillor Mary Sartin

Mover: Councillor - TBA
Seconder: Councillor - TBA

APPENDIX

Item 5

Nominations for Vice-Chairman of the Council:

(a) Councillor Tony Boyce

Mover: Councillor - TBA
Seconder: Councillor - TBA

A nomination form has been received containing the signatures of 18 members of the Council drawn from at least two political groups, namely:

Councillor C Whitbread
Councillor B Rolfe
Councillor T Cochrane
Councillor D Stellan
Councillor A Grigg
Councillor A Mitchell
Councillor R Morgan
Councillor R Bassett
Councillor J Philip
Councillor W Breare-Hall
Councillor G Waller
Councillor S Stavrou
Councillor E Webster
Councillor J Wyatt
Councillor J Knapman
Councillor R Gadsby
Councillor H Brady
Councillor M McEwen

(b) Councillor Janet Whitehouse

Mover: Councillor - TBA

Seconder: Councillor - TBA

A nomination form has been received containing the signatures of 14 members of the Council drawn from at least two political groups, namely:

Councillor J M Whitehouse

Councillor P Spencer

Councillor P Gode

Councillor D Jacobs

Councillor S Murray

Councillor L Leonard

Councillor Jennie Hart

Councillor R Cohen

Councillor K Angold-Stephens

Councillor C Pond

Councillor D Wixley

Councillor L Girling

Councillor T Thomas

Councillor H Mann

Report to the Council

Committee: Appointments Panel

Date: 21 May 2013

Chairman: Councillor C Whitbread

Item: 8

1. REPORT OF THE APPOINTMENTS PANEL

Recommending:

- (1) To note in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, the constitution of political groups as set out Appendix A to this report;**
 - (2) To consider appointments in respect of Leader of the Council, and consequential appointments for Cabinet and Cabinet Subcommittees carrying out Executive functions as reported to the Panel set out at Appendix B to this report;**
 - (3) To approve the Membership, Chairmanship and Vice Chairmanship of Committees, Subcommittees and Panels (non-Executive bodies) as set out at Appendix C to this report with any outstanding nominations reported at the meeting;**
 - (4) To confirm Group Representatives for the purposes of substitution notifications as follows:**

G Waller – Conservative Group;
 - (5) That Group representatives confirm appointments to be made to Overview and Scrutiny Panels to the Proper Officer by 24 May 2013;**
 - (6) To note consequential appointments made by the Leader to Outside Organisations carrying out Executive functions as set out at Appendix D to this report;**
 - (7) To approve appointments to other Outside Organisations carrying out Council, regulatory or non-Cabinet functions as set out at Appendix E to this report; and**
 - (8) That the Overview and Scrutiny Committee be asked to undertake a review of the process for the nomination to and appointment of the Vice Chairman of Council.**
-

1. (Chairman of the Panel - Councillor C Whitbread) The Panel met on 9 and 14 May 2013 to consider nominations made by Groups and non-affiliated members to positions on:

- (i) Chairman and Vice Chairman of Council (Item elsewhere on the Council agenda);
 - (ii) Leader; Deputy Leader and Cabinet members;
 - (iii) Chairmen; Vice-Chairmen and membership of Cabinet Subcommittees;
 - (iv) Chairmen; Vice-Chairmen and members of Committees and Sub-Committees (excluding Scrutiny Panels); Panels; Boards Working Groups and similar bodies;
 - (v) Outside body appointments; and
 - (vi) Political Group constitutions (Appendix A).
2. The Panel was advised of proposals for the Cabinet and Cabinet Subcommittee memberships (Appendix B). We understand from the Leader that it is his intention to replace the Local Plan Cabinet Committee with a Portfolio Holder Advisory Group of seven members. There are also consequential proposals for the appointment to Outside Organisations that fall into the Executive category (Appendix D).
 3. The Panel have been able to bring forward agreed nominations in respect of Committees, Subcommittees and Panels which are set out at Appendix C. Any remaining anomalies are listed in the schedule and will be reported at the meeting.
 4. We are recommending a change to the Committees for 2013/14. We have been asked to recommend the membership of the Directorate Restructuring Panel. Later in the agenda for this Council meeting, Councillors are being asked to consider the terms of reference for that new body.
 5. We have been unable to conclude nominations to Scrutiny Panels so we are recommending that Panel Group representatives provide this information in time for the Overview and Scrutiny Committee meeting in June which will make the formal appointments.
 6. We have also been able to agree nominations to Outside Bodies as detailed in Appendix E. We are asking Council to confirm these appointments
 7. We discussed nominations for the position of Vice Chairman of Council. We have asked that Overview and Scrutiny Committee undertakes a review of the constitutional requirements in this regard.
 8. We recommend as set out at the commencement of this report.

Appendix A

ANNUAL COUNCIL MEETING - 21 MAY 2013 CONSTITUTION OF POLITICAL GROUPS AND GROUP LEADERS

Local Government and Housing Act 1989 – Notice of Constitution of Political Groups and Group Leaders

To note in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, the constitution of political groups as follows:

Conservative Group:

Councillor Chris Whitbread (Group Leader)

Councillor Syd Stavrou (Deputy Group Leader)

Councillor Ken Avey

Councillor Helen Kane

Councillor Mary Sartin

Councillor Richard Bassett

Councillor Paul Keska

Councillor Glynis Shiell

Councillor Anthony Boyce

Councillor John Knapman

Councillor Penny Smith

Councillor Heather Brady

Councillor Yolanda Knight

Councillor David Stallan

Councillor William Breare-Hall

Councillor Jeane Lea

Councillor Haluk Ulkun

Councillor Gavin Chambers

Councillor Alan Lion

Councillor Lesley Wagland

Councillor Kewal Chana

Councillor Ann Mitchell

Councillor Gary Waller

Councillor Anthony Church

Councillor Maggie McEwen

Councillor Sylvia Watson

Councillor Ricki Gadsby

Councillor Gagan Mohindra

Councillor Antony Watts

Councillor Anne Grigg

Councillor John Philip

Councillor Elizabeth Webster

Councillor James Hart

Councillor Brian Rolfe

Councillor John Wyatt

Councillor Susan Jones

Councillor Brian Sandler

Councillor Neville Wright

Members 38

Liberal Democrats Group:

Group Leader – tba

Deputy Group Leader - tba

Councillor Derek Jacobs Councillor Peter Spenger	Councillor Janet Whitehouse Councillor Jon Whitehouse	
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Members 4

Loughton Residents' Association Group:

Councillor Ken Angold-Stephens (Group Leader) Councillor Caroline Pond (Deputy Group Leader)

Councillor Tessa Cochrane Councillor Richard Cohen Councillor Colin Finn Councillor Leon Girling	Councillor Jennie Hart Councillor Lance Leonard Councillor Harvey Mann Councillor John Markham	Councillor Tracey Thomas Councillor David Wixley
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Members 12

Council Appointments

(a) Leader Nomination

	2013/14
Leader	Chris Whitbread

Leader Appointments:

(b) Deputy Leader

	2013/14
Deputy Leader	Syd Stavrou

(c) Other Cabinet Members/Allocation of Portfolios

Portfolio Title	Portfolio Holder 2013/14	Assistant Portfolio Holders 2013/14
Leader	Chris Whitbread	
Finance and Technology	Syd Stavrou	
Leisure and Wellbeing	Liz Webster	
Environment	Will Breare-Hall	
Housing	David Stallan	Ann Mitchell
Safer, Greener and Transport	Gary Waller	
Planning	Richard Bassett	
Support Services	Hal Ulkun	Tony Church
Asset Management and Economic Development	Anne Grigg	Helen Kane

Existing Cabinet Committee Memberships (not part of pro rata allocations)

(a) Finance and Performance Management Cabinet Committee

Leader

Finance and Technology Portfolio Holder (Chairman)

Housing Portfolio Holder

Planning Portfolio Holder

Safer, Greener and Transport Portfolio Holder

(b) North Weald Airfield and Asset Management Cabinet Committee

Leader

Asset Management and Economic Development Portfolio Holder (Chairman)

Environment Portfolio Holder

Finance and Technology Portfolio Holder

Leisure and Wellbeing Portfolio Holder

(c) Local Plan Cabinet Committee**

**Subject to replacement by a Portfolio Holder Advisory Panel

Leader

Asset Management and Economic Development Portfolio Holder

Environment Portfolio Holder

Housing Portfolio Holder

Planning Portfolio Holder (Chairman)

(d) Council Housebuilding Cabinet Committee

Environment Portfolio Holder

Finance and Technology Portfolio Holder

Housing Portfolio Holder (Chairman)

Planning Portfolio Holder

Safer, Greener and Transport Portfolio Holder

Committee Appointments 2013-14

Area Plans Sub-Committee East (19 Members)					
		Conservatives	Liberal Democrats	LRA	Non Affiliated
MEMBERSHIP 2013/14	Chairman/Vice Chair	S Jones (Chairman) * P Keska (V/C)			
		K Avey	D Jacobs *		P Gode (Lab)
		W Breare-Hall	J H Whitehouse		R Morgan (ind)
		H Brady	J M Whitehouse		
		A Boyce			
		T Church			
		A Grigg			
		M McEwen			
		J Philip			
		B Rolfe			
		D Stallan			
		C Whitbread			
		G Waller			

* Nominated Group Representative

Area Plans Sub-Committee West (14 Members)					
		Conservatives	Liberal Democrats	LRA	Non Affiliated
MEMBERSHIP 2013/14	Chairman/Vice Chair	Y Knight (Chairman)* A Mitchell (V/C)			
		R Bassett			R Butler (UKIP)
		R Gadsby			
		H Kane			
		J Lea			
		M Sartin			
		G Shiell			
		P Smith			
		S Stavrou			
		A Watts			
		J Wyatt			
		E Webster			

* Nominated Group Representative

Area Plans Sub-Committee South (23 Members - subject to opt in)

		Conservatives	Liberal Democrats	LRA	Non Affiliated
MEMBERSHIP 2013/14	Chairman/Vice Chair	J Hart (Chairman)* N Wright (V/C)		K Angold-Stephens (V/C)*	
		G Chambers		T Cochrane	
		K Chana		R Cohen	
		J Knapman		L Girling	
		A Lion		C Finn	
		G Mohindra		Jennie Hart	
		B Sandler		L Leonard	
		H Ulkun		H Mann	
		L Wagland		J Markham	
		S Watson		T Thomas	
				D Wixley	

*Nominated Group Representative

Two nominations for Vice-Chairman

Audit and Governance Committee (3 members plus 2 co-opted persons)

		Conservatives	Liberal Democrats	LRA	Non Affiliated
MEM 2013	Chairman/Vice Chair	To be decided by the Committee in accordance with the Constitution			
		H Kane A Watts		C Finn	

Complaints Panel (Pool of 11 members)

		Conservatives	Liberal Democrats	LRA	Non Affiliated
MEMBERSHIP 2013/14	Chairman/Vice Chair		P Spencer (V/C)	R Cohen (Chairman)	
		G Chambers		H Mann	
		K Chana			
		P Keska			
		Y Knight			
		A Mitchell			
		B Sandler			
		G Shiell			
		P Smith			

Directorate Restructuring Panel (7 members)

		Conservatives	Liberal Democrats	LRA	Non Affiliated
MEM 2013/14	Chairman/Vice Chair	C Whitbread (Chairman) S Stavrou (V/C)			
		J Hart	J M Whitehouse	K Angold-Stephens	
		J Knapman			
		G Waller			

District Development Control Committee (15 members)

		Conservatives	Liberal Democrats	LRA	Non Affiliated
MEMBERSHIP 2013/14	Chairman/Vice Chair	B Sandler (Chairman)* J Wyatt (V/C)			
		A Boyce	J M Whitehouse*	C Finn	R Morgan (Ind)
		J Hart		J Markham	
		S Jones		C Pond*	
		H Kane			
		P Keska			
		J Knapman			
		Y Knight			
		J Philip			

* Nominated Group Representative

Page 9 of 20

Housing Appeals and Review Panel (5 members and 5 substitutes)

		Conservatives	Liberal Democrats	LRA	Non Affiliated
MEMBERSHIP 2013/14	Chairman/Vice Chair	B Rolfe (Chairman) J Lea (V/C)		Jennie Hart (V/C)	
		K Avey	J H Whitehouse		
		P Keska (substitute)	P Spencer (substitute)	L Leonard (substitute)	
		Y Knight (substitute)			
		tba (substitute)			

One CONS substitute TBA

Two Nominations for Vice-Chairman

Joint Consultative Committee (9 members plus 9 staff side representatives)

		Conservatives	Liberal Democrats	LRA	Non Affiliated
MEMBERSHIP 2013/14	Chairman/Vice Chair	R Bassett (V/C)			
		G Chambers	J H Whitehouse	T Cochrane	
		A Lion		L Leonard	
		G Shiell			
		D Stallan			
		G Waller			

Licensing Committee (15 members)

		Conservatives	Liberal Democrats	LRA	Non Affiliated
MEMBERSHIP 2013/14	Chairman/Vice Chair		P Spencer (V/C)	K Angold-Stephens (Chairman)	
		A Boyce			R Morgan (Ind)
		K Chana		L Leonard	
		R Gadsby		H Mann	
		P Keska		T Thomas	
		A Mitchell			
		M Sartin			
		P Smith			
		S Watson			
		N Wright			
Sub-Committee Chairs	A Boyce P Smith		P Spencer	K Angold-Stephens L Leonard	R Morgan (Ind)

Overview and Scrutiny (15 Members)

		Conservatives	Liberal Democrats	LRA	Non Affiliated
MEMBERSHIP 2013/14	Chairman/Vice Chair			K Angold Stephens (V/C)	R Morgan (Ind)(Chairman)
		G Chambers	D Jacobs	L Girling	S Murray
		K Chana		D Wixley	
		T Church			
		H Kane			
		P Keska			
		A Lion			
		A Mitchell			
		J Philip			
	B Rolfe				

Staff Appeals Panel (5 members and 5 substitutes)

		Conservatives	Liberal Democrats	LRA	Non Affiliated
MEMBERSHIP 2013/14	Chairman/Vice Chair				
		G Chambers	P Spencer	T Cochrane	
		B Rolfe			
		B Sandler			
		tba (substitute)	J H Whitehouse (substitute)	R Cohen (substitute)	
		A Mitchell (substitute)			
		J Wyatt (substitute)			

**Nominations to Chairman and Vice Chairman positions required.
CONS Substitute TBA**

Standards Committee (9 Members)

		Conservatives	Liberal Democrats	LRA	Non Affiliated
MEM 2013/14	Chairman/ViceChair	P Smith (Chairman)	J H Whitehouse	R Cohen	
		G Chambers (Vice Chairman)		C Pond	
		H Kane			
		J Lea			
		B Rolfe			
		D Stallan			

Other Bodies

Page 49

Local Highways Panel (7 District, 7 County members – ECC Chair)

		Conservatives	Liberal Democrats	LRA	Non Affiliated
MEMBERSHIP 2013/14		R Bassett		L Leonard	
		K Chana			
		T Church			
		P Keska			
		J Lea			
		S Watson			

Leisure Management – Contract Monitoring Board (6 members)

		Conservatives	Liberal Democrats	LRA	Non Affiliated
MEMBERSHIP IP 2013/14		W Breare Hall	J M Whitehouse	H Mann	
		G Chambers			
		E Webster			
		N Wright			

Portfolio Holder Advisory Group on the Procurement of the Waste Management Contract (7 members)

		Conservatives	Liberal Democrats	LRA	Independent
MEMBERSHIP 2013/14		W Breare Hall (Chairman)	D Jacobs	C Pond	R Morgan
		A Boyce			
		J Lea			
		G Mohindra			

**Waste Management Partnership Board
(2 Members plus 2 Officers and 4 representatives of the Council's Waste Management Contractor)**

		Conservatives	Liberal Democrats	LRA	Independent
MEM 2013/14		W Breare Hall			
		S Stavrou			

Leader Appointments

Representation on Outside Organisations – Appointments by Leader Organisations Carrying Out Executive Functions

Organisation and Allocation Category		Representation for 2013/14
1.	Association of Retained Council Housing (ARCH) – Executive Board	D Stallan *See also officer appointment
2.	Civil Enforcement of Parking and Traffic Regulations Outside London (PATROL) – Adjudication Joint Committee	G Waller
3.	Crime and Disorder Strategy Panel	G Waller W Breare-Hall (Deputy)
4.	East of England Local Government Association	C Whitbread
5.	Enfield Essex Herts Border Liaison Group	R Bassett, Mrs M Sartin, E Webster (J Lea, G Shiell, P Smith deputies)
6.	Epping Forest District Local Strategic Partnership (Executive) (a) LSP Board (b) Health Equalities Group (c) Safer Communities Partnership (d) Sustainable Communities Group (e) Epping Forest Children’s Partnership	(a) C Whitbread/ A Grigg (b) B Sandler (c) G Waller (d) A Grigg (e) E Webster
7.	Essex Community Wide Traveller Unit	R Bassett (non voting member)
8.	Harlow Stansted Gateway Transportation Board (HSGTB)	G Waller A Grigg (deputy)
9.	Housing Repairs Advisory Group	Housing Portfolio Holder Chairman Housing Scrutiny Panel Vice Chairman Housing Scrutiny Panel
10.	Local Government Association - General Assembly	C Whitbread S Stavrou (deputy)
11.	Northern Essex Parking Partnership	G Waller W Breare-Hall (deputy)
12.	South East Local Enterprise Partnership	C Whitbread A Grigg (deputy)
13.	Waste Partnership Member Board	W Breare-Hall G Waller (deputy)
14.	Waste Partnership - Inter-Authority Member Working Group	W Breare-Hall G Waller (deputy)
15.	West Essex Alliance	C Whitbread A Grigg (deputy)

APPENDIX E

Council Appointments

Representation on Outside Organisations

Organisations Carrying Out Council Regulatory or Non-Cabinet Functions

Organisation and Allocation Category		Nominations for 2013/14
1.	Care and Repair - Management Committee	A Grigg A Mitchell J H Whitehouse
2.	Epping Forest Citizens' Advice Bureau	R Cohen G Shiell (K Angold Stephens and tba deputies)
3.	Campaign to Protect Rural England (Essex Branch)	A Boyce Y Knight (deputy)
4.	Epping Forest Community Transport Steering Group	tba
5.	Epping Forest Housing Aid Committee	tba
6.	Essex Health Overview and Scrutiny Committee Must not be a member with executive responsibilities	Nomination to this Committee is decided by ECC at their Annual meeting. EFDC will only be offered a place if those County Councillors nominated do not include a local ECC member.
7.	Grange Farm Managing Trustees (Term to 31.05.15)	Not required this year
8.	Lee Valley Regional Park Authority (Term to 30/6/2017)	M Sartin S Stavrou (J Wyatt and E Webster deputies)

Organisation and Allocation Category		Nominations for 2013/14
9.	<p>Leisure Centres Liaison Groups</p> <p>-Ongar Leisure Centre</p> <p>- Epping Sports Centre</p> <p>- Loughton Leisure Centre</p> <p>- Waltham Abbey Swimming Pool</p>	<p>D Jacobs P Keska</p> <p>W Breare-Hall T Church</p> <p>T Cochrane Jennie Hart</p> <p>J Lea G Shiell</p>
10.	Local Councils' Liaison Committee	<p>K Angold Stephens A Boyce M Sartin B Rolfe J H Whitehouse</p>
11.	Local Government Association - Rural Commission	A Boyce
12.	Police and Crime Panel	<p>G Waller M Sartin (deputy)</p>
13.	Princess Alexandra Hospital - Partnership Governor	G Waller
14.	<p>Roding Valley Meadows Local Nature Reserve</p> <p>(a) Management Committee</p> <p>(b) Working Group</p>	<p>(a) S Murray</p> <p>(b) Officer representative see officer schedule *</p>
15.	Stansted Airport Consultative Committee	<p>M Sartin G Waller (deputy)</p>
16.	Stansted Airport Community Trust Fund	R Morgan

Organisation and Allocation Category		Nominations for 2013/14
17.	Town Centre Partnerships	
	(a) Buckhurst Hill Town Centre Partnership	G Chambers N Wright
	(b) Epping Town Centre Partnership	T Church J M Whitehouse
	(c) Loughton Broadway Town Centre Partnership	Jennie Hart J Knapman
	(d) Loughton High Road Town Centre Partnership	James Hart J Markham
	(e) Ongar Town Forum - Steering Group	D Jacobs P Keska
	(f) Waltham Abbey Town Partnership	H Kane J Lea
18.	Voluntary Action Epping Forest	G Shiell
19.	Waltham Abbey Royal Gunpowder Mills Ltd	H Kane
20.	Waltham Abbey Tourist Information Centre - Joint Management Committee	J Lea A Mitchell J Wyatt
21.	Waste Management and Street Cleansing – Loughton Stakeholders' Group	L Girling James Hart T Thomas
22.	West Essex Wellbeing Joint Committee	A Boyce G Chambers (deputy)

Representation on Outside Organisations - Appointments Held by Officers

Appointments by Leader – Organisations Carrying Out Executive Functions

Number:	Organisation and Committee Responsible	Representative 2012-13
1	Access Group – Joint Management Team	Special Needs Manager
2	Association of Retained Council Housing (ARCH)	A Hall – Director of Housing
3	Essex Archaeological and Historical Congress	Epping Forest District Museum Officer
4	Museum Service (South Eastern)	Epping Forest District Museum Officer
5	National Society for Clean Air (SE Division)	Director of Environment and Street Scene (or representative)
6	Standing Conference – Investigation of Air Pollution	Director of Environment and Street Scene (or representative)
7	Roding Valley Meadow Local Nature Reserve Working Group	Director of Planning and Economic Development (or representative)

Organisations Carrying Out Council Regulatory or Non-Executive Functions

This Appendix indicates those organisations where the Council determined on 25 April 1995 that the representatives should be officers.

Number:	Organisation and Committee Responsible	Representative
1	East Anglian Home Safety Committee	Director of Environment and Street Scene (or representative)
2	Essex Water Safety Liaison Committee	Director of Environment and Street Scene (or representative)
3	Victoria County History Association	Epping Forest District Museum Officer
4	Voluntary Action Epping Forest (see also member appointments schedule)	Policy Officer (+ 1 member delegate)

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**PART TWO – COUNCIL AND
REGULATORY FUNCTIONS**

**DELEGATION APPROVED BY
OR ON BEHALF OF THE COUNCIL**

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
CL1	Council - 29.10.85 (Minute 57(2))	ASSISTANT TO THE CHIEF EXECUTIVE	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
CL2	Policy & Co-ordinating Committee (Minute 62(1) - 11.2.86)	CHIEF EXECUTIVE DEPUTY 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
CL3	Policy & Co-ordinating Committee (Minute 56 – 30.9.97)	DIRECTOR OF CORPORATE SUPPORT SERVICES	AFFIDAVITS – SWEARING OF To secure sworn affidavits from any member of Council staff where required by the Council.
CL4	Council (Minute 104(5) – 19.4.83)	CHIEF EXECUTIVE DEPUTY 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 To implement the Council's scheme for staff performance development reviews (NB excluding Service Directors).
CL5	Personnel Sub-Committee (Minute 13 – 7.6.88)	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE SERVICE DIRECTORS	ATTENDANCE ALLOWANCES FOR OFFICERS To authorise, in cases where the Heads of Service 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.
CL6	Council (Minute 78(5) – 27.2.90)	DIRECTOR OF FINANCE & ICT	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.
CL7	Policy & Resources Committee (Minute 3 – 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	BYELAWS – CERTIFICATION To act as Proper Officer for the purposes of Section 238 of the Local Government Act 1972.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
CL8	Policy & Resources Committee (Minute 3 – 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	BYELAWS – PARISH & COUNTY COUNCIL COPIES To act as Proper Officer for the purposes of Section 236(a) of the Local Government Act 1972
CL9	Policy & Co-ordinating Committee (Minute 48 – 3.12.85) Cabinet (Minute 61 – 1.9.08) Personnel Sub-Committee (Minute 37 – 25.7.89)	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE SERVICE DIRECTORS CORPORATE EXECUTIVE FORUM CHIEF EXECUTIVE DEPUTY 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; (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.
CL10	Policy & Resources Committee (Minute 3 – 11.10.73)	CHIEF EXECUTIVE (or in his absence the DEPUTY 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).
CL11	Finance Sub-Committee (Minute 13 – 14.11.73)	DIRECTOR OF FINANCE & ICT SERVICES (or other duly authorised signatory)	CHEQUES – SIGNING To sign cheques on behalf of the Council.
CL12	Council (Minute 90(4) – 22.4.97) S.O. F1(3), F1(4)	MR R PALMER DIRECTOR OF FINANCE & ICT SERVICES (MR P MADDOCK, ASSISTANT DIRECTOR AS DEPUTY)	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 Government Act 1985 and Section 114 of the Local Government Finance Act 1988.
CL13	Policy & Co-ordinating Committee (Minute 51 – 4.1.94)	DIRECTOR OF FINANCE & ICT SERVICES	COLLECTION FUND To calculate the surplus or deficit on the Collection Fund in accordance with the Local Authorities (Funds)(England) Regulations 1992.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
CL14	Council (Minute 90(4) – 22.4.97)	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE DIRECTOR OF CORPORATE SUPPORT SERVICES ASSISTANT DIRECTOR (LEGAL) ASSISTANT TO THE CHIEF EXECUTIVE	COMMON SEAL – ATTESTATION OF To attest the Common Seal of the Council.
CL15	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 Corporate Executive Forum)
CL16	Council (Minute 18 - 18.6.12)	MONITORING OFFICER (or in the absence of the Monitoring Officer, 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; (d) To submit regular reports to the Standards Committee on the exercise of this delegated authority under (a), (b) and (c) above; (e) To refer decisions on whether to investigate any complaint to the Standards Committee, if it is considered that this is appropriate; (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; (g) To seek local resolution of any complaint where an investigation finds evidence of a failure to comply subject to the following:

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
	Standards Committee (Minute - 13.12.12)	MONITORING OFFICER (or in her absence, the DEPUTY MONITORING OFFICER)	<p>(i) consultation with the independent person and the complainant;</p> <p>(ii) 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>
CL18	Policy & Resources Committee (Minute 3 – 11.10.73)	CHIEF EXECUTIVE (or in his absence the DEPUTY CHIEF EXECUTIVE)	<p>COUNCIL MEETINGS – NOTICES AS TO ADDRESSES FOR DELIVERY OF SUMMONS</p> <p>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.</p>
CL18	Council (Minute 127 – 23.4.13)	MONITORING OFFICER	<p>CONSTITUTION – MINOR AMENDMENTS</p> <p>To make amendments to the Constitution to reflect the following: (a) statutory changes over which the Council has no control; and (b) minor drafting and clerical errors.</p>
CL19	Policy & Resources Committee (Minute 3 – 11.10.73)	CHIEF EXECUTIVE (or in his absence the DEPUTY CHIEF EXECUTIVE)	<p>COUNCIL MEETINGS – SIGNATURE OF SUMMONS TO ATTEND</p> <p>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.</p>
CL20	Policy & Resources Committee (Minute 3 – 11.10.73)	CHIEF EXECUTIVE	<p>COUNCILLORS – ACCEPTANCE OF OFFICE</p> <p>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.</p>
CL21	Policy & Resources Committee (Minute 3 – 11.10.73)	CHIEF EXECUTIVE (or in his absence the DEPUTY CHIEF EXECUTIVE)	<p>COUNCILLORS – RESIGNATION FROM OFFICE</p> <p>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.</p>

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
CL22	Council (Minute 49 – 18.12.01)	ASSISTANT TO THE CHIEF EXECUTIVE	COUNCILLORS – SUBSTITUTES To receive notices from Group Leaders regarding the appointment of substitute members, subject to certain conditions.
CL23	Council (Minute 100(7) – 18.4.2000)	DIRECTOR OF CORPORATE SUPPORT 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.
CL24	Council (Minute 78(4) – 17.2.85)	DIRECTOR OF FINANCE & ICT SERVICES	DATA PROTECTION ACT 1984 To act as Proper Officer for the purposes of the Data Protection Act 1984 for the receipt of notices.
CL25	Finance Sub-Committee (Minute 67(iii) – 6.3.74)	DIRECTOR OF FINANCE & ICT SERVICES	DIRECT DEBITING To execute a direct debiting indemnity on behalf of the Council.
CL26	Policy & Co-ordinating Committee (Minute 44 – 29.11.83)	SERVICE DIRECTORS/ DIRECTOR OF FINANCE & ICT SERVICES	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.
CL27	Policy & Resources Committee (Minute 3 – 11.10.73)	DIRECTOR OF CORPORATE SUPPORT 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.
CL28	Policy & Resources Committee (Minute 3 – 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	DOCUMENTS – CERTIFICATION OF PHOTOGRAPHIC COPIES To act as Proper Officer for the purposes of Section 229(5) of the Local Government Act 1972 for the purposes of certifying photographic copies of documents.
CL29	Policy & Resources Committee (Minute 3 – 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	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.
CL30	Standing Order A32 Council (Minute 24(1) – 9.7.91)	CHIEF EXECUTIVE (or in his absence the DEPUTY CHIEF EXECUTIVE)	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.
CL31	Council Minute – 19.4.05	MR I WILLETT	ELECTORAL REGISTRATION OFFICER (AND DEPUTY) To act as Electoral Registration Officer for the Epping Forest District in accordance with Sections 8 and 52 of the Representation of the People Act 1983.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
	Council Minute 87 – 15.2.05	MR G LUNNUN	To act as Deputy Registration Officer with full powers to act on behalf of the Registration Officer in the event of the latter's unavoidable absence, in accordance with Section 52 of the Representation of the People Act 1983.
CL32	Council Minute 75(8) – 14.12.04	MR I WILLETT RETURNING OFFICER	ELECTIONS – DISCRETIONARY FEES AND CHARGES 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.
CL33	Council Minute 115 – 19.4.05	MR I WILLETT ELECTORAL REGISTRATION OFFICER	ELECTIONS – ESSEX COUNTY COUNCIL, EUROPEAN PARLIAMENT AND REGIONAL ELECTIONS AND NATIONAL OR LOCAL REFERENDUMS AND POLLS To act in election, referendum and polling duties as the Council's Registration Officer.
CL34	Council Minute 115 – 19.4.05	MR I WILLETT RETURNING OFFICER	ELECTIONS – FEES AND EXPENSES FOR RETURNING OFFICER To determine the scale of fees and expenses payable to the Returning Officer at elections of District and Parish Councils, adjusting the schedule for inflation and rounding up to the nearest whole number.
CL35	Policy & Co-ordinating Committee (Minute 101 – 1.12.98)	DIRECTOR OF CORPORATE SUPPORT SERVICES	ELECTORAL REGISTRATION – PROSECUTIONS To institute and pursue proceedings in relation to electoral registration offences.
CL36	Council (Minute 71 – 17.12.02)	DIRECTOR OF CORPORATE SUPPORT SERVICES (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 Planning and Economic Development, or his nominee, considers the circumstances to be urgent.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
CL37	Cabinet (Minute 138 – 25.11.02) Council (Minute 29 - 28.6.11)	ASSISTANT TO THE CHIEF EXECUTIVE ASSISTANT TO THE CHIEF EXECUTIVE. CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE 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.
CL38	Council (Minute 19.12.06)	DIRECTOR OF CORPORATE SUPPORT SERVICES ASSISTANT DIRECTOR (LEGAL) SENIOR LICENSING OFFICER	GAMBLING ACT 2005 – LICENSING FUNCTIONS See Appendix A.
CL39	Development Committee (Minute 31 – 25.8.92)	DIRECTOR OF PLANNING & ECONOMIC DEVELOPMENT	HAZARDOUS SUBSTANCES To determine applications for hazardous substances consent under the Planning (Hazardous Substances) Regulations 1992 except where there are objections from interested parties, which shall be determined by the Plans Sub-Committees.
CL40	Council (Minute 12(11)(a) – 27.2.90)	CHIEF EXECUTIVE (or in his absence the DEPUTY CHIEF EXECUTIVE)	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.
CL41	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

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
			(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.
CL42	Council (Minute 52(c) – 12.12.00)	DIRECTOR OF CORPORATE SUPPORT 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 Corporate Support Services; (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 Corporate Support Services 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)	DIRECTOR OF CORPORATE SUPPORT SERVICES (or nominated Deputy)	To defend High Court Proceedings instituted against the Council (subject to reporting on action taken to the next Cabinet meeting).
	Council (Minute 29(2) – 15.7.86)	DIRECTOR OF CORPORATE SUPPORT SERVICES (or nominated Deputy)	To lodge, after prior consultation, appeals in the High Court in accordance with the provisions of Sections 288 and 289 of the Town and Country Planning Act 1990, as amended, subject to a report being made to the next appropriate meeting on the action taken.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
CL43	Council (Minute 34 – 22.7.97)	DIRECTOR OF CORPORATE SUPPORT SERVICES	INSOLVENCY – ENFORCEMENT OF DEBTS To issue statutory demands pursuant to Section 268(1)(a) of the Insolvency Act 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.
CL44	Council (Minute 100(6) – 18.4.2000)	DIRECTOR OF FINANCE & ICT SERVICES (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.
CL45	Policy & Resources Committee (Minute 3 – 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	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)
CL46	Cabinet (Minute 184 – 10.4.06)	DIRECTOR OF CORPORATE SUPPORT SERVICES ASSISTANT DIRECTOR (LEGAL) SENIOR LICENSING OFFICER 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 Appendix B, subject to the policies from time to time agreed by the Licensing Committee. To delegate appropriate powers to the Director of Corporate Support Services relating to the management and provision of service set out in the attached list of environmental health legislation as set out in Appendix B.
CL47	Licensing Committee (Minute 12 – 15.10.08)	DIRECTOR OF CORPORATE SUPPORT SERVICES ASSISTANT DIRECTOR (LEGAL 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 Appendix C) except in those circumstances where under the Council's policy they stand referred to the Licensing Sub Committee (see Minute 12 opposite).

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	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
	CL48 Policy & Co-ordinating Committee (Minute 24(2) – 8.10.91)	DIRECTOR OF FINANCE & ICT SERVICES	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
	CL49 Council (Minute 24(1)(2) – 9.7.91) Council (Minute 24(1)(2) - 9.7.91) Council (Minute 11 – 27.2.90)	DIRECTOR OF CORPORATE SUPPORT SERVICES DIRECTOR OF FINANCE & ICT SERVICES	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).
Page 67	CL49 Council (Minute 34 – 22.7.97) (Minute 168 - 20.4.10) Personnel Sub-Committee (Minute 88 – 21.11.89 and 88(b) – 1.12.92)	DIRECTOR OF CORPORATE SUPPORT SERVICES ASSISTANT DIRECTOR (LEGAL) MR G OAKLEY (MANAGING LEGAL EXECUTIVE)	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. 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.
	CL51 Council (Minute 10 – 15.5.2001) Council (Minute 70 – 6.11.12)	C O’BOYLE DIRECTOR OF CORPORATE SUPPORT SERVICES	MONITORING OFFICER AND DEPUTY 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. 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.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
	Council (Minute 10 – 15.5.2001)	I WILLETT ASSISTANT TO THE CHIEF EXECUTIVE	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.
CL52	Police and Resources Committee (Minute 3(3) – 11.10.73)	DIRECTOR OF FINANCE & ICT SERVICES	OFFICERS – RECEIPT OF MONEY DUE To act as Proper Officer for the purposes of Section 115 of the Local Government Act 1972).
CL53	Council (Minute 86 – 15.2.05)	DEPUTY CHIEF EXECUTIVE	OMBUDSMAN – NOTICES 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).
CL54	Council (Minute 87 – 15.2.05)	MR I WILLETT RETURNING OFFICER	PARISH POLLS 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,
CL55	Personnel Sub-Committee (Minute 139 – 20.3.90)	DIRECTOR OF CORPORATE SUPPORT SERVICES	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.
CL56	Council (Minute 117 – 20.4.04)	MONITORING OFFICER	PREJUDICIAL AND OTHER 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.
CL57	Council (Minute 117 - 20.4.04)	MONITORING OFFICER	PREJUDICIAL AND OTHER 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.
CL58	Policy and Resources Committee (Minute 3 – 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	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).

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated						
CL59	Council (Minute 23 – 15.5.08)	DIRECTOR OF CORPORATE SUPPORT SERVICES (ASSISTANT TO THE CHIEF EXECUTIVE AS DEPUTY)	REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000 – DESIGNATION OF RIPA OFFICER AND DEPUTY For the purposes of the Regulation of Investigating Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003, the following officers of the Council be appointed to exercise on behalf of the Council, the power to authorise the carrying out of directed surveillance under the following articles: <table border="0"> <thead> <tr> <th>Article</th> <th>Purpose</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>Section 28(3)(b) of the Regulation of Investigatory Powers Act 2000 (Directed Surveillance) – for the purpose of preventing or detecting crime or of preventing disorder (subject to the restrictions set out in Articles 7, 8 and 9 of the Regulations).</td> </tr> <tr> <td>4</td> <td>Section 29(3)(b) of the Regulation of Investigatory Powers Act 2000 (Covert Human Intelligence Sources) – for the purpose of preventing or detecting crime or of preventing Disorder (subject to the restrictions set out in Articles 7, 8 and 9 of the Regulations).</td> </tr> </tbody> </table>	Article	Purpose	4	Section 28(3)(b) of the Regulation of Investigatory Powers Act 2000 (Directed Surveillance) – for the purpose of preventing or detecting crime or of preventing disorder (subject to the restrictions set out in Articles 7, 8 and 9 of the Regulations).	4	Section 29(3)(b) of the Regulation of Investigatory Powers Act 2000 (Covert Human Intelligence Sources) – for the purpose of preventing or detecting crime or of preventing Disorder (subject to the restrictions set out in Articles 7, 8 and 9 of the Regulations).
Article	Purpose								
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CL61	Policy & Co-ordinating Committee (Minute 3 – 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	RESOLUTIONS – CERTIFICATION To act as Proper Officer for purposes of paragraph 25 of Schedule 4 to the Local Government Act 1972 (certification of resolutions).						
CL62	Council Minute 115 – 19.4.05	I WILLETT ASSISTANT TO THE CHIEF EXECUTIVE	RETURNING OFFICER – DISTRICT ELECTIONS To act as proper officer for the purposes of Section 41(1) of Local Government Act 1972 and Section 35 of the Registration of the People Act 1983 (Returning Officer for election of district council).						
CL62	Council Minute 115 – 19.4.05)	I WILLETT ASSISTANT TO THE CHIEF EXECUTIVE	RETURNING OFFICER – PARISH ELECTIONS To act as proper officer for the purposes of Section 41(1) of the Local Government Act 1972 (Returning Officer for elections of parish councillors).						
CL63	Council (Minute 29 – 28.6.11)	ASSISTANT TO THE CHIEF EXECUTIVE	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.						
	Council (Minute 29 – 28.6.11)	DIRECTOR OF ENVIRONMENT & STREET SCENE	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.						

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
CL64	Personnel Sub-Committee (Minute 2 – 4.10.73) (As amended by Personnel Sub-Committee Minute 169 – 26.9.78)	CHIEF EXECUTIVE DEPUTY 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.
CL65	Policy & Co-ordinating Committee (Minute 59(b) – 8.2.94)	CHIEF EXECUTIVE DEPUTY 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.
CL66	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.
CL67	Development Committee (Minute 73 – 2.3.93) (Minute 108 – 6.3.01)	DIRECTOR OF PLANNING & ECONOMIC DEVELOPMENT	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 Planning Services consider that an objection should not be raised to the development but where opposition has been received.
CL68	Resource Committee (Minute 40 – 28.9.93)	DIRECTOR OF FINANCE & ICT SERVICES DIRECTOR OF FINANCE & ICT SERVICES (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.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
X	NIL		
Y	NIL		
Z	NIL		

GAMBLING ACT 2005 – TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

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	

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)

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

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
All policy matters except the formulation of the statement of licensing policy	All cases		

**PLANNING DIRECTORATE – DELEGATION OF
COUNCIL FUNCTIONS**

Schedule 1 – Development Control

Schedule 2 – Forward Planning and Related Functions

DEVELOPMENT CONTROL FUNCTIONS

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
<p>Care of the Environment</p> <p>District Development Control Committee (Minute 30 – 7.12.10)</p>	<p>Town and Country Planning (Environmental Impact Assessments) (England and Wales) Regulations 1999</p> <p>Planning (Hazardous Substances) Act 1990, Section 36, 36A and 36B</p> <p>Planning (Hazardous Substances) Regulations 1992</p>	<p>To determine the need for and scope of environmental impact assessments required under the Town and Country Planning Acts.</p> <p>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.</p> <p>To obtain and use necessary powers of entry to the land in relation to the above.</p>	<p>No</p>
<p>Development Control</p> <p>District Development Control Committee (Minute 30 – 7.2.10)</p> <p>Council Minute 29 – 28.6.11</p>	<p>Town and Country Planning Act 1990 Section 70, 70(A), 191-3 etc</p> <p>Planning and Compensation Act 1991, Section 10</p> <p>Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Part 1, Reg. 16-19</p> <p>Town and Country Planning (Development Management Procedure) (England) Order 2010, Part 6, Article 35</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 3, Reg. 14-15</p>	<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;</p> <p>(e) listed buildings and conservation areas consents;</p> <p>(f) discharge of conditions; and</p> <p>(g) non-material and minor material amendments.</p>	<p>Yes (See Appendix A to this Schedule)</p>

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
	Town and Country Planning General Permitted Development Order 1995, Part 6 and Part 31 of Schedule 2	<p>2. To agree the precise wording of additional/revised conditions to be attached to planning permissions, at members' request.</p> <p>3. To determine whether prior approval of the method of any proposed demolition and any proposed site restoration is required and to give such approval where required except where objections from interested parties are received, which shall be determined by the Area Plans Sub-Committees.</p> <p>4. In relation to 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.</p> <p>5. In relation to agricultural development, to determine whether to require the formal submission of details.</p> <p>6. To determine applications in relation to certificates of lawful use and development.</p> <p>7. To obtain and use necessary powers of entry to the land in relation to the above.</p>	
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 and 224, 325, 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>Authority for Director of Planning and Economic Development or Director of Corporate Support Services to:</p> <p>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.</p> <p>2. Prosecute the unauthorised display of advertisements, unauthorised works to a listed building, and non-compliance where enforcement action has previously been authorised.</p> <p>3. Take appropriate enforcement action, including serving an injunction where the Director of Planning and Economic Development and/or the</p>	

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
	<p>Local Government (Miscellaneous Provisions) Act 1982 (Section 37)</p> <p>Town and Country Planning Act 1990 (Section 178) (Council Minute 126 – 23.4.13)</p>	<p>Director of Corporate Support Services, on their nominee, having regard to the evidence considers the circumstances to require urgent action.</p> <p>4. Investigate if a temporary market has been held in breach of Section 37 of the 1982 Act.</p> <p>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.</p> <p>6. Determine when action is not expedient in relation to breaches of control considered inconsequential or insignificant.</p> <p>7. Obtain and use powers of entry necessary in relation to the above.</p> <p>8. To authorise direct action (or re-charge the cost of that action) in pursuit of a valid enforcement notice under Section 178.</p>	<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, conservation area consents), where more than four expressions of objections material to the planning merits of the proposal to be approved are received;
- (g) Applications 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 Council Bulletin;
- (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 Planning and Economic Development (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 Planning and Economic Development 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 Planning and Economic Development but where there is support from the relevant local council and no other overriding planning consideration necessitates refusal.

FORWARD PLANNING AND RELATED FUNCTIONS

Function	Relevant Legislation	Relevant Details	Exceptions
Forward Planning	Town and Country Planning Act 1990 Section 324 and 325	To obtain and exercise powers of entry to undertake surveys in connection with: (1) Statutory Plans (2) Applications for planning permission	No
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;	No

Function	Relevant Legislation	Relevant Details	Exceptions
		<ul style="list-style-type: none"> (3) Respond to appeals; (4) Take necessary enforcement or legal action; (5) Obtain and use necessary powers of entry to the land; (6) Surveying land in connection with any hedgerow removal notice; (7) Ascertaining whether any offences have been committed under Regulation 7; and (8) Determination of whether a notice should be served under Regulation 8. 	
High Hedges	Anti-social Behaviour Act 2003 (Part 8) Sections: 68, 69, 70, 74, 75, 77, 79 and 80.	<p>The responsibility to:</p> <ul style="list-style-type: none"> (1) Deal with complaints in relation to the height of domestic hedgerows; (2) Issue, withdraw or relax the requirements or relevant notices; (3) Serve relevant documents regarding notifications; (4) Notify interested parties; (5) Respond to appeals; (6) Take relevant legal or enforcement action, including undertaking works directly and recovering expenses; and (7) Obtain and use powers of entry necessary in relation to (1), (2), (3) and (6). 	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	<p>The duty and responsibility to:</p> <ul style="list-style-type: none"> (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; 	No

Function	Relevant Legislation	Relevant Details	Exceptions
		<p>(2) Amend, confirm, decide not to confirm or revoke such orders (i.e. TPOs) subject to reporting any objections regarding the making of the order to the relevant Area Planning Sub-Committee for this decision;</p> <p>(3) Determine applications for works to preserved trees (other than felling) 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; and</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;</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 Corporate Support Service, including injunctive action and recovery of costs;</p> <p>(8) Take appropriate action in respect of notification of works to trees in Conservation Areas, including the issue of the Tree Preservation Orders as necessary; and</p>	

Function	Relevant Legislation	Relevant Details	Exceptions
		<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.

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EPPING FOREST DISTRICT COUNCIL

Reference No: 9/2012-13

LEADER DECISION

Subject: Schedule of Officer Delegation in respect of Executive Functions

Decisions:

- (1) To approve the attached Schedule of Officer Delegation in respect of executive functions for the year 2012/13;
- (2) To publish the revised schedule as part of the Constitution.

Explanatory Notice:

1. Officer delegation is reviewed once a year by the Constitution and Member Services SSP. This review covers officer delegation in respect of both executive and Council functions.
2. The review for 2012/13 has now been completed and those delegated authorities in respect of executive functions now require the approval of the Leader of Council before they can be published in the Constitution.
3. Appendix 1 to this decision notice shows the Schedule of Delegation to be published in the Constitution. This includes alteration to one item namely:
 - (a) Authority for the Chief Financial Officer (Director of Finance and ICT) to declare the domestic and NNDR Council Tax bands for the District.
4. A copy of the relevant section of the Constitution and Member Services SSP is attached. This describes the reasons for this alteration.

Legal and Constitutional Powers:

Local Government Act 2000
Local Government etc Act 2007
Localism Act 2011

I approve the schedule of delegation to officers in respect of Executive Functions for 2013/14 for publication in the Constitution.

Signed _____
Councillor C Whitbread
Leader of the Council

Date _____

PU/IW

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**PART 3 (3)
(RESPONSIBILITY FOR
FUNCTIONS)**

APPENDIX 6

**SCHEME OF DELEGATION OF EXECUTIVE
FUNCTIONS TO CABINET MEMBERS
AND OFFICERS**

D1

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 in a register kept by the Head of Policy Unit.

(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.

(f) This scheme operates from 16 May 2002.

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

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 (see Appendix 5).
- ...

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.

6. KEY DECISIONS

- 6.1 Delegation to Chief Officers acting on behalf of the Cabinet in respect of executive decisions shall not extend to the Making of Key Decisions as defined in Part 4 of this Constitution (Access to Information Rules).
- 7.1 Cabinet Members and officers making decisions on executive functions under this scheme of delegation shall act on the requirements of the law and the appropriate code of conduct in the event of an interest in that decision arising.
- 7.2 Any Cabinet member with a prejudicial interest under the Council's Code of Conduct shall, having declared that interest, not take any further part in consideration of that matter. The Cabinet members shall also not seek to influence the decision on that matter on any subsequent occasion. The matter shall thereupon stand referred to the next Cabinet meeting.

PART ONE

EXECUTIVE FUNCTIONS – DELEGATION

BY THE LEADER OF COUNCIL

EXECUTIVE FUNCTIONS – DELEGATION BY THE LEADER OF COUNCIL

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
EX1	Finance Sub-Committee (Minute 398 - 31.1.80)	DIRECTOR OF FINANCE AND ICT	AGENDA AND MINUTES - CHARGES TO SUBSCRIBERS To approve charges.
EX2	Housing Committee (Minute 74 – 4.3.92)	DIRECTOR OF HOUSING SERVICES	AGRICULTURAL DWELLINGS To accept applications for rehousing and offer suitable alternative accommodation where the Agricultural Dwelling House Advisory Committee advises that the property is required for occupation by an agricultural employee in the interest of efficient agriculture.
EX3	Environmental Health and Control Committee (Minute 10 – 10.5.78)	HEALTH PROTECTION AGENCY (HPA) (Any Consultant Staff Member)	AIRCRAFT Proper Officer for the purposes of the Public Health (Aircraft) Regulations 1970.
EX4	Cabinet (Minute 142 – 14.3.05)	DIRECTOR OF ENVIRONMENT AND STREET SCENE (or in his absence ASSISTANT DIRECTOR (NEIGHBOURHOODS)) DIRECTOR OF ENVIRONMENT AND STREET SCENE or in his absence ASSISTANT DIRECTOR (NEIGHBOURHOODS)) DIRECTOR OF ENVIRONMENT AND STREET SCENE or in his absence ASSISTANT DIRECTOR (NEIGHBOURHOODS))	ANTI SOCIAL BEHAVIOUR ACT 2003 <u>Part 1 (Premises Where Drugs Used Unlawfully)</u> Authority to respond to Police Consultations after discussion with Ward Councillors <u>Part 4 (Dispersal of Groups)</u> Authority to discuss proposals of the Police for dispersal orders with ward members, County Councillors and Town or Parish Councils Authority to consent to the making of Dispersal Orders after considering the results of discussions and after consulting the relevant portfolio holder <u>Part VI (Environment)</u> Authority for making of Closure Orders under Section 40. Authority for notice of cancellation of Closure Orders under Section 41.

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	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
	Cabinet (Minute 10 – 6.6.05)	DIRECTOR OF ENVIRONMENT AND STREET SCENE or in his absence ASSISTANT DIRECTOR (NEIGHBOURHOODS)	To respond to formal consultation procedures in connection with the making of Anti Social Behaviour Orders on behalf of the Council. To issue certificates of consultation under the Act on behalf of the Council.
EX5	Development Committee (Minute 19 – 30.5.2000)	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT	BUILDING ACT 1984 – SECTION 98 AUTHORISATION To authorise designated postholders within the Planning and Economic Development Service to exercise powers under Section 98 of the Building Act 1984 to enter premises in connection with the enforcement of the Building Regulations.
EX6	Development Committee (Minute 23(1) – 6.2.74) Council Minute (Minute 24(1) - 9.7.91) Development Committee (Minute 35(1) – 15.7.99) Development Committee (Minute 35(2) - 15.7.99)	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT POST PBC/01 (ASST DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT – BUILDING CONTROL) POST PBC/02 & 03 (PRINCIPAL BUILDING CONTROL SURVEYOR) POSTS PBC/04-9 (SENIOR BUILDING CONTROL SURVEYORS) DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT	BUILDING REGULATIONS To determine applications under the Building Regulations and associated legislation, including the Building Act 1984, consistent with the instructions of the Development Committee and subject to submission to that Committee of any contentious applications. BUILDING ACT 1984 To act as Proper Officer for the purposes of Section 78 of the Building Act 1984. BUILDING ACT 1984 To carry out the following functions under the Building Act 1984: (a) Section 34 - serve notices requiring work contravening building regulations to be removed or altered to achieve compliance;

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
			<p>(b) Section 77 - approve applications to a Magistrates' Court for an order requiring dangerous buildings or structures to be made safe;</p> <p>(c) Section 79 - serve notices where it appears that a building is by reason of ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood; and</p> <p>(d) Section 81 - serve notices specifying certain matters and conditions in relation to the demolition of buildings.</p>
EX7	Personnel Sub-Committee (Minute 138 – 20.3.90) and Development Committee	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT	<p>BUILDING CONTROL – VETTING OF APPLICATIONS</p> <p>To enter into working arrangements with other local authorities within East Anglia for the checking of one (Minute 66 - 16.1.90) another's building regulation activities on a consultancy basis, this arrangement to be activated where staffing levels fall below establishment or volume of applications submitted exceeds staffing capacity.</p>
EX8	Transportation Committee (Minute 115 – 26.1.93)	DIRECTOR OF ENVIRONMENT AND STREET SCENE	<p>CAR PARK TARIFFS</p> <p>To determine individual tariffs in off-street Pay and Display Car Parks within agreed policy.</p>
EX9	Personnel Sub-Committee (Minute 79 – 17.11.81)	DIRECTOR OF CORPORATE SUPPORT SERVICES (after consideration of any comments of the relevant portfolio holder)	<p>CAR PARKS (COUNCIL)</p> <p>To determine applications to use Council office car parks. (See also under "Offices – Use of")</p>
EX10	Policy & Co-ordinating Committee (Minute 44(3) - 29.11.83)	DIRECTOR OF ENVIRONMENT AND STREET SCENE	<p>CAR PARKS (PUBLIC)</p> <p>To approve the use of Council car parks by charitable organisations or for other charitable purposes.</p>
EX11	Policy and Co-ordinating Committee (Minute 66(a) - 4.12.90)	DIRECTOR OF CORPORATE SUPPORT SERVICES	<p>COMMERCIAL TENANCIES - SERVICE OF NOTICES</p> <p>To sign notices and answers to originating applications for new tenancies under Part II of the Landlord and Tenant Act 1954.</p>
EX12	Executive Committee (Minute 449 - 11.3.02)	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE	<p>COMPLAINTS AND COMPLIMENTS PROCEDURE</p> <p>To make payments up to £250 in respect of upheld complaints at Stages 1, 2 and 3 and to make payments above £250 with the consent of the Complaints Panel</p>

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
EX13	Council (Minute 74(3) - 20.12.88)	DIRECTOR OF HOUSING DIRECTOR OF ENVIRONMENT AND STREET SCENE	COMPULSORY COMPETITION - AUTHORITY FOR WORKS UNITS TO SUBMIT BIDS FOR WORK INSIDE THE DISTRICT To submit bids for work inside the District, to utilise spare capacity/manpower only.
EX14	Council (Minute 74(3) - 20.12.88)	CHIEF EXECUTIVE	COMPULSORY COMPETITION - AUTHORITY FOR WORKS UNITS TO SUBMIT BIDS FOR WORK OUTSIDE THE DISTRICT To refer to the Management Board and through them to the Cabinet any proposal involving the authorisation of bids for work outside the district but only in the context of agreed policy for shared services.
EX15	Policy and Resources Committee (Minute 347 - 14.2.78)	CHIEF EXECUTIVE SERVICE DIRECTORS	CONFERENCES - ATTENDANCE BY OFFICERS To approve the attendance of officers at annual conferences, taking into account the subject matter of the conference and the budgetary provision made.
EX16	Council (Minute 52 – 12.12.2000)	DIRECTOR OF CORPORATE SUPPORT SERVICES (or nominated Deputy)	DEBTS To take steps to enforce a debt following the commencement of bankruptcy proceedings, subject to action being reported to the Cabinet.
EX17	Policy & Co-ordinating Committee (Minute 78 - 1.12.81)	DIRECTOR OF CORPORATE SUPPORT SERVICES	ENERGY MANAGEMENT & CONSERVATION To implement the Council's policy.
EX18	Personnel Sub-Committee (Minute 67 - 24.11.87)	CHIEF EXECUTIVE SERVICE DIRECTORS	EX GRATIA PAYMENTS To consider and approve the making of appropriate ex gratia payments to staff at all levels for temporarily undertaking significant additional duties and responsibilities subject, in the case of emergencies where payments are not covered by the approved salary budget, to a report being made to the Cabinet.
EX19	Leisure Services Committee (Minute 5 - 23.5.91)	DIRECTOR OF ENVIRONMENT AND STREET SCENE DEPUTY CHIEF EXECUTIVE	FEES AND CHARGES – LEISURE To approve the level of fees and charges within the parameters outlined within the Leisure Management Contract. To introduce individual pricing charges for Cultural and Community Services generally in line with the current level of inflation, or in certain circumstances at a rate which reflects the true cost of providing the service.
EX20	Public Health Committee (Minute 72 - 21.9.83)	HPA (Any Consultant Staff Member) (see also under "Disease Control")	FOOD HYGIENE - ENTRY TO PREMISES To act as registered medical practitioner to the Council under the Public Health (Control of Disease) Act 1984 and thereby authorised to enter any premises, vessel or aircraft for the purpose of regulations made under that section.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
EX21	Portfolio Holder Decision HSG-029 – 2009/10	DIRECTOR OF HOUSING	GARAGES To sell isolated garages in accordance with the Council's Policy.
EX22	Housing Services Committee (Minute 155 - 12.2.80)	DIRECTOR OF HOUSING SERVICES DIRECTOR OF HOUSING SERVICES	HARDSTANDINGS - COUNCIL HOUSES (a) To approve, subject to satisfactory works to boundary walls, hedges and fences and other necessary works and also Essex County Council being satisfied as to the standard of footpath crossings, applications by tenants to construct car hardstandings in front gardens; and (b) To apply the above policy to hardstandings provided by tenants without permission.
EX23 Page 96	Housing Committee (Minute 125-27.1.97)	DIRECTOR OF HOUSING SERVICES DIRECTOR OF HOUSING SERVICES HOUSING NEEDS MANAGER	HOUSING ACCOMMODATION – ALLOCATION To allocate accommodation in accordance with the Housing Allocations Scheme.
EX24	Housing Committee (Minute 49 – 30.10.91)	DIRECTOR OF HOUSING SERVICES	HOUSING ACCOMMODATION - DESIGNATION FOR ELDERLY To cancel designations.
EX25	Housing Committee (Minute 41(20) & (21) – 17.9.96)	DIRECTOR OF HOUSING SERVICES	HOUSING ACCOMMODATION – TENANCIES FOR 'LIVE IN' CARERS To grant requests to provide or extend joint tenancies to 'live in' carers where such requests are considered to be justified.
EX26	Housing Committee (Minute 93(b) - 11.3.87)	DIRECTOR OF HOUSING SERVICES	HOUSING DEFECTS - PLANNING APPLICATIONS FOR REINSTATEMENT WORKS To submit applications for deemed planning consent in connection with the reinstatement of all Council owned designated defective dwellings.
EX27	Portfolio Holder Decision (1.3.04)	DIRECTOR OF HOUSING SERVICES	HOUSING LAND – USE FOR COMMUNITY EVENTS To grant licences for community events to be held on housing land in the future, subject to consultation with Ward Members and local residents (where residential properties are located nearby) and all health and safety insurance requirements being met by the organisation staging the event.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
EX28	Council (Minute 23(7)(2) - 29.6.82) Housing Committee (Minute 116(4) - 26.1.98)	DIRECTOR OF HOUSING SERVICES (in consultation with the appropriate Portfolio Holder)	HOUSING LAND - SURPLUS PLOTS To negotiate, agree terms and dispose of surplus plots of garden land (in consultation with the relevant Portfolio Holder and appropriate Ward Members) as identified by the Council.
EX29	Housing Committee (Minute 145 - 25.3.97)	DIRECTOR OF HOUSING SERVICES	HOUSING LAND - WAYLEAVES To grant wayleaves where there is no detrimental effect on the Council, subject to consultation with Ward Members.
EX30	Cabinet (Minute 155 – 6.2.06)	DIRECTOR OF HOUSING SERVICES	HOUSING OPTIONS CONSORTIUM To exercise the Cabinet's functions in respect of the Housing Options Consortium, being a partnership of local authorities of which the Council is a member.
EX31	Housing Committee (Minute 74 - 4.3.92)	DIRECTOR OF HOUSING SERVICES	HOUSING REGISTER RULES – WAIVING To waive Housing Register Rules where the Head of Housing Services considers there are good grounds for so doing.
EX32	Housing Services Director Committee (Minute 6(a)(iii) - 29.10.73)	DIRECTOR OF HOUSING SERVICES	(HOUSING) MUTUAL EXCHANGES To approve applications under the Mutual Exchange Scheme.
EX33	Public Health Committee (Minute 72 - 21.9.83)	HPA (Any Consultant member of staff)	ILLNESS - PERSONS IN NEED OF CARE AND ATTENTION To act as proper officer to the Council for the purposes of Section 47 of the National Assistance Act 1948 (removal to suitable premises of persons in need of care and attention or those suffering from grave chronic illness).
EX34	Public Health Committee (Minute 72 - 21.9.83) (Minute 92 - 17.3.92)	HPA (Any Consultant member of staff)	INFECTIOUS AND COMMUNICABLE DISEASES To act as proper officer to the Council for the purposes of the Public Health (Infectious Diseases) Regulations 1968, the Public Health (Control of Diseases) Act 1984 and Section 47 of the National Assistance Act 1948.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
EX35	Council (Minute 23 – 15.5.08)	<p>DIRECTOR OF ENVIRONMENT AND STREET SCENE ASSISTANT DIRECTOR (TECHNICAL SERVICES) DRAINAGE MANAGER (AND RELEVANT STAFF DULY AUTHORISED TO ACT ON HIS BEHALF)</p> <p>RELEVANT PORTFOLIO HOLDER</p>	<p>LAND DRAINAGE AND FLOOD DEFENCE</p> <p>To act under the statutory provisions in the Epping Forest District Council – Land Drainage Byelaws 2005.</p> <p>To act under the statutory provisions listed below:</p> <p>Land Drainage Act 1991</p> <p>Section 14 General drainage powers to maintain, construct and improve drainage works etc</p> <p>Section 15 Disposal of spoil from works to watercourse</p> <p>Sections 25, 26 and 27 Powers to require works for maintaining flow of watercourses etc</p> <p>Section 64 Powers of entry for internal drainage boards and local authorities</p> <p>Public Health Act 1936</p> <p>Section 260 Power to deal with ponds, ditches etc</p> <p>Section 262 Power to require culverting of watercourses and ditches where building operations in prospect</p> <p>Section 263 Approval of plans to culvert or cover any stream or watercourse</p> <p>Section 264 Issue of notice requiring the repair or cleansing of culverts</p> <p>To approve updates to the list of legislation set out above.</p>

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
EX36	Land Sub-Committee (Minute 130 – 31.1.95) Resource Sub-Committee (Minute 56 – 24.9.91)	DIRECTOR OF CORPORATE SUPPORT SERVICES (after considering any views of the Portfolio Holder) Ditto	LANDLORD AND TENANT - ESTATES MANAGEMENT (a) To serve notices under Part II of the Landlord and Tenant Act 1954 as amended by Part I of the Law of Property Act 1969 in connection with negotiation of new rentals for Council properties. (b) To take immediate corrective management action (except the institution of legal proceedings) for breaches of covenant in leases of shops, industrial estates and industrial land (c) To approve rent reviews and lease renewals for shops and industrial premises. (d) To let Council shops for periods of three years up to a maximum of 12 years. (e) To approve licences to assign and licences for change in use in consultation with the relevant Portfolio Holder.
EX37	Policy and Co-ordinating Committee Minute 44(3) – 29.11.83	DIRECTOR OF ENVIRONMENT AND STREET SCENE	NAMING OF STREETS To approve the names of new streets in accordance with the Town and Police Clauses Act 1847, where, following consultation, one name is agreed by all parties.
EX38	Council (Minute 138 – 28.4.09) Portfolio Holder Decision L/001/2005/6 dated 20.5.05	DIRECTOR OF ENVIRONMENT AND STREET SCENE (OR NOMINATED OFFICER) DIRECTOR OF CORPORATE SUPPORT SERVICES (OR NOMINATED OFFICER) DIRECTOR OF ENVIRONMENT AND STREET SCENE	NORTH WEALD AIRFIELD - NON COMMERCIAL LETTINGS (a) To negotiate and produce agreements and licences for all regular bookings and single events (of a non public character) which comply with the standard licence agreement and fees operated by the Council. (b) To negotiate in liaison with the Airfield Manager, any arrangements regarding use of the Airfield (except those which fall under item (1) above), and, where appropriate, to draft and execute appropriate agreements or licences for all Airfield uses including any negotiated under (a) above, which may be referred to the Director of Corporate Support Services. (c) That subject to compliance with the Council's policy the Head of Leisure Services be granted delegated authority to sanction the Concessionary Hire of Leisure Facilities by, or on behalf of, registered charities, for Fundraising Events.
EX39	Public Health Committee (Minute 72 – 21.9.83)	HPA (Any Consultant member of staff) (See also under "Disease Control")	NOTIFIABLE DISEASES To act as proper officer for the purposes of the Public Health (Control of Disease) Act 1984.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
EX40	Cabinet (Minute 142 – 14.3.05)	DIRECTOR OF ENVIRONMENT AND STREET SCENE (or authorised Environmental Health Officer)	NUISANCES Authority to make closure orders under Section 40 of the Anti Social Behaviour Act 2003 and to give notices of cancellation of closure orders under Section 41 of that Act
EX41	Personnel Sub-Committee (Minute 79 – 17.11.81)	DIRECTOR OF CORPORATE SUPPORT SERVICES	OFFICES - USE OF To determine applications to use Council offices (See also under "Car Parks (Council)").
EX42	Cabinet Minute 151(10) – 18.4.11	DIRECTOR OF HOUSING	OFF STREET CAR PARKING SCHEMES "To submit planning applications for future off-street parking schemes at the appropriate time after the resident consultation exercise."
EX43	Policy and Resources Committee (Minute 3 – 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	ORDNANCE SURVEY To act as proper officer for the purposes of Section 191 of the Local Government Act 1972 (Marking out and checking of reputed boundaries).
EX44	Council (Minute 138 - 28.4.09)	DIRECTOR OF ENVIRONMENT AND STREET SCENE (or suitably qualified staff authorised to act on his behalf)	PARKING - PENALTY CHARGE NOTICES To consider representations or challenges to penalty charge notices issued by the Council under the Traffic Management Act 2004 and to decide, if there is evidence or grounds for doing so, to cancel any notice.
EX45	Policy and Co-ordinating Committee (Minute 99 – 21.11.89)	DIRECTOR OF CORPORATE SUPPORT SERVICES	PHYSICAL ASSAULTS ON STAFF In the event of the Crown Prosecution Service not proceeding after physical assault on a Council employee, to give instructions to prosecute where the Head of Legal and Admin. Services consider that the Attorney General's guidelines for prosecutions in a private prosecution for assault are satisfied.
EX46	Housing Committee (Minute 74 – 4.3.92)	DIRECTOR OF CORPORATE SUPPORT SERVICES DIRECTOR OF FINANCE AND ICT SERVICES	POSSESSION ORDERS - MORTGAGE ARREARS To obtain and execute in the case of mortgage arrears where an Order for possession is granted by the Courts, a warrant for the possession of a property. To offer for sale on the open market any property subsequently repossessed.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
EX47	<p>Housing Committee (Minute 75 – 14.11.95)</p> <p>Housing Committee (Minute 46 – 12.9.2000)</p> <p>Housing Management Sub Committee (Minute 161 – 15.2.77)</p> <p>Portfolio Holder Decision (24.3.2004)</p>	<p>DIRECTOR OF HOUSING SERVICES</p> <p>DIRECTOR OF CORPORATE SUPPORT SERVICES</p> <p>DIRECTOR OF HOUSING SERVICES</p> <p>DIRECTOR OF CORPORATE SUPPORT SERVICES</p> <p>DIRECTOR OF HOUSING SERVICES, ASST DIRECTOR OF HOUSING SERVICES (PROPERTY AND RESOURCES), ASST DIRECTOR OF HOUSING SERVICES (OPERATIONS), AREA HOUSING MANAGER (NORTH), AREA HOUSING MANAGER (SOUTH)</p> <p>HOUSING NEEDS MANAGER</p> <p>DIRECTOR OF HOUSING SERVICES</p>	<p>POSSESSION ORDERS - RENT ARREARS/GAS SAFETY INSPECTIONS AND OTHER RELATED ACTIONS</p> <p>(a) To serve notices of seeking possession for any of the grounds contained in Schedule 2 of the Housing Act 1985;</p> <p>(b) Where considered appropriate, to serve notices to quit in cases where the tenant is not a secure tenant as defined in the Housing Act 1985;</p> <p>(c) To institute proceedings in the Council Court for the possession of properties following service of a notice seeking possession or a notice to quit;</p> <p>(d) To institute proceedings in the County Court for the recovery of rent, court costs and service charges; and</p> <p>(e) To obtain and execute a warrant for eviction where possession has been awarded by the Court. In respect of secure and non-secure tenancies of Housing Revenue Account properties:</p> <p>(f) to approve and sign Notices and Seeking Possession and Notices to Quit;</p> <p>(g) to initiate proceedings in the County Court for possession and the recovery of rent, mesne, profits, service charges and court costs, in accordance with relevant legislation; and</p> <p>(h) to seek and execute warrants of execution for possession; and</p> <p>(i) to undertake the actions set out in (a), (b) and (c) above, in respect of non-secure tenancies and licences at the Council’s Homeless Persons’ Hostel (Norway House) including the eviction of any homeless person who defaults in the payment of accommodation charges for four successive weeks or more.</p> <p>(j) Approve and sign Notices of Seeking Possession on the grounds of a breach of tenancy conditions for not allowing the Council access to undertake required repairs and maintenance;</p>

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
		HOUSING ASSETS MANAGER (HMT/01) (or any officer authorised to act)	(k) Initiate proceedings in the County Court for possession or to provide access for the purpose of undertaking the statutory annual Gas Safety Inspection in accordance with the relevant legislation; and (l) Seek and execute warrants of execution for possession authorised by the Court.
EX48	Standing Order A41(4)	CHIEF EXECUTIVE (or in his absence the Deputy Chief Executive)	PRESS RELEASES To issue press releases in advance of publication of relevant committee minutes, if appropriate.
EX49	Cabinet (Minute 109 – 18.12.06)	DIRECTOR OF HOUSING ASSISTANT DIRECTOR OF HOUSING (PRIVATE SECTOR AND RESOURCES)	PRIVATE SECTOR HOUSING – ASSISTANCE (including Decent Homes Assistance, Small Works Assistance, Thermal Comfort Grants, Conversion Grants, Empty Homes Grants and Disabled Facilities Grants) To exercise the powers and duties under relevant legislation. (See also 'Private Sector Housing – General')
EX50	Cabinet (Minute 184 – 10.4.06)	DIRECTOR OF HOUSING ASSISTANT DIRECTOR OF HOUSING (PRIVATE SECTOR AND RESOURCES) RELEVANT PORTFOLIO HOLDER	PRIVATE SECTOR HOUSING – GENERAL To exercise the powers and duties set out in Appendix A including powers of entry by warrant where this is not specified in the legislation listed. To authorise updates to the list of legislation set out in Appendix A (see also 'Private Sector Housing – Assistance')
EX51	Finance Sub-Committee (Minute 57 – 31.5.79)	DIRECTOR OF FINANCE AND ICT SERVICES	RATING - DISABLED PERSONS To administer the provisions of the Rating (Disabled Persons) Act 1978.
EX52	Leisure Services Committee (Minute 5 – 23.5.91)	DIRECTOR OF ENVIRONMENT AND STREET SCENE	RECREATION CHARGES – LEISURE ACTIVITIES AND EVENTS To make adjustments to the level of fees and charges within the maximum approved by the Cabinet.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
EX53	Housing Committee (Minute 15 – 16.6.98)	DIRECTOR OF HOUSING SERVICES	RENOVATION GRANTS - PRIVATE SECTOR To restrict, if necessary, the approval of applications for renovation grants to the order of priorities set out in the Council's grant policy to meet the budget provision available. To approve applications in special cases where the merits of an application reasonably justify a departure from the Council's grant policy.
EX54	Housing Management Sub-Committee (Minute 152(c)(2) – 11.3.80)	DIRECTOR OF HOUSING SERVICES	RENT ARREARS - DECEASED TENANTS To write off rent arrears in respect of deceased tenants, where there is no means of recovering the debt.
EX55	Cabinet Minute 46 – 12.9.11	DIRECTOR OF HOUSING SERVICES	RESTRICTIVE COVENANTS – HOUSING IN MULTIPLE OCCUPATION To agree requests to vary restrictive covenants on former Council houses, in order to grant permission for their use as privately-rented shared accommodation, provided all of the conditions set out in Cabinet Minute 46 – 12.9.11 have been met.
EX56	Cabinet (Minute 184 – 10.4.06) Leader decision 2/11 (May 2011) Portfolio Holder Decision ENV/004/2009-10 Council (Minute – 20.4.10)	DIRECTOR OF ENVIRONMENT AND STREET SCENE (or in his absence ASSISTANT DIRECTORS (ENVIRONMENT AND NEIGHBOURHOODS) AND (TECHNICAL) (or suitably qualified officers authorised by the above-named) Appropriate Portfolio Holder Director of Environment & Street Scene	“SAFER, CLEANER, GREENER” LEGISLATION – AUTHORISATION OF OFFICERS To exercise those functions relating to the management and provision of the Environmental Health Service set out in the list of environmental health legislation in Appendix B including, where necessary, powers of entry by warrant. To delegate appropriate powers to the Director of Environment and Street Scene relating to the management and provision of the Environmental Health Service set out in the attached list of environmental health legislation as set out in Appendix B. To approve updates to the list of environmental legislation set out in Appendix B.

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	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
EX57	Council (Minute 24(2) – 30.6.81)	DIRECTOR OF HOUSING SERVICES (after considering the views of the Portfolio Holder)	SALE OF COUNCIL HOUSES - DISCOUNTS To determine, under Part V of the Housing Act 1985, applications for discounting of entitlement periods where a potential purchaser lives with their parents.
EX58	Council (Minute 40(4) – 15.7.86) Housing Committee Minute 117(5) & (6)	DIRECTOR OF HOUSING SERVICES DIRECTOR OF HOUSING SERVICES DIRECTOR OF CORPORATE SUPPORT SERVICES	SALE OF COUNCIL HOUSES - RESTRICTIVE COVENANTS, MINOR EXTENSIONS AND ALTERATIONS To deal with applications for minor extensions or alterations in sold Council houses in accordance with the terms of the house sales agreement. To agree, in consultation with the Portfolio Holder, future requests for release of restrictive covenants to allow development within the curtilage of former Council properties, prior to planning permission being obtained. To negotiate terms for the release of covenants agreed by the Director of Housing, subject to the outcome being reported to the Portfolio Holder for approval.
EX59	Council (Minute 11(c) – 2.6.77)	DIRECTOR OF CORPORATE SUPPORT SERVICES	SALE OF COUNCIL HOUSES - VALUATIONS To carry out all valuations in respect of sale of Council houses.
EX60	Policy and Resources Committee (Minute 3 – 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	SECURITIES To act as proper officer for the purposes of Section 146 (1)(a)(b) of the Local Government Act 1972 (declarations and certificates regarding securities).
EX61	Public Health Committee (Minute 73 – 21.9.83)	HPA (Any Consultant member of staff)	SHIPS To act as proper officer to the Council for the purposes of the Public Health (Ships) Regulations 1970.
EX62	Housing Committee (Minute 121 – 8.11.77)	DIRECTOR OF CORPORATE SUPPORT SERVICES (in consultation with Director of Housing Services)	SQUATTERS - EVICTION To take such urgent action as is necessary to secure the vacation of any Council properties, which are occupied by squatters.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
EX63	Council (Minute 90(5) – 23.2.82)	DIRECTOR OF CORPORATE SUPPORT SERVICES	STAFF - APPOINTMENTS TO POSTS REQUIRING LITTLE OR LIMITED TRAINING To determine whether, in respect of the filling of posts requiring little or limited training, appointments should be made from outside the Council's current workforce.
EX64	Personnel Sub-Committee (Minute 3 – 31.5.83)	CHIEF EXECUTIVE (or in his absence the Deputy Chief Executive)	STAFF - TRAVELLING ALLOWANCES To consider and adjudicate on any request to make an exception to policy for reimbursement of travelling expenses in pursuance of an officer's duties, being limited to second class rail fare.
EX65	Cabinet Minute 118 – 31.1.11	CHIEF EXECUTIVE (in consultation with the Leader of the Council and the relevant Portfolio Holder)	STAFF VACANCIES To determine the vacant posts meeting the exception criteria identified in the Council's policy, which may be recruited externally.
EX66	Personnel Sub-Committee (Minute 77 – 28.5.74)	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE SERVICE DIRECTORS	STUDY LEAVE To grant, at their discretion, up to one week's leave of absence with full pay for the purposes of final revision in the period preceding an examination.
EX67	Policy & Co-ordinating Committee (Minute 23 – 5.10.93)	ASSISTANT TO THE CHIEF EXECUTIVE	SUBSCRIPTIONS - OUTSIDE ORGANISATIONS To pay subscriptions in respect of organisations on which the Council is represented at member level.
EX68	Public Health Committee (Minute 46 – 19.9.84)	DIRECTOR OF CORPORATE SUPPORT SERVICES	SUNDAY TRADING - CAR BOOT SALES To institute proceedings in respect of such sales where complaints have been received and satisfactory evidence is available.
EX69	Portfolio Holder decision reference H/026/2002-3	DIRECTOR OF HOUSING SERVICES	SUPPORTING PEOPLE – SIGNING OF CONTRACTS To sign the Supporting People “Block Subsidy” and “Block Gross” contracts with Essex County Council for 2003/03, and subsequent years, in order to receive funding from the Essex Supporting People Commissioning Body for the provision of support services.
EX70	Council Minute 127 – 23.4.13	CHIEF FINANCIAL OFFICER	TAX BASE To declare the Council's Domestic and NNDR Tax Bases in accordance with the Local Government Finance Act 1992 and the Local Authorities (Calculation of Tax Base)(England) Regulations 2012 and any subsequent legislation.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
EX71	Personnel Sub-Committee (Minute 37 – 14.2.74)	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE SERVICE DIRECTORS	TEMPORARY STAFF To engage temporary staff and/or part time staff and subject to the overall estimated salaries bill for the service concerned not being exceeded in any one year.
EX72	Housing Services Committee (Minute 6(a)(iii) – 29.10.73)	DIRECTOR OF HOUSING SERVICES	TENANCIES - COUNCIL HOUSES To allocate tenancies in accordance with the Housing Allocation Scheme.
EX73	Portfolio Holder Decision (23.8.04)	DIRECTOR OF HOUSING SERVICES OR OFFICER NOMINATED BY HIM DIRECTOR OF CORPORATE SUPPORT SERVICES OR NOMINATED OFFICER	TENANCIES – DEMOTED TENANCY ORDERS Inter alia: (1) To serve demoted tenancy notices in appropriate cases; (2) To apply to the County Court for Tenancy Demotion Orders and subsequent Possession Orders in appropriate cases.
EX74	Housing Management Sub-Committee (Minute 33(c)(2) – 15.5.74)	DIRECTOR OF HOUSING SERVICES	TENANCIES - SERVICE To accept any application for priority Council housing in cases where a tenant of service accommodation reaches retirement age after having occupied the accommodation for a minimum of 15 years.
EX75	Housing Services Committee (Minute 6(d)(1) – 29.10.73)	DIRECTOR OF HOUSING SERVICES	WARRANTS OF DISTRAINT To issue warrants of distraint in housing cases.
EX76	Development Committee (Minute 60 – 6.1.93) Public Health Committee (Minute 52 – 17.11.92) Housing Committee (Minute 56 – 24.11.92)	DIRECTOR OF ENVIRONMENT AND STREET SCENE (in consultation with the Director of Corporate Support Services) ASSISTANT DIRECTOR – ENVIRONMENT & NEIGHBOURHOODS	WARRANTS FOR ENTRY To make applications to the Magistrates Court for entry pursuant to the Environmental Protection Act 1990, Public Health Acts 1936-61, Control of Pollution Act 1974, Clean Air Acts 1956-68, Food Safety Act 1990, Building Act 1984, Housing Acts 1957-85 and Local Government and Housing Act 1989.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
	Development Committee (Minute 60 – 6.1.92)	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT	To make applications to the Magistrates' Court for warrants of entry in accordance with the Building Act 1984 and the Town and Country Planning 1990.
EX77	Public Health Committee (Minute 144(a) – 9.3.77)	DIRECTOR OF ENVIRONMENT AND STREET SCENE (after consideration of any views of the Portfolio Holder and local ward member(s))	WASTE DISPOSAL ON LAND To submit representations to Essex County Council on any proposed licence.

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PRIVATE SECTOR HOUSING - SCHEDULE OF DELEGATION

Building Act 1984

Sections 59-62, 63, 64, 66, 67, 68, 70, 71, 76, 79, 84-85, 91-115.

Caravan Sites and Control of Development Act 1960

Sections 1, 2, 3, 4-5, 8-11, 12, 23, 24, 25, 26.

Caravan Sites Act 1968

Sections 3, 14.

Civil Evidence Act 1995

Section 9.

Clean Neighbourhoods and Environment Act 2005

Sections 102, 103.

Criminal Procedure and Investigations Act 1996

Section 26.

Environmental Protection Act 1990

Sections 79-82, Schedule 3.

Home Energy Conservation Act 1995

Sections 2, 5.

Home Safety Act 1961

Section 1.

Housing Act 1985

Sections 17, 54, 265-275, 289, 290-297, 300-306, 308, 309, 319, 320, 324-340, 435-443, 523, 535-537, 540-542, 544-546, 584A, 584B, 596, 597, 609, 611, 617.

Housing Grants, Construction and Regeneration Act 1996

Sections 1-3, 19, 21-24, 29-31, 34-44, 51, 52, 55-57, 95.

Housing Act 2004

Sections 4, 5, 7, 8, 10, 11, 12, 16, 17, 20, 21, 25-29, 31-32, 40-43, 46, 47, 49, 50, 55-62, 64-67, 69, 70, 73, 74, 102-107, 110-113, 115, 116, 121, 122, 127, 129-131, 133, 136-140, 144, 210, 225, 232, 232-236, 239, 243, 255, 256.

Landlord and Tenant Act 1985

Sections 1, 2, 4, 8, 11, 12, 20, 34.

Local Government Act 1974

Section 36.

Local Government and Housing Act 1989

Sections 89-93, 95, 97, 169.

Local Government (Miscellaneous Provision) Act 1976

Section 13, 15, 16, 33, 35.

Local Government (Miscellaneous Provision) Act 1982

Sections 27, 29, 30, 31, 32, 33, 37, 41.

Planning and Compensation Act 1991

Sections 196A-C

Prevention of Damage by Pests Act 1949

Sections 4-7, 10, 22, 26.

Protection from Eviction Act 1977

Sections 6, 7.

Protection from Harassment Act 1997

Sections 1, 6, 7.

Public Health Act 1936

Sections 1, 45, 48-50, 83, 84-87, 264, 265, 268-270, 275, 276, 278, 284, 287, 290, 291, 293, 298.

Public Health Act 1961

Section 17, 22, 34, 36, 37, 73, 74.

Regulation of Investigatory Powers Act 2000

Section 3, 5, 11, 43, 45, 47, 49, 58, 72.

Town and Country Planning Act 1990 (as amended)

Sections 215 – 219

Rev 12

LIST OF SAFER, CLEANER, GREENER LEGISLATION

Animal Boarding Establishments Act 1963

Sections 1, 2 and 4

Animal Health Act 1981

Sections 15(6), 17, 18, 50, 52, 56, 63, 64, 64A, 81 and 91(2)

Anti-Social Behaviour Act 2003

Breeding and Sale of Dogs (Welfare) Act 1999

Sections 1-11

Betting, Gaming and Lotteries Act 1963

Sections 4, 6, 9, 16, 16A and 23, and Schedule 1

Paragraphs 5, 12 and 29 of Schedule 2

Paragraphs 3, 6, 7, 9, 10, 12(4) and 13 of Schedule 3

Paragraphs 8 of Schedule 5

Breeding of Dogs Act 1973

Sections 1, 1(2A) and 2

Breeding of Dogs Act 1991

Section 1

Building Act 1984

Sections 54, 56, 59 to 62, 64 to 68, 70 to 72 – 115

EFDC bye laws for the control of dogs

All

Caravan Sites Act 1968

Section 14

Caravans Sites and Control of Development Act 1960

Sections 3, 5 and 8 to 11

Sections 24(1), (2) and (3)

Sections 25 and 26

Cattle Identification Regulations 1998

Regulation 5

Celluloid and Cinematograph Film Act 1922

Sections 1 and 4

Charities Act 1992

Sections 68 and 70

Section 78

Chronically Sick and Disabled Persons Act 1970

Sections 4 and 5

Cinemas Act 1985

Sections 1, 1(3)(6D) to 1(3)(6F), 2, 3(2), 3A, 9, 12, 13, 13(3), 14, 18

Civil Evidence Act 1995

Section 9

Clean Air Act 1993

Sections 4, 6 to 12, 15, 16, 18, 19, 22(3), 24 to 26, 30, 31, 34, 35, 35(2), 35(4)
36, 38, 39, 45 to 48, 51, 55, 56, 57(5), 58, 60

Clean Neighbourhoods and Environment Act 2005

All

Contaminated Land (England) Regulations 2000

All

Control of Dogs Order 1992

Sections 4 and 5

Control of Pollution Act 1974

Section 22

Section 23

Sections 57, 60, 61, 62, 68, 91 and 93

Control of Pollution (Amendment) Act 1989

All

Cremation Act 1902

Sections 6, 7 and 9

Crime and Disorder Act 1998

Section 1

Section 12

Section 17 and 37

Criminal Justice and Police Act 2001

Sections 13, 19, 20, 22 and 25

Sections 50, 52 to 55 and 60 to 62

Criminal Justice and Public Order Act 1994

Sections 77, 78, 79(3), and 163

Criminal Procedure and Investigations Act 1996

Section 26

Customs and Excise Management Act 1979

Section 176

Dairy Products (Hygiene) Regulations 1995 (made under the Food Safety Act 1990)

Regulations 6, 6(11), 7, 8, 16 and 19

Dangerous Dogs Act 1991

Section 5

Dangerous Wild Animals Act 1976

Sections 1, 3(1) to 3(3) and 4

Defective Premises Act 1972

Dogs (Fouling of Land) Act 1996

Section 4

Egg Products (Regulations) 1993 (made under the Food Safety Act 1990)
Regulations 5, 5(5), 8 and 9

Energy Act 1976
Section 18

Energy Conservation Act 1981
Sections 20, 23 and 24

Environment Act 1995
Sections 82 to 84, 88 and 90
Sections 108 to 113
Paragraphs 2 and 6 of Schedule 18

Environmental Damage
(Prevention and Remediation Regulations 2009)

Environment and Safety Information Act 1988
Sections 1 and 3

Environmental Protection Act 1990
Sections 2 to 4, 6, 6(6), 7, 8, 8(8), 10, 10(2), 10(3A), 10(5), 11 to 14
19 to 22 and 24
Section 33
Section 46
Section 47
Section 47(5)
Sections 48, 49, 52, 55, 57, 59, 60, 62, 63 and 63A
Sections 78B to 78E, 78G, 78H, 78N, 78P, 78R to 78V, 78X, 78YC and 79 to 82
Sections 87 to 89, and 91 to 95
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Private Water Supplies Regulations (England) 2009 (when enacted)

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Protection of Animals Act 1911 to 1960

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