

Supplementary Committee Agenda



Constitution and Members Services Scrutiny Standing Panel Thursday, 17th March, 2011

Place: Committee Room 1, Civic Offices, High Street, Epping

Time: 7.30 pm

Committee Secretary: I Willett - The Office of the Chief Executive
Tel: 01992 564243 Email: iwillett@eppingforestdc.gov.uk

6. MEMBER TRAINING REVIEW (Pages 3 - 22)

(Assistant to the Chief Executive) To consider the attached.

8. OFFICER DELEGATION (Pages 23 - 44)

(Assistant to the Chief Executive) To consider the attached report.

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Report to the Constitution and Member Services Standing Scrutiny Panel

Report reference:

Date of meeting: 17 March 2011



Subject: Member Training 2011/12

Responsible Officer: I Willett (01992 564243)

Democratic Services Officer: Mark Jenkins (01992 564607)

Recommendations:

- (1) To consider the draft programme for next year (Appendix 1).
- (2) To consider additional courses to be added/publicised in the programme from:
 - (a) e-learning (I Train);
 - (b) joint courses with officers;
 - (c) previous courses;
 - (d) member preferences from the IDEA study in 2010; and
 - (e) member comments via the bulletin.
- (3) To carry out consultation on the revised programme via the Bulletin.

1. Introduction

- 1.1 This report is designed to allow members to carry out a forward review of member training for 2012/13.
- 1.2 Appendix 1 shows a draft programme which can be largely delivered from internal resources. These are standard courses which have formed the basis of the programme for a number of years.
- 1.3 The rest of the report is designed to enable the Panel to indicate other training which can be added to the programme. There is an available budget of £6,500 for 2012/13 to assist with commissioning more specialist courses with external trainers.

2. Scope of the Training Programme

- 2.1 Additional training for members can be assembled from a number of different sources. These are discussed in turn below.

I Train

- 2.2 I Train is an on-line training initiative for individual learning by computer which has been developed by the Essex HR Partnership with a provider named Learning Pool, of which this Council is a member. This programme is still developing and current courses available are as follows:
- (a) Dealing with e-mail stress; *
 - (b) Managing priorities; *
 - (c) Health and safety introduction;
 - (d) Fraud awareness;
 - (e) Data protection for beginners;
 - (f) Introduction to ICT; and
 - (g) GCSX Security – introduction.
- 2.3 Other courses scheduled to be introduced in the near future:
- (a) Outlook 2010 (new e-mail arrangements);
 - (b) Managing Absence; and
 - (c) Presentation Skills. *
- 2.4 Courses marked * in 2.2. and 2.3 are thought to be relevant to the role of members. However, all can be made available to members subject to home IT arrangements being satisfactory. Access to the training modules is by a straightforward internet link to the Council's website. Members would choose a screen name and a password and thereby gain access.

Officer Training Programme

- 2.5 The officer training programme is currently being developed for next year. In principle, it is considered where the subject matter is suitable for both members and officers, there is no reason why members should not join the sessions. Some examples of courses are set out below:
- (a) Assertiveness;
 - (b) Disability awareness;
 - (c) Complaints;
 - (d) Finance;
 - (e) Keeping cool under pressure;
 - (f) Presentation skills;
 - (g) Report writing; and
 - (h) Time Management.
- 2.6 The Panel should bear in mind that the final stage of the officer programme is influenced by the outcome of personal development reviews for staff. These are due to be completed by 31 March 2011. It is also necessary to say that if members book that they should ensure that they do attend. Availability of places on courses will be notified via the Council Bulletin from time to time through the year.

Past Courses

- 2.7 Examples of other courses which have found support to varying degrees in previous years are:
- (a) Awareness sessions (e.g. Emergency Planning, Environmental Services, Safer Cleaner, Greener Initiative, etc);

- (b) Dealing with Difficult People/Situations;
- (c) Planning (follow up courses on specialist topics);
- (d) Finance;
- (e) Section 106 Agreements;
- (f) Media Skills (including front of camera);
- (g) Housing Appeals;
- (h) Councillors Skills (Chairmanship, Effective Reading, Public Speaking, Questioning, Presentations);
- (i) Cabinet Awareness;
- (j) Climate Change (including local authority responses);
- (k) Equalities and Diversity;
- (l) Freedom of Information and Data Protection;
- (m) Staff Appeals;
- (n) Handling Casework; and
- (o) Complaints (service and code of conduct).

IDEA Study 2010

- 2.8 In early 2010, a consultant from the Improvement and Development Agency (IDEA) interviewed a number of members and produced a matrix of training preferences. These fell into three categories:

Technical Skills (Top 4)

- | | | |
|----|---|-------|
| 1. | Local Government Finance | (38%) |
| 2. | Procedure and Protocols for Council Meeting | (33%) |
| 3. | Social Media – Pitfalls and Opportunities | (27%) |
| 4. | Casework/LG Finance | (22%) |

Interpersonal Skills (Top 4)

- | | | |
|----|--|-------|
| 1. | Motivation/Team Building | (33%) |
| 2. | Working more Effectively with Officers | (27%) |
| 3. | Influencing and Negotiating Skills | (27%) |
| 4. | Coaching and Mentoring | (22%) |

Practical Skills (Top 4)

- | | | |
|----|---|-------|
| 1. | Work/Life Balance | (33%) |
| 2. | Time Management | (33%) |
| 3. | Writing/Creating Effective Newsletters/Leaflets | (33%) |
| 4. | Public Speaking | (27%) |

Member Consultation

- 2.9 Members of the Council were consulted about training needs earlier in the year. Four responses were received and these are summarised below:

(a) Programme Content

Cabinet awareness (but not to the exclusion of other members);
 Service awareness sessions;
 Council Meetings – Questions/Motions/Amendments;
 Planning;
 Overview and Scrutiny Skills in context of Localism; and

Refresher Courses for longer-established Councillors in various subjects;

(b) Timing of Courses

Evening courses preferable;

Daytime courses difficult for working members; and

Weekend courses desirable if demand-led and a day is justified.

Other Ideas

2.10 A training company has circulated details of four modules of member training as follows:

- (a) Wardwork, Casework and Surgeries;
- (b) Member/Officer Relationships;
- (c) Partnerships in Practice; and
- (d) A Councillor, Who? Me? (Prospective Councillors).

The cost of each session is £750 (half day) or £1,250 (full day or two in one day).

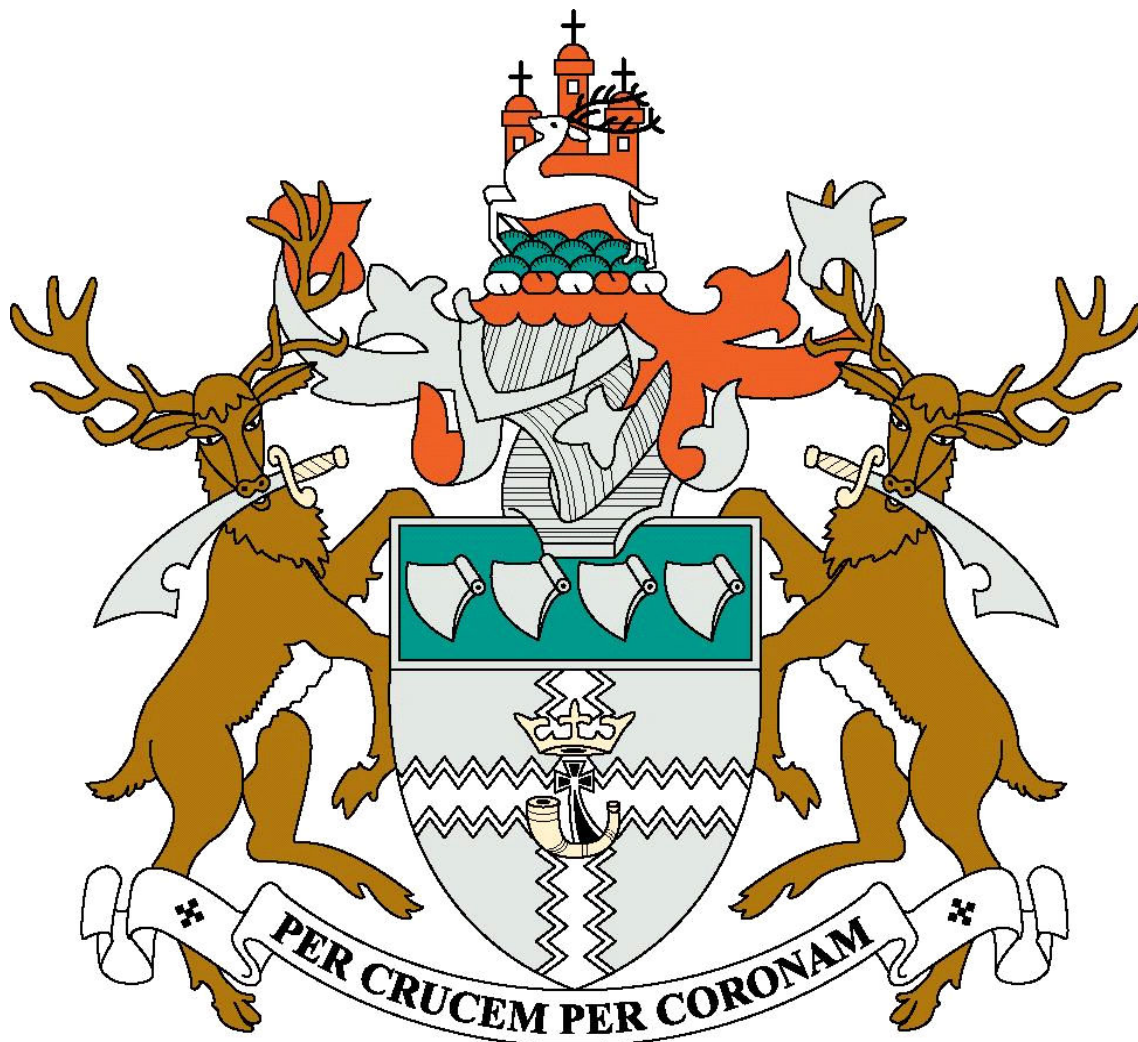
3. Conclusions

3.1 The Panel is asked to indicate the range of courses to be added to the basic programme including:

- (a) e-based individual training;
- (b) officer courses/past courses;
- (c) the priorities expressed in the IDEA exercise; and
- (d) proposals in paragraph 2.10.

3.2 It is proposed that, following discussion, a further draft of the programme be prepared for circulation in the Bulletin.

Councillor Development Programme 2011/12 Prospectus



Epping Forest District Council
www.eppingforestdc.gov.uk



Councillors' Training Programme 2011/12

Introduction

- Welcome to the Councillors' training programme for 2011/12. In the prospectus which follows, you will find a range of courses designed to increase your knowledge and awareness of the Council, both locally and in national context.
- Some are designed to impart information, others to develop personal skills and the remainder to train you in essential tasks you will undertake as a Councillor.
- Some are run by Council staff and others by external specialists. Some are strongly participative, others more traditional in format. All are designed to be informal and to foster exchanges of views and questions.
- Some are available to your colleague Councillors from Parish and Town Councils. This is to make the best use of resources and to reflect the fact that in many aspects of local government, all Councillors have common needs.
- Some are designated "obligatory". This means that, for relevant Councillors, attendance is a necessary pre-requisite to becoming involved in a specific activity or serving on a particular member body. In other words, members will be unable to undertake those roles without this training. This designation is of particular relevance to newly-elected Councillors.
- If designated "desirable", this recognises that established members may have already attended the course. However, regular repeats will often help to refresh members' knowledge. "Optional" courses or those marked as being "of interest" are those which may not be a direct requirement but which members may find useful and increase your background knowledge of the Council.
- There is a booking form at the end of the prospectus. Please complete this and return it as soon as you can to the address given on the form, remember to book yourself onto the courses which are obligatory.
- All qualify for reimbursement of travel and subsistence costs except, in the case of subsistence, where catering is provided by the Council as part of the course.
- Depending on demand, repeat courses can be arranged on an ad hoc basis.
- Once you have submitted your booking form you will receive notification that you have a place on your chosen courses, together with joining instructions. If having booked a course, you are unable to attend, please notify Kim Partridge (ext 4443) (email kpartridge@eppingforestdc.gov.uk). This will enable your place to be offered to someone else.

List of Members' Training Courses

Ref. No.	Course Title	Date	Page
M1	New Member Welcome and Induction	16 May 2011	5
M2	Licensing Training	26 May 2011	6
M3	IT Skills for Members (Gold)	7 June 2011	8
M7	COMS - Committee Management Systems (Platinum)	7 June 2011	9

	Full day Training Seminar	11 June 2011	
M3	Code of Conduct	9.30am ~ 11.00am	10
M4	Planning Protocol	11.00am ~ 12.30pm	11
M5	Introduction to Planning	1.30pm ~ 3.00pm	12
M6	Code of Conduct - Complaints Process	3.00pm ~ 4.30pm	13

M7a	COMS - Committee Management Systems (Platinum)	16 June 2011	9
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COURSE NO. M1
SUBJECT: New Member and Re-elected Welcome and Induction
DATE(S) 20 May 2011
VENUE: Committee Room 1, Civic Offices, Epping
TIME/DURATION: 6.00pm ~ 8.30pm

SUMMARY OF COURSE CONTENT

Session 1 - 6.00pm (Venue: Committee Rooms)

- Issue of office entry cards
- Photographs for publicity purposes
- Signing of Declarations Of Acceptance Of Office

This session is specifically for newly elected or re-elected Councillors. Group Leaders may wish to attend.

Session 2 - 6.30pm (Venue: Council Chamber)

- Welcome by the Chairman of Council, Councillor Penny Smith
- Welcome by the Leader of Council, Councillor Di Collins
- Introduction to the District by Mr Peter Haywood, Chief Executive
- Introduction to Current Issues facing the Council by Derek Macnab, Deputy Chief Executive
- Essential Points for New Members by Ian Willett , Assistant to the Chief Executive

Session 3 - 7.00pm (Venue: Members' Room)

- Welcome Buffet
- Closing remarks by the Chairman of the Council

COURSE TUTOR(S)

Chairman of the Council (HOST)

Session 1 – Ian Willett

Session 2 – Peter Haywood (Chief Executive) and Derek Macnab (Deputy Chief Executive)

Service Directors to attend

SUITABLE FOR:

Obligatory for New Councillors (Sessions 1 to 3)

Desirable for Group Leaders (Session 1 to 3)

HOUSEKEEPING DETAILS: Light buffet in Members' Room from 7.00pm

COURSE NO. M2
SUBJECT: Licensing Panel - Introduction
DATE(S) Thursday 26 May 2011
VENUE: Council Chamber
TIME/DURATION: 7.30pm

COURSE OBJECTIVES

To familiarise members of the Licensing Panel with the role and procedures of the Panel.

SUMMARY OF COURSE CONTENT

- Councillors as interested parties: making representations, applying for reviews, appearing at hearings, Councillor Call for Action.
- Councillors as decision –makers: running effective committee hearings, making appeal-proof decisions.
- Councillors as policy-makers: developing policies which further your town centre vision, impose appropriate standards, and incorporate effective restraints such as cumulative impact, hours and zoning.

A basic introduction will be provided to:

- Role of Licensing Committee
- Areas of Responsibility
- Licensing Committee
- Licensing sub-committee
- Conduct of proceedings before the Licensing sub-committee.
- Decision Making

Licensing Act 2003

- Licensable Activities
- Statement of Licensing Policy
- Licensing Objectives
- Conditions
- Licensing Committee and Subcommittee – specific rules for 2003 Act
- Types of Licences
- Closure
- Appeals

Taxi Licensing

- Difference between a Hackney Carriage and Private Hire Vehicles
- Applications before the Sub-committee
- Convictions and The Rehabilitation of Offenders Act 1974

Gambling Act 2005

- The Licensing Objectives
- The Role of the Gambling Commission
- Licensing Committee

- The role of the Licensing Sub-committee
- Types of Licenses issued by this authority

Sex Establishments

- The types of premises regulated
- Sexual Entertainment Venues
- Sex Cinemas , and
- Sex shops

Other Licences

- Street Trading
- Animal
- Tattoo

COURSE TUTOR(S)

Alison Mitchell

SUITABLE FOR:

Obligatory for all members of the Licensing Committee and Subcommittee

Obligatory for new District Councillors

Desirable for other District Councillors as a refresher

HOUSEKEEPING

DETAILS:

Lunch in Members' Room

COURSE NO. M3
SUBJECT: IT Skills for Members (Gold)
DATE(S) 7 June 2011
VENUE: ICT Training Suite, Civic Offices, Epping
TIME/DURATION: 2:00pm ~ 4:00pm

COURSE OBJECTIVES

With the emphasis on using the computer in an informal and relaxed atmosphere, delegates are coaxed into discovering and exploring the functions of the IT world. This will help them gain the necessary experience and confidence when using existing and new applications as part of their role as an Epping Forest District councillor

SUMMARY OF COURSE CONTENT

- The Equipment
- The 'Windows' environment
- Using the tools
- Internet theory
- The differences between an internet and an intranet
- The search engine
- The browser - Internet Explorer basics
- Toolbars
- Favourites
- Where to start
- Hints and Tips
- Workshop/familiarisation

NB. Content for this course may be subject to alteration at short notice.

COURSE TUTOR(S)

Chris Askew - ICT

SUITABLE FOR:

Members who have had little or no exposure to computers or who would like refresher training to boost confidence

HOUSEKEEPING

DETAILS:

Tea and Coffee in Members' Room

Session bookable directly with Chris Askew
email: caskew@eppingforestdc.gov.uk **telephone:** 01992 564888

COURSE NO. M4
SUBJECT: Committee Management Systems (COMS) (Platinum)
DATE(S) 7 June 2011
16 June 2011
VENUE: ICT Training Suite, Civic Offices, Epping
TIME/DURATION: 6.00pm ~ 9.00pm

COURSE OBJECTIVES

To enable members to access the Committee Management System remotely and to successfully search and retrieve Committee Documents including all agendas and minutes of council meetings.

The Committee Management System also contains a wide variety of information and contacts essential to Councillors in their day-to-day role.

SUMMARY OF COURSE CONTENT

1. Introduction to the aims and background of the course.
2. The Democratic Services E-Government Strategy from the members' perspective.
3. Remote Access Policies and Application Forms Completion
4. Hardware/Software Standards required for use of the system.
5. The theory of logging onto the Councils network remotely.
6. Practical demonstration of accessing the network.
7. Potential connection problems.
8. Email notification
9. Basic Committee Management System (COMS) operations:
10. Overview of the application
11. Differences between the Intranet and Internet views – knowing when you need to log on remotely
12. Searching for files and documents
13. Viewing PDF Documents
14. Other information available on the application
15. Workshop and questions

COURSE TUTOR (S)

Chris Askew - ICT
Simon Hill – Senior Democratic Services Officer

SUITABLE FOR:

Councillors using their own computer equipment to connect to the Councils Extranet.

HOUSEKEEPING DETAILS:

Tea and Coffee in Members' Room

COURSE NO. M5
SUBJECT: Code of Conduct
DATE(S) 11 June 2011
VENUE: Council Chamber, Civic Offices, Epping
TIME/DURATION: 9:30am ~ 11:00am

To provide an outline of the Government's ethical framework and the duties and responsibilities of Councillors. Particular reference will be made to the new Code of Conduct, which is now in force.

SUMMARY OF COURSE CONTENT

1. Description of the Government's ethical framework including:
 - Codes of Conduct
 - Standards Board for England/Standards Committees
 - Registration of Interests
 - Acceptance of Office
 - Gifts and Hospitality
 - Complaints Process
2. Advice on the declaration of interests at relevant meetings including:
 - Personal interests
 - Prejudicial interests
 - Membership of other bodies
3. General obligations under the Code of Conduct
4. The course will also outline the changes made under the recent revised version of the Code.

Note: It is planned to webcast this session and make this available via the EFDC website.

COURSE TUTOR(S)

Epping Forest District Standards Committee (Course Sponsor)
Deputy Monitoring Officer (Ian Willett)

SUITABLE FOR:

Obligatory for all new District and Parish Councillors
Desirable for all Councillors as a refresher

HOUSEKEEPING DETAILS:

Tea and Coffee in Members' Room

COURSE NO. M6
SUBJECT: Planning Protocol
DATE(S) 11 June 2011
VENUE: Committee Room 1
TIME/DURATION: 11:00am ~ 12:30pm

COURSE OBJECTIVES

To give guidance to District Councillors on the operation of the Council's adopted planning protocol.

To provide awareness of the possible pitfalls in the planning in terms of conflicts of interest which can arise.

To clarify the links between the protocol and the Code of Conduct.

To brief delegates on recent changes to the protocol pursuant to the new Code of Conduct.

SUMMARY OF COURSE CONTENT

- The position on "dual hatted" Councillors
- Fettering a Councillor's Discretion
- Conduct of Planning meetings
- Pre and Post Application Discussions
- Handling Site Visits
- Lobbying and Public Inquiries
- The position of Officers and Members who are applicants and objectors
- Questions and answers
- Addressing Planning Committee where Councillors have prejudicial interests

Note: It is planned to webcast this session and make this available via the EFDC website.

COURSE TUTOR(S)

Ian Willett - Head of Research and Democratic Services
Nigel Richardson - Assistant Director of Planning Services

SUITABLE FOR:

Obligatory for all District Councillors
Desirable for other District Councillors and Council staff involved in planning
Optional for Parish and Town Councillors and Clerks

HOUSEKEEPING DETAILS:

Tea and Coffee in Members' Room

COURSE NO. M7
SUBJECT: Development Control and Planning
DATE(S) 11 June 2011
VENUE: Council Chamber, Civic Offices, Epping
TIME/DURATION: 1:30pm ~ 3:00 pm

COURSE OBJECTIVES

To familiarise members of the Council and others with the legal and procedural basis of the Authority's development control planning role.

SUMMARY OF COURSE CONTENT

The following elements will be covered during the course:

- An overview of the planning system – its purpose, the roles of the various authorities, a 'plan-led' system.
- Determining planning applications:
- Application types and Validation
- How applications are dealt with/ Consultations/ Member call-in
- Dealing with public canvassing
- Delegation and decisions made by members
- The role of officers, members and the committees,
- What is permitted development, material planning considerations?
- Site Visits
- Appeals in brief.

COURSE TUTOR(S)

Nigel Richardson - Assistant Director (Development Control)

SUITABLE FOR:

Obligatory for new District Councillors
Desirable for other District Councillors as a refresher
Optional for Parish and Town Councillors and Clerks

HOUSEKEEPING DETAILS:

Tea and Coffee in Members' Room

COURSE NO. M8
SUBJECT: Code of Conduct - Complaints Process
DATE(S) 11 June 2011
VENUE: CR1
TIME/DURATION: 3:00pm ~ 4:30pm

COURSE OBJECTIVES

To outline the process for dealing with complaints against Councillors about alleged breaches of the Code of Conduct

SUMMARY OF COURSE CONTENT

The course will provide a briefing on the various stages of the complaints process including advice to potential complainants from officers, assessment of complaints, appeals against decisions not to investigate complaints, investigations, adjudications.

Reference will be made to the roles of officers within the Council in supporting this process, confidentiality, support for Councillors, appeals and the role of the Standards Board for England.

COURSE TUTOR(S)

Ian Willett (Deputy Monitoring Officer)

SUITABLE FOR:

Members of the Standards Committee, District, Parish and Town Council members and Parish Clerks

HOUSEKEEPING

DETAILS:

Tea and Coffee in Members' Room

EQUAL OPPORTUNITIES MONITORING FORM

I am Male Female (*please tick as appropriate*)

I have a disability Yes No (*If yes please describe you disability below*)

What is your ethnic group?

Choose ONE section from A to E, then tick the appropriate box to indicate your background.

A White British

- English
- Scottish
- Welsh
- Other
please write in
-

B Mixed

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other Mixed background,
please write in
-

**C Asian, Asian British, Asian English
Asian Scottish, or Asian Welsh**

- Indian
- Pakistani
- Bangladeshi
- Any other Asian background,
please write in
-

- Irish
- Any other White background,
please write in
-

**D Black, Black British, Black English,
Black Scottish, or Black Welsh**

- Caribbean
- African
- Any other background,
please write in
-

**E Chinese, Chinese British,
Chinese English, Chinese Scottish,
Chinese Welsh**

- Chinese
- Any other background,
please write in
-

F Other Ethnic Group

- Any other background,
please write in
-

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Report to the Constitution and Member Services Standing Scrutiny Panel

Report reference:

Date of meeting: 17 March 2011



Subject: Officer Delegation – 2010/11 Review

Responsible Officer: I Willett (01992 564243)
Assistant to the Chief Executive

Democratic Services Officer: Mark Jenkins (01992 564607)
Democratic Services Officer

Recommendations:

- (1) That a report be submitted to the Overview and Scrutiny Committee and the Council recommending that the schedule of changes to and new Council delegation (Appendix 1) be approved;
- (2) That the Schedule of Executive Delegations set out in Appendix 2 be recommended to the Overview and Scrutiny Committee and Leader of the Council for approval by the latter;
- (3) That the revised schedules be incorporated in the Constitution once the approval of the Council and the Leader is given; and
- (4) That the schedules of delegation be re-configured on a Directorate basis in future.

Report:

1. Introduction

- 1.1 Each year a cross Directorate Working Party of Officers carries out a review of Financial Regulations, Contract Standing Orders and Officer Delegation. These reviews are designed to keep these documents up-to-date and to reflect current statutory requirements and operational needs.
- 1.2 Such delegated authorities are agreed in one of two ways:
 - (a) approval by the Council in respect of Council (i.e. non-executive and regulatory) functions; or
 - (b) approval of the Leader of the Council for Executive (or Cabinet) functions.
- 1.3 This report brings forward updates to the delegation schedule, including those which has already been approved by the Council during the last 12 months.

2. Proposed Changes

- 2.1 Appendix 1 sets out changes to delegation of Council functions. Appendix 2 shows proposals for Executive Functions. The remaining appendices show changes which

have already been approved by the Council.

- 2.2 The SSP's attention is drawn to the format for the new officer delegations in respect of the Planning Directorate (see Appendix 3). Members are recommended to consider a similar approach to all Directorates. This is considered to be more user friendly for the public, officers and members and will also make the updating of the schedule easier.

3. Next Steps

- 3.1 Following consideration of the delegate authorities set out in Appendix 3, the Panel should recommend to the Overview and Scrutiny Committee and the Council that these changes be agreed and incorporated in the Council's Constitution. Those proposals relating to executive functions will be submitted to the Leader of the Council for approval and then published in the Council's Constitution.

NEW AND REVISED OFFICER DELEGATION PROPOSALS – COUNCIL FUNCTIONS

NO.	DELEGATION REF/STATUS	PRESENT WORDING/ DELEGATED OFFICER(S)	PROPOSED CHANGE
1	CL39 (Freedom of Information) REVISED	<p>The present delegation in respect of FOI applications does not cover the Re-Use of Public Sector Information Regulations 2005.</p> <p>Officer Delegated: Assistant to the Chief Executive.</p> <p>In addition, in view of the increasing number of applications under the 2005 regulations for data collected from the Council's CCTV installations by the Police, Legal Firms and Insurance Companies, it is recommended that the Director of Environment and Street Scene be delegated to deal with those applications.</p>	<p>ADD additional paragraphs as follows:</p> <p>“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”.</p> <p>(Officer Delegated: Assistant to the Chief Executive).</p> <p>“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”.</p> <p>(Officer Delegated: Director of Environment and Street Scene).</p>
2	CL/78 (Staff Vacancies Review) REVISION – approved by the Cabinet on 31.1.11.	Replacement of existing procedures for reviewing staff vacancies which are delegated to the Management Board/CEF with a new arrangement linked to freezing of external recruitment.	<p>See Appendix 4 to the report.</p> <p>RECOMMENDED: That this delegated authority be transferred to the Executive Functions Schedule.</p>

NO.	DELEGATION REF/STATUS	PRESENT WORDING/ DELEGATED OFFICER(S)	PROPOSED CHANGE
3	NEW – Planning Delegation Approved by District Development Control Committee on 7.12.10 (Minute 30).	Consolidation of various delegated authorities exercised by the Director of Planning and Economic Development under one Directorate Heading.	See Appendix 3 to the report.

NEW AND REVISED OFFICER DELEGATION PROPOSALS – EXECUTIVE FUNCTIONS

NO.	DELEGATION REF/STATUS	PRESENT WORDING/DELEGATED OFFICERS	PROPOSED CHANGE
1	Council Garages/NEW	N/A	<p>In April 2010, the Portfolio Holder for Housing agreed a new policy for sales of Council-owned garages. As part of this policy, the following delegation to the Director of Housing was introduced:</p> <p>“To sell isolated garages in accordance with the Council’s policy”.</p> <p>(See Appendix 6).</p>
2	EX/34 (Land Drainage and Flood Defence) REVISION	<p>The present delegation is based on certain of the Epping Forest District Land Drainage Byelaws 2005, allowing officers to take action. Not all of the current byelaws are listed and it is thought preferable that the delegation should refer to the Byelaws overall not just selected provisions.</p> <p>Delegated Officers:</p> <p>Director of Environment and Street Scene.</p> <p>Assistant Director (Technical Services)</p> <p>Drainage Manager (and relevant staff delegated on their behalf)</p>	Listing of individual byelaws deleted. Heading retained.

NO.	DELEGATION REF/STATUS	PRESENT WORDING/DELEGATED OFFICERS	PROPOSED CHANGE
3	EX47 (Private Sector Housing) REVISION	<p>The present delegation authorises the Director and Assistant Director (Private Sector and Resources) to exercise the powers and duties set out in Appendix A to EX47 and the relevant Portfolio Holder to authorise updates to the legislation listed in Appendix A.</p> <p>However the present delegation does not authorise powers of entry under warrant when required. It is recommended that the delegation be amended to cover this point. Most of the legislation listed in Appendix A specifies entry by warrant but in some cases this is not the case and a separate delegated authority regarding warrants is recommended.</p>	<p>Under a previous Portfolio Holder decision (HSG/012/2010/11) an additional delegation to the officers listed was added as set out in Appendix 5.</p> <p>“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.”</p>
4	EX53 (Safer, Cleaner, Greener Legislation – Authorisation of Officers) REVISION	<p>EX53 authorises the Director of Environment and Street Scene to exercise functions on behalf of the Council under the schedule of legislation set out in Appendix B.</p> <p>Many of these statutes involve powers of entry via warrants and are duplicated under EX71.</p> <p>Delegated Officers:</p> <p>Director of Environment and Street Scene (or in his absence the Assistant Directors) (Environment) and (Technical) or suitably qualified officers authorised by those postholders.</p>	<p>AMEND EX53 (first paragraph of delegation) to read as follows:</p> <p>“To exercise those functions relating to the management and provision of the Environmental Health Service set out in the list of environmental health legislation as set out in Appendix B, including, where necessary, powers of entry by warrant”.</p>

Planning & Economic Development Delegations Schedule Number 1: Development Control

Function:	Principal Relevant Legislation (*see note)	Relevant Details:	Exceptions:
Care of the environment.	<p>Town and Country Planning (Environmental Impact Assessments) (England and Wales) Regulations 1999</p> <p>Planning (Hazardous Substances) Act 1990, Section 36</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>	No
Development Control	<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>Town and Country Planning General Permitted Development Order 1995, Part 6 and Part 31 of Schedule 2</p>	<ol style="list-style-type: none"> 1. Subject to Schedule A below, which are matters to be determined by committee, to determine or decline to determine any: <ol style="list-style-type: none"> a. planning applications, b. applications for approval of reserved matters, c. applications arising from any condition imposed on any consent, permission, order or notice, d. advertisement consents, e. listed buildings and conservation areas consents, f. discharge of conditions and g. non-material and minor material amendments. 2. To agree the precise wording of additional/ revised conditions to be attached to planning permissions, at members' request. 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. 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. 5. In relation to agricultural development, to determine whether to require the formal submission of details. 6. To determine applications in relation to certificates of lawful use and development. 	Yes

		7. To obtain and use necessary powers of entry to the land in relation to the above.	
Enforcement	<p>Town and Country Planning Act 1990 (as amended), Part 8, section 171-190, 196a,b,c, 215-219, 224, 324 and 325.</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 and 88.</p>	<p>Authority for Director of Planning & Economic Development or Director of Corporate Support Services to:</p> <ol style="list-style-type: none"> 1. Issue Stop notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Buildings Enforcement Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Section 215-219 Notices for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy. 2. Prosecute the unauthorised display of advertisements, unauthorised works to a listed building, and non-compliance where enforcement action has previously been authorised. 3. Take appropriate enforcement action, including serving an injunction where the Director of Planning and Economic Development and/or the Director of Corporate Support Services, or their nominee, having regard to the evidence considers the circumstances to require urgent action. 4. Vary the requirements for compliance with notices already authorised, including altering the period required for compliance, service of further notices and withdrawal of notices. 5. Determine when action is not expedient in relation to breaches of control considered inconsequential or insignificant. 6. Obtain and use powers of entry necessary in relation to the above. 	No

- Note: the authority to be updated to take into account changes in the relevant legislation. All references are to the legislation as currently amended.

Schedule A: Matters to be Determined by the Relevant Committee

- (a) applications contrary to the provisions of an approved draft 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 councils 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 objection material to the planning merits of the proposal to be approved and received, apart from:
 - 1. approvals in respect of householder developments and
 - 2. "other" category developments (i.e. changes of use, advertisements, listed building consents, Conservation Area consents, lawful development certificates, agricultural notifications, as well as telecommunications masts, shop fronts and vehicle crossovers),.
- (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 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 concerned has notified the Ward Councillor in advance;
- (i) applications where 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.

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Report to the Cabinet

Report reference: C-061-2010/11
Date of meeting: 31 January 2011



Portfolio: Leader
Subject: External Recruitment Freeze
Responsible Officer: Derek Macnab (01992 564050).
Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

- (1) That a freeze on external staff recruitment be implemented for all vacant posts, subject to the exceptions set out in recommendation (3) below;**
- (2) That all posts be advertised internally in the first instance, with all permanent and temporary staff being eligible to apply but with agency staff excluded;**
- (3) That, in the event that internal recruitment to a vacant post is unsuccessful, a procedure be introduced whereby Directors may seek authority recruit externally to posts which meet one or more of the following exception criteria;**
 - (a) when not to appoint would expose the authority to a quantifiable risk with respect to Health and Safety requirements;**
 - (b) where it can be demonstrated that the post is necessary for the generation of significant or surplus income to the Council; and**
 - (c) where the post is wholly or largely externally funded; and**
- (4) That the Acting Chief Executive in consultation with the relevant Portfolio Holder and the Leader of the Council, be authorised under the procedure set out in recommendation (3) to determine the vacant posts meeting the exception criteria which may be recruited externally.**

Executive Summary:

In light of reductions in grant to the Council as a result of the Comprehensive Spending Review, this report sets out the rationale behind the proposed implementation of a freeze on external recruitment to control costs, mitigate the risk of redundancy and retain flexibility in the delivery of future services.

Reasons for Proposed Decision:

The Council is facing an extremely challenging Medium Term Financial Forecast requiring significant levels of savings to be achieved over the next few years. Employee costs are a

large area of controllable expenditure. The Council has a skilled and committed workforce, in which it has invested heavily in terms of training and development. An external recruitment freeze will assist in controlling costs, retain flexibility and help protect existing employees.

Other Options for Action:

To continue to recruit externally to posts. This would not prove to be sustainable in the current financial circumstances. Alternatively, a freeze could be implemented on all recruitment. However this would be counter productive in terms of risk, income generation and service delivery.

Report:

1. The Council's annual budget process commenced in September 2010, with the consideration of the Medium Term Financial Forecast. The forecast was prepared against a backdrop of anticipated cuts in public expenditure and ongoing difficulties with the economy. Following the headline Comprehensive Spending Review announcement in October 2010, the Council did not receive the detailed settlement figures until mid December. Members will be considering the full implications of what has transpired to be, a poor grant settlement, for the authority, elsewhere on the agenda. It is clear that the Council will need to identify significant savings to compensate for the loss of some £2.2M of government funding, over the next two financial years.

2. Currently the Council employs approximately 650 staff engaged in the delivery of a wide range of services to local residents. At a cost of some £20M per annum, this represents a major area of expenditure for the authority. As such, in recent years there has been rigour applied in terms of granting permission to fill vacant posts, with Service Directors having to make a clear justification for the need to make an appointment, demonstrating that other options to cover the duties have been explored. The current procedure requires authorisation by the Acting Chief Executive, relevant Portfolio Holder and the Leader of Council. This process has served well in the lead up to the anticipated outcome of the Comprehensive Spending Review.

3. However, with the settlement being poorer than anticipated, it is proposed that it is now necessary to take further action in order to not only control expenditure, but also to protect wherever possible, the Council's existing workforce, mitigate the risk and costs of redundancy and to retain flexibility, pending any future service reviews to deliver the challenging levels of savings required.

4. A proposal to implement a freeze on external recruitment was discussed at the joint meeting of the Cabinet and Management Board in December 2010. The rationale was agreed in principle and officers were tasked with developing a policy to be formally adopted by the Cabinet. This is now detailed below.

Vacant Post Recruitment Policy:

(i) *In the first instance vacant posts can only be advertised internally, with all existing permanent and temporary staff entitled to apply. Agency staff will not be eligible to apply.*

(ii) *In the event that internal recruitment is unsuccessful an application can be made to recruit externally, if the post satisfies any of the following exception criteria:*

(a) *When not to appoint to the post would expose the authority to a quantifiable risk with respect to Health and Safety.*

(b) *When it can be demonstrated that the post is necessary for the generation of significant or surplus income to the Council.*

(c) *When the post is wholly or largely externally funded.*

(iii) *The authorisation for the exception posts will be in line with the current system of permission to fill vacant posts i.e. Acting Chief Executive, in conjunction with the relevant Portfolio Holder and Leader.*

5. Whilst it is acknowledged that the freeze on external recruitment will place additional pressure on existing staff to maintain the quality of the Council's services, the measure will encourage managers to be creative in how to best utilise their existing staffing resources and could open up developmental opportunities such as secondments. At present, temporary posts currently due to expire have been extended to the 31 March 2011, but will be subject, thereafter to the new arrangements.

Resource Implications:

The Council's financial position is detailed in the Budget Report and Capital Strategy elsewhere on the agenda. The Council's salary costs are some £20M per annum.

Legal and Governance Implications:

The Council's Human Resources Policies reflect current Employment Law.

Safer, Cleaner and Greener Implications:

No specific implications identified.

Consultation Undertaken:

Staff have been advised of the External Recruitment Freeze.

Background Papers:

Notes of Joint Cabinet/Management Board December 2010

Impact Assessments:

Risk Management

Exception criteria is contained within the proposal to reduce risk with respect to Health and Safety.

Equality & Diversity

There are no Equality & Diversity issues raised by the report.

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Portfolio Decision

Notification of Decision Taken Under delegated arrangement



Portfolio: Housing Portfolio Holder

Decision Reference: HSG-029-2009/10

Subject: DELEGATED AUTHORITY - SALE OF GARAGES

Decision Taken: 6 APRIL 2010

1. That, on request, isolated Council-owned garages, which are located immediately adjacent to an existing residential property be sold to the owner of the adjacent property (regardless of its orientation to the property), provided they are the garage tenant, or the garage is vacant and the owner is the next eligible garage applicant;
2. That any sale of an isolated garage be subject to a restrictive covenant being included in the sale agreement preventing any change of use;
3. That the full open market value be paid for any garage sale, and that this be non-negotiable;
4. That the Director of Housing be granted delegated authority to sell isolated garages in accordance with the policy; and
5. That garages not be sold if they form part of any garage block.

Call-in deadline: 22 Apr 2010

Full details of the portfolio decision can be found in the accompanying document(s) to this decision. These can be found at the bottom of the web page for this decision.

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Decision by Portfolio Holder



Report reference: HSG-012-2010/11
Date of report: 08-November-2010

**Epping Forest
District Council**

Portfolio: Housing – Councillor D Stallan

Author: Sally Devine (Ext) 4149 Democratic Services: Philippa Sewell

Subject: Private Sector Housing- Review of Delegated Authority for Officers.

Decision:

1. That the existing delegation to the Director of Housing and the Assistant Director of Housing (Private Sector and Resources) in relation to Private Sector Housing (Ref EX47) be amended by adding the following to the schedule of delegation:

‘ To authorise suitably qualified officers or specialist external personnel appointed by the Council, to exercise those functions relating to the management and provision of the private sector housing service as set out in Appendix A’,

2. That Section 215- 219 of the Town and Country Planning Act 1990 (as amended) and Section 196A-196C of the Planning and Compensation Act 1991 be added to the legislation listed in Appendix A of the Delegations

ADVISORY NOTICE: <i>A Portfolio Holder may not take a decision on a matter on which he/she has declared a prejudicial interest. A Portfolio Holder with a personal interest must declare that interest when exercising delegated powers.</i>	
I have read and approve/do not approve (delete as appropriate) the above decision:	
Comments/further action required:	
Signed:	Date:
<i>Personal interest declared by Portfolio Holder/ conflict of interest declared by any other consulted Cabinet Member:</i>	<i>Dispensation granted by Standards Committee: Yes/No or n/a</i>
Office use only: Call-in period begins:	Expiry of Call-in period:

**After completion, one copy of this pro forma should be returned to
Democratic Services IMMEDIATELY**

Reason for decision:

To confirm the existing routine for the Director and Assistant Director of Housing to authorise relevant officers within the Private Sector Housing Service of the Housing Directorate and any specialist external personnel appointed by the Council to have delegated authority to exercise their duties.

To ensure that the powers contained within the Town and Country Planning Act 1990 (as amended) to deal specifically with unsightly land and buildings affecting the amenity of an area; and the power held within the Planning and Compensation Act 1991 providing rights of entry are available for enforcement purposes.

Options considered and rejected:

There are no other options other than not to utilise the powers under the Town and Country Planning Act concerned. This would not be in the best interest of proper enforcement.

Background Report:

1. Part 25 of the Council's Constitution sets out the Schedules of Delegation from the Executive to Officers to enable them to undertake their duties without continual recourse to Cabinet or Portfolio Holders.
2. Within Part 25 is the list of delegations expressly given by the Leader of the Council known as Executive Delegations. Executive Delegation 47 (EX47 – see attached) delegates the Director of Housing and the Assistant Director of Housing (Private Sector and Resources) authority to exercise the statutory powers and duties set out in Appendix A (attached)
3. Currently, the Director and Assistant Director exercise their discretion by authorising Officers of the Private Sector Housing Team to carry out those functions relating to the management and provision of the Private Sector Housing Service on their behalf and it is proposed that the Schedule of Delegation should specify this.
4. The relevant officer will then have a 'Schedule of Officer Authorisation', signed by the Director of Housing, which reflects the powers set out in Appendix A which are appropriate for the post concerned. This will assist to prove in court, if necessary, that the officer is properly authorised
5. In addition to direct employees of the Council, specialist personnel are appointed from time to time to support existing staff and / or carry out specific tasks. In these cases they too need to be given the appropriate delegated authority to exercise functions on behalf of the Council for the period of their appointment.
6. As previously mentioned, Appendix A details the list of legislative powers delegated to the Director of Housing and Assistant Director of Housing (Private Sector and Resources). Approval is being sought to add the provisions of Section 215 – 219 of the Town and Country Planning Act 1990 (as amended) and Section 196A-196C of the Planning and Compensation Act 1991 to Appendix A. Likewise a further delegated authority to the relevant Portfolio Holder is proposed to allow these changes to be approved in the future.
7. Section 215 – 219 of the Town and Country Planning Act 1990 (as amended) allows a local authority a discretionary power to take steps to require land (including buildings) to be cleaned up when its condition adversely affects the amenity of an area. Section 196A-196C of the Planning and Compensation Act 1991 gives authorised officers the right of

entry onto land for enforcement purposes .The legislation can be used in respect of large vacant industrial sites, town centre frontages, derelict buildings and more appropriately for Private Sector Housing, rundown residential properties, including empty properties and overgrown gardens. The scope of the works that can be required is wide and may include clearance, tidying, demolition, re-building, external repairs and repainting.

8. This legislation is particularly useful to officers dealing with problematic empty properties which are left neglected, fall into disrepair, become unsightly and may attract vandalism and fly tipping. Taking enforcement action under the proposed legislation will secure improvements to the external appearance of the property and hopefully focus the owner into providing a long term solution into bringing the property back to use.

Resource Implications: There may be cases where works required by statutory notice are not complied with and are initiated in default by the Council. If the costs cannot be recovered immediately they will remain as a charge on the property until such time as the costs are paid or the property sold. However, in the case of empty properties, specific monies are currently available through the PLACE scheme (funded by Central Government grant), to absorb the complete costs incurred by the Council in carrying out enforcement works in default.

Legal and Governance Implications: Changes to Part 25 of the Council's Constitution as it applies to Executive Delegated Authorities. Any decisions to embark upon legal action will, in accordance with existing arrangements, be subject to review by the Director of Corporate Support Services and will rely on properly drafted delegated authorities.

Safer, Cleaner and Greener Implications: The additional delegated power will enable officers to deal more effectively with the unsightly appearance of buildings and land and will assist in encouraging owners to bring empty properties back to use. This is in accordance with the Council's 'Safer, Cleaner, Greener' strategy

Consultation Undertaken: None

Background Papers: Town and Country Planning Act 1990 Section 215 (Best Practice Guidance)

Impact Assessments:

Risk Management

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties; reveal any No potentially adverse equality implications?

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been N/A undertaken?

What equality implications were identified through the Equality Impact Assessment process?

N/A

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

N/A

Key Decision Reference (Y/N): No

Appendix A

SCHEDULE OF DELEGATION TO OFFICERS

Building Act 1984

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

Caravan Sites & 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 & Environment Act 2005

Sections 102; 103.

Criminal Procedure & 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 & 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 & Tenant Act 1985 -

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

Local Government Act 1974

Section 36

Local Government & 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.

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.