

Scrutiny Standing Panel Agenda



Constitution and Members Services Scrutiny Standing Panel Monday, 3rd November, 2008

Place: Committee Room 1

Time: 7.30 pm

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

Members:

Councillors Mrs M McEwen (Chairman), R Morgan (Vice-Chairman), Mrs P Brooks, J Demetriou, Ms J Hedges, J Markham, J Philip, B Rolfe, Mrs M Sartin, D Stallan and Mrs J H Whitehouse

A BRIEFING FOR THE CHAIRMAN OF THE PANEL WILL BE HELD AT
6.00 PM PRIOR TO THE MEETING

1. APOLOGIES FOR ABSENCE

2. NOTES OF THE LAST MEETING (Pages 3 - 8)

Attached.

3. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

4. DECLARATION OF INTERESTS

(Assistant to the Chief Executive). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the

Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

5. TERMS OF REFERENCE / WORK PROGRAMME (Pages 9 - 12)

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Panel and associated Work Programme. This is attached. The Panel are asked at each meeting to review both documents.

The OSC is about to formulate next years OS work plan incorporating a programme for this Panel. In view of this, the Panel may wish to bring forward suggestions/ideas on topics for inclusion in its work programme for next year.

6. REVIEW OF CIVIC CEREMONIAL ARRANGEMENTS (Pages 13 - 46)

Report attached.

7. CONTRACT STANDING ORDERS - REVIEW OF PROVISIONS RELATING TO CONSULTANTS (Pages 47 - 52)

Report attached.

8. REVIEW OF EXECUTIVE CONSTITUTION (Pages 53 - 190)

Report attached.

9. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

To consider which reports are ready to be submitted to the Overview and Scrutiny Committee at its next meeting.

10. FUTURE MEETINGS

The next programmed meeting of the Panel will be held on 12 January 2009 at 7.30 in Committee Room 1 and then on:

6 April 2009

EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
STANDING PANEL
HELD ON MONDAY, 8 SEPTEMBER 2008
IN COMMITTEE ROOM 1
AT 7.30 - 8.55 PM

Members Present:	Mrs M McEwen (Chairman), R Morgan (Vice-Chairman), Mrs P Brooks, J Markham, J Philip, B Rolfe, Mrs M Sartin (Environment Portfolio Holder) and D Stallan
Other members present:	J Whitehouse
Apologies for Absence:	Ms J Hedges and Mrs J H Whitehouse
Officers Present	I Willett (Assistant to the Chief Executive), S G Hill (Senior Democratic Services Officer), W MacLeod (Elections Officer), P Seager (Chairman's Secretary) and M Jenkins (Democratic Services Assistant)

9. NOTES OF THE LAST MEETING

RESOLVED:

That the minutes of the last meeting of the Panel on 30 June 2008, be agreed, subject to Councillor Mrs M Sartin being entered on the minutes as a Portfolio Holder, when she was on the Panel in her primary capacity as a District Councillor.

10. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

Noted that Councillor J Whitehouse was attending the meeting as a substitute for Councillor Mrs J Whitehouse.

11. DECLARATION OF INTERESTS

No declarations of interests were made pursuant to the Member Code of Conduct.

12. TERMS OF REFERENCE / WORK PROGRAMME

The Assistant to the Chief Executive informed the Panel that item 3 of the Work Programme, Review of Contract Standing Orders – Engagement of Consultants, was being moved from the current meeting date of 8 September 2008 to the next Panel meeting date of 3 November 2008, as it had not yet been completed.

Item 6 on the Work Programme, Government White Paper on Empowerment was being amalgamated with item 7 (b) Review of Constitution – Local Government Act 2007, Overview and Scrutiny. It was unclear as to when these items would be discussed at the Panel. There were parts of the Local Government Act 2007 which were not yet in force and its impact on Overview and Scrutiny was as yet unclear.

13. REVIEW OF CONTRACT STANDING ORDERS - USE OF CONSULTANTS

The report on Use of Consultants had not yet been completed and was going to a future meeting of the Panel.

14. WEEKEND VOTING - MINISTRY OF JUSTICE CONSULTATION PAPER

The Assistant to the Chief Executive presented a report to the Panel regarding the Ministry of Justice's consultation document on Weekend Voting. The government was concerned about low turnouts in elections, a current initiative to raise voter turnout was to provide for weekend voting instead of the more traditional weekday polling day. The District Council had publicised the consultation on its website, but there had been little response.

The Panel discussed the questionnaire from the consultation document which consisted of nine questions:

Q1. Do you think that polling day should be:

a weekday,

a Saturday,

a Sunday, or

take place over both Saturday and Sunday?

The Panel were concerned that voter turnout on weekends would be affected by both days being a Sabbath. Weekends were also leisure days for much of the public who would be less inclined to vote during their time off. Councillor J Markham thought that politics needed to be made more attractive to voters; currently there was a lack of interest. The Panel noted that there would be resource problems in having weekend voting with increased staffing costs, it was also believed that any change to the voting arrangements may be met by public hostility and that consequently, this would lead to a fall in turnout.

Q2. Who would be affected by changing the voting day to a weekend and how?

Members commented that religious observance would be affected by weekend voting, and there would be a reduction in the number of party members who would be available for canvassing during the immediate run up to the election. The Assistant to the Chief Executive advised the Panel that there would be difficulties in booking polling stations and bookings would be at a premium on weekends, and schools would be closed as well. Postal voting arrangements would also be a problem on weekends. Those public buildings that could be utilised would also be using up energy which would not otherwise be used because those premises would normally be closed at weekends. This would have environmental consequences. Councillor J Whitehouse informed told the Panel that some European countries had voting on Sundays. However he felt that staffing in this District would be a problem. The Panel were also advised that some voters may be disenfranchised by a limited access to public transport at weekends. There would also need to be a police presence and this would be more expensive on Saturdays and Sundays.

Q3 Do you think that greater access to advance voting in polling stations should be made available alongside weekend voting? Please explain why?

Members felt that there was already a certain amount of confusion regarding polling days coupled with a general mis-understanding about postal voting. This scheme may well cause more confusion.

The Panel was advised that there was no evidence from previous pilots that voter turnout was enhanced through this scheme. There were other considerations such as security of ballot boxes. These would have to be stored at the Civic Offices and transported to and from the polling stations if both Saturdays and Sundays were voting days. The cost may not justify the additional turnout. There would be added problems of public transport access in remote areas.

Q4. Do you think that greater access to remote voting (whether through traditional postal voting or by electronic means) should be made available alongside weekend voting? Should such arrangements be explored even if polling day were not moved to the weekend? Please explain why?

The Panel believed electronic voting posed a security risk and that this might heighten the public anxiety in relation to postal voting. There was concern about the costs and the lack of a clear audit trail for such voting methods. However it could be an attractive voting method to younger generations.

Q5. What do you perceive to be the benefits and the drawbacks of remote e-voting?

Electronic voting could not be used by voters without access to computers. There had been similar problems with Housing Services' Choice-Based Lettings Scheme.

Q6. Should the Government pilot weekend voting before introducing it across the UK?

The Panel thought that a pilot should take place. The Panel's view did not detract from the Council's opposition to the principle of weekend voting. The Panel took the view that a pilot should take place for a single type of election to avoid confusion.

Q7. What other issues may arise if the polling day is moved to the weekend? What are the issues for:

- **resources?**
- **polling station venues?**
- **security?**
- **administration of the election?**

The Panel were advised that staff covering weekend voting would be entitled to enhanced rates. Staff already worked a full week and some may not wish to volunteer to cover a weekend election. Ballot box security would pose a security problem.

There were issues surrounding the burden of cost if weekend voting went ahead. Under normal circumstances, the District Council paid for its own elections with a government allowance in Rate Support Grant. In the case of County elections, the District Council was reimbursed, similarly reimbursement applied to European Union

elections. Parish Councils would be expected to have some difficulty in financing a weekend election. There would also need to be a review of the election timetable.

Mr S Hill advised the Panel that Saturday post mailings were usually quite sparse, there was no post on Sundays. The District Council was expected to accept postal votes up to the deadline.

Q8. If weekend voting is introduced for local government elections, do you agree that the normal time for holding elections should be moved from the first Thursday in May to the second weekend in May?

If not, please explain which weekend you believe it would be most appropriate for these elections to be held and why.

The Panel thought that the second week in June would be better than the second weekend in May, because of potential clashes with school holidays in May. The Panel was also advised that election clashes with major sporting events could be a problem as well.

Q9. Are you aware of any barriers which prevent individuals from voting? What are the issues and how can they be overcome?

The Panel did not believe there were many physical barriers to voting, the main barriers were the perceptions which many people had of politicians and democracy in general. The Panel also felt that particularly amongst younger generations, there was not enough education regarding the voting process. Citizenship classes, mock elections in schools and the Youth Council can all make a contribution to general awareness of political issues. A councillor added that the current electoral system made election results dependent on perhaps 100,000 votes cast in marginal seats across the country, an election being decided by a relatively small proportion of votes.

Rural polling station accessibility was a growing problem. This was linked to limited public transport links or a complete absence of them.

Even though it was not a part of the consultation, the Panel discussed if compulsory voting should be introduced, however the feeling amongst most members was that this should not happen.

RECOMMENDED:

That the above mentioned views be approved for submission to the Ministry of Justice and the Council's views and that all those views be subject to the overall condition that those views should be seen in the context of the Council's opposition to the principle of weekend voting.

15. SCOPING REPORT - CIVIC CEREMONIAL REVIEW

The Senior Democratic Services Officer, Mr S Hill, presented a scoping report for Civic Ceremonial Review, to the Panel. The review was to concentrate on the operation of the Office of the Chairman, the functions of the Chairman and Vice Chairman, and aspects of the management of the civic aspect of full Council meetings.

The report was covering:

The role of the Chairman of Council

- A response to the report of the Councillor's Commission
- A review of the Council's Protocol and the Status of the Chairman and Vice Chairman
- A review of the member accountability statements contained within the constitution
- How could the Chairman and Vice Chairman be better promoted

Annual Council

- Civic and Business aspects of the Annual Council
- Changes in 2009

The Annual Civic Events

- A review of their: timing, type, relevance and affordability
- What other authorities do

Issues from other reviews

- An update on the last review
- Issues from Audit reports: Gifts and Hospitality, Account Handling, Bank Account Processes

The scoping report was to better promote the Chairman's role as ambassador for the District Council. The Panel wanted past Chairmen and Vice Chairmen to provide feedback to the Panel on their experiences and to receive fresh ideas on the future role of the Chairman of Council.

Councillor D Stellan suggested that it would be useful to find out how other local authorities use their Council meetings, were they more civic orientated as opposed to processing practical Council business.

RESOLVED:

That the scope of the Civic Ceremonial Review be approved as outlined above.

16. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

The following report was going before the Overview and Scrutiny Committee on 29 September 2008:

Weekend Voting plus copy of responses to questionnaire.

17. FUTURE MEETINGS

The following, future dates of the Panel, were noted:

3 November 2008

12 January 2009

6 April 2009

Agenda Item 5

TERMS OF REFERENCE - STANDING PANEL

Title: Constitution and Member Services
Status: Standing Panel
Terms of Reference: <ol style="list-style-type: none">1. To undertake reviews of constitutional, civic, electoral and governance matters and services for members on behalf of the Overview and Scrutiny Committee. 2. To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.
Chairman: Cllr Mrs M McEwen

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Constitution and Member Services Standing Panel			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) Review of May 2008 Elections	30 June 2008	Completed – OSC Committee 28.8.08	As indicated.
(2) Response to Government Consultation Document on the date for Local Elections in 2009.	30 June 2008	Completed – OSC Committee 28.8.08	
(3) Review of Contract Standing Orders – Engagement of Consultants	3 November 2008	Report submitted to this meeting following deferral	
(4) Review of Civic Ceremonial Functions Scoping Report	8 September 2008	Completed	
(5) Government Consultation Document on Weekend Voting	8 September 2008	Completed. Report due for submission to OSC on 6 November 2008	
(6) Review of Constitution – Local Government etc Act 2007	3 November 2008	On agenda for this meeting	
(a) the Cabinet	To be determined	Relevant sections of the Act are not yet in force.	
(b) Overview & Scrutiny Review/Government White paper on Empowerment			
(7) Review of Civic Ceremonial Functions – Full Report	3 November 2008		
(8) Member Training Review	12 January 2009		

Constitution and Member Services Standing Panel			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(9) Annual Review of Financial Regulations and Officer Delegation	12 January 2009		
(10) Annual Review of Contract Standing Orders	6 April 2009		

Report to Constitution and Members Services Standing Scrutiny Panel

Date of meeting: 3 November 2008

Subject: Civic Ceremonial Function – Review 2008

Officer contact for further information: Simon Hill Ext 4249

Committee Secretary: M Jenkins



Recommendations:

- (1) To receive evidence from and consider the views expressed by past/present Chairmen on the following areas:**
 - (i) the appointments process at Annual Council;**
 - (ii) proposals for improvements to the diary and events,**
 - (iii) the role and status of the Chairman;**

and to consider whether to implement any or all of their suggestions;
- (2) To consider whether:**
 - (i) any changes are required to the process of automatically electing the Chairman;**
 - (ii) the inclusion of the responsibility for Promoting Democracy should be placed with the Chairman of Council; and**
 - (iii) the Remuneration Panel should be requested to take account of the results of this review in respect of the of the Member Accountability Statements for the Chairman & Vice Chairman of the Council and the Leader; and**
- (3) That the Overview and Scrutiny Committee and Council be recommended to adopt a revised Constitution Article 5, incorporating changes suggested by the review and that the existing protocols on the role of the Chairman and Vice Chairman and on the Election of the Vice Chairman of the Council be incorporated in Article 5 and deleted as separate documents.**

Report:

1. (Senior Democratic Services Officer) At the last meeting members agreed a scoping report on a Civic & Ceremonial Review for 2008. This report brings forward a number of issues for consideration following an officer review and also takes account of views from past Chairmen of Council and practice in other local authorities. Officers have also looked at the references to the role of the Chairman contained within the Council's Constitution.
2. The Scope of the review was agreed at the meeting of the Panel on 8 September 2008 as follows:

Scope

The role of the Chairman of Council

- A response to the report of the Councillor's Commission
- A review of the Council's Protocol and the Status of the Chairman
- A review of the member accountability statements contained within the constitution.
- How could the Chairman be better promoted?

Annual Council

- Civic and Business aspects of the Annual Council
- Changes in 2009

The Annual Civic Events

- A review of their: timing, type, relevance and affordability
- What other authorities do.

Issues from other reviews

- An update on the last review
- Issues from Audit reports: Gifts and Hospitality, Account Handling, Bank Account Processes

Constitutional Elements - The Role of the Chairman & Vice Chairman of the Council

3. Contained within the Council's Constitution are four main documents relating to the Chairman/Vice Chairman:

- (a) Article 5 (pages B10 to B12) covers the Chairing of the Council;
- (b) Protocol on the Role of the Chairman and Vice Chairman (pages S5 to S7) which covers much of the same ground as Article 5;
- (c) Protocol for the Election of the Vice Chairman of the Council (page S4 as recently amended);
- (d) Member Accountability Statements (pages W3 (Chairman) , W4 (Vice Chairman), W5 (Leader) which were intended to be the equivalent of a "job description" for Councillors holding certain positions and devised in 2001 but not reviewed since.

A review of the Council's Protocol and the Status of the Chairman

4. Past Chairmen have been invited to the meeting to discuss their views on their year as Chairman and they have been sent a questionnaire was also sent to the most recent Chairmen. Their responses are attached at Annex 2. The questions posed sought views on the broad areas for review and the replies are summarised below with a commentary from officers.

Section 1 – Vice Chairman

5. Two of the respondents did not have the opportunity to be Vice Chairman prior to becoming Chairman. However, those who had been Vice Chairman felt that this gave them invaluable experience and had been an opportunity to prepare for their Chairmanship. They felt that organisations had readily accepted that the Vice Chairman would attend events if the Chairman could not and that this gave an opportunity to meet some of the other Chairmen.

6. The notion of shadowing the Chairman in the Vice Chairman year seems to have worked well but is reliant on the availability of the Vice Chairman to attend the regular Chairman/Chairman's Secretary meetings, thereby keeping up to date with forthcoming events and the planning for them.

Commentary

7. One question has been raised about how the Chairman would be elected if the Vice Chairman were unable to become the Chairman. An example could be if a member who was not re-elected. Paragraph 5.02 of the proposed Article 5 (attached at Annex 1) would need to be amended if members feel that the Constitution should cover this point. This situation has arisen and the Council has suspended the relevant protocol and dealt with the chairmanship on an ad hoc basis without difficulty. To suspend the Protocol requires a 65% majority in Council.

Section 2 – Annual Council Meeting

8. None of the respondents thought that there should be a separate event to elect the Chairman and appoint a Vice Chairman and that other Councillors would not support this idea. There is a view, however, that the appointments to Committees etc at the Annual Meeting should be dealt with by Group Leaders beforehand or in a separate setting. Other ideas include a 'Meet the Chairman' event each year, inviting outside bodies and local councils.

Commentary

9. Elsewhere on this agenda the Panel will have noted a report that describes the new legal requirements for appointments. These changes will should the appointments process less onerous to chair as the number of bodies to which appointments will be made by the Council (rather than the Leader) will reduce. In addition, no District elections are programmed for 2009. In the past the equivalent year has usually had a simpler Annual Council.

10. The Panel may wish to consider whether any further changes could be made to the Annual Meeting. Evidence from the past Chairmen indicates that there is not support for alternative or additional meetings but a desire to deal with appointments before the Council meeting so that the process is simplified. The Panel are asked to express its view on the Annual Meeting.

Section 3 – Diary and Events

11. Attendance at events in any year is dependant on invitations received. All Chairmen enjoyed their year in office and the opportunity to meet different people and organisations. Support was also evident from previous Chairmen. Chairmen were complimentary about officer support they received.

12. Following Councillor Sandler's year improvements were made to the 'green' information form that is used to clarify the processing of events in which the chairman's involvement is sought. This seems to be operating well.

13. The Chairmen have made the following suggestions for improvements/changes:

- A two year appointment for chairman and vice chairman of the Council (see below).
- Being more proactive in promoting the Council to groups including young people.
- Encouraging invitations from Schools, Hospitals, Services and Care Homes.
- Chairman should be the "extended arm" of the Council and used far more to promote the Council.
- The Council could consider twinning with a European area to raise the profile of the civic role.
- Regular meetings with press officers.

- Interviews with new Chairman and Vice Chairman with the press.
- Promotion via the website with more items/photographs on events and a home page link – Chairman must get as much publicity as possible.

14. The Chairmen have made the following comments about the Council's understanding of the role of Chairman:

- This could be enhanced by having monthly meetings with the Leader.
- Other Chairmen of Council have far more support for Charitable Fundraising and have a far larger budget.
- The role of the chairman does not always seem to be understood and could be given more prominence in the induction training sessions for members and officers.

Commentary

15. Two-year appointments are made by Essex County Council. In Section 4 below the extension of the role of the Chairman is more fully discussed. Having a more formal arrangement between the Chairman and the Leader/Press has merit and the Leader is happy to formalise this arrangement.

16. The idea of discussing the role of the Chairman and the differences from the role of the Leader could be included in both member and officer induction. Another idea would be to develop an 'easy guide' for the public designed to explain the Chairman's role. Such a guide could also assist those acting as event organisers.

Section 4 – Status of Chairman

17. Respondents have indicated that there was sometimes confusion about the respective roles of the Chairman and Leader (and/or Mayor) which often needed to be carefully explained to the residents. There were also indications that there were some tensions when undertaking duties within the district when Town Mayor or Chairman were present.

18. Two past Chairmen made reference to the use of a Civic Car. One advocating a car for all events, another suggesting that without a car they had to 'park round the back' at functions.

19. Past Chairmen have suggested maybe having a "wearable badge" to functions when the Chain of Office was not appropriate.

Commentary

20. The Government has recently published its white paper response to the report of the Councillor's Commission. This response signals the intention of the Government to place a statutory duty on Local Authorities to promote democracy. This is in addition to their expectation of increased electoral participation. The Government are advocating promotion of local democracy through programmes such as 'Civic Champions' or 'Democracy Advocates'.

21. Government ideas include:

- Working with local schools, including initiating visits to explain their role and to support active citizenship education;
- Making a positive presentation to local volunteer groups or boards about governance roles and how to apply;
- Promoting the role of the council and councillor to community and voluntary groups; and
- Developing links with town and parish councils and supporting democracy activities.

22. It is suggested that the Chairman, as the Civic Head of the Authority, is in a unique position to undertake this role as they already have the overall responsibility for promoting public involvement in the Council's work. This would also have the effect of differentiating the Leader's role in political leadership/management of the Council from that of the Civic Head. The suggestion seems to fit well with Past Chairman's comments about being involved in schools and group's.

23. Officers have suggested wording in the revised Article 5 at paragraph 5.03 (d) to cover this aspect. The role should also be reflected in the Member Accountability Statements. This aspect falls within the remit of the Remuneration Panel. The latter is already under an instruction from the Council to look again at these statements and these ideas for developing the role of the Chairman could be taken into account at the same time.

24. A 'citizenship' programme could be looked at if members were minded to look at this issue further. We are aware (through involvement with the National Association of Civic Officers Group (NACO)) that there are some good practice examples across the country that could form the basis of such a scheme. However, any extensive programme would have resource implications for the chairman and officers and would require a detailed discussion with each Chairman to establish what is practically possible.

Section 5 - The Annual Civic Events

26. All Chairmen enjoyed their Civic Events giving them a chance to meet diverse groups of people; promoting the district; meeting people who have contributed their time to the community and having an input to the event.

27. All Chairmen felt that EFDC events were the best they had attended and were well organised. One area that was a common factor was a finding a venue for functions within the district which is large enough and suitable to accommodate them.

28. It was generally felt that no changes were required in the timing or type of events. Officers will continue to monitor the costs of events and will manage the current budget accordingly. No changes or budget increases are proposed.

29. Views were also expressed giving ideas for event types:

- Visits to places of interest (by the other Chairmen) as part of the Civic Lunch. This promotes their authority to other civic leaders.
- A Garden Party
- Civic Offices Open Day
- Forming links with local businesses
- Coffee mornings with representatives of local charities/ Youth Council Event.
- Inviting Town and Parish Clerks to an informal seminar about the civic role and etiquette.

29. Member's comments are sought on these ideas.

Section 6 – Chairman's Charity

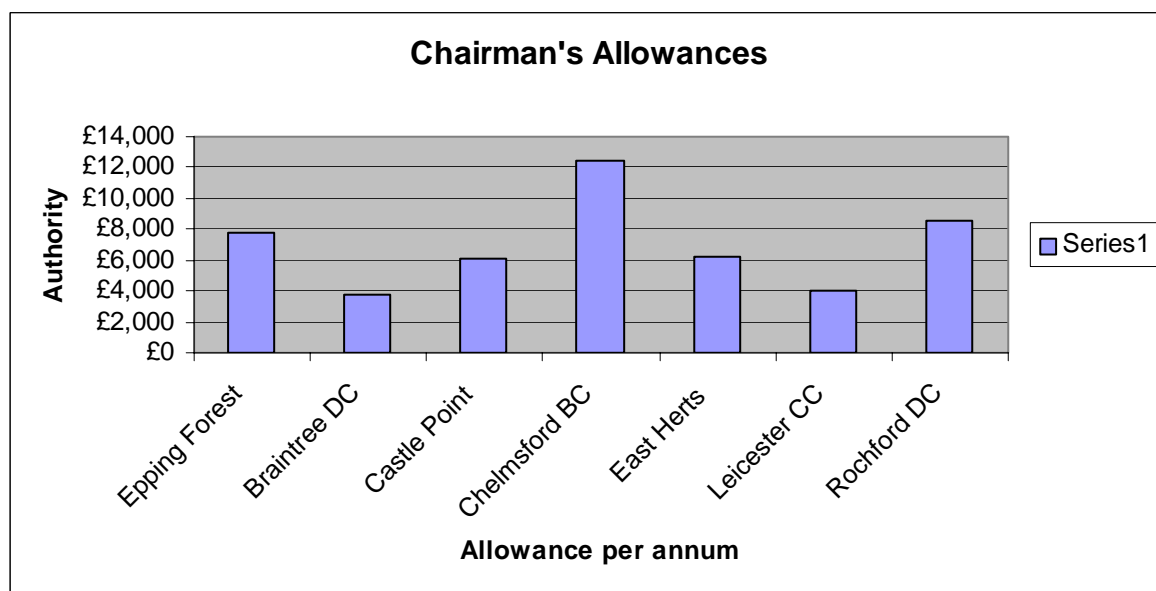
Commentary

30. Views expressed were mixed on the need for support for the Chairman's Charity although support from the officers is a common theme. Clearly, officers are spending time on charitable efforts although this is not their main function. The Chairman and the chosen charity have to provide the main thrust for any fundraising. Support to the Chairman from the charities themselves seems to have been variable. In Councillor Haigh's year, a meeting with the Charities was held in early part of the year at which the expectation of support from them was explained.

Questionnaires to other Local Authorities

31. Through NACO we have sought responses to a questionnaire from other Local Authorities. The combined results are at Annex 3

32. The chart below shows a comparison of allowances made to the Chairman/Mayor across a number of other authorities. Epping Forest's level of allowance seem to compare favourably with others.



33. Having assessed the information provided it is evident that in Epping Forest DC have more in common with Braintree DC and Rochford DC rather than the other Councils who returned the questionnaire.

34. The result of the questionnaire shows that most Councils plan a core number of events each year, which are organised by the civic officer and paid for through Council budgets. Golf Days appear to be the only event attracting sponsorship from local companies on a regular basis. Although each Civic Head supports a charity for their year in office there is a variety of ways that the charity is supported through the job description of the Civic Officer. The support varies between none and full involvement.

35. Interestingly, of the responding authorities, only one other stated that there was confusion between the roles of the Chairman and the Leader.

Revisions to Article 5 of the Constitution

36. The two Protocols largely reproduce the text contained within Article 5 of the Constitution. It is recommended that, as a tidying up exercise, the texts be brought together into one document in the main article. The suggested text is attached at Annex 1 to this report.

37. Members will need to decide whether changes suggested by officers, specifically those related to:

- (i) Process for the automatic appointment of the Vice Chairman; and
- (ii) Additions to the responsibilities of the Chairman;

should be adopted. The adoption of the changes would be a matter for full Council.

Issues from other reviews - An update on the last review

36. In December 2006 a review was undertaken into a number of aspects of the Civic function. More officer support was secured for the Chairman. This has enabled support across three day each week. Further funding was also secured for transport giving more flexibility. New custody arrangements for Civic Regalia are being followed and are proving robust.

37. New long service awards have been designed in conjunction with the original designer of the civic regalia and are in use. These comprise Gold, Silver and Bronze service badges. Examples will be available at the meeting if members would like to see them.

Issues from Audit reports

38. Internal Audit had previously raised the issue of how the Charity banking was being handled insofar as each Chairman maintains a separate charity bank account into which all donations are deposited. This process was 'outside' the Council's financial monitoring system. Agreement has been reached with Accountancy that the account would be maintained but that regular reconciliation of the account would be undertaken by Finance. Audit had no other concern about the Charity banking process that has clear measures to ensure other normal checks are made during the process.

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Proposed Changes are shown underlined

ARTICLE 5 - CHAIRING THE COUNCIL

5.01 Introduction

This article sets out the role, responsibilities and duties of the Chairman of Council. The role, responsibilities and duties fall to the Vice-Chairman in the absence of the Chairman.

5.02 Election of Chairman of the Council and Appointment of Vice-Chairman of Council

The individual elected to the office of Chairman of Epping Forest District Council shall be elected on merit, without regard to party affiliation.

The appointment of the Vice-Chairman of the Council shall also be on the basis of merit and without regard to party affiliation in accordance with the following provisions:

(i) Nominees for the office of Vice-Chairman of the Council should in future submit a nomination form signed by not less than 12 District Councillors drawn from at least two political groups;

(ii) Nominees for Vice-Chairman of the Council may be drawn from any political group or any independent member serving on the Council;

(iii) The process of agreeing a nomination for Vice-Chairman of the Council shall be co-ordinated by the Leader of the Council in consultation with independent members and the Leaders of all political groups;

(iv) The person nominated under this article and appointed by the Council as Vice-Chairman of the Council shall automatically become the Chairman of the following Council year;

(v) It shall be open to the Council to suspend the operation of the appointment process at any Annual Council meeting if this is in the best interests of the Council. Such suspension shall, however, only be agreed if 65% of the Council membership support a motion to that effect.

5.03 Overall Responsibilities

The Chairman and Vice-Chairman will be elected by the Council annually. Set out below are the overall responsibilities. It will be noted that these fall into two categories i.e. 'Chairing the Council meeting' and 'Civic/Ceremonial'. Further information on these two roles is set out in 5.04 - 5.06.

(a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;

- (b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and at which members who are not on the Executive or hold Committee Chairmen are able to hold the Executive and Committee Chairmen to account;
- (d) to promote public involvement and local democratic engagement (CLG white paper – Response to Councillors Commission) in the Council's activities;
- (e) to uphold the Members' Charter; and
- (f) to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

5.04 Chairing the Council Meeting

The Chairman shall undertake the following duties:

- (a) to determine that meetings of the Council are properly constituted and that a quorum of members is present;
- (b) to be informed as to the business and objects of meetings;
- (c) to preserve order in the conduct of those present;
- (d) to confine discussion within the limits required by the business to be determined and within a reasonable period of time;
- (e) to rule on the admissibility of motions and amendments put in debate by the Members' of the Council;
- (f) to formulate summaries of those issues arising in debate for the consideration of the meeting;
- (g) to adjudicate on points of order and personal explanation raised at meetings and other incidental issues;
- (h) to determine the proper and most appropriate method of voting on any question before the Council;
- (i) to put relevant questions to the meeting, secure orderly votes thereon and declare the result;
- (j) to inform the Council whether he or she will vote on any matter to be determined;
- (k) to give, if appropriate, a second vote or a casting vote in order to deal with an equality of votes in the circumstances set out in this Article;

(l) to adjourn any meeting of the Council should the circumstances justify or require it, having first of all taken such steps to establish that Members' of the Council support such action;

(m) to read out any motion to exclude the press and public from meetings and to seek the consent of the Council; and

(n) to sign the minutes of Council meetings as a correct record, following approval by the Council.

In carrying out these duties, the Chairman shall at all times act in accordance with legal requirements as advised by the Chief Executive, shall take care to ensure that the rights of individual members shall at all times be protected and, in the conduct of meetings shall disregard considerations arising from political affiliation and shall always have regard to the civic dignity of the Council and the office of Chairman.

5.05 Use of Casting Vote

The Chairman of the Council shall, at all times, have due regard to the requirements of the Constitution and statute law concerning the use of a "second" or "casting" vote. The Chairman shall:

(a) give a "second" vote (after voting previously on the issue) or a "casting" vote (having not voted previously) on any issue on which there is equality of voting;

(b) shall issue a "second" or "casting" vote in favour of the status quo unless there is a legal requirement to vote otherwise than for the status quo;

(c) may decline to give a second or casting vote if an affirmative vote is not required on grounds of urgency or otherwise and an opportunity will arise to consider the matter again, within a reasonable period; and

(d) shall, in the circumstances outlined in (c) above, explain such a decision to the Council.

5.06 Civic/Ceremonial Role

(a) In the carrying out of civic duties on behalf of the Council, the Chairman shall at all times act in a way consistent with the dignity of the office of Chairman and the policies of the Council.

(b) The Chairman of Council as first citizen in the district and the representative of the Queen will take precedence in the absence of the Lord Lieutenant of Essex. If the Chairman is invited to a function organised or within the district he/she is always the Guest of Honour.

(c) When the Chairman of Council is invited to carry out duties at an official Council function (e.g. naming of a street or opening of Council buildings), the following people should be invited to attend:

(i) the Chairman of the Committee or member of the Executive responsible for the function;

(ii) the Leader of the Council or a member of Cabinet nominated by him;

- (iii) if unavailable, the Vice-Chairman of Committee or another member of the Executive deputises;
- (iv) district members for the ward in question;
- (v) the Service Director responsible for the function;
- (vi) Parish Chairman or Town Mayor;
- (vii) other members and officers agreed by the Chairman of Council, the Chairman of Committee, the Leader of the Council and the Service Director; and
- (viii) the Public Relations and Marketing Officer will attend appropriate functions when the press are invited.

5.07 Absence of Chairman and Vice-Chairman

There may be occasions when the Chairman of the Council or Vice-Chairman of the Council cannot attend functions. In these circumstances, the Chairman of the Council shall nominate a past Chairman of the Council or other appropriate member to act on his behalf at any such event.

Questionnaire for Epping Forest District Council – Civic Review

From Name

Mr Brian J Sandwell

Please return by Friday 10 October 2008



Questions	Answers
<p>Vice Chairman</p> <p>1. In what way did your year as Vice Chairman give you an insight into the role of the Chairman?</p>	<p>I was installed as Chairman without the opportunity to be Vice Chairman so cannot answer this question. However, my Vice Chairman thanked me for all the assistance she received though my Year of Office and said it helped her.</p>
<p>2. What was your view of attending events that year?</p>	<p>As above</p>
<p>3. What was your understand of the role of Vice Chairman?</p>	<p>To assist the Chairman at all meetings and to stand in at events the Chairman cannot attend.</p>
<p>Annual Council</p> <p>1. Does the Annual Council give enough civic emphasis to the appointment of the Chairman of Council?</p>	<p>No. An explanation of the status of the office should be given by a senior officer at the Annual Council so that new members are aware, members are reminded and proper publicity is given.</p>
<p>3. Do you think that the appointment of the new Chairman and Vice Chairman should be held at a separate civic style event to the appointment of outside bodies?</p>	<p>As we have a Chairman and not a Mayor, we do not have a Mayor making ceremony, so I believe the appointment of the Chairman at the Annual Council is correct. But - I am always willing to listen to new ideas.</p>
<p>4. Do you think other councillors would support two Annual Council meetings?</p>	<p>Interesting thought but it would depend on the content of the meeting!</p>
<p>5. In what way could the Annual Council be improved?</p>	<p>Being the first meeting a new Chairman Chairs, it is always rather daunting and unfortunately, the various Leaders of Parties always feel that they have to argue on who gets what place on which committee. Life would be much easier and look far more professional if they were to have a proper pre-meeting to sort out their differences before presenting them to the public.</p>



Questionnaire for Epping Forest District Council – Civic Review

From Name ... *Ellie Brian Sandwell*

Please return by Friday 10 October 2008



Diary/ Events	
1. What you enjoy/dislike about your year as Chairman?	I enjoyed every aspect of my year as Chairman especially meeting so many of the wonderful people, both young and old who do so much for others without reward. Without so many wonderful volunteers the country would collapse.
2. What information did you receive before attending events?	My PA, Pat was wonderful, she made sure that I had as much information of the event as possible – what to wear – was a hat required for my wife – who I was meeting – who would be greeting me and if a speech was required, I was always fully briefed on the content or it was already prepared for me to present. Without such a good PA the year could have been awful and even more stressful.
3. Was the information provided sufficient for you to carry out your role?	Mostly.
4. Were the weekly meetings with a Civic Officer useful?	Very much so.
5. How could things be improved?	By providing a Limousine and driver for the Chairman to all events. It can be very embarrassing representing an authority and driving oneself to events, having to park with the other councils limos and walk back to the event unaccompanied when all other Chairman are driven, dropped off and collected at the door.
6. How could we promote the Chairman of Council through other routes? i.e. visit to school/hospitals/ emergency services. Please give examples.	All Schools, Hospitals, Care Homes and Services should be encouraged to invite the Chairman to visit. I visited some and found the experience very rewarding. The Chairman should be the extended arm of the Council and used far more to promote the good works of the council.



Questionnaire for Epping Forest District Council – Civic Review

From Name *Ellie Brian P. SANDER*

Please return by Friday 10 October 2008



7. Could we improve our promotion of the Chairman through the press and website?	Very much so. Epping Forest District Council Chairman gets very little publicity in the local press unless the Chairman takes his/her own camera. If the press are not attending an event then our press office should always where possible, send in photos and covering story.
8. Do you think the 'council' acknowledge the relevance of the Chairman of Council role?	No. Other Chairmen and Mayors have far more support with charitable fund raising and events committees. We seem to leave it all up to the Chairman and his/her PA. They also have a Far Larger Budget.
9. What other ideas for types of events would you suggest?	Forming a better relationship with all local businesses would be good public relations. They could be encouraged to put on charity events on behalf of the Chairman's charities. It's not so terrible giving them publicity, we can all benefit. We should also make far more use of our sites of interest throughout the district.
10. Are there suggestions for events that you saw at other authorities that we could follow?	All other authorities promote their area far more than we do.
Status of Chairman	
1. Did you encounter any confusion between the role of Chairman and the role of Leader?	Yes, many people seem to think that the Chairman and Leader are the same Office and look for the Mayor.
2. Were you always afforded the appropriate status?	No, especially with our own Town/Parish Councils – Some think that their Chairman/Mayors outrank the District Chairman. London Authorities always put Mayors before Chairman.



Questionnaire for Epping Forest District Council – Civic Review

From Name ... *Ellie Brian P Sandilands*



Please return by Friday 10 October 2008

3. What improvements that could be made?

Invite all Town & Parish Clerks to an informal seminar to educate them in status etiquette.

Civic Events

1. What did you enjoy about your Civic Events?

Meeting so many people from diverse areas of the populace and promoting Epping Forest District and obviously the red carpet respect given to the High Office.

2. With hindsight would you have arranged events at different times of the year?

No

3. Different venues?

No, because the choice of venues in the district is not extensive.

4. What do venues need?

Good ambience, plenty of space, comfortable chairs and parking facilities.

4. How did events arranged by EFDC compare with events organised by other councils?

Very well, particularly our Civic Dinner, when we present awards to the various services with all the Mayors/Chairman from all the other authorities in attendance is always successful and gets highly complemented by the other Councils.

Charity

1. What are your views on the Chairman's Charity?

A wonderful opportunity to collect money for good causes but we should have a dedicated charity committee like so many other authorities. Not just leave it to the Chairman to get prizes, arrange events etc;

2. What support (Internal/external) was given in support of your charity?

Apart from the Golf Day, Quiz Evening and advice from the PA very little, I provided all the prizes for all events and it was very expensive at times.

Please return form to Pat Seager, Chairman's Secretary, Epping Forest District Council, Civic Offices, Epping, Essex CM16 6SY



Questionnaire for Epping Forest District Council – Civic Review

From Name *Caroline Ford*

Please return by Friday 10 October 2008

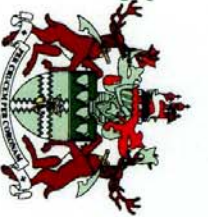


Questions	Answers
<p>Vice Chairman</p> <p>1. In what way did your year as Vice Chairman give you an insight into the role of the Chairman?</p>	
<p>2. What was your view of attending events that year?</p>	<p>It gave invaluable experience of the CM's role & representing the Council at functions. He makes a real effort to get quite a few for my CM sitting at the "top table" of all council + attend his briefings reviewing a Chair. It gives time to prepare for the coming year and decide on a chair's, any particular interests.</p>
<p>3. What was your understand of the role of Vice Chairman?</p>	<p>Enjoyable and good practice for the following year. These seminars are well received to give the VC a feel of the chair could not. Vice to meet some of the other chairs.</p>
<p>Annual Council</p>	
<p>1. Does the Annual Council give enough civic emphasis to the appointment of the Chairman of Council?</p>	<p>Yes.</p>
<p>3. Do you think that the appointment of the new Chairman and Vice Chairman should be held at a separate civic style event to the appointment of outside bodies?</p>	<p>No. Would that be legal anyway?</p>
<p>4. Do you think other councillors would support two Annual Council meetings?</p>	<p>No.</p>



Questionnaire for Epping Forest District Council – Civic Review

From Name Laoline Pond



Please return by Friday 10 October 2008

5. In what way could the Annual Council be improved?	I think it is fine as it is. Much use Eagle requirement and has to be done. Outside body appointments could be sorted out before hand to save time if possible.
Diary/ Events	
1. What you enjoy/dislike about your year as Chairman?	I enjoyed it all very much, including chairing full Council which saved doubling at first. Some events are worth perhaps not wish to attend again, but none is fine.
2. What information did you receive before attending events?	Normally very full information of the event, location, timing, people to meet etc. Green Farm very useful.
3. Was the information provided sufficient for you to carry out your role?	Yes.
4. Were the weekly meetings with a Civic Officer useful?	Extremely useful.
5. How could things be improved?	What sort of catering, if any, needs to be stated on the form. otherwise normally very efficient.
6. How could we promote the Chairman of Council through other routes? i.e. visit to school/hospitals/ emergency services. Please give examples.	The school and col park who visited the chamber during the year were very interested, as were the guides who I visited. The chamber visits were worthwhile - we could be more proactive in promoting these.

Questionnaire for Epping Forest District Council – Civic Review



From Name Baroline Ford

Please return by Friday 10 October 2008

7. Could we improve our promotion of the Chairman through the press and website?	Reasonable coverage already. Perhaps an interview when the new CM is elected with the press. The link on website to CMs events is good idea but more events should be included. More prominence on the home page. Give prominence to the CM's role in introductory briefing sessions to members + officers
8. Do you think the 'council' acknowledge the relevance of the Chairman of Council role? <u>Not always</u>	Visits to places of interest in the District by Chairman e.g. Enfield's Chapel manor, Uthelands' Soften Wood Museum. We could do the Warren, Copthall, Sunford Farm, etc, Museum etc
9. What other ideas for types of events would you suggest?	
10. Are there suggestions for events that you saw at other authorities that we could follow?	Yes. Leaders and elected members prominence in the news system and their desire for publicity has led to confusion both by public and council.
Status of Chairman	
1. Did you encounter any confusion between the role of Chairman and the role of Leader?	Generally confusion sometimes between MP, Chairman of County Council, and even Epping Town Mayor.
2. Were you always afforded the appropriate status?	Lack of an official card, meant sometimes being sent round the back for a location.
3. What improvements that could be made?	Add a paragraph to the Green Leaf letter protocol for Mayor's status - Mayor might have more status. Don't not back up the status of the Mayor.



Questionnaire for Epping Forest District Council – Civic Review

From Name *Baseline Pad*



Please return by Friday 10 October 2008

Civic Events	
1. What did you enjoy about your Civic Events?	<p>Meeting those who contribute of their time in community activities, both public and representatives from other authorities. The young pair the input ^{the input} to all 3 events which I attended. They were right ^{right} at ^{at} the year.</p>
2. With hindsight would you have arranged events at different times of the year?	<p>No</p>
3. Different venues?	<p>No</p>
4. What do venues need?	<p>To be in the District. Sufficient size. Unusual enough to impress, and interest guests. Affordable. Good food.</p>
4. How did events arranged by EFDC compare with events organised by other councils?	<p>Very well. The time put into planning the events certainly paid off. Don't not quantify. We were much better organised than many other councils.</p>
Charity	
1. What are your views on the Chairman's Charity?	<p>Good idea to have a charity, but Pad became too important to the chairman's role.</p>
2. What support (internal/external) was given in support of your charity?	<p>Not much by my charity - 2 deliberated close a Pad Pad one. Pad of welcome support from the chairman's ^{chairman's} night, the good ^{good} days, and advice.</p>

Please return form to Pat Seager, Chairman's Secretary, Epping Forest District Council, Civic Offices, Epping, Essex CM16 6SY



Questionnaire for Epping Forest District Council – Civic Review

From Name Ann Stratton

Please return by Friday 10 October 2008



Questions	Answers
<p>Vice Chairman</p> <p>1. In what way did your year as Vice Chairman give you an insight into the role of the Chairman?</p>	<p>Through attending full Council meetings, deputising for Chairman at events, briefing staff officers. Attending Chairman's fund raising events.</p>
<p>2. What was your view of attending events that year?</p>	<p>Enjoyed the opportunity to be involved in the Chairman's activities and to attend events in my own area. It was good to have this opportunity & preparation for my year in office.</p>
<p>3. What was your understand of the role of Vice Chairman?</p>	<p>As support to the Chairman & an appointment</p>
<p>Annual Council</p>	
<p>1. Does the Annual Council give enough civic emphasis to the appointment of the Chairman of Council?</p>	<p>Yes</p>
<p>3. Do you think that the appointment of the new Chairman and Vice Chairman should be held at a separate civic style event to the appointment of outside bodies?</p>	<p>No - The annual meeting is best - there should be a civic style event.</p>
<p>4. Do you think other councillors would support two Annual Council meetings?</p>	<p>No. I think there may be a loss of attendance if there are budget issues.</p>



Questionnaire for Epping Forest District Council – Civic Review

From Name

Please return by Friday 10 October 2008



5. In what way could the Annual Council be improved?	
Diary/ Events	
1. What you enjoy/dislike about your year as Chairman?	Enjoyed it all to provide a focus to county give pleasure to be able to provide a focus to county I must be going on our way to - Park to be a support I must be going on our way to - Park to be a support I must be going on our way to - Park to be a support
2. What information did you receive before attending events?	Nothing of any use. By the way I must be going on our way to - Park to be a support I must be going on our way to - Park to be a support I must be going on our way to - Park to be a support
3. Was the information provided sufficient for you to carry out your role?	yes
4. Were the weekly meetings with a Civic Officer useful?	Very - it felt like a partnership & was very rewarding.
5. How could things be improved?	
6. How could we promote the Chairman of Council through other routes? i.e. visit to school/hospitals/ emergency services. Please give examples.	Thank that visit to schools & visit to the hospital - consider training with our own schools.

Questionnaire for Epping Forest District Council – Civic Review

From Name

Please return by Friday 10 October 2008



7. Could we improve our promotion of the Chairman through the press and website?	<p>Hold regular meetings with Press Officers, people advise the website - I received a contact from an ex-council member who spoke with the 20 years, but the website for any status with the 20 years</p>
8. Do you think the 'council' acknowledge the relevance of the Chairman of Council role?	<p>yes but it could be enhanced for example meetings with north Essex Council's chairman.</p>
9. What other ideas for types of events would you suggest?	<p>offer more with representing local clubs in celebration of youth activities.</p>
10. Are there suggestions for events that you saw at other authorities that we could follow?	<p>having in conjunction a tour of the site of the park in the area of the park. The park is a very important site and it is a very important site. The park is a very important site. The park is a very important site.</p>
<p>Status of Chairman</p>	
1. Did you encounter any confusion between the role of Chairman and the role of Leader?	<p>if an election necessary to point out the duties to residents.</p>
2. Were you always afforded the appropriate status?	<p>Chairman's role is to be a ceremonial duties at events with the District - other than was a tour again.</p>
3. What improvements that could be made?	<p>I think there has been work on the website</p>



Questionnaire for Epping Forest District Council – Civic Review

From Name

Please return by Friday 10 October 2008



Civic Events	
1. What did you enjoy about your Civic Events?	Promoting our district especially the water features on our walks and the scenery on our walks
2. With hindsight would you have arranged events at different times of the year?	I think it is good to have the events during the summer months
3. Different venues?	It would be good to have a few more venues during the winter months
4. What do venues need?	It is good to have the water features and the scenery on our walks
4. How did events arranged by EFDC compare with events organised by other councils?	Our's were much more organised & so a lot of things were done in a more professional manner
Charity	
1. What are your views on the Chairman's Charity?	I believe it is a good way to promote funds to give to charity
2. What support (internal/external) was given in support of your charity?	The Chairman needs to be supported to promote the charity. Staff were very helpful in attending to the charity. There were many people who were very helpful in the charity. There were many people who were very helpful in the charity.

Please return form to Pat Seager, Chairman's Secretary, Epping Forest District Council, Civic Offices, Epping, Essex CM16 6SY



Questionnaire for Epping Forest District Council – Civic Review

From Name *Richard Morgan*

Please return by Friday 10 October 2008



Questions	Answers
Vice Chairman 1. In what way did your year as Vice Chairman give you an insight into the role of the Chairman?	N/A
2. What was your view of attending events that year?	N/A
3. What was your understand of the role of Vice Chairman?	To support chairman and deputise at events
Annual Council	
1. Does the Annual Council give enough civic emphasis to the appointment of the Chairman of Council?	Yes, but ↘
3. Do you think that the appointment of the new Chairman and Vice Chairman should be held at a separate civic style event to the appointment of outside bodies?	It would be nice to try a separate civic event for appointments.
4. Do you think other councillors would support two Annual Council meetings?	Probably Not!!

Questionnaire for Epping Forest District Council – Civic Review



From Name Richard Morgan

Please return by Friday 10 October 2008

5. In what way could the Annual Council be improved?	I write outside bodies and parial council representatives.
Diary/ Events	
1. What you enjoy/dislike about your year as Chairman?	Enjoyed travelling all over the country. meeting so many different people in other authorities, and seeing so many new places. Dislike. When the year was over.!!
2. What information did you receive before attending events?	Full information on the Green Form.
3. Was the information provided sufficient for you to carry out your role?	Yes, but would have been easier if the chairman had Sat - Nav.
4. Were the weekly meetings with a Civic Officer useful?	Yes very useful.
5. How could things be improved?	Have a 2 year appointment as chairman.?
6. How could we promote the Chairman of Council through other routes? i.e. visit to school/hospitals/ emergency services. Please give examples.	The Mayor of a Borough seems to get a higher Profile than the chairman of council although they are the same role. Services, more liaison with visits to Emergency Services, more liaison with local Councils. Police.

Questionnaire for Epping Forest District Council – Civic Review

From Name Richard Morgan

Please return by Friday 10 October 2008



7. Could we improve our promotion of the Chairman through the press and website?	<p>Press very good in my year, as we get on well with the Editor of Guardian. The Chairman must get as much media publicity as possible. Website - how many people look at it?</p>
8. Do you think the 'council' acknowledge the relevance of the Chairman of Council role?	<p>Yes I hope so.</p>
9. What other ideas for types of events would you suggest?	<p>Garden Party. Open day at the office.</p>
10. Are there suggestions for events that you saw at other authorities that we could follow?	<p>I think we do more events than most authorities now, all of which have been very well organised. I saw no events which we could follow.</p>
<p>Status of Chairman</p>	
1. Did you encounter any confusion between the role of Chairman and the role of Leader?	<p>No, not confusion between the role of Chairman and Leader, but confusion between Chairman and Mayor, or. Mayor's seemed to command more attention in their Roles.</p>
2. Were you always afforded the appropriate status?	<p>Yes apart from above. Also confusion between Mayor and Chairman</p>
3. What improvements that could be made?	<p>When the Chairman is on informal events and not wearing the full chain, have a some sort of badge with the Council Crest and Name and Chairman of Council</p>

1 E. Blazer Embroidered Badge for men and women similar for ladies.
More use of a car Crest or flag.



Questionnaire for Epping Forest District Council – Civic Review

From Name *Richard Morgan*



Please return by Friday 10 October 2008

Civic Events

1. What did you enjoy about your Civic Events?	<p>Enjoy entertaining a variety of different people and the honour of representing E.F.DC.</p>
2. With hindsight would you have arranged events at different times of the year?	<p>Events at present are spread out well enough out the year.</p>
3. Different venues?	<p>No. all present venues for civic events very good.</p>
4. What do venues need?	<p>Plenty of room good parking and most of all a special attraction to guests. Wat a village Hall !!</p>
4. How did events arranged by EFDC compare with events organised by other councils?	<p>Events arranged by E.F.DC were the best. This is due to the very efficient Chairmen P.A. and other helpful officers.</p>
Charity	
1. What are your views on the Chairman's Charity?	<p>A most important part of the Chairman's role, helping as many local charities</p>
2. What support (internal/external) was given in support of your charity?	<p>Excellent support from all our officers and from the general public. It does depend on what the charities the chairman supports.</p>

Please return form to Pat Seager, Chairman's Secretary, Epping Forest District Council, Civic Offices, Epping, Essex CM16 6SY





ANNEX 3 Questionnaire for Epping Forest District Council - Civic Review 2008 Compilation of Results

Question	Answer
1. What is your Chairman/Mayors allowance for the year?	Epping Forest DC £7760 Braintree DC £3810 Castle Point BC £6137 Chelmsford BC £12500 East Herts DC £6250 Leicester CC £4000 Rochford DC £8500
2. What is your Civic Ceremonial Budget for the year?	Epping Forest DC £17620 Braintree DC £17340 Castle Point BC £9500 Chelmsford BC £21250 East Herts DC £4550 Leicester CC £23300 Rochford DC £10000
3. How is this budget broken down?	Epping Forest DC Braintree DC Castle Point BC Chelmsford BC East Herts DC - Leicester CC Rochford DC various breakdown between costs





ANNEX 3 Questionnaire for Epping Forest District Council - Civic Review 2008 Compilation of Results

Question	Answer
4. How many events does you Chairman/Mayor attend during their year in office?	<p>Epping Forest DC 150 - 180 Braintree DC 90 Castle Point BC 400 Chelmsford BC 300-400 East Herts DC 60 Leicester CC 700 Rochford DC 150</p>
5. What type of events would your Chairman/ Mayor attend?	<p>Epping Forest DC - Local events/charity/EFDC events/other Essex events Braintree DC - Local events/charity/Braintree DC events/other Essex events Castle Point BC - School tours/charity/local events/other Essex events Chelmsford BC - attends as many events as possible/does not refuse invite East Herts DC - Openings/ Civic Functions/ Charity Events/ Openings, Leicester CC - Local community events/charity/City events/other auth. events Rochford DC - Civic events/charity/church services</p>
6. How many Civic Events does the Chairman host in a Civic year?	<p>Epping Forest DC 5 Braintree DC 2 Castle Point BC 8-10 Chelmsford BC 8 East Herts DC 2 Leicester CC 50-120 Rochford DC 3</p>



ANNEX 3

Questionnaire for Epping Forest District Council - Civic Review 2008

Compilation of Results



Question	Answer
7. What type of events are organised?	<p>Epping Forest DC - Golf Days/Carol Service/Multi Faith Service/Civic Lunch/Civic Awards</p> <p>Braintree DC - Civic Recp/Golf Day/Volunteer events/Celebrations/PC</p> <p>Castle Point BC - Afternoon Teas/Firework Festival/ Christmas Carols & Reception/Civic Dinner/ Remembrance Day events</p> <p>Chelmsford BC - Church services/Remembrance Sunday/ Receptions/ Tree Planting/ Community Evening</p> <p>East Herts DC - Civic Dinner & Civic Service</p> <p>Leicester CC - Civic Dinners/receptions/teas/church services/charity events</p> <p>Rochford DC - Civic Dinner/ Reception/Carol Service</p>
8. Who is invited to attend these events?	<p>Epping Forest DC - Dist Cllrs /Lord Lieu/High Sheriff/Chain Gang/com reps/MP</p> <p>Braintree DC - Dist Cllrs /Lord Lieu/High Sheriff/Chain Gang/com reps/MP</p> <p>Castle Point BC - Dist Cllrs /Lord Lieu/High Sheriff/Chain Gang/com reps/MP</p> <p>Chelmsford BC - Dist Cllrs /Lord Lieu/High Sheriff/Chain Gang/com reps/MP</p> <p>East Herts DC - Dist Cllrs /Lord Lieu/High Sheriff/Chain Gang/com reps/MP</p> <p>Leicester CC - Dist Cllrs /Lord Lieu/High Sheriff/Chain Gang/com reps/MP</p> <p>Rochford DC - Dist Cllrs /Lord Lieu/High Sheriff/Chain Gang/com reps/MP</p>
9. Are these events paid for by the council or by outside sponsorship?	<p>Epping Forest DC - Golf Day Sponsorship/ other events by council</p> <p>Braintree DC - Golf Day Sponsorship/ other events by council</p> <p>Castle Point BC - a % of civic dinner sponsorship/ other events by council</p> <p>Chelmsford BC - All events by council</p> <p>East Herts DC - mainly through City council budget/occasional sponsorship</p> <p>Leicester CC - mainly through City council budget/occasional sponsorship</p> <p>Rochford DC - All events by council</p>





ANNEX 3 Questionnaire for Epping Forest District Council - Civic Review 2008 Compilation of Results

Question	Answer
10. Can you please supply a breakdown of costs?	Epping Forest DC Braintree DC Castle Point BC Chelmsford BC East Herts DC - Leicester CC Rochford DC various breakdown between costs
11. Do these events change every year with each Chairman/Mayor or do you stick to a traditional series of events each year?	Epping Forest DC – similar each year Braintree DC – similar each year Castle Point BC – similar each year Chelmsford BC – similar each year East Herts DC - similar each year Leicester CC – similar each year Rochford DC – similar each year
12. Is there ever any confusion between invitations to Chairman/ Mayor and Leader of Council?	Epping Forest DC – yes (Chairman) Braintree DC - yes (Chairman) Castle Point BC - no (Mayor) Chelmsford BC - very rarely (Mayor) East Herts DC - no (Chairman) Leicester CC - very rarely (Mayor) Rochford DC - no (Chairman)
13. If yes, how do you resolve these issues?	Epping Forest DC - ? Braintree DC - contact organiser Castle Point BC - n/a Chelmsford BC - contact organiser East Herts DC - n/a Leicester CC - contact organiser Rochford DC - n/a





ANNEX 3 Questionnaire for Epping Forest District Council - Civic Review 2008 Compilation of Results

Question	Answer
14. Does your Chairman/ Mayor support a charity?	Epping Forest DC - yes Braintree DC - normally Castle Point BC - yes Chelmsford BC - yes East Herts DC - yes Leicester CC - yes Rochford DC - yes
15. How much support is given by the council to the Chairman/Mayors Charity?	Epping Forest DC - depends on the event Braintree DC - minimal Castle Point BC - no Chelmsford BC - no East Herts DC - variable Leicester CC - for the 3 main charity events Rochford DC - yes
16. If yes, is this support included in the support officers job description?	Epping Forest DC - no Braintree DC - yes Castle Point BC - no Chelmsford BC - no East Herts DC - no Leicester CC - yes Rochford DC - yes



ANNEX 3 Questionnaire for Epping Forest District Council - Civic Review 2008 Compilation of Results



Question	Answer
17. Do you have any innovative schemes? If so please provide details.	Epping Forest DC - ? Braintree DC - no Castle Point BC - no Chelmsford BC - no East Herts DC - no Leicester CC - Citizen of the Year Rochford DC - Quiz night, golf days, district tours
18. Do you have a protocol for your Chairman/mayor? If yes may we have a copy of it?	Braintree DC - enclosed Castle Point BC Chelmsford BC - enclosed East Herts DC Leicester CC Rochford DC - enclosed
19. May we have a copy of your job description?	Braintree DC - under review Castle Point BC - enclosed Chelmsford BC - not available East Herts DC - enclosed Leicester CC - not available Rochford DC - not enclosed



Report to the Constitutional Affairs Standing Scrutiny Panel



Date of meeting: 3 November 2008

Report of: Assistant to the Chief Executive

Subject: Review of Contract Standing Order C13 (Provisions for Appointment of Consultants)

Contact for further information: I Willett (Ext 4243)

Democratic Services Officer: M Jenkins (Ext 4607)

Recommendation:

That the revised Contract Standing Order C13 set out in Appendix 1 to this report be approved and recommended to the Overview and Scrutiny Committee and the Council for adoption.

Report:

1. An officer working party has reviewed arrangements for recruitment of consultants. This review was carried out because of concerns expressed about the process for recruiting consultants being used in various directorates of the Council. These concerns focus on the following aspects:
 - (a) that consultants are being engaged for extended periods often to cover establishment posts;
 - (b) that there is not always evidence of adequate market testing in order to demonstrate value for money in these appointments;
 - (c) that consultants are often engaged and retained at high cost which may adversely affect the number of staff hours available to the Council.
2. Some aspects of the engagement of consultants by the Council and also their duties and responsibilities on behalf of the Council are covered in Contract Standing Order C13. However, the officer review indicates that this Contract Standing Order does not go far enough in ensuring that consultant services are procured in such a way as to secure value for money for the Authority. With this in mind, the review has focussed on the different roles that consultants perform within the Authority and how Contract Standing Orders can regulate the use of these appointments.
3. In broad terms, the use of consultants falls into two categories:
 - (a) cases where the Council supplements its own staffing resources with specialist advice and support for specific projects over a predetermined period; and
 - (b) cases where consultants are brought in to supplement the staffing resources of the Council where there are vacancies etc which are affecting basic workflow.

4. The officer review has concluded that the term “consultant” has not been clearly defined. Therefore, if Contract Standing Orders are to apply to the procurement of such persons, they will need to define what a consultant is. The review also highlighted the fact that there are occasions when the term “consultant” is often used in the context of temporary members of staff which must be dealt with in a completely different manner.

Definition of Consultant

5. The definition of “consultant” which is recommended is a non-established person (i.e. not employed by the Council and not on the payroll or covering an establishment post). The person may be engaged to carry out a specific task over a specific period and recruited externally, either directly with the individual, through a company or similar commercial undertaking or through an agency. This definition envisages that the consultant will be appointed, carry out the task allocated over a pre-determined period and then cease to be employed at the completion of the project.

Definition of Temporary Staff

6. A definition of temporary staff is also required. It is recommended that temporary staff be defined as those appointments which cover existing posts within the Council. These persons will appear on the Council’s payroll and appear on its staffing establishment, in a temporary capacity. Temporary staff may be recruited directly, through commercial concerns or through agencies but there should be a condition that they are appointed within the relevant salary scale for the post being covered. There must also be budgetary provision available.
7. There is a requirement that temporary staffing positions must be time limited so as not to create for the individual employment rights which may be to the detriment of the Authority as employer. Thus, the definition of a temporary member of staff includes reference to a six-month employment limit.

Procurement of Consultants

8. “Consultants” as defined above must be procured with regard to value for money. With this in mind, it is proposed in the revised Standing Order that these appointments must be subject to the competition rules set out in Contract Standing Orders unless the Essex Procurement Hub or the Capita Recruitment System has been used. Those two systems have in-built market testing which achieve value for money. Only if those systems are unsuitable or unable to secure an appointment would Contract Standing Orders apply. This principle has already been included in Contract Standing Orders for other types of procurement.

Procurement of Temporary Staff

9. It is proposed that Service Directors, in addition to having regard to budgetary considerations and salary scales, should be able to appoint at up to 20% above maximum scale point concerned if there are any problems in securing an appointment.

Legal Advice

10. Procurement of legal advice services has been specifically excluded from the requirements of Contract Standing Orders and the Procurement Hub/Capita System because of the extremely specialised advice that is required. Often in these cases, competition between different legal advisers is not a reality because of specific legal experience or expertise and it is considered that the Contract Standing Order should recognise this. However, Contract Standing Orders should still require competitive quotations to be sought whenever this is a practical proposition.

Revisions to Contract Standing Order C13

11. The Panel is asked to consider the proposed revisions to the Contract Standing Order. These are set out in Appendix 1 to this report in bold type underlined. If the Panel accepts these changes, they should recommend accordingly to the Overview and Scrutiny Committee and the Council for adoption as part of the Council's Constitution.
12. Other aspects of Contract Standing Orders will be brought forward as part of the forthcoming annual review for 2008/9. This matter was brought before the Panel now because it is considered urgent to have a framework for procuring consultant services as soon as possible.

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REVISED CONTRACT STANDING ORDER C13 (APPOINTMENT OF CONSULTANTS)

- (1) It shall be a condition of the appointment of any architect, engineer, quantity surveyor or other consultant (not being an officer of the Council) who is to be responsible to the Council for the supervision of a contract on its behalf, that in relation to that contract there shall be compliance with the requirements of these Standing Orders relating to contracts as though the Consultant was a Chief Officer. The Council's standard forms of appointment for consultants shall apply in all cases unless the Chief of Legal, Administration and Estates Officer directs otherwise. These are set out on the Council's intranet.
- (2) The engagement of consultants shall be in accordance with Standing Orders C3 (Contracts not Exceeding £25,000), C4 (Contracts Exceeding £25,000 but not Exceeding £50,000), C5 (Contracts Exceeding £50,000), C6 (Restricted Tendering), C7 (Ad Hoc List - Contracts over £2 million), C8 (Open Tendering), C9 (Negotiated Tendering - Contracts over £50,000) or C11 (Serial Contracts), dependant on the estimated amount of the fees and disbursements to be paid to them.
- (3) **The procurement of consultants as defined in paragraph (5) below shall be exempt from the requirements of paragraph (2) above if appointments are sought and made through the Essex Procurement Hub or the Capita system. In the event that the Procurement Hub and the Capita system cannot secure a suitable appointment, paragraph (2) above will apply.**
- (4) The appointment of any consultant to the Council in respect of duties performed or services rendered on projects with an estimated or potential scheme value in excess of £250,000 shall be under seal. The appropriate Chief Officer may however, require that any contract in respect of a scheme of less than £250,000 in value or amount shall be under seal if it is considered that this would be in the Council's best interests.
- (5) **For the purposes of this Contract Standing Order, "consultant" is defined as an appointment of a non-established person (ie not employed by the Council or included on the Council's payroll or covering an establishment post) which is procured directly, through a company or similar commercial undertaking or through an agency (and engaged to perform a specific task over a predetermined period).**
- (6) **Any appointment which does not meet the definition of consultant shall be deemed to be an appointment of a temporary member of staff, being a person included on the Council's staffing establishment and payroll, whether procured directly, through a company, or similar commercial undertaking or through an agency. Such a temporary appointment shall be deemed to be for the purpose of covering establishment posts within the Council. Such appointments shall be made by the relevant chief officer under delegated authority subject to the following conditions:**
- (a) **appointments being funded from the existing salary budget for the service or Directorate concerned;**

- (b) appointments being made at a salary within the appropriate salary scale for the post being covered;
 - (c) delegated authority being exercisable by the relevant chief officer within a salary level equivalent to 20% above the highest scale point in the salary scale concerned;
 - (d) such temporary appointments being made for no more than six months.
- (7) The engagement of Counsel (or similar legal adviser) is exempted from the requirement to place orders through the Essex Procurement Hub or the Capita system but the Director of Corporate Support Services is required to demonstrate value for money has been obtained provided that the nature of the legal advice concerned makes competitive arrangements realistic.

Report to Constitution and Members' Services Standing Scrutiny Panel

Date of meeting: 3 November 2008

Portfolio Holder: Leader

Report of: Assistant to the Chief Executive

Subject: Local Government and Public Involvement in Health Act 2007 - Executive Constitution

Officer contact for further information: I Willett (01992 564243)

Democratic Services Officer: I Willett (01992 564243)



SCRUTINY

Recommendations:

(1) To consider proposed amendments to the following parts of the Constitution:

Article 3 (Citizens and the Council)	(Appendix 1)
Article 4 (The Full Council)	(Appendix 2)
Article 7 (The Executive)	(Appendix 3)
Council Procedure Rules	(Appendix 4)
Executive Procedure Rules	(Appendix 5)
Scheme of Delegation	(Appendix 6)

(2) To review the following schedules:

Delegation to Officers

Appendix 7 - Leader Approval

Appendix 8 - Council Approval

Outside Bodies

Appendix 9 - Leader Approval

Appendix 10 - Council Approval

(3) To consider the Council's public statement regarding this review of the Council's executive arrangements;

(4) That a report be submitted to the Council recommending the adoption of the statement under (3) and the proposed changes to the Constitution and seeking authority for other minor and consequential amendments to be made by the Assistant to the Chief Executive; and

(5) That, prior to submission to the Council, the report of this Panel be submitted to the Cabinet for consultation purposes as well as the Overview and Scrutiny Committee.

Report:

1. The 2007 Act makes a number of changes to the operation of local authority executives and in particular the powers of the Leader of the Council.

2. Previously the Council had a choice between three types of executive but the new Act has reduced this by one to the following options:
 - (a) Elected Mayor and Cabinet; or
 - (b) Leader and Cabinet.
3. This Council has been operating (b) since 2000 but on a different basis from the one which the 2007 Act provides. The Council's Leader and Cabinet Executive is the optional "Weak Leader" model with appointments of the Leader, Deputy and portfolio holders etc made by the Council. Likewise, the number and duties of portfolios, delegation to officers and appointments to outside organisations are not dealt with by the Leader but by the Council.
4. The 2007 Act ends the "Weak Leader" executive and requires the Council to move to the "Strong Leader" model. This means that the various functions summarised in Paragraph 3 are now the sole responsibility of the Leader of the Council. However the Council retains responsibility for non-executive functions and the governance arrangements, which apply to them.
5. Main Changes Summarised
 - (a) the Leader of Council is appointed by the Council at its Annual meeting;
 - (b) if not appointed at the Annual meeting, the Council must make the appointment at its next available meeting;
 - (c) a Leader's term of office starts on the date of election into that role and ceases at the conclusion of his/her term of office as a Councillor unless:
 - (i) the Leader resigns.
 - (ii) the Leader becomes disqualified.
 - (iii) the Leader is removed from office by a majority vote in the Council.
 - (iv) the Leader becomes incapacitated.
 - (d) the Leader may only be removed from office on the grounds mentioned in (c) above or by reason of regulations which have yet to be made by Parliament;
 - (e) the Leader's term of office runs until his/her term of office as a Councillor ends but the 2007 Act extends this by a few weeks to the next Annual Council meeting and for that reason, his/her term of office as a Councillor is extended by the same period.
 - (f) Section 63 of the 2007 Act makes the Leader of the Council responsible for discharge of all executive functions.

Previous Council Discussions

6. At the Council meeting on 22 April 2008 (Minute 121(b)), the Council resolved:
 - (a) to continue with the Leader and Cabinet executive;
 - (b) to reject the option of a Mayor and Cabinet executive;
 - (c) to vary the Constitution in accordance with statutory requirements;

- (d) to consider a public statement regarding the Council's decision, set a timetable for implementation and describe any interim arrangements;
- (e) to retain the provision for the Leader to be removed from office by a majority vote in the Council.

Next Steps

- 7. The Council now needs to amend its Constitution to accord with the 2007 Act. The following documents are therefore submitted for review:
 - ... (a) Article 3 (Citizens and the Council) - Appendix 1.
 - ... (b) Article 4 (The Full Council) - Appendix 2.
 - ... (c) Article 7 (The Executive) - Appendix 3.
 - ... (d) Council Procedure Rules - Appendix 4.
 - ... (e) Executive Procedure Rules - Appendix 5.
 - ... (f) Scheme of Delegation - Appendix 6.
- 8. These documents show the existing wording and proposed changes to comply with the 2007 Act.

Delegation to Officers

- ... 9. In addition, there are two Appendices (7 and 8) relating to the Schedule of Delegation to Officers. Appendix 7 indicates those delegations which are to be approved by the Leader because they relate to executive services. Appendix 8 shows the remaining delegations which are to be approved by the Council.
- 10. These appendices represent a subdivision of the existing schedule. The criterion for the executive list is that the delegations relate to services. For the Council/Regulatory list those delegations which relate to corporate governance and non Cabinet services have been included.

Outside Organisations

- ... 11. Two further Appendices (9 and 10) are submitted in respect of appointments to outside bodies. Appendix 9 are bodies where appointed by the Leader and are the same as those listed in the category "Executive" in the existing schedule. Appendix 10 shows those which are proposed to remain with the Council.
- 12. Later this year, the Panel will be conducting the normal review of the list.

Notes on Delegation to Officers and Outside Organisations

- 13. It is worth bearing in mind that all the Panel is being asked to do is to recommend how the two lists are to be configured, not actual appointments.
- 14. Outside Organisations are subject to a pro rata division between political groups, although the executive local and ex-officio categories are not included.

Action which the Council must take

15. Although some government regulations have yet to be published, the changes needed to the Constitution are clear. The Act requires the Council to publish a statement indicating:
 - (a) the Council's decision on the form of executive and the reasons for this decision;
 - (b) the changes to the Leader and Cabinet Executive which are now proposed;
 - (c) the timescale for introducing the changes;
 - (d) any interim arrangements which will operate.
- ... 16. A draft statement is set out in Appendix 12 for consideration by the Panel. Once approved by the Council, it is suggested that this be published:
 - (a) on the website;
 - (b) in The Forester;
 - (c) by means of press releases.

ARTICLE 3 – CITIZENS AND THE COUNCIL

<p>3.01 Citizens' Rights</p> <p>Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:</p>	
<p>(a) Voting and Petitions</p> <p>Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.</p>	
<p>(b) Information</p> <p>Citizens have the right to:</p>	
<p>(i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;</p>	
<p>(ii) attend meetings of the Executive except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;</p>	
<p>(iii) find out from the forward plan what key decisions will be taken by the executive and when;</p>	
<p>(iv) see reports and background papers, and any records of decisions made by the Council and the executive; and</p>	
<p>(v) inspect the Council's accounts and make their views known to the external auditor.</p>	

<p>(c) Participation</p> <p>Citizens have the right to participate in the Council's question time and contribute to investigations when invited by Overview and Scrutiny committees via the Authority's consultation policy and the scrutiny rules set out in Part 4 of this Constitution.</p>	<p>1. ADD "and the Cabinet's" after "Council's" in the first line.</p> <p>2. ADD new sentence as follows:</p> <p>"Citizens will also have the right to attend and address meetings of the Complaints and the Housing Appeals and Review Panels (on matters personal to them) and as applicant for planning consent (or objector) at an Area Plans Sub Committee, the District Development Committee or for any purpose agreed by the Council at a meeting of the full Council.</p> <p>REASON: To reflect the introduction of public questions at Cabinet meetings and other bodies where citizens can address Council bodies."</p>
<p>(d) Complaints</p> <p>Citizens have the right to complain to:</p> <p>(i) the Council itself under its complaints scheme;</p> <p>(ii) the Ombudsman after using the Council's own complaints scheme; and</p>	
<p>(iii) the Standards Board for England about a breach of the Councillors' Code of Conduct.</p>	<p>DELETE "Standards Board for England" and substitute "Epping Forest District Standards Committee" in the first line.</p> <p>REASON: Complaints are now referred to the Standards Committee under the Local Government etc Act 2007.</p>
<p>3.02 Citizens' Responsibilities</p> <p>Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully damage property owned by the Council, councillors or officers. Any such behaviour may result in the applications of sanctions, which might include termination of correspondence or telephone contacts, or, in appropriate cases, institution of legal proceedings or the reference of the matter to the Police.</p>	

Constitution Article 4 – The Full Council

Existing Text	Suggested Alterations
<p>4.01 Terms of Reference</p> <p>The Council, and only the Council, will exercise the following functions:</p> <p>(a) Adoption of and changes to the Constitution;</p> <p>(b) Approval of, adoption of and revisions to the policy framework and the budget. (The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits);</p> <p>(c) Adoption of the following:</p> <ul style="list-style-type: none"> Asset Management Plan Best Value Performance Plan Capital Strategy Community Plan/Strategy Crime and Disorder Reduction Strategy Cultural Strategy Development Plan Plans and Strategies which comprise the Development Plan Economic Development Strategy Housing Investment Programme Local Agenda 21 Strategy Local Transport Plan Social Inclusion Strategy <p>Other plans which it decides, as a matter of local choice, should be the responsibility of the Council to adopt;</p> <p>(d) Approval of any application to the Secretary of State in respect of any Housing Land transfer. i.e. the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the</p>	

Constitution Article 4 – The Full Council

<p>Housing Act 1985;</p>	
<p>(e) Adoption of the District Council's Codes of Conduct;</p>	
<p>(f) Subject to the urgency procedure, contained in the Access to Information Procedure Rules in Part 4 of the Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;</p>	
<p>(g) Election/Appointment of the Chairman and Vice-Chairman of Council;</p>	
<p>(h) Appointing the Leader and members of the Cabinet;</p>	<p>(h) DELETE "and members of the Cabinet". REASON: This task is now one for the Leader of Council.</p>
<p>(i) Appointments to Committees and Sub Committees;</p>	
<p>(j) Agreeing and amending the terms of reference for Committees, deciding on their composition and making appointments to them;</p>	
<p>(k) Appointing representatives to outside bodies;</p>	<p>(k) ADD "except those relating to executive functions which are the responsibility of the Leader".</p>
<p>(l) Adopting an allowances scheme under Article 2.05;</p>	
<p>(m) Confirming the appointment or dismissal of the Head of Paid Service;</p>	
<p>(n) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;</p>	
<p>(o) All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the executive;</p>	
<p>(p) Inviting contributions from relevant community groups or representatives;</p>	
<p>(q) Agreeing and supporting the community engagement activities including the following:</p>	

APPENDIX 2

Constitution Article 4 – The Full Council

<ul style="list-style-type: none"> - working with external partners; - offering opportunities for 'public interaction sessions' community spokespersons etc.; - recognising Council achievements; 	
(r) Delegations from community groups may be invited;	
(s) State of the District debate;	
(t) Single issue debates;	
(u) Receipt of written reports from the Leader, Chairman of Overview and Scrutiny Committee and each of the Portfolio Holders outlining progress on on-going issues within their areas of responsibility; and	
(v) Receipt of questions from Members and consideration of responses, and subsequent debate thereon, on matters falling within the responsibility of the Overview and Scrutiny Committee and each of the Portfolio Holders.	<p>(v) DELETE "and consideration of responses and subsequent debate thereon" because questions are not debated in this way.</p> <p>ADD new (x) as follows:</p> <p>"(x) receipt of questions from the public and consideration of responses".</p>
<p>4.02 Council Meetings</p> <p>There are three types of Council meeting:</p> <ul style="list-style-type: none"> (a) the annual meeting; (b) ordinary meetings; and (c) extraordinary meetings. 	
<p>4.03 Responsibility for Functions</p> <p>The Council will keep up-to-date the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.</p>	

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ARTICLE 7 - THE EXECUTIVE

<p>ARTICLE 7 - THE EXECUTIVE</p> <p>7.01 Role</p> <p>The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.</p>	
<p>7.02 Form and Composition</p> <p>The executive will consist of eight councillors appointed to the Executive by the Council.</p>	<p>DELETE "eight councillors" and substitute "between 3 and 10 Councillors"</p> <p>DELETE "by the Council" and substitute "by the Leader"</p>
<p>7.03 Leader</p> <p>The Leader will be a councillor elected to the position of Leader by the Council from among the ten councillors appointed to the Executive. The Leader will hold office until:</p> <p>(a) he/she resigns from the office; or</p> <p>(b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or</p> <p>(c) he/she is no longer a councillor;</p> <p>(d) until the next Annual Council meeting but may be re-appointed for further terms;</p> <p>(e) he/she is removed from office by resolution of the Council in the event of a change in political control of the Council, or to achieve pro rata representation of all political groups or for any other reason.</p>	<p>DELETE "ten" (See 7.02 above).</p> <p>(a) ADD "or as a Councillor"</p> <p>(b) DELETE existing wording and substitute the following: "he/she is disqualified as a Councillor;"</p> <p>(c) DELETE</p> <p>(d) AMEND to read "until the next Annual Council meeting after completing his/her term of office as a Councillor;"</p> <p>(e) DELETE all words after "Council" in the first line</p> <p>ADD new section:</p> <p>"(f) if removed from office by virtue of regulations made pursuant to Section 444 of the Local Government Act 2000"</p> <p>Reason: Comply with Local Government Act 2007 which the Council has resolved to include in the Constitution.</p>

ARTICLE 7 - THE EXECUTIVE

<p>7.04 Deputy Leader</p> <p>The Council shall appoint a Deputy Leader of the Council from among the 10 councillors appointed to the Executive. The conditions attaching to appointment and holding this position shall be the same as those applying to the Leader, as set out in 7.03 above.</p>	<p>AMEND to read as follows:</p> <p>"The Leader will appoint a Deputy Leader of the Council from among those Councillors appointed to the Executive.</p> <p>The conditions attaching to this appointment shall be as set out in 7.05 below."</p>
<p>7.05 Other Executive Members</p> <p>Other executive members shall hold office until:</p> <p>(a) they resign from office; or</p> <p>(b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension);</p> <p>(c) they are no longer councillors; or</p> <p>(d) the next Annual Council meeting but may be re-appointed for further terms</p> <p>(e) they are removed from office, either individually or collectively by resolution of the Council in the event of a change of political control of the Council, to achieve pro rata representation of all political groups or for any other reason.</p>	<p>(a) ADD "or as a Councillor"</p> <p>(b) DELETE and substitute "he/she is disqualified as a Councillor"</p> <p>(c) DELETE</p> <p>(d) NO CHANGE (N.B. Annual appointment has been retained)</p> <p>(e) DELETE all words after "by" in the first line and substitute "the Leader".</p>
<p>7.06 Proceedings of the Executive</p> <p>Proceedings of the executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.</p>	
<p>7.07 Responsibility for Functions</p> <p>The Leader will maintain a list in Part 3 of this Constitution setting out which individual members of the Executive, committees of the Executive, officers or joint arrangements are responsible for the exercise of particular Executive functions.</p>	

ARTICLE 7 - THE EXECUTIVE

<p>7.08 Portfolio Holder Advisory Groups</p> <p>For the purposes of carrying out any Executive function any member of the Executive may convene a Portfolio Holder Advisory Group. Details of the arrangements for such groups are set out in the Appendix to this Article.</p>	
<p>7.09 Executive Committees</p> <p>The Council may appoint, from time to time, Committees of the Executive comprising solely members of the Cabinet. The membership and terms of reference are set out in Part 3 of this Constitution (Responsibility for Functions).</p>	<p>AMEND by deleting "The Council" in the first line and substituting "The Leader of the Council"</p>

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COUNCIL PROCEDURE RULES

COUNCIL PROCEDURE RULES

CONTENTS

Rule

1. Annual Meeting of the Council
2. Ordinary Meetings
3. Extraordinary Meetings
4. Time and Place of Meetings
5. Notice and Summons to Meetings
6. Chairman of Meeting
7. Quorum
8. Duration of Meeting
9. Questions by the Public
10. Questions by Members
11. Motions on Notice
12. Motions without Notice
13. Rules of Debate
14. Previous Decisions and Motions
15. Voting

COUNCIL PROCEDURE RULES

<p>16. Voting on Appointments</p> <p>17. Minutes</p> <p>18. Record of Attendance</p> <p>19. Exclusion of public</p> <p>20. Members' Conduct</p> <p>21. Disturbance of Public</p> <p>22. Suspension and Amendment of Council Procedure Rules</p> <p>23. Planning Applications</p> <p>24. Application to the Executive, Committees and Sub-Committees</p>	
<p>COUNCIL PROCEDURE RULES</p> <p>1. ANNUAL MEETING OF THE COUNCIL</p> <p>In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.</p> <p>The annual meeting will:</p> <ul style="list-style-type: none"> (i) elect a person to preside if the Chairman of Council is not present; (ii) elect the Chairman of Council; (iii) elect the Vice-Chairman of Council; 	

COUNCIL PROCEDURE RULES

<p>(iv) approve the minutes of the last meeting;</p> <p>(v) receive any announcements from the Chairman;</p> <p>(vi) elect the leader and deputy leader;</p> <p>(vii) agree the number of members to be appointed to the executive and appoint those members of the cabinet;</p> <p>(viii) appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions as set out in Part 3, Table 1 of this Constitution;</p> <p>(ix) appoint Chairmen and Vice-Chairmen to those bodies;</p> <p>(x) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree as set out in Part 3 Table 3 of this Constitution);</p> <p>(xi) approve a programme of ordinary meetings of the Council for the year;</p> <p>(xii) consider any business set out in the notice convening the meeting;</p> <p>(xiii) receive a work programme for the Executive and a joint work programme for Overview and Scrutiny Committees for the ensuing year; and</p> <p>(xiv) be notified of Group Leaders and Deputies and Group representatives on relevant Committees.</p>	<p>DELETE “and deputy leader” because the Council can only appoint the Leader, all other Cabinet appointments falling to the latter.</p> <p>DELETE – all appointments are the responsibility of the Leader of Council.</p> <p>ADD – “and Audit and Governance Committee” after “Standards Committee” in line one.</p> <p>(x) AMEND by adding after “Constitution” in the second line the words “but excluding delegation of executive functions which are the responsibility of the Leader of Council.”</p> <p>ADD: new paragraph (xv) as follows: “To be notified by the Leader of the Council of appointments to the Cabinet, on the establishment of Cabinet Committees, delegation of executive responsibilities to Cabinet members and officers and appointments to outside organisations carrying out executive functions”.</p>
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COUNCIL PROCEDURE RULES

<p>1.2 Selection of Councillors on Committees and Outside Bodies</p> <p>At the annual meeting, the council meeting will:</p> <ul style="list-style-type: none"> (i) decide which committees to establish for the municipal year; (ii) decide the size and terms of reference for those committees; (iii) decide the allocation of seats to political groups in accordance with the political balance rules; (iv) receive nominations of councillors to serve on each committee and outside body; and (v) appoint to those committees and outside bodies except where such appointments are exercisable only by the executive. 	<ul style="list-style-type: none"> (i) ADD after "year", the words "excluding those Committees which are the responsibility of the Leader of Council". (iv) AMEND by adding after "body" the following: "excluding those committees or outside bodies which are the responsibility of the Leader". (v) AMEND by deleting "executive" in the second line and substituting "the Leader". (vi) ADD new paragraphs as follows: <ul style="list-style-type: none"> "(vi) To receive reports from the Leader of the Council on the appointment of a Deputy Leader, the Cabinet, Cabinet Committees, Responsibilities of Cabinet members, appointments to outside organisations which are the responsibility of the Executive and delegation of Cabinet functions to officers. (vii) To receive a report from the Leader of the Council on any delegation of executive functions to Joint Committees and local Committees".
<p>2. ORDINARY MEETINGS</p> <p>2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:</p>	

COUNCIL PROCEDURE RULES

<ul style="list-style-type: none"> (i) elect a person to preside if the Chairman and Vice-Chairman are not present; (ii) approve the minutes of the last meeting; (iii) receive any declarations of interest from members; (iv) receive any announcements from the Chairman, Leader of the Council, members of the Executive; (v) receive questions from, and provide answers to, the public and members of the Council in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting; (vi) receive written reports from the Leader, Chairman of Overview and Scrutiny Committee and each of the Portfolio Holders and receive questions and answers on any of those reports or any matters falling within their area of responsibility; (vii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations; (viii) consider motions; (ix) receive questions; (ix) consider any other business specified in the summons to the meeting, including consideration of proposals from the executive in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committees for debate, including annual reports for both Overview and Scrutiny Committees and the Executive on their activities in April of each Council year; (x) any matter of public concern allocated to any ordinary Council meeting for the purpose of debate; (xi) deal with any items of business deemed by the Chairman as urgent business in accordance with Section 100B(4) of the Local Government Act 1972. 	
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COUNCIL PROCEDURE RULES

<p>2.2 State of the District Debates</p> <p>(i) Calling of debate</p> <p>The Leader will call a State of the District debate annually on a date and in a form to be agreed with the Chairman.</p> <p>(ii) Form of debate</p> <p>The Leader will decide the form of debate, with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the State of the District debate.</p> <p>(iii) Results of debate</p> <p>The results of the debate will be disseminated as widely as possible within the community and to agencies and organisations in the area; and considered by the Leader in proposing the budget and policy framework to the Council for the coming year.</p>	<p>AMEND: delete "will" and substitute "may".</p> <p>REASON: avoids a departure from Constitution if a debate is not held.</p>
<p>2.3 Single Issue Council Meetings</p> <p>The Leader may, from time to time, call for a Council meeting to be held dealing with a single issue of critical importance to the residents of the District. The normal rules of debate will apply in the case of 'single issue' Council meetings.</p>	
<p>3. EXTRAORDINARY MEETINGS</p> <p>3.1 Calling Extraordinary Meetings</p> <p>Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:</p>	

COUNCIL PROCEDURE RULES

<p>(i) the Council by resolution;</p> <p>(ii) the Chairman of the Council;</p> <p>(iii) the Monitoring Officer; and</p> <p>(iv) any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.</p>	
<p>3.2 Business</p> <p>An extraordinary meeting of the Council shall transact the business set out in the agenda.</p>	
<p>4. TIME AND PLACE OF MEETINGS</p> <p>Meetings of the Council shall be held at the Civic Offices, High Street, Epping at 7.30 p.m. or at such other time or venue as the Chairman of the Council may determine in consultation with the Chief Executive. All business at Council meetings shall be completed by 10.00 p.m.</p>	
<p>5. NOTICE AND SUMMONS TO MEETINGS</p> <p>One or both of the Joint Chief Executives will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, one or both of the Joint Chief Executives will send a summons signed by him or them by post to every member of the Council, leave it at their usual place of residence or posted or delivered to some other address that a member may notify in writing. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.</p>	<p>DELETE references to “Joint Chief Executives” and substitute “Chief Executive”.</p>

COUNCIL PROCEDURE RULES

	<p>6. CHAIRMAN OF MEETING</p> <p>The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees, Sub-Committees, Boards and Panels.</p>
	<p>7. QUORUM</p> <p>The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.</p>
	<p>8. DURATION OF MEETING</p> <p>(1) All business of the Council requiring to be transacted in the presence of the press and public shall be completed by 10.00 p.m. at the latest.</p> <p>(2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.</p> <p>(3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.</p>

COUNCIL PROCEDURE RULES

<p>9. QUESTIONS BY THE PUBLIC</p> <p>9.1 General</p> <p>Members of the public may ask questions of the Leader, Chairman of Overview and Scrutiny Committee or any Portfolio Holder at ordinary meetings of the Council.</p>	
<p>9.2 Order of Questions</p> <p>Questions will be asked in the order in which notice of them was received, except that the Chairman may group together similar questions.</p>	
<p>9.3 Notice of Questions</p> <p>A question may only be asked if notice has been given by delivering it in writing or by electronic mail to at least one of the Joint Chief Executives no later than midday seven days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.</p>	<p>DELETE “Joint Chief Executives” from second line and substitute “Chief Executive”.</p> <p>(NB: The deadline for public questions differs from that for Councillors’ questions – see 10.3 below)</p>
<p>9.4 Number of Questions</p> <p>At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.</p>	
<p>9.5 Scope of Questions</p> <p>Either of the Joint Chief Executives may reject a question if it:</p> <p>(a) is not about a matter for which the local authority has a responsibility or which affects the District;</p>	<p>DELETE “Joint Chief Executives” from second line and substitute “Chief Executive”.</p>

COUNCIL PROCEDURE RULES

<p>(b) is defamatory, frivolous or offensive;</p> <p>(c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or</p> <p>(d) requires the disclosure of confidential or exempt information.</p>	
<p>9.6 Record of Questions</p> <p>One of the Joint Chief Executives will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all members on the agenda for the relevant Council meeting, which will be made available to the public attending the meeting.</p>	<p>DELETE "Joint Chief Executives" and substitute "Chief Executive".</p>
<p>9.7 Asking the Question at the Meeting</p> <p>The Chairman will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.</p>	
<p>9.8 Supplemental Question</p> <p>A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply and must be only for purposes of elucidation. The Chairman may reject a supplementary question on any of the grounds in Rule 9.5 above.</p>	

COUNCIL PROCEDURE RULES

<p>9.9 Written Answers</p> <p>Any question which cannot be dealt with during public question time, either because of lack of time or because of the on-attendance of the member to whom it was to be put, will be dealt with by a written answer.</p>	
<p>9.10 Reference of Question to the Executive or a Committee/Sub-Committee</p> <p>Unless the Chairman decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Executive or a Committee. Once seconded, such a motion will be voted on without discussion.</p>	
<p>10. QUESTIONS BY MEMBERS</p> <p>10.1 On Reports of the Executive or Committees</p> <p>A member of the Council may ask the Leader, or the Chairman of Overview and Scrutiny or a Portfolio Holder any question without notice on an item of the report of the Executive or a Committee when that item is being received or under consideration by the Council.</p>	
<p>10.2 Questions Following Notice at Full Council</p> <p>Subject to Rule 10.4, a member of the Council may ask:</p> <ul style="list-style-type: none"> (a) the Chairman; (b) the Leader; (c) a Portfolio Holder (c) the Chairman of any Committee or Sub-Committee 	

COUNCIL PROCEDURE RULES

<p>(d) a question on any matter in relation to which the Council has powers or duties or which affects the Epping Forest District.</p>	
<p>10.3 Notice of Questions</p> <p>A member may only ask a question under Rule 10.2 if either:</p> <p>(a) they have given at least seven working days notice in writing of the question to the Chief Executive; or</p> <p>(b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Chief Executive by 10.00 a.m. on the day of the meeting.</p>	<p align="center">See 9.3 above.</p>
<p>10.4 Replies to Questions</p> <p>Answers may take the form of:</p> <p>(a) direct oral answer;</p> <p>(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or</p> <p>(c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.</p> <p>Answers to questions falling within categories (a) and (b) above shall be made available to the member asking the question one hour before the meeting of the Council at which the question will be put. Answers to questions under (c) above will be circulated to all councillors.</p>	

COUNCIL PROCEDURE RULES

<p>10.5 Supplementary Question</p> <p>A member asking a question under Rule 10.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.</p>	
<p>10.6 Questions without notice at full Council</p> <p>A member of the Council may ask the Leader, Chairman of Overview and Scrutiny or any member of the Cabinet any question without notice on any non-operational matter in relation to which the Council has powers or duties or which affect the administrative area covered by the (Epping Forest District Council) or part of it or the inhabitants of that area or some of them, or which relates to a written response given by the Leader, Chairman of Overview and Scrutiny Committee or a member of the Cabinet.</p>	
<p>10.7 Response to a question without notice</p> <p>An answer to a question without notice may take the form of:</p> <ul style="list-style-type: none"> (a) direct oral answer from the Leader or, at the request of the Leader, from another member of the Cabinet; (b) direct oral answer from the Chairman of the Overview and Scrutiny Committee or, at their request, from another member dealing with that issue as part of an Overview and Scrutiny review; (c) where the desired information is in a publication of the Council or other published work, a reference to that publication; (d) where the reply cannot be conveniently be given orally, a written answer circulated later to the questioner; or 	

COUNCIL PROCEDURE RULES

<p>(e) where the question relates to an operational matter, the Leader, Chairman of Overview and Scrutiny Committee or a member of the Cabinet will request that a response be given direct to the questioner by the relevant Chief Officer.</p>	
<p>10.8 Limit on the Time for Questions</p> <p>A time limit of 20 minutes shall be set for questions under Rule 10.6. Any question which cannot be dealt with within the time available will receive a written reply.</p>	
<p>11. MOTIONS ON NOTICE</p> <p>11.1 Notice of Motion</p> <p>Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least the mover and seconder of the proposed motion, must be delivered to the Chief Executive not later than seven days before the date of the meeting. These will be entered in a book open to public inspection.</p>	
<p>11.2 Motions to be set out in Agenda</p> <p>Motions for which notice has been given will be listed on the agenda in the order in which each notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.</p>	
<p>11.3 Scope of Motions</p> <p>Motions must be about matters for which the Council has a responsibility or which affect the Epping Forest District.</p>	

COUNCIL PROCEDURE RULES

12. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of the Executive, Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) closure motion - that the question be now put (see Procedure Rule 13.11);
- (k) closure motion - to adjourn a debate (see Procedure Rule 13.11);
- (l) closure motion - to adjourn a meeting (see Procedure Rule 13.11);
- (m) that Rule 8 (relating to completion of business in public session) be waived to permit the public session to continue beyond 10.00 p.m.
- (n) to suspend a particular council procedure rule;

(e) AMEND by adding the words: "but excluding those appointments which are the responsibility of the Leader of Council" after "meeting" in the second line

COUNCIL PROCEDURE RULES

	<p>(o) to exclude the public and press in accordance with the Access to Information Rules;</p> <p>(p) not to hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4;</p> <p>(q) to extend the time allowed for any member's speech under Rule 13.4; and</p> <p>(r) to give the consent of the Council where its consent is required by this Constitution.</p>
<p>13. RULES OF DEBATE</p> <p>13.1 No Speeches until Motion Seconded</p> <p>No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.</p>	
<p>13.2 Right to Require Motion in Writing</p> <p>Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.</p>	
<p>13.3 Seconders' Speech</p> <p>When seconding a motion or amendment, a member may reserve their speech until later in the debate.</p>	
<p>13.4 Content and Length of Speeches</p> <p>Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Council.</p>	

COUNCIL PROCEDURE RULES

13.5 When a Member may Speak Again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

Page 83

13.6 Amendments to Motions

(a) An amendment to a motion must be relevant to the motion and will either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed

COUNCIL PROCEDURE RULES

	<p>of.</p> <p>(c) if an amendment is not carried, other amendments to the original motion may be moved.</p> <p>(d) if an amendment is carried, the motion as amended takes the place of the original motion becoming the substantive motion to which any further amendments may be moved.</p> <p>(e) after an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.</p>
<p>13.7 Alteration of Motion</p> <p>(a) A member may alter a motion of which he/she has given notice with the consent of the Council. The Council's consent will be signified without discussion.</p> <p>(b) A member may alter a motion which he/she has moved without notice with the consent of both the Council and the seconder. The Council's consent will be signified without discussion.</p> <p>(c) Only alterations which could be made as an amendment may be made.</p>	
<p>13.8 Withdrawal of Motion</p> <p>A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The Council's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused by the Council</p>	

COUNCIL PROCEDURE RULES

	<p>13.9 Right of Reply</p> <ul style="list-style-type: none">(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.(b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.(c) The mover of the amendment has no right of reply to the debate on his or her amendment.
	<p>13.10 Motions which may be Moved during Debate</p> <p>When a motion is under debate, no other motion may be moved except the following procedural motions:</p> <ul style="list-style-type: none">(a) to withdraw a motion;(b) to amend a motion;(c) to proceed to the next business;(d) that the question be now put;(e) to adjourn a debate;(f) to adjourn a meeting;(g) that Rule 8 (relating to completion of business in public session be waived to permit the public session to continue beyond 10.00 p.m.(h) to exclude the public and press in accordance with the Access to Information Rules; and

COUNCIL PROCEDURE RULES

<p>(i) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.</p>	
<p>13.11 Closure Motions</p> <p>A member may move, without comment, the following motions at the end of a speech of another member:</p> <ul style="list-style-type: none"> (i) to proceed to the next business; (ii) that the question be now put; (iii) to adjourn a debate; or (iv) to adjourn a meeting. <p>(a) If a motion to proceed to next business is seconded and the Chairman rules the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.</p> <p>(b) If a motion that the question be now put is seconded and the Chairman rules the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.</p> <p>(c) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.</p>	

COUNCIL PROCEDURE RULES

<p>13.12 Point of Order</p> <p>A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.</p>	
<p>13.13 Personal Explanation</p> <p>A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.</p>	
<p>14. PREVIOUS DECISIONS AND MOTIONS</p> <p>14.1 Motion to Rescind a Previous Decision</p> <p>A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 15 members.</p>	
<p>14.2 Motion Similar to One Previously Rejected</p> <p>A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.</p>	

COUNCIL PROCEDURE RULES

<p>15. VOTING</p> <p>15.1 Majority</p> <p>Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.</p>	
<p>15.2 Chairman's Casting Vote</p> <p>If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. The exercise of this second or casting vote shall be in accordance with Article 5 (paragraph 5) of the Constitution.</p>	
<p>15.3 Show of Hands</p> <p>Unless a recorded vote is demanded under Rules 16.4 and 16.5, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.</p>	
<p>15.4 Recorded Vote</p> <p>If five members present at the meeting require it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.</p>	
<p>15.5 Right to Require Individual Vote to be Recorded</p> <p>Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.</p>	

COUNCIL PROCEDURE RULES

<p>16. VOTING ON APPOINTMENTS</p> <p>16.1 Voting on Appointments</p> <p>If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.</p>	
<p>17. MINUTES</p> <p>17.1 Signing the Minutes</p> <p>The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.</p>	
<p>17.2 Extraordinary Meetings</p> <p>Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.</p>	
<p>17.3 Form of Minutes</p> <p>Minutes will contain all motions and amendments in the exact form and order in which the Chairman put them.</p>	

COUNCIL PROCEDURE RULES

<p>18. RECORD OF ATTENDANCE</p> <p>All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.</p>	
<p>19. EXCLUSION OF PUBLIC</p> <p>Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).</p>	
<p>20. MEMBERS' CONDUCT</p> <p>20.1 Standing to Speak</p> <p>When a member speaks at full Council they must stand and address the meeting through the Chairman. If more than one member stands, the Chairman will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.</p>	
<p>20.2 Chairman Standing</p> <p>When the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.</p>	
<p>20.3 Member not to be Heard Further</p> <p>If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.</p>	

COUNCIL PROCEDURE RULES

<p>20.4 Member to Leave the Meeting</p> <p>If the member continues to behave improperly after such a motion is carried, the Chairman may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.</p>	
<p>20.5 General Disturbance</p> <p>If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.</p>	
<p>21. DISTURBANCE BY PUBLIC</p> <p>21.1 Removal of Member of the Public</p> <p>If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting.</p>	
<p>21.2 Clearance of Part of Meeting Room</p> <p>If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.</p>	
<p>22. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES</p> <p>22.1 Suspension</p> <p>All of these Council Rules of Procedure except Rule 13.5 and 17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.</p>	

COUNCIL PROCEDURE RULES

<p>22.2 Amendment</p> <p>Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.</p>	
<p>23. PLANNING APPLICATIONS</p> <p>Any planning application submitted directly to a Council meeting without prior consideration by the District Development Committee and/or an Area Sub-Committee shall be subject to the procedure for public participation by applicants, objectors and parish/town councils in the same way as those applied to Committees and Sub-Committees by Operational Standing Order 5.</p>	
<p>24. APPLICATION TO THE EXECUTIVE, COMMITTEES AND SUB-COMMITTEES</p> <p>All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet or other executive bodies. Only Rules 2(xi), 4-7, 12 and 13, 15, (excluding 15.4), 17, 19-20 (excluding 20(1)) apply to meetings of Committees and Sub-Committees. Only rules 4-7 15.1-15.3 and 21.3-21.5 shall apply to working groups.</p>	

EXECUTIVE PROCEDURE RULES

Existing Text	Suggested Amendments
<p>CONTENTS</p> <p>Rule</p> <ol style="list-style-type: none"> 1. How does the Executive operate? 2. How are Executive Meetings conducted? 3. Annual Reports and Work Programmes 	
<p>EXECUTIVE PROCEDURE RULES</p> <ol style="list-style-type: none"> 1. How Does the Executive Operate? 1.1 Who may make Executive Decisions? <p>The arrangements for the discharge of executive functions may be set out in the executive arrangements adopted by the Council. If they are not set out there, then the leader may decide how they are to be exercised. In either case, the arrangements or the leader may provide for executive functions to be discharged by:</p> <ol style="list-style-type: none"> (i) the executive (Cabinet) as a whole; (ii) a committee of the executive (Cabinet); (iii) an individual member of the executive; (iv) an officer; (v) an area committee; 	

<p>(vi) joint arrangements; or</p> <p>(vii) another local authority.</p>	
<p>1.2 Delegation by the Leader</p> <p>At the Annual Meeting of the Council, the Leader will present to the Council a written record of additional delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:</p> <p>(i) the extent of any authority delegated to executive members individually, including details of the limitation on their authority;</p> <p>(ii) the terms of reference and constitution of such executive committees as the leader appoints and the names of executive members appointed to them;</p> <p>(iii) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those executive members appointed to any joint committee for the coming year; and</p> <p>(iv) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.</p>	
<p>1.3 Sub-Delegation of Executive Functions</p> <p>(a) Where the executive, a committee of the executive or an individual member of the executive is responsible for an executive function, they may delegate further to an area committee, joint arrangements or an officer.</p>	

<p>(b) Unless the Council directs otherwise, if the Leader delegates functions to the executive, then the executive may delegate further to a committee of the executive or to an officer.</p> <p>(c) Unless the Leader directs otherwise, a committee of the executive to whom functions have been delegated by the Leader may delegate further to an officer.</p> <p>(d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.</p>	
<p>1.4 The Council’s Scheme of Delegation and Executive Functions</p>	
<p>(a) Subject to (b) below the Council’s scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.</p> <p>(b) If the Leader is able to decide whether to delegate executive functions, he/she may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the proper officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the executive as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the leader.</p> <p>(c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chair.</p>	<p>Amend by deleting the words “If the Leader is able to decide whether to delegate executive functions” and substitute the following:</p> <p>“Delegation of executive functions is the responsibility of the Leader of the Council who shall report to the Annual Council on delegation agreed. He/she may”</p> <p>Delete “proper officer” in the ninth line and substitute “Leader of the Council”.</p>

<p>1.5 Conflicts of Interest</p> <p>(a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.</p> <p>(b) If every member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.</p> <p>(c) If the exercise of an executive function has been delegated to a committee of the Executive, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.</p>	
<p>1.6 Executive Meetings - When and Where?</p> <p>The Executive will meet at least 12 times per year at times to be agreed by the Leader. The executive shall meet at the Civic Offices, High Street, Epping, Essex CM16 4BZ or another location to be agreed by the Leader. Meetings will commence at 7.00 p.m. and all business shall be concluded by 10.00 p.m.</p>	
<p>1.7 Public or Private Meetings of the Executive?</p> <p>All meetings of the Cabinet and Cabinet Committees shall be open to the public, press and all members of the Council, subject to the need to consider any exempt or confidential business in private session. Exempt or confidential business will be dealt with at the conclusion of the public session, subject to the requirements of 1.6 above.</p>	

<p>1.8 Quorum</p> <p>The quorum for a meeting of the Cabinet, shall be 5 members of the executive. The quorum for a Cabinet Committee shall be three members. The Appendix to these rules sets out procedures for safeguarding the Cabinet quorum in exceptional circumstances.</p>	
<p>1.9 How are Decisions to be taken by the Executive?</p> <p>(a) Executive decisions which have been delegated to the executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.</p> <p>(b) Where executive decisions are delegated to a Committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the executive as a whole.</p> <p>(c) Where Executive decisions are delegated to individual members of the Executive, these decisions shall, in the unavoidable absence of that person, be exercised by the Executive itself.</p>	<p>AMEND by deleting the words “by the Executive itself” and substitute: “as directed by the Leader of the Council. Alternatively the Leader may determine that matter will stand referred to a Cabinet meeting or an appropriate Cabinet Committee”.</p> <p>REASON: If a function is delegated to a portfolio holder it is sensible to allow another portfolio holder (including the Leader) to deal with it. Reference to the Cabinet should be an option available to the Leader but there should be greater flexibility than currently provided.</p>

<p>2. HOW ARE EXECUTIVE MEETINGS CONDUCTED?</p> <p>2.1 Who Presides?</p> <p>If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader will preside. In the event that both the Leader and Deputy Leader are absent, the Executive will appoint a person from among those present to preside at that meeting.</p> <p>The member of the Executive appointed, as Chairman of any Executive Committee will preside at that meeting of that Committee at which he/she is present. If the appointed Chairman is absent, another member from those present shall preside for all or part of the meeting in question.</p>	
<p>2.2 What Business?</p> <p>At each meeting of the executive the following business will be conducted:</p> <p>(i) consideration of the minutes of the last meeting;</p> <p>(ii) declarations of interest, if any;</p> <p>(iii) matters referred to the executive (whether by an overview and scrutiny committee or by the Council) for reconsideration by the executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;</p> <p>(v) consideration of reports from overview and scrutiny committees;</p>	

<p>(vi) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution;</p> <p>(vii) budget reports; and</p> <p>(viii) reports from Executive Committees and individual members of the Executive.</p>	<p>ADD new paragraph (ix) as follows:</p> <p>“(ix) questions from members of the public in accordance with the Council’s scheme.”</p>
<p>2.3 Consultation</p> <p>All reports to the executive from any member of the executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.</p>	
<p>2.4 Who can put Items on the Executive Agenda?</p> <p>(a) The Leader will decide upon the schedule for the meetings of the executive. He/she may put on the agenda of any executive meeting any matter which he/she wishes, whether or not authority has been delegated to the executive, a committee of it or any member or officer in respect of that matter. The proper officer will comply with the leader’s requests in this respect.</p>	

- (b) Any member of the Executive may require the Proper Officer to place an item on the agenda of the next available meeting of the executive for consideration. If he/she receives such a request the proper officer will comply.
- (c) There will be a standing item on the agenda of each meeting of the Executive for matters referred by overview and scrutiny committees.
- (d) Any member of the Council may ask the Leader to put an item on the agenda of an executive meeting for consideration, and if the leader agrees the item will be considered at the next available meeting of the Executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual may be invited to attend the meeting, if, in the opinion of the Leader this would assist the Executive's consideration of that item. In the event that the Leader is unable to agree the request, the relevant member of the Council shall receive an explanation of that refusal.
- (e) The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of an executive meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

AMEND to read as follows:
 "There will be standing items on the agenda of each meeting of the Cabinet for matters referred by the Overview and Scrutiny Committee and at each ordinary meeting of the Cabinet for public questions."

3. REPORTS OF CABINET MEMBERS

The following rules will apply to the reports submitted to any member of the Executive or the Cabinet, a Cabinet Committee or any other Executive body, namely:

- (a) all reports for Cabinet members will normally be drafted by officers but if drafted by a Cabinet member, they must be submitted at least 5 weeks in advance of the Cabinet meeting in order to allow the advice of officers to be included;
- (b) Cabinet members, once in possession of an officer's report, shall be able to amend reports in relation to minor wording changes or format provided that the factual, legal and financial basis is not compromised;
- (c) where Cabinet members wish to add or change recommendations or add options contained they must ensure that reasons are stated in the report;
- (d) at all times, reports requiring decisions in compliance with statute law or the Council's policy and budget framework, shall not be deferred by Portfolio Holders without the reason being recorded in writing;
- (e) it shall not be open to a Portfolio Holder to change a report submitted by a Chief Officer by omitting relevant facts or by altering the facts as expressed such that the report becomes unclear;
- (f) it shall be open to the Portfolio Holder and the Chief Officer to consult the Monitoring Officer and/or Chief Financial Officer under Article 12.03 or 12.04 of the Constitution on any points under (d) and (e) above on which there is no agreement; and

<p>(g) in the event that a Chief Officer and Cabinet member fail to agree on the submission of a report, it shall be referred to Monitoring Officer for a ruling on whether the report should proceed.</p>	
<p>4. ANNUAL REPORTS AND WORK PROGRAMMES</p> <p>(a) The Executive shall submit to the Council at its annual meeting a work programme for the following Council year.</p> <p>(b) The Executive shall submit to the Council in April each year a report on its activities in the last Council year.</p>	

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

APPENDIX 6

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 10;

(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.

APPENDIX 6

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. INTERESTS

- 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.

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PART ONE

EXECUTIVE FUNCTIONS – DELEGATION

BY THE LEADER OF COUNCIL

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EXECUTIVE FUNCTIONS – DELEGATION BY THE LEADER OF COUNCIL APPENDIX 7

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
A5	Finance Sub-Committee (Minute 398 - 31.1.80)	DIRECTOR OF FINANCE AND ICT	AGENDA AND MINUTES - CHARGES TO SUBSCRIBERS To approve charges.
A6	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.
A7	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.
A8	Cabinet (Minute 142 – 14.3.05)	DIRECTOR OF ENVIRONMENT AND STREET SCENE (or in his absence THE CHIEF EXECUTIVE)	ANTI SOCIAL BEHAVIOUR ACT 2003 Part 1 (Premises Where Drugs Used Unlawfully) Authority to respond to Police Consultations after discussion with Ward Councillors
		DIRECTOR OF ENVIRONMENT AND STREET SCENE SAFER COMMUNITIES CO-ORDINATOR ASBO OFFICER	Part 4 (Dispersal of Groups) Authority to discuss proposals of the Police for dispersal orders with ward members, County Councillors and Town or Parish Councils
		DIRECTOR OF ENVIRONMENT AND STREET SCENE	Authority to consent to the making of Dispersal Orders after considering the results of discussions and after consulting the relevant portfolio holder
		P HAYWOOD HEAD OF PAID SERVICE	Part VI (Environment) Authority for making of Closure Orders under Section 40. Authority for notice of cancellation of Closure Orders under Section 41.

	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 SAFER COMMUNITIES CO-ORDINATOR ASBO OFFICER	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.
B1	Development Committee (Minute 19 – 30.5.2000)	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT	BRIDLEWAYS (SEE FOOTPATHS) 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.
B2	Development Committee (Minute 23(1) – 6.2.74) Council Minute (Minute 24(1) - 9.7.91)	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.
	Development Committee (Minute 35(1) – 15.7.99)	POST PBC/01 (ASST DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT SERVICES)	BUILDING ACT 1984 To act as Proper Officer for the purposes of Section 78 of the Building Act 1984.
		POST PBC/02 & 03 (PRINCIPAL BUILDING CONTROL SURVEYOR) POSTS PBC/05-10 (SENIOR BUILDING CONTROL SURVEYORS)	
	Development Committee (Minute 35(2) - 15.7.99)	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT	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; (b) Section 77 - approve applications to a Magistrates' Court for an order requiring dangerous buildings or structures to be made safe;

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
		<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>
B3	<p>Personnel Sub-Committee (Minute 138 – 20.3.90) and Development Committee</p>	<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>
C2	<p>Transportation Committee (Minute 115 – 26.1.93)</p>	<p>CAR PARK TARIFFS</p> <p>To determine individual tariffs in off-street Pay and Display Car Parks within agreed policy.</p>
C3	<p>Personnel Sub-Committee (Minute 79 – 17.11.81)</p>	<p>CAR PARKS (COUNCIL)</p> <p>To determine applications to use Council office car parks. (See also under "Offices – Use of")</p>
C4	<p>Policy & Co-ordinating Committee (Minute 44(3) - 29.11.83)</p>	<p>CAR PARKS (PUBLIC)</p> <p>To approve the use of Council car parks by charitable organisations or for other charitable purposes.</p>
C9	<p>Policy and Co-ordinating Committee (Minute 66(a) - 4.12.90)</p>	<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>
C12	<p>Executive Committee (Minute 449 - 11.3.02)</p>	<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>
C13	<p>Council (Minute 74(3) - 20.12.88)</p>	<p>COMPULSORY COMPETITION - AUTHORITY TO SUBMIT BIDS FOR WORK INSIDE THE DISTRICT</p> <p>To submit bids for work inside the District, to utilise spare capacity/manpower only.</p>

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
C14	Council (Minute 74(3) - 20.12.88)	CHIEF EXECUTIVE	WORKS UNIT - AUTHORITY TO SUBMIT BIDS FOR WORK OUTSIDE THE DISTRICT To refer to the Corporate Executive Forum 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.
C15	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.
D2	??????????	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.
E6	Policy & Co-ordinating Committee (Minute 78 - 1.12.81)	DIRECTOR OF CORPORATE SUPPORT SERVICES	ENERGY MANAGEMENT & CONSERVATION To implement the Council's policy.
E10	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.
F1	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.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
F2	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.
H1	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.
H7	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.
H8	Housing Committee (Minute 49 – 30.10.91)	DIRECTOR OF HOUSING SERVICES	HOUSING ACCOMMODATION - DESIGNATION FOR ELDERLY To cancel designations.
H9	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.
H10	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.
H11	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
H12	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.
H13	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.
H14	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.
H15	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.
H16	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.
I1	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).
I2	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.
L2	Public Health Committee (Minute 57 – 7.1.98)	DIRECTOR OF ENVIRONMENT AND STREET SCENE (AND RELEVANT STAFF DULY AUTHORISED TO ACT ON HIS BEHALF)	LAND DRAINAGE AND FLOOD DEFENCE To act under the statutory provisions listed below: Epping Forest District Council - Land Drainage Byelaws 2005

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
			<p>Byelaw 4 Control of sluices etc. Byelaw 6 Diversion or Stopping Up of Watercourses. Byelaw 9 Notice to Cut Vegetation. Byelaw 10 No obstruction within 8 metres of the Edge of a Watercourse. Byelaw 11 Repairs to Buildings. Byelaw 12 Control of Vermin. Byelaw 13 Damage by Animals to Banks. Byelaw 16 Not to Dredge or Raise Gravel, Sand etc. Byelaw 17 Fences, Excavations, Pipes etc. Byelaw 21 Removal of Sunken Vessels.</p> <p>Land Drainage Act 1991</p> <p>Section 14 General drainage powers to maintain, construct and improve drainage works etc. Section 15 Disposal of spoil from works to watercourse. Sections 25, 26 and 27 Powers to require works for maintaining flow of watercourses etc. 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. Section 262 Power to require culverting of watercourses and ditches where building operations in prospect. Section 263 Approval of plans to culvert or cover any stream or watercourse. Section 264 Issue of notice requiring the repair or cleansing of culverts.</p>
L3	<p>Land Sub-Committee (Minute 130 – 31.1.95)</p> <p>Resource Sub-Committee (Minute 56 – 24.9.91)</p>	<p>DIRECTOR OF CORPORATE SUPPORT SERVICES</p> <p>(after considering any views of the Portfolio Holder)</p> <p>Ditto</p>	<p>LANDLORD AND TENANT - ESTATES MANAGEMENT</p> <p>(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.</p> <p>(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</p> <p>(c) To approve rent reviews and lease renewals for shops and industrial premises.</p> <p>(d) To let Council shops for periods of three years up to a maximum of 12 years.</p> <p>(e) To approve licences to assign and licences for change in use in consultation with the relevant Portfolio Holder.</p>

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
L4	Public Health Committee (Minute 15 – 15.6.93)	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT	LICENSING - BUILDING CONTROL INSPECTIONS FOR PRIVATE AND PUBLIC ENTERTAINMENTS Holders of Posts PBP/01, PBP/08, PBP/09, PBP/10, PBP/11, PBP/12, PBP/13, PBP/14 and PBP/15 authorised to enter and inspect premises.
N1	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.
N2	Resource Committee (Minute 130 – 31.1.95) North Weald Airfield Sub-Committee (Minute 15(1) – 15.5.80)	DIRECTOR OF CORPORATE SUPPORT SERVICES	NORTH WEALD AIRFIELD - LETTINGS (a) To negotiate all commercial and recreational lettings at North Weald Airfield; (b) To negotiate with all organisations requesting casual or miscellaneous lettings on North Weald Airfield; (c) To approve casual or miscellaneous lettings of North Weald Airfield provided they are for activities which take place at present or are similar and unlikely to give rise to public concern; (d) To renew existing commercial leases on North Weald Airfield at current market rentals; and (e) To negotiate and agree appropriate lettings of the Annexe to Hangar 2 at North Weald Airfield in consultation with the relevant Portfolio Holder.
N3	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.
N4	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
02	Personnel Sub-Committee (Minute 79 – 17.11.81)	DIRECTOR OF CORPORATE SUPPORT SERVICES (after considering any views of the Chairman of Resource Committee)	OFFICES - USE OF To determine applications to use Council offices (See also under "Car Parks (Council)").
04	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).

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
P2	Policy and Co-ordinating Committee (Minute 99 – 21.11.89)	DIRECTOR OF CORPORATE SUPPORT SERVICES	<p>PHYSICAL ASSAULTS ON STAFF</p> <p>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.</p>
P5	Development Committee (Minute 79 - 26.10.99)	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT	<p>PLANNING - ENTRY TO LAND AND BUILDINGS</p> <p>To authorise designated post holders within Planning Services to exercise the following powers:</p> <p>(a) Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - powers of entry;</p> <p>(b) Sections 196A and 196B of the Town and Country Planning Act 1990 (as amended) to enter land and buildings in connection with the enforcement of planning control;</p> <p>(c) Section 324 of the Town and Country Planning Act 1990 (as amended) - powers of entry;</p> <p>(d) Hedgerow Regulations 1997 - powers to enter land.</p> <p>(e) Part VII of the Anti-Social Behaviour Act 2003.</p>
P11	Housing Committee (Minute 74 – 4.3.92)	DIRECTOR OF CORPORATE SUPPORT SERVICES DIRECTOR OF FINANCE AND ICT SERVICES	<p>POSSESSION ORDERS - MORTGAGE ARREARS</p> <p>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.</p> <p>To offer for sale on the open market any property subsequently repossessed.</p>
P12	Housing Committee (Minute 75 – 14.11.95)	DIRECTOR OF HOUSING SERVICES DIRECTOR OF CORPORATE SUPPORT SERVICES	<p>POSSESSION ORDERS - RENT ARREARS/GAS SAFETY INSPECTIONS</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>

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
		<p>DIRECTOR OF HOUSING SERVICES</p> <p>DIRECTOR OF CORPORATE SUPPORT SERVICES</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>Housing Committee (Minute 46 – 12.9.2000)</p> <p>Portfolio Holder Decision (24.3.2004)</p>	<p>DIRECTOR OF HOUSING SERVICES, ASST</p> <p>DIRECTOR OF HOUSING SERVICES (PROPERTY AND RESOURCES), ASST</p> <p>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>HOUSING ASSETS MANAGER (HMT/01) (or any officer authorised to act)</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>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</p> <p>(i) 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> <p>(j) 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</p> <p>(k) Seek and execute warrants of execution for possession authorised by the Court.</p>
P15	Standing Order A41(4)	CHIEF EXECUTIVE (or in his absence the Deputy Chief Executive)	<p>PRESS RELEASES</p> <p>To issue press releases in advance of publication of relevant committee minutes, if appropriate.</p>
R1	Finance Sub-Committee (Minute 57 – 31.5.79)	DIRECTOR OF FINANCE AND ICT SERVICES	<p>RATING - DISABLED PERSONS</p> <p>To administer the provisions of the Rating (Disabled Persons) Act 1978.</p>
R2	Leisure Services Committee (Minute 5 – 23.5.91)	DIRECTOR OF ENVIRONMENT AND STREET SCENE	<p>RECREATION CHARGES – LEISURE ACTIVITIES AND EVENTS</p> <p>To make adjustments to the level of fees and charges within the maximum approved by the Cabinet.</p>

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
R4	Housing Committee (Minute 15 – 16.6.98)	DIRECTOR OF HOUSING SERVICES	<p>RENOVATION GRANTS - PRIVATE SECTOR</p> <p>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.</p> <p>To approve applications in special cases where the merits of an application reasonably justify a departure from the Council's grant policy.</p>
R5	Housing Management Sub-Committee (Minute 152(c)(2) – 11.3.80)	DIRECTOR OF HOUSING SERVICES	<p>RENT ARREARS - DECEASED TENANTS</p> <p>To write off rent arrears in respect of deceased tenants, where there is no means of recovering the debt.</p>
R6	Housing Management Sub-Committee (Minute 161 – 15.2.77)	DIRECTOR OF HOUSING SERVICES	<p>RENT ARREARS - NORWAY HOUSE</p> <p>To secure the eviction of any homeless person at Norway House who defaults in the payment of accommodation charges for four successive weeks or more.</p>
S1	Cabinet (Minute 184 – 10.4.06)	<p>DIRECTOR OF ENVIRONMENT AND STREET SCENE (or in his absence ASSISTANT DIRECTORS (ENVIRONMENT AND NEIGHBOURHOODS) AND (TECHNICAL)</p> <p>Appropriate Portfolio Holder</p>	<p>“SAFER, CLEANER, GREENER” LEGISLATION – AUTHORISATION OF OFFICERS</p> <p>To authorise suitably qualified officers to exercise those functions 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 Appendices A and B.</p> <p>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 Appendices A and B.</p> <p>To approve updates to the list of environmental legislation set out in Appendices A and B.</p>
	Council (Minute 23 – 15.5.08)-	<p>Appropriate Portfolio Holder</p> <p>DIRECTOR OF CORPORATE SUPPORT SERVICES ASSISTANT DIRECTOR (LEGAL) SENIOR LICENSING OFFICER</p> <p>Appropriate Portfolio Holder</p>	<p>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.</p> <p>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.</p>

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
S2	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.
S3	Council (Minute 40(4) – 15.7.86)	DIRECTOR OF HOUSING 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.
	Housing Committee Minute 117(5) & (6)	DIRECTOR OF HOUSING SERVICES	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.
		DIRECTOR OF CORPORATE SUPPORT SERVICES	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.
S4	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.
S5	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).
S6	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.
S7	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.
S8	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.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
S12	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.
S13	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.
S14	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.
S15	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.
S16	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.
T2	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.
T3	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.
T4	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.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
T5	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.
W1	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.
W2	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 DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT	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. 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.
W3	Housing Committee (Minute 74 – 4.3.92)	DIRECTOR OF HOUSING SERVICES DIRECTOR OF CORPORATE SUPPORT SERVICES	WARRANTS FOR REPOSSESSION OF COUNCIL PROPERTIES To obtain and issue warrants for the repossession of properties in the case of rent arrears, where possession orders are authorised by the courts, or where suspended orders are authorised by the courts and the ordered payments are not made.
W4	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.

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

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

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(5)

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

Section 140

Section 141

Sections 149 and 150

Section 156

Essex County Council Act 1952

Section 58

European Communities Act 1972

Section 2

Fire Safety and Safety of Places of Sport Act 1987

Sections 26 to 29, 31, 34 and 35

Food and Environment Protection Act 1985

Sections 16 and 19

Food Premises (Registration) Regulations 1991

All

Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998

All

Food Hygiene (England) Regulations 2006

All

Food Safety Act 1990

Sections 5 and 6
Sections 9 and 10 AO
Sections 11, 11(6) and 11(7)
Section 12 AO
Sections 18, 19, 23, 27 and 28
Section 29 AO
Section 30 AO
Section 31
Section 32 AO
Sections 32(2), 40 to 42, 44 to 46 and 49
Game Act 1831
Section 18
Game Licences Act 1860
Sections 4, 8 and 14
Gaming Act 1968
Sections 11 and 34, Schedule 2 and Schedule 9

Guard Dogs Act 1975

Section 3

Health and Safety at Work etc Act 1974

Section 2 CPO
Sections 2(1), 3, 4 and 15
Sections 18 and 19
Sections 20 to 23 and 25 INSPS
Sections 26, 27 and 34
Section 38 INSPS
Sections 39 and 43

Home Energy Conservation Act 1995

Sections 2 to 5

Home Safety Act 1961

Section 1

Housing Act 1985

Sections 189, 190, 190A, 191A, 193 to 195, 197 and 202
Sections 264, 265, 267, 268, 270 to 275, 278, 279, 284, 286 to 289, 291, 296 and 297
Sections 304, 309, 310, 315, 319, 326, 330, 332, 334 to 340, 346 to 352A, 354, 356 to 358, 363 to 365, 368, 372, 375, 377, 377A, 378 to 381, 383 and 385
Sections 386 and 387
Section 389
Sections 390(2), 392, 395 and 397
Sections 435 to 443
Sections 523, 535 to 537, 540 to 542 and 544 to 546
Sections 584A, 584B, 596 and 597
Sections 604A, 605 and 606
Sections 611, 614, 615 and 617

Housing Act 2004

Sections 11, 12, 20, 21, 25, 28, 29, 31, 32 to 36, 40 to 43, 46, 47, 49, 50, 64, 69, 70, 102, 111, 112, 113, 121, 122, 131, 133, 136, 139, 210, 235, 239, 243

Housing Grants, Construction and Regeneration Act 1996

Sections 6 to 19, 21 to 43, 45 to 52, 56, 57, 63, 66 to 68, 70, 71, 71(2), 74, 76 to 79, 81, 82, 84 to 89, 92, 95 and 97

Sections 108 to 111 and 115

Sections 131(4), 132, 134 to 136, 136(2) and 138

Landlord and Tenant Act 1985

Sections 1, 4, 5, 8, 12, 19, 20, 20B, 20ZA, 21, 21A, 21B, 22, 23, 29, 30, 30B and 31B
Section 34

Local Government and Housing Act 1989

Parts VII, VIII, IX

Local Government Act 1972

Section 114, 135, 139, 142, 144, 145(2), 214, 214(3), 214(5), 215, 222, 224, 230, 236

Paragraphs 11 and 24 of Schedule 26

Local Government Act 1974

Section 36

Local Government Act 1988

Sections 17, 20, 33, 37

Local Government Act 1999

Sections 3 to 5

Section 16

Section 26

Local Government Act 2000

Sections 150 and 151

Meat and Meat Preparations (Hygiene) Regulations 1995

Regulations 4, 5 and 12

Meat Products (Hygiene) Regulations 1995

Regulations 4 to 6, 12 and 17

Medicines Act 1968

Sections 108, 111 to 114, 117 and 119

Motor Cycle Noise Act 1987

Section 1 and paragraph 3 of the Schedule

National Assistance Act 1948

Section 47

Noise Act 1996

All

Noise and Statutory Nuisance Act 1993

Section 10

Nurses Agencies Act 1957

Sections 2 and 3

Open Spaces Act 1906

Section 10

Sections 11(1) to 11(4)

Sections 12 and 13

Pedlars Act 1871

Section 17

Performing Animals (Regulation) Act 1925

Sections 1 to 4

Pigs (Records Identification and Movement) Order 1995

The Order

Plant Health Act 1967

Sections 5 and 6(3)

Poisons Act 1972

Sections 5(1) to 5(3) 6 and 9(5)

Section 9(6) INSPS

Section 9(7) INSPS

Police and Criminal Evidence Act 1984

Section 67(9)

Pollution Prevention and Control Act 1999

Section 2

Prevention of Damage by Pests Act 1949

Sections 2, 4 to 7, 10, 19, 22 and 26

Private Places of Entertainment (Licensing) Act 1967

Sections 3, 3A, 3C to 3E, 4, 4A and 4A(3)

Protection of Animals Act 1911 to 1960

All relevant parts

Protection of Animals (Amendment) Act 2000

Sections 2, 3, 3(2) and 4

Public Health (Control of Disease) Act 1984

Sections 1, 11, 13, 16, 18 and 20 to 24

Sections 26 to 32 and 34 to 43

Sections 47, 48, 54, 56 to 59, 61, 64 and 69

Public Health Act 1875

Sections 153 and 161

Section 164

Sections 165, 305 and 308

Public Health Act 1925

Section 14

Sections 17 and 19

Section 56

Public Health Act 1936

Sections 1, 45, 48 to 50, 83, 84 to 87, 124, 140, 221, 222, 223, 227, 260, 261, 264, 265, 268 to 270, 275, 276, 278, 284, 287, 290, 291, 293 and 298

Public Health Act 1961

Sections 17, 22, 34, 36, 37, 45, 73, 74 and 77

Refuse Disposal (Amenity) Act 1976

Sections 3, 6, 8

Regulation of Investigatory Powers Act 2000

Section 3, 5, 11, 28 to 30, 43, 45, 47, 49, 58 and 72

Safety of Sports Grounds Act 1975

Sections 1 to 5, 10, 10B and 11

Scrap Metal Dealers Act 1964

Sections 1, 1(3), 1(5), 1(6), 1(9), 3(1), 3(3), 9(2) and 9(3)

Slaughter of Poultry Act 1967

Sections 4 and 6

Slaughterhouses Act 1974

Sections 4, 5, 10, 19, 20, 22, 29, 41 and 42

Sunday Entertainments Act 1932

Section 3

Sunday Trading Act 1994

Section 2(3)

Paragraphs 4(3) and 5 of Schedule 1

Paragraphs 1 and 2 of Schedule 2

Paragraphs 3(a) to 3(c) of Schedule 2 INSPS

Paragraphs 3(d), 8(5) and 8(7) to 8(9) of Schedule 2

Paragraphs 3, 7 and 8 of Schedule 3

Theatres Act 1968

Sections 13(4), 13(5) and 15

Paragraphs 1, 3 to 7 and 7C of Schedule 1

Water Industry Act 1991

Sections 77 to 85

Section 115

Section 200

Wildlife and Countryside Act 1981

Sections 20 and 25

Zoo Licensing Act 1981

Sections 1, 4 to 7, 10 to 12 and 14 to 27

LIST OF ENVIRONMENTAL HEALTH LEGISLATION (LICENSING)

House to House Collections Act 1939

All

Hypnotism Act 1952

Sections 1 and 2

Licensing Act 1964

Sections 3, 6, 7, 8A, 20A, 40, 44(1), 44(2), 45, 49(5), 49(6), 67A, 67C, 71, 72, 78A, 79, 79(5), 81A, 81AA, 98, 1691 and 1691(2)

Paragraphs 1 and 2 of Schedule 2

Paragraphs 4, 6 and 8 of Schedule 6

Paragraphs 2 and 5 of Schedule 8A

Local Government (Miscellaneous Provisions) Act 1976

Sections 16, 20(1), 20(5), 23, 24, 25, 26, 33 and 35

Licensing Act 2003

All

Local Government (Miscellaneous Provisions) Act 1976

Sections 16, 20, 35, Part II

Local Government (Miscellaneous Provisions) Act 1982

Section 29, 30, 33, 37, 41, paragraphs 7, 8, 9, 10(13), 13, 15 to 19 and 25 of Schedule 3

Lotteries and Amusements Act 1976

Sections 5 and 16

Schedule 1, and paragraphs 16 and 17 of Schedule 3

Pet Animals Act 1951

Sections 1, 4 and 6

Private Security Industry Act 2001

Section 13

Riding Establishments Act 1964

Sections 1, 2 and 5

Riding Establishments Act 1970

Section 1

Town Police Clauses Act 1847

Sections 37, 43, 46, 47, 50, 68

Town Police Clauses Act 1889

Sections 4, 5, 6

**PART TWO – COUNCIL AND
REGULATORY FUNCTIONS**

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

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Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
A1	Council - 29.10.85 (Minute 57(2))	<p>ACCESS TO INFORMATION ACT 1985 - PROPER OFFICER</p> <p>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</p>
A2	Policy & Co-ordinating Committee (Minute 62(1) - 11.2.86)	<p>ACCESS TO INFORMATION ACT 1985 - DEPOSIT OF BACKGROUND DOCUMENTS</p> <p>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.</p>
A3	Development Committee (Minute 6 - 22.5.84)	<p>ADVERTISEMENTS - CAPTIVE BALLOONS</p> <p>To determine, under the Town and Country Planning (Control of Advertisements) Regulations 1992, applications requiring consent.</p>
A4 D a g 1 3 3	Policy & Co-ordinating Committee (Minute 56 - 30.9.97)	<p>AFFIDAVITS - SWEARING OF</p> <p>To secure sworn affidavits from any member of Council staff where required by the Council.</p>
A5	Finance Sub-Committee (Minute 398 - 31.1.80)	<p>AGENDA AND MINUTES - CHARGES TO SUBSCRIBERS</p> <p>To approve charges.</p>
A6	Housing Committee (Minute 74 - 4.3.92)	<p>AGRICULTURAL DWELLINGS</p> <p>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.</p>
A7	Environmental Health & Control Committee (Minute 10 - 10.5.78)	<p>AIRCRAFT</p> <p>Proper Officer for the purposes of the Public Health (Aircraft) Regulations 1970.</p>

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
A8 Cabinet (Minute 142 – 14.3.05)	DIRECTOR OF ENVIRONMENT AND STREET SCENE (or in his absence the CHIEF EXECUTIVE) DIRECTOR OF ENVIRONMENT AND STREET SCENE SAFER COMMUNITIES CO-ORDINATOR ASBO OFFICER	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
Cabinet (Minute 10 – 6.6.05)	DIRECTOR OF ENVIRONMENT AND STREET SCENE P HAYWOOD HEAD OF PAID SERVICE DIRECTOR OF ENVIRONMENT AND STREET SCENE DIRECTOR OF ENVIRONMENT AND STREET SCENE SAFER COMMUNITIES CO-ORDINATOR ASBO OFFICER	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 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.
A9 Council (Minute 104(6) - 19.4.83)	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE SERVICE DIRECTORS	APPRAISAL OF STAFF* To implement the Council's scheme for staff appraisal (*n.b. 'Staff' denotes staff who do not fall with the definition of 'Top Management').
Council (Minute 104(5) - 19.4.83)	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE	APPRAISAL OF TOP MANAGEMENT* To implement the Council's scheme for staff appraisal (*n.b. 'Top Management' includes Heads of Service)

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
A10 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.

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
B1	Council (Minute 78(5) - 27.2.90)	<p data-bbox="225 947 248 1346">BORROWING DETERMINATION</p> <p data-bbox="284 73 347 1346">(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</p> <p data-bbox="379 618 408 1346">(b) To compile and maintain a register of loan instruments.</p>
B2	<p data-bbox="539 1805 595 2085">Development Committee (Minute 23(1) - 6.2.74)</p> <p data-bbox="632 1821 691 2085">Council Minute (Minute 24(1) - 9.7.91)</p>	<p data-bbox="443 920 467 1346">BRIDLEWAYS (SEE FOOTPATHS)</p> <p data-bbox="539 1021 563 1346">DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT</p> <p data-bbox="600 309 691 1346">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.</p> <p data-bbox="783 1088 807 1346">BUILDING ACT 1984</p> <p data-bbox="842 409 866 1346">To act as Proper Officer for the purposes of Section 78 of the Building Act 1984.</p> <p data-bbox="847 1373 967 1697">POST PBC/01 (ASST DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT SERVICES)</p> <p data-bbox="1002 1406 1090 1697">POST PBC/02 & 03 (PRINCIPAL BUILDING CONTROL SURVEYOR)</p> <p data-bbox="1126 1384 1214 1697">POSTS PBC/05-10 (SENIOR BUILDING CONTROL SURVEYORS)</p> <p data-bbox="1249 1373 1337 1697">DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT</p> <p data-bbox="1249 595 1273 1346">To carry out the following functions under the Building Act 1984:</p> <p data-bbox="1310 353 1366 1346">(a) Section 34 - serve notices requiring work contravening building regulations to be removed or altered to achieve compliance;</p>

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>
	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT	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.
B3	Personnel Sub-Committee (Minute 138 - 20.3.90) and Development Committee	BUILDING CONTROL - VETTING OF APPLICATIONS 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.
B4	Policy & Resources Committee (Minute 3 - 11.10.73)	BYELAWS - CERTIFICATION To act as Proper Officer for the purposes of section 238 of the Local Government Act 1972.
B5	Policy & Resources Committee (Minute 3 - 11.10.73)	BYELAWS - PARISH & COUNTY COUNCIL COPIES To act as Proper Officer for the purposes of section 236(a) of the Local Government Act 1972.

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
C1	Policy & Co-ordinating Committee (Minute 48 - 3.12.85)	<p>CAR LEASING SCHEME</p> <p>CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE SERVICE DIRECTORS</p> <p>(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.</p>
	Personnel Sub-Committee (Minute 37 - 25.7.89)	<p>CORPORATE EXECUTIVE FORUM</p> <p>(d) To authorise early termination charges to members of staff with leased cars who receive redundancy notices;</p>
	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE SERVICE DIRECTORS	<p>(e) To determine the appropriate user business mileage contribution banding for each member of staff receiving authorisation for a leased car.</p>
C2 D 00 00	Transportation Committee (Minute 115 - 26.1.93)	<p>CAR PARK TARIFFS</p> <p>To determine individual tariffs in off-street Pay and Display Car Parks within agreed policy.</p>
C3 00 00	Personnel Sub-Committee (Minute 79 --17.11.81)	<p>CAR PARKS (COUNCIL)</p> <p>To determine applications to use Council office car parks. (See also under "Offices - Use of")</p>
C4	Policy & Co-ordinating Committee (Minute 44(3) - 29.11.83)	<p>CAR PARKS (PUBLIC)</p> <p>To approve the use of Council car parks by charitable organisations or for other charitable purposes.</p>
C5	Policy & Resources Committee (Minute 3 - 11.10.73)	<p>CHAIRMAN OF COUNCIL - CASUAL VACANCY</p> <p>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).</p>

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
C6 Finance Sub-Committee (Minute 13 - 14.11.73)	DIRECTOR OF FINANCE AND ICT SERVICES (or other duly authorised signatory)	CHEQUES - SIGNING To sign cheques on behalf of the Council.
C7 Council (Minute 90(4) - 22.4.97) S.O. F1(3), F1(4)	MR R PALMER DIRECTOR OF FINANCE AND 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.
C8 Policy and Co-ordinating Committee (Minute 51 - 4.1.94)	DIRECTOR OF FINANCE AND ICT SERVICES	COLLECTION FUND To calculate the surplus or deficit on the Collection Fund in accordance with the Local Authorities (Funds)(England) Regulations 1992.
C9 Policy and Co-ordinating Committee (Minute 66(a) - 4.12.90)	DIRECTOR OF CORPORATE SUPPORT SERVICES	COMMERCIAL TENANCIES - SERVICE OF NOTICES To sign notices and answers to originating applications for new tenancies under Part II of the Landlord and Tenant Act 1954.
C10 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.

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
C11 Personnel Sub-Committee (Minute 13 - 15.11.73)	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE SERVICE DIRECTORS	COMPASSIONATE LEAVE To grant to staff up to five days leave (with pay) per year for compassionate reasons. (NOTE: Leave in excess of five days to be granted at the discretion of the Management Board.)
C12 Executive Committee (Minute 449 - 11.3.02)	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE	COMPLAINTS AND COMPLIMENTS PROCEDURE 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
C13 Council (Minute 74(3) - 20.12.88)	DIRECTOR OF HOUSING DIRECTOR OF ENVIRONMENT AND STREET SCENE	COMPULSORY COMPETITION - AUTHORITY TO SUBMIT BIDS FOR WORK INSIDE THE DISTRICT To submit bids for work inside the District, to utilise spare capacity/manpower only.
C14 Council (Minute 74(3) - 20.12.88)	CHIEF EXECUTIVE	WORKS UNIT - AUTHORITY TO SUBMIT BIDS FOR WORK OUTSIDE THE DISTRICT To refer to the Corporate Executive Forum 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.
C15 Policy and Resources Committee (Minute 347 - 14.2.78)	CHIEF EXECUTIVE DEPUTY 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.
C16 Policy and Resources Committee (Minute 3 - 11.10.73)	CHIEF EXECUTIVE (or in his absence the Deputy Chief Executive)	COUNCIL MEETINGS - NOTICES AS TO ADDRESSES FOR DELIVERY OF SUMMONS 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.

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
C17 Policy & Resources Committee (Minute 3 - 11.10.73)	CHIEF EXECUTIVE (or in his absence the Deputy Chief Executive)	COUNCIL MEETINGS - SIGNATURE OF SUMMONS TO ATTEND To act as proper officer in accordance with Schedule 12 (paragraph 4(2)(b) of the Local Government Act 1972 as to the signing of the summons.
C18 Policy & Resources Committee (Minute 3 - 11.10.73)	CHIEF EXECUTIVE	COUNCILLORS - ACCEPTANCE OF OFFICE 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.
C19 Policy & Resources Committee (Minute 3 - 11.10.73)	CHIEF EXECUTIVE (or in his absence the Deputy Chief Executive)	COUNCILLORS - RESIGNATION FROM OFFICE To act as proper officer for the purposes of Section 84 of the Local Government Act 1972, in respect of the receipt of notices of resignation from office by councillors.
C20 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.
C21 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 and conduct proceedings on behalf of the Council in Courts, tribunals, inquiries and other similar venues.

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
D1 Council (Minute 78(4) - 17.2.85)	DIRECTOR OF FINANCE AND ICT SERVICES	<p>DATA PROTECTION ACT 1984</p> <p>To act as proper officer for the purposes of the Data Protection Act 1984 for the receipt of notices.</p>
D2	<p>DIRECTOR OF CORPORATE SUPPORT SERVICES (or nominated Deputy)</p>	<p>DEBTS</p> <p>To take steps to enforce a debt following the commencement of bankruptcy proceedings, subject to action being reported to the Cabinet.</p>
D3	<p>DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT</p>	<p>DEMOLITION APPROVALS</p> <p>To determine whether prior approval of the method of any proposed demolition and any proposed site restoration is required under the Town and Country Planning (General Permitted Development Order) 1995 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>
D4 D 142	<p>DIRECTOR OF FINANCE AND ICT SERVICES</p>	<p>DIRECT DEBITING</p> <p>To execute a direct debiting indemnity on behalf of the Council.</p>
D5	<p>SERVICE DIRECTORS/ DIRECTOR OF FINANCE AND ICT SERVICES</p>	<p>DISTURBANCE COMPENSATION</p> <p>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.</p>
D6	<p>DIRECTOR OF CORPORATE SUPPORT SERVICES</p>	<p>DOCUMENTS - AUTHENTICATION</p> <p>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.</p>
D7	<p>DIRECTOR OF CORPORATE SUPPORT SERVICES</p>	<p>DOCUMENTS - CERTIFICATION OF PHOTOGRAPHIC COPIES</p> <p>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.</p>

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
D8 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.
D9 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.

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
E1 Council Minute - 19.4.05	MR I WILLETT	<p>ELECTORAL REGISTRATION OFFICER (AND DEPUTY)</p> <p>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.</p> <p>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.</p>
Council Minute 87 - 15.2.05	MR G LUNNUN	
E2 Council Minute 75(8) - 14.12.04	MR I WILLETT RETURNING OFFICER	<p>ELECTIONS - DISCRETIONARY FEES AND CHARGES</p> <p>To determine annually the scale of discretionary fees and charges, for which there is no statutory amount, by allowing for inflation and rounding up to the nearest whole number.</p>
E3 Council Minute 115 - 19.4.05	MR I WILLETT ELECTORAL REGISTRATION OFFICER	<p>ELECTIONS – ESSEX COUNTY COUNCIL, EUROPEAN PARLIAMENT AND REGIONAL ELECTIONS AND NATIONAL OR LOCAL REFERENDUMS AND POLLS</p> <p>To act in election, referendum and polling duties as the Council's Registration Officer</p>
E4 Council Minute 115 - 19.4.05	MR I WILLETT RETURNING OFFICER	<p>ELECTIONS - FEES AND EXPENSES FOR RETURNING OFFICER</p> <p>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.</p>
E5 Policy & Co-ordinating Committee (Minute 101 - 1.12.98)	DIRECTOR OF CORPORATE SUPPORT SERVICES	<p>ELECTORAL REGISTRATION - PROSECUTIONS</p> <p>To institute and pursue proceedings in relation to electoral registration offences.</p>
E6 Policy & Co-ordinating Committee (Minute 78 - 1.12.81)	DIRECTOR OF CORPORATE SUPPORT SERVICES	<p>ENERGY MANAGEMENT & CONSERVATION</p> <p>To implement the Council's policy.</p>

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
E7 Council (Minute 71 - 17.12.02)	<p>DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT</p> <p>DIRECTOR OF CORPORATE SUPPORT SERVICES (or, in the absence of these two office holders, a nominated deputy)</p>	<p>ENFORCEMENT ACTION</p> <p>1. Authority to issue Enforcement Notices, Breach of Condition Notices, Listed Buildings Enforcement Notices, Conservation Area Notices, Temporary Stop Notices, Stop Notices, Requisitions for Information, Planning Contravention Notices and Section 215 Notices under the Town and Country Planning Act 1990 as amended (and any subsequent legislation or regulations) and Planning (Listed Buildings and ESTATES Conservation Areas) Act 1990 as amended (and any subsequent legislation or regulations) for all breaches of planning legislation in accordance with the Council's adopted enforcement policy.</p> <p>2. 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.</p> <p>3. Authority to take the appropriate enforcement action, including serving an injunction where the Head of Planning Services, or his nominee, considers the circumstances to be urgent.</p>
E8 Development Committee (Minute 32 - 25.8.92)	<p>DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT (or officers duly authorised and acting under the postholder's authority (or of an Assistant Director).</p>	<p>4. Authority to vary steps required to comply with enforcement notices already authorised, including altering period required for compliance, service of further notices and withdrawal of notices.</p> <p>5. Authority to determine when action is not expedient in relation to inconsequential or insignificant breaches of control.</p> <p>6. Authority to determine complaints and issue relevant notices in relation to the High Hedges provision of the Act; Social Behaviours Act 2003 to determine that such notifications are valid and to respond to any relevant appeals.</p> <p>ENFORCEMENT - CERTIFICATES OF LAWFUL USE AND DEVELOPMENT</p> <p>To determine applications under Section 191-3 of the Town and Country Planning Act 1990.</p>

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
E9 Development Committee Minute 36 - 28.8.97, Minute 32 - 25.8.92	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT (or a duly authorised officer acting on the postholder's authority or of an Assistant Director)	ENFORCEMENT ACTION - POWERS OF ENTRY To exercise powers of entry under the following legislation for the purposes of planning control enforcement. Section 196A&B of the Town and Country Planning Act 1990 (and any subsequent legislation) (enforcement of planning control) Hedgerow Regulations 1997 (and any subsequent legislation) Section 324 of the Town and Country Planning Act 1990 (and any subsequent legislation). Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any subsequent Legislation). Section 36 of the Planning (Hazardous Substances) Act 1990 (and any subsequent legislation).
E10 Personnel Sub-Committee (Minute 67 - 24.11.87)	CHIEF EXECUTIVE DEPUTY 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.

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
F1 Leisure Services Committee (Minute 5 - 23.5.91)	DIRECTOR OF ENVIRONMENT AND STREET SCENE DEPUTY CHIEF EXECUTIVE	<p>FEES AND CHARGES - LEISURE</p> <p>To approve the level of fees and charges within the parameters outlined within the Leisure Management Contract.</p> <p>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.</p>
F2 Public Health Committee (Minute 72 - 21.9.83)	HPA (Any Consultant Staff Member) (see also under "Disease Control")	<p>FOOD HYGIENE - ENTRY TO PREMISES</p> <p>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.</p>
F3 Cabinet (Minute 138 – 25.11.02)	<p>ASSISTANT TO THE CHIEF EXECUTIVE</p> <p>CHIEF EXECUTIVE</p> <p>DEPUTY CHIEF EXECUTIVE</p> <p>SERVICE DIRECTORS</p>	<p>FREEDOM OF INFORMATION ACT 2001</p> <p>To be responsible for co-ordinating compliance 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.</p> <p>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.</p>

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
G1 Council Minute (19.12.06)	DIRECTOR OF CORPORATE SUPPORT SERVICES ASSISTANT DIRECTOR (LEGAL) SENIOR LICENSING OFFICER	GAMBLING ACT 2005 – LICENSING FUNCTIONS See Appendix C.

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
H1 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.
H2 Development Committee (Minute 31 - 25.8.92)	DIRECTOR OF PLANNING AND 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.
H3 Council (Minute 12(11)(a) - 27.2.90)	P HAYWOOD 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.
H4 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 & 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 department of the Council's general policy for safety, health and welfare; (c) To ensure that adequate budgetary provision is made to meet the cost of any safety programme; and (d) To be responsible in the work area under his control for:

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
		<ul style="list-style-type: none"> (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.
H5	<p>Council (Minute 52(c) - 12.12.00)</p> <p>DIRECTOR OF CORPORATE SUPPORT SERVICES (or nominated Deputy)</p>	<p>HIGH COURT ACTION</p> <p>To instigate High Court action in the following circumstances:</p> <ul style="list-style-type: none"> (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. <p>To defend High Court proceedings instituted against the Council (subject to reporting on action taken to the next Cabinet meeting).</p>
Council (Minute 100(5) - 18.4.00)	<p>DIRECTOR OF CORPORATE SUPPORT SERVICES (or nominated Deputy)</p>	

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
H6 Cabinet (Minute 142 – 14.3.05)	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT	HIGH HEDGEROWS Authority to exercise the powers contained in Part 8 of the Anti Social Behaviour Act 2003 on behalf of the Council.
H7 Housing Committee (Minute 125-27.1.97)	DIRECTOR OF HOUSING SERVICES	HOUSING ACCOMMODATION - ALLOCATION
	DIRECTOR OF HOUSING SERVICES HOUSING NEEDS MANAGER	To allocate accommodation in accordance with the Housing Allocations Scheme.
H8 Housing Committee (Minute 49 - 30.10.91)	DIRECTOR OF HOUSING SERVICES	HOUSING ACCOMMODATION - DESIGNATION FOR ELDERLY To cancel designations.
H9D 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.
H10 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.
H11 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
H12 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.
H13 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.
H14 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.
H15 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.
H16 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.

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
I1 Public Health Committee (Minute 72 - 21.9.83)	HPA (Any Consultant member of staff)	<p>ILLNESS - PERSONS IN NEED OF CARE AND ATTENTION</p> <p>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).</p>
I2 Public Health Committee (Minute 72 - 21.9.83) (Minute 92 - 17.3.92)	HPA (Any Consultant member of staff)	<p>INFECTIOUS AND COMMUNICABLE DISEASES</p> <p>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.</p>
I3 Council 7 (Minute 34 - 22.7.97)	DIRECTOR OF CORPORATE SUPPORT SERVICES	<p>INSOLVENCY - ENFORCEMENT OF DEBTS</p> <p>To issue statutory demands pursuant to Section 268(1)(a) of the Insolvency Act 1986.</p> <p>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.</p>
I4 Council (Minute 100 (6) - 18.4.2000)	DIRECTOR OF FINANCE AND ICT SERVICES (or nominated Deputy)	<p>INSURANCE - INSTITUTION OF LEGAL PROCEEDINGS</p> <p>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.</p>

**Authorising Committee
and Minute Ref or
Other Authority** **Officer(s) Authorised** **Subject and Function(s) Delegated**

J NIL

**Authorising Committee
and Minute Ref or
Other Authority** **Officer(s) Authorised** **Subject and Function(s) Delegated**

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Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated																				
L1 Policy & Resources Committee (Minute 3 - 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	<p data-bbox="220 1131 245 1346">LAND CHARGES</p> <p data-bbox="280 100 341 1346">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).</p>																				
L2 Public Health Committee (Minute 57 - 7.1.98)	DIRECTOR OF ENVIRONMENT AND STREET SCENE (AND RELEVANT STAFF DULY AUTHORISED TO ACT ON HIS BEHALF)	<p data-bbox="405 824 430 1346">LAND DRAINAGE AND FLOOD DEFENCE</p> <p data-bbox="466 763 491 1346">To act under the statutory provisions listed below:</p> <p data-bbox="684 945 743 1346">Epping Forest District Council - Land Drainage Byelaws 2005</p> <table data-bbox="778 226 1358 1346"> <tr> <td data-bbox="778 1234 804 1346">Byelaw 4</td> <td data-bbox="778 689 804 945">Control of sluices etc.</td> </tr> <tr> <td data-bbox="839 1234 865 1346">Byelaw 6</td> <td data-bbox="839 443 865 945">Diversion or Stopping Up of Watercourses.</td> </tr> <tr> <td data-bbox="900 1234 925 1346">Byelaw 9</td> <td data-bbox="900 645 925 945">Notice to Cut Vegetation.</td> </tr> <tr> <td data-bbox="960 1223 986 1346">Byelaw 10</td> <td data-bbox="960 226 986 945">No obstruction within 8 metres of the Edge of a Watercourse.</td> </tr> <tr> <td data-bbox="1021 1223 1046 1346">Byelaw 11</td> <td data-bbox="1021 701 1046 945">Repairs to Buildings.</td> </tr> <tr> <td data-bbox="1082 1223 1107 1346">Byelaw 12</td> <td data-bbox="1082 734 1107 945">Control of Vermin.</td> </tr> <tr> <td data-bbox="1142 1223 1168 1346">Byelaw 13</td> <td data-bbox="1142 589 1168 945">Damage by Animals to Banks.</td> </tr> <tr> <td data-bbox="1203 1223 1228 1346">Byelaw 16</td> <td data-bbox="1203 465 1228 945">Not to Dredge or Raise Gravel, Sand etc.</td> </tr> <tr> <td data-bbox="1264 1223 1289 1346">Byelaw 17</td> <td data-bbox="1264 566 1289 945">Fences, Excavations, Pipes etc.</td> </tr> <tr> <td data-bbox="1324 1223 1350 1346">Byelaw 21</td> <td data-bbox="1324 611 1350 945">Removal of Sunken Vessels.</td> </tr> </table>	Byelaw 4	Control of sluices etc.	Byelaw 6	Diversion or Stopping Up of Watercourses.	Byelaw 9	Notice to Cut Vegetation.	Byelaw 10	No obstruction within 8 metres of the Edge of a Watercourse.	Byelaw 11	Repairs to Buildings.	Byelaw 12	Control of Vermin.	Byelaw 13	Damage by Animals to Banks.	Byelaw 16	Not to Dredge or Raise Gravel, Sand etc.	Byelaw 17	Fences, Excavations, Pipes etc.	Byelaw 21	Removal of Sunken Vessels.
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Byelaw 17	Fences, Excavations, Pipes etc.																					
Byelaw 21	Removal of Sunken Vessels.																					

Land Drainage Act 1991

- Section 14 General drainage powers to maintain, construct and improve drainage works etc.
- Section 15 Disposal of spoil from works to watercourse.
- Sections 25, 26 and 27 Powers to require works for maintaining flow of watercourses etc.
- Section 64 Powers of entry for internal drainage boards and local authorities.

Public Health Act 1936

- Section 260 Power to deal with ponds, ditches etc.
- Section 262 Power to require culverting of watercourses and ditches where building operations in prospect.
- Section 263 Approval of plans to culvert or cover any stream or watercourse.
- Section 264 Issue of notice requiring the repair or cleansing of culverts.

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Land Sub-Committee
(Minute 130 - 31.1.95)

LANDLORD AND TENANT - ESTATES MANAGEMENT

**DIRECTOR OF
CORPORATE SUPPORT
SERVICES**

(after considering any
views of the Portfolio
Holder)

- (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.

Resource Sub-Committee
(Minute 56 - 24.9.91)

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Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
L4 Public Health Committee (Minute 15 - 15.6.93)	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT SERVICES	LICENSING - BUILDING CONTROL INSPECTIONS FOR PRIVATE AND PUBLIC ENTERTAINMENTS Holders of Posts PBP/01, PBP/08, PBP/09, PBP/10, PBP/11, PBP/12, PBP/13, PBP/14 and PBP/15 authorised to enter and inspect premises.
L5 Policy and Co-ordinating Committee (Minute 24(2) - 8.10.91)	DIRECTOR OF FINANCE AND 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
L6 Council (Minute 24(1)(2) - 9.7.91)	Council (Minute 24(1)(2) - 9.7.91)	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, deposit and maintenance of lists of politically restricted posts). Section 37 (deposit and preparation of statements as to the provision of financial assistance).
Council (Minute 11 - 27.2.90)	DIRECTOR OF FINANCE AND ICT SERVICES	

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
M1 Council (Minute 34 - 22.7.97)	DIRECTOR OF CORPORATE SUPPORT SERVICES ASSISTANT DIRECTOR (LEGAL)	MAGISTRATES' AND COUNTY COURTS - DEFENCE AND PURSUIT OF PROCEEDINGS To institute, defend and pursue proceedings on behalf of the Council and to appear on the Council's behalf, in any proceedings before the Magistrates' and County Courts.
Personnel Sub-Committee (Minute 88 - 21.11.89 and 88(b) - 1.12.92)	MR G OAKLEY (MANAGING LEGAL EXECUTIVE)	To appear for the Council in legal proceedings pursuant to Section 223(1) of the Local Government Act 1972 and Section 60(2) of the County Courts Act 1982.
M2 Council (Minute 10 - 15.5.2001)	C O'BOYLE DIRECTOR OF CORPORATE SUPPORT SERVICES I WILLETT ASSISTANT TO THE CHIEF EXECUTIVE	MONITORING OFFICER AND DEPUTY To act as Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989 for the purpose of performing the duties imposed by that section. 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.

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
N1 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.
N2 Resource Committee (Minute 130 - 31.1.95) North Weald Airfield Sub-Committee (Minute 15(1) - 15.5.80)	DIRECTOR OF CORPORATE SUPPORT SERVICES	NORTH WEALD AIRFIELD - LETTINGS (a) To negotiate all commercial and recreational lettings at North Weald Airfield; (b) To negotiate with all organisations requesting casual or miscellaneous lettings on North Weald Airfield; (c) To approve casual or miscellaneous lettings of North Weald Airfield provided they are for activities which take place at present or are similar and unlikely to give rise to public concern; (d) To renew existing commercial leases on North Weald Airfield at current market rentals; and (e) To negotiate and agree appropriate lettings of the Annexe to Hangar 2 at North Weald Airfield in consultation with the relevant Portfolio Holder.
N3 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.
N4 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

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
O1 Policy and Resources Committee (Minute 3(3) - 11.10.73)	DIRECTOR OF FINANCE AND ICT SERVICES	OFFICERS - RECEIPT OF MONEY DUE To act as proper officer for the purposes of Section 115 of the Local Government Act 1972.
O2 Personnel Sub-Committee (Minute 79 - 17.11.81)	DIRECTOR OF CORPORATE SUPPORT SERVICES (after considering any views of the Chairman of Resource Committee)	OFFICES - USE OF To determine applications to use Council offices (See also under "Car Parks (Council)").
O3 Council Minute 86 - 15.02.05	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).
O4 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).

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Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
P1 Council Minute 87 - 15.02.05	MR I WILLETT RETURNING OFFICER	<p>PARISH POLLS</p> <p>To act as Returning Officer for the purposes of a Parish Poll in the District in accordance with the Parish and Community Meetings (Polls) Rules 1987.</p>
P2 Policy and Co-ordinating Committee (Minute 99 - 21.11.89)	DIRECTOR OF CORPORATE SUPPORT SERVICES	<p>PHYSICAL ASSAULTS ON STAFF</p> <p>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 considers that the Attorney General's guidelines for prosecutions in a private prosecution for assault are satisfied.</p>
P3 Council (Minute 29(2) - 15.7.86)	DIRECTOR OF CORPORATE SUPPORT SERVICES	<p>PLANNING APPEALS - SECTIONS 288 AND 289 OF THE TOWN AND COUNTRY PLANNING ACT 1990</p> <p>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.</p>
P4 Council (Minute 71 - 17.12.02)	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT SERVICES (or, in his absence, an officer duly authorised to act on his behalf)	<p>PLANNING APPLICATIONS</p> <p>To determine applications for planning permission as set out below:</p> <p>(1) Subject to the schedule below which are matters to be determined by Committee, to determine planning applications and applications for advertisement consent, listed building consent, conservation area consent and approval of reserved matters (including renewals of temporary permissions).</p> <p>Schedule A</p> <p>(a) Applications contrary to the provisions of an approved or draft Development Plan, and which are recommended for approval;</p> <p>(b) Applications contrary to other approved policies of the Council, and which are recommended for approval;</p> <p>(c) Applications for major commercial and other developments, (e.g. development of significant scale and/or of wide concern) and which are recommended for approval;</p>

- (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) Applications recommended for approval on which there is more than one expression of an objection material to the planning merits of the proposal to be approved other than householder applications;
- (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 any Member requests within 4 weeks of the notification of that application in the Council Bulletin should be the subject of consideration by the relevant Committee;
- (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) A planning 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.

SUBJECT TO the prior completion of agreements securing controls over the development or works for the benefit of the community; and to such conditions as the Director of Planning and Economic Development deems appropriate to impose on any grant of permission.

(2) To respond to consultations from adjoining planning authorities and from Essex County Council except on proposals which are potentially controversial or likely to be of significant public interest.

(3) To determine applications for works to preserved trees (other than felling) unless subject to criteria (f), (g) and (h) of preceding schedule and dispensing with requirements to replace a preserved tree; and to respond to consultations from Essex County Council.

N.B. All decisions of the Director of Planning and Economic Development to be reported to the appropriate Area Plans Sub-Committees at its next meeting.

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
P5 Development Committee (Minute 79 - 26.10.99)	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT	<p>PLANNING - ENTRY TO LAND AND BUILDINGS</p> <p>To authorise designated postholders within Planning Services to exercise the following powers:</p> <p>(a) Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - powers of entry;</p> <p>(b) Sections 196A and 196B of the Town and Country Planning Act 1990 (as amended) to enter land and buildings in connection with the enforcement of planning control;</p> <p>(c) Section 324 of the Town and Country Planning Act 1990 (as amended) - powers of entry;</p> <p>(d) Hedgerow Regulations 1997 - powers to enter land.</p> <p>(e) Part VII of the Anti-Social Behaviour Act 2003.</p>
P6 Development Committee (Minute 59 - 6.1.93)	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT	<p>PLANNING APPLICATIONS - POWER TO DECLINE TO DETERMINE</p> <p>To decline to determine applications in accordance with Section 70A of the Town and Country Planning Act 1990.</p>
P7 Development Committee (Minute 85 - 10.3.92)	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT	<p>PLANNING APPLICATIONS - SUBMISSION OF DETAILS</p> <p>To determine whether to require the formal submission of details in accordance with Part 6 of Schedule 2 of the Town and Country Planning (General Development Procedure) Order 1995.</p> <p>To determine applications for approval of details under the General Development Procedure Order 1995, subject to such determinations not being exercisable under Schedule B of SO64.</p>
P8 Development Committee (Minute 100 - 11.1.00)	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT	<p>PLANNING APPLICATIONS - ENVIRONMENTAL IMPACT ASSESSMENTS</p> <p>To determine, in accordance with the Town and Country Planning (Environmental Impact Assessments) (England and Wales) Regulations 1999, the need for and scope of environmental impact assessments required under the Town and Country Planning Acts.</p>

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
P9 Development Committee (Minute 1 - 25.5.99)	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT (IN CONSULTATION WITH THE CHAIRMAN OF THE APPROPRIATE COMMITTEE OR SUB-COMMITTEE)	PLANNING PERMISSIONS - ADDITIONAL/REVISED CONDITIONS To agree the precise wording of additional/ revised conditions to be attached to planning permissions where members so desire.
P10 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.
P11 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.
P12 Housing Committee (Minute 75 - 14.11.95)	DIRECTOR OF HOUSING SERVICES DIRECTOR OF CORPORATE SUPPORT SERVICES DIRECTOR OF HOUSING SERVICES DIRECTOR OF CORPORATE SUPPORT SERVICES	POSSESSION ORDERS - RENT ARREARS/GAS SAFETY INSPECTIONS (a) To serve notices of seeking possession for any of the grounds contained in Schedule 2 of the Housing Act 1985; (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; (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; (d) To institute proceedings in the County Court for the recovery of rent, court costs and service charges; and (e) To obtain and execute a warrant for eviction where possession has been awarded by the Court. DIRECTOR OF CORPORATE SUPPORT SERVICES In respect of secure and non-secure tenancies of Housing Revenue Account properties:

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
Housing Committee (Minute 46 – 12.9.2000)	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)	(f) to approve and sign Notices and Seeking Possession and Notices to Quit; (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 (h) to seek and execute warrants of execution for possession; and 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
Portfolio Holder Decision (24.3.2004)	DIRECTOR OF HOUSING SERVICES HOUSING ASSETS MANAGER (HMT/01) (or any officer authorised to act).	(i) 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; (j) 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 (k) Seek and execute warrants of execution for possession authorised by the Court.
P13 (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.
P14 (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..
P15 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.

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
P16 Development Committee (Minute 65 - 23.9.81)	DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT	<p>PRESERVATION NOTICES (BUILDINGS)</p> <p>To serve building preservation notices in urgent cases subject to report to and review by, the next meeting of the Development Committee.</p>
P17 Policy and Resources Committee (Minute 3 - 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	<p>PROTECTED BUILDINGS</p> <p>To act as proper officer for the purposes of paragraph 28 of Schedule 16 to the Local Government 1972 (receipt and deposit of lists of protected buildings).</p>

**Authorising Committee
and Minute Ref or
Other Authority** **Officer(s) Authorised** **Subject and Function(s) Delegated**

Q **NIL**

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated						
R1 Finance Sub-Committee (Minute 57 - 31.5.79)	DIRECTOR OF FINANCE AND ICT SERVICES	<p>RATING - DISABLED PERSONS</p> <p>To administer the provisions of the Rating (Disabled Persons) Act 1978.</p>						
R2 Leisure Services Committee (Minute 5 – 23.5.91)	DIRECTOR OF ENVIRONMENT AND STREET SCENE	<p>RECREATION CHARGES – LEISURE ACTIVITIES AND EVENTS</p> <p>To make adjustments to the level of fees and charges within the maximum approved by the Cabinet.</p>						
R3	New	<p>REGULATION OF INVESTIGATORY POWERS ACT (R.I.P.A.) 2000 - DESIGNATION OF RIPA OFFICER AND DEPUTY</p> <p>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:</p> <table border="1"> <thead> <tr> <th data-bbox="815 1223 836 1346"><u>Article</u></th> <th data-bbox="815 931 836 1032"><u>Purpose</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="903 1335 924 1346">4</td> <td data-bbox="903 103 986 1032">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 data-bbox="1137 1335 1158 1346">4</td> <td data-bbox="1137 103 1249 1032">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>	<u>Article</u>	<u>Purpose</u>	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).
<u>Article</u>	<u>Purpose</u>							
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).							

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
R4 Housing Committee (Minute 15 - 16.6.98)	DIRECTOR OF HOUSING SERVICES	<p>RENOVATION GRANTS - PRIVATE SECTOR</p> <p>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.</p> <p>To approve applications in special cases where the merits of an application reasonably justify a departure from the Council=s grant policy.</p>
R5 Housing Management Sub-Committee (Minute 152(c)(2) - 11.3.80)	DIRECTOR OF HOUSING SERVICES	<p>RENT ARREARS - DECEASED TENANTS</p> <p>To write off rent arrears in respect of deceased tenants, where there is no means of recovering the debt.</p>
R6 Housing Management Sub-Committee (Minute 161 - 15.2.77)	DIRECTOR OF HOUSING SERVICES	<p>RENT ARREARS - NORWAY HOUSE</p> <p>To secure the eviction of any homeless person at Norway House who defaults in the payment of accommodation charges for four successive weeks or more.</p>
R70 REQUISITIONS FOR INFORMATION (See under "ENFORCEMENT ACTION")		
R8 Policy & Co-Ordinating Committee (Minute 3 - 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	<p>RESOLUTIONS - CERTIFICATION</p> <p>To act as proper officer for purposes of paragraph 25 of Schedule 4 to the Local Government Act 1972 (certification of resolutions).</p>
R9 Council Minute - - 19.4.05	I WILLETT ASSISTANT TO THE CHIEF EXECUTIVE	<p>RETURNING OFFICER - DISTRICT ELECTIONS</p> <p>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).</p>
R10 Council Minute - - 19.4.05	I WILLETT ASSISTANT TO THE CHIEF EXECUTIVE	<p>RETURNING OFFICER - PARISH ELECTIONS</p> <p>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).</p>

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
S1 Cabinet (Minute 184 – 10.4.06)	<p>DIRECTOR OF ENVIRONMENT & STREET SCENE (or in his absence ASSISTANT DIRECTORS (ENVIRONMENT AND NEIGHBOURHOODS) and (TECHNICAL)</p> <p>Appropriate Portfolio Holder</p> <p>Appropriate Portfolio Holder</p>	<p>“SAFER, CLEANER, GREENER” LEGISLATION – AUTHORISATION OF OFFICERS</p> <p>To authorise suitably qualified officers to exercise those functions 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 Appendices A and B.</p> <p>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 Appendices A and B.</p> <p>To approve updates to the list of environmental legislation set out in Appendices A and B.</p>
NEW AUTHORITY	<p>DIRECTOR OF CORPORATE SUPPORT SERVICES ASSISTANT DIRECTOR (LEGAL) SENIOR LICENSING OFFICER</p> <p>Appropriate Portfolio Holder</p>	<p>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.</p>
S2 Council (Minute 24(2) - 30.6.81)	<p>DIRECTOR OF HOUSING SERVICES (after considering the views of the Portfolio Holder)</p>	<p>SALE OF COUNCIL HOUSES - DISCOUNTS</p> <p>To determine, under Part V of the Housing Act 1985, applications for discounting of entitlement periods where a potential purchaser lives with their parents.</p>

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
S3	Council (Minute 30(4) - 15.7.86)	<p>SALE OF COUNCIL HOUSES - RESTRICTIVE COVENANTS, MINOR EXTENSIONS AND ALTERATIONS</p> <p>To deal with applications for minor extensions or alterations in sold Council houses in accordance with the terms of the house sales agreement.</p> <p>DIRECTOR OF HOUSING SERVICES</p> <p>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.</p> <p>DIRECTOR OF HOUSING SERVICES</p> <p>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.</p>
S4 D g e 172	Council (Minute 11(c) - 2.6.77)	<p>SALE OF COUNCIL HOUSES - VALUATIONS</p> <p>To carry out all valuations in respect of sale of Council houses.</p>
S5	Policy and Resources Committee (Minute 3 - 11.10.73)	<p>SECURITIES</p> <p>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).</p>
S6	Public Health Committee (Minute 72 - 21.9.83)	<p>SHIPS</p> <p>To act as proper officer to the Council for the purposes of the Public Health (Ships) Regulations 1970.</p>
S7	Housing Committee (Minute 121 - 8.11.77)	<p>SQUATTERS - EVICTION</p> <p>To take such urgent action as is necessary to secure the vacation of any Council properties which are occupied by squatters.</p>

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
S8 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.
S9 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 Service Director level except appointments where member involvement is considered desirable.
S10 Policy and 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.
S11 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.
S12 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.

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
S13 Personnel Sub-Committee (Minute 77 - 28.5.74)	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE SERVICE DIRECTORS	<p>STUDY LEAVE</p> <p>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.</p>
S14 Policy & Co-ordinating Committee (Minute 23 - 5.10.93)	ASSISTANT TO THE CHIEF EXECUTIVE	<p>SUBSCRIPTIONS - OUTSIDE ORGANISATIONS</p> <p>To pay subscriptions in respect of organisations on which the Council is represented at member level.</p>
S15 Public Health Committee (Minute 46 - 19.9.84)	DIRECTOR OF CORPORATE SUPPORT SERVICES	<p>SUNDAY TRADING - CAR BOOT SALES</p> <p>To institute proceedings in respect of such sales where complaints have been received and satisfactory evidence is available.</p>
S16 Portfolio Holder decision reference H/026/2002-03	DIRECTOR OF HOUSING SERVICES	<p>SUPPORTING PEOPLE – SIGNING OF CONTRACTS</p> <p>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.</p>

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
T1 Development Committee Minute 73 - 2.3.93	DIRECTOR OF PLANNING AND 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.
Minute 108 - 6.3.01		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.
T2 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.
T3 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.
T4 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.

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
T5	Housing Management Sub-Committee (Minute 33 (c) (2) - 15.5.74)	<p data-bbox="225 1055 248 1346">TENANCIES - SERVICE</p> <p data-bbox="285 118 344 1346">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.</p>
T6	Resource Committee (Minute 40 - 28.9.93)	<p data-bbox="443 999 467 1346">TREASURY MANAGEMENT</p> <p data-bbox="504 342 531 1346">(a) To have control of the aggregated monies under Section 151 of the LGA 1972.</p> <p data-bbox="600 163 659 1346">(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.</p> <p data-bbox="663 1379 691 1697">DIRECTOR OF FINANCE AND ICT SERVICES</p> <p data-bbox="663 1379 691 1697">(or staff delegated to act)</p>
T7 176	Development Committee (Minute 28 - 24.4.74) (Minute 119 - 28.2.95)	<p data-bbox="754 1059 778 1346">TREE PRESERVATION</p> <p data-bbox="815 163 874 1346">To authorise action to preserve trees in consultation with the Chairman of the Committee in cases of great urgency.</p> <p data-bbox="911 96 999 1346">To authorise, serve and execute all unopposed tree preservation orders in accordance with Section 197 of the Town and Country Planning Act 1990 (as amended) and any subsequent legislation and to notify action taken in the Members' Information Bulletin.</p>

**Authorising Committee
and Minute Ref or
Other Authority** **Officer(s) Authorised** **Subject and Function(s) Delegated**

U NIL

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
V1 Council (Minutes 45(1)(5) - 11.9.90)	CORPORATE EXECUTIVE FORUM (in consultation with appropriate Service Director)	VACANCIES - REVIEW To review the filling of vacant posts when they occur and to implement the final agreement following consultation.

Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
W1 Housing Services Committee (Minute 6(c)(1) - 29.10.73)	DIRECTOR OF HOUSING SERVICES	WARRANTS OF DISTRAINT To issue warrants of distraint in housing cases.
W2 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.
Development Committee (Minute 60 - 6.1.93)	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 Act 1990
W3-1 Housing Committee (Minute 74 - 4.3.92)	DIRECTOR OF HOUSING SERVICES	WARRANTS FOR REPOSSESSION OF COUNCIL PROPERTIES
DIRECTOR OF CORPORATE SUPPORT SERVICES	To obtain and issue warrants for the repossession of properties in the case of rent arrears, where possession orders are authorised by the courts, or where suspended orders are authorised by the courts and the ordered payments are not made.	
W4 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.

**Authorising Committee
and Minute Ref or
Other Authority** **Officer(s) Authorised** **Subject and Function(s) Delegated**

X NIL

**Authorising Committee
and Minute Ref or
Other Authority** **Officer(s) Authorised** **Subject and Function(s) Delegated**

Y NIL

**Authorising Committee
and Minute Ref or
Other Authority** **Officer(s) Authorised** **Subject and Function(s) Delegated**

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	

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EFDC Schedule of Representation On Outside Organisations

Organisations Carrying Out Executive Functions

Organisation
1). Access Group – Joint Management Team
2). Civil Enforcement of Parking and Traffic Regulations Outside London – (PATROL) – Adjudication Joint Committee
3). Crime and Disorder Reduction Strategy Panel
4). East of England Regional Assembly
5). Enfield, Essex, Herts Border Liaison Group (Executive/Local)
6). Epping Forest District Local Strategic Partnership
7). Epping Forest Local Strategic Partnership – Homes and Neighbourhoods Action Group
8). Essex Archaeological and Historical Congress
9). Essex Development and Regeneration Agency
10). Essex On-Line Partnership
11). Essex Prosperity Forum (and West Essex Sub Group)
12). Essex Supporting People Commissioning Body
13). Highways Panel (West Area)
14). Local Councils' Liaison Committee (Executive/Ex-Officio)
15). Local Government Association – General Assembly
16). Local Government Information Unit Management Committee
17). Museum Service (South Eastern)
18). National Society for Clean Air (SE Division)
19). Standing Conference – Investigation of Air Pollution
20). Stansted Airport Community Trust Fund
21). Victoria County History Association
22). Voluntary Action Epping Forest
23). West Essex Area Forum

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EFDC – Schedule of Representation On Outside Organisations

Organisations Carrying Out Council Regulatory or Non Cabinet Functions

Organisation
1). Care and Repair – Management Committee
2). Citizens’ Advice Bureaux (a) Loughton Branch (Local – Buckhurst Hill, Chigwell and Loughton Parishes) (b) Waltham Abbey Branch (Local – Waltham Abbey area) (c) Epping (Local – Epping area)
3). Campaign to Protect Rural England (Essex Branch)
4). East Anglian Home Safety Committee
5). Epping Forest Children and Young People’s Strategic Partnership (CYPSP) – Management Board
6). Epping Forest Community Transport Steering Group
7). Epping Forest Housing Aid Committee
8). Essex Water Safety Liaison Committee
9). Grange Farm Managing Trustees
10). Lee Valley Regional Park Authority
11). Leisure Centres Liaison Groups (Local) - Ongar Leisure Centre - Epping Sports Centre - Loughton Leisure Centre - Waltham Abbey Swimming Pool
12). Local Government Association – Rural Commission
13). Museums in Essex Committee
14). North East London Health Services – Joint Scrutiny Review – “Fit for the Future”
15). Police and Community Consultative Group – Epping Forest (Local)
16). Roding Valley Meadows Local Nature Reserve (Management Committee) (Local)
17). Stansted Airport Consultative Committee

Organisation
18). Stansted Airport Community Trust Fund
19). Town Centre Partnerships (Local) (a) Buckhurst Hill Town Centre Partnership (b) Epping Town Centre Partnership (c) Loughton Broadway Town Centre Partnership (d) Loughton High Road Town Centre Partnership (e) Ongar Town Forum – Steering Group (f) Waltham Abbey Town Partnership
20). Voluntary Action Epping Forest
21). Waltham Abbey Royal Gunpowder Mills Ltd
22). Waltham Abbey Tourist Information Centre – Joint Management Committee
23). Waste Management and Street Cleansing – Loughton Stakeholders Group
24). West Essex Economic Strategy

APPENDIX 11

STATEMENT BY EPPING FOREST DISTRICT COUNCIL REGARDING EXECUTIVE GOVERNANCE

1. Introduction

1.1 This statement is made under Section 33B of the Local Government Act 2000. This document is designed to comply with the duty of Epping Forest District Council under Section 33E of the 2000 Act to set out details of changes to its governance arrangements.

2. Current Position

2.1 The Epping Forest District Council adopted a Leader and Cabinet Executive in 2000, following public consultation. This arrangement recognised the responsibility of the Cabinet for executive functions but reserved certain governance responsibilities to the full Council.

2.2 The Council is responsible for appointment of the Leader and Deputy Leader of the Council, the selection of Cabinet members, the allocation of responsibilities to those members, the approval of office delegation and appointment of representatives to outside bodies and the number of Cabinet seats.

2.3 The Council rejected the option of an elected mayor, whether with a Cabinet or a Council manager.

2.4 The Leader and Cabinet Executive was not afforded the powers mentioned in 2.2. above because this was an arrangement that best reflected the prevailing consensus between political groups in a period when there was no overall political control of the Council.

3. Local Government and Public Involvement in Health Act 2007

3.1 This Act makes changes to the operation of the Leader and Cabinet Executive and allows the Council under Section 33A to change to an Elected Major and Cabinet. At its Council meeting in April 2008, the Council made a decision to:

- (a) reject the Elected Mayor Executive
- (b) continue with the Leader and Cabinet model

3.2 The Council was asked, in making this choice, to review whether a change to an Elected Major executive would be likely to assist in securing continuous improvement in the way in which the local authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

3.3 The Council considers that the best option is to continue with the Leader and Cabinet option. In supporting this conclusion we have noted that adjusting the Executive Constitution to the new requirements of the Act will be a less time consuming process than seeking an Elected Major. There is nothing which convinces the Council that an Elected Mayor is more likely enable continuous improvement than the present executive. The Council is not aware of any proposal from the community or elsewhere in favour of the Elected Mayor option. In fact when the Local Government Act 2000 came into being the

Council conducted statutory consultation which indicated very little support from the community for an Elected Mayor.

4. Review of Governance Arrangements

4.1 The changes brought about by the 2007 Act need to be reflected in the Constitution to reflect the increased powers for the Leader. These changes include:

- (a) power to determine the number of Cabinet members;
- (b) power to determine the allocation of portfolios
- (c) power to appoint a Deputy Leader
- (d) power to establish Cabinet Committees
- (e) power to appoint representatives to outside bodies involved in the delivery of executive services;
- (f) power to determine delegation to officers in respect of executive functions.

4.2 These powers are all currently exercised by the full Council. The latter will still, however, be responsible for appointing the Leader and for matters relating to non-executive functions.

4.3 Section 44C(1) of the Act (as amended by the 2007 Act) allows the Council to include in its constitution, provision for the removal of the Leader by majority vote in the Council. The Council had previously included a similar provision and has decided to continue this in the future.

5. Timetable

5.1 The Council approved changes to its constitution at its meeting in February 2009. Implementation will take effect on 20 February 2009 to give the Leader of Council sufficient time to prepare for the Council year 2009/10.

6. Interim Arrangements

6.1 No interim arrangements or contingency plans are considered necessary.