



NOTICE OF COUNCIL MEETING

You are hereby summoned to a meeting of the EPPING FOREST DISTRICT COUNCIL to be held in the COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING at 7.30 pm on Tuesday, 30 July 2013 for the purpose of transacting the business set out in the agenda.

A handwritten signature in black ink, appearing to read 'Glen Chipp'.

Glen Chipp
Chief Executive

Democratic Services
Officer:

Council Secretary: Ian Willett
Tel: 01992 564243 Email:
democraticservices@eppingforestdc.gov.uk

WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

BUSINESS

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chief Executive will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the Internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

If you are seated in lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery”.

2. MINUTES (Pages 9 - 94)

To approve as a correct record and sign the minutes of the meeting held on 21 May 2013 (attached).

3. DECLARATIONS OF INTEREST

(Chief Executive) To declare interests in any item on the agenda.

4. ANNOUNCEMENTS

(a) Apologies for Absence

(b) Announcements

To consider any announcements by:

- (i) the Chairman of the Council;
- (ii) the Leader of the Council; and
- (iii) any other Cabinet Member.

(c) Mindful Employer Symbol

To note that the Council has signed up to the Mindful Employer Symbol.

(d) Disability (Two Ticks) Symbol Accreditation

To note that the Council has been awarded the Disability (Two Ticks) Symbol Accreditation by the Department of Work and Pensions, Jobcentre Plus.

Stuart Bennett, District Manager of Jobcentre Plus will be in attendance to make the presentation to the Chairman and the Support Services Portfolio Holder.

(e) Park Mark

The Park Mark scheme is managed by the British Parking Association and supported by the Home Office. The Council has been awarded Park Mark in recognition of all of its car parking facilities that have demonstrated they are concerned with safety and in respect of which steps have been taken to ensure the facilities are secure and safe from crime.

John Hills, Essex Police accredited assessor and Mike Bibby, South East Development Manager will be in attendance to make the presentation to the Chairman and the Safer, Greener and Transport Portfolio Holder.

5. PUBLIC QUESTIONS (IF ANY)

To answer questions asked after notice in accordance with the provisions contained in paragraph 11.3 of the Council Procedure Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

- (a) to the Leader of the Council;
- (b) to the Chairman of the Overview and Scrutiny Committee; or
- (c) to any Portfolio Holder.

Questions, if any, will follow if not received in time to be incorporated into the agenda.

6. QUESTIONS BY MEMBERS UNDER NOTICE

To answer questions asked after notice in accordance with the provisions contained in paragraph 12.3 of the Council Procedure Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

- (a) to the Chairman of the Council;
- (b) to the Leader of the Council;
- (c) to the Chairman of the Overview and Scrutiny Committee or
- (d) to any Member of the Cabinet;.

Council Procedure rule 12.4 provides that answers to questions under notice may take the form of:

- (a) direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Answers to questions falling within (a) and (b) above will be made available to the member asking the question one hour before the meeting. Answers to questions falling within (c) above will be circulated to all councillors.

Questions, if any, will follow if not received in time to be incorporated into the agenda.

7. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET (Pages 95 - 120)

To receive reports from the Leader and members of the Cabinet on matters falling within their area of responsibility:

- (a) Report of the Leader;
- (b) Report of the Asset Management and Economic Development Portfolio Holder;
- (c) Report of the Environment Portfolio Holder;
- (d) Report of the Finance and Technology Portfolio Holder;
- (e) Report of the Housing Portfolio Holder;
- (f) Report of the Leisure and Wellbeing Portfolio Holder;
- (g) Report of the Planning Portfolio Holder;
- (h) Report of the Safer, Greener and Highways Portfolio Holder;
- (i) Report of the Support Services Portfolio Holder.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

Council Procedure Rule 12.6 provides for questions by any member of the Council to the Leader or any Portfolio Holder, without notice on:

- (i) reports under item 7 above; or
- (ii) any other matter of a non operational character in relation to the powers and duties of the Council or which affects all or part of the District or some or all of its inhabitants.

Council Procedure Rule 12.7 provides that answers to questions without notice may take the form of:

- (a) direct oral answer from the Leader or, at the request of the Leader, from another member of the Cabinet;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner; or
- (d) where the question relates to an operational matter, the Leader or a member of the Cabinet will request that a response be given direct to the questioner by the relevant Chief Officer.

In accordance with the Council Procedure Rule 12.8, a time limit of twenty minutes is set for questions. Any question not dealt with within the time available will receive a written reply. The Chairman may extend this period by up to a further 10 minutes to ensure that all political groups and independent members may have their questions answered.

9. MOTIONS

To consider any motions, notice of which has been given under Council Procedure Rule 13.

Motions, if any, will follow if not received in time to be incorporated into the agenda.

10. REPORT OF THE CABINET - REGULATION OF INVESTIGATORY POWERS ACT (RIPA) - POLICY AND PROCEDURE (Pages 121 - 156)

To consider the attached report.

11. REPORT OF THE CABINET - PLANNING AND ECONOMIC DEVELOPMENT DOCUMENT SCANNING - BUDGET UNDER-SPENDS AND FUNDING OF ADDITIONAL POST (Pages 157 - 158)

To consider the attached report.

12. ANNUAL REPORT OF THE EXECUTIVE 2012/13 (Pages 159 - 180)

(Councillor Whitbread – Leader of the Council) To receive the attached report.

13. OVERVIEW AND SCRUTINY (Pages 181 - 268)

- (a) Report of the Chairman of the Overview and Scrutiny Committee - attached;
- (b) Reports of the Overview and Scrutiny Committee (if any);
- (c) Reports of Overview and Scrutiny Panels as follows:

- (i) Constitution & Members Standing Scrutiny Panel – Report on Revised Employment Procedure Rules (attached)

- (ii) Constitution & Member Services Standing Scrutiny Panel – Report on Revised Conventions on Officer/Member Working Relationships (attached).

- (d) Overview and Scrutiny Annual Report 2012/13 – attached.

14. AUDIT & GOVERNANCE COMMITTEE (Pages 269 - 270)

To consider a report on the recruitment of a new Co-opted member of the Audit & Governance Committee (attached)

15. REPORT OF THE LICENSING COMMITTEE - STATEMENT OF LICENSING POLICY (Pages 271 - 288)

To consider the attached report.

16. APPOINTMENTS OUTSTANDING FROM THE ANNUAL COUNCIL MEETING

Recommendation:

To approve the following appointments for the remainder of the current municipal year:

- (a) Councillor Rolfe to replace Councillor Keska on the District Development Control Committee;
- (b) Councillor Shiell to replace Councillor Knight as a substitute member of the Housing Appeals and Review Panel;
- (c) Councillor Smith as the third Conservative Group substitute on the Housing Appeals and Review Panel;
- (d) the remaining Conservative member on the Licensing Committee (to be advised); and
- (e) the remaining Conservative Group substitute on the Staff Appeals Panel (to be advised).

(Assistant to the Chief Executive) Nominations have been received from the Conservative Group for (a) a change of membership of the District Development Control Committee and (b) places on a Committee and Panels outstanding from the Annual Council meeting.

The Council is asked to approve the nominations set out in the recommendation.

17. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

- (a) To receive from Council representatives the reports (attached - if any) on the business of joint arrangements and external organisations and to receive answers to any questions on those bodies which may be put without notice; and
- (b) To request written reports from representatives on joint arrangements and external organisations for future meetings.

18. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (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.
- (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.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

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EPHING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee: Council **Date:** 21 May 2013

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.45 pm

Members Present: Councillors B Rolfe (Chairman), Mrs M Sartin (Vice-Chairman), K Angold-Stephens, K Avey, R Bassett, A Boyce, W Breare-Hall, R Butler, G Chambers, K Chana, T Church, Mrs T Cochrane, R Cohen, C Finn, Mrs R Gadsby, L Girling, P Gode, Mrs A Grigg, J Hart, Ms J Hart, D Jacobs, Mrs S Jones, Ms H Kane, P Keska, J Knapman, Ms Y Knight, Mrs J Lea, L Leonard, A Lion, Mrs M McEwen, H Mann, J Markham, A Mitchell MBE, G Mohindra, R Morgan, J Philip, Mrs C Pond, B Sandler, Ms G Shiell, Mrs P Smith, P Spencer, D Stallan, Ms S Stavrou, Mrs T Thomas, H Ulkun, Mrs L Wagland, G Waller, A Watts, Mrs E Webster, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, D Wixley, N Wright and J Wyatt

Apologies: Councillors Mrs H Brady and Ms S Watson

Officers Present: G Chipp (Chief Executive), D Macnab (Deputy Chief Executive), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director (Democratic Services)), S G Hill (Senior Democratic Services Officer), P Seager (Chairman's Secretary), S Mitchell (PR Website Editor) and J Boreham (Assistant Public Relations and Information Officer)

1. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive, on behalf of the Chairman of the Council, reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

2. FORMER DISTRICT COUNCILLOR FITZHERBERT HAREWOOD

It was with much sadness that the Chairman informed the Council of the death of former District Councillor Fitzherbert Harewood.

Members were informed that Fitzherbert Harewood had been a District Councillor for four years representing the Paternoster Ward from 1995 until 1999.

Councillor Murray paid tribute to the memory of Fitzherbert Harewood.

The Council stood for a minute's silence in tribute to the memory of former District Councillor Fitzherbert Harewood.

3. DISTRICT COUNCIL BY-ELECTION - 2 MAY 2013

The Chairman welcomed Councillor Rod Butler elected on 2 May 2013 to represent the Waltham Abbey Honey Lane Ward until May 2014.

The Chairman presented Councillor Butler with a Declaration of Acceptance of Office Certificate.

4. RETIRING CHAIRMAN TO THE COUNCIL - YEAR OF OFFICE

Councillor Rolfe addressed the Council on his year of office.

The Chairman reported that he had attended in excess of 260 events/meetings driving over 3,500 miles during the year. He advised that all of the engagements had been memorable for different reasons. He added that he had met some wonderful people, many of whom had made he feel very humble.

The Chairman drew attention to the following events:

- (a) the Olympic Torch Relay event at Waltham Abbey;
- (b) the Memorial Service for the 60th Anniversary of the East Coast Floods when 119 had lost their lives;
- (c) the Cavalcade of Sail as part of Her Majesty The Queen's Diamond Jubilee Celebrations; and
- (d) a visit to The Chigwell Riding Trust.

Councillor Rolfe reported that he had raised over £11,500 for the Chairman's Charity.

The Chairman thanked his wife, Una, for her support throughout the year. He also thanked officers for their advice and support, especially Pat Seager, the Chairman's Secretary. He expressed thanks to Councillor Sartin, the Vice-Chairman of the Council, for her support during the year.

In conclusion the Chairman stated that records proved that his year of office had been the wettest, coldest and windiest since the Council had been established in 1974.

Councillors Whitbread, J M Whitehouse and Angold-Stephens and the Chief Executive, G Chipp, on behalf of the staff, expressed their appreciation for the hard work and enthusiasm shown by Councillor Rolfe during his year of office.

5. ELECTION OF CHAIRMAN

The nomination of Councillor M Sartin for the Office of Chairman of the Council having been moved formally by Councillor Bassett and seconded by Councillor Stallan, it was:

RESOLVED:

That Councillor M Sartin be elected Chairman of the Council for the ensuing year.

Councillor Sartin thereupon made a Declaration of Acceptance of the Office of Chairman of the Council and thanked the Council for the honour. She said that she was extremely privileged to take on the role and expressed the hope that she would live up to the expectation of members.

Councillor Sartin said that she would try to maintain the high standards set by the immediate past Chairman. She thanked Councillor Rolfe for being given the opportunity to work alongside him during his year of office and she acknowledged the commitment of Councillor Rolfe and his wife in attending so many events during the last year.

Councillor Sartin said that she was looking forward to the coming year although with a degree of trepidation. She expressed the hope that presiding over Council meetings would not be too challenging although she acknowledged that there were a lot of important decisions to be taken during the next 12 months.

Councillor Sartin said it was her intention to visit as many parts of the district as possible during her year of office. She stated that her husband John had been tasked with keeping her diary and paperwork in order and that he had gained some experience for that role acting as escort for their daughter who had been Mayor of Hertford Town Council during the past year.

Councillor Sartin announced that her chosen charities for her term of office would be St Clare Hospice and The Alzheimer's Society. She drew attention to the first event in aid of her charity, a members/officers golf day at Chigwell Golf Club on 2 July 2013. She expressed the hope that several Councillors would participate.

Councillor Sartin said that it was not her intention during her year of office to exercise any vote at a Council meeting other than the casting vote, (if required) unless there was a matter of such significance to the local community that she considered it necessary to vote in which case she would indicate before the matter was put to the vote.

Councillor Sartin in the Chair

6. PAST CHAIRMAN'S BADGE/ESCORT'S BADGE

The new Chairman presented Councillor Rolfe with a past Chairman's badge of office. Mrs U Rolfe presented the Escort's badge to Mr J Sartin.

7. APPOINTMENT OF VICE-CHAIRMAN

Moved by Councillor Rolfe and Seconded by Councillor Whitbread that Councillor A Boyce be appointed Vice-Chairman of the Council for the ensuing year.

Councillor J M Whitehouse reported the nomination, in accordance with the Protocol in the Council's Constitution, of Councillor J H Whitehouse. He advised that Councillor J H Whitehouse had made a significant contribution to the Council over the last 16 years. He stated that she had held various positions during those years and had promoted a number of projects including the Handyperson Scheme and the Epping Forest Reuse Scheme.

Councillor J M Whitehouse stated that the Council had before it two candidates of merit and he did not wish to place members in the position of having to choose between them. Accordingly, he sought leave of the Council to withdraw the nomination of Councillor J H Whitehouse. He drew attention to the recommendation of the Appointments Panel to ask the Overview and Scrutiny Committee to undertake a review of the process for the nomination to and appointment of the Vice-Chairman of Council.

The Council agreed to the withdrawal of the nomination of Councillor J M Whitehouse and having been formally moved and seconded, it was:

RESOLVED:

That Councillor A Boyce be appointed Vice-Chairman of the Council for the ensuing year.

Councillor Boyce thereupon made a Declaration of Acceptance of Office of Vice-Chairman of the Council and thanked the Council for his appointment.

8. MINUTES

RESOLVED:

That the minutes of the Council meeting held on 23 April 2013 be taken as read and signed by the Chairman as a correct record subject to the substitution of "Councillor Stavrou" for "Councillor Grigg" in the response to the supplementary question from Councillor Girling regarding the new Welfare Reform (minute 120)(b)).

9. DECLARATIONS OF INTEREST

There were no declarations of interest by members of the Council under this item.

10. ANNOUNCEMENTS

(a) Announcements by the Chairman of the Council

(i) Tour of Housing Directorate

Councillor Sartin reported that she proposed to adopt a different approach to the annual tour of Council Directorates by members taking account of the fact that there was only one new member of the Council this year. She stated that initially she proposed to tour the Housing Directorate and some of its outlying establishments on 27 June 2013 and she invited members to join her. She advised that details of the arrangements for visiting other Directorates would follow.

(ii) Police and Crime Commissioner

The Chairman advised that Nick Alston, the Police and Crime Commissioner for Essex would be holding a public meeting at the Civic Offices on 23 May 2013. She encouraged Councillors and members of the public to attend.

(iii) Floral Display

The Chairman announced that she intended to send the flowers from tonight's meeting to St Clare Hospice, Hastingwood.

(iv) Councillors' Nameplates

Councillor Sartin drew attention to the new Councillor nameplates and encouraged members to take their own old nameplates, in exchange for a £5 donation to her charity.

(b) Announcements by the Leader of Council and Portfolio Holders

There were no announcements under this heading.

11. REPORT OF THE APPOINTMENTS PANEL

Mover: Councillor Whitbread, (Chairman of the Panel and Leader of the Council)

Councillor Whitbread reported on appointments which he had made to the Cabinet and Cabinet Committees and to outside organisations carrying out Executive functions.

Councillor Whitbread also reported recommendations of the Appointments Panel in relation to the membership, chairmanship and vice-chairmanship of Committees, Sub-Committees and Panels (non-Executive bodies), and to outside organisations carrying out Council, regulatory or non-Cabinet functions. Councillor Whitbread reported on changes made to the nominations since the Panel had met.

The Council voted on appointments where the number of nominations exceeded the number of places available.

RESOLVED:

- (i) That in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, the Constitution of Political Groups as set out Appendix A to these minutes be noted;
- (ii) That the appointments made by the Leader of the Council to the Cabinet and Cabinet Committees and the allocation of Portfolios as set out in Appendix B to these minutes be noted;
- (iii) That the membership, chairmanship and vice-chairmanship of Committees, Sub-Committees and Panels (non-Executive bodies) as set out in Appendix C to these minutes be approved.
- (iv) That the appointment of Councillor Waller to nominate Conservative Group substitute members on any Committee, Sub-Committee, Panel, Board or Working Group of the Council be noted;
- (v) That Group Leaders confirm nominations to the Proper Officer for appointments to be made to Panels by the Overview and Scrutiny Committee by 24 May 2013;
- (vi) That the appointments made by the Leader of the Council to outside organisations carrying out Executive functions as set out in Appendix D to these minutes be noted;
- (vii) That appointments to outside organisations carrying out Council, regulatory or non-Cabinet functions be as set out in Appendix E to these minutes; and
- (viii) That the Overview and Scrutiny Committee be asked to undertake a review of the process for the nomination to and appointment of the Vice-Chairman of the Council.

12. DIRECTORATE RESTRUCTURING PANEL - TERMS OF REFERENCE

Members noted that the Leader of the Council had requested that a Directorate Restructuring Panel be established to work with the Head of Paid Service to:

- (a) comment on a new structure for the Council proposed by the Head of Paid Services;
- (b) participate in the recruitment of Chief Officers; and
- (c) consider and progress resulting redundancies.

Members considered the proposed Terms of Reference of the Panel.

RESOLVED:

That the Terms of Reference for the Directorate Restructuring Panel as set out in Appendix F to these minutes be agreed.

13. SCHEME OF OFFICER DELEGATION - COUNCIL AND REGULATORY FUNCTIONS**RESOLVED:**

That the Scheme of Officer Delegation for Council and Regulatory Functions, as set out Appendix G to these minutes be agreed.

14. SCHEME OF OFFICER DELEGATION - EXECUTIVE FUNCTIONS

The Council noted new and revised Officer Delegation in respect of Executive Functions agreed by the Leader of the Council following the 2012/13 review as set out in Appendix H to these minutes.

15. COUNCIL MEETINGS - 2013/14**RESOLVED:**

That during 2013/14 ordinary meetings of the Council be held on the following dates:

30 July 2013
26 September 2013 (Thursday)
5 November 2013
17 December 2013
18 February 2014
20 February 2014 (Thursday) (reserve date for budget meeting)
22 April 2014
20 May 2014 (Annual meeting)

CHAIRMAN

Appendix A

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

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

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

Conservative Group:

Councillor Chris Whitbread (Group Leader) Councillor Syd Stavrou (Deputy Group Leader)

Councillor Ken Avey	Councillor Helen Kane	Councillor Mary Sartin
Councillor Richard Bassett	Councillor Paul Keska	Councillor Glynis Shiell
Councillor Anthony Boyce	Councillor John Knapman	Councillor Penny Smith
Councillor Heather Brady	Councillor Yolanda Knight	Councillor David Stallan
Councillor William Breare-Hall	Councillor Jeane Lea	Councillor Haluk Ulkun
Councillor Gavin Chambers	Councillor Alan Lion	Councillor Lesley Wagland
Councillor Kewal Chana	Councillor Ann Mitchell	Councillor Gary Waller
Councillor Anthony Church	Councillor Maggie McEwen	Councillor Sylvia Watson
Councillor Ricki Gadsby	Councillor Gagan Mohindra	Councillor Antony Watts
Councillor Anne Grigg	Councillor John Philip	Councillor Elizabeth Webster
Councillor James Hart	Councillor Brian Rolfe	Councillor John Wyatt
Councillor Susan Jones	Councillor Brian Sandler	Councillor Neville Wright

Members 38

Liberal Democrats Group:

Councillor Jon Whitehouse (Group Leader) Councillor Janet Whitehouse (Deputy Group Leader)

Councillor Derek Jacobs	Councillor Peter Spencer	
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Members 4

Loughton Residents' Association Group:

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

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

Appendix B

	2013/14
Leader	Chris Whitbread

Leader Appointments:

(a) Deputy Leader

	2013/14
Deputy Leader	Syd Stavrou

(b) Other Cabinet Members/Allocation of Portfolios

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

Cabinet Committee Memberships (not part of pro rata allocations)

(a) Finance and Performance Management Cabinet Committee

Leader
Finance and Technology Portfolio Holder (Chairman)
Housing Portfolio Holder
Planning Portfolio Holder
Safer, Greener and Transport Portfolio Holder

(b) North Weald Airfield and Asset Management Cabinet Committee

Leader
Asset Management and Economic Development Portfolio Holder (Chairman)
Environment Portfolio Holder
Finance and Technology Portfolio Holder
Leisure and Wellbeing Portfolio Holder

(c) Local Plan Cabinet Committee

Leader
Asset Management and Economic Development Portfolio Holder
Environment Portfolio Holder
Housing Portfolio Holder
Planning Portfolio Holder (Chairman)

(d) Council Housebuilding Cabinet Committee

Environment Portfolio Holder
Finance and Technology Portfolio Holder
Housing Portfolio Holder (Chairman)
Planning Portfolio Holder
Safer, Greener and Transport Portfolio Holder

Committee Appointments 2013-14

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

* Nominated Group Representative

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

* Nominated Group Representative

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

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

*Nominated Group Representative

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

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

Complaints Panel (Pool of 11 members)

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

Directorate Restructuring Panel (7 members)

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

District Development Control Committee (15 members)

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

* Nominated Group Representative

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

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

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

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

Licensing Committee (15 members)

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

Overview and Scrutiny (15 Members)

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

Staff Appeals Panel (5 members and 5 substitutes)

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

Standards Committee (9 Members)

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

Other Bodies

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

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

Leisure Management – Contract Monitoring Board (6 members)

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

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

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

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

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

APPENDIX D

Leader Appointments

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

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

APPENDIX E

Council Appointments

Representation on Outside Organisations

Organisations Carrying Out Council Regulatory or Non-Cabinet Functions

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

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

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

Representation on Outside Organisations - Appointments Held by Officers

Appointments by Leader – Organisations Carrying Out Executive Functions

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

Organisations Carrying Out Council Regulatory or Non-Executive Functions

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

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

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Directorate Restructuring Panel

Terms of Reference

1. Constitution

- 1.1 The Panel will be appointed by the Council in accordance with the pro rata rules as set out under the Local Government and Housing Act 1989 and will include representatives of each political group on the Authority.
- 1.2 The Panel will consist of 7 Councillors, including a Chairman and Vice Chairman.
- 1.3 The Chairman and Vice Chairman of the Panel shall be appointed by the Council from among the 7 Councillors appointed to the Panel.
- 1.4 The Chairman, Vice Chairman and other members of the Panel shall be appointed for one year and shall be eligible for re-appointment for further terms of office of one year at each subsequent Annual Council meeting.
- 1.5 Casual vacancies on the Panel will be filled as and when they arise at the next available Council meeting or, in cases of urgency on the nomination of the Group Leader of the political group holding the seat where the vacancy occurs.

2. Duties and Responsibilities

(a) Directorate Restructure

- 2.1 To receive a copy of the statutory report of the Head of Paid Service on a Directorate structure for consultation purposes only.
- 2.2 To comment informally on the report of the Head of Paid Service, prior to its submission to the Council whilst accepting that, as a statutory report any changes may only be made with the comment of the Head of Paid Service.
- 2.3 To secure the implementation of the new Directorate structure for 1 April 2014

(b) Appointment of Chief Officers

- 2.4 To be responsible for the following;
 - (i) procure and appoint suitable advisers to assist with the recruitment and assessment process as necessary;
 - (ii) consider and agree all aspects of the recruitment process, assessment and appointment of Chief Officers in accordance with Council policy and specialist advice;

- (iii) agree Chief Officer job descriptions, person specifications and other relevant documents;
- (iv) appoint the Directors in accordance with the Council's Constitution – Officer Employment Rules, for the implementation date of 1 April 2014; and
- (v) ensure the terms and conditions of Chief Officers are within the framework of the JNC National Conditions Service for Chief Officers.

(c) Redundancy of Chief Officers

- 2.5 To recommend any Chief Officer redundancies to Council in accordance with the Council's Constitution – Officer Employment Rules, for the implementation date of 1 April 2014.

3. Management of the Panel's Work

- 3.1 To be responsible for the management of the Executive's right of objection to any appointment as set out in the Employment Procedure Rules in the Constitution in conjunction with the Proper Officer appointed for the purposes of the relevant Government regulations.
- 3.2 To procure, through the Solicitor of the Council, specialist legal advice from sources external to the Council as necessary.
- 3.3 To conduct the work of the Panel in accordance with;
- (i) the advice of the Head of Paid Service;
 - (ii) the advice of the Monitoring Officer and Chief Financial Officer;
 - (iii) the Constitution and Employment Procedure Rules.
- 3.4 The Chairman on behalf of the Panel shall give a written progress report to each Council meeting on progress in discharging its responsibilities, including where necessary any recommendations on matters requiring a Council decision.
- 3.5 To receive reports on any conflicts of interest which arise concerning staff supporting the Panel.

**PART TWO – COUNCIL AND
REGULATORY FUNCTIONS**

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

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
CL1	Council - 29.10.85 (Minute 57(2))	ASSISTANT TO THE CHIEF EXECUTIVE	ACCESS TO INFORMATION ACT 1985 – PROPER OFFICER To act as Proper Officer for the purposes of the Act generally and in particular for the purposes of – Section 100(B)(2) – circulation of reports and agenda Section 100(B)(7)(c) – supply of documents to the press Section 100(C)(2) – summaries of minutes Section 100(D)(1)(a) – compilation of lists of background papers Section 100(D)(5)(a) – identification of background papers Section 100(F)(2) – papers not open to members
CL2	Policy & Co-ordinating Committee (Minute 62(1) - 11.2.86)	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE SERVICE DIRECTORS	ACCESS TO INFORMATION ACT 1985 – DEPOSIT OF BACKGROUND DOCUMENTS Proper Officers for the purpose of Section 100(D)(1)(b) – provision of one copy of relevant background papers to be open for inspection by the public at all reasonable times
CL3	Policy & Co-ordinating Committee (Minute 56 – 30.9.97)	DIRECTOR OF CORPORATE SUPPORT SERVICES	AFFIDAVITS – SWEARING OF To secure sworn affidavits from any member of Council staff where required by the Council.
CL4	Council (Minute 104(5) – 19.4.83)	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE SERVICE DIRECTORS	APPRAISAL OF TOP MANAGEMENT* To implement the Council's scheme for staff performance development reviews (*NB. 'Top Management' includes Service Directors) APPRAISAL OF STAFF To implement the Council's scheme for staff performance development reviews (NB excluding Service Directors).
CL5	Personnel Sub-Committee (Minute 13 – 7.6.88)	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE SERVICE DIRECTORS	ATTENDANCE ALLOWANCES FOR OFFICERS To authorise, in cases where the Heads of Service determine that time off in lieu cannot be allocated due to workload, the attendance of such officers at any function or meeting and to grant payments on rates applicable for weekend working, in the same way as currently applies to Members' approved duties.
CL6	Council (Minute 78(5) – 27.2.90)	DIRECTOR OF FINANCE & ICT	BORROWING DETERMINATION (a) To discharge all powers regarding sources of borrowing available to the Council under Section 43(2) of the Local Government and Housing Act 1989 subject to regular monitoring reports to the Cabinet, and (b) To compile and maintain a register of loan instruments.
CL7	Policy & Resources Committee (Minute 3 – 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	BYELAWS – CERTIFICATION To act as Proper Officer for the purposes of Section 238 of the Local Government Act 1972.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
CL8	Policy & Resources Committee (Minute 3 – 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	BYELAWS – PARISH & COUNTY COUNCIL COPIES To act as Proper Officer for the purposes of Section 236(a) of the Local Government Act 1972
CL9	Policy & Co-ordinating Committee (Minute 48 – 3.12.85) Cabinet (Minute 61 – 1.9.08) Personnel Sub-Committee (Minute 37 – 25.7.89)	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE SERVICE DIRECTORS CORPORATE EXECUTIVE FORUM CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE SERVICE DIRECTORS	CAR LEASING SCHEME (a) To approve applications from eligible staff under the Scheme; (b) To check eligibility of applicants, approve ordering of vehicles, notify users of outcome of applications; and (c) To be responsible for the financial administration of the Scheme; (d) To determine essential car user status for relevant staff posts. (e) To authorise early termination charges to members of staff with leased cars who receive redundancy notices; (f) To determine the appropriate user business mileage contribution banding for each member of staff receiving authorisation for a leased car.
CL10	Policy & Resources Committee (Minute 3 – 11.10.73)	CHIEF EXECUTIVE (or in his absence the DEPUTY CHIEF EXECUTIVE)	CHAIRMAN OF COUNCIL – CASUAL VACANCY To act as Proper Officer for the purposes of Section 88(2) of the Local Government Act 1972 (Convening of special Council meeting to fill casual vacancy in the office of Chairman of the Council).
CL11	Finance Sub-Committee (Minute 13 – 14.11.73)	DIRECTOR OF FINANCE & ICT SERVICES (or other duly authorised signatory)	CHEQUES – SIGNING To sign cheques on behalf of the Council.
CL12	Council (Minute 90(4) – 22.4.97) S.O. F1(3), F1(4)	MR R PALMER DIRECTOR OF FINANCE & ICT SERVICES (MR P MADDOCK, ASSISTANT DIRECTOR AS DEPUTY)	CHIEF FINANCIAL OFFICER Designated as Chief Finance Officer being the officer having responsibility under Section 151 of the Local Government Act 1972, Section 73 of the Local Government Act 1985 and Section 114 of the Local Government Finance Act 1988.
CL13	Policy & Co-ordinating Committee (Minute 51 – 4.1.94)	DIRECTOR OF FINANCE & ICT SERVICES	COLLECTION FUND To calculate the surplus or deficit on the Collection Fund in accordance with the Local Authorities (Funds)(England) Regulations 1992.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
CL14	Council (Minute 90(4) – 22.4.97)	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE DIRECTOR OF CORPORATE SUPPORT SERVICES ASSISTANT DIRECTOR (LEGAL) ASSISTANT TO THE CHIEF EXECUTIVE	COMMON SEAL – ATTESTATION OF To attest the Common Seal of the Council.
CL15	Personnel Sub-Committee (Minute 13 – 15.11.73)	CHIEF EXECUTIVE SERVICE DIRECTORS	COMPASSIONATE LEAVE To grant to staff up to five days leave (with pay) per year for compassionate reasons. (Note: Leave in excess of five days to be granted at the discretion of the Corporate Executive Forum)
CL16	Council (Minute 18 - 18.6.12)	MONITORING OFFICER (or in the absence of the Monitoring Officer, the DEPUTY MONITORING OFFICER)	CONDUCT OF COUNCILLORS In accordance with Sections 26-37 of the Localism Act 2011: (a) To determine whether a complaint merits formal investigation after consultation with the independent person; (b) To arrange any such investigation; (c) To seek resolution of complaints without formal investigations wherever practicable; (d) To submit regular reports to the Standards Committee on the exercise of this delegated authority under (a), (b) and (c) above; (e) To refer decisions on whether to investigate any complaint to the Standards Committee, if it is considered that this is appropriate; (f) To close any complaint where an investigation finds no breach of the Code of Conduct, subject to the report and the findings from the investigation being provided to the subject councillor, the independent person and to the Standards Committee; (g) To seek local resolution of any complaint where an investigation finds evidence of a failure to comply subject to the following:

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
	Standards Committee (Minute - 13.12.12)	MONITORING OFFICER (or in her absence, the DEPUTY MONITORING OFFICER)	<p>(i) consultation with the independent person and the complainant;</p> <p>(ii) a summary report being made to the Standards Committee on the action taken;</p> <p>(h) To refer any investigation report where local resolution is not possible to a hearing Sub-Committee of the Standards Committee for consideration;</p> <p>(i) To prepare, maintain and publish registers of members' interests in respect of this Council and all Parish and Town Councils in the District and to make these available for public inspection at the Civic Offices, Epping, on the District Council's website and (where appropriate) on the websites of parish and town councils; and</p> <p>(j) To determine applications for dispensations from the effect of Section 31(4) of the Localism Act 2011 in the following categories: Section 33(2)(a) (Quorum) Section 33(2)(b) (Political Balance) Section 33(2)(d) (Executive Business)</p>
CL18	Policy & Resources Committee (Minute 3 – 11.10.73)	CHIEF EXECUTIVE (or in his absence the DEPUTY CHIEF EXECUTIVE)	<p>COUNCIL MEETINGS – NOTICES AS TO ADDRESSES FOR DELIVERY OF SUMMONS</p> <p>To act as Proper Officer in accordance with Schedule 12 (paragraph 4(3) of the Local Government Act 1972 as to the receipt of these notices.</p>
CL19	Council (Minute 127 – 23.4.13)	MONITORING OFFICER	<p>CONSTITUTION – MINOR AMENDMENTS</p> <p>To make amendments to the Constitution to reflect the following: (a) statutory changes over which the Council has no control; and (b) minor drafting and clerical errors.</p>
CL19	Policy & Resources Committee (Minute 3 – 11.10.73)	CHIEF EXECUTIVE (or in his absence the DEPUTY CHIEF EXECUTIVE)	<p>COUNCIL MEETINGS – SIGNATURE OF SUMMONS TO ATTEND</p> <p>To act as Proper Officer in accordance with Schedule 12 (paragraph 4(2)(b) of the Local Government Act 1972 as to the signing of the summons.</p>
CL20	Policy & Resources Committee (Minute 3 – 11.10.73)	CHIEF EXECUTIVE	<p>COUNCILLORS – ACCEPTANCE OF OFFICE</p> <p>To act as Proper Officer under Section 83(1)-(4) of the Local Government Act 1972 in respect of the witness and receipt of declarations and acceptances of office by councillors.</p>
CL21	Policy & Resources Committee (Minute 3 – 11.10.73)	CHIEF EXECUTIVE (or in his absence the DEPUTY CHIEF EXECUTIVE)	<p>COUNCILLORS – RESIGNATION FROM OFFICE</p> <p>To act as Proper Officer for the purposes of Section 84 of the Local Government Act 1972, in respect of the receipt of notices of resignation from office by councillors.</p>

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
CL22	Council (Minute 49 – 18.12.01)	ASSISTANT TO THE CHIEF EXECUTIVE	COUNCILLORS – SUBSTITUTES To receive notices from Group Leaders regarding the appointment of substitute members, subject to certain conditions.
CL23	Council (Minute 100(7) – 18.4.2000)	DIRECTOR OF CORPORATE SUPPORT SERVICES	COURT, TRIBUNAL, INQUIRY PROCEEDINGS – ENGAGEMENT OF STAFF AND ADVICE To appoint appropriate staff and/or external Solicitors and/or Counsel to appear for, conduct and settle proceedings on behalf of the Council in Courts, tribunals, inquiries and other similar venues.
CL24	Council (Minute 78(4) – 17.2.85)	DIRECTOR OF FINANCE & ICT SERVICES	DATA PROTECTION ACT 1984 To act as Proper Officer for the purposes of the Data Protection Act 1984 for the receipt of notices.
CL25	Finance Sub-Committee (Minute 67(iii) – 6.3.74)	DIRECTOR OF FINANCE & ICT SERVICES	DIRECT DEBITING To execute a direct debiting indemnity on behalf of the Council.
CL26	Policy & Co-ordinating Committee (Minute 44 – 29.11.83)	SERVICE DIRECTORS/ DIRECTOR OF FINANCE & ICT SERVICES	DISTURBANCE COMPENSATION To grant disturbance allowances following home loss in appropriate cases and subject to the budgetary provision of the Council, in any one year, not being exceeded and in accordance with the Land Compensation Acts.
CL27	Policy & Resources Committee (Minute 3 – 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	DOCUMENTS – AUTHENTICATION To act as Proper Officer for the purposes of Section 234(1) – (2) of the Local Government Act 1972 for the purposes of authentication of documents.
CL28	Policy & Resources Committee (Minute 3 – 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	DOCUMENTS – CERTIFICATION OF PHOTOGRAPHIC COPIES To act as Proper Officer for the purposes of Section 229(5) of the Local Government Act 1972 for the purposes of certifying photographic copies of documents.
CL29	Policy & Resources Committee (Minute 3 – 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	DOCUMENTS – DEPOSIT To act as Proper Officer for the purposes of Section 225(1) of the Local Government Act 1972 in relation to the deposit of documents.
CL30	Standing Order A32 Council (Minute 24(1) – 9.7.91)	CHIEF EXECUTIVE (or in his absence the DEPUTY CHIEF EXECUTIVE)	DOCUMENTS – INSPECTION AND SUPPLY FOR COUNCILLORS To determine requests by members of the Council to inspect or to be provided with copies of Council documents.
CL31	Council Minute – 19.4.05	MR I WILLETT	ELECTORAL REGISTRATION OFFICER (AND DEPUTY) To act as Electoral Registration Officer for the Epping Forest District in accordance with Sections 8 and 52 of the Representation of the People Act 1983.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
	Council Minute 87 – 15.2.05	MR G LUNNUN	To act as Deputy Registration Officer with full powers to act on behalf of the Registration Officer in the event of the latter's unavoidable absence, in accordance with Section 52 of the Representation of the People Act 1983.
CL32	Council Minute 75(8) – 14.12.04	MR I WILLETT RETURNING OFFICER	ELECTIONS – DISCRETIONARY FEES AND CHARGES To determine annually the scale of discretionary fees and charges, for which there is no statutory amount, by allowing for inflation and rounding up to the nearest whole number.
CL33	Council Minute 115 – 19.4.05	MR I WILLETT ELECTORAL REGISTRATION OFFICER	ELECTIONS – ESSEX COUNTY COUNCIL, EUROPEAN PARLIAMENT AND REGIONAL ELECTIONS AND NATIONAL OR LOCAL REFERENDUMS AND POLLS To act in election, referendum and polling duties as the Council's Registration Officer.
CL34	Council Minute 115 – 19.4.05	MR I WILLETT RETURNING OFFICER	ELECTIONS – FEES AND EXPENSES FOR RETURNING OFFICER To determine the scale of fees and expenses payable to the Returning Officer at elections of District and Parish Councils, adjusting the schedule for inflation and rounding up to the nearest whole number.
CL35	Policy & Co-ordinating Committee (Minute 101 – 1.12.98)	DIRECTOR OF CORPORATE SUPPORT SERVICES	ELECTORAL REGISTRATION – PROSECUTIONS To institute and pursue proceedings in relation to electoral registration offences.
CL36	Council (Minute 71 – 17.12.02)	DIRECTOR OF CORPORATE SUPPORT SERVICES (or, in the absence of the office holder, a nominated deputy)	ENFORCEMENT ACTION 1. Authority to prosecute the unauthorised display of advertisements, unauthorised works to a listed building or in a conservation area breach of Tree Preservation or Hedgerow Regulations, and non-compliance where enforcement action has previously been authorised. 2. Authority to take the appropriate enforcement action, including serving an injunction where the Director of Planning and Economic Development, or his nominee, considers the circumstances to be urgent.

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	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
CL37	Cabinet (Minute 138 – 25.11.02) Council (Minute 29 - 28.6.11)	ASSISTANT TO THE CHIEF EXECUTIVE ASSISTANT TO THE CHIEF EXECUTIVE. CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE SERVICE DIRECTORS	FREEDOM OF INFORMATION ACT 2001/RE-USE OF PUBLIC SECTOR INFORMATION To be responsible for co-ordinating compliancy with the requirements of the Freedom of Information Act throughout the Council, including providing guidance and promoting compliance with the Act so as to assist with the easy, appropriate and timely retrieval of information. To be responsible for establishing and operating procedures for their service areas for managing requests for information under the Act and ensuring that requests are dealt with in accordance with statutory deadlines.
CL38	Council (Minute 19.12.06)	DIRECTOR OF CORPORATE SUPPORT SERVICES ASSISTANT DIRECTOR (LEGAL) SENIOR LICENSING OFFICER	GAMBLING ACT 2005 – LICENSING FUNCTIONS See Appendix A.
CL39	Development Committee (Minute 31 – 25.8.92)	DIRECTOR OF PLANNING & ECONOMIC DEVELOPMENT	HAZARDOUS SUBSTANCES To determine applications for hazardous substances consent under the Planning (Hazardous Substances) Regulations 1992 except where there are objections from interested parties, which shall be determined by the Plans Sub-Committees.
CL40	Council (Minute 12(11)(a) – 27.2.90)	CHIEF EXECUTIVE (or in his absence the DEPUTY CHIEF EXECUTIVE)	HEAD OF PAID SERVICE In accordance with Section 4 of the Local Government and Housing Act 1989 designated as Head of the Authority's Paid Service.
CL41	Council (Minute 54(4) – 20.12.77) Personnel Sub-Committee (Minute 49(6) – 4.10.88)	CHIEF EXECUTIVE SERVICE DIRECTORS ALL MANAGERS OR SUPERVISORS RESPONSIBLE FOR ONE OR MORE STAFF	HEALTH AND SAFETY AT WORK – IMPLEMENTATION (a) To be responsible on behalf of the Council for the general policy for the safety, health and welfare of employees as set out in the Council's statement of policy; (b) To be directly responsible for the implementation in each Directorate of the Council's general policy for safety, health and welfare; (c) To ensure that adequate budgetary provision is made to meet the cost of any safety programme; and

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
CL43	Council (Minute 34 – 22.7.97)	DIRECTOR OF CORPORATE SUPPORT SERVICES	INSOLVENCY – ENFORCEMENT OF DEBTS To issue statutory demands pursuant to Section 268(1)(a) of the Insolvency Act 1986. To take steps to enforce a debt following the commencement of bankruptcy proceedings, subject to action taken being reported to the next appropriate Cabinet meeting.
CL44	Council (Minute 100(6) – 18.4.2000)	DIRECTOR OF FINANCE & ICT SERVICES (or nominated Deputy)	INSURANCE – INSTITUTION OF LEGAL PROCEEDINGS To institute, defend, appeal, withdraw or agree a compromise in connection with any legal proceedings concerning the Council's insurance matters, subject to reporting on any significant issues to the next appropriate Cabinet meeting.
CL45	Policy & Resources Committee (Minute 3 – 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	LAND CHARGES To act as proper officer to the Council for the purposes of Section 212(1) and (2) of the Local Government Act 1972 (local registrar of land charges)
CL46	Cabinet (Minute 184 – 10.4.06)	DIRECTOR OF CORPORATE SUPPORT SERVICES ASSISTANT DIRECTOR (LEGAL) SENIOR LICENSING OFFICER Appropriate Portfolio Holder	LICENSING To authorise suitably qualified officers to exercise those functions relating to licensing set out in the attached list of environmental health legislation as set out in Appendix B, subject to the policies from time to time agreed by the Licensing Committee. To delegate appropriate powers to the Director of Corporate Support Services relating to the management and provision of service set out in the attached list of environmental health legislation as set out in Appendix B.
CL47	Licensing Committee (Minute 12 – 15.10.08)	DIRECTOR OF CORPORATE SUPPORT SERVICES ASSISTANT DIRECTOR (LEGAL SERVICES) SENIOR LICENSING OFFICER or suitably qualified officer authorised by them	LICENSING – HACKNEY CARRIAGE AND PRIVATE VEHICLE LICENCES To determine Licences in respect of hackney carriage and private hire licensing (as set out in Appendix C) except in those circumstances where under the Council's policy they stand referred to the Licensing Sub Committee (see Minute 12 opposite).

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	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
	CL48 Policy & Co-ordinating Committee (Minute 24(2) – 8.10.91)	DIRECTOR OF FINANCE & ICT SERVICES	LOCAL GOVERNMENT AND HOUSING ACT 1989 – DETERMINATIONS UNDER PART IV To make determinations under the following sections of the Local Government and Housing Act 1989: Section 42(2)(g) – Reimbursable expenditure Sections 50(3)(b) and 60(2) – Usable capital receipts
	CL49 Council (Minute 24(1)(2) – 9.7.91) Council (Minute 24(1)(2) - 9.7.91) Council (Minute 11 – 27.2.90)	DIRECTOR OF CORPORATE SUPPORT SERVICES DIRECTOR OF FINANCE & ICT SERVICES	LOCAL GOVERNMENT AND HOUSING ACT 1989 – PROPER OFFICER DESIGNATIONS Proper Officer designations made for the purposes of the Sections of the Local Government and Housing Act 1989 indicated: Section and Purpose Section 2 (preparation and maintenance of lists of politically restricted posts). Section 37 (deposit and preparation of statements as to the provision of financial assistance).
Page 45	CL49 Council (Minute 34 – 22.7.97) (Minute 168 - 20.4.10)	DIRECTOR OF CORPORATE SUPPORT SERVICES ASSISTANT DIRECTOR (LEGAL)	MAGISTRATES’ AND COUNTY COURTS – DEFENCE AND PURSUIT OF PROCEEDINGS To institute, defend, pursue and settle proceedings on behalf of the Council and to appear on the Council’s behalf, in any proceedings before the Magistrates’ and County Courts.
	Personnel Sub-Committee (Minute 88 – 21.11.89 and 88(b) – 1.12.92)	MR G OAKLEY (MANAGING LEGAL EXECUTIVE)	To appear for the Council in legal proceedings pursuant to Section 223(1) of the Local Government Act 1972 and Section 60(2) of the County Courts Act 1982.
	CL51 Council (Minute 10 – 15.5.2001) Council (Minute 70 – 6.11.12)	C O’BOYLE DIRECTOR OF CORPORATE SUPPORT SERVICES	MONITORING OFFICER AND DEPUTY To act as Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989 and Sections 26-37 of the Localism Act 2011 for the purpose of performing the duties imposed by those sections. To be responsible for any Parish or Town Councils which are affiliated for the time being to the Epping Forest Standards Committee under Chapter 7 of the Localism Act.

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
	Council (Minute 10 – 15.5.2001)	I WILLETT ASSISTANT TO THE CHIEF EXECUTIVE	To act as Deputy Monitoring Officer with the power to act in the absence or during any illness of the Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989.
CL52	Police and Resources Committee (Minute 3(3) – 11.10.73)	DIRECTOR OF FINANCE & ICT SERVICES	OFFICERS – RECEIPT OF MONEY DUE To act as Proper Officer for the purposes of Section 115 of the Local Government Act 1972).
CL53	Council (Minute 86 – 15.2.05)	DEPUTY CHIEF EXECUTIVE	OMBUDSMAN – NOTICES To act as proper officer for the purposes of Section 30(5) of the Local Government Act 1974 (publication of notice on receipt of a report from the Local Ombudsman).
CL54	Council (Minute 87 – 15.2.05)	MR I WILLETT RETURNING OFFICER	PARISH POLLS To act as Returning Officer for the purposes of a Parish Poll in the District in accordance with the Parish and Community Meetings (Polls) Rules 1987,
CL55	Personnel Sub-Committee (Minute 139 – 20.3.90)	DIRECTOR OF CORPORATE SUPPORT SERVICES	POLITICALLY RESTRICTED POSTS (a) To notify all politically restricted postholders of their designations; (b) To incorporate the designation as to politically restricted status in contracts of employment; and (c) To maintain and issue revised lists when necessary and notify the independent Adjudicator.
CL56	Council (Minute 117 – 20.4.04)	MONITORING OFFICER	PREJUDICIAL AND OTHER INTERESTS – DISTRICT COUNCIL Receipt, custody and public deposit of registration of interests of District Councillors under the Local Government Acts 2000 and 2007 and regulations made thereunder.
CL57	Council (Minute 117 - 20.4.04)	MONITORING OFFICER	PREJUDICIAL AND OTHER INTERESTS – TOWN AND PARISH COUNCILS Receipt, custody and public deposit of registration of interests of Parish and Town Councillors in accordance with the Local Government Acts 2000 and 2007 and regulations made thereunder.
CL58	Policy and Resources Committee (Minute 3 – 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	PROTECTED BUILDINGS To act as Proper Officer for the purposes of paragraph 28 of Schedule 16 to the Local Government Act 1972 (receipt and deposit of lists of protected buildings).

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	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated						
CL59	Council (Minute 23 – 15.5.08)	DIRECTOR OF CORPORATE SUPPORT SERVICES (ASSISTANT TO THE CHIEF EXECUTIVE AS DEPUTY)	REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000 – DESIGNATION OF RIPA OFFICER AND DEPUTY For the purposes of the Regulation of Investigating Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003, the following officers of the Council be appointed to exercise on behalf of the Council, the power to authorise the carrying out of directed surveillance under the following articles: <table border="0"> <thead> <tr> <th>Article</th> <th>Purpose</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>Section 28(3)(b) of the Regulation of Investigatory Powers Act 2000 (Directed Surveillance) – for the purpose of preventing or detecting crime or of preventing disorder (subject to the restrictions set out in Articles 7, 8 and 9 of the Regulations).</td> </tr> <tr> <td>4</td> <td>Section 29(3)(b) of the Regulation of Investigatory Powers Act 2000 (Covert Human Intelligence Sources) – for the purpose of preventing or detecting crime or of preventing Disorder (subject to the restrictions set out in Articles 7, 8 and 9 of the Regulations).</td> </tr> </tbody> </table>	Article	Purpose	4	Section 28(3)(b) of the Regulation of Investigatory Powers Act 2000 (Directed Surveillance) – for the purpose of preventing or detecting crime or of preventing disorder (subject to the restrictions set out in Articles 7, 8 and 9 of the Regulations).	4	Section 29(3)(b) of the Regulation of Investigatory Powers Act 2000 (Covert Human Intelligence Sources) – for the purpose of preventing or detecting crime or of preventing Disorder (subject to the restrictions set out in Articles 7, 8 and 9 of the Regulations).
Article	Purpose								
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).								
CL61	Policy & Co-ordinating Committee (Minute 3 – 11.10.73)	DIRECTOR OF CORPORATE SUPPORT SERVICES	RESOLUTIONS – CERTIFICATION To act as Proper Officer for purposes of paragraph 25 of Schedule 4 to the Local Government Act 1972 (certification of resolutions).						
CL62	Council Minute 115 – 19.4.05	I WILLETT ASSISTANT TO THE CHIEF EXECUTIVE	RETURNING OFFICER – DISTRICT ELECTIONS To act as proper officer for the purposes of Section 41(1) of Local Government Act 1972 and Section 35 of the Registration of the People Act 1983 (Returning Officer for election of district council).						
CL62	Council Minute 115 – 19.4.05)	I WILLETT ASSISTANT TO THE CHIEF EXECUTIVE	RETURNING OFFICER – PARISH ELECTIONS To act as proper officer for the purposes of Section 41(1) of the Local Government Act 1972 (Returning Officer for elections of parish councillors).						
CL63	Council (Minute 29 – 28.6.11)	ASSISTANT TO THE CHIEF EXECUTIVE	RE-USE OF PUBLIC SECTOR INFORMATION REGULATIONS 2005 To be responsible in accordance with the Council's policy for administering requests for information under the Re-use of Public Sector Information Regulations 2005, including the level of fees and charges to be made if information supplied is to be re-used.						
	Council (Minute 29 – 28.6.11)	DIRECTOR OF ENVIRONMENT & STREET SCENE	To be responsible for administering requests under the 2005 Regulations in respect of use of CCTV data, taking account of the Council's policy and charging arrangements.						

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
CL64	Personnel Sub-Committee (Minute 2 – 4.10.73) (As amended by Personnel Sub-Committee Minute 169 – 26.9.78)	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE SERVICE DIRECTORS	STAFF – APPOINTMENTS PROCEDURE To make all external appointments to each service in respect of posts graded below Assistant Director level except appointments where member involvement is considered desirable.
CL65	Policy & Co-ordinating Committee (Minute 59(b) – 8.2.94)	CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE SERVICE DIRECTORS	STAFF – MISCELLANEOUS DELEGATIONS To determine staff issues in terms of grading, structure and local conditions of service (including car leases, posts requiring an increase in hours of up to 1 or 2 per week, creation of junior posts in direct substitution of more senior ones, restructurings which reduce the number of posts and costs within a section, minor re-ranging subject to prior consultation with staff representatives, no increase in budget, maintenance of a register.
CL66	Council (Minute 90(5) – 23.2.82)	MANAGEMENT BOARD (in consultation with appropriate Service Director and the Portfolio Holder with responsibility for Finance)	STAFF – RETIREMENT To offer enhanced early retirement and redundancy under the terms of the superannuation scheme or gratuity scheme to appropriate staff where the resultant vacated posts can be made available for redeployment of otherwise redundant employees.
CL67	Development Committee (Minute 73 – 2.3.93) (Minute 108 – 6.3.01)	DIRECTOR OF PLANNING & ECONOMIC DEVELOPMENT	TELECOMMUNICATIONS EQUIPMENT To determine, after prior consultation with ward councillors, whether the prior approval of the Council should be required to the siting and appearance of notified development under the Town and Country Planning (General Permitted Development) Order 1995. To exercise the above-mentioned authority in consultation with the Chairman of the appropriate Committee or Sub-Committee and all ward councillors in respect of those proposals submitted in accordance with the prior approvals procedure where the Director of Planning Services consider that an objection should not be raised to the development but where opposition has been received.
CL68	Resource Committee (Minute 40 – 28.9.93)	DIRECTOR OF FINANCE & ICT SERVICES DIRECTOR OF FINANCE & ICT SERVICES (or staff delegated to act)	TREASURY MANAGEMENT (a) To have control of the aggregated monies under Section 151 of the LGA 1972. (b) To be responsible for all executive decisions on borrowing, investment or financing under Section 151 subject to a requirement to act in accordance with the CIPFA Code for Local Authorities.

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

GAMBLING ACT 2005 – TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

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

Licensing

Charities Act 1992

Part III (Street Collections)

Local Government (Miscellaneous Provisions) Act 1976

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

Local Government (Miscellaneous Provisions) Act 1982

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

Section 37 (Temporary Markets)

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

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

Hackney Carriage and Private Hire Licences

Town and Police Clauses Act 1847 (Sections 37, 41, 42, 43, 45, 46, 47, 50, 68)

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

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

LICENSING ACT 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY

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

PLANNING DIRECTORATE – DELEGATION OF
COUNCIL FUNCTIONS

Schedule 1 – Development Control

Schedule 2 – Forward Planning and Related Functions

DEVELOPMENT CONTROL FUNCTIONS

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
<p>Care of the Environment</p> <p>District Development Control Committee (Minute 30 – 7.12.10)</p>	<p>Town and Country Planning (Environmental Impact Assessments) (England and Wales) Regulations 1999</p> <p>Planning (Hazardous Substances) Act 1990, Section 36, 36A and 36B</p> <p>Planning (Hazardous Substances) Regulations 1992</p>	<p>To determine the need for and scope of environmental impact assessments required under the Town and Country Planning Acts.</p> <p>To determine applications for hazardous substances consent except those where there are objections from interested parties, which shall be determined by the relevant Area Planning Sub-Committee.</p> <p>To obtain and use necessary powers of entry to the land in relation to the above.</p>	<p>No</p>
<p>Development Control</p> <p>District Development Control Committee (Minute 30 – 7.2.10)</p> <p>Council Minute 29 – 28.6.11</p>	<p>Town and Country Planning Act 1990 Section 70, 70(A), 191-3 etc</p> <p>Planning and Compensation Act 1991, Section 10</p> <p>Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Part 1, Reg. 16-19</p> <p>Town and Country Planning (Development Management Procedure) (England) Order 2010, Part 6, Article 35</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 3, Reg. 14-15</p>	<p>1. Subject to Appendix A below, which are matters to be determined by Committee, to determine or decline to determine any:</p> <p>(a) planning applications;</p> <p>(b) applications for approval of reserved matters;</p> <p>(c) applications arising from any condition imposed on any consent, permission order or notice;</p> <p>(d) advertisement consents;</p> <p>(e) listed buildings and conservation areas consents;</p> <p>(f) discharge of conditions; and</p> <p>(g) non-material and minor material amendments.</p>	<p>Yes (See Appendix A to this Schedule)</p>

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
	<p>Town and Country Planning General Permitted Development Order 1995, Part 6 and Part 31 of Schedule 2</p>	<p>2. To agree the precise wording of additional/revised conditions to be attached to planning permissions, at members' request.</p> <p>3. To determine whether prior approval of the method of any proposed demolition and any proposed site restoration is required and to give such approval where required except where objections from interested parties are received, which shall be determined by the Area Plans Sub-Committees.</p> <p>4. In relation to telecommunications equipment, to determine, after prior consultation with ward Councillors, whether the prior approval of the Council should be required to the siting and appearance of notified development.</p> <p>5. In relation to agricultural development, to determine whether to require the formal submission of details.</p> <p>6. To determine applications in relation to certificates of lawful use and development.</p> <p>7. To obtain and use necessary powers of entry to the land in relation to the above.</p>	
<p>Enforcement</p> <p>District Development Control Committee (Minute 30 – 7.12.10)</p>	<p>Town and Country Planning Act 1990 (as amended), Part 7, section 171-190, 196 A, B, C, 198-200 214(A)-(D), 215-219, 220 or 221 and 224, 325, 330</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 5, sections 27 and 30</p> <p>Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 4, sections 38, 88, 88A and 88B</p>	<p>Authority for Director of Planning and Economic Development or Director of Corporate Support Services to:</p> <p>1. Issue Stop Notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Buildings Enforcement Notices, Planning Contravention Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Section 215-219 Notices for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy.</p> <p>2. Prosecute the unauthorised display of advertisements, unauthorised works to a listed building, and non-compliance where enforcement action has previously been authorised.</p> <p>3. Take appropriate enforcement action, including serving an injunction where the Director of Planning and Economic Development and/or the</p>	

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
	<p>Local Government (Miscellaneous Provisions) Act 1982 (Section 37)</p> <p>Town and Country Planning Act 1990 (Section 178) (Council Minute 126 – 23.4.13)</p>	<p>Director of Corporate Support Services, on their nominee, having regard to the evidence considers the circumstances to require urgent action.</p> <p>4. Investigate if a temporary market has been held in breach of Section 37 of the 1982 Act.</p> <p>5. Vary the requirements for compliance with notices already authorised, including altering the period required for compliance, service of further notices and withdrawal of notices.</p> <p>6. Determine when action is not expedient in relation to breaches of control considered inconsequential or insignificant.</p> <p>7. Obtain and use powers of entry necessary in relation to the above.</p> <p>8. To authorise direct action (or re-charge the cost of that action) in pursuit of a valid enforcement notice under Section 178.</p>	<p>Subject to budget provision being available and to local District Councillors being notified</p>

APPENDIX A: MATTERS TO BE DETERMINED BY THE RELEVANT COMMITTEE

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

FORWARD PLANNING AND RELATED FUNCTIONS

Function	Relevant Legislation	Relevant Details	Exceptions
Forward Planning	Town and Country Planning Act 1990 Section 324 and 325	To obtain and exercise powers of entry to undertake surveys in connection with: (1) Statutory Plans (2) Applications for planning permission	No
Buildings	Planning (Listed Buildings and Conservation Areas) Act 1990 Section: 3 (1-8)	To serve Building Preservation Notices in urgent cases, subject to report to and review by the next meeting of District Development Control Committee. To obtain and exercise powers of entry to undertake surveys in connection with: (1) Statutory Plans (2) Applications for Planning Permission	Yes
Dangerous trees on private land	Local Government (Miscellaneous Provisions) Act 1976 Sections: 23 and 24	Discretionary power to take action to make safe trees on private land, including to: (1) Obtain and use necessary Powers of Entry to the land; (2) Serve relevant notices; (3) Respond to appeals; (4) Undertake works directly where necessary; and (5) Recover expenses.	No
Countryside hedgerows	The Hedgerow Regulations 1997 Sections: 5 to 15 incl.	The responsibility to: (1) Regulate the removal of certain hedgerows; (2) Issue relevant notices, including to require hedgerow replacement;	No

Function	Relevant Legislation	Relevant Details	Exceptions
		<ul style="list-style-type: none"> (3) Respond to appeals; (4) Take necessary enforcement or legal action; (5) Obtain and use necessary powers of entry to the land; (6) Surveying land in connection with any hedgerow removal notice; (7) Ascertaining whether any offences have been committed under Regulation 7; and (8) Determination of whether a notice should be served under Regulation 8. 	
High Hedges	Anti-social Behaviour Act 2003 (Part 8) Sections: 68, 69, 70, 74, 75, 77, 79 and 80.	<p>The responsibility to:</p> <ul style="list-style-type: none"> (1) Deal with complaints in relation to the height of domestic hedgerows; (2) Issue, withdraw or relax the requirements or relevant notices; (3) Serve relevant documents regarding notifications; (4) Notify interested parties; (5) Respond to appeals; (6) Take relevant legal or enforcement action, including undertaking works directly and recovering expenses; and (7) Obtain and use powers of entry necessary in relation to (1), (2), (3) and (6). 	No
Protection of trees	Town and County Planning Act 1990 (as amended) Part VIII Sections: 197, 198, 199, 201, 203, 205, 206, 207, 208, 209, 210, 211, 214, 214A, B, C&D, 324	<p>The duty and responsibility to:</p> <ul style="list-style-type: none"> (1) Take all necessary measures to make Tree Preservation Orders where trees are at risk, and are of significant existing or potential amenity value, or where they are of wider or strategic importance, subject to publication of the details in the Council Bulletin; 	No

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

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

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

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

APPENDIX 6

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

EPPING FOREST DISTRICT COUNCIL - SCHEME OF DELEGATION OF EXECUTIVE FUNCTIONS

1. GENERAL PRINCIPLES

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

2. GENERAL LIMITATIONS

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

3. GENERAL PROVISIONS

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

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

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

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

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

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

(f) This scheme operates from 16 May 2002.

4. SPECIFIC DELEGATIONS

4.1 Leader of Council

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

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

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

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

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

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

4.2 Cabinet Members

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

4.3 Officers

Any decision which:

- (a) implements a policy or decision previously approved or taken by the Council, the Cabinet or a Cabinet member;
 - (b) facilitates or is conducive or incidental to the implementation of a policy or decision previously taken by the Council, the Cabinet or a Cabinet member;
 - (c) relates to the management of the human, material and financial resources made available for carrying out the functions for which they are responsible; and
 - (d) matters delegated by the Council, the Cabinet, a Committee or Sub-Committee from time to time (see Appendix 5).
- ...

5. SPECIAL CIRCUMSTANCES

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

6. KEY DECISIONS

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

PART ONE

EXECUTIVE FUNCTIONS – DELEGATION

BY THE LEADER OF COUNCIL

EXECUTIVE FUNCTIONS – DELEGATION BY THE LEADER OF COUNCIL

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

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

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

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

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
EX21	Portfolio Holder Decision HSG-029 – 2009/10	DIRECTOR OF HOUSING	GARAGES To sell isolated garages in accordance with the Council's Policy.
EX22	Housing Services Committee (Minute 155 - 12.2.80)	DIRECTOR OF HOUSING SERVICES DIRECTOR OF HOUSING SERVICES	HARDSTANDINGS - COUNCIL HOUSES (a) To approve, subject to satisfactory works to boundary walls, hedges and fences and other necessary works and also Essex County Council being satisfied as to the standard of footpath crossings, applications by tenants to construct car hardstandings in front gardens; and (b) To apply the above policy to hardstandings provided by tenants without permission.
EX23 Page 72	Housing Committee (Minute 125-27.1.97)	DIRECTOR OF HOUSING SERVICES DIRECTOR OF HOUSING SERVICES HOUSING NEEDS MANAGER	HOUSING ACCOMMODATION – ALLOCATION To allocate accommodation in accordance with the Housing Allocations Scheme.
EX24	Housing Committee (Minute 49 – 30.10.91)	DIRECTOR OF HOUSING SERVICES	HOUSING ACCOMMODATION - DESIGNATION FOR ELDERLY To cancel designations.
EX25	Housing Committee (Minute 41(20) & (21) – 17.9.96)	DIRECTOR OF HOUSING SERVICES	HOUSING ACCOMMODATION – TENANCIES FOR 'LIVE IN' CARERS To grant requests to provide or extend joint tenancies to 'live in' carers where such requests are considered to be justified.
EX26	Housing Committee (Minute 93(b) - 11.3.87)	DIRECTOR OF HOUSING SERVICES	HOUSING DEFECTS - PLANNING APPLICATIONS FOR REINSTATEMENT WORKS To submit applications for deemed planning consent in connection with the reinstatement of all Council owned designated defective dwellings.
EX27	Portfolio Holder Decision (1.3.04)	DIRECTOR OF HOUSING SERVICES	HOUSING LAND – USE FOR COMMUNITY EVENTS To grant licences for community events to be held on housing land in the future, subject to consultation with Ward Members and local residents (where residential properties are located nearby) and all health and safety insurance requirements being met by the organisation staging the event.

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

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

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

	Authorising Committee and Minute Ref or Other Authority	Officer(s) Authorised	Subject and Function(s) Delegated
Page 77	<p>EX47 Housing Committee (Minute 75 – 14.11.95)</p>	<p>DIRECTOR OF HOUSING SERVICES</p>	<p>POSSESSION ORDERS - RENT ARREARS/GAS SAFETY INSPECTIONS AND OTHER RELATED ACTIONS</p> <p>(a) To serve notices of seeking possession for any of the grounds contained in Schedule 2 of the Housing Act 1985;</p> <p>(b) Where considered appropriate, to serve notices to quit in cases where the tenant is not a secure tenant as defined in the Housing Act 1985;</p> <p>(c) To institute proceedings in the Council Court for the possession of properties following service of a notice seeking possession or a notice to quit;</p> <p>(d) To institute proceedings in the County Court for the recovery of rent, court costs and service charges; and</p> <p>(e) To obtain and execute a warrant for eviction where possession has been awarded by the Court. In respect of secure and non-secure tenancies of Housing Revenue Account properties:</p>
	<p>Housing Committee (Minute 46 – 12.9.2000)</p>	<p>DIRECTOR OF CORPORATE SUPPORT SERVICES</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>Housing Management Sub Committee (Minute 161 – 15.2.77)</p>	<p>DIRECTOR OF HOUSING SERVICES, ASST DIRECTOR OF HOUSING SERVICES (PROPERTY AND RESOURCES), ASST DIRECTOR OF HOUSING SERVICES (OPERATIONS), AREA HOUSING MANAGER (NORTH), AREA HOUSING MANAGER (SOUTH)</p>	<p>(i) to undertake the actions set out in (a), (b) and (c) above, in respect of non-secure tenancies and licences at the Council's Homeless Persons' Hostel (Norway House) including the eviction of any homeless person who defaults in the payment of accommodation charges for four successive weeks or more.</p>
	<p>Portfolio Holder Decision (24.3.2004)</p>	<p>DIRECTOR OF HOUSING SERVICES</p>	<p>(j) Approve and sign Notices of Seeking Possession on the grounds of a breach of tenancy conditions for not allowing the Council access to undertake required repairs and maintenance;</p>

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

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

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

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

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

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PRIVATE SECTOR HOUSING - SCHEDULE OF DELEGATION

Building Act 1984

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

Caravan Sites and Control of Development Act 1960

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

Caravan Sites Act 1968

Sections 3, 14.

Civil Evidence Act 1995

Section 9.

Clean Neighbourhoods and Environment Act 2005

Sections 102, 103.

Criminal Procedure and Investigations Act 1996

Section 26.

Environmental Protection Act 1990

Sections 79-82, Schedule 3.

Home Energy Conservation Act 1995

Sections 2, 5.

Home Safety Act 1961

Section 1.

Housing Act 1985

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

Housing Grants, Construction and Regeneration Act 1996

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

Housing Act 2004

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

Landlord and Tenant Act 1985

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

Local Government Act 1974

Section 36.

Local Government and Housing Act 1989

Sections 89-93, 95, 97, 169.

Local Government (Miscellaneous Provision) Act 1976

Section 13, 15, 16, 33, 35.

Local Government (Miscellaneous Provision) Act 1982

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

Planning and Compensation Act 1991

Sections 196A-C

Prevention of Damage by Pests Act 1949

Sections 4-7, 10, 22, 26.

Protection from Eviction Act 1977

Sections 6, 7.

Protection from Harassment Act 1997

Sections 1, 6, 7.

Public Health Act 1936

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

Public Health Act 1961

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

Regulation of Investigatory Powers Act 2000

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

Town and Country Planning Act 1990 (as amended)

Sections 215 – 219

LIST OF SAFER, CLEANER, GREENER LEGISLATION

Animal Boarding Establishments Act 1963

Sections 1, 2 and 4

Animal Health Act 1981

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

Anti-Social Behaviour Act 2003

Breeding and Sale of Dogs (Welfare) Act 1999

Sections 1-11

Betting, Gaming and Lotteries Act 1963

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

Paragraphs 5, 12 and 29 of Schedule 2

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

Paragraphs 8 of Schedule 5

Breeding of Dogs Act 1973

Sections 1, 1(2A) and 2

Breeding of Dogs Act 1991

Section 1

Building Act 1984

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

EFDC bye laws for the control of dogs

All

Caravan Sites Act 1968

Section 14

Caravans Sites and Control of Development Act 1960

Sections 3, 5 and 8 to 11

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

Sections 25 and 26

Cattle Identification Regulations 1998

Regulation 5

Celluloid and Cinematograph Film Act 1922

Sections 1 and 4

Charities Act 1992

Sections 68 and 70

Section 78

Chronically Sick and Disabled Persons Act 1970

Sections 4 and 5

Cinemas Act 1985

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

Civil Evidence Act 1995

Section 9

Clean Air Act 1993

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

Clean Neighbourhoods and Environment Act 2005

All

Contaminated Land (England) Regulations 2000

All

Control of Dogs Order 1992

Sections 4 and 5

Control of Pollution Act 1974

Section 22

Section 23

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

Control of Pollution (Amendment) Act 1989

All

Cremation Act 1902

Sections 6, 7 and 9

Crime and Disorder Act 1998

Section 1

Section 12

Section 17 and 37

Criminal Justice and Police Act 2001

Sections 13, 19, 20, 22 and 25

Sections 50, 52 to 55 and 60 to 62

Criminal Justice and Public Order Act 1994

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

Criminal Procedure and Investigations Act 1996

Section 26

Customs and Excise Management Act 1979

Section 176

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

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

Dangerous Dogs Act 1991

Section 5

Dangerous Wild Animals Act 1976

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

Defective Premises Act 1972

Dogs (Fouling of Land) Act 1996

Section 4

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

Energy Act 1976
Section 18

Energy Conservation Act 1981
Sections 20, 23 and 24

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

Environmental Damage
(Prevention and Remediation Regulations 2009)

Environment and Safety Information Act 1988
Sections 1 and 3

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

Highways Act 1980

Sections 131 and 132

Home Safety Act 1961

Section 1

Housing Act 1985

Sections 189, 190, 190A, 191A, 193 to 195, 197 and 202
Sections 264, 278, 279, 284, 286 to 288,
Sections 310, 315, 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 604A, 605 and 606
Sections 611 and 617

Housing Grants, Construction and Regeneration Act 1996

Sections 4 to 18, 45 to 50, 63, 66 to 68, 70, 71, 71(2), 74, 76 to 79, 81, 82, 84 to 89, 92 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 5, 19, 20B, 20ZA, 21, 21A, 21B, 22, 23, 29, 30, 30B and 31B

Local Government and Housing Act 1989

Parts VII, VIII, IX

Local Government Act 1972

Sections 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 (Miscellaneous Provisions) Act 1976

Sections 13, 15, 16, 20, 33, 35, Part II

Local Government (Miscellaneous Provisions) Act 1982

Sections 27, 29, 30, 31, 32, 33, 37, 41, Paragraphs 7, 8, 9, 10, 13, 15 to 19 and 25
of Schedule 3

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)

Private Water Supplies Regulations 1991

Private Water Supplies Regulations (England) 2009 (when enacted)

Private Water Supply Regulations (England) 2009

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

Refuse Disposal Amenity Act 1978

Sections 1, 2, 3, 4, 5, 6 and 7

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

Sunbeds (Regulation) Act 2010

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

Town and Country Planning Act 1990

Sections 215, 224 and 225

Water Industry Act 1991

Sections 77 to 85

Section 115

Section 200

Water Supply (Water Quality) Regulations 2000 (and any subsequent amending regulations)

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

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Report to the Council

**Subject: Asset Management and
 Economic Development Portfolio**

Date: 30 July 2013

Portfolio Holder: Councillor Anne Grigg

Recommending:

That the report of the Asset Management and Economic Development Portfolio Holder be noted.

Economic Development Initiative Fund

The Council allocated £35,000 for a new town centres' economic development initiative fund for 2013/14. There have been a number of meetings with the Town Partnerships and a workshop was also held to discuss possible initiatives. It is intended that the projects would contribute to supporting the economy of our town centres.

I am pleased to report that a number of town partnerships submitted successful bids. Some bids were new and innovative and others were tried, tested and previously successful.

1. £6,000 was granted to Ongar Town Forum
2. £3,950 was granted to Loughton High Road TCP
3. £2,265 was granted to Buckhurst Hill TCP
4. £4,000 was granted to Loughton Broadway TCP

There will be a second round of bidding in September for the remainder of the funding (£18,785). I hope to again receive bids for interesting and exciting projects, which will support and promote local business in our town centres.

North Weald Airfield Review

At the point of preparing this report, the review of North Weald Airfield is nearing its conclusion with the consultant's report being submitted to Cabinet at its meeting on 22 July 2013. Subject to any call-in of the decisions made, the options selected will now become part of the emerging local plan "Preferred Options" consultation exercise, which is scheduled to commence in May 2014. I would like to remind Members that the full Deloitte report and supporting appendices were considered by Cabinet in private session, and it is very important both for the local plan process and taking forward any options for the Airfield, that all restricted information remains out of the public domain.

Asset Management

Langston Road

Meetings with the owners of the T11 site and our respective advisers are taking place. They are constructive but remain commercially sensitive. The timing of relocations from the site is inextricably linked to the Waste Contract procurement process and officers continue to assist in seeking appropriate depot accommodation .

St John's Road, Epping

A Joint Marketing with Essex CC and the Epping Town Council is underway, with a topographical survey scheduled for 15 July, with viewing days on 22 and 24 July. I understand there has been great interest expressed so far and I reiterate my earlier statement that no commitment has been made and all three councils will participate in assessing the proposals.

Sir Winston Churchill P.H.

Negotiations with the developer, who has an option agreement with Spirit Pub Group, are progressing well and it is hoped that Heads of Terms will be agreed shortly to enable a confidential report to be submitted to Cabinet in September. If approved, then the developer proposes to submit a planning application. Dependent upon the outcome of the application, a development agreement will be finalised.

Oakwood Hill

An additional geotechnical survey has been completed and a re- submission of the application is being prepared for the end of August.

Report to the Council

Subject: Environment Portfolio

Date: 30 July 2013

Portfolio Holder: Councillor Will Breare-Hall

Recommending:

That the report of the Environment Portfolio Holder be noted.

Waste Management

Work on the procurement of the next waste management contract is now well underway, with Cabinet having received a report setting out the companies who have been selected to be part of the first phase of the procurement exercise and agreeing the initial contract documents and specifications. I would remind Members that this procurement is using the "Competitive Dialogue" procedure which means that there will be a number of stages to the procurement process, with opportunities for changes to the proposed arrangements along the way. My Portfolio Holder Advisory Group has been kept informed throughout – something I will continue over the coming months – and I would like to thank the members of the Group for their time and hard work so far.

One of our contractor's loaders, Mr Anthony Stearns, was unfortunately involved in a very serious accident in Nazeing, resulting in the loss of a leg below the knee. Whilst it would be inappropriate for me to comment in any way upon the circumstances surrounding the accident, I am sure that all Members will wish to join me in wishing Anthony a speedy recovery from his injuries.

Environmental Health & Neighbourhoods

Health & safety - Members may well have seen in the local and national media that the trials of Casterbridge Nurseries and Kayley Murphy, in relation to the death of two year old Rhiya Malin, have finally been concluded at Chelmsford Crown Court. At the sentencing hearing in late June, Casterbridge were fined a total of £150,000 plus costs to the Council of £70,000 and Miss Murphy was fined £2,400. This case started some five and a half years ago, although this Council's enforcement action did not commence until after various considerations by the Crown Prosecution Service relating to Corporate Manslaughter and a Judicial Review of their decision not to proceed along those lines. As I am sure Members can imagine, this has been a highly complex investigatory and legal process, and I know that Rhiya's parents have been very grateful for the support provided to them and for the Council pursuing the case as diligently as it has. In thanking all the Council's officers who have been involved in bringing this case to a successful conclusion, I would like to take the unusual step of singling out two in particular; Brian Stalabrass, Environmental Health Officer, who undertook the investigation, gathered the required evidence etc; and Graeme Oakley, Senior Legal Executive, who had the task of ensuring that all the

necessary papers were provided to the Council's barristers and the Courts at the right time. They carried out these tasks in an exemplary and professional fashion, and their diligence was instrumental in the Council's success at Court.

On a separate health and safety matter, officers are preparing a prosecution report following an accident at a residential care home where a passenger lift containing a resident and three ambulance crew failed and fell from the second to the ground floor.

Other Environmental and related matters - A resident of Boxted Close, Buckhurst Hill, was issued with a noise abatement notice on 4 April 2013 to control loud music. Unfortunately, the music continued to be played at an unacceptable level. Officers subsequently witnessed the noise abatement notice being breached on nine occasions. This resulted in officers obtaining a warrant and, supported by the police, seizing equipment from the premises on two occasions. Officers also successfully applied for an interim anti-social behaviour order (ASBO) at Chelmsford Magistrates' Court. The resident now risks arrest and imprisonment if the order is breached.

Evidence gathered by the Council's Environment & Neighbourhood team led to a prosecution in Chelmsford Magistrates Court on 14 May 2013. An Ongar resident pleaded guilty to nine offences of street trading in the car park at Billie Jeans Public House in Epping High Street between 29 November 2012 and 19 December 2012 by exposing or offering Christmas trees and other similar decorative items for sale without having a Street Trading Licence. He was fined a total of £900 and was ordered to pay a contribution towards the Council's prosecution costs of £775.

In accordance with our enforcement policy officers warned the resident in October 2012 that a Street Trading Licence was required. He was verbally warned again on 2nd November 2012 and a letter was sent to him reemphasising the need to have a Street Traders Licence.

A resident of Pancroft, Abridge, was given a 12 month conditional discharge, and ordered to pay the waste removal costs of £92.23, after she pleaded guilty to failing in her "household duty of care", by not taking all such measures available to her as were reasonable in the circumstances to secure that the transfer of waste from her property was only to an authorised person. She was prosecuted on 14 May 2013 after fly-tipped waste had been found which was traced back to her.

A resident of Cheshunt pleaded guilty in Chelmsford Magistrates Court on 11 June 2013 to depositing waste otherwise than as authorised by a waste management permit, in that he unlawfully disposed of a liquid, used in removing contaminants in the processing of bio fuels, into a ditch/pond in Green Lane, Hastingwood, on 9 November 2012. He was fined £750 and ordered to pay the Council's prosecution costs of £621.

On 15 May and 21 June 2013, officers carried out evening checks on taxis and visited a number of licensed premises in Loughton, to check on licence conditions. Officers also checked to ensure that all door staff were Security Industry Authority (SIA) authorised.

Report to the Council

Subject: Finance and Technology Portfolio

Date: 30 July 2013

Portfolio Holder: Councillor Syd Stavrou

Recommending:

That the report of the Finance & Technology Portfolio Holder be noted

Accountancy

The Accounts and Audit Regulations no longer require the approval at June Council of the draft Statutory Statement of Accounts. This means the Accounts will not be presented to Council until September, when the audited set will be on the agenda. The outturn reports for both revenue and capital were presented to the Finance and Performance Management Cabinet Committee on 20 June and the Finance and Performance Management Scrutiny Panel on 11 June. I do not want to repeat the contents of those reports but, as not all of you will have attended one of those meetings, it is worth giving you the headlines.

The revenue outturn showed that the Council had again proved more successful in delivering savings than had been anticipated. The revised estimates had an anticipated use of reserves of £29,000 but the outturn actually saw £454,000 being added. These additional savings arose from a range of Council services including, directorate administration and support budgets, building maintenance, the corporate improvement and training budget, as well as salary savings. There was an unbudgeted saving of £195,000 on Housing Benefits, partly due to adjustments relating to prior years but also resulting from the identification of overpayments. The recovery of housing benefit overpayments is shown as income to the Council and so reduces net expenditure. In 2011/12 Housing Benefits staff created £1.1 million in debts for overpayments but 2012/13 saw this figure increase above £1.3 million. As gross expenditure on benefits exceeds £47 million even a small percentage variance can produce quite large under or overspends.

The outturn on the Housing Revenue Account was a deficit of £1.04 million. This was £102,000 worse than the revised estimate, largely due to income from other rents and charges being £119,000 below the revised estimate. Despite this deficit, the closing revenue balance on the HRA was still nearly £3.5 million.

The capital outturn detailed spending of £13.09 million on a range of schemes, this was in line with the revised estimate. Whilst the overall outturn was only £2,000 different to the revised estimate there were variances on individual schemes that gave a total overspend of £289,000 being offset by a net carry forward of £287,000. The two largest overspends were in the HRA programme on structural schemes £129,000 and void properties £140,000. The largest carry forwards were also on housing items with £175,000 for the open market shared ownership scheme and £154,000 for service enhancements.

I should also mention the Spending Review as this has given us some clues about the Council's funding in future years. The headline reduction for Local Government for 2015/16 is 10%, but within this overall figure there will be a range of outcomes for different authorities. It is likely to be a while yet before the figures are confirmed for either 2014/15 or 2015/16 as the Secretary of State, speaking at the LGA Conference, said "We will give you the figures as soon as we can but we expect you to hear the sound of Santa's bells before you get them". The other key announcement in the Spending Review was that a growth fund for Local Enterprise Partnerships is to be created from a "top slice" being applied to the New Homes Bonus. The consultation paper setting out how this will work is eagerly anticipated.

Benefits

There has been a lot of media coverage on the introduction of the Benefit Cap from 15 July. This is a phased implementation and the cap should be in place on all relevant claims by the end of September 2013. We were notified of our first three claims to cap on 15 July, with the cap applying from 22 July. The Department for Work and Pensions (DWP) adds up the money that claimants get from a range of benefits including: housing benefit, jobseeker's allowance, income support, employment support allowance, child benefit, child tax credit and carer's allowance. If the total comes to more than the maximum allowed we are notified and are required to reduce the amount of housing benefit paid to bring the total benefit back to the maximum allowable amount. The maximum allowable amount is £500 per week for couples or single parents and £350 per week for single people without children. These limits do not apply if you get pension credit or working tax credit or if a member of the household is claiming disability living allowance, attendance allowance or the support element of employment support allowance.

Information supplied by the DWP showed that there were 88 cases in the district that would be affected by the cap, although six have subsequently moved or found work. Many of these cases will have a weekly reduction in their housing benefits of £20 or less, however there are 14 cases where the weekly reduction will exceed £100. All of the people likely to be affected were originally contacted in the previous financial year as the cap was expected to come in from 1 April 2013. When the new date for implementation became clear all of those likely to be affected were again contacted by the DWP and the Council. There is a limited amount of funds available for discretionary housing payments but people affected by the cap will ultimately have to seek alternative accommodation or find additional paid work.

To avoid any confusion in terms of the benefits stated above, put simply the cap will apply to people of working age who are not working. People who are either of pensionable age or who are working will not be affected by the cap.

There are a number of other changes as part of the programme of Welfare Reform and we were required to introduce a scheme of Local Support for Council Tax to replace Council Tax Benefit from 1 April 2013. On 22 July, Cabinet will have considered the consultation arrangements for the 2014/15 scheme. Ideally we would have liked more time to evaluate the learning from the first year of the scheme but the practical necessity of first consulting on and then approving the 2014/15 scheme means we had to get the ball rolling.

Revenues

The Cabinet meeting on 22 July will also have considered a report on the possibility of pooling non-domestic rates for 2014/15. From the start of this financial year part of our funding is deemed to come from local non-domestic rates and we can retain a portion of any growth in our non-domestic rating list. This was intended to give local authorities an incentive to promote economic development, in the same way the New Homes Bonus incentivises home building.

Under the new system it was possible to pool with neighbouring and county authorities from the start of this year. There was no appetite across Essex to construct a pool for 2013/14 but experience from other areas suggests it may be worth pursuing a pool for 2014/15. The most growth that a district would normally be able to retain outside a pool is 50% but pooling in Suffolk has reduced the amount of growth payable to central government to 8%. This idea is still being evaluated and developed and further reports will be made to Cabinet and Council in due course.

Performance Management

(a) Key Performance Indicators 2012/13

A range of Key Performance Indicators (KPI) for 2012/13 was adopted by the Finance and Performance Management Cabinet Committee and Scrutiny Panel in March 2012, and a target was set for at least 70% of the indicators to achieve target performance by the end of the year. The outturn position with regard to the achievement of target performance for the KPIs was as follows:

- 19 (59.4%) indicators achieved the performance target for 2012/13; and
- 13 (40.6%) indicators did not achieve the performance target for 2012/13.

The overall number of indicators achieving target was below the 66.6% achieved for 2011/12, and did not meet the target of 70% for the year. Detailed cumulative performance reports for each KPI were considered by the Finance and Performance Management Scrutiny Panel at its meeting on 11 June 2013, and are available on the Council's website.

(b) Key Performance Indicators 2013/14

The Finance and Performance Management Cabinet Committee and Scrutiny Panel have confirmed the targets for the KPIs for current year, with reference to the respective outturn position for 2012/13. Improvement plans are now being developed for each KPI, identifying actions to achieve target performance, which will be agreed by Management Board.

From the first quarter of 2013/14, performance against all of the KPIs will be reviewed and monitored by Management Board and the Scrutiny Panel on a quarterly basis, and no indicators will in future be subject to scrutiny at year-end only.

A specific corporate KPI performance improvement target has not been set for 2013/14, as the Council's key objectives for 2013/14 seek the achievement of targets for all relevant objectives and indicators.

(c) Key Objectives 2012/13

Outturn progress against the key objectives for 2012/13, which reflect national and local priorities, specific service challenges, and provide a statement of the authority's plans for the year, was reported to the recent meetings of the Cabinet and the Overview and Scrutiny Committee.

The key objectives for 2013/14 were adopted by the Cabinet in March 2013. In order to improve focus on these priorities, progress against actions to achieve the key objectives will now be reported to the Cabinet and the Overview and the Committee on a quarterly, rather than six-monthly basis.

Technology

(a) Telephone Switch Replacement

Unfortunately, there has been a delay as the supplier has only just approved and signed the contract. Consequently, the start of the project was delayed until 22 July. However, whilst awaiting the formal completion of the contract, ICT were still able to continue preparatory work and remain optimistic that the project will be completed by the end of the financial year.

(b) Wireless Network Coverage within the Council

The proof of concept exercise for site wide wireless internet access went well. However, stricter regulations to the code of connection (**CoCo**) for the Government's new Public Sector Network (**PSN**) will mean more new cabling will be required than originally anticipated. ICT are in the process of discussing alternatives with the Cabinet Office but completion of this project is now likely to be in the autumn.

(c) Internet connection upgrade

In my previous report to Council I informed Members that we had been able to negotiate an upgrade to the internet connection from 10Mb to 30Mb at no extra cost. This upgrade should be complete by the end of July.

(d) ICT Strategy

The new five-year draft ICT Strategy was presented to the Leadership Team on Wednesday 3 July. It was well received and following a few minor amendments, will be presented to the Finance and Performance Management Scrutiny Panel for initial Member consideration in September.

Report to the Council

Subject: Housing Portfolio

Date: 30 July 2013

Portfolio Holder: Councillor David Stellan

Recommending:

That the report of the Housing Portfolio Holder be noted.

Straw bale houses – Now completed and let



I am pleased to inform members that the construction of the four 2 and 3 bedroom straw bales houses by Hastoe Housing Association - in partnership with the Council on former Council-owned land at Millfield, High Ongar - were completed and let to four families on the Council's Housing Register in June 2013.

The Director of Housing has been working in partnership with Hastoe Housing Association for a number of years to undertake this development, using this new and innovative form of construction – which is the first affordable rented straw bales houses built by a housing association in the country.

The development has attracted much interest from the national media. Straw bales housing are constructed from pre-fabricated straw bale panels, often with timber frames (as with the properties at Millfield), that look and generally operate like conventional housing. This form of building material is extremely environmentally-friendly, since it captures renewable energy and the straw bales are a by-product of farming. Due to the fact that, as the straw is being

grown (prior to being baled) it absorbs carbon dioxide, it is generally accepted that buildings constructed from straw bales have a low, zero or even negative carbon footprint. Furthermore, the straw bales for the houses at Millfield were sourced locally, from a farmer in Willingale, which reduces the carbon footprint even further.

Construction costs for straw bales housing are similar to the costs of using conventional building materials yet, due to their exceptionally high insulating properties, the houses need little heating - enabling energy costs to be kept very low and minimising environmental impact. Insulation values are nearly three times higher than current Building Regulation requirements. Indeed, recent studies have identified *that heating consumption and associated bills can be reduced by up to 85%, and that CO2 emissions can be reduced by around 60%*, using this form of construction.

In recognition of the exemplar nature of this development, it will be officially opened by the Secretary of State for Communities and Local Government, The Rt. Hon. Eric Pickles MP, on 6 September 2013.

Welfare Reform Mitigation Action Plan – Progress

As members will be aware, in view of the significant effect that we knew the Government's welfare reforms would have on the Council and residents, officers formed a Welfare Reform Mitigation Project Team to consider and implement ways to minimise the effects. A Welfare Reform Mitigation Action Plan was formulated and adopted by the Cabinet in October 2012. The Action Plan identifies 59 separate actions, with lead officers and target dates provided for each one. Progress is regularly monitored by both officers and members.

Since October 2012, nearly two thirds of all the tasks within the Action Plan have now either been achieved or nearly achieved, with most of the remaining third of all tasks either not yet being required or no longer required at all.

Some of the key issues for me to report are as follows:

- Home visits were offered to all 390 Council tenants originally affected by the Social Sector Size Criteria Restrictions (SSSCRs – sometimes referred to as the “bedroom tax” or “spare room subsidy”), to discuss the effects and the available options (e.g. downsizing). A total of 217 home visits were undertaken as a result. The number of tenants affected by the SSSCRs had reduced by around 10% by the end of May 2013.
- 88 households within the District will be affected by the Benefits Cap, to be introduced later in the Summer.
- The Council is funding the CAB with a grant of £68,000 to provide two Debt Advisor posts for 18 months to provide advice to local residents affected by welfare reforms. The posts have been filled and are now operational from the three CAB Offices and the Limes Centre, Chigwell.
- The Council has introduced a new Discretionary Housing Payment (DHP) Policy, to assist residents adversely affected by the welfare reforms.
- Residents affected by the proposals have received information on an ongoing basis about the effects and the action they can take to mitigate the effects

- As expected, the biggest concern is the effect of the SSSCRs on the Council's rent arrears – which will worsen with the introduction of direct payments to tenants next year.
- Within the first two months of the SSSCRs coming into operation (1st April 2013 - 31st May 2013), of the 347 tenants affected throughout the period:
 - (a) 53 tenants (15%) who now have to contribute towards their rent (due to under-occupying their Council property) did not pay any rent;
 - (b) 122 tenants (35%) who now have to contribute towards their rent (due to under-occupying their Council property) paid the full amounts required;
 - (c) Of the £132,000 due from all the tenants affected by the SSSCRs over this period, only around £70,000 was paid - representing a rent collection rate of just 53% (compared to the Council's overall rent collection rate for all properties in 2012/13 of 97.16% - some 44% lower).

Customer Service Excellence Award for further three years – Housing Directorate

Our Housing Directorate was originally awarded the prestigious Government Standard for Customer Service Excellence in the public sector (formally known as Charter Mark) in 2004.

To obtain the Customer Service Excellence Award, organisations must meet 57 separate assessment criteria that demonstrate that the organisation: engages and consults with their customers; measures customer satisfaction with the service; provides information and easy access to services; co-operates with other providers, partners and communities; has service delivery standards; deals effectively with problems; achieves timely service delivery; and has a positive organisational culture.

Continuous compliance with the criteria is monitored through a major assessment every 3 years, with interim annual assessments. The major 3-year assessment was undertaken on 2nd & 3rd July this year. As part of the Assessment, the Assessor:

- Met with myself as Housing Portfolio Holder;
- Met with the Chair and Vice Chair of the Tenants and Leaseholders Federation;
- Discussed with the Housing Management Team recent service developments;
- Met with Managers involved in the recent Staff Development Project on the review of the Council's Standard Tenancy Agreement;
- Visited Jessopp Court, Waltham Abbey to meet with residents to discuss: their experience of the transition of the scheme from an extra-care facility to a sheltered scheme; customer service generally; and in particular the new Handyperson Scheme; and
- Undertook a comprehensive document review

The Assessor concluded that not only does the Housing Directorate continue to meet the standard, with lots of good examples of continuous improvement, he awarded "Compliance Plus" accreditation for the comprehensive and customer-focused approach taken, in partnership with the Benefits Division, to the Welfare Reforms Mitigation Project. A number of other good practices were commended by the Assessor, including the Council's unique Open Market Shared Ownership Scheme, the construction of straw bale houses in partnership with a housing association, greater tenant scrutiny following the establishment of the new Tenant Scrutiny Panel and the introduction of the new Handyperson Scheme for older tenants living in both sheltered accommodation and general needs housing.

Continuing to have the Customer Service Excellence Award gives confidence to the Council's tenants, applicants, leaseholders, private sector housing customers and other clients that our

Housing Directorate continues to provide a high quality, customer-focused service, which it strives to continuously improve.

Council House-building – First sites to seek planning permission

The newly-formed Council Housebuilding Cabinet Committee held its second meeting on 10 July 2013, when we considered proposals to establish the foundations of the Council's new Housebuilding Programme going forward - including a draft Development Strategy, a new Affordable Rents Policy and a strategy for funding the Programme – as well as considering development and financial appraisals for all the proposed sites for Year 1 of the Housebuilding Programme. Ward Members for all of the proposed Year 1 sites were invited to attend the meeting, to take part in the discussion about the development plans.

The Cabinet has previously agreed to develop around 120 new Council properties over a 6-year period, with East Thames appointed as the Council's Development Agent. In order to deliver this Programme, a Development Strategy is required, setting out the approach the Development Agent and the Council will take, including what assumptions will be made for development and financial appraisals, the design standards to be adopted, the consultation methods that will be used, the procurement methods used for the construction works, and the performance targets to be used to measure progress and, ultimately, the success of the Programme. The Committee welcomed the Draft Strategy presented by officers and East Thames and agreed to recommend its formal adoption to the Cabinet in September.

The Committee also considered a report on how the Council should set the "affordable rents" for the newly-built properties, which are higher than the social rents the Council charges for its existing properties. The Council has already determined that affordable rents should be charged for properties built through its House-Building Programme, and the Committee agreed to adopt an Affordable Rent Policy proposed by the Director of Housing, explaining the approach to how Council rents will be set. In summary, the Policy prescribes that affordable rents for individual properties will be set at a level equivalent to the lowest of:

- (a) 80% of market rents for the locality in which the property is situated, as assessed by the Council's Estates and Valuations Division;
- (b) The Local Housing Allowance level for the Broad Market Rental Area in which the property is situated (i.e. the maximum amount of housing benefit payable; and
- (c) A rent cap of £180 per week (reviewed annually).

We agreed a strategic approach to funding the Programme, including the use of additional receipts arising from Right to Buy (RTB) sales as a result of the Government increasing the maximum RTB discount, current and future financial contributions from developers through Section 106 Agreements in lieu of developers providing affordable housing on site, and receipts from the sale of specific HRA land and buildings.

East Thames presented individual development and financial appraisals for the three proposed sites in Waltham Abbey for Year 1 of the Programme, comprising the former Red Cross Hall site and three difficult-to-let garage sites in Roundhills, and a difficult-to-let garage site in Harveyfields. The three sites will deliver 25 new affordable rented Council properties.

The Committee agreed, with the support of the ward members present, that planning permission should be sought for the three sites, with a start-on-site planned for early 2014.

In addition, the Committee agreed that planning permission should be sought for the conversion of 20 difficult-to-let bedsits at Marden Close into 10 self-contained one-bedroom flats.

Cessation of London & Quadrant Housing Trust as a Preferred Housing Association Partner

Following discussions between the Director of Housing and London and Quadrant (L&Q) Housing Trust, it has been agreed that L&Q will cease being one of the Council's Preferred Housing Association (HA) Partners.

The full background to L&Q's decision was provided in a recent issue of the Council Bulletin but, in brief, L&Q has advised the Council that it has evolved an investment strategy for new developments, which is centred around large mixed-tenure schemes that have the potential to generate profits from the sales of market housing to provide cross subsidy to fund the affordable homes. In view of Epping Forest's predominant Green Belt status, L&Q has identified that opportunities for this approach rarely arise in the District (certainly compared to London, where most of L&Q's development activity is now targeted), and that it cannot guarantee that it will be able to identify and resource the level of input it would feel would be needed to meet the Council's expectations. For these reasons, L&Q has decided to no longer be one of the Council's Preferred HA Partners.

However, L&Q has been keen to stress its continued commitment to provide high levels of resident satisfaction and maintenance for its existing housing stock in the District. Furthermore, L&Q is the housing association selected by Higgins (the developer) to provide the affordable housing for its large residential development that will be commencing shortly at the St Johns School site, Epping. L&Q has confirmed that it will continue to be the affordable housing provider for this development and has committed to its success.

Since the Council still has four other Preferred HA Partners, all of whom continue to work closely with Council officers to identify and deliver good quality affordable housing within the District, there are currently no plans to seek to replace L&Q as a Preferred HA Partner.

Review of the Housing Allocations Scheme

At its meeting on 15 April 2013, the Cabinet completed the most comprehensive review of the Housing Allocations Scheme ever undertaken, which has resulted in the formulation of a completely new Scheme. In response to the flexibilities now allowed in recent Government Guidance, the new Scheme introduces a new Local Eligibility Criteria - which means that in order to join or remain on the Housing Register, applicants must meet certain criteria. As a result of the new Scheme, around 3,650 existing homeseekers have been notified in writing that they no longer qualify to remain on the Housing Register when it comes into effect on 1 September 2013.

As expected, the Housing Allocations Team is currently dealing with hundreds of calls from those who no longer qualify. In addition, officers are dealing with 75 formal written appeals which have been received to date from applicants.

From 3 June 2013, all new housing applicants have been required to register on-line. Between 1 July 2013 and 31 August 2013, all qualifying applicants already on the Housing Register are being required to re-register on-line by 30 September 2013. Homeseekers have been advised that those who fail to register after this date will be removed from the Housing Register. Reminders will be sent to those who fail to register by the end of August and vulnerable homeseekers are being given assistance by Housing Options Officers.

New Flexible (fixed-term) Tenancy Agreement

The Cabinet has adopted the Council's new Tenancy Policy and agreed that, from 1 September 2013, a Pilot Scheme be introduced whereby all new tenants of properties with three bedrooms or more will be granted Flexible (fixed-term) Tenancies for a period of 10

years, including an Introductory Tenancy period. It is therefore necessary for the Council to have a new Flexible (fixed-term) Tenancy Agreement in place by this date.

The Housing Scrutiny Panel has undertaken a detailed review of the Conditions under the Council's current Standard Tenancy Agreement and the Cabinet is being asked to approve the Scrutiny Panel's proposed changes at its meeting in July 2013.

In order for the same Conditions of Tenancy to be applied to both Flexible (fixed-term) Tenants and Secure Tenants in the future, the Cabinet further agreed that, subject to the views of existing tenants on consultation, the Standard Tenancy Agreement should be formally varied for all existing and future Secure Tenants to same Conditions as for Flexible Tenants. Tenants allocated properties of less than 3 bedrooms from 1 September 2013, will sign up to the current Secure Tenancy Agreement until the variation process is completed.

Mobile Homes Act 2013 – New legislation relating to Park Home Sites

The new Mobile Homes Act 2013, which amends previous legislation, came into force on 26 May 2013. The Act includes changes which will be welcomed by many Members, particularly those whose wards include park homes sites.

Changes that take immediate effect are provisions (enforceable by a fine, prison sentence or both) that aim to eliminate the harassment of residents by site owners, specifically where site owners try to prevent home owners exercising the right to sell their home. In addition to this, the Act includes a provision for the Secretary of State to may make regulations to require site managers to be 'fit and proper persons' - however, these regulations would need the approval of Parliament before they could be implemented.

From April 2014, local authorities will be given additional powers to enforce site licence conditions against site owners. If an owner is in breach of any of site licence conditions, the local authority may serve a Compliance Notice requiring the park owner to correct the breaches within a given timescale. Failure to comply will be a criminal offence, punishable by a fine (or revocation of the licence for third or subsequent prosecutions).

Also from April 2014, for the first time, the Council will be able to charge the owners of sites an annual fee for carrying out licensing functions. However, we could only do this after first publishing a Fees Policy, which would detail: how much to charge; whether the amount varies for different sites; and whether there will be any exemptions to charging. We have also previously given a commitment to park home site owners and residents to consult before making a decision on a charging policy. The Director of Housing has also nominated the Council's Private Housing Manager (Technical) to be a member of a working group being formed by the DCLG to consider charging options and other park home issues. If she is accepted, it will help us influence any guidance and assist with the formulation of any charging policy we may adopt. In any event, I intend to await the outcome of the deliberations of the DCLG Working Group, before coming forward with any proposals for consultation with residents and owners.

Officers are also currently considering how to best communicate the changes brought about by the new legislation to site owners and residents and Members will be kept informed of this, but arrangements are already in hand to distribute a very useful leaflet produced by the DCLG to all residents.

Introduction of charges for the Handyperson Service

I will be presenting a report to the Cabinet in September recommending that charges are introduced for C.A.R.E.'s Handyperson Service - this will only affect C.A.R.E.'s Handyperson Service, and not the similar services that are provided for the Council's tenants.

C.A.R.E.'s Handyperson Service, through which small, low-cost jobs (such as minor repairs and falls prevention work) are carried out, is currently available to home-owners and private tenants who are over 60 years of age. The work is carried out by small, local contractors who have been vetted for their suitability to carry out these types of jobs.

One of the main aims of the service is to prevent older people falling prey to 'cowboy builders', by providing trusted traders to carry out handyperson-type jobs at low cost. While the current service is free of charge to people who are on means-tested benefits, people who are not on benefits may also use the Service, but have to pay the full cost of the work.

The C.A.R.E. Advisory Panel, which includes three Members of the Council in addition to representatives of outside bodies, has advised that it would like a subsidised service to be offered to all older people in the private sector, regardless of whether or not they are in receipt of benefits. As this cannot be achieved within the existing Handyperson Service budget, the Advisory Panel has recommended that a charging scheme should be considered.

My recommendation to the Cabinet will be that, from October 2013, service users who are on means-tested benefits are charged a fee of up to £30 each time they use the service, and those that are not on benefits are charged a maximum of £50 for each use of the service.

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Report to the Council

Subject: Leisure & Wellbeing Portfolio

Date: 30 July 2013

Portfolio Holder: Councillor Elizabeth Webster

Recommending:

That the report of the Leisure and Wellbeing Portfolio Holder be noted.

Community Services:

Summer Holidays

We have entered a very busy time of year for the Community Services teams with a vast programme of activities and events to keep our local children, young people and families entertained. The summer holiday brochure with details all of the Council's holiday activities was circulated to all local primary schools and secondary school years' 7, 8 and 9 and is available at a range of outlets across the district. This year's programme offers over 170 activities for children and young people aged 3 – 18 including inclusive sessions for young people with additional needs. Several new activities have also been introduced this year in line with Olympic legacy and national trends. Members are welcome to join me for a tour of the activities to see what an extensive programme is available.

Health and Well-being

Community Services continues to provide a range of health improvement initiatives for people of all ages across the whole district and was recently successful in securing £120,000 from Harlow Health Centres Trust for development of a HealthWorks programme in Harlow District. This follows on from a very successful scheme in Waltham Abbey which is now self sustainable through support from young volunteers and other local organisations.

eNgage Performance at Harlow Playhouse

The annual 'eNgage' dance event was staged at the Playhouse in Harlow at the end of June which is a showcase of local community dance groups from the district accompanied by a range of performances from theatre and private dancing schools. The aim of the event is to celebrate local work with school groups and provide inspirational performances by more advanced dancers with the aim of developing aspirations of our young dancers. This year, the showcase attracted groups from as far as Chelmsford and Clacton.

New Astroturf Pitch at Town Mead, Waltham Abbey

I am pleased to report that the new all weather Astroturf pitch is finally completed after a series of delays due to poor weather conditions earlier in the year and the need for extensive environmental testing required by the Environment Agency.

Members will recall that the pitch is provided under a joint management agreement with Waltham Abbey Town Council, who will be responsible for managing and administering bookings. Community Services has ensured a balanced programme of activity on the pitch, which includes commercial 5-a-side league, local clubs and community football provision for young people, and, Norwich City Football Club and Tottenham Hotspur have been attracted to the venue to provide youth development academies open to local youngsters. This is a really exciting facility for the district that will provide an income to the Council of approximately £19,000 per annum.

Youth Conference

On 5 July, I was very pleased to be part of the district Youth Conference which was staged by our Youth Councillors supported by officers, here in the Council Chamber. The event involved young representatives from all secondary schools in the district who took part in a wide range of activities including a Quiz time with Democratic Services and discussion groups about their experiences of living in the Epping Forest District. They were also invited to vote on what they felt should be the key priorities for EF Youth Council over the next year and participated in a debate about the voting age being lowered to 16, which was unanimously agreed. The conference was incredibly well presented by our young councillors and the whole day was vibrant and conducted in a professional and respectful way. We should be very proud of these young people who represent the Council so well.

Primary School Arts Award based on local Artist Walter Spradbury

With support from the District Museum, children from St. John's Church of England Primary School, Buckhurst Hill have achieved a Discover Level Arts Award based around the work of the famous local artist Walter Spradbury. The work produced by the children is being exhibited in the Museum's art gallery space and John Spradbury, Walter's son visited the Museum to present the award in mid July.

Report to the Council

Subject: Safer, Greener & Transport

Date: 30 July 2013

Portfolio Holder: Councillor Gary Waller

Recommending:

That the report of the Safer, Greener & Transport Portfolio Holder be noted.

Safer Communities

The Domestic Homicide Review of the death of Gillian Andrade in Loughton is now nearing completion. The Chairman, former District Councillor Mrs Ann Haigh, has now gathered all relevant information and, at the last meeting, members of the Review Panel met with an officer from Police Scotland (the new Scottish Police Service) to consider the issue of liaison between different forces. This is expected to be one of the key issues identified in the Panel's report, which will be submitted to the Home Office shortly.

Late June saw yet another extremely successful 'Crucial Crew' at Gilwell Park. This year, pupils in year 6 (aged 10/11) from all schools in the district including private schools, as well as home tutored children, attended, learning about matters such as home, water and road safety, interacting safely online, healthy eating and healthy relationships. In an excellent example of cross border service provision, we also invited children from a number of schools in Brentwood Borough, since they are no longer able to run these courses themselves. I would like to thank the Community Safety and Community Services Teams for all their hard work in organising the event and running it over a two week period.

In May this year the Council's Safer Communities Anti Social Behaviour (ASB) Investigators were informed by neighbourhood police of an ongoing situation involving a lady who is quadriplegic, living on the ground floor of her house, with a permanent live-in carer and no savings. She had been repeatedly targeted with low level ASB by youths who were using the thoroughfare at the front of her property to congregate and sit on her front garden wall. They were intimidating by their actions and occasionally would use some of the masonry from the wall as missiles to throw at the front of the house. The situation had continued for some time and, despite the best efforts of local police, the youths had not been deterred, leading to considerable distress on the part of the victim.

ASB Investigators carried out a visit to the victim and identified a suitable location for re-deployable CCTV. This was installed quickly by the Council's CCTV officers and brought an immediate cessation of anti-social behaviour. A further survey was carried out to identify a longer term solution and a plan formulated which involved obtaining some funding to remove part of the front wall and replace it with wooden palisade fencing, thus creating an undesirable - not to mention painful - place to sit. The fence was then reinforced with defensive planting. The work was carried out by the Council's Handyman service supported by the VAEF Safe & Sound Scheme. Additionally Mow and Grow will look after the garden. The victim has now had respite from the continuing ASB she was experiencing. This has been an excellent demonstration of EFDC & VAEF services working together to provide a long lasting solution to a problem that was otherwise likely to be a continuing drain on public resources.

We have received a petition from a number of anxious residents concerned about the adequacy of CCTV in the Limes Farm area. We will now pursue investigations into the matter and will report back, but two additional redeployable cameras have already been installed in response.

Highways and Parking

Cabinet, at its meeting on 22 July, agreed to provide me with the authority to formulate a list of small highway and parking schemes which could be speedily nominated to the North Essex Parking Partnership (NEPP) for implementation. The list will comprise schemes that have been put forward for consideration by local communities and which have been technically assessed and ranked by officers from NEPP. I will then consult local district and town councillors to determine the local level of support for such schemes, and only those schemes where I consider local support exists will go forward for implementation. I intend that the list should include sufficient schemes to enable me to make nominations to NEPP throughout a 12 month period, this process ensuring that as and when NEPP resources become available, we will always be in a position to benefit by having agreed schemes available. I would add that as Traffic Regulation Orders will normally be required, there will still be a need for statutory public consultation to take place.

In my last report to Council in April, I mentioned the difficulties being experienced by visitors to Epping in finding a parking space due to pressure from commuter parking. I am pleased to say that I have since published a Portfolio Holder decision which will result in the Cottis Lane car park becoming wholly short stay, with a set of new tariffs. It will be a little while before we are able to implement this because of the need to review Traffic Regulation Orders, but I hope to minimise the delay before we see the changes implemented and Epping High Street shops and businesses benefiting.

Following a meeting arranged in mid-April, attended by Buckhurst Hill councillors and representatives of Essex Highways who are responsible for the implementation (including design and public consultation) of the Buckhurst Hill Parking Review, we have expressed our serious concern to the Director of Highways and Transportation at Essex County Council about the slow progress that has been made, delaying the public consultation that had been due to take place this month. Epping Forest District Council is at the forefront in using this new local authority procurement vehicle, and it is very disappointing that, although some preliminary designs have been prepared, no timeline for implementation is yet available. I would like to assure local Members that we shall do everything we can to bring the Review to fruition as soon as possible.

Crossrail 2

Transport for London and Network Rail are presently consulting about two options for a future Crossrail scheme on a south-west north-east alignment, with an underground section in the centre of London (formerly known as the Chelsea - Hackney line).

With co-operation from the Portfolio Holders for Asset Management & Economic Development, and for Planning, I reported to the Planning Services Scrutiny Panel and the Overview and Scrutiny Committee, ensuring that information was included in the Council Bulletin, incorporating a copy of a presentation given at a meeting of the Enfield Essex Hertfordshire Border Liaison Group. I also attended an inaugural All-Party Parliamentary Group meeting at the House of Commons about the London Stansted Cambridge Consortium and Crossrail 2.

The Metro and Regional options included in the Crossrail 2 consultation no longer include the long safeguarded route making use of the Central Line to Epping. Many respondents have expressed support for the Regional option which follows the present West Anglia line at least as far as Cheshunt. Nevertheless, we remain concerned about the need for future investment in the Central Line, and for the Hainault Loop, not only within this District but also in neighbouring areas.

I shall look to update the Council about these important matters in due course.

Countrycare and Trees

Work has been continuing in the Local Nature Reserves, with some interesting new species appearing. Roughtalleys Wood this year had the largest show of orchids in living memory, accompanied by Broadleaved Helleborine for the first time. In the same LNR, newts and dragonfly larvae were found in one of the newly restored ponds.

Ninety children from Chigwell Primary School spent three sessions creating a stag beetle habitat, planting wild flowers and building bee hibernation nests. Alderton Infants School had two sessions of building birdboxes from hand-made Countrycare flatpacks, with 60 pupils involved. Despite the use of full-size hammers, no serious injuries were reported, despite a great deal of noise! A 'Pondlife' session was held for 4-11 year olds at Nazeing Triangle LNR, involving a morning of pond dipping and species identification.

Another family event, 'Freshwater Forensics', took place over two days, a fortnight apart, in partnership with the Field Studies Council, to mark the 100th anniversary of the British Ecological Society, as part of their Festival of Ecology. Life below the waterline was compared in contrasting habitats of ponds and rivers, with children using the kick sampling technique to record what was found for the Open Air Laboratory (OPAL) survey. They also looked at how conservation groups are protecting the river banks from erosion, and had a go at it themselves.

The Council's tree wardens have started undertaking the OPAL survey into the health of trees in the District, co-ordinated by Imperial College London together with Forest Research and the Food and Environment Research Agency. By taking part in the national survey and submitting the results, the tree wardens are helping to discover more about the general health of our trees, as well as giving vital information about some of the pests and diseases that affect Oak, Ash and Horse Chestnut trees. Instruction from Countrycare was given on identifying other potential pests and diseases that could have a serious impact on local trees. A national survey of this kind has not been undertaken before, and it is likely that the trees surveyed by the tree wardens will not have been surveyed previously.

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Report to the Council

Subject: Support Services Portfolio

Date: 30 July 2013

Portfolio Holder: Councillor Hal Ulkun

Recommending:

That the report of the Support Services Portfolio Holder be noted.

1. County Council Elections – May 2013

The Electoral Commission has now completed its review of performance standards in respect of the Epping Forest District in connection with the County Council Elections held in May 2013.

These performance standards cover planning and organisation, administering the poll, absent voting, verifying and counting the votes and action after the declaration of result. The Commission has found that in relation to the Epping Forest District, arrangements met all of these standards.

2. Individual Electoral Registration (IER)

I reported to the Council meeting in April 2013 stating that government transitional funding had been received by Council for 2013/14 to assist with the transfer from household to individual electoral registration. The sum of £7,300 was earmarked to assist in transitional arrangements.

I can report that this sum has been used to purchase new scanners for the purposes of voter registration security, a new storage system, two new workstations and upgrading of other IT equipment.

A data matching exercise with the Department of Work and Pensions database has taken place shortly before this Council meeting. The results are still being assessed and the percentage of matches between the two databases will determine the level of further government funding to assist in achieving the highest possible accuracy level in the register. The Registration Officer is hoping that a 70% match with DWP data will be achieved. Any percentage below that level will obviously increase the amount of work to be undertaken in following up on mismatches with a view to ensuring that the current high registration rates in the District can be maintained.

I will report to a future Council meeting on the outcome of the data matching exercise.

3. Review of Polling Districts and Places

The Returning Officer is required to carry out a review of polling districts and places on a five year cycle. The next review is due in the autumn this year and means that

every polling district and place in the District must be viewed from the point of view of convenience to voters, disabled access, facilities for staff, car parking etc.

There will be full consultation with members of the District Council and external partners and the outcome of the review will be reported back to the Council.

4. European Parliament Elections – May 2014

The date for the Euro Elections has now been fixed and the Returning Officer is awaiting notification from the UK Government that the District and Parish Council Elections due in May 2014 will be deferred so as all elections are held at the same time.

It is understood that the Chief Executive of Chelmsford Borough Council is Regional Returning Officer designate for the East of England for the EU Elections. Mr Packham was the County Returning Officer for the purposes of the Police and Crime Commissioner Election held in November 2012.

Arrangements for the EU Elections are at a very early stage with verification to take place at a time to be confirmed by the RRO and the actual counting of votes on the following Sunday.

5. Moreton, Bobbingworth and The Lavers Parish Council – Designation of Neighbourhood Area

The Cabinet recently considered a report on the designation of a neighbourhood area comprising the Parish of Moreton, Bobbingworth and The Lavers for the purpose of developing a neighbourhood plan for the area. The final step in that process is the holding of a local referendum. This is subject to a process of scrutiny of the plan over the proceeding period.

It is hoped that this referendum could be held alongside the EU and District/Parish Elections due in May 2014 but at the present time it is very difficult to predict the actual timetable for the referendum but the Returning Officer continues to monitor the situation.

6. Website

The website workshop took place on 21 May, prior to the Council meeting. Overall 15 members attended presentations by ICT staff in the ICT Training room and staff recreation area. It was a very informative event for both Members and ICT. A feedback document covering all of the issues raised has been produced and will be published in the Council Bulletin. It will also be discussed at the Finance and Performance Management Scrutiny Panel meeting in September.

The new responsive website is currently being tested. This will enable the Council website to be viewed more easily using smartphones, and tablets etc. The structure of the page changes to accommodate different style menus and makes the viewing experience much clearer on smaller screens. This version will go live during the summer.

7. Contract Work

In addition to the more routine contract work which occurs throughout the year in legal there has been a marked increase in high profile, complex contracts requiring staff commitment for long periods. These matters have been and will continue to be active for a substantial period. Most notably they include the Waste Management etc contract. Various reports from other portfolios quite rightly reflect the content and purpose of these contracts, so I would record here the input from Support Services in helping to deliver these important projects.

8. HR Policies and Procedures

I recently agreed a number of updated HR policies following a review of the Council's Disciplinary/Capability Procedure. This Procedure has now been divided into three separate procedures;

- Medical/Health Incapacity
- Improving Performance
- Disciplinary Procedure

These three procedures now sit under an overarching framework called the Employee Management Framework, along with the Managing Absence Procedure.

Dividing the current Procedure in this way ensures that employees are treated in a fair and appropriate way depending on the circumstances. Also this approach is intended to assist managers by locating these management processes in one place which provide clarity on the use of each Procedure.

In addition to the Employee Management Framework I agreed amendments to the Council's Grievance Procedure and the introduction of a new procedure for dealing with Appeals – Short of Dismissal.

Guidance for Managers will be provided for the new policies and procedures along with face-to-face training and e-learning.

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Report to the Council

Committee: Cabinet

Date: 30 July 2013

Portfolio Holder: Councillor H Ulkun (Support Services)

REGULATION OF INVESTIGATORY POWERS ACT – POLICY AND PROCEDURE

Recommending:

- (1) That the attached Policy and Procedure for dealing with the requirements of the Regulation of Investigatory Powers Act (as amended) (RIPA), be approved;**
 - (2) That the Director of Corporate Support Services be appointed as the Senior Responsible Officer and the Assistant to the Chief Executive be appointed as the Deputy Senior Responsible Officer for the purposes of RIPA; and**
 - (3) That the Director of Corporate Support Services and the Assistant to the Chief Executive be appointed as Authorising Officers for the purposes of RIPA.**
-

1. The Regulation of Investigatory Powers Act (RIPA) introduced in 2000, and amended, by the Protection of Freedoms Act 2012 is intended to give lawful authority to certain types of covert surveillance in order to prevent and detect crime which would otherwise have been unlawful and in contravention of the Human Rights legislation. However, it requires such activity to be proportionate to the matter being investigated.

2. Since 2008, the Director of Corporate Support Services and the Assistant to the Chief Executive have been RIPA Officer and Deputy RIPA Officer respectively.

3. This Council has made very limited use of the powers available because it is essential to exhaust all other reasonable methods of seeking evidence before contemplating an application under RIPA.

4. In January 2013, Mr Andrew Mackian on behalf of the Office of Surveillance Commissioners inspected this authority for compliance with the requirements of RIPA. Mr Mackian's report following the inspection acknowledges the Council's approach. It also accepts that based on this approach it is appropriate to limit to two the number of officers with designated responsibilities under the Act.

5. Mr Mackian found that previous recommendations had been implemented but clarified at length what an authorisation could be granted for and has made two additional recommendations. Corporate Governance Group has considered and accepted the recommendations as good practice. This report and the attached Policy are intended to put those recommendations into practice.

6. Mr Mackian's three recommendations concern:

- (a) re-drafting of RIPA guidance notes within a formal procedural document for

formal reporting to elected members of the authority;

- (b) the re-introduction of a Central record of authorisations; and
- (c) authorisation periods to comply with statutory requirements.

7. The attached Policy and Procedure Document addresses the first recommendation.

The major changes to the process are highlighted below:

(a) RIPA authorisations can now only be sought for investigations into the more serious offences i.e. those carrying a custodial sentence of at least six months; and

(b) in addition to authorisation from one of the two designated officers, application must be made by the officer seeking authorisation to the magistrates' court.

8. We have agreed that the procedure for reporting the use of RIPA authorisations to Members will be through the Corporate Governance Group and the Council Bulletin.

9. We have been informed that the second recommendation is unfortunately worded as it suggests the discontinuance of the Central Register. In fact the spreadsheet used contained the necessary information – it was simply that the last two entries were handwritten. We have been informed that the spreadsheet has now been formally completed and is held and will be updated in future by the Executive Assistant to the Director of Corporate Support Services.

10. Mr Mackian's third recommendation arose from an error in the time period for which the last authorisation was granted. Ultimately the investigation authorised did not take place. The Director of Corporate Support Services had limited the timing for authorisation to three hours either side of midnight on the evening of the operation but this is not permitted by the legislation. The correct procedure is to authorise for the statutory three months and then cancel the authorisation when the operation is complete.

11. This point has been noted by both authorising officers and the timescales are set out clearly in the attached policy.

12. The Director of Corporate Support Services has advised us that she intends to organise and deliver appropriate training courses for both senior and operational officers to raise awareness and ensure the policy is understood and implemented. In addition both of the authorised officers will attend training as appropriate.

Epping Forest District Council

POLICY & PROCEDURE

**REGULATION OF INVESTIGATORY
POWERS ACT 2000
(RIPA)**

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Section A

Introduction

1. HUMAN RIGHTS ACT 1998 – ARTICLE 8 – RIGHT TO RESPECT FOR PRIVATE & FAMILY LIFE, HOME AND CORRESPONDENCE

1.1 The Human Rights Act 1998 brought into UK domestic law much of the European Convention on Human Rights and Fundamental Freedoms 1950. Article 8 of the European Convention requires the Council to respect the private and family life of its citizens, their homes and their correspondence.

1.2 Article 8 does, however, recognise that there may be circumstances in a democratic society where it is necessary for the state to interfere with this right.

2. USE OF COVERT SURVEILLANCE TECHNIQUES AND HUMAN INTELLIGENCE SOURCES

2.1 The Council has various functions which involve observing or investigating the conduct of others, for example, investigating anti-social behaviour, fly tipping, noise nuisance control, planning (contraventions), benefit fraud, licensing and food safety legislation. In most cases, Council officers carry out these functions openly. However, there are rare cases where it is necessary for officers to use covert surveillance techniques to undertake a specific investigation.

2.2 The use of covert surveillance techniques is regulated by the Regulation of Investigatory Powers Act 2000 (RIPA), which seeks to ensure that the public interest and human rights of individuals are appropriately balanced. This document sets out the Council's policy and procedures on the use of covert surveillance techniques and the conduct and use of a Covert Human Intelligence Source.

2.3 You should also refer to the two Codes of Practice published by the Government. These Codes, which were revised in 2010, are on the Home Office website and supplement the procedures in this document. The Codes are admissible as evidence in Criminal and Civil Proceedings. If a provision of these Codes appear relevant to any court or tribunal, it must be taken into account:

(a) Covert Surveillance and Property Interference Code of Practice:

<http://tna.europarchive.org/20100419081706/http://security.homeoffice.gov.uk/ripa/publication-search/general-publications/ripa-cop/covert-surveil-prop-inter-COP>

(b) Covert Human Intelligence Sources Code of Practice:

<http://tna.europarchive.org/20100419081706/http://security.homeoffice.gov.uk/ripa/publication-search/general-publications/ripa-cop/covert-human-intel-source-COP>

2.4 There are also two other guidance documents relating the procedural changes regarding the authorisation process requiring Justice of the Peace approval from the 1st November 2012. These have been issued by the Home Office to both Local Authorities and Magistrates.

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/local-authority-ripa-guidance/>

3. ACQUISITION OF COMMUNICATIONS DATA

3.1 RIPA also regulates the acquisition of communications data. Communications data is data held by telecommunications companies and internet service providers.

3.2 Examples of communications data which may be acquired with authorisation include names, addresses, telephone numbers, internet provider addresses. Communications data surveillance does not monitor the content of telephone calls or emails. This document sets out the procedures for the acquisition of communications data. You should also refer to the Code of Practice which is available on the Home Office website:

(a) Acquisition and Disclosure of Communications Data Revised Draft Code of Practice:

<http://tna.europarchive.org/20100419081706/http://security.homeoffice.gov.uk/ripa/publication-search/general-publications/ripa-cop/acquisition-disclosure-cop>

Acronyms and Designations explained

OSC Office of Surveillance Commissioners

SRO Senior Responsible Officer : Director of Corporate Support Services / Solicitor to the Council

Authorising Officers: Director of Corporate Support Services/ Solicitor to the Council and the Assistant to the Chief Executive

Applicant Officer seeking RIPA authorisation or renewal

Section B

4. EFFECTIVE DATE OF OPERATION AND AUTHORISING OFFICER RESPONSIBILITIES

- 4.1 The Policy and Procedures in this document reflect the two revised Codes of Practice which came into force in April 2010, and the recent legislative amendments which now require Justice of the Peace (JP) approval for all Local Authority RIPA applications and renewals, which came in effect on 1 November 2012, changes in website addresses and application forms, as well as to reflect recommendations arising out of inspection by the Office of Surveillance Commissioners. Authorising Officers, take personal responsibility for the effective and efficient observance of this document and the Office of Surveillance Commissioners (OSC) guidance documents.
- 4.2 Authorising Officers will undertake training on RIPA and will facilitate where necessary training for relevant members of staff who may make RIPA applications.
- 4.3 Applicants are required to follow this Policy and Procedures Document and must not undertake or carry out surveillance activity that meets the criteria as set out by RIPA without first obtaining the relevant authorisations in compliance with this document.
- 4.4 Authorising Officers will pay particular attention to health and safety issues that may be raised by any proposed surveillance activity. Under no circumstances, should an Authorising Officer approve any RIPA form unless, and until they are satisfied that
- the health and safety of Council employees/agents are suitably addressed
 - risks minimised so far as is possible, and
 - risks are proportionate to the surveillance being proposed.
- 4.5 Applications to Authorising Officers must be made in **sealed** envelopes and marked '**Strictly Private & Confidential**'.
- 4.6 In accordance with the Codes of Practice, the Senior Responsible Officer (SRO) is the Director of Corporate Support Services / Solicitor to the Council.
- 4.7 The SRO shall have delegated authority to appoint additional Authorising Officers for the purposes of RIPA should either or both of the Authorising Officers be absent.
- 4.8 The SRO is responsible for;
- the integrity of the process in place within this authority to authorise surveillance with the Act.
 - compliance with Part II of the 2000 Act, relevant codes and this policy;
 - engagement with the Commissioners and inspectors when they conduct their inspections, and

- where necessary, overseeing the implementation of any post inspection action plans recommended or approved by a Commissioner.

4.9 The SRO will review the policy every year and report on performance of the policy to Council.

4.10 Annual reports on the use of RIPA will be considered by the Corporate Governance Group and will published in the Council Bulletin.

5. GENERAL INFORMATION ON RIPA

- 5.1 The Human Rights Act 1998 requires the Council, and organisations working on its behalf, pursuant to Article 8 of the European Convention, to respect the private and family life of citizens, their homes and their correspondence.
- 5.2 The European Convention did not, however, make this an absolute right, but a qualified right. Accordingly, in certain circumstances, the Council may interfere in the citizen's right mentioned above, if such interference is:-
- (a) **in accordance with the law;**
 - (b) **necessary ; and**
 - (c) **proportionate.**
- 5.3 The Regulation of Investigatory Powers Act 2000 ('RIPA') provides a statutory mechanism (ie. 'in accordance with the law') for authorising **covert surveillance** and the use of a '**covert human intelligence source**' ('**CHIS**') – RIPA and this Policy and Procedure document seeks to ensure both the public interest and the human rights of individuals are suitably balanced.
- 5.4 Directly-employed Council staff and external agencies working for the Council are covered by the Act for the time they are working for the Council. All external agencies must, therefore, comply with RIPA and the work carried out by agencies on the Council's behalf, must be properly authorised by one of the Council's designated Authorising Officers prior to seeking judicial approval
- 5.5 If the correct procedures are not followed, evidence may be inadmissible in court proceedings, a complaint of maladministration could be made to the Ombudsman and/or the Council could be ordered to pay compensation.

6. WHAT RIPA DOES AND DOES NOT DO

6.1 RIPA:

- requires prior authorisation of directed surveillance.
- prohibits the Council from carrying out intrusive surveillance.
- requires prior authorisation of the conduct and use of a CHIS.
- requires safeguards for the conduct and use of a CHIS.

6.2 RIPA does not:

- prejudice or affect any existing powers available to the Council to obtain information by any means not involving conduct that may be authorised under this Act. For example, the Council's current powers to obtain information from the DVLA or from the Land Registry as to the ownership of a property.

6.3 If any Applicant is in any doubt, s/he should ask the SRO **BEFORE** any directed surveillance and/or CHIS is authorised, renewed, cancelled or rejected.

7. TYPES OF SURVEILLANCE

7.1 **'Surveillance'** includes:

- monitoring, observing and listening to persons, watching or following their movements, listening to their conversations and other such activities or communications. It may be conducted with or without the assistance of a surveillance device.
- recording anything mentioned above in the course of authorised surveillance.
- surveillance, by or with, the assistance of appropriate surveillance device(s).

7.2 Surveillance can be overt or covert.

Overt Surveillance

7.3 Most of the surveillance carried out by the Council will be done overtly. Surveillance will be overt if the subject has been told it will happen (eg. where a noisemaker is warned (preferably in writing) that noise will be recorded).

Covert Surveillance

7.4 Covert Surveillance is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware of it taking place. (Section 26(9)(a) of RIPA).

7.5 There are two types of covert surveillance which local authorities may undertake. Directed Surveillance and the use of Covert Human Intelligence Sources (CHIS).

Directed Surveillance

7.6 Under Section 26(2) of RIPA ,Directed Surveillance is surveillance which is covert, but not intrusive, and undertaken

- for a specific investigation or operation;
- in a manner likely to obtain private information about an individual (whether or not that person is specifically targeted for purposes of an investigation); and
- not as an immediate response to events which would otherwise make seeking authorisation under the Act unreasonable e.g. spotting something suspicious and continuing to observe it.

7.7 Private Information in relation to a person includes any information relating to his private and family life, his home or his correspondence. The fact that covert surveillance occurs in a public place or on business premises does not mean that it cannot result in the obtaining of private information about a person. Prolonged surveillance targeted on a single person will undoubtedly result in the obtaining of private information about him/her and others with whom s/he comes into contact.

7.8 Private information may include personal data such as names, addresses or telephone numbers. Where such information is acquired by means of covert surveillance of a person having a reasonable expectation of privacy, a directed surveillance authorisation is appropriate.

7.9 Similarly, although overt town centre CCTV cameras do not normally require authorisation, if the camera is tasked for a specific purpose, which involves prolonged surveillance on a particular person, authorisation will be required. The way a person runs his/her business may also reveal information about his or her private life and the private lives of others. Privacy considerations are likely to arise if several records are examined together to establish a pattern of behaviour.

NOTE: For the avoidance of doubt, only those Officers appointed as 'Authorising Officers' for the purpose of RIPA can authorise 'Directed Surveillance' IF, AND ONLY IF, the RIPA authorisation procedures detailed in this Document, are followed.

Intrusive Surveillance

7.10 This is when surveillance:

- is covert;
- relates to residential premises and private vehicles, even if used on a temporary basis; and
- involves the presence of a person in the premises or in the vehicle or is carried out by a surveillance device in the premises/vehicle. Surveillance equipment mounted outside the premises will not be intrusive, unless the device consistently provides information of the same quality and detail as might be expected if they were in the premises/vehicle.

NOTE: For the avoidance of doubt, this authority cannot authorise intrusive surveillance.

“Proportionality”

7.11 This term contains three concepts:

- the surveillance should not be excessive in relation to the gravity of the matter being investigated;

- the least intrusive method of surveillance should be chosen; and
- collateral intrusion involving invasion of third parties' privacy and should, so far as possible, be minimised.

7.12 Proportionality involves balancing the intrusiveness of the activity on the subject and others who might be affected by it against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the circumstances of the case, or if the information which is sought could reasonably be obtained by other less intrusive means. All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair. The interference with the person's right should be no greater than that which is required to meet the aim and objectives.

7.13 The onus is on the Authorising Officer to ensure that the surveillance meets the tests of **necessity and proportionality**.

7.14 The codes provide guidance relating to proportionality which should be considered by both applicants and Authorising Officers :

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

7.15 When considering the intrusion, it is important that the Authorising Officer is fully aware of the technical capabilities of any proposed equipment to be used, and that any images are managed in line with the Data Protection Act and Home Office Guidance. These issues have a direct bearing on determining proportionality.

8 Surveillance outside of RIPA

8.1 Surveillance which is not covered by the RIPA must still be in accordance with the Council's obligations under the Human Rights Act and Data Protection Act. It must still be necessary and proportionate having taken account of the intrusion issues. The decision making process and the management of such surveillance must be well documented.

8.2 The Office of Surveillance Commissioners(OSC) have stated that it should be the responsibility of the SRO to monitor this type of activity. Therefore, before any such surveillance takes place advice must be sought from the SRO.

9. Covert Human Intelligence Source (CHIS)

9.1 As a starting point, this Council will only use this form of surveillance as a last resort. However if it appears that use of a CHIS may be required, Authorising Officers must seek legal advice from the Solicitor to the Council.

9.2 A CHIS could be an informant or an undercover officer carrying out covert enquiries on behalf of the Council. However, the provisions of the 2000 Act are not intended to apply in circumstances where members of the public volunteer information to the Council as part of their normal civic duties, or to contact numbers set up to receive information such as the Benefit Fraud Hot Line. Members of the public acting in this way would not generally be regarded as sources.

9.3 Under section 26(8) of the 2000 Act a person is a source if:

- a) he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph (b) or (c);
- b) he covertly uses such a relationship to obtain information or to provide access to any information to another person; or
- c) he covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

9.4 By virtue of section 26(9)(b) of the 2000 Act a purpose is covert, in relation to the establishment or maintenance of a personal or other relationship if, and only if, the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.

9.5 By virtue of section 26(9)(c) of the 2000 Act a relationship is used covertly, and information obtained as above is disclosed covertly, if and only if it is used or, as the case may be, disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

10. Conduct and Use of a Source

10.1 The **use of a source** involves inducing, asking or assisting a person to engage in the conduct of a source or to obtain information by means of the conduct of such a source.

10.2 The **conduct of a source** is any conduct falling within section 29(4) of the 2000 Act, or which is incidental to anything falling within section 29(4) of the 2000 Act.

10.3 The **use of a source** is what the Authority does in connection with the source and the **conduct** is what a source does to fulfill whatever tasks are given to them or

which is incidental to it. **The Use and Conduct require separate consideration before authorisation.**

10.4 When completing applications for the use of a CHIS, the applicant must state who the CHIS is, what they can do and for which purpose.

10.5 When determining whether a CHIS authorisation is required, consideration should be given to the covert relationship between the parties and the purposes mentioned in 9.3 (a), (b), and (c) above.

Management of Sources

10.6 Within the provisions there has to be;

(a) a person who has the day to day responsibility for dealing with the source and for the source's security and welfare (**Handler**)

(b) at all times there will be another person who will have general oversight of the use made of the source (**Controller**)

(c) at all times there will be a person who will have responsibility for maintaining a record of the use made of the source

NOTE If, exceptionally, a CHIS authority is required, all of the staff involved in the process should make themselves fully aware of the CHIS Codes of Practice

Management Responsibility

10.8 The Council will ensure that arrangements are in place for the proper oversight and management of sources including appointing a Handler and Controller for each source prior to a CHIS authorisation.

10.9 It is envisaged that the use of a CHIS will be infrequent. Should a CHIS application be made, the CHIS Codes of Practice should be consulted to ensure that the Council can meet its management responsibilities.

Security and Welfare

10.10 The Council has a responsibility for the safety and welfare of the source and for the consequences to others of any tasks given to the source. Before permitting the use or conduct of a source, the Authorising Officer should ensure that a risk assessment is carried out to determine the risk to the source of any tasking and the likely consequences should the role of the source become known. The ongoing security and welfare of the source, after the cancellation of the authorisation, should also be considered at the outset.

Record Management for CHIS

10.11 Proper records must be kept of the authorisation and use of a source. The particulars to be contained within the records are;

- (a) the identity of the source;
- (b) the identity, where known, used by the source;
- (c) any relevant investigating authority other than the authority maintaining the records;
- (d) the means by which the source is referred to within each relevant investigating authority;
- (e) any other significant information connected with the security and welfare of the source;
- (f) any confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that the information in paragraph (d) has been considered and that any identified risks to the security and welfare of the source have where appropriate been properly explained to and understood by the source;
- (g) the date when, and the circumstances in which the source was recruited;
- (h) the identities of the persons who, in relation to the source, are discharging or have discharged the functions mentioned in section 29(5)(a) to (c) of the 2000 Act or in any order made by the Secretary of State under section 29(2)(c);
- (i) the periods during which those persons have discharged those responsibilities;
- (j) the tasks given to the source and the demands made of him in relation to his activities as a source;
- (k) all contacts or communications between the source and a person acting on behalf of any relevant investigating authority;
- (l) the information obtained by each relevant investigating authority by the conduct or use of the source;
- (m) any dissemination by that authority of information obtained in that way; and
- (n) in the case of a source who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the source's activities for the benefit of that or any other relevant investigating authority.

Juvenile Sources

10.12 Special safeguards apply to the use or conduct of juvenile sources (i.e. those under the age of 18). On no occasion can a child under 16 years of age be authorised to give information against his or her parents or any person with parental responsibility for him or her. Only the Chief Executive can authorise a juvenile source.

10.13 A “Vulnerable Individual” is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be

Test Purchases

10.14 Carrying out test purchases will not normally require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information and, therefore, the purchaser will not normally be a CHIS. For example, authorisation as a CHIS would not normally be required for test purchases carried out in the ordinary course of business (e.g. walking into a shop and purchasing a product over the counter).

10.15 Authorising Officers should consider the likelihood that the test purchase will lead to a relationship being formed with a person in the shop. If the particular circumstances of a particular test purchase are likely to involve the development of a relationship Authorising Officers must seek legal advice from the SRO.

Anti-Social Behaviour Activities

10.16 As from 1 November 2012 there is no provision for a Local Authority to use RIPA to grant lawful authority for the conduct of covert surveillance for disorder such as anti-social behaviour, unless there are criminal offences involved which attract a maximum custodial sentence of six months. Should it be necessary to conduct covert surveillance for disorder which does not meet the serious crime criteria of a custodial sentence of a maximum of six months, this surveillance would be classed as surveillance outside of RIPA, and would still have to meet the Human Rights Act provisions of Necessity and Proportionality?

10.17 Persons who complain about anti-social behaviour, and are asked to keep a diary, will not normally be a CHIS, as they are not required to establish or maintain a relationship for a covert purpose. Recording the level of noise (eg. the decibel level) so long as it does not record private information is unlikely to require authorisation.

11. THE ROLE OF THE RIPA CO-ORDINATOR

11.1 Key Responsibilities of the RIPA Co-ordinator

- In this document the RIPA Co-ordinator is the Director of Corporate Support Services/Solicitor to the Council. The key responsibilities of the RIPA Co-ordinator are to:
- Retain all applications for authorisation (including those that have been refused), renewals and cancellations for a period of at least **three years** together with any supplementary documentation;
- Provide a unique reference number and maintain the central register of all applications for authorisations whether finally granted or refused (see section below);
- Create and maintain a spreadsheet for the purpose of identifying and monitoring expiry dates and renewal dates although the responsibility for this is primarily that of the officer in charge and the Authorising Officer;
- Monitor types of activities being authorised to ensure consistency and quality throughout the Council;
- Ensure sections identify and fulfil training needs;
- Periodically review Council procedures to ensure that they are up to date;
- Assist Council employees to keep abreast of RIPA developments;
- Provide a link to the Surveillance Commissioner and disseminate information on changes on the law, good practice etc. Officers becoming aware of such information should, conversely, send it to the RIPA Co-ordinator for this purpose;
- Check that Authorising Officers carry out reviews and cancellations on a timely basis.

Central Record of Authorisations

11.2 A centrally retrievable record of all authorisations will be held by the RIPA Co-ordinator which must be up-dated whenever an authorisation is granted, renewed or cancelled. These records will be retained for a period of **three years** from the ending of the authorisation and will contain the following information:

- the type of authorisation;
- the date the authorisation was given;
- the name and title of the Authorising Officer;
- the unique reference number of the investigation (URN);

- the title of the investigation or operation, including a brief description and the names of the subjects, if known;
- whether the urgency provisions were used and if so why;
- whether the investigation will obtain confidential information;
- whether the authorisation was granted by an individual directly involved in the investigation;
- the dates the authorisation is reviewed and the name and title of the Authorising Officer;
- if the authorisation is renewed, when it was renewed and the name and title of the Authorising Officer;
- the date the authorisation was cancelled.
- joint surveillance activity where Council staff have been authorised on another agencies authorisation will also be recorded.

11.2 Access to the data will be restricted to the RIPA Co-ordinator and Authorising Officers to maintain the confidentiality of the information.

12. AUTHORISATION PROCEDURES

12.1 Directed surveillance and the use of a CHIS can only be lawfully carried out if properly authorised, and in strict accordance with the terms of the authorisation.

Authorising Officers

12.2 Forms can only be signed by Authorising Officers. The Authorising Officers are:

Director of Corporate Services/Solicitor to the Council	Colleen O'Boyle
Assistant to the Chief Executive	Ian Willett

12.3 Authorisations under RIPA are separate from delegated authority to act under the Council's Scheme of Delegation and any internal departmental Schemes of Management.

12.4 RIPA authorisations are for specific investigations only, and must be renewed or cancelled once the specific surveillance is complete or about to expire. **The authorisations do not lapse with time.**

12.5 Authorisations are for 1, 3 or 12 months but should be cancelled promptly if completed within that timescale.

12.6 Authorising Officers should not normally be responsible for authorising operations in which they are directly involved. In such a case the centrally retrievable record of authorisations should highlight this and the attention of a Commissioner or Inspector should be drawn to it during the next inspection.

Training

12.7 The SRO will maintain a Register of Authorising Officers and details of training undertaken by them.

12.8 The SRO will maintain records of RIPA training to staff either internally or externally sourced

Grounds for Authorisation

12.9 On 1 November 2012 two significant changes came into force that effects how local authorities use RIPA.

- **Approval of Local Authority Authorisations under RIPA by a Justice of the Peace:** The amendments in the Protection of Freedoms Act 2012 mean

that local authority authorisations under RIPA for the use of Directed Surveillance or use of Covert Human Intelligence sources (CHIS) can only be given effect once an order approving the authorisation has been granted by a Justice of the Peace (JP). **This applies to applications and renewals only, not reviews and cancellations.**

- **Directed surveillance crime threshold:** Amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (“the 2010 Order”) mean that a local authority can now only grant an authorisation under RIPA for the use of **Directed Surveillance** where the local authority is investigating criminal offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933.

NOTE: The crime threshold, as mentioned is only for Directed Surveillance.

12.10 Also, the **only** lawful reason is for granting a RIPA authorisation available to local authorities is the **prevention and detection of crime** in respect of its Core Functions.

13. APPLICATION PROCESS

13.1 No covert activity covered by RIPA or the use of a CHIS should be undertaken at any time unless it meets the legal criteria (see above) and has been authorised by an Authorising Officer and approved by a JP/Magistrate as mentioned above. The activity conducted must be in strict accordance with the terms of the authorisation.

13.2 The applicant will complete the current application form for Directed surveillance or CHIS and the required section of the judicial application/order form. The applicant will submit them in an envelope marked Private & Confidential to an Authorising Officer.

13.3 If the Authorising Officer grants the application – with or without further information from the Applicant, the applicant will liaise with Legal Services to arrange with Her Majesty’s Courts & Tribunals Service (HMCTS) a hearing.

13.4 The hearing will be in private and heard by a single JP.

13.5 The applicant will present to the JP the partially completed judicial application/order form, a copy of the RIPA application/authorisation form, together with any supporting documents setting out the case e.g. proof of the Authorising officer’s designation, and the original application/authorisation form.

13.6 The original RIPA application/authorisation should be shown to the JP but will be retained by the local authority so that it is available for inspection by the Commissioners’ offices and in the event of any legal challenge or investigations by the Investigatory Powers Tribunal (IPT).

13.7 The JP may have questions to clarify points application **However the forms and supporting papers must by themselves make the case. It is not sufficient for the local authority to provide oral evidence where this is not reflected or supported in the papers provided.**

13.8 The JP will consider whether he or she is satisfied that at the time the authorisation was granted or renewed, there were reasonable grounds for believing that the authorisation was necessary and proportionate. They will also consider whether there continues to be reasonable grounds. In addition they must be satisfied that the person who granted the authorisation or gave the notice was an appropriate designated person within the local authority and the authorisation was made in accordance with any applicable legal restrictions, for example that the crime threshold for directed surveillance has been met.

13.9 The JP may decide to

(a) Approve the Grant or renewal of an authorisation

The grant or renewal of the RIPA authorisation will then take effect and the local authority may proceed to use the technique in that particular case.

(b) Refuse to approve the grant or renewal of an authorisation

The RIPA authorisation will not take effect and the local authority may **not** use the technique in that case.

Where an application has been refused the applicant may wish to consider the reasons for that refusal and whether any defects can be remedied.

For, a technical error, the form may be remedied without going through the internal authorisation process again. The officer may then wish to reapply for judicial approval once those steps have been taken.

(c) Refuse to approve the grant or renewal and quash the authorisation or notice

This applies where the JP refuses to approve the application/authorisation or renew the application/authorisation and decides to quash the original authorisation or notice. However the court must not exercise its power to quash the application/authorisation unless the applicant has had at least 2 business days from the date of the refusal in which to make representations. If this is the case the officer will inform the Legal section who will consider whether there are grounds to make representations.

The JP will record any decision on the order section of the judicial application/order form. The court administration will retain a copy of the local authority RIPA application and authorisation form and the judicial application/order form. The officer will retain the original application/authorisation and a copy of the judicial application/order form.

If approved by the JP, the date of the approval becomes the commencement date and the three months duration will commence on this date.

The original application and the copy of the judicial application/order form should be forwarded to the Central Register and a copy retained by the applicant.

A local authority may only appeal a JP decision on a point of law by judicial review. If such a concern arises Legal Services must be consulted.

If it is intended to undertake both directed surveillance and the use of a CHIS on the same surveillance subject, the respective applications forms and procedures should be followed and both activities should be considered separately on their own merits.

An application for an authorisation must include an assessment of the risk of any collateral intrusion or interference. The Authorising Officer will take this into account, particularly when considering the proportionality of the directed surveillance or the use of a CHIS.

Application, Review, Renewal and Cancellation Forms

13.10 Applications

All the relevant sections on an application form must be completed with sufficient information for the Authorising Officer to consider Necessity, Proportionality and the Collateral Intrusion issues. Risk assessments should take place prior to the completion of the application form. Each application should be completed on its own merits of the case. **Cutting and pasting or using template entries should not take place as this would leave the process open to challenge.**

13.11 Duration of Applications

Directed Surveillance	3 Months
Renewal	3 Months
Covert Human Intelligence Source	12 Months
Juvenile Sources	1 Month
Renewal	12 months

NOTE: All Authorisations must be cancelled by completing a cancellation form. They must not be left to simply expire.

Reviews

13.12 An Authorising Officer conducts a review to assess the need for the surveillance to continue. The results of a review should be recorded on the central record of authorisations. Particular attention is drawn to the need to review authorisations frequently where the surveillance provides access to confidential information or involves collateral intrusion.

13.13 In each case the Authorising Officer should determine how often a review should take place. This should be as frequently as is considered necessary and practicable and they will record when they are to take place on the application form. This decision will be based on the circumstances of each application

13.14 Applicants should submit a review form by the review date set by the Authorising Officer. They should also use a review form for changes in circumstances to the original application so that the need to continue the activity can be reassessed. However if the circumstances or the objectives have changed considerably, or the techniques to be used are now different a new application form should be submitted and will be required to follow the process again and be approved by a JP.

13.15 The applicant does not have to wait until the review date if it is being submitted for a change in circumstances.

Renewal

13.16 Should it be necessary to renew a Directed Surveillance or CHIS application/authorisation, this must be approved by a JP.

13.17 The applicant should complete all the sections within the renewal form and submit the form to the authorising officer.

13.18 Authorising Officers should examine the circumstances with regard to Necessity, Proportionality and the Collateral Intrusion issues before making a decision to renew the activity. A CHIS application should not be renewed unless a thorough review has been carried out covering the use made of the source, the tasks given to them and information obtained. The Authorising Officer must consider the results of the review when deciding whether to renew or not. The review and the consideration must be documented.

13.19 If the Authorising Officer refuses to renew the application the cancellation process should be completed. If the Authorising Officer authorises the renewal of the activity the JP process is to be followed as before. **A renewal takes effect on the day on which the authorisation would have ceased and lasts for a further period of three months.**

Cancellation

13.20 The cancellation form is to be submitted by the applicant or another investigator in their absence. The Authorising Officer who granted or last renewed the authorisation must cancel it if they are satisfied that the directed surveillance no longer meets the criteria upon which it was authorised. Where the Authorising Officer is no longer available, this duty will fall on the person who has taken over the role of Authorising Officer or the person who is acting as Authorising Officer

13.21 As soon as the decision is taken that directed surveillance should be discontinued, the applicant or other investigating officer involved in the investigation should inform the Authorising Officer.. . The date and time of cancellation should also be recorded in the central record of authorisations (see paragraph 5.18 in the Codes of Practice). **It will also be necessary to detail the amount of time spent on the surveillance as this is required to be retained by the Senior Responsible Officer.**

13.22 The officer submitting the cancellation should complete in detail the relevant sections of the form and include the period of surveillance and what if any images were obtained and any images containing third parties. The Authorising Officer should then take this into account and issue instructions regarding the management and disposal of the images etc.

13.23 The cancellation process should also be used to evaluate whether the objectives have been achieved and whether the applicant carried out what they stated was necessary in the application form. This check will form part of the oversight function. Where issues are identified they will be brought to the attention of the line manager and the Senior Responsible Officer (SRO). This will assist with future audits and oversight.

14 Notes for Authorising Officers

14.1 Before an Authorising Officer signs a Form, they must:-

- (a) be mindful of this Policy & Procedures Document and the training undertaken;
- (b) be satisfied that the RIPA authorisation is:-
 - (i) **in accordance with the law; and**
 - (ii) **necessary** in the circumstances of the particular case on the ground mentioned; **and**
 - (iii) **proportionate** to what it seeks to achieve.

- (c) In assessing whether or not the proposed surveillance is proportionate, consider other appropriate means of gathering the information.

14.2 The authorisation will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. The fact that a suspected offence may be serious will not alone render actions proportionate. Similarly, an offence may be so minor that any covert techniques would be disproportionate. No activity should be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means.

14.4 The following elements of proportionality should therefore be considered:

- balance the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- explain how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- consider whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
- evidence, what other methods have been considered and why they were not implemented.

NOTE: The least intrusive method will be considered proportionate by the courts.

14.5 Take into account the risk of intrusion into the privacy of persons other than the specified subject of the surveillance (**collateral intrusion**). Measures must be taken wherever practicable to avoid or minimise (so far as is possible) collateral intrusion. This matter may be an aspect of determining proportionality;

14.6 Set a date for review of the authorisation and review on only that date;

14.7 Obtain a Unique Reference Number (URN) for the application from the SRO

14.8 Ensure that a copy of the RIPA Forms (and any review/cancellation of the same) is forwarded to the SRO for the Central Register, **within 5 working days of the relevant authorisation, review, renewal, cancellation or rejection.**

Additional Safeguards when Authorising a CHIS

14.9 When authorising the conduct or use of a CHIS, the Authorising Officer must also:-

- (a) be satisfied that the **conduct** and/or **use** of the CHIS is proportionate to what is sought to be achieved.

- (b) Be satisfied that **appropriate arrangements** are in place for the management and oversight of the CHIS and this must address health and safety issues through a risk assessment;
- (c) Consider the likely degree of intrusion of all those potentially affected;
- (d) Consider any adverse impact on community confidence that may result from the use or conduct or the information obtained;
- (e) Ensure **records** contain particulars and are not available except on a need to know basis.
- (f) Ensure that if the CHIS is under the age of 18 the Authorising Officer has the approval of the Chief Executive.

NOTE: It is strongly recommended that legal advice is obtained in relation seeking or granting the authorisation of a CHIS.

14. WORKING WITH / THROUGH OTHER AGENCIES

14.1 Anyone other than a Council officer instructed to undertake any action under RIPA, on our behalf must be advised or kept informed, as necessary, of the various requirements. They must be made aware explicitly what they are authorised to do and be provided with a copy of the application form (redacted if necessary) or at the least the authorisation page containing the unique number.

14.2 Equally, if Council staff are authorised on another agencies RIPA authorisation, the staff will obtain a copy of the application form (redacted if necessary), or at the least the authorisation page containing the unique number, a copy of which should be forwarded for filing within the central register. They must ensure that they do not conduct activity outside of that authorisation.

14.3 The Council has a CCTV policy which covers its usage and this is separately inspected by the Commissioner/ Inspectors

15. RECORD MANAGEMENT

15.1 The Council must keep detailed records of all authorisations, renewals, cancellations and rejections in Departments and a Central Register of all Authorisation Forms will be maintained and monitored by the SRO. The following documents must be retained:

- a copy of the Forms together with any supplementary documentation and notification of the approval given by the Authorising Officer;
- a record of the period over which the surveillance has taken place;
- the frequency of reviews prescribed by the Authorising Officer;
- a record of the result of each review of the authorisation;
- a copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
- the date and time when any instruction was given by the Authorising Officer;
- the Unique Reference Number for the authorisation (URN).
- Any JP decision Notice

15.2 Authorising Officers must forward a copy of the form to the SRO for the Central Register, within 5 working days of the authorisation, review, renewal, cancellation or rejection.

Retention and Destruction of Material

15.3 Arrangements are in place for the secure handling, storage and destruction of material obtained through the use of covert surveillance..

15.4 The Council will retain records for a period of at least three years from the ending of the authorisation. The Office of the Surveillance Commissioners (OSC) can audit/review the Council's policies and procedures, and individual authorisations.

15.5 The Office of the Surveillance Commissioners will also write to the Council from time to time, requesting information as to the numbers of authorisations made in a specific period. It will be the responsibility of the SRO to respond to such communications.

Errors

15.6 The Council has a responsibility to report to the Inspector at the commencement of an inspection all activity which should have been authorised but wasn't. This does not apply to covert activity which is deliberately not authorised because an Authorising Officer considers that it does not meet the legislative criteria, but allows it to continue. This would be surveillance outside of RIPA.

Acquisition of Communications Data

15.7 This Council does not access communications in a way that requires RIPA authorisation. For further information as to how evidence is gathered contact the Assistant Director (Finance). The link to the forms in Appendix C is reproduced for completeness.

16. CONCLUSION

16.1 RIPA authorisation gained through this policy/procedure document will protect human rights and protect the Council against challenges for breaches of Article 8 of the European Convention on Human Rights.

16.2 Authorising Officers will be suitably trained and they will never sign or rubber stamp Form(s) without thinking about their personal and the Council's responsibilities.

16.3 For further advice and assistance on RIPA, please contact the Director of Corporate Support Services/Solicitor to the Council or the Assistant to the Chief Executive.

APPENDIX 1

A FORMS

DIRECTED SURVEILLANCE

All forms can be obtained from:

<http://www.homeoffice.gov.uk/counter-terrorism/ripa-forms/>

The form has to be downloaded and completed in the applicant's handwriting. The Authorising Officer must also complete the relevant section of the form in handwriting. The original form has to be passed to the SRO.

Application for Authorisation Directed Surveillance

Application for Review of a Directed Surveillance Authorisation

Application for Renewal of a Directed Surveillance Authorisation

Application for Cancellation of a Directed Surveillance Authorisation

APPENDIX 2

B FORMS

CONDUCT OF A COVERT HUMAN INTELLIGENCE SOURCE

All forms can be obtained from:

<http://www.homeoffice.gov.uk/counter-terrorism/ripa-forms/>

The form has to be downloaded and completed in the applicant's handwriting. The Authorising Officer must also complete the relevant section of the form in handwriting. The original form has to be passed to the SRO.

Application for Authorisation of the conduct or use of a Covert Human Intelligence Source (CHIS).

Application for Review of a Covert Human Intelligence Source (CHIS) Authorisation.

Application for renewal of a Covert Human Intelligence Source (CHIS) Authorisation.

Application for Cancellation of an authorisation for the use or Conduct of a Covert Human Intelligence Source.

APPENDIX 3

C FORMS

ACQUISITION OF COMMUNICATIONS DATA

All forms can be obtained from the Home Office: RIPA Codes of Conduct website:
<http://www.homeoffice.gov.uk/counter-terrorism/ripa-forms/>

The form has to be downloaded and completed in the applicant's handwriting. The Authorising Officer must also complete the relevant section of the form in handwriting. The original form has to be passed to the SRO

Part I Chapter II request schedule for subscriber information

Specimen Part I Chapter II authorisation

Specimen Part I Chapter II Notice

Chapter II application for communications data

Guidance notes regarding chapter II application form

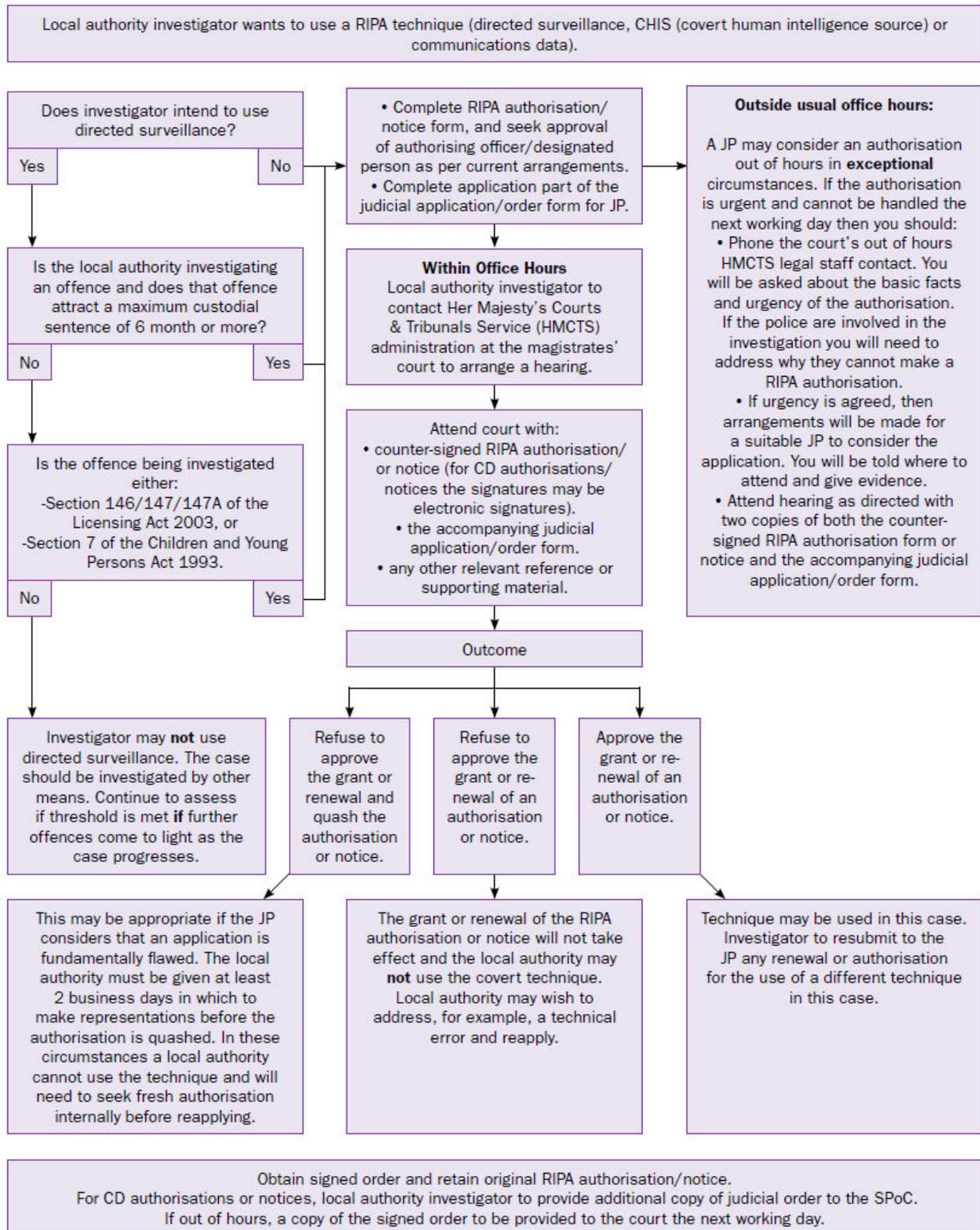
RIPA Section 22 notice to obtain communications data from communications service providers

Reporting an error by a CSP to the IOCCO

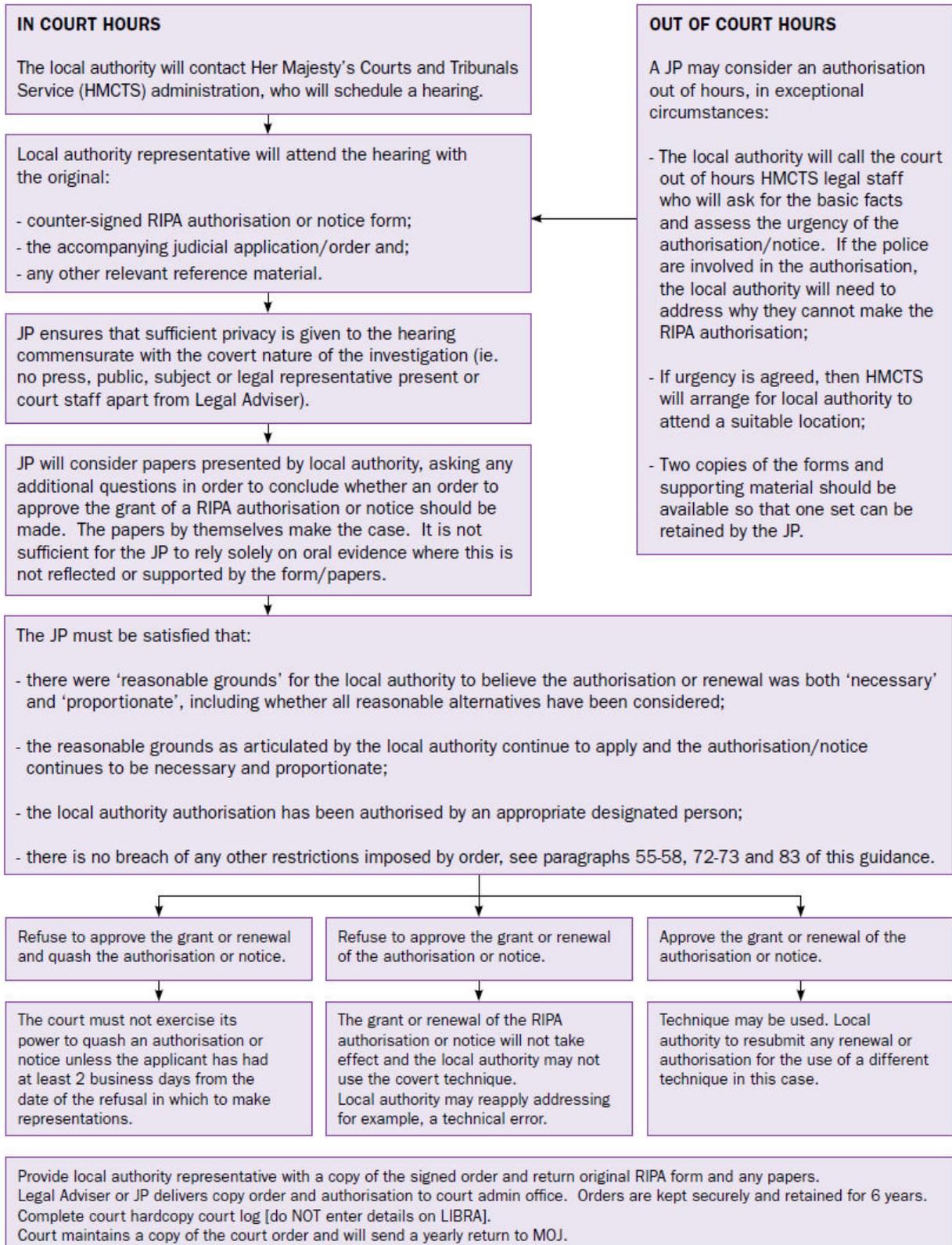
Reporting an error by a public authority to the IOCCO

Annex A

LOCAL AUTHORITY PROCEDURE: APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE



PROCEDURE: LOCAL AUTHORITY APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE



Application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

Local thorty:.....

Local authority department:.....

Offence under investigation:.....

Address of premises or identity of subject:.....

.....

.....

Covert technique requested: (tick one and specify details)

Communications Data

Covert Human Intelligence Source

Directed Surveillance

Summary of details

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Note: this application should be read in conjunction with the attached RIPA authorisation/RIPA application or notice.

Investigating Officer:.....

Authorising Officer/Designated Person:.....

Officer(s) appearing before JP:.....

Address of applicant department:.....

.....

Contact telephone number:.....

Contact email address (optional):.....

Local authority reference:.....

Number of pages:.....

Order made on an application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

Magistrates' court:.....

Having considered the application, I (tick one):

- am satisfied that there are reasonable grounds for believing that the requirements of the Act were satisfied and remain satisfied, and that the relevant conditions are satisfied and I therefore approve the grant or renewal of the authorisation/notice.
- refuse to approve the grant or renewal of the authorisation/notice.
- refuse to approve the grant or renewal and quash the authorisation/notice.

Notes

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Reasons

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Signed:

Date:

Time:

Full name:

Address of magistrates' court:

Report to the Council

Committee: Cabinet

Date: 30 July 2013

Portfolio Holder: Councillor R Bassett (Planning)

PLANNING AND ECONOMIC DEVELOPMENT DOCUMENT SCANNING - BUDGET UNDERSPENDS AND FUNDING OF AN ADDITIONAL POST

Recommending:

- (1) That approval be given to the under-spend of £11,600 in the Planning Support Budget for Document Scanning in 2012/13 be carried forward to 2013/14; and**
- (2) That this under-spend be combined with a smaller salary under-spend to fund one Grade 3 Administration Assistant post to scan the large site paper planning files which are considered too complex and detailed to be sent to Northgate for scanning as part of the standard 'back scanning' of records process.**

1. We have been informed that the progress of electronic records development in the Planning and Economic Development Directorate slowed down substantially in 2011 and 2012 due to staffing and resource difficulties in the Planning Support Team.

2. There is a need to support business processes within Planning and Economic Development to promote better ways of working. This has resulted in the identification in the Directorate Business Plan 2013 – 2014 of an Electronic Records Management Progress Plan which details the requirement to progress EDRMS (Electronic Document Records Management Systems).

3. Our recommendations will assist in taking steps to convert to electronic format a significant element of paper records for large site development control files, conservation files and contaminated land files.

4. We are proposing that the identified under-spend in 2012/13 should be combined with a two month salary under-spend for post PST11 to fund one scale 3 Administration Assistant for ten months to scan the large site planning files which are currently in paper format and are considered too complex and detailed to be sent to Northgate for scanning as part of our standard 'back-scanning' of paper records process.

5. Given the nature of Epping Forest District, the placement of planning information online has potentially saved the public long journeys to Epping Civic Offices. With Electronic Planning records now available online we are able to provide this information on a 24 hour basis, retrievable from our website at any location that has access to a PC and the Internet. This has been a major transformation for Planning and Economic Development, previously one of the most paper dependent Directorates.

6. We recommend as set out at the commencement of this report.

ANNUAL REPORT OF THE EXECUTIVE

2012/13

1. Introduction

1.1 This report is submitted under Executive Procedure Rule 4(a) and (b) of the Constitution (Page H6). It provides a résumé of major policy issues determined and matters discussed by Cabinet across the various Council Portfolios during the Council year 2012/13.

1.2 Further information on all issues, including copies of the reports and minutes concerned, is available on the Local Democracy Section of the District Council's website.

2. KEY PRIORITY OBJECTIVES

2.1 The major policy issues determined by the Executive during the year are a reflection of the following Key Priority Objectives set by the Council:

- Proactively promote the policies and reputation of the Council internally and externally
- Engage with communities to put them at the centre of the Council's policy development and service design
- Review the strategic direction of the Council to ensure a clear and consistent set of priorities to facilitate decision-making in constrained times
- Deliver a robust and resilient Local Plan that facilitates appropriate growth, whilst protecting the special character of the District
- Promote cultural change to breakdown silo working and implement new flexible ways of working
- Deliver the key budget priorities
- Prepare for the changes arising from the transfer of public health responsibilities
- Maximise the potential of the Council's key development sites
- Prepare and plan for welfare reform in an effective co-ordinated way.

3. PORTFOLIO CHANGES

3.1 The number of Cabinet Portfolios remained at 9 but there were changes to the range of responsibilities in each of the Portfolios. Details of the Portfolios and Portfolio Holders are set out below:

Leader's Portfolio – Councillor Chris Whitbread
Finance and Technology – Councillor Syd Stavrou
Leisure and Wellbeing – Councillor Mrs Liz Webster
Planning – Councillor Richard Bassett
Environment – Councillor Will Breare-Hall
Housing – Councillor David Stallan
Safer, Greener and Highways – Councillor Gary Waller
Support Services – Councillor Hal Ulkun
Asset Management and Economic Development - Councillor Anne Grigg

4. LEADER'S PORTFOLIO

4.1 Key Objectives

4.1.1 The annual identification of Key Objectives enables the Council to focus attention on areas for improvement, allowing opportunities to be exploited and better outcomes delivered. The Key Objectives provide a clear statement of the Council's overall intentions for the year and each objective is supported by specific actions and desired outcomes.

4.1.2 It is important that the relevant performance management processes are in place to review and monitor progress against Key Objectives. This ensures that objectives remain relevant and there are proposals for appropriate corrective action in areas of slippage or under performance are in place.

4.2.1 In noting the outturn progress in relation to the Key Objectives for 2011/12, the Council agreed that inter-dependencies between various objectives, as well as the business case for a particular objective and its associated targets, should be identified. This need has been addressed and reflected in revised objectives set for 2013/14. Recent amendments were made to include the need to protect the Council's frontline services and the postponement of the review of the Council's electoral arrangements.

4.2 Extension of Insurance Contact

4.2.1 The Council is currently insured almost exclusively through Zurich Municipal, an arrangement that has been in place for many years. In 2010 the Council participated in a collaborative procurement exercise with eleven other local authorities, sponsored by the Regional Improvement and Efficiency Partnership. The only insurer to quote for the whole portfolio was Zurich Municipal, and Zurich Municipal was only prepared to enter contracts for the whole portfolio of covers. Therefore the Council had no option other than to enter into a new agreement with them. The contract was let for three years with an option to extend for a further two.

4.2.2 The service provided by Zurich Municipal remains of a high standard. The Council could have conducted a fresh tendering exercise but market intelligence suggested this would be unlikely to produce better value than that currently being offered. Accordingly the option of a two-year extension to the agreement with Zurich Municipal was exercised.

4.3 Community Right to Challenge Policy

4.3.1 The Localism Act 2011 provides the legislative framework for the Community Right to Challenge, which allows relevant bodies to express an interest in running a local authority service. Local authorities are required to consider those expressions and, if they are acceptable under the terms of the legislation, to run a full procurement exercise in respect of the service.

4.3.2 To ensure that the Council met its obligations under the Localism Act and to be in a state of readiness should a group submit an expression of interest in running a service, approval was given to a policy setting out the Council's approach to the Community Right to Challenge.

4.4 Review of Salary Budgets and Vacant Posts

4.4.1 A Review of Salary Budgets and Vacant Posts was undertaken within the context of the Council's external recruitment restrictions. It concluded that a reduction of £419,000 in the Council's establishment could be delivered from 1 April 2013 by the deletion of a number of existing vacant posts. Significantly, this could be achieved without the need for a redundancy programme and without frontline services being adversely affected. However, to deliver this level of efficiency saving, it was necessary for the current recruitment restrictions to be revoked, to give Managers the ability to react quickly to changing circumstances within their areas of responsibility, with an increased flexibility to manage their remaining staffing resources.

4.4.2 Accordingly, approval was given for the recruitment restrictions to be revoked, thereby increasing the ability of service managers' ability to determine their staff resources within the reduced salary budget parameters.

5. FINANCE AND TECHNOLOGY PORTFOLIO

5.1 Disaster Recovery

5.1.1 The initial focus for the Council's ICT Disaster Recovery Project had been the ability to recover core systems and data as quickly as possible following an incident. An exercise carried out during 2011/12 identified telephony as the most significant unmitigated risk. Thus the emphasis of the project had been refocused on telephony, a revision which coincided with the Council's 'switch' becoming unsupportable because of its age.

5.1.2 Consequently the replacement of the telephony system was agreed as a key priority for ICT in 2013/14, with an additional £210,000 being included in the Capital Programme for this project. The Disaster Recovery project will re-commence in 2014/15.

5.2 Technical Reforms of Council Tax

5.2.1 The Local Government Finance Act 2012 sets out reforms to Council Tax which provide a number of discretions for local authorities relating to second homes, properties in need of major repair, properties which become vacant and properties which have been empty for more than two years. Originally it had been thought that it would not be beneficial for the Council to implement these changes but further negotiations between the major precepting authorities and the District Councils resulted in them agreeing to share their gains. Given this development it was agreed to implement the technical changes.

5.2.2 The situation had been caused primarily by late legislation and the subsequent late negotiations on how to best implement the new measures. In respect of the revised recommendations, the discount for second homes was reduced from 10% to 5%. The discount for properties in need of major repair was reduced from 100% to 50%, whilst the discount for those properties that were subsequently unfurnished and unoccupied, remained at 100% but only for a period of three months rather than the original six months. A new principle was added whereby any property vacant for more than two

years would be charged an additional Council Tax premium of 50%. This measure is to encourage the owners of such properties to put them back into use and occupation.

5. 2.3 The number of properties affected by these changes throughout the District was 541. Registered Social Landlords are regarded as charities and exempt from the regulations in respect of empty properties. The Council's position as a landlord is such that the new regulations apply, but the vast majority of Council properties do not remain vacant for any length of time. If negotiations with the major preceptors do not reach a satisfactory conclusion then the Council will revert to the current level of discounts for a further twelve months.

5.3 Review of Capital Programme 2012/13 – 2016/17

5.3.1 The Capital Programme for the period 2012/13 to 2016/17, which forms the basis of the new Capital Strategy and Asset Management Plan, was approved. The programme was prepared by updating the programme approved in February 2012 and adding new schemes and allocations approved since then. Each scheme was reviewed and reassessed in terms of estimated final costs, with the phasing of expenditure profiles for each scheme as part of the capital review. A summary of costs indicated an estimated capital spend of £86,811 million over the five year period.

5.3.2 The review also reassessed the funding available to finance the various schemes and the suggested application of the different sources of funding over the five-year period. It identified estimated external funding from grants and private sources of £3.01 million and capital receipts of an estimated £11.86 million. Revenue contributions of an estimated £71.94 million will be applied to finance the capital programme. The balance of capital receipts is expected to fall from £15.842 million (as at 1 April 2012) to £8.082 million by 31 March 2017 and the Major Repairs Fund balance is expected to decrease from £8.241 million to £3.157 million by the end of the period.

5.4 Treasury Management Strategy Statement and Investment Strategy 2013/14 – 2015/16

5.4.1 Approval was given to the Treasury Management Strategy and Prudential Indicators, and the Minimum Revenue Provision (MRP) for the period 2013/14 – 2015/16. There have been no major changes to the Strategies since the previous approval in March 2012.

5.4.2 Consequent upon the borrowing of £185,456 million to pay for the Housing Revenue Account self-financing initiative, the Council would normally be required to charge to the General Fund. However, the Department of Communities and Local Government produced regulations whereby the Council could ignore this borrowing, and therefore, for MRP purposes, was still classed as debt-free.

5.4.3 The Council has 'inter-fund' borrowed between the General Fund and the Housing Revenue Account for many years, and the interest rate charged is based on the average investment interest earned for the year. Draft regulations issued by the Chartered Institute for Public Finance and Accountancy proposed that this interest rate should now be approved by the Council before the start of the financial year, and it was agreed that the average investment interest continue to be used as the rate for any inter-fund borrowing.

5.4.4. The Council has an investment portfolio of approximately £55 million, of which £50 million is invested in the UK and £5 million in Money Market Funds that are based in Ireland for tax purposes. The maturity profile ranges from £15 million available for instant access, to £10 million with a maturity date exceeding one year. The continued low interest rates, the use of fewer counterparts and the shorter durations of the Council's investments had reduced the estimated income for 2013/14 to £446,000

5.4.5 The Council is not required to borrow further monies for the self-financing of the Housing Revenue Account, and is due to receive a further dividend of £68,000 in respect of its investment with the Heritable Bank in 2013/14.

5.5 Discretionary Discount Policy for Council Tax and Business Rates

5.5.1 New legislation contained in the Localism Act 2011 introduced additional discretionary powers for local authorities to award discretionary discounts for Council Tax and Business Rates. In accordance with legislation, the Council approved a policy setting out how it would use its powers and the criteria to be satisfied.

5.5.2 The Council will expect there to be exceptional circumstances to justify any reduction; the reduction will be intended as short term assistance and should not be considered as a way of reducing council tax indefinitely. Claims for a discretionary reduction must be:

- Made in writing by the tax payer or by someone authorised to act on their behalf and
- Supported by any reasonable evidence which the Council requires in support of the application.

5.5.3 Each case will be considered on its merits. The Council will have regard to the following criteria in particular in relation to an application:

- There must be evidence of financial hardship or personal circumstances which justify a reduction in Council Tax
- The ratepayer must satisfy the Council that they have taken all reasonable steps to resolve their situation prior to the claim
- The taxpayer must have claimed Council Tax benefit where appropriate and supplied any information or evidence requested by the Benefits Section in respect of that application
- The taxpayer must have applied for any appropriate discount or exemption and supplied any information or evidence requested by the Council Tax section in respect of that application
- The taxpayer does not have access to other assets which could be used to pay the Council Tax
- The situation and reason for the application must be outside of the taxpayer's control
- The situation cannot be resolved by some other legitimate means
- The amount outstanding must not be the result of wilful refusal or culpable neglect to pay
- The Council's finances allow for a reduction to be made and it is reasonable to do so in the light of the impact on other Council Tax payers.

5.5.4 With regard to applications for discretionary business rate deductions, each case will be considered on its own merits but all the following criteria should be met:

- The Council's finances allow for a reduction to be made;
- It must be in the interests of Council Tax payers for the local authority to grant a reduction;
- All other eligible discounts/reliefs have been awarded to the ratepayer.

5.5.5 Any reduction will apply for a maximum period of one year for either Council Tax or Business Rates. Those in receipt of relief are required to notify the Council within 21 days of any change in circumstances which may affect the granting of that relief.

5.6 Review of the Housing Benefit Local Scheme

5.6.1 In 1989 the Council adopted a modification to the Housing Benefit Scheme which allowed for 100% of any War Pension or War Widow's Pension to be disregarded in the calculation of Housing Benefit entitlement. Since then there has been no review of the Local Scheme and there was therefore no resolution to disregard any Armed Forces Compensation Payments introduced in 2005 to replace the former War Pension Scheme.

5.6.2 Given the circumstances, approval was given to a 100% disregard of War Pensions, War Widows Pensions and Armed Forces Compensation Payments, under the existing or any other schemes, in the calculation of Housing Benefit.

5.8 Council Budget

5.8.1 General Fund budgets containing the following elements were approved:

- Revised estimates for 2012/13 with an estimated increase in the General Fund balance by £29,000
- A reduction in the target for the 2013/14 Continuing Services Budget from £14.91 million to £14.37 million (including growth items);
- An increase in the target for the 2013/14 District Development Fund net spend from £763,000 to £984,000
- No change in the District Council Tax for a Band 'D' property, with the charge to remain at £148.77;
- The four year capital programme 2013/14 – 2016/17;
- The Medium Term Financial Strategy 2012/13 – 2016/17; and
- The Council's policy on General Fund Revenue Balances to remain that they be allowed to fall no lower than 25% of the Net Budget Requirement;

5.8.2 Included in the revised estimates was the 2013/14 Housing Revenue Account. A number of rent increases and decreases were agreed, resulting in an overall increase of 4.36%

5.9 Fees and Charges

5.9.1 The September 2012 Retail Price Index level (2.6%) was used as a guide for increases made to the Council's fees and charges for 2013/14. Fees and charges for

2013/14 in relation to Council-owned car parks were maintained at the same levels as those for 2012/13.

6. ASSET MANAGEMENT AND ECONOMIC DEVELOPMENT PORTFOLIO

6.1 Town Centre Initiatives

6.1.1 The Council is committed to supporting its vibrant and diverse high streets through initiatives such as One Shops Local and continued support for the town centre partnerships. A number of further potential initiatives, both pan-District as well as more local projects, for increasing the Council's support for town centres, were identified for consideration. These measures included the implementation of High Street Hero awards, working with town centre partners to maximise local impact from national campaigns in 2013, the provision of training for independent retailers and service providers, and the creation of a Local Economic Initiative fund. A budget allocation of £35,000 was set aside to deliver this extra support in 2013/14.

6.1.2 The vitality of the District's town centres is vitally important as are measures to support their diverse nature. It is essential that residents access shops and services locally and that the broader role of town centres as places for social interaction, focal points for the community and in providing residents with a good quality of life is recognised. The District's town centres are also key in providing significant local employment and injecting money into the local economy.

6.1.3 In recognising that the villages within the District are equally in need of support, the Council has agreed that projects for village centres will be considered if there are insufficient bids from the towns from the £35,000 budget.

6.2 Broadway Regeneration Action Plan

6.2.1 A plan setting out the vision for the regeneration of the Debden Broadway Area was adopted. The Broadway Regeneration Action Plan incorporates urban design proposals, commercial aspects, traffic management and transport issues. The master plan has been configured to encourage a sustainable pattern of development around an enhanced public transport interchange, mixed use across development sites, increased density of housing within the town centre, utilisation of underused land through infill development, no loss of green belt, a creation of new public space and a low car parking to housing ratio.

6.3 Planned Maintenance Programmes 2013/14 to 2016/17 – Civic Offices, Other Operational Buildings and Commercial Property

6.3.1 Approval was given to a Planned Maintenance Programme for the Civic Offices, other operational buildings and commercial property for the period 2013/14 to 2016/17. The programme provides a structured way of ensuring that the Council's property assets are properly maintained and improved to meet Health and Safety Requirements, statutory regulations, contractual obligations, customer demands and the long term protection and value of the authority's assets.

6.3.2 The Council has contractual obligations to undertake all necessary external and structural maintenance works to the four leisure centres managed by Sports and Leisure

Management Limited. This, and future programmes include the commitments as set out in the terms of the leisure management contract. Contractual commitments also apply to commercial premises i.e. industrial estates, shops and other commercial lettings where the Council has external and structural responsibilities.

6.3.3 A proactive approach to facilities management ensures that:

- The buildings and their infrastructure are maintained to an appropriate level, meeting health and safety, statutory regulations and contractual obligations
- They are maintained to a standard to comply with EU statutory regulations
- The risk of unreliability and failure of critical systems, services and building fabrics is reduced
- Good financial management through forecasting is maintained, and
- Performances standards/indicators are maintained or improved upon.

6.4 Refurbishment of Bakers Lane Toilets, Epping

6.4.1 Agreement was given to the allocation of up to £85,000 for the refurbishment of the Bakers Lane public toilet block in Epping, subject to receipt of £50,000 from Essex County Council towards the provision of disabled and changing facilities. This will enable high quality public toilet provision within the District with full disabled access.

6.5 Review of North Weald Airfield – Appointment of Consultants

6.5.1 Consultants were appointed to deliver the review of North Weald Airfield at a cost of £145,000. The review will be undertaken in accordance with the evaluation process required as part of the use of the Government Procurement Service Framework and in line with the Local Plan timetable. It will consider all possible uses and mixes of uses to ensure that the Airfield provides an economically viable return on the asset.

6.6 Design Brief – St John’s Road, Epping

Revisions were made to the Design Brief for St John’s Road, Epping. The initial brief agreed by the Council was determined following stakeholder workshops, Project Board meetings, a traffic impact study, an area specialist retail study, planning policies, financial appraisals and an extensive consultation process with local residents. The concerns expressed by local residents were taken account of in the revised brief and leisure uses in the area were now incorporated. The brief will be compared very carefully with the Local Plan and provide material evidence for it.

7. ENVIRONMENT PORTFOLIO

7.1 Dog Control Orders

7.1.1 The issue of irresponsible dog ownership, particularly in relation to dog fouling, has become a very significant problem, with an increase in the number of complaints made by residents to the Council. There has also been an increase in the availability of dog walking services, which in themselves present no problem, but could become one when a large number of dogs are walked by one person who is unable to control them. In addition, officers often find themselves in a position where they have to speak to dog owners whose dogs are ‘running free’. To ensure their safety from what could be an

aggressive dog, it was felt that they should have the power to require the owner to put the dog on a lead at that time.

7.1.2 The Clean Neighbourhoods and Environment Act 2005 introduced five dog control offences that could be controlled by Dog Control Orders. The Act enables local authorities to make Orders that apply to offences aimed at the control of dogs on specified land in their area. Under the Act, the Council can also authorise others to enforce its provisions. Epping Forest land, by nature of the fact that it is under the control of the Corporation of London, is currently outside the enforcement remit of the District Council. Police Community Support Officers based in the District had already been given powers to serve penalty notices for offences such as littering. Therefore it was deemed sensible to extend those powers to cover the provisions in the Dog Control Orders. This decision had been made based on complaint evidence and it was felt that the right balance had been struck between the need to ensure proper control and the freedoms of the dog owner.

7.1.3 A public consultation exercise on the possibility of introducing specific Dog Control Orders as a further deterrent to irresponsible dog ownership was undertaken. A large majority of responders were in favour of additional measures. In the light of the results of the consultation, three Orders had been adopted, making it an offence for a person in charge of a dog on any public land within the District to fail to:

- Remove deposited dog faeces,
- Put a dog on a lead when directed to do so by an authorised officer,
- Limit the number of dogs which a person takes on to the land to no more than four.

7.2 Fixed Penalty Notices for Waste Receptacles

7.2.1 In 2010, the Council introduced the use of fixed penalty notices to cover a wide range of environmental offences. The offences included those relating to waste receptacles, such as waste placed in the wrong container or an overflowing receptacle. The Government recently completed a consultation exercise on waste related matters, the full outcome of which is yet to be published. However, they had made an early decision on the offences relating to waste receptacles, with a reduction in penalties coming into effect on 30 May 2012.

7.2.2 Accordingly, approval was given to the fixed penalty for offences relating to domestic waste receptacles to be reduced to £60 from £80, with the discounted rate for early payment reduced to £40 from £60. The fixed penalty for offences relating to trade or commercial waste remains at £100, with all other policies and procedures relating to fixed penalty notices to remain at the level set in 2010.

7.2.3 The Council's approach has always been to encourage, assist and advise in these situations rather than prosecute: hence it had only ever issued ten such penalty notices. Residents understand the Council's waste management procedures and these changes will have a minimal financial impact.

7.3 Membership of the Essex County Traveller Unit

7.3.1 The remit of the Essex County Traveller Unit (ECTU) is to bring together existing gypsy and traveller services in the County with regard to health, welfare, education and the management of unauthorised encampments, on behalf of the District and Parish Councils, Essex Fire and Rescue Service. Essex Police also has a dedicated officer within the Unit. Some authorities in Essex have joined although, as yet, the District Council has made no decision to formally join, given ongoing discussions regarding membership requirements in relation to control over the eviction of travellers from Council land being ceded to ECTU. The Council has agreed not to seek membership at the current time but to engage informally with the Unit through attendance at meetings.

7.3.2 Harlow and Southend Councils had similar concerns to this Council, in that they were reluctant to cede the ability to take enforcement action on land they owned. The long-term aim of ECTU was to be able to deal with unauthorised encampments on all types of land. However, the Council has a large number of approved sites within the District and understands the issues involved with traveller encampments. It can work more expeditiously than a central unit, whilst sharing its best practice knowledge with other members of ECTU.

7.3.3 It was agreed that the possibilities of joining the Unit and adopting the revised ECTU Code for Travellers should be kept under review.

7.4 Furniture Exchange Scheme

7.4.1 A Furniture Exchange/Recycling Scheme for the District had run between February 2007 and July 2008, operating from the Council's Depot in Town Mead, Waltham Abbey. The scheme was operated in partnership with the Lighthouse Project, a 'not for profit' organisation with experience of running a similar scheme.

7.4.2 The individuals involved in setting up the initial scheme felt there had been enough impetus and encouragement to look at the establishment of a scheme elsewhere in the District and formed a Working Group, as part of a project for Voluntary Action Epping Forest, to look at the possibilities in supporting the re-establishment of a scheme. A number of potential sites were identified and eventually a suitable site on the Bower Hill Industrial Estate in Epping was selected. The 'Re-use Centre' is now open with the Council giving approval to funding of £30,000 towards the scheme.

7.5 Procuring the next Waste Management Contact

7.5.1 The current contract with Sita UK ends in November 2014. This will be a significant procurement with a potential value in excess of £100 million and it was therefore agreed to appoint specialist consultants to advise the Council throughout the procurement exercise.

7.5.2 It was further agreed to establish a Portfolio Holder Advisory Group to assist the Environment Portfolio Holder in the task of developing future service specifications and the appointment of the consultants.

8. HOUSING PORTFOLIO

8.1 Retention of Right to Buy Receipts for Council Homebuilding Programme

8.1.1 The maximum discount offered to sitting tenants under the RTB scheme in the East of England was increased to £75,000 by the Government from the previous maximum of £34,000. Any additional RTB receipts generated by this change can now be retained by the Council to fund replacement housing stock on a 'one-to-one' basis. To retain the additional receipts, the Council has to enter into an agreement with the DCLG, whereby it has three years to spend the additional money received on new house building or it has to be returned to the DCLG, with interest at a punitive rate. If the Council does not enter into such an agreement then all the additional monies received under the scheme have to be returned to the Government.

8.1.2 Therefore, it was agreed that the Director of Housing, on behalf of the Council, should enter into a standard agreement with the DCLG to retain any additional receipts received, as a result of the recent increase in the maximum RTB discount, to help fund the provision of replacement rented affordable homes in the District.

8.1.3 It was agreed that, should it be subsequently identified that sufficient retained RTB receipts would not be spent – before they would have to be otherwise returned to the DCLG – consideration will be given at that time to alternative uses for the receipts allowed under the agreement, such as the purchase of new Council houses on the open market or the provision of additional grants to the Council's Preferred Housing Association Partners to provide additional social housing within the District.

8.2 Council Housebuilding Programme – Potential Development Sites

8.2.1 The Council's agreed approach to the introduction and implementation of a new Council Housebuilding Programme is based on the construction of around 20 new homes each year for a minimum of 6 years. Council-owned garage sites and other housing land with development were separated into a Primary List and Reserve List according to the following criteria:

Primary List

- All garage sites with vacancy rates of 20% or more as at 1 July 2012;
- 5 small areas of Council-owned land identified as having development potential; and
- 1 garage site with structural problems which would be expensive to repair;

Reserve List

- Small garage sites (ie comprising 6 or less garages), with no current vacancies, but that had been difficult to let in the past; and
- All garage sites with more than 6 garages, vacancy rates of less than 20% as at 1 July 2012 and no waiting list.

8.2.2 Further initial development assessments are to be undertaken, over time, of all other garage sites comprising 6 or less garages, any further garage sites that start to have vacancies where there is no waiting list, and any Council-owned land on housing sites considered surplus to requirements.

8.3 Welfare Reform Mitigation Action Plan

8.3.1 The Welfare Reform Act 2012 has had a significant effect on Council tenants, private tenants and homelessness in the District. The estimated loss in housing benefit and other welfare benefits to Council and private tenants in the District is estimated at around £1.1 million per annum. This is in addition to the loss in claimants' Council Tax Benefit as a result of the introduction of the new Local Council Tax Support Scheme. The direct financial impact of the welfare reforms is estimated at between £240,000 and £460,000 per annum.

8.3.2 Consequently, approval was given to plan mitigating the effects of the welfare reforms on the Council and its residents.

8.4 Home Ownership Grant Scheme

8.4.1 The Council introduced the Home Ownership Grant Scheme in 2008/09, allowing secure tenants to buy another property and vacate their current Council-owned property. It was aimed at first time buyers and allowed the Council to regain properties to let under the Allocations Scheme. Whilst initially the Home Ownership Grant Scheme had proved extremely popular, it became evident that applicants were finding it increasingly difficult to get mortgages. Consequently, the Council agreed not to offer any new grants in 2011/12 and 2012/13 but to consider whether the Scheme should be resumed in 2013/14.

8.4.2 Although the mortgage market had improved a little since the Scheme was originally suspended, mortgages were still hard to come by for first time buyers. In addition, changes to the Government's Right to Buy Scheme in April 2012 made it likely that qualifying tenants able to get mortgages would find the Right To Buy Scheme a more attractive option than the Home Ownership Grants Scheme. The Council had also now introduced its successful Open Market Shared Ownership Scheme. It was therefore agreed that the Home Ownership Scheme should be discontinued permanently.

8.5 West Essex Tenancy Strategy

8.5.1 The West Essex Housing Forum comprises Epping Forest, Harlow and Uttlesford District Councils, all of whom have signed a Memorandum of Understanding relating to the way that they will work together. The Memorandum states that, whilst each Council has its own sovereignty and characteristics, they are committed to working together to promote the interests of West Essex and to improve their organisational economy, efficiency and effectiveness. This includes developing strategic responses to pan-West Essex, sub-regional and national issues. It also includes a commitment to giving consideration to the West Essex Forum's approach to the influencing, commissioning and delivery of services for the benefit of the communities they serve, wherever it would facilitate best practice, best outcomes and best value.

8.5.2 The Localism Act 2011 requires local authorities to publish a Tenancy Strategy which must set out the matters to which registered providers are to have regard in formulating their policies relating to:

- The kinds of tenancies they grant;
- The circumstances in which they will grant a tenancy of a particular kind;
- Where they grant tenancies for a certain term, the lengths of those terms; and

- The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

8.5.3 Given the Memorandum of Understanding, it was agreed to develop and adopt one Tenancy Strategy covering the three local authorities in West Essex. All Registered providers with housing stock in West Essex are expected to have regard to the West Essex Tenancy Strategy and local authorities' individual allocations schemes when formulating and implementing their own Tenancy Policies. This includes the three local authorities themselves, all of whom have retained their housing stock.

8.6 Homelessness Prevention Scheme

8.6.1 The Homelessness Prevention Service, introduced in January 2003, proved to be a great success, bringing about a huge reduction in the level of homelessness acceptances and leading to a high number of people able to remain in their own homes. The service has also brought significant savings to the General Fund by reducing the number of single homeless applicants who would otherwise have been placed in bed and breakfast accommodation.

8.6.2 As part of the 2012/13 financial year Local Government Grant Settlement, the Council was awarded £113,000 per annum for two years, specifically for the purpose of preventing homelessness. In other respects the grant was ring-fenced by the Government but the Council can determine how it should be used.

Measures approved were for additional resources towards the Homelessness Prevention Service, the appointment of an additional Homelessness Prevention Officer on a temporary basis for two years, the appointment of two temporary full-time Debt Advisers for Epping Forest District Citizens' Advice Bureau and an additional amount towards the Council's Rental Loan Scheme to assist homeless applicants in securing private rented accommodation.

8.7 Housing Improvements and Service Enhancements

8.7.1 A change of approach to the allocation of resources for housing improvements and service enhancements was approved, including the operation of one specific fund with £570,000 to be made available in 2013/14, and the following aspects agreed:

- The Housing Revenue Account (HRA) contributing an amount to the Fund each year, based on the estimated surplus available through the HRA Financial Plan;
- Council agreeing the amount to be contributed to the Fund each year for housing improvements/service enhancements; and
- Any under spends or overspends at the end of the year being carried forward within the Fund to the following year.

8.8 Flexible Tenancy Policy

8.8.1 Under the terms of the Localism Act 2011 and the Homes and Communities Agency's Regulatory Framework for Social Housing, Registered Providers such as the Council must publish clear and accessible policies underlining their approach to tenancy management, including interventions to sustain tenancies, preventing unnecessary evictions and tackling tenancy fraud. Accordingly, approval was given to a revised Flexible Tenancy Policy setting out:

- The types of tenancies granted
- Circumstances where a tenancy of a particular type will be granted and the length of the term
- Circumstances where a Flexible Tenancy term of less than 5 years will be granted
- Circumstances where another tenancy will be granted on expiry of the same or another property
- How applicants/tenants can appeal against the length or type of tenancy or the decision not to grant a further tenancy
- How the needs of vulnerable people will be taken into account
- Provision of advice and assistance if another tenancy is not granted at the end of the term
- Discretionary succession rights

8.8.2 The policy was agreed following consultation with the Tenants and Leaseholders' Federation, partner agencies, Parish and Town Councils and partner Registered Providers. The policy has been shaped to accord with the West Essex Tenancy Strategy (see paragraph 8.5 above).

9. LEISURE AND WELLBEING

9.1 Guaranteed Investment – Sports and Leisure Management

9.1.1 Sports and Leisure Management (SLM) are responsible for the management of the Council facilities at Epping Sports Centre, Loughton Leisure Centre, Ongar Leisure Centre and Waltham Abbey Swimming Pool. Approval was given to a proposal from SLM to reduce their management fee in return for a guaranteed capital investment by the Council.

9.1.2 The Leisure Management contract with SLM requires them to provide a guaranteed investment of £250,000 into one or more of the facilities on two defined occasions. SLM had proposed to upgrade the changing rooms at the Loughton Leisure Centre at an estimated cost of £240,000. However, as with the first phase of guaranteed investment, SLM had requested the Council to provide the capital funding, in return for which they would reduce the management fee by £7,350 per month, equating to £264,000 over the remaining life of the contract. The works concerned resulted in a projected return of 3.5% per annum. This represented an excellent return on the Council's investment in its activities.

9.2 West Essex Wellbeing Joint Committee

9.2.1 The Health and Social Care Act 2012 established Health and Wellbeing Boards as a forum where key leaders can work together to improve the health and wellbeing of their local population and reduce health inequalities. Each County and Unitary Authority now has its own Health and Wellbeing Board. Board Members collaborate to understand community needs, agree priorities and encourage commissioners of services to work in a more joined-up way.

9.2.2 The Boards have a strategic influence over service commissioning decisions across health, public health and social care. They undertake the Joint Strategic Needs

Assessment (JSNA) and develop a joint strategy for how these needs can be best addressed. The Boards make recommendations for joint service commissioning and for integration of services across health and care. Through undertaking the JSNA, the Board also drives the local commissioning of health care, social care and public health. Other services that impact on health and wellbeing, such as housing provision are also addressed by the Boards.

9.2.3 It is essential that the Essex Health and Wellbeing Board is relevant and responsive to the needs and priorities within the communities of West Essex. The community leaders for Epping Forest, Harlow and Uttlesford Councils, along with the West Essex Clinical Commissioning Board, work together to ensure that West Essex has a local and democratically accountable forum to support effective joint working to produce better health outcomes.

9.2.4 Tendring and Castle Point District Councils have formed a Joint Committee. Each individual Council does not have a place on the Board as there are only four District Council places available. Accordingly, Epping Forest, Harlow and Uttlesford Councils had agreed to establish a West Essex Joint Committee to present the needs of West Essex.

9.3 Equality Monitoring Policy and Guidance.

9.3.1 The Equality Act 2010 places a general duty on local authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation:
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not share it; and
- Foster good relations between people who share a relevant characteristic and those who do not share it.

9.3.2 A relevant characteristic is defined as age, disability, faith or belief, gender reassignment, marriage and civil partnership, pregnancy and maternity, sex, sexual orientation, and race. 'Having due regard' means consciously thinking about the aims of the general duty when making decisions, and in developing, planning and providing services. Having due regard also requires that public authorities understand the impact of policies and practices on people with protected characteristics. Collecting and analysing equality information is an important way for public authorities to develop this understanding, and to be able to demonstrate they have the right information available to influence public policy decisions, including which services should be provided, and how.

9.3.3 The Council has had an Equality Monitoring Policy in place since 2008, its value being robust customer and employee equality intelligence gathering systems to assist in meeting equality duties. Approval was given to its equality objectives and to reflect revised Equality Monitoring Policy and Guidance as the key to meeting guidance issued by the Equality and Human Rights Commission. This also ensures a corporate approach to equality monitoring in a consistent way throughout the Council, that it produces useful information to improve services, inform policy and decision making.

10. PLANNING PORTFOLIO

10.1 National Land and Property Gazetteer

10.1.1 The National Land and Property Gazetteer (NLPG) is an alternative national address list providing unique identification of land and property. The NLPG is updated on a continual basis by all local authorities in England and Wales, as they hold statutory responsibility for street naming and numbering, with updates available every working day.

10.1.2 The Council's address management performance indicators were scored as 'Below National Standards'. As a result, there was a real possibility that the Council could be declared a Non Contributing Authority and GeoPlace has the right to invoke 'Emergency Measures' to implement an 'Essential Support Plan' within such timescales and costs considered reasonable. The penalties which could be invoked ranged from sending a team of specialists to correct the Council's Addressing Management Information at a cost of £500 per person per day, to charging the Council for all Ordnance Survey Mapping. This could be as high as £60,000 per annum.

10.1.3 A supplementary estimate in the sum of £100,000 was approved to provide the resources required to bring the Gazetteer and database up to the national standard. The Council subsequently reached the National Standard required across all sectors.

10.2 Extending the Range of Pre-Planning Application Charging

10.2.1 The current pre-application charging regime was expanded to include advice on minor type applications. This will help to recoup the cost of these services which, although not a statutory duty, are often seen as an integral part of the planning process for which a reasonable charge can be made. A scheme focused on minor and major developments enables developers to assimilate these costs into their overall costs more readily, without penalising householders unnecessarily or dissuading them from seeking advice. The current Planning Duty Officer system providing free initial, in principle, advice remains in place.

10.3 Local Development Scheme

10.3.1 A revised Local Development Scheme was adopted setting out the timetable for the production of the Epping Forest Local Plan. The Localism Act 2011 had amended the provisions set out in the Planning and Compulsory Purchase Act 2004 but had still retained the requirement that a local authority must prepare and maintain a scheme to be known as their Local Development Scheme, and that it should specify the local development documents which were to be development plan documents, the subject matter and geographical area for each development plan document, and the timetable for them.

10.3.2 The Local Development Scheme lists and programmes the documents to be produced by the Council. Although there is no longer a need for this to be submitted to the Secretary of State, new provisions require that the local planning authority has to make the details of the Scheme available to the public. Specifically, the up-to-date text of the scheme, a copy of any amendments made to it and up to date information showing the state of the authority's compliance with the timetable set out in the scheme

had to be published. This was accomplished through publication of the scheme details on the Council's website.

10.4 Local Plan

10.4.1 Significant progress was made towards the production of a new Local Plan. The new Local Plan will set out the plans and policies to guide development in the Epping Forest District for the next 20 years. The document seeks the appropriate balance between protecting green spaces, new homes, businesses, shops and leisure and will include:

- A vision for how the District will develop
- A plan setting out appropriate locations for development
- Policies to manage housing, employment, green space and community facilities

10.4.2 The Council participated in work done across Essex to consider several different population projections. Some of the results of that work suggested scenarios which included much higher future growth than many locals would regard as realistic. The Council had therefore required more work to be done to look at the scenarios in greater depth to ensure that they are objective and realistic. It will also consider this material in greater detail having regard to factors which constrain the District, such as the existing levels of pollution within Epping Forest.

10.4.3 The Local Plan Cabinet Committee, and more recently the Cabinet itself has looked at changes to the planning system introduced in the last year; for example the National Planning Policy Framework (NPPF), and how that has operated in practice and how existing EFDC policies are compliant with the NPPF. It has also paid attention to the Duty to Co-operate which arises from the Localism Act. The duty appeared to require a dialogue to take place about strategic planning issues, including provision of housing, infrastructure (including transport schemes such as Crossrail 2) and economic growth, and the Council has continued a dialogue with neighbouring authorities such as Harlow, Enfield and Broxbourne, using existing long standing arrangements where possible, whilst also commencing new discussions with others. It has learnt that the way the duty is being applied is closer to a requirement to agree, and has invested considerable Councillor and officer resources in these activities.

10.4.4 The Council carefully considered and responded to consultations from the Government to change permitted development rights (in particular to allow larger rear extensions to houses or to change the use of offices to residential). Although those were reported to the relevant Scrutiny Panel their importance was such that the Portfolio Holder for Planning wrote to the Government. The Government made some changes following the consultation, and the Council now has to deal with such cases using the new rules and procedures for the next three years.

11. SAFER, GREENER AND HIGHWAYS PORTFOLIO

11.1 CCTV Budget Provision

11.1.1 To enable the update and extension of CCTV systems in Loughton High Road and provide high quality CCTV, evidential support to Essex Police and reassurance to residents and users of Loughton High Road, approval was given to £25,000 per annum

of the existing CCTV revenue budget being re-allocated to the capital programme. The previous systems became increasingly unreliable and did not provide full coverage of the High Road.

11.1.2 The renewal and extension of the previous CCTV coverage provided an updated system and extended its coverage northwards as far as the junction of the High Road with Traps Hill. The costs of this proposal were primarily met from savings on the Loughton Broadway CCTV update and Town Centre Enhancement Schemes, along with monies already received relating to planning applications in the Loughton High Road area. Capital expenditure from 2013/14 onwards will enable the continued expansion and update of CCTV systems across the District.

11.1.3 The network in Loughton was chosen for renewal and expansion as it had a significant night-time economy which generated the second largest number of requests for downloads in the District. Cameras in the Cottis Lane area of Epping were also to be installed and the budget for CCTV systems would cover other areas of the District in future years.

11.2 Parking Reviews

11.2.1 The Council committed to implement area wide parking reviews across the District when it held the Highways Agency agreement with the County Council. At the end of the Agency agreement in 2005, a decision was taken to continue implementation of the ongoing schemes, but it was agreed not to consider any further area wide parking reviews until the ongoing reviews at Epping, Buckhurst Hill and Loughton Broadway had been completed. The Epping review is now nearly complete. The Buckhurst Hill review is the next on the schedule and work has commenced on reviewing the scheme proposals prepared after the last public consultation in 2009.

11.2.2 Important lessons have been learnt from the Epping review. For example, carrying out an area wide review had proved to be very divisive and it had not always been possible to address the often conflicting requirements of residents, commuters, businesses and other road users. It was easier to obtain consensus around local specific issues, such as the creation of small scale resident parking zones, or address perceived safety issues at junctions.

11.2.3 Rather than a wide area review in Loughton Broadway being undertaken, it was agreed that specific areas would be targeted. Work in respect of the Buckhurst Hill review would involve ongoing liaison with Ward Councillors. The Broadway scheme would be progressed as quickly as possible, whilst no other schemes would be started prior to consultation with residents.

11.3 Commuter Car parking at Epping Car Parks

11.3.1 Following a price increase at Epping Station to £6 for all-day parking, many commuters had opted to park in the Council's long-stay car parks in Epping as the charge had remained at £2.80 per day for four years. This started having a detrimental effect on local shoppers and visitors, and consequently was a cause of concern to local retailers. A number of solutions to this problem were to be investigated, including the possibility of increasing capacity through the construction of an upper deck at one or

more of the long-stay car parks. A report on the outcome of this investigation is to be considered in due course.

11.4 Council-owned Car Parks – Accreditation

Nineteen of the Council-owned car parks received accreditation from the British Parking Association. Whilst there are some minor maintenance and signage issues to resolve, the accreditation indicated that car parks were considered a safe and non-threatening environment for users, and vehicle crime was very low.

12. SUPPORT SERVICES PORTFOLIO

12.1 Review of Car Leasing Scheme

12.1.1 The Council's Car Lease Scheme has been in existence since 1986 and was set up to assist with recruitment and retention issues facing the Council at the time. The Scheme was available to all full time employees designated as essential car users, plus those at Assistant Director level and above. The cost of the current car lease scheme (as at 2010/11) was £255,000. Of this, approximately two thirds was met by the General Fund with the remainder being met by the Housing Revenue Account. The cost of leased mileage in 2010/11 was £14,000, and therefore the total cost of the scheme was £269,000.

12.1.2 In view of the significant costs, a review of the car leasing scheme was undertaken, resulting in a decision to phase out the scheme over a period of time as follows:

- Employees on the current scheme will be allowed one further lease of 3 years, after which the scheme will close without further compensation.
- The Council will make its contribution based on a maximum of £4,000 per annum including insurance. All costs over the maximum will be met in full by the employee.
- The Council's contributions will be capped as follows:
 - Year 1 - 70%
 - Year 2 – 60%
 - Year 3 – 50%
- Where a hire car was required for any other reason the employee would be responsible for the cost:
- The employee would be responsible for all outstanding contributions and costs if they wished to return the car early.

12.1.3 If all the current participants continued on the scheme, the cost would be £472,000 over years 1 – 3, with the scheme closing completely in 2016. In addition to amending the current scheme, approval was given to the introduction of a Green Car Salary Sacrifice Scheme for all employees. This scheme is cost neutral to the Council with no contributions towards the cost of the employee's lease payments, and the list of eligible vehicles restricted to those with emissions of 120g/km of carbon dioxide or less.

12.1.4 Employees and trade unions had been formally consulted on the proposals and, were supportive of the new scheme. It was recognised that it gave members of the current scheme the opportunity to lease one further vehicle, and another three years to make alternative arrangements, which could include a new Green Car Salary Sacrifice scheme.

12.2 Pay Policy Statement

12.2.1 Section 38 (1) of the Localism Act 2011 requires the Council to produce a Pay Policy Statement for each financial year, setting out details of its remuneration policy. Specifically this has to indicate its approach to its highest and lowest paid employees. It draws on the Review of Fair Pay in the Public Sector (Will Hutton 2011) and concerns over low pay.

12.2.2 The matters which must be included in the Statutory Pay Policy Statement are:

- The Council's policy on the level and elements of remuneration for each Chief Officer;
- The Council's policy on the remuneration of its lowest paid employees (together with its definition of 'lowest paid employees' and its reason for adopting that definition)
- The Council's policy on the relationship between the remuneration of its Chief Officers and other Officers; and
- The Council's policy on specific aspects of Chief Officer's remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments and transparency.

12.2.3 The Act defines remuneration in broad terms and guidance suggests that it is to include not just pay, but also charges, fees, allowances, benefits in kind, increases in/enhancements of pension entitlements and termination payments.

12.2.4 Accordingly, the Council's Pay Policy Statement for 2013/14 was amended to reflect:

- The decisions taken in relation to the Council's Car Lease Scheme (see 12.1 above)
- The new Local Government Pension Scheme employee contribution rates
- The salary and pay arrangements for the new Chief Executive.
- The Returning Officer's fees paid in 2012/13.

12.3 Job Evaluation

12.3.1 Job Evaluation was implemented by the Council in 2003 as part of the nationally agreed Single Status Agreement. The Policy had stated that an employee had the right of appeal to an officer/trade union Appeal Panel and that the decision of the Appeals Panel was final within the Council. However, the Council's Constitution continued to include re-grading matters within the Terms of Reference for the Member Staff Appeals Panel. Four posts, involving 7 members of staff, were appealed under these terms, which have now been heard and concluded.

12.3.2 Concerns were raised by Unison's Regional Officer on the implementation of the Policy, and specifically the Appeals procedure. As a result both Unison and GMB representatives withdrew their support from the Job Evaluation process until matters were clarified. Subsequently a number of revisions to the Maintenance Policy Guidelines for Writing Job Descriptions and Person Specifications and the Appeals procedure were agreed. These revisions were to the satisfaction of the Council's Joint Consultative Committee.

Report to Council

Date of meeting: 30 July 2013

Subject: Overview and Scrutiny report to Council – July 2013

Chairman: Councillor Richard Morgan



Recommendation:

That the Overview and Scrutiny progress report from June 2013 to the present be noted.

Report

Overview and Scrutiny Committee Meeting – 4 June 2013

1. At our first meeting of the year, we received a presentation from Jenny Boyd the Director of Local Delivery West, Children's Social Care at Essex County Council. She spoke mainly on Corporate Parenting and the role councillors could play in spotting problems and making decisions with the welfare of disadvantaged children always in mind. We spent some time questioning her on children's services in our area and published the informative slides that she used in her presentation in the Council Bulletin.
2. We then considered the final report of the Senior Recruitment Review Task and Finish Panel. The Panel undertook a review of the recruitment processes and recommended modifications to future processes. The recommendations were agreed by the committee and the report went to the May Council meeting.
3. Next we considered the final draft of our annual report, which is on the agenda for this meeting. We also agreed the membership and chairmanship of the various Standing Panels and the remaining Task and Finish Panel for the year and noted the update of Overview and Scrutiny Review Task and Finish Panel noting their draft recommendations made so far.
4. Finally at this meeting we agreed to receive a presentation from the Citizen Advice Bureau during this new municipal year. We asked the Housing Services Standing Panel to look at unauthorised parking on grass verges and to look at the difficulties our Council encountered when improving Communal areas of flat blocks. We also asked the Constitution and Member Services Standing Panel to undertake a review of the process for the nomination and appointment of the Vice Chairman of Council.

Overview and Scrutiny Committee Meeting - 16 July 2013

5. At the 16 July meeting, we received a presentation from John Houston, the Local Strategic Partnership (LSP) Manager. He took us through the LSP's work over the last year and some of the work they had lined up for the coming year. He tabled their draft annual report, noting that it would only be published via the internet on their website. They were currently concentrating on tourism in the district and had set up a tourism taskforce to look into the concerns and possible solutions for increasing the number of visitors to our district. As part of this they had set up the One Epping Forest Tourism website. They were also looking at local businesses and how they could be helped in these difficult times.

6. Other topics they were looking at were health and wellbeing and new partnership structures that could be established or strengthened to increase the efficiency of working in our area. They were also looking at the future role for glasshouses and green agriculture jointly with Enfield and Broxbourne councils.

7. We were then taken through the current Crossrail2 Consultation. The consultation had been considered by the Planning Scrutiny Standing Panel when they had proposed several responses that were detailed in the report. Our Committee agreed their comments and added that they supported the West Anglia route; they would also like some mention of improvements to car parking in our area if the rail services were to be improved and more commuters were to be attracted into our district. The Committee also noted the consultants report drawing attention to the current limits on the capacity of the Central Line and emphasised the need for continued investment in the Central Line coming into Epping and the need to get the Central Line attached to the Crossrail2 project to ensure continued investment.

8. We then considered and noted the Corporate Plan Key Objectives for 2012/13 and agreed an amendment to the Terms of Reference for the Housing Standing Panel.

9. We considered a report of the Constitution and Member Services Standing Panel on the employment procedure rules covering the recruitment and appointment of staff, redundancies, dismissals and disciplinary action. The committee agreed the recommendations proposed and this report is now on your agenda for final approval.

10. We agreed another report from the Constitution and Member Services Standing Panel on the convention on the working relationships between political groups and officers; this report is also on your agenda for approval. And finally we also noted the annual review of the elections that happened in May and any problems that had been reported during this period.

Report to the Council

Report of: Constitution and Member Services SSP **Date:** 30 July 2013

Chairman: Councillor J Philip

1. EMPLOYMENT PROCEDURE RULES

RECOMMENDING:

- (1) That, in accordance with the advice of Counsel, the Staff Employment Procedure Rules (including the Operational Standing Orders for staff) be adopted as set out in Appendix 1;
- (2) That the Council appoint at this meeting 7 deputies for the present Restructuring Review Panel on the nomination of Group Leaders so as to ensure that the Council is able to comply with the requirements of the revised Employment Procedure Rules when adopted;
- (3) That, when required, a second Panel be formed from among the seven members and deputies appointed to the Restructuring Panel to deal with any appeals under the Employment Procedure Rules against redundancy subject to the seven members concerned not having been involved in the original redundancy decision
- (4) That all members and deputies serving on the Restructuring Review Panel be trained in the requirements of these rules and related legal requirements before the Directorate Restructuring process commences;
- (5) That the Finance & Technology Portfolio Holder be asked to review whether there is sufficient budgetary provision for training for Panel members in the current year
- (6) That a similar pool of 14 Panel members and deputies be appointed at future Annual Council meetings so that the Council is able to respond promptly when the Employment Procedure rules are engaged and that all appointed members and deputies be trained in the relevant procedures when required; and
- (7) That the Chairman and Vice Chairman of any Panel convened in future years for the purposes of the Employment Procedure Rules be appointed by Panel members at the meeting concerned.

Report

1. Introduction

- 1.1 On 14 February 2012 (Minute 117) the Council adopted new procedures for top management officer appointments within the Council. This followed a specially

convened review by a Task and Finish Scrutiny Panel which explored concerns about the contractual arrangements for previous Chief Executives.

- 1.2 As part of this process, Counsel was instructed to give advice on the Council's Redundancy and Redeployment Policy and Procedure and also to carry out a review of the Constitution's Staff Employment Rules and Operational Standing Orders to ensure that all processes were consistent.

2. Staff Employment Procedure Rules

- 2.1 The current Staff Employment Procedure Rules derive from the Local Government Act 2000 and represent statutory advice from the Government. These rules are set out on pages M2-4 of the Constitution folder and are supplemented at pages M5-9 by the Operational Standing Orders for Staff.
- 2.2 These rules cover matters such as recruitment and appointment of staff, redundancies, dismissals and disciplinary action for all posts and in particular those at top management level, e.g., Chief Executive/Head of Paid Service, Deputy Chief Executive and Chief Officers.

3. Counsel's Opinion

- 3.1 Counsel's advice drew attention to the need to review some aspects of the Staff Employment Procedure Rules and Standing Orders and also responsibility for functions.
- 3.2 Counsel has advised that the Officer Employment Procedure Rules, although dealing with appointment and disciplinary action, do not cover dismissal. He points out that the latter provisions are set out in a separate appendix (page M5 – Operational Standing Orders – Staff) and recommends that those sections should be integrated into the rules with clarification in the text concerning dismissal by reason of redundancy.
- 3.3 Appendix 1 to this report shows the amended rules recommended by Counsel, including changes to clarify the position of certain key post holders, or designated officers and politically restricted posts which are not subject to the normal redundancy policy. Certain designations (e.g. Head of Paid Service, Monitoring Officer and Chief Financial Officer and deputies to the latter two positions) are statutory in origin but are not substantive posts in themselves. Changes to the rules are highlighted in bold type.
- 3.4 Section 6 of the revised rules refers to a Panel to deal with appointments to top management posts. There are references to other Panels dealing with redundancies, dismissal and suspensions/disciplinary action. These are all to comprise 7 members and are to be allocated between political groups on a pro rata basis.
- 3.5 For future years, we are recommending that the appointment of a Panel of 7 Councillors plus 7 deputies should be appointed under the generic title of Employment Procedures Panel so that when the Rules become engaged, Panels can be convened quickly and in accordance with the timescales set out in the Rules. The Council would lose time if Panel memberships have to be agreed on an ad hoc basis.
- 3.6 However, we have noted that the Panel established to deal with the forthcoming Directorate Restructuring Review includes within its terms of reference responsibility

for appointments at Director level and redundancies. However the issue of dismissal, disciplinary action is not covered and we recommend that the present Panel should have appointed substitutes to increase the pool of available members. In the event of such matters arising, the Council would then be able to draw members from that pool. Where appeals are involved a Panel would have to comprise members who had not been involved in an earlier decision.

- 3.7. We feel it is very important that all Panel members and deputies are trained in the procedures covered by the Officer Employment Rules both for the purposes of the forthcoming Directorate review and for the future.

4. Right of Objection to Appointments/Dismissal by the Executive

- 4.1 The Local Authorities (Standing Orders) Regulations 2001 put in place certain procedures which allow the Executive of a Council to object to a proposed appointment of a range of senior positions or for dismissal from those positions and requires the Council to determine whether or not any objection received is sound.
- 4.2 The Task and Finish Panel called for more clarity in the Staff Employment Procedure Rules as to the process to be adopted in allowing the Executive to object where appropriate. Those procedures are currently set out in the Operational Standing Orders – Staff and, on the basis of the advice of Counsel to integrate the two documents more closely, these have now been reproduced in new Sections 8 and 11 within the Procedure Rules document.

5. Operational Standing Orders – Staff

- 5.1 As a result of the changes made to the rules, the accompanying Standing Orders are much reduced in length and a revised version is set out in Appendix 1 to this report.
- 5.2 We recommend as set out at the commencement of this report.

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OFFICER EMPLOYMENT PROCEDURE RULES

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Rule

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2. Responsibility for Appointment, Dismissal and Disciplinary Action
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Appendix

- 1 Operational Standing Orders - Staff

OFFICER EMPLOYMENT PROCEDURE RULES

A. DEFINITIONS AND RESPONSIBILITIES

1. Definitions

In these rules:

- (a) "the 1989 Act" means the Local Government and Housing Act 1989;
- (b) "the 2000 Act" means the local Government Act 2000;
- (c) "Disciplinary Action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;
- (d) 'Chief Executive' means the most senior officer of the Council in terms of managerial status and may include any person designated as Head of Paid Service pursuant to s4 of the Local Government and Housing Act 1989 and Deputy Chief Executive shall be construed accordingly;
- (e) "Chief Financial Officer" means the individual who has responsibility for financial administration pursuant to and for the purposes of s151 of the Local Government Act 1972;
- (f) "Chief Officer" means
 - (i) Chief Executive, Deputy Chief Executive, Director of Corporate Support Services, Director of Finance and ICT, Director of Housing, Director of Planning and Economic Development, Director of Environment and Street Scene, Assistant to the Chief Executive;
 - (ii) Further for the purposes of these Rules alone the Chief Financial Officer and Monitoring Officer, Deputy Financial Officer and Deputy Monitoring Officer are included within the definition of Chief Officer;
 - (iii) Further this definition will also include any post which is subsequently created to these Rules and whose terms of appointment expressly state that these Rules will apply as if to a Chief Officer.
- (g) "Executive" and "Executive Leader" have the same meaning as in Part II of the 2000 Act;
- (h) "Member of Staff" means a person appointed to or holding a paid office or employment under the authority;
- (i) "Pro Rata Rules" mean the principles set out in s15 of the 1989 Act;
- (j) "Proper Officer" means an officer appointed by the authority for the purposes of the relevant provisions in these Rules; and
- (k) "The Rules" means the Officers Employment Rules.

2. Responsibility for Appointment, Dismissal and Disciplinary Action

- 2.1 Save as otherwise provided for by these Rules and subject to the exceptions in sub paragraphs 2.2 and 2.3 below, the function of appointment and dismissal of, and taking disciplinary action against, a Member of Staff of the authority must be discharged, on behalf of the authority, by the Chief Executive or by a Member of Staff nominated by him.
- 2.2. The exceptions referred to in sub paragraph 2.1 are as follows:
- (a) the Chief Officers of the Council as defined above; and
 - (b) any person appointed in pursuance of Section 9 of the 1989 Act (assistants for political groups).
- 2.3 Nothing in paragraph 2.2 above shall prevent a person from serving as a member on any panel, committee or sub-committee established by the authority to consider an appeal by:
- (a) another person against any decision relating to the appointment of that other person as a Member of Staff of the authority; or
 - (b) a Member of Staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that Member of Staff.

B. RECRUITMENT

3. Recruitment and Appointment – General Requirements

3.1 Declarations

3.1.1 The Council will draw up a statement requiring any candidate for appointment as a Member of Staff to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or Member of Staff of the Council; or of the partner of such persons.

3.1.2 No candidate so related to a councillor or a Member of Staff will be appointed without the authority of the relevant Chief Officer of the service to which that candidate has applied or a Member of Staff nominated by him/her for this purpose.

3.2 Seeking Support for Appointment

3.2.1 The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council.

3.2.2 No councillor will seek support for any person for any appointment with the Council.

3.2.3 The Council will disqualify any applicant who directly or indirectly seeks the support of any Member of Staff for any appointment with the Council save where the applicant is an existing Member of Staff and seeks a reference from another Member of Staff in support of such application.

3.2.4 The content of Rule 3.2 shall be included in any recruitment information.

4. Recruitment of Chief Officers

- 4.1. Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing Members of Staff, the Council will:
- (a) Draw up a statement specifying (i) the duties of the **Chief Officer role** concerned; and (ii) any qualifications or qualities to be sought in the person to be appointed;
 - (b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (c) Make arrangements for a copy of the statement mentioned in Rule 4.1 (a) to be sent to any person on request.

5. Appointment of Chief Executive

- 5.1 The full Council will approve the appointment of the Chief Executive following the recommendation of such an appointment by a panel of seven councillors allocated between political groups in accordance with the Pro Rata Rules who will interview applicants for this position. Such a panel shall include at least one Executive member.
- 5.2 All councillors appointed to such a panel is required to have undertaken recruitment and selection training before taking part in interviews.**
- 5.3 The appointment panel will not seek the approval of the full council for the proposed appointment until it has complied with the procedure at Rule 8 below.

6. Appointment of other Chief Officers.

- 6.1 A panel of not less than seven councillors allocated between political groups in accordance with the Pro Rata Rules will interview and, where authorised following the procedure referred to in Rule 8, appoint to these positions. Such a panel shall include at least one Executive member.
- 6.2 All councillors appointed to such a panel are required to have undertaken recruitment and selection training before taking part in interviews.**

7. Appointments of Assistants to Political Groups

- 7.1 Appointments of assistants to a political group shall be made in accordance with the wishes of that political group.

8. Objection by the Executive – Appointment of Chief Officers

- 8.1 In relation to any proposed appointment for any Chief Officer post an offer of appointment should not be made until the Proper Officer has been notified of the name of the person that is proposed is to be offered such position and any other particulars which are considered to be relevant to the appointment and the Proper Officer has notified every member of the Executive of the authority of:
- (a) the name of the person to whom it is proposed to make the offer;
 - (b) any other particulars relevant to the appointment which have been notified to the Proper Officer; and

(c) the period within which any objection to the making of the offer is to be made by the Executive Leader on behalf of the executive to the Proper Officer; and

8.2 Upon such notification having been made then the appointment will only be offered if:

(a) the Executive Leader has, within the period specified above notified the appropriate appointment panel or individual that neither he nor any other member of the Executive has any objection to the making of the offer;

(b) the Proper Officer has notified the appropriate appointment panel, that no objection was received by him within that period from the Executive Leader; or

(c) the relevant appointment panel is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded.

C. DISCIPLINARY ACTION

9. Disciplinary Action

9.1 Suspension

9.1.1 Any Chief Officer may be suspended whilst an investigation takes place into alleged misconduct.

9.1.2 The Chief Executive, in consultation with the Monitoring Officer and the Chief Financial Officer as appropriate, shall have delegated authority to suspend a Chief Officer where, in his/her opinion the presence at work of the Chief Officer concerned could compromise an investigation of any alleged misconduct, for a maximum period of 10 working days. Any decision to suspend any Chief Officer for a longer period shall be taken by a Panel of councillors comprising not less than seven Councillors allocated between political groups in accordance with the pro rata rules **and convened within the 10 day period of the temporary suspension.**

9.1.3 The Leader of the Council, in consultation with the Monitoring Officer and the Chief Financial Officer, shall have delegated authority to suspend the Chief Executive for a maximum period of 10 working days where, in his/her opinion the presence at work of the Chief Executive could compromise the investigation of any alleged misconduct. Any decision to suspend the Chief Executive for a period of more than 10 working days up to a maximum of 2 months shall be made by a Panel of not less than 7 Councillors allocated between political groups in accordance with pro rata rules.

9.1.4 Any assistant to a political group may be suspended by the leader of that political group.

9.1.5 Any suspension will be on full pay and for a period of not more than two months save as provided for in 9.2.2 below and shall be kept under constant review.

9.2 Independent Person

9.2.1 No Disciplinary Action other than the suspension referred to in paragraph 9.1 above may be taken in respect of the Chief Executive, the Monitoring Officer or the Chief Financial Officer except in accordance with a recommendation in a report made by a designated independent person within the meaning of Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.

9.2.2 Further, in respect of any period for which the Chief Executive, the Monitoring Officer or the Chief Financial Officer may be suspended, the independent person may terminate or extend any period of that suspension (including extending it beyond two months should it appear to that independent person as being necessary) and vary the terms of any suspension as he or she sees fit.

9.2.3 The independent person may inspect any documents or have questions answered by any Member of Staff of the Council in connection with such investigation.

9.3 Councillors

9.3.1 Councillors will not be involved in the disciplinary action against any member of staff below Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, **through** the Council's disciplinary, capability and related procedures, as adopted from time to time or as otherwise provided for by these Rules.

9.3.2 **Other** Councillors may participate in such proceedings where there is a right of appeal to members in respect of disciplinary action.

10. Disciplinary Panels

10.1 Disciplinary Action short of dismissal in respect of the Chief Executive, Monitoring Officer and Chief Financial Officer may be made by a panel comprising not less than seven councillors allocated between political groups in accordance with the Pro Rata Rules and including at least one member of the Executive to consider the report on any disciplinary matters produced by the independent person referred to in paragraph 9.2.1 above and must be in accordance with any recommendation made in that report.

10.2 The full Council may approve the dismissal of the Chief Executive, Monitoring Officer and Chief Financial Officer following the recommendation of such a dismissal by the Panel referred to in 10.1 provided that

(i) such dismissal is in accordance with any recommendation made in the report produced by the independent person referred to in paragraph 9.2.1 above; and

(ii) the procedure referred to in paragraph 11 below has been complied with.

10.3 Disciplinary Action, including dismissal, in respect of any individuals in the positions of Chief Officers, other than the Chief Executive, Monitoring Officer and Chief Financial Officer, may be taken by a panel of seven councillors allocated between political groups in accordance with the Pro Rata Rules including at least one member of the Executive and provided that the procedure referred to in paragraph 11 below has been complied with.

10.4 Disciplinary Action, including dismissal, in respect of any assistants to political groups, may be taken by a panel made up of not less than three councillors from that political group (unless there are less than three councillors affiliated to that party when the panel should be made up of all councillors affiliated to that party).

11. Objection by the Executive - Dismissal

- 11.1 In relation to any proposed dismissal of an individual in a Chief Officer post notice of dismissal should not be given until the Proper Officer has been notified of the name of the person that is proposed is to be dismissed and the reasons for the proposed dismissal and the Proper Officer has notified every member of the executive of the authority of:
- (a) the name of the person it is proposed to dismiss;
 - (b) the reasons for the proposed dismissal
 - (c) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the Proper Officer;
- 11.2 No notice of dismissal or recommendation for dismissal as the case may be shall be given until either -
- (a) the Executive Leader has, within the period specified above notified the panel proposing to dismiss that neither he nor any other member of the Executive has any objection to the proposed dismissal
 - (b) the Proper Officer has notified the panel that no objection was received by him within that period from the Executive Leader; or
 - (c) the relevant panel is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded.

12. Redundancy Procedures

- 12.1 The Epping Forest District Council Redundancy and Redeployment Policy and Procedure does not apply to Chief Officers. However the principles referred to within that policy will be adhered to so far as is appropriate when considering a potential redundancy situation affecting any individuals who hold any of the above posts and whether to dismiss any such person. **The Epping Forest District Council Policy for Redundancy and/or Early Retirement shall apply in full to Chief Officers**
- 12.2 A panel of members comprising not less than seven councillors allocated between political groups in accordance with Pro Rata Rules including at least one member of the Executive will consider whether any persons holding any post referred to in 12.1 above shall be made redundant when it appears there is a need to consider such matters ("the Redundancy Panel").
- 12.3 The Redundancy Panel will, in addition to any other steps that appear to them to be appropriate as referred to in the Redundancy and Redeployment Procedure, be responsible to ensure that:
- (a) any individuals that may be affected by any decisions relating to redundancy are informed at an early stage of the fact that they may so be affected and the reasons for this. Thereafter any such individuals should be kept informed of relevant information pertaining to the redundancy decision making process as it continues.
 - (b) individuals are meaningfully consulted during the redundancy process and, in particular, sufficient information is given to them such as to enable them to understand why such redundancies are being considered and an opportunity is given to those individuals to comment on such information and make alternative proposals with a view to avoiding redundancy.

(c) that consideration is given to whether any alternative positions may be available to the affected individuals.

The Redundancy Panel shall ensure that notification is given to the Executive of any proposed decision to dismiss by reason of redundancy in accordance with paragraph 11 above. Such notification is to be made before the Redundancy Panel notifies the individual concerned that it is proposed to recommend to the Council to make that individual redundant in accordance with paragraph 12.5 below.

- 12.4 If the Redundancy Panel decides that a notice of redundancy should be issued to any individual then it should inform the individual concerned of its intention to recommend the Council to do so and inform that individual that they have a right to appeal and the Panel should set a reasonable period for the individual to make such an appeal.
- 12.5 If the individual does not appeal within the set timescale then the full Council will approve the dismissal of the individual concerned following the recommendation of the Redundancy Panel.
- 12.6 If the individual does appeal within the set timescale then a Redundancy Appeal Panel will be appointed which will consist of not less than seven councillors, drawn from political groups in accordance with Pro Rata Rules and including at least one member of the Executive, who will hear and adjudicate upon the appeal.
- 12.7 If the appeal is dismissed then the full Council will approve the dismissal of the individual concerned following the recommendation of the Redundancy Appeal Panel.

**OFFICER EMPLOYMENT
PROCEDURE RULES**

APPENDIX 1

OPERATIONAL STANDING ORDERS – STAFF

1. Management Board

The Management Board shall comprise the Chief Executive, Deputy Chief Executive and Service Directors. The team shall meet on a regular basis to consider matters of Council business and shall adopt a 'corporate' outlook on management matters.

2. Working Parties

The Management Board may appoint working parties of officers to examine and report to the team on any matter in respect of which the Council has powers and duties or which affects the District.

3. Canvassing of Members

Canvassing of members or officers of the Council – (i) by or on behalf of a candidate, whether directly or indirectly; (ii) by individual employees in regard to their terms and conditions of service except by way of application to a superior officer, is forbidden.

4. Relatives of Members or Officers

(1) Every person applying for an appointment in the service of the Council shall disclose in writing to the Chief Executive any known family relationship to any member or senior officer of the Council.

(2) The existence of any known family relationship between a member of the Council and a senior officer of the Council shall be notified in writing to the Chief Executive by each party to such relationship.

(3) For the purpose of this Standing Order "senior officer" means any officer of the Council in receipt of a salary in Principal Officer Range (SCP 49-53) related to the JNC Conditions for Chief Officers.

5. Interest of staff in contracts and other matters

(1) If it comes to the knowledge of an officer employed by the Council that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract in which he is himself a party), has been or is proposed to be entered into by the Council or any committee thereof, he shall as soon as practicable give notice in writing to the Chief Executive of the fact that he is interested therein.

(2) If it comes to the knowledge of a Service Director of the Council that he has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter which is the subject of consideration by the Council or a committee of the Council he shall at the meeting before consideration of the matter disclose (or cause to be disclosed) the fact and (if he is in attendance at the meeting) shall withdraw from the meeting whilst the matter is under consideration.

...

(3) For the purpose of this Standing Order an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of Section 95 of the Local Government Act 1972 had he been a member of the Council. (A summary of the provisions of Sections 94 to 98 and 117(1) of the Local Government Act 1972 is attached as Appendix 2 to these Standing Orders).

(4) An officer of the Council shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.

Report to the Council

Report of: Constitution and Member Services SSP **Date:** 30 July 2013

Chairman: Councillor J Philip

1. CONVENTION ON THE RELATIONSHIPS BETWEEN POLITICAL GROUPS AND COUNCILLORS WITH OFFICERS

RECOMMENDING:

- (1) That the revised conventions set out in Appendix 1 to this report be approved.**
 - (2) That the issues raised in consultation with Councillors concerning new members and e mail correspondence be referred to officers for appropriate advice to be given.**
-

1. Introduction

- 1.1 The Council's Constitution contains conventions regarding the management of relationships between political groups, Councillors and officers. This is a document which has not been reviewed for many years and originated from a period in the Council's history when there was no overall political control.
- 1.2 We were asked by the Management Board to review these conventions so as to bring them up to date. A revised set of conventions was considered at our April meeting but we decided to consult members of the Council by means of the Council Bulletin before considering the document in detail.
- 1.3 One Councillor responded to the consultation and raised some concerns about forms of address and style in the use of e mails by officers and also about new members and officers being aware of each other. We have asked officers to find a way of giving more information to new members about key officers and to give advice on e mail contacts. We did not feel that these points needed to be covered in the Conventions.

2. Changes Proposed

- 2.1 We have now looked in detail at the conventions and we have accepted the Management Board's view that these need to be revised as they are out of date. We asked Management Board to review their first draft in relation to requests for information by Councillors being confidential. There had been a suggestion that confidentiality would only operate for a limited period before disclosure to the Cabinet and/or other political groups would have to take place.

3. Management Board Feedback

- 3.1 We received further feedback from Management Board that confidentiality (where requested) without conditions was the simplest way to proceed. We accept this view. Our only condition is that such requests should be made to Directors or Assistant Directors only and we have therefore included this in the conventions.
- 3.2 We have also clarified the position concerning requests to officers to attend political group meetings for the purpose of Council business (e.g. for briefings) and instances where officers themselves suggest that this could be helpful. We have accepted that, if asked to attend a political group meeting, it is legitimate for an officer to decline and consider that, if the desirability of this is in doubt, the Chief Executive should make a final decision.
- 3.3 Where an invitation to attend is felt to be appropriate, we have included a requirement that the same opportunity should be offered to the other political groups and independent members. By the same token, we feel that the conventions should state that if an officer offers to attend a political group meeting, it must be on the basis that the same offer is made to the other groups and independents. We feel that officers must never be in the position of advising only one political group.

4. Other Changes

- 4.1 Set out below is a commentary on the other changes shown in Appendix 1 to this report. For the purposes of this report minor drafting changes have been omitted from the commentary.
- 4.2 The commentary is set out below:

(a) Entitlement to Information (Paragraphs 2.1 – 2.4)

(b) Paragraph 2.1

This paragraph has been amended to make reference to the Freedom of Information and Data Protection Acts which will protect personal or confidential data.

(c) Paragraphs 2.2- 2.4

See above – paragraph 3.2 of this report

(d) Paragraphs 3.1 – 3.5 (Briefing Meetings)

These paragraphs reflect current practice on Chairman's briefings for certain Committees and the Council. Also covered are Group Leaders' meetings which have recently been revived. Previously these were chaired on a rota between each political group but current practice is for the Leader of the largest political group to assume this role;

(e) Paragraphs 4.1 – 4.3 (Briefing of Political Groups)

See above – paragraph 3.3 of this report.

(f) Paragraph 5.2 (Casting Vote)

This paragraph has been extended to provide more advice to Chairmen regarding the issue of the second or casting vote. The current convention states that Chairmen will always vote for the status quo. This has been amended by referring to the need for Chairmen to take advice on whether a status quo does apply in the particular decision concerned and some factors to take into account have been listed.

These include whether a decision is necessary at that particular moment and whether there is a reasonable timescale in which the issue can be debated again. The new wording also deals with situations where effectively there is no status quo relating in particular to regulatory decisions such as planning, licensing and appeals of various kinds. The advice contained in the paragraph is that in those circumstances Chairmen must vote in accordance with their own judgement of the issues concerned;

(g) Paragraph 6.2 (Relations with the Media)

There is a small addition to this paragraph to clarify the circumstances where members may speak directly to the media on any given issue. This is intended to cover situations where members wish to make political comments rather than statements of Council policy;

(h) Paragraph 6.5 (Relations with the Media – Election Periods)

This is a new paragraph designed to draw attention to the special requirements for Council publicity during election periods. Appendix 2 to this report sets out separate guidance which has already been given to members and officers on this subject and it was felt useful to append this to the new conventions;

(i) Paragraph 8.1 (Facilities for Members)

The wording of this paragraph has been slightly amended to refer to Democratic Services rather than the Secretarial Bureau. Members wishing to secure typing services from the Council are advised to contact Democratic Services in the first instance and staff will then make arrangements with the Business Process Team in Corporate Support Services.

- 4.3 The Council is asked to consider the proposed changes to the conventions in the light of the feedback received and we recommend as set out at the commencement of this report.

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1. INTRODUCTION

1.1 The formal business of the Council is regulated by the Constitution and various supplementary guidance. The conventions set out in this document are for guidance of members of the Council and **Directors** and are aimed at supplementing those rules and guidance.

2. ENTITLEMENT TO INFORMATION

2.1 Any member of the Council may ask the appropriate Director for written factual information about a Directorate (or part thereof) or service. Such requests will be met, subject to any legal requirements (including the Freedom of Information and Data Protection Acts).

2.2 A Councillor may require the Director to treat the request for information as confidential and this confidentiality will be respected unless it is agreed with the Councillor concerned that request no longer needs to be treated in that way.

2.3 All such requests shall be made to a Director or Assistant Director.

2.4 Where a Director on his own initiative provides information to any political group, the information will **also** be supplied to the other **Groups** unless it is of a routine or minor nature.

3. BRIEFING MEETINGS

3.1 Formal briefings may be arranged for meetings to discuss business to be transacted at meetings. Briefings will be attended by the Chairman and Vice Chairman concerned except in the case of the District Development Control Committee and Area Plans Sub Committees where appointed group representatives and independent members serving on the Committee or sub Committee concerned will also attend.

3.2 Briefing meetings will deal with (a) procedural matters; and (b) up-dating of information contained in agenda items by officers.

3.3 All political groups will notify their group representatives on the District Development Control Committee and the Area Plans Sub Committees at the beginning of each Council year. The role of the Group representative shall be to act as spokesman for their group in connection with those meetings.

3.4 All briefings will be held at a mutually convenient time, usually on the day of the meeting in question and where possible will be published on the weekly calendar in the Council Bulletin.

3.5 Group Leaders and independent members may attend the briefing for the Chairman and Vice Chairman of the Council meetings.

4. BRIEFING OF POLITICAL GROUPS

4.1 The Chief Executive, Directors and Assistant Directors of the Council shall only attend meetings of political groups if this is for the purpose of assisting Council business. Where a political group invites an officer to attend a meeting, such invitations should be accepted only if the same opportunity is afforded to all political groups. Where officers have doubts about the appropriateness of accepting such an invitation, the Chief Executive will make a final decision.

4.2 Where an officer considers that it would assist Council business to attend a political group meeting for the purpose of briefing and makes a proposal that he or she should attend, the officer concerned shall be careful to extend that offer to all political groups.

4.3 Meetings of group leaders may be held. Such meetings will have no executive powers but will be authorised to meet with the Chief Executive on an informal basis to discuss business to be considered by the Council. **Group Leaders' meetings shall have formal agenda and minutes and shall be chaired by the Leader of the largest political group present.**

5. MEETING PRACTICE

5.1 Role of Chairman

The Chairman of the Council, the Leader **of the Cabinet or the Chairman** of any Committee, Sub-Committee or **Panel/Working Group** shall ensure that there is a reasonable opportunity for debate and that there is effective despatch of Council business. The Chairman shall ensure that every motion which is properly proposed and seconded is put to the vote.

5.2 Casting Vote

In circumstances where a second or casting vote may be required, the Chairman shall consider whether to make a second or casting vote by taking advice on whether the decision is necessary and whether there will be a further opportunity to debate the issue concerned within a reasonable timescale. The Chairman may decide, dependant on that advice, not to make a casting vote or if one is cast, to vote according to the status quo. However, in some cases there is no status quo (e.g. quasi judicial decisions concerning planning, licensing and appeals of various kinds) and in those circumstances the Chairman shall vote in accordance with their judgement of the public interest. Chairmen will acknowledge at all times the requirement under the Constitution to signify whether he or she intends to vote in the first vote on any matter before a meeting.

5.3 Respect for the Chair and Behaviour

Group Leaders will do everything possible to ensure that members of their groups are aware of the rules of debate and proper standards of behaviour at all meetings.

5.4 Seating Arrangements – Council and Committee Meetings

Seating in the Council Chamber shall be agreed between the political groups.

.5.5 Committee Minutes

Draft minutes will be cleared with the appropriate Chairman.

6. RELATIONS WITH THE MEDIA

6.1 Official media statements will be issued on behalf of the District Council, a Portfolio Holder, an Overview and Scrutiny or other Committee Chairman. Such statements may be prepared in consultation with appropriate Directors but must be approved by the quoted Members before issue. **Quoted members will also be consulted on statements issued within the broader context of a proactive media releases and in response media enquiries.** Statements issued through the Public Relations and Marketing Officer (Including quoted comments by members) must reflect the nature of decisions or Council policy and exclude 'political' comment.

6.2 Members may speak directly to the media on any given issue (subject to legal constraints such as the Data Protection Act) **in order to express personal or political points of view.**

6.3 Political Groups may issue their own press releases either through group leaders or group representatives. These will be solely the province of the political group concerned and will not involve officer input except in so far as a group wish to check factual information. Press statements arising from Council business and issued in a party capacity by a Leader or Group Representative must be careful to differentiate between the Council's policy and the views of the group concerned.

6.4 The Chairman and Vice-Chairman of the Council have a special role within the authority by virtue of their civic responsibilities. To reflect this role, they will receive special support from relevant officers in carrying out those duties.

6.5 Political groups and individual councillors should bear in mind the special rules which apply to Council publicity during election periods and shall bear in mind the guidance set out in Appendix 2 to this report .

7. APPOINTMENT OF REPRESENTATIVES

7.1 The appointment of representatives to any outside body of a permanent nature or involving regular attendance will be determined by the Council in accordance with Council Procedure Rules.

8. FACILITIES FOR MEMBERS

8.1 **Word processing and photocopying facilities are available in accordance with Council policy, on application to Democratic Services. Typing for the Chairman and Vice-Chairman of the Council is provided through Democratic Services.**

9. REVIEW OF CONVENTIONS

9.1 The conventions set out in this document will be reviewed from time to time. The Chief Executive will also initiate a special review at any time if required by a change in the political balance on the Council or on the request of any of the political groups.

Frequently Asked Questions – Relations with Political Groups etc at the Election Period (EPs) and at Other Times

1. What is the E.P.?

E.P. is the period of time from when the Returning Officer issues a notice of an election until after the election is held. It is sometimes referred to as the "Purdah" period a description which is not regarded as appropriate to the subject matter. This period usually lasts 25 days. Ordinary local government elections in England are held on the first Thursday in May every year unless changed by Order of the Secretary of State. (Section 37 of Representation of People Act 1983).

2. What does the Law state about E.P.?

It is a statutory duty to have regard to the Code of Recommended Practice on Local Authority Publicity. The Code of Recommended Practice on Local Authority Publicity, 2011, which applies to all local authorities in England states: "The period between the notice of an election and the election itself should preclude proactive publicity (in all forms) of candidates and other politicians involved directly in the election."

3. What are the implications of E.P. for the Council?

The Government Code explains that Directors should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them within individual members or groups of members. During this period, there is a ban in place on publicising the views of political parties, issuing press releases or promoting initiatives with quotes and photos which would favour a particular candidate. (Please see page U1 of the EFDC Constitution).

4. What are the implications of E.P. for individual Directors and Assistant Directors?

The basic principle is that any activity which could call into question a Director's impartiality or could give rise to the criticism that public resources are being used for Party political purposes must be suspended during E.P.

5. How do I find out who the candidates are?

The Returning Officer, Mr. Ian Willett (Democratic Services, Ext 4243) will have details of all candidates standing in any election (General, District, Parish and Police Commissioner) within the Epping Forest District once the notice of the election is published.

6. What kind of information can I supply to candidates?

A Director can only supply factual information to candidates if asked and must not offer views and opinions during this period as this will compromise rules of impartiality.

7. If I am approached by more than one political party to supply information to candidates what should I do?

Directors and Assistant Directors must undertake an 'even-handed' approach to the supply of information to political parties and independent candidates so as not compromise their impartiality of politics. All political parties and independent candidates should be regarded as having equal rights when requests are received.

8. What information can I supply to Members of the Council who are not standing for election?

Requests for information by Members of the Council who are not standing for election must also be treated with care. Directors might tactfully ask whether the Member is using the information for their Ward or to assist a candidate in an election. If the latter is implied then Directors must only offer factual information to the Member that does not compromise impartiality (see 6).

Normal briefings on agenda for Chairmen, Vice-Chairmen, and Cabinet members will continue throughout E.P.

9. What material can I publish during E.P. to members of the public?

Directors can issue official press statements about the District Council's decisions on a factual basis for public information purposes without naming individual members - except where there is a genuine need for a Council comment or response at member level.

Political material should not be posted on official notice boards (or the website) for public consumption.. This includes publicity issued by, or on behalf of, a trade union. Any such information would compromise officers in that it could be seen as giving support to a political party using Council facilities..

10. Am I allowed to give professional advice during a Council meeting in the E.P.?

Directors and Assistant Directors attend scheduled meetings of the Council and other bodies as arranged at the start of the Council year and must give advice on Council business as normal.

They should be careful only to offer professional advice and factual information to Members in such circumstances and avoid expressing any views or opinions about political campaigns that could compromise their impartiality.

11. I have been invited by a candidate to attend a political meeting or election meetings, what should I do?

Directors are strictly forbidden to attend any political meeting of any sort in E.P. .

12. Can I meet with a candidate?

Directors should be open to meeting with candidates for election if asked. In such meetings, they must not be drawn into discussing political views and opinions or campaign issues with candidates. Directors can only provide candidates with factual information during such meetings.

13. Can I canvass or campaign for a candidate or political party?

Senior positions with the Council like the Chief Executive, Deputy Chief Executive, Directors, Assistant Directors are subject to a legal restriction which prevents their involvement. These are known as politically restricted posts. Some other more junior staff may also occupy such restricted posts such as those who brief the media or are involved in giving advice to Councillors

If your post is a politically-restricted one then canvassing or campaigning for a political party in any capacity is strictly forbidden. Those in such posts must not undertake work with a public political profile.

Staff who are not politically restricted should check with their supervisor if they would like to become involved.

If you are unsure whether you have a politically-restricted post information is available in your job description, contract or from the Human Resources.

14. Can normal Council decision-making continue during an E.P.?

In a landmark Court of Appeal judgement ("the Redcar Case"), the Courts found that decision making however controversial this might be should continue provided it is part of a process which was set in train before the election period started. However, what is ruled out is any manipulation of an ongoing process of decision for political purposes.

For instance, it would not be proper for a decision which might give advantage to one candidate or party to be brought forward so that it was taken during the election period to give an advantage at the polls. Likewise, it is not proper to ask officers to defer decisions from the election period for political reasons.

It is quite possible that the schedule of decisions to be taken during the election period could be changed for other reasons but the schedule should not be changed for political ones.

15. Does the Redcar Case mean that the Council can still make controversial decisions during the E.P.?

Yes. The Council can take such decisions if there is a requirement to make them at that time. (e.g. planning decisions). However, officers should be wary of requests to manipulate such decision timetables for campaign reasons as explained in section 14.

16. What should I do if I receive a request for a decision to be brought forward or to be deferred?

All requests for earlier action or postponement by individual members (particularly from those who are candidates or thought to be assisting in an election campaign) should be treated with caution. Directors should seek further information and advice from the Monitoring Officer.

17. What should I do in an emergency situation?

If there is an emergency request brought forward to Directors that does not compromise impartiality then Directors must react. In an emergency or where there is

a genuine need for a Director level response to an important event outside the Council's control Directors should be able to comment, take action or seek member decisions if such a situation arises.

18. Can Council premises be used for political meetings?

During E.P. there should be a presumption against political meetings being held on Council premises. Particular care needs to be taken in regard to venues such as public halls, elderly persons' accommodation and sports centres where there may be restrictions governing the operation of such premises which preclude political activity.

If a request is made and it is not clear whether it relates to a political meeting, further information should be sought regarding the purpose of the event and the organiser. This may assist in deciding whether approval to the use of the accommodation is appropriate. In the event of any doubt, advice should be sought in accordance with section 19 below.

If any premises are to be made available, they should be offered on an even-handed basis to all political parties.

19. What happens during the rest of the Council Year?

Staff should be clear that for the rest of the year, outside the election period, officers are still required to maintain a strict impartiality in dealing with political groups, the Council and individual members. This requirement is set out in the Council's constitution in a special protocol regarding the management of relations with political groups and in the officers' Code of Conduct which applies to all staff.

The same requirements are set out in the Code of Conduct for elected members, in which all Councillors are advised not to seek to compromise the impartiality of officers or their advice. If a member of staff is concerned that what they are being asked to do breaches the rules of impartiality, they must draw this to the attention of their line manager.

20. Where Can I Obtain Advice?

Please speak with your line manager in the first instance. Further advice is always available from the following:

Director of Corporate Support Services, Colleen O' Boyle (Ext 4475)

Returning Officer, Ian Willett (Ext 4243)

A copy of the Government Code on Publicity can be found in the Council's Constitution at Page U1.

Report to Council

Date of meeting: 30 July 2013

Subject: Annual Overview and Scrutiny Report to Council

Committee: Overview and Scrutiny

Chairman: Councillor R Morgan



Recommendation:

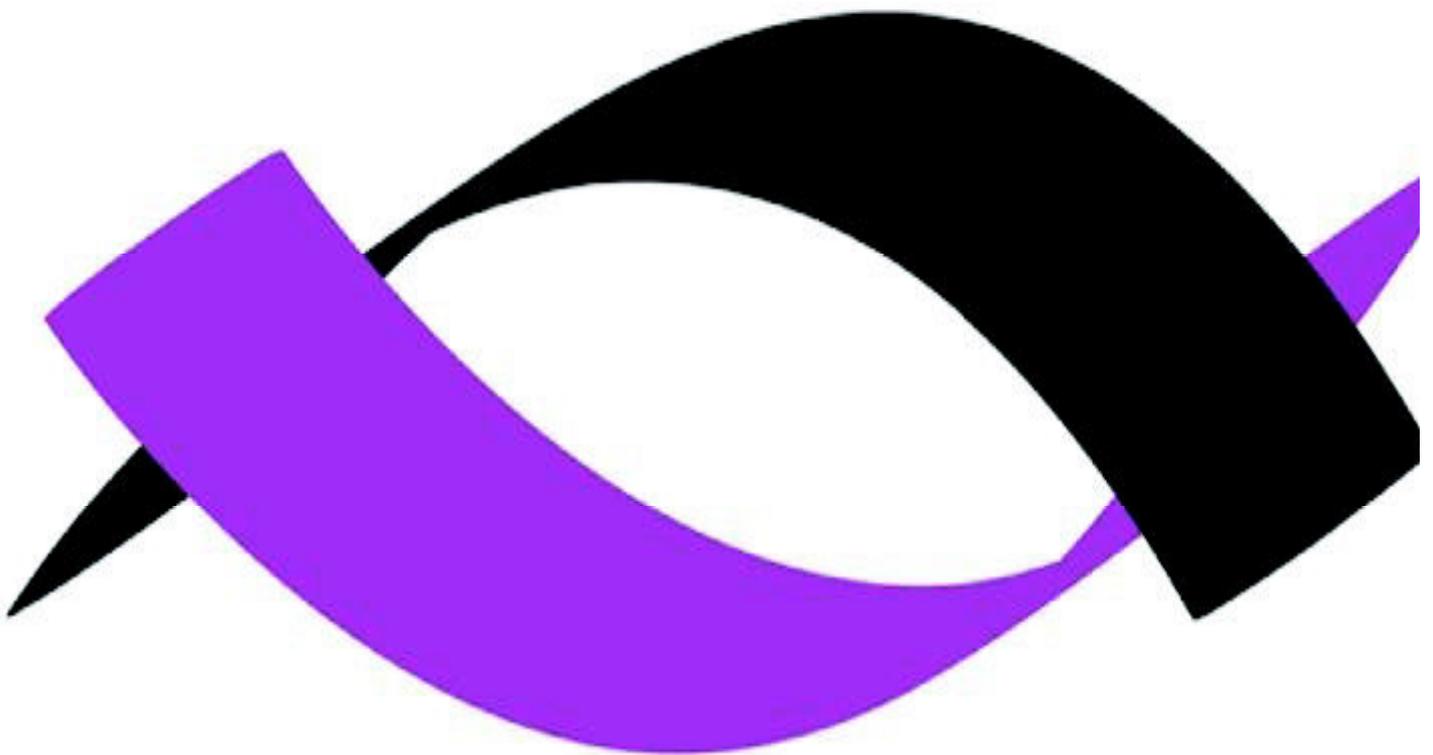
That the work undertaken by the Overview and Scrutiny Committee, the Scrutiny Standing Panels and the Task and Finish Panels during the past municipal year as detailed in the annual report be noted.

Report:

1. This report was produced in accordance with Overview and Scrutiny Procedure Rule 24 of the Constitution that requires an annual report to be submitted to the Council at the start of each year.
2. This is the eighth annual report under the new scrutiny regime instituted by the Council in April 2005, incorporating the Scrutiny Standing and the Task and Finish Panels.

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Overview and Scrutiny Annual Report 2012-2013



Epping Forest District Council

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OVERVIEW AND SCRUTINY ANNUAL REPORT: MUNICIPAL YEAR 2012/2013

Introduction and Welcome from the Chairman

Welcome to the eighth report of the Overview and Scrutiny Structure of Epping Forest District Council. The Overview and Scrutiny Committee and Panels are charged with reviewing Cabinet decisions, the Corporate Strategy, the Council's financial performance and also scrutinising the performance of the public bodies active in the District by inviting reports and presentations from them.

At the beginning of the 2012/13 municipal year the Overview and Scrutiny Committee agreed to the setting up of five Standing Panels for the year and during 2012 set up three Task and Finish Panels. We also received two call-in's at the beginning of the year, which are detailed further on in this report. During the year we received numerous presentations from outside bodies including the City of London, County Highways and one on broadband connectivity in our district by BT.

My special thanks go to the Chairmen and members of the various Scrutiny Panels and the three Task and Finish Panels that we had convened this year; making it one of the busiest years we have had in a long time. And of course, I would like to thank all the officers that have worked so hard to keep the panel members informed and supplied with the background information that they need to carry out their investigations.

Cllr Richard Morgan
Chairman, Overview and Scrutiny

What is Scrutiny?

- Scrutiny in local government is the mechanism by which public accountability is exercised.
- The purpose of scrutiny in practice is to examine, question and evaluate in order to achieve improvement.
- The value of scrutiny is in the use of research and questioning techniques to make recommendations based on evidence.
- Scrutiny enables issues of public concerns to be examined.
- At the heart of all the work is consideration of what impact the Cabinet's plans will have on the local community.
- However, the overview and scrutiny function is not meant to be confrontational or seen as deliberately set up to form an opposition to the Cabinet. Rather the two aspects should be regarded as 'different sides of the same coin'. The two should compliment each other and work in tandem to contribute to the development of the authority.

Alongside its role to challenge, the scrutiny function has also continued to engage positively with the Cabinet and there continues to be cross party co-operation between members on all panels.

Scrutiny has continued to provide valuable contributions to the Council and the Cabinet remained receptive to ideas put forward by Scrutiny throughout the year.

The rules of the Overview and Scrutiny Committee also allow members of the public to have the opportunity to address the Committee on any agenda item.

The Overview and Scrutiny Committee

The Committee coordinated with the Cabinet and pre scrutinised their agenda and reports at its meetings the week before Cabinet would meet. This acted as a troubleshooting exercise, unearthing problems before they arose.

The Committee also engaged with external bodies in order to scrutinise parts of their work that encroached on the District and its people.

Two call-ins were received this year (for details, see Scrutinising and Monitoring Cabinet Work on page 3). One was on the Asset Management and Economic Development Portfolio Holder's decision on the outline planning application for the redevelopment of Pyrles Lane Nursery for residential use. The second was the Local Plan Cabinet Committee decision on the Statement on Community Development.

Standing Scrutiny Panels

A Lead Officer was appointed to each panel to facilitate its process. The Overview and Scrutiny Committee agreed the terms of reference for each of the Panels on the basis of a rolling programme. The Standing Panels have a 'rolling programme' to consider ongoing and cyclical issues. Five Standing Scrutiny Panels were established, dealing with:

- i. Housing
- ii. Constitution and Member Services
- iii. Finance and Performance Management
- iv. Safer Cleaner Greener.
- v. Planning Services

Standing Panels reported regularly to the Overview and Scrutiny Committee on progress with the work they were carrying out.

Task and Finish Panels

The Task and Finish reviews are restricted to dealing with activities which are issue based, time limited, non-cyclical with clearly defined objectives on which they would report responses and set a deadline to report to the Overview and Scrutiny Committee. Three Task and Finish Panels were established during the year; they were the Overview and Scrutiny Review Task and Finish Panel; the Review of Chief Executive Appointment Task and Finish Panel and the Review of Licensing Services Task and Finish Panel.

OVERVIEW AND SCRUTINY COMMITTEE

The Overview and Scrutiny Committee consisted of the following members:

Councillor R Morgan (Chairman)
Councillor K Angold-Stephens (Vice Chairman)
Councillors K Channa, R Gadsby, L Girling, D Jacobs, H Kane, P Keska, A Lion, M McEwen, S Murray, J Philip, M Sartin, P Smith and D Wixley.

The Lead Officer was Derek Macnab, Deputy Chief Executive.

Terms of Reference

The Overview and Scrutiny Committee's main functions are to monitor and scrutinise the work of the executive and its forward plan, external bodies linked to the District Council and the Council's financial performance. It is tasked with the consideration of call-ins, policy development, performance monitoring and reviewing corporate strategies.

The Committee's workload over the past year can be broken down as follows:

(a) Scrutinising and monitoring Cabinet work

The Committee has a proactive role in this area through carrying out pre-scrutiny work. This involved receiving and considering the Cabinet agenda a week prior to the Cabinet meeting.

(b) Call-ins

The call-in received at the end of the previous municipal year was on the Cabinet decision (C-067-2011/12) on Fire Safety in Flat Blocks. The members who called this in generally agreed with the decision, but not with all aspects. As this was received very late in the 2011/12 municipal year it was referred to the first meeting of the Housing Scrutiny Standing Panel in the new-year (2012/13) as they had previously discussed the matter in detail.

At a special meeting held on 31 May 2012 the Housing Scrutiny Standing Panel met to consider the call-in in depth. On disusing the merits of the call-in the new Housing Portfolio Holder re-affirmed that currently there was no money in the budget for replacing the carpets and officers were aiming to complete this work within 4 months. He advised that almost all local authorities had adopted a zero tolerance policy on fire safety in flat blocks, unlike the District Council which was a managed policy.

In the end the Panel decided that the Cabinet Decision on Fire Safety in Flat Blocks C/067/2011-12 be upheld.

The Committee received two call-ins this year. Both Call-in's were considered at the July 2012 meeting. The first was on the Asset Management and Economic Development Portfolio Holders decision (AMED-002-2012/13) on the outline planning application for the redevelopment of Pyrles Lane Nursery for residential use. The call-in was concerned about the apparent lack of consultation with ward members; they also had concerns about road safety issues for both vehicles and pedestrians

going to and from the site; they noted that approximately two thirds of the site was designated as urban open space on the current Local Plan so the proposal would pre-empt consultation on the new Local Plan; and they wanted to know if there had been a cost benefit analysis done on the future of the nursery.

On consideration the Overview and Scrutiny Committee confirmed the original decision of the Portfolio Holder on the report regarding the Pырles Lane Nursery, Loughton.

The second Call-in was also considered at the Overview and Scrutiny Committee's meeting held in July 2012. The Committee considered the call-in of a decision of the Local Plan Cabinet Committee regarding the Statement on Community Involvement. This related to the Committee's decision that the Statement of Community Involvement be consulted on for a period of 8 weeks from 30 July to 21 September 2012. The call-in was concerned that a significant part of the consultation was during August when most residents were away; that this was only two weeks extra to the statutory minimum for this consultation; that the timescale for road-shows did not permit sufficient time for informed responses from the residents; and lastly that changes of the committee's Terms of Reference meant that councillors would not be aware that the committee had decision making powers.

The Committee on consideration of the merits of the call-in, decided that the decision be referred back to the Portfolio Holder and Local Plan Cabinet Committee for further consideration and that the consultation period for the 'Statement of Community Involvement - Issues and Options' was recommended to be extended to 12 October 2012. This was because August was a holiday month and it would also allow more time for road shows and enable more debate. They also agreed that all Local Plan Cabinet Committee meetings should be webcast.

(c) Standing Panels work programme monitoring

The Committee received regular updates from the Chairmen of the various Scrutiny Panels reporting on the progress made on their current work programme. This allowed the Committee to monitor their performance and when necessary adjust their work plans to take into account new proposals and urgent items.

(d) Items considered by the committee this year

This year the Overview and Scrutiny Committee received various presentations and considered a range of diverse topics.

Presentations:

(i) City of London Corporation - The Committee at their meeting in September 2012 received a presentation from Mr P Thompson, Superintendent of Epping Forest of the City of London Corporation, on the management of the forest. Also there by invitation was Judith Adams, Chairman of Friends of Epping Forest.



It was London's biggest open space, was amongst the oldest forests in the country and had been a royal forest. The forest was currently administered by a committee of 16 members of whom 12 came from the City of London. The Corporation of London had invested £6.8 million in the forest of which

£1.5 million had been spent on a visitor centre in Chingford to complement the Queen Elizabeth Hunting Lodge.

The forest received 4.3 million visitors per year. It protected rare habitats and hosted a wide range of recreational activities including walking, dog walking, cycling, riding, golf courses, cricket pitches, running events and football. The corporation had implemented a new grazing strategy with invisible electronic fencing to control cattle, had invested £400,000 on Butler's Retreat, Chingford (a café/restaurant), a new 40mph speed limit had been imposed in the forest and there was a major volunteer programme with 20,000 hours of volunteer time.

The meeting was opened out to a question and answer session from the committee and other members present.

(ii) London Underground Limited - At their meeting in October, they received a presentation from Peter Tollington and Michael Graves from London Underground Limited (LUL). Mr Tollington was the General Manager of the Central and Waterloo and City Line; Mr Graves was the Group Station Manager with responsibility for all the stations within the Epping Forest District.

Mr Tollington commented that the summer Olympic Games had been a very enjoyable experience; LUL had helped a lot of customers and visitors to the games and there had been more of a party mood on the system.



LUL would be enhancing their services in the new year for the Central Line. They were upgrading their power supply for their lines and this should provide improvements to the service. The trains were currently used to their maximum capacity in the rush hours. LUL were building up their infrastructure, working towards 2018 and relying on 'Crossrail' to make a big difference once completed.

The meeting was then opened up to questions from all those present. Questions ranged from asking about LUL's response to EFDC's Local Plan to disabled access at the Epping Station.

(iii) Youth Council - At their meeting in November 2012, the Committee received a lively and confident presentation from five members of the Youth Council, who gave an outline of the work they had undertaken over the last year.

Members of the Epping Forest Youth Council attend this meeting not only to update Committee members on their recent and future work, but to request that £12,000 District Development Funding for the coming year be added to the Council's draft budget. The funding was to cover the running costs of the Youth Council, such as elections in schools, training, transport and equipment costs.

It was noted that over time they have formed relationships and have met with representatives from other neighbouring youth councils and with the local MPs.

They would like to have the opportunity to become more imbedded in the Council's decision making process. They also use social network sites to inform and update the local youths and could be followed on 'Twitter'.

In the end the Committee agreed to recommend the £12,000 for inclusion in the new budget and formally recommend this bid be transferred to the Continuing Service Budget so that the Youth Council need not make an annual bid. However, the Committee would still like the Youth Council to attend a meeting on an annual basis to update them on their work and achievements.

(v) Presentation on Broadband connectivity from BT - At their January 2013 meeting, the Committee received a presentation from Officers from BT on the outlook for broadband connectivity for our district.

The Committee noted that there was £2.5 billion to be invested up until 2014 on 'Next Generation Access'. Part of this was in what was called Fibre to the Cabinet (FTTC) service. It will reach two thirds of the UK by the end of spring 2014. Their other project was 'Fibre to Premises' available on demand to anyone in an FTTC area. They also deliver a service known as 'Ethernet' delivering speeds up to 10Gbps, this already runs to every business in every UK city.

As far as Essex was concerned, Essex County Council has had £6.46 million pledged by government as long as they match fund this amount and went to tender within the next few months. This money will only be able to be used for areas where commercial operators were not going. Essex County Council would determine an 'intervention area' where this was likely.

(vi) County Highways - In March 2013 the Committee received a presentation from Peter Massie, Head of Highways Commissioning at Essex County Council. He told the meeting that Essex County Council (ECC) in wanting to contract out it's highway services and wanting continuous improvement, chose to go into partnership with 'Ringway Jacobs' to enable them to provide highways services and keep within the budget they were allocated. He acknowledged that they had some delays during the past year while trying to maintain a level of service and still achieve efficiency savings. Each of their areas now has as part of their yearly plan, efficiencies and targets that they must meet.



As for individual contacts they now focus everything into their Customer Teams. They do not have the same officer contacts that they used to have for councillors. The Customer Teams are now tasked to go to the different service areas to get an appropriate response. They had looked at their staffing levels and how they delivered their service and have restructured to have a centralised Contact Office in Colchester. They had set up Customer Teams to answer queries by doing research on your behalf and get the response needed.

The meeting was opened out to a question and answer session from the committee and other members present.

Other topics considered:

(i) In June 2012 the Committee received the Key Objectives Outturn report for 2011/12. The key objectives were intended to provide a clear statement of the Council's overall intentions for each year, containing specific actions and desired outcomes.

The Committee was requested to consider outturn performance against the Key Objectives adopted for 2011/12. This report was also considered by the Cabinet.

(ii) In July the Committee noted that the Council had requested that Overview and Scrutiny conduct a review on the processes adopted in respect of the recruitment of a new Chief Executive. It was emphasised that they were not seeking a review of the outcome of the recruitment exercise but the processes adopted to achieve an appointment. The Committee thought that it would be appropriate that the original panel on the senior management appointments panel be asked to carry out this review and set up a Task and Finish Panel for this purpose.

(iii) In September the Committee received a report from the Constitution and Member Services Scrutiny Standing Panel regarding the Terms of Reference of the Audit and Governance Committee. Previously the Constitution and Member Services Scrutiny Standing Panel had looked at the question of whether Portfolio Holder Assistants should be able to serve as members of the Audit and Governance Committee. The Committee also indicated that Article 11 should be reviewed.

They agreed that removal of the requirement for the three seats for councillors on the Committee to be allocated according to pro rata rules and that the three Councillors concerned should be appointed on the basis of experience, aptitude and interest on the recommendation of the Council's Appointments Panel.

(iv) They also looked at the Member Complaints Panel (CP) which was responsible for considering complaints at Step 4 of the Council's complaints procedure. Certain types of complaints fell outside the jurisdiction of the Panel and could not therefore be considered at Step 4. They agreed that that revisions to the limits of jurisdiction of the Complaints Panel be approved.

(v) In October the Committee received a report from the Constitution and Member Services Standing Panel. It dealt with the terms of reference of the Staff Appeals Panel and proposed changes in relation to its jurisdiction in respect of appeals by staff. In respect of regarding appeals, these proposals derive from a recent review of the Council's job evaluation scheme (by which salaries applicable to staff posts or groups of posts are determined) and in particular the question of a staff member's right of appeal.

It was noted that the Staff Appeals Panel was not an appropriate forum to hear such appeals since Members were not trained in or hold expertise in the Job Evaluation process, and a second avenue of appeal against job evaluation decisions was not required.

(vi) In 2010 the Council started an ePetition scheme with the aid of some Government money and the Council's current Committee Managements system. However, in December 2010 the Government gave notice that provisions of the Localism Act would remove any duty to provide such a system.

Members had asked for a periodic review of the operation of the system to assess its effectiveness, which had been undertaken.

At their October meeting, the Committee noted that people, in general, still petition the Council in the traditional way. During the period January 2011 to August 2012 the Council received 12 formal petitions on paper. Correspondingly, during the same period 2 electronic petitions were received and completed. One relating to provision of places at Epping Forest College (referred to the College for response – 13

electronic signatures but supported by a paper petition) and the other was regarding the St Johns Road Development Brief (during a formal consultation period – 72 electronic signatures).

Having reviewed the scheme the Committee were of the view that it should continue and the current thresholds were still appropriate. However, they were also of the view that the scheme document on the website could be made shorter and more user friendly.

(vii) The Committee noted that in November 2011 they had asked the Constitution and Member Services Standing Panel to: examine how agendas were sent to members; how new technology might be used to distribute papers; seek Counsel's opinion on whether using new distribution technology was lawful given current legislative constraints; and for a review of officer agenda distribution arrangements to take place.

It was noted that members had received training on the use of the Council's Virtual Private Network (VPN) system giving them access to all meeting papers supporting the democratic process. From a position where not many members had email and computers at home, virtually no members remained digitally disconnected. The emphasis was now on connectivity on the move. They also noted that Members would not lawfully opt out of hard copy deliveries.

(viii) The Committee received a report on the investigation into the feasibility of providing Broadband connectivity to rural areas currently suffering from slow or no broadband access. It was noted that we did not have any influence over the major suppliers. However, recently, as part of a Disaster Recovery project for EFDC officers asked for a quote for the supply of a separate wireless broadband link into the EFDC area which would deliver Super-fast Broadband to residents and businesses through radio links rather than old fashioned copper phone lines.

The contract was awarded to Buzcom and their system was now live with coverage over most of the district, but not all of it. Coverage maps could be viewed by going to the Buzcom website, www.fibrewifi.com and clicking on the Epping Forest District button.



(ix) In November the Committee received a report on the Corporate Plan for 2011-15 and Key Objectives for 2012/13. The Committee noted the progress made on the Key Objectives for the first six months of this year. The report had already gone to the Finance and Performance Management Standing Panel and Cabinet Committee.

(x) At their January 2013 meeting the Chairman of the Constitution and Member Services Standing Panel, introduced their report on whether a Portfolio Holder Assistant could serve as one of the members on the Audit and Governance Committee (AGC).

The Panel had reviewed the position as requested. They noted that one Portfolio Holder Assistant had served on the AGC until the last Annual Council meeting in 2012, but subsequently the Leader of the Council decided not to create such positions for the current financial year. The AGC members had been consulted and had stated that there had not been any difficulties and indeed, the benefits of having a Portfolio Holder Assistant had been emphasised by showing the importance of its Councillor members having knowledge, expertise or interest in the Audit function.

(xi) In September 2012, the Government brought into force new regulations concerning access to information/meetings for Local Authority Executives. The Constitution and Member Services Standing Panel reviewed the impact of these regulations on the Access to Information Rules in the Council's Constitution and reported their findings to the main Committee.

They noted that the 2012 Regulations was a long and complex document which made changes to the access to information arrangements for local authority executives whilst consolidating existing provisions in other regulations made over the years.

Most of the provisions were already followed by this Council and it was noted that officers already had been briefed on the importance now attached to the 28 day period of notice in respect of decisions.

(xii) The Constitution and Member Services Standing Panel had been asked by Management Board to review the deadlines for submission of questions by members of the public and Councillors at Council and Cabinet meetings. This was because there had been concern that it was becoming increasingly difficult to compile answers for Portfolio Holders at these meetings in the time between the meeting and the deadline for questions being submitted.

The Panel and the Committee agreed to alter the period to four working days before a meeting.

(xiii) The Committee also considered the report of the Constitution and Member Services Standing Panel, on their further review of the Appointments Panel process prior to Annual Council. It had been requested that this system be reviewed after a year. This was the second such review.

They were of the view that the Panel had operated successfully for two years and should be permanently established and that a further annual review and treating the Panel as a temporary measure was no longer necessary.

(xiv) The Committee considered a planning report on extending the range of pre-planning application charging. The report recommended that further charges be introduced by the Council to cover the costs of providing advice to many informal requests for planning advice received each week. Giving this advice drew significantly on officer's time and although not a statutory duty, was often seen as an integral part of the planning process.

It was difficult to predict what such charges were likely to bring in a full year, but a modest income of about £40,000 was expected.

(xv) In March 2013, the Committee considered the report from the Leader of Council on the Corporate Plan 2011-2015 and Key objectives 2013/14.

They noted that the annual identification of key objectives provided an opportunity for the Council to focus specific attention on how areas for improvement were to be addressed, opportunities exploited and better outcomes delivered over the coming year. The key objectives were intended to provide a clear statement of the Council's overall intentions for each year, containing specific actions to achieve desired outcomes.

The Corporate Plan for 2011 to 2015 included an annual supplement reflecting the Council's key objectives for each of the four years to 2014/15.

(xvi) At their April meeting the Committee had the opportunity to view a short video produced by the council's Public Relations Team on a recent project called "Prison Me No Way" held at Roding Valley High School. Serving Prison Officers facilitated the day which involved 240 year 10 pupils. The aim of the event was to raise awareness of the consequences of crime and the realities of prison life.



Pupils were shown a mobile prison cell and experienced how it would feel to be transported in a prison van. The pupils also attended workshops delivered by the Met Police firearms unit and "Safer Places" – a charity which supports victims of domestic abuse. They also met both male and female serving prisoners.

After the video the Committee had a chance to ask questions of the Safer Communities Manager, Caroline Wiggins and the Community Leisure Officer Gill Wallis.

(xvii) The Committee also received 5 reports from the Constitution and Member Services Standing Panel. These were a 'Review of Contract Standing Orders'; 'Review of Officer Delegation'; 'Review of Financial Regulations'; 'Housing Appeals and Review Panel – Terms of Reference'; and 'The Localism Act 2011 – Executive Consultation'. These were agreed and submitted up to Full Council for their final approval.

(xviii) Finally, the Committee considered the final report of the Review of Licensing Services Task and Finish Panel. The Committee noted that the Task and Finish Panel was established in September 2012 to undertake a review of the way licensing applications were dealt with and the feasibility of moving licensing meetings to the evening so that councillors with full time jobs could join the committee.

They had met on four occasions and operating in a brisk fashion, they concluded that they should recommend having evening meetings for premises licence applications, daytime meetings for taxi applications and consultation with nearby premises and residents. Details and the costs were in the report.

After a long debate, the Committee agreed the recommendations of the Panel but opted to recommend that a review of the new procedures be held after nine months instead of the Panel's recommended twelve months.

(e) Case Study: Presentation on Broadband Connectivity from BT

The Committee received a presentation from British Telecom on the latest situation on Broadband connectivity in our area. The speaker was Annette Thorpe, the Regional Partnership Director, East of England and accompanying her was David Leigh the BT Accounts Manager for EFDC. Their presentation is attached to these minutes.



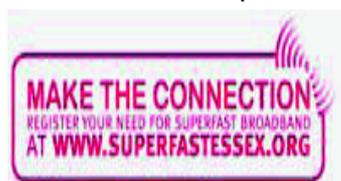
They had £2.5 billion to be invested up until 2014 on 'Next Generation Access'. Part of this was in what was called Fibre to the Cabinet (FTTC) service, delivering speeds up to 80Mbps downstream and 20Mbps upstream. It would reach two thirds of the

UK by the end of spring 2014. Their other project was 'Fibre to Premises' with speeds of 300Mbps downstream and 30Mbps upstream available on demand to anyone in an FTTC area this spring. They also deliver a service known as 'Ethernet' delivering speeds up to 10Gbps, this already runs to every business in every UK city.

Nine counties had run a procurement project to buy services and uplift rural broadband. In the east of the country Norfolk and Suffolk have contracted out, with Essex County Council going out to tender for their procurement activities in the not to distant future.

Twenty exchanges serve the EFDC area, with nine having superfast broadband speeds, some were in our area and some outside it geographically, although some would connect to bits of this district. Of the nine exchanges, eight deliver a service called 'wholesale broadband connect', which offers up to 20Mbps for multiple operators. Each of the exchanges has access to a basic 8Mbps. However, having said that, they acknowledged that there were areas of slow speed across the district and they needed to be improved.

The Government has made available just over £500million for counties across the UK for them to come up with a local broadband plan citing how the general economic area would be improved by using this investment. Essex County Council (ECC) has had £6.46 million pledged by government as long as they match fund this amount and went to tender within the next few months. This money will only be able to be used for areas where commercial operators were not going. Essex County Council would determine an 'intervention area' where this was likely.



STANDING PANELS

1. HOUSING SCRUTINY STANDING PANEL

The Housing Scrutiny Standing Panel consisted of the following members:

Councillor S Murray (Chairman)
Councillor Mrs A Mitchell MBE (Vice Chairman)
Councillors K Avey, K Chana, Ms J Hart, Mrs S Jones, H Kane, L Leonard, Ms G Shiell, Mrs J Whitehouse and N Wright

The Lead Officer was Alan Hall, Director of Housing. The Panel also appreciated the Housing Portfolio Holder, Councillor D Stallan, attending the meetings to help them with their deliberations.

Wyn Marshall represented the Tenants and Leaseholder Federation, attending the meetings as a non-voting co-opted member to provide the views of residents and stakeholders.

Terms of Reference

The Housing Scrutiny Standing Panel is tasked to undertake reviews of a number of the Council's public and private sector housing policies and to make recommendations arising from such reviews to the Housing Portfolio Holder, Overview and Scrutiny Committee or Cabinet as appropriate. They also undertake specific projects related to public and private sector housing issues, as directed by the Overview and Scrutiny Committee.

The Panel scrutinised a number of important issues over the last year, which included:

(i) Call-In Cabinet Decision on Fire Safety in Flat Blocks –

In May 2012 the Panel considered the call-in of a decision by the Cabinet of a Housing Portfolio Holder report (C/067/2011/12) regarding Fire Safety in Flat Blocks made on 12 March 2012. This had been referred to them from last year as it had come in late in the year.

On consideration of the arguments put forward the Panel decided that the Cabinet Decision on Fire Safety in Flat Blocks be upheld.



(ii) New Site Licence Conditions for Park Homes Sites - On 18 April 2011, the Cabinet agreed to the adoption of the "Standard Park Home Licence Conditions for Permanent Residential Sites in Epping Forest District Council." The agreed conditions included some variations to the Model Standards 2008 and also allowed for certain contraventions to remain provided they were in existence on the date the new site licence was issued. In June 2013 after inspections of the sites and considerable consultation, with officers holding a meeting with Park Home Site Owners and representatives of each of the site residents associations to gauge their views the panel considered the new conditions. They agreed that the agreed

interpretations to the Standard Licence Conditions for Permanent Residential Park Home Sites in Epping Forest District be recommended to the Cabinet.

(iii) Review of Homelessness Strategy - Under the Homelessness Act 2002, Local Authorities had a duty to review and publish their Homelessness Strategy on, at least, a 5 yearly basis. As this area of work changed regularly, it was agreed that the Council's Strategy would be reviewed every 3 years and in July 2012, the Panel once again reviewed the strategy and recommended it for approval, noting that the strategy linked with other Council strategies and schemes. It set out achievements since 2009 and incorporated the needs and demands on the service and an Action Plan for the coming three years.



(iv) HomeOption Choice based letting scheme and Ethnic Monitoring progress reports – in July the Panel considered the progress reports on these two items and considered the progress made by the Council during the past year. The Panel noted that, following the 2011 National Census, an updated breakdown of the ethnicity of the population of the District would be available and reported next year.



(v) Council response to CLG consultation paper - "High Income Social Tenants Pay to Stay" - The Panel was invited to consider the proposed Council response and whether any different, or additional comments should be included on the Department of Communities and Local Government (DCLG) Consultation Paper "High Income Social Tenants Pay to Stay". They agreed that the proposed Council response to the consultation be forwarded to the Government.

(vi) West Essex Tenancy Strategy – Draft Consultation - Under the Localism Act 2011, all local authorities must produce a Tenancy Strategy which set out the District's expectations of the types of tenancies that all Registered Providers (RPs) of Housing in their district would provide. All RPs must have regard to the District's Tenancy Strategy when setting their own Tenancy Policy. Since the Council had its own housing stock, it must have regard to the Tenancy Strategy itself when formulating the Council's own Tenancy Policy. In January 2012, the former Housing Portfolio Holder agreed that the Council should work with Harlow District Council and Uttlesford District Council to produce a Joint West Essex Tenancy Strategy.



Following the production of a Consultant's Brief by EFDC's Director of Housing, and a subsequent tender exercise, the three local authorities had appointed a small consultancy, Jenkinsduval, to produce a draft West Essex Tenancy Strategy on their behalf.

Following consultation Jenkinsduval produced a Consultation Draft which:

- Was not too prescriptive, providing a broad, overarching approach;
- Enabled local flexibility in the three local areas, and amongst different RPs;
- Enabled social landlords to provide fixed term tenancies or lifetime tenancies, as appropriate;
- Expected minimum 5 year terms, if fixed term tenancies were provided;
- Set out the expectations of the criteria used for reviews and renewals of tenancies; and

- Emphasised the importance of good timely advice at the review period.

This draft was welcomed by the Panel who made no further comments.

(vii) Repairs Management Contract Presentation, One year on – In August 2012 the Panel received a presentation from the Assistant Director of Housing (Property) and the Housing Repairs Manager, representing Mears regarding the Repairs Management Contract.

In May 2011, following an EU procurement exercise, the Council let an innovative “In-Sourcing” contract with Mears, as the External Repairs Management Company, whereby Mears manage the Council’s own in-house Housing Repairs Service with the intention of delivering a step-change in performance and service for tenants.

The presentation concerned the improvement of management and services being delivered to tenants, delivery of 5 Key Deliverables, improvements in Key Performance Indicators and Value for Money achievements over the first year of operation.

(viii) Housing Service Standards – Performance Report 2011/12 and Review - In 2007, following consultation with the Panel and the Tenants and Leaseholders Federation, the Housing Portfolio Holder agreed a range of Housing Service Standards and an updated Housing Charter. Subsequently a leaflet was issued to all the Council’s tenants, setting out the agreed Housing Service Standards. It was also agreed that the Housing Directorate’s performance against the Housing Service Standards should be considered annually.

The Director of Housing had reviewed the Housing Service Standards with regard to performance in 2011/12, a number of changes were proposed including some new Service Standards. A number of the proposed changes resulted from the introduction of the Repairs Management Contract with Mears and the improvements that Mears and officers had already made to the Housing Repairs Service, particularly due to the introduction of Mears’ own Repairs IT System.

The Panel endorsed the proposed changes and additions to the Housing Portfolio Holder. It was also recommended that relevant leaflets should be updated at the appropriate time. It was suggested that performance against the service Standards was reviewed again in July/August 2013.

(ix) Housing Strategy 2009-12 - The Panel noted that around 3-4 years earlier, it had approved for consultation a “Consultation Draft” Housing Strategy and a major Consultation exercise was undertaken with the Council’s partners, key stakeholders and the public over a 3 month period. The exercise included a one day Housing Strategy Conference, to which all the consultees were invited. At its meeting in September 2009, the Council’s Cabinet adopted the Housing Strategy 2009 – 2012.

Although there was no legal or policy requirement, it was originally anticipated that the Housing Strategy would be updated during 2012, covering the following three years. However, following a recommendation from the Panel, in May 2012, the former Housing Portfolio Holder agreed that the production of the next Housing Strategy should be deferred for one year, and produced in 2013/14. This was because it was identified and acknowledged that there were a number of important issues that would be concluded by the Council over the following year, which would have a significant impact on the Housing Strategy. These issues included:

- (a) A refresh of the Council's Strategic Housing Market Assessment (SHMA);
- (b) The production of the Council's Strategic Housing Land Assessment (SHLA);
- (c) The production of the Council's Draft Local Plan, which would set out the Council's proposed plans on the number and proposed location of new homes in the District; and
- (d) The Council's decisions on housing issues relating to the Localism Act.

The Panel therefore reviewed the 12 Month Progress Report on the Housing Strategy's Key Action Plan 2011/12, and considered a Draft Housing Strategy Key Action Plan 2012/13 for recommendation to the Cabinet.

(x) Tenant Satisfaction Survey 2012 - Under the Government's previous Best Value Performance Indicator (BVPI) and National Indicator (NI) regime, it was a requirement for all registered providers of housing to undertake a Tenant Satisfaction Survey every two years and then submit headline data to the Government through the BVPIs and NIs. All registered providers used a standard STATUS Survey Form, ensuring that they all asked the same questions to aid benchmarking.

Although there was no longer a requirement to undertake such surveys, or to be benchmarked with other landlords, members and officers considered it very important to understand the views of the Council's tenants.

Housing had been a member of 'Housemark', a national housing benchmarking club, for many years. Housemark had devised a new standard tenant Satisfaction Survey Form, called 'STAR', for its members to use, in order to continue measuring tenant satisfaction and benchmark with other registered providers if they wished.

The overall response was very high at 49%, with 1,093 questionnaires returned from the 2,215 sent out, representing around 17% of all tenants.

The vast majority of the District Council tenants were satisfied with the services provided by the Council, and the overall rating was amongst the highest in the survey at 88%.

(xi) Housing Revenue Account Business Plan and Repairs/Maintenance Business Plans 2012/13 - In March 2012, the Council's latest Housing Revenue Account (HRA) Business Plan 2012/13 was produced, incorporating the Repairs and Maintenance Business Plan. This document set out the Council's objectives, strategies and plans as landlord, in relation to the management and maintenance of its own housing stock.

An important section of the HRA Business Plan was the Key Action Plan, which set out the proposed actions the Council would be taking over the next year. It was good practice that the progress made with the stated actions was monitored.

Members noted and commented on the progress report on the plan.

(xii) Progress Report on the work of the Technical Officer dealing with empty properties and Park Home sites – In October the Panel received a report from the Private Housing Manager (Technical), regarding the progress of work of the Technical Officer dealing with Empty Properties and Park Home Sites within the Private Sector Housing (Technical) Team Key Action Plan.

A systematic procedure had been established for dealing with empty properties in the private sector beginning with tracing and communicating with property owners or other interested parties establishing why a property was empty. Following this the

Technical Officer's role was to determine how best the owner could be assisted in bringing the property back into use.



The Council could offer financial incentives for bringing properties up to the Decent Homes Standard and providing affordable accommodation for tenants or owner occupiers. The PLACE (Private Lease Agreements Converting Empties) Scheme was one form of financial assistance, the scheme ran at no cost to the Council other than the administration process by the Technical Officer. It currently offered high level grants of up to £50,000 to an owner in return for leasing the property for 3 years to the Consortium's preferred partner, Genesis, during which time the owner received no rental income.

The Council attached conditions requiring all grants to be repaid when the recipient sold the property. The Empty Homes Repayable Assistance was effectively an interest free loan up to £10,000 repayable on the sale of the property and available to owners wanting to live in the property themselves.

Park Homes - The existing site licence conditions for park home sites in Epping Forest District had not been reviewed for many years. New proposed standard park home site licence conditions for permanent residential sites were produced to ensure conditions were relevant, consistent and would adequately protect the health and safety of people residing at, or visiting, sites within the District.

It was anticipated that new site licences with standard site licence conditions would be issued to all site owners by November 2012. It would then be necessary to monitor them to ensure compliance with the site licence conditions and deal with any matters from residents or site owners relating to the licence or management of the site.

(xiii) Housing Improvements and Service Enhancements Fund 2013/14 – In January 2013 the Panel received a report from the Director of Housing regarding the Housing Improvements and Service Enhancements Fund 2013/14.

In December 2011 the Cabinet approved the strategic approach to the new 30 Year HRA Financial Plan in readiness for the introduction of self financing for the HRA from April 2012. The approach agreed was to plan the repayment of the required loans to the Public Works Loan Board to be taken out to fund the CLG's required debt settlement – over a 30 year period. This enabled the Council to maintain the housing stock and implement a new Council Housebuilding Programme, and allow a lower rent increase in April 2012 (6%) than assumed by the Government. It also funded an additional £770,000 per annum of housing improvements and service improvements.

The estimated amount available to the Housing Improvements and Service Enhancements Budget each year was, in effect, a balancing figure for the Housing Revenue Account (HRA) as a whole, over the 30 year period of the HRA Financial Plan.

The Cabinet agreed the Panel's recommendation that 14 housing improvements and service enhancements be undertaken in 2012/13. Since this list was not approved by the Cabinet until after the commencement of the current financial year, very good progress had been made with all of the projects over the remaining period of the

year. The following summarised the budget position for the overall 2012/13 programme:

- (a) Original budget 2012/13 - £770,000;
- (b) Latest anticipated expenditure forecast - £674,000; and
- (c) Savings/slippage carried forward to 2013/14 - £96,000

The main slippage carried forward was £85,000 for the acceleration of the mains powered smoke detector installation programme, which was mainly due to the amount of installations required and the late approval of the expenditure for 2012/13 by the Cabinet.

It should be noted that, even utilising all of the resources available to the fund in 2013/14, there would still be a further £64,000 and £77,000 available to spend in 2014/15 respectively, based on current forecasts.

(xiv) Formation of Tenant's Scrutiny Panel - The Housing Directorate's customers were tenants, leaseholders, housing applicants and landlords. In order to meet the standards expected, it was important that its clients played a key role in scrutinising the Council's performance and were involved in setting targets for further improvement.

Under the theme of Community Engagement, one of the Council's Key Objectives for next year was the engagement with communities to put them at the centre of the Council's policy development and service design.

In September 2010, the Tenants and Leaseholders Federation agreed to the setting up of a Tenant Scrutiny Panel to undertake the majority of the scrutiny and monitoring functions currently carried out by the Federation.

Following a recruitment process for tenants for the Tenant Scrutiny Panel, Terms of Reference had been formulated which were agreed by the Tenants and Leaseholders Federation in July 2012. The Panel now had eight members and had met formally on 21 February 2013 to elect a Chair, Vice Chair and Secretary. Its first service review would be on how the Housing Directorate deals with complaints.

Case Study: Housing Improvements and Service Enhancements Fund

On 28 January 2013, the Housing Scrutiny Standing Panel considered the Housing Improvements and Service Enhancements Fund 2013/14.



In December 2011, the Cabinet approved the strategic approach to the new 30 Year HRA Financial Plan in readiness for the introduction of self financing for the HRA from April 2012. The approach was to plan the repayment of the required loans from the Public Works Loan Board to be taken out to fund the Communities and Local Government (CLG's) required debt settlement over a 30 year period, enabling the housing stock to be maintained to a full modern standard and also implement a new Council House building programme and allow a lower average rent increase in April 2012. It also funded an additional £770,000 per annum of housing

improvements and service improvements. The estimated amount available to the Housing Improvements and Service Enhancements Budget each year was, in effect, a balancing figure for the Housing Revenue Account (HRA) as a whole, over the 30 year period of the HRA Financial Plan.

Since housing related income and expenditure were ring fenced to the HRA, any annual HRA surpluses that were not required for any specific purpose needed to be spent, otherwise they resulted in increased HRA balances, which was why the Housing Improvements and Service Enhancements Budget had been introduced from 2012/13. However, since the amount available each year would vary, it was suggested that the budget should be operated as a Housing Improvements and Service Enhancements Fund.

The Cabinet agreed the Panel's recommendation that 14 housing improvements and service enhancements be undertaken in 2012/13. The following summarised the budget position for this overall 2012/13 programme:

- (a) Original budget 2012/13 - £770,000;
- (b) Latest anticipated expenditure forecast - £674,000; and
- (c) Savings/slippage carried forward to 2013/14 - £96,000

The main slippage carried forward was £85,000 for the acceleration of the mains powered smoke detector installation programme.

When the HRA Financial Plan was produced in March 2012, it identified that an additional £750,000 per annum should become available for improvements/enhancements from April 2013, on top of the £770,000 per annum from April 2012. However, the latest iteration of the HRA Financial Plan had identified that it was no longer possible to fund an additional £750,000 per annum from April 2013. This was mainly due to:

- (i) Rental income to the HRA were less than previously forecast;
- (ii) The requirement to repay part of the loan portfolio (£31.2m) in 2021/22;
- (iii) A higher capital expenditure requirement; and
- (iv) A higher debt provision being required, due to the effects of the welfare reforms.

Nevertheless, since many of the improvement/enhancement projects agreed for 2012/13 were one off projects, there was still some substantial funding available for new projects from April 2013/14.

Although £580,000 per annum was available for new projects from 2013/14, the Cabinet had already agreed that the one off and on going revenue expenditure of £163,000, to deliver the following projects within the Cabinet's Welfare Reform Mitigation Action Plan should be met from the fund in 2013/14:

- Additional two Housing Management officers – Annual - £56,000
- Increase in budget provision for financial incentives for downsizing – Annual - £22,000

- Grant to CAB to employ two Debt Advisors for 18 months – 2 years - £67,000
- Direct Debit Marketing Campaign – One Off - £10,000
- Census of Tenants – One Off - £5,000
- Purchase of Welfare Reform Personal Calculators – One Off - £3,000

Therefore, this left £407,000 available to spend on further new housing improvements and service enhancements in 2013/14. Following consultation with the Housing Management Team and all the Housing Managers, new projects for 2013/14 were put forward for recommendation to the Cabinet.

They were:

- Appointment of Senior Cleaner
- Renewal of lounge chairs at communal lounges of sheltered housing schemes
- In-Year Housing Improvements and Enhancements Fund
- Major Capital Housing Project Reserve

It should be noted that, even utilising all of the resources available to the fund in 2013/14, there would still be a further £640,000 and £770,000 available to spend in 2014/15 respectively.

The Panel made recommendations to the Cabinet for its meeting on 11 March.

2. CONSTITUTION AND MEMBER SERVICES STANDING PANEL

The Constitution and Member Services Standing Panel consisted of the following members:

Councillor M Sartin (Chairman)
Councillor A Watts (Vice Chairman)
Councillors K Angold-Stephens, K Chana, R Cohen, J Markham, M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, J H Whitehouse and G Waller.

The Lead Officer was Ian Willett, Assistant to the Chief Executive.

Terms of Reference

To undertake reviews of constitutional, civic, electoral and governance matters and services for members on behalf of the Overview and Scrutiny Committee and to report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

The Panel scrutinised a number of issues over the last year, which included:

(i) Local Elections (3 May 2012) – In July 2012 the Panel considered a report on the recent local elections.



There were 22 District Council Wards and 9 Parish/Town Council Wards contested on 3 May. In each of the District wards contested except for Epping Lindsey and Thornwood Common, one Councillor was due to be elected. In Epping Lindsey and Thornwood Common, two Councillors were due to be elected, one to fill the scheduled vacancy, and another to fill a casual vacancy resulting from a resignation. An election was not scheduled for the Hastingwood, Matching and Sheering Village Ward, but was necessary following a boundary change. Turn out in the district wards varied between 39.06% in the Theydon Bois ward and 18.64% in the Waltham Abbey South West Ward.

In the Parish and Town Council Wards, the number of candidates per ward varied from 14 in Buckhurst Hill East to 4 in Loughton St. John's. The turnout ranged from 38.43% in Loughton Forest to 24.14% in Loughton Fairmead.

A project plan and a risk register for the elections was prepared in December 2011 and updated regularly. Returns were submitted to the Electoral Commission at intervals, regarding compliance with their guidance and actions in the Project Plan.

Members thanked staff for their hard work during the election period.

(ii) Member Complaints Panel – Limits of Jurisdiction - The Member Complaints Panel (CP) was responsible for considering complaints at Step 4 in the

Council's complaints procedure. Some complaints fell outside the Panel's jurisdiction, and could not be considered. These exclusions were:

(a) a complaint about a situation which arose more than 12 months before it was brought to the attention of the Council; (b) where an alternative and formal right of appeal existed, and for which the complainant failed to exercise his/her right to appeal within the specified timescale, or had not yet appealed, or had already made such an appeal; (c) matters dealt best by the courts; (d) matters which would affect the majority of the people in the District; (e) complaints for which a resolution could only be achieved through a change in law, or a change on other policies; (f) complaints about policies currently subject to a review, or about matters for which it had already been agreed that a policy needed reviewing or formulating; (g) complaints about the frequency of delivery, or the level of a service which was subject to contract conditions; (h) where the customer elected to pursue legal action as a means of determining their complaint; (i) if the complainant, at Steps 1, 2 or 3, had already been offered the maximum remedy that the Complaints Panel was empowered to offer; (j) when there was no evidence that the complainant had suffered any harm or injustice even if there had been administrative fault by the Council; (k) if the complainant had already accepted the proposed remedy and had formally confirmed that they had done so in full and final settlement of all of their complaints; (l) if, by going to Step 4, the complainant would then be left with insufficient time to subsequently submit a complaint to the Local Government Ombudsman within the 12 month time limit; and (m) if the complaint had already been determined by the Local Government Ombudsman.

In the light of some complaints that were considered during 2011-12. It was recommended that the following further exclusions be applied:

(i) Where a complainant's claim for financial compensation or reimbursement had already been considered but rejected by an independent body which had the legal authority to determine such claims.

(ii) Where the complainant disagreed with a decision made by the Council but had neither suggested nor provided any evidence that there was any administrative fault in the way that decision was made.

(iii) Where the only remedy requested by the complainant was financial by nature and the amount requested was less than £150.00.

(iii) Substitutions at Meetings - review after one year- Following a request from the Overview and Scrutiny Committee on 11 April 2011, this Panel in June 2011 discussed the process of making substitutions for the Overview and Scrutiny Committees and the District Development Control Committee. The Panel recommended that the procedure was amended to allow for substitutions to be made up until 30 minutes before the commencement of the meeting concerned. However, at the Overview and Scrutiny Committee on 12 July 2011, members amended the report for substitutions to be made until 60 minutes before the meeting which was subsequently adopted by the Council on 26 July 2011. This Panel recommended that a review of this process take place in a year's time.

Officers advised that the generic email "Democratic Services," for Group representatives to notify officers at Democratic Services of substitutions was not always being used. Otherwise, from officer's perspective, the process appeared to have worked efficiently.

(iv) Staff Appeals Panel – In September the Panel received a report from the Head of Human Resources, regarding the Staff Appeals Panel's Terms of Reference. Also in attendance was the UNISON Branch Secretary.

The report proposed changes in relation to the Staff Appeals Panel's jurisdiction in respect of appeals by staff. In regard to re-grading appeals, these proposals derived from a recent review of the Council's job evaluation scheme, and particularly the issue of a staff member's right of appeal. The report included proposals for removing from the Panel's responsibilities some other staff appeals for which it was currently responsible, these resulted from advice sought from Counsel. The proposals had been agreed by the Cabinet which had asked the Panel to ensure that they accorded with the new policy.

The opinion of the UNISON Regional Organiser was that job evaluation appeals should not be submitted to a Member Staff Appeals Panel.

Counsel's opinion on job evaluation could be summarised as follows:

- (a) the original job evaluation scheme precluded any appeal to the Staff Appeals Panel;
- (b) job evaluation reviews which were not part of the original process could be referred to the Staff Appeals Panel; and
- (c) notwithstanding (b) above, the Staff Appeals Panel was not an appropriate forum to hear such appeals since Members were not trained in or hold expertise in the Job Evaluation process, and a second avenue of appeal against job evaluation decisions was not required.

Counsel advised that the suggestion that the remit of the Panel should be further limited, to appeals against decisions which only involved dismissals, had merit as it eased workload on member panels and focused on the most serious of cases leaving less disciplinary matters to be dealt with by those with managerial authority and experience.

In considering the question of grievance appeals the Panel felt that there would be better dealt with at Director level.

(v) Review of Petitions Scheme - On 14 December 2010 the Council approved a new Petitions Scheme required by the Government. The legislation, and subsequent statutory guidance, had placed a requirement on the Council to have a scheme which would include introduction of an ePetitions facility through the Council's website by 15 December that year.

Following the general election, the Government withdrew the statutory guidance and gave authorities more scope to define their own scheme. The Government also funded the Council a sum of just over £6,000 for the expense of introducing such an electronic facility. The Council's Committee Management System provider supplied an additional facility for no cost and the system was implemented by the statutory deadline.

During the period January 2011 to August 2012 the Council received 12 formal petitions on paper and during the same period 2 electronic. One related to provision of places at Epping Forest College and the other regarded the St. John's Road Development Brief. No petitions during this period met the threshold for debate at either Overview and Scrutiny or at Full Council.

The Panel recommended that the present petition scheme be kept subject to the following amendments:

- (a) exclusion from the scheme of petitions which are the subject to an open consultation exercise;
- (b) revised website content; and
- (c) new requirement for Portfolio Holder reports at Council meetings to include references to petitions received and action taken;

They also recommended that the public questions procedure at Council and Cabinet meetings be amended to include the presentation of petitions by the public at those meetings and that the Task and Finish Panel on the Overview and Scrutiny Review be asked to consider what is to be the role of Overview and Scrutiny in relation to monitoring petitions and any subsequent action taken by the Council.

(vi) Electronic Delivery of Agenda and other information - The Panel had been asked by the Overview and Scrutiny Committee to investigate the number of agendas sent to all members, the use of technology for agendas and meeting arrangements and the legal advice on the provisions of the Local Government Act 1972 concerning paper copies of agenda and whether electronic dispatch arrangements compromised the Council's responsibilities.

Counsel's opinion had confirmed that the Council's current procedures were lawful and compliant, wholly electronic notification and service would not be lawful, a Council member may not lawfully opt out of hard copy deliveries.

(vii) Questions – Periods of Notice - The District Council's Management Board had requested that consideration should be given to amending the deadlines for submission of questions by the public and Councillors at the Cabinet and Council meetings. The request was made because it had become increasingly difficult to compile answers for Portfolio Holders in the time available.

Replies were given orally at the meeting concerned; in the case of Council meetings a copy of the reply was supplied shortly before the meeting to the questioner and tabled for other Councillors at the meeting. In the case of public questions, the reply was given orally and then communicated in writing to the questioner(s). Questions and replies were recorded in the minutes; the same procedure was used at the Cabinet.

On consideration the Panel recommended that questions to Cabinet and Council be made at least 4 working days before the date of the meeting in question.

(viii) Audit and Governance Committee (AGC) – Portfolio Holder Assistants - The Council had adopted a recommendation whereby Portfolio Holder Assistants, provided they were not involved in any Portfolio dealing with the Council's finances, could be eligible for appointment to the AGC. It was directed that this arrangement should be reviewed after one year.

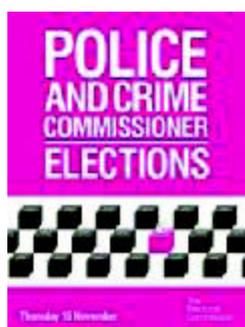
The Panel had now reviewed the position as requested. They noted that one Portfolio Holder Assistant had served on the AGC until the last Annual Council meeting in 2012, but subsequently the Leader of the Council decided not to create such positions for the current financial year. The AGC members had been consulted and had stated that there had not been any difficulties and indeed the benefits of having a Portfolio Holder Assistant had been emphasised by showing the importance of its Councillor members having knowledge, expertise or interest in the Audit function.

(ix) Access to Information Rules - On 10 September 2012, the Government brought into force new regulations concerning access to information/meetings for Local Authority Executives. The Panel reviewed the impact of these regulations on the Access to Information Rules in the Council's Constitution.

They noted that the 2012 Regulations were a long and complex document which made changes to the access to information arrangements for local authority executives whilst consolidating existing provisions in other regulations made over the years.

The Panel noted that most of the provisions were already followed by this Council and noted that officers already had been briefed on the importance now attached to the 28 day period of notice in respect of decisions.

(x) Police and Crime Commissioner Election - Legislation in 2011 had abolished police authorities in England and Wales (other than London), replacing them with a directly elected Police and Crime Commissioner in each police force area. The first election for commissioners was held on 15 November 2012. The Commissioner must issue a police and crime plan, set the budget and produce an annual report.



The election used the supplementary vote system. Essex had six candidates. It was found that, no candidate had achieved 50%+ of the votes cast and it was necessary to undertake the second stage of the count. In this district, of an electorate comprising 98,862, there were 1,221 ballot papers counted which included postal votes (10.34% turnout). The majority of polling stations in the district issued less than 100 ballot papers. For the whole of Essex it was 13.06%.

All of the Ballot papers were printed by the Council's Reprographics Section and as with previous elections they provided an excellent service bearing in mind the tight timescale for printing. Anecdotally, use of an in house print unit may have offered some cost advantages in comparison with councils using external printers.

Broadly there were no key issues arising for the Local Returning Officer at the elections.

(xi) Appointments at the Annual Council Meeting - Last year, the District Council operated the Appointments Panel for the second time. In 2012 the Panel met on 11 and 15 May and had managed to report fully on all matters, enabling a supplementary agenda to be circulated prior to Council on 22 May. It was recommended that the Terms of Reference for the Panel be included into Part 3 of the Constitution.

The protocol on the Allocation of Chairmanships and Vice Chairmanships and Outside Organisations had been suspended for two years allowing the new system to operate.

The Panel were of the view that the Appointments Panel had operated successfully for two years and should be permanently established and that a further annual review and treating the Panel as a temporary measure was no longer necessary.

(xii) Review of Outside Organisations - In February 2012, members asked for a scoping report on the Council's links with outside organisations. Members asked for consultation arrangements to form part of the review and that it be completed during the current Council year. The protocol sought to put the relationship between the Council and external organisations on a business-like basis and ensure the members were aware of their roles and possible risks.

The Panel had expressed concern about the submission of reports on external bodies. Over recent years some reports had either been requested by the Council or volunteered by representatives but the numbers were not large.

The question of trustee status continued to cause concern; accepting trustee status created conflicts of interest with members expected to act in the interest of the Trust. It had also proved difficult to obtain annual reports from these organisations, and likewise the annual agreement had proved a cumbersome procedure and had been viewed with concern by some organisations.

The Panel requested that a Working Group should be set up of Panel members to discuss the current list of Outside Bodies of which the Council had representatives and submit their recommendations back to the Panel.

Case Study: Electronic Delivery of Agenda

The District Council had introduced its Committee Management (COMS) in April 2005, a database containing information presented via the website and internally, the workflow handled was:

- (a) 268 clerked meetings' agendas and minutes;
- (b) 50 Member's Bulletins; and
- (c) 21 Policy Bulletins

This workflow amounted to 20,000 pages of agenda in 2011-12 a reduction from 294 meetings and 24,000 published pages the previous year. The Panel were asked by the Overview and Scrutiny Committee to investigate the number of agendas sent to all members, the use of technology for agendas and meeting arrangements and the legal advice on the provisions of the Local Government Act 1972 concerning paper copies of agenda and whether electronic dispatch arrangements compromised the Council's responsibilities.

Printing Costs

All Council agenda printing was carried out by the in-house Print Unit. By April 2005 expenditure on agenda printing had reached £79,000 per annum. In 2011/12 printing expenditure was £33,700 on a budget of £49,900, some £16,000 under budget. The reduction was due to new printing machines, reduction in printed copy circulation, shorter agendas and moving to electronic distribution methods.

All Council meeting rooms were covered by a member WIFI network enabling access to the Internet and Council papers. Members had received training on the use of the Council's Virtual Private Network (VPN) system, giving them access to all meeting papers.

Legislative Position

The Local Government Act 1972, Schedule 12 Paragraph 4 provided that a summons to attend the meeting, specifying the business proposed for transaction shall be left at or sent by post to the usual place of residence of every member of the Council. This must be carried out five days before the relevant meeting, as a physical distribution.

Members requested a legal opinion on the Council's current arrangements complying with the requirements of the Local Government Act 1972. The opinion confirmed that the Council's current procedures were lawful and compliant, wholly electronic notification and service would not be lawful; a Councillor could not lawfully opt out of hard copy deliveries.



3. FINANCE AND PERFORMANCE MANAGEMENT STANDING PANEL

The Finance and Performance Management Scrutiny Panel consisted of the following Members:

Councillor A Lion (Chairman)
Councillor S Watson (Vice Chairman)
Councillors G Chambers, T Church, C Finn, R Gadsby, J Hart, D Jacobs, H Kane, H Mann and G Mohindra.

The Lead Officer was Derek Macnab, Deputy Chief Executive.

Terms of Reference

Performance Management

1. To review Key Performance Indicator (KPI) outturn results for the previous year, at the commencement of each municipal year;
2. To identify on an annual basis, subject to the concurrence of the Finance and Performance Management Cabinet Committee:
 - (a) a basket of KPIs important to the improvement of the Council's services and the achievement of its key objectives; and
 - (b) the performance targets and monitoring frequency of the KPIs for each year;
3. To review performance against the adopted KPIs on a quarterly basis throughout each year, and to make recommendations for corrective action in relation to areas of slippage or under performance;

Public Consultation and Engagement

4. To develop arrangements as required, for the Council to directly engage local communities in shaping the future direction of its services, to ensure that they are responsive to local need;
5. To annually review details of the consultation and engagement exercises undertaken by the Council over the previous year;

Finance

6. To consider the draft portfolio budgets for each year, and to evaluate and rank proposals for enhancing or reducing services where necessary, whilst ensuring consistency between policy objectives and financial demands;
7. To review key areas of income and expenditure for each portfolio on a quarterly basis throughout the year;

Information and Communications Technology

8. To monitor and review progress on the implementation of all major ICT systems;

Value For Money

9. To consider a regular analysis of the Council's comparative value for money 'performance', and to recommend as required to the Finance and Performance Management Cabinet Committee, in respect of areas where further detailed investigation may be required; and

Equality

10. To annually review the achievement of the Council's equality objectives for 2012/13 to 2015/16, and progress in relation to other equality issues and initiatives.

The Panel scrutinised a number of important issues over the last year, which included:

(i) **Key Performance Indicators – Performance Outturn 2011/12** – The Panel received an outturn report on the Council's outturn performance for 2011/12 in relation to the Key Performance Indicators (KPI) adopted for the year. The Panel noted that 66.6% of the performance targets had been achieved for 2011/12; the target was 70%. Detailed outturn (1 April 2011 to 31 March 2012) performance reports in respect of each of the KPIs for 2011/12 were attached to the report for information.

The Panel noted that it had been previously agreed that no further changes would be made to the KPIs for 2012/13. Members were advised that following the adoption of the Council's equality objectives for 2012/13 to 2015/16, it was planned that equality progress would in future be monitored and reported in line with the achievement of the objectives.

(ii) **Equality and Diversity – Progress Report 2011/13** - The Performance Improvement Manager, introduced a report on the Council's progress in relation to a range of equality requirements and initiatives during 2011/12.

Members noted that the introduction of the Equality Act 2010 had placed a general duty on the Council to consider a range of people characteristics when planning and delivering services. The characteristics are referred to as 'protected characteristics' and are:



- Age;
- Civil Partnership;
- Disability;
- Faith or belief;
- Gender;
- Gender reassignment;
- Pregnancy and maternity;

Race; and
Sexual orientation.

In March 2011, the Cabinet agreed an Equality Scheme for the four years from 2012/13 to 2015/16, which set out the Council's responsibilities under the Equality Act together with its equality plans and information.

The Equality Objectives had been the subject of public consultation in January 2012 and would form the focus of the Council's equality related work for the next four years when a new set of equality objectives are required to be set. The Equality Objectives were:

- (a) To develop existing customer and employee intelligence gathering systems and the use of the intelligence gathered in service planning;
- (b) To ensure ownership of equality by those in a position to shape services e.g. Members and Managers;
- (c) To develop engagement across all the protected equality groups; and
- (d) To ensure a culture, systems and working practices which allow for the development of a senior management profile representative of the Council workforce as a whole.

In January 2012, the Council produced and published on its website, an Equality Information Report providing an illustration of what the Council had achieved in recent years, including projects, activities and achievements across all of its service areas. This report was to be updated annually from January 2013. During the last year, the Council had undertaken a range of engagement opportunities to increase awareness of equality issues, and to inform the development of the equality objectives.

(iii) Consultation Plan 2012/13 and Register 2011/12 – The Panel noted that the duty to involve was repealed by the Coalition Government in 2011. This duty provided that local authorities sought to ensure local people had greater opportunities to influence decision making and provided for consultation and involvement of representatives of local people across all council functions. In its stead, the Government introduced minimal, light touch Best Value statutory guidance.

It was noted that in order to meet the general duty and traditionally to follow best practice, every year a list of all consultation planned and carried out by the Council was published on the website and brought to the attention of this Scrutiny Panel.

All consultation and engagement exercises undertaken by and on behalf of the Council were required to comply with the provisions of the Council's Public Consultation and Engagement Strategy.

(iv) Sickness Absences - The Panel noted that the Council had met their target for last year; the target was 7.75 days per employee and the actual figure achieved was 7.58. This target has now been reduced to 7.5 days for this year.



The Panel commented that 65.8% of staff had had no sick absence at all in the last 12 months and that this was worthy of notice.

(v) Provisional Capital Outturn 2011/12 – The Panel received the report on Provisional Capital Outturn 2011/12 in terms of expenditure and financing and comparing the provisional outturn figures with the revised estimates.

The Panel noted that the overall position in 2011/12 was that a total of £9,563,000 was spent on capital schemes, compared to a revised estimate of £12,329,000. This represents an underspend of £2,766,000 or 22% of the Council's revised capital budget. Expenditure on General Fund projects totalled £3,943,000, which was £1,360,000 or 26% less than anticipated, and expenditure on the Housing Revenue Account (HRA) totalled £5,620,000, which was £1,406,000 or 20% less than anticipated.

(vi) Analysis of the Audit Commission's Value for Money Profiles – The Panel received a report analysing Value for Money as a one-stop point of reference for much of the data contained in the 2010/11 version of the Audit Commission's Value for Money Profile Tool. Its primary purpose thereafter is to allow officers and members to identify any Value for Money (VFM) indicators or issues which they consider appropriate for further in-depth consideration and review. Despite a number of concerns around the comparability of all the data it was a useful pointer as to how the Council compares with its geographical and statistical neighbours and allows the Council to focus its value for money work on particular areas of concern. The report contained a mass of figures broken down into various sections, to enable members to identify appropriate VFM issues, enabling them to see how they compare to the national picture, to identify councils facing similar challenges and to learn from the approach of other councils.



They commented that there had been a number of years of not comparing like with like, what was needed were better and more comparisons and noted that the 'family group' contained two unitary authorities, not really comparable to us.

The Panel was complementary of EFDC's spend on homelessness, being the third lowest in Essex. They noted that it was down to the low usage of Bed and Breakfast places, with most of the clients being put up in Norway House; and partly down to the good work of the Council's homeless prevention service.

(vii) Key Performance Indicators 2012/13 – Quarter Performance Monitoring - As part of the duty to secure continuous improvement, a range of Key Performance Indicators (KPI) relevant to the Council's services and key objectives are adopted each year. Performance against the majority of KPIs is monitored on a quarterly basis, and has previously been an inspection theme in external judgements of the overall performance of the authority. As always the Panel monitored the KPI's on a quarterly basis throughout the year.

(viii) Quarterly Financial Monitoring Report - This provided a comparison of the original estimate for the period ended 30 June 2012 and the actual expenditure or income as applicable. Generally speaking the emerging pattern was in line with expectations. It was noted that:

- The Housing Repairs Fund showed an underspend of £442,000; but things could change and it was being constantly monitored;
- The salary underspend for quarter 1 was due mainly to vacancies;
- Income was mostly on target; however, there were fewer major building works at present so there was less income there;

- Investment interest levels in 2012/13 were slightly below expectations at quarter 1, and significantly below the prior year;
- Development Control income at Month 3 was £13,000 below expectations;
- Building Control income was also down, but by £18,000 as activity in the building industry was at a low level;
- Licensing income was in line with expectations;
- Income from MOT's was below expectations. There were some difficulties whilst a new ramp was installed; and
- Capital Accounts were on target overall, but the trend would be very variable over the year.

(ix) Value for Money and Data Quality Strategies – 2012-13 – Progress Report – The Panel noted that the Council was required to make arrangements to secure continuous improvement in the way its functions and services were exercised, having regard to a combination of economy, efficiency and effectiveness (Value for Money). Most of the actions in the plans were weighted towards the first year. The Value for Money Strategy set out the Council's overall approach to ensuring the provision of value for money services. The Data Quality Strategy set out the Council's management arrangements to secure the quality of the data used to manage its functions and services.

The Panel noted that both strategies needed to be reviewed and updated soon. There was still the problem that they could not compare like with like; what was VFM in a local council context; what or who, do we compare ourselves with. But they noted that these strategies did give a general direction of travel allowing the Council to see where they were going.

(x) Fees and Charges 2013/14 – In November 2012 the Panel were taken through the Fees and Charges Report for 2013/14. There were a number of areas where the Council had discretion on the level of fees and charges that it set. It was noted that any general increase would be based on the September Retail Prices Index increase of 2.6%.



It was noted that:

- Although the Council has held fees where they could and put up others by the minimum they could, they still had to identify £250k of savings for next year;
- Development Control fee levels were controlled by Central Government who have announced that an increase of 15% was proposed in recognition of the inflation experienced since 2008 when fees were last increased. It was not clear when this charge would be implemented;
- It was proposed that licensing fees for Hackney Carriages and Vehicle Licences be frozen at current levels;
- Some forms of licensing fees are proscribed by the 2003 Licensing Act while others are under the Council's discretion and these would be increased where appropriate; and
- Although the Council did not pick up trade waste they had to set a fee just in case, and this had been negotiated in conjunction with SITA.

(xi) Re-Charging Policy - At their March 2013 meeting the Panel set up a sub-panel of three members to look at the re-charging policy and mechanics and to report back so that it could be included in their next year's work programme.

Case Study – Consultation Plan 2012/13 and Register 2011/12

The Panel received a report on the Council's progress in relation to a range of equality requirements and initiatives during 2011/12.



Members noted that the introduction of the Equality Act 2010 had placed a general duty on the Council to consider a range of people characteristics when planning and delivering services. The characteristics are referred to as 'protected characteristics' and are:

- Age;
- Civil Partnership;
- Disability;
- Faith or belief;
- Gender;
- Gender reassignment;
- Pregnancy and maternity;
- Race; and
- Sexual orientation.

The Council's general duty, also known as the Public Sector Equality Duty, requires 'due regard' to be taken when exercising Council functions. 'Due regard' means consciously thinking about the need to do the things set out in the general equality duty as an integral part of the provision of services.

Officers were developing an action plan for the achievement of these objectives. However, there were difficulties in interpreting what was wanted by government.

To help the Council, the Corporate Equality Working Group was established in May 2009, to provide input and support to develop and implement the Council's approach to equality. A review of the operation of the Working Group was undertaken in January 2011, in light of almost two years experience, and a number of matters have been taken forward to focus the work of the Working Group, including the development of an annual work programme.

In March 2011, the Cabinet agreed an Equality Scheme for the four years from 2012/13 to 2015/16, which set out the Council's responsibilities under the Equality Act together with its equality plans and information.

The Equality Scheme included a set of Equality Objectives selected to help the Council meet one or more aims of the general duty and help bring about positive improvements to the Council's service design and delivery. The Equality Objectives had been the subject of public consultation in January 2012 and formed the focus of the Council's equality related work for the next four years when a new set of equality objectives were required to be set. The Equality Objectives were:

- (e) To develop existing customer and employee intelligence gathering systems and the use of the intelligence gathered in service planning;
- (f) To ensure ownership of equality by those in a position to shape services e.g. Members and Managers;
- (g) To develop engagement across all the protected equality groups; and
- (h) To ensure a culture, systems and working practices which allow for the development of a senior management profile representative of the Council workforce as a whole.

An action plan for the achievement of the equality objectives was currently being developed by the Corporate Equality Working Group.

The Public Sector Equality Duty also required the Council to publish information to show how it was complying with its equality duties and the progress it has made with its equality work. In January 2012, the Council produced and published on its website, an Equality Information Report providing an illustration of what the Council has achieved in recent years, including projects, activities and achievements across all of its service areas. This report was to be updated annually.

4. SAFER CLEANER GREENER STANDING PANEL

The Safer, Cleaner, Greener Standing Panel consisted of the following members:

Councillor J Lea (Chairman)
Councillor M Sartin (Vice Chairman)
Councillors K Avey, H Brady, T Cochrane, L Girling, Y Knight, G Mohindra, S Murray,
P Smith and P Spencer

The Lead officer was John Gilbert, Director of Environment and Street Scene.

Terms of Reference

1. To approve and keep under review the “Safer, Cleaner, Greener” initiative development programme.

(Note: this development programme will encompass the three main issues and will therefore include matters such as:

- (i) environmental enforcement activity*
- (ii) safer communities activities*
- (iii) waste management activities (in addition to WMPB information)*

2. To keep under review the activity and decisions of the Waste Partnership Member Board and the Inter Authority Member Working Group.
3. To receive reports from the Waste Management Partnership Board in respect of the operation of and performance of the waste management contract
4. To monitor and keep under review the ‘Climate Local Agreement’ and the Council’s progress towards the preparation and adoption of a sustainability policy and to receive progress reports on the Council’s Climate Change Strategy from the Green Working Group
5. (Subject to Cabinet approval of the Group) to receive and review the reports of the Bobbingworth Nature Reserve (former Landfill site) Liaison Group.
6. To act as the Council’s Crime and Disorder Scrutiny Committee and to keep under review the activities of the Epping Forest Safer Communities Partnership as a whole or any of the individual partners which make up the partnership and:
 - That at least two meeting a year be dedicated as Community Safety Committee meetings.
7. To monitor and review the new Local Highways Panel.
8. To receive the minutes of the North Essex Parking Partnership (NEPP) for the purposes of monitoring the work and progress of the partnership.

The Panel scrutinised a number of important issues over the last year, which included:

(i) Flooding Events in April 2012 – The Panel received a report outlining the events of April 2012. It was noted that April was the wettest month on record since 1961 for the Roding (North London) and since 1920 for the Lower Lee. This caused river flows to rise dramatically during the third week of the month. Unfortunately, this resulted in significant internal flooding to eight properties in Ongar Road, Abridge. The very heavy rain also resulted in flash flooding and overwhelmed some drainage infrastructure in a number of locations across the district.



It was noted that we did not have the resources to offer help on a large scale. But had done our best and avoided flooding in some areas and helped in areas where it had.

Since April the amount of rain had caused a different sort of problem from just that of rising/overflowing river and drainage ditches. The rain has caused a lot of surface water run-off to flow off the land and onto roads and overflowing drains which can't then carry the surplus water away.

Recently Thames Water, as the local water company, has been given responsibilities over the local sewerage infrastructure. So far, they have not proved to be as responsive as we were.

Members of the Panel agreed that they like to have an update in the winter on the rainfall experienced this year and to update the panel on the current arrangements.

(ii) Essex Flood Risk Management Strategy Consultation - The Panel noted that Essex County Council had been made a Lead Local Flood Authority by the Flood and Water Management Act 2010. They have to produce a Local Flood Risk Management Strategy explaining the nature of flood risk, the roles of the different stakeholders involved, including householders and the county-wide actions taken to improve knowledge, awareness and decision making about flood risk in Essex.



Using information available from the EA (e.g. map of surface water flooding) and historical flood evidence, the document had attempted to prioritise areas of locally important flood risk. This is to enable efficient use of resources for areas at greater risk of flooding.

The document had identified 18 areas within Essex that have been classified as locally important flood risk areas (all Tier 1 and 2). Loughton (Tier 1) and Waltham Abbey (Tier 2) are included in the list of locally important flood risk areas. The document did not indicate what actions would be undertaken for these important areas but it implied that the 18 areas will be prioritised for further investigation in the future.

The Panel then reviewed the draft response from EFDC officers to the consultation document. The Panel wanted it noted that the response to the consultation was excellent and reflected the level of expertise in our District. They hoped that County would take them to heart and answer our points.

(iii) Progress on Introduction of Recycling in Flats - The Panel noted the report updating them on the progress made on the introduction of recycling in flats. They noted that there were a total of 420 blocks of flats in the district. All residents of flats are able to take part in the dry recycling services offered by the Council by presenting their recycling in clear sacks. The Council has also implemented a programme of 'bespoke' waste and recycling facilities in flats, involving surveying a block of flats for suitability of placing communal containers for collection and reaching an agreement with the managing agents. So far, 302 have already benefited from the installation of individual recycling services. Wheeled bins were on order for another 7 blocks and final agreements are being signed up with the managing agents for a further 30 blocks of flats, following which, containers would be installed. This would take the total number of flats recycling up to 339.



The Panel noted that some blocks of flats have a high level of contamination levels, caused by some residents not using the containers correctly. This could end up being put into landfill sites which costs the council and was not good for the environment. Staff always tried to explain the reasons for proper use of the recycling containers so that they did not have to escalate to more draconian methods of enforcement.

(iv) CCTV 5 Year Action Plan – The Panel were taken through the CCTV Delivery plan. They noted that within the last two years they had brought all the council CCTV in the district together. They also noted that:



- There was an update tabled for Debden once the final works were completed;
- When this had gone live maybe members would like to see it in action;
- The Epping High Road system had been successfully commissioned over the last few months;
- The system helped monitor activity for the police in matters of major drug crimes;
- It had been used to monitor public disorder in the high street;
- It had helped find a missing person;
- The system is not monitored continuously, but everything was recorded; and
- The Police now had 24 hour access to the monitoring suit.

(v) Essex Police – In October 2012 at one of the Panel's two Crime and Disorder meeting the Panel received a presentation from Essex Police.

The Panel welcomed Acting Chief Superintendant Luke Collison of the West Local Policing Area. The Panel noted that ACS Collison has been in charge of neighbourhood policing for the last six months and that the crime as well as the anti social behaviour figures had continued to fall. The Police were still able to respond well to the public's needs and that have a functional model of policing that works.

They were now reviewing their Policing Blueprint, looking at the investigations of crimes and at neighbourhood policing. These two policing areas will be joined to make a larger team, who would help raise our performance in the investigations of crime. Another change would be the re-joining of the two parts of the CID teams which would be based at Loughton Police Station.



Police Community Support Officers (PCSO) numbers were to remain unchanged at present but are charged to a government grant for 2013/14, but this will not be ring-fenced around the PCSOs only.

Asked what priorities were attached to traffic policing. He was told that they were governed by KSI statistics (Killed or Seriously Injured) and were deployed to these identified hotspots. The Traffic Police were also there to fight crime and not just for traffic offences. They also carry out a road safety educational programme across Essex.

(vi) Community Safety Partnership - The Panel was briefed on the work of the Community Safety Partnership (CSP). The Panel noted that the CSP brought together various key partner organisations with the district to deal with crime and disorder matters within the district. The partnership consists of the following organisations:

- Epping Forest District Council;
- Essex County Council;
- Essex Police Service;
- Essex Fire and Rescue Service;
- NHS West Essex;
- Essex Probation Service;
- Voluntary Action Epping Forest.

The CSP produced an annual assessment of its area in February, looked at its strategy and if it had met its targets once the statistics were known. The CSP also has statutory responsibilities one of which was to do with reoffending. They had a remit to deal this as well as the Police. They also have a statutory responsibility for undertaking domestic homicide review taking place, looking at death in domestic situations. The CSP's role was to go back to basics, talk to all organisations involved to find out why this had occurred, should things have been picked up, should things have been done differently etc. But, the CSP have to fund these reviews.

(vii) Police Resources and the Olympic Games – Also in October, the Panel received a report on the recent Olympic Games and the police resources used. In the run up to the Games members had expressed concern that Police resources would be drawn away from the District, resulting in reduced resources and the possibility of extra crime. The Panel noted that in the event that there were no adverse effects to policing matters during the course of the Games. It proved to be a successful period, with no cause for concerns and policing matters around the District were unaffected.

(viii) Thames Water Utilities Presentation - The Panel welcomed officers from Thames Water Utilities to give an overview of their work and responsibilities especially now that they have taken over responsibility for most private sector sewers.

The officers were Paul Volk the North London Waste Repair and Maintenance Manager, Don Ridgers their Senior Technical Lead, Mark Dickinson the Planning Manager for Thames Water and Monica Kumah their Local and Regional Government Liaison officer.



EFDC's Drainage Manager, in introducing Thames Water noted that in October 2011 most private sector sewers had transferred to Thames Water. Many of the sewers on the larger estates, built in the 1960s and 1970s, were constructed using pitch fibre pipe, which only had a life span of about 30 years. This had created problems that were previously dealt with by the Council's

Drainage Team by the way of the service statutory notices. Also, because of the recent wet weather there were also concerns about surface water flooding in our area. She also cited recent problems, since the transfer, with poor communication between EFDC and Thames Water. EFDC was looking for service delivery improvement; wanted to know how Thames Water operated on a daily basis; what their repair and replacement strategy was and what were their future plans.

Paul Volk noted that part of the problem was that Thames Water had a wide geographical remit in the South East. In order to improve communications they had appointed Nigel Fuller as a specific contact for this district. He admitted that for the last 3 to 6 months they had not been giving a full service, but they were keen to build a better working relationship with the district. They have a 24/7 helpline that primarily dealt with blockages and were dealing with about 80,000 calls per year. Quick action on their part usually resolved most issues raised and they always checked the state of the pipes when they unblocked them.

As for the flooding of sewers, these incidents are recorded separately and had its own database. They use CCTV and specialist vehicles to cope with this problem and also have a risk register which was reviewed every few months to identify the 'hotspots'.

As for the recent private drain transfer, they only used to be responsible for the main services, but, on 1st October 2011, they adopted all private sewers and drains on third party land. These must also drain into a public sewer. In all they had inherited about an extra 40,000 kilometres of sewers.



(ix) The Police and Crime Commissioner – In February 2013, the Panel received a presentation from newly elected Police and Crime Commissioner (PCC) for Essex, Nick Alston. He was there to give a short presentation on his first few months in, and his aspirations for, his term in office and to answer any question from Panel members. Accompanying him was Chief Superintendent Andy Prophet and Chief Inspector Ed Wells.

He stated his intention to:

- a) make sure we had policing across Essex that met local priorities;
- b) make sure that the Police Service was as prompt and professional as it could be;
- c) encourage/require partnerships in crime reduction; and
- d) to commit to be a visible and influential leader and make a difference.

He said that he did not want to reinvent the wheel but just to make things work better.

The meeting was then opened out to questions from all those present.

(x) CSP Strategic Assessment Report - The Strategic Assessment was produced by the Community Safety Partnership (CSP) every year, setting out the priorities for the forthcoming year.

The Partnerships key priorities for 2013/14 were:

- (1) Domestic Abuse;
- (2) Theft from Motor Vehicles;
- (3) Anti-Social Behaviour; and
- (4) Burglary Dwellings (including attempts).



The Partnership Plan included their key priorities and how they were going to achieve them.

They noted that the Home Office Community Safety Fund had dropped dramatically over the last five years, from £151,697 in 2008-09 to £10,000 in 2012-13. The Communities Safety Manager, commented that it was getting harder to find funding at present, they were chasing funding but had not been very successful. The Council was, however, building strong working relationships with the PCC from where it could get some future funding.

(xi) Highway Accident Statistics - Members received a report on Highways Statistics from the County Highways department. As Essex Highways operated on a pan-Essex basis, rather than prioritising one particular district. Their priorities for Killed or Seriously Injured (KSI) in Essex were:

- (a) Powered 2 wheeled;
- (b) Young car drivers; and
- (c) Pedestrians.

This accounted for 20%, 18% and 15% respectively of the 630 KSI recorded in Essex in 2011.

In respect of this District, there were 83 KSI in 2011, comprised of:

- (a) 17 powered 2 wheeled (20%);
- (b) 10 young car drivers (12%); and
- (c) 15 pedestrians (18%)



Members wondered why the priorities excluded cyclists.

Officers noted that there was not as much data in the report as they would have liked and would hopefully have better statistics in future reports. They would like to see 'hot spot maps' on where the accident happened and what subsequent action had been taken.

Case Study: The Police and Crime Commissioner

In February 2013 an entire meeting was devoted to one topic. The Panel welcomed the newly elected Police and Crime Commissioner for Essex, Nick Alston. He was there to give a short presentation on his first few months in and his aspirations for,

his term in office. Accompanying him was Chief Superintendent Andy Prophet and Chief Inspector Ed Wells.

Mr Alston thanked all those present for turning out to see him, including members of the Epping Forest Youth Council. He told them that he was presently engaged in a two day selection process for appointing a Chief Constable for Essex.

The Panel noted that his father had been a Deputy Chief Constable and he grew up in a police household. He had a science background and had worked in the Ministry of Defence, and then with an investment Bank as their global Head of Security. He had retired two years ago.

He commented that this was an opportunity for a newly elected PCC to make a difference.

He noted that this district had a very good partnership working history; with the District's Safer Communities Team being one of the best and most active SCP he had seen.

Top of his responsibilities as a PCC was holding the Chief Constable to account on our behalf. He also had to set and update the four year Police and Crime Plan; set the budget precepts for policing; engage with the public and communities; and allocate grants and commission services. He was also responsible for giving the victims of crime a stronger voice.

He stated his intention to:

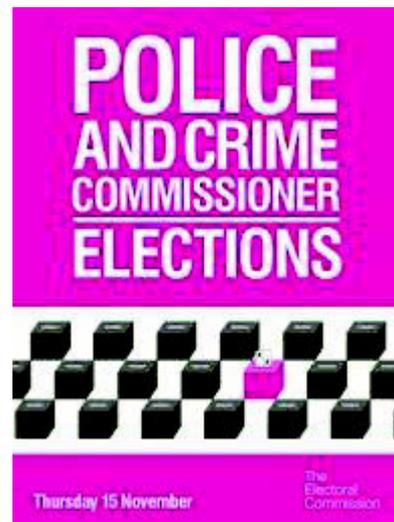
- a) make sure we had policing across Essex that met local priorities;
- b) make sure that the Police Service was as prompt and professional as it could be;
- c) encourage/require partnerships in crime reduction; and
- d) to commit to be a visible and influential leader and make a difference,

He promised that he would try and visit each district in Essex twice a year and have a meeting like this one. It would give us the opportunity to hear from the district commander, afford the opportunity to pass on concerns to the police and vice-versa. He would be coming back to the District on 23 May 2013 to hold a public meeting.

He had noted that:

- Rural communities felt disenfranchised (although most crime happened in urban areas), so he had set up a rural forum;
- Businesses also felt disenfranchised and business prosperity was crucial for the area, and so he had also set up a business forum;
- In order to give voice to victims, a victims forum had been established to enable them to liaise with various charities;
- There were still a lot of people either killed or seriously injured on Essex roads and he had therefore set up a roads forum.

His proposed plans were on his website for consultation. He hoped that members had a chance to see it and noted that so far he has had very good feedback. Once



he had proposed his plan he needed to think how to fund it. It had been a hard decision to ask for an increase in the Council Tax policing precept. His instinct was to say no to an increase, but the reality was that everyone cared about policing and crime and was worried about what they might lose. He decided that if he was to take a responsible position he must ask for more money.

Central Government funding was being cut by £42 million over a four year period and there was nothing he could do about that. He discovered that Essex paid the least for policing (via the precept) than any other county. If Essex paid the average amount for its policing, then it could afford an extra 470 police officers. This has forced Essex police to be very efficient, but it had now become very difficult and he saw officers working very hard to keep up. He thought it would be prudent and responsible to put up the precept to nearly the maximum that he was allowed to, but he was only allowed to put it up by 2%. He asked the Home Secretary who agreed that those counties in the bottom 25% (of expenditure) could put up their precept by £5 a year, without the requirement for a referendum. He asked and it was agreed by the Police and Crime Panel, after a vigorous discussion, that it be put up by £4.77 a year on average.

His plan had only one mention of a county wide target which was unusual for a PCC manifesto. About 49% of all reported Common Assault was domestic violence in this area. There were 25,000 incidents a year, or 85 calls a day, but the Home Office said that the real figure was nearer 44,000. About 25% of police effort went into domestic abuse cases. Not only that, but there have been a number of murders resulting from domestic abuse. Because of the scale of the problem he had decided to focus on Domestic Abuse.

He noted that there were four things that concerned the residents of Epping Forest and they were:

- 1) reducing Anti Social Behaviour;
- 2) Domestic Abuse;
- 3) Dwelling burglary; and
- 4) Theft from motor vehicles.

This was what we had indicated were our local priorities. He will tell the Chief Constable of our concerns and that we wanted them prioritised where possible.

He would also like to reduce youth offending as youngsters tend to get caught up in crime and the criminal system when young and this risked establishing the pattern for the rest of their lives.

There was also a need to tackle drugs, alcohol and mental illness problems. Also, it used to be that about ½% of the police budget was spent on crime prevention. Mr Alston wanted to increase that to 1%.

He spoke every week to the Chief Constable. Once a month they had a performance review. Once a month they held a financial review. Once a month they reviewed current topics of concern and once a month they did a future visioning, looking at what would need to be different in the future.

With these four main meetings a month they were getting ready to publish the outcomes of the meetings and these would be put on his website. These are private meetings but with a public note of their outcomes.

He was looking for increased efficiency and collaboration where ever he could. He praised the system we have here with our Town Centre CCTV, which was exactly what towns should be doing; enabling communities to gather data so policing could be carefully targeted.

As for collaborative working he noted that Kent and Essex Police had joint management and IT facilities that saved both of them millions.

In conclusion he said that he did not want to reinvent the wheel but just to make things work better.

The meeting was then opened out to questions from all those present. Asked to sum up how he would judge the success of his term of office, he replied that there should be less crime and fewer victims.

The Chairman thanked Mr Alston, Chief Superintendant Prophet and Chief Inspector Wells for attending the meeting and giving up their valuable time.

Mr Alston thanked the meeting and reminded them that they could either email or write to him if they had any more questions.



Nick Alston

5. PLANNING SERVICES STANDING PANEL

The Planning Services Panel consisted of the following members:

Councillor J Wyatt (Chairman)
Councillor P Keska (Vice Chairman)
Councillors K Angold-Stephens, A Boyce, G Chambers, K Chana, R Gadsby, H Kane, C Pond, B Sandler and J M Whitehouse.

The Lead officer was John Preston, Director of Planning and Economic Development.

Terms of Reference

1. To consider and review Measures taken to Improve Performance within the Directorate concerning;
 - a) Performance standards and monitoring,
 - b) Benchmarking of Services
 - c) Other Reviews
2. To consider and review Business Processes, Value for Money and Staffing arrangements for the Directorate focusing on;
 - a) Development Control, Appeals and Enforcement.
 - b) Forward Planning, Economic Development, Conservation and Trees and Landscape
 - c) Building Control and the Planning Support Team
3. To monitor and receive reports/updates on the delivery of the Local Plan
4. To monitor and receive reports/updates on the Planning Electronic Document Management System. To provide information regarding the progress and availability of planning information held on i-Plan.
5. To establish whether there are any resource implications arising out of the topics under review and advise Cabinet for inclusion in the Budget Process each year;
6. To report to the Overview and Scrutiny Committee at appropriate intervals on the above. To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

The Panel scrutinised a number of important issues over the last year, which included:

- (i) **Probity in Planning – October 2011 to March 2012** – In June 2012 the Panel received a report regarding Probity in Planning – Appeal Decisions October 2011 – March 2012.

In compliance with the recommendation of the District Auditor, the report was designed to advise the decision making committees of the results of all successful appeals, in particular those refused by committee contrary to officer recommendation. The purpose being to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal was found to be unsupportable on planning grounds, an award of costs could be made against the Council.

Over the six month period between October and March 2012, the Council received 51 decisions on appeals (44 of which were planning related appeals, the other 7 were enforcement related). Out of this 44, 11 were allowed (25%). For the year end, both targets for KPI 54 and KPI 55 had been achieved. However, between October 2011 and March 2012 in respect of KPI 54 6 out of 35 were allowed (17%) and for KPI 55, 5 out of 9 were allowed (55%).

Out of the 9 planning appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6 month period, the Council was not successful in sustaining the committees' objection in 5 cases, two each for Plans South and East, and one for Plans West. Out of 7 enforcement notice appeals decided, one was allowed and one part allowed/part dismissed, although in the latter case the greater part of the appeal was dismissed. During this period, there was one successful finalised award of costs made against the Council

Whilst performance in defending appeals had improved, particularly in respect of committee reversals, members were reminded that in refusing planning permission there needed to be justified reasons that in each case must be relevant, necessary, but also sound and defensible.

(ii) Section 106 Agreements - Members requested an annual report on planning obligations showing where money had been raised and spent. Section 106 of the Town and Country Planning Act 1990 allowed a local planning authority to enter into a legally binding agreement or planning obligation with a land owner/developer over a related issue.

Section 106 Agreements acted as an instrument for placing restrictions on developers, requiring them to minimise the impact of their development on the local community and carry out tasks providing community benefits. Such conditions were often sought when planning conditions were inappropriate and ensured the quality of development and enabled proposals to take place in a sustainable manner.

The S106 benefits negotiated through the year 2010/11 and concluded between April 2011 and March 2012 totalled £1,296,650 received into the public purse. Benefits actually realised through the same year had provided a total of £411,574 received into the public purse which included 35 affordable housing units.

The use of Section 106 Agreements was overshadowed by the emergence of the Community Infrastructure Levy (CIL), which was a tax on developers' profit and would replace much of the traditional S106 benefits. From April 2014, it would not be possible to use S106 agreements for delivery of such infrastructure items.

(iii) Northern Gateway Access Package proposed by London Borough of Enfield - The Panel received a report from the Director of Planning and Economic Development regarding the Northern Gateway Access Package (NGAP) proposed by London



Borough of Enfield within its consultation on the North East Enfield Area Action Plan.

The Northern Gateway Access Package was included within a consultation by London Borough of Enfield (LBE), the package included a scheme which was previously called the Northern Gateway Access Road (NGAR), and had been considered at a major public inquiry ten years ago, where it was rejected.

LBE had aspired to a direct or indirect route using the North South Road (A1055) Mollison Avenue to the M25 for many years. The North South Road served many employment sites and activities within the northern part of Enfield and allowed access to a variety of residential communities.

The Panel were advised that the document contained many proposals of merit, for example in seeking to improve the public realm around many shopping parades or centres, or increasing the green links between the area covered by the plan and adjacent areas including those within Epping Forest district.

The Director of Planning and Economic Development felt that NGAR was a fundamentally flawed proposal and it was not understood how these flaws could be resolved, for example:

- (a) The proposal was still within the Green Belt,
- (b) The proposal was still within the Regional Park,
- (c) There was no new traffic model to overcome all the previous points; and
- (d) The proposal would still disgorge Enfield traffic into parts of Waltham Abbey before that traffic could reach the M25 at Junction 26.

Its basic purpose was unchanged, and its disadvantages were not overcome with the passage of time.

Whilst the aspiration for NGAR or NGAP had been mentioned at the regular meetings of the Enfield Essex Hertfordshire Border Liaison Group, there had been no meaningful and specific discussion about it, or other options that had involved the District Council. Had there been, it might have been expected that EFDC would have included a specific reference to this in our Issues and Options consultation on the new EFDC Local Plan, and that the residents of Meridian Park, Waltham Abbey in particular would have been made aware of its resurrection. Businesses in Waltham Abbey should also be aware of this. It was unclear as to how they would be aware unless LBE had undertaken a specific exercise to draw their attention to where this had now reached.

Members were concerned about Junction 26 which was frequently congested, on nearby Woodriden Hill there were queues of traffic, almost as long as the road itself, in both directions. It was also stated that an insufficient presentation had been made to the Enfield Essex Hertfordshire Border Liaison Group concerning the consultation.

The Panel requested that a letter, signed by the Leader and Planning Portfolio Holder, should be sent to the London Borough of Enfield outlining the District Council's concerns regarding the consultation.

(iv) Extending the Range of Pre-Planning Application Charging - The Local Government Act 2003 allowed local authorities to charge customers for holding discussions prior to the submission of planning applications.

Originally all services offered in connection with development control were free to users. Planning fees were introduced in the 1980s for those making planning applications with the intention of them paying a contribution to the costs of providing the service. Fee generating applications made up only half the overall costs of development control. The fees were compulsory and set nationally. They had just increased by 15%, few issues of non payment had arisen. The Council's fee income was estimated to be £550,000 in this financial year.

It was advised that most Essex authorities and London Boroughs Redbridge, Havering and Waltham Forest made changes.

Not all inquiries would attract a fee, it was also suggested that free advice would continue to be provided only for advice prior to an application for:

- (a) Alterations or extensions to single dwellings and other householder applications;
- (b) Works to a listed building or works of demolition within a Conservation Area;
- (c) Works to trees covered by Tree Preservation Orders or located on Conservation Areas;
- (d) Advice to establish whether planning permission was required; and
- (e) Advice to Parish Councils, community groups and other local authorities.

(V) CLG Consultation - Extending Permitted Development Rights For Homeowners And Businesses - The Coalition Government planned making a number of changes to the planning regime to reduce bureaucracy, speed up processes, reduce costs and contribute to driving growth as part of its concerted economic stimulation package. One of these was a proposed change to the permitted development regime, these were a deregulatory tool set by the Government and used a general impacts based approach to grant automatic planning permission for development that complied with limitations and conditions set out in the Town and Country Planning Order 1995. The proposals were announced with the publication in November 2012 of a technical consultation "Extending Permitted Development Rights for Homeowners and Businesses." A consultation period was running until 24 December 2012 on these proposals.



The proposed changes were thought to provide the following benefits:

- (a) The large majority of homeowner applications were uncontroversial and almost 90 per cent were approved, in almost all cases at officer level. By cutting out this application process it would reduce costs and delays.
- (b) Up to 40,000 families a year wishing to build straightforward home extensions would benefit and each family would save up to £2,500 in planning and professional fees.
- (c) Extending further permitted development rights would promote growth, allowing homeowners and businesses to meet their aspirations for improvement.

- (d) It would bring extra work for local construction companies and small traders.
- (e) The telecommunication changes would contribute towards the Government's ambition for the UK to have the best superfast broadband network in Europe in 2015.

The most controversial change here, undoubtedly, was the proposed doubling in the length of a single storey rear extension that could be built rearwards from the back of the original wall of the house, without the need for planning permission. Planning applications currently determined by local authorities, carefully taking account of the views of neighbours and neighbourhoods, would be determined by Parliamentary Order without any consultation or negotiations. There was real concern that neighbourly relations were going to become strained where the previous opportunity to comment on a proposal in advance of its implementation were no longer available.

There was a fee for planning applications, which had just increased to £172.00 for a rear extension on a house. This change meant that the vast majority of single storey rear extension would not require planning permission and therefore there would be a loss of income. This may be partly offset by an increase in certificate of lawful developments, but the income on these applications was half that of a planning application.

The Panel commented on, amended and largely agreed with the officers responses to the CLG Consultation and agree that it should be submitted to the CLG.

Case Study: Extending the Range of Pre-Planning Application Charging

In December 2012 the Panel discussed a proposal to extend the range of pre-planning applications charging. There were between 25 to 30 informal requests for planning advice received by the Planning and Economic Development Directorate each week. Although not a statutory duty it was often seen as an integral part of the planning process for which a reasonable charge could be made. The Local Government Act 2003 allowed Local Authorities to charge customers for holding discussions prior to the submission of planning applications. Planning fees had been introduced in the 1980s for those making planning applications, it was advised that fee generating applications made up only about half the overall costs of development control. The applications were compulsory and set nationally. For the first time in 4 years, they increased by 15%. The Council's fee income was estimated to be £550,000 in the financial year.

Officers had a scheme of charging on major planning applications and used the DCLG definition of major as being proposals for 10 houses or more, or a residential scheme on a site of 0.5 hectares or more, or 1,000 sqm of commercial floor space or a commercial scheme on a site of 1 hectare or more. A flat charge of £1,500 is charged. The income received on these had been £19,500.

The Panel recommended the following:

- (a) Major developments (creation of 100 and over new residential units, creation of commercial development or changes of use of 10,000 sq m and over) = £3,000 plus VAT;

(b) Major developments (creation to 10 – 99 new residential units, creation of commercial development or changes of use between 1,000 – 9,999 sq) = £1,500 plus VAT;

(c) Minor developments (creation of 2 – 9 new residential units, creation of commercial development or changes of use between 100 – 999 sqm) = £700.00 plus VAT; and

(d) Minor developments (creation of 1 new or replacement residential unit, creation of commercial development or changes of use up to 100sqm) = £250.00 plus VAT.

At the January Overview and Scrutiny Committee, members endorsed the Panel's recommendations and added a further one, that retrospective developments should receive double the respective planning application fee plus VAT.

However at the Cabinet meeting in March 2013, the suggested addition of pre-application charging for retrospective applications by the Overview and Scrutiny Committee was not recommended following advice from the Council's Senior Lawyer that this would be ultra vires and open to challenge. Furthermore, research of other council's pre-application charging schemes did not reveal any instances of charging for retrospective applications.



TASK AND FINISH PANEL

OVERVIEW AND SCRUTINY REVIEW TASK AND FINISH PANEL

Origin:

At its meeting on 7 April 2012 the Overview and Scrutiny Committee decided to establish a new Task and Finish Scrutiny Panel to review Overview and Scrutiny operations generally within the Council with particular reference to relations between the Cabinet and Overview and Scrutiny. This decision was made following attendance by a number of members at a joint training session on Overview and Scrutiny convened jointly with Harlow Council.

Aims and Objectives:

- (a) To report findings to the Overview and Scrutiny Committee and to submit any final reports in the proposed Corporate Format for consideration by O & S and Council by April 2013.
- (b) To gather evidence and information in relation to the topic through the receipt of data, presentations and by participation in fact finding visits if necessary;
- (c) To have due regard to the relevant legislation Council procedure rules.
- (d) To consult political groups and independent Councillors at the final stage of the review.

Term of Reference:

1. To scrutinise the current processes of Overview and Scrutiny and to what extent the functions could be improved.
2. To examine and review operational aspects of Overview and Scrutiny, in consideration of:
 - a) Chairmen and Vice-Chairmen of Overview and Scrutiny Committee:
 - Developing the relationship with the Leader;
 - Policy on appointment and political allegiance;
 - Leader / OSC liaison.
 - b) Cabinet Liaison:
 - Arrangements for pre-scrutiny of Cabinet business;
 - Meeting arrangements;
 - Questioning Portfolio Holders;
 - Annual Cabinet priorities.
 - c) Scrutiny Panels:
 - Membership / role of Standing and Task & Finish Panels;
 - Progress reporting and achieving outcomes from Panels;
 - Managing Scrutiny Panel business.

- d) Call-in procedures:
 - Presentation of Call-ins;
 - Responses by Portfolio Holders;
 - Briefing by Chairman of Overview and Scrutiny.
 - e) Scrutiny of External Organisations:
 - Engagement with the public;
 - Layout of the Chamber;
 - Selecting the right forum and topics for external scrutiny;
 - Following up on undertakings given;
 - Avoiding pre-prepared presentations;
 - Preparation: liaison with the public and other councillors;
 - Managing Questions / setting of objectives.
 - f) Budget Scrutiny:
 - Assessing the effectiveness of the present Finance and Performance Management Scrutiny Panel;
 - Determining the correct role of Overview and Scrutiny in budget preparation and monitoring;
 - Budget documentation for OSC;
 - Programming O&S involvement in budget making.
 - g) Public Profile of OSC:
 - Public awareness;
 - Determining the work plan each year (including the PICK system);
 - Questions from the public for Portfolio Holders / OS Committee.
3. To examine and review any other operational aspects of Overview and Scrutiny.

The Panel

The Committee appointed the following members to serve on the Panel:

Councillors K Angold-Stephens (Chairman), R Gadsby (Vice Chairman), A Grigg, M Sartin, D Stallan and J H Whitehouse

The Lead officer was Ian Willett, Assistant to the Chief Executive.

They had been charged with reviewing Overview and Scrutiny operations generally within the Council with particular reference to relations between the Cabinet and Overview and Scrutiny. This decision was made following attendance by a number of members at a joint training session on Overview and Scrutiny convened jointly with Harlow Council.

The Panel considered the scoping report for the Panel reviewing their terms of reference and the timescale for the completion of the review. They noted that:

- a) The rules on 'Questions from the public' were being reviewed at present and may well be changed by Cabinet and Council by next February;
- b) The members of the Panel discussed the possibility of Chairmen being given the discretion to allow more than the stipulated number of public speakers at any meeting;
- c) The Panel agreed that they should also look at how the Council Chamber should be laid out, especially when the O&S has a presentation. Should they all be on the same level so that the Committee did not have to look up to them?
- d) Should the Committee be introduced to visitors so that they knew who they were talking to and what wards they represented, or was it that the Councillors were there to represent the district as a whole;
- e) Should topics at presentations be limited in number so that they could be considered in more detail;
- f) They noted the comments made in the recent interviews with members that O&S needed to be reviewed as it lacked bite; and
 - that there were concerns on the appointment of the Chairman and Vice Chairman of the O&S Committee;
 - there were concerns over the whipping of members over O&S matters;
 - that the relationship between O&S and the Cabinet did not seem as good as it could be, they did not seem to be working well together;
- g) That the O&S Committee and the Cabinet meetings were too close together;
- h) Would it be better to use the forward plan to review the Cabinet's work over a three month period;
- i) Councillor Waller would like to address the Committee – this was agreed;
- j) For wider geographical topics such as public health, would joint scrutiny with an adjoining authority be more useful;
- k) There was a need to scrutinise how outside bodies were dealt with;
- l) How do you get members more involved in the process?
- m) The work of the Standing Panels be reviewed, are they in the right format?
- n) There were concerns raised over budget monitoring, with too much detailed figure work going to the scrutiny panel, that was really more for the Cabinet to deal with. It was thought that Scrutiny should look at the broader budget issues, and not the detailed figure work;
- o) The Panel would like a report on this from the Director of Finance brought to its next meeting, it would also be a good idea for the Chairman of the Finance Standing Panel to attend this meeting as well;
- p) Should the relevant KPIs go to the relevant Standing Panel to look at and not to the general Finance Panel;
- q) All Panel Chairmen should be consulted on what they think was right or wrong with the present system;
- r) That the present Call-in system worked well, but was a five day deadline long enough?
- s) Was there a procedure for "calling back a call-in" – if the lead member of a call-in, having met with the relevant Portfolio Holder and having come to a mutually agreeable solution, could a call-in be withdrawn? and
- t) That there was some concern over the arrangements on how call-ins were heard. The Portfolio Holder had to wait for the lead member of the call-in to speak and then had to wait for any other member of the call-in to add their comments, which was potentially five other speakers, who could speak before the Portfolio Holder had a chance to put their view across.

The Panel clearly have a lot to consider and review and would not be reporting back to the Overview and Scrutiny Committee until the following municipal year.

REVIEW OF LICENSING SERVICES TASK AND FINISH PANEL

Origin:

At the meeting of the Overview and Scrutiny Committee on 4th September 2012, Councillors J Hart and Mrs S Watson submitted a request that the committee set up a Task and Finish Panel to review the Licensing sub-committees.

They expressed concerns that the current system was unsatisfactory given the size and diversity of the district. It was not unusual for Councillors from the rural areas to be called upon to decide upon licensing applications in the urban areas in the south of the district.

Many Councillors have full-time jobs and their working commitments' prevents them from joining day-time committees. This effectively dis-enfranchises working age Councillors from attending these meetings.

They would like Licensing applications to be considered in a similar way to Planning application, running the new system for a year's trial period.

Term of Reference:

1. To review the operation and effectiveness of the Licensing Sub-Committees structure.
2. To have regard of the Licensing Act 2003 on consultations.
3. To review the feasibility of moving some meetings to the evening.
4. To review the feasibility of creating a new Licensing Sub-Committee structure to enable local councillors and interested persons to have more input.
5. To review the most appropriate methods of informing people of their rights to make representations in respect of Licensing Applications and review hearings.

The Panel:

The Committee appointed the following members to serve on the Panel:

Councillor Mrs P Smith (Chairman), K Angold-Stephens, James Hart, R Morgan, J Philip, Mrs C Pond, D Stallan and Ms S Watson.

The Lead Officer was Alison Mitchell, Assistant Director (Legal).

Their primary objective was to undertake a review of the proposal that licensing applications were considered in a similar way to planning applications –

- (i) Move the meetings to the evening so that Councillors with full time jobs could join the committee;
- (ii) Create south, east and west licensing sub-committees, so local councillors with local knowledge could decide the cases; and

(iii) In cases where nightclubs, pubs or shops applied for changes to the hours in which they were licensed to sell alcohol, the relevant parish/town, district and county councillors and the nearest 50 residential properties to the application premises should be informed by letter to make them aware that an application had been submitted.

The Panel met four times and submitted a final report to the April meeting of the Overview and Scrutiny Committee, sending a copy to Cabinet and to the full Licensing Committee also in April for their information and comments.

The Panel's final recommendations were:

Composition of Licensing Committees and sub-committees

- 1) That a Licensing Committee of 15 members continues as it is currently set up at present.
- 2) That one calendared meeting be included in a time table to be held during the day per month to consider applications relating to taxi licences.
- 3) That one calendared meeting be included in a time table to be held per month, with a 6.30pm start (with a 3pm early start for exceptional meetings) to consider all other applications regarding licences;
- 4) If there were more than one application relating to a premises licence a month additional meetings be organised for each application;
- 5) That these new procedures be reviewed after 12 months of operation;
- 6) That the Constitution and Member Services Standing Panel be asked to carry out the review;

Notification of Premises Applications

- 7) That notification of an application should be sent to the occupiers of neighbouring properties within a radius of 150 metres of the application premises;
- 8) The envelopes should state that "Important – Notice of Licensing Consultation"
- 9) That the draft sample letter informing the occupiers of the application which was considered by the Panel and as annexed be used when notifying residents provided that it is updated when required (similar letters will be prepared for other types of licences); and
- 10) An interim 6 month report be submitted to the full Licensing Sub Committee.

Financial Implications

- 11) That Cabinet agree a bid for a supplementary estimate in the sum of £58,770.72 annually together with a single payment of £5,000. This is detailed in their final report.



REVIEW OF CHIEF EXECUTIVE APPOINTMENT TASK AND FINISH PANEL

Origin:

In July 2012 the Overview and Scrutiny Committee noted that the Council had requested that O&S conduct a review on the processes adopted in respect of the recruitment of a new Chief Executive. It was emphasised that they were not seeking a review of the outcome of the recruitment exercise but the processes adopted to achieve an appointment.

This came from a review report submitted to the Council on 14 February 2012 by Overview and Scrutiny on senior level appointments within the Council. One of the recommendations of that review was that there should, after every such recruitment exercise, be an opportunity for Overview and Scrutiny to examine how the process was conducted and whether there were any learning points for the future. They should consider the recruitment pack, the recruitment advertisement, detail of the recruitment centre, the decision making process and the provision of external legal and external/internal HR Advice. Also to be considered would be feedback from members of the original Panel, applicants, the Council's recruitment consultant and any officers involved in supporting the process. They may also wish to consult all Members of the Council as the appointment of a Chief Executive was a matter reserved to the Council itself.

The Committee thought that it would be appropriate that the original panel on the senior management appointments panel be asked to carry out this review. The original members were Councillors K Angold-Stephens (Chairman), R Bassett, Mrs A Grigg, D Stallan and J M Whitehouse.

The Committee requested that the Panel report back no later than mid October. However, officers have had great difficulty in getting the final report and panel members together before the end of the municipal year to make any formal recommendations to the main O&S Committee.

A final report went to the June 2013 meeting of the Overview and Scrutiny Committee making recommendations tidings up the protocol and Terms of Reference and producing a checklist for future recruitment exercises.



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Report to the Council

Report of: Audit and Government Committee

Date: 30 July 2013

Chairman: Councillor A Watts

1. AUDIT AND GOVERNANCE COMMITTEE – APPOINTMENT OF CO-OPTED MEMBER

RECOMMENDING:

- (1) That an interview panel be appointed to undertake interviews following public advertisement for the vacant co-opted member position on this Committee which will occur with effect from 13 September 2013;**
 - (2) That the Council be asked to appoint at this Council meeting a Panel of 3 Councillors (including the Chairman of the Audit and Governance Committee) with delegated authority to appoint the preferred candidate following interview;**
 - (3) That the Leaders of the LRA and Liberal Democrats Group each nominate one of their members to serve on the Panel with the Chairman of the Audit and Governance Committee representing the Conservative Group;**
 - (4) That Mr R Thompson, the other co-opted member of the Committee, be invited to attend the interviews in advisory capacity as a non-voting member; and**
 - (5) That the Council's appreciation of the contribution of Melanie Peddle as co-opted member of the Committee over 6 years be recorded.**
-

1. Under changes to Article 11 of the Council's Constitution relating to the Audit and Governance Committee, each co-opted member of the Committee may only serve for a maximum of two three-year terms as of right. If they wish to continue for a further term or terms, the rules say that they may be appointed but only after competitive recruitment has been arranged.
2. Under the current arrangements, the two independent persons on the Committee have staggered terms of office and the two terms of office for Melanie Peddle come to an end on 12 September 2013 and she is not seeking a further term. The date for her successor to take up office is therefore 14 September 2013. This will mean that the first Committee meeting for the appointee will be 23 September 2013.
3. In order to fill the vacancy it is also recommended that the Council appoint at this meeting a Panel of three Councillors (one from each of the three political groups) with delegated powers for the Panel to conduct interviews to appoint the preferred candidate.

4. We considered other options regarding the number of Councillors to serve on the Panel. Panels comprising 5 or 7 members enable pro rata membership to be achieved but we see distinct advantages in a smaller Panel. The role of Audit and Governance Committee should be non political and we think this warrants a Panel of three without the pro rata rules being applied. This can be approved subject to no member voting against.
5. We consider that Mr R Thompson, the other co-opted member of the Committee should attend the Panel interviews in a non voting capacity to offer his advice on the appointment. We propose this because he has indicated that he does not consider it appropriate for him to be a voting member at interviews conducted by the Panel but is willing to participate in a non voting capacity to assist the process. We feel that his input to the process will be valuable.
6. A summary timetable for this recruitment is as follows:
 - (a) report of this Committee to the Council meeting on 30 July 2013;
 - (b) interview/appointment in August/September 2013; and
 - (c) new co-opted member attends the Audit and Governance Committee scheduled for 23 September 2013.
7. A recruitment advertisement has been agreed informally (copy enclosed) and this will be published in the edition of The Forester to be published in late July. This advert and the recruitment pack will also be available on line and in hard copy together with an application form. We have asked for the position to be publicised through social media and also through targeted contacts with the business community and voluntary sector as we hope that this may engage with potential applicants.
8. Publicity would also include a press release timed to coincide with the publication of the Forester.
9. We recommend as set out at the commencement of the report and wish to pay a particular tribute to Melanie Peddle's contribution to the work of the Committee as the outgoing co-opted member.

Report to the Council

Date: 30 July 2013

Committee: Licensing

Chairman: Councillor K Angold-Stephens

STATEMENT OF LICENSING POLICY

Recommending:

That the attached revised Statement of Licensing Policy be adopted

1. The Council's current Statement of Licensing Policy was adopted by the Council in 2011 and was due for review in 2014. However, at our meeting on 10 October 2013 we were informed of the need to review the Statement before that time in order to reflect amendments made to the Licensing Act 2003 by the Police and Social Responsibility Act 2011.
2. We were informed that Government guidance suggested the need to revise the Statement to reflect:
 - (i) recognition of the Council's equality duty and an explanation of how this duty would be complied with;
 - (ii) the addition of the Licensing Authority and Primary Care Trusts to the list of responsible bodies to be consulted on for any particular application;
 - (iii) the removal of the vicinity test for any person or business making a representation upon a particular application, although the representation now had to be related to one of the four licensing objectives;
 - (iv) conditions that were considered 'appropriate' rather than 'necessary' could now be imposed upon any premises licence or club certificate;
 - (v) additional issues for applicants to take into account in respect of the 'Protection of Children from Harm' licensing objective; and
 - (vi) the Council, when exercising its environmental functions, could now object to an application for a Temporary Event Notice.
3. We considered a draft revised policy and requested officers to undertake public consultation on the document.
4. At our meeting on 10 April 2013, we considered the responses to the consultation exercise and a further revised Statement incorporating a number of the consultation comments. We made additional amendments at our meeting and now recommend adoption of the Statement attached as an Appendix to this report.

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STATEMENT OF LICENSING POLICY

Made under section 5 of the Licensing Act 2003

This policy shall come into force on
not later than 2017

2012 and will be reviewed

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1. Purpose and Scope

- 1.1 Epping Forest District Council ('the Council') is the licensing authority under the Licensing Act 2003 as amended ('the Act'). This policy relates to all those licensing activities identified as falling within the provisions of the Act, including granting premises licences, club premises certificates, temporary events and personal licences in the district in respect of the sale and/or supply of alcohol and/or the provision of regulated entertainment and late night refreshment.
- 1.2 The Act requires that the Council publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act and to regulate licensable activities on, and in the vicinity of, licensed premises.
- 1.3 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the guidance issued under Section 182 of the Act.
- 1.4 This Statement of Licensing Policy has been produced in consultation with the Chief Police Officer for Essex, the Fire and Rescue Authority and bodies representing local holders of premises licences, club premises certificates and personal licences, businesses and residents of the area. The policy will be reviewed in not less than **five** years, or in the light of significant changes to legislation or circumstances, whichever is sooner.

Licensing Objectives

- 1.5 The Act requires that the Council carry out its various licensing functions so as to promote the following four licensing objectives:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- These objectives are defined in more detail in section 2
- 1.6 To achieve these objectives the Council will, where appropriate, use the full range of measures available to it, including relevant legislation. The Council will work closely with the police, the fire authority, businesses, community representatives and local people in meeting these objectives.
 - 1.7 There are a number of other Council and Government policies, strategies, responsibilities, and guidance documents that have been considered in the formulation of this licensing policy and which will be taken into account in its implementation.
 - 1.8 Applicants must be able to demonstrate that they have considered the four licensing objectives within their operating schedule. Applicants know their premises best and will be expected to address all aspects relevant to the individual style of their premises. Consideration must be given to all of the licensing objectives. There are many control measures that are available to applicants to achieve this goal. Applicants should consider whether or not any additional measures are required in respect of occasional or specific events that are intended or are likely to attract larger audiences.

Consultation, Strategies and Policies

- 1.9 In developing this Policy Statement, the Council consulted widely. Along with the statutory consultees (the Chief Police Officer for the District and the Essex County Fire and Rescue Service), the views of existing licence holders, businesses, voluntary groups, residents and those involved in local crime prevention, transport, tourism, equality issues and cultural strategies were also taken into account. Due consideration was given to the views of all those who responded to that consultation process.

Details of the consultation on this policy are attached as Appendix 2.

- 1.10 The Council will take account of the guidance and strategies listed below (or any replacement guidance or strategy) when preparing its policies and in its decision making. Whilst not exhaustive these include:

- Environmental Health Enforcement Policy
- Enforcement Concordat
- The Corporate Plan

Other Responsibilities

- Responsibilities under Anti Social Behaviour Act 2003
- Equality Act 2010

Guidance Documents

- Guidance issued under S182 of the Licensing Act 2003
- A practical guide for dealing with Alcohol related problems issued by the Home Office
- Home Office - Safer Clubbing Guide
- LACORS – A Practical Guide to Test Purchasing
- Any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols

Any documentation relating specifically to temporary events such as:

- The Event Safety Guide: A Guide to Health, Safety and Welfare at Music and Similar Events (HSE 1999)
- Managing Crowds Safely'
- Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0716 150804
- The Guide to Safety at Sports Grounds
- Safety Guidance for Street Arts, Carnivals, Processions and Large-scale Outdoor Performances Independent Street Arts Network copies of which may be obtained through www.streetartsnetwork.org.uk/pages/publications.htm

- 1.11 Furthermore, arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations. The Licensing Committee will also be apprised of the local employment situation and the need for new investment and employment, where appropriate.

- 1.12 To ensure proper integration with the Council's planning policies, the Licensing Committee will provide reports to the Development Control Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder, to enable the Development Control Committee to have regard to such matters when making its decisions.

Equality Duty

- 1.13 The Council recognises its responsibilities under the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination, harassment and victimization; to advance equality of opportunity; and foster good relations between persons with the characteristics mentioned in the Act. These characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The impact of this policy on its services will be monitored through the Council's Equality scheme 2012-2016. This Statement of Licensing Policy has been assessed to take account of equality issues.

Regulated Entertainment

- 1.14 As part of implementing local cultural strategies, proper account/consultation will be taken of the need to encourage and promote in suitable locations, a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of communities.
- 1.15 If representations are made concerning the potential for disturbance in a particular neighbourhood, the Council's consideration where disturbance is likely to be of limited extent will be balanced against the wider benefits to any community. When attaching conditions the Council will also be aware of the need to avoid measures that might deter live music, dancing or theatre by imposing indirect costs of a substantial nature.

Applications

- 1.16 In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits, taking into account:
- The Licensing Act 2003 and the four licensing objectives;
 - Government Guidance issued under Section 182 of the Licensing Act 2003;
 - Supporting regulations;
 - This statement of Licensing Policy; and
 - The nature and locality of the premises and the Operating Plan submitted by the applicant.
- 1.17 The Council requires the applicants to satisfactorily address the licensing objectives, from the design of the premises through to the daily operation of the business, in their Operating Plans, which must be submitted with their application.

1.18 Nothing in this Statement of Policy will:

- Undermine the rights of any person to apply under the Act for a variation of permissions and have the application considered on its individual merits;
- Override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act;
- Prevent any person from applying for a variety of permissions under the Act.

1.19 So far as possible, this policy will not duplicate existing legislation and regulatory regimes that already place obligations on employers and operators e.g. The Health & Safety at Work etc Act 1974, The Environmental Protection Act 1990, equalities legislation, and the Fire Safety Regulatory Reform Order 2005. Conditions in respect of public safety will only be attached to licences if they are necessary for the promotion of a licensing objective.

1.20 When one part of the Council seeks a premises licence from the Licensing Committee, the application will be considered from an entirely impartial standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the Committee.

1.21 In all cases, the applicants and those making representations have a right to appeal to the magistrates' court against any decision made by the Council.

Representations

1.22 Responsible Authorities may make representations on applications, so far as they relate to the promotion of the four licensing objectives, and request reviews once licences have been granted. Representations must be evidentially based.

The Responsible Authorities are:

- The relevant licensing authority or any other licensing authority in whose area part of the premises is situated.
- Chief Officer of Police,
- The Fire and Rescue Authority,
- The Enforcing Agency for health and safety purposes, the local authority responsible for environmental health,
- The local planning authority, the authority responsible for minimising or preventing the risk of pollution
- The Child Protection Authority,
- Local Commissioning Clinical Board or such other body as notified to the Authority from time to time as being appropriate.
- The local weights and measures authority (trading standards).

1.23 The Act permits other persons to make representations. This includes any individual, body or business, or their representatives which are known as 'interested parties' and are free to raise relevant representations regardless of their geographical proximity to the premises. Any representations must be 'relevant' in that the objection relates to one or more of the four licensing objectives. In the case of a review the ground must not be considered to be repetitious.

- 1.24 A representation would only be 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. Any representation must not be frivolous or vexatious, and in addition, in the case of reviews, not be repetitious. A ground for review is considered to be repetitious if:
- A ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - Representations considered by the licensing authority when the premises licence or certificate was granted; or
 - Representations which would have been made when the application for premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

Parties intending to make a representation are directed to the guidance issued by the Home Office (or similar government issued guidance) for assistance as to whether a representation is relevant.

- 1.25 In the absence of any representations the licence must be granted and any representations must be heard at a hearing of the Licensing Sub-committee.

Conditions

- 1.26 Licence conditions will be tailored to the individual application and those appropriate to promote the licensing objectives will be imposed. Licence conditions will not be imposed where other controls/legislation exist to provide sufficient protection to the public. The Council may create its own pool of conditions to assist applicants.
- 1.27 Any conditions arising from the operating schedule or as a result of representations will be focused on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in normal activity in the area concerned and which are within the control of the individual licensees and others with relevant authorisations.

Administration, Exercise and Delegation of Functions

- 1.28 The powers of the Council under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.
- 1.29 With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making. A table setting out how we will approach this is attached at Appendix 1.
- 1.30 The Licensing Committee will receive regular reports regarding licences determined by officers under delegated powers, in order to maintain an overview of the general situation.

- 1.31 The Licensing Committee will expect individual applicants to address the licensing objectives in their Operating Plan, having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.

Cumulative Impact of a Concentration of Licensed Premises

- 1.32 Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 1.33 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the Council can take into account. This will not be confused with 'need', which relates more to the commercial demand for a particular type of premises, and is therefore a matter for planning consideration and does not form part of this Licensing Policy Statement.
- 1.34 The Council may receive representations from either a Responsible Authority or any party, (both defined by the Act), that the cumulative impact of new licences is leading to an area becoming saturated with premises of a certain type, making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. In such cases, the issue of cumulative impact may be taken into account when considering the individual merits of any application.
- 1.35 The Council will not operate a quota of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.
- 1.36 In determining whether to adopt a 'cumulative impact' policy for a particular area the Council may, amongst other things:
- Gather evidence of local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
 - Gather evidence of environmental health complaints particularly in relation to litter and noise;
 - Gather evidence of health-related statistics such as alcohol-related emergency attendances and hospital admissions
 - Identify the area from which problems are arising and the boundaries of that area;
 - Make an assessment of the causes;
 - Adopt a policy about future applications for premises within that area.
- 1.37 The Council recognises however, that as well as the licensing function there are a number of other mechanisms for addressing issues of unruly behaviour that occur away from licensed premises. The Council recognises that licensing law is not a mechanism for the general control of anti-social behaviour by individuals

once they are away from the premises and beyond the direct control of the licence holder.

Advice and Guidance

- 1.38 The Council recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act provide and welcomes the diversity of activities that are provided by licence holders. For this reason, pre-application discussions will be encouraged to assist applicants to develop their operating schedule. The Council, Essex Police and/or Essex County Fire and Rescue Service will offer as much advice and guidance to applicants, as resources permit.
- 1.39 The Council will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the licensing department/section and those from who they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

Reviews

- 1.40 A Responsible Authority and/or other parties can trigger a review of a premises licence or club premises certificate but an evidentiary basis would be required to be presented to the Licensing Authority. Representations received must be relevant to the promotion of the licensing objectives and submitted in writing. Representations must not be frivolous or vexatious.
- 1.41 The Act provides a mechanism for reviewing Premises Licences where problems associated with achieving the Licensing Objectives occur. However, no more than one review from an interested party will normally be permitted within any 12 month period on similar grounds, except in exceptional and compelling circumstances or where it arises following a Closure Order.
- 1.42 In addition where premises are associated with serious crime or serious disorder a senior police officer (Superintendent or above) may apply for a summary review of the premises licence which may result in :-
- (a) The modification of the conditions of the premises licence;
 - (b) The exclusion of the sale of alcohol by retail from the scope of the licence;
 - (c) The removal of the designated premises supervisor from the licence;
 - (d) The suspension of the licence.

The initial decision may be determined in the absence of the premises licence holder. A review hearing must then take place within 28 days.

- 1.43 Where any Party applies for a review, the Licensing Authority has to be satisfied that that the grounds are relevant. There is no appeal to the decision of the Authority other than by way of judicial review.
- 1.44 The Licensing Authority accepts that in exceptional circumstances, an Interested Party may not wish to provide his/her personal details to the licence or certificate holder. In those circumstances an Interested Party might consider providing the relevant Responsible Authority with details of how they consider the licensing objectives are being undermined so that the Responsible Authority can apply for a review.
- 1.45 Where possible and appropriate the Council, Essex Police and/or Essex Fire Service will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 1.46 No more than one review from interested parties will be normally permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances.

Enforcement

- 1.47 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to the principles of good inspection and enforcement practice and recognises the Hampton principles (Appendix 3) by carrying out its regulatory functions in a fair, open and consistent manner.
- 1.48 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives, and compliance with the specific conditions of their licence and their Operating Plan. The Council will make arrangements to monitor premises and take appropriate enforcement action to ensure this.
- 1.49 The Council has established an enforcement protocol with Essex Police, Essex County Fire and Rescue Service and Trading Standards (Essex County Council) on enforcement issues. This protocol provides for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises.

2. Licensing Objectives

- 2.1 The following sections set out the Council's Policy relating to the four licensing objectives:
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm.

3. Prevention of Crime and Disorder

3.1 When considering Crime & Disorder applicants should look to include in their Operating Plan measures to control problems associated with this as required:

- Effective training and supervision of staff
- Adoption of best practice guidance (e.g. Safer Clubbing, The National Alcohol Harm Reduction Strategy Toolkit, Pub watch schemes, CCTV, Drug Awareness)

4. Public Safety

4.1 When considering Public Safety the applicant should consider whether it is necessary to address the following in their Operating Plan:

- Suitable and sufficient risk assessments;
- Effective and responsible management of premises;
- Adoption of best practice guidance (e.g. Guide to Fire Precautions in Licensed Premises).

5. Public Nuisance

5.1 When considering prevention of public nuisance applicants should consider what measures may be necessary and should take account of the following:

- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Property, Noise, published by the British Beer and Pub Association);
- Ensuring customers leave quietly;
- Installation of sound proofing.

6. Protection of Children from Harm

6.1 The Council recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered necessary to do so in order to protect them from harm.

6.2 When deciding whether to limit access to children or not, the Council will judge each application on its own individual merits. Examples that may give rise to concern in respect of children would include premises where:

- Entertainment of an adult or sexual nature is provided.
- There is a strong element of gambling taking place.
- There is a known association with drug taking or dealing.
- There have been convictions of members of the current staff at the premises for serving alcohol to those under 18.
- There is a reputation for underage drinking.
- The supply of alcohol for consumption is the exclusive or primary purpose of the services provided at the Premises.
- Storage arrangements give children potential access to alcohol.

- 6.3 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Council itself.
- 6.4 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then conditions will be imposed requiring the presence of an appropriate number of adult staff to ensure the children's safety and their protection from harm.
- 6.5 Venue operators seeking premises licenses and club premises certificates should consider including in their operating schedules, particularly where their own risk assessments have determined that the presence of children is undesirable or in appropriate conditions which could include –
- A limit on the hours when children may be present;
 - A limitation or exclusion when certain activities may take place;
 - The requirement to be accompanied by an adult;
 - Limiting access to parts of the premises;
 - An age limitation.
- 6.6 The Council will not impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club. In all cases, it is expected that the applicant will have considered the protection of children in their Operating Plan. The Council commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and would expect applicants to consider the Code in their Operating Plan.
- 6.7 The competent responsible authority in relation to the protection of children from harm is the Essex County Council's Children's Safeguarding Service.

7. Licensing Hours

- 7.1 The Council recognises that longer licensing hours may be in the interests of the community by avoiding concentrations of disturbance from customers leaving premises whilst ensuring that nuisance is minimised to local residents. Premises will generally be able to sell alcohol during the hours they are permitted to open. Entertainment providers may provide a range of entertainment during their operating hours. When issuing a licence, however, stricter conditions are likely to be imposed with regard to noise control in the case of premises situated in largely residential areas.

Contact Details

Further information concerning all aspects of licensing can be obtained from our website: www.eppingforestdc.gov.uk

or

Licensing Section
Corporate Support Services
Epping Forest DC
Civic Offices
High St
Epping Essex CM16 4BZ

Tel: 01992 564034
Fax: 01992 578018
Email: licensing@eppingforestdc.gov.uk

Appendix 1

Delegation of Functions

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

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

Appendix 2

Consultation

Consultation will be undertaken with those listed below. The majority of those being contacted via email and the remainder by post. A copy of the draft policy will be available on the EFDC website. All comments received will be considered and the results of the consultation published on the EFDC website. The consultation period will be three months.

Arriva Bus Company Arts Council England Association of Licensed Retailers Attwater & Liell Solicitors Berwin Leighton Paisner Solicitors British Transport Police Butler & Mitchells Brewers Churches and Religious Groups Citizens Advice Bureau Consumers Association Cooley Partnership Campaign for the Protection of Rural England Curwens Solicitors Council for Voluntary Services Crime and Disorder Strategy Panel East Herts DC EFDC Councillors EFDC Senior Officers Eleanor Laing MP Environment agency Epping Forest Conservators Epping Forest PCT Epping Magistrates Equity Eric Pickles MP Essex Ambulance NHS Trust Essex County Council Essex Fire & Rescue Essex Police Essex Probation Service Essex Tourist Bodies Fosket Marr Gadsby & Head	General Municipal and Boilermakers Union Hammonds Solicitors Health and Safety Executive Essex Jarmans Solicitors Laurel Pub Co Lea Valley Park Authority Limes Farm Synagogue Local Chambers of Commerce Local Council Liaison Committee Local Round Tables Local Taxi Operators Loughton Residents Association LUL Transport for London Mcmullens Brewery Musicians Union Parish and Town Councils Police and Crime Commissioner for Essex Princess Alexandra NHS Trust Ridleys Brewerys Robert Halfon MP Rural Community Council of Essex Scottish & Newcastle Retail Somerfield Supermarkets Spirit Group Brewery Transport and General Workers Union Town Centre Partnerships Union of Shop, Distributive and Allied Workers Unison Licensed Victuallers Association Whiskers & Co Solicitors Whipps Cross NHS Trust All current holders of liquor, public entertainment, private places of entertainment, cinemas, theatre and late night refreshment houses licences within the district.
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Appendix 3 Hampton Principles

The Hampton Principles are:

- regulators, and the regulatory system as a whole, should use comprehensive risk assessment to concentrate resources on the areas that need them most
- no inspection should take place without a reason
- regulators should provide authoritative, accessible advice easily and cheaply
- all regulations should be written so that they are easily understood, easily implemented, and easily enforced, and all interested parties should be consulted when they are being drafted
- businesses should not have to give unnecessary information, nor give the same piece of information twice
- the few businesses that persistently break regulations should be identified quickly, and face proportionate and meaningful sanctions
- regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection
- regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take
- regulators should be of the right size and scope, and no new regulator should be created where an existing one can do the work
- when new policies are being developed, explicit consideration should be given to how they can be enforced using existing systems and data to minimise the administrative burden imposed

4. The full Hampton Implementation Review Report can be found on the Department for Business, Innovation and Skills website:
www.berr.gov.uk/files/file52319.pdf

Z/CSS/BUREAU/LICENSING/WEBSITE/LICENSING ACT 2003 FORMS/LICENSING POLICY 2012