



## ***Overview and Scrutiny Committee Tuesday, 28th January, 2014***

You are invited to attend the next meeting of **Overview and Scrutiny Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping  
on Tuesday, 28th January, 2014  
at 7.30 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer:**

Simon Hill, Senior Democratic Services Officer, The Office of  
the Chief Executive  
email:democraticservices@eppingforestdc.gov.uk Tel: 01992  
564249

**Members:**

Councillors R Morgan (Chairman), K Angold-Stephens (Vice-Chairman), G Chambers,  
K Chana, T Church, L Girling, D Jacobs, Ms H Kane, P Keska, A Lion, A Mitchell MBE,  
S Murray, J Philip, B Rolfe and D Wixley

**PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND**

### **WEBCASTING 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.

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 and copies made available to those who request it..

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

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

**1. WEBCASTING INTRODUCTION**

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

The Chairman will read the following announcement:

“This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber’s lower seating area you consent to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer”

**2. APOLOGIES FOR ABSENCE**

**3. SUBSTITUTE MEMBERS**

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

**4. MINUTES (Pages 7 - 18)**

**Decisions required:**

To confirm the minutes of the meetings of the Committee held on 26 November 2013.

**5. DECLARATIONS OF INTEREST**

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

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

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

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

**6. PRESENTATION FROM THE PROBATION SERVICE**

To receive a presentation from officers of the Essex Probation Service based in Harlow. They will be talking about “the Probation Experience”, which covers the kind of work that the Probation Service does seen through the eyes of an offender.

**7. CABINET REVIEW**

**RECOMMENDATION:**

**To consider any items to be raised by the Chairman at the Cabinet meeting on 3 February 2014.**

(Assistant to the Chief Executive). Under the Overview and Scrutiny rules the Committee is required to scrutinise proposed decisions of the Executive. The Chairman is also required to report on such discussions to the Cabinet.

The Committee is asked to consider the 3 February 2014 Cabinet agenda (previously circulated) to see whether there are any items that they wished to be raised at the Cabinet meeting.

**8. REVIEW OF OFFICER DELEGATION (Pages 19 - 88)**

(Chairman of the Constitution and Member Services Scrutiny Panel – Councillor J Philip) To consider the attached report.

**9. ANNUAL REVIEW OF CONTRACT STANDING ORDERS AND FINANCIAL REGULATIONS (Pages 89 - 114)**

(Chairman of the Constitution and Member Services Scrutiny Panel – Councillor J Philip) To consider the attached report.

**10. VICE CHAIRMAN OF COUNCIL - APPOINTMENT REVIEW (Pages 115 - 124)**

(Chairman of the Constitution and Member Services Scrutiny Panel – Councillor J Philip) To consider the attached report.

**11. WORK PROGRAMME MONITORING (Pages 125 - 152)**

**(a) To consider the updated work programme**

The current Overview and Scrutiny work programme is attached for information.

**(b) Whipps Cross Hospital**

**Recommendations:**

(1) To consider if the Committee wish to receive this presentation at the February meeting; and

(2) To consider whether they wish officers to arrange to pair it with item 11 on the work programme relating to the state of the Mental Health Services in the District.

Following the recent Care Quality Commission (CQC) report into Whipps Cross Hospital the Head of Stakeholder Relations and Engagement at Barts. Hospital NHS Trust, Mark Graver has written to us asking if thought beneficial, they could send a

representative to one of our meetings. It was made clear that this would be a one off appearance necessitated by the CQC report (*background paper attached*).

It should be noted that the on-going scrutiny of the hospital on behalf of Epping Forest residents is the responsibility of County Councillor Chris Pond and to this end if we wish to invite a representative from the NHS Trust we should also invite Cllr Pond.

### **(c) Future Scrutiny Programme and Panels**

#### **Recommendations:**

That a report be made to the next meeting:

- (a) on proposals for panels for 2014/15; and
- (b) to discuss emerging scrutiny proposals for the 2014/15 work plan

1. (Lead Officer) At the last meeting the Committee agreed a report to Council on the future operation of Overview and Scrutiny. This was approved by the full Council in December 2013. At that meeting the Council also approved the restructuring proposals of the Head of Paid Service.

2. Officers have had preliminary discussions on the likely effects of both these items on the operation of Overview and Scrutiny. It is therefore intended that a report on the approach to members work programme and whether alterations to the terms of reference and responsibilities of Panels should occur to reflect changes to the Service Structure and other operational matters subject of the review. It is timely that these matters come before members before the end of the municipal year as changes are challenging to implement mid-year.

3. It is intended that the discussion at the next meeting should also give weight to the proposals in the review for work programme creation for 2014/15. Members have reiterated their wish for the use of the PICK process. Any received proposals will be brought to members at the next meeting.

## **12. 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):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
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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## EPPING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

<b>Committee:</b>	Overview and Scrutiny Committee	<b>Date:</b>	Tuesday, 26 November 2013
<b>Place:</b>	Council Chamber, Civic Offices, High Street, Epping	<b>Time:</b>	7.30 - 9.51 pm
<b>Members Present:</b>	Councillors R Morgan (Chairman, Overview and Scrutiny Committee) (Chairman) K Angold-Stephens (Vice-Chairman) G Chambers, L Girling, D Jacobs, Ms H Kane, P Keska, Mrs J Lea, A Lion, A Mitchell MBE, S Murray and J Philip		
<b>Other Councillors:</b>	Councillors Mrs A Grigg, Ms J Hart, Ms G Shiell, D Stallan, G Waller, Mrs E Webster and C Whitbread		
<b>Apologies:</b>	Councillors K Chana, B Rolfe and D Wixley		
<b>Officers Present:</b>	D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), J Chandler (Assistant Director (Community Services and Customer Relations)), G Wallis (Community Development Officer), D Butler (Young Persons Officer), L Doherty (Young Person's Assistant), A Mitchell (Assistant Director (Legal)), T Carne (Public Relations and Marketing Officer), S G Hill (Senior Democratic Services Officer), A Hendry (Democratic Services Officer) and M Jenkins (Democratic Services Assistant)		
<b>By Invitation:</b>	S Randall (Spurgeons), S Yiannou (Essex County Council), M Albert (Chigwell), S Cascarina (St Johns), J Collins (Davenant Foundation), E Foster (Independant), E Gokmen (Davenant Foundation), N Miller (King Harold), I Padwick (Chigwell), C Sander (Roding Valley High), O Tinker (Roding Valley High) and A Williams (Davenant Foundation)		

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### 45. WEBCASTING INTRODUCTION

The Chairman 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.

### 46. MINUTES

#### RESOLVED:

That the minutes of the meeting held on 15 October 2013 be signed by the Chairman as a correct record.

### 47. SUBSTITUTE MEMBERS

It was noted that Councillor J Lea was substituting for Councillor B Rolfe.

### 48. DECLARATIONS OF INTEREST

There were no declarations of interest made pursuant to the Council's Code of Member conduct.

**49. ECC CONSULTATION ON THE FUTURE OF CHILDREN'S CENTRES**

The Chairman welcomed Stav Yiannou the Essex County Council's Lead Strategic Commissioner for Early Years Education and Learning and Stacy Randall, Spurgeon's Regional Manager, accompanied by Gill Wallis, EFDC's Community Development Officer.

Ms Wallis noted that Essex County Council was currently undertaking a formal consultation on the future provision of Children's Centres in Essex which would end on 5 December 2013. The consultation was about the need to make £2.5m of savings from the Children Centre Budget from 2014/15.

The County Council's Children's Centres offered a wide range of services for families and others caring for children under five. Each Children's Centre was different, offering a variety of services according to the needs of local families. Activities were delivered from either a main site, a delivery site, or through a range of outreach venues. All Children's Centres work closely with health, schools, GPs and other local service providers.

Essex County Council had proposed that the Little Buddies Children's Centre in Buckhurst Hill be closed and merged with the Sunrise Centre in Loughton. The reasons stated for this proposal were that "it is in an area of lesser deprivation compared to neighbouring Epping children's centres; and they were trying to prioritise resources to areas of greater need.

The site suffers from accessibility issues as it is on a busy high street with limited parking. Neighbouring centres in Epping Forest are easier and safer to access. Good transport links between Buckhurst Hill and neighbouring centres in Loughton and Debden would also serve to minimise the effects of this closure."

Officers had met with the Portfolio Holder and other members to discuss the issues and had prepared a draft council response.

The ECC officers acknowledged that the district of Epping had eight children centres and that they proposed that four main centres would remain. They would have outreach services, targeted one to one support in the home and on-site pre-school and nursery provision would continue to be delivered. As part of this provision they were proposing to close Little Buddies in Buckhurst Hill and merge it with the neighbouring Sunrise Children's Centre, Alderton, which would continue as a Main Site.

A public speaker, Mr Neville, made a short statement about the location and ease of access of the Little Buddies centre in Buckhurst Hill. That it had a large catchment area and that many of these people were not well off, some of them could not afford the train and bus fares to travel to other centres and so would have to walk a long way to get there. This could be dangerous as they would have to cross busy main roads etc. He also noted that at present Little Buddies was oversubscribed. Also, travelling further may increase the use of cars in the area.

Councillor Girling commented that he thought that the consultation was kept under the radar, especially for parents and many head teachers of primary schools. They had no awareness of the consultation process. It seemed that only enough paper copies had been produced for about 3% of the people who needed it. Parents of children of primary age school children, who may have younger children, should be made aware of this consultation. Also there was no place in the consultation document for people to put their views down. It was only a tick box exercise.



The ECC officers acknowledged that further consultation would be undertaken by Spurgeon's. They have also sent consultation documents to MPs and doctors etc. to enable it to cascade down. Spurgeon's also have representatives on Primary Schools; they have noted that the preferred means of communication was by social media and to this end they have pages on Facebook etc. They noted that about 28% of responses came from West Essex.

Councillor Jacobs noted that his particular interest was in 'Little Stars', in Shelly. This centre had a large hinterland, but what were their operating hours at present. Stacy Randall said that they offered 10.5 hours at present, the rest were carried out in the community. They would review this. She understood when people said it was just a tick box exercise but they were still gathering data as it was not a done deal.

Councillor Chambers asked how many families used Buckhurst Hill's Little Buddies. Ms Randall said that it was a struggle to get families to use these facilities, although there are people who use the facilities at libraries. Between July and September, 271 people had used Little Buddies, but people generally used other centres.

Councillor Murray noted that we were told that transport links between Buckhurst Hill and neighbouring centres were good, but he doubted that. They were also told that we should be pleased that the Little Oaks Children's Centre is to have extended opening hours, but remembered when they were open longer, before any cuts in services. He had not heard anything other than this reorganisation was about saving money and he noted that officers were doing the best they could. He felt strongly about this as it affected people who were less well off. The Prime Minister had given a cast iron guarantee at election time that Children's Centres would not be affected.

Ms Randall noted that they had relocated Little Oaks and it was doing well. Members were welcome to visit any children's centre at any time.

Councillor Lion asked how were the centres used and which were the most popular ones. Ms Randall replied that they had that information but as it was such a lot of data it was difficult to present it all.

Councillor Girling said that there was a reason why the public could not understand the rational behind why the decisions were being made as there was no background data online. Ms Yiannou replied that there was a lot of data to put up so they tried to summarise. Councillor Girling said it was good to hear that the Little Oaks centre was doing well, but their old site was left in disarray and their new site was off the beaten track and not easy to find. He understood that they needed to save money but their proposals were not easy to understand by the public.

A second Public speaker Mrs B Sultes said that she was a mother of two children. When she received the consultation she found that there was nowhere she could put her views in, just tick boxes. She lives in Buckhurst Hill but they were not affluent and they would struggle to go privately. She praised the centre there which helped her and her family when she had a very sick child and helped her through a very difficult time.

Councillor Philip wanted to know about the overall proposals compared to the other proposals in West Essex. He was thinking about the number of centres proposed for the West of the county and how many children under 5 they would cater for. There appears to be significantly more children under 5 here than in other areas. Was there any justification for this? He was looking at how the burden was spread across the whole of Essex, as the three other areas had significantly fewer children under 5 (by

percentage), than West Essex. Ms Yiannou replied that there were three areas that they considered, one was the indices of multiple deprivation; they looked at families living in these areas and the number of families suffering from deprivation as classed within the top 30% across the country. They used this data and the accessibility data. This area was more densely populated so there would be more children there. We also considered the number of families accessing services in order to put the proposal forward. Councillor Philip replied that it would have been useful to have these items put in the consultation documents, as it would have helped people to understand this better.

Councillor Jennie Hart commented that our response should be stronger. Central Government should be tackled for forcing local government to make cuts. First it was youth services and now children centres. She could not understand why the Buckhurst Hill Centre was being closed when it was well used. She had been a volunteer for Homestart, dealing with vulnerable families; they were now struggling to survive – why had they lost their funding? Ms Yiannou replied that money for children centres has not been cut from the Homestart budget.

Councillor Girling noted that they mentioned high deprivation areas, but Children Centres deal with more than just that. They target all sorts of problems and not just deprivation. Ms Yiannou replied that deprivation data gave them a lot of other information not just the formal deprivation data.

The Chairman thanked Stav Yiannou and Stacy Randall for attending the meeting, setting out the background to the consultation and answering member's questions.

**RESOLVED:**

That the draft response to the consultation prepared by officers in consultation with members and the Portfolio Holder be agreed.

**50. PRESENTATION FROM YOUTH COUNCIL**

The Committee welcomed members of the Youth Council who were there at the request of the Committee to give their annual presentation, updating members on the work carried out over the last year and their developing Youth Council Programme.

Ten members of the Youth Council were in attendance. They noted that Youth Volunteering had been a big theme for them this year. They were passionate about encouraging young people to volunteer and were behind the Council's Youth Volunteer Programme which was being taken up by all secondary schools in the District. Many of the young people who had participated in the Council's volunteer days enjoyed it so much; they have asked to do more in their spare time. They also discovered that it was not so easy for young people to volunteer if they were under 18, there being all sort of issues with insurance, health and safety etc. This led them to produce a Young person's Guide to Volunteering. The guide contained helpful tips and advice for young people interested in voluntary work. The guide was funded by successfully securing funding from the O2 Think Big Fund and the Jack Petchey Foundation. They also obtained funding from the Council, with Councillor Whitbread agreeing to fund enough guides for all pupils aged 14+ in the district.

They developed an inter-generational project to tackle the barrier between older residents and the young people. Another high profile event this year was their Youth Conference here in the Council Chamber, with 71 pupils from years 8, 9 and 10 representing ten secondary schools from in and around the Epping Forest District. They consulted about the main issues affecting the lives of local young people,

possible solutions and also gathered innovative ideas on how to improve the local community. Additionally they were keen to promote the importance of local democracy to pupils. They identified three main concerns which were the negative stereotyping of young people; concerns about alcohol and drug misuse and thirdly, bullying. They asked the members to consider what they do to help the youth councillors lobby for these issues to be addressed. Their finding would be sent to the LSP and they hoped that the people holding the purse strings would take notice of what local young people were saying. Also at the Youth Conference they facilitated a debate on whether the voting age should be reduced to 16. The 'Yes' vote won.

The Youth Council had also contributed to 13 different consultations this year and they also have a representative on the Epping Forest Youth Strategy Group.

By far the most successful project this year had been the planning and delivery of their Celebration of Youth Groups event last month. One of their aims was to try and transform the Council Chamber into more of a youth friendly space. On the night they had entertainment from some fantastic local young artists and welcomed organisers and teenagers from 18 different youth groups across the district. They set up a market stalls made up of over 24 tables which provided information on funding opportunities for youth groups, training and information about volunteering. The purpose of this whole project was to identify all the youth clubs and activity groups in the Epping Forest district and to help promote them. They noted that the majority of youth groups were now provided by Third Sector organisations supported by the District Council. Having approached the Leader of the Council they were delighted to be given a pot of money that had enabled them to allocate each of the groups that came along on the night a small sum of money towards the running of their group.

As they were now in their last year of office, the Youth Councillors were committed to ensuring the next cohort of Youth Councillors was the best it could be, so their main focus in the coming months was to promote the forthcoming Youth Council elections. Candidate Nomination Packs have already been produced and these were now being distributed. There will also be additional places for Independent Youth Councillors who live in the District but who go to school or college outside the area. The elections will be held in schools over a two week period from Monday 10<sup>th</sup> March.

Various members of the Committee thanked the Youth Councillors for their presentation and good work that they were doing.

Councillor Philip asked how they communicated their various events and news to children who lived in the district but who went to school outside the district. He was told that they sent out leaflets to the various schools. They also have a distribution list and a database which enabled them to target various groups.

Councillor Murray said he was glad that they now had secure funding from the council. He noted that the Celebration of Youth groups was a very good event which challenged our negative stereotypes on youths.

Councillor Girling was impressed with their work and asked how they contributed to the Essex Youth Consultation exercise. The youth councillors replied that they did a lot of work on the Youth Assembly side as they were represented on it.

The Assistant to the Chief Executive, Mr Willett asked what had the Youth Council done to follow up on their mandate to lower the voting age. The Youth Councillors noted that they were represented on the Youth Parliament where they debated the

lowering of the voting age and there was now a national campaign that they were running on this subject.

The Chairman thanked the Youth Councillors for their informative and interesting presentation and wished them well for the future.

## **51. CABINET REVIEW**

The Committee then considered the Cabinet Agenda for their meeting to be held on 2 December 2013. Councillor Murray commented on agenda item 9, 'the sale of Church Hill Car Park'. He was surprised that the report said that it was an un-kept site that would benefit from a tidy up as he noted that we were the owners the site. He also wanted assurance that 40% of affordable housing be maintained and that it would also be helpful to have a meaningful definition of what was meant by affordable housing.

Councillor Angold-Stephens commented in relation to agenda item 10 – 'potential strategy options for council property assets'. He wanted an assurance that the ward councillors would be consulted on this before it went to the Cabinet Committee.

Councillor Chambers commented on agenda item 17 – 'safeguarding audit and resource requirements'. He thought that the recommendations were slightly too rigid and wondered if the council could look at sharing services, such as sharing safeguarding officers with other authorities.

## **52. REVIEW OF LICENSING SUB-COMMITTEE ARRANGEMENTS**

The Chairman of the Constitution and Member Services Standing Panel, Councillor Philip introduced the report on the review of Premises Licences arrangements that went to his Panel on 19 November 2013. This was a review of the first six months of the new licensing arrangements of having single evening meetings for premises licences. He recognised that this review had been carried out a bit earlier than normal but also that it was necessary because of the budget considerations. He also recognised that the new system brought in a lot more meetings.

He noted that the council had taken on the responsibility for licensing scrap metal dealers and the corresponding amount of work that this would entail for the licensing section. It was noted that only police and other regulatory bodies may object to an application for a scrap metal dealer's licence. Because of this the Panel agreed that they should be heard during the daytime.

Further, because of the larger amount of work and extra cost involved it was agreed by the Panel that it should recommend that all licensing hearings revert back to being held during the daytime. But, that the Chairman of the Licensing Committee be authorised to determine whether any hearing would be better held in the evening in view of significant public interest. This could be done in consultation with ward members and/or other representations received.

However, the Panel supported the continuation of the wider consultation introduced in the trial and that the Panel were also in support of the need of a CSB growth bid to cover costs resulting from these extended licensing arrangement; this was to be added to the draft 2014/15 budget pending the outcome of this review.

On consideration the Committee agreed the recommendations made by the Constitution and Member Services Standing Panel.

**RESOLVED:**

- (1) That all Licensing hearings revert to being held during the daytime subject to 2 below;
- (2) That the Chairman of the Licensing Committee be authorised to determine whether any hearing would be better held in the evening in view of significant public interest and that the chairman could determine this by liaising with the relevant ward members and/or representations made;
- (3) That the wider consultation procedures be continued; and
- (4) That the Cabinet be made aware of the Committee's agreement of the CSB growth item to cover licensing costs resulting from these new licensing arrangements, including additional staffing, and that this be added to the draft 2014/15 budget the outcome of the review.

**53. CORPORATE PLAN KEY OBJECTIVES 2013/14 - QUARTER 2 PROGRESS**

The Deputy Chief Executive, Derek Macnab introduced the report on the Corporate Plan Key objectives 2013/14, the quarter 2 progress. This is the Council's key planning document, setting out service delivery priorities over a four year period from 2011/12 to 2014/15 with strategic themes reflecting those of the Community Strategy for the district. It was noted that key objectives for 2013/14 were adopted by the Cabinet at its meeting on 11 March 2013. Progress against the key objectives was reviewed and monitored on a quarterly basis. At the end of the second quarter of the year, 18.5% of the individual actions supporting the Key Objectives for 2012/14 had been achieved.

This report would also be considered by the Cabinet at its meeting to be held 2 December 2013.

Councillor Philip noted that a lot of objectives were marked as being in the red, especially around the Local Plan. The longer it took to get a local Plan in place the more it became an issue of risk with respect to planning appeals etc.

**RESOLVED:**

That the review and progress in relation to the achievement of the key objectives for 2013/14 for the first six months of the year be noted.

**54. FINAL REPORT OF THE OVERVIEW AND SCRUTINY REVIEW TASK AND FINISH PANEL**

The Chairman of the Overview and Scrutiny Review Task and Finish Panel introduced their final report to the Committee. They were set up to review the O&S arrangements within the Council with particular reference to working relationships with the Cabinet. He thanked Ian Willett, the lead officer, for his help during the review.

He noted that they covered a large range of topics starting with the appointment of the Chairman for Overview and Scrutiny, consulting with the Leader, improvement of the work programme and the scrutiny of external organisations. They also looked at the Scrutiny Panels and had a discussion on call-ins and made some suggestion on their arrangements. They noted that the County was responsible for the scrutiny of the NHS, but the Panel felt that for particular items of local interest, EFDC would like the option to approach County to ask if we could scrutinise our own area.

They Panel noted that they would like the public profile of O&S raised and that any training requirements for O&S should be arranged early in the new municipal year. They also looked at the constitutional changes needed and this was shown as an appendix to the report. If approved, this report would then go on to Council for agreement.

Councillor Jacobs queried the part of the report that suggested that the Finance and Performance Management Scrutiny Panel should not get involved in the detailed scrutiny of budget matters but look at the overall policy matters. Councillor Angold-Stephens said that there was too much duplication between the Finance Cabinet Committee and the Scrutiny Panel. They would like the Scrutiny Panel to take a more strategic, wider view of finance.

Councillor Murray noted the recommendations of who should be the chair of the Overview and Scrutiny Committee. He would still like it to be a member of a minority group. He endorsed the view that the various Portfolio Holders should be encouraged to attend the respective Scrutiny Standing Panels and noted that the Housing Portfolio Holder was very good at doing so. Also, that the word 'Standing' be omitted from the name of the Panels. Councillor Angold-Stephens replied that they had discussed the Chairman at some length. O&S should be a non political process and to this end they would need someone with the correct skills and experience regardless of which political group they were members of. Councillor Murray agreed that the Chairman should not be an overtly political position.

Councillor Chambers commented on the NHS scrutiny proposals. He noted that the NHS was scrutinised by other bodies and that we should be cautious about this. We should make more use of our representatives on the County and West Essex Committees. Councillor Angold-Stephens replied that members would value scrutiny at a local level or have comprehensive feedback from our representatives at County.

Councillor Philip noted that the O&S Committee need not always consider the PICK forms. Mr Willett commented that eventually all PICK forms would go to Committee, but some may need tidying up by officers and some would be inappropriate and be screened out. But eventually they would all come to this meeting.

Councillor Girling agreed that it was important that O&S had a high public profile and he welcomed the issued raised by the Panel on this matter. He also wondered if a summary of our conversations with guests could be put in the member's bulletin. Mr Macnab, the Deputy Chief Executive replied that a summary was reported to the Cabinet and the Council and it was also webcast.

Councillor Stallan was grateful to Councillor Murray for saying that he attended his Scrutiny Panel as the relevant Portfolio Holder. He noted that the attendance of Portfolio Holders had improved over the years. As for members of the public, people would only attend when it was something important to them. He was also grateful that the Panel had not gone for a total revamp of the O&S system but just looked at modifying and improving the system.

He was grateful that they had formalised the call-in procedures, but as a Portfolio Holder and an ordinary member of Council he had been involved in 5 call-ins on both sides. He would like to propose the lead call-in signatory be allowed to speak and that they be followed by the Portfolio Holder and then the other 4 signatories have their say. That is, he would like (b) and (c) in paragraph 3.23 swapped around.

Councillor Angold-Stephens was happy to go along with this suggestion and add that the Portfolio Holder be allowed to answer the next 4 signatories after they spoke and

to respond to any new points raised, as he recognised that otherwise it would put the Portfolio Holder at a disadvantage. Councillor Murray wanted it emphasised that the Portfolio Holder should only respond to any new points raised by the other 4 speakers. Councillor Philip understood the arguments and suggested that this arrangement should be mirrored at the end of the debate. He would support the changing in the order of points (b) and (c). Councillor Jacobs noted that there could be some long speeches from the 4 signatories and he would therefore like them to get together before the meeting to present a unanimous view.

Councillor Angold-Stephens said that the present rules allow the Chairman to vary the format but it does say that the lead petitioner can sum up at the end of the debate. Councillor Philip said he would like to see it put formally. Councillor Lion added that he would like to see the Chairman have some responsibility for the format of the debate.

**AGREED:** Councillor Angold-Stephens proposed that the recommendations were changed and that items (b) and (c) were swapped around and that the lead petitioner is formally requested to wind up the debate just prior to the Portfolio Holder closing the debate. This was agreed by the Committee.

Councillor Waller summed up that he agreed with Councillor Murray's statement that the default position should be that the Chairman of Overview and Scrutiny should be a member of a minority or independent party. He noted that O&S was better at getting outsiders to speak than getting the executive scrutinised. He noted that he had attended a meeting at County discussing a possible call-in and that this resulted in the call-in being withdrawn. This may mean an escalation in call-ins if it resulted in a pre meeting with the Portfolio Holder before it was formally considered at a Committee.

**RESOLVED:**

- (1) That a report be submitted to the Council recommending the proposals arising from this review and as amended by this Committee be approved;
- (2) That the amendments to the constitution with amendments made by the Overview and Scrutiny Committee be approved and recommended to the Council for adoption; and
- (3) That this report be submitted to the Audit and Governance Committee as requested.

**55. ALLOCATIONS OF COSTS - FINANCE STANDING PANEL SUB-COMMITTEE REPORT**

Councillor Lion introduced the Finance and Performance Management Scrutiny Panel's sub-committee report on recharging. It was noted that the Finance and Performance Management Cabinet Committee had asked if the Finance Scrutiny Panel could look into the levels of recharging and how this made it difficult to determine if the service was providing Value for Money.

A small sub group was set up under the chairman of the Finance and Performance Management Scrutiny Panel to investigate the issues with a view to defining the problem and to understand the methodology for cross charging.

This was an interim report looking at support costs and the spending control process. It was noted that a lot of the cross charging was allocated by finance and was not readily available for scrutiny. They were looking to see if there was a better way to

do this and how it could be understood. This interim report will be taken to the Cabinet Committee as it had originated from their request.

**RESOLVED:**

- (1) That the allocations of costs report by the Finance and Performance Management Standing Panel Sub-committee report be noted; and
- (2) That the report be considered by the Finance Cabinet Committee as it was originally requested by the Finance Portfolio Holder.

**56. SIX MONTH OVERVIEW AND SCRUTINY REVIEW**

Mr Hill, the Senior Democratic Services Officer took the Committee through their current Work Programme reviewing the 6 months of work carried out so far. He reported that all the recommendations made so far by this Committee had been adopted during the last six months. He noted that the work programme process would be reviewed in February in light of the Overview and Scrutiny Review Task and Finish Panel's report.

**(a) Overview and Scrutiny Committee**

The Committee noted the work covered so far, and that:

- The Work Programme was on target for completion;
- That no Task and Finish Panels had been set up this year; and
- That there were two issues pending; officers were awaiting the PICK forms.

**(b) Housing Standing Panel**

The Chairman of the Housing Standing Panel, Councillor Murray took the meeting through their recent work programme. The Committee noted that they were tasked to review parking enforcement which would be looked at in January.

**(c) Constitution and Member Services Standing Panel**

The Chairman of the Constitution and Member Services Standing Panel, Councillor Philip took the meeting through their recent work programme. It was noted that this meeting had already covered the report on Licensing and that the report on the Vice Chairman of Council should be coming to the January meeting of the Overview and Scrutiny Committee.

The petition scheme would be considered later on in the year. Councillor Philip noted that he would be producing a PICK form on the constitutional position on questions at council and those without notice. He noted that the next Overview and Scrutiny Committee would not be held until after the next Constitution and Member Services Panel meeting and suggested that the Committee send this directly to his Panel to look at, as the issue was clearly a constitutional matter. This was agreed by the Committee.

**AGREED:** That the impending PICK form looking at the constitutional position on questions at Council be added to the work programme of the Panel.

**(d) Safer Cleaner Greener Standing Panel**

The Chairman of the Panel Councillor Lea, took the Committee through the recent work of her Panel, noting the changes in CCTV that was published in the Member's Bulletin, that recycling in flat blocks had now mostly been rolled out. She noted that



the work of the Highways Panel was progressing very slowly and that the Panel was also looking at the minutes of NEPP meetings.

**(e) Planning Services Standing Panel**

The Committee noted the progress made by this Panel during the year.

**(f) Finance and Performance Management Standing Panel**

The Chairman of the Panel Councillor Lion took the committee through their recent work. He noted they had received the financial issues paper at their last meeting and that the need for more saving was highlighted. They had a discussion on future fees and charges and noted that the only viable way to raise revenue was by raising parking fees. They had looked at the ICT strategy and the cost of a new IT licence for the council and had requested a survey of members but noted that the response to this was very poor. The Sub-group looking at the allocations of cost (recharging) had now submitted an interim report which was on this agenda.

**(g) Task and Finish Panels**

No Task and Finish Panels were established this year.

**57. APPOINTMENT TO THE FINANCE AND PERFORMANCE MANAGEMENT STANDING SCRUTINY PANEL**

The Committee agreed to the appointment of Councillor Mann to the Finance and Performance Management Standing Scrutiny Panel to fill the vacancy left by Councillor Finn.

**RESOLVED:**

That Councillor Mann be appointed to the Finance and Performance Management Standing Scrutiny Panel.

**CHAIRMAN**

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### **Report to Overview & Scrutiny Committee**

**Date of meeting: 28 January 2014**

**Report of: Constitution & Member Services Standing  
Scrutiny Panel**

**Chairman: Councillor J. Philip**

**Subject: Officer Delegation**

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

**Committee Secretary: M. Jenkins (01992 564607)**

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#### **Recommendations:**

- (1) That the proposed alterations (shown in red highlighting) to the schedules of officer delegation reflecting the new Directorate structure be approved with effect from 1 April 2014;**
- (2) That the revised schedules be recommended to the Council or Leader of the Council (as appropriate) prior to publication in the Council's constitution; and**
- (3) To note that the delegated authorities in respect of Deputy Monitoring Officer, Deputy Electoral Registration Officer and Deputy RIPA Officer cannot be finalized at present due to pending appointments required under the implementation of the new Directorate structure but that once an appointment has been made, the decisions of the Director of Governance and the Chief Executive be added to the schedule.**

#### **Report:**

1. The Appendices to this report are amended versions of the schedules of officer delegation published in the Council's constitution. These now require amendment to reflect the new Directorate structure approved by the Council on 17 December 2013.
2. We were advised that the new structure alters the number of Directors and re-allocates functions across the new Directorates and that this results in existing delegated authorities being exercised by different post holders. However, the scope of the delegation is largely unaltered although an opportunity has been taken to update electoral matters as some recent changes, including referendums, are not covered.
3. We draw attention to three positions, set out in recommendation (3) above, which cannot be finalized at present pending the outcome of ring-fenced interviews to an Assistant Director position as part of implementation of the new structure. It is recommended that once an appointment to the position concerned has been made, the decisions of the Chief Executive and the Director of Governance on allocation of these roles be added to the schedule.
4. As previously, those delegated authorities must be approved by either the Leader of the Council (Executive functions) or the Council (Council functions) before being published in the Constitution. We recommend as set out at the commencement of this report.

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# **PART ONE**

## **EXECUTIVE FUNCTIONS – DELEGATION**

### **BY THE LEADER OF COUNCIL**

**EXECUTIVE FUNCTIONS – DELEGATION BY THE LEADER OF COUNCIL**

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
EX1	Finance Sub-Committee (Minute 398 - 31.1.80)	<b>DIRECTOR OF RESOURCES</b>	<b>AGENDA AND MINUTES - CHARGES TO SUBSCRIBERS</b>  To approve charges.
EX2	Housing Committee (Minute 74 – 4.3.92)	<b>DIRECTOR OF COMMUNITIES</b>	<b>AGRICULTURAL DWELLINGS</b>  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)	<b>HEALTH PROTECTION AGENCY (HPA) (Any Consultant Staff Member)</b>	<b>AIRCRAFT</b>  Proper Officer for the purposes of the Public Health (Aircraft) Regulations 1970.
EX4	Cabinet (Minute 142 – 14.3.05)	<b>DIRECTOR OF COMMUNITIES (or in his absence ASSISTANT DIRECTOR COMMUNITY SERVICES)</b>  <b>Ditto</b>    <b>Ditto</b>	<b>ANTI SOCIAL BEHAVIOUR ACT 2003</b>  <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.

Page 22

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
	Cabinet (Minute 10 – 6.6.05)	<b>Ditto</b>	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.
<b>EX5</b>	Development Committee (Minute 19 – 30.5.2000)	<b>DIRECTOR OF GOVERNANCE DIRECTOR OF NEIGHBOURHOODS</b>	<b>BUILDING ACT 1984 – SECTION 98 AUTHORISATION</b>  To authorise designated postholders within the <b>Governance and Neighbourhoods Directorates</b> to exercise powers under Section 98 of the Building Act 1984 to enter premises in connection with the enforcement of the Building Regulations.
<b>EX6</b>	Development Committee (Minute 23(1) – 6.2.74)  Council Minute (Minute 24(1) - 9.7.91)  Development Committee (Minute 35(1) – 15.7.99)	<b>DIRECTOR OF GOVERNANCE</b>  <b>(ASSISTANT DIRECTOR OF DEVELOPMENT MANAGEMENT)</b>  <b>POST PBC/02 &amp; 03 (PRINCIPAL BUILDING CONTROL SURVEYOR)</b>  <b>POSTS PBC/04-9 (SENIOR BUILDING CONTROL SURVEYORS)</b>	<b>BUILDING REGULATIONS</b> 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.  <b>BUILDING ACT 1984</b>  To act as Proper Officer for the purposes of Section 78 of the Building Act 1984.

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
	Development Committee (Minute 35(2) - 15.7.99)	<b>DIRECTOR OF GOVERNANCE</b>	<p><b>BUILDING ACT 1984</b></p> <p>To carry out the following functions under the Building Act 1984:</p> <p>(a) Section 34 - serve notices requiring work contravening building regulations to be removed or altered to achieve compliance;</p> <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	<b>DIRECTOR OF GOVERNANCE</b>	<p><b>BUILDING CONTROL – VETTING OF APPLICATIONS</b></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)	<b>DIRECTOR OF NEIGHBOURHOODS</b>	<p><b>CAR PARK TARIFFS</b></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)	<b>DIRECTOR OF RESOURCES (after consideration of any comments of the relevant portfolio holder)</b>	<p><b>CAR PARKS (COUNCIL)</b></p> <p>To determine applications to use Council office car parks. (See also under "Offices – Use of")</p>



	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>EX10</b>	Policy & Co-ordinating Committee (Minute 44(3) - 29.11.83)	<b>DIRECTOR OF NEIGHBOURHOODS</b>	<b>CAR PARKS (PUBLIC)</b>  To approve the use of Council car parks by charitable organisations or for other charitable purposes.
<b>EX11</b>	Policy and Co-ordinating Committee (Minute 66(a) - 4.12.90)	<b>DIRECTOR OF NEIGHBOURHOODS (NB. This function is being exercised by the Director of Governance on a temporary basis for the time being.)</b>	<b>COMMERCIAL TENANCIES - SERVICE OF NOTICES</b>  To sign notices and answers to originating applications for new tenancies under Part II of the Landlord and Tenant Act 1954.
<b>EX12</b>	Executive Committee (Minute 449 - 11.3.02)	<b>DIRECTOR OF GOVERNANCE</b>	<b>COMPLAINTS AND COMPLIMENTS PROCEDURE</b>  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.
<b>EX13</b>	Council (Minute 74(3) - 20.12.88)	<b>DIRECTOR OF COMMUNITIES DIRECTOR OF NEIGHBOURHOODS</b>	<b>COMPULSORY COMPETITION - AUTHORITY FOR THE COUNCIL TO SUBMIT BIDS FOR WORK INSIDE THE DISTRICT</b>  To submit bids for work inside the District, to utilise spare capacity/manpower only.
<b>EX14</b>	Council (Minute 74(3) - 20.12.88)	<b>CHIEF EXECUTIVE</b>	<b>COMPULSORY COMPETITION - AUTHORITY FOR THE COUNCIL TO SUBMIT BIDS FOR WORK OUTSIDE THE DISTRICT</b>  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.
<b>EX15</b>	Policy and Resources Committee (Minute 347 - 14.2.78)	<b>CHIEF EXECUTIVE SERVICE DIRECTORS</b>	<b>CONFERENCES - ATTENDANCE BY OFFICERS</b>  To approve the attendance of officers at annual conferences, taking into account the subject matter of the conference and the budgetary provision made.

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>EX16</b>	Council (Minute 52 – 12.12.2000)	<b>DIRECTOR OF RESOURCES AND DIRECTOR OF GOVERNANCE (or nominated Deputy)</b>	<b>DEBTS</b>  To take steps to enforce a debt following the commencement of bankruptcy proceedings, subject to action being reported to the Cabinet.
<b>EX17</b>	Policy & Co-ordinating Committee (Minute 78 - 1.12.81)	<b>DIRECTOR OF RESOURCES</b>	<b>ENERGY MANAGEMENT &amp; CONSERVATION</b>  To implement the Council's policy.
<b>EX18</b>	Personnel Sub-Committee (Minute 67 - 24.11.87)	<b>CHIEF EXECUTIVE SERVICE DIRECTORS</b>	<b>EX GRATIA PAYMENTS</b>  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.
<b>EX19</b>	Leisure Services Committee (Minute 5 - 23.5.91)	<b>DIRECTOR OF NEIGHBOURHOODS</b>	<b>FEES AND CHARGES – LEISURE</b>  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.
<b>EX20</b>	Public Health Committee (Minute 72 - 21.9.83)	<b>HPA (Any Consultant Staff Member) (see also under "Disease Control")</b>	<b>FOOD HYGIENE - ENTRY TO PREMISES</b>  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.

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>EX21</b>	Portfolio Holder Decision HSG-029 – 2009/10	<b>DIRECTOR OF COMMUNITIES</b>	<b>GARAGES</b>  To sell isolated garages in accordance with the Council's Policy.
<b>EX22</b>	Housing Services Committee (Minute 155 - 12.2.80)	<b>DIRECTOR OF COMMUNITIES</b>	<b>HARDSTANDINGS - COUNCIL HOUSES</b>  (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.
<b>EX23</b>	Council Housebuilding Cabinet Committee (Minute 4 (5) – 10.7.13)	<b>DIRECTOR OF COMMUNITIES</b>	<b>HOMES AND COMMUNITIES AGENCY – SHORT FORM AGREEMENTS</b>  That the Director of <b>Communities</b> be authorised to enter into Short Form Agreements with the Homes and Communities Agency for all (Council housing) developments, to enable affordable rents to be charged for the properties built under the Housebuilding Programme, and that the "Provider Representative" named in the Agreements be a senior figure at East Thames Group.

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
EX24	Council Housebuilding Cabinet Committee (Minute 5 (3) – 10.7.13)	<b>DIRECTOR OF COMMUNITIES</b>	<p><b>HOUSEBUILDING PROGRAMME – ALLOCATION OF FUNDING TO SCHEMES</b></p> <p>That, once the Cabinet Committee has authorised the use and provisional level of subsidy required for individual developments and/or development packages, the Director of <b>Communities</b> be authorised to allocate funding from the sources listed in Minute 5 (1) of the Housebuilding Cabinet Committee held on 10th July 2013 to individual developments and/or development packages – utilising the most appropriate source of funding for the development(s), having regard to the time limits within which they must be utilised - up to and in excess of the provisional level approved by the Cabinet Committee, once tenders to undertake the works have been received from contractors, subject to:</p> <p>(a) The amount allocated being no more than 15% of the level provisionally approved by the Cabinet Committee;</p> <p>(b) Sufficient funds being available at the time of allocation; and</p> <p>(c) The Cabinet Committee receiving a report to its next meeting on the amount of subsidy allocated, and its source of funding.</p> <p><b>Note - Minute 5 (1) of the Housebuilding Cabinet Committee held on 10th July 2013 lists the following sources of funding:</b></p> <ul style="list-style-type: none"> <li>• <b>Loans from PWLB</b></li> <li>• <b>Capital receipts from additional RTB sales covered by the Agreement with CLG</b></li> <li>• <b>Current and future financial contributions for affordable housing from Section 106 Agreements</b></li> <li>• <b>Capital receipts from the sale of HRA land or building, where the Cabinet has specifically agreed that they should be used to help fund the Council Housebuilding Programme</b></li> <li>• <b>Grant from the HCA</b></li> <li>• <b>Any other external funding sources.</b></li> </ul>

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>EX25</b>	Housing Committee (Minute 125-27.1.97)	<b>DIRECTOR OF COMMUNITIES</b>  <b>HOUSING OPTIONS MANAGER</b>	<b>HOUSING ACCOMMODATION – ALLOCATION</b>  To allocate accommodation in accordance with the Housing Allocations Scheme.
<b>EX26</b>	Housing Committee (Minute 49 – 30.10.91)	<b>DIRECTOR OF COMMUNITIES</b>	<b>HOUSING ACCOMMODATION - DESIGNATION FOR ELDERLY</b>  To cancel designations.
<b>EX27</b>	Housing Committee (Minute 41(20) & (21) – 17.9.96)	<b>DIRECTOR OF COMMUNITIES</b>	<b>HOUSING ACCOMMODATION – TENANCIES FOR 'LIVE IN' CARERS</b>  To grant requests to provide or extend joint tenancies to 'live in' carers where such requests are considered to be justified.
<b>EX28</b>	Housing Committee (Minute 93(b) - 11.3.87)	<b>DIRECTOR OF COMMUNITIES</b>	<b>HOUSING DEFECTS - PLANNING APPLICATIONS FOR REINSTATEMENT WORKS</b>  To submit applications for deemed planning consent in connection with the reinstatement of all Council owned designated defective dwellings.
<b>EX29</b>	Portfolio Holder Decision (1.3.04)	<b>DIRECTOR OF COMMUNITIES</b>	<b>HOUSING LAND – USE FOR COMMUNITY EVENTS</b>  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.
<b>EX30</b>	Council (Minute 23(7)(2) - 29.6.82) Housing Committee (Minute 116(4) - 26.1.98)	<b>DIRECTOR OF COMMUNITIES (in consultation with the appropriate Portfolio Holder)</b>	<b>HOUSING LAND - SURPLUS PLOTS</b>  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.

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
EX31	Housing Committee (Minute 145 - 25.3.97)	<b>DIRECTOR OF COMMUNITIES</b>	<b>HOUSING LAND - WAYLEAVES</b>  To grant wayleaves where there is no detrimental effect on the Council, subject to consultation with Ward Members.
EX32	Cabinet (Minute 155 – 6.2.06)	<b>DIRECTOR OF COMMUNITIES</b>	<b>HOUSING OPTIONS CONSORTIUM</b>  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.
EX33	Housing Committee (Minute 74 - 4.3.92)	<b>DIRECTOR OF COMMUNITIES</b>	<b>HOUSING REGISTER RULES – WAIVING</b>  To waive Housing Register Rules where the <b>Director of Communities</b> considers there are good grounds for so doing.
EX34	Housing Services Director Committee (Minute 6(a)(iii) - 29.10.73)	<b>DIRECTOR OF COMMUNITIES</b>	<b>(HOUSING) MUTUAL EXCHANGES</b>  To approve applications under the Mutual Exchange Scheme.
EX35	Public Health Committee (Minute 72 - 21.9.83)	<b>HPA (Any Consultant member of staff)</b>	<b>ILLNESS - PERSONS IN NEED OF CARE AND ATTENTION</b>  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).
EX36	Public Health Committee (Minute 72 - 21.9.83) (Minute 92 - 17.3.92)	<b>HPA (Any Consultant member of staff)</b>	<b>INFECTIOUS AND COMMUNICABLE DISEASES</b>  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.

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
EX37	<p>Council (Minute 23 – 15.5.08)</p> <p>Cabinet (Minute 42 – 29.7.13)</p> <p><b>NB. Delegated authority to deal with Section 23-25 of the Land Drainage Act 1991 (as amended) will come into operation once final confirmation from Essex County Council has confirmed the delegation (27.8.13)</b></p>	<p><b>DIRECTOR OF NEIGHBOURHOODS ASSISTANT DIRECTOR (TECHNICAL SERVICES) DRAINAGE MANAGER (AND RELEVANT STAFF DULY AUTHORISED TO ACT ON HIS BEHALF)</b></p> <p><b>RELEVANT PORTFOLIO HOLDER</b></p>	<p><b>LAND DRAINAGE AND FLOOD DEFENCE</b></p> <p>To act under the statutory provisions in the Epping Forest District Council – Land Drainage Byelaws 2005.</p> <p>To act under the statutory provisions listed below:</p> <p><b>Land Drainage Act 1991</b></p> <p>Section 14 General drainage powers to maintain, construct and improve drainage works etc</p> <p>Section 15 Disposal of spoil from works to watercourse</p> <p>Section 23, 24 and 25 Consenting to and enforcement of ordinary watercourses as delegated by Essex County Council as amended by the Flood &amp; Water Management Act 2010</p> <p>Sections 26 and 27 Powers to require works for maintaining flow of watercourses etc</p> <p>Section 64 Powers of entry for internal drainage boards and local authorities</p> <p><b>Public Health Act 1936</b></p> <p>Section 260 Power to deal with ponds, ditches etc</p> <p>Section 262 Power to require culverting of watercourses and ditches where building operations in prospect</p> <p>Section 263 Approval of plans to culvert or cover any stream or watercourse</p> <p>Section 264 Issue of notice requiring the repair or cleansing of culverts</p> <p>To approve updates to the list of legislation set out above.</p>

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>EX38</b>	Land Sub-Committee (Minute 130 – 31.1.95)  Resource Sub-Committee (Minute 56 – 24.9.91)	<b>DIRECTOR OF NEIGHBOURHOODS (after considering any views of the relevant Portfolio Holder)</b> <b>DIRECTOR OF GOVERNANCE (Interim for the year 2014/15)</b>  <b>Ditto</b>	<b>LANDLORD AND TENANT - ESTATES MANAGEMENT</b>  (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.
<b>EX39</b>	Policy and Co-ordinating Committee Minute 44(3) – 29.11.83	<b>DIRECTOR OF NEIGHBOURHOODS</b>	<b>NAMING OF STREETS</b>  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.



	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>EX40</b>	Council (Minute 138 – 28.4.09)  Portfolio Holder Decision L/001/2005/6 dated 20.5.05	<b>DIRECTOR OF NEIGHBOURHOODS (OR NOMINATED OFFICER)</b>  <b>DIRECTOR OF GOVERNANCE (OR NOMINATED OFFICER)</b>  <b>DIRECTOR OF NEIGHBOURHOODS</b>	<b>NORTH WEALD AIRFIELD - NON COMMERCIAL LETTINGS</b>  (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 <b>Neighbourhoods</b> .  (c) That subject to compliance with the Council's policy the Director of Neighbourhoods be granted delegated authority to sanction the Concessionary Hire of Leisure Facilities by, or on behalf of, registered charities, for Fundraising Events.
<b>EX41</b>	Public Health Committee (Minute 72 – 21.9.83)	<b>HPA (Any Consultant member of staff) (See also under "Disease Control")</b>	<b>NOTIFIABLE DISEASES</b>  To act as proper officer for the purposes of the Public Health (Control of Disease) Act 1984.
<b>EX42</b>	Cabinet (Minute 142 – 14.3.05)	<b>DIRECTOR OF NEIGHBOURHOODS (or authorised Environmental Health Officer)</b>	<b>NUISANCES</b>  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

Page 33

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>EX43</b>	Personnel Sub-Committee (Minute 79 – 17.11.81)	<b>DIRECTOR OF RESOURCES</b>	<b>OFFICES - USE OF</b>  To determine applications to use Council offices (See also under "Car Parks (Council)").
<b>EX44</b>	Cabinet Minute 151(10) – 18.4.11	<b>DIRECTOR OF COMMUNITIES</b>	<b>OFF STREET CAR PARKING SCHEMES</b>  "To submit planning applications for future off-street parking schemes at the appropriate time after the resident consultation exercise."
<b>EX45</b>	Policy and Resources Committee (Minute 3 – 11.10.73)	<b>DIRECTOR OF RESOURCES</b>	<b>ORDNANCE SURVEY</b>  To act as proper officer for the purposes of Section 191 of the Local Government Act 1972 (Marking out and checking of reputed boundaries).
<b>EX46</b>	Policy and Co-ordinating Committee (Minute 99 – 21.11.89)	<b>DIRECTOR OF GOVERNANCE</b>	<b>PHYSICAL ASSAULTS ON STAFF</b>  In the event of the Crown Prosecution Service not proceeding after physical assault on a Council employee, to give instructions to prosecute where the Director of Governance consider that the Attorney General's guidelines for prosecutions in a private prosecution for assault are satisfied.
<b>EX47</b>	Housing Committee (Minute 74 – 4.3.92)	<b>DIRECTOR OF GOVERNANCE</b>  <b>DIRECTOR OF RESOURCES</b>	<b>POSSESSION ORDERS - MORTGAGE ARREARS</b>  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.

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
EX48	Housing Committee (Minute 75 – 14.11.95)	<b>DIRECTOR OF COMMUNITIES</b>	<p><b>POSSESSION ORDERS - RENT ARREARS/GAS SAFETY INSPECTIONS AND OTHER RELATED ACTIONS</b></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>

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
	<p>Housing Committee (Minute 46 – 12.9.2000)</p> <p>Housing Management Sub Committee (Minute 161 – 15.2.77)</p> <p>Portfolio Holder Decision (24.3.2004)</p>	<p><b>DIRECTOR OF COMMUNITIES, ASSISTANT DIRECTOR (HOUSING PROPERTY AND DEVELOPMENT), ASSISTANT DIRECTOR (HOUSING OPERATIONS), AREA HOUSING MANAGER (NORTH), AREA HOUSING MANAGER (SOUTH)</b></p> <p><b>HOUSING OPTIONS MANAGER</b></p> <p><b>DIRECTOR OF COMMUNITIES HOUSING ASSETS MANAGER (HMT/01) (or any officer authorised to act)</b></p>	<p>(f) to approve and sign Notices and Seeking Possession and Notices to Quit;</p> <p>(g) to initiate proceedings in the County Court for possession and the recovery of rent, mesne, profits, service charges and court costs, in accordance with relevant legislation; and</p> <p>(h) to seek and execute warrants of execution for possession; and</p> <p>(i) to undertake the actions set out in (a), (b) and (c) above, in respect of non-secure tenancies and licences at the Council's Homeless Persons' Hostel (Norway House) including the eviction of any homeless person who defaults in the payment of accommodation charges for four successive weeks or more.</p> <p>(j) Approve and sign Notices of Seeking Possession on the grounds of a breach of tenancy conditions for not allowing the Council access to undertake required repairs and maintenance;</p> <p>(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</p> <p>(l) Seek and execute warrants of execution for possession authorised by the Court.</p>

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>EX49</b>	Standing Order A41(4)	<b>DIRECTOR OF GOVERNANCE</b>	<b>PRESS RELEASES</b>  To issue press releases in advance of publication of relevant committee minutes, if appropriate.
<b>EX50</b>	Cabinet (Minute 109 – 18.12.06)	<b>DIRECTOR OF COMMUNITIES ASSISTANT DIRECTOR OF COMMUNITIES (PRIVATE SECTOR HOUSING COMMUNITIES SUPPORT)</b>	<b>PRIVATE SECTOR HOUSING – ASSISTANCE (including Decent Homes Repayable Assistance, Small Works Repayable Assistance, Thermal Comfort Grants, Conversion Grants, Empty Homes Repayable Assistance and Disabled Facilities Grants)</b>  To exercise the powers and duties under relevant legislation. (See also 'Private Sector Housing – General')
<b>EX51</b>	Cabinet (Minute 184 – 10.4.06)	<b>DIRECTOR OF COMMUNITIES ASSISTANT DIRECTOR OF COMMUNITIES (PRIVATE SECTOR HOUSING AND COMMUNITIES SUPPORT)  RELEVANT PORTFOLIO HOLDER</b>	<b>PRIVATE SECTOR HOUSING – GENERAL</b>  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')
<b>EX52</b>	Finance Sub-Committee (Minute 57 – 31.5.79)	<b>DIRECTOR OF RESOURCES</b>	<b>RATING - DISABLED PERSONS</b>  To administer the provisions of the Rating (Disabled Persons) Act 1978.
<b>EX53</b>	Leisure Services Committee (Minute 5 – 23.5.91)	<b>DIRECTOR OF NEIGHBOURHOODS</b>	<b>RECREATION CHARGES – LEISURE ACTIVITIES AND EVENTS</b>  To make adjustments to the level of fees and charges within the maximum approved by the Cabinet.

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>EX54</b>	Housing Management Sub-Committee (Minute 152(c)(2) – 11.3.80)	<b>DIRECTOR OF COMMUNITIES</b>	<b>RENT ARREARS - DECEASED TENANTS</b>  To write off rent arrears in respect of deceased tenants, where there is no means of recovering the debt.
<b>EX55</b>	Cabinet Minute 46 – 12.9.11	<b>DIRECTOR OF COMMUNITIES</b>	<b>RESTRICTIVE COVENANTS – HOUSING IN MULTIPLE OCCUPATION</b>  To agree requests to vary restrictive covenants on former Council houses, in order to grant permission for their use as privately-rented shared accommodation, provided all of the conditions set out in Cabinet Minute 46 – 12.9.11 have been met.
<b>EX56</b>	Cabinet (Minute 184 – 10.4.06)  <b>Leader decision 2/11 (May 2011)</b>  Portfolio Holder Decision ENV/004/2009-10  Council (Minute – 20.4.10)	<b>DIRECTOR OF NEIGHBOURHOODS (or in his absence ASSISTANT DIRECTORS (ENVIRONMENT AND NEIGHBOURHOOD SERVICES AND TECHNICAL) (or suitably qualified officers authorised by the above-named)</b>  <b>Appropriate Portfolio Holder</b>  <b>DIRECTOR OF NEIGHBOURHOODS</b>	<b>“SAFER, CLEANER, GREENER” LEGISLATION – AUTHORISATION OF OFFICERS</b>  To exercise those functions relating to the management and provision of the Environmental Health Service set out in the list of environmental health legislation in Appendix B including, where necessary, powers of entry by warrant.  To delegate appropriate powers to the Director of <b>Neighbourhoods</b> relating to the management and provision of the Environmental Health Service set out in the attached list of environmental health legislation as set out in Appendix B.  To approve updates to the list of environmental legislation set out in Appendix B.
<b>EX57</b>	Council (Minute 24(2) – 30.6.81)	<b>DIRECTOR OF COMMUNITIES (after considering the views of the Portfolio Holder)</b>	<b>SALE OF COUNCIL HOUSES - DISCOUNTS</b>  To determine, under Part V of the Housing Act 1985, applications for discounting of entitlement periods where a potential purchaser lives with their parents.

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>EX58</b>	Council (Minute 40(4) – 15.7.86)  Housing Committee Minute 117(5) & (6)	<b>DIRECTOR OF COMMUNITIES</b>	<b>SALE OF COUNCIL HOUSES - RESTRICTIVE COVENANTS, MINOR EXTENSIONS AND ALTERATIONS</b>  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 <b>Communities</b> , subject to the outcome being reported to the Portfolio Holder for approval.
<b>EX59</b>	Council (Minute 11(c) – 2.6.77)	<b>DIRECTOR OF NEIGHBOURHOODS</b>	<b>SALE OF COUNCIL HOUSES - VALUATIONS</b>  To carry out all valuations in respect of sale of Council houses.
<b>EX60</b>	Policy and Resources Committee (Minute 3 – 11.10.73)	<b>DIRECTOR OF GOVERNANCE</b>	<b>SECURITIES</b>  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).
<b>EX61</b>	Public Health Committee (Minute 73 – 21.9.83)	<b>HPA (Any Consultant member of staff)</b>	<b>SHIPS</b>  To act as proper officer to the Council for the purposes of the Public Health (Ships) Regulations 1970.
<b>EX62</b>	Housing Committee (Minute 121 – 8.11.77)	<b>DIRECTOR OF GOVERNANCE (in consultation with Director of Communities)</b>	<b>SQUATTERS - EVICTION</b>  To take such urgent action as is necessary to secure the vacation of any Council properties, which are occupied by squatters.

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>EX63</b>	Council (Minute 90(5) – 23.2.82)	<b>DIRECTOR OF RESOURCES</b>	<b>STAFF - APPOINTMENTS TO POSTS REQUIRING LITTLE OR LIMITED TRAINING</b>  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.
<b>EX64</b>	Personnel Sub-Committee (Minute 3 – 31.5.83)	<b>DIRECTOR OF RESOURCES (or in his absence the Deputy Chief Executive)</b>	<b>STAFF - TRAVELLING ALLOWANCES</b>  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.
<b>EX65</b>	Personnel Sub-Committee (Minute 77 – 28.5.74)	<b>CHIEF EXECUTIVE SERVICE DIRECTORS</b>	<b>STUDY LEAVE</b>  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.
<b>EX66</b>	Policy & Co-ordinating Committee (Minute 23 – 5.10.93)	<b>DIRECTOR OF GOVERNANCE</b>	<b>SUBSCRIPTIONS - OUTSIDE ORGANISATIONS</b>  To pay subscriptions in respect of organisations on which the Council is represented at member level.
<b>EX67</b>	Public Health Committee (Minute 46 – 19.9.84)	<b>DIRECTOR OF GOVERNANCE</b>	<b>SUNDAY TRADING - CAR BOOT SALES</b> To institute proceedings in respect of such sales where complaints have been received and satisfactory evidence is available.
<b>EX68</b>	Portfolio Holder decision reference H/026/2002-3	<b>DIRECTOR OF COMMUNITIES</b>	<b>SUPPORTING PEOPLE – SIGNING OF CONTRACTS</b>  To sign the Supporting People “Block Subsidy” and “Block Grants” 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.



	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>EX69</b>	Council Minute 127 – 23.4.13	<b>CHIEF FINANCIAL OFFICER (DIRECTOR OF RESOURCES)</b>	<b>TAX BASE</b>  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.
<b>EX70</b>	Personnel Sub-Committee (Minute 37 – 14.2.74)	<b>CHIEF EXECUTIVE SERVICE DIRECTORS</b>	<b>TEMPORARY STAFF</b>  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.
<b>EX71</b>	Housing Services Committee (Minute 6(a)(iii) – 29.10.73)	<b>DIRECTOR OF COMMUNITIES</b>	<b>TENANCIES - COUNCIL HOUSES</b>  To allocate tenancies in accordance with the Housing Allocation Scheme.
<b>EX72</b>	Portfolio Holder Decision (23.8.04)	<b>DIRECTOR OF COMMUNITIES OR NOMINATED OFFICER</b>	<b>TENANCIES – DEMOTED TENANCY ORDERS</b>  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.
<b>EX73</b>	Housing Management Sub-Committee (Minute 33(c)(2) – 15.5.74)	<b>DIRECTOR OF COMMUNITIES</b>	<b>TENANCIES - SERVICE</b>  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.
<b>EX74</b>	Housing Services Committee (Minute 6(d)(1) – 29.10.73)	<b>DIRECTOR OF COMMUNITIES</b>	<b>WARRANTS OF DISTRAINT</b>  To issue warrants of distraint in housing cases.

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
<b>EX75</b>	<p>Development Committee (Minute 60 – 6.1.93) Public Health Committee (Minute 52 – 17.11.92) Housing Committee (Minute 56 – 24.11.92)</p> <p>Development Committee (Minute 60 – 6.1.92)</p>	<p><b>DIRECTOR OF NEIGHBOURHOODS (in consultation with the Director of Governance)</b> <b>ASSISTANT DIRECTOR - NEIGHBOURHOOD SERVICES</b> <b>DIRECTOR OF COMMUNITIES (Housing Act Powers)</b></p> <p><b>DIRECTOR OF GOVERNANCE</b></p>	<p><b>WARRANTS FOR ENTRY</b></p> <p>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.</p> <p>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.</p>
<b>EX76</b>	Public Health Committee (Minute 144(a) – 9.3.77)	<p><b>DIRECTOR OF NEIGHBOURHOODS</b></p> <p><b>(after consideration of any views of the Portfolio Holder and local ward member(s))</b></p>	<p><b>WASTE DISPOSAL ON LAND</b></p> <p>To submit representations to Essex County Council on any proposed licence.</p>

**PRIVATE SECTOR HOUSING - SCHEDULE OF DELEGATION**

<b>Building Act 1984</b> Sections 59-62, 63, 64, 66, 67, 68, 70, 71, 76, 79, 84-85, 91-115.	Director of Communities
<b>Caravan Sites and Control of Development Act 1960</b> Sections 1, 2, 3, 4-5, 8-11, 12, 23, 24, 25, 26.	Director of Communities
<b>Caravan Sites Act 1968</b> Sections 3, 14.	Director of Communities
<b>Civil Evidence Act 1995</b> Section 9.	Director of Communities
<b>Clean Neighbourhoods and Environment Act 2005</b> Sections 102, 103.	Director of Communities
<b>Criminal Procedure and Investigations Act 1996</b> Section 26.	Director of Communities
<b>Environmental Protection Act 1990</b> Sections 79-82, Schedule 3.	Director of Neighbourhoods
<b>Home Energy Conservation Act 1995</b> Sections 2, 5.	Director of Neighbourhoods
<b>Home Safety Act 1961</b> Section 1.	Director of Communities
<b>Housing Act 1985</b> 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.	Director of Communities
<b>Housing Grants, Construction and Regeneration Act 1996</b> Sections 1-3, 19, 21-24, 29-31, 34-44, 51, 52, 55-57, 95.	Director of Communities
<b>Housing Act 2004</b> 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.	Director of Communities
<b>Landlord and Tenant Act 1985</b> Sections 1, 2, 4, 8, 11, 12, 20, 34.	Director of Communities
<b>Local Government Act 1974</b> Section 36.	Director of Communities
<b>Local Government and Housing Act 1989</b> Sections 89-93, 95, 97, 169.	Director of Communities
<b>Local Government (Miscellaneous Provision) Act 1976</b> Section 13, 15, 16, 33, 35.	Director of Communities

<b>Local Government (Miscellaneous Provision) Act 1982</b> Sections 27, 29, 30, 31, 32, 33, 37, 41.	Director of Communities
<b>Planning and Compensation Act 1991</b> Sections 196A-C	Director of Communities
<b>Prevention of Damage by Pests Act 1949</b> Sections 4-7, 10, 22, 26.	Director of Communities
<b>Protection from Eviction Act 1977</b> Sections 6, 7.	Director of Communities
<b>Protection from Harassment Act 1997</b> Sections 1, 6, 7.	Director of Communities
<b>Public Health Act 1936</b> Sections 1, 45, 48-50, 83, 84-87, 264, 265, 268-270, 275, 276, 278, 284, 287, 290, 291, 293, 298.	Director of Communities
<b>Public Health Act 1961</b> Section 17, 22, 34, 36, 37, 73, 74.	Director of Communities
<b>Regulation of Investigatory Powers Act 2000</b> Section 3, 5, 11, 43, 45, 47, 49, 58, 72.	Director of Communities
<b>Town and Country Planning Act 1990 (as amended)</b> Sections 215 – 219	Director of Communities

**LIST OF SAFER, CLEANER, GREENER LEGISLATION**

**Animal Boarding Establishments Act 1963**

Sections 1, 2 and 4

Director of Neighbourhoods

**Animal Health Act 1981**

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

Director of Neighbourhoods

**Anti-Social Behaviour Act 2003**

Director of Communities

**Breeding and Sale of Dogs (Welfare) Act 1999**

Sections 1-11

Director of Neighbourhoods

**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

Director of Neighbourhoods

**Breeding of Dogs Act 1973**

Sections 1, 1(2A) and 2

Director of Neighbourhoods

**Breeding of Dogs Act 1991**

Section 1

Director of Neighbourhoods

**Building Act 1984**

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

Director of Governance

**EFDC bye laws for the control of dogs**

All

Director of Neighbourhoods

**Caravan Sites Act 1968**

Section 14

Director of Communities

**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

Director of Communities

**Cattle Identification Regulations 1998**

Regulation 5

Director of Neighbourhoods

**Celluloid and Cinematograph Film Act 1922**

Sections 1 and 4

Director of Neighbourhoods

**Charities Act 1992**

Sections 68 and 70

Section 78

Director of Neighbourhoods

**Chronically Sick and Disabled Persons Act 1970**

Sections 4 and 5

Director of Neighbourhoods

<b>Cinemas Act 1985</b> Sections 1, 1(3)(6D) to 1(3)(6F), 2, 3(2), 3A, 9, 12, 13, 13(3), 14, 18	Director of Neighbourhoods
<b>Civil Evidence Act 1995</b> Section 9	Director of Neighbourhoods
<b>Clean Air Act 1993</b> 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	Director of Neighbourhoods
<b>Clean Neighbourhoods and Environment Act 2005</b> All	Director of Neighbourhoods
<b>Contaminated Land (England) Regulations 2000</b> All	Director of Neighbourhoods
<b>Control of Dogs Order 1992</b> Sections 4 and 5	Director of Neighbourhoods
<b>Control of Pollution Act 1974</b> Section 22 Section 23 Sections 57, 60, 61, 62, 68, 91 and 93	Director of Neighbourhoods
<b>Control of Pollution (Amendment) Act 1989</b> All	Director of Neighbourhoods
<b>Cremation Act 1902</b> Sections 6, 7 and 9	Director of Neighbourhoods
<b>Crime and Disorder Act 1998</b> Section 1 Section 12 Section 17 and 37	Director of Communities
<b>Criminal Justice and Police Act 2001</b> Sections 13, 19, 20, 22 and 25 Sections 50, 52 to 55 and 60 to 62	Director of Communities Director of Neighbourhoods
<b>Criminal Justice and Public Order Act 1994</b> Sections 77, 78, 79(3), and 163	Director of Communities
<b>Criminal Procedure and Investigations Act 1996</b> Section 26	Director of Communities Director of Neighbourhoods
<b>Customs and Excise Management Act 1979</b> Section 176	Director of Communities
<b>Dairy Products (Hygiene) Regulations 1995 (made under the Food Safety Act 1990)</b> Regulations 6, 6(11), 7, 8, 16 and 19	Director of Neighbourhoods
<b>Dangerous Dogs Act 1991</b> Section 5	Director of Neighbourhoods
<b>Dangerous Wild Animals Act 1976</b> Sections 1, 3(1) to 3(3) and 4 Defective Premises Act 1972	Director of Neighbourhoods

<b>Dogs (Fouling of Land) Act 1996</b> Section 4	Director of Neighbourhoods
<b>Egg Products (Regulations) 1993 (made under the Food Safety Act 1990)</b> Regulations 5, 5(5), 8 and 9	Director of Neighbourhoods
<b>Energy Act 1976</b> Section 18	Director of Neighbourhoods
<b>Energy Conservation Act 1981</b> Sections 20, 23 and 24	Director of Neighbourhoods
<b>Environment Act 1995</b> Sections 82 to 84, 88 and 90 Sections 108 to 113 Paragraphs 2 and 6 of Schedule 18	Director of Neighbourhoods
<b>Environmental Damage</b> (Prevention and Remediation Regulations 2009)	Director of Neighbourhoods
<b>Environment and Safety Information Act 1988</b> Sections 1 and 3	Director of Neighbourhoods
<b>Environmental Protection Act 1990</b> 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	Director of Neighbourhoods
<b>Essex County Council Act 1952</b> Section 58	Director of Neighbourhoods
<b>European Communities Act 1972</b> Section 2	Director of Neighbourhoods
<b>Fire Safety and Safety of Places of Sport Act 1987</b> Sections 26 to 29, 31, 34 and 35	Director of Neighbourhoods
<b>Food and Environment Protection Act 1985</b> Sections 16 and 19	Director of Neighbourhoods
<b>Food Premises (Registration) Regulations 1991</b> All	Director of Neighbourhoods
<b>Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998</b> All	Director of Neighbourhoods

**Food Safety & Hygiene (England) Regulations 2013**

All

Director of Neighbourhoods

**Food Hygiene (England) Regulations 2006**

All

Director of Neighbourhoods

**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

Director of Neighbourhoods

**Guard Dogs Act 1975**

Section 3

Director of Neighbourhoods

**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

Director of Neighbourhoods

**Highways Act 1980**

Sections 131 and 132

Director of Neighbourhoods

**Home Safety Act 1961**

Section 1

Director of Neighbourhoods

**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

Director of Communities



**Housing Grants, Construction and Regeneration Act 1996** Director of Communities

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** Director of Communities

Sections 5, 19, 20B, 20ZA, 21, 21A, 21B, 22, 23, 29, 30, 30B and 31B

**Local Government and Housing Act 1989** Director of Neighbourhoods

Parts VII, VIII, IX

**Local Government Act 1972** Ditto

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** Ditto

Section 36

**Local Government (Miscellaneous Provisions) Act 1976** Ditto

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

**Local Government (Miscellaneous Provisions) Act 1982** Ditto

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** Ditto

Sections 17, 20, 33, 37

**Local Government Act 1999** Ditto

Sections 3 to 5 Section 16

Section 26

**Local Government Act 2000** Ditto

Sections 150 and 151

**Meat and Meat Preparations (Hygiene) Regulations 1995** Director of Neighbourhoods

Regulations 4, 5 and 12

**Meat Products (Hygiene) Regulations 1995** Director of Neighbourhoods

Regulations 4 to 6, 12 and 17

**Medicines Act 1968** Director of Neighbourhoods

Sections 108, 111 to 114, 117 and 119

**Motor Cycle Noise Act 1987** Director of Neighbourhoods

Section 1 and paragraph 3 of the Schedule

**National Assistance Act 1948** Director of Neighbourhoods

Section 47

**Noise Act 1996** Director of Neighbourhoods

All

**Noise and Statutory Nuisance Act 1993** Director of Neighbourhoods

Section 10

<b>Nurses Agencies Act 1957</b> Sections 2 and 3	Director of Neighbourhoods
<b>Open Spaces Act 1906</b> Section 10 Sections 11(1) to 11(4) Sections 12 and 13	Director of Neighbourhoods
<b>Pedlars Act 1871</b> Section 17	Director of Neighbourhoods
<b>Performing Animals (Regulation) Act 1925</b> Sections 1 to 4	Director of Neighbourhoods
<b>Pigs (Records Identification and Movement) Order 1995</b> The Order	Director of Neighbourhoods
<b>Plant Health Act 1967</b> Sections 5 and 6(3)	Director of Neighbourhoods
<b>Poisons Act 1972</b> Sections 5(1) to 5(3) 6 and 9(5) Section 9(6) INSPS Section 9(7) INSPS	Director of Neighbourhoods
<b>Police and Criminal Evidence Act 1984</b> Section 67(9)	Director of Communities
<b>Pollution Prevention and Control Act 1999</b> Section 2	Director of Neighbourhoods
<b>Prevention of Damage by Pests Act 1949</b> Sections 2, 4 to 7, 10, 19, 22 and 26	Director of Neighbourhoods
<b>Private Places of Entertainment (Licensing) Act 1967</b> Sections 3, 3A, 3C to 3E, 4, 4A and 4A(3)	Director of Neighbourhoods
<b>Private Water Supplies Regulations 1991</b> Private Water Supplies Regulations (England) 2009 (when enacted) Private Water Supply Regulations (England) 2009	Director of Neighbourhoods
<b>Protection of Animals Act 1911 to 1960</b> All relevant parts	Director of Neighbourhoods
<b>Protection of Animals (Amendment) Act 2000</b> Sections 2, 3, 3(2) and 4	Director of Neighbourhoods
<b>Public Health (Control of Disease) Act 1984</b> 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	Director of Neighbourhoods
<b>Public Health Act 1875</b> Sections 153 and 161 Section 164 Sections 165, 305 and 308	Director of Neighbourhoods

<b>Public Health Act 1925</b> Section 14 Sections 17 and 19 Section 56	Director of Neighbourhoods
<b>Public Health Act 1936</b> 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	Director of Neighbourhoods
<b>Public Health Act 1961</b> Sections 17, 22, 34, 36, 37, 45, 73, 74 and 77	Director of Neighbourhoods
<b>Refuse Disposal (Amenity) Act 1976</b> Sections 3, 6, 8	Director of Neighbourhoods
<b>Refuse Disposal Amenity Act 1978</b> Sections 1, 2, 3, 4, 5, 6 and 7	Director of Neighbourhoods
<b>Regulation of Investigatory Powers Act 2000</b> Section 3, 5, 11, 28 to 30, 43, 45, 47, 49, 58 and 72	Director of Neighbourhoods
<b>Safety of Sports Grounds Act 1975</b> Sections 1 to 5, 10, 10B and 11	Director of Neighbourhoods
<b>Scrap Metal Dealers Act 1964</b> Sections 1, 1(3), 1(5), 1(6), 1(9), 3(1), 3(3), 9(2) and 9(3)	Director of Neighbourhoods
<b>Slaughter of Poultry Act 1967</b> Sections 4 and 6	Director of Neighbourhoods
<b>Slaughterhouses Act 1974</b> Sections 4, 5, 10, 19, 20, 22, 29, 41 and 42	Director of Neighbourhoods
<b>Sunbeds (Regulation) Act 2010</b>	Director of Neighbourhoods
<b>Sunday Entertainments Act 1932</b> Section 3	Director of Neighbourhoods
<b>Sunday Trading Act 1994</b> 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	Director of Neighbourhoods
<b>Theatres Act 1968</b> Sections 13(4), 13(5) and 15 Paragraphs 1, 3 to 7 and 7C of Schedule 1	Director of Neighbourhoods
<b>Town and Country Planning Act 1990</b> Sections 215, 224 and 225	Director of Neighbourhoods
<b>Water Industry Act 1991</b> Sections 77 to 85 Section 115 Section 200	Director of Neighbourhoods

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

Director of Neighbourhoods

**Wildlife and Countryside Act 1981**  
Sections 20 and 25

Director of Neighbourhoods

**Zoo Licensing Act 1981**  
Sections 1, 4 to 7, 10 to 12 and 14 to 27

Director of Neighbourhoods

**PART TWO – COUNCIL AND  
REGULATORY FUNCTIONS**

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

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
CL1	Council - 29.10.85 (Minute 57(2))	<b>DIRECTOR OF GOVERNANCE</b>	<b>ACCESS TO INFORMATION ACT 1985 – PROPER OFFICER</b>  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)	<b>CHIEF EXECUTIVE SERVICE DIRECTORS</b>	<b>ACCESS TO INFORMATION ACT 1985 – DEPOSIT OF BACKGROUND DOCUMENTS</b>  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)	<b>DIRECTOR OF GOVERNANCE</b>	<b>AFFIDAVITS – SWEARING OF</b>  To secure sworn affidavits from any member of Council staff where required by the Council.
CL4	Council (Minute 104(5) – 19.4.83)	<b>CHIEF EXECUTIVE SERVICE DIRECTORS</b>	<b>APPRAISAL OF TOP MANAGEMENT*</b> To implement the Council’s scheme for staff performance development reviews (*NB. ‘Top Management’ includes Service Directors)  <b>APPRAISAL OF STAFF</b> To implement the Council’s scheme for staff performance development reviews (NB excluding Service Directors).

Page 54

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
CL5	Personnel Sub-Committee (Minute 13 – 7.6.88)	<b>CHIEF EXECUTIVE SERVICE DIRECTORS</b>	<b>ATTENDANCE ALLOWANCES FOR OFFICERS</b>  To authorise, in cases where the <b>Service Directors</b> 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)	<b>DIRECTOR OF RESOURCES</b>	<b>BORROWING DETERMINATION</b>  (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)	<b>DIRECTOR OF GOVERNANCE</b>	<b>BYELAWS – CERTIFICATION</b>  To act as Proper Officer for the purposes of Section 238 of the Local Government Act 1972.
CL8	Policy & Resources Committee (Minute 3 – 11.10.73)	<b>DIRECTOR OF GOVERNANCE</b>	<b>BYELAWS – PARISH &amp; COUNTY COUNCIL COPIES</b>  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)	<b>CHIEF EXECUTIVE SERVICE DIRECTORS</b>	<b>CAR LEASING SCHEME</b>  (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;

Page 55

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
	Cabinet (Minute 61 – 1.9.08) Personnel Sub-Committee (Minute 37 – 25.7.89)	<b>MANAGEMENT BOARD CHIEF EXECUTIVE SERVICE DIRECTORS</b>	(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.
<b>CL10</b>	Policy & Resources Committee (Minute 3 – 11.10.73)	<b>CHIEF EXECUTIVE</b>	<b>CHAIRMAN OF COUNCIL – CASUAL VACANCY</b>  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).
<b>CL11</b>	Finance Sub-Committee (Minute 13 – 14.11.73)	<b>DIRECTOR OF RESOURCES (or other duly authorised signatory)</b>	<b>CHEQUES – SIGNING</b>  To sign cheques on behalf of the Council.
<b>CL12</b>	Council (Minute 90(4) – 22.4.97) S.O. F1(3), F1(4)	<b>MR R PALMER DIRECTOR OF RESOURCES (MR PETER MADDOCK, ASSISTANT DIRECTOR AS DEPUTY)</b>	<b>CHIEF FINANCIAL OFFICER</b>  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.
<b>CL13</b>	Policy & Co-ordinating Committee (Minute 51 – 4.1.94)	<b>DIRECTOR OF RESOURCES</b>	<b>COLLECTION FUND</b>  To calculate the surplus or deficit on the Collection Fund in accordance with the Local Authorities (Funds) (England) Regulations 1992.



	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
CL14	Council (Minute 90(4) – 22.4.97)	<b>CHIEF EXECUTIVE DEPUTY CHIEF EXECUTIVE DIRECTOR OF GOVERNANCE</b>  <b>ASSISTANT DIRECTOR (LEGAL SERVICES)</b>	<b>COMMON SEAL – ATTESTATION OF</b>  To attest the Common Seal of the Council.
CL15	Personnel Sub-Committee (Minute 13 – 15.11.73)	<b>CHIEF EXECUTIVE SERVICE DIRECTORS</b>	<b>COMPASSIONATE LEAVE</b>  To grant to staff up to five days leave (with pay) per year for compassionate reasons.  (Note: Leave in excess of five days to be granted at the discretion of the Management Board).
CL16	Council (Minute 18 - 18.6.12)	<b>MONITORING OFFICER (or in the absence of, the DEPUTY MONITORING OFFICER)</b>	<b>CONDUCT OF COUNCILLORS</b> 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;

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
Page 58	Standards Committee (Minute 21 – 13.12.12)	<b>MONITORING OFFICER (or in the absence of, the DEPUTY MONITORING OFFICER)</b>	<p>(g) To seek local resolution of any complaint where an investigation finds evidence of a failure to comply subject to the following:</p> <ul style="list-style-type: none"> <li>(i) consultation with the independent person and the complainant;</li> <li>(ii) a summary report being made to the Standards Committee on the action taken;</li> </ul> <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:</p> <ul style="list-style-type: none"> <li>Section 33(2)(a) (Quorum)</li> <li>Section 33(2)(b) (Political Balance)</li> <li>Section 33(2)(d) (Executive Business)</li> </ul>
CL17	Policy & Resources Committee (Minute 3 – 11.10.73)	<b>CHIEF EXECUTIVE</b>	<p><b>COUNCIL MEETINGS – NOTICES AS TO ADDRESSES FOR DELIVERY OF SUMMONS</b></p> <p>To act as Proper Officer in accordance with Schedule 12 (paragraph 4(3) of the Local Government Act 1972 as to the receipt of these notices.</p>
CL18	Council (Minute 127 – 23.4.13)	<b>MONITORING OFFICER</b>	<p><b>CONSTITUTION – MINOR AMENDMENTS</b></p> <p>To make amendments to the Constitution to reflect the following:</p> <ul style="list-style-type: none"> <li>(a) statutory changes over which the Council has no control; and</li> <li>(b) minor drafting and clerical errors.</li> </ul>

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
CL19	Policy & Resources Committee (Minute 3 – 11.10.73)	<b>CHIEF EXECUTIVE</b>	<b>COUNCIL MEETINGS – SIGNATURE OF SUMMONS TO ATTEND</b>  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.
CL20	Policy & Resources Committee (Minute 3 – 11.10.73)	<b>CHIEF EXECUTIVE</b>	<b>COUNCILLORS – ACCEPTANCE OF OFFICE</b>  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.
CL21	Policy & Resources Committee (Minute 3 – 11.10.73)	<b>CHIEF EXECUTIVE</b>	<b>COUNCILLORS – RESIGNATION FROM OFFICE</b>  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.
CL22	Council (Minute 49 – 18.12.01)	<b>DIRECTOR OF GOVERNANCE</b>	<b>COUNCILLORS – SUBSTITUTES</b>  To receive notices from Group Leaders regarding the appointment of substitute members, subject to certain conditions.
CL23	Council (Minute 100(7) – 18.4.2000)	<b>DIRECTOR OF GOVERNANCE</b>	<b>COURT, TRIBUNAL, INQUIRY PROCEEDINGS – ENGAGEMENT OF STAFF AND ADVICE</b>  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)	<b>DIRECTOR OF GOVERNANCE</b>	<b>DATA PROTECTION ACT 1984</b>  To act as Proper Officer for the purposes of the Data Protection Act 1984 for the receipt of notices.

Page 59

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
CL25	Finance Sub-Committee (Minute 67(iii) – 6.3.74)	<b>DIRECTOR OF RESOURCES</b>	<b>DIRECT DEBITING</b>  To execute a direct debiting indemnity on behalf of the Council.
CL26	Policy & Co-ordinating Committee (Minute 44 – 29.11.83)	<b>SERVICE DIRECTORS/ DIRECTOR OF RESOURCES</b>	<b>DISTURBANCE COMPENSATION</b>  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)	<b>DIRECTOR OF GOVERNANCE</b>	<b>DOCUMENTS – AUTHENTICATION</b>  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)	<b>DIRECTOR OF GOVERNANCE</b>	<b>DOCUMENTS – CERTIFICATION OF PHOTOGRAPHIC COPIES</b>  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)	<b>DIRECTOR OF GOVERNANCE</b>	<b>DOCUMENTS – DEPOSIT</b>  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)	<b>CHIEF EXECUTIVE (or in his absence the DEPUTY CHIEF EXECUTIVE)</b>	<b>DOCUMENTS – INSPECTION AND SUPPLY FOR COUNCILLORS</b>  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	<b>G CHIPP CHIEF EXECUTIVE  (Deputy registration officer : TBD</b>	<b>ELECTORAL MATTERS</b>  <b>(a) Registration Officer under section 8(2)(a) of the Representation of the People Act (RPA) 1983 and</b>

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
			<p><b>(i) through Section 28 of the RPA, Acting Returning Officer for the purposes of UK Parliamentary elections; and</b></p> <p><b>(ii) through Section 6 of the European Elections Act 2002, Local Returning Officer for European Parliamentary elections.</b></p> <p><b>(Duties:</b> responsibility for the electoral register, for EU parliamentary elections (under the direction of the Regional Returning Officer) and for UK Parliamentary elections.)</p> <p><b>(b) Counting Officer for the purposes of Section 61E of the Town &amp; Country Planning Act 1990 and the Localism Act 2011 (Section 116)</b></p> <p><b>(Duties:</b> responsibility for the local referendums on Neighbourhood Plans)</p> <p><b>(c) District Returning Officer for the Epping Forest District under Section 35(1) of the RPA 1983</b></p> <p><b>(Duties:</b> responsibility for the conduct of District Council/Parish Council elections and, through Sections 52ZQ and 113 of Local Government Finance Act 1992, Proper Officer for local referendums in connection with Council Tax precepts.)</p> <p><b>(d) Proper Officer under Sections 34, 35 and 105(2) of the Local Government Act 2000</b></p> <p><b>(Duties:</b> responsibility for petitions and referendums in connection with the Executive Constitution of the Council).</p> <p><b>(e) Nominated Deputy County Returning Officer under Section 35(1) of the RPA 1983</b></p> <p><b>(Duties:</b> responsibility for County Council elections as appointed by and under the direction of the County Returning Officer.)</p> <p><b>continued</b></p>

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
			<p><b>(f) Nominated Local Returning Officer under Section 54 of the Police &amp; Social Responsibility Act 2011</b></p> <p><b>(Duties:</b> conduct of elections for Police &amp; Crime Commissioners under the direction of County Returning Officer.)</p> <p><b>(g) Nominated Local Counting Officer for the purposes of Section 128 of the Political Parties, Elections and Referendums Act 2000.</b></p> <p><b>(Duties:</b> conduct of national referendums under the direction of the Chief Counting Officer (i.e. the Chief Executive of the Electoral Commission).</p>
CL32	Council Minute 75(8) – 14.12.04	<b>G CHIPP RETURNING OFFICER</b>	<p><b>ELECTIONS – DISCRETIONARY FEES AND CHARGES</b></p> <p>To determine annually the scale of discretionary fees and charges, for which there is no statutory amount, by allowing for inflation and rounding up to the nearest whole number.</p>
CL33	Council Minute 115 – 19.4.05	<b>G CHIPP RETURNING OFFICER</b>	<p><b>ELECTIONS – FEES AND EXPENSES</b></p> <p>To determine the scale of fees and expenses payable by the Returning Officer at elections of District and Parish Councils, adjusting the schedule for inflation and rounding up to the nearest whole number.</p>
CL34	Policy & Co-ordinating Committee (Minute 101 – 1.12.98)	<b>DIRECTOR OF GOVERNANCE</b>	<p><b>ELECTORAL REGISTRATION – PROSECUTIONS</b></p> <p>To institute and pursue proceedings in relation to electoral registration offences.</p>



	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
CL38	District Development Control Committee (Minute 49 (3) - 26.6.13)	<b>DIRECTOR OF COMMUNITIES</b>	<p><b>GROWTH AND INFRASTRUCTURE ACT 2013</b></p> <p>To determine applications received under Section 7 to modify, remove or discharge affordable housing obligations, subject to:</p> <p>(a) Prior consultation with the Director of <b>Governance</b>; the Chairman (or in his/her absence, the Vice-Chairman) of the relevant Area Plans Sub-Committee and local ward members; and</p> <p>(b) Details of the application and the resultant Determination being reported in the following issue of the Council Bulletin.</p>
CL39	Development Committee (Minute 31 – 25.8.92)	<b>DIRECTOR OF GOVERNANCE</b>	<p><b>HAZARDOUS SUBSTANCES</b></p> <p>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.</p>
CL40	Council (Minute 12(11)(a) – 27.2.90)	<b>CHIEF EXECUTIVE (or in his absence the DEPUTY CHIEF EXECUTIVE)</b>	<p><b>HEAD OF PAID SERVICE</b></p> <p>In accordance with Section 4 of the Local Government and Housing Act 1989 designated as Head of the Authority's Paid Service.</p>



	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
CL41	<p>Council (Minute 54(4) – 20.12.77)</p> <p>Personnel Sub-Committee (Minute 49(6) – 4.10.88)</p>	<p><b>CHIEF EXECUTIVE</b></p> <p><b>SERVICE DIRECTORS</b> <b>ALL MANAGERS OR</b> <b>SUPERVISORS</b> <b>RESPONSIBLE FOR</b> <b>ONE OR MORE STAFF</b></p>	<p><b>HEALTH AND SAFETY AT WORK – IMPLEMENTATION</b></p> <p>(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;</p> <p>(b) To be directly responsible for the implementation in each Directorate of the Council’s general policy for safety, health and welfare;</p> <p>(c) To ensure that adequate budgetary provision is made to meet the cost of any safety programme; and</p> <p>(d) To be responsible in the work area under their control for:</p> <p>(i) implementation of general policy of health, safety and welfare;</p> <p>(ii) annual review of work areas to assess training needs and priorities for improvements;</p> <p>(iii) identification of hazards for employees and the public;</p> <p>(iv) consultation with employee representatives on safety matters; and</p> <p>(v) setting an example in safe behaviour.</p>

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
CL42	Council (Minute 52(c) – 12.12.00)	<b>DIRECTOR OF GOVERNANCE (or nominated Deputy)</b>	<p><b>HIGH COURT ACTION</b></p> <p>To instigate High Court action in the following circumstances:</p> <p>(a) appeals lodged in accordance with Sections 288 and 289 of the Town and Country Planning Act 1990 (as amended) which shall be authorised by the Director of <b>Governance</b>;</p> <p>(b) applications for High Court injunctions to secure planning enforcement under the Town and Country Planning Act 1990 (as amended) which shall be authorised by the District Development Control Committee or an Area Plans Sub-Committee, or to deal with breaches of Abatement Notices under the Environment Act 1995 or Amendments thereof which shall be authorised by the Cabinet;</p> <p>(c) any applications for High Court injunctions where immediate emergency action is required to prevent serious distress to public safety or residential amenity which shall be authorised by the Director of <b>Governance</b> in consultation with the appropriate Portfolio Holder.</p> <p>(d) any other category of High Court action which shall not admit of delay resulting from reference to the full Council – which shall be authorised by the Cabinet or any appropriate committee or subcommittee; and</p> <p>(e) to make applications in consultation with the appropriate members under High Court injunctions where immediate emergency action is required to prevent serious distress to public safety or residential amenity.</p>
	Council (Minute 100(5) – 18.4.00)	<b>DIRECTOR OF GOVERNANCE (or nominated Deputy)</b>	To defend High Court Proceedings instituted against the Council (subject to reporting on action taken to the next Cabinet meeting).
	Council (Minute 29(2) – 15.7.86)	<b>DIRECTOR OF GOVERNANCE (or nominated Deputy)</b>	To lodge, after prior consultation, appeals in the High Court in accordance with the provisions of Sections 288 and 289 of the Town and Country Planning Act 1990, as amended, subject to a report being made to the next appropriate meeting on the action taken.

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
CL43	Council (Minute 34 – 22.7.97)	<b>DIRECTOR OF GOVERNANCE</b>	<b>INSOLVENCY – ENFORCEMENT OF DEBTS</b>  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)	<b>DIRECTOR OF RESOURCES (or nominated Deputy)</b>	<b>INSURANCE – INSTITUTION OF LEGAL PROCEEDINGS</b>  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)	<b>DIRECTOR OF GOVERNANCE</b>	<b>LAND CHARGES</b>  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)	<b>DIRECTOR OF NEIGHBOURHOODS ASSISTANT DIRECTOR (NEIGHBOURHOOD SERVICES)</b>  <b>Appropriate Portfolio Holder</b>	<b>LICENSING</b>  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 <b>Neighbourhoods</b> relating to the management and provision of service set out in the attached list of environmental health legislation as set out in Appendix B.

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
CL47	Licensing Committee (Minute 12 – 15.10.08)	<b>DIRECTOR OF NEIGHBOURHOODS ASSISTANT DIRECTOR (NEIGHBOURHOOD SERVICES) SENIOR LICENSING OFFICER or suitably qualified officer authorised by them</b>	<b>LICENSING – HACKNEY CARRIAGE AND PRIVATE VEHICLE LICENCES</b>  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).
CL48	Council (Minute 48 – 26.9.13)	<b>DIRECTOR OF NEIGHBOURHOODS ASSISTANT DIRECTOR (NEIGHBOURHOOD SERVICES)</b>	<b>LICENSING – SCRAP METAL DEALERS ACT 2013</b>  To implement Appendix D (Schedule of delegations under the Act) insofar as they relate to matters to be undertaken by officers.  To authorise officers to carry out inspections of the sites and vehicles used and conduct investigations and to issue and undertake prosecutions that may arise under the Act.
CL49	Policy & Co-ordinating Committee (Minute 24(2) – 8.10.91)	<b>DIRECTOR OF RESOURCES</b>	<b>LOCAL GOVERNMENT AND HOUSING ACT 1989 – DETERMINATIONS UNDER PART IV</b>  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

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
CL50	Council (Minute 24(1)(2) – 9.7.91)	<b>DIRECTOR OF RESOURCES</b>	<b>LOCAL GOVERNMENT AND HOUSING ACT 1989 – PROPER OFFICER DESIGNATIONS</b>  Proper Officer designations made for the purposes of the Sections of the Local Government and Housing Act 1989 indicated:  <b>Section and Purpose</b>  <b>Section 2 (preparation and maintenance of lists of politically restricted posts).</b>  <b>Section 37 (deposit and preparation of statements as to the provision of financial assistance).</b>
CL51	Council (Minute 34 – 22.7.97) (Minute 168 - 20.4.10)	<b>DIRECTOR OF GOVERNANCE</b>  <b>ASSISTANT DIRECTOR (LEGAL SERVICES)</b>	<b>MAGISTRATES’ AND COUNTY COURTS – DEFENCE AND PURSUIT OF PROCEEDINGS</b>  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)	<b>MR G OAKLEY (MANAGING LEGAL EXECUTIVE)</b>	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.
CL52	Council (Minute 10 – 15.5.2001)  Council (Minute 70 – 6.11.12)	<b>C O’BOYLE DIRECTOR OF GOVERNANCE</b>  <b>C O’BOYLE DIRECTOR OF GOVERNANCE</b>	<b>MONITORING OFFICER AND DEPUTY</b>  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.

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
	Council (Minute 10 – 15.5.01)	<b>TBD</b>	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.
<b>CL53</b>	Policy and Resources Committee (Minute 3(3) – 11.10.73)	<b>DIRECTOR OF RESOURCES</b>	<b>OFFICERS – RECEIPT OF MONEY DUE</b>  To act as Proper Officer for the purposes of Section 115 of the Local Government Act 1972).
<b>CL54</b>	Council (Minute 86 – 15.2.05)	<b>DIRECTOR OF GOVERNANCE</b>	<b>OMBUDSMAN – NOTICES</b>  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).
<b>CL55</b>	Council (Minute 87 – 15.2.05)	<b>G CHIPP RETURNING OFFICER</b>	<b>PARISH POLLS</b>  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,
<b>CL56</b>	Personnel Sub-Committee (Minute 139 – 20.3.90)	<b>DIRECTOR OF RESOURCES</b>	<b>POLITICALLY RESTRICTED POSTS</b>  (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.
<b>CL57</b>	Policy and Resources Committee (Minute 3 – 11.10.73)	<b>DIRECTOR OF GOVERNANCE</b>	<b>PROTECTED BUILDINGS</b>  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).

Page 70

	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>						
<b>CL58</b>	Council (Minute 117 – 20.4.04)	<b>MONITORING OFFICER</b>	<b>REGISTRATION OF INTERESTS – DISTRICT COUNCIL</b>  Receipt, custody and public deposit of registration of interests of District Councillors under the Local Government Acts 2000 and 2007 and regulations made thereunder.						
<b>CL59</b>	Council (Minute 117 - 20.4.04)	<b>MONITORING OFFICER</b>	<b>REGISTRATION OF INTERESTS – TOWN AND PARISH COUNCILS</b>  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.						
<b>CL60</b>	Council (Minute 23 – 15.5.08)	<b>DIRECTOR OF GOVERNANCE</b>  <b>(TBD AS DEPUTY)</b>	<b>REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000 – DESIGNATION OF RIPA OFFICER AND DEPUTY</b>  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="1"> <thead> <tr> <th><b>Article</b></th> <th><b>Purpose</b></th> </tr> </thead> <tbody> <tr> <td><b>4</b></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><b>4</b></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>	<b>Article</b>	<b>Purpose</b>	<b>4</b>	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).	<b>4</b>	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).
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	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
CL61	Policy & Co-ordinating Committee (Minute 3 – 11.10.73)	<b>DIRECTOR OF GOVERNANCE</b>	<b>RESOLUTIONS – CERTIFICATION</b>  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 29 – 28.6.11)  Council (Minute 29 – 28.6.11)	<b>DIRECTOR OF GOVERNANCE</b> <b>DIRECTOR OF NEIGHBOURHOODS</b>	<b>RE-USE OF PUBLIC SECTOR INFORMATION REGULATIONS 2005</b>  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.  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.
CL63	Personnel Sub-Committee (Minute 2 – 4.10.73) (As amended by Personnel Sub-Committee Minute 169 – 26.9.78)	<b>CHIEF EXECUTIVE SERVICE DIRECTORS</b>	<b>STAFF – APPOINTMENTS PROCEDURE</b>  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.
CL64	Policy & Co-ordinating Committee (Minute 59(b) – 8.2.94)	<b>CHIEF EXECUTIVE SERVICE DIRECTORS</b>	<b>STAFF – MISCELLANEOUS DELEGATIONS</b>  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.

Page 72



	<b>Authorising Committee and Minute Ref or Other Authority</b>	<b>Officer(s) Authorised</b>	<b>Subject and Function(s) Delegated</b>
CL65	Council (Minute 90(5) – 23.2.82)	<b>MANAGEMENT BOARD</b> (in consultation with appropriate Service Director and the Portfolio Holder with responsibility for Finance)	<b>STAFF – RETIREMENT</b>  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.
CL66	Development Committee (Minute 73 – 2.3.93)  (Minute 108 – 6.3.01)	<b>DIRECTOR OF GOVERNANCE</b>	<b>TELECOMMUNICATIONS EQUIPMENT</b>  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 <b>Governance</b> consider that an objection should not be raised to the development but where opposition has been received.
CL67	Resource Committee (Minute 40 – 28.9.93)	<b>DIRECTOR OF RESOURCES</b>  <b>DIRECTOR OF RESOURCES (or staff delegated to act)</b>	<b>TREASURY MANAGEMENT</b>  (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.
X	NIL		
Y	NIL		
Z	NIL		

**GAMBLING ACT 2005 – TABLE OF DELEGATIONS OF LICENSING FUNCTIONS**  
**DIRECTOR OF NEIGHBOURHOODS**

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	

**DIRECTOR OF NEIGHBOURHOODS**

**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)  
(except temporary road closures which are the subject of objections which shall be dealt with by the Licensing Sub-Committee)

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

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

**APPENDIX C  
(CL46)**

**DIRECTOR OF NEIGHBOURHOODS**

**LICENSING ACT 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY**

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
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		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

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
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 D  
(CL48)**

**DIRECTOR OF NEIGHBOURHOODS**

**SCRAP METAL DEALERS ACT 2013 - DELEGATION OF POWERS**

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>SUB-COMMITTEE</b>	<b>OFFICERS</b>
Licensing policy	All cases		
Fee Setting - when appropriate	All fees		
Application for or renewal of a Site or Collector's 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
To issue a closure notice on non-residential premises being used as a scrap metal dealer's site		All cases	All cases
Application to the Magistrates Court for a closure order		All cases	All cases
Termination of a closure order		All cases	All cases
Application to the Magistrates Court to discharge a closure order.		All cases	All cases
Revocation of a licence		All cases	All cases
Consideration of and imposition of conditions		All cases	All cases

PLANNING **SERVICES** – DELEGATION OF  
COUNCIL FUNCTIONS

**Schedule 1 – Development Management – Director of Governance**

**Schedule 2 – Trees, Conservation and Related Functions – Director of Governance**

DEVELOPMENT CONTROL FUNCTIONS

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



Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
	Permitted Development Order 1995, Part 6 and Part 31 of Schedule 2	<p>2. To agree the precise wording of additional/revised conditions to be attached to planning permissions, at members' request.</p> <p>3. To determine whether prior approval of the method of any proposed demolition and any proposed site restoration is required and to give such approval where required except where objections from interested parties are received, which shall be determined by the Area Plans Sub-Committees.</p> <p>4. In relation to telecommunications equipment, to determine, after prior consultation with ward Councillors, whether the prior approval of the Council should be required to the siting and appearance of notified development.</p> <p>5. In relation to agricultural development, to determine whether to require the formal submission of details.</p> <p>6. To determine applications in relation to certificates of lawful use and development.</p> <p>7. To obtain and use necessary powers of entry to the land in relation to the above.</p>	
<b>Enforcement</b>  <b>District Development Control Committee (Minute 30 – 7.12.10)</b>	<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 <b>Governance</b> 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</p>	

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
	Local Government (Miscellaneous Provisions) Act 1982 (Section 37)	<p>where the Director of <b>Governance</b> or 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>	
	Town and Country Planning Act 1990 (Section 178) (Council Minute 126 – 23.4.13)	8. To authorise direct action (or re-charge the cost of that action) in pursuit of a valid enforcement notice under Section 178.	Subject to budget provision being available and to local District Councillors being notified

## 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 including certificates of lawfulness in respect of existing use and development, 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 **Development Control Division of the Governance Directorate and the Forward Planning and Economic Development Division of the Neighbourhoods Directorate** (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 **Governance** 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 **Governance** but where there is support from the relevant local council and no other overriding planning consideration necessitates refusal.

**TREES, CONSERVATION AND RELATED FUNCTIONS**

<b>Function</b>	<b>Relevant Legislation</b>	<b>Relevant Details</b>	<b>Exceptions</b>
<b>Buildings</b>	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
<b>Dangerous trees on private land</b>	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
<b>Countryside hedgerows</b>	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;  (3) Respond to appeals;  (4) Take necessary enforcement or legal action;	No

Function	Relevant Legislation	Relevant Details	Exceptions
		<p>(5) Obtain and use necessary powers of entry to the land;</p> <p>(6) Surveying land in connection with any hedgerow removal notice;</p> <p>(7) Ascertaining whether any offences have been committed under Regulation 7; and</p> <p>(8) Determination of whether a notice should be served under Regulation 8.</p>	
<b>High Hedges</b>	Anti-social Behaviour Act 2003 (Part 8) Sections: 68, 69, 70, 74, 75, 77, 79 and 80.	<p>The responsibility to:</p> <p>(1) Deal with complaints in relation to the height of domestic hedgerows;</p> <p>(2) Issue, withdraw or relax the requirements or relevant notices;</p> <p>(3) Serve relevant documents regarding notifications;</p> <p>(4) Notify interested parties;</p> <p>(5) Respond to appeals;</p> <p>(6) Take relevant legal or enforcement action, including undertaking works directly and recovering expenses; and</p> <p>(7) Obtain and use powers of entry necessary in relation to (1), (2), (3) and (6).</p>	No
<b>Protection of trees</b>	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> <p>(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;</p>	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 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 <b>Governance</b>, 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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## **Report to Overview & Scrutiny Committee**

**Date of meeting: 28 January 2014**

**Report of: Constitution & Member Services Standing Scrutiny Panel**



**Chairman: Councillor J. Philip**

**Subject: Annual Review of Contract Standing Orders and Financial Regulations (CSOs)**

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

**Committee Secretary: M. Jenkins (01992 564607)**

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### **Recommendations:**

- (1) That the proposed changes to CSOs listed below be approved as set out in this report and recommended to the Council for adoption and publication in the Council's constitution:**
  - (a) CSO 35 (Local Businesses);**
  - (b) CSO16 (Tender opening)**
  - (c) CSO 19 (Acceptance of Quotations); and**
  - (d) CSO 12 (Contract Extensions)**
  
- (2) That any further alterations to CSO's and Financial Regulations to reflect changes arising from the recent Directorate restructuring be delegated to the Assistant to the Chief Executive for incorporation in final version before publication.**

### **Report:**

#### **Introduction**

1. This report deals with our annual review of CSOs and Financial Regulations which include controls on contract procedures and provide for financial governance.
  
2. We have been advised that there has been a recent review by Internal Audit and this has resulted in the proposals set out in this report which we were asked to consider. We would emphasize that the suggested changes to CSOs are points of detail rather than major alterations, being designed to reinforce existing requirements. These points are discussed in turn below and changes to the relevant CSOs are shown be bold text (additions) or crossing out (deletions).

## Use of Local Companies

- 3 In order that the use of local contractors/suppliers should be tested during procurement, it is recommended that CSO 35 be made more prominent within CSOs so that users are always aware of the need to comply with need to seek at least one local tender if possible. The current wording of CSO 35 is as shown in the Appendix attached to this report.

### Recommendation:

**To re-position CSO 35 (Local Businesses) within CSOs to give it greater prominence and to incorporate an index at the beginning of CSOs to aid navigation by officers**

## Receipt, Opening and Recording of Quotations Valued between £25 and £50,000.

4. In order to monitor the requirement for contracts to be executed in this value range, it is proposed that receipt, opening and recording of such quotations should be dealt with through Democratic Services. Currently only tenders in excess of £50,000 are dealt with in this way. This would improve controls on tendering procedures and is supported by the Essex Procurement Hub for tenders which are dealt with through that organisation. This requires an amendment to CSO C16.
5. Portfolio Holder holders will continue to preside at tender openings for contracts valued over £50,000 but, for those in the £25 - £50,000 range, these would now be attended by a member of Democratic Services staff and a senior officer from the relevant Directorate.

### Recommendation:

To amend CSO C16 (Opening of Tenders & Quotations – Contracts in Excess of £25,000) as follows;

“Quotations and tenders received in accordance with these Standing Orders shall

be opened at one time, as follows:

(a) in respect of contracts with an estimated value exceeding £25,000 but not exceeding £50,000, the relevant Chief Officer ~~in the presence of~~ **or** at least one of his principal or senior officers **and a representative of the Director of Governance**, shall open the quotations received; ~~and shall maintain a record of all such quotations;~~

(b) in respect of contracts with an estimated value in excess of £50,000 the Portfolio Holder concerned, in the presence of authorised representatives of the **Director of Governance** and the relevant Chief Officer, shall open the tenders which, in the normal course of events, will not be less than three working days after the closing date for receipt of those tenders; and

(c) the **Director of Governance or his/her authorised representative** shall maintain

and sign a record of all tenders opened, which record shall also be signed by the member of the Cabinet **in attendance (in respect of contracts valued in excess of £50,000 only)** and the representative of the Chief Officer concerned.”

## **Evaluation of Tenders**

6. There have been instances of Portfolio Holders agreeing the basis for evaluating tenders but without the results of that exercise always being reported back to them. It is proposed that CSO C19(c) be amended to require that a report to the Portfolio Holder concerned or to the Cabinet whichever is appropriate.

### **Recommendation:**

That a CSO C19 (Acceptance of Quotations – Contracts Exceeding £25,000 but Not Exceeding £50,000) be amended as shown below:

“(1) a Chief Officer may, subject to the provisions of Standing Order C4 (Contracts exceeding £25,000 but not exceeding £50,000) accept the lowest quotation received in respect of a contract not exceeding £50,000 in value or amount; a quotation other than the lowest received shall not be accepted until the relevant Portfolio Holder has considered a report from the appropriate Chief Officer or other person.

(3) Paragraph (1) above shall not apply where:

(a) the tender documentation prepared by the Chief Officer and submitted to prospective tenderers specifies that the acceptance of any tender will be not only based on consideration of price but also on an assessment of quality; and

(b) where sub-paragraph (a) above applies, the methodology for assessing tenders on the basis of price and quality shall be documented and signed by the Chief Officer prior to the opening of tenders and retained as part of the contract documentation.

(c) the relevant Chief Officer has obtained approval in advance of the terms under which quotations will be accepted from the Cabinet or the relevant Portfolio

Holder and acceptance of a quotation is fully in compliance with that decision **in which case the results of the evaluation process shall be reported back to the Cabinet or the Portfolio Holder as appropriate.**

(d) in cases where quotations received exceed the limit of £50,000, provided that the lowest quotation exceeds the pre-contract estimate by no more than 10%.”

## **CSO C12 -Contract Extensions**

7. We have been advised that there have been Portfolio Holder approvals extending contracts in the light of particular circumstances and, on some occasions, for a second time. There are no rules about contract extensions of

this kind and it is suggested that a limit should be placed on the number of such occasions when this can take place. A limit of two extensions is suggested, this having the benefit of giving greater assurance that the Council is achieving best value in its procurement.

**Recommendation:**

That a new CSO (to be numbered C12) be approved as follows:

**“C12 Contract Extensions**

- (a) **No contract in excess of £25,000 shall be extended without prior approval by a Portfolio Holder or the Cabinet. Any such proposal shall explain the circumstances which leads the relevant Chief Officer to recommend that course of action and indicate the terms on which the contract is to be extended and a date on which the proposed extension will terminate.**
  
- (b) **No more than two contract extensions shall be approved in respect of any one contract.”**

**CSO (1) and CSO10 (Contractor Selection)**

- 8. We were asked to consider a change to this CSO to reflect the current practice of consulting contractors/suppliers if there is a lack of in house expertise prior to tenders being invited. Currently this CSO precludes tenders being invited from any company which has been consulted in this way.
  
- 9. The proposal was that, for contracts valued in excess of £50,000, one or two firms could be consulted and be allowed to tender if necessary provided that Chief Officers are careful to assess any advice received to ensure that it is not anti-competitive.
  
- 10. We had misgivings about this proposal and agreed with officers that a further look should be taken at this proposal so as to put more safeguards in place to prevent anti-competitive behaviour by firms consulted and to avoid disclosure of sensitive commercial information. We will receive a report on the outcome of a further review by officers at a later meeting.

**Conclusion**

- 11. These recommended changes require the approval of the Council prior to publication in the Council’s Constitution.
  
- 12. In addition some clerical amendments to CSO’s and Financial Regulations may be required to reflect the recent approval of a new Directorate structure. We recommend that these be made by the Assistant to the Chief Executive when the approved revision is published. Copies of the current Contract Standing Orders and Financial Regulations are attached.
  
- 13 We recommend as set out at the commencement of this report.

## CONTRACT STANDING ORDERS

### TENDER AND BID RIGGING – IMPORTANT NOTICE

DURING EACH STAGE OF THE CONTRACT PROCESS CHIEF OFFICERS SHOULD BE AWARE OF THE PRINCIPLES IN THE GUIDELINES FOR FIGHTING BID RIGGING IN PUBLIC PROCUREMENT, ISSUED BY THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD) AND THE OFFICE OF FAIR TRADING AND THE CHECK LIST PROVIDED WITHIN THESE GUIDELINES. THE GUIDELINES CAN BE FOUND IN THE PROCUREMENT SECTION OF THE COUNCIL'S INTRANET.

#### **C1 Compliance with Standing Orders**

(1) Every contract made by the Council or on behalf of the Council except as hereinafter provided shall comply with:

- Standing Orders
- Financial Regulations
- The Local Government Act 1972
- The Local Government Act 1988, Part 2
- The Local Government Planning and Land Act 1989, and supporting documentation.
- Local Government Acts 1999, 2000, 2003
- Common-hold and Leasehold Reform Act 2003
- The Local Government (Contracts) Act 1997
- The EU Regulations
- Any relevant European Council Directive and any other current legislation for the time being in force
- Asset Management Plan
- Public Services (Social Value) Act 2013

Where there is a conflict between Standing Orders, Financial Regulations and any statutory requirements, the Council must comply with statutory requirements.

(2) Before seeking quotations or inviting tenders in respect of any contract, a Chief Officer must establish whether a central contract exists which meets the requirement. If a central contract does exist then it must be used unless the appropriate Chief Officer in consultation with the Cabinet or Portfolio Holder if authorised under the general scheme of delegation or specific regulation is able to demonstrate that there are specific advantages to be obtained via alternative arrangements. In such circumstances consideration shall be given to whether a new/revised central contract would be advantageous and appropriate.

- (3) Where the Council is acting as agent for a Government Department, or for another authority under the terms of an agency agreement, nothing in these Standing Orders shall be taken to authorise or require any departure from the instructions or requirements of those departments or the terms of any Agency Agreement.
- (4) No exception from any of the provisions of these Standing Orders other than those provided for within the Standing Orders themselves, shall be made otherwise than by direction of the Council, the Cabinet, or a Portfolio Holder where satisfied that the exception is of necessity and justified in special circumstances where a Portfolio Holder seeks to waive any provisions in these Contract Standing Orders, they may do so only on the recommendation of the relevant Chief Officer and after consultation with the Monitoring Officer and the Chief Financial Officer and subject to the financial consequences not exceeding £250,000 or not constituting a departure from existing Council policy.
- (5) The reasons for any exception so made by the Council, or the Cabinet shall be made only pursuant to a report of the relevant Chief Officer and the reasons for such an exception shall be recorded both in the report of the Chief Officer and in the minutes of the appropriate meeting.
- (6) For the purposes of these Standing Orders, the expressions
  - (a) "Chief Officer" means the Chief Executive, the Deputy Chief Executive a Service Director and Assistant Service Director;
  - (b) "Cabinet" means a duly constituted and convened meeting of those Councillors appointed to serve as Cabinet members;
  - (c) "Cabinet Committee" means a duly constituted and convened meeting of those Councillors appointed by the Leader of Council to the Cabinet Committee concerned;
  - (d) "Portfolio Holder" means a Councillor appointed by the Leader of the Council as a member of the Cabinet with responsibility for particular portfolio of services.

(See also C15 (appointment of consultants))

- (7) Unless otherwise specifically provided, where a value or an estimated value is given in these Contract Standing Orders, this refers to the aggregate payable in pounds sterling exclusive of VAT over the entire contract period.
- (8) Chief Officers must ensure that a pre-tender estimate for a contract of a value in excess of £50,000 of anticipated costs is prepared and recorded in writing. Where the EU Public Procurement rules apply, Chief Officers must also ascertain the value of a contract in accordance with those rules.
- (9) The value of orders which can be combined in one contract, must be added together over a period of four years when deciding which tendering or quotation method is to apply. Contracts must not be artificially under or over estimated or divided into two or more separate contracts where the effect is to avoid the application of Contract Standing Orders and/or EU Regulations.
- (10) Where the aggregate sum payable within a single service directorate to one supplier of goods, works or services over a period of four years is likely to exceed

the limits of authority referred to in these Contract Standing orders, the Chief Officer must report to the Portfolio Holder (in respect of contracts up to £250,000) and the Cabinet (in respect of contracts if over £250,000 in value) and seek a waiver of the Standing Order. It is the responsibility of the Chief Officer to ensure that such a report is submitted prior to the limit of authority being breached. In exercising their responsibilities under this paragraph, Chief Officers are required to have regard to the overall cost (including any management costs and those which extend over longer than a single financial year).

- (11) If any officer is made aware of or becomes aware of an actual or potential breach of the procedures contained in these Contract Standing Orders or any other statutory requirement, that officer shall report the breach immediately to the Chief Officer or the Chief Internal Auditor as appropriate. It shall be a further requirement that any instances of serious non-compliance shall be reported by the Chief Officer concerned or the Chief Internal Auditor to the Cabinet at the first available meeting if the value of the contract exceeds £50,000.
- (12) These Contract Standing Orders apply to procurement of goods, services or works outside the Essex Procurement Hub (EPH). Use of these Contract Standing Orders for procurement purposes shall only be used where Chief Officers can demonstrate that procurement through the EPH is not possible.
- (13) Chief Officers are required to ensure that, whichever procurement method is selected, they obtain the appropriate approval from a Portfolio Holder or the Cabinet in accordance with the value thresholds for contracts as set out in these Contract Standing Orders.
- (14) The provisions of Contract Standing Orders relating to competitive quotations or tenders and use of the Essex Procurement Hub shall not apply to the procurement of goods services or works from its own works organisations or equivalent unless in the opinion of the relevant Head of Service there are clear value for money reasons for doing otherwise.
- (15) The Contract Standing Orders are part of the Constitution of the Council and may only be varied at a Council Meeting.

## **C2 Selection of Tendering Method**

- (1) A Chief Officer is required, prior to the invitation of tenders or quotations, to determine the correct procurement procedure in accordance with the provisions of Standing Orders, based on the best estimate available at that time, of the contract sum.
- (2) A Chief Officer who is of the opinion that tenders or quotations are only likely to be available from a single source, shall compile and record auditable evidence which justifies his or her decision not to pursue procurement by competition.
- (3) Chief Officers are also required to select alternatives to the Essex Procurement Hub only where this can be demonstrated as being more appropriate to the Council's procurement requirements and the Hub has been notified of this view and has confirmed that it is unable to provide appropriate alternatives within existing framework agreements. In all other circumstances, Chief Officers are required to utilise the Essex Procurement Hub for advising on tender specifications, and for managing the procurement process. The Council remains responsible for the drafting of tender and quotation specifications together with the evaluation and acceptance of tenders.

- (4) In the event that the value of tenders or quotations received exceeds the upper financial limit prescribed by the relevant Standing Order, the Chief Officer concerned shall report the circumstances to the Cabinet where the acceptance of any such tender or quotation, will be considered.

### **C3 Contracts Not Exceeding £25,000**

- (1) Each Chief Officer may, in respect of the service or services for which they are responsible, by the issue of an official order in accordance with Standing Order C23 (1) enter into a contract not exceeding £25,000 in value or amount other than a contract for consultancy services. In the case of a contract for consultancy services, the form of agreement is available on the Council's intranet unless the Director of Corporate Support Services otherwise directs. Each Chief Officer shall at all times have regard to best value requirements in the procurement of services and entering into contracts which are set out in Financial Regulations and if best value considerations result in a quotation other than the lowest in financial terms being accepted, the reasons for so deciding shall be documented by the Chief Officer making that decision.

- (2) Written quotations must be obtained for contracts which have a value of up to £25,000. The minimum number of quotations needed is:

**Contract Value:      Number of Quotations**

Up to £10,000      One, unless the price and terms are known in advance

£10,001 - £15,000      Two

£15,001 - £25,000      Three

- (3) Where the supply of goods, works and/or services are of a repetitive and regular nature and not covered by a central contract as referred to in Standing Order C1(2), a contract shall be entered into for the supply of such goods, works or services in accordance with Standing Orders C11 (Serial Contract) or C13 (Exceptions for Consortia, Public Supply Agencies etc).

- (4) The terms of the delegation set out in (1)-(3) above shall not be applicable if the requirements of Standing Order C10 (Contractor Selection) apply.

### **C4 Contracts Exceeding £25,000 but not exceeding £50,000**

- (1) In respect of contracts exceeding £25,000 but not exceeding £50,000 in value or amount the appropriate Chief Officer may, subject to the provisions of Standing Order C15 (Receipt and Custody of Quotations and Tenders), enter into a contract, provided that:

- (a) at least three quotations (plus any 'in-house' bid) are obtained from those companies included on Constructionline;
- (b) where the required trade or profession is not served by Constructionline, at least three quotations are obtained from sources considered appropriate by the relevant Chief Officer;
- (c) the proposed contract forms a continuation of an existing contract which is based on rates and prices obtained in accordance with these Standing



Orders and the achievement of best value procurement can be demonstrated.

- (d) all quotations under (a) and (b) above being invited in such a way as to allow sufficient time, as determined by the Chief Officer, to enable those companies to submit competitive quotations or tenders;
  - (e) the receipt, custody and opening of such quotations or tenders being carried out as prescribed in Standing Orders C16 (Receipt and Custody), C16 (Opening) and C17 (Late Receipt);
  - (f) a register being maintained by Chief Officers of the selection criteria employed to obtain a tender list; and
  - (g) Where the Council has procured services, supplies or works through a competitive process, and the service, supplies or works that are being provided is considered to represent best value in terms of quality and price, then the relevant Chief Officer should be enabled to continue for a period of no more than two years in accordance with Standing Order C11 (2) to appoint that service provider, supplier or contractor through a negotiated process subject to the Chief Officer being satisfied that the negotiated price represents best value, based on a value assessment each year based on market conditions.
- (2) Where the goods and/or services are of a repetitive and regular nature and not covered by a central contract as referred to in Standing Order C1(2) (Central Contracts) an annual contract or contract for such other period as the Chief Officer shall consider appropriate shall be entered into for the supply of such goods/services and be in accordance with Standing Orders C11 (Serial Contracts) or C13 (Exceptions for Consortia).
- (3) Chief Officers will notify the Chief Internal Auditor of all individual purchases and contracts for goods, works and services over £25,000 in value whatever the period of the contract. Similarly, the Chief Internal Auditor should be notified of goods, works and services purchased from one supplier which total over £25,000 in value over a period of four years. These requirements shall apply equally to procurement under the Essex Procurement Hub and Contract Standing Orders.

#### **C5 Contracts Exceeding £50,000**

Where the estimated value or amount of a proposed contract for the supply of goods or services exceeds £50,000 or where the conditions of Standing Orders C3(3) (Repetitive or Regular Contracts) or C4(2) (Repetitive or Regular Contracts) apply, tenders shall be invited in accordance with Standing Orders C6 (Restricted Tendering), C7 (Ad Hoc Lists), C8 (Open Tendering), C9 (Negotiated Tendering), C10 (Contractor Selection) or C11 (Serial Contracts). Standing Order C4(3) (Notification to Chief Internal Auditor) shall also apply.

#### **C6 Restricted Tendering: For Contracts Exceeding £50,000 in Value**

- (1) For the purposes of this Standing Order restricted tendering is defined as any procurement where large numbers of applicants to join a tendering process are anticipated. Such tendering arrangements will consist of:
- (a) The pre-qualification stage where potential suppliers are required to demonstrate their financial standing and technical ability to meet the Council's

requirements. Account will be taken at this stage of the potential suppliers' past performance, experience in equivalent contracts with the Council or similar bodies, health and safety, environmental and equality procedure checks and any references thought appropriate.

- (b) The tendering stage – where suppliers shortlisted at the pre-qualification stage are invited to tender.
- (2) This Standing Order shall apply to projects with an estimated value not exceeding the limits specified in the EU Regulations and mentioned in Standing Order C33 (EU Procurement Thresholds). A Chief Officer will resolve that invitation to tender for a contract be limited to those persons or bodies whose names are on Constructionline, the national qualification system, unless the trade or profession is not served by Constructionline.
- (3) The system will be administered by the Director of Finance and ICT via the Senior Finance Officer – Procurement and Administration designated as the Contract Compliance Officer to whom comprehensive details shall be provided in respect of the contractor selection criteria applied, tenders invited and contracts awarded. All Chief Officers are placed under a duty to provide this information to the designated Contract Compliance Officer.
- (4) If any Chief Officer considers that any contractor should no longer be considered for any future invitation to tender, a report shall be made to the relevant Portfolio Holder. If approved, a report shall also be made to Constructionline.
- (5) Invitations to tender shall be:
  - (a) sent to not fewer than five contractors selected from Constructionline if the contract exceeds £50,000 unless the trade or profession is not served by Constructionline in which case the contractors selected in accordance with Standing Orders C7, C8 or C9 may be invited to tender;
  - (b) where fewer than five are available, to all such contractors.

#### **C7 Ad Hoc List - Contracts over £2 million**

- (1) This Standing Order shall apply to projects;
  - (a) with an estimated value in excess of £2 million; or
  - (b) where the Council has resolved that invitation to tender be made to persons who have replied to a public notice; or
  - (c) where the EU regulations specified in C1(1) (Contract Compliance) or C35 (EU Procurement Thresholds) apply.
- (2) This Standing Order shall apply also to the provision of goods and services of an ad hoc nature that cannot be accommodated by Standing Order C6 (Restricted Tendering).
- (3) Where the EU Regulations apply, the Chief Officer shall send:
  - (a) as soon as possible after the decision to approve any works; or

- (b) in the case of services and supplies, as soon as possible after the commencement of the Council's financial year, to the Official Journal of the European Union (OJEU) a Prior Information Notice (PIN) via the Essex Procurement Hub in the form prescribed by the appropriate EU Regulations to alert prospective tenderers to the availability of contracts during the next financial year.
- (4) In order that applicants will have a reasonable opportunity of expressing an interest, at least ten days public notice shall be given in trade journals circulating among persons who undertake such contracts.
- (5) Where required a contract notice must be placed in the OJEU stating the nature and purpose of the contract. Where the Notice is not being placed by the Hub the content of European Union Notices shall be agreed in advance with the Director of Finance & ICT through the Essex Procurement Hub or in exceptional circumstances by any method approved by the Director of Finance & ICT by the appropriate Chief Officer and shall be published in the official journal at such a date prior to the letting of the contract which complies with EU public procurement regulations.
- (6) After the expiry of the period specified in the public notice and the contract notice invitations to tender for the contract shall be sent to:
- (a) not less than four persons or bodies who have applied for permission to tender and who have been selected as suitable by the appropriate Chief Officer but only in respect of contracts valued in excess of £50,000 but less than the EU procurement thresholds;
  - (b) If this is a contract to which the EU regulations apply, to the number specified in the advertisement as the minimum number of tenderers to be invited apply;
  - (c) where fewer than five have applied, all those applicants considered suitable; and
  - (d) in exercising their delegated authority under paragraph (a) above, Chief Officers will record the criteria used in decisions on the ad hoc list of tenderers to supply a copy to the Chief Internal Auditor for audit purposes.

### **C8 Open Tendering - Contracts in Excess of £50,000**

- (1) This Standing Order shall apply only in exceptional circumstances where the Director of Finance & ICT determines that the opportunities for real competition are limited and the Council, the Cabinet, a Cabinet Committee, or Portfolio Holder have resolved that tenders for a contract are to be obtained by open competition. When open tendering is adopted, all tenders received must be reviewed in accordance with the requirements of EU regulations.
- (2) For the purposes of this Standing Order procedures should comply with the requirements of Standing Orders C7(2), (3), (4)(Contracts over £2 million), and other Standing Orders as appropriate (e.g. C10 (Contractor Selection), C15 (Receipt and Custody of Tenders), C16 (Opening of Tenders), C17 (Late Receipt of Tenders) etc).

- (3) The procedures for the opening of tenders may be varied in accordance with C19 (relating to pre tender estimates).

## **C9 Negotiated Tendering - Contracts in Excess of £50,000**

- (1) This Standing Order shall apply where the Council, the Cabinet, a Cabinet Committee or a Portfolio Holder have resolved that tenders need not be invited and that a contract may be negotiated in the following circumstances:
- (a) the subject matter of the contract is urgently required and that loss, injury or damage would result from a delay whilst advertising takes place and the requirements of Financial Regulations relating to urgent expenditure are followed;
  - (b) the subject matter of the contract is of such a specialised nature that no advantage would accrue by inviting competitive tenders;
  - (c) there is no effective competition for the subject matter of the contract because payment is fixed under statutory authority or because the subject matter is a patented or proprietary article or is available from only one source;
  - (d) other tendering procedures have been used and resulted in:
    - (i) unacceptable or irregular tenders; or
    - (ii) no tenders being received;
  - (e) where the tender sought is in respect of a continuation contract and the preceding contract was won in competition, subject to the tenderer's satisfactory performance on the previous phase and to the approval not resulting in a contract which is for more than a four year period; or
  - (f) where the tender sought is in respect of specialist works or services, and the Council is satisfied that it is fair and reasonable in view of an existing relationship with a contractor to extend that relationship in regard to a new project, and the reasons for proceeding by means of a negotiated tender shall be recorded in the minutes of the appropriate meeting.
- (2) If the value of the contract is such that EU regulations apply, then the negotiated tender procedure or competitive dialogue procedure may only be used in the circumstances permitted by the regulations and public notice shall be given in accordance with EU requirements where applicable.

## **C10 Contractor Selection**

### **(a) All Contracts Valued at More than £25,000**

- (1) For contracts in excess of £25,000, under no circumstances shall an invitation to quote be given to any person or body:
- (i) who has given advice to the Council on any matter relating to the proposed contract either in their own right, jointly with another firm or company or as agent, consultant or employee of such company; or

- (ii) who has not met the requirements mentioned in the Contract Notice where the contract is one to which the EU Regulations apply.
- (b) Contracts in Excess of £50,000 only**
- (2) Subject to Standing Order C7 (4) (Invitations to Tender) invitations to tender (other than those in accordance with the EU Regulations) shall –
    - (i) be agreed in consultation with the Director of Finance & ICT unless the contract is let in accordance with Standing Orders C3 (Contracts not Exceeding £25,000), C5 (Contracts Exceeding £50,000), C6 (Restricted Tendering), C7 (Ad Hoc Lists), C8 (Open Tendering), C9 (Negotiated Tendering) or if not previous contract has been let for this type of work, service or goods;
    - (ii) include the Housing Repairs Service and the previously successful contractor unless deemed to be inappropriate;
    - (iii) be subject to a report to the appropriate Council body if a contractor succeeds in winning more than two successive contracts in the same financial year as lowest tenderer;
    - (iv) be subject to the EU Procurement Regulations procedures for letting contracts if the contract exceeds the value thresholds prescribed by those regulations
  - (3) The results of all tenders received together with details of any contract awarded shall be notified in writing to the Director of Finance & ICT and to the Chief Internal Auditor prior to the commencement of the contract. All Chief Officers are placed under a duty to provide this information to the Senior Finance Officer - Procurement Administration, the designated Contract Compliance Officer.
  - (4) In respect of a contract to which the EU Regulations apply, a Contract Award Notice must be sent via the Essex Procurement Hub to OJEU in the form prescribed by the EU Regulations within 48 days of the award of the contract.
  - (5) As part of the tender process, the pre-qualification information held on Constructionline (or obtained from other sources), should be in conjunction with pre-contract checks on any contractor as follows:
    - (i) the contractor's background and competence to carry out the task in question;
    - (ii) evidence of satisfactory Employers and Public liability Insurance cover, the amount and terms of which are to the satisfaction of the Head of Finance;
    - (iii) acceptable Health and Safety and Equal Opportunities policies;
    - (iv) details of any registration with a nationally recognised regulating body or its European equivalent as appropriate to the work and any guarantee schemes attached are satisfactory;
    - (v) the qualification of the workforce and supervisors in relation to the proposed works is satisfactory;

- (vi) the contractor's previous work record for the Council is considered satisfactory;
  - (vii) obtaining satisfactory banking references, statements of account (which should be no more than 18 months old) or similar references by referees of sufficient standing. An entry in Constructionline may count as one reference; and
  - (viii) asking the contractor to attend for interview if considered necessary.
- (6) Chief Officers may reduce any Long List produced by Constructionline to a Short List; using a priority rating system provided documentary justification is held. Priorities should include locality to the District, extent of relevant experience, previous working relationships with the Authority and any other relevant factors at the discretion of Heads of Service (e.g. qualification awards).

### **C11 Serial Contracts**

- (1) This Standing Order shall apply where the Council has resolved that the proposed contract forms part of a serial programme.
- (2) The terms of such contract shall be negotiated with the contractor on the basis of the rates and prices contained in an initial contract awarded competitively following an invitation to tender in accordance with the provisions of Standing Orders C6 (Restricted Tendering) or C7 (Ad Hoc Tendering) and any such serial programme shall continue for a maximum of four years following the end of the financial year in which rates and prices are first obtained.
- (3) Where tenders or quotations for works, supplies or services are based on a schedule of rates or hourly rates, then a reasoned pre-estimate of quantities for each of the rates contained in the tender are to be quantified at the point of tender, and recorded at the tender opening. When evaluating the tenders, the rates contained in the tender or quotation must then be multiplied by the pre-estimate of quantities to reach an estimated tender sum. The estimated tender is the contract sum that is to be reported, and the tender evaluation report is to be held as a record of the tender analysis.

### **C12 Sub-Contractors and Nominated Suppliers**

- (1) Tenders for sub-contracts to be performed or goods or materials to be supplied by nominated sub-contractors or suppliers shall be invited in accordance with the methods prescribed in these Standing Orders.
- (2) The Chief Officer concerned is authorised to nominate to the main contractor the sub-contractor, or supplier whose tender, obtained in accordance with the preceding sub-paragraph, is in his opinion, the most satisfactory; provided that, where the tender is not the lowest received or where the tender it is proposed to accept, exceeds by 10% the prime cost sum included in the main contract sum, the circumstances shall be reported to the next meeting of the Council or the Cabinet, as appropriate.
- (3) Any contractor appointed by the Council to perform any contract shall not appoint a Sub Contractor to perform any part of that contract or any supplier without the prior written consent of the Council.

### **C13 Exception for Consortia, Public Supply Agencies etc.**

The procedures for invitation of tenders by the Council need not apply where special arrangements have been entered into by any consortium, collaboration or similar body of which the Council is a member or under which the Council is entitled to benefit by virtue of its status as a public authority. The terms and conditions of any proposed contract must be acceptable to the Council's Chief Financial Officer and its Director of Corporate Support Services. Where, however, tenders are invited by an officer of the Council, which includes any consortia or public supply agency as one of those invited to tender, then the delivery, opening and acceptance of tenders shall comply with the provisions of these Standing Orders.

#### **C14 Appointment of Consultants**

- (1) It shall be a condition of the appointment of any architect, engineer, quantity surveyor or other consultant (not being an officer of the Council) who is to be responsible to the Council for the supervision of a contract on its behalf, that in relation to that contract there shall be compliance with the requirements of these Standing Orders relating to contracts as though the Consultant was a Chief Officer. The Council's standard forms of appointment for consultants shall apply in all cases unless the Director of Corporate Support Services directs otherwise. These are set out on the Council's intranet. All Chief Officers shall be required to take advice from the Council's legal staff on the form of contract to be used and specific provisions to be included therein before any contract is executed.
- (2) The engagement of consultants shall be in accordance with Standing Orders C3 (Contracts not Exceeding £25,000), C4 (Contracts Exceeding £25,000 but not Exceeding £50,000), C5 (Contracts Exceeding £50,000), C6 (Restricted Tendering), C7 (Ad Hoc List - Contracts over £2 million), C8 (Open Tendering), C9 (Negotiated Tendering - Contracts over £50,000) or C11 (Serial Contracts), and C14(1) (Legal Advice) dependant on the estimated amount of the fees and disbursements to be paid to them.
- (3) The procurement of consultants as defined in paragraph (5) below shall be exempt from the requirements of paragraph (2) above if appointments are sought and made through the Essex Procurement Hub or the Capita system. In the event that the Procurement Hub and the Capita system cannot secure a suitable appointment, paragraph (2) above will apply.
- (4) The appointment of any consultant to the Council in respect of duties performed or services rendered on projects with an estimated or potential scheme value in excess of £250,000 shall be under seal. The appropriate Chief Officer may however, require that any contract in respect of a scheme of less than £250,000 in value or amount shall be under seal if it is considered that this would be in the Council's best interests.
- (5) For the purposes of this Contract Standing Order, "consultant" is defined as an appointment of a non-established person (i.e. not employed by the Council or included on the Council's payroll or covering an establishment post) which is procured directly, through a company or similar commercial undertaking or through an agency and engaged to perform a specific task over a predetermined period.
- (6) Any appointment which does not meet the definition of consultant shall be deemed to be an appointment of a temporary member of staff, being a person included on the Council's staffing establishment and payroll, whether procured directly, through a

company, or similar commercial undertaking or through an agency. Such a temporary appointment shall be deemed to be for the purpose of covering establishment posts within the Council. Such appointments shall be made by the relevant chief officer under delegated authority subject to the following conditions:

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

#### **C15 Receipt and Custody of Quotations and Tenders**

- (1) All specifications for the provision of goods and services by tender or quotation shall include a statement advising potential bidders that details of their tender may be published in the public agenda or minutes of the Council or may become available as a background paper or by means of Freedom of Information Act (FOI) request in response to which the Council would provide any information which is not covered by any of the Statutory Exemptions.
- (2) All quotations and tenders invited in accordance with standing orders shall be sent out by Special Delivery. The instruction shall include 'T&T' or equivalent system so that the progress of the documentation will be traced.
- (3) Quotations and tenders invited in accordance with these Standing Orders will not be considered unless contained in a plain envelope which shall be securely sealed and shall not bear any distinguishing matter or mark intended to indicate the identity of the sender, such envelope to be marked and returned in one of the following ways:
  - (a) in respect of contracts with an estimated value up to £50,000 the envelope shall bear the word "Quotation", followed by the subject to which the quotation relates, the closing date for receipt and shall be addressed impersonally to the relevant Chief Officer, or
  - (b) in respect of contracts with an estimated value in excess of £50,000 the envelope shall bear the word "Tender" followed by the subject to which the tender relates, the closing date for receipt, and shall be addressed impersonally to the Assistant to the Chief Executive, who shall maintain in a secure location a record of tenders and the dates and times of receipt.
- (4) Any tender or quotation submitted to the Council by electronic means shall be disqualified from consideration.



- (5) All tenders shall be in the custody of the Assistant to the Chief Executive and shall be kept in a secure location until required to be opened.
- (6) The provisions of Standing Orders C15(1) (Delivery of Tenders) and C15(2) (Envelopes etc) shall not apply in relation to Standing Order C3. (Contracts Not Exceeding £25,000).
- (7) Specifications for tenders and quotations shall include a statement regarding the Council's policy of paying invoices within 20 days of receipt and a requirement for the following:
  - (a) the submission of a statement of the policies of tenderers regarding payment of sub contractors and suppliers and the timescales which apply to such payments; and
  - (b) a statement by the Council that the statement under (a) above will be taken into in the Council's assessment of all tenders and quotations."

#### **C16 Opening of Tenders and Quotations - Contracts in Excess of £25,000**

Quotations and tenders received in accordance with these Standing Orders shall be opened at one time, as follows:

- (a) in respect of contracts with an estimated value exceeding £25,000 but not exceeding £50,000, the relevant Chief Officer in the presence of at least one of his principal or senior officers, shall open the quotations received, and shall maintain a record of all such quotations;
- (b) in respect of contracts with an estimated value in excess of £50,000 the Portfolio Holder concerned, in the presence of authorised representatives of the Assistant to the Chief Executive and the relevant Chief Officer, shall open the tenders which in the normal course of events will not be less than three working days after the closing date for receipt of those tenders; and
- (c) the Assistant to the Chief Executive shall maintain and his authorised representative sign a record of all tenders opened which shall also be signed by a member of the Cabinet and the representative of the Chief Officer concerned.

#### **C17 Late Receipt of Quotations and Tenders**

Quotations and tenders invited in accordance with these Standing Orders which are received after the date stipulated for their return shall be examined unopened by the relevant chief officer and shall be dealt with as follows:

- (a) where other quotations or tenders have been received but not opened and the Chief Officer is satisfied that there is evidence of posting in time for delivery, a late tender shall be noted in the record kept by the Chief Officer and retained for opening in accordance with Standing Order C16 (Opening of Tenders and Quotations - Contracts in Excess of £25,000) and the circumstances reported to the body or individual responsible for approval;

- (b) where other tenders have been opened or there is no evidence in the opinion of the Chief Officer of posting of the tender in time to reach the Council by the closing date, the tender will be opened by the Assistant to the Chief Executive or the relevant Chief Officer for the purpose of advising the tenderer of their disqualification from consideration, the record of tenders received being annotated accordingly.

#### **C18 Alterations**

- (a) Quotations and tenders shall not be altered after the date stipulated for their return, save that the relevant Chief Officer shall permit correction of arithmetical errors if he is satisfied that such errors were made inadvertently.
- (b) If an error is identified before the closing date for the return of tenders, all the tenderers shall be informed of the error and invited to adjust their tenders.
- (c) If an error in the specification is identified after the closing date for the return of tenders, all tenderers shall be given details of the error and afforded the opportunity of withdrawing the offer or submitting an amended tender.

**NOTE: For the purposes of paragraph (a) above the term “arithmetical error” is defined as an error in addition, subtraction, multiplication or division which has no impact on the results of the tendering exercise. Where omissions or similar errors occur in the tender which, if corrected would change the outcome of the tendering exercise, such corrections will not be undertaken except as a result of further consultation with all tenderers.**

#### **C19 Acceptance of Quotations and Tenders - Contracts exceeding £25,000 but not exceeding £50,000**

- (1) A Chief Officer may, subject to the provisions of Standing Order C4 (Contracts exceeding £25,000 but not exceeding £50,000) accept the lowest quotation received in respect of a contract not exceeding £50,000 in value or amount; a quotation other than the lowest received shall not be accepted until the relevant Portfolio Holder has considered a report from the appropriate Chief Officer or other person.
- (2) Paragraph (1) above shall not apply where:
  - (a) the tender documentation prepared by the Chief Officer and submitted to prospective tenderers specifies that the acceptance of any tender will be not only based on consideration of price but also on an assessment of quality; and
  - (b) where sub-paragraph (a) above applies, the methodology for assessing tenders on the basis of price and quality shall be documented and signed by the Chief Officer prior to the opening of tenders and retained as part of the contract documentation.
  - (c) the relevant Chief Officer has obtained approval in advance of the terms under which quotations will be accepted from the Cabinet or the relevant Portfolio Holder and acceptance of a quotation is fully in compliance with that decision.
  - (d) in cases where quotations received exceed the limit of £50,000, provided that the lowest quotation exceeds the pre-contract estimate by no more than 10%.

## **C20 Acceptance of Tenders – Contracts Exceeding £50,000**

- (1) No tender valued in excess of £1 million shall be accepted unless approval by the Council or the Cabinet has been given.
- (2) Tenders of value between £50,000 and £1 million may be accepted by the relevant Portfolio Holder provided that the tender sum is within the approved budget provision for the contract and all other requirements of Contract Standing Orders have been met. In the event that the amount of the tender exceeds the approved budgetary provision, the acceptance of that tender shall stand referred to the next Cabinet meeting.
- (3) A tender other than the lowest received may only be accepted after approval by the Council or the Cabinet on the recommendation of the appropriate Chief Officer to the Portfolio Holder concerned unless the terms for accepting a tender have been approved in advance and the acceptance of other than the lowest tender is fully in compliance with that approval. This standing order shall not apply to tenders where the Cabinet or a Portfolio Holder has determined prior to the invitation of tenders that they will be assessed on the basis of quality considerations or on the most economically advantageous proposal to the Council.
- (4) Acceptance of tenders for the disposal of land or property and proposals for acquisition of interests in land or property shall be dealt with in accordance with the (1) – (4) above and Standing Order 32 below. References in this Standing Order to "budget provision" shall be deemed to be the Council's pre-contract valuation estimate in relation to land and property matters.

## **C21 Acceptance of Tenders – Certificates of Bona Fide Tendering**

Each Chief Officer shall ensure that a certificate of bona fide tendering is completed by every tenderer before a tender valued in excess of £50,000 is accepted. This certificate shall be in a form prescribed by the Director of Finance & ICT.

## **C22 Post Tender Negotiation**

- (1) Where procurement is conducted through either the open or restricted procedure, and the EU (UK) Regulations apply, no post tender negotiations are permitted unless the contract has been advertised and tendered under the competitive dialogue procedure where the Director of Corporate Support Services determines that the procedure is appropriate to the nature of the contract concerned. The Council may seek clarification from suppliers where appropriate and this does not constitute post-tender negotiation.
- (2) Where procurement is conducted through the open or restricted procedures and the EU (UK) Regulations do not apply, post tender negotiations are only permitted to the extent indicated in the tender documentation. Any negotiation will be in strict compliance with the tender documentation. Proper and sufficient records of any negotiation shall be maintained.
- (3) Should negotiations be required because the lowest tender exceeds the budget available, or the Council's requirements have changed since the tenders were

invited, all tenderers must be given the opportunity to submit revised tenders based on a revised specification.

### **C23 Contract Documentation**

- (1) Contracts placed in accordance with Standing Order C3 (Contracts not Exceeding £25,000) may be dealt with by the use of an official order, providing that the relevant Chief Officer is satisfied there is no need for more extensive terms and conditions in order to protect the interests of the Council. An official Council purchase order is required, in conjunction with all contracts.
- (2) Contracts for the execution of works placed in accordance with Standing Orders C4 (Contracts Exceeding £25,000 and not Exceeding £50,000) and C5 (Contracts Exceeding £50,000) shall be in writing and be in a standard format such as ICE, PPC 2000 or similar partner contracts or JCT as approved by the Director of Corporate Support Services.
- (3) Every contract for the supply of goods, materials or services or for the execution of works for an amount in excess of £50,000 shall be under seal as should any other contract where it is desired that the period of liability for breach of contract should be extended from six to twelve years.
- (4) Every contract for the execution of works shall contain a provision affording the relevant Chief Officer, the Chief Internal Auditor or their authorised representatives access to the site and the relevant documentation for audit purposes during the construction of the works.
- ... (5) All contracts shall include standard contract terms, which are available on the Council's Intranet, unless the Director of Corporate Support Services agrees an amended clause in substantially the same term or agrees that it would not be relevant to a particular contract.

### **C24 Retention of Documents**

The relevant Chief Officer shall ensure that:

- (a) all appropriate contract documentation must be retained for a minimum of six years, or if a contract is executed as a deed under seal, twelve years, following the date of the final payment;
- (b) unsuccessful tenders should be retained in a secure location for a period of two years; and
- (c) tender opening records should be retained indefinitely in a secure location.

### **C25 Liquidated Damages, Performance Bonds and Insurance**

- (1) Contracts (including contracts under PPC 2000 or similar partnering contracts) for the execution of works for an amount in excess of £50,000 shall provide for liquidated damages. These should be calculated by using the standard formulae drawn up by the Chief Society of Quantity Surveyors in Local Government as a basis. Advice regarding the calculations may be obtained from the Internal Audit Unit.

- (2) The Council shall not require security for the due performance for any contract below £2m, unless there are special circumstances which in the opinion of the relevant Chief Officer would warrant this provision.
- (3) For every contract of £2m and above, a performance bond shall be obtained for its due performance.
- (4) In exceptional circumstances, a Chief Officer may, subject to the agreement of the Chief Financial Officer, require a parent company guarantee or a deposit with the Council, as security. The precise form of any parent company guarantee must be agreed with the Director of Corporate Support Services.
- (5) Notwithstanding the fact that Constructionline does include insurance details of contractors and consultants, there shall be a requirement to insert in every written contract which places upon the contractor liability to effect insurance in respect not only of the works to be carried out or goods to be supplied but also in respect of its employees and third parties. The insurance shall have the interest of the Council noted and the contractor shall be required to supply evidence of insurance cover effected and premiums paid as and when required for the approval of the Chief Financial Officer. The minimum third party insurance cover shall be £5,000,000 or such other sum as may be determined by the Chief Financial Officer. The contractor shall also be required to show evidence of a level of employer liability cover which is considered appropriate by the Chief Financial Officer.
- (6) In contracts for professional services, confirmation of Professional Indemnity Insurance with a minimum cover of £1,000,000 for any one claim or such other sum as may be determined by the Chief Financial Officer, shall be additionally provided when required.

#### **C26 Retentions**

A contractually specified retention must be held on all contracts where there is a defects liability or maintenance period. The monies held must not be finally released until the end of these periods. Retention clauses shall also be included in other forms of contract where the Chief Officer considers it appropriate.

#### **C27 Assignment**

- (1) Every written contract shall contain a provision which prohibits the contractor from transferring or assigning directly or indirectly, to any person or persons whatever, any portion of the contract without the written permission of the Council.
- (2) Whenever a contractor is unable to conform with C26 (Retentions), and every alternative measure has been evaluated, then the Chief Officer responsible shall request approval to proceed from the relevant Portfolio Holder.

#### **C28 Cancellation**

Every written contract shall include a provision for cancellation in the terms specified in the annex unless the Director of Corporate Support Services agrees an amended clause in substantially the same terms.

## **C29 Final Account**

- (1) The Chief Officer responsible for every contract for the provision of works, goods and services in excess of £50,000 shall provide at the end of the contract, a final account. This account will include details of the tender sum, contract variations, final account sum, any deducted liquidated damages, any extension of time awarded and any claims agreed with the contractor.
- (2) The Chief Officer responsible is fully accountable for the agreement of the final account and is authorised to sign off the final payment.
- (3) At the time the final account is agreed, a Final Account Certificate where applicable should be completed by the Chief Officer responsible and copied to the Chief Internal Auditor.
- (4) For contracts in excess of £500,000, the Chief Officer responsible should advise the Chief Internal Auditor of all details relating to the contract at the time of practical completion. If considered necessary, any contract could be subject to examination by Internal Audit.

## **C30 Contract Monitoring**

- (1) All contracts let in excess of £1 million in value shall be the subject of monitoring reports to the relevant Portfolio Holder every three months, as should any other contract where the Portfolio Holder so requests.
- (2) On completion of contracts in excess of £1 million, a review should be carried out and reported to the Council, the Cabinet, or a Portfolio Holder in order to:
  - (a) provide a means of accountability, in showing how far the authority has done what it set out to do, and how much it cost; and
  - (b) enable the Council to learn from experience; this covers identifying how well projects met client and user requirements, recording issues that might require changes to procedures and transferring lessons between different services and types of project.
- (3) The relevant Chief Officer shall prepare and submit jointly with the Chief Financial Officer reports to the Cabinet on completion of all contracts where the final expenditure exceeds the approved contract sum by more than the lesser of 10% or £50,000 as required by Section 2 of Financial Regulations (Budgeting).

## **C31 Contract Monitoring - Quality Considerations**

It shall be the responsibility of all Chief Officers to monitor the quality aspects of any tender or contract (including any contract to which Contract Standing Order 19(2) or 20(3) under their control applies) so as to ensure:

- (a) that quality requirements in the tender specification are met by any tenderer before a contract is let; and
- (b) that those quality standards are consistently achieved throughout the lifetime of the contract.

### **C32 Special Market Conditions**

- (1) Chief Officers may (with the approval of the Cabinet) place an order for the purchase or disposal of goods or materials which in their opinion would take advantage of any special conditions in the market or any other special conditions which they consider would be to the benefit of the Council; any case in which this Standing Order is utilised shall be the subject of a written report to the next meeting of the Cabinet.
- (2) This Standing Order shall not apply where EU Procurement legislation is applicable.

### **C33 Acquisition and Disposal of Interests in Land**

- (1) For the purposes of these Standing Orders, any acquisition or disposal of land and property or interest in land and property shall be dealt with as follows:
- (2) The Director of Corporate Support Services may negotiate, agree terms and complete any lease, assignment, underletting, change of use or alterations to premises leased (irrespective of term) with a rental or premium not exceeding £25,000 per annum, subject to the exercise of this delegated authority being exercised:
  - (a) only up to a limit of £250,000 (or ten years) for any single transaction;
  - (b) after consultation with the relevant Portfolio Holder in the case of any transaction which involves a material change of use or conflicts with any other Council policy in order to determine whether a decision is to be made by the Director of Corporate Support Services, by the Portfolio Holder or by the Cabinet.
- (3) The Director of Corporate Support Services is further authorised to negotiate terms for land and agree property transactions within the categories set out in C32(1) (Special Market Conditions) in excess of £25,000 in value but unless otherwise required by statute shall treat such offers as tenders or quotations.
- (4) The procedures set out in Standing Order C4(1) (a) (3 quotations from Constructionline) and C5 (Contracts Exceeding £50,000) and C20 Acceptance of Tenders valued between £50,000 and £1 million which apply to tenders and quotations for works, goods and services are applied to this Standing Order. Any Cabinet terms of reference shall be adhered to regarding transactions of £250,000 in value or more, or of 0.25 hectares or more, or of land or property of strategic importance to the district, and any other terms and conditions shall be subject to confirmation by the Cabinet, including the acquisition and disposal of dwellings within the Housing Revenue Account, which shall be dealt with by the Cabinet.
- (5) Any acquisition or disposal of land or property or interest in land or property shall comply with:
  - (a) all governance arrangements set out elsewhere in Contract Standing Orders; and
  - (b) all procedures set out in the Office of Government Commerce (OGC) Guide for the Disposal of Surplus property.

- (6) It shall be competent for the Cabinet (in respect of transactions for the disposal of land where the pre-contract valuation estimate is in excess of £250,000 or for a Portfolio Holder (in respect of pre-contract valuation estimates of between £50,000 and £250,000) to determine the most appropriate method of disposal which achieves the Council's statutory duty of obtaining best consideration.
- (7) Pursuant to (5) above, the appropriate disposal methods are prescribed as follows:
  - (a) formal tendering (providing for an initial deposit and binding contract if tender is successful);
  - (b) formal tendering (providing for no initial deposit and no binding contract if bid is successful);
  - (c) private treaty; and
  - (d) public auction.
- (8) Paragraphs 5(c) and (d) above shall only be approved in exceptional circumstances if the decision-maker has considered a statement prepared by the Director of Corporate Support Services which justifies the proposed procedure as the most suitable method of achieving best consideration.
- (9) The Cabinet or a Portfolio Holder (as appropriate) may also determine that sale particulars should make provision for a two stage offer process that provides the Council with the option of inviting best and final offers after receipt of initial offers where this is demonstrated by them to be appropriate, this procedure being subject to the following conditions:
  - (a) the Director of Corporate Support Services having so recommended;
  - (b) the Cabinet having considered the case for adopting this method of disposal based on an assessment of the risks involved and concluding that this procedure is the most appropriate for achieving best value; and
  - (c) the sale particulars including the option for inviting best and final offers after the receipt of initial offers.
- (10) The provisions contained in this Standing Order shall not apply to any land or property transaction (including transactions in relation to interests in property land) where the pre-contract valuation estimate is less than £50,000.
- (11) The Director of Corporate Support Services may agree on behalf of the Council to the grant of any of the following licences in respect of existing leases where the appropriate enquiries have been carried out and is satisfied that to grant the licence would be in accordance with good estate management and would not adversely affect the premises concerned:
  - (a) licences to assign the lease;
  - (b) licences to underlet;
  - (c) licences to change the use of the premises; and
  - (d) licences to carry out alterations.



provided that there is no prohibition contained in the lease in respect of these matters.

- (12) Where there is a prohibition against any of the matters mentioned in paragraph (c) above or the Director of Corporate Support Services considers that it is appropriate then the application for the appropriate licence will be referred to the relevant Portfolio Holder.

#### **C34 EU Procurement Thresholds - 1 January 2012**

<b>SUPPLIES</b>	<b>SERVICES</b>	<b>WORKS</b>
£173,934	£173,934	£4,348,350 <sup>1</sup>

#### **NOTE:**

**These thresholds are regularly updated. Officers should check with the Director of Finance & ICT on the current thresholds. The Director of Finance & ICT will also update this Standing Order from time to time on the Council's intranet.**

<sup>1</sup> Including subsidised services contracts under regulation 34 of the Public Works Contracts Regulations 2006.

#### **C35 LOCAL BUSINESSES**

Chief Officers are required to obtain, where possible, at least one quotation or tender from a business located in the Epping Forest District (including those with headquarters elsewhere) for any contract or official order being placed by the Authority, provided that in awarding the contract to a local business, the Council's duty to achieve value for money and to comply with legal duties and any other requirements of Contract Standing Orders is not compromised.

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## **Report to Overview and Scrutiny Committee**

**Date of meeting: 28 January 2014**

**Subject: Vice Chairman of Council – Appointment Review**

**Officer contact for further information:** Simon Hill Ext 4249

**Committee Secretary:** Mark Jenkins Ext 4607

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### **Recommendations/Decisions Required:**

**That a report be made to Council recommending the adoption of a new amended article 5 to the Constitution taking account of the proposed changes to the process for the appointment of the Vice Chairman of Council as attached at Appendix 1 to this report.**

1. (Chairman of the Constitution and Members Services Panel – Councillor J Philip) At the annual meeting of the Council in May 2013 it was agreed that the Overview and Scrutiny Committee be asked to undertake a review of the process for the nomination to and appointment of the Vice Chairman of Council. The Overview and Scrutiny Committee delegated that review to our Panel.

2. We have considered the review at three of our meetings this year. The review has included considering information regarding how other Local Authorities arrange their appointment process for the position of Vice Chairman of Council and the operation of the Point System used previously by this Council.

### **Points System**

3. A Points system was operated by the Council during the period 2000-2007. We have received details of that system. The premise of the system was that it created a rotational system linked to numbers of Councillors in any group. The system was suspended in 2004/05 and 2005/06 and was replaced by the current system by the May 2007 Annual Council meeting.

4. We believe that this system had the effect of taking the control of the appointment process out of the hands of the members; and secondly meant that no independent members would ever have been made the Chairman as it was based on group strengths. We are, therefore, not recommending its reintroduction.

5. We have, additionally, considered methods used by other Council's. During the summer of 2013, the Council was fortunate to have help from a student intern, Roisin Perry who has undertaken online research with other authorities. Over 80 other local authorities have been looked at. From our research there seems to be a majority of other authorities that have not defined a process other than the Vice Chairman being appointed at the annual meeting. This wording is used as it is that which is stated in the Local Government Act 1972.

6. Methods used by other authorities are drawn from one of the following methods:

- A points system
- By nomination of the current Vice Chairman's Party
- A rotational system (often party based)
- A qualification system (Normally by service years or by positions served)
- A person mandate system (an application system)
- By length of service (call down from longest serving)

7. We also noted the following options:

- A drawing of lots
- An equalities balanced approach
- A straight vote at Council

8. Having considered the options available, we are of the view that, with some amendments the current scheme that requires cross party support is the most appropriate system for us to use. This method allows the control of the appointment of the Civic Head of the Council by its members rather than rely on a 'system'.

9. The amendments we are proposing are:

(i) That any nomination should have the support of a quarter (15) of the Council. Nominators should also be serving District Councillors at the point the nominations are considered by the Appointments panel post elections (this is a change from 12 members from two political groups);

(ii) That independent or unaffiliated members should be allowed to support a nomination;

(iii) That the procedure specifically states that nominations should be considered by the Appointments Panel; and

(iv) That if the Vice Chairman is unable to be elected Chairman, the same procedure would apply in that year to both Vice Chairman and Chairman positions.

10. Officers undertook a wider consultation with all members via the Member Bulletin on 18 October 2013. Members expressed the following views:

Councillor K Angold-Stephens:

*"The LRA is wholly opposed to the increase in nominations for VC from 12 to 15. This discriminates against smaller parties and individual members. Members find it unseemly to go from meeting to meeting to drum up support when they are on their own or part of a small group. This decision would clearly favour a majority party whose members would be able to sign at a group meeting and would almost certainly do so if it was a member of their own party. It thus discriminates in favour of the majority party when the person is supposed to be selected on merit and not on political persuasion. So far our council has been quite fair in its approach but an unscrupulous majority party in the future could make sure their candidate always won which is against the spirit of the job and against the constitution but there would be no way of others being able to successfully challenge that decision. Even 12 is a high hurdle for some individual members but we accept the bar has to be set somewhere.*

*I am also surprised the report did not recommend a method of supporting nominations by e-mail instead of actual signatures. There must be a way of doing this to avoid the necessity of an individual having to tout their nomination from meeting to meeting to gain a signature or, as recently, travelling around the District to gather signatures.*

*We accept that finding a solution will not be easy but this proposal does nothing to address the issue and may make matters worse.”*

Councillor G Chambers:

*“I agree with all comments in the revised section of 5.02 with the exception of section d.*

*There needs to be a further 15 signatures to endorse the vice chairman to become chairman. This of course would allow members to vote out someone who proves not be suitable during his or her time in office as the vice chair.*

*Additionally 15 signatures could be sent in opposing the vice chair to become chair which would then mean we would need a vote in chamber. Just feel here needs to be mechanism to remove someone who becomes unsuitable. Perhaps we have this elsewhere in the constitution.”*

Councillor B Sandler:

*“I understand the content and cannot disagree with this style of appointment but this should only be put into operation if the Council does not have a one party majority. I firmly believe that if one party has the control of the Council then that party alone should hold the Office of Chairman and Vice Chairman.”*

Councillor P Spencer:

*“The proposals should look at ways of including suitable candidates from minority parties and independents.”*

Councillor D Stallan

*“I support the proposed amendments to section 5.02 as stated. I have no additional comments to make.”*

Councillor Janet Whitehouse

*“In response to the consultation on the appointment of the Vice Chairman I didn't support the proposals for change at the scrutiny panel and I confirm that I don't support the revised section 5.02 proposals.*

*I would like all members to have the opportunity to be consulted on all the possibilities that were in the report that came to the scrutiny panel.”*

11. Having considered the comments of members we have included the other methods of appointment we found within this report. We also recommend that a further subparagraph be added to take account of the wish to support nominations via email as follows:

*“That nominators are able to indicate their support for any nomination to the coordinating member via email. “*

12. We remain of the view that this position should command the support of at least a quarter of the Council.

13. We therefore recommend that a report be made to Council seeking the formal adoption of the draft section of Article 5 as attached at Appendix 1 to this report.

**Draft for Overview and Scrutiny Committee (January 2014)**

**Proposed revised section of Article 5 – Chairing the Council**

**Revised section 5.02 to replace current provisions:**

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

The individual elected to the office of Chairman of Epping Forest District Council shall be elected on merit by the Council at its Annual meeting. This election is subject to the procedure set out below in paragraphs 5.02(e)-(f).

The appointment of the Vice-Chairman of the Council shall be undertaken by the Council on the basis of merit in accordance with the following provisions:

- (a) Nominees for the office of Vice-Chairman of the Council are required to submit a nomination form supported and signed by not fewer than 15 serving as District Councillors on the date when the Appointments Panel holds its first meeting in any municipal year.
- (b) Nominees for Vice-Chairman of the Council may be a Councillor from any political group on the Council or any independent or unaffiliated Councillor;
- (c) Nominators are able to indicate their support for any nomination to the coordinating member via email;
- (d) Nominations shall be considered by the Appointments Panel for onward recommendation to the Annual Council meeting;
- (e) It is expected that the person appointed by the Council as Vice-Chairman of the Council shall normally be elected as the Chairman of the Council for the following Council year;
- (f) If, for any reason, a Vice Chairman is unable to be elected as Chairman of the Council following their year as Vice Chairman, the procedure outlined in (a) to (c) above shall also apply to the election of a new Chairman.
- (g) The Council may suspend the operation of the appointment process set out above at an Annual Council meeting. A motion to that effect and giving reasons as to why this would be in the best interests of the Council may only be adopted if the equivalent of 65% of Council members present at the meeting vote in favour.

## **Current provisions**

### **ARTICLE 5 - CHAIRING THE COUNCIL**

#### **5.01 Introduction**

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

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

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

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

- (a) Nominees for the office of Vice-Chairman of the Council should submit a nomination form signed by not less than 12 District Councillors drawn from at least two political groups
- (b) Nominees for Vice-Chairman of the Council may be drawn from any political group or any independent member serving on the Council;
- (c) The process of agreeing a nomination for Vice-Chairman of the Council shall be co-ordinated by the Leader of the Council in consultation with independent members and the Leaders of all political groups and notified each year to the Appointments Panel for consideration and onward recommendation to the Annual Council meeting;
- (d) It is expected that the person nominated under this article and appointed by the Council as Vice-Chairman of the Council shall normally become the Chairman of the following Council year;
- (e) It shall be open to the Council to suspend the operation of the appointment process at any Annual Council meeting if this is in the best interests of the Council. Such suspension shall, however, only be agreed if 65% of the Council membership support a motion to that effect.

#### **5.03 Overall Responsibilities**

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

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



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

#### **5.04 Chairing the Council Meeting**

The Chairman shall undertake the following duties:

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

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

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

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

#### **5.05 Use of Casting Vote**

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

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

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

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

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

#### **5.06 Civic/Ceremonial Role**

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

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

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

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

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

(iii) the Chairman of the Committee is unavailable, the Vice-Chairman of the Committee shall deputise;

- (iv) district members for the ward in question;
  - (v) the Service Director responsible for the function;
  - (vi) Parish Chairman or Town Mayor;
  - (vii) other members and officers agreed by the Chairman of Council, the Chairman of Committee, the Leader of the Council and the Head of Service; and
  - (viii) the Public Relations and Marketing Officer will attend appropriate functions when the press are invited.
- (d) Separate protocols are included in Part 5 of the Constitution regarding election of Vice-Chairman and the role of the Chairman and Vice-Chairman generally.

#### **5.07 Absence of Chairman and Vice-Chairman**

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

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## Overview and Scrutiny Work Programme – January 2014

Overview and Scrutiny Committee			
Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) OS Annual Review/ Annual Report	June 2013	Final report went to the June 2013 meeting.	<del>04 June 2013;</del> <del>16 July;</del> <del>27 August (Extra Meeting);</del> <del>03 September;</del> <del>15 October;</del> <del>26 November;</del> 28 January 2014; 25 February; and 1 April.
(2) To meet with Essex County Council in respect of Children Services and on annual basis, with the attendance of the Director of Children's Commissioning.	June 2013	<b>Completed</b> - Recommendation taken from the Children Services Task and Finish Panel. To invite an Officer and the Portfolio Holder. Noted that the lead county officer had moved on and the service was currently in a state of flux. To review again in the new year.	
(3) Corporate Parenting	June 2013	<b>Completed</b> - Essex CC has asked if they Could give a presentation on Corporate Parenting.	
(4) Scrutiny of Epping Forest Local Strategic Partnership – Chairman and Member level EFDC representatives	July 2013	<b>Completed</b> in July 2013 - Representatives of the partnership to report on an annual basis.	
(5) Six monthly review -	For November 2013	<b>Completed</b> - Last completed in November 2012	
(a) Monitoring of OS recommendations			
(b) OS work programme			

(6) To review the strategic direction of Epping Forest College, its vision for the future and its relationship with the Community	For the end of the 2013/14 municipal year - the April 2014 meeting.	Last Completed in April 11 when the Principal of Epping Forest College addressed the April 2011 meeting. A new Principal will be appointed in the autumn and they would need a little time to settle into the job.	
(7) To receive a presentation from Youth Council members	November 2013	<b>Completed</b> in Nov 13 - members of the Youth Council attended with an update on their programme of work.	
(8) Key Objectives 2012/13	Outturn report to July 2013 meeting	<b>Completed:</b> Outturn report for 2012/13 submitted to the July 2013 meeting. Quarterly progress reports in respect of the annual Key Objectives are made to the Cabinet and the Overview and Scrutiny Committee.	
(9) Key Objectives 2013/14	Progress reports to be considered on a quarterly basis.	Quarterly progress to be considered at meetings to be held in Sept. 2013 (Qtr 1), Nov 2013 (Qtr 2) and March 2014 (Qtr 3).	
(10) To review the new organisational make up of the PCT/ West Essex Health Service and the progress made on the commissioning of local health services.	September 2013	<b>Completed</b> - Last looked at in Sept. 2013.  Noted that County were also looking at this topic.	

(11) Mental Health Services in the District.	February 2014	To consider the state of the Mental Health Services in the District	
(12) The Essex Probation Service	For January 2014 meeting	The Essex Probation Service has asked if they could give a presentation to our members.	
(13) To receive a presentation from the local CAB on their general services, funding from the Council, the impact of recent Welfare and Budget changes and accommodation issues here in Epping and how we can help them.	October 2013 meeting	<b>Completed</b> - Full Council asked that the O&S Committee receive a presentation from the local Citizen Advice Bureau.	

## Standing Panels

### Housing Standing Panel (Chairman – Cllr S Murray)

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) Housing Performance Indicators - 2012/13 Out-turn (Tenant-Selected & KPIs)	June 2013	<b>COMPLETED</b>	17 June 2013; <del>23 July</del> Cancelled; <del>22 October</del> ; 22 January 2014; and 25 March
(2) Performance against Housing Service Standards and Review ( <i>Recommendations to Housing Portfolio Holder</i> )	June 2013	<b>COMPLETED</b>	
(3) Progress Report on the Welfare Reform Mitigation Action Plan	June 2013	<b>COMPLETED</b>	
(4) Annual Ethnic Monitoring Review of Housing Applicants ( <i>Recommendations to Housing Portfolio Holder</i> )	June 2013	<b>COMPLETED</b>	
(5) Housing Strategy Action Plan 2013/14	July 2013	<b>No longer required – Interim Housing Strategy Action Plan agreed by Housing Portfolio Holder</b>	
(6) Annual Review of the Housing Allocations Scheme	N/A	<b>No review this year – Due to the introduction of the new Housing Allocations Scheme</b>	
(7) 12-Month Progress Report on Housing Strategy Action Plan 2012/13	October 2013	<b>COMPLETED</b>	



(8) Six Monthly Review of the HRA Financial Plan	October 2013	<b>COMPLETED</b>	
(9) Six monthly Progress Report on Housing Business Plan Action Plan	October 2013	<b>COMPLETED</b>	
(10) Progress Report on the Welfare Reform Mitigation Action Plan	October 2013	<b>COMPLETED</b>	
(11) Briefing on the proposed Council rent increase for 2014/15	January 2014		
(12) Six Monthly Progress Report on Housing Strategy Action Plan 2013/14	January 2014		
(13) Proposed housing service improvements and service enhancements – 2014/15 (Recommendations to Cabinet)	January 2014		
(14) Progress Report on the Welfare Reform Mitigation Action Plan	January 2014		
(15) HRA Business Plan 2014/15 (Recommendations to Housing Portfolio Holder)	March 2014		
(16) Six Month Review of the HRA Financial Plan	March 2014		
(17) 12 Monthly Progress Report on Housing Business Plan Action Plan	March 2014		

(18) Progress Report on the Welfare Reform Mitigation Action Plan	March 2014		
(19) New Flexible Tenancy Agreement and revised Standard Secure Tenancy Agreement (Recommendations to Cabinet)	June 2013	<b>COMPLETED</b>	
(20) Housing Service Strategy on Allocations (Review and Update) (Recommendations to Housing Portfolio Holder)	July 2013	<b>COMPLETED</b>	
(21) Progress Report on Private Sector Housing Strategy	October 2013	<b>COMPLETED</b>	
(22) Review of the difficulties with improving communal areas of flat blocks with leaseholders	October 2013	<b>COMPLETED</b>	
(23) Housing Service Strategy on Anti-Social Behaviour (Review and Update)	October 2013	<b>COMPLETED</b>	
(24) Social Housing Fraud Scheme – Progress Report	January 2014	<b>No longer required – To be substituted for a full Housing Service Strategy on Social Housing Fraud</b>	
(25) Sheltered Housing and Older People's Handyperson Schemes – 1 Year Review	January 2014		
(26) Review of parking enforcement on Housing-managed grassed areas	January 2014	Deferred to the January 2014 meeting to allow Councillor Kane to be present. Referred by the Overview and Scrutiny Committee at the request of Councillor Kane.	
(27) Review of Mow and Grow Scheme for Council tenants	January 2014		

(28) Housing Service Strategy on Tenant Participation (Review and Update)	January 2014		
(29) Housing Service Strategy on Information (Review and Update)	January 2014		
(30) Housing Service Strategy on Harassment (Review and Update)	March 2014		
(31) Housing Service Strategy on the Private rented Sector (Review and Update)	March 2014		
(32) Response to Essex County Council's consultation on the Essex Housing Related Support (HRS) Strategy	March 2014		
(33) Review of Housing Management Staffing Levels – Welfare Reforms	March 2014		
(34) Housing Strategy 2014-2017	July 2014		
(35) Housing Service Strategy on Energy Efficiency (Review and Update)	July 2014		
(36) Possible operation of operating a “Sinking Fund” for new leaseholders in new or existing flat blocks where there are no existing leaseholders	March 2014	Requested at the October 2013 meeting of the Scrutiny Panel	
(37) Housing Service Strategy on Social Housing Fraud	March 2014		

<b>Constitution and Member Services Standing Panel (Chairman – Cllr J Philip)</b>			
<b>Item</b>	<b>Report Deadline / Priority</b>	<b>Progress / Comments</b>	<b>Programme of Future Meetings</b>
(1) Review of Essex County Council Elections 2 May 2013	25 June 2013	<b>COMPLETED</b>	25 June 2013; 24 September; 19 November; 14 January 2014; and 18 March
(2) Officer Employment Procedure Rules	25 June 2013	<b>COMPLETED</b>	
(3) Conventions regarding Relationships between Officers and Councillors	25 June 2013	<b>COMPLETED</b>	
(4) Process Review on Appointment of Vice Chairman of the Council	19 November 2013	<b>COMPLETED</b>	
(5) Review of Licensing	19 November 2013	<b>COMPLETED</b>	
(6) Petitions Scheme	18 March 2014		
(7) Review of Officer Delegation to reflect new Directorate Structure	14 January 2014	<b>COMPLETED</b>	
(8) Review of Financial Regulations	14 January 2014	<b>No items for review</b>	
(9) Review of Contract Standing Orders	14 January 2014	<b>COMPLETED</b>	
(10) Review of Polling Stations	18 March 2014		
(11) Joint Consultative Committee – Terms of Reference and Constitution regarding representation for non-union staff.	TBA		
(12) Questions at Council - Review	18 March 2014	PICK form submitted	

**Safer, Cleaner, Greener Standing Panel (Chairman – Cllr J Lea)**  
**Work Programme 2013/14**

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) Enforcement activity	October 2013	Six monthly report to Panel	<del>09 July 2013 - cancelled</del>
(2) Enforcement activity	April 2014	Six monthly report to Panel	<del>28 October 2013;</del>
(3) CCTV action plan review	July 2013	Six monthly report to Panel – last went to January 2013 meeting – <b>went to October meeting</b>	<del>07 January 2014;</del>
(4) CCTV action plan review	January 2014	Same as plan that went to the October meeting	11 February 2014;
(5) CSP scrutiny review meetings	April 2014	Report last went to April 2013 meeting.	15 April 2014
(6) West Essex Local Policing Area Strategic Assessment	April 2014	Report last went to April 2013 meeting.	Crime & Disorder Scrutiny meeting – 09 July 2013
(7) Receive notes of Waste IAA Member meetings	As appropriate	Notes reported to Panel at first available meeting following receipt – <b>January '14 meeting received notes of 24 October 2013 meeting</b>	
(8) Receive notes of Waste Management Partnership Board	As appropriate	Notes reported to Panel at first available meeting following receipt – <b>October meeting received notes of 15 July 2013 meeting</b>	

**Safer, Cleaner, Greener Standing Panel (Chairman – Cllr J Lea)**  
**Work Programme 2013/14**

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(9) Progress against Climate Local Agreement	October 2013	Six monthly report to Panel – the Council has not yet signed up to the Climate Local Agreement and this still remains to be decided. Instead, Sarah Creitzman and Kassandra Polyzoides have worked on a charter of commitments that were more specific to EFDC. Sarah to carry this forward to Portfolio Holder and Circulate amongst GCWP members for comment.	
(10) Progress against carbon reduction strategy	October 2013	Six monthly report to Panel – Once a charter of EFDC environmental commitments has been established and agreed, a strategy will need to be written based around achieving the aims that are signed up to.	
(11) Receive notes of Bobbingworth Nature Reserve liaison group	As appropriate	Notes reported to Panel at first available meeting following receipt – <b>October meeting received notes of the 27 March 2013 meeting.</b>	
(12) Recycling in flats and multi-occ dwellings	October 2013	<b>A verbal report was given to the October 13 meeting</b>	
(13) Monitor Local Highways Panel	As Appropriate	Once established to keep a watching brief on the effectiveness of the new Local Highways Panel – <b>January '14 meeting received minutes from the November 2013 meeting.</b>	

**Safer, Cleaner, Greener Standing Panel (Chairman – Cllr J Lea)**  
**Work Programme 2013/14**

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(14) Review notes of SLM contract monitoring board	As Appropriate	Notes reported to Panel at first available meeting following receipt – <b>January '14 meeting received minutes of the November 2013 meeting</b>	
(15) Receive notes of North Essex Parking Partnership (NEPP) minutes	As Appropriate	Notes reported to Panel at first available meeting following receipt – <b>January '14 meeting received notes from the August '13 meetings.</b>	
(16) Highway accident statistics	Info will be given to the Panel when available	Report went to April 2013. A further detailed report and presentation from county officers was called for.	
(17) To monitor the minutes of the Police and Crime Panel	As Appropriate		

<b>Planning Services Standing Panel (Chairman – Cllr J Wyatt)</b>			
<b>Item</b>	<b>Report Deadline / Priority</b>	<b>Progress / Comments</b>	<b>Programme of Future Meetings</b>
1. To consider and Review Measures taken to Improve Performance within the Directorate	10 September 2013	Revised Planning Application Validation Checklist	18 June 2013; <del>10 September;</del> <del>10 December</del> Cancelled; and 8 April 2014
2. To consider and Review Business Processes, Value for Money and Staffing arrangements for the Directorate:  a. To consider the Financial Review (Bus Plan Section 3b) b. To consider the Business and Environmental Review (Appendix Business Plan) c. To consider the Directorate Value for Money Statement (Business Plan Section 4 (f))	To be confirmed		
3. To monitor and receive reports/updates on the delivery of the Local Plan: a. To report on the progress of the Local Plan b. To provide further updates on the Local Plan	Minimum verbal report at each meeting		



4. To monitor and receive reports/updates on the Planning Electronic Document Management System	10 September 2013	Received update on Electronic Records Document Management Systems at the September 2013 meeting	
5. To consider the Business Plan	8 April 2014		
6. 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. To provide reports/updates as and when required.	To be confirmed		
7. To report to the Overview and Scrutiny Committee at appropriate intervals on the above.	To consider at each meeting.		
8. Any recent meeting of the Chairman and Vice Chairman of the Area and District Committees Invitation Panel	To be confirmed	Any recent meeting of the Chairman and Vice Chairman of the Area and District Committees Invitation Panel	
9. To receive urgent or other consultations and consider what response to give on behalf of the Council.		a. <b>Completed</b> consultation in respect of Crossrail 2 – 18 June 2013 b. <b>Completed</b> - Brentwood Borough Local Plan Preferred Options – 10 September 2013	
10. S106 Agreements Monitoring Reports (Annually)	18 June 2013	<b>COMPLETED</b>	
11. Enforcement Plan	10 September 2013	<b>Endorsed the draft Local Enforcement Plan</b>	

<b>Finance and Performance Management Standing Panel (Chairman – Cllr A Lion)</b>			
<b>Item</b>	<b>Report Deadline / Priority</b>	<b>Progress / Comments</b>	<b>Programme of Future Meetings</b>
(1) Key Performance Indicators – Performance Outturn 2012/13	Outturn KPI performance report to be considered at the first meeting of the Scrutiny Panel in each municipal year.	<b>Completed</b> - KPI outturn report for 2012/13 considered at the June 2013 meeting.	<del>11 June 2013;</del> Rearranged for 17 June '13  17 September;
(2) Key Performance Indicators – Performance Monitoring 2013/14	KPI performance report to be considered on a quarterly basis.	Quarterly KPI performance report for 2013/14 to be considered at the meetings to be held in September 2013 (qtr 1), November 2013 (qtr 2) and March 2014 (qtr 3).	<del>12 November;</del>  <b>20 January 2014 – jointly with Fin. Cabinet Cttee;</b> and
(3) Key Performance Indicators – Development of indicator set for 2014/15	Draft indicator set to be considered on the basis of third quarter KPI performance for 2013/14.	KPI proposals to be considered at March 2014 meeting.	11 March.
(4) Quarterly Financial Monitoring	Reports to be considered on a quarterly basis.	First quarter information to be considered September '13, 2 <sup>nd</sup> quarter in November '13 and 3 <sup>rd</sup> quarter figures at the March '14 meeting.	
(5) Annual Consultation Plan	Report considered on an annual basis. Report went to the June '13 meeting.	<b>Completed</b> - Consultation Plan considered at first meeting of each municipal year.	

(6) Detailed Portfolio Budgets	To the January 2014 meeting of the Cabinet Finance Committee.	Jointly considered at the January '13 meeting of the Cabinet Finance Committee – Annual review of the Portfolio Holders Budgets.	
(7) Equality Objectives 2012-2016 - Monitoring and Progress	Progress to be considered on a quarterly basis.	Quarterly progress to be considered at the meeting to be held in Sept. 2013 (Qtr 1), Nov. 2013 (Qtr 2) and March 2014 (Qtr 4)	
(8) Capital Outturn 2012/13 and use of transitional relief in 2012/13	June '13 meeting	<b>Completed</b> - Last considered at the June 2013 meeting	
(9) Provisional revenue Outturn 2012/13	June '13 meeting	<b>Completed</b> - Last considered at the June 2013 meeting	
(10) Fees and Charges	To the November '13 meeting	<b>Completed</b> - Last went to November 2013 meeting.	
(11) Sickness Absence	Six monthly Reports: Went to November '13 meeting	Half yearly figures of the Council's Sickness Absence figures - Last considered at November 2013 meeting.	
(12) ICT Strategy and Website Feedback	Sept.2013	Updating report went to the September 2013 meeting	

## Task and Finish Panels

### Overview and Scrutiny Review Task and Finish Panel (Chairman – Cllr K Angold-Stephens)

Item	Report Deadline / Priority	Progress/Comments	Programme of Future Meetings
First meeting to define Terms of Reference.	<b>NOW COMPLETED</b> – Final Report went to O&S Cttee. on 26 Nov 2013	Final Report to November 2013 O&S Committee.	<del>6 December '12;</del> <del>17 January '13;</del> <del>14 February '13;</del> <del>25 March '13;</del> <del>20 May '13</del> <del>8 July '13</del> <del>31 October '13</del>

## Bi-monthly briefing for local partners

27 October 2013

### Our progress on our financial position

In our last briefing, we described our decision to move into financial turnaround. The purpose of turnaround is to accelerate the development and delivery of safe cost savings and productivity improvements. This is necessary to ensure a sustainable base for our long term financial standing, while continuously improving services for patients and the care they receive.

Turnaround is part of a three-year plan to get us to a sustainable long term financial position. This year, we are concentrating on stabilising the organisation's finances, by ensuring that we take out un-necessary costs and we recover the income due to us under our payment by results contract and avoid contractual penalties. We also need to make these changes at greater pace.

In terms of our progress to date:

- We have already identified in-year £60m (full year effect £80m) of cost improvement schemes, against our original target of £77.5m
- Of these, around £47m have either already been delivered or are on track to be delivered
- This therefore leaves us with an in-year gap of £16m to find
- At this point, we are still forecasting a £50m year end deficit

It would be wrong to think this is all about money – it is also about quality and efficiency. For example, in our colorectal service, a new patient pathway will come into effect on 1 November which will reduce waiting times for an outpatient appointment from up to six months to only four to six weeks. Patients will get an initial appointment where all tests and treatments are discussed and put into motion. This means that their treatment and any follow up can be undertaken much more quickly. Prior to any appointments being booked, all referrals will be vetted by a consultant. This will speed up the process and allow non-specialist cases to be directed to the most appropriate service for each patient's needs.

We must also ensure we are consistently meeting NHS performance targets. The key national targets, covering emergency care access, the 18-week referral-to-treatment standard for routine care and rapid access to cancer care are making a real difference to the quality and timeliness of the care that patients receive across the NHS in England.

### Developing our clinical and site strategies

We are developing our overall clinical and site strategies, which will help us to deliver our vision of changing lives across east London, and to provide a consistently high standard of care at all our hospitals. One of the benefits of our merger is being able to create patient-focused pathways across our hospitals much more quickly than before, while ensuring strong local services for local people to a consistently high standard. If our clinicians have a case for change in patient pathways or the location of any services, those propositions will be reviewed and agreed with commissioners. The NHS locally, including the CCGs, will engage with you, other stakeholders and partners, and appropriate patient groups.

### **Our workforce consultation**

We wrote to you on 27 August to tell you about a consultation we have been conducting with our operational management, nursing and administrative and clerical workforce. This follows on from the review we undertook of our corporate functions after our merger in 2012. It is essential that we maintain a skilled, adaptable and efficient workforce that is able to deliver excellent clinical and non-clinical services and fulfil our commitment to research and education. Therefore, over the past few months, we have carried out a comprehensive review of staffing levels and clinical practices across the organisation to help us ensure that our structures and processes are fit for purpose.

We launched a formal consultation process on proposed changes to our workforce on 27 August 2013. All staff were invited to comment and to provide feedback on the proposals. Our recognised trade unions and staff side body have been involved in a pre-consultation process, which included reviewing lessons learnt from our 2012 consultation and including information which staff told us they wanted to see in future consultations.

We had originally wanted to communicate the outcome of the consultation earlier in October, but we extended the consultation period in order to allow additional time for staff to respond, and to ensure that we could adequately analyse the high number of responses we received. On Friday 25 October, we announced the results of the consultation to our staff representatives, and then to all staff. We have recognised the considerable time and effort that colleagues across the organisation have spent in reviewing the proposals and providing comments – this feedback has been invaluable. We have made changes to our proposals as a result, all of which are aimed at ensuring that there is consistency across all sites in each service, that there are clear reporting structures and that front line staff have the supervisory support they need to deliver high quality care at all times. Please contact us if you would like more specific detail on the outcome of the consultation - contact details are at the end of this briefing.

### **Proposals for changes to cardiovascular and cancer care across north east and north central London**

You may already be aware of proposals which have been put forward by clinicians across UCLPartners, the academic health science partnership which we are a member of, to improve the way that specialist cardiovascular and cancer care is delivered across this part of London. The cardiovascular proposal includes recommendations for a world class cardiovascular centre at St Bartholomew's Hospital, incorporating the services at the London Chest Hospital and The Heart Hospital. (The Heart Hospital is currently part of University College London Hospitals NHS Foundation Trust.) The cancer proposal includes recommendations to concentrate cancer experts who provide specialist treatment for patients with rare or complex cancers into bigger teams in fewer centres. As commissioners, NHS England is leading the review and will be leading a public engagement process to seek views on the proposals. You will therefore hear directly from our commissioners with more information about the proposals and how you and local people can get involved in the process.

### **Investment in Whipps Cross University Hospital**

The estate at the hospital needs significant investment, following many years of underinvestment, especially in many of the inpatient ward areas. In late September, we opened a new acute admissions unit at the hospital, adjacent to the Emergency Department (the latter opened in May 2012). The two developments represent an investment of around £27m. The new acute admissions unit brings together care which has until now been provided on three separate wards, all of which have seen better days and are located some distance from the Emergency Department. The new unit is state-of-the-art, and instead of medical teams being split between three wards, a multi-disciplinary team of doctors, nurses, therapists and other healthcare professionals can now work together in a single location.

This will help ensure that patients are seen, treated and discharged much more quickly than at present and in much improved surroundings. The new unit was featured on both ITV London and BBC London news when it opened.

Recent investment in the Whipps Cross maternity unit has provided new operating theatres and recovery rooms, a new dedicated bereavement suite for women and their partners and a new emergency gynaecology/early pregnancy unit. We are now working to bring forward a programme to refurbish all remaining delivery rooms and the labour wards.

We are also considerably improving standards of cleaning at Whipps Cross. Our cleaning contractor, Initial FM, has brought in a new leadership team for the hospital, including a dedicated domestic manager for the maternity unit, and additional domestic staff to focus on key areas – all at no additional cost to us. We have also identified a number of environmental improvements, at a cost of £170,000, which we have been able to make swiftly.

### **Chief Inspector of Hospitals – detailed inspections in November**

As you know, the Care Quality Commission (CQC) have launched a new inspection system, which involves more in-depth inspections as well as dialogue with patients, local people and stakeholders. You can read more about the new inspection regime [on the CQC's website](#).

Our inspections are scheduled for November. As part of this, the CQC will be hosting three listening events on the evenings of 5 and 6 November to enable members of the public to share their experiences of care with members of the inspection team:

- For Newham University Hospital:  
Tuesday 5 November, 6.30pm, Stratford Town Hall, The Broadway, E15 4BQ
- For Whipps Cross University Hospital:  
Tuesday 5 November, 6.30pm, Leyton Orient Football Club, Brisbane Road, E10 5NF  
Wednesday 6 November, 7.30pm, Queens Road Community Centre, 215 Queens Road, Walthamstow E17 8PJ
- For The Royal London Hospital:  
Wednesday 6 November, 6.30pm, Tarling East Community Centre, Martha Street, E1 2PA

The CQC is asking people who would like to attend a listening event to fill in an online form at [www.cqclistingevents.org.uk](http://www.cqclistingevents.org.uk) or to call 03000 61 61 61. Anyone who is unable to attend a listening event but wishes to give their views to the inspection team can do this by email to [cqclistingevents@livegroup.co.uk](mailto:cqclistingevents@livegroup.co.uk)

### **Our operational performance**

In Quarters 1 and 2 we missed two key national targets - A&E four hours and the 18 week referral to treatment target. Both continue to be a challenge, but we have plans in place to achieve compliance.

#### Emergency access – the “four-hour” target in our A&Es

The target is for 95% of patients to be seen and treated within four hours of arrival. Our year-to-date performance is 94.44%. We have now introduced additional resources, including extra doctors and nurses in the A&Es and assessment areas. Specific changes include:

- Introducing a team at Whipps Cross to support discharge for patients with care needs who do not need bed based medical care. This has had a positive impact on avoiding admission to the main hospital for elderly patients who attend the A&E
- Creating an additional eight assessment beds at The Royal London to support the high demand for short stay admissions

- At weekends, increasing the number of senior staff and improving access to services such as pathology and radiology is already improving performance

18 weeks referral-to-treatment – ensuring that patients receive a diagnosis and are treated within 18 weeks of referral by their GP

The target is for 90% of admitted patients and 95% of non-admitted patients to be treated within 18 weeks. Our year-to-date performance is 82% and 96% respectively. We have recently introduced plans to improve our processes and recover our position, including improving our data and making a significant investment in how we validate and monitor each patient who is on an 18 weeks pathway.

Infection control

- On Clostridium Difficile, we have had 27 hospital-acquired cases so far this year, against a year-end target of 75 (which is set by our commissioners). Therefore we are performing better than our trajectory
- We have reported three cases of MRSA so far this year. While our target is for zero cases, this represents a substantial year on year improvement from 11 in the full year last year

**Getting ready for winter**

We are working across Barts Health to ensure that we are prepared for winter, and the increase in demand for acute and emergency care which the season brings. You are probably already aware that the Department of Health has released funding to the NHS to help support trusts during the winter. The funding has been agreed much earlier this year than in 2012, allowing everyone in the health and social care sectors to plan more effectively for winter. We have secured funding of £12.8m to boost our winter care plans, and we are working with our commissioners and local providers to agree how best to make use of the funds. This will include opening additional capacity in our hospitals to meet expected demands for inpatient beds.

**The Friends and Family Test**

The NHS's national Friends and Family Test is now being used across the NHS to gauge how likely patients are to recommend local hospital services. The survey is currently in use for inpatients and A&E patients, and during October we began rolling it out in our maternity units.

The latest data which is available is for September. For Barts Health, it shows that:

- 24.2% of inpatients completed the test
- Of these patients, 66% said they were “extremely likely” to recommend the service
- 14.5% of A&E patients completed the test
- Of these patients, 61% said they were “extremely likely” to recommend the service

**Recent visits and committee attendances**

In September, we attended meetings of health scrutiny committees in Newham, Tower Hamlets, Waltham Forest and Redbridge. We also attended the Waltham Forest Health and Wellbeing Board meeting, and hosted a visit at Whipps Cross Hospital from the Waltham Forest Public Health and Health Delivery Scrutiny Sub-Committee, who viewed our stroke, maternity and emergency care services. We also attended a meeting of local partners in Waltham Forest, hosted by Stella Creasy MP, where we were able to take part in a useful discussion about the issues local health and social care organisations face in providing care for elderly people.

In October, members of the Outer North East London Joint Health Overview and Scrutiny Committee visited Whipps Cross for a discussion on our plans for the hospital's estate and a



tour of the maternity unit and A&E. We then attended the JHOSC's regular meeting later in the month. We held a very good meeting with all local Healthwatches, and I was very heartened by the level of engagement and enthusiasm for partnership working. Healthwatches are an extremely important voice for patients and the public, and we very much value the benefit they can bring as 'critical friends'. We also attended a very productive meeting with local NHS, education, council and Healthwatch partners to discuss diabetes care in east London, which highlighted a great opportunity to build strong local partnerships and better utilise the considerable expertise we hold within our respective organisations.

These meetings and visits are a vital part of ensuring that we keep our partners informed and up to date about our work. Please do let us know if you would like to arrange a meeting or visit with us – contact details are at the end of this briefing.

### **Success for Barts Health at this year's Health Service Journal Efficiency Awards**

The Barts Health Operation TLC (turn off, lights off and close doors) campaign picked up the Energy Efficiencies award at this year's HSJ (Health Service Journal) Efficiency Awards. The energy saving initiative links energy saving actions to patient safety, comfort and dignity, as well as driving down our energy bill. Since Operation TLC campaign started in January, we are saving £100,000 a year in energy bills and avoiding 800 tonnes of carbon dioxide.

Research with the Clinical Research Centre shows that one in three patients experience better privacy and one in four patients experience less disturbed sleep in wards that have been taking the Operation TLC actions. This means we are also creating a better healing environment for our patients.

### **More information**

We are committed to providing open and honest communication with our partners. Look out for our regular bi-monthly briefings. If you have questions or would like to arrange a face-to-face briefing or a visit to one of our hospitals, please contact a member of our communications team:

Mark Graver – Head of Stakeholder Relations and Engagement

[mark.graver@bartshealth.nhs.uk](mailto:mark.graver@bartshealth.nhs.uk)

020 7092 5435

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# Progress at Whipps Cross following CQC inspections in May and June

- CQC inspected elderly care, maternity, surgery and A&E at Whipps Cross in May and June
- Unacceptable results in some services at Whipps Cross resulted in three warning notices being issued by the CQC:
  - Infection control and cleanliness in the maternity unit
  - Safety, availability and suitability of equipment in the maternity unit
  - Staff appraisals and supervision in the elderly care service
- Action plans were submitted to the CQC in August following the inspections
- Improvements have been made since the inspections:
  - New maternity theatres and emergency gynae unit at Whipps Cross
  - Trust-wide improvement programmes; Great Expectations in maternity, Care Campaign and Excellence in Older People's Care
- Chief Hospital Inspector inspection has now taken place



# What we have done – cleanliness, infection control and the environment

- Training:
  - All staff have undertaken additional infection control training to ensure clear understanding of roles and responsibilities
  - Ward managers and other named midwives have received additional training on auditing cleaning standards
- Records and audits:
  - New systems to record cleaning activity and monitor effectiveness, including recording evidence that clinical staff are checking standards
  - Enhanced audits of cleanliness in clinical areas now undertaken weekly rather than monthly
- Implemented new, standardised system for requesting additional cleaning and reporting maintenance issues



## What we have done – cleanliness, infection control and the environment

- Whipps Cross cleaning contractor, Initial FM, has significantly increased staffing numbers to ensure cleaning standards are met and maintained:
  - New Initial FM leadership team at Whipps Cross
  - Dedicated domestic manager for the maternity unit
  - Additional domestic staff to focus on key areas
- Weekly forum in maternity services with Trust infection control lead, maintenance lead and Initial FM to monitor effectiveness of action plans
- Progress is reported monthly to the Board's Quality Assurance Committee and to the Executive Team via performance management reviews
- A number of environmental improvements, worth around £170,000, have been made in wards and clinical areas across Whipps Cross



## What we have done – equipment and clinical standards

- Implemented robust checklists for all emergency equipment and compliance
- Senior nurses and midwives monitor compliance with daily equipment checks
- All staff received refresher training on their roles and responsibilities for ensuring equipment is cleaned daily and after each use. Compliance is monitored via performance management reviews in all services
- Strengthened systems for reporting broken equipment and tracking action taken
- Implemented a Trust-wide maternity neonatal resuscitation equipment list and associated checklist



## What we have done – improvements in older people's services

- All elderly care staff across Barts Health have now been through Excellence in Older People's Care programme
- Two additional senior nurses are in post on every elderly care ward to sustain new standards
- Appraisals now held for over 95% of staff in elderly care
- Consistent cycle of ward team meetings in place
- All ward managers meet weekly with senior leaders to monitor standards and raise issues
- Filled majority of key vacancies
- Redecoration and work to improve bathrooms; more work planned over next 18 months
- Planned Discharge Unit being developed at Whipps Cross for patients who are medically fit to leave





## What we have done – clinical leadership

- New leadership roles for all our hospital sites:
  - Hospital Director
  - Senior Lead Nurse
  - Clinical Lead
- Through our workforce review, we have strengthened supervisory and reporting lines for all front line staff:
  - Band 7 ward managers have increased supervisory hours
  - Band 6 roles split to provide operational and quality roles
  - New senior nurse role in all clinical areas
- Changed senior staffing structures to strengthen leadership at each maternity unit

