

### **Part 3 – Scheme of Delegation Introduction**

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The functions of the Council comprise all its legal duties (the things it must do) and its powers (the things it may do). These functions are divided into 'Non-Executive Functions' which are the responsibility of the full Council, and 'Executive Functions' which are the responsibility of the Council's Executive.

Non-Executive Functions are those functions that Parliament has stated must be exercised by the Council or which as a matter of local choice, the Council has reserved to itself. These functions may be exercised by the Full Council, or be delegated to a Council Committee, Sub-Committee, Area Committee, or a Council Officer.

Executive Functions are all the other functions of the Council. Legally, the Leader of the Council can exercise all the Council's Executive Functions. The Leader of the Council may allocate Executive Functions between:

- The Executive as a whole;
- Individual Executive members;
- Committees of the Executive;
- Area Committees; and
- Officers of the Council ('Officers')

The Leader of the Council must maintain a Scheme of Delegation recording the allocation of executive functions.

Parliament has identified those functions that are Non-Executive Functions and those that are Executive Functions. There are several functions that Parliament left up to the Council to decide if they are non-executive or executive. These are known as 'Local Choice Functions'.

This part of the Constitution sets out which individuals and bodies within the Council are responsible for carrying out particular functions.

Please note that Epping Forest District Council refers to the 'Executive' as the 'Cabinet' and will refer to it as so throughout the Scheme of Delegation.

## Part 3E – Scheme of Delegation of Executive Functions

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### General Principles

- (a) This scheme delegates the powers and duties of the Executive to Cabinet Members and officers as a partnership.
- (b) This scheme delegates powers and duties within portfolios and includes powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation as well as authorising the affixing of the Common Seal.
- (c) This scheme operates under Sections 9D to 9DA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 and all other powers enabling.
- (d) Officers and Cabinet Members shall keep members (especially ward members) properly informed of activity and its implications arising within the scope of these delegations.

### General Limitations

- (a) Before taking a decision, a Cabinet Member shall receive advice from the appropriate officer.
- (b) Any exercise of delegated powers shall be subject to a policy framework approved by the Council or the policies approved by the Cabinet from time to time including the Employment Policies (and Disciplinary Procedures), Equal Opportunities, Service Delivery Policies, and shall be guided by the relevant Codes of Conduct or Council protocols.
- (c) Any exercise of delegated powers shall be subject to any statutory restrictions, standing orders, financial regulations and procurement rules.
- (d) In exercising delegated powers, Cabinet members and officers shall not go beyond the provision in the revenue or capital budgets for their service except to the extent permitted by financial regulations and procurement policy.

### General Provisions

- (a) This scheme includes the power for officers further to delegate in writing all or any of the delegated functions to other officers (described by name or post) either fully or under the general supervision and control of the delegating officer. Sub-delegations shall be recorded and kept by the relevant Director.
- (b) All action taken under the terms of these delegations shall be properly documented.
- (c) It shall always be open to an officer either to consult with the appropriate Cabinet member on the exercise of delegated powers, or not to exercise delegated powers but to refer the matter to the Cabinet.

- (d) It shall be open to a Cabinet member to determine that the exercise of their delegated powers is not appropriate in cases where a Chief Officer or the Monitoring Officer recommends reference to the Cabinet, where consultation with other members indicates that the matter should be referred to the Cabinet or where the Leader of the Council so directs.
- (d) In exercising delegated powers, officers shall consult with other appropriate officers and shall have regard to any advice given.
- (e) In this scheme "officer" means the holder of any post named in this scheme as having delegated powers and duties.

## **Specific Delegations**

### **1. Leader of Council**

Exercise of the powers and duties of the Leader of the Council in accordance with Section 9E of the Local Government Act 2000 including:

- (a) appointment of other Cabinet members up to a maximum of 9;
- (b) allocation of responsibility for executive functions to Cabinet Members and Service Directors;
- (c) establishment and terms of reference of Cabinet Committees;
- (d) approval of representatives on outside organisations directly involved in the carrying out of executive functions;
- (e) appointment of a Deputy Leader of the Council.

### **2. Cabinet Members**

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

### **3. Officers**

May take any decision which:

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

(e) matters that are legally permissible and within that officer's area of control (see table and key below):

### **Special Circumstances**

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

## Executive Functions – Delegation by the Leader of the Council

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### Chief Executive

1. **Assets of Community Value – Localism Act 2011 s87-92** To determine Appeals made by applicants on determinations made above (Leader Decision – 20 December 2019) (EXA6)
2. **Compulsory Competition – Authority for the Council to Submit Bids for Work Inside the District** To submit bids for work inside the District, to utilise spare capacity/manpower only (Council (Minute 74(3) – 20.23.88)) (EXC6)
3. **Compulsory Competition – Authority for the Council to Submit Bids for Work Inside the District** To refer to the Management Board and through them to the Cabinet any proposal involving the authorisation of bids for work outside the district but only in the context of agreed policy for shared services (Council(Minute 74(3) – 20.12.88)) (exc7)
4. **Securities** To act as proper officer for the purposes of Section 146 (1)(a)(b) of the Local Government Act 1972 (declarations and certificates regarding (Policy and Resources Committee (Minute 3 – 11.10.73)) (EXS5)
5. **Commercial Tenancies –** To sign noptices and answers to orginate applications for new tenancies under Part II of the Landlord and Tenant Act 1954 (Policy & Co-ordinating Committee(Minute 66(a) – 4.12.90))(EXC4)

### Chief Financial Officer

1. **Tax Base** To declare the Council's Domestic and NNDR Tax Bases in accordance with the Local Government Finance Act 1992 and the Local Authorities (Calculation of Tax Base) (England) Regulations 2012 and any subsequent legislation (Council Minute 127 – 23.4.13) (EXT1)

### Monitoring Officer

1. **Assets of Community Value – Localism Act 2011 s87-92** To determine nominations made by bodies set out within section 89 of the Localism Act 2011 on Assets of Community Value in accordance with the Council's scheme (Leader Decision 20 December 2019) (EXA6)

### Legal Services Manager

1. **Physical Assaults on Staff-** In the event of the Crown Prosecution Service not proceedings after physical assault on a Council employee, to give instructions to prosecute where they consider that the Attorney General's guidelines for prosecution in a private prosecution for assault are satisfied (Policy and Co-ordinating Committee (Minute 99 – 21.11.89)) (EXP2)
2. **Squatters – Eviction** To take such urgent action as necessary to secure the vacation of any Council properties, which are occupied by squatters (Housing Committee (Minute 121 – 8.11.77)) (EXS7)
3. **Warrants for Entry** To make applications to the Magistrates Court for entry pursuant to the Environmental Protection Act 1990, Public Health Acts 1936-61, Control of Pollution Act 1974, Clean Air Acts 1956-68, Food Safety Act 1990, Building Act 1984, Housing Acts 1957-85 and Local Government and Housing Act 1989 (Development Committee (Minute 60 – 6.1.93) Public Health Committee (Minute 52 – 17.11.92) Housing Committee (Minute 56 – 24.11.92)) (EXW2)
4. 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 (Development Committee (Minute 60 – 6.1.92)) (EXW2)

5. **Sunday Trading – Car Boot Sales** To institute proceedings in respect of such sales where complaints have been received and satisfactory evidence is available (Public Health Committee (Minute 46 – 19.9.84)) (EXS12)
6. **Orders – Mortgage Arrears** To obtain and execute in the case of mortgage arrears where an Order for possession is granted by the Courts, a warrant for the possession of a property. To offer for sale on the open market any property subsequently repossessed (Housing Committee (Minute 74 – 4.3.92)) (EXP4)

#### Housing and Property Service Director/Nominated Level Two Officer

1. **Appropriations of Land –**
  - (a) To seek the consent of the Secretary of State for Communities and Local Government, pursuant to Section 19 of the Housing Act 1985, to appropriate land held for housing purposes and identified for Council housebuilding for planning purposes; and
  - (b) Subject to the receipt of such consent, to advertise the Council's intention to make the appropriation in accordance with the provisions of Section 122(A) of the 1972 Act (Cabinet (Minute 14(4) – 6.10.14)) (EXA5)
2. **Agricultural Dwellings** To accept applications for rehousing and offer suitable alternative accommodation where the Agricultural Dwelling House Advisory Committee advises that the property is required for occupation by an agricultural employee in the interest of efficient agriculture (Housing Committee (Minute 74 – 4.3.92)) (EXA2)
3. **Buy – Back of Former Council Housing** To decide, in consultation with the relevant Portfolio Holder, whether or not the Council would wish to exercise its pre-exemption rights to purchase former Council properties previously sold under the Right to Buy (RTB), in accordance with the Housing Act (Right of First Refusal) (England) Regulations 2005, subject to a sufficient amount of unallocated "One for One Replacement" RTB Receipts or Section 106 financial contributions of affordable housing being available (No Minutes?) (EXB5)
4. **Development Agreements** To enter into Development Agreements with private developers, and agree terms for the purchase, for affordable rented housing required to be provided by developers in accordance with Section 106 Agreements, where an opportunity is presented that is considered suitable and appropriate subject to the value being no more than the value considered by the Council to require a key decision ( Cabinet Minutes 25(3) – 23.7.15)) (EXD2)
5. **Garages** To sell isolated garages in accordance with the Council's policy (Portfolio Holder Decision HSG-029 – 2009/10) (EXG1)
6. **Hardstandings – Council Houses:**
  - (a) To approve, subject to satisfactory works to boundary walls, hedges and fences and other necessary works and also Essex County Council being satisfied as to the standard of footpath crossings, applications by tenants to construct car hardstandings in front gardens; and
  - (b) To apply the above policy to hardstandings provided by tenants without permission (Housing Services Committee (Minute 155 – 12.2.80)) (EXH1)
7. **Homes and Communities Agency – Short Form Agreements** That the Service Director (Housing and Property Services) 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 (Council Housebuilding Cabinet Committee (Minute 4(5) – 10.7.13)) (EXH2)
8. **Housebuilding Programme – Allocation of Funding to Schemes** That, once the Cabinet Committee has authorised the use and provisional level of subsidy required for individual developments and/or development packages, the Service Director (Housing and Property

Services) 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:(a)The amount allocated being no more than 15% of the level provisionally approved by the Cabinet Committee;(b)Sufficient funds being available at the time of allocation; and (c)The Cabinet Committee receiving a report to its next meeting on the amount of subsidy allocated, and its source of funding (Council Housebuilding Cabinet Committee (Minute 5(3) – 10.7.13)) (EXH3)

Note - Minute 5 (1) of the Housebuilding Cabinet Committee held on 10th July 2013 lists the following sources of funding:

- Loans from PWLB
  - Capital receipts from additional RTB sales covered by the Agreement with CLG
  - Current and future financial contributions for affordable housing from Section 106 Agreements
  - 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
  - Grant from the HCA
  - Any other external funding sources.
9. **Housing Accommodation – Allocation** To accommodate accommodation in accordance with the Housing Allocations Scheme (Housing Committee (Minute 125- 27.1.97)) (EXH4)
  10. **Housing Accommodation – Designation for Elderly** To cancel designations (Housing Committee (Minute 49 – 30.10.91)) (EXH5)
  11. **Housing Accommodation – Tenancies for ‘Live In’ Carers** To grant requests to provide or extend joint tenancies to ‘live in’ carers where such requests are considered to be justified (Housing Committee (Minute 41(20) & (21) – 17.9.96)) (EXH6)
  12. **Housing Defects - Planning Applications for Reinstatement Works** To submit applications for deemed planning consent in connection with the reinstatement of all Council owned designated defective dwellings (Housing Committee (Minute 93(b) – 11.3.87)) (EXH7)
  13. **Housing Land – Use for Community Events** To grant licences for community events to be held on housing land in the future, subject to consultation with Ward Members and local residents (where residential properties are located nearby) and all health and safety insurance requirements being met by the organisation staging the event (Portfolio Holder Decision (1.3.04)) (EXH8)
  14. **(IN CONSULTATION WITH THE APPROPRIATE PORTFOLIO HOLDER) Housing Land – Surplus Plots** To negotiate, agree terms and dispose of surplus plots of garden land (in consultation with the relevant Portfolio Holder and appropriate Ward Members) as identified by the Council (Council (Minute 23(7)(2) -29.6.82) Housing Committee (Minute 116(4) – 26.1.98)) (EXH9)
  15. **Housing Options Consortium** To exercise the Cabinet's functions in respect of the Housing Options Consortium, being a partnership of local authorities of which the Council is a member (Cabinet (Minute 155 – 6.2.06)
  16. **Housing Register Rules – Waiving** To waive Housing Register Rules where the Service Director (Housing and Property Services) considers there are good grounds for so doing (Housing Committee (Minute 74 – 4.3.92)) (EXH12)
  17. **Housing – Mutual Exchanges** To approve applications under the Mutual Exchange Scheme (Housing Services Director Committee (Minute 6(a)(iii) – 29.10.73)) (EXH13)

18. **Off Street Car Parking Schemes** To submit planning applications for future off-street parking schemes at the appropriate time after the resident consultation exercise (Cabinet (Minute 151(10) – 18.4.11)) (EXO2)
19. **Renewal of Leases With Narco** To renew leases (and any subsequent leases) on expiry for a further 5 years on the 12 properties currently leased to NACRO provided there is a continuing need to accommodate vulnerable younger homeless applicants (Housing Portfolio Holder Decision HCS-004-2020/21) (EXR2)
20. **Rent Arrears – Deceased Tenants** To write off rent arrears in respect of deceased tenants, where there is no means of recovering the debt (Housing Management Sub-Committee (Minute 152(c)(2) – 11.3.80)) (EXR3)
21. **Sale of Council Houses – Discounts** To determine, under Part V of the Housing Act 1985, applications for discounting of entitlement periods where a potential purchaser lives with their parents (Council (Minute 24(2) – 30.6.81)) (EXS2)
22. **Sale of Council Houses – Restrictive Covenants, Minor Extensions and Alterations** To deal with applications for minor extensions or alterations in sold Council houses in accordance with the terms of the house sales agreement. To agree, in consultation with the Portfolio Holder, future requests for release of restrictive covenants to allow development within the curtilage of former Council properties, prior to planning permission being obtained. To negotiate terms for the release of covenants agreed by the Service Director (Housing and Property Services), subject to the outcome being reported to the Portfolio Holder for approval (Council (Minute 40(4) – 15.7.86) Housing Committee (Minute 117(5) & (6)) (EXS3)
23. **Sale of Council Houses – Valuations** To carry out all valuations in respect of sale of Council houses (Council (Minute 11(c) – 2.6.77)) (EXS4)
24. **Supporting People – Signing of Contracts** 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 (Portfolio Holder Decision H/026/2002-3) (EXS13)
25. **Tenancies – Council Houses** To allocate tenancies in accordance with the Housing Allocation Scheme (Housing Services Committee (Minute 6(a)(iii) – 29.10.73)) (EXT3)
26. **Tenancies – Demoted Tenancy Orders** Inter alia:
  - (1) To serve demoted tenancy notices in appropriate cases;
  - (2) To apply to the County Court for Tenancy Demotion Orders and subsequent Possession Orders in appropriate cases (Portfolio Holder Decision 23.8.04) (EXT4)
27. **Tenancies – Service** To accept any application for priority Council housing in cases where a tenant of service accommodation reaches retirement age after having occupied the accommodation for a minimum of 15 years (Housing Management Sub-Committee (Minute 33(c)(2) – 15.5.74)) (EXT5)
28. **Use of Open Space on Land Held Under Housing Act Powers** To agree or refuse (in consultation with Ward Members), events managed by Town and Parish Councils or other organisations on any land held under Housing Act powers; provided the Council enters into an Agreement with the organisation meeting the Council’s required conditions (Housing Portfolio Holder Decision HSG/33/2013-14) (EXU1)
29. **Warrants of Distraint** To issue warrants of distraint in housing cases (Housing Services Committee (Minute 6(d)(1) – 29.10.73)) (EXW1)
30. **Possession Orders (rent arrears/gas safety inspections and other related actions)-**
  - a) To serve notices of seeking possession for any of the grounds contained in Schedule 2 of the Housing Act 1985;
  - (b) Where considered appropriate, to serve notices to quit in cases where the tenant is not a secure tenant as defined in the Housing Act 1985;
    - I To institute proceedings in the County Court for the possession of properties following service of a notice seeking possession or a notice to quit;



- (d) To institute proceedings in the County Court for the recovery of rent, court costs and service charges; and
- (e) To obtain and execute a warrant for eviction where possession has been awarded by the Court. In respect of secure and non-secure tenancies of Housing Revenue Account properties:
- (f) to approve and sign Notices and Seeking Possession and Notices to Quit;
- (g) to initiate proceedings in the County Court for possession and the recovery of rent, mesne profits, service charges and court costs, in accordance with relevant legislation; and
- (h) to seek and execute warrants of execution for possession; and
- (i) to undertake the actions set out in (a), (b) and (c) above, in respect of nonsecure 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.
- (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;
- (k) Initiate proceedings in the County Court for possession or to provide access for the purpose of undertaking the statutory annual Gas Safety Inspection in accordance with the relevant legislation; and;
- (l) Seek and execute warrants of execution for possession authorised by the court (Housing Committee (Minute 75 – 14.11.95)) (Housing Committee (Minute 46 – 12.9.2000)) (Housing Management Sub Committee (Minute 161-15.2.77)) (Portfolio Holder Decision (24.3.2004)) (EXP5)

**31. Authority for Right to Buy (RTB) Sales and Post Completion Related Matters – To sell the freehold or leases of properties in accordance with the current legislation.**

To re-mortgage the property without repaying the discount. If the reason the loan is requested for is one specified by statute the Council has no discretion but to consent. There may also be additional borrowing involved (which the Council would agree to postpone its charge for in accordance with statute). Re-mortgages where the Service Director (Housing and Property Services) agrees, if the Council wishes to exercise its discretion and agree to postpone its charge in respect of additional borrowing, which is not to be used for one of the statutory 'approved purposes'.

If the owner of a RTB property intends to sell within 10 years, the Council must first be offered the right to buy it back. The Council would either proceed to buy the property back (the purchase being in accordance with statute) or issue a consent to the Land Registry allowing the property to be sold on the open market. To the release of a restriction/charge on the title to a property if the owner repays the discount or the relevant time period has lapsed. (i.e. for matters relating to repayment of discount, discharge of legal charge, redemption of mortgage(s) etc.) For leaseholders, to extend the term of a lease for an additional ninety years from the end of the current lease term. The provisions of the new lease and method of valuation are specified by statute. For leaseholders, to purchase the freehold of a block of flats and the estate if sufficient numbers of tenants apply to the Council. Again, the process to be followed is set out in legislation. For subsequent purchasers of freehold properties to enter onto a Deed of Covenant to ensure that they are bound by the positive covenants mentioned in the Transfer (which do not run with the land).

To enter into Deeds of Rectification/Variation to enable us to rectify errors relating to title, plans etc. To give delegated authority to the Service Director (Housing and Property Services) to determine requests for the release of covenants restricting development within the curtilages of properties previously sold under the Right to Buy, and whether or not the release should be agreed, having regard to what would be the reasonable viewpoint of both parties, noting that the Council is not entitled to any payment for the release of the covenant (other than payment of the Council's reasonable legal costs), in accordance with current case law. (The Housing Act 1985

and various other acts and subsequent legislation (i.e. statutory instruments) govern the Right to Buy sales and other related matters; the list mentioned above is not exhaustive. Any future legislation will also impact the way such matters are dealt with.)

To sign documentation/letters that require execution by way of signature, such as, pre-emption rights consent, exempted disposal consent, postponement letters and similar consents. Housing Portfolio Holder Decision HSG-001-2018/19 (EXR5)

#### Community and Partnerships Service Director/Nominated Level Two Manager

1. **ASB Crime & Policing Act 2014** Part 2 Criminal Behaviour Orders (CBO) Section 29 To act in cooperation with the Chief Officer of Police when carrying out a review of a CBO on a person under 18 using existing ASB process (10.5) as attached.Part 4, Chapter 3, Section 77 (2) (b) – Closure Notices To issue closure notices of 24 and 48 hours pursuant to the above section (Leader Decision 26 April 2016)
2. **Nuisances** Authority to make closure orders under Section 40 of the Anti-Social Behaviour Act 2003 and to give notices of cancellation of closure orders under Section 41 of that Act (Cabinet (Minute 142- 14.3.05)) (EXN4)
3. **Private Sector Housing – Assistance** To exercise the powers and duties under relevant legislation (Cabinet (Minute 109 – 18.12.06)) (EXP7)
4. **Private Sector Housing – General** To exercise the powers and duties set out in Annex A including powers of entry by warrant where this is not specified in the legislation listed (Cabinet (Minute 184 – 10.4.06) (EXP8)
5. **Fees and Charges – Leisure** - To approve the level of fees and charges within the parameters outlines within the Lesiure Management Contract. To Introduce individual pricing chargers for Community Health and Wellbeing and Museum, Heritage and Culture generally in line with the current level of inflation, or in certain circumstances at a rate which reflects the truwe cost of providing the service (Leisure Services Committee(Minute 5 – 23.5.91))(EXF1)

#### Planning Service Director/ Any Level 2 Manager

1. **Building Act 1984** – To authorise designated postholders to exercise powers under Section 95 of the Building Act 1984 to enter premises in connection with the enforcement of the Building Regulations (Development Committee(Minute 19-30.05.2000)) (EXB1)
2. **Building Regulations** - To determine applications under the Building Regulations and associated legislation including the Building Act 1984 (Development Committee(Minute 23(1)- 6.3.74)) (Council Minute (Minute24(1)- 9.7.91)) (EXB2)
3. **Building Act 1984** - To act as Proper Officer for the purposes of Section 78 of the Building Act 1984 (Development Committee (Minute 35(1) – 15.7.99)) (EXB2)
4. **Building Act 1984** – To carry out the following functions under the Building Act 1984:
  - a) Sections 35,34a and 36 – serve notices requiring work contravening building regulations to be removed or altered to achieve compliance;
  - b) Section 77 – approve applications to a Magistrates’ Court for an order requiring dangerous buildings or structures to be made safe;
  - 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
  - d) Section 81 – serve notices specifying certain matters and conditions in relation to the demolition of buildings.(Development Committee (Minute 35(2) – 15.7.99)) (EXB3)

5. **Party Wall Act 1996** – Section 10(8) To act as Appointed Officer Pursuant to Section 10(8) of the Party Wall Act 1996 which allows the appointment of a third surveyor to resolve party wall disputes (Leader Decision dated April 2016)(EXP1)

Commercial and Regulatory Service Director/ Any Level 2 Officer

1. **Building Control – Vetting of Applications** – To enter into working arrangements with other local authorities within East Anglia for the checking of one (Minute 66 – 16.1.90) another's building regulation activities on a consultancy basis, this arrangement to be activated where staffing levels fall below establishment or volume of applications submitted exceeds staffing capacity (Personall Sub-Committee(Minute 138 - 20.3.90))(EXB4)
2. **Commerical Tenancies – Service of Notice** – To sign notices and answers to originate applications for new tenancies under Part II of the Landlord and Tenant Act 1954 (Policy & Co-ordinating Committee(Minute 66(a)- 4.12.90))(EXC4)
3. **Debts** – To take steps to enforce a debt following the commencement of bankruptcy proceedings, subject to action being reported to the cabinet (Council(Minute 52- 12.12.2000))(EXD1)
4. **Energy management & conservation** – To implement the Council's policy (Policy \* Co-Ordinating Committee(Minute 78- 1.12.81))(EXE1)
5. **Nuisances** – Authority to make closure orders under Section 40 of the Anti-Social Behaviour Act 2003 and to give notices of cancellation of closure orders under section 41 (Cabinet(Minute 142-14.3.05))(EXN4)
6. **North Weald Airfield – Non Commercial Lettings** -
  - a) To negotiate and produce agreements and licences for all regular bookings and single events (of a non-public character) which comply with the standard licence agreement and fees operated by the Council;
  - b) To negotiate in liaison with the Airfield Manager, any arrangements regarding use of the Airfield (except those which fall under item (1) above, and where appropriate, to draft and execute appropriate agreements or licences for all airfield uses including any negotiated under (a) above; and
  - c) That subject to compliance with the Council's policy to sanction the Concessionary Hire of Leisure Facilities by, or on behalf of, registered charities, for fundraising events.

(Council(Minute 138- 28.4.09)) Portfolio Holder Decision L/001/2005/6 dated 20.5.05 (EXN2)
7. **Pollution prevention** – Authority under the Road Traffic 9Veichle Emissions)(Fixed Penalty)(England)Regulations 2002 to issue fixed penalty notices in respect of idling vehicles (Environment Portfolio Holder Decision ENV-004-2017/18)(EXP3)
8. **Private Sector Holusing – General** – To exercise the powers and duties set out in Annex A including powers of entry by warrant where this is not specified in the legislation listed. To authorise updated to the list of legislation set out in Annex A (Cabinet (Minute 184-10.4.06))(EXP8)
9. **Restrictive covenants – housing in multiple occupation** – To agree brequests to vary restrictive covenants on former Council houses, in order to grant permission foer their use as privately rented shared accommodation, provided all of the conditions have been met (Cabinet(Minute 46 – 12.9.11))(EXR4)
10. **Rent arrears – deceased tenants** – To write off rent arrears in respect of deceased tenants, where there is no means of recovering the debt (Housing Management Sub-Committee(Minute 152(c)(2) – 11.3.80))(EXR3)
11. 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 Annex A including where necessary, powers of entry by warrant (Cabinet (Minute 184 –

10.4.06))(EXS1)

12. **Waste Disposal on Land** -To submit representations to Essex County Council on any proposed Licence (Public Health Committee(Minute 144(a) -9.3.77))(EXW3)
13. **Possession Orders (rent arrears/gas safety inspections and other related actions)**
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  - a) To serve notices of seeking possession for any of the grounds contained in Schedule 2 of the Housing Act 1985;
  - (b) Where considered appropriate, to serve notices to quit in cases where the tenant is not a secure tenant as defined in the Housing Act 1985;
  - (c) To institute proceedings in the County Court for the possession of properties following service of a notice seeking possession or a notice to quit;
  - (d) To institute proceedings in the County Court for the recovery of rent, court costs and service charges; and
  - (e) To obtain and execute a warrant for eviction where possession has been awarded by the Court. In respect of secure and non-secure tenancies of Housing Revenue Account properties:
  - (f) to approve and sign Notices and Seeking Possession and Notices to Quit;
  - (g) to initiate proceedings in the County Court for possession and the recovery of rent, mesne profits, service charges and court costs, in accordance with relevant legislation; and
  - (h) to seek and execute warrants of execution for possession; and
  - (i) to undertake the actions set out in (a), (b) and (c) above, in respect of nonsecure 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.
  - (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;
  - (k) Initiate proceedings in the County Court for possession or to provide access for the purpose of undertaking the statutory annual Gas Safety Inspection in accordance with the relevant legislation; and
  - (l) Seek and execute warrants of execution for possession authorised by the court (Housing Committee (Minute 75 – 14.11.95)) (Housing Committee(Minute 46 – 12.9.2000)) (Housing Management Sub Committee(Minute 161-15.2.77)) (Portfolio Holder Decision (24.3.2004)) (EXP5)

#### Contracts and Technical Service Director/ Any Level 2 Officer

1. **Car Park Tariffs** – To determine individual tariffs in off-street pay and display car parks within agreed policy (Transportation Committee #(Minute 115- 26.1.93))(EXC1)
2. **Car Parks – Council** – To determine applications to use Council office car parks (Personnel Sub-Committee(Minute 76 – 17.11.81))(EXC2)
3. **Car Park Public** – not approve the use of Council car parks by charitable organisations or for other charitable purposes (Policy &Co-ordinating Committee(Minute 44(3) – 29.11.83))(EXC3)
4. **Fees and Charges – Leisure** - To approve the level of fees and charges within the parameters outlines within the Leisure Management Contract. To Introduce individual pricing chargers for Community Health and Wellbeing and Museum, Heritage and Culture 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 (Leisure Services Committee(Minute 5 – 23.5.91))(EXF1)
5. **Land Drainage and Flood Protection** -To act under the statutory provisions in the Epping Forest District Council – Land Drainage Byelaws 2005. To act under the statutory

provisions listed below: Land Drainage Act 1991 Section 14 General drainage powers to maintain, construct and improve drainage works etc Section 15 Disposal of spoil from works to watercourse Section 23, Consenting to and enforcement of ordinary watercourses as delegated 24 and 25 by Essex County Council as amended by the Flood & Water Management Act 2010 Sections 26 Powers to require works for maintaining flow of watercourses etc and 27 Section 64 Powers of entry for internal drainage boards and local authorities Public Health Act 1936 Section 260 Power to deal with ponds, ditches etc Section 262 Power to require culverting of watercourses and ditches where building operations in prospect Section 263 Approval of plans to culvert or cover any stream or watercourse Section 264 Issue of notice requiring the repair or cleansing of culverts To approve updates to the list of legislation set out above (Council(Minute 23- 15.5.08)(Minute 42-29.7.13))(EXL1)

#### Health Protection Agency (HPA)/Any Consultant Staff Member

1. **Aircraft** Proper Officer for the purposes of the Public Health (Aircraft) Regulations 1970 (Environmental Health and Control Committee (Minute 10 – 10.5.78)) (EXA3)
2. **Food Hygiene – Entry to Premises** To act as registered medical practitioner to the Council under the Public Health (Control of Disease) Act 1984 and thereby authorised to enter any premises, vessel or aircraft for the purpose of regulations made under that section (Public Health Committees (Minute 72 – 21.9.83)) (EXF2)
3. **Illness – Persons in Need of Care and Attention** To act as proper officer to the Council for the purposes of Section 47 of the National Assistance Act 1948 (removal to suitable premises of persons in need of care and attention or those suffering from grave chronic illness) (Public Health Committee (Minute 72 – 21.9.83)) (EXI1)
4. **Infectious and Communicable Diseases** To act as proper officer to the Council for the purposes of the Public Health (Infectious Diseases) Regulations 1968, the Public Health (Control of Diseases) Act 1984 and Section 47 of the National Assistance Act 1948 (Public Health Committee (Minute 72 – 21.9.83) (Minute 92 – 17.3.92)) (EXI2)
5. **Notifiable Diseases** To act as proper officer for the purposes of the Public Health (Control of Disease) Act 1984 (Public Health Committee (Minute 72 – 21.9.83)) (EXN3)
6. **Ships** To act as proper officer to the Council for the purposes of the Public Health (Ships) Regulations 1970 (Public Health Committee (Minute 73 – 21.9.83)) (EXS6)

#### Level 3/Level 4 Officer

1. **Agenda and Minutes – Charges to Subscribers** To approve charges (Finance Sub-Committee(Minute 398 – 31.1.80))(EXA1)
2. **Complaints and Compliments Procedure –** To make payments up to £250 in respect of upheld complaints at Stages 1 & 2 (Executive Committee(Minutes 449 – 11.3.02))(EXC6)
3. **Conferences – Attendance by Officers –** To approve the attendance of officers at annual conferences, taking into account the subject matter of the conference and the budgetary provision made (Policy and Resources Committee(Minute 52 – 12.12.2000))(EXD1)
4. **Ex Gratia Payments –** To consider and approve the making of appropriate ex-gratia payments to staff at all levels for temporary 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 (Personnel Sub-Committee(Minute 67 – 24.11.87))(EXE2)
5. **Offices – Use Off –** To determine applications to use Council Offices (Personnel Sub-Committee(Minute 79 – 17.11.81))(EXO1)
6. **Staff – Travelling Allowances –** To consider and adjudicate on any request to make an exception to policy for reimbursement of travelling expenses in pursuance of an officers

duties, being limited to second class rail fare (Personnel Sub-Committee(Minute 3 – 31.5.83))(EXS9)

7. **Subscriptions – Outside Organisations** – To pay subscriptions in respect of organisations on which the Council is represented at member level (Policy & Co-ordinating Committee(Minute 23- 5.10.93))(EXS12)
8. **Temporary Staff** – To engage temporary staff and/or part time staff and subject to the overall estimated salaries bill for the service concerned not being exceeded in any one year (Personnel Sub-Committee(Minute 37 – 14.2.74))(EXT2)

#### Service Director/ Level 2 Officer

1. **Landlord and Tenant – Management of Council Property** –
  - (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) For all property transactions including acquisitions, disposals, new lettings, lease renewals, lease surrenders, rent reviews, sub-lettings / assignments, all licences (including change of use, alterations), deeds of variations, wayleaves and rights of way, and licences to cross council land. Officers delegated to approve the above transactions for the following amounts and by the Officer approval levels shown: Revenue transactions: Level 2 Manager/ Estates Management Specialist – up to £25,000 per year Service Director - £25,001 to £100,000 per year Capital Transactions: level two manager – up to £50,000 per transaction Service Director - £50,001 to £500,000 per transaction (d) To approve licences to assign and licences for change in use in consultation with the relevant Portfolio Holder (leadership Decision May 2016)(EXL2)
2. **Naming of Streets** – To approve the names of new streets in accordance with the Town and Police Clauses Act 1847 where following consultation, one name is agreed by all parties (Policy and Co-Ordinating Committee (Minute 44(3)-29.11.83))(EXN1)
3. **Ordnance Survey** – To act as proper officer for the purposes of Section 191 of the Local Government Act 1972 (marking out and checking of reputed boundaries) (Policy and Resources Committee(Minute 3 – 11.10.73))(EXO2)