

Officer Levels Key:

Level 4: Chief Executive
Strategic Director/S151 Officer
Chief Operating Officer

Level 3: Service Directors

Level 2: Service Managers

Level 1: Team Managers

Officer Scheme of Delegation

General Provisions

- (a) This scheme includes the power for officers to further 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) 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.

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 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 human, material and financial resources made available for conducting the functions for which they are responsible.
- (d) Are matters delegated by the Council, the Cabinet, a Committee, or Sub-Committee from time to time under this scheme.
- (e) Are matters that are legally permissible and within that officer's area of control.

Chief Executive

1. **Access to Information:** to reposit of background information under the Local Government (Access to Information) Act 1985. Service Directors also have the authority to execute this function. (CLA2)
2. **Appraisal of Top Management:** to implement the Council's scheme for staff performance development reviews, including Service Directors. Strategic Directors also have the authority to execute this function. (CLA4)
3. **Attendance Allowance for Officers:** to authorise attendance of officers at any function or meeting and to grant payments on rates applicable for weekend working. Any Level 2 Manager or above Directors also have the authority to execute this function. (CLA5)
4. **Chairman of Council – Casual Vacancy:** to act as Proper Officer for the purposes of Section 88(2) of the Local Government Act 1972 (Convening of special Council meeting to fill casual vacancy in the office of the Chairman of the Council). (CLC2)
5. **Council Meetings – Notice as to addresses for delivery of summons to attend:** 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. (CLC9)
6. **Council Meetings – Signature of summons to attend:** to act as Proper Officer in accordance with Schedule 12 (paragraph 4(2)(b) of the Local Government Act 1972 as to the signing of the summons. (CLC11)
7. **Councillors – Acceptance of Office:** to act as Proper Officer under Section 83(1)(4) of the Local Government Act 1972 in respect of the witness and receipt of declarations and acceptances of office by councillors; and in the absence through unavailability, absence, incapacity or vacancy, undertake the functions specified in the delegation. Any Level 3 or 4 Officer in the absence of the Chief Executive also have the authority to execute this function. (CLC12)
8. **Councillors – Resignation from office:** to act as Proper Officer for the purposes of Section 84 of the Local Government Act 1972, in respect of the receipt of notices of resignation from office by councillors. (CLC13)
9. **Documents – Inspection and supply for councillors:** to determine requests by members of the Council to inspect or to be provided with copies of Council documents. Any Level 3 or 4 Officer or above also has the authority to execute this function. (CLD8)
10. **Electoral matters:** (a) Registration Officer under Section 8(2)(a) of the Representation of the People Act (RPA) 1983 and
 - (a) Through Section 28 of the RPA, Acting Returning Officer for the purpose of UK Parliamentary elections.
(Duties: responsibility for the electoral register)
 - (b) Counting Officer for the purposes of Section 61E of the Town & Country Planning Act 1990 and the Localism Act 2011 (Section 116)
(Duties: responsibility for the local referendums on Neighbourhood Plans)
 - (c) District Returning Officer for the Epping Forest District under Section 35(1) of the RPA 1983.
(Duties: responsibility for the conduct of District Council/Parish Council elections and, through Sections 52ZQ and 113 of the Local Government Finance Act 1992, Proper Officer for local referendums in connection with Council Tax precepts).
 - (d) Proper Officer under Sections 34, 35 and 105(2) of the Local Government Act 2000.
(Duties: responsibility for petitions and referendums in consultation with the Executive Constitution of the Council).
 - (e) Nominated Deputy County Returning Officer under Section 35(1) of the RPA 1983.
(Duties: responsibility for County Council elections as appointed by and under the direction of the County Returning Officer).

- (f) Nominated Local Returning Officer under Section 54 of the Police & Social Responsibility Act 2011.
(Duties: conduct of elections for Police & Crime Commissioners under the direction of County Returning Officer)
Deputy Registration Officer: (Senior Electoral Services Officer) also has the authority to execute this function. (CLH2)
11. **Head of Paid Service:** in accordance with Section 4 of the Local Government and Housing Act 1989 designated as Head of the Authority's Paid Service. In the absence of the Chief Executive, a nominated Level 4 or Level 3 Officer has the authority to execute this function. (CLH2)
12. **Health and Safety at Work – Implementation:** (a) To be responsible on behalf of the Council for the general policy for the safety, health and welfare of employees as set out in the Council's statement of policy.
(b) To be directly responsible for the implementation in each Directorate for the Council's general policy for safety, health and welfare.
(c) To ensure that adequate budgetary provision is made to meet the cost of any safety programme; and
(d) To be responsible in the work area under their control for:
(i) implementation of general policy for health, safety and welfare
(ii) annual review of work areas to assess training needs and priorities for improvements
(iii) identification of hazards for employees and the public
(iv) consultation with employee representatives on safety matters
(v) setting an example of safe behaviour
All Level 4, 3, 2 and 1 Officers who are responsible for one or more staff members also have the authority to execute this function. (CLH3)
13. **Maladministration – Power to make payments or provide other remedies:** the power to make payments or provide other remedies in cases of maladministration, or in cases brought by individuals which amount to or could amount to maladministration by the Council. Level 4 and 3 Officers may also execute this function or any Level 2 Officer nominated by them. (CLM2)
14. **Ombudsman – Notices:** to act as Proper Officer for the purposes of Section 30(5) of the Local Government Act 1974 (refers to the publication of notice on receipt of a report from the Local Ombudsman). The Monitoring Officer also has the authority to execute this function. (CLO2)
15. **Re-use of Public Sector Information Regulations 2005:** to be responsible in accordance with the Council's policy for administering requests for information under the Re-use of Public Sector Information Regulations 2005, including the level of fees and charges to be made if information supplied is to be re-used. To be responsible for administering requests under the 2005 Regulations in regard to the use of CCTV data, taking into account of the Council's policy and charging arrangements. (CLR5)
16. **Staff – Appointments Procedure:** to make all appointments to each service in respect of posts graded Level 3 except appointments where, in the opinion of the Head of Paid Service, member involvement is considered desirable. Strategic and Service Directors also have the authority to execute this function. (CLS1)
17. **Head of Paid Service**
(a) **Staff – Miscellaneous Delegations:** to determine staff issues in terms of grading, structure, and local conditions of service (subject to consultation with staff representatives) within the budget and policy framework. Strategic and Service Directors within their areas of management responsibility also have the authority to execute this function. (CLS2)

(b) Staff – Retirement: to offer 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. (CLS3)

18. Returning Officer

(a) Elections – Discretionary fees and charges: to determine annually the scale of discretionary fees and charges, for which there is no statutory amount, by allowing for inflation and rounding up to the nearest whole number. (CLE2)

(b) Elections – Fees and expenses: 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. (CLE3)

(c) Parish Polls: to act as Returning Officer for the purposes of a Parish Poll in the District in accordance with the Parish and Community Meetings (Polls) Rules 1987. (CPL1)

19. Chief Executive/Electoral Registration Officer

Electoral registration – Prosecutions: to institute and pursue proceedings in relation to electoral registration offences. (CLE4)

20. Assets of Community Value – Localism Act 2011 Sections 87-92: to determine Appeals made by applicants on determinations made above (Leader Decision – 20 December 2019) (EXA6)

21. Compulsory Competition – Authority for the Council to submit bids for work inside the District: to submit bids for work inside the district, utilising spare capacity/manpower only. (EXC6)

22. Compulsory Competition – Authority for the Council to submit bids for work outside the District: to refer to the Management Board and through them to the Cabinet any proposal involving the authorisation of bids for work outside the District but only in the context of agreed policy for shared services. (EXC7)

23. Securities: To act as Proper Officer for the purposes of Section 146(1)(a)(b) of the Local Government Act 1972 (declarations and certificates under the Policy & Resources Committee. (EXS5)

24. Commercial Tenancies: to sign notices and provide answers to original applications for new tenancies under Part II of the Landlord and Tenant Act 1954 under the Policy & Co-ordinating Committee (EXC4)

25. 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 (Calculations of Tax Base) (England) Regulations 2012 and any subsequent legislation (EXT1)

General Officer Delegation by Level

Level 4/3 Officer and Service Manager for Legal that is not the initiating Officer for the subject matter

1. **Common Seal – Attestation Of:** to attest the Common Seal of the Council (CLC6)

Level 4 and 3 Officer – General Authorisations

1. **Compassionate Leave:** to grant staff up to five days leave (with pay) per year for compassionate reasons. (CLC7)
2. **Disturbance Compensation:** to grant disturbance allowances following home loss in appropriate cases and subject to the budgetary provision of the Council, in any one year, not being exceeded and in accordance with the Land Compensation Acts. (CLD4)
3. **Agenda and Minutes – Charges to Subscribers:** to approve charges. (EXA1)
4. **Complaints and Compliments Procedure:** to make payments up to £250 in respect of upheld complaints at Stages 1 & 2. (EXC6)
5. **Conferences - Attendance by Officers:** to approve the attendance of officers at annual conferences, considering the subject matter of the conference and the budgetary provision made. (EXD1)
6. **Ex-Gratia Payments:** to consider and approve the making of appropriate ex-gratia payments to staff at all levels for temporarily undertaking significant additional duties and responsibilities subject, in case of emergencies where payments are not covered by the approved salary budget, to a report being made to the Cabinet. (EXE2)
7. **Offices – Use Of:** to determine applications to use Council Offices. (EXO1)
8. **Staff – Travelling Allowances:** to consider and adjudicate on any request to make an exception to policy for reimbursement of travel expenses in pursuance of an officer's duties, being limited to second class rail fares. (EXS9)
9. **Subscriptions – Outside Organisations:** to pay subscriptions in respect of organisations on which the Council is represented at member level. (EXS12)
10. **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. (EXT2)
11. **Proper Officer:** to act as Proper Officer under the Access to Information Act 1985. Customer Services Service Director, or any Level 3 Officer or above also have the authority to execute this function. (CLA1)
12. **Appraisal of Staff:** to implement the Council's scheme for staff performance development reviews, excluding Service Directors. Level 2 and 1 Managers also have the authority to execute this function. (CLA4)
13. **Councillors – Substitutes:** to receive notices from Group Leaders regarding the appointment of substitute members, subject to certain conditions. Customer Services Service Director, or any Level 2 Officer nominated by them also has the authority to execute this function. (CLC14)

Level 4, 3 and 2 Officers

1. Landlord and Tenant – Management of Council Property:

- (a) To serve notice 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), Service Director - £25,001 to £100,000 per year. Capital Transactions: Level 2 Manager – up to £50,000 per transaction, Service Manager - £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. (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. (EXN1)

3. Ordnance Survey: To act as Proper Officer for the purposes of Section 191 of the Local Government Act 1972. (EXO2)

4. Regulation of Investigatory Powers Act (RIPA) 2000

(RIPA) 2000 – as amended by the Protection of Freedoms Act 2012 – designation of Senior Responsible Officer, Authorising Officers, and RIPA Coordinator.

For the purposes of RIPA and regulations or orders made thereunder, the following officers of the Council be appointed to the roles specified, to exercise on behalf of the Council the power to administer and give initial authorisation of covert surveillance:

- Chief Executive/Senior Responsible Officer (SRO): To ensure compliance with the Act and associated Codes of Practice. To liaise with Commissioners and Inspectors and implement any post-inspection actions. (CLR3)
- Strategic Director (Level 4 or 3 Officer)/Authorising Officer: To consider and give initial authorisation of covert surveillance, whether directed or covert human intelligence source if confidential material is likely to be captured. (CLR3)
- To consider and give initial authorisation of covert surveillance, whether directed or covert human intelligence source. (CLR3)
- Service Manager for Legal: To consider and give initial authorisation of covert surveillance, whether directed or covert human intelligence source. (CLR3)
- RIPA Coordinator: To maintain a central record of refusals, authorisations and cancellations as directed by the SRO. (CLR3)

Strategic Director – Chief Financial Officer

1. **Chief Financial Officer:** designated as Chief Financial 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 Act 1988. (CLC4)
2. **Borrowing Determination:** 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 to compile and maintain a register of loan instruments. Any appropriately qualified staff members within Accountancy Services nominated by the Chief Financial Officer also have the authority to execute this function. (CLB1)
3. **Cheques – Signing:** to sign cheques on behalf of the Council. Any appropriately qualified staff members within Accountancy Services nominated by the Chief Financial Officer (or other duly authorised signatory) also have the authority to execute this function. (CLC3)
4. **Collection Fund:** to calculate the surplus or deficit on the Collection Fund in accordance with the Local Authorities (Funds) (England) Regulations 1992. Any appropriately qualified staff members within Accountancy Services nominated by the Chief Financial Officer also have the authority to execute this function. (CLC5)
5. **Direct Debiting:** to execute a direct debiting indemnity on behalf of the Council. (CLD3)
6. **Local Government and Housing Act 1989 – Proper Officer Designations:** Proper Officer designations made for the purposes of the Sections of the Local Government and Housing Act 1989 indicated: Section 2 (preparation and maintenance of lists of politically restricted posts) and Section 37 (deposit and preparation of statements as to the provision of financial assistance). The People Team Manager also has the authority to execute this function. (CLL6)
7. **Officers – Receipts of money due:** to act as Proper Officer for the purposes of Section 115 of the Local Government Act 1972. (CLO1)
8. **Treasury Management:** (a) to have control of the aggregated monies under Section 151 of the LGA 1972. (b) to be responsible for all executive decisions on borrowing, investment, or financing under Section 151 subject to requirement to act in accordance with the CIPFA Code for Local Authorities. Appropriately qualified staff members within Accountancy Services nominated by the Chief Financial Officer also have the authority to execute this function. (CLT2)

Legal Services Manager/Monitoring Officer

1. **Affidavits – Swearing Of:** to secure sworn affidavits from any member of Council staff where required by the Council. Any nominated legally qualified staff members within Legal Services also have the authority to execute this function. (CLA3)
2. **Byelaws – Certification:** to act as Proper Officer for the purposes of Section 238 of the Local Government Act 1972. Any Solicitor or fellow of the Chartered Institute of Legal Executives within Legal Services nominated by them also have the authority to execute this function. (CLB2)
3. **Byelaws – Parish & County Council Copies:** to act as Proper Officer for the purposes of Section 236(a) of the Local Government Act 1972. (CLB3)
4. **Court, tribunal, inquiry proceedings – Engagement of staff and advice:** to appoint appropriate staff and/or external Solicitors and/or Counsel to appear for, conduct and settle proceedings on behalf of the Council in Courts, tribunals, inquiries, and other similar venues. (CLC15)
5. **Data Protection Act 2018:** to act as Data Protection Officer for the purposes of the Data Protection Act 2018 and General Data Protection Regulation, or an Officer nominated by them. (CLD1)
6. **Documents – Authentication:** to act as Proper Officer for the purposes of Section 234(1) – (2) of the Local Government Act 1972 for the purposes of authentication of documents. (CLD5)
7. **Documents – Certification of photographic copies:** to act as Proper Officer for the purposes of Section 229(5) of the Local Government Act 1972 for the purposes of certifying photographic copies of documents. (CLD6)
8. **High Court Action:** to instigate High Court action in the following circumstances:
 - (a) appeals lodged in accordance with Sections 288 and 289 of the Town and Country Planning Act 1990 (as amended)
 - (b) applications for High Court injunctions to secure planning enforcement under the Town and Country Planning Act 1990 (as amended) or to deal with breaches of Abatement Notices under the Environmental Act 1995 or amendments thereof which shall be authorised by the Cabinet.
 - (c) any applications for High Court injunctions where immediate emergency action is required, to prevent serious distress to public safety or residential amenity which shall be authorised by the Legal Services Manager in consultation with the appropriate Portfolio Holder.
 - (d) any other category of High Court action which shall not admit or delay, resulting in a reference to the full Council – which shall be authorised by the Cabinet or any appropriate committee or sub-committee; and
 - (e) to make application 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.

Any legally qualified officer within the Legal Services Function also has the authority to execute this function. (CLH4)

9. **High Court Action:** to defend High Court Proceedings instituted against the Council (subject to reporting on action taken to the next Cabinet meeting). (CLH4)
10. **Insolvency – Enforcement of debts:** to issue statutory demands pursuant to Section 268(1)(a) of the Insolvency Act 1986. To take steps to enforce a debt following the commencement of bankruptcy proceedings. The relevant Level 4 or 3 Manager also has the authority to execute this function. (CLI1)

11. **Magistrates' and County Courts – Defence and Pursuit of Proceedings:** to institute, defend, pursue, and settle proceedings on behalf of the Council and to appear on the Council's behalf, in any proceedings before the Magistrates' and County Courts. In their absence, any appropriately qualified officer nominated by them also has the authority to execute this function. (CLM1)
12. **Monitoring Officer and Deputy:** to act as Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989 and Sections 26 – 37 of the Localism Act 2011 for the purpose of performing the duties imposed by those sections. To be responsible for any Parish or Town Councils which are affiliated for the time being to the Epping Forest Standards Committee under Chapter 7 of the Localism Act. (CLM3)
13. **Physical Assaults on Staff:** in the event of the Crown Prosecution Service not proceeding after physical assault on a Council employee, to give instructions to prosecute where they consider that the Attorney General's guidelines for prosecution in a private prosecution for assault are satisfied. (EXP2)
14. **Squatters – Eviction:** to take such urgent action as necessary to secure the vacation of any Council properties, which are occupied by squatters. (EXS7)
15. **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. (EXW2)
16. 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. (EXW2)
17. **Sunday Trading – Car Boot Sales:** to institute proceedings in respect of such sales where complaints have been received and satisfactory evidence is available. (EXS12)
18. **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 the property. To offer for sale on the open market any property subsequently repossessed. (EXP4)

Monitoring Officer

1. **Conduct of Councillors:** In accordance with Sections 26-37 of the Localism Act 2011: (A-J) In the absence of the Monitoring Officer, the Deputy Monitoring Officer also has the authority to execute this function. (CLC8)
2. **Constitution – Minor Amendments:** to make amendments to the Constitution as set out in the Article relating to Revision, Amendment and Suspension of the Constitution. (CLC10)
3. **Ombudsman – Notices:** to act as Proper Officer for the purposes of Section 30(5) of the Local Government Act 1974 (publication notice on receipt of a report from the Local Ombudsman). The Chief Executive also has the authority to execute this function. (CLO2)
4. **Registration of Interests – District Council:** receipt, custody, and public deposit of registration of interests of District Councillors under the Local Government Acts 2000 and 2007 and regulations made thereunder. (CLR1)
5. **Registration of Interest – Town and Parish Councils:** receipt, custody, and public deposit of registration of interests of Parish and Town Councillors in accordance with the Local Government Acts 2000 and 2007 and regulations made thereunder. (CLR2)

6. **Resolutions** – Certification: to act as Proper Officer for purposes of paragraph 25 of Schedule 4 to the Local Government Act 1972 (certification of resolutions). (CLR4)

Democratic and Electoral Services Team Manager

To act as Deputy Monitoring Officer(s) 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. (CLM3)

Service Director for Planning

A. To Determine:

- (a) All Full Planning Applications
- (b) All Householder Planning Applications
- (c) All Outline Applications and Reserved Matters Applications
- (d) All applications for Advertisement Consent
- (e) All applications for Listed Building Consent
- (f) All applications for Demolition in Conservation Areas
- (g) All applications for Hazardous Substance Consent
- (h) Tree Preservation Order Consent applications where felling is proposed
- (i) All applications for Variation or Removal of Conditions

Except the following, which shall be determined by the Committee or Sub-Committee indicated in Article 10 of the Constitution

1. Applications for residential developments consisting of 10 or more dwellings (unless approval of reserved matters only) which are recommended for approval.
2. Applications made by the Council on land and/or property in its ownership which are for disposal, in accordance with the size of applications set out in Article 10 of the Constitution.
3. Applications recommended for approval where at least one of the following has been received:
 - (a) At least 5 expressions of objections material to the planning merits of the proposal are received (or where less than five have been consulted, the majority of those have objected).
 - (b) An objection is received from a Local Council, supported by a least one non-councillor resident, with material planning reasons.
 - (c) An objection from a Local Council, material to the planning merits of the proposal is received and confirming in writing their intention to attend and speak at the meeting where the proposal will be considered. Should the relevant Local Council fail to register to speak, or attend following registration, the application will be referred (without any consideration of the merits of the development proposal) to the Service Planning Director (Planning Services) for determination in accordance with Rule P2(2) (Planning Applications) set out in Part 4 of the Constitution.
 - (d) Applications which a Member (whose ward is within the Planning Sub-Committee area) has requested to be referred to Committee for consideration subject to the request being made in writing within 4 weeks of that application's notification in the weekly list.
4. Any application by an elected Member or Senior Officer (Head of Service and above) of the Council or a relevant person (see Code of Conduct for definition) recommended for approval.
5. Any other application which the Head of Planning considers appropriate to be determined by Members.

B. To Determine:

All matters set out below, unless the Service Director of Planning considers it appropriate to be determined by Members.

1. Planning Related Applications

- (a) Tree Preservation Order consent applications other than where felling is proposed.
- (b) All notification applications
- (c) All prior approval applications including telecommunications equipment.

- (d) All certificates of lawful use and development.
- (e) All applications for non-material amendments to applications.
- (f) All applications for approval of details reserved by condition.
- (g) All applications for Permission in Principle for Minor Housing Led Development and for Technical Details Consent.

2. Planning and Related Procedures

- (a) Finalising the conditions or reasons for refusal which appear on Decision Notices.
- (b) The preparation of legal agreements in consultation with the Service Manager (Legal Services) or the Solicitor to the Council, within the terms of any relevant Committee resolution.
- (c) Determining the need for information required to decide on a planning application including the need for, and the scoping of, an Environmental Assessment.
- (d) Deciding the charge to be made for the provision of information where the normal scale of charges is inappropriate (e.g. information requiring research and/or to be used for commercial purposes).
- (e) Deciding what should be within the Council's Local Validation Checklist.

3. Enforcement

- (a) To determine whether any enforcement action should be taken and what such actions should entail.
- (b) Issuing Stop Notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Building Enforcement Notices, Planning Contravention Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Notices under Section 215-219 of the Town and Country Planning Act 1990 (as amended), for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy.
- (c) Prosecution for the unauthorised display of advertisements, unauthorised works to a listed building or a conservation area, or breach of Tree Preservation or Hedgerow Regulations and non-compliance where enforcement action has previously been authorised.
- (d) Take appropriate enforcement action including serving an injunction where the Service Director Planning or their nominee, having regard to the evidence, considers the circumstances to require urgent action.
- (e) Investigation and prosecution of breaches of temporary market requirements.
- (f) Variation of the requirements for compliance with any enforcement-related notices already authorised, including altering the period required for compliance, service or further notices and withdrawal of notices.
- (g) To authorise direct action (or re-charge the cost of that action) in pursuit of a valid enforcement notice subject to budget provision being available and to local District Councillors being notified.
- (h) To report to an Area Plans Sub-Committee on specific enforcement cases where requested by Members.

4. Entry onto Land: To authorise Officers and agents engaged by the Council to use the relevant powers of entry as necessary and make application to the Magistrate's Court for a warrant authorising entry where applicable in relation to the matter. Planning Services or a Level 2 or 1 Officer nominated by them also have the authority to execute these functions. (CLD2)

5. Documents – Deposit: to act as Proper Officer for the purposes of Section 225(1) of the Local Government Act 1972 in relation to the deposit of documents. Customer Services, or duly nominated Officer, also have the authority to execute this function. (CLD7)

- 6. Gambling Act 2005 – Licensing Functions:** See Annex A. Any Level 3 Officer or above within their management control has the authority to execute this function. (CLG1)
- 7. Growth and Infrastructure Act 2013:** To determine applications received under Section 7 to modify, remove, or discharge affordable housing obligations, subject to:
 - (a) Prior consultation with the Chief Executive and the Monitoring Officer; the Chairman (or in their absence, the Vice-Chairman) of the relevant Area Plans Sub-Committee and local ward members.
 - (b) Details of the application and the resultant Determination being reported in the following issue of the Council Bulletin.
Any Level 3 Officer or above within their management control also has the authority to execute this function.
- 8. Insurance – Institution of legal proceedings:** to institute, defend, appeal, withdraw or agree a compromise in connections with any legal proceedings concerning the Council's insurance matters, subject to reporting on any significant issues to the next appropriate Cabinet meeting. Business Support Services or any appropriately qualified staff members within Accountancy Services nominated by them, also have the authority to execute this function. (CLI2)
- 9. Land Charges:** to act as Proper Officer to the Council for the purposes of Section 212(1) and (2) of the Local Government Act 1972 (local registrar of land charges). Any Level 3 Officer or above within their management control also has the authority to execute this function. (CLL1)
- 10. Licensing:** to authorise suitably qualified Officers to exercise those functions relating to licensing set out in the attached list of environmental health legislation as set out in Annex B, subject to the policies from time to time agreed by the Licensing Committee. To delegate appropriate powers relating to the management and provision of service set out in the attached list of environmental health legislation as set out in Annex B. Any Level 3 Officer or above within their management control also has the authority to execute this function. (CLL2)
- 11. Licensing – Hackney Carriage and Private Hire Vehicle Licences:** to determine Licences in respect of Hackney Carriage and private hire licensing (as set out in Annex C) except in those circumstances where under the Council's policy they stand referred to the Licensing Sub-Committee (see Minute 12 opposite). Any Level 3 Officer or above within their management control, Senior Licensing Officer or suitably qualified Officer authorised by them also has the authority to execute this function. (CLL3)
- 12. Licensing – Scrap Metal Dealers Act 2013:** to implement Annex 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. Any Level 3 Officer or above within their management control also has the authority to execute this function. (CLL4)
- 13. Local Government and Housing Act 1989 – Determination under Part IV:** to make determinations under the following sections of the Local Government and Housing Act 1989: Section 42(2)(g) – Reimbursable expenditure and Sections 50(3)(b) and 60(2) – Usable capital receipts. Business Support Services or Chief Financial Officer also have the authority to execute this function. (CLL5)
- 14. Politically Restricted Posts:** (a) to notify all politically restricted post holders of their designations. (b) to incorporate the designation as to politically restricted status in contracts of employment. (c) to maintain and issue revised lists when necessary and notify the Independent Adjudicator. (CLP2)

15. Protected Buildings: to act as Proper Officer for the purposes of Paragraph 28 of Schedule 16 of the Local Government Act 1972 (receipt and deposit of lists of protected buildings). (CLP3)

16. Trees, Conservation and Related Functions: to be responsible for delegations set out in Annex E to this schedule. Any Level 3 Officer or above within their management control also has the authority to execute this function. (CLT3)

Buildings – Planning (Listed Buildings and Conservation Areas) Act 1990 Section: 3(1-8):

- To serve Building Preservation Notices in urgent cases, subject to report and review by the next meeting of the District Development Control Committee.
- To obtain and exercise powers of entry to undertake surveys in connection with:
 - (a) Statutory Plans
 - (b) Application for Planning Permission
- Exceptions: Yes

Dangerous Trees on Private Land – Local Government (Miscellaneous Provisions) Act 1976 Sections: 23 and 24:

- Discretionary power to take action to make safe trees on private land, including:
 - (a) Obtain and use necessary Powers of Entry to the land
 - (b) Serve relevant notices
 - (c) Respond to appeals
 - (d) Undertake works directly where necessary
 - (e) Recover expenses
- Exceptions: No

Countryside Hedgerows – The responsibility to:

- Regulate the removal of certain hedgerows
- Issue relevant notices, including to require hedgerow replacement.
- Respond to appeals.
- Take necessary enforcement or legal action.
- Obtain and use necessary powers of entry to the land including exercises of rights of entry under warrant.
- Surveying land in connection with any hedgerow removal notice.
- Ascertaining whether any offences have been committed under Regulation 7.
- Determination of whether a notice should be served under Regulation 8.
- Exceptions: No

High Hedges – Anti-social Behaviour Act 2003 (Part 8) Sections: 68, 69, 70, 74, 75, 77, 79 and 80:

The responsibility to :

- Deal with complaints in relation to the height of domestic hedgerows.
- Issue, withdraw or relax the requirements or relevant notices.
- Serve relevant documents regarding notifications.
- Notify interested parties.
- Respond to appeals.
- Take relevant legal or enforcement action, including undertaking works directly and recovering expenses.
- Obtain and use powers of entry necessary in relation to the above.

- Exceptions: No

Protection of Trees – Town and Country Planning Act 1990 (as amended) Part VIII
Sections: 197, 198, 199, 201, 203, 205, 206, 207, 208, 210, 211, 214, 214A, B, C&D, 324, 325:

The duty and responsibility to:

- 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.
- Amend, confirm, decide not to confirm, or revoke such orders (i.e. TPOs)
- Determine applications for works to preserved trees except as set out below
 - (a) Applications recommended for approval where more than two expressions of objection material to the planning merits of the proposal have been received.
 - (b) Applications recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal.
 - (c) 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.
 - (d) Any application which the Service Director, Planning considers is expedient or appropriate to present to committee for decision (e.g. those raising issues of subsidence, claims for compensation, etc.)
- Take any necessary action in respect of claims for compensation.
- 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.
- Respond to appeals.
- Take legal action in aspect of breaches of Part VIII of the Act where expedient, in conjunction with legal services, including injunctive action and recovery of costs.
- Take appropriate action in respect of notification of works to trees in Conservation Areas, including the issue of the Tree Preservation Orders as necessary.
- Authorise all expedient measures to gain entry to land in respect of the execution of any of the above, including:
 - (a) Issue a warrant if admission has been refused or if a refusal is reasonably anticipated or if the case is urgent.
 - (b) To take samples of trees or soil.
 - (c) For the authorised person(s) to take with them such other persons as may be necessary.

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

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. (EXB1)
2. **Building Regulations:** to determine applications under the Building Regulations and associated legislation including the Building Act 1984. (EXB2)

3. **Building Act 1984:** to act as Proper Officer for the purposes of Section 78 of the Building Act 1984. (EXB2)
4. **Building Act 1984:** to conduct the following functions under the Building Act 1984:
 - (a) Sections 34a, 35 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.
 - (d) Section 81 – serve notices specifying certain matters and conditions in relation to the demolition of buildings. (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. (EXP1)

Community and Partnerships Service Director/Nominated Level 2 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 conducting 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). To issue Closure Notices of 24 and 48 hours pursuant to the above section.
2. **Nuisances:** Have the authority to make closure orders under Section 40 of the Anti-Social Behaviour Act 2003 and to give notice of cancellation of closure orders under Section 41 or that Act. (EXN4)
3. **Private Sector Housing – Assistance:** to exercise the powers and duties under relevant legislation. (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. (EXP8)
5. **Fees and Charges – Leisure:** to approve the level of fees and charges within the parameters outlined within the Leisure Management Contract. To introduce individual pricing charges for 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. (EXF1)

Chief Operating Officer, Service Director for Housing and Property Services/Nominated and Delegated Level 2 Officer reporting to them

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.
- (b) Subject to the receipt of such consent, to advertise the Council's intention to make the appropriation in accordance with provisions of Section 122(A) of the 1972 Act (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. (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. (EXB5)

4. Development Agreements: to enter into Development Agreements with private developers, and agree terms for the purchase of, 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. (EXD2)

5. Garages: To sell isolated garages in accordance with the Council's policy. (EXG1)

6. Hardstanding – Council Houses:

(a) To approve, subject to satisfactory works to boundary walls, hedges and fences and other necessary works and Essex County Council being satisfied as to the standard of footpath crossings, applications by tenants to construct car hard standings in front gardens.

(b) To apply the above policy to hard standings provided by tenants without permission. (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. (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 the 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.
- (c) The Cabinet Committee receiving a report to its next meeting on the amount of subsidy allocated, and its source of funding. (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 allocate accommodation in accordance with the Housing Allocations Scheme. (EXH4)
- 10. Housing Accommodation – Designation for Elderly:** to cancel designations (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. (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. (EXH7)
- 13. Housing Land – Use for Community Events:** to grant licenses 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 staffing the event. (EXH8)
- 14. 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. (EXH9)
- 15. Housing Options Consortium:** to exercise the Cabinet’s functions in respect of the Housing Options Consortium, a partnership of Local Authorities of which the Council is a member.
- 16. Housing Register Rules – Waiving:** to waive Housing Register Rules where the Service Director (Housing and Property Services) considers there are good grounds for doing so. (EXH12)
- 17. Housing – Mutual Exchanges:** to approve applications under the Mutual Exchange Scheme. (EXH13)
- 18. Off-Street Parking Schemes:** to submit planning applications for future off-street parking schemes at the appropriate time after the resident consultation exercise. (EXO2)
- 19. Renewal of Leases with NACRO:** to renew leases (and any subsequent leases) on expiry for a further 5 years on the 12 properties currently lease to NACRO, provided there is a continuing need to accommodate vulnerable younger homeless applicants. (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. (EXR3)
- 21. Sale of Council Houses – Discounts:** to determine, under Part V of the Housing Act 1985, applications for discounting or entitlement periods where a potential purchaser lives with their parents. (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 the 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. (EXS3)
- 23. Sale of Council Houses – Valuations:** To conduct all valuations in respect of the sale of Council houses. (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. (EXS13)
- 25. Tenancies – Council Houses:** To allocate tenancies in accordance with the Housing Allocation Scheme. (EXT3)
- 26. Tenancies – Demoted Tenancy Orders:** Inter alia:
- (a) To serve demoted tenancy notices in appropriate cases
 - (b) To apply to the County Court for Tenancy Demotion Orders and subsequent Possession Orders in appropriate cases. (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. (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. (EXU1)
- 29. Warrants of Distraint:** to issue warrants of distraint in housing cases. (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.
 - (c) To institute proceedings in the County Court for possession or a Notice to Quit.
 - (d) To institute proceedings in the County Court for the recovery of rent, court costs and service charges.
 - (e) To obtain and execute a warrant for eviction where the Court has awarded possession.
 - (f) In respect of secure and non-secure tenancies of Housing Revenue Account properties, 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.
 - (h) To seek and execute warrants of execution for possession.
 - (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.
- (l) Seek and execute warrants of execution for possession authorised by the Court. (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 requested is one specified by the statute, the Council has no discretion but to consent. There may also be additional borrowing involved (for which the Council would agree to postpone its charge 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 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 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. (EXR5)

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 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 exceed staffing capacity. (EXB4)
2. **Commercial Tenancies – Service of Notice:** to sign notices for new tenancies under Part II of the Landlord and Tenant Act 1954. (EXC4)
3. **Debts:** to take steps to enforce a debt following the commencement of bankruptcy proceedings, subject to action being reported to the Cabinet. (EXD1)
4. **Energy Management and Conservation:** to implement the Council's policy. (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.
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 the 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
 - (c) That are 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. (EXN2)
7. **Pollution Prevention – Authority under the Road Traffic Vehicle Emissions (Fixed Penalty) (England) Regulations 2002:** to issue fixed penalty notices in respect of idling vehicles. (EXP3)
8. **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. To authorise updates to the legislation set out in Annex A. (EXP8)
9. **Restrictive Covenants – Housing in Multiple Occupation:** 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 the conditions have been met. (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. (EXR3)
Duplicated powers?
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. (EXS1)
12. **Waste Disposal on Land:** to submit representations to Essex County Council on any proposed Licence. (EXW3)
13. **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.
- (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.
- (e) To obtain and execute a warrant for eviction where the Court has awarded possession in respect of secure and no-secure tenancies of Housing Revenue Account properties.
- (f) To approve and sign Notices of 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.
- (h) To see and execute warrants of execution for possession.
- (i) To undertake the actions set out in (a), (b) and (c) above, in respect of nonsecure tenancies and licenses at the Council's Homeless Persons Hostel (Norway House) including 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.
- (l) Seek and execute warrants of execution for possession authorised by the Court.

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. (EXC1)

2. Car Parks – Council: to determine applications to use Council office car parks. (EXC2)

3. Car Parks – Public: to approve the use of Council car parks by charitable organisations or for other charitable purposes. (EXC3)

4. Fees and Charges – Leisure: to approve the level of fees and charges within the parameters outlined within the Leisure Management Contract. To introduce individual pricing charges for 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. (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. Sections 24 and 25 - by Essex County Council as amended by the Flood & Water Management Act 2010. Section 26 - Powers to require works for maintaining the flow of watercourses etc. and Section 27 to 64 -Powers of entry for internal drainage boards and Local Authorities Public Health Act 1936. 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. (EXL1)

Health Protection Agency (HPA)/Any Consultant Staff Member

Aircraft – Proper Officer for the purposes of the Public Health (Aircraft) Regulations 1970. (EXA3)

Food Hygiene – Entry to Premises: to act as a 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. (EXF2)

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). (EXI1)

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. (EXI2)

Notifiable Diseases: to act as Proper Officer for the purposes of the Public Health (Control of Disease) Act 1984. (EXN3)

Ships: to act as Proper Officer to the Council for the purposes of the Public Health (Ships) Regulations 1970. (EXS6)