

## **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/Service Manager.
- (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.
- (f) **Officers may take any decision which:**
  - implements a policy or decision previously approved or taken by the Council, the Cabinet, or a Cabinet Member.
  - facilitates or incidental to the implementation of a policy or decision previously taken by the Council, the Cabinet, or a Cabinet Member.
  - relates to the management of human, material and financial resources made available for conducting the functions for which they are responsible.
  - Are matters delegated by the Council, the Cabinet, a Committee, or Sub-Committee from time to time under this scheme.
  - Are matters that are legally permissible and within that officer’s area of control.

## Chief Executive

The following powers are delegated to the Council Chief Executive, which may be further delegated to officers of the Council as deemed appropriate by the Chief Executive.

1. **Access to Information:** To act as the Proper Officer for the purpose of the Local Government (Access to Information) Act 1985. (CLA1)
2. **Appraisal of Top Management:** To implement the Council's scheme for staff performance development reviews. (CLA2)
3. **Attendance Allowance for Officers:** To authorise attendance of such officers at any function or meeting and to grant payments on rates applicable for weekend working. (CLA5)
4. **Chairman of Council – Casual Vacancy:** To act as the 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) to (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, incapacity or vacancy, undertake the functions specified in the delegation. Any Level 4 Officer in the absence of the Chief Executive may 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 may also execute this function. (CLD8)
10. **Electoral matters:**
  - a) Registration Officer under Section 8(2)(a) of the Representation of the People Act (RPA) 1983
  - b) Section 28 of the RPA, Acting Returning Officer for the purpose of UK Parliamentary elections. (Duties: responsibility for the electoral register)
  - c) 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)
  - d) 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, through and 113 of the Local Government Finance Act 1992, Proper Officer for local referendums in connection with Council Tax precepts).
  - e) 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). 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)
- g) The office(s) designated as the Deputy Registration Officer may also execute these functions. (CLH2)

**11. 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)

**12. Chief Executive/Electoral Registration Officer**

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

**13. Head of Paid Service:**

Designated as Head of the Authority's Paid Service in accordance with Section 4 of the Local Government and Housing Act 1989. In the absence of the Chief Executive, a nominated Level 4 or Level 3 Officer has the authority to execute this function. (CLH2)

**14. 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)

(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)

**15. 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 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)

16. **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)
17. **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)
18. **Regulation of Investigatory Powers Act (RIPA) 2000:**  
Designation of Senior Responsible Officer, to ensure compliance with the Act and associated Codes of Practice. To liaise with Commissioners and Inspectors and implement any post-inspection actions.
19. **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 regarding the use of CCTV data, taking into account of the Council's policy and charging arrangements. (CLR5)
20. **Assets of Community Value – Localism Act 2011 Sections 87-92:**  
To determine appeals made by applicants on determinations regarding assets of community value. (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 and 3 Officer – General Authorisations**

- 1. Common Seal of the Council:** Attestation of the Common Seal of the Council, when not the initiation Officer for the subject matter. (CLC6)
- 2. Attendance Allowance:** To authorise attendance of such officers at any function or meeting and to grant payments on rates applicable to weekend working.
- 3. Compassionate Leave:** To grant staff up to five days leave (with pay) per year for compassionate reasons. (CLC7)
- 4. 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)
- 5. Documents – Deposit:** To act as the Proper Officer for the purposes of Section 225(1) of the Local Government Act 1972 in relation to the deposit of documents. Or any duly nominated Officer.
- 6. Head of Paid Service:** A Level 3 or 4 Officer may be nominated to act as Head of Paid Service in the absence of the Chief Executive.
- 7. Agenda and Minutes – Charges to Subscribers:** To approve charges. (EXA1)
- 8. Complaints and Compliments Procedure:** To make payments up to £250 in respect of upheld complaints at Stages 1 & 2. (EXC6)
- 9. 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)
- 10. 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)
- 11. Offices – Use Of:** to determine applications to use Council Offices. (EXO1)
- 12. 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)
- 13. Subscriptions – Outside Organisations:** to pay subscriptions in respect of organisations on which the Council is represented at member level. (EXS12)
- 14. 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)
- 15. 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)
- 16. Councillors – Substitutes:** to receive notices from Group Leaders regarding the appointment of substitute members, subject to certain conditions, or any Level 2 Officer nominated by them. (CLC14)

## Strategic Director – Chief Financial Officer

These authorisations may be delegated to the appropriate Service Directors reporting to this Strategic Director and onwards to the appropriate Level 2 Officer reporting to the Service Director to perform the functions listed.

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 and Purpose, 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)
9. **Regulation of Investigatory Powers Act (RIPA) 2000**  
Strategic Director (Level 4 or 3 Officer): To act as 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. To consider and give initial authorisation of covert surveillance, whether directed or covert human intelligence source. (CLR3)

# Chief Operating Officer - Strategic Director

**These authorisations may be delegated to the appropriate Service Directors reporting to this Strategic Director and onwards to the appropriate Level 2 Officer reporting to the Service Director to perform the functions listed.**

## **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 the Council would wish to exercise its pre-exemption rights to purchase former Council properties previously sold under the Right to Buy (RTB). (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, 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 10<sup>th</sup> 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)

**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 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, 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:**

- (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 (NSP) for any of the grounds contained in Schedule 2 of the Housing Act 1985, or on the grounds of a breach of tenancy conditions including for not allowing the Council access to undertake required repairs and maintenance.
- b) To serve notices to quit (NTQ) in cases where the tenant is not a secure tenant as defined in the Housing Act 1985.
- c) To institute proceedings associated in the County Court action follow NTQ or NSP including granted execution of warrants for possession
- d) To undertake the actions 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.
- e) 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. (EXP5)

**31. Authority for Right to Buy (RTB) Sales and Post Completion Related Matters:**

To sell the freehold or leases of properties and all related transactions in accordance with the current legislation. (EXR5)

**32. Regulation of Investigatory Powers Act (RIPA) 2000**

Strategic Director (Level 4 or 3 Officer): To act of 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. To consider and give

initial authorisation of covert surveillance, whether directed or covert human intelligence source. (CLR3)

**33. Building Control – Vetting of Applications:**

To enter working arrangements with other Local Authorities within East Anglia for the checking of one another's building regulation activities on a consultancy basis. (EXB4)

**34. Commercial Tenancies – Service of Notice:**

To sign notices for new tenancies under Part II of the Landlord and Tenant Act 1954. (EXC4)

**35. Debts:**

To take steps to enforce a debt following the commencement of bankruptcy proceedings, subject to action being reported to the Cabinet. (EXD1)

**36. Energy Management and Conservation:**

To implement the Council's policy. (EXE1)

**37. 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.

**38. 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 (a) 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)

**39. 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)

**40. Restrictive Covenants – Housing in Multiple Occupation:**

To agree requests to vary restrictive covenants on former Council houses, to grant permission for their use as privately rented shared accommodation, provided all the conditions have been met. (EXR4)

**41. Environmental Health:**

To exercise functions relating to the management and provision of the Environmental Health Service set out in relevant legislation, including where necessary, powers of entry by warrant. (EXS1)

**42. Waste Disposal on Land:**

To submit representations to Essex County Council on any proposed Licence. (EXW3)

**43. Car Park Tariffs**

To determine individual tariffs in off-street pay and display car parks within agreed policy. (EXC1)

**44. Car Parks – Council:**

To determine applications to use Council office car parks. (EXC2)

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

**46. 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 in line with the current level of

inflation, or in certain circumstances, at a rate which reflects the actual cost of providing the service. (EXF1)

**47. Land Drainage and Flood Protection:**

To act under the statutory provisions in the Epping Forest District Council Land Drainage Byelaws 2005, Land Drainage Act 1991 as amended by the Flood & Water Management Act 2010, 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.

**48. ASB Crime & Policing Act 2014 - Part 2 Criminal Behaviour Orders (CBO)**

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. To issue Closure Notices of 24 and 48 hours.

**49. 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)

**50. 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, in line with the current level of inflation, or in certain circumstances, at a rate which reflects the actual cost of providing the service. (EXF1)

**51. Health Protection Agency (HPA)/Any Consultant Staff Member**

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

**52. 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)

**53. 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)

**54. 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)

**55. Notifiable Diseases:**

To act as Proper Officer for the purposes of the Public Health (Control of Disease) Act 1984. (EXN3)

**56. Ships:**

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

**57. Landlord and Tenant – Management of Council Property:**

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.

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.

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.

To approve licences to assign and licences for change in use in consultation with the relevant Portfolio Holder. (EXL2)

**58. Naming of Streets:**

To approve the names of new streets in accordance with the Town and Police Clauses Act 1847 where, following consultation, all parties agree one name. (EXN1)

**59. Ordnance Survey:**

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

**60. 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)

**61. 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 Planning 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.

**62. 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. (CL12)

**63. 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)

**64. 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)

**65. 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. 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)

- 66. 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 conduct 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)
- 67. 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)
- 68. 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)

## Legal Services Manager

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 or nominated an officer within their service area, 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)
19. **Regulation of Investigatory Powers Act (RIPA) 2000**  
 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)

## 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**

As agreed by Council on 8 August 2024