

# ANNUAL MEETING OF THE COUNCIL



## AGENDA

**THIS MEETING IS OPEN TO THE PUBLIC**

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**Date:** Thursday 26<sup>th</sup> May 2011

**Time:** 7.15pm

**Venue:** The Institute, Bocking End, Braintree, Essex, CM7 9AE  
(Please see page v of the agenda for a location map for The Institute)

### Membership:

Councillor J E Abbott	Councillor Ms J S Allen	Councillor M J Banthorpe
Councillor P R Barlow	Councillor J Baugh	Councillor Mrs J C Beavis
Councillor D L Bebb	Councillor E Bishop	Councillor R J Bolton
Councillor G Butland	Councillor C A Cadman	Councillor S Canning
Councillor T G Cunningham	Councillor J G J Elliott	Councillor Dr R L Evans
Councillor A V E Everard	Councillor J H G Finbow	Councillor M J Fincken
Councillor Ms L B Flint	Councillor T J W Foster	Councillor Mrs M E Galione
Councillor Ms C Gibson	Councillor P Horner	Councillor Mrs S A Howell
Councillor H D Johnson	Councillor S C Kirby	Councillor M C M Lager
Councillor D J Louis	Councillor Mrs C Louis	Councillor D Mann
Councillor J T McKee	Councillor D G Messer	Councillor R G S Mitchell
Councillor Mrs J M Money	Councillor Lady P Newton	Councillor J O'Reilly-Cicconi
Councillor Mrs I C F Parker	Councillor Mrs J A Pell	Councillor R P Ramage
Councillor D M Reid	Councillor D E A Rice	Councillor W J Rose
Councillor Mrs C Sandbrook	Councillor S Sandbrook	Councillor Ms V Santomauro
Councillor Mrs W D Scattergood	Councillor Mrs W Schmitt	Councillor A F Shelton
Councillor Mrs L Shepherd	Councillor C Siddall	Councillor Mrs G A Spray
Councillor Ms J S Sutton	Councillor J R Swift	Councillor P Tattersley
Councillor Ms C M Thompson	Councillor Miss M Thorogood	Councillor Ms L S Walters
Councillor R G Walters	Councillor Ms S A Wilson	Councillor B Wright

**At the commencement of the meeting the following issues will be taken :-**

- **Presentation to retiring Councillors**

The Chairman to present certificates to retiring Councillors.

- **Chairman's address to Council.**

Councillor A F Shelton, the outgoing Chairman will address the Council.

**Members of the Council are requested to attend the above meeting, to transact the following business:-**

**1. To elect the Chairman of the District Council for the ensuring year.**

The new Chairman will receive the Chain of Office and sign the Declaration of Acceptance of Office.

**2. To elect the Vice-Chairman of the District Council for the ensuring year.**

The new Vice-Chairman will receive the Chain of Office and sign the Declaration of Acceptance of Office.

**3. To receive any announcements from the Chairman.**

**4. Minutes.**

To approve as a correct record the Minutes of the Council meeting held on 11<sup>th</sup> April 2011. (copy previously circulated)

**5. Declarations of Interest.**

To declare the existence and nature of any 'personal' or 'personal and prejudicial' interests relating to items on the agenda having regard to paragraphs 8 to 12 (inclusive) of the Code of Conduct for Members in Part 5 of the Constitution and having taken appropriate advice (where necessary) before the meeting.

**6. To note that Councillor Graham Butland is the **Leader of the Council**, being the leader of the majority group.**

**7. Leader's Statement.**

- a) The Leader of the Council to confirm the names, addresses, wards represented and portfolio areas of the Members of the Cabinet. (Articles 7.02 and 7.03 of the Constitution) and any Deputies appointed in accordance with Article 7.07.
- b) To receive any statement from the Leader of the Council.

**8. Members' Allowance Scheme. To consider the following:-**

Notice of Motion: - Members' Allowance Scheme.

"This Council welcomes the immediate implementation of the Conservative Party's election pledge to reduce the cost of members' allowances. It notes that the reduction in the number of members of the Cabinet, the reduction in the number of Deputy Cabinet members and the abolition of Local Committee Chairmen will reduce the cost to the Council taxpayer by £48906 in the current year.

The Council agrees that:-

- (a) Subject to the consideration of any recommendations that the Independent Remuneration Panel may make, that it amends its Members' Allowance Scheme as follows:-

- 1. That the Chairman of the Local Development Framework Panel be included in the list of special responsibilities as set out in Part 2 of

- Appendix 1 of the current scheme and that the amount of the allowances shall be equivalent to the basic allowance x 1;
2. That a sub paragraph (d) be added to paragraph 3 of the current scheme to state that the payment of a special responsibility allowance to a leader of a political group shall be limited to the leader of an opposition group which has 5 or more members;
- (b) the Independent Remuneration Panel Be asked to consider and make recommendations on the following issues:
1. The possible linking of part of the Basic Allowance to training and development undertaken by members;
  2. The ICT Allowance paid to members in light of the greater reliance on technology for communication and engagement;
- (c) in the light of the decision by HM Revenue and Customs (HMRC) to increase the motor mileage threshold from 40p to 45p a mile the Council reviews the travelling allowances set out in Part 6, Appendix 3 , of the current scheme.
- (d) A full report on the issues set out above be presented to the September 2011 meeting of the Council.

Any amendments to the scheme shall apply retrospectively to the beginning of the financial year in which the amendment is made”

Appropriate notice of the motion has been given to the Chief Executive under Rule 19.1 of Part 4 of the Constitution and the motion has been signed by Councillors G Butland, R G Walters, W J Rose, Mrs J M Money, P Tattersley and R P Ramage.

## **9. Appointments to Committees/Panels.**

To consider appointing the under-mentioned Committees/Groups/Panels:-

- (1) Planning Committee (See Note 1)  
15 Members
- (2) Licensing Committee (See Note 1)  
15 Members
- (3) Overview and Scrutiny Committee  
12 Members
- (4) Local Development Framework Panel  
10 Members
- (5) Audit Committee (See Note 2 and Appendix 1)  
8 Members

Appointments to the above Committees are subject to the requirements of the Local Government and Housing Act 1989. A separate report on the allocation of seats will be published during the week commencing 23<sup>rd</sup> May 2011 and in any event before the 26<sup>th</sup> May 2011.

- (6) Employment Appeals Panel (See Note 2 and Appendix 1)  
3 Members (plus 3 reserves)

- (7) Standards Committee (See Note 2 and Appendix 1)  
4 Members of the Council

#### Notes

- (1) Council Policy. Please note that following a Council decision on 19th February 2007 all Members who sit on the Planning Committee and the Licensing Committee (including Hearing Panels) are appointed on the basis that all Members shall have received appropriate training.
- (2) The Employment Appeals Panel and the Standards Committee are not subject to the political balance requirements of Section 15(4) of the Local Government and Housing Act 1989. In relation to the Standards Committee, the Chairman of this Committee is one of the non-councillor independent Members to be elected at its next meeting.

#### 10. **Independent Remuneration Panel.**

- (i) To note the current membership of the Panel – Ruth Whitlam and David Dyson.
- (ii) To authorise the current members of the Panel together with the Assistant Chief Executive to form an interview panel to interview shortlisted candidates and to delegate to that Panel authority to appoint to the 3 vacant positions.

AT THIS POINT THE COUNCIL WILL **ADJOURN** TO ENABLE THE FOLLOWING TO MEET FOR THE FOLLOWING PURPOSE(S):-

The Chairman of the Council will refer to Page (v) of the Agenda and will advise Members that they are not required to stand during this part of the proceedings.

The Chairman of the Council will then call upon the Members of the Planning Committee only and invite nominations (and seconder) for the position of Chairman of that Committee.

If there is more than one nominee then a vote will have to be taken.

On election of the Chairman, he/she will conduct the election for a Vice Chairman.

This process will continue for further Committees

Planning Committee to appoint its Chairman and Vice-Chairman  
Licensing Committee to appoint its Chairman and Vice-Chairman  
Overview and Scrutiny Committee to appoint its Chairman and Vice-Chairman  
Local Development Framework Panel to appoint its Chairman and Vice-Chairman  
Audit Committee to appoint its Chairman and Vice-Chairman  
Employment Appeals Panel to appoint its Chairman and Vice-Chairman

#### 11. **Scheme of Delegation 2011/12.**

- (i) To approve an updated Scheme of Delegation for Officers. See Appendix 2.
- (ii) To confirm the remaining delegation of powers as set out in Part 3 of the Constitution (available on the website)

12. **Appointment of Groups/Boards/Panels.** To consider making appointments to a number of strategic partnerships. A complete list of boards and groups and proposed nominations will be published on 23<sup>rd</sup> May 2011.
13. **Appointment of Representatives to Serve on Outside Organisations.** To consider appointing representatives to the organisations where appointments require to be made by the Council. A complete list of boards and groups and proposed nominations will be published on 23<sup>rd</sup> May 2011.
14. **Annual Timetable of Meetings 2010/11.** To confirm the following dates of Council meetings (as set out in the Annual Timetable):

Ordinary meetings of the Council start at 7.15pm on:-

27th June 2011 (Monday),  
 19th September 2011 (Monday),  
 7<sup>th</sup> November 2011 (Monday),  
 12<sup>th</sup> December 2011 (Monday),  
 15th February 2012 (Wednesday),  
 16th April 2012 (Monday).

The Annual General Meeting will be held on Monday 28th May 2011.

If you are unable to attend the meeting please forward your apologies for absence to Alastair Peace (01376) 551414 or email [alastair.peace@braintree.gov.uk](mailto:alastair.peace@braintree.gov.uk)

The last page of this agenda is numbered 20.

A J REID  
 Chief Executive

### **Location Map for The Institute, Bocking End, Braintree, Essex, CM7 9AE**



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## **Health and Safety**

Any persons attending meetings in the Institute are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of a continuous alarm sounding during the meeting, you must evacuate the building immediately and follow all instructions provided by the fire evacuation officer who will identify him/herself should the alarm sound. You will be assisted to the nearest designated assembly point until it is safe to return to the building. Any persons unable to use the stairs will be assisted to the nearest safe refuge.

## **Mobile Phones**

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Agendas, reports and minutes for all the Council's public meetings can be accessed via the internet at <http://www.braintree.gov.uk/Braintree/councildemocracy>

**APPOINTMENTS TO EMPLOYMENT APPEALS PANEL AND STANDARDS COMMITTEE**

<b><u>STANDARDS COMMITTEE</u></b> 12 Councillors (Only 4 District Cllrs to be nominated)		<b><u>EMPLOYMENT APPEALS PANEL</u></b> 3 Councillors plus 3 reserves	
	(C )		(C )
	(C )		(C )
	(C )		(L)
	(L)		
MS K HARMAN	(IR)	<b><u>RESERVES</u></b>	
T JONES	(IR)		
MS H PATON	(IR)		(C )
C WEBB	(IR)		(C )
VACANY	(IR)		
J BURLO	(PR)		
J CLARK	(PR)		
M PHILLIPS	(PR)		

**C** = Conservative**IR** = Independent Representative**G** = Green**L** = Labour**HR** = Halstead Residents**PC** = Parish Representative

## Section 5 – Officer Scheme of Delegation

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1. This scheme of delegation authorises the Chief Executive, the Directors and the Assistant Chief Executive to exercise the functions of the Council as set out in this section. It repeals and replaces all previous schemes of delegation.
2. This scheme is without prejudice to the exercise of the Council's functions by the Council, the Cabinet, and the Council's Committees, Sub-Committees and Panels. The powers delegated to officers originate from the preceding sections of Part 3 and therefore the Scheme should be read in conjunction with those provisions.
3. For the purposes of this scheme "the directors" means the corporate and service directors whose job title and areas of responsibility are set out in sub-section A. An "officer" means the Chief Executive, the directors or any officer who has been given delegated authority in accordance with paragraph 5.
4. Members have the right to ask for a matter to be considered by a Committee even though it may have been delegated to an officer. Officers may also occasionally refer matters to a Committee where they consider the subject matter to be particularly sensitive and would better be decided by members.
5. Where an officer has been given delegated authority to undertake a function the officer shall have the authority to further delegate that responsibility to another officer within their Directorate or Service. This further delegation must:-
  - (i) be in writing, dated and signed by the officer delegating the authority;
  - (ii) specifically identify the post to which functions have been delegated;
  - (iii) specifically identify the functions which have been delegated; and
  - (iv) identify any conditions (if any) to which the delegation is subject.
6. A copy of all delegations authorised by this provision must be provided to the Member Services Manager within seven days of being made.
7. The officer who has been given delegated authority under this scheme retains concurrent jurisdiction to act in those matters where that officer has further delegated any authority to undertake any function.
8. The Chief Executive shall have all the powers delegated to the directors and shall be able to exercise those powers in the place of that director. Further, in the event of any dispute or doubt as to the delegated powers of any director, the Chief Executive shall have the authority to determine which director is to exercise that power.
9. The functions shown in this section describe various delegated powers and are broken down into four main categories:-
  - Sub-Section A – Director Responsibilities
  - Sub-Section B – General Scheme
  - Sub-Section C – Specific Scheme
  - Sub-Section D – Proper Officer Provisions



- 10.** From time to time it may be necessary to take an urgent decision in respect of either an executive or non-executive matter. In those circumstances, the Chief Executive is authorised to take urgent decisions following consultation with the Leader of the Council and the relevant portfolio holder in respect of executive matters and the Chairman (or Vice Chairman) of Council or the relevant committee in respect of non-executive functions. An urgent decision is one that is considered to be necessary to protect the interests of or for advancing the business of the Council. All urgent decisions will be reported to the next appropriate meeting of Council, Cabinet or the relevant committee.
- 11.** Where legislation specifically referred to in the Scheme is amended or replaced by new legislation and in the event that the powers contained in the new legislation are substantially the same as those which it replaces then it shall be deemed that the relevant authority delegated in the schedule applies as if the new legislation had been specifically referred to as regards that relevant authority.
- 12.** All the delegations within this scheme should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services and the achievement of the Council's aims and ambition. For the avoidance of doubt, the following principles will also apply:-
- 12.1** the delegations included in this Scheme shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of the power, duty or responsibility;
- 12.2** in the event of there being an authorised change to the organisational structure by the Chief Executive resulting in a change to the title, role or responsibilities of any officer mentioned in this Scheme, then the Monitoring Officer will make such consequential amendments to the Scheme to take into account that change;
- 12.3** where any new power is given to the Council which does not fall within this Scheme of Delegation, the exercise of that power shall be undertaken by the relevant director or the Chief Executive until such time as the Council has allocated responsibility;
- 12.4** advice and guidance regarding this Scheme shall be obtained from the Monitoring Officer in the first instance but where there are outstanding queries of interpretation, these will be determined by the Chief Executive; and
- 12.5** if there is any consequential change required to the Scheme by either paragraphs 11 or 12.3, then the Monitoring Officer is authorised by virtue of this paragraph to make those changes.

**OFFICER SCHEME OF DELEGATION**  
**Sub-Section A - Chief Executive and Directors areas of responsibility**

Post	Areas of responsibility
<p><b><i>Chief Executive</i></b></p>	<ul style="list-style-type: none"> <li>• the chief executive will be the head of paid service for purposes of Section 4 (1) of the Local Government and Housing Act 1989</li> <li>• as head of paid service he/she will have overall responsibility for the management of the Council within the policies currently adopted by the Council and will:- <ul style="list-style-type: none"> <li>- have authority over all other employees, the effective organisation of employees and the staffing levels within the Council's overall budget; and</li> <li>- ensure the most efficient and effective delivery of service as specified by the Council to meet the Council's aims and objectives</li> </ul> </li> <li>• the chief executive will be the proper officer for all statutory purposes unless otherwise determined by him/her</li> <li>• he/she will generally take action in relation to the overall corporate management and operational responsibilities of the Council.</li> <li>• he/she will exercise all the powers delegated to the directors unless there is a legal or professional impediment.</li> <li>• he/she will take urgent decisions in accordance with the provisions of paragraph 10 of this Section 5.</li> <li>• he/she will deal with applications made by the Police under Part 4 of the Anti-Social Behaviour Act 2003 seeking the Council's consent to the making of Dispersal Orders.</li> </ul>
<p><b><i>Corporate Director – Finance and Resources</i></b></p> <p>assisted by relevant Heads of Service within the directorate</p>	<ul style="list-style-type: none"> <li>• the corporate director will be the officer responsible for the administration of the Council's financial affairs for the purposes of Section 151 of the Local Government Act 1972</li> <li>• he/she will participate in the corporate management of the Council</li> <li>• he/she will direct and manage those services and resources as are allocated to him/her by the Chief Executive ensuring the most efficient and effective delivery in support of the Council's corporate goals</li> <li>• he/she will ensure that the Council meets its statutory obligations in these areas.</li> </ul>

<p><b>Corporate Director – Operations, Environment and Community</b></p> <p>assisted by relevant service directors within the directorate</p>	<ul style="list-style-type: none"> <li>• he/she will participate in the corporate management of the Council</li> <li>• he/she will direct and manage those services and resources as are allocated to him/her by the Chief Executive ensuring the most efficient and effective delivery in support of the Council's corporate goals</li> <li>• he/she will ensure that the Council meets its statutory obligations in these areas</li> <li>• he/she will in consultation with the Assistant Chief Executive and the Chairman or Vice Chairman of the Licensing Committee be authorised to suspend Hackney Carriage and /or Private Hire drivers licences under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) immediately, if in their opinion it is in the interest of public safety that the suspension should have immediate effect, such suspension to last until the day after the next meeting of the Driver's Panel.</li> </ul>
<p><b>Service Director – Sustainable Development</b></p> <p>assisted by relevant Heads of Service within the directorate</p>	<ul style="list-style-type: none"> <li>• he/she will participate in the corporate management of the Council</li> <li>• he/she will direct and manage those services and resources as are allocated to him/her by the Chief Executive ensuring the most efficient and effective delivery in support of the Council's corporate goals</li> <li>• he/she will ensure that the Council meets its statutory obligations in these areas</li> </ul>
<p><b>Assistant Chief Executive</b></p>	<ul style="list-style-type: none"> <li>• be the Monitoring Officer for the purposes of Section 5 of the Local Government and Housing Act 1989</li> <li>• he/she will direct and manage those services and resources as are allocated to him/her by the Chief Executive ensuring the most efficient and effective delivery in support of the Council's corporate goals</li> <li>• he/she will authorise officers of the Council to appear before the Magistrates' Court or the County Court.</li> <li>• he/she will institute, defend, conduct and settle civil or criminal legal proceedings including employment related claims.</li> <li>• he/she will sign or authenticate documents, including contracts, property transactions, statutory notices,</li> </ul>

	<p>licences, permits, consents and certificates of registration of all kinds.</p> <ul style="list-style-type: none"> <li>• he/she will discharge the Council's functions in relation to Freedom of Information and access to information (including acting as Qualified Person).</li> <li>• he/she will, in consultation with the Chairman of the Licensing Committee be authorised to adjourn a Licensing Hearing in accordance with the Licensing Act 2003 (Hearing) Regulations 2005.</li> <li>• he/she will be authorised to exercise powers to extend the time limits set out within the Licensing Act 2003 (Hearing) Regulations 2005.</li> <li>• he/she will authorise Members attendance on courses and seminars.</li> <li>• he/she will issue certificates of opinion in connection with politically restricted posts.</li> <li>• he/she will ensure the Council meets its statutory obligations in these areas</li> </ul>
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## **Sub-Section B – General Scheme**

1.	<p><b>Introduction:</b> The Chief Executive and directors are authorised to take decisions and to act:</p> <ul style="list-style-type: none"><li>(a) To discharge the functions allocated to them or dealt with by them or their staff.</li><li>(b) In all matters in which they have managerial or professional authority unless there is a legal or professional impediment.</li></ul>
2.	<p><b>Administrative &amp; Financial Matters</b> The Chief Executive and directors may exercise discretion and use whatever means they consider appropriate to discharge those functions and implement those decisions, and to exercise their general and specific delegated powers to deliver agreed strategy, plans and policy within their area. This shall include but not exhaustively:</p> <ul style="list-style-type: none"><li>(a) Incurring expenditure and collecting income in accordance with the Financial Procedure Rules.</li><li>(b) Deploying land and premises and all other resources within their control.</li><li>(c) Placing contracts and procuring other resources within or outside the Council in accordance with the Contract Procedure Rules. In consultation with the Assistant Chief Executive, to seek the opinion of Counsel or to appoint external solicitors provided the cost can be met from an appropriate budget.</li><li>(d) Settling claims and disputes in consultation with the Assistant Chief Executive.</li><li>(e) Submission of bids for funding or for providing services to other public bodies.</li><li>(f) Signing and authenticating documents of all kinds.</li><li>(g) To appoint suitably qualified “authorised officers / persons”, “approved officers / persons”, “inspectors” etc to carry out duties and exercise powers within that individual’s area of responsibility, including but not limited to:<ul style="list-style-type: none"><li>(i) Entering and inspecting premises; and</li><li>(ii) Taking action under the Specific Scheme of Delegation set out in Sub Section C of this Scheme.</li></ul></li><li>(h) To issue and pursue legal proceedings and serve notices in respect of functions delegated to them.</li><li>(i) To serve statutory notices, issue cautions and take enforcement action (including but not limited to the issue of fixed penalty notices).</li><li>(j) To respond to any consultation from Government or any other body where the consultation period is such that a report to Cabinet or the appropriate committee is not feasible.</li></ul>

	<p>(k) To attend or approve the attendance of an officer at any meeting, course or conference in accordance with the Council's development and learning programme subject to the cost being met from an approved budget.</p>
3.	<p><b>Human Resources</b> Subject to the Officer Employment Procedure Rules, the delegated powers of the Chief Executive and directors include:</p> <ul style="list-style-type: none"> <li>(a) Power to determine staffing arrangements and structures within approved budgets subject to: <ul style="list-style-type: none"> <li>(i) Agreement on grading/salary with the Head of Human Resources and Organisational Development;</li> <li>(ii) Conformance with approved Council policies and procedures; and</li> <li>(iii) Cabinet approval for structural changes which may have a significant impact on the customer or the corporate objectives.</li> </ul> </li> <li>(b) Power to recruit, appoint, agree conditions of service, appraise, develop, manage and reward employees subject to compliance with Council policies and procedures.</li> <li>(c) Power to deal with voluntary severance, early retirement, redundancy and redeployment issues subject to compliance with Council policies and procedures.</li> <li>(d) Power to suspend, dismiss or take other disciplinary action and to deal with grievance, capability and sickness matters in accordance with the Council's policies and procedures.</li> </ul> <p>All of the above to be performed in consultation with the Head of Human Resources and Organisational Development where the decision is of a sensitive nature and/or has financial consequences to the Council. In the absence of the Head of Human Resources and Organisational Development, the directors will consult the Chief Executive.</p> <p>Notwithstanding the above, other officers can be authorised to deal with human resource matters and must carry them out in accordance with the Council's approved human resource policies</p>
4.	<p><b>Miscellaneous</b> The delegated powers of the Chief Executive and the directors include:</p> <ul style="list-style-type: none"> <li>(a) Making statutory determinations and orders, granting and refusing permissions, licences and consents, and issuing and serving statutory notices, licences, permits, consents and certificates of all kinds.</li> <li>(b) To make representations in respect of applications under the Licensing Act 2003 and Gambling Act 2005.</li> <li>(c) Submitting a planning application for development linked to their area of responsibility.</li> </ul>

	<p>(d) Service of requisitions for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>(e) authorising directed surveillance under the Regulation of Investigatory Powers Act 1990 in accordance with the Council's corporate guidelines.</p>
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### **Sub-Section C – Specific Scheme of Delegation**

C1	In addition to the powers given to the directors in Sub-Section B, these specific delegations also apply	
<b>Corporate Director – Finance and Resources</b>	C1.1	To deal with all matters and to exercise all discretions relating to the determination, administration and collection of non-domestic rates and Council Tax which are not reserved to Members, including the setting of the Council Tax Base under the Local Authorities (Calculation of Tax Base) Regulations 1992.
	C1.2	To discharge the Council's functions relating to Council Tax and Housing Benefit, including measures to combat fraud.
	C1.3	To take all steps that are considered appropriate for the administration of the financial affairs of the Council.
	C1.4	To be responsible for all treasury management matters including the borrowing of money, management of investment funds, banking arrangements and to act in accordance with the CIPFA's Code of Practice on Treasury Management in Local Authorities
	C1.5	To pay salaries, wages, honoraria and other gratuities.
	C1.6	Write off bad debts – unlimited value when by reason of insolvency and in accordance with the limits set out in the Financial Procedure Rules for all other reasons
	C1.7	To maintain an adequate and effective system of internal audit, as required under the Accounts and Audit Regulations 1996
	C1.8	To deal with all insurance matters, including the settlement of insurance claims
	C1.9	Housing which includes: <ul style="list-style-type: none"> <li>▫ Providing housing assistance, including but not limited to the provision of advice, and homelessness decisions.</li> <li>▫ The allocation of housing.</li> <li>▫ Taking any steps open to the Council in relation to privately owned dwellings, including but not limited to enforcing standards and dealing with grants.</li> </ul>
	C1.10	To discharge the Council's functions (including but not limited to determining all consents, permissions and licences, and taking enforcement action) in relation to:
<b>Corporate Director –Operations, Environment &amp; Community</b>		



	C1.10a	<b>Regulatory Services</b> , which include: <ul style="list-style-type: none"> <li>Environmental Health (including but not limited to environmental protection, health and safety, public health, clean neighbourhoods and control of dogs)</li> <li>All Licensing matters not reserved to the Licensing Committee, any Licensing Sub-Committee, a Corporate Director or the Assistant Chief Executive</li> <li>Building control</li> <li>Naming and numbering of streets</li> <li>Road closures for special events under the Police Clauses Act 1847</li> </ul>
	C1.10b	<b>Community safety and the reduction of crime and disorder</b>
	C1.10c	<b>Waste management and street scene</b> which include: <ul style="list-style-type: none"> <li>Waste collection</li> <li>Waste treatment / disposal</li> <li>Street cleansing</li> <li>Clean Neighbourhoods</li> <li>Untidy sites (S 215 Town &amp; Country Planning Act 1990)</li> <li>Litter on land</li> <li>Abandoned vehicles</li> <li>Emergency services operational (salting and snow removal from public highways, debris / unsafe surface, oil removal from beaches)</li> <li>Maintenance and servicing of public toilets</li> </ul>
	C1.10d	Parks, gardens, open spaces, trees and high hedges
<b>Service Director – Sustainable Development</b>	C1.11.1	To discharge the Council's functions (including but not limited to determining all consents, permissions and licences, and taking enforcement action) in relation to:
	C1.11.1a	<ul style="list-style-type: none"> <li>Town and Country Planning (as described in C2)</li> <li>Dangerous buildings</li> <li>Diversion of footpaths</li> </ul>
	C1.11.1b	<ul style="list-style-type: none"> <li>Economic development</li> <li>Regeneration</li> <li>Leisure facilities and events, including indoor and outdoor venues</li> <li>District promotion</li> <li>Markets</li> </ul>
	C1.11.2	To carry out the following asset management services (subject to any financial limits in the Financial Procedure Rules): <ul style="list-style-type: none"> <li>To acquire and dispose of land and property, and to agree the grant and renewal of leases, mortgages and loans, easements and licences, the variation and relaxation of covenants and other miscellaneous property transactions.</li> </ul>

		<ul style="list-style-type: none"> <li>▫ To vary the terms of, and grant consent under, any lease, licence or covenant</li> <li>▫ To terminate mortgages, leases, tenancies and licences.</li> <li>▫ To agree rent reviews.</li> <li>▫ To take any necessary steps to protect the Council's interest in its property.</li> </ul>
<b>C2 Planning</b>	<b>Development Control</b>  In this section, 'application' means any application for: planning permission (outline/full/reserved matters) including temporary permissions, renewal of unimplemented permissions and variation/removal of conditions; listed building consent; conservation area consent; advertisement consent; certificates of proposed or existing lawfulness, hazardous substances consent, prior approval applications under the General Permitted Development Order, applications by Essex County Council or Braintree District Council under the Town & Country Planning General Regulations and consultation on proposed development by statutory undertakers, Government Departments or in adjoining districts.	
	C2.1	<b><i>Administration and Processing of Applications</i></b>  1.1 All aspects of processing applications submitted under the Town & Country Planning Act 1990 as amended, Planning (Conservation & Listed Buildings) Act 1990 as amended and the Hazardous Substances Act 1990, including <i>inter alia</i> : decisions to advertise applications in the press and on site; neighbour notification; statutory and non-statutory consultations, in accordance with statutory requirements and Council procedures.  1.2 Decisions as to the validity of submitted applications.
	C2.2	<b><i>Consideration of Submitted Applications</i></b>  2.1 Decisions to seek amendments to applications to achieve compliance with Council policy requirements of statutory consultees or in the interests of the area and affected third parties.  2.2 Decisions as to the extent of further publicity and consultation on revised or amended applications.  2.3 Decisions as to whether representations received raise material planning considerations.
	C2.3	<u><b>Decisions on Submitted Applications</b></u>  3.1 Determinations as to whether planning permission is required under relevant legislation;

		<p>3.2 Refusal of any application that in the view of the Service Director would be contrary to the relevant development plan, planning policy or Supplementary Planning Guidance adopted by the Council, except where a Member exercises his/her rights in accordance with sub-paragraph 3.3(e) below to ask for the application to be considered by the appropriate Committee.</p> <p>3.3 Determination of all other applications with the exception of the following:</p> <ul style="list-style-type: none"> <li>(a) all major applications within Development Codes 01Q to 12Q (inclusive), residential development within Development Codes 13Q, 17Q and 20Q, wind turbines and telecommunications development within Development Code 10 where at least one written representation that either satisfies sub-paragraph 2.3 above or that cannot be resolved by appropriate conditions, is contrary to the proposed decision of the Service Director;</li> <li>(b) applications where at least five written representations, or one written representation by a Parish or Town Council, that either satisfy sub-paragraph 2.3 above or that cannot be resolved by appropriate conditions, are contrary to the proposed decision of the Service Director;</li> <li>(c) approval of any application proposing development that, in the view of the Service Director, would be contrary to the relevant development plan, planning policy or Supplementary Planning Guidance adopted by the Council;</li> <li>(d) any application where prior to the expiration of the overall consultation period, a Member advises the Service Director, or his/her nominee, in writing and setting out reasons based on material planning considerations, that the Member wishes the application to be considered by the appropriate Committee;</li> </ul> <p>3.4 Authority to enter into suitable legal agreements under S106 of the Town and Country Planning Act, or agree payments in lieu where appropriate, on applications that can be determined by the Service Director under paragraph 3.3 above.</p>
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		<p>3.5 Authority to sign decision notices on all applications (also delegated to the Head of Development and the Area Development Control Managers in the absence of the Service Director and the Head of Development).</p> <p>3.6 Authority to issue refusal notice or deemed refusal on an application that has been the subject of resolution to grant subject to a legal agreement, and where that agreement has not been completed within 6 months of the said resolution.</p>
	C2.4	<p>4. <u>Post Decision</u></p> <p>4.1 Decisions as to whether changes to an approved plan can be accepted as a minor amendment without a further application.</p> <p>4.2 Approval or refusal of submissions to comply with conditions of any permission or consent.</p>
	C2.5	<p>5. <u>Appeals</u></p> <p>5.1 The Service Director, or his/her nominee shall represent the Council for all planning and enforcement appeals, except where the Council has refused an application contrary to his/her recommendation. In such cases the Director, or his nominee, shall act in an advisory capacity to a nominated Member(s).</p> <p>5.2 Authority to instruct and appoint Counsel, solicitors, and consultants as necessary and subject to the Contracts Procedure Rules.</p>
	C2.6	<p>6. <u>Enforcement</u></p> <p>6.1 Authority to issue Enforcement Notices, Breach of Condition Notices, Listed Building Enforcement Notices, Conservation Area Notices, Stop Notices, Requisitions for Information, Planning Contravention Notices under the Town &amp; Country Planning Act 1990 as amended and Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for all breaches of planning legislation in accordance with the Council's adopted Enforcement Policy.</p> <p>6.2 Authority to prosecute the unauthorised display of advertisements, unauthorised works to a listed building, breach of tree preservation or Hedgerow Regulations, non-compliance where enforcement action has previously been authorised.</p> <p>6.3 Authority to take the appropriate enforcement action, including serving an injunction, where the Service</p>

		<p>Director, or his nominee, considers the circumstances to be urgent.</p> <p>6.4 Authority to vary steps required to comply with enforcement notices already authorised, including altering period required for compliance, service of further notices and withdrawal of notices.</p> <p>6.5 Authority to comment upon and represent the Council on applications for Goods Vehicle Operator Licences.</p> <p>6.6 The authority set out in paras. 6.1-6.5 is delegated to the Service Director, Head of Development and the Assistant Chief Executive or nominee in the absence of these officers.</p>
	C2.7	<p>7. <u>Other Planning Matters</u></p> <p>7.1 Authority to serve Building Preservation Notices.</p> <p>7.2 Authority to provide information and advice to Members of the public and professionals on all aspects of the planning service, including the need for permission and consent, and informal views on the acceptability of proposals. Such advice to be without prejudice to any formal decision of the Council as local planning authority</p>

### **Sub-Section D – Proper Officer Provisions**

<b>Proper Officer</b>	<b>Function</b>	<b>Legislation</b>
<b><i>Local Government Act 1972</i></b>		
Chief Executive	Parish Trustee	13(3)
Chief Executive	Witness and receipt of Declarations of Acceptance of Office	83(1) to (4)
Chief Executive	Receipt of Declaration of Resignation of Office	84
Assistant Chief Executive	Convening of Meeting of the Council to fill casual vacancy in the office of Chairman	88(2)
Assistant Chief Executive	Receipt of notice of casual vacancy from two local Government electors	89(1)(b)
Assistant Chief Executive	Receipt of notices of pecuniary interest	96(1)
Assistant Chief Executive	Keeping records of disclosures of pecuniary interests under Section 94 and of notices under Section 96(1)	92(2)
Corporate Director – Finance & Resources	Receipt of money due from Officers	115(2)
Corporate Director – Finance & Resources	Declarations and certificates with regard to securities	146(1)(a)
Corporate Director – Finance & Resources	Overall responsibility for the proper administration of the Council's financial affairs including the provision of a continuous internal audit	151
Assistant Chief Executive	Functions with respect to ordnance survey	191
Corporate Director – Operations, Environment & Community	Receipt of application for Licence under Schedule 2, Licensing Act, 1964 (replaces Clerk to Rating Authority)	204(3)
Service Director – Sustainable Development	Proper Officer to act as Local Registrar for Land Charges Act, 1925 ('proper officer' for this section as defined by Section 19 of that Act)	212(1) & (2)
Assistant Chief Executive	Deposit of documents	225(1)

<b>Proper Officer</b>	<b>Function</b>	<b>Legislation</b>
Corporate Director – Finance & Resources	Accounts of ‘any proper officer’ to be open to inspection by any member of the authority	228(3)
Assistant Chief Executive	Certification of photographic copies of documents	229(5)
Assistant Chief Executive	Authentication of documents	234(1) & (2)
Assistant Chief Executive	To send copies of Byelaws for Parish records	236(9)
Assistant Chief Executive	To send copies of Byelaws to the County Council	236(10)
Assistant Chief Executive	Certification of Byelaws	238
Assistant Chief Executive	Keeping Roll of Freeman	248
Chief Executive or nominee	Signature of summonses to Council Meetings	Sch.12 Para. 4(2)(b)
Chief Executive or nominee	Receipt of notices regarding address to which summons to Meetings is to be sent	Para.4(3)
Corporate Director – Operations, Environment & Community	For the purpose of Sections 152(1), 157, 158(1) and 163(1) of the Public Health Act, 1936	Sch.14 Para.13
Assistant Chief Executive	Certification of Resolutions under para. 25 of Schedule 14	Para.25(7)
Service Director – Sustainable Development	Receipt of deposit of lists of protected buildings (Section 54(4) of the Town and Country Planning Act, 1971)	Sch.16 Para.28
Service Director – Sustainable Development	Consultation of District Council, where improvements of private street to include sewerage (Section 174(2) of the Highways Act, 1959)	Sch.21 Para.66(1)
<b>Local Government Act 1974</b>		
Assistant Chief Executive	To give notice that copies of an Ombudsman’s Report are available	S.30(5)
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
Assistant Chief Executive	Certify copies of resolutions and Minutes of proceedings	S.41(1)
<b>National Assistance Act 1948</b>		
Corporate Director – Operations Environment & Community or nominee	Removal to suitable premises of people in need of care and attention	S.47
<b>Public Health (Control of Diseases) Act 1984</b>		
Corporate Director –	Proper Officer for all purposes of this	

Operations Environment & Community or nominee	Act	
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Proper Officer	Function	Legislation
<b><i>Local Authority Cemeteries Order 1977</i></b>		
Corporate Director – Operations Environment & Community	To sign exclusive rights of burial	Reg. 10
<b><i>Local Government Finance Act 1988</i></b>		
Deputy Chief Executive	Compilation of reports on actual or contemplated unlawful expenditure or if the Authority's expenditure, including proposed expenditure, is likely to exceed its resources	S.114
<b><i>Local Government and Housing Act 1989</i></b>		
Assistant Chief Executive	Receipt of the list of Politically Restricted Posts	S.2(4)
Chief Executive	Political Balance on Committees and appointment of Members in accordance with Group Leaders' wishes (Local Government (Committees and Political Groups) Regulations 1990, as amended	All provisions
Assistant Chief Executive	Members Interests	S.19
<b><i>Election Legislation</i></b>		
Returning Officer	Power to make temporary appointments to Parish Councils	S.39 Representation of the People Act 1983
Returning Officer	Power to determine fees and conditions for supply of copies of, or extracts from, election documents	All Elections Rules
Returning Officer	Power to submit proposals to the Secretary of State for an Order as to 'Election Pilots'	S.10 (Pilot Schemes for Local Elections in England and Wales) Representation of the People Act 2000
Democracy Manager	Retention of documents after an election and make available for public inspection	Rule 46 Local Elections (Principal Area) Rules 1986
Democracy Manager	Retention of documents after an election and make available for public inspection	Rules 46, 47 & 48 Local Elections (Parishes and Communities) Rules 1986



<b>Proper Officer</b>	<b>Function</b>	<b>Legislation</b>
Democracy Manager	Receipt of request by 10 Local Government electors for the electoral area to hold an election to fill a casual vacancy in the office of Parish Councillor	Rule 8 Local Elections (Parishes and Communities) Rules 1986
Democracy Manager	Receipt of Election expenses, Declarations and Returns and the holding on deposit for public inspection	S.82 & 89 Representation of the People Act 1983
Chief Executive	Returning Officer for District, Parish and Community Council Elections	S.83 Representation of the People Act 1983
Chief Executive	Electoral Registration Officer	S.8 Representation of the People Act 1983
Electoral Registration Officer (to Consult)	Power to assign Officers in relation to requisitions of the Electoral Registration Officer	S.52 Representation of the People Act 1983
Democracy Manager	Deputy Electoral Registration Officer	S.52 Representation of the People Act 1983
Electoral Registration Officer (to Consult)	All functions in relation to parishes and Parish Councils	All appropriate provisions
Returning Officer	Power to dissolve small Parish Councils	S.10 Local Government Act 1972
Electoral Registration Officer	Power to make Orders grouping parishes, dissolving groups and separating parishes from groups	S.9-12 Local Government Act 1972
Electoral Registration Officer	Duty to provide assistance at European Parliamentary Elections	S.52 Representation of the People Act 1983
Electoral Registration Officer	Duty to divide Parliamentary Constituency into Polling Districts	S.18 Representation of the People Act 1983
Electoral Registration Officer	Power to divide electoral divisions into polling districts at Local Government Elections	S.31 Representation of the People Act 1983
Electoral Registration Officer	Powers in respect of holding elections	All appropriate provisions
Electoral Registration Officer	Power to pay expenses publicly incurred by Electoral Registration Officer	S.54 Representation of the People Act

		1983
<b>Proper Officer</b>	<b>Function</b>	<b>Legislation</b>
Returning Officer	Power to fill vacancies in the event of insufficient nominations at Parish Council Elections	S.39 Representation of the People Act 1983 and S.I 1986 No. 1080
Returning Officer	Duty to declare vacancy in office in certain cases	S.86 & 87 Local Government Act 1972
Returning Officer	Duty to give public notice of a casual vacancy:	
	Principal Council	S.87 & 89 Local Government Act 1972, as amended by the Local Government Act 1985
	Parish Council	S.87 Local Government Act 1972 Local Elections (Parishes and Communities) Rules
<b>Local Government Act 2000</b>		
Assistant Chief Executive	Proper Officer (as Monitoring Officer) for all purposes of this Act	All Sections
Assistant Chief Executive	Receipt of notices and maintenance of Registers of Interests (Members)	S.194, S.194(1) so far as it amends paragraph 41 of Schedule 12 of the Local Government Act 1972

## **General Provisions**

The Chief Executive, the Directors and the Assistant Chief Executive are to be Authorised Officers generally for the purposes of present and future enactments directly controlling or authorising the discharge of the functions of their respective services and directorates and each such Proper Officer or Authorised Officer be empowered to authorise suitably qualified staff to enter premises or land to take any action in accordance with the statutory functions associated with the duties and work of their respective services and directorates..

In the event of any such designated Officer not being available to deal with matters for which he has been designated Proper Officer or Authorised Officer, the appropriate senior Officer graded at Management Grade be authorised to act as Proper Officer or Authorised Officer as appropriate.