

## PART 3

### RESPONSIBILITY FOR FUNCTIONS

The following details are set out in this part of the Constitution:

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The Council may alter the terms of reference of and delegations to committees and the Scheme of Delegation to Officers in addition to the composition of committees.

Subject to the provisions of the Constitution and any legal requirements any function may be delegated to a committee or to an officer (whether acting after consultation or otherwise) but may not be delegated to a single elected Member.

#### Policy committees

Policy and Resources  
Environment and Community  
Housing

#### Other committees

Audit and Improvement  
Standards  
Scrutiny  
Planning  
Licensing

## **MATTERS RESERVED TO FULL COUNCIL**

- 1 Approve the Constitution (including political management structure, Council Procedure Rules, Standing Orders, terms of reference, Delegation Scheme, Financial Regulations and codes of conduct, subject to paragraph 16 below)
- 2 Appoint the Chairman of the Council.
- 3 Appoint the Vice-Chairman of the Council.
- 4 Appoint the Leader(s) and Deputy Leader(s) of the Council.
- 5 Make appointments to committees subject to paragraph 16 below.
- 6 Agree and amend the terms of reference and delegated powers of committees and officers, subject to paragraph 16 below.
- 7 Agree the following individual strategies/policy documents:
  - Best Value Performance Plan
  - Community Strategy
  - Sustainable Development Plan
  - Housing Strategy Statement and Housing Revenue Account Business Plan
  - Homelessness Strategy
  - Crime and Disorder Reduction
  - The Corporate Plan
  - Licensing Policy and Statement
  - Medium Term Financial Strategy.
- 8 Approve the following:
  - Council Tax
  - General Revenue Fund and Housing Capital and Revenue Account Estimates
  - Housing rent levels (including domestic garages)
  - Members' Allowances Scheme
  - Applications to the Secretary of State for the transfer of housing land.
- 9 Appointment and dismissal of the Chief Executive subject to any statutory provision.
- 10 Resolve differences between policy and scrutiny committees.
- 11 Review and make appointments to external organizations except where delegated.
- 12 Deal with other matters not within the terms of reference of any other committee.

- 13 To receive the reports of statutory officers made under section 114 of the Local Government Finance Act 1988 or the Local Government and Housing Act 1989.
- 14 Such other matters as the Full Council may from time to time reserve to itself or as may be reserved to Full Council by law.
- 15 Deciding on departures from Council policies, strategies and budgets as previously agreed.
- 16 Paragraphs 1,5 and 6 above are subject to the functions delegated to the Licensing Committee by the Council under the Licensing Act 2003 and to the functions delegated to the West Essex Waste Management Joint Committee by the Council in respect of:-
  - (a) the establishment of sub-committees;
  - (b) regulation of its own procedure and that of its sub-committees; and
  - (c) arrangements for the discharge of its functions by a sub-committee or officer(s).

## **EMERGENCIES**

The Leader(s) of the Council, Chairmen of the Policy Committees and Leader(s) of all other political groups may deal with unforeseen events which require an immediate response which goes beyond the scope of any single committee.

## **COMMITTEES**

Overall delegation to all policy and other committees. with the exclusion of the West Essex Waste Management Joint Committee, Licensing Committee, Planning Committee, Standards Committee, and Scrutiny Committee.

- 1 Implement and review policies within scope to meet the Council's objectives.
- 2 Control and review use and allocation of assets and resources, within approved budgets.
- 3 Be responsible for and review services within the scope of the committee, including the introduction of new services and the standard or level of existing services.
- 4 Promote partnerships.
- 5 Respond to relevant documents and initiatives from other organisations.
- 6 Review and make recommendations on the delegation scheme, procedure rules, (including contracts) and financial regulations.

- 7 Undertake statutory and other functions within scope.
- 8 Nominate appointments to relevant external organisations.
- 9 Promote and develop the image of the District and the Council.
- 10 To act as an appeals panel and determine appeals against officer decisions where appropriate within scope (e.g. discretionary rate relief).
- 11 Urgent matters within the scope of the committee which cannot await a decision by the Council, subject to the matters being reported to the next scheduled meeting of the Council, with the reasons why the action needed to be taken.
- 12 Responsibility for the services within the purview of the committee according to the Council's policy framework and within the budget allocated.
- 13 Establish task groups and working parties as necessary for specific purposes.
- 14 Equalities and accessibility issues appropriate to the facilities and activities within the purview of the committee.

# **POLICY COMMITTEES**

## **POLICY AND RESOURCES COMMITTEE**

### **Terms of reference**

- 1 To co-ordinate policies and corporate (including cross-cutting) issues and implementation of a strategic service delivery partnership; the promotion of community safety and co-ordination of the Council's corporate governance arrangements.
- 2 Preparation of the budget, on the basis of recommendations from the other committees, for proposal to Council.
- 3 Determination of corporate matters relating to staff and their effectiveness and efficiency including their remuneration and conditions of service through the Budget and Performance Monitoring Working Party; Best Value Reviews and otherwise.
- 4 Monitoring (through the Budget and Performance Monitoring Working Party or otherwise) the use of the Council's assets and resources (including expenditure and savings), the financial health of the Council and expenditure against budget allocations, including the total level of expenditure of the Council, and reporting to the Council as necessary arising from external budget or audit reports.
- 5 The provision or supply of support functions and services.
- 6 To hear appeals from elected Members against decisions of officers refusing access to information held by the Council.

### **Terms of delegation**

Except in the case of internal budget or audit reports or the Audit Commission recovery plan:

- 1 To co-ordinate and manage the Council's corporate governance arrangements and to be responsible for monitoring and reviewing the Constitution through the Constitution Working Party.
- 2 To co-ordinate policy and corporate issues (including all cross-cutting matters on behalf of the other policy committees).
- 3 To co-ordinate the Council's strategic development functions.
- 4 Resolve differences between the other policy committees.
- 5 Co-ordinate and determine how the Council will interface with all external stakeholders (including partnership working and community leadership roles) subject to the functions delegated to the West Essex Waste Management Joint Committee.

- 6 The development and implementation of the Sustainable Community Strategy and local strategic partnerships through the Harlow 2020 partnership.
- 7 To exercise on behalf of the Council all the functions necessary for entering into a partnership contract for Street Scene and housing property maintenance services (excluding those functions reserved to Full Council and delegated to the Licensing, Planning, Standards and Scrutiny Committees).
- 8 The development and implementation of regeneration funding programmes.
- 9 The preparation and implementation of a Community Safety Strategy.
- 10 The co-ordination of welfare rights and advice.
- 11 To approve the Council's statement of accounts.
- 12 The provision of a co-ordinated information service to the public, press and all Members of the Council on the activities of the Council.
- 13 The responsibility for and the exercise of powers in respect of:-
  - (a) the management and maintenance of civic/municipal buildings and non-housing property;
  - (b) committee administration;
  - (c) the collection and administration of Council Tax, Community Charge and Non-Domestic Rates;
  - (d) information and communication technology services;
  - (e) mail, reprographics, reception and telephone services;
  - (f) overall responsibility for the preparation, submission and letting of tenders;
  - (g) management of elections and electoral registration functions reviews of wards and polling districts and places and of county, district and parish administrative boundaries;
  - (h) financial services;
  - (i) risk management, including insurance, payroll, car schemes and the administration of Members' Allowances;
  - (j) legal and contract services;
  - (k) local land charges;

- (l) Members' support services, including training, information and facilities;
  - (m) human resources;
  - (n) asset valuation and management;
  - (o) communications, including public relations;
  - (p) Contact Harlow;
  - (q) complaints management;
  - (r) the acquisition (compulsory or otherwise) of land and/or property and/or buildings for non-housing purposes; and
  - (s) procurement, subject to the functions delegated to the West Essex Waste Management Joint Committee.
- 14 To approve the Council's Implementing Electronic Government (IEG) Statement.
  - 15 The remuneration, conditions of service, including benefits and allowances, training and health and safety and welfare of the Council's officers.
  - 16 To determine severance matters including early retirement and exercise functions relating to local government pensions (except in relation to Chief and Statutory Officers).
  - 17 To recommend to Full Council the appointment of the Chief Executive.
  - 18 The review and up-date of the Council's Job Evaluation Scheme.
  - 19 The write-off of debts to the Council in accordance with Financial Regulations.
  - 20 Management of employee relations.
  - 21 Recommend fees and charges for licences and services.
  - 22 Land disposal.
  - 23 To act as the employers' side of the Joint Negotiating Committee.
  - 24 The administration of the Housing and Council Tax Benefits Scheme.
  - 25 To exercise on behalf of the Council all the functions necessary for the implementation of the Growth Areas Delivery Grant Projects (excluding those functions reserved to Full Council and those delegated to the Licensing, Planning, Standards and Scrutiny Committee).
  - 26 To sit as an appeal committee.

- 27 To decide whether or not to uphold appeals from elected Members against decisions of officers refusing them access to information held by the Council.
- 28 To be able to uphold appeals subject to any conditions regarding access to information the committee may consider appropriate.

## **ENVIRONMENT AND COMMUNITY COMMITTEE**

### **Terms of reference**

The regeneration and long term planning of the community through the provision and encouragement of leisure, cultural and welfare facilities to ensure social and economic well-being; and the development of the community generally. The provision and management of activities in respect of public health, hygiene, welfare and planning in accordance with the Council's policy and within the approved budget.

### **Terms of delegation**

- 1 The statutory and other functions, as appropriate, conferred on the Council as Local Planning Authority except where delegated to the Planning Committee.
- 2 All matters relating to transport, including Stansted Airport, highways, railways, waterways, public transport and car parking within or affecting the District.
- 3 The conservation and improvement of the built environment and countryside in the District.
- 4 The functions of the Council with respect to the Building Regulations and allied legislation.
- 5 Waste management, subject to the functions delegated to the West Essex Waste Management Joint Committee.
- 6 Street cleansing.
- 7 Policy matters relating to Licensing and Planning Committees except where specifically delegated.
- 8 The Council's statutory functions in respect of environmental health including food safety, Health and Safety At Work, pollution, nuisance, diseases and control of pests except where specifically delegated to the Licensing Committee.
- 9 The management of the Council's crematorium and cemetery.
- 10 Health, safety and welfare of persons affected by the Council's activities.
- 11 Liaison with the appropriate health authorities and Essex County Council on environmental issues.
- 12 The development and implementation of the Council's Art, Leisure and Cultural Strategy for the town.

- 13 The development and implementation of the appropriate grants policy, including making annual grants within the approved budget e.g. the determination of Life-line and Small Grant Schemes.
- 14 The provision, maintenance and funding of facilities for young, older and vulnerable persons.
- 15 The provision, maintenance and arrangement for the appropriate management of fitness, leisure and sports centres.
- 16 The promotion of tourism and the provision and maintenance of local and visitor information services.
- 17 The preparation and implementation of the Museum Strategy and the management of the collections of the museum.
- 18 The preparation and implementation of youth initiatives.
- 19 The provision, maintenance and arrangement for the appropriate management of the Town Park Pets Corner, other parks, open spaces, sports-fields and allotments.
- 20 Operational management of the town centre.
- 21 The provision, management and maintenance of public conveniences.
- 22 Liaison with and management of travellers.

## **HOUSING COMMITTEE**

### **Terms of reference**

To enable and provide affordable housing in accordance with Council policy and within the approved budget.

### **Terms of delegation**

- 1 The statutory functions of the Council as housing authority (e.g. advice, allocations, transfers, tenant participation, management, repair and control of Council dwellings).
- 2 The provision of adequate housing in the District through the Council's strategies and enabling housing role.
- 3 The landlord functions associated with the Council's housing.
- 4 The management and control of the Housing Revenue Account including domestic garages.
- 5 The maintenance, repair and improvement of the Council's housing stock including garages.
- 6 The administration of Council house/flat sales and the provision of mortgage facilities in accordance with statutory requirements.
- 7 The administration of the Council's statutory and other duties in respect of housing the homeless, multiple occupation and overcrowding.
- 8 The preparation of the annual Housing Strategy Statement and Housing Revenue Account Business Plan.
- 9 The determination of the role to be undertaken by housing associations and participation in private enterprise schemes and the provision of appropriate assistance.
- 10 Acquisition of land and/or property for housing purposes and the design and erection of new dwellings/schemes (including the compulsory acquisition of the same).
- 11 Liaison with appropriate bodies/agencies on matters relating to the welfare of applicants for and tenants of housing.
- 12 Liaison with the Housing Corporation, housing associations, the private sector and local councils, agencies and societies to assess housing needs and to provide new homes and rehabilitate substandard, derelict and unused properties.
- 13 The administration of grant schemes for the improvement, adaptation or conversion of private sector housing and the disuse or demolition of unfit premises.

## **OTHER COMMITTEES**

### **AUDIT AND IMPROVEMENT COMMITTEE**

#### **Terms of reference**

##### Audit

- 1 To consider the Head of Audit's annual report and opinion, and summary of Internal Audit activity, and the level of assurance it can give over the Council's corporate governance arrangements.
- 2 To consider summaries of Internal Audit reports.
- 3 To consider reports from Internal Audit on agreed recommendations not implemented within reasonable timescales.
- 4 To consider reports dealing with the management and performance of the providers of Internal Audit services.
- 5 To consider the external auditor's Annual Audit and Inspection Letter and other reports.
- 6 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 7 To liaise with the Audit Commission over the appointment of the Council's external auditor.
- 8 To commission work from Internal Audit and the external auditor.

##### Regulatory framework

- 9 To review any issue referred to it by the Chief Executive, a Strategic Director, Statutory Officer or any Council body.
- 10 To monitor the effective development and operation of risk management and corporate governance in the Council.
- 11 To monitor Council policies on whistle blowing, for contraventions of financial and other procedures or fraud-related situations; Anti-fraud and Corruption Strategy and complaints.
- 12 To monitor the production of the Annual Governance Statement and recommend its adoption to the Policy and Resources Committee.
- 13 To consider the Council's arrangements for corporate governance and recommend necessary actions to ensure compliance with best practice.
- 14 To consider the Council's compliance with its own and other published standards and controls.

- 15 To make recommendations to Council on changes to the Constitution.

#### Accounts

- 16 To review the annual statement of accounts and consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Policy and Resources Committee and/or the Full Council.
- 17 To consider the external auditor's report to those charged with governance on issues arising from their audit of the accounts.

#### Other

- 18 To receive reports from the Constitution Working Group.

## **STANDARDS COMMITTEE**

### **Terms of reference**

#### Composition

The Standards Committee will be composed of twelve Members, three from each political group, as determined by the Council, together with three independent members who are not a Councillor or an officer of the Council or any other body having a Standards Committee (the independent member). The independent member(s) will be entitled to vote at meetings.

The Committee will establish 3 sub-committees. These shall be the First Assessment sub-committee, the Review of First Assessment sub-committee and the Hearing sub-committee. Membership of each of these shall be an independent Chairman plus 3 Members [one from each group] of the full committee who do not have a personal interest in the case being considered nor have been involved in a previous hearing of the same matter.

Other members of the committee not selected for consideration of a specified matter by any particular sub-committee agree not to attend any meeting of that particular sub-committee.

#### Role and function

The Standards Committee will have the following role and functions:

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted Members;
- (b) assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising and/or censuring and/or imposing a sanction on a Member or co-opted Member (or former Member or co-opted Member) of the Council;
- (f) advising; training or arranging to train Councillors and co-opted Members;
- (g) granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct; and
- (h) considering and dealing with any reports from a case tribunal or interim case tribunal; any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer of the Standards Board for England to the Monitoring Officer, and any reports otherwise from the Standards Board for England.

## **SCRUTINY COMMITTEE**

### **Terms of reference**

Section 21 of the Local Government Act 2000 sets out the powers of an overview and scrutiny committee and provides that they shall not discharge any other functions. With regard to Councils which operate under alternative arrangements the functions are specified in the Local Authorities (Alternative Arrangement) (England) Regulations 2001 as:-

- 1 To review and scrutinise decisions made, or other action taken, in connection with the discharge of any functions of the local authority.
- 2 To make reports and recommendations to the local authority; any committee or sub-committee of the local authority or any joint committee on which the local authority is represented or any sub-committee of such a committee with respect of the discharge of any functions of the local authority.
- 3 To make reports and recommendations to the local authority; any committee or sub-committee of the local authority or any joint committee on which the local authority is represented or any sub-committee of such a committee on matters which affect the authority's area or the inhabitants in that area.
- 4 To have powers to review or scrutinise any decision made but not implemented and to be able to recommend that the decision be reconsidered by the person or body who made it.

### **Terms of delegation**

- 1 To prepare a work programme, subject to any positive direction from the Council.
- 2 To have power to require any Member of the Council and officer employed by the Council to attend before it and answer questions; it being the duty of any such Member or officer to comply with any such requirement.
- 3 To have power to invite other persons to attend meetings of the Committee.
- 4 To consider matters referred by individual Members.

## **PLANNING COMMITTEE**

### **Terms of reference**

Functions relating to town and country planning and development control.

### **Terms of delegation**

- 1 Power to determine application for planning permission and to revoke or modify the same.
- 2 Power to determine applications to develop land without compliance with conditions previously attached.
- 3 Power to grant planning permission for development already carried out.
- 4 Power to decline to determine application for planning permission.
- 5 Duties relating to the making of determinations of planning applications.
- 6 Power to determine application for planning permission made by a local authority, alone or jointly with another person.
- 7 Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
- 8 Power to enter into and vary agreement regulating development or use of land.
- 9 Power to issue a certificate of existing or proposed lawful use of development.
- 10 Power to service a completion notice.
- 11 Power to grant consent for the display of advertisements and to remove unlawful advertisements.
- 12 Power to authorise entry onto land.
- 13 Power to require the discontinuance of a use of land.
- 14 Power to serve a planning contravention notice, breach of condition notice or stop notice.
- 15 Power to issue an enforcement notice.
- 16 Power to apply for an injunction restraining a breach of planning control.
- 17 Power to determine applications for hazardous substances consent and related powers.

- 18 Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or Phase II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.
- 19 Power to require proper maintenance of land and to execute works and recover costs in default.
- 20 Power to determine application for listed building consent and to revoke or modify the same and related powers.
- 21 Power to determine applications for conservation area consent.
- 22 Duties relating to applications for listed building consent and conservation area consent.
- 23 Power to serve a building preservation notice and related powers.
- 24 Power to issue a listed building notice in respect of a listed building and to issue enforcement notice in relation to unauthorised works to or demolition of unlisted building in conservation area.
- 25 Powers to acquire and manage a listed building and to serve a repairs notice.
- 26 Power to apply for an injunction in relation to a listed building.
- 27 Power to execute urgent works.
- 28 Power to designate conservation areas.
- 29 Power to authorise entry.
- 30 Duties and powers relating to the preservation of trees.
- 31 Powers relating to the protection of important hedgerows.
- 32 The obtaining of information as to interests in land.
- 33 To act as consultee to the Environment and Community Committee in relation to the Local Development Plan and documents.
- 34 Power to prosecute for alleged breaches of any of the relevant acts or statutory instruments associated with the above functions.

## **LICENSING COMMITTEE**

### **Terms of reference**

Functions relating to licensing and registration functions (in so far as not covered by any other function of this Committee), and health and safety at work.

### **Terms of delegation**

- 1 Power to issue licences authorising the use of land as caravan sites ("site licences").
- 2 Power to license the use of moveable dwellings and camping sites.
- 3 Power to license hackney carriages and private hire vehicles.
- 4 Power to license drivers/operators of hackney carriages and private hire vehicles.
- 5 Power to issue entertainments licences.
- 6 Power to issue permits for the operation of minibuses.
- 7 Power to register pool promoters.
- 8 Power to grant track betting licences.
- 9 Power to licence inter-track betting schemes.
- 10 Power to grant permits in respect of premises with amusement machines.
- 11 Power to register societies wishing to promote lotteries.
- 12 Power to grant permits in respect of premises where amusements with prizes are provided.
- 13 Power to issue cinema and cinema club licences.
- 14 Power to issue theatre licences.
- 15 Power to licence sex shops and sex cinemas.
- 16 Power to licence performances of hypnotism.
- 17 Power to licence premises for acupuncture, tattooing, ear-piercing and electrolysis.
- 18 Power to licence pleasure boats and pleasure vessels.

- 19 Power to register door staff.
- 20 Power to licence market and street trading and to grant consents.
- 21 Power to licence night cafes and take-away food shops.
- 22 Duty to keep list of persons entitled to sell non-medical poisons.
- 23 Power to licence dealers in game and the killing and selling of game.
- 24 Power to licence premises for the breeding of dogs.
- 25 Power to licence pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
- 26 Power to register animal trainers and exhibitors.
- 27 Power to licence zoos.
- 28 Power to licence dangerous wild animals.
- 29 Power to licence guard dogs.
- 30 Power to licence knackers' yards.
- 31 Power to licence persons to collect for charitable and other causes.
- 32 To determine any contentious application or renewal of licence consent registration or permit under the Acts listed as items (a) to (k) inclusive under the heading "Licensing" in the Delegated Powers of the Environmental Health and Licensing Manager and under the Acts listed as items (a) to (o), and (q) inclusive under the heading "Licensing" in the Delegated Powers of the Environmental Health and Licensing Manager contained within the Council's Scheme of Delegation for Officers ("the relevant legislation") and to attach such conditions as may be permitted by the relevant legislation.
- 33 "Contentious" shall in this context mean the existence of any objection, complaint or notification of criminal record or unfitness of person, premises or vehicle pertinent to the relevant legislation.
- 34 To revoke, refuse to renew or suspend any licence granted under the relevant legislation in accordance with the provisions of the relevant legislation except where such action is within the delegated powers of the Environmental Health and Licensing Manager.
- 35 To make regulations or byelaws or impose standard conditions in accordance with the provisions of the relevant legislation.
- 36 To make decisions as to the conduct and location of hearings of the Licensing Committee.

- 37 To determine the location and extent of hackney carriage ranks under the relevant legislation.
- 38 To determine any other matter pursuant to the relevant legislation.

#### Functions relating to health and safety at work

- 39 Functions under any of the “relevant statutory provisions” within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974 to the extent that those functions are discharged otherwise than in the Council’s capacity as an employer.
- 40 All the functions of the Council under the Food Safety Act 1990 and all statutory instruments made thereunder.

#### Functions relating to the protection of the environment

- 41 Any function relating to contaminated land.
- 42 Powers relating to the control of pollution.
- 43 Duty to serve abatement notice in respect of statutory nuisance.
- 44 Power to resolve that Schedule 2 to the Noise and Statutory Nuisance Act 1993 is to apply in the Council’s area.
- 45 Duty to inspect area to detect statutory nuisance.
- 46 Duty to investigate statutory nuisance complaints.
- 47 Power to grant consent for the operation of a loudspeaker.
- 48 Power to issue street litter control notice.
- 49 Enforcement of legislation relating to straw and stubble burning, bonfires etc.
- 50 Enforcement of statutory instruments implemented under EU directives in respect of any environmental health function.

#### Miscellaneous functions

- 51 All the functions of the Council under the Criminal Justice and Police Act 2001 and the Vehicles Crime Act 2001 and all statutory instruments made thereunder.
- 52 All the functions of the Council under Section 115 of the Highways Act 1980 in respect of the provision, maintenance and operation of facilities for recreation and refreshment and the advertising of such.
- 53 Power to prosecute in relation to any of the functions listed above in these terms of reference and delegations.

## Licensing Act 2003

- 54 All matters relating to the discharge by the Council of its licensing functions under the Licensing Act 2003 except for any function conferred on the Council by section 5 of the above act.
- 55 The establishment of one or more sub-committees consisting of three members of the Licensing Committee.
- 56 Regulation of its own procedure and that of its sub-committees subject to regulations made under section 9 (2) of the Licensing Act 2003.
- 57 To arrange for the discharge of any functions exercisable by it under the Licensing Act 2003:
- (a) by a sub-committee established by it; or
  - (b) by an officer of the Council
- in accordance with and subject to the provisions of section 10 of the above act.
- 58 Arrangements under section 10 of the above act may provide for more than one sub-committee or officer to discharge the same function concurrently.

## Licensing Act 2003

### Delegation of Functions to sub-committees and officers

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers (Safety and Licensing Manager)</b>
Application for grant and renewal of personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
Revocation of licence where convictions come to light after the grant of the licence		All cases	
Review following a closure order		All cases	

## **JOINT ARRANGEMENTS**

The Council has entered into joint arrangements exercised by the West Essex Waste Management Joint Committee, details of which are set out in the Essex Waste Management Partnership Agreement.

## **WORKING PARTIES AND PANELS**

- 1 Working parties and panels may be established by the Council or committees with such membership and responsibilities to support and report to such committees or the Council as may be determined when they are set up.
- 2 The number, membership and responsibilities of such working parties and panels vary from time to time.
- 3 Details of these working parties and panels, their terms of reference and membership are available from the Corporate and Governance Support Section.

# SCHEME OF DELEGATION TO OFFICERS

## PART 1

### GENERAL PROVISIONS

#### **A Conditions concerning delegations**

- 1 Where any matter is delegated to a particular officer this scheme of delegation shall be construed as referring to any officer to whom those duties may have been assigned from time to time whether as a result of any management restructuring or otherwise and howsoever the post may be named or designated.
- 2 Powers delegated shall unless expressly stated to the contrary be deemed to include all of the powers of the Council or committee under legislation or common law but shall be exercised in conformity with the relevant procedures, rules and regulations of the Council in force from time to time and in accordance with the expressed policies and objectives of the Council relevant to the matter upon which action is proposed to be taken.
- 3 The delegations to officers shall be deemed to extend to any statutory re-enactment thereof, whether in whole or part, whether varied in extent or wording, provided that any major variation shall be reported to for information to the Council or any relevant committee.
- 4 The delegation of any power or function includes the authority to take all steps and actions ancillary to, conducive to or to facilitate the exercise of the power or function.
- 5 An appropriate record shall be made and retained of the exercise of delegated powers and functions.

#### **B Functions of officers: general delegations**

- 1 The Chief Executive and Strategic Directors and any officer acting in his/her place in accordance with paragraph 18 below may discharge:
  - (a) the functions delegated to the Environment and Community, Housing, and Policy and Resources Committees (except for items 1-5 inclusive of the terms of delegation of the latter committee);
  - (b) the professional and managerial functions relating to his/her service; and
  - (c) any of the Council's functions in cases of emergency.
- 2 The Chief Executive, Strategic Directors and Heads of Service (any officer acting in his/her place in accordance with paragraph 18 below)

may discharge the general functions delegated to them (in paragraphs 3 to 18 below) as well as the specific professional and managerial functions relating to his/her service as identified below.

- 3 To implement changes to service delivery arrangements and to approve virement between budget heads which do not significantly affect levels of service, require changes to policies or cause budgets to be exceeded, in accordance with Financial Regulations.
- 4 Together with the Head of Legal and Democratic Services to initiate legal and other procedures as necessary pursuant to authorising the institution, defence or settlement of any legal proceedings and incurring any necessary expenditure for the same purpose within existing budgets.
- 5 To determine charges/concessions in accordance with policies determined by the Council.
- 6 To take all necessary steps to preserve the Council's land and property, including repairs, insurance and the employment of agents and contractors.
- 7 To make purchases and/or enter into agreements on behalf of the Council in line with policy and the approved budget in accordance with Financial Regulations and Standing Orders relating to Contracts.
- 8 To implement agreed schemes and incur capital and revenue expenditure within budget except for matters which require further consideration by a committee or the Council.
- 9 To make planning applications for Council development proposals.
- 10 To deal with all complaints from the Local Government Ombudsman and to make settlements of up to £1,000 in cases where, in accordance with Financial Regulations, it is considered appropriate.
- 11 To make representations regarding governmental or other consultation processes in line with agreed policy.
- 12 If a matter involves considerations not wholly within the purview of the officer primarily involved there shall be an obligation to consult with any other officer, agency or local authority with related responsibilities and to take account of their views before decisions are made and action taken.
- 13 Before discharging any function an officer must have regard to the desirability of consulting the appropriate committee, partnership Chairman and/or Members.
- 14 The officer shall always be entitled to refer a matter to the appropriate committee for decision where he/she considers it expedient to do so.
- 15 The officer may authorise officers in his/her service to exercise, on his/her behalf, functions delegated to him/her. Any decision taken

under this authority shall remain the responsibility of the relevant officer named above and must be taken in the name of that officer who shall remain accountable and responsible for such decision.

- 16 In discharging delegated functions officers shall:
  - (a) comply with all relevant legislation;
  - (b) have regard to best value principles and use the most efficient and effective means available including the deployment of staffing and other resources within their control and the procurement of other resources necessary whether within or outside the Council;
  - (c) act in accordance with the policies and objectives of the Council; and
  - (d) have regard to the corporate interests and image of the Council.
- 17 Officers discharging functions under paragraph 1(c) above, other than those which relate to his/her service, must report any action taken to the appropriate committee or partnership.
- 18 Where an officer referred to in paragraphs 1 or 2 above is to be absent for any period he/she or the Chief Executive, Strategic Director or Head of Service as appropriate, must nominate in writing another officer to act in his/her place during the period of absence.

### **C Calling in officer decisions**

- 1 An officer decision taken under delegated powers on behalf of the Environment and Community, Housing, and Policy and Resources Committees which has yet to be implemented, may be called-in by the Scrutiny Committee for consideration.
- 2 A decision is called-in by the following Members giving notice in writing, which is signed by 2 voting Members of the Scrutiny Committee and identifies the decision they wish to call-in, and the reasons why delivered to the Chief Executive.
- 3 On receipt of the written notice, the Chief Executive will, in consultation with the Chairman or, in his/her absence the Vice-Chairman convene a meeting of the Scrutiny Committee to consider the decision. The meeting shall take place, if possible, not more than 10 working days from the date of receipt of the notice.
- 4 No further action may be taken on the decision until the committee has met to consider it.
- 5 The committee having considered the decision, shall resolve to deal with the matter in one of the three ways: -
  - (a) release the decision for implementation;

- (b) refer the matter to the appropriate policy committee for reconsideration in the light of any representations the Scrutiny Committee may make; and
- (c) recommend that the decision be reconsidered by the person who made it.

6 The following decisions of officers are not subject to call-in:

- (a) a decision to implement Council policy approved by the Council within the preceding six months;
- (b) a decision that has already been subject to call-in under paragraph (a) above;
- (c) a decision taken in the exercise of the Council's functions as the local planning authority under the Town and Country Planning Acts and in the exercise of non-policy matters relating to the Licensing Committee;
- (d) a decision on a procedural, operational or managerial matter;
- (e) decisions in relation to which a specific appeals procedure of any description exists; and
- (f) Any decisions taken by the Monitoring Officer, or the Chief Finance Officer pursuant to their statutory functions.

**D Appointment of proper officers**

- 1 An officer referred to in paragraph 1 and 2 (Functions of Officers: General Delegations) above is the proper officer for all purposes relating to his/her service.
- 2 The Strategic Directors shall, where necessary, appoint proper officers for the discharge of the Council's functions where an appointment is required by any legislation.

**PART 2**

**SPECIFIC DELEGATIONS**

**CHIEF EXECUTIVE (or any Strategic Director)**

**Audit Manager**

- (a) To determine an annual plan of audits that addresses the internal control risks faced by the Council.

- (b) To review all aspects of risk management and control throughout the Council's activities.
- (c) To investigate suspected fraud, corruption and irregularities arising from the whistle-blowing procedure or any other source, as considered necessary.
- (d) To liaise with any body outside the Council, including external audit, the police and central government departments, as necessary in the course of audit work or investigations.
- (e) To seek explanations from any Councillor or officer for any matter subject to audit investigation.

### **Insurance and Risk Manager**

- (a) To effect such policies of insurance on behalf of the Council, its Members and officers in discharge of statutory obligations in that respect or as may be deemed desirable in accordance with Council policy.
- (b) To determine settlement of claims against the Council, which are covered by insurance subject to any guidance, limits or rules set by the Council's insurers.
- (c) To manage the Council's internal insurance fund and determine the scope of cover by it.
- (d) To introduce, manage and monitor the Council's risk management strategy.
- (e) Authority to sign statements of truth required by courts in defence of liability insurance claims.

## **HEAD OF GROWTH AND REGENERATION**

### **Regeneration Manager**

- (a) Authority to recruit and manage temporary staff within existing and/or approved budgets.
- (b) Authority to implement best value for the service.
- (c) Authority to issue permits for vehicular access to the unadopted highway pedestrianised areas of the town centre.
- (d) Authority to commission and approve exhibitions, entertainment and events in the town centre on behalf of the Council and/or the Harlow Town Centre Partnership (subject to consultation with the Head of Environmental Health and Licensing as appropriate).
- (e) Authority to take appropriate action to remove obstructions from the unadopted highway pedestrianised areas of the town centre.

- (f) Authority to negotiate the terms for and grant licences for town centre pitches.
- (g) Authority to invite quotations and appoint consultants and advisors from within existing and/or approved budgets and in accordance with Financial Regulations and Standing Orders relating to Contracts.
- (h) Authority to manage the Shopmobility service.
- (i) To provide sports development activities.
- (j) To provide recreational and leisure activities, e.g. paddling pools, trips and play activities.
- (k) To provide a ranger service.
- (l) To co-ordinate showground and bandstand events, and organise public entertainment.
- (m) To manage and develop the Museums Service, in line with agreed strategies and policies, and with reference to appropriate national governing and advisory bodies.
- (n) To let or authorise the use of recreational buildings, parks, open spaces, woodlands, sports pitches, bowling greens, and playing fields in accordance with policies determined by the Council.
- (o) Power to exclude from any of the Council's leisure or recreation facilities any person known to be giving instructions for fees without the consent of the Council having first been obtained.
- (p) Power to exclude from all land or premises in the control of the Council, used for public open space, physical recreation or leisure activities any person acting in contravention of any statute or byelaw or in such a way as to cause a danger or a nuisance to other members of the public.
- (q) To set fees and charges for new sports development activities in accordance with Council policy.
- (r) Authority to invite and accept quotes for small contracts up to £29,999 within approved budgets in consultation with the Head of Legal and Democratic Services, Head of Regulation and Head of Community Services.
- (s) Authority to act as a lead partner on behalf of the Council in the development of large scale regeneration schemes.
- (t) Authority to become a partner on behalf of the Council in the development of regeneration schemes.
- (u) Authority to submit external regional, national and European funding bids on behalf of the Council.

- (v) Authority to sign external funding contracts where the funding body allows for an authorised signatory on funding applications, contracts, match-funding certificates, claims and project closure reports.

## **Property and Facilities Manager**

### Resources and management

- (a) Implement changes in line with best value reviews and Council policy.
- (b) Manage the recruitment, employment and training of all Property and Facilities officers.
- (c) Implement changes to service delivery and staffing within agreed policy, and budget in the interest of financial viability of the services.
- (d) Seek by way of tender/advert the highest possible market rate (up to a value of £250,000) for the disposal of land in line with Council policy, Asset Management Plan, Local Plan Review and Land Disposal Standing Orders relating to contracts.
- (e) Authorise payments to contractors and suppliers of works, goods and services in accordance with Financial Regulations.
- (f) Having pursued all relevant methods to recover the debt and evidence this procedure, write off debt in line with Financial Regulations.

### Emergency planning

- (a) Act as the designated Emergency Planning Officer for the Council.
- (b) Develop and maintain an emergency plan for the Council.
- (c) Consider central government policy and advise the Policy and Resources Committee as to the local impact.
- (d) Provide a co-ordinated emergency response to all of the Council's external partnerships in line with the Essex County Plan.
- (e) Activate and establish the Council's emergency response centre and call out relevant emergency planning officers as required.
- (f) Ensure that all expenditure incurred is correctly monitored in line with Financial Regulations.
- (g) Ensure that all expenditure claimed under the Government Bellwin scheme is submitted to government offices within time scale.
- (h) In preparation of the duties outlined above the District Emergency Planning Officer (DEPO) is authorised to incur expenditure relevant to the incident as part of the Council's overall duty of care.

- (i) Offer mutual aid (limited by time and budget/resources) in the interest of a joint emergency response across districts and local community services such as Primary Care Trust/Health Centres Trust, for example.
- (j) Designate any Council office and/or asset as a rest centre or operational base as determined by the level of response required.

#### Capital projects

- (a) Determine the terms of tenders and bids, enter into contracts such as the supply of energy (gas, water, electricity, oil), lifts, fire alarms, intruder alarms, lightning conductors, water sampling, CCTV maintenance, etc in accordance with Standing Orders relating to Contracts and Financial Regulations.
- (b) Invite tenders, quotations and bids for works, goods and services to enable contract commitments to be met in accordance with Standing Orders relating to Contracts and Financial Regulations.
- (c) Appoint external technical officers as and when required in line with Council policy, Standing Orders relating to Contracts and Financial Regulations to ensure effective delivery of the capital programme.
- (d) Submit to Members for approval (cycle as determined by Central Government) the Council's asset management plans prior to submission to Go-East.
- (e) Responsible for updating the Policy and Resources Committee on the Council's asset management capital bids, yearly investment programme, and variations to contracts for approval.

#### Commercial

- (a) Manage the Council's commercial and miscellaneous property portfolio.
- (b) Negotiate leases and tenancies and to exercise options under agreements with the Council where it is advantageous to the Council to negotiate new terms or a statutory requirement to do so.
- (c) Carry out valuations on behalf of the Council for assets, insurance, acquisition, disposal and rating purposes.
- (d) Negotiate and settle rent reviews as contained within Council granted leases.
- (e) Request the service of notices under Part II of the Landlord and Tenant Act 1954 as amended and the Agricultural Holdings Act 1948.
- (f) Approve applications for assignment of leases or tenancy agreements for such terms as appropriate.

- (g) Approve applications for landlord's consent to carry out work, alteration improvement or other modification to property held under a lease or tenancy agreement from the Council.
- (h) Negotiate the terms for and accept or refuse the surrender of leases.
- (i) Approve or refuse applications to sublet commercial properties.
- (j) Appoint bailiffs and agents to recover outstanding debts.
- (k) Negotiate on behalf of the Council to acquire land and property needed for the Council's functions subject to the acquisition having first been approved by the Council or one of its committees and any necessary funding being available.
- (l) Take action including instructing Legal Services to take court action to rectify breaches of covenant contained in leases where the Council is the landlord.
- (m) Recommend revenue budgets for the commercial and miscellaneous property portfolio.
- (n) Expend budget in accordance with agreed procedures.
- (o) Manage the helicopter landing site.
- (p) Approve payments to statutory services and other service providers.
- (q) Manage the Civic Centre and other civic buildings.
- (r) Authority to determine leases and other tenancy agreements by peaceable re-entry in accordance with the provisions of the lease and or other tenancy agreements.
- (s) Negotiate terms and other tenancy agreements where the authority is to occupy property as a tenant subject to approval by an appropriate committee.
- (t) Negotiate terms for the surrender of property where the Council is a tenant subject to approval by an appropriate committee.
- (u) Negotiate, agree and discharge rental levels, service charges, insurance costs and other fees or charges incurred in the occupation of property as tenants.
- (v) Power to enter into and agree licensed sponsorship of roundabouts in Harlow and negotiate the rates and terms of licences in line with County Council policy.

#### Latton Bush Centre

- (a) Negotiate to obtain best consideration from potential appropriate tenants of the Latton Bush Centre (LBC), and agree lease terms in line

with Financial Regulations, Standing Orders relating to Contracts and corporate objectives.

- (b) Negotiate and agree discounts with potential hirers of the LBC conference rooms, in order to secure best consideration for the facilities.
- (c) Respond to service delivery complaints, and negotiate and agree appropriate refunds, in line with Council policies and Financial Regulations.
- (d) Purchase, maintain and account for the necessary operational stocks, and write-off damaged or spoilt stock, in line with Financial Regulations.
- (e) Authorise and/or expend, and account for, such monies as are required in Financial Regulations, to maintain the healthy and safe condition of the LBC, in line with landlord's responsibilities and current legislation.
- (f) Authorise and/or expend, and account for, such monies as are required within Financial Regulations, to maintain LBC in an attractive and wholesome condition to potential hirers, users and tenants.
- (g) Produce recommendations on LBC's capital expenditure.
- (h) Authorise payments to LBC officers in line with Financial Regulations and Council policy.
- (i) Initiate, control, monitor and account for LBC officer's duties, in line with corporate objectives and policies.
- (j) Recruit LBC officers and initiate any necessary disciplinary procedures in line with policies.
- (k) Monitor, control, account for and collect LBC debts, writing-off where necessary in line with policies and Financial Regulations.
- (l) Make decisions relating to LBC income and expenditure budgets, so as to secure a satisfactory out-turn in line with policies, corporate objectives and Financial Regulations.
- (m) Make recommendations to Members on the LBC Service, in line with corporate objectives, policies and Financial Regulations.

#### Property Terrier

- (a) Manage and amend the Council's Property Terrier.
- (b) Settle disputes concerning boundaries or other matters that (may affect land in the ownership of the Council.
- (c) Negotiate way-leaves, easements, rights of way and other rights over land and property in connection with the exercise of the Council's powers in relation to the same.

- (d) Negotiate the terms for the grant of licences permitting access to land in the Council's ownership and control.
- (e) Negotiate the disposal of the freehold interest in land and property subject to the disposal having been previously approved by an appropriate committee and in accordance with Financial Regulations and Standing Orders relating to Contracts.
- (f) Take all actions necessary to enforce the terms of agreement for the tenure of land and property.
- (g) Dispose of small parcels of land in accordance with the Council's adopted policies and agreements for sale in accordance with Financial Regulations and Standing Orders relating to Contracts.
- (h) Take any and all steps necessary to preserve the Council's land interests.
- (i) Grant leases to statutory undertakers and similar bodies for sites for substations or similar structures where the area involved does not exceed 100 sq metres.
- (j) Negotiate the terms for the grant of licences to the Council for the purposes of the erection, maintenance and operation of communication or other such similar equipment.
- (k) Negotiate the terms for compulsory purchase orders subject to such an order having been previously approved by Council and in accordance with Financial Regulations and Standing Orders relating to Contracts.
- (l) Negotiate the terms for the sale of freehold reversion for leased residential accommodation.

#### Market

- (a) Manage the Council's Town Centre Market in accordance with policies determined by the Council.
- (b) Let, on licence, market stalls in accordance with Council policy.
- (c) Collect all monies owed to the Council in relation to the letting of the market stalls.
- (d) Determine the licence of any stallholder in the event of any breach not remedied within twenty-eight (28) days of notice of the breach having been served on the licensee, or in the case of a serious breach of one or more of the regulations adversely affecting the public or any other licensees within seven (7) days or in the case of a breach of the law to terminate the licence immediately after notice of the breach has come to the attention of the post holder all subject only to the right of appeal to a meeting of the relevant Council committee sitting as an appeal panel.
- (e) Approve or refuse applications for consent by stallholders to assign

licences in accordance with the approved criteria.

### Car parks

- (a) Manage Post Office Road, neighbourhood centre, Wych Elm Car Parks, and the Commercial Vehicle Car Park or any other car park in the Council's ownership or control.
- (b) Enforce the off-street parking regulations in relation to Council owned or controlled car parks.
- (c) Enforce the on-street residents parking regulations.
- (d) Cancel penalty charge notices when mitigating circumstances prevail and evidence is produced to substantiate such claims.
- (e) Remove vehicles from Council owned car parks and the Commercial Vehicle Car Park when circumstances require.
- (f) Investigate vehicle ownerships with the DVLA.
- (g) Manage the letting of the Town Centre South West Car Park or any other car park in the control of the Council from time to time approved for such purposes to registered charitable organisations for the purposes of operating a car boot sale.
- (h) Monitor car boot sales in Council owned or controlled car parks and to eject or refuse entry to any trader breaching the Council's car boot sale regulations.
- (i) Make and amend off-street parking orders in conjunction with Council owned or managed car parks, provided they comply with general policy and do not involve the introduction or variation of charges.
- (j) Amend the car park charges in connection with Bank holidays and the Christmas holiday period.
- (k) Consider, reject or approve advertisements for printing on car park tickets.
- (l) Agree terms and approve requests to use the car parks for charitable and commercial purposes provided that any project does not have a detrimental effect on parking requirements or car park income.
- (m) Authorise the issue of car park passes.

### Highways

- (a) Authorise construction of an entrance to a cellar opening onto a highway, subject to gaining the necessary Highway Authority approval together with power to take action requiring the removal or modification of any cellar opening onto a highway not previously authorised.

- (b) Vary the position or direction and fix the limits of unadopted streets, and to enforce any byelaws applicable to the same.
- (c) Apply and enforce the advance payment code in relation to the construction of any new street or in connection with the making up of any private street.
- (d) Remove or require the removal of structures or other obstructions from unadopted highways.
- (e) Invite and open tenders and quotations for the supply of goods and services and the execution of works and where committee approval exists for the same and the value is within 5% of the estimated provision, power to accept all tenders and quotations not exceeding £200,000 in value, or such other sum as may from time to time be approved by the Council, subject to compliance with Standing Orders relating to Contracts and Financial Regulations.
- (f) Require the alteration of any door, gate or other barrier to prevent the same opening outward from the land or building onto a highway.
- (g) Require the prevention of water falling or flowing from land or buildings onto highways.
- (h) Require removal of barbed wire to prevent nuisance to users of the highway.
- (i) Require the removal or alteration of unauthorised construction of vaults or other voids under unadopted carriageways.
- (j) Authorise the temporary prohibition or restriction of traffic on roads and the temporary closure of streets and where no objections are received within the statutory period to authorise the introduction of Traffic Regulation Orders after the appropriate public notices and road closure orders under the Town Police Clauses Act 1847.
- (k) Deal with applications for the opening of unadopted roads for the purpose of making sewer connections etc.
- (l) Arrange for the numbering and re-numbering of streets, and to approve or disapprove the names for new streets, subject to the views of the appropriate community forum and to issue any necessary notices and arrange for the placing of street nameplates.
- (m) Negotiate agreements for the making and adoption of highways and power to negotiate agreements for the construction and adoption of sewers, subject only to the consent where appropriate of the appropriate highway or sewer authority.
- (n) Power with regard to connecting a drain or a sewer to a public sewer, including power to require drains to be connected to a sewer more than 100 feet from the property served by the drain.

- (o) Deal with Notice of Intention to repair, alter or re-construct underground drains or sewers, including power to require buildings to be drained in combination.
- (p) Require works for the provision of soil pipes and ventilation pipes.
- (q) Require the provision of closet accommodation in new buildings.
- (r) Require disconnection of disused drains.
- (s) Approve street lighting schemes, subject only to, where appropriate, the approval of the highway authority.
- (t) Power regarding hoardings in or near streets.
- (u) Deal with dangerous or diseased trees in or adjoining a highway, and to provide replacements if necessary.
- (v) Require the lopping, removal of trees and shrubs and for the removal of other obstructions to highways, footways and to instruct the Head of Legal and Democratic Services to institute legal proceedings in default of any notice properly requiring such action.
- (w) Deal with all applications in connection with proposed works by public utility undertakers and all bodies having like powers and to secure proper reinstatement of any trenches or other excavations in any carriageway, footway or verge, and to deal with all applications relating to the erection of telegraph posts, post boxes, telephone kiosks, stamp vending machines etc., on or adjacent to the highway, subject to consultation with the appropriate community forum.
- (x) Require the owner/occupier of land to take such action as is necessary to prevent obstruction of sight lines at street corners.
- (y) Require works in relation to any land, which constitutes a danger, or a hazard to adjoining streets or any users of the same.
- (z) Power in relation to the culverting of watercourses subject only where necessary to the approval of the water authority.
- (aa) Determine applications for crossovers, pavement lights, retaining walls and scaffolding licences.
- (ab) Determine the erection and siting of public seats. subject to prior consultation with the appropriate community forum.
- (ac) Determine the structure of, and posts within the department in the interests of service delivery, efficiency, economy and quality within existing budgets.

- (ad) Respond on behalf of the Council to consultations by government departments and other bodies on draft legislation, circulars, and other transport, highways and environmental policy documents.

## **STRATEGIC DIRECTOR (Sunil Modaley)**

### **Customer Services; Legal and Democratic Services; Human Resources and Finance**

Specifically as the Council's appointed officer under Section 151 of the Local Government Act 1972:-

- (a) to be responsible for the proper administration of the Council's financial affairs;
- (b) to be responsible for reporting under Section 114 of the Local Government Finance Act 1988; and
- (c) to nominate an officer to deputise in his/her absence under section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988.

## **HEAD OF CUSTOMER SERVICES**

- (a) Manage and develop the Contact Harlow Service, including the complaints function, the ICT Service and Communications Service with reference to appropriate national bodies.
- (b) Manage the recruitment, employment and training of Contact Harlow, ICT and Communications officers.
- (c) Employ temporary officers to undertake time-limited pieces of work to achieve the Council's objective in relation to the above named services within budgets and in line with Council policies.
- (d) Consult and negotiate with trade unions on matters affecting Contact Harlow, ICT and Communications officers.
- (e) Promote the service offered by Contact Harlow, the ICT and Communications Services to assist in the development of a positive Council image of service provision.
- (f) Exclude from the above named services and activities any person acting in such a way as to cause a danger or nuisance to other members of the public and officers.
- (g) Negotiate and liaise on behalf of the Council with relevant agencies and voluntary organisations to establish joint/partnership working mechanisms and funding arrangements which are to the benefit of the service in line with Council policies.

### **Senior ICT Manager**

- (a) Manage the ICT Service, comprising infrastructure management and development, telephony services; systems development and customer support team.
- (b) Recruit and develop new and existing officers through the provision of regular training and personal performance planning.
- (c) Foster good working arrangements with all services of the Council through regular meetings and briefings.
- (d) Manage any contracts with external organisations which relate to the responsibilities of the Council's ICT Service.
- (e) Manage the rotas and/or working patterns of the team so that customer support is available to Contact Harlow officers throughout its shifts and in a way which minimises disruption to the customers of the service.
- (f) Develop appropriate partnership arrangements with both public and private sector organisations.
- (g) Provide advice on all aspects of the Council's ICT programme and service delivery and manage programmes that delivers the Council's ICT strategy.
- (h) Manage resources within the ICT Service.
- (i) Establish, monitor and maintain the Council's ICT strategy in line with Council priorities.
- (j) Manage the confidentiality, integrity and availability of the ICT systems.

### **Communications Manager**

- (a) Manage the Council's Communications team comprising an external communications and public relations function, an internal communications function, a consultation function and a graphic design service.
- (b) Recruit and develop new and existing officers through the provision of regular training and personal performance planning
- (c) Provide a communications service to all services of the Council, fostering good working relationships through regular meetings and briefings.
- (d) Manage and improve the recognition and value attached to the Council's brand, reputation and satisfaction ratings.

- (e) Manage resources within the Communications Service.

### **Contact Harlow Manager**

- (a) Manage the Contact Harlow Service consisting of a team of duty managers, customer advisers and customer services officer.
- (b) Manage the operation of a roster system which interfaces with the public through:-
  - (i) face to face contact;
  - (ii) payment collection services; and
  - (iii) telephone call handling including the central switchboard advisory service.
- (c) Manage the shifts worked by staff to enable Contact Harlow to be open to the public.
- (d) To log, save and submit to workflow all enquiries taken by Contact Harlow, the main range of services include all of cleansing and environment, assets and facilities, community, council tax, culture and sport, DES, environmental health, housing benefits, housing management, parking, parks and landscapes, electoral, housing strategy.
- (e) Progress chase enquiries submitted to service providers to ensure updates are done and work is completed in allocated target times.
- (f) Liase with service heads and managers to ensure smooth running of the CRM system and customer satisfaction.
- (g) Recruit through assessment centres and develop existing and new officers by organising regular training sessions, personal performance planning and meetings with staff of other services provided by the Council.
- (h) Support officers and to be hands-on in times of workload pressure, stressful events and difficult enquiries.
- (i) Manage seasonal activities and continually improve on procedures to promote the high service levels of Harlow Council.
- (j) Manage resources within Contact.

### **Policy and Performance Manager**

- (a) Recruit and manage temporary officers within existing and/or approved budgets.
- (b) Invite and accept quotations for small works, contracts, commissions and goods and services up to the value of £25,000 within approved

budgets and in accordance with Financial Regulations and Standing Orders relating to Contracts.

- (c) Implement best value for the service.
- (d) Coordinate and deliver external inspections and associated processes review processes for Comprehensive Performance Assessment and Best Value Inspections, direction of travel and other legislative or best practice requirements for the Council.
- (e) Provide performance and monitoring reports to policy and scrutiny committees and make the appropriate returns to government offices.
- (f) Produce the Best Value Performance Plan, Corporate Plan and key strategic documents as required by legislation and policy committees.
- (g) Co-ordinate policy and corporate issues (including cross cutting matters) for the policy committees.
- (h) Produce the Council's Equalities and Diversity Scheme and any other key equalities and diversity policy and guidance documents as required by legislation and policy committees.
- (i) Invite quotations and appoint consultants and advisors from within existing and/or approved budgets and in accordance with Financial Regulations and Standing Orders relating to Contracts.
- (j) Implement the Council's contracting policy and procedures and ensure compliance with relevant EU and other governing legislation.
- (k) Provide advice and guidance on the Council's procurement framework procedures and protocols.

**Human Resources Manager (HRM) (and the Corporate Management Team (CMT))**

Pay and conditions of service

- (a) Implement immediately any nationally agreed pay settlement in connection with the salary or conditions of service of council employees which is not discretionary or which is a contractual entitlement. (HRM)
- (b) Negotiate with the recognised trade unions on all matters concerning pay and terms and conditions locally. (HRM)
- (c) Determine the grading of posts through the job evaluation process. (HRM)
- (d) Review and, as appropriate, implement the outcomes of job evaluation panels and appeal panels, consulting with CMT only in exceptional cases. (HRM)

- (e) Authorise and implement temporary or permanent changes of contractual hours for employees, where this can be done within the service budget. (HRM)
- (f) Authorise payment of allowances to individual employees (e.g. child care, telephone, shift, standby, committee attendance, car allowances) within Council policy. (HRM)
- (g) Authorise and implement merit increments or lump sum honoraria recommended by line managers, where this is within the service budget. (HRM)
- (h) Authorise on-going honoraria resulting from changes in job content or responsibility (CMT)
- (i) Authorise salary advances. (HRM)
- (j) Contract with an occupational health provider, subject to Standing Orders relating to Contracts, and authorise appointments and referrals. (HRM)
- (k) Authorise expenditure in connection with the Council's Long Service Awards and the Retirement Gift Scheme. (HRM)

#### Recruitment

- (a) Decide on requests to fill vacancies and the creation of new permanent posts, within Council policy. (CMT)
- (b) To decide on requests to create modern apprenticeships, casual posts and registers, and take on temporary or agency staff, within Council policy. (HRM)
- (c) Vet and approve all advertisements, job descriptions and employee profiles prior to advert to ensure they are within Council policy and the law. (HRM)
- (d) Advertise, whether internally or externally, all Council vacancies. (HRM)
- (e) Assist and contract with advertising and recruitment agencies, and external recruitment consultants, as necessary, within the Council's Financial Regulations and Standing Orders relating to Contracts. (HRM)
- (f) Confirm the appointment of all officers at or below deputy chief officer level. (HRM)
- (g) Issue contracts of employment to all officers, whether permanent, temporary or casual. (HRM)

#### Leave and sickness absence

- (a) Authorise maternity, adoption and parental leave. (HRM)

- (b) Review and authorise compassionate and dependency leave over and above the amounts which are within managers' discretion, in the light of the circumstances. (HRM)
- (c) Authorise special leave for public service (e.g., JPs, employees who are Councillors in other authorities, territorial army). (CMT)
- (d) Authorise carry-over of leave or payment in lieu of leave in exceptional circumstances. (CMT)
- (e) Authorise unpaid leave in exceptional circumstances (CMT)
- (f) Authorise extensions of sick pay for up to three months where an officer is due to go onto half pay or sick pay is due to end, where the circumstances warrant it. (HRM)

#### Retirements, redundancies and dismissals

- (a) Confirm and implement the age retirement of officers reaching 65 (and thereafter). (HRM)
- (b) Authorise and implement the redeployment or retirement on grounds of ill health of any Council officer, where the appropriate medical advice has been received. (HRM)
- (c) Implement the early retirement on grounds of efficiency or redundancy of any Council officer. (HRM)
- (d) Grant gratuities to retired officers or dependents of deceased employees within Council policy. (HRM)
- (e) Consult and negotiate with the recognised trade unions on any redundancy proposals agreed by CMT/ Council. (HRM)
- (f) Implement the redundancy of any council employee under the age of 50, once this has been confirmed by CMT/Council. (HRM)
- (g) Authorise and implement the suspension, demotion or dismissal, subject to law, and any provision to the contrary elsewhere in the Constitution, of any Council officer, where this is justified by the circumstances, and the appropriate procedures have been followed. (HRM)
- (h) Represent the Council at Employment Tribunals and in other legal proceedings as necessary. (HRM)

#### Staffing structures

- (a) Authorise and implement minor changes of job title, job description, or reporting lines, below the level of Head of Service, where this does not lead to any change in remuneration for the officer concerned or other officers. (HRM)

- (b) Authorise and implement major changes in job title, job description, or reporting lines, including Heads of Service, where this leads to significant changes of structure and/or remuneration. (CMT)
- (c) Authorise home working arrangements within the terms of the Council's scheme, in consultation with the relevant Head of Service. (HRM)

#### Staff development

- (a) Approve the Council's Corporate Staff Development Plan. (CMT)
- (b) Contract with external providers of training, consultancy and development, subject to Financial Regulations and Standing Orders relating to Contracts, in order to meet the objectives of the Council's Corporate Staff Development Plan. (HRM)

### **HEAD OF LEGAL AND DEMOCRATIC SERVICES**

- (a) Exercise the functions of the Monitoring Officer under the provisions of the Local Government and Housing Act 1989 (and as necessary appoint a deputy).
- (b) Authorise officers to appear on behalf of the Council before the courts in any proceedings instituted by or on behalf of or against the Council.
- (c) Complete all necessary documentation in connection with sales and acquisitions of land or property for the Council.
- (d) Take such steps as may be considered necessary for the letting, including entering into tenancies at will and other easily terminated agreements, of Council owned land or any interest or right therein in accordance with the Council's policies.
- (e) Complete, execute, sign any other deed, document, letter or process in relation to any other transaction or matter where the Council is a party or has an interest.
- (f) Authorise the issue of proceedings (whether civil or criminal or of any other description) on behalf of the Council and to defend, compromise, settle, dispose or conclude the same in such manner as in the opinion of the post holder will meet the best interests of the Council.
- (g) To reply to any requisitions for a search of the Local Land Charges Register and Enquiries of the local authority.
- (h) To be the Proper Officer for the purpose of the Local Government Act 1972, section 234 – the signature of documents confirming the appointment by the Council of 'Authorised Officers' for the purpose of any legislation for the time being falling within the remit of the service, and any relevant statutory provisions made thereunder.

- (i) Keep the Council's register of officers' pecuniary interests.
- (j) Authority to delegate to any appropriately qualified person the authority to carry out the administration or execution of any of the functions of the Service as set out below.
- (k) The powers and functions of an 'Authorised Officer' or 'Inspector' which are delegated to the Head of Legal and Democratic Services for the purposes of any legislation which is for the time being within the remit of the Service shall include but shall not be confined to the following purposes:
  - Power of entry
  - Power to take onto land and into premises such other persons as may be necessary to assist with inspections
  - Powers of investigation, search, examination, filming, photographing, recording, sampling and inspecting
  - Power to direct that premises, articles and substances be left undisturbed for the purpose of examination or investigation
  - Powers to direct intervention to render a situation safe
  - Powers of seizure
  - Power to obtain a warrant
  - Power to close premises
  - Power to require persons to furnish information, facilities and assistance and answer questions
- (l) Provide administrative and procedural support to Full Council and its committees.
- (m) Administer all aspects of elections.
- (n) Provide secretarial support to the Joint Leader(s).
- (o) Provide secretarial and civic support to the Chairman.
- (p) Provide administrative support to Members.
- (q) Compile a training programme for Members.

## **HEAD OF FINANCE**

- (a) Manage in accordance with Financial Regulations the Council's revenues and capital monies.
- (b) Manage the Council's investments in accordance with Council policy.
- (c) Provide and operate systems for the collection and recovery of all monies due to the Council, including rates, community charge, council tax or any statutory replacement for the same, together with monies by ways of fees and charges for goods or services provided or supplied by the Council including rents.

- (d) Power to authorise any application for grants or subsidies from the Government or any other body, and to agree on behalf of the Council the amount of any such grants.
- (e) Power to take all necessary action for the recovery of rates, community charge and council tax or any statutory modification or replacement of the same, and any other monies due to the Council.
- (f) Power to grant mortgage loans under the housing acts.
- (g) Power, in consultation with the Head of Legal and Democratic Services to make transfers and to redeem mortgages made under the small dwellings acquisitions acts and the housing acts.
- (h) Power to issue and register bonds and mortgages for loans raised and to make, realise and manage investments of the Council's funds in accordance with policy from time to time determined by the Council.
- (i) Power to grant car loans to employees upon the certificate of the appropriate Strategic Director, in accordance with the nationally agreed conditions of service.
- (j) Power to write off debts not exceeding any limit approved by the Council.
- (k) Operate such subsidiary banking and national Giro accounts in the name of the Council subject to Council policy.
- (l) Arrange for the finance of approved items of capital expenditure within any loan sanctions or capital borrowing approvals obtained by the Council.
- (m) Determine the use of credit approvals, the use of capital receipts, the amount set aside from revenue as a provision for credit liabilities, and the amount which is to be reimbursed or defrayed out of money provided by any other person under the Local Government and Housing Act 1989 sections 56, 60, 63 and 42 respectively.
- (n) Approve virements of budget provision up to a limit approved by the Council.
- (o) Maintain systems to record any taxes due from the Council, including VAT, Income, Corporation and Payroll taxes. To pay the amount of any taxes due to the Government or other authorised body. To negotiate any settlement of taxes due with the appropriate authorities.
- (p) Maintain systems for the payment of monies due to creditors of the Council, including setting the rules to be followed by officers in processing and certifying amounts for payment.

## **Revenues and Benefits Manager**

- (a) Power to decide on the eligibility of a charitable or other organisation for mandatory and discretionary relief for rates, Council tax or any statutory re-enactment or replacement of the same, subject to the right of appeal by an aggrieved organisation to an appropriate body of elected Members.
- (b) To provide and operate systems for the collection and recovery of all monies due to the Council, including rates, community charge, Council tax or any statutory replacement for the same, together with monies by way of fees and charges for goods or services provided to or supplied by the Council, including rents.
- (c) Power to take all necessary action for the recovery of rates, community charge and Council tax or any statutory modification or replacement of the same, and any other monies due to the Council.
- (d) To write off debts not exceeding any limit approved by the Council.

## **STRATEGIC DIRECTOR (Graham Branchett)**

**Operational Services; Housing Services; Community Services and Regulation.**

### **HEAD OF HOUSING**

All functions of the following services: housing management, client side of property services, customer and neighbourhood engagement, home ownership services and strategic housing.

### **Housing Operations Manager**

- (a) Overall responsibility for the functions and operation of the Council's housing landlord service, rents, estate management, housing business plan, customer and neighbourhood engagement and home ownership services.
- (b) Make any decision in respect of these services in line with legislation, statutory guidance or Council policy.
- (c) Write off debts, including rent arrears, where collection of the debt is uneconomic or not feasible.
- (d) Implement changes to service delivery and staffing within agreed policy and for the financial viability of the service.
- (e) Authorise payment to contractors and suppliers of works, goods and services in accordance with Financial Regulations.

- (f) Authorise the institution, defence or settlement of any legal proceedings and to incur any necessary expenditure for the same purpose within existing budgets
- (g) To make rehousing guarantees to tenants of the Council as appropriate and in accordance with Council policies
- (h) To approve financial incentive payments to qualifying tenants moving to smaller accommodation, under Council policy
- (i) To transfer tenancies, licences and leases following the death of a tenant or changes in the tenant's circumstances as appropriate and in accordance with Council policies and pursuant to the Housing Act 1985.
- (j) To refuse requests for transfers of tenancies, licences and leases following the death of the tenant or changes in the tenant's circumstances as appropriate and in accordance with Council policies and pursuant to the Housing Act 1985.
- (k) To take action, including legal action, to end squatting and unlawful or unauthorised occupation in Council dwellings
- (l) To seek injunctions and take any further action needed to enforce these against tenants and other persons (whether under Part V, Chapter III of the Housing Act 1996 or other powers).
- (m) To grant or withhold landlord permissions to Council tenants and leaseholders as appropriate and in accordance with Council policies.
- (n) To grant or withhold the Council's consent for any applications for consents way leaves or easements on housing land as appropriate and in consultation with the Executive Director, Environment
- (o). To grant or withhold consent to tenants to sub-let part of their property or take in lodgers in accordance with the terms of the Conditions of Tenancy and Council policies.
- (p) To conduct the day-to-day management of garages, and garage tenancies in accordance with Council policies.
- (q) To conduct day-to-day management of the Council's housing stock and Council tenancies, licences and leases in accordance with the Council's policies.
- (r) To enter into agreements with external companies in conjunction with Property Services and Facilities Management for the siting of telecommunications equipment on Council-owned dwellings.
- (s) To take action to recover arrears of rent for garages, including the service of appropriate notices and the repossession of garages where appropriate.
- (t) Granting of discretionary allowances.

- (u) Calling of Housing Welfare Advisory Panels and Appeals Panels.

### **Property Services Manager**

- (a) Overall responsibility for the functions and operation the Council's housing stock and asset management and plans, decent homes delivery, capital and revenue programmes, strategic liaison with agencies/services in accordance with Legislation, Statutory Guidance and Council Policies.
- (b) To negotiate and liase with Strategic Partners and other statutory bodies to enable the provision of decent homes, and neighbourhood renewal.
- (c) To implement changes to service delivery and staffing within agreed policy and for the financial viability of the service.

Specifically,

- (a) to authorise payment to contractors and suppliers of works, goods and services in accordance with financial regulations.
- (b) To receive and approve applications from tenants for grants under the Private Purchase Grant Scheme.
- (c) To receive and approve applications under the Right to Repairs Scheme pursuant to the Housing Act 1985.
- (d) To receive and determine applications under the Right to Compensation for Improvement Scheme pursuant to the Housing Act 1988.
- (e) To authorise the institution, defence or settlement of any legal proceedings and to incur any necessary expenditure for the same purpose within existing budgets.
- (f) To approve capital and planned works business cases supplied form the strategic partner.
- (g) Approve contract variations of work agreed with the Strategic Repairs Partner.

### **Area Housing Manager**

- (a) Overall responsibility for the operation and function of the Council's Area Housing Management services in accordance with Legislation, Statutory Guidance and Council Policies.
- (b) To authorise payment to contractors and suppliers of works, goods and services in accordance with financial regulations.
- (c) To consent or refuse requests for management transfers for Council tenants as appropriate and in accordance with Council policies.

- (d) To operate the Council's mutual exchange and transfer systems in accordance with Legislation, Statutory Guidance and Council Policies.
- (e) To operate the transfer register and determine application priorities in accordance with Council policies.
- (f) To take appropriate action to recover arrears of rent and mortgage and to enforce Conditions of Tenancy as appropriate.
- (g) To commence and conduct legal proceedings to recover over-payments of Housing Benefit and arrears of rent and mortgage payments from Council tenants.
- (h) To serve an appropriate notice, such as Notice of Seeking Possession or a Notice to Quit, on a tenant with rent arrears or following a breach of Conditions of Tenancy, pursuant to the Housing Act 1985 and the Housing Act 1996.
- (i) To commence and conduct legal proceedings to obtain vacant possession of a Council dwelling where appropriate and due to rent arrears or other breaches of Conditions of Tenancy.
- (j) To arrange for the execution of Warrants for Possession.
- (k) To issue a Distress Warrant to a certified bailiff in appropriate cases of rent or mortgage arrears.
- (l) To take action, including instructing a debt collection agency and/or legal action to recover rent or mortgage arrears relating to former and current tenancies as appropriate.
- (m) To manage adaptations for the disabled to Council-owned properties as appropriate.
- (n) To take action, including instructing debt collection agency and/or legal action to recover sundry debts relating to former and current tenancies as appropriate.
- (o) To write off debts, including rent arrears, relating to former tenancies as appropriate and where collection of the debt is uneconomic or not feasible.
- (p) To take action to recover former tenant debts relating to garage tenancies.

### **Home Ownership Manager**

- (a) To authorise payment to contractors and suppliers of works, goods and services in accordance with financial regulations
- (b) To take appropriate action to recover service charges from leaseholders.

- (c) To institute legal proceedings for the recovery of outstanding service charges.
- (d) To receive and determine all applications made under the Right to Buy provisions of the Housing Act 1985.
- (e) To grant or withhold consent as appropriate to Leaseholders' proposed alterations or improvements.

### **Business Support Manager**

- (a) To authorise payment to contractors and suppliers of works, goods and services in accordance with financial regulations.
- (b) Overall responsibility for the operation and function of the Council's housing systems and their development and operations in accordance with legislation, Statutory Guidance and Council Policies.
- (c) To authorise payment to software suppliers/contractors and suppliers of works, goods and services in accordance with financial regulations.

### **Tenant Relations Manager**

- (a) Overall responsibility for the functions and operation the Council's housing tenant and leaseholder engagement strategy.
- (b) To authorise payment to contractors and suppliers of works, goods and services in accordance with financial regulations.
- (c) To implement changes to service delivery and staffing within agreed policy and for the financial viability of the service.

### **Strategic Housing Manager**

- (a) Overall responsibility for the functions and operation of the Council's housing allocations, Choice Based Lettings, homelessness, housing strategy, affordable housing development, sheltered housing and careline services
- (b) To make any decision in relation to those services in line with legislation, statutory guidance or Council Policy.
- (c) To write-off debts, including rent arrears, relating to temporary accommodation, former licences as appropriate and where collection of the debt is uneconomic or not feasible.
- (d) To implement changes to service delivery and staffing within agreed policy and or the financial viability of the service.
- (e) To authorise payment to contractors and suppliers of works, goods and services in accordance with financial regulations.

- (f) To authorise the institution, defence or settlement of any proceedings and to incur any necessary expenditure for the same purpose within existing budgets.

### **Housing Needs Manager**

- (a) Overall responsibility for the operation and function of the Council's housing allocations, Choice Based Lettings and homelessness services in accordance with legislation, statutory guidance and Council Policies.
- (b) To authorise payments to contractors and suppliers of works, goods and services in accordance with financial regulations.
- (c) To operate the Council's allocations, homelessness and Choice Based Lettings systems in accordance with legislation, statutory guidance and Council Policy.

### **Homelessness Team Leader**

- (a) Conduct reviews of decisions made under Part VI of the Housing Act 1996 (as amended by the Homelessness Act 2002) in accordance with Part VI of the 1996 Act as amended
- (b) To take action to recover vacant possession of temporary accommodation pursuant to the Housing Act 1996.
- (c) To authorise payment to contractors and suppliers of works, goods and services in accordance with financial regulations.

### **Homelessness Team Officers**

- (a) Determine applications relating to homelessness in accordance with Parts VI and VII of the Housing Act 1996 (as amended by the Homelessness Act 2002).
- (b) To allocate temporary accommodation in accordance with legislation, statutory guidance and Council Policies.
- (c) To take appropriate action to recover arrears of rent and charges and to enforce conditions of occupancy as appropriate in respect of temporary accommodation.

### **Allocations Team Leader**

- (a) To operate the Housing Register and determine application priorities
- (b) To nominate applicants to other landlords for rehousing in accordance with legislation, statutory guidance and Council Policies.
- (c) To operate the Council's Choice Based Lettings system in conjunction with the Council's contractor
- (d) To allocate and let secure and non-secure tenancies to persons from the Housing Register and Transfer Register in accordance with legislation, statutory guidance and Council Policies.
- (e) To determine whether applicants be activated on the Housing Register in instances where there are housing related debts or anti-social behaviour.

- (f) To receive and determine nominations under the MoveUK and other mobility schemes.
- (g) To authorise payments to contractors and suppliers of works, goods and services in accordance with financial regulations.

### **Housing Officers (Allocations)**

- (a) To receive and determine nominations under the MoveUK and other mobility schemes.
- (b) To nominate applicants to other landlords for rehousing in accordance with legislation, statutory guidance and Council Policies
- (c) To allocate and let secure and non-secure tenancies to persons from the Housing Register and Transfer Register in accordance with legislation, statutory guidance and Council Policies
- (d) To determine applications for mutual exchange.

### **Housing Strategy and Partnerships Manager**

- (a) Overall responsibility for the functions and operation of the Council's housing strategy, affordable housing, enabling and housing /social care strategic liaison service in accordance with legislation, statutory guidance and Council Policies.
- (b) To authorise payment to contractors and suppliers of works, goods and services in accordance with financial regulations.
- (c) To negotiate and liaise with Registered Social Landlords and other statutory bodies to enable the provision of affordable housing.

### **Older Persons Housing & Support Manager**

- (a) Overall responsibility for the functions and operation of the Council Sheltered Housing and Careline Services in accordance with legislation, statutory guidance and Council Policies.
- (b) To determine the distribution of sheltered housing and careline service resources in accordance with customer needs, Supporting People priorities, legislation, statutory guidance and Council Policies.
- (c) To authorise payment to contractors and suppliers of works, goods and services in accordance with financial regulations.

## **HEAD OF COMMUNITY SERVICES**

All the functions of the following services:

Strategic Housing (incorporating housing allocations, homelessness housing strategy, affordable housing development and the RSL liaison, sheltered housing and careline services provision).

Community Safety (incorporating anti-social behaviour enforcement, the community engagement team and Respect Agenda).

Community Economic Development (incorporating Arts, Leisure and Culture), grants administration, liaison with the education and voluntary sectors and Young Peoples Services. Economic Development, Skills Development and Business Support.

### **The Playhouse**

Specifically:

- (a) Within policy and budget to initiate, forge and develop partnerships with relevant bodies in the public, private and voluntary sectors to enhance the arts and cultural provision in Harlow.
- (b) Within policy and budget to enter into partnership agreements with relevant local, regional and national bodies for the enhancement of arts and cultural provision in Harlow.
- (c) Within policy and budget to action the recruitment of temporary staff.
- (d) Within the Council's Small Grants Scheme and budget to administer grants to voluntary organisations.
- (e) To act as Council referee for Lottery and grant applications within the cultural sector.
- (f) To exclude from all land and premises in the control of the Council used for the promotion of arts events and performances any person acting in contravention of any condition of license or statute or byelaw or behaving in such a way as to cause a danger or a nuisance to other members of the public.
- (g) To initiate and action strategies for the promotion of the arts in Harlow.
- (h) To respond on the Council's behalf to local, regional and national consultation exercises relating to the arts.
- (i) To organise and run services and activities for the benefit of the community in line with Council policies.

- (j) To allocate discretionary subsidised places for such services and activities in line with Council policies.
- (k) To exclude from such services and activities any person acting in such a way as to cause danger or nuisance to other members of the public and staff.
- (l) To negotiate and liaise on behalf of the Council with Social Services, the Health Authority and other relevant agencies and voluntary organisations to establish such joint/partnership working mechanisms and funding arrangements as are to the benefit of Community Services and in line with Council policies.
- (m) To respond on the Council's behalf to Consultation exercises initiated by the Government and other agencies, and to requests for information, relating to Community Services.

### **Playhouse Manager**

- (a) Within policy and budget to negotiate, contract and manage the ongoing programme of professional and amateur performances and events at The Playhouse.
- (b) To act as licensee of The Playhouse under the Theatre, Public Entertainment and Cinematographic licenses.
- (c) To represent The Playhouse to the public and relevant regional and national bodies (e.g. The Arts Council of England, East England Arts).
- (d) Within policy and budget to initiate, forge and develop partnerships in the public, private and voluntary sectors to the benefit of The Playhouse.
- (e) To develop and initiate strategies for sponsorship, marketing and corporate development aimed at maximizing earned income for The Playhouse.
- (f) To monitor and act as required to maintain the standards of contracted out services at The Playhouse.
- (g) To maintain and develop close links with the Playhouse Supports Club.
- (h) To develop bids for the capital development of The Playhouse.

### **Community Safety Manager**

- (a) General

To arrange for the day-to-day administration and the execution of statutory powers within the remit of the Community Safety Team, including the service of Statutory Notices where necessary, the authorisation of officers; and the setting of penalties and charges in accordance with Council policy.

(b) Local Government Act 1972, Section 234

The Community Safety Manager shall be appointed as Proper Officer for the purpose of Section 234 - the signature of documents confirming the appointment by the Council of "Authorised Officers" for the purpose of any legislation for the time being falling within the remit of the Team, and any relevant statutory provisions made thereunder.

(c) Authorisation of Deputies

In the event of the absence of the Community Safety Manager, the functions and delegated authorities of the post shall be delegated to the post of Anti-Social Behavior Coordinator.

(d) Delegation by the Community Safety Manager

The Community Safety Manager may delegate to any appropriately qualified or trained person, the authority to carry out the administration or execution of any of the functions of the Team.

(e) Closed Circuit Television

- (i) To be responsible for the effective management of CCTV systems in the town centre and neighbourhood shopping areas, and all covert CCTV placements within the town.
- (ii) To ensure that all covert CCTV monitoring, including requests from the Police, and external partners are carried out in accordance with the Regulation of Investigatory Powers Act 2000 (RIPA).
- (iii) To manage the corporate CCTV budget.
- (iv) To review procedures and advise the Council of policy changes required

(f) Unauthorised Encampments

- (i) To maintain an effective Travelers Policy, and provide a response to incidents in accordance with that policy
- (ii) Advise the Council on changes to Central Government policy those impacts on the Local Travelers Agreement.
- (iii) Ensure a co-coordinated response with Essex Police, Essex County Council, English Partnerships and the private sector.

- (iv) Designate any Council building for the purposes of storing unauthorised caravans/vehicles in line with Policy and in agreement with Essex Police.
- (g) Safer Harlow Partnership
- (i) To provide a co-coordinating role for the statutory functions of the Safer Harlow Partnership, Crime and Disorder Reduction Partnership (CDRP) required under the Crime and Disorder Act 1998.
  - (ii) To manage the collective Responsible Authority Group budget on behalf of the Partnership.
  - (iii) To manage the budgets and co-ordinate the spending programmed on behalf of the Partnership from external funding sources, including the Safer Stronger Communities Fund (Local Area Agreement), Essex County Council and the Home Office TOGETHER Action Area Programme.
  - (iv) To co-ordinate statutory returns to government required on behalf of the CDRP.

Powers and functions within the remit of the community safety team

The powers and functions which fall within the remit of the Team and which are delegated to the Community Safety Manager are set out below.

#### General Description

The execution of the regulatory functions of the Council, conferred by primary legislation and any subordinate legislation, in relation to:

Enviro-crime, including litter, fly-tipping/dumping, waste on land, fly posting, dog fouling and graffiti. Illegal encampments, CCTV monitoring, obstruction of the highway and illegal street trading. anti-social behavior, public order, dispersal of groups, injunctions and Anti-Social Behavior Orders (ASBOs)

#### Specific Powers and Functions

(a) REFUSE DISPOSAL (AMENITY) ACT 1978

Section 2 (amended by Section 10, Clean Neighbourhoods and Environment Act 2005). Prosecution for unauthorised dumping (including the abandonment of a vehicle in the open air).

Section 6. Removal of waste on land and recovery of expenditure.

(b) ENVIRONMENTAL PROTECTION ACT 1990

Section 33 (amended by Section 41, Clean Neighbourhoods and Environment Act 2005). Prohibition on unauthorised or harmful deposit, treatment or disposal etc. of waste

Section 34 (amended by Section 45 and 46, Clean Neighbourhoods and Environment Act 2005 and Regulation 4 The Environmental Protection (Duty of Care) Regulations 1991). Duty of care etc. as respects waste

Section 46 (amended by Section 48, Clean Neighbourhoods and Environment Act 2005). Receptacles for household waste

Section 47 (amended by Section 48, Clean Neighbourhoods and Environment Act 2005). Receptacles for commercial or industrial waste

Section 59 (amended by Section 55, Anti-Social Behavior Act 2003, and Section 50, Clean Neighbourhoods and Environment Act 2005). Power to require the removal of waste unlawfully deposited.

Section 87 (amended by Section 18, Clean Neighbourhoods and Environment Act 2005). Prosecution of offences regarding the depositing of litter.

Section 88 (amended by Section 19, Clean Neighbourhoods and Environment Act 2005). Fixed penalty notices for deposit of litter

Section 90 (to be superseded by Section 20, Clean Neighbourhoods and Environment Act 2005). Litter Control Areas

Section 92 (amended by Section 56, Anti-Social Behaviour Act 2003, and Section 20, Clean Neighbourhoods and Environment Act 2005). Litter Abatement Notices and summary proceedings for offences

Section 93 (amended by Section 21, Clean Neighbourhoods and Environment Act 2005). Street Litter Control Notices

Section 94 (amended by Section 22, Clean Neighbourhoods and Environment Act 2005). Street Litter: supplementary provisions

Section 99 (amended by Section 99, Clean Neighbourhoods and Environment Act 2005). Abandoned Shopping Trolleys

(c) **CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005**

Section 3, Exposing vehicles for sale on a road

Section 4, Repairing vehicles on a road

Section 10, Offence of abandoning a vehicle: fixed penalty notices

Section 11, Notice of removal

Section 12, Disposal

Section 19, Litter offence: fixed penalty notices

Section 20, Litter clearing notices

Section 21, Street Litter Control Notices

Section 22, Failure to comply with notice: fixed penalty notices

Section 23, Controls on the free distribution of printed matter

Section 29, Fixed Penalty Notices: power to require name and address

Section 45, Failure to furnish documentation: fixed penalty notices

Section 46, Power to search and seize vehicles

Section 55, Power to make dog control notices

Section 59, Fixed Penalty Notices

Section 61, Power to require name and address

Section 99. Abandoned shopping and luggage trolleys

(d) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Schedule 4, Illegal street trading

(e) HIGHWAYS ACT 1980

Section 132, Unauthorised marks on highways

Section 137, Obstruction of the Highway

Section 147A, Roadside sales

Section 148, Penalty for depositing things or pitching booths etc. on highway

(f) TOWN AND COUNTRY PLANNING ACT 1990 (and Reg 27, Town and Country Planning (Control of Advertisements) Regs 1992

Section 224 (amended by Section 53, Anti-Social Behaviour Act 2003 and Section 33, Clean Neighbourhoods and Environment Act 2005), Enforcement of control as to advertisements

Section 225 (amended by Section 34, Clean Neighbourhoods and Environment Act 2005), Power to remove or obliterate placards and posters

(g) ANTI-SOCIAL BEHAVIOUR ACT 2003

Section 43 (amended by Section 28, Clean Neighbourhoods and Environment Act 2005), Penalty notices for graffiti and fly posting

Section 48 (amended by Section 31, Clean Neighbourhoods and Environment Act 2005), Graffiti Removal Notices

Section 49, Recovery of expenditure

(h) CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994

Section 77, Power of local authority to direct unauthorised campers to leave land

(i) DOGS (FOULING OF LAND) ACT 1996

Section 3, Offence of failing to remove dog faeces

Section 4, Fixed Penalty Notices

(j) CONTROL OF DOGS ORDER 1930

To issue fixed penalty notices for contraventions.

(k) CRIME AND DISORDER ACT 1998

Section 1, 1A, 1B and 1D, Allowing the relevant authority to make an application for an Anti-Social Behaviour Order

Section 115, Power to disclose information

(l) HOUSING ACT 1996

Section 153A (Inserted by the Anti-social behavior Act 2003, s13), Application for an Anti-Social Behaviour Injunction

Section 153B (Inserted by the Anti-social behavior Act 2003, s13), Injunction against unlawful use of premises

Section 153C (Inserted by the Anti-social behavior Act 2003, s13), Injunctions, Exclusion Orders and power of arrest

Section 153D (Inserted by the Anti-social behavior Act 2003, s13), Injunction against breach of tenancy agreement

Section 153E (Inserted by the Anti-social behavior Act 2003, s13), Injunctions: supplementary

(m) LOCAL GOVERNMENT ACT 2000

Section 2.1

Providing the Local Authority with the power to do anything which they consider is likely to achieve any one or more of the following objects:

The promotion or improvement of the economic well being of their area  
The promotion or improvement of the social well being of their area

The promotion or improvement of the environmental well being of their area

(n) ANTI-SOCIAL BEHAVIOUR ACT 2003

Section 31, Dispersal of groups: Authorisation notice requirement to obtain the consent of the local authority.

Section 91, Applies to proceedings in which a Local Authority is a party by virtue of section 222 of the Local Government Act 1972 – power of Local Authority to bring, defend or appear in proceedings for the promotion or protection of the interests of inhabitants of their area.

## **HEAD OF REGULATION**

All the functions of the following services:-

Planning and Building Control, Covenant Control, Assets & Facilities Management, and Environmental Health and Licensing.

### **Planning and Building Control Manager**

General

- (a) To respond on behalf of the Council to consultations from other Local Authorities on their development plans.
- (b) To respond on behalf of the Council to consultation by other statutory bodies, quangos and other organisations on planning matters.
- (c) To select on behalf of the Council topics for, and approval of briefs for, and commissioning of research on planning matters, where funding is already within the Council's budget provision.
- (d) To determine applications made under the Town & Country Planning Acts and Acts relevant to the Development Control function and Statutory Instruments made thereunder except for:
  - (i) Applications contrary to the provisions of the Draft or Approved Development Plan, or approved Council Policies, but which are recommended for approval.
  - (ii) Applications which any Member requests in writing to any of the above officers within 21 days of the circulation of the details of the application on the Weekly List, should be the subject of consideration by the Planning Committee.
  - (iii) Applications, which are controversial or likely to be of significant public interest, in the opinion of any of the above officers.
  - (iv) Applications which would have a significant impact on the environment, in the opinion of any of the above officers.

- (v) Applications on which two or more material planning objections have been received in the stipulated time span, which has not been resolved by negotiation or through the imposition of conditions and which officers wish to support.
- (vi) Applications submitted by or on behalf of the Council for its own development.
- (vii) Applications which any of the above officers consider should be presented to Committee for decision.
- (viii) Applications which are notified to Planning Services as being submitted by or on behalf of a Councillor of the Authority (or his or her spouse/partner), the MP for the district, the MEP for the district or Officers of the Council at Service Head Level or above, as considered necessary by any of the above officers.

#### Enforcement Action

- (i) The service of Planning Contravention Notices.
- (ii) The service in case of urgency of:-
  - (a) breach of condition notices (against individual planning consents);
  - (b) enforcement notices (subject to appeal to the Secretary of State); and
  - (c) stop notices (for urgent prosecution).

In all cases subject to the agreement of the Chief Executive, a Strategic Director or the Head of Regeneration.

- (iii) The service in cases of urgency of:-
  - (a) a Listed Building Enforcement Notice (subject to appeal to the Secretary of State).
  - (b) an enforcement notice in relation to unauthorised works to or demolition of an unlisted building in a conservation area. (Subject to appeal to the Secretary of State).

In each case subject to the agreement of the Chief Executive, a Strategic Director or the Head of Regeneration.

- (iv) In urgent cases to seek injunctions under the Town & Country Planning Act 1990. Acts relevant to the development control function and Statutory Instruments made thereunder subject to the approval of the Chief Executive, a Strategic Director or Head of Regeneration in each case.

- (v) Power to prosecute for alleged breaches of the Town & Country Planning Act. Acts relevant to the development control function and Statutory Instruments made thereunder subject to the approval of the Chief Executive, a Strategic Director or Head of Regeneration in each case.

#### Tree Preservation Matters

- (i) To make and confirm all unopposed Tree Preservation Orders (those with objections going to the Planning Committee).
- (ii) In cases of urgency power to make provisional Tree Preservation Orders subject to the approval of the Chief Executive, a Strategic Director or the Head of Regeneration.
- (iii) To make all determinations under the Hedgerow Regulations 1997.

#### Environmental Impact Assessments

- (i) To determine whether Environmental Impact Assessment (EIA) is required on each and every Schedule 2 application for planning permission.
- (ii) To determine developer's formal applications for a "Screening Opinion" as to whether a particular Schedule 2 development will require Environmental Impact Assessment (EIA).
- (iii) To determine developer's formal applications for a "Scoping Opinion" on the contents of an Environmental Statement (EIA).

#### General

To enter and authorise entry by Officers of land for any of the purposes specified in Sections 196A, 196B, 214B, 214C, 214D, 324 of the Town & Country Planning Act 1990 and under S88 Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Building Control

- (a) To sign as the proper Officer all Building Regulation approvals, rejections, regularisation certificates, fire safety completion certificates and completion certificates.
- (b) To exercise all powers of the Council relating to buildings and building control in accordance with the provisions of the current Building Regulations and Building Act 1984 and allied legislation.
- (c) To undertake legal proceedings in respect of Contraventions of the Building Act 1984, Building Regulations and allied legislation, following the procedures agreed with the Head of Legal Services.

- (d) To sign as the proper Officer all requisition for information issued under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 for details of persons interest in land in connection with legal proceeding in respect of the Building Act 1984 and/or the Building Regulations 1991 or enforcement of restrictive covenants.
- (e) To sign all notices issued under Sections 78, 79 and 81 of the Building Act 1984 in respect of dangerous structures and demolition of structures in the district.

#### Covenant Control

- (a) To approve and refuse applications for the release of covenants imposed by the Council or its predecessors in title in accordance with the Council's adopted policies and financial regulations.
- (b) With the relevant Executive Director to determine appeals against refusals of consent.
- (c) To negotiate on behalf of the Council financial considerations for the variation or release of covenants to permit additional dwellings to be built in accordance with Council policy.

#### Other Duties

To act as "Appointing Officer" to nominate a third surveyor in disputes arising from the Party Wall etc. Act 1996, where the parties to a dispute cannot agree such a nomination and where the Council is not a party.

### **Environmental Health and Licensing Manager**

#### General

To arrange for the day-to-day administration and the execution of statutory functions and duties within the remit of Environmental Health Services and Health, Safety and Licensing Services ["the Service"], including the service of statutory Notices where necessary, the issue of Fixed Penalty Notices; the execution of administrative penalties; the granting, refusal, variation, and cancellation of Registrations, Licenses, Permits Authorisations Loans and Grants; the authorisation of officers or other appropriately qualified persons to execute any of the functions of an authorised officer set out in legislation within the remit of the Service; and the setting of fees and charges in accordance with Council policy.

The Environment and Licensing Manager may delegate any of his or her functions and powers to any appropriately qualified person.

Where it is in the interests of general public health and well being, this Council may allow staff of the Service, at the discretion of the Head of Environment

and Licensing Manager, to act for other Local Authorities, and may authorise the officers of other bodies to act on its behalf.

#### Powers and functions within the remit of the service

The powers and functions which fall within the remit of the Service and which are delegated to the Environment and Licensing Manager are set out below.

#### General description

The execution of the regulatory powers and functions of the Council, conferred by primary legislation and any subordinate legislation, in relation to:

food safety; occupational health and safety; animal welfare licensing; control of disease and public health; standards, fire safety and condition of housing; regulation of private sector rented housing; housing grants; environmental protection; pollution control; noise control; contaminated land; control of vermin and pests; dangerous and stray dogs; litter; waste on land; air quality; sanitary accommodation and defective, stopped up or leaking sewerage or drainage; statutory nuisances; water supply; special treatments; street trading and scrap metal dealers: Sunday trading; licensing of camping and caravan sites; burials, exhumations, and cremations; Licensing of Hackney Carriages and Private Hire vehicles; Licensing of Gambling; Licensing of the retail sale or supply through members' clubs of alcohol; Licensing of provision of Regulated Entertainment; and Licensing of Late Night Refreshment

#### Specific powers and functions

##### Local Government Act 1972

The Environment and Licensing Manager shall be appointed as Proper Officer for the purpose of Section 234 - the signature of documents confirming the appointment by the Council of "Authorised Officers" and "inspectors" for the purpose of any legislation for the time being falling within the remit of the Service, and any relevant statutory provisions made thereunder.

The exercise of the regulatory powers and functions referred to above shall include, but shall not be confined to the matters listed below.

<b>Act</b>		<b>Power or Function</b>
Animal Boarding Establishments Act 1963	1	Determination of applications for licenses to keep boarding establishments
	2	Inspection of Premises and authorisation of inspections
	4	Authority to take legal proceedings for offences relating to the keeping of animal boarding establishments
Animal Health Act	13	Enforcement of Control of Dogs Order 1930

<b>Act</b>		<b>Power or Function</b>
1981 (as amended)		
Anti-Social Behaviour Act 2003	40	Closure orders for noisy premises. Authority to take legal proceedings for offences of breach of closure orders
	41	Supplemental provisions: closure of noisy premises Authority to take legal proceedings to obtain an Antisocial Behaviour Order in cases of noise nuisance where alternative provisions do not provide a satisfactory remedy.
Breeding of Dogs Act 1973	1	Determination of application for a license to keep a dog breeding establishment
	2	Inspection of dog breeding establishment
	3	Authority to take legal proceedings for offences relating to keeping of dog breeding establishments
Breeding of Dogs Act 1991	1	Authority to inspect premises not covered by the Breeding of Dogs Act 1973
	2	Authority to take legal proceedings for offences relating to obstruction of an authorised officer
Building Act 1984	59	Notice by local authority requiring execution of works of drainage etc. in existing building
	60	Power to remedy unsatisfactory soil pipe & ventilation shaft
	62	Power to require sealing of drains no longer used - to prevent public health nuisance
	63	Authority to take legal proceedings for offences relating to improperly constructing drains or WCs subject to satisfactory evidence
	64	Service of notice to remedy insufficient or insanitary closet accommodation
	65	Service of notice requiring provision of sanitary accommodation in the work place
	66	Service of notice requiring the replacement of earth closets etc
	70	Service of notice requiring the provision of food storage in a dwelling
72	Service of notice requiring means of escape in case of fire from flats or tenement	

**Act****Power or Function**

		dwellings
	76	Service of notice and execution of works relating to defective premises
	79	Service of notice to remedy ruinous or dilapidated buildings and neglected sites
	93	To be an authorised officer for the purposes of authentication of documents
	95	Authority to enter premises for the purposes of this Act
	97	Power to execute works on owners behalf or in default
	99	Authority to take legal proceedings for offences relating to failure to comply with notices served under the act subject to satisfactory evidence: execution of works in default
	107	Power to recover expenses
	112	Authority to take legal proceedings for offences relating to obstruction
Caravan Sites and Control of Development Act 1960	3	Power to issue site licenses
	5	Power to attach conditions to site licenses
	8	Power to alter site license conditions
	9(1)	Power to prosecute for failure to comply with license conditions
	9(2)	Power to apply to the courts for order to revoke site license
	9(3)	Power to carry out works in default and recover expenses
	10(1)	Power to permit transfer of site license
	11(1)	Power to require surrender of site license for alteration
	11(2)	Power to prosecute for not surrendering site license
	26(1)	Power of entry
Charities Act 1992		Regulation of Street Collections
Clean Air Act 1993	1(1) & (2)	Authority to take legal proceedings for offences relating to dark smoke emitted from chimneys
	2(1)	Authority to take legal proceedings for offences relating to dark smoke emitted from industrial or trade premises
	4(4)	Authority to take legal proceedings for

**Act****Power or Function**

- offences relating to the installation of a furnace without notification
- 5(3) Authority to take legal proceedings for offences relating to the emissions of grit or dust exceeding the relevant limit
- 6(5) Authority to take legal proceedings for offences relating to the use of certain furnaces not provided with grit and dust arrestment
- 7(2) Determination of applications for exemption from requirement in Section 6(1) to provide grit and dust arrestment to certain furnaces
- 8 Authority to take legal proceedings for offences relating to the use of certain domestic furnaces not provided with grit and dust arrestment plant
- 10(1) Serve notice directing that the provisions of the Clean Air (Measurement of Grit and Dust from Furnaces) Regulations 1971 apply to a furnace
- 10(3) Authority to take legal proceedings for offences relating to the Clean Air (Measurement of Grit and Dust from Furnaces) Regulations 1971
- 11(3) Make and record measurements of grit, dust and fumes emitted from certain furnaces
- 12 Service of notice requiring information about furnaces and fuel consumed
- 14(3) Authority to take legal proceedings for offences relating to use of a furnace without approval of the height of the chimney serving it
- 15 Determination of an application for approval of the height of a chimney serving a furnace
- 20 Authority to take legal proceedings for offences relating to emission of smoke in a smoke control area
- 23 Authority to take legal proceedings for offences relating to acquisition and sale of unauthorised fuel in a smoke control area
- 24 Service of notice requiring adaptation of fireplaces in a smoke control area
- 33(1) Authority to instruct the Head of Legal & Democratic Services to take legal proceedings for offences relating to cable burning
- 35 Power to obtain information about emissions of pollutants and other substances into the air
- 36 Service of notice requiring information about the emission of pollutants and other

**Act****Power or Function**

		substances into the air
	43	Authority to take legal proceedings for offences relating to the emission of dark smoke from a railway engine
	44	Authority to take legal proceedings for offences relating to the emission of dark smoke from a vessel
	56	Authority to enter and inspect any land or vessel and carry out measurements or tests or take samples for the purpose of this Act
	58	Service of notice requiring information for the purposes of this Act
Clean Neighbourhoods and Environment Act 2005	71	Authority to take legal proceedings for offences related to nomination and notification of key-holders for alarms in designated areas
	73	Service of Fixed Penalty Notices
	76	Power to require name and address for service of Fixed Penalty Notices
	77	Power of Entry to deal with an alarm sounding
Control of Dogs Order 1930		To issue fixed penalty notices for contraventions
		Authority to take legal proceedings for offences under the legislation
Control of Pollution Act 1974	60(2)	Service of notice relating to noise on construction sites
	60(8)	Authority to take legal proceedings relating to noise on construction sites
	61	Determination of application for prior consent for work on construction sites
	62(1)	Authority to take legal proceedings for offences relating to the use of loudspeakers in streets
	75	Provision of emission information
	91	Authority to enter and inspect any land or vessel and carry out measurements or tests or take samples for the purpose of this Act
	93	Service of notice to obtain information necessary for the purpose of this Act
Criminal Justice and Police Act 2001		Designation of public places with respect to the consumption of alcohol
Criminal Justice	166	Control of ticket touting and designated

Act		Power or Function
and Public Order Act 1994	and 167	public events and touting for private hire
Dangerous Dogs Act 1991	3(1)	Authority to take legal proceedings in cases where a dog is dangerously out of control in a public place
	5(1)	To seize and detain dangerous dogs
Dangerous Wild Animals Act 1976	1	Determination of application for a license to keep a dangerous wild animal
	3	Inspection of premises and authorisation of inspections
	4	Seizure and disposal of dangerous wild animals
	6	Authority to take legal proceedings for offences relating to dangerous wild animals
Dogs (Fouling of Land) Act 1996	3	Authority to take legal proceedings for offences relating to fouling on designated land
	4	Authority to issue Fixed Penalty Notices
Dogs Act 1871	2	Authority to take legal proceedings to obtain a Control Order in a case when a dog is dangerously out of control. Enforcement relating to dogs dangerously out of control
Environment Act 1995	108	Inspectors' powers regarding pollution functions
	109	Power to deal with imminent danger of serious pollution etc
	110	Authority to take legal proceedings to obtain a Control Order in a case when a dog is dangerous and not kept under proper control. Enforcement relating to dogs dangerous and out of control
	Part IV	Air Quality
Environment Protection Act 1995	3	Powers of entry to deal with statutory nuisance
	6	Grant of authorisation to operate prescribed process
	10	Variation of authorisation to operate prescribed process
	11	Determination of an application to vary the conditions of an authorisation
	12	Revocation of an authorisation

**Act****Power or Function**

13	Service of an enforcement notice upon the operator of a prescribed process
14	Service of prohibition notice upon the operator of a prescribed process
19(2)	Service of notice requiring information necessary to carry out functions relating to prescribed processes
20	Maintenance of public registers of information relating to prescribed processes
22	Determination of application to have information treated as commercially confidential
23	Authority to take legal proceedings for offences relating to prescribed processes subject to satisfactory evidence
33(1)	Authority to take for the offence of unauthorised deposit of controlled waste
46	To specify provisions with respect to the type, number, size, positioning etc of refuse receptacles
47	Power to require commercial & industrial waste receptacle
59 & 59ZA	Service of notice requiring the removal of controlled waste unlawfully deposited
78B	Inspections for the purpose of dealing with contaminated land. Notification to relevant persons of contaminated land
78C	Designation of special sites and notification to relevant persons
78E	Service of remediation notices
78H	Preparation of remediation declarations and statements and recovery costs
78M	Authority to take legal proceedings when a Remediation notice has not been complied with
78N	Power to carry out remediation
78P	Recovery of costs incurred in carrying out remediation
78R	Maintenance of public registers of information relating to remediation
78T	Determination of whether information is commercially confidential
79	Inspections to determine the existence of statutory nuisances and investigation of complaints of statutory nuisance
80(1)	Service of notice requiring the abatement of statutory nuisance from premises
80A(1)	Service of notice requiring the abatement of statutory nuisance in the street
80(4)	Authority to take legal proceedings when an

**Act****Power or Function**

	abatement notice has not been complied with subject to satisfactory evidence
81(3)	Take action to abate a nuisance when an abatement notice has not been complied with
81(4)	Reclamation of costs incurred in taking action to abate a nuisance
87	Authority to take legal proceedings in respect of dropping of litter in a public place
94B	Administration of provisions of Schedule 3A; service of Fixed Penalty Notices; Authority to take legal proceedings in respect of offences related to distribution of free printed matter on designated land
88	To serve fixed penalty notices for offence of dropping litter in a public place
140	Control of injurious substances Regulations 1992
149	Seizure, detention and disposal of stray dogs
150	Detention of stray dog by finder
151	Enforcement of Orders concerning collars and tags for dogs
152	Enforcement of Regulations on burning of crop residues
Environmental Protection (stray Dogs) Regulations 1992	Imposition of prescribed amounts to be paid for stray dogs in accordance with policy
The European Communities Act 1972 and Regulations, Orders, Bylaws or Other Subsidiary legislation made thereunder	The Food Hygiene (England) Regulations 2006 The Official Feed and Food Control (England) Regulations 2006 The Products of Animal Origin (Third Country Imports)(England)(No.4) Regulations 2004 The Products of Animal Origin (Import and Export) Regulations 1996 The Importation of Animal Products and Poultry Products Order 1980 The Food (Pistachios From Iran) (Emergency Control) (England) Regulations 2003 The Food (Peanuts From Egypt) (Emergency Control) (England) Regulations 2003 The Food (Peanuts From China) (Emergency Control) (England) (No. 2) (Amendment) Regulations 2003

**Act****Power or Function**

		The Food (Brazil Nuts) (Emergency Control) (England) Regulation 2003
		The Pesticides (Maximum Residue Levels In Crops, Food And Feeding Stuff) (England And Wales Regulations 1999
		The Organic Products (Imports From Third Countries Regulations) 2003
		The Food (Hot Chilli And Hot Chilli Products) (Emergency Control) (England) Regulations 2003
		The Food (Figs, Hazelnuts And Pistachios From Turkey) (Emergency Control) (England) (No. 2) (Amendment) Regulation 2003
		The Food (Brazil Nuts) (Emergency Control) (England) Regulation 2003
		Regulation (EC) No 852/2004
		Regulation (EC) No 853/2004
		Regulation (EC) No 854/2004
		Regulation (EC) No 178/2004
		Regulation (EC) No 882/2004
		Regulation (EC) No 2073/2005
Food and Environment Protection Act 1985	3,4	Officers to exercise powers as both investigating and enforcement Officers under Section 4 of the Act where authorised by the Minister under s3
	19	Authorisation of officers to exercise enforcement powers where they meet a description of local authority officers specified by the Minister for these purposes
The Food Safety Act 1990 and Regulations, Orders, Bylaws or Other Subsidiary Legislation made thereunder		The General Food Hygiene Regulations 2004 (as amended)
		The Food Safety (Enforcement Authority) (England and Wales) 1990
		The Food Safety (Sampling and Qualifications) Regulations 1990
		The Contaminants in Food (England) Regulations 2004
		The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995
		The Wild Game Meat (Hygiene and Inspection) Regulations 1995

**Act****Power or Function**

The Animal By-Products Regulations 2003  
 The Milk and Dairies (General) Regulations 1959  
 The Materials And Articles In Contact With Food Regulations 1987  
 The Plastic Materials And Articles In Contact With Food Regulations 1998  
 The Kava-Kava In Food (England) Regulations 2002  
 The Food (Jelly Confectionery) (Emergency Control) (England) (Amendment) Regulations 2004  
 The Egg Products Regulations 1993  
 The Animal By-Products Regulations 2003  
 The Food Safety (Fishery Products And Live Shellfish) (Hygiene) Regulations 1998  
 The Ice-Cream (Heat Treatment, Etc) Regulations 195

Gambling Act 2005

Administration and determination of application for premises licenses Where no Representations received/ representations have been withdrawn  
 Administration and determination of application for variation of premises licenses Where no Representations received/ representations have been withdrawn  
 Administration and determination of application for club gaming/ club machine permits where no representations received/ representations have been withdrawn  
 Administration and determination of application for other permits under the Act  
 Cancellation of gaming machine permits at licensed premises  
 Consideration of Temporary Use Notice

Gaming Act 1968	Part III	Regulation of gaming by means of machines
Guard Dogs Act 1975	1	Determination of application for a license to keep guard dog kennels
	5	Authority to take legal proceedings for offences relating to guard dogs subject to satisfactory evidence
Health Act 2006	7,8	Authority to take legal proceedings for

**Act****Power or Function**

		offences relating smoke free places premises and vehicles subject to satisfactory evidence
	9 & Sch. 1	Service of fixed penalty notices for the purposes of Chapter 1
	10 & Sch. 2	To be an authorised officer for the purposes of Chapter 1, Smoke free places premises and vehicles; authority to authorise other suitably qualified persons as authorised officers for the purposes of Part 1. Powers of entry etc as set out in Schedule 2.
	11	Authority to take legal proceedings for offences relating smoke free places premises and vehicles subject to satisfactory evidence
Health and Safety at Work etc Act 1974 and Regulations, Orders, Bylaws or Other Subsidiary legislation made thereunder.		The authority to appoint and authorise on behalf of the Council Inspectors for the purposes of the Act, and any Regulations, Orders, Bylaws or other subsidiary legislation made thereunder, and any legislation that is a relevant statutory provision for the purposes of the Act. All of the powers of enforcement under the Act, and any Regulations, Orders, Bylaws or other subsidiary legislation made thereunder, and any legislation that is a relevant statutory provision for the purposes of the Act
Highways Act 1980	115	Regulation of facilities for recreation and refreshment and the advertising of such, and the use of portable advertising boards in the highway
Home Safety Act 1961		Power to take steps and spend resources to promote home safety
House to House Collections Act 1939		Regulation of House to House Collections
Housing Act 1985	Part VI	Repair Notices - Such powers as may be required under transitional provisions to complete the administration and enforcement of actions commenced prior to the repeal of this Part by the Housing Act 2004

**Act****Power or Function**

	265	Service of Demolition Notices
	270	Service of notice and recovery of possession of building to be demolished
	271	Work in default
	272	Recovery of expenses
	273	Service of notice requiring cleaning before demolition
	274	Power to permit reconstruction
	275	Determination of proposals to use premises for purposes other than housing
	308	Determination of proposals to redevelop premises
	309	Recovery of possession
	319	Power of entry – Part IX
	320	Authority to take legal proceedings for offence of obstruction.
	327	Authority to take legal proceedings for offence of causing or permitting overcrowding
	330	Issue temporary license where building is overcrowded
	332	Authority to take legal proceedings for offence of failing to provide information on overcrowding on rent book
	333	Authority to take legal proceedings for offence of failing to inform the Local Authority of overcrowding
	335	Service of notice seeking information about persons sleeping in a dwelling
	336	Authorisation of persons to require production of rent book
	338	Service of notice to abate overcrowding
	340	Power of entry – Part X
	341	Authority to take legal proceedings for offence of obstruction
	Part XI	Houses in Multiple Occupation - Such powers as may be required under transitional provisions to complete the administration and enforcement of actions commenced prior to the repeal of this Part by the Housing Act 2004
	Part XVI	Defective Dwellings – administration and determination of applications for assistance
Housing Act 2004	4	Proper officer for the purposes of inspections to see whether category 1 or 2 hazards exist
	5	Duty to take appropriate enforcement action in the case of category 1 hazards
	7	Power to take enforcement action in the case of category 2 hazards
	11	Service of Improvement Notices in the case

**Act****Power or Function**

	of category 1 hazards
12	Service of Improvement Notices in the case of category 2 hazards
16	Revocation and variation of Improvement Notices
17	Review of suspended Improvement Notices
20	Making of Prohibition Orders in the case of category 1 hazards
21	Making of Prohibition Orders in the case of category 2 hazards
25	Revocation and variation of Prohibition Orders
26	Review of suspended Prohibition Orders
28	Service of Hazard Awareness Notices in the case of category 1 hazards
29	Service of Hazard Awareness Notices in the case of category 2 hazards
30	Authority to take legal proceedings for offence of failing to comply with improvement notice
31	Powers of enforcement and recovery of expenses in Schedule 3
32	Authority to take legal proceedings for offence of failing to comply with prohibition order
40	Emergency Remedial Action in the case of category 1 hazards
42	Recovery of expenses of taking Emergency Remedial Action
43	Making of Emergency Prohibition Orders in the case of category 1 hazards
49	Power to charge for certain enforcement actions
62	Temporary exemption from HMO licensing requirement
63	Fees and requirements for applications for HMO licenses
64	Administration and determination of applications for HMO licenses
67	License Conditions
69	Variation of Licenses
70	Revocation of Licenses
72	Authority to instruct the Head of Legal & Democratic Services to take legal proceedings for offence of failing to comply with HMO licensing requirements subject to satisfactory evidence
73	Rent Repayment Orders
139	Service of Overcrowding Notices
144	Revocation and Variation of Overcrowding Notices

**Act****Power or Function**

	234 (3)	Authority to take legal proceedings for offence of failing to comply with Management Regulations in respect of HMOs
	235	Power to require documents to be produced
	236	Administration and determination of applications for variation of designated premises supervisor where there is no police objection
	238	Authority to take legal proceedings for offence of supplying false or misleading information
	239	Power of Entry
	240	Warrant to authorise entry
	241	Authority to take legal proceedings for offence of obstruction
	243	Authorisations for Enforcement Purposes
	255	HMO declarations
	256	Revocation of HMO declarations
Housing Grants, Construction and Regeneration Act 1996	Part I	Administration, determination, and authorisation of payment of grants in accordance with Council policy. Powers for the recovery of grant monies and equipment, in accordance with Council policy
Hypnotism Act 1952	1	Control of demonstrations of hypnotism at places licensed for public entertainment
	2	Control of demonstrations of hypnotism at other places
Licensing Act 2003		Administration and determination of applications for personal license where there is no police objection Administration and determination of applications for premises license/club premises certificate where there are no relevant representations Administration and determination of applications for provisional statement where there are no relevant representations Administration and determination of applications for variation of premises license/club premises certificate where there are no relevant representations Administration and determination of applications for variation of designated premises supervisor where there is no police objection Administration and determination of applications to be removed as designated

**Act****Power or Function**

		premises supervisor Administration and determination of applications for transfer of premises license/club premises certificate where there are no police objections Administration of interim authority notices where there is no police objection
	51 (4)	Determination that a ground for review is irrelevant frivolous vexatious, or a repetition
	186	Authority to instruct the Head of Legal & Democratic Services to take legal proceedings for offences under the Act subject to satisfactory evidence
	179	Rights of entry
Local Government and Housing Act 1989	97	Power of entry for purposes of Part VII. Authority take legal proceedings for offence of obstruction
Local Government (Miscellaneous Provisions) Act 1976	16(1)	Service of notice to obtain particulars of persons interested in property
	16(2)	Authority to take legal proceedings for offences under this section
	20(1)	Service of Notice to provide sanitary appliances at places of entertainment subject to adoption by the Council
	20(5)	Power of Entry
	33	Power to require the reconnection of services.
	35	Removal of obstructions from private sewers Licensing of Hackney Carriage and Private Hire Vehicles, Drivers, Proprietors and Operators. The authority to give written warnings, cautions, or to suspend for a period not exceeding 14 days any license granted for of Hackney Carriage and Private Hire Vehicles, Drivers, Proprietors and Operators
Local Government (Miscellaneous Provision) Act 1982 (as amended)	2 and Sch. 3	Enforcement of adopted provisions in respect of Sex Establishments
	3 and Sch. 4 Part VIII	Enforcement of adopted provisions in respect of Street Trading Enforcement of adopted provisions in respect of Acupuncture, Tattooing, Semi-permanent skin colouring, cosmetic piercing, and Electrolysis

**Act****Power or Function**

			Enforcement of Byelaws made under section 15
		29	Power to serve notice to secure vacant buildings, execution of works, and recovery of costs
Lotteries and Amusements Act 1976	Part III		Regulation of Competitions and Amusements
National Assistance Act 1948 (as amended)		47	With a suitably qualified medical practitioner certifying removal of incapable persons to hospital through illness or infirmity
Noise Act 1996		2	Investigation of complaints
		3	Service of Warning Notices
		4	Authority to take legal proceedings for offence where noise exceeds permitted level after service of notice
		8, 8B	Service of Fixed Penalty Notices, power to demand Name and Address, Authority to take legal proceedings for the offence of failing to provide correct name and address
		10	Authority to enter premises and seize equipment
		10(8)	Authority to take legal proceedings for the offence of obstruction of an authorised officer
		Sch.	Powers in Relation to Seized Equipment
Pet Animals Act 1951		1	Determination of applications for licenses to keep pet shops
		4	Inspection of premises and authorisation of inspectors
		6	Authority to take legal proceedings for offences relating to the sale of pet animals or obstruction
Police, Factories etc. (Miscellaneous Provisions) Act 1916		5	Regulation of Street collections
Pollution Prevention and Control (England & Wales) Regulations 2000 (as amended)			Powers relating to permits to operate certain installations and mobile plant

Act		Power or Function
Prevention of Damage by Pests Act 1949	2(1)(c)	Enforcement of the duties of owners and occupiers of land as required by the Act
	4	Service of notice to require works in respect of the eradication of rodent pests and/or other preventative or proofing works
	5(1)	To carry out works in default of a statutory notice and to recover costs (where provisions are granted by statute) incurred in the execution of works in respect of eradication of pests and carrying out other preventative and proofing works
	6	Power to deal with groups of premises together
	5(2), 3(3), 22(4)	Authority to instruct the Head of Legal & Democratic Services to take legal proceedings for offences of failing to notify contrary to s3 (3) failing to comply with a notice under Section 4, or obstruction under s22 (4) subject to satisfactory evidence
	22	Power of entry
Public Health (Control of Disease) Act 1984		To authorise as the 'Proper Officer' for the purposes of the Act any person who is for the time being a Consultant in Communicable Disease Control of the Health Protection Agency, or any other suitably qualified person appointed in any equivalent role or by any equivalent agency that may supersede these functions; to authorise suitably qualified persons to enforce the provisions set out below on the direction of the Proper Officer; to act as Proper Officer for the purposes of the Act where no other person has been appointed
	11	Receipt of notification of cases of notifiable disease and food poisoning
	13	Enforcement of any regulations made by the Secretary of State for control of certain diseases which specify that the Council is the enforcing authority
	15	Authority to take legal proceedings for offences in connection with regulations under s13
	17	Authority to take legal proceedings for offences related to exposure of persons or articles liable to convey notifiable disease
18	Authority to take legal proceedings for offences related to duty of occupier to furnish information in cases of notifiable disease and food poisoning	

**Act****Power or Function**

- 19 Authority to take legal proceedings for Offence related to Trading etc. by a person with notifiable disease
- 20 Service of notice to require stopping of work to prevent spread of disease
- 21 Service of notice and certification in respect of exclusion from school of child likely to convey a notifiable disease. Authority to take legal proceedings for offence of failure to comply
- 22 Power to require list of day pupils at any school having case of notifiable disease. Authority to take legal proceedings for offence of failure to comply
- 23 Service of notice in respect Exclusion of children from places of entertainment or assembly. Authority to take legal proceedings for offence of failure to comply
- 24 Powers in respect of infected articles. Authority take legal proceedings for offence of failure to comply
- 25 Authority to take legal proceedings for offences in respect of library books exposed to infection
- 26 Authority to take legal proceedings for Offence in respect of placing infectious matter in dustbins
- 27 Provision of disinfecting stations in case of emergency
- 28 Making of orders prohibiting certain work on premises where notifiable disease exists. Authority to take legal proceedings in respect of contraventions
- 29 Approval of letting of house or room after recent case of notifiable disease. Authority to take legal proceedings for offence in connection with letting of house or room contrary to provisions of s29
- 30 Authority to take legal proceedings for offences of breach of duty on ceasing to occupy house after recent case of notifiable disease
- 31 Issue of Certificate in respect of disinfection of premises
- 32 Issue of Certificate in respect of removal of person from infected house
- 33 Authority to take legal proceedings for offences in connection with use of public conveyance by persons suffering from notifiable disease
- 35 Nomination of "Registered Medical  
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**Act****Power or Function**

	36	Practitioner" to require medical examination Medical examination of group of persons believed to comprise carrier of notifiable disease
	37	Removal to hospital of person with notifiable disease
	38	Detention in hospital of person with a notifiable disease
	39	Authority to take legal proceedings for offences in connection with failure to notify cases of infectious disease by keeper of a common lodging-house.
	40	Medical examination of inmates of common lodging houses
	41	Removal to hospital of inmates of common lodging houses
	42	Application to a Magistrates' Court for closure of a common lodging house
	43	Notice requiring control of body of person dying in hospital
	44	Authority to take legal proceedings for offences in connection with isolation of body in case of death from infectious disease.
	45	Authority to take legal proceedings for offences in connection with holding of wakes in cases of infectious disease
	46	Burial or Cremation of persons having died, or having been found dead, in the district
	48	Issue of Certificate and enforcement of Orders for removal of body to mortuary or for immediate burial
	51	Exercise of powers and enforcement of Regulations to prevent spread of disease in relation to canal boats
	54	Expenditure on Health Promotion and information about disease
	55	Authority to take legal proceedings for offences in connection with offering of inducements by dealers in rags and old clothes
	59	Power to issue statutory documents for the purpose of this Act
	61	Power to enter premises
	63	Authority to take legal proceedings for offences in connection with obstruction
Public Health Act 1936	45	Power to serve notice requiring repair of water closet
	48	Examination and testing of drains, WCs, private sewers, etc
	49	Service of notice requiring that certain rooms

**Act****Power or Function**

		over cess pits etc. not to be used as habitable rooms
	50	Power to serve notice to require works to an overflowing or leaking cesspool
	51,52	Authority to take legal proceedings for offences related to care and proper use of sanitary conveniences
	79	Service of notice requiring removal of noxious material and carrying out work in default
	83	Service of notice requiring cleansing of filthy or verminous premises and carrying out of work in default
	84	Cleansing or destruction of filthy or verminous articles
	85	Cleansing of verminous persons and their clothing
	140	Power to deal with water supply from a polluted source
	141	Power to deal with insanitary water tanks or cisterns
	259	Power to deal with ditches, ponds or watercourses, which are prejudicial to health
	264	Serving notices to repair and/or cleanse culverts
	268, 269	Control of moveable dwellings
	275	Execution of works required under Public Health Act by agreement with owner/occupier
	287	Authorisation to enter premises for the purposes of the Act
	290	Power to conduct works in default
Public Health Act 1961	17	Power to serve notice requiring repair and unblocking of a drain
	22	Power to cleanse or repair drains and recover costs
	34	Service of notices of intention to remove rubbish/removal of rubbish in default on private land.
	36	Power to require vacation of premises during fumigation
	37	Destruction or disinfestations of verminous household articles intended for sale: authority to instruct the Head of Legal & Democratic Services to take legal proceedings for offences related to sale of verminous articles subject to satisfactory evidence
	74	Power to take steps to abate nuisance from

Act		Power or Function
Refuse Disposal (Amenity) Act 1978	2 6 8	pigeons, etc Authority to take legal proceedings for offences relating to unlawful dumping Service of notice and removal and disposal of refuse Authority to enter upon land for the purposes of Section 6
Regulatory Reform [Housing Assistance] [England and Wales] Order 2002		Administration, determination, and authorisation of provision of assistance in accordance with Council policy. Powers for the recovery of assistance, in accordance with Council policy
Riding Establishments Act 1970	1 2 5	Determination of licenses to keep riding establishments Inspection of premises and authorisation of inspections Authority to take legal proceedings for offences relating to the keeping of a riding establishment
Scrap Metal Dealers Act 1964		Registration and regulation of Scrap Metal Dealers
Sunday Trading Act 1994	1	Authority to take legal proceedings for offences relating to Sunday Trading  Authorisation of inspectors
Town Police Clauses Act 1847		Licensing of Hackney Carriage Vehicles, and Drivers. The authority to give written warnings, cautions, or to suspend for a period not exceeding 14 days any license granted under the Act
Vehicles (Crime) Act 2001	Part 1	Registration of Motor Salvage Operators
Water Industry Act 1991	67 80-83	To authorisation of persons to carry out inspections, measurements, tests, and sampling and powers of entry and to seek information for the purposes of water sampling and investigating water supplies Relaxation of standards Wholesomeness of private water supplies, service of improvement notices, execution of works in default, recovery of expenses.

<b>Act</b>		<b>Power or Function</b>
	84	Powers of entry
	85	Power to obtain information
Zoo Licensing Act 1981	1-12	Determination of applications for zoo licenses and inspection of premises
	14	Authority to grant dispensation for certain zoos
	16	Authority to alter licenses
	17	Authority to revoke licenses
	19	Authority to take legal proceedings for offences under this Act

### **Street Scene and Environmental Client**

To have authority to discharge the following activities and powers either directly or via a contractual partner. In so far as the activities are discharged via a partner the function of the post-holder shall, essentially, be supervisory

#### Cleansing and environment services

- (a) To make all necessary arrangements for the continuing delivery of refuse, waste collection, recycling, street cleansing and the transferring of waste services.
- (b) To arrange for the removal of abandoned vehicles in accordance with the Council's duty under the Refuse Disposal (Amenities) Act 1978.
- (c) To exercise the Council's discretion and powers under the Control of Pollution Act 1974, the Collection and Disposal of Waste Regulations 1988, the Environmental Protection Act 1990 and such other legislation as relates to refuse collection, waste management and associated activities including any guidance orders, instruments and regulations made thereunder.

#### Parks operations

- (a) Power to manage the physical and landscaped environment of all the Council's parks, recreation grounds (including equipped playgrounds), playing fields, sports pitches and public open spaces (including commons, woodlands, Parndon Wood Nature Reserve, Pets Corner and Mulberry Green Nursery), for the efficient sustainment and improvement of the environment, in accordance with the criteria and standards from time to time approved by the Council.
- (b) Power to provide advice on the integration of proposed new developments to achieve a sensitive integration of the same within the town landscape.

- (c) Power to advise on developers' landscape proposals for landscaping provision both within and outside the proposed development, and where appropriate to negotiate terms for the future maintenance of the landscaping, subject to the Council's expenses in doing so being met by the developer and subject also to any regulations affecting the same which may from time to time be in force.
- (d) Power to recommend to the Planning Services Manager any tree or trees within the town which are considered from an arboricultural point of view worthy of preservation as part of the town landscape.
- (e) Power to monitor all trees which are the subject of Tree Preservation Orders and to require any works, which may be necessary on account of good husbandry to sustain the maintenance of the tree or trees in question.
- (f) Power, in consultation with the Planning Services Manager to authorise proceedings against any person or persons acting in contravention of any Tree Preservation Order or who refuses to carry out any reasonable requirement that shall have been brought to the landowner/occupier's notice for preserving or safeguarding the tree or trees in question.
- (g) As regards allotments, to manage day-to-day land management issues, coordinate meetings with Site Representatives and the Harlow Allotment Association, develop and administer Self Management through Allotment Users and to be the arbiter in dealing with disputes between Plot Holders, Plot Holders and Site Representatives or Plot Holders and the Harlow Allotment Association.
- (h) The power, in consultation with the Head of Legal Services and any other appropriate Head of Service, to enter into a contractual agreement with SEPACS in respect to the Council's Supported Employment Programme and Grant payment.
- (i) To take all necessary action to enforce the terms of any agreement for the tenure of land in respect to Allotment lettings, Horse grazing and other miscellaneous related agreements.
- (j) To take all necessary steps to preserve the Council's land for which the post holder(s) is responsible, including the employment of agents and contractors.
- (k) Developing partnerships with other agencies and the voluntary sector to secure funding for projects.