



**MINUTES of
PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE
18 JUNE 2024**

PRESENT

Chairperson	Councillor W Stamp, CC
Councillors	M G Bassenger, S J Burwood, J C Hughes, N R Miller, R G Pratt, J C Stilts, J Driver (Substitute for N D Spenceley) and S J N Morgan (Substitute for M E Thompson)

105. CHAIRPERSON'S NOTICES

The Chairperson welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

106. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICE

Apologies for absence were received from Councillors U G C Siddall-Norman, N D Spenceley and M E Thompson.

In accordance with notice duly given it was noted that Councillor J Driver was attending as a substitute for Councillor Spenceley and Councillor S J N Morgan as a substitute for Councillor Thompson.

107. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 7 March 2024 be approved and confirmed.

108. MATTERS ARISING

RESOLVED that the matters arising be noted.

109. DISCLOSURE OF INTEREST

Councillor S J N Morgan declared an interest and advised he was the Chairperson of the Overview and Scrutiny Committee and there was an item of business on the agenda which related to a referral from the Committee.

110. PUBLIC PARTICIPATION

No requests had been received.

111. INTERNAL AUDIT REPORT

The Committee considered the report of the Interim Chief Finance Officer and the associated Internal Audit report from BDO LLP, the *Internal Audit Annual Plan 2024/25 & Strategic Plan 2023-26* attached at Appendix A to the report.

The Internal Audit Manager presented the report and highlighted the annual plan for 2024 / 25. He explained that each individual piece of work was scoped separately with management. The plan would be reviewed to ensure it prioritised the risks that the Council faced, and any changes would be reported to this Committee. Members' attention was drawn to page 91 of the agenda pack which set out internal audit charter. In response to a question, the Internal Audit Manager advised that the follow up report, due to be considered at the next meeting of this Committee would provide an update on all actions.

The Chairperson moved the recommendation as set out in the report. This was duly seconded and agreed.

RESOLVED that the Committee considered, commented, and approved the Internal Audit Annual Plan 2024/25 & Strategic Plan 2023-26.

112. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

113. REVIEW OF CORPORATE COMMERCIAL PERFORMANCE - QUARTER 4

The Committee considered the report of the Director of Strategy and Resources that required this Committee to undertake a quarterly review of the Commercial Strategy performance, as assurance that it was being managed effectively to achieve outcomes set out in the Commercial Strategy 2022-2027. Appendix 1 to the report provided an overview of the Commercial Strategy performance as at the end of Quarter 4 (January to March 2024).

The report provided a summary of any concerns affecting the corporate outcomes or the Commercial Strategy and further detail of these was provided within Appendix 1.

Members were advised that the commercial performance report was being reviewed for 2024 / 25 and as part of this the standalone report to this Committee would cease. Commercial Projects would continue to follow Project Management Office (PMO) governance and these along with Commercial Strategy actions would be monitored quarterly through the Balance scorecard.

In response to a comment, the Assistant Director – Planning and Implementation agreed to provide Members with details of when the South Essex Parking Partnership funding was considered and agreed by the Council.

The Chairperson moved the recommendations set out in the report. This was duly seconded and agreed.

RESOLVED

- (i) That Members reviewed the information as set out in Quarter Four 2023 / 24 Commercial Performance report;
- (ii) That Members confirmed they were assured through this review that Commercial Performance was being managed effectively.
- (iii) That the new commercial reporting proposal to be introduced in 2024 / 25 be noted.

114. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting resumes in open session at 7:58pm.

115. CORPORATE PERFORMANCE QUARTER 4

The Committee considered the report of the Director of Strategy and Resources that required the Committee to undertake a quarterly review of the Thematic Strategies performance, as assurance that performance was being managed effectively to achieve the corporate priorities as set out in the Council's Corporate Plan 2023 - 2027. Appendix 1 to the report provided an overview of the Corporate Plan as at the end of Quarter 4 (Q4) (January - March 2024).

The Assistant Director – Programmes, Performance and Governance presented the report to the Committee, advising that of the six priorities, two were on track and four were on track with conditional elements. The report detailed those specific indicators which were at risk of delivery. Appendix 1 to the report provided detailed information relating to individual target levels and an update from Officers on each target.

It was noted that all key performance indicators and targets would be subject to an end of year review, this was to ensure that robustness and validity of corporate performance reporting continued for the next financial year.

In response to questions raised during the debate that followed, Officers provided Members with the following information:

- **Number of organisations supported to improve inclusion and accessibility** – It was confirmed that Councillor C Mayes was the Chairman of the Maldon District Dementia Friendly Community group.
- **Deliver One Maldon District, multi-agency partnership action plan** – The action plan relating to this indicator covered three years and the percentage shown measured completion of actions across the entirety of the three-year plan. It was confirmed that the Council was on track for year one.
- Reference to 'on track' referred to the Council broadly performing against the priority and the 'indicators at risk' column within the table shown in the report provided further detail.
- **Delivery of Promenade Park management plan** - The Assistant Director – Customer Services and Operations advised that this work had not been completed by quarter four due to a pause in the project to allow for reassessment. The project had since restarted with a new timetable and delivery plan. She confirmed that the project would be delivered by 31 March

2025 and a timetable which included engagement with Members was being finalised before it was shared.

- **Launch of staff and Members training completed for carbon literacy** – Members were advised that following receipt of quotes for this training the Council had decided to develop the training itself which had pushed dates from Q4 into quarter one of the current financial year. The Assistant Director – Place and Community agreed to provide details of Members' training on this subject outside of the meeting.
- **Delivery of affordable homes** – Members were informed that this was an annual target and some affordable housing schemes delivered up front rather than being annualized. The Assistant Director – Planning and Implementation agreed to provide Member with details of affordable housing delivery and buying houses on the open market outside of the meeting.

The Chairperson then moved the recommendations as set out in the report. This was duly seconded and agreed.

RESOLVED

- (i) That Members confirm review of the information as set out in this report and Appendix 1 with priority focus given to the Strategic Priority level performance;
- (ii) That Members are assured through this review that corporate performance is being managed effectively.

116. REVIEW OF CORPORATE RISK - QUARTER 4

The Committee considered the report of the Director of Strategy and Resources which set out the requirement for this Committee to undertake a quarterly review of the Corporate Risk Register as assurance that corporate risks were being managed effectively. A table of the Corporate Risk Register latest ratings and Officer commentary was attached as Appendix 1 to the report. The mitigating action log was set out in Appendix 2.

The Assistant Director – Programmes, Performance and Governance presented her report which covered the period January – March 2024 and advised that between Quarter Three and Quarter Four (Q4) there had been no changes. She drew Members' attention to risk R3 – *Failure to target services / influence partners effectively to support housing needs of increasing aging population* and advised that this was recommended for closure. This was due to the Government assessment not prioritising housing need for older people in the same way but gave equal weight to housing risks, this risk would therefore be moved to service level housing work.

The Chairperson moved the recommendations set out in the report and these were duly agreed.

RESOLVED

- (i) That Members reviewed the Corporate Risk Register in Appendix 1 to the report and provided comment and feedback for consideration;
- (ii) That Members reviewed progress of the Corporate Risk Mitigating actions in Appendix 2 and provided comment and feedback for consideration;

- (iii) That Members were assured through this review that corporate risk was being managed effectively;
- (iv) That Members challenged risk where the Committee feels that the Council's corporate goals may not be achieved.

117. ANNUAL GOVERNANCE STATEMENT ACTIONS UPDATE

The Committee considered the report of the Director of Strategy and Resources updating Members on the actions identified in the 2023 / 24 Annual Governance Statement (AGS).

The report provided background information regarding the AGS which was approved by this Committee on 10 June 2021. An updated action for the year looking forwards was set out in the report.

The Assistant Director – Programmes, Performance and Governance presented the report, advising that this was the final report against the 2022 / 25 AGS actions. She drew Members' attention to section 3.5 of the report which detailed two actions that had been closed in Quarter 4. In addition, two outstanding actions had been rolled over and were now included within the additional actions identified for the 2023 / 24 AGS.

A brief debate ensued and in response to questions raised by Members, the following information was provided:

- **Drawn out and link of all policies and their objectives through a review of the Local Development Plan (LDP)** - The Assistant Director – Planning and Implementation advised that the target completion date for this work was 2026 and draft policies were currently progressing through the Planning Policy Working Group (PPWG), following the timescales agreed by the Council. At this time the Assistant Director was unable to advise when these policies would be coming forward to the Council.

The Assistant Director reported on some national changes which may come into effect and have an impact the policy review, but these were being monitored by Officers and Members would be advised should they be agreed.

Members were advised that a Member briefing was being arranged to provide opportunity to update Members on the review of policies.

In response to a question, the Assistant Director agreed that a document would be produced detailing the LDP policies, whether they were under review and a timescale for review.

- **Build engagement and information sharing with Parish Councils as part of the Local Development Plan review work** – In response to a query regarding the Council's communication with Parish and Town Councils, specifically in relation to the LDP review, the Assistant Director – Planning and Implementation advised of a letter sent in 2021 to all Parish Council's with a Neighbourhood Development Plan (NHP) in place, made or under production confirming the decision of Maldon District Council to review the LDP and what this would mean for their NHPs. He provided detail of the content of the letter and advised, if helpful, it could be circulated to Members. He reported that Officers also attended the Maldon District Parish Forum meetings where updates on the LDP review were provided and agreed to circulate the date of the next meeting, which the Chairperson advised she would hope to attend.

Following further discussion, the Assistant Director advised he would be happy to issue a formal update to all Town / Parish Councils.

The Chairperson read out the recommendation and proposed it be amended to include an action point that the Assistant Director – Planning and Implementation would issue an updated letter to all Parish / Town Councils (whether they had a NHP or not) detailing the current Government guidance and providing clear information from the Council regarding the Maldon District LDP and Parish / Town Council NHP. This was duly seconded and agreed.

RESOLVED

- (i) that the Committee reviewed the Annual Governance Statements table and updates set out in the report;
- (ii) that the Assistant Director – Planning and Implementation would issue an updated letter to all Parish / Town Councils (whether they had a Neighbourhood Development Plan (NHP) or not) detailing the current Government guidance and providing clear information from the Council regarding the Maldon District LDP and Parish / Town Council NHP.

118. HEALTH AND SAFETY UPDATE - QUARTER 4 2023 / 24

The Committee considered the report of the Director of Service Delivery that provided an update on Health and Safety statistics and activity during Q4 (1 January to 31 March 2024). The Assistant Director – Place and Community introduced the report and deferred to the Corporate Health and Safety Manager. The Manager took the Committee through the report advising on the numbers of accidents / incidents and near misses and incidents of unacceptable behaviour during this quarter.

In addition, the report set out a number of health and safety actions and provided an update on their progress. Members were informed that a Senior Manager Group and Safety Action Team had been established with inaugural meetings held. The report also provided further update in respect of system resources, training, fire risk assessments and accident / near miss reporting. The priorities for the next quarter were set out in the report and noted by Members.

In response to a number of questions raised during the debate, the following information was provided by Officers:

- All frontline staff had received training regarding confrontation and dealing with unacceptable behaviour. The Assistant Director – Customer Services and Operation explained that these incidents reported were extreme and the frustrated, annoyed, angry customers that frontline staff dealt with on a daily basis would not generate an incident report. However, Officers were undertaking a review of the incidents that fell below the reportable level and looking to record these to highlight any lessons learnt, additional support for staff and how they could be avoided. Members were advised that most incidents occurred in the Council's reception area which was covered by Closed Circuit Television (CCTV). Although the Council did operate a zero tolerance policy staff were mindful of the circumstances that may have brought customers into the Council offices and therefore the reasons for the behaviour. It was noted that staff could escalate an incident at any point.
- The Health and Safety Manager outlined the procedure should a fire alarm sound at the Council Offices, including how the new sign in procedure would be used to take a roll call at the muster point. It was explained that in respect of

those persons not required to sign in on arrival at the Council offices, the reception area was swept by staff on the way out to the muster point and partner organisations had separate arrangements. A test of the new system was planned and would include the use of a tablet / phone by fire marshalls to carry out the roll call.

- It was noted that the Council's Waste Contractor was responsible for its own safety and required to record details of any incidents which were then reported to the Council via the regular contract management meetings.
- In response to a query regarding the incident in a churchyard the Health and Safety Manager advised that he was not aware of any damage caused, just the need for a stone to be repositioned.

There being no further discussion the Chairperson thanked the Health and Safety Manager and moved the recommendations set out in the report. This was duly seconded and agreed.

RESOLVED

- (i) That Members considered the accident and incident statistics;
- (ii) That Members considered progress with all health and safety actions as set out in section 3.2 of the report.

119. MALDON DISTRICT BIODIVERSITY REPORT – FIRST CONSIDERATION 2024 - 2026

The Committee considered the report of the Director of Service Delivery seeking approval of the Maldon District Biodiversity Report – First Consideration (attached as Appendix 1 to the report), prepared to comply with new duties in the Environment Act 2021.

The report provided background information regarding an amendment to the Environment Act 2021 (the Act) which created a new proactive duty for public authorities. National guidance summarised what, under the legislation, public authorities must do to comply and further details were provided in the report. The Maldon District Biodiversity Report was the first baseline report for future biodiversity duty monitoring and compliant with the legislation and guidance.

The Chairperson moved the recommendation as set out in the report. This was duly seconded and agreed.

RESOLVED that the Maldon District Biodiversity report – First Consideration 2024 – 2028 (attached as Appendix 1 to the report), be approved.

120. INFRASTRUCTURE FUNDING STATEMENT

The Committee considered the report of the Assistant Director – Planning and Implementation providing Members with an update on the monitoring of Section 106 (S106) planning obligations and seeking approval of the Maldon District Infrastructure Funding Statement (IFS) for the financial year 2023 / 24. It was noted that this accorded with the Council's legal duties to public an IFS by December every year.

The report detailed the funds received and spent by Maldon District Council in relation to S106 planning obligations during the financial year 2023 / 24. The further funding

expected in 2024 / 25 was detailed and Members' assured that the triggers associated with the function of monitoring housing commencements and completions in the District were being closely monitored. Members were reminded where contributions could only be spent and those areas not covered by S106 obligations.

The Head of Service - Planning Policy and Implementation advised that outside of the meeting the Chairperson had raised a query regarding expiry dates on S106s and reported that Officers would be looking a way to report this each year in the same format to ensure nothing was being missed. This would be reported to the next meeting of the Committee. The Chairperson advised that any area of concern would be raised with the Corporate Leadership Team by the Head of Service so Member could take assurance that this was being monitored.

In response to questions raised during the debate, the Head of Service provided the following information:

- Some monies had been spent on allotments and this included monies sent to Burnham-on-Crouch Town Council for allotments. In response to a specific query from Councillor J Driver regarding Handley Green the Officer agreed to look into this and respond directly to Councillor Driver.
- Members' attention was drawn to the spreadsheet at Appendix A to Appendix 1. In response to a query the Head of Service agreed to circulate a filtered version of the spreadsheet showing health. Members were advised what the monies were spent on depended on what was detailed in the clauses in the individual S106s. She then outlined the process followed in respect of health expenditure.

The Chairperson then moved the recommendations set out in the report. This was duly seconded and agreed.

RESOLVED

- (i) That the Committee considered the update on Section 106 planning obligations;
- (ii) That the Maldon District Council Infrastructure Funding Statement for the financial year 2023 – 2024 be approved for publication as set out in Appendix 1 to the report.

121. UK SHARED AND RURAL ENGLAND PROSPERITY FUNDS

The Committee considered the report of the Director of Strategy and Resources updating the Committee on the delivery of the Maldon District's UK Shared and Rural England Prosperity Fund (UKSPF) allocations. A supporting document was attached at Appendix 1 to the report and set out the projects delivered via the funding over the three-year period along with their current status.

The Lead Specialist Prosperity presented the report and provided some background detail on the Fund advising that it was part of the UK Government's levelling-up agenda and would provide £2.6 billion of new funding for local investment by March 2025. As previously reported, Members were reminded that where projects were not being progressed due to feasibility, funding would be reallocated to other existing projects within the investment plan. It was noted that at this current time all of the funding had been allocated to the progression of projects and agreed costs for management and administration.

Following the launch of the Council's Rural England Prosperity Fund (REPF) in February 2024, 29 applications had been received, 12 approved and the report

provided further details regarding these. It was noted that Officers from the Council and the Rural Community Council of Essex (RCCE) would work with grant recipients to ensure their proposed projects progress and were completed before the deadline.

During the lengthy debate that followed and response to a number of questions, the Members were provided with additional information in relation to the following projects:

- **Men's Shed** relocation - The Lead Specialist Prosperity advised that the difference between the original and revised budget was due significant increase in price and demand in the building sector due to economic factors outside of the Council's control. Since publication of the report there had been discussions to get the figures ratified, procurement route established to enable award of the contract and delivery by 31 March.
- **Lower High Street improvement (Central Area Master Plan)** – The Lead Specialist Prosperity reported that the work had been agreed and costed, however there had been a delay with the reengagement of Essex Highways Authority. Members were advised that a reengagement letter had been drafted and the Director of Strategy and Resources would be following up on this with the County Council.
- **District accessibility – Promenade Park and BOC Accessible Play / Sensory Garden** – It was confirmed that this project was not related to the Galleon project at Promenade Park which was being funded as part of the Council's capital programme.

The Assistant Director – Customer Services and Operations explained that in respect of Promenade Park the works being delivered through UKSPF funding related solely to play equipment replacement and phase two of the development would take place the following year and related to the maze and other sensory parts of the garden. It was noted that the Overview and Scrutiny Committee Working Group were due to review the phase two project (not being delivered as part of the UKSPF).

The Chairperson then moved the recommendation set out in the report. This was duly seconded and agreed.

RESOLVED that the Committee acknowledges the update provided on Maldon District's UK Shared and Rural England Prosperity fund allocations and continues to monitor the delivery.

122. AUDIT COMMITTEE SELF-ASSESSMENT

The Committee considered the report of the Performance, Governance and Audit Working Group (the Working Group) seeking endorsement of the Audit Committee Self-Assessment that had been completed by the Working Group.

The Assistant Director - Programmes, Performance and Governance introduced the report and advised that following the Finance Peer Review, recommendation by the Working Group and agreement by this Committee a self-assessment review had been carried out and was attached at Appendix 1 to the report. She highlighted four actions that had been recommended as a result of the review and set out at section 3.5 of the report.

The Chairperson proposed that recommendation (iii) be amended to state that a self-assessment review be completed every two years rather than every three years. This amendment was duly seconded and agreed.

The Chairperson then moved the recommendations as set out in the report and duly amendment. This was duly agreed.

RESOLVED

- (i) That the Audit Committee Self-Assessment completed by the Performance, Governance and Audit Working Group (attached as Appendix 1 to the report) be endorsed;
- (ii) That the following actions arising out of the self-assessment, agreed;
 - Conduct a survey of Committee Members to understand expertise available;
 - Training for all Maldon District Council Members on the audit cycle and process;
 - Officers to advise how they might help with handover / succession planning;
 - Chairperson of the Performance, Governance and Audit Committee to be involved in internal audit planning discussions with officers.
- (iii) That a self-assessment review be completed every two years.

123. COUNCIL CONSTITUTION - SCHEME OF DELEGATION - SERVICE DELIVERY DIRECTORATE

The Committee considered the report of the Assistant Director – Place and Community seeking Members' approval of proposed amendments to the Scheme of Delegation for the Service Delivery Directorate.

It was noted that following the redistribution of delegated powers within the Service Delivery Director to Assistant Directors, the powers set out in Parts 5, 8, 9 and 10 of the Scheme of Delegation had been reviewed and updated to reflect functional responsibilities in the Place and Community area of the Directorate. The proposed update was consistent with good practice and enhanced the governance arrangements of the Council.

In response to a question whether the proposed change should wait until the structure of the Council was agreed, the Head of Strategy and Resources explained that Environmental Health delegation was unusual as it named individual officers rather than having a general delegation and it was therefore important to ensure this information was up to date.

The Chairperson moved the recommendation as set out in the report, noting that the Committee would be making a recommendation to the Council. This was duly seconded and agreed.

RECOMMENDED that the revised Scheme of Delegation to the Assistant Director - Place and Community and to other Officers in relation to the Council's public and other licensing functions as proposed and shown at **APPENDIX A** to these Minutes be agreed.

124. REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMITTEE - PLANNING DECISION MAKING

The Committee considered the report of the Director of Strategy and Resources seeking Members' consideration on a proposed change to the Council's Constitution.

The Director of Strategy and Resource presented the report explaining that the Overview and Scrutiny Committee (O&S) were commending a course of action following its consideration of a wide range of advice and guidance around decision making. The first recommendation was to introduce a constitutional intervention or brake, a deliberate pause in proceedings if a Planning Committee was minded to overturn an Officers' recommendation of approval. The Director provided further detail regarding how this would work in practice. He explained, if agreed. The second recommendation was the proposed introduction of advanced technical briefings for Members on particularly complex applications. The Director explained this would enable Members to gain better understanding and ask questions outside of the formality of the Committee meeting. The report provided additional information regarding both recommendations.

In response to a question the Director clarified that although the 'brake' was in the Council's current constitution it currently was up to the Chairperson of a Committee whether they applied it or not, the proposed change would require it to always be applied in the circumstances outlined. The Assistant Director – Planning and Implementation provided further detail in respect of applications going out of time and how this would be managed by Officers.

The Chairperson moved the recommendations as set out in the report, noting that the Committee would be making a recommendation to the Council. This was duly seconded and agreed.

RECOMMENDED

- (i) That the proposals for a 'constitutional intervention or brake' by way of a deferment, and also for technical briefings / presentations be endorsed;
- (ii) That subject to (i) above the consequential strengthening of the Planning Guidance in the Constitution and also the Operating Protocols of the Planning Committees as detailed in paragraphs 3.2.7 – 3.2.9 and 3.3.4 of the report, be agreed.

125. APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES AND WORKING GROUPS

The Committee considered the report of the Director of Strategy and Resources to appoint to Working Groups of the Performance, Governance and Audit Committee for the ensuing municipal year.

The Assistant Director – Programmes, Performance and Governance presented the report and advised the report should have also requested appointment of two Member representatives to work on the Project and Improvement Management Framework. She requested that Members therefore consider appointment of two Members to this role.

The Chairperson called for nominations to the Working Group set out in the report and the Project and Improvement Management Framework as advised by the Assistant Direct. The following was agreed.

RESOLVED

- (i) That representatives of the Performance, Governance and Audit Committee are appointed to the Working Group as detailed below, for the ensuing Municipal Year;

Working Group	2024 / 25 Representatives
Performance, Governance and Audit Working Group	Councillors M G Bassenger, N D Spenceley, W Stamp, J C Stilts and M E Thompson

- (ii) That Councillors J C Stilts and M E Thompson be appointed representatives of the Performance, Governance and Audit Committee to work on the Project and Improvement Management Framework.

There being no other items of business the Chairperson closed the meeting at 9.38 pm.

W STAMP, CC
CHAIRPERSON

5. To the Assistant Director of Place and Community

Housing

1. The determination of applications for Renovation Grants, Disabled Facilities Grants and Home Repair Assistance under the Housing Grants, Construction and Regeneration Act 1996.
2. The determination of Home Loss Payments and Disturbance Payments under the Land Compensation Act 1973 to occupiers displaced as a result of the making of a Closing Order or Demolition Order under the Housing Act 1985.
3. The determination of grants and signing notices under the Housing Grants, Construction and Regeneration Act 1996.
4. Housing the homeless including the determination of applications by persons to be considered as homeless under the Housing Act 1996.

Environmental Health and related licensing/regulatory matters

5. To authorise appropriately experienced and qualified officers to exercise the Council's powers and duties in respect of:
 - a. pollution control and general public health functions
 - b. refuse collections and waste management
 - c. housing functions relating to housing standards
 - d. of health and safety at work functions under the above legislation or any legislation replacing or amending the same, or any regulations made thereunder.
 - e. animal welfare functions
 - f. food hygiene functions
 - g. pest control functions
 - h. control of infection functions
 - i. caravan site licensing

under the legislation listed in 6 (below) or any legislation replacing or amending the same, or any regulations made thereunder.
6. Enforce and execute the duties and functions of the Council (including authorising in consultation with a Legal Advisor the institution of legal proceedings, and also works in default where the works can be undertaken within existing budgets) under the following statutory provisions and Regulations made thereunder:
 - (a) Animal Welfare Act 2006
 - (b) Anti-social Behaviour Crime and Policing Act 2014, Parts 2, 4 and 7
 - (c) Acquisition of Land Act 1981
 - (d) Breeding and Sale of Dogs (Welfare) Act 1999
 - (e) Building Act 1984 (Part III)

- (f) The Caravan Sites Act 1968
- (g) Caravan Sites and Control of Development Act 1960 (as amended, and to include the varying of site licence conditions)
- (h) Clean Air Act 1993
- (i) Clean Neighbourhoods and Environment Act 2005
- (j) The Compulsory Purchase Act 1965
- (k) Control of Horses Act 2015
- (l) Control of Dogs Order 1992
- (m) Control of Pollution Act 1974
- (n) Coronavirus Act 2020
- (o) Dangerous Dogs Act 1991
- (p) Dangerous Wild Animals Act 1976
- (q) Dogs Act 1906
- (r) Dogs (Fouling of Land) Act 1996
- (s) Energy Act 2011
- (t) Environment Act 1995
- (u) Environment Act 2021
- (v) Environmental Protection Act 1990 (as amended by the Environment Act 1995)
- (w) Essex Act 1987 (Part IV, Part VI and Part VII)
- (x) Food and Environment Protection Act 1985 (Parts I & III)
- (y) The Food Safety and Hygiene (England) Regulations 2013
- (z) Food Safety Act 1990 (as amended)
- (aa) Gambling Act 2005
- (bb) Guard Dogs Act 1975
- (cc) Health Act 2006
- (dd) Health and Safety at Work etc Act 1974 (and any other relevant statutory provisions as defined in Section 53 of the Act)
- (ee) House to House Collections Act 1939
- (ff) Housing Act 1985
- (gg) Housing Act 2004
- (hh) Housing and Planning Act 2016
- (ii) Housing Grants (Regeneration and Construction) Act 1996
- (jj) Land Compensation Act 1973
- (kk) Land Drainage Acts 1976 and 1991
- (ll) Law of Property Act 1925
- (mm) Licensing Act 2003
- (nn) Litter Act 1983

- (oo) Local Government and Housing Act 1989
- (pp) Local Government (Miscellaneous Provisions) Act 1976
- (qq) Local Government (Miscellaneous Provisions) Act 1982 (Sections 13 to 17, 27, 29 Part II and Part III)
- (rr) Mobiles Homes Act 2013
- (ss) National Assistance (Amendment) Act 1951 (so far as it relates to an application to a Magistrates Court for an order to remove a person to a place of safety)
- (tt) Noise and Statutory Nuisances Act 1993
- (uu) Noise Act 1996
- (vv) Official Feed and Food Controls (England) Regulations 2009
- (ww) Police, Factories, etc (Miscellaneous Provisions) Act 1916
- (xx) Pollution Prevention and Control Act 1999
- (yy) Prevention of Damage by Pests Act 1949 – (Part I)
- (zz) Public Health Acts Amendment Act 1890 – Section 42
- (aaa) Public Health Act 1936
- (bbb) Public Health Act 1961
- (ccc) Public Health (Control of Disease) Act 1984
- (ddd) The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014
- (eee) Refuse Disposal (Amenity) Act 1978
- (fff) Regulation (EC) No. 178 / 2002
- (ggg) Regulation (EC) No. 852 / 2004
- (hhh) Regulation (EC) No. 853 / 2004
- (iii) Regulation (EC) No. 854 / 2004
- (jjj) Regulation (EC) No. 882 / 2004
- (kkk) Regulation (EC) No. 2073 / 2005
- (lll) Scrap Metal Dealers Act 2013
- (mmm) Sunbeds (Regulation) Act 2010
- (nnn) Sunday Trading Act 1994
- (ooo) Town Police Clauses Act 1847
- (ppp) Trade in Animal Related Products Regulations 2011
- (qqq) Vehicle Excise and Registration Act 1994
- (rrr) Water Industry Act 1991 (Sections 67 – 86)
- (sss) Wildlife and Countryside Act 1981
- (ttt) Zoo Licensing Act 1981

Or such other Acts of Parliament as relate to the relevant statutory functions of the Environmental Health Team.

7. Subject to notification to the Ward Members and report to the Committee, the determination of Closing Orders under Section 278 of the Housing Act 1985.
8. To authorise Officers and duly appointed Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Assistant Director- Place and Community.

8. LICENSING ACT 2003

Head of Service (Environmental Health, Waste and Climate Action):

1. The grant of a Premises Licence or Club Premises Certificate where no representations are made by a Responsible Authority or Interested Party.
2. In consultation with a Legal Advisor, a determination that representations made by a Responsible Authority or Interested Party regarding an application for the grant of (or a variation of) a Premises Licence or Club Premises Certificate or for the grant of a Provisional Statement are frivolous or vexatious.
3. The grant of an application to vary a Premises Licence or Club Premises Certificate where no representations are made by a Responsible Authority or Interested Party, and in the case of an application for a Minor Variation to determine that application having taken into account any representations received.
4. The grant of an application to transfer a Premises Licence where no Notice has been given by the Chief Officer of Police.
5. The determination of an exemption from the requirement to obtain a Personal Licence holder's consent for an application to transfer a Premises Licence.
6. The issue of a Notice specifying the date of entry and inspection (or any extension of that date) where a Club applies for a Club Premises Certificate, a variation of a Certificate or on a review of a Certificate.
7. In consultation with a Legal Advisor, a determination that an application for a review of a Premises Licence or Club Premises Certificate on the grounds that the ground for review is not relevant to one or more of the Licensing Objectives or is frivolous, vexatious or repetitious.
8. In consultation with a Legal Advisor, a determination that a Club is not a Qualifying Club or has ceased to be a Qualifying Club.
9. The grant of an application for a Provisional Statement in respect of a premises which are being or are about to be constructed or extended where no representations are made by a Responsible Authority or Interested Party.
10. The determination of an application to vary the Designated Premises Supervisor where no Notice has been given by the Chief Officer of Police.
11. The issue of a Notice granting or rejecting an application to vary the Designated Premises Supervisor.
12. The receipt of a Notice requesting the removal of a person as a Designated Premises Supervisor.

13. The determination of whether or not a Temporary Event Notice is void.
14. The acknowledgement of receipt of a Temporary Event Notice.
15. Where appropriate, following consideration of any Objection Notice to a Temporary Event Notice, the issue of a Counter Notice where it is considered necessary for the prevention of the crime prevention objective.
16. The issue of a Counter Notice where any of the Permitted Limits are exceeded in any Temporary Event Notice.
17. The rejection of applications for Personal Licences where applicants have failed to meet the statutory conditions.
18. The grant of an application for (or the renewal of) a Personal Licence where no Objection Notice has been given by the Chief Officer of Police.
19. The issue of a Notice to the Chief Officer of Police that an applicant for the renewal of a Personal Licence has a Relevant or Foreign Offence.
20. To issue Notices to the Chief Officer of Police where a Personal Licence holder has been convicted during the application period of a Relevant or Foreign Offence after the grant or renewal of a Personal Licence.
21. The issue and certification as a true copy of any Premises Licence or Club Premises Certificate (or a summary of either) or any Temporary Event Notice or Personal Licence where it has been lost, stolen, damaged or destroyed.
22. Unless specified to the contrary, the issue of all Licences, Certificates, Notices and any other formal notifications required under the Licensing Act 2003.
23. In consultation with a Legal Advisor and the Chairperson of the Licensing Committee, the institution of legal proceedings in respect of any of the Council's powers under the Licensing Act 2003.
24. To keep the Licensing Register and any Central Register prescribed by the Secretary of State.
25. In consultation with the Assistant Director- Place and Community, to authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Head of Service (Environmental Health, Waste and Climate Action).
26. To determine, as part of applications by a management committee of a community premises for a new Premises Licence, whether the alternative licence condition in

relation to the sale of alcohol should apply instead of the mandatory condition, provided that no representation is received from the Chief Officer of Police.

27. To suspend premises licences and club premises certificates for non-payment of the annual fee.
28. To make representations on behalf of the Licensing Authority in respect of all applications for premises licenses or club premises certificates and to apply for reviews of the same.

Environmental Health Manager- Environmental Protection:

1. To respond to the Licensing Authority on behalf of the Council (as a Responsible Authority) to applications for (or variations of or reviews of) Premises Licences or Club Premises Certificates.
2. To respond to the Licensing Authority on behalf of the Council (as a Responsible Authority) to applications for Provisional Statements in respect of premises.
3. To make applications on behalf of the Council (as a Responsible Authority) to the Licensing Authority for a review of Premises Licences or Club Premises Certificates.
4. In consultation with the Assistant Director of Service Delivery, to authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the delegated powers and duties set out in 1 – 3 above.

9. GAMBLING ACT 2005

Head of Service (Environmental Health, Waste and Climate Action):

1. Consideration and determination of applications for the following matters where no objections have been received or any so received have been withdrawn:
 - (a) premises licences;
 - (b) variation to licences;
 - (c) transfers of licences;
 - (d) provisional statements;
 - (e) club gaming / club machine permits.
2. Consideration and determination of applications or decisions on the following matters:
 - (f) other permits;
 - (g) cancellation of licensed premises gaming machine permits.
3. Consideration of Temporary Use Notices and Occasional Use Notices.

10. OTHER LICENSING FUNCTIONS

(Hackney Carriage Drivers and Vehicle Licences; Private Hire Drivers, Vehicle and Operators Licences; Street Collections; House to House Collections; Registration of Society Lotteries; Sex Establishments and Scrap Metal Dealers)

Head of Service (Environmental Health, Waste and Climate Action):

1. Subject to no objections being received, the grant and issue of licences and permits for:
 - * Charitable Collections (Street Collections and House to House Collections);
 - * Registration of Society Lotteries;
2. The issue of Hackney Carriage and Private Hire Vehicle, Drivers and Operators Licences, except in the case of Drivers Licences where the applicant has unspent convictions or endorsements exceeding six points accrued on his/her Driving Licence in which event the matter shall be referred to the Licensing Sub-Committee.
3. The refusal of an application for a Drivers Licence on the recommendation of the applicant's GP in a medical report.
4. With regard to the Carriage of Assistance Dogs in Taxis:
 - * The issue of Exemption Certificates under Section 37(5) of the Disability Discrimination Act 1995 where satisfactory medical evidence is provided by the applicant's GP of relevant medical grounds.
 - * The determination of whether the exemption is to apply to a 'specified taxi' or a 'specified type of taxi'.
5. In consultation with the Chairperson of the Licensing Committee, the suspension or revocation of Hackney Carriage and Private Hire Drivers' licences.
6. To authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Head of Service (Environmental Health, Waste and Climate Action).
7. The grant, issue, renewal or variation of a Scrap Metal Dealer Licence where the applicant is deemed to be a suitable person and no objections are received.
8. The refusal or rejection of an application for a Scrap Metal Dealer Licence where no representations are received.
9. In consultation with the Chairperson of the Licensing Committee, the revocation of a Scrap Metal Dealers Licence where no representations are received.

10. To ensure all Scrap Metal Dealer Licences are reported to the National database.
11. The power to set fees (in consultation with the Assistant Director- Place and Community).

To the Assistant Director- Place and Community

1. In consultation with a Legal Advisor and the Chairperson of the Licensing Committee, the institution of legal proceedings in respect of any of the Council's licensing powers.
2. To authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Assistant Director – Place and Community, or other Officers.