

## City of London Corporation Committee Report

<b>Committee(s):</b> Epping Forest and Commons	<b>Dated:</b> 27/11/2025
<b>Subject:</b> Epping Forest Constables and Authorised Officers (SEF 23/25)	<b>Public report:</b> For Decision
<b>This proposal:</b> <ul style="list-style-type: none"><li>• delivers Corporate Plan 2024-29 outcomes</li><li>• provides statutory duties</li></ul>	<b>Leading Sustainable Environment, Diverse Engaged Communities</b>
<b>Does this proposal require extra revenue and/or capital spending?</b>	No
<b>If so, how much?</b>	N/A
<b>What is the source of Funding?</b>	N/A
<b>Has this Funding Source been agreed with the Chamberlain's Department?</b>	N/A
<b>Report of:</b>	Katie Stewart, Executive Director, Environment
<b>Report author:</b>	Jacqueline Eggleston, Superintendent, Epping Forest

### Summary

This report reviews and provides an overview of the roles and responsibilities of Constables and Authorised Officers at Epping Forest. It proposes updating the existing delegations contained in the Court of Common Council's Officer Scheme of Delegations for the City of London Corporation specifically regarding appointment and functions of Constables and Authorised Officers. It also seeks authority for seeking a proposed extension to such roles in respect of fly-tipping.

### Recommendations

**Members of Epping Forest and Commons Committee are asked to:**

- Approve the authorisation of Epping Forest Keepers and Constables as suitable persons by Epping Forest District Council under Section 108 of the Environment Act 1995 as set out in this report.
- Delegate authority to the Town Clerk, after consultation with the Chair and Deputy Chair of this Committee, to approve any future similar authorisations by other local waste collection authorities for the areas in which Epping Forest is situated.
- Authorise the completion of a Memorandum of Understanding with Epping Forest District Council in respect of Recommendation A, including the

provision of an Indemnity to EFDC (and any similar MoU's with other local waste collection authorities for the areas in which Epping Forest is situated).

- Approve arrangements being entered into with Essex Police and the Metropolitan Police under Part 4 and Schedule 5 of the Police Reform Act 2002 for certain powers available to police constables to be conferred on the Epping Forest Regulatory Officer and Enforcement Officers as set out in this report. Endorse the proposed revisions to the delegations in the Epping Forest section of the Scheme of Delegations as set out in Appendix 2 (authorising the Executive Director Environment, the Director Natural Environment and the Superintendent (Epping Forest) to exercise those functions set out in Appendix 2).
- Delegate authority to the Town Clerk, in consultation with the Chair and Deputy Chair of Epping Forest and Commons Committee, to agree a final revised version of the Epping Forest section of the Scheme of Delegation for submission to the City Corporation's Policy and Resources Committee and subsequently to the Court of Common Council. Note that it is proposed an Epping Forest Authorised Officer, Constable and Enforcement Monitoring Report be placed before your Committee annually.

## **Main Report**

### **Background & Current Position**

1. **Constables:** Section 43 Epping Forest Act 1878 ("the Act") allows for the Conservators to secure that officers appointed by them be sworn in as Constables before an Essex magistrate, such appointments to be "for the better execution of the Act and their byelaws". The Act provides powers of enforcement against those committing certain offences such as contraventions of Byelaw made under the Act. Constables may stop and detain persons found or reasonably suspected of committing an offence under the Act or the byelaws (s.46 of the Act).
2. **Authorised Officers:** In addition to the appointment of Constables, the Conservators may authorise officers to undertake certain functions of the Conservators<sup>1</sup>, including enforcement of byelaws and offences enforceable by the Conservators. The officers appointed in this way are known as "Authorised Officers". The relevant offences and byelaws under the Conservators' remit and which Authorised Officers may be authorised to enforce are summarised in **Appendix 1** to this Report. In addition, the City of London (Open Spaces) Act 2018 allows for officers to be authorised to issue Fixed Penalty Notices for certain offences (S.11); require names and addresses in connection with offences (S.12); and appear in legal proceedings before the Magistrates (s.15).

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<sup>1</sup> Charity trustees may delegate responsibilities to employees where allowed for in the charity governing documents (as long as the trustee retains ultimate responsibility). S.31(4) Epping Forest Act 1878 provides that the acts and proceedings of Epping Forest Committee shall be done and conducted subject and according to the like rules as if it were a committee of the Court of Common Council. As such, the Officer Scheme of Delegation approved by Court of Common Council under S.101 Local Government Act 1972 applies to the Conservators. The SoD delegates to the Executive Director Environment and, in their absence, the Assistant Director (EF) the functions of enforcing byelaws and institution of legal proceedings, and authorisation of officers to do the same.

3. **Distinction between “Constables” and “Authorised Officers”:** The terms “Constable” and “Authorised Officer” are sometimes used interchangeably, although they are provided for under different statutory provisions. In practise the roles overlap, and the same officers normally fulfil both roles as a matter of efficiency and convenience.<sup>2</sup> The respective statutory provisions and powers in respect of both roles are set out at **Appendix 1**. The posts that currently undertake (or are proposed to undertake) Constable and Authorised Officer responsibilities are set out at **Appendix 3**.
4. **Ranger:** The report to your Committee of 17 July 2025 regarding the Ranger's approval to staff appointments, and your Committee's resolution to seek confirmation of appointments annually from the Ranger is unaffected by this report. For completeness the agreed arrangements regarding approval of the Ranger will include appointments of Authorised Officers and Constables.

## Proposals

5. **Additional fly-tipping Powers:** Enforcement of offences in respect of the deposit/disposal of unauthorised waste (“fly-tipping”) is a matter for local waste collection authorities (Section 33 & 34 Environmental Protection Act 1990). As such it is not normally a matter within the remit of the Conservators or their officers. However, Section 108 Environment Act 1995 allows for a waste collection authority to authorise suitable persons in writing to exercise certain of their “pollution control” functions and provides that this may include powers of entry and seizure, require information and issuing Fixed Penalty Notices. Epping Forest District Council (where some of the most significant fly-tipping at Epping Forest occurs) has confirmed that it wishes to authorise Epping Forest Keepers and Constables as “suitable persons” for purposes of investigating and enforcing fly-tipping offences in Epping Forest within the EFDC area. This is subject to assurances to EFDC regarding record keeping, training, competence and good faith, and to EFDC being indemnified by the City against any losses or claims arising from the Epping Forest officers' actions under the Section 108 authority. It is proposed that the assurances and indemnity be regularised in a Memorandum of Understanding between the City (as Conservators) and EFDC. An internal procedure to ensure this is kept up to date will be developed in collaboration with HR.
6. If the arrangements with EFDC can be successfully put in place and implemented, it is proposed to seek similar arrangements with the other local waste collection authorities for the Epping Forest area. Therefore, authority to seek and accept the proposed authorisations under S.108 and to enter into related MoU's is sought, including provision of an indemnity as required.
7. **Additional Community Safety powers:** Under Part 4 and Schedule 5 of the Police Reform Act 2002, police forces may enter into arrangements with

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<sup>2</sup> The term “Keepers” is also sometimes used interchangeably, but again these are distinct roles under the 1878 Act – although Keepers are generally attested as Constables. This is not strictly necessary, however, nor do officers have to be Keepers in order to be attested as Constables or to become Authorised Officers.

employers carrying on business in all or part of the force's area, for its employees to carry out certain community safety functions otherwise reserved to the police (subject to those employees being accredited by the police force). The relevant community safety functions include issuing Fixed Penalty Notices for disorder and for consuming alcohol in a designated place, requiring the surrender of alcohol being consumed in a designated area, and demanding names and addresses of persons believed to be committing relevant offences. It is considered that entering into arrangements in respect of those functions within Epping Forest to enhance the enforcement powers of relevant Epping Forest officers will facilitate the better management of Epping Forest in the discharge of the Conservator's duties. Arrangements with Essex Police have progressed significantly. Essex Police has approved the City Corporation as an employer with whom it has entered arrangements. The Regulatory Officer and 3 Enforcement Officers in his team (all Constables) have been accredited. Your Committee is asked retrospectively to approve those arrangements with Essex Police so that they can be brought into effect. If the recommendation is approved, it is proposed to seek similar arrangements with the Metropolitan Police in respect of that part of Epping Forest located within the Metropolitan Police Force's area.

8. **Authorisations & Delegations:** From time-to-time authority to appoint Authorised Officers has been sought from your Committee<sup>3</sup>. Currently, the Chief Officer Scheme of Delegation ("SoD") authorises the Executive Director (Environment), and (at their direction), the Natural Environment Director and Superintendent (Epping Forest) to:

7.1 Enforce byelaws and institute proceedings for breaches (para C2 133 of SoD);

7.2 Authorise officers to enforce byelaws (para C2 134 of SoD );

7.3 Institute proceedings in the Magistrates Court for certain offences (para C2 135 of SoD);

7.4 Authorise officers to issue FPN's (para C2 136 of SoD).

9. The delegations would benefit from updating in two respects. Firstly, because the Constable and Authorised Officer roles overlap, the terms are used interchangeably, but for the avoidance of doubt it is proposed that this be clarified (by specific reference to the delegated officer being able to put forward Constables for attestation by a JP in Essex). Secondly, the delegation for the Chief Officer to institute proceedings in respect of statutory offences could be updated fully to incorporate additional enforcement powers under the City of London (Open Spaces) Act 2018. This includes the offence of carrying out commercial activity without a license or in breach of a license (S.10); removing objects and articles from the Forest (including vehicles) (S.13); and obtaining names and addresses of suspected offenders (s.12). It could be

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<sup>3</sup> eg Formerly delegated to your Committee by Court of Common Council 10/10/2022 and now within your Committee terms of reference to exercise all powers and duties of the Conservators

clarified that the Chief Officer may also authorise other officers in respect of such enforcement and legal proceedings (subject, as currently, to the Comptroller and City Solicitor being consulted on any proceedings). The proposed updates are set out by way of track changes to the existing delegations at **Appendix 2**.

10. It is proposed that your Committee receive an Enforcement & Authorised Officer Monitoring Report at least annually to provide oversight of relevant authorisations and of enforcement activity including prosecutions. The proposed updates to delegations would put beyond doubt that authorisations of officers and Constables may be undertaken by the Executive Director Environment, Natural Environment Director or the Superintendent (Epping Forest). Reports in respect of staff changes and when new authorisations are required would not be reported to your Committee piecemeal, consistent with your Committee focussing on strategic issues and oversight including through the Monitoring reports. This also facilitates prompt updating of Authorised Officer and Constable roles by the delegated Chief/Senior Officer.
11. Should your Committee not approve Recommendation C and wish all new authorisations of officers (including putting forward Constables for attestation) to be reported to and approved by your Committee, it is proposed to seek your Committee's approval to a number of authorisations of new post-holders who have satisfactorily passed their probationary periods in the posts listed at **Appendix 3**.

### **Corporate & Strategic Implications**

12. Strategic implications – This proposal aligns with the Corporate Plan 2024-2029 Outcomes:  
Leading Sustainable Environment: Appointment of suitably qualified staff is essentially to maintaining and protecting Epping Forest.
13. Financial implications – Staff appointments are met through the Epping Forest grant budget.
14. Resource implications – the proposals will not affect current staffing arrangements other than aiding efficiency. The adoption of new powers as proposed in Recommendation [ A ] can be met from existing resources noting that staff are already involved in enforcement of fly-tipping in liaison with the enforcing authority.
15. Legal implications - These are incorporated in the body of the report. The proposals are considered consistent with the Conservators' duties.
16. Risk implications - The proposal in this report in respect of adopting new powers under s.108 is subject to an Indemnity to EFDC. As with existing enforcement powers, officers will be appropriately trained to manage risks arising from inappropriate exercise of enforcement powers. process.

17. Equalities implications – In keeping with the City Corporation's commitment to equal opportunities, all selections of officers for relevant authorisations will be carried out in a fair and open manner, free from discrimination and bias, as per the Recruitment and Selection Policy.
18. Climate implications – None
19. Security implications – None
20. Charity Implications – Epping Forest is a registered charity (number 232990). Charity Law obliges Members to ensure that the decisions they take in relation to the Charity must be taken in the best interests of the Charity.

### **Conclusion**

21. This report summarises and clarifies the roles of Constables and Authorised Officers, particularly in respect of bye law enforcement and offences within the remit of the Conservators. The report seeks authority to extend the scope of enforcement powers under S.108 Environment Act 1995 and Part 4 of the Police Reform Act 2002. Clarifications to the delegations in respect of authorisations of officers and Constables are identified. The recommendations seek to carry forward the above proposals and will facilitate the better management of Epping Forest in accordance with the Conservators' duties.

### **Background Papers**

The Epping Forest Act 1878, 1880 and subsequent amendments.  
The City of London (Open Spaces) Act 2018  
The Environment Act 1995  
The Scheme of Delegation  
Epping Forest Byelaws

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