

## **APPENDIX A: EXISTING SCHEME OF DELEGATION (as approved October 2006)**

### **Director of Technical Services**

The Director of Technical Services has authority:

- (i) to determine all planning and related applications other than those listed under (a) below;
- (ii) to take appropriate enforcement action on matters relating to **the following** (including the issue and service of Enforcement Notices, Breach of Condition Notices and Discontinuance Orders):
  - Advertisement control
  - Conditions monitoring
  - Fences and other means of enclosure to front
  - Substantiated complaints of changes of use (such as car repairs and maintenance)
  - Breaches of a minor nature raising minimal planning concerns and where unconditional planning permission would be likely to be granted (e.g. house extension built to acceptable standards).
  - Fences and other means of enclosure to rear.
  - Unsubstantiated or anonymous complaints concerning changes of uses or, car repairs and maintenance.

(For the avoidance of doubt) Authority to take enforcement action on matters, other than those in (ii) above will be granted by the Planning Committee.
- (iii) after consultation with the Chair of the Planning Committee and the appropriate ward councillors, to determine applications in relation to telecommunications development which, following the receipt of a petition or referral by an elected member, cannot be dealt with by the Planning Committee within the statutory 56-day period, subject to his reporting the use of such delegated authority to the next available meeting of that Committee, for information.

**The Assistant Director** has authority to determine all minor and other applications submitted by or on behalf of the Borough Council other than those listed under (a) below;

(a) **Applications to be determined by Committee:**

- (i) "Major" applications – "Major" applications will be defined as any application for residential development or change of use involving 10 or more dwellings, and other forms of development or change of use of 1,000 square metres floorspace relating to B1(Light Industrial), B2(General Industrial) or B8 (Storage and Distribution) Uses , or applications for development or change of use of 0.5 hectare or more of land. Minerals and waste applications will be regarded as "major" applications (other than minor amendments to existing permissions, and ancillary or small scale works).
- (ii) Applications where it is proposed to make a decision that is contrary to the development plan with the exception of domestic extensions.
- (iii) Decisions that would need to be referred to the Secretary of State.
- (iv) Applications which any Member has asked to be referred to the Planning Committee. When a Member has requested an application be referred to the planning Committee the Member must, however, state the reason(s) on planning grounds for that request.
- (v) Applications that attract one or more petitions of objection, within the specified consultation period, which contains 25 or more signatories from individual households or 15 individual objections in writing.

- (vi) Any personal/private application made by any Member of the Council, or any member of staff employed in the Technical Services Department.
  - (vii) Decisions that would require a Section 106 obligation or action under other powers.
  - (viii) Decisions where a claim for compensation from the Council may arise or which otherwise may involve a financial payment.
- (b) **The Director of Technical Services is authorised to undertake the following functions and powers:**
- (1) To exercise all the powers and duties of the Council in respect of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Act 1990 as follows:-
    - (a) To take appropriate action to advertise planning applications and display site notices.
    - (b) Reject an outline application because of insufficient details.
    - (c) Require owners to carry out proper maintenance of land where its condition detracts from the amenity of the immediate surrounding area, including the service of appropriate statutory notices under Section 215 of the Act.
    - (d) Serve planning control contravention notices and to hold discussions as a result of the “time and place” procedure under Section 171(C) of the Act.
    - (e) Make and confirm emergency Tree Preservation Orders except where objections/representations have been received and confirm unopposed Tree Preservation Orders under Section 201 of the Act.
    - (f) Determine applications for the lopping, felling or topping of trees covered by Tree Preservation Orders and require such replanting as is considered necessary.
    - (g) Issue screening opinions (Regulations 5, 7 and 25) and scoping opinions (Regulation 10) under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
    - (h) Authorise entry on to land under Sections 196 and 324 of the Act and under Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
  - (2) To exercise all the powers and duties of the Council arising under the provisions of the Building Act 1984 as follows:-
    - (a) Part I – Building Regulations.
    - (b) Part III – Drainage, provision of sanitary conveniences, buildings, defective premises and demolition.
    - (c) Part IV – Powers of entry, execution of works and enforcement.
  - (3) To exercise all the powers and duties of the Council arising under the provisions of Safety of Sports Grounds Act 1975 in relation to the issuing of notices prohibiting the admission of spectators to sports grounds and make agreed amendments to safety certificates.
  - (4) To exercise all the powers and duties of the Council arising under the provisions of the Building (Approved Inspectors) Regulations 1985.

Note: This power may also be exercised by the Building Control Manager and the Fire/Safety at Sports Grounds Officer.

- (5) To exercise all the powers and duties of the Council arising under the provisions of the Public Health Act 1936 in relation to sanitary conveniences for buildings and culverts, ditches and watercourses.
- (6) To exercise all the powers and duties of the Council arising under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to listed buildings and conservation areas.
- (7) To exercise all the powers and duties of the Council arising under the provisions of the Planning (Hazardous Substances) Act 1990.
- (8) To exercise all the powers and duties of the Council arising under the Town and Country Planning (Control of Advertisements) Regulations 1992 or any amendments to those regulations.
- (9) To exercise all the powers and duties of the Council arising under the provisions of the Hedgerows Regulations 1997.
- (10) To respond to consultations from neighbouring local planning authorities on planning applications.
- (11) To exercise all the powers and duties of the Council under the provisions of the Local Land Charges Act 1975.
- (12) After consulting the Director of Finance, to vary the standard scale of charges of the Local Government Association model structure by plus or minus 10%.
- (13) To take action to prosecute offences under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Public Health Act 1936 and the Safety at Sports Grounds Act 1975.
- (14) To exercise all the powers and duties under Part 8 of the Anti-Social Behaviour Act 2003 to consider and determine complaints about high hedges.
- (15) To authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act 2000 and to designate officers to carry out that function.

## **APPENDIX B: PROPOSED SCHEME OF DELEGATION**

### **Director of Technical Services**

The Director of Technical Services has authority:

- (i) to determine all planning and related applications other than those listed under (a) below;
- (ii) to take appropriate enforcement action on **all** matters relating to the issue and service of Enforcement Notices, Breach of Condition Notices and Discontinuance Orders, **including the following**:
  - **To take initial action to deal with breaches of planning control including the serving of Planning Contravention Notices to obtain relevant information in order to assess whether or not a breach of planning control has occurred.**
  - **To serve Breach of Condition Notices where planning conditions have not been complied with and to specify the steps which the Council consider ought to be taken or the activities which ought to cease.**
  - **To serve Enforcement Notices or to withdraw, modify and reissue any Enforcement Notice following a decision by the Planning Committee to grant permission for development or not to proceed with enforcement action.**
  - **In cases of urgency, in consultation with the Chair, vice-Chair and Party Spokespersons of the Planning Committee, to issue and serve Stop Notices unless the serving of such a notice would result in the significant loss of jobs or the potential for substantial costs against the Council.**
  - **In consultation with the Chair, vice-Chair and Party Spokespersons of the Planning Committee to serve Temporary Stop Notices.**

(For the avoidance of doubt) **where it is proposed not to take appropriate enforcement action relating to Priorities 1, 2 and 3 of the adopted Planning Enforcement Policy on the grounds of non-expediency, the Authority of Members of the Planning Committee must be sought.**

- (iii) **to refuse applications in relation to telecommunications development.**
- (iv) **where it is proposed to recommend approval of telecommunication development**, after consultation with the Chair of the Planning Committee and the appropriate ward councillors, to determine applications in relation to telecommunications development which, following the receipt of a petition or referral by an elected member, cannot be dealt with by the Planning Committee within the statutory 56-day period, subject to his reporting the use of such delegated authority to the next available meeting of that Committee, for information.

**The Assistant Director** has authority to determine all minor and other applications submitted by or on behalf of the Borough Council other than those listed under (a) below;

- (a) **Applications to be determined by Committee:**
  - (i) “Major” applications (**unless recommended for refusal and has not been supported on planning grounds by a Member as set out in (vi) below**) – “Major” applications will be defined as any application for residential development or change of use involving 10 or more dwellings, and other forms of development or change of use of 1,000 square metres floorspace relating to B1(Light Industrial), B2(General Industrial) or B8(Storage and Distribution) Uses , or applications for development or change of use of 0.5 hectare or more of land. Minerals and waste applications will be regarded as “major” applications (other than minor amendments to existing permissions, and ancillary or small scale works).
  - (ii) Applications where it is proposed to make a decision that is contrary to the development plan with the exception of domestic extensions.

- (iii) Decisions that would need to be referred to the Secretary of State ***with the exception of applications for Planning Permission and/or Listed Building Consent to Grade I listed buildings, where there are no objections on conservation grounds.***
  - (iv) Applications which any Member has asked to be referred to the Planning Committee. When a Member has requested an application be referred to the Planning Committee the Member must, however, state the reason(s) on planning grounds for that request ***in writing and must make any request prior to the last date for comment as published on an application.***
  - (v) Applications that attract one or more petitions of objection, within the specified consultation period, which contains 25 or more signatories from individual households or 15 individual objections in writing, ***unless the application is being recommended for refusal, in which case, the application shall remain under delegated powers, (unless a Member registers support in writing for an application on planning grounds). The lead petitioner will be informed of the recommendation to refuse under delegated powers.***
  - (vi) ***Any application recommended for refusal where a Member has registered support in writing for an application on planning grounds and has requested the application is determined by Planning Committee.***
  - (vii) Any personal/private application made by any Member of the Council, or any member of staff employed in the Technical Services Department.
  - (viii) Decisions that would require a Section 106 obligation or action under other powers, ***with the exception of applications requiring the provision of additional litter bins or where an applicant is required to provide the Council with a sum of £10,000 or less towards any minor traffic/highway improvements.***
  - (ix) Decisions where a claim for compensation from the Council may arise or which otherwise may involve a financial payment.
- (b) **The Director of Technical Services is authorised to undertake the following functions and powers:**
- (1) To exercise all the powers and duties of the Council in respect of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Act 1990 as follows:-
    - (a) To take appropriate action to advertise planning applications and display site notices.
    - (b) Reject an outline application because of insufficient details.
    - (c) Require owners to carry out proper maintenance of land where its condition detracts from the amenity of the immediate surrounding area, including the service of appropriate statutory notices under Section 215 of the Act.
    - (d) Serve planning control contravention notices and to hold discussions as a result of the “time and place” procedure under Section 171(C) of the Act.
    - (e) Make and confirm emergency Tree Preservation Orders except where objections/representations have been received and confirm unopposed Tree Preservation Orders under Section 201 of the Act and vary and revoke such orders.

- (f) Determine applications for the lopping, felling or topping of trees covered by Tree Preservation Orders and require such replanting as is considered necessary.
  - (g) Issue screening opinions (Regulations 5, 7 and 25) and scoping opinions (Regulation 10) under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
  - (h) Authorise entry on to land under Sections 196 and 324 of the Act and under Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (2) To exercise all the powers and duties of the Council arising under the provisions of the Building Act 1984 as follows:-
- (a) Part I – Building Regulations.
  - (b) Part III – Drainage, provision of sanitary conveniences, buildings, defective premises and demolition.
  - (c) Part IV – Powers of entry, execution of works and enforcement.
- (3) To exercise all the powers and duties of the Council arising under the provisions of Safety of Sports Grounds Act 1975 in relation to the issuing of notices prohibiting the admission of spectators to sports grounds and make agreed amendments to safety certificates.
- (4) To exercise all the powers and duties of the Council arising under the provisions of the Building (Approved Inspectors) Regulations 1985.
- Note: This power may also be exercised by the Building Control Manager and the Fire/Safety at Sports Grounds Officer.
- (5) To exercise all the powers and duties of the Council arising under the provisions of the Public Health Act 1936 in relation to sanitary conveniences for buildings and culverts, ditches and watercourses.
- (6) To exercise all the powers and duties of the Council arising under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to listed buildings and conservation areas.
- (7) To exercise all the powers and duties of the Council arising under the provisions of the Planning (Hazardous Substances) Act 1990.
- (8) To exercise all the powers and duties of the Council arising under the Town and Country Planning (Control of Advertisements) Regulations 1992 or any amendments to those regulations.
- (9) To exercise all the powers and duties of the Council arising under the provisions of the Hedgerows Regulations 1997.
- (10) To respond to consultations from neighbouring local planning authorities on planning applications.
- (11) To exercise all the powers and duties of the Council under the provisions of the Local Land Charges Act 1975.
- (12) After consulting the Director of Finance, to vary the standard scale of charges of the Local Government Association model structure by plus or minus 10%.
- (13) To take action to prosecute offences under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990,

the Planning (Hazardous Substances) Act 1990, the Public Health Act 1936 and the Safety at Sports Grounds Act 1975.

- (14) To exercise all the powers and duties under Part 8 of the Anti-Social Behaviour Act 2003 to consider and determine complaints about high hedges.
- (15) To authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act 2000 and to designate officers to carry out that function.