

Appendix 2

Proposed revisions to the Appendix to the Constitution incorporating the addition of a Planning Scheme of Delegation

The Delegation Table

Contents:

- Planning Scheme of Delegation (Pages1-5).
- Functions Delegated by the Council to Officers and Committees (Pages 5-274-29).

Planning Scheme of Delegation

Made in accordance with: The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026

Please note – this scheme must be read alongside the Planning and Regulation Committee terms of reference set out in the Constitution, sections 17.25-42.

Schedule 1 – Applications to be determined by the Nominated Officer unless referred as an own-interest application under sections 17.35-36 of the Constitution.

Ref.	Application Type (See Note 1, below)	Nominated Officer (See Note 2 below)
1.	<u>An application made under section 17(1) of the Land Compensation Act 1961 (certificates of appropriate alternative development).</u>	Head of Planning Applications
2	<u>An application made under section 26H(1) of the Listed Buildings Act (certificate of lawfulness of proposed works).</u>	Not applicable
3	<u>A householder application.</u>	Not applicable
4	<u>A minor commercial application</u>	Head of Planning Applications
5	<u>A minor residential application.</u>	Not applicable
6	<u>An application for permission in principle.</u>	Head of Planning Applications
7	<u>An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 1 planning permission.</u>	Head of Planning Applications

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	<u>In this paragraph—</u> <u>“original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;</u> <u>“Schedule 1 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this Schedule.</u>	
<u>8</u>	<u>An application made under section 96A(4) of TCPA 1990 (non-material changes to planning permission or permission in principle).</u>	<u>Head of Planning Applications</u>
<u>9</u>	<u>In respect of a planning obligation that the authority concerned considers is connected with a Schedule 1 approval—</u> <u>(a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations);</u> <u>(b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990 (modification and discharge of planning obligations).</u> <u>In this paragraph, ‘Schedule 1 approval’ means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in this Schedule</u>	<u>Director of Growth and Communities or</u> <u>Director of Infrastructure or</u> <u>Director of Highways and Transportation or</u> <u>Director Environment and Circular Economy</u>
<u>10</u>	<u>An application made under section 191(1) of TCPA 1990 (certificate of lawfulness of existing use or development).</u>	<u>Head of Planning Applications</u>
<u>11</u>	<u>An application made under section 192(1) of TCPA 1990 (certificate of lawfulness of proposed use or development).</u>	<u>Head of Planning Applications</u>
<u>12</u>	<u>The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A to TCPA 1990.</u>	<u>Head of Planning Applications</u>
<u>13</u>	<u>A reserved matters approval application in respect of an outline planning permission other than a large outline permission.</u>	<u>Head of Planning Applications</u>
<u>14</u>	<u>An application made under article 27(1) of DMPO (applications made under a planning condition).</u>	<u>Head of Planning Applications</u>

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<u>15.</u>	<u>An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 for—</u> <u>(a) prior approval, or</u> <u>(b) determination as to whether prior approval is required.</u>	<u>Head of Planning Applications</u>
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Note 1: Schedule 1 refers directly to schedule 1 of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. Applications which would otherwise fall under Schedule 1, will fall within Schedule 2 where:

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- a local authority considers that the application for planning permission is connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent
- the application is made under section 73A of the Town and Country Planning Act 1990

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Note 2: Where the Nominated Officer is listed as 'Not Applicable', this refers to applications which are not listed in County Council functions, but are listed to demonstrate compliance with the regulations.

Schedule 2 – Applications which may be determined by the Nominated Officer or Planning and Regulation Committee in accordance with the Planning and Regulation Committee Terms of Reference

<u>Ref</u>	<u>Application Type (see Note 1)</u>	<u>Nominated Officer (see Note 2 below)</u>
<u>1</u>	<u>An application for listed building consent made under section 10(1) of the Listed Buildings Act (making of applications for listed building consent).</u>	<u>Not Applicable</u>
<u>2</u>	<u>An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent).</u>	<u>Not Applicable</u>
<u>3</u>	<u>An application for planning permission that the authority concerned considers is connected with an application of a kind specified in the following application types:</u> <u>a. An application for listed building consent made under section 10(1) of the Listed Buildings Act (making of applications for listed building consent).</u>	<u>Not Applicable</u>

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	<u>b. An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent).</u>	
<u>4</u>	<u>An application for planning permission that is not—</u> <u>(a) a householder application,</u> <u>(b) a minor commercial application, or</u> <u>(c) a minor residential application.</u>	<u>Head of Planning Applications</u>
<u>5</u>	<u>An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 2 planning permission.</u> <u>In this paragraph—</u> <u>“original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;</u> <u>“Schedule 2 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this Schedule.</u>	<u>Head of Planning Applications</u>
<u>6</u>	<u>An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out)</u>	<u>Head of Planning Applications</u>
<u>7</u>	<u>In respect of a planning obligation that the authority concerned considers is connected with a Schedule 2 approval—</u> <u>(a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations);</u> <u>(b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990 (modification and discharge of planning obligations).</u> <u>In this paragraph, “Schedule 2 approval” means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in Schedule 2.</u>	<u>Director of Growth and Communities or</u> <u>Director of Infrastructure or</u> <u>Director of Highways and Transportation</u> <u>Director Environment and Circular Economy or</u> <u>Head of Planning Applications</u>

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<u>8</u>	<u>A reserved matters approval application in respect of a large outline permission.</u>	<u>Head of Planning Applications</u>
<u>9</u>	<u>An application made under regulation 9(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement) (b).</u>	<u>Not Applicable</u>
<u>10</u>	<u>An application made under regulation 16(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order) (c).</u>	<u>Not Applicable</u>

Note 1: Schedule 2 refers directly to schedule 2 of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

Note 2: Where the Nominated Officer is listed as 'Not Applicable', this refers to applications which are not listed in County Council functions, but are listed to demonstrate compliance with the regulations.

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Functions Delegated by the Council to Officers and Committees (Schedule of Council Functions)

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/ DECISION MAKER
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A. Functions relating to town and country planning and development management amongst others, including the following:

1. Power to determine application for planning permission	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990	Planning Applications Committee— The determination of any application not delegated to officers or which relate to land or buildings managed by the Director of Growth and Communities or to which there are material planning objections—except where representations are received that could otherwise be considered material planning objections but in the opinion of the Head of Planning Applications are not relevant in a particular case. Director of Growth and Communities—set out in notes 1 & 2 below
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2. Power to determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990	As A1
3. Power to grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990	As A1

4. Power to determine application for planning permission made by a local authority, alone or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492) (and subsequent amendments and regulations). Sections 69, 91, 92 and 96A of the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595) (as amended).	As A1.
<u>15.</u> Power to decline to determine application for planning permission	Section 70A, 70B & 70C of the Town and Country Planning Act 1990	Director of Growth and Communities

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<u>26.</u> Duties relating to the making of determinations of planning applications	Sections 69, 91, 92 and 96A of the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) Order 2015 (S.I. 2015/595) (as amended).	Director of Growth and Communities
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<u>37.</u> Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	The Town and Country Planning (General Permitted Development) (England) Order 2015 (2015/596) (as amended).	Director of Growth and Communities
<u>48.</u> Power to enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990 Section 111 of the Local Government Act 1972	Director of Growth and Communities or Director of Infrastructure or Director of Highways and Transportation Director Environment and Circular Economy
9. Power to issue a certificate of existing or proposed lawful use or development	Sections 101(4) and 102(2) of the Town and Country Planning Act 1990	Director of Growth and Communities
<u>510.</u> Power to serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990	Director of Growth and Communities

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<u>644</u> . Power to authorise entry onto land	Section 196A and 196B of the Town and Country Planning Act 1990	Regulation Committee Planning and Regulation Committee - the carrying out of enforcement action, initiation of Stop Notices or any other form of action which may give rise to liability to pay compensation. Director of Growth and Communities - to exercise all other powers delegated to the committee by the Council in relation to the enforcement of the control of development under the Town and Country Planning Act 1990 and related statutory instruments.
<u>742</u> . Power to require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990	As A <u>644</u>
<u>843</u> . Power to serve a planning contravention notice, temporary stop notice, breach of condition notice, or stop notice	Sections 171C, 171E, 187A and 183(1) of the Town and Country Planning Act 1990	As A <u>644</u>
<u>944</u> . Power to issue an enforcement notice and power to vary and withdraw an enforcement notice	Section 172 and 173A of the Town and Country Planning Act 1990	As A <u>644</u>
<u>105</u> . Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990	As A <u>644</u>
<u>116</u> . The obtaining of information as to interests in land	Section 330 of the Town and Country Planning Act 1990	As A <u>644</u>

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127. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act	Director of Growth and Communities
138. Power to determine a screening or scoping opinion	Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as consolidated and amended by SI 2017/571 and subsequent amendments and regulations.	Director of Growth and Communities

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149. Power to determine an Appropriate Assessment application	The Conservation of Habitats and Species Regulations 2010 (SI 2010/490) as consolidated and amended by the Conservation of Habitats and Species Regulations 2017 (SI 2017/1012) and as the later is amended by SI 2018/1307).	Director of Growth and Communities - to determine Appropriate Assessment applications where Natural England has advised the Council that it is satisfied that the proposal will not affect the conservation objectives of the designated site or that the mitigation measures proposed are acceptable
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1520. Power to act as a statutory planning consultee for major development with surface water drainage as the Lead Local Flood Authority.	Para. (ze) of Schedule 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (SI 2015/595).	Director of Growth and Communities
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Note 1 – The following delegation to the Head of Planning Applications Group was agreed by the Planning and Regulation Committee on 18 November 2015:

To refuse applications and to not approve details submitted under conditions where such submissions meet any of the following criteria:

- The proposal does not accord with the Development Plan and there are no overriding material reasons for granting permission or approving the details;

- Insufficient detail or information has been submitted to:

- (i) enable proper consideration of an application for planning permission; or

- (ii) satisfy the terms of a condition or conditions, in the case of an application to discharge a condition or conditions; or

- (iii) enable technical issues raised by consultees to be resolved,

either to determine an application for permission or to discharge a condition or conditions;

- The applicant has not agreed a reasonable extension of time to otherwise allow, within the required timescale for:

- (i) proper consideration of any further information submitted; or

- (ii) completion of a legal agreement; or

- (iii) resolution of any other outstanding matters;

- The applicant has failed to complete a legal agreement upon which a resolution by the Planning and Regulation Committee to grant planning permission is dependent within 6 months of such a resolution being made;

- The application is retrospective and is aimed at rectifying a breach of planning control against which Enforcement proceedings including Court prosecutions have already been instigated;

- The application is a repeat application within 12 months of a previous refusal or withdrawal and does not address the grounds of refusal or concerns raised by the earlier proposal.

Such decisions in relation to Note 1 above will only be issued following consultation with the Chair, Vice Chair and Lead Spokesperson for each Political Group prior to a decision being taken unless reasons of urgency make this impracticable. The consultation period shall usually be 2 working days.

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Any decision taken in respect of Note 1 above is to be reported to the Committee, including the reason that (exceptionally) it had been impractical to consult the Chair, Vice-Chair and Lead Spokesperson for each Political Group.

(NB: when the delegation was granted, it was the Planning Applications Committee. Name of Committee updated as needed).

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B. Regulatory Services Functions

1. Duty to keep list of persons entitled to sell non-medicinal poisons	Sections 3, 5, 6 and 11 of the Poisons Act 1972	Director of Growth and Communities
2. Power to register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925	Director of Growth and Communities
3. Power to license the employment of children	Part II of the Children and Young Persons Act 1933, bylaws made under that Part, and Part II of the Children and Young Persons Act 1963	Director of Growth and Communities
4. Power to approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510) as amended by SI 2003/1961, and The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005/3168) and amended by SIs 2011/2661 and SI 2013/2294.	Corporate Director Growth, Environment and Transport Appeals for refusals to be considered by the Regulation Committee <u>Planning and Regulation Committee</u>

5. Powers to license the sale and collection of pigs	Articles 13 and 14 of the Pigs (Records, Identification and Movement) Order 2011 (SI 2011/2154) and related regulations.	Director of Growth and Communities
6. All Commons Registration functions	Part 1 of the Commons Act 2006 and Commons Registration (England) Regulations 2008 (SI 2008/1961).	Regulation Committee <u>Planning and Regulation Committee</u>

C. Functions Relating to Highways

1. Power to grant a street works licence	Section 50 of the New Roads and Street Works Act 1991	Director of Highways and Transportation
2. Power to permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980	Director of Highways and Transportation
3. Power to license planting, retention and maintenance of trees etc. in part of highway	Section 142 of the Highways Act 1980	Director of Highways and Transportation

4. Power to license works in relation to buildings etc. that obstruct the highway (inc. scaffolding).	Section 169 of the Highways Act 1980	Director of Highways and Transportation
5. Power to consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980	Director of Highways and Transportation
6. Power to dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980	Director of Highways and Transportation

7. Power to enter into oversailing licences	Section 177 of the Highways Act 1980	Director of Highways and Transportation
8. Power to restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980	Director of Highways and Transportation
9. Power to consent to construction of cellars etc under street	Section 179 of the Highways Act 1980	Director of Highways and Transportation
10. Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators	Section 180 of the Highways Act 1980	Director of Highways and Transportation
11. Powers relating to the removal of things so deposited on highways as to be a nuisance	Section 149 of the Highways Act 1980	Director of Highways and Transportation
12. Duty to assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980	Director of Growth and Communities or Director of Highways, Transportation and Waste
13. The making of agreements for the execution of highways works	Section 278 of the Highways Act 1980 Section 38 of the Highways Act 1980	Director of Growth and Communities or Director of Highways and Transportation
14. Preventing surface water from flowing on to the highway	Section 100 of the Highways Act 1980	Director of Highways and Transportation
15. The adoption of small pieces of highway where the land owner is KCC or unknown or when works have been carried out	Section 228 of the Highways Act 1980	Director of Highways and Transportation

16. The making of traffic regulation orders to restrict traffic.	Road Traffic Regulation Act 1984	Director of Highways and Transportation
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D. Functions relating to Public Paths

1. Power to create footpaths, bridleways and restricted byways by agreement	Section 25 of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
2. Power to create footpaths, bridleways and restricted byways	Section 26 of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
3. Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980	Director of Growth and Communities
4. Power to stop up footpaths, bridleways and restricted byways	Section 118 of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
5. Power to determine application for public path extinguishment order	Section 118ZA and 118C(2) of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities

6. Power to make a rail crossing extinguishment order	Section 118A of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
7. Power to make a special extinguishment order	Section 118B of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
8. Power to divert footpaths, bridleways and restricted byways	Section 119 of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
9. Power to make a public path or restricted byway diversion order	Section 119Z and 119C(4) of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
10. Power to make a rail crossing diversion order	Section 119A of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
11. Power to make a special diversion order	Section 119B of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
12. Power to require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980	Director of Environment, Planning and Enforcement

13. Power to make an SSSI diversion order	Section 119D of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
14. Duty to keep register with respect of applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980 and the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177	Director of Growth and Communities
15. Power to decline to determine certain applications	Section 121C of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
16. Duty to assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980	Director of Growth and Communities
17. Duty to serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980.	Director of Growth and Communities
18. Power to apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980	Director of Growth and Communities
19. Power to authorise temporary disturbance of surface of footpath or bridleway	Section 135 of the Highways Act 1980	Director of Growth and Communities
20. Power temporarily to divert footpath or bridleway	Section 135A of the Highways Act 1980	Director of Growth and Communities

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21. Functions relating to the making good of damage and the removal of obstructions	Section 135B of the Highways Act 1980	Director of Growth and Communities
22. Powers relating to the removal of things so deposited on highways as to be a nuisance	Section 149 of the Highways Act 1980	Director of Growth and Communities
23. Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
24. Duty to keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or at the request of a political party or elected Member Otherwise, Director of Growth and Communities
25. Power to include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981	Director of Growth and Communities
27. Power to prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981	Director of Growth and Communities

28. Power to designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984 and the Cycle Tracks Regulations 1984 (SI 1984/1431).	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
29. Power to extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1985	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
30. Power to authorise stopping-up or diversion of footpath or bridleway	Section 257 of the Town and Country Planning Act 1990	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
31. Power to extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
32. Power to enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000	Director of Growth and Communities
33. Power to provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000	Director of Growth and Communities

E. Functions Relating to Elections

1. Powers in respect of holding of County Council elections	Section 35 of the Representation of the People Act 1983	County Returning Officer
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2. Power to pay expenses properly incurred by Deputy Returning Officers in relation to County Council functions	Section 36(4) of the Representation of the People Act 1983	County Returning Officer
4. Duty to declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972	County Returning Officer Head of Governance
5. Duty to give public notice of a casual vacancy	Section 87 of the Local Government Act 1972.	County Returning Officer
6. Power to set County Scale of Election Fees and Expenses for KCC Elections.	Section 36(4) of the Representation of the People Act 1983.	Selection and Member Services Committee
7. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000	Selection and Member Services Committee

F. Functions relating to name and status of areas and individuals

1. Power to change the name of the county	Section 74 of the Local Government Act 1972	County Council
2. Power to confer title of honorary alderman or to admit to be an honorary freeman	Section 249 of the Local Government Act 1972	County Council

G. Functions relating to the Land Drainage Act 1991

1. Power to enforce obligations to repair watercourses, bridges, etc	Section 21 of the Land Drainage Act 1991 as amended by Section 31 of Schedule 2 of the Flood and Water Management Act 2010.	Director of Environment and Circular Economy
2. Power to give consent for obstructions, etc, in watercourses	Section 23 of the Land Drainage Act 1991 as amended by Section 32 of Schedule 2 of the Flood and Water Management Act 2010	Director of Environment and Circular Economy
3. Power to require works for maintaining flow of watercourses	Section 25 of the Land Drainage Act 1991 as amended by Section 33 of Schedule 2 of the Flood and Water Management Act 2010	Director of Environment and Circular Economy
4. Powers of entry for internal drainage boards and local authorities	Section 64 of the Land Drainage Act 1991	Director of Environment and Circular Economy

H. Functions relating to Counter-Terrorism and Security

1. Duty to establish a local panel	Section 36 of the Counter-Terrorism and Security Act 2015	Corporate Director Adult Social Care and Health
2. Duty to support a local panel	Sections 36-38 of the Counter-Terrorism and Security Act 2015	Corporate Director Adult Social Care and Health

I. Functions relating to Coastal Access

Power to enter	Schedule 20	Corporate Director of Growth,
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agreement with an owner or occupier for the carrying out of works for the purpose of assisting Natural England to discharge the coastal access duty.	section 2 Marine and Coastal Access Act 2009	Environment and Transport.
Power to establish or maintain the England Coast Path in the absence of agreement including the service of notice	Schedule 20 section 3 Marine and Coastal Access Act 2009	Corporate Director of Growth, Environment and Transport.
Power to erect notices and signs where delegated by Natural England	Schedule 20 section 6 (5) Marine and Coastal Access Act 2009	Corporate Director of Growth, Environment and Transport.
Power to remove notices or signs.	Schedule 20 section 8(1)(b) Marine and Coastal Access Act 2009	Corporate Director of Growth, Environment and Transport.
Power to enter land to determine whether works are required and the carrying out of the work and inspection for the purposes of the Act.	Schedule 20 section 9 (2) Marine and Coastal Access Act 2009	Corporate Director of Growth, Environment and Transport.

J. Other Functions

1. Power to make, amend, revoke or re- enact bylaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978	County Council
2. Power to promote or oppose local or personal Bills	Section 239 of the Local Government Act 1972	County Council

3. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972	Pension Fund Committee.
4. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be)	The Accounts and Audit Regulations 2015 (2015/234).	Governance and Audit Committee
5. Functions relating to sea fisheries	Ch.1 of Part 6 of the Marine and Coastal Access Act 2009 and The Kent and Essex Inshore Fisheries and Conservation Order 2010 (SI 2010/2190).	Kent and Essex Inshore Fisheries and Conservation Authority,
6. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972	County Council
7. Power to appoint staff or place them at the disposal of other authorities	Sections 112 and 113 of the Local Government Act 1972	<u>Senior Managers</u> - Personnel Committee or Member Appointment Panel (Sub Committee) <u>Other officers</u> – Senior Managers
8. Duty to appoint officers as Head of Paid Service, Monitoring Officer, as responsible for administration of financial affairs and provide staff for them	Sections 151 of the Local Government Act 1972, 4(1) and 5(1) of the Local Government and Housing Act 1989	County Council
9. Power to make standing orders as to contracts	Section 135 of the Local Government Act 1972	County Council

10. Power to make payments or provide other benefits in cases of maladministration, etc.	Section 92 of the Local Government Act 2000.	Corporate Director of Finance (as the Section 151 Officer)
11. The making of arrangements for appeals against exclusion of pupils	Section 51A of the Education Act 2002	Head of Governance
12. The making of arrangements for admission appeals	Section 94(1) and (4) and Schedule 24 of the Schools Standards and Framework Act 1998	Head of Governance
13. The making of arrangements for children to whom section 87 applies: appeals by governing bodies	Section 95(2) and Schedule 25 of the Schools Standards and Framework Act 1998	Head of Governance
14. The obtaining of particulars of persons interested in land	Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Director of Growth and Communities or Director of Highways and Transportation
15. Discharge of persons who are subject to Guardianship	Section 23 of the Mental Health Act 1983	Mental Health Guardianship Sub-Committee on the recommendation of Director Adult Social Care and Health
16. Appointment of, nomination of or removal of LEA Governors to school governing bodies	School Governance (Constitution) (England) Regulations 2012	Governor Appointment Panel Appointments delegated to the Corporate Director Children, Young People and Education, in consultation with the Chairman of the Governor Appointment Panel where the nominee meets the guidelines in full

17. Legal framework for duty of care for waste, contaminated land and statutory nuisance.	Environmental Protection Act 1990	Director of Highways and Transportation or Director of Environment and Circular Economy
18. To carry out Highways, Transport & Waste statutory duties included within the listed legislation.	The Highways Act 1980, The Traffic Management Act 2004, The New Roads and Streetworks Act 1991, The Road Traffic Act 1991, Traffic Signs Regulations and General Directions 2016, The Construction (Design and Management) Regulations 2015, The Equality Act 2010, Town and Country Planning Act 1990, The Wildlife & Countryside Act 1981 and Public Nuisance Common Law.	Director of Highways and Transportation or Director of Environment and Circular Economy

19. Grant dispensations where: (i) without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter; or (ii) that the authority considers that the dispensation is in the interests of persons living in its area; or (iii) where the Committee considers that it is otherwise appropriate to grant a dispensation.	Section 33 (2) of the Localism Act 2011	Standards Committee Monitoring Officer
20. The appointment of proper officers	See Relevant regulation in Constitution: Statutory and Proper Officers.	County Council

21. The appointment (and the revocation of any such appointment) of an individual: (a) to any office other than an office in which he is employed by the authority (b) to any body other than: (i) the authority (ii) a joint committee of two or more authorities (c) to any committee or sub-committee of such a body		All Senior Officers except when the appointment needs to be made by the Leader in connection with the delegation by him of his functions, the list of those appointments to be agreed from time to time by the Selection and Member Services Committee
22. Any function under a local Act		All Senior Officers

~~Note 1—The following delegation to the Head of Planning Applications Group was agreed by the Planning Applications Committee on 18 November 2015:~~

~~To determine any application (including details submitted under condition and non-material amendments) for which there has been no relevant planning objection raised by consultees or as a result of publicity, or where representations are received that could otherwise be considered material planning objections but in the opinion of the Head of Planning Applications are not relevant in a particular case.~~

~~Note 2—The following delegation to the Head of Planning Applications Group was agreed by the Planning Applications Committee on 18 November 2015:~~

~~To refuse applications and to not approve details submitted under conditions where such submissions meet any of the following criteria:~~

- ~~• The proposal does not accord with the Development Plan and there are no overriding material reasons for granting permission or approving the details;~~
- ~~• Insufficient detail or information has been submitted to:~~
 - ~~(i) enable proper consideration of an application for planning permission; or~~
 - ~~(ii) satisfy the terms of a condition or conditions, in the case of an application to discharge a condition or conditions; or~~
 - ~~(iii) enable technical issues raised by consultees to be resolved, either to determine an application for permission or to discharge a condition or conditions;~~
- ~~• The applicant has not agreed a reasonable extension of time to~~

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otherwise allow, within the required timescale for:

- (i) ~~proper consideration of any further information submitted; or~~
- (ii) ~~completion of a legal agreement; or~~
- (iii) ~~resolution of any other outstanding matters;~~

- ~~The applicant has failed to complete a legal agreement upon which a resolution by the Planning Applications Committee to grant planning permission is dependent within 6 months of such a resolution being made;~~
- ~~The application is retrospective and is aimed at rectifying a breach of planning control against which Enforcement proceedings including Court prosecutions have already been instigated;~~
- ~~The application is a repeat application within 12 months of a previous refusal or withdrawal and does not address the grounds of refusal or concerns raised by the earlier proposal.~~

~~Such decisions in relation to Note 2 above will only be issued following consultation with the Chair, Vice Chair and Lead Spokesperson for each Political Group prior to a decision being taken unless reasons of urgency make this impracticable. The consultation period shall usually be 2 working days.~~

~~Any decision taken in respect of Note 2 above is to be reported to the Committee, including the reason that (exceptionally) it had been impractical to consult the Chair, Vice Chair and Lead Spokesperson for each Political Group.~~