

## **Appendix 2 Part 3: Functions delegated by the Council to Officers**

1.1 The Council has delegated to Committees and Senior Managers the exercise of a range of functions that are not the responsibility of the Executive as set out in the Schedule below.

1.2 Any action by Senior Managers under this delegation shall be in accordance with:

- (a) the overall policies approved by the Council or its committees
- (b) an approved budget
- (c) the Resource Management Responsibilities Statement set out in Appendix 5 and associated Resource Management Rules

1.3 Senior Managers, when exercising these delegated powers, must maintain a close liaison with the appropriate Committee Chairman and refer any proposed action to the relevant committee if so required by the relevant Chairman.

1.4 Senior Managers may, in turn, delegate their powers to more junior officers, or escalate the making of those decisions to the relevant Corporate Director, but must ensure that such delegations are documented to the satisfaction of the Monitoring Officer and are regularly reviewed.

1.5 Officers are also authorised to act on behalf of the Council by specific provisions within the Procedure Rules set out in Appendix 4, the Resource Management Responsibilities Statement set out in Appendix 5 and associated Resource Management Rules, including Financial Regulations.

1.6 Any manager may exercise any power delegated to an officer for whom they have supervisory responsibility.

1.7 Senior Managers (or an officer authorised by them) may take action on urgent matters, which would otherwise require reference to, or consultation with, the Council or a committee, if there is no time for such reference or consultation to be made; appropriate committee chairmen should be consulted if time permits. All such decisions should be reported to the next meeting of the Council or committee.

1.8 Involvement of Local Members:

(1) In exercising these delegations or in preparing a report for consideration by the Council or a committee, officers shall consult the relevant Local Members on any matter that appears to specifically affect their division.

(2) All reports to the Council or a committee shall include the views of Local Members.

(3) If a Local Member objects to a proposed decision by an officer, the relevant Council or committee chairman shall be consulted and the matter normally referred to the Council or committee.

## **Schedule of Council Functions**

*These functions are the responsibility of the Council and not of the Leader*

<b>FUNCTION</b>	<b>PROVISION OF ACT OR STATUTORY INSTRUMENT</b>	<b>RESPONSIBILITY/DECISION MAKER</b>
<b>A. Functions relating to town and country planning and development management amongst others, including the following:</b>		
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 Environment Planning and Enforcement 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.
2. Power to determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990	
3. Power to grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990	
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) (as amended).  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).	Director of Environment Planning and Enforcement - set out in notes 1 & 2 below
5. Power to decline to determine application for planning permission	Section 70A, 70B & 70C of the Town and Country Planning Act 1990	Director of Environment, Planning and Enforcement
6. Duties relating to the making of	Sections 69, 91, 92 and 96A of the Town	Director of Environment, Planning and Enforcement

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determinations of planning applications	Planning Act 1990 and the Town and Country Planning (Development Management Procedure) Order 2015 (S.I. 2015/595) (as amended).	
7. 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. (2015/595) (as amended).	Director of Environment, Planning and Enforcement
8. 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 Environment, Planning and Enforcement or  Director of Economic Development or  Director of Property and Infrastructure  <a href="#">Director of Highways, Transportation and Waste</a>
9. Power to issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990	Director of Environment, Planning and Enforcement
10. Power to serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990	Director of Environment, Planning and Enforcement
11. Power to authorise entry onto land	Section 196A and 196B of the Town and Country Planning Act 1990	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.
12. Power to require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990	
13. Power to serve a planning contravention notice, temporary notice, breach of condition notice, or stop notice	Sections 171C, 171E, 187A and 183(1) of the Town and Country Planning Act 1990	Director of Environment, Planning and Enforcement - 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.
14. 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	

<b>FUNCTION</b>	<b>PROVISION OF ACT OR STATUTORY INSTRUMENT</b>	<b>RESPONSIBILITY/DECISION MAKER</b>
15. Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990	
16. The obtaining of information as to interests in land	Section 330 of the Town and Country Planning Act 1990	
17. 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 Environment, Planning and Enforcement
18. Power to determine a screening or scoping opinion	Town and Country Planning (Environmental Impact Assessment) Regulations 2011	Director of Environment, Planning and Enforcement
19. Power to determine an Appropriate Assessment application	The Conservation of Habitats and Species Regulations 2010 (as amended).	Director of Environment, Planning and Enforcement - 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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<b>G. Functions relating to the Land Drainage Act 1991</b>		
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, Planning and Enforcement
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, Planning and Enforcement
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, Planning and Enforcement
<u>4. Powers of entry for internal drainage boards and local authorities</u>	<u>Section 64 of the Land Drainage Act 1991</u>	<u>Director of Environment, Planning and Enforcement.</u>

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 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 Chairman, Vice Chairman and Lead Spokesman 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 Chairman, Vice-Chairman and Lead Spokesman for each political group.