

3D Non-Executive Scheme of Officer Delegation (Draft)

APPENDIX 4

Council has delegated to committees and officers the exercise of a range of functions set out in the table below (as referred to in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended), which are not the responsibility of the Executive.

- 3D.1 When exercising these delegated powers, officers should maintain a close liaison with the relevant committee chairman and refer any proposed action to the relevant committee if required by the chairman.
- 3D.2 Officers may, in turn, authorise other officers to exercise their functions, or escalate the making of those decisions to Chief Executive or Deputy Chief Executive but must ensure that such delegations are documented and are regularly reviewed.
- 3D.3 Any manager may exercise any power delegated to an officer for whom they have supervisory responsibility, except those reserved by law to others.
- 3D.4 Any Non-Executive function may be exercised by the Chief Executive or the Deputy Chief Executive notwithstanding its delegation to another officer (except those reserved by law to others).
- 3D.5 In the absence of the Chief Executive The Deputy Chief Executive is authorised to exercise any functions which are delegated to the Chief Executive
- 3D.6 Officers (or an officer authorised by them) may act on urgent matters, which would otherwise require reference to, or consultation with Council or a committee, if there is no time for such reference or consultation to be made; relevant committee chairmen should be consulted if time permits. All such decisions should be reported to the next meeting of Council or committee.
- 3D.7 Certain Non-Executive decisions taken by officers must be recorded and published, in accordance with The Openness of Local Government Bodies Regulations 2014.
- 3D.8 In addition to the specific powers detailed in the tables below all powers necessary and appropriate for the operational discharge of functions, whether mandatory or discretionary are deemed delegated to the Senior Officer(s) with responsibility for discharging that function, or exercising that power, without a specific resolution of Council or Cabinet, unless the legislation requires a positive resolution or a specific procedure to be adopted before the function can be undertaken. Such delegated powers are to be exercised with due professional skill and diligence relevant to the post and are subject to the limitations, if any, set by the relevant committee and budgetary resources. Further, such delegated powers will be exercised in compliance with and consistent with the policy framework adopted by Council and in accordance with law and the principles of this constitution. The Senior Officers will be able to appoint such officers as they consider necessary to assist in the discharge of the functions.

FUNCTIONS RELATING TO GOVERNANCE

No	FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT (Where applicable)	RESPONSIBILITY/ DECISION MAKER
Unless specified otherwise, titles in italics in the third column indicate full delegation to the named officer			
1.	Proper officer Functions	Any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972	Chief Executive
2.	Authentication of documents	Section 234(1) and (2) of the Local Government Act 1972	
3.	Signature of summonses for Council Meetings	Schedule 12, paragraph 42(b) of the Local Government Act 1972	Chief Executive and Monitoring Officer
4.	Witness and receive declarations of acceptance of office	Section 83(1) to (4) of the Local Government Act 1972	Monitoring Officer
5.	Receive declarations of resignation of office	Section 84 of the Local Government Act 1972	Monitoring Officer
6.	Convene meetings of Council to fill a casual vacancy in the office of chair	Section 88(2) of the Local Government Act 1972	Monitoring Officer
7.	Receive notice of a casual vacancy	Section 89(1)(b) of the Local Government Act 1972	Monitoring Officer
8.	Access to agenda and connected report	Section 100B(2) of the Local Government Act 1972	Monitoring Officer
9.	Supply of papers to the press	Section 100B(7)(c) of the Local Government Act 1972	Monitoring Officer
10.	Summaries of minutes	Section 100C(2) of the Local Government Act 1972	Monitoring Officer
11.	Compilation of lists of background papers where the report has been prepared in the name of the Chief Executive or any member or any other instances exclusive of named Senior Officers (including first named in joint reports)	Section 100D(1)(a) of the Local Government Act 1972	All Senior Officers
12.	Identification of background papers where the report has been prepared in the name of the Chief Executive or any member or any other instances exclusive of named Senior Officers (including first named in joint reports)	Section 100D(5)(a) of the Local Government Act 1972	Monitoring Officer

13.	Determination of papers not open to inspection by members	Section 100F(2) of the Local Government Act 1972	Chief Executive and Monitoring Officer
14.	Deposit of documents	Section 225(1) of the Local Government Act 1972	Monitoring Officer
15.	Certification of photographic copies	Section 229(5) of the Local Government Act 1972	Monitoring Officer
16.	Authentication of document	Section 234(1)(2) of the Local Government Act 1972	Monitoring Officer
17.	Consider exempt status of information to be considered at a Council or Committee meeting in respect of which the public may be excluded	Schedule 12 of the Local Government Act 1972	Monitoring Officer/Deputy Monitoring Officer
18.	Certification of resolutions under paragraph 25 of Schedule 14	Schedule 14 of the Local Government Act 1972	Monitoring Officer
19.	Receipt of Ombudsman Reports	Section 30 of the Local Government Act 1974	Monitoring Officer
20.	Authentication of copies of minutes etc for production in Court	Section 41 of the Local Government (Miscellaneous Provisions) Act 1976	Monitoring Officer
21.	Monitoring Officer	Section 5 of the Local Government and Housing Act 1989	Monitoring Officer
22.	Calculation of Political Balance on Committees	Section 15 of the Local Government and Housing Act 1989	Monitoring Officer
23.	Receipt of written undertaking from members to observe the Authority's Code of Conduct	Section 52 of the Local Government Act 2000	Monitoring Officer
24.	Maintain and make available a register of declarations of interests under sections 30 and 31	Section 29 of the Localism Act 2011	Monitoring Officer
25.	Grant dispensations from section 31(4)	Section 33 of the Localism Act 2011	Monitoring Officer
26.	Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972	Council (for Chief Executive and designation of Chief Finance (S151) Officer & Monitoring Officer). Appointments Panel (for all posts below the Chief Executive) Chief Executive (for all other retained posts)
27.	Power to appoint officers	Section 270(3) of the Local	Chief Executive

	for particular purposes (appointment of proper officers)	Government Act 1972	
28.	Power to apply the common seal of the Council and sign documents	-	Chief Executive, Deputy Chief Executive, Monitoring Officer and Senior Officer Responsible for Legal Services
29.	To maintain and keep under review a central register of authorisations issued under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000	Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000	Senior Officer Responsible for Counter Fraud

FUNCTIONS RELATING TO FINANCE

No	FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT (Where applicable)	RESPONSIBILITY/ DECISION MAKER
Unless specified otherwise, titles in italics in the third column indicate full delegation to the named officer			
1.	Declarations and certificates with regard to securities	Sections 146(1)(a) & (b) of the Local Government Act 1972	Chief Finance Officer
2.	Proper administration of the Council's financial affairs	Sections 151 of the Local Government Act 1972	Chief Finance Officer
3.	Receipt of a written statement or Annual report or Accounts deposited under section 137A where the Council has provided financial advice assistance to any organisation body or fund	Section 137A of the Local Government Act 1972	Chief Finance Officer
4.	Inspection of account by member of the authority	228(3) of the Local Government Act 1972	Chief Finance Officer
5.	Giving notice in the press of the amounts of Council Tax that have been set	Section 38(2) of the Local Government Finance Act 1992	Chief Finance Officer

FUNCTIONS RELATING TO ELECTIONS

No	FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT (Where applicable)	RESPONSIBILITY/ DECISION MAKER
Unless specified otherwise, titles in italics in the third column indicate full delegation to the named officer			
1.	Power to appoint officers to assist the electoral registration officer	Section 52(4) of the Representation of the People Act 1983	Chief Executive
2.	Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983	Chief Executive
3.	Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983	Chief Executive
4.	Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972	Chief Executive
5.	Duties relating to publicity.	Sections 35, 41 and 52 of the 2007 Act	Chief Executive
6.	Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the 2007 Act	Chief Executive
7.	Duties when undertaking a community governance review	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007	Chief Executive
8.	Duty to publicise outcome of review	Section 96 of the Local Government and Public Involvement in Health Act 2007	Chief Executive
9.	Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the Local Government and Public Involvement in Health Act 2007	Chief Executive
10.	Power to make agreements about incidental matters	Section 99 of the Local Government and Public Involvement in Health Act 2007	Chief Executive

FUNCTIONS RELATING TO LEGAL SERVICES

No	FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT (Where applicable)	RESPONSIBILITY/ DECISION MAKER
Unless specified otherwise, titles in italics in the third column indicate full delegation to the named officer			
1.	To institute and defend in their own name all appropriate legal proceedings in any court, for and on behalf of the Council, where a decision has been made, whether under delegated authority of an officer or by the Executive, Council or committee, and which relates to a regulatory or enforcement power.	n/a	Senior Officer Responsible for Legal Services
2.	Where the Council is engaged in any litigation, to have the conduct of the matter and full authority to receive any information in connection therewith and to settle or compromise any proceedings as they deem appropriate and expedient for the Council's interests.	n/a	Senior Officer Responsible for Legal Services
3.	Authority to instruct private practice solicitors or junior barristers to undertake legal work when considered necessary or appropriate.	n/a	Senior Officer Responsible for Legal Services
4.	To prosecute any offence of obstructing staff in the course of their official duties.	n/a	Senior Officer Responsible for Legal Services
5.	Authority to obtain counsel's opinion provided that regular reports are made to Council on the costs of litigation.	n/a	Senior Officer Responsible for Legal Services
6.	In consultation with the Chief Executive to set charges for legal work rechargeable to external	n/a	Senior Officer Responsible for Legal Services

	persons or organisations.		
7.	Recovery matters - Authority to act on the Council's behalf in respect of attendance at the Magistrates Court and the County Court on all recovery matters, including applications for a committal warrant and attendance at valuation tribunals as appropriate.	n/a	Senior Officer Responsible for Legal Services
8.	Issue notices under the provisions of the Drainage Acts	n/a	Senior Officer Responsible for Legal Services
9.	Court Attendance	Section 223 of the Local Government Act 1972	members of the Legal Services team may be authorised to prosecute or defend actions and/or cases, and to represent the Council, in any Magistrates' Court proceedings or County Court proceedings, valuation tribunals and planning inquires as appropriate, subject to the Senior Officer with responsibility for Legal Services being satisfied with their legal competence
10.	Authority to complete Planning Agreements	Section 106 of the Town and Country Planning Act 1990 and Section 38 and 278 of the Highways Act 1980	Senior Officer Responsible for Legal Services

FUNCTIONS RELATING TO LICENSING
(in so far as not covered by any other part of this scheme of delegation)

No	FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT (Where applicable)	RESPONSIBILITY/DECISION MAKER
Unless specified otherwise, titles in italics in the third column indicate full delegation to the named officer			
1.	Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960	Senior Officer Responsible for Operational Services
2.	Power to licence the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936	Senior Officer Responsible for Operational Services
3.	Power to licence hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (a) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	Senior Officer Responsible for Licensing and Business Support or refer to Sub Committee if previous convictions or required by Policy Guidelines
4.	Power to licence drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	Senior Officer Responsible for Licensing and Business Support or refer to Sub Committee if previous convictions
5.	Power to licence operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	Senior Officer Responsible for Licensing and Business Support or refer to Sub Committee if required by Policy Guidelines
6.	Any function of a licensing authority (including personal licences and premises licences)	Licensing Act 2003 and any regulations or orders made under that Act	Senior Officer Responsible for Licensing and Business Support or refer to Sub Committee if representations are

			received
7.	To exercise power of entry	Section 179 of the Licensing Act 2003	Senior Officer Responsible for Operational Services
8.	Temporary event notice	Licensing Act 2003, Part 5 The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005	Senior Officer Responsible for Licensing and Business Support or refer to Sub Committee if police or environmental health objection received
9.	Any functions of a licensing authority in relation to gambling	Section 163, 164 & 165 of the Gambling Act 2005	Senior Officer Responsible for Licensing and Business Support or refer to Planning and Licensing Committee if representations are received
10.	Temporary use notice (temporary gaming activities)	Section 215 of the Gambling Act 2005 Gambling Act 2005 (Temporary Use Notices) Regulations 2007	Senior Officer Responsible for Licensing and Business Support or refer to Planning and Licensing Committee if representations are received
11.	Any functions related to gaming permits	Sections 247, 271, 282, 283, and 289 and Schedules 10, 11, 13 and 14 of the Gambling Act 2005 Gambling Act (Club Gaming Permits) (Authorised Gaming) Regulations 2007 Gaming Machines in Alcohol Licensed Premises (Notification Fee) (England and Wales) Regulations 2007	Senior Officer Responsible for Licensing and Business Support
12.	Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the Gambling Act 2005	Senior Officer Responsible for Licensing and Business Support
13.	Functions relating to exchange of information.	Section 30 of the Gambling Act 2005	Senior Officer Responsible for Licensing and Business Support
14.	Functions relating to occasional use notices.	Section 39 of the Gambling Act 2005	Senior Officer Responsible for Licensing and Business Support
15.	Power to institute criminal	Section 346 of the Gambling Act	Senior Officer with

	proceedings	2005	Responsibility for Legal Services
16.	Functions relating to the registration and regulation of small society lotteries.	Part 5 of Schedule 11 to the Gambling Act 2005	Senior Officer Responsible for Licensing and Business Support
17.	Power to licence persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939	Senior Officer Responsible for Licensing and Business Support
18.	Street collection licence	Sections 66 and 68 of the Charities Act 1992	Senior Officer Responsible for Licensing and Business Support
19.	Power to licence performances of hypnotism.	The Hypnotism Act 1952	Senior Officer Responsible for Licensing and Business Support or refer to Planning and Licensing Committee if representations are received
20.	Power to licence premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982	Senior Officer Responsible for Licensing and Business Support or refer to Planning and Licensing Committee if representations are received
21.	Power to licence markets and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982	Senior Officer Responsible for Licensing and Business Support
22.	Power to issue scrap metal dealers licences	Scrap Metal Dealers Act 2013	Senior Officer Responsible to Operational Services or refer to Cabinet of previous convictions
23.	Power to license premises for animal activities	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018	Senior Officer Responsible for Licensing and Business Support or refer to Planning and Licensing Committee if representations are received
24.	Power to licence zoos	Section 1 of the Zoo Licensing Act 1981	Senior Officer Responsible for Licensing and Business Support or

			refer to Planning and Licensing Committee if representations are received
25.	Power to licence dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976	Senior Officer Responsible for Licensing and Business Support or refer to Planning and Licensing Committee if representations are received
26.	Power to issue Pavement Licenses	Business & Planning Act 2020	Senior Officer Responsible for Licensing and Business Support or refer to Chair of Planning and Licensing Committee if representations are received

FUNCTIONS RELATING TO PUBLIC HEALTH, ENVIRONMENTAL HEALTH AND HEALTH AND SAFETY

No	FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT (Where applicable)	RESPONSIBILITY/DECISION MAKER
Unless specified otherwise, titles in italics in the third column indicate full delegation to the named officer			
1.	Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974	Senior Officer Responsible for Operational Services
2.	Inspection of premises the subject of an application for registration as keeper of a Common Lodging House	Section 283 of the Public Health Act 1936	Senior Officer Responsible for Operational Services
3.	Notices to be signed on behalf of the District Council	Section 284 of the Public Health Act 284	Senior Officer Responsible for

		Section 29 of the Public Health (Control of Disease) Act 1984	Operational Services
4.	Disinfection or destruction of verminous article	Section 37 of the Public Health Act 1936	Senior Officer Responsible for Operational Services
5.	Public Health Protection Activities	Section 129 of the Health and Social Care Act 2008	Senior Officer Responsible for Operational Services
6.	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006	Senior Officer Responsible for Operational Services
7.	Power to authorise officers	Section 10(5) and paragraph 1 of Schedule 2 of the Health Act 2006	Senior Officer Responsible for Operational Services
8.	Functions relating to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006 Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007	Senior Officer Responsible for Operational Services
9.	Power to transfer enforcement functions to another enforcement agency	Smoke free (Premises and Enforcement) Regulations 2006	Senior Officer Responsible for Operational Services

FUNCTIONS RELATING TO PLANNING

In this section of the scheme of delegation the following abbreviations have been applied:

PCttee means the Planning and Licensing Committee

CM means the Cabinet Member for Planning

HLS means the Senior Officer Responsible for Legal Services

SOP means the Senior Officer Responsible for Planning

No	FUNCTION	RESPONSIBILITY/ DECISION MAKER	EXCEPTIONS AND CONDITIONS
Unless specified otherwise, titles in italics in the third column indicate full delegation to the named officer			
1.	General		
	To respond on behalf of the Council to consultations from Government, Government agencies, the Local Government Association, other local authorities (except <i>with respect to</i> planning applications and similar consultations - see below), professional bodies and all other similar organisations, relevant to the work of the Committee and so long as: (i) it is not possible to assess and present the matter to the Committee	SOP	

	<p>within the prescribed time for response; or,</p> <p>(ii) the matter is considered to be of a relatively minor or straightforward nature not requiring prior debate by the Committee.</p>		
	<p>The scope of delegation may be amended by a majority of the Members present at a meeting of the Planning and Licensing Committee to which a report is submitted and there will be no requirement to comply with the procedure for amending the constitution. Changes to officer titles, onward delegations and minor drafting changes can be made without referral back to the Committee.</p>	SOP	
2.	Right of Entry onto Land		
	<p>To exercise the Council's powers with respect to rights of entry onto land and into buildings under the relevant planning, historic building conservation, environmental and Local Government (Miscellaneous Provisions) legislation.</p>	SOP	
3.	Dealing with Planning and other related Applications and Notifications		
A.	<p><i>To determine all applications for planning permission or consents (with or without planning conditions or obligations), all Planning Applications for planning permission or consents, including Listed Building Consent, TPO applications, Permissions in Principle, Technical Details Consent.</i></p> <p><i>The following provisos apply:</i></p> <p>(i) All planning decisions must pay due regard to the provisions of the Development Plan, where applicable, and to legislation (including Regulations), Government guidance and circulars (including the NPPF), and all other relevant material considerations.</p> <p>(ii) The relevant Ward Member(s) and Town / Parish Council / Parish Meeting must be notified either through the electronic planning alert system.</p>	SOP	<p><i>Types of applications NOT to be determined under delegated powers</i></p> <p>(a) Applications submitted by or on behalf of the Council, for development on Council-owned land.</p> <p>(Any application required in connection with flood prevention/alleviation schemes is exempt from the requirement to be presented to the PCttee).</p> <p>(b) Applications</p>

	<p>(iii) Any Member(s) can request that an application be referred to the PCttee for determination and must provide Planning reasons for the referral.</p> <p>(iv) If an application is proposed for refusal, or if any written objection to an application is received but it is proposed to permit the application, the Ward Member(s) must be notified by the Case Officer and given seven calendar days within which s/he may require that the application be referred to the PCttee for determination. If no response is received within the seven day period, the delegated decision can be made as notified to the Ward Member(s).</p> <p>(v) For applications submitted by or on behalf of an employee of the Council (or their partner, close relative or their partner's close relative) in which they have a beneficial interest (i.e. they own the land or are a prospective purchaser), then the Officer/consultant shall declare their interest and shall have no involvement in the processing of the application/consent. The application must be the subject of consultation with the Ward Member(s) with the exception of applications made by non-Planning staff (excluding those in politically restricted posts) for Householder development.</p> <p>(vi) If a Permission in Principle application or Technical Details Consent cannot be brought to PCttee due to time constraints, the application/Consent should be the subject of consultation with the Ward Member(s). The final decision lies with the Senior Officer responsible for Planning.</p>		<p>submitted by or on behalf of a Member of the Council or by a close relative or partner of a Member, or which relates to land which is owned by a Member (or they have a beneficial interest in), which must be drawn to the attention of the Senior Officer responsible for Planning.</p> <p>(c) Applications where the intended decision would be a significant departure from the provisions of the approved or draft development plan or other approved or adopted Council Planning policies or Supplementary Planning Guidance.</p>
B.	<p>Notifications</p> <p><i>The following provisos apply:</i></p> <p>(i) All planning decisions must pay due regard to the provisions of the Development Plan, where applicable,</p>	SOP	<p><i>Types of notifications NOT to be determined under delegated powers</i></p> <p>(a) Notifications</p>

<p>and to legislation (including Regulations), Government guidance and circulars (including the NPPF), and all other relevant material considerations.</p> <p>(ii) The relevant Ward Member(s) and Town / Parish Council / Parish Meeting must be notified through the electronic planning alert system, with the exception of tree works notifications, which are subject to consultation with the Ward Member(s) in any case where the officer intends serving a TPO or an objection has been received.</p> <p>(iii) Any Member(s) can request that a notification be referred to the PCtee for determination and must provide Planning reasons for the referral.</p> <p>(iv) If it is proposed to raise objections to (or to refuse) a notification, or if any written objection to a notification is received but it is proposed to permit (or raise no objections to) the notification, the Ward Member(s) must be notified by the Case Officer and given seven calendar days within which s/he may require that the notification be referred to the PCtee for determination. If no response is received within the seven day period, then the delegated decision can be made as notified to the Ward Member(s).</p> <p>(v) All notifications submitted by or on behalf of an employee of the Council (or their partner, close relative or their partner's close relative) must be the subject of consultation with the Ward Member(s).</p> <p>(vi) If a notification cannot be brought to PCtee due to time constraints, the notification should be the subject of consultation with the Ward Member(s). The Senior Officer responsible for Planning will have discretion to determine proposals where objections are received relating to submissions that have strict, statutory time limits for making decisions or taking action.</p>		<p>submitted by or on behalf of the Council, for development on Council- owned land.</p> <p>(Any notification required in connection with flood prevention/alleviation schemes is exempt from the requirement to be presented to the PCtee).</p> <p>(b) Notifications submitted by or on behalf of a Member of the Council or by a close relative or partner of a Member, or which relates to land which is owned by a Member (or they have a beneficial interest in), which must be drawn to the attention of the Senior Officer responsible for Planning.</p>
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C.	<p>Requests for Prior Approval</p> <p>The following provisos apply:</p> <p>(i) All planning decisions must pay due regard to the provisions of the Development Plan, where applicable, and to legislation (including Regulations), Government guidance and circulars (including the NPPF), and all other relevant material considerations.</p> <p>(ii) The relevant Ward Member(s) and Town / Parish Council / Parish Meeting must be notified through the electronic planning alert system.</p> <p>(iii) Any Member(s) can require that a request for Prior Approval be referred to the PCttee for determination and must provide Planning reasons for the referral.</p> <p>(iv) If a request for Prior Approval is proposed for refusal, or if any written objection is received but it is proposed to permit, the Ward Member(s) must be notified by the Case Officer and given three calendar days within which s/he may require that the request for Prior Approval be referred to the PCttee for determination. If no response is received within the three day period, then the delegated decision can be made as notified to the Ward Member(s).</p> <p>(v) All requests for Prior Approval submitted by or on behalf of an employee of the Council (or their partner, close relative or their partner's close relative) must be the subject of consultation with the Ward Member(s).</p> <p>(vi) If the request for Prior Approval cannot be brought to PCttee due to time constraints, the request should be the subject of consultation with the Ward Member(s). The Senior Officer responsible for Planning will have</p>		<p>Types of requests for Prior Approval NOT to be determined under delegated powers</p> <p>(a) Requests for Prior Approval submitted by or on behalf of the Council, for development on Council- owned land.</p> <p>(Any request for Prior Approval required in connection with flood prevention/alleviation schemes is exempt from the requirement to be presented to the PCttee).</p> <p>(b) Requests for Prior Approval submitted by or on behalf of a Member of the Council or by a close relative or partner of a Member, or which relates to land which is owned by a Member (or they have a beneficial interest in), which must be drawn to the attention of the Senior Officer responsible for Planning.</p>
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	discretion to determine proposals where objections are received relating to submissions that have strict, statutory time limits for making decisions or taking action.		
D.	<p><i>Other Types of Application, Notification and Consultations</i></p> <p><i>This includes</i></p> <ul style="list-style-type: none"> • <i>Non-material Amendments</i> • <i>Compliance with conditions (Technical Details Consent)</i> • <i>Certificate of Lawfulness of Proposed Use or Development</i> <p>The following provisos apply:</p> <p>(i) All planning decisions must pay due regard to the provisions of the Development Plan, where applicable, and to legislation (including Regulations), Government guidance and circulars (including the NPPF), and all other relevant material considerations.</p> <p>(ii) Consultation with the relevant Ward Members and Town / Parish Councils / Parish Meetings is discretionary.</p> <p>(iii) In respect of this category (D), condition compliance applications (Technical Details Consent) will be processed in accordance with the guidance outlined in section 3.1(iv). However, time constraints may not be sufficient to allow referral to Committee and therefore, in cases when the Ward Member(s) do not agree with the Officer recommendation, then the Senior Officer responsible for Planning will make the final decision.</p>	SOP	
E.	<p><i>Applications for Certificates of Lawful Use or Established Development (Section 191)</i></p> <p><i>The following provisos apply:</i></p> <p>(i) The Ward Member(s) and Town / Parish Council / Meeting, must be notified of all Section 191 applications.</p>	SOP	Subject to prior consultation with HLS

	(ii) Representations will be considered; however, there is no provision to allow this application type to be referred to PCttee for determination.		
	NOTE: If the delegated decision was contrary to the views of a Town / Parish Council / Meeting, a copy of the notification sent by the Case Officer to the Ward Member(s) will be sent to the Town / Parish Council / Meeting, following determination.		
4.	Power to Decline to Determine Application for Planning Permission.	SOP	
5.	Environmental Impact Assessments		
	Power to carry out all publicity and other actions related to the relevant Environmental Impact Assessment (EIA) legislative framework. (Section 3.4 provides details on the delegated powers relating to EIA screening and scoping opinions.)	SOP	
	Authority to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and to offer screening and scoping opinions.	SOP	
6.	(Section 106) Planning Agreements/Obligations		
	To negotiate and finalise the Heads of Terms of Section 106 agreements, (agreements regulating development or use of land), Deeds of Variation and other planning agreements, including the details thereof.	SOP	Subject to prior consultation with HLS
	To determine applications for the modification or discharge of planning obligations.	SOP	(a) Applications which involve the proposed variation or discharge of a section 106 deed that materially differs from the Council's standard models or departs from the reasons for the original imposition of the obligation. (b) Prior consultation with: HLS. (c) Subject to the same consultation and other

			requirements as planning applications
7.	Disposal of Applications		
	To finally dispose of applications for planning permission, in accordance with the relevant planning legislation.	SOP	Prior consultation with Ward Member(s)
8.	Planning Appeals		
	To consider information, including amended plans, submitted by appellants and vary the Council's case accordingly.	SOP	If circumstances dictate, and following reasonable endeavours to consult, in consultation with the HLS, the Chair (Vice-Chair) and Ward Member(s).
9.	Enforcement of Planning Control		
	<p>To exercise the Council's enforcement powers, including the serving of notices, under the relevant planning, listed building, control of advertisement and tree legislation, including decisions to take no remedial action when unauthorised work has been undertaken but no application is forthcoming (within a timeframe deemed appropriate by officers determined by the circumstances of the case including the Council's Enforcement Policy).</p> <p>When appropriate, those undertaking development/works will also be advised that a formal response can be obtained through the submission of an application under section 191 or 192 of the Town and Country Planning Act 1990, as amended.</p> <p>A. All assessments as to whether it is expedient to take remedial action in relation to a breach of control will take into account the Council's Enforcement Plan and the following provisos:</p> <p>i. All decisions must pay due regard to any relevant provisions of the Development Plan, where applicable, and to legislation (including Regulations), Government guidance and circulars (including the NPPF), and all</p>	SOP	Prior consultation with: HLS when required

	<p>other relevant material considerations.</p> <p>ii. When necessary, consultation will be undertaken to establish whether harm has resulted and if there are expediency reasons for taking action.</p> <p>iii. All cases involving an employee of the Council (or their partner, close relative or their partner's close relative), must be the subject of consultation with the Ward Member(s) and Chair/Vice-Chair of PCttee.</p>		
	<p>To exercise the Council's enforcement powers to prosecute or serve an official caution under the relevant planning, listed building, control of advertisement and tree legislation and pursue proceedings in the civil courts where appropriate.</p> <p>Where prosecution or the serving of an official caution is undertaken, or civil proceedings are pursued, such matters should be reported to the Planning and Licensing Committee.</p>	HLS	
	The withdrawal of Enforcement Notices (including Stop Notices and Breach of Condition Notices) which have served their purpose or which are no longer relevant or necessary.	SOP	Prior consultation with: HLS
	To sign duly authorised Enforcement Notices, Listed Building Enforcement Notices, Planning Contravention Notices, Stop Notices, Section 215 Notices and Breach of Condition Notices.	SOP	Requisition Notice within statutory period and Non-compliance with Breach of Condition Notices in consultation with HLS.
10.	Article 4 Directions		
	To serve Article 4 Directions.	SOP	
	Power to withdraw Article 4 Directions where it is no longer expedient to remove PD rights	SOP	
11.	Rights and Way and Highways		
	To deal with consultations from Gloucestershire County Council on	SOP	

	Definitive Map Orders, Public Path Orders and reviews of Roads used as Public Paths – there is no requirement for Officers to undertake consultation as, if necessary, this will be done by Officers of the County Council.		
12.	Trees and Forestry		
	To exercise the Council's powers relating to the serving, revoking, varying and confirming of Tree Preservation Orders (TPOs) under the relevant legislation.	SOP	
	To serve Tree Replacement Notices	SOP	
	To respond to consultations from the Forestry Authority on grant applications and Tree Felling Licences (subject to there being no objections).	SOP	
	Authority to determine: any application to carry out work to a tree(s) subject to a Tree Preservation Order (subject to consultation with the Ward Member(s) in any case where the officer is recommending refusal or where objections have been received) any notification to carry out work to a tree within a Conservation Area (subject to consultation with the Ward Member(s) in any case where the officer intends serving a TPO or an objection has been received)	SOP	
	To exercise the Council's powers under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976 in relation to dangerous trees, including rights of entry onto land and into buildings	SOP	
	To determine Hedgerow Removal Notices and ancillary matters	SOP	
	Authority to deal with complaints about High Hedges under Part 8 of the Anti-Social Behaviour Act 2003	SOP	
13.	Listed Buildings at Risk		

	Where urgent action is necessary, to exercise the Council's powers under the following Sections of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA Act). <ul style="list-style-type: none"> • Sections 3 and 4 (PLBCA Act) (Building Preservation Notices); • Section 54 (PLBCA Act) (urgent works for the preservation of an unoccupied listed building); • Section 55 (PLBCA Act) (recovery of costs for works carried out under Section 54). 	SOP	Prior consultation with: HLS.
	Powers to serve a Repairs Notice and to acquire a listed building in need of repair under Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	SOP	Prior consultation with: HLS & CM.
14.	Amendments to the Statutory List of Buildings of special architectural or historic interest		
	To respond to consultations from the relevant organisations or Government departments on potential amendments to the Statutory List of Buildings of Special Architectural or Historic Interest.	SOP	
	To propose amendments to the Statutory List of Buildings of Special Architectural or Historic Interest to the relevant organisations or Government departments.	SOP	

(END)

