

PLANNING AND HIGHWAYS REGULATORY

COMMITTEE

Officer Scheme of Delegation 23 July 2018

Report of the Monitoring Officer

PURPOSE OF REPORT

To enable the Committee to approve an amendment to the scheme of delegation to officers in respect of matters within its terms of reference.

This report is public

This item is urgent due to the pressing operational needs of planning and to avoid a backlog of planning enforcement

RECOMMENDATIONS

- (1) **That the Committee approve the delegations to officers as set out in Appendix 1 for inclusion in the Council's Constitution as part of the Scheme of Delegation to Officers.**

1.0 Introduction

- 1.1 Part 3 Section 14 of the Council's Constitution contains the Council's Scheme of Delegation to Officers. This is currently being reviewed to ensure that it is up to date, and reflects the operational needs of the Council.
- 1.2 It is for this Committee to approve the delegations within their own terms of reference, following which an amendment to the Scheme of Delegation can be brought to Council for approval and subsequent inclusion in the Constitution.
- 1.3 As things stand, only legal services have the power to issue, serve and withdraw certain enforcement notices.
- 1.4 It is intended that the amended scheme, by empowering the planning officers to rely on their own knowledge and expertise, will enhance the speed of the enforcement process.

2.0 Proposal Details

- 2.1 A revision to the delegation in respect of enforcement work which falls within the remit of this Committee is set out in Appendix 1. It is proposed that a much clearer line of delegation and responsibility can be achieved by a

delegation to the Chief Officer who is responsible for planning. The practical change in the arrangement will be to make the planning officer responsible for the initial stages of planning enforcement. There remains the safeguard of consultation with legal services prior to an enforcement notice being issued, served or withdrawn.

- 2.2 Members are recommended to approve Appendix 1 as an amendment to the Committee's Scheme of Delegation with immediate effect. This will then go to full Council for approval.

3.0 Details of Consultation

- 3.1 Officers in Planning have been consulted on the proposed amendment to the Scheme of Delegation, as have the officers in Governance, especially Legal, who will need to be consulted before any enforcement action is taken under this delegation.

4.0 Conclusion

- 4.1 Members are recommended to adopt Appendix 1 as drafted. It would be open to the Committee to make amendments by either adding to or deleting from the list of delegations.
- 4.2 However, officers would advise that it has been drafted to meet the operational and legal requirements of the planning and highway matters for which the Committee has responsibility.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):

None arising directly from this report.

LEGAL IMPLICATIONS

Legal Services have been involved in this amendment to the Scheme of Delegation.

FINANCIAL IMPLICATIONS

It is not expected that there will be any additional financial implications arising directly from this report, i.e. it is unlikely that there will be a significant increase in the number of enforcement notices issued overall, more a sharing out of the workload between Legal Services and Planning officers.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer is leading the review of the Scheme of Delegation as the Officer responsible for the Council's Constitution.

BACKGROUND PAPERS

None

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Appendix 1

PLANNING AND HIGHWAYS REGULATORY COMMITTEE

TO THE CHIEF OFFICER (REGENERATION AND PLANNING) AND ANY OTHER STAFF DESIGNATED BY THE CHIEF EXECUTIVE IN WRITING

To prepare any documentation necessary to bring into effect a decision of the Planning and Highways Regulatory Committee

In consultation with the Legal Services, to issue, serve and withdraw Enforcement Notices, Stop Notices and Temporary Stop Notices, Planning Contravention Notices, Breach of Condition Notices and Notices under Section 215 of the Town and Country Planning Act 1990

To make arrangements for the service of notices under Section 330 of the Town and Country Planning Act 1990