



LUTON BOROUGH COUNCIL

CONSTITUTION

PART 7

**SCHEME OF DELEGATION TO OFFICERS
(NON-EXECUTIVE FUNCTIONS)**

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PART 7: SCHEME OF DELEGATION TO OFFICERS

NON-EXECUTIVE FUNCTIONS

1. INTRODUCTION

- 1.1 The Officers of the Council shall in respect of Non-Executive Functions have delegated to them the functions, powers and duties set out in Paragraphs 2 and 3 below, but subject to the reservations and conditions set out in Paragraphs 4 and 5 below.

2. GENERAL DELEGATIONS

- 2.1 Each Head of Service shall have the following powers and duties delegated to her/him:-
- (1) to appoint employees to the Council's establishment in accordance with the Council's recruitment policies, practices, procedures and standards other than those within JNC related Chief Officer Conditions of Service.
 - (2) subject to compliance with Part 6 of Chapter 9 of Part 4 of the Constitution, to award a contract to the person or firm submitting the lowest quotation or tender (or, in the case of income to the Council, the highest quotation or tender);
 - (3) to approve final accounts;
 - (4) to use Council land and buildings in accordance with the Council's Policy;
 - (5) to implement any decision of the Council or a Regulatory Committee, or of an officer acting under delegated powers;
 - (6) in any case where an enactment provides, authorises or requires a function, power or duty to be carried out by an authorised officer of the Council, to authorise an officer to carry out the Council's functions, powers or duties under that enactment and to provide the officer with a warrant of authority, identity card or similar document;
 - (7) subject to prior consultation with the Council's Press and Public Relations Unit to permit filming or sound recording on Council premises in relation to any matter within the Head of Service's area of responsibility;
 - (8) to take all necessary action to deal with any emergency, whether or not

such emergency relates to the Head of Service's area of responsibility, subject to:-

- (a) if a Head of Service takes any action in an emergency and that action relates to the responsibilities of any other Head of Service (s)he shall, if practicable, consult the relevant Corporate Director before taking the action and shall inform that other Head of Service as soon as practicable;
 - (b) any action taken in an emergency which would otherwise be outside the delegated authority of the Head of Service or which involves expenditure for which there is no provision shall be reported relevant Corporate Director, to the Head of Corporate Finance and to the relevant Regulatory Committee at the earliest opportunity.
- (9) any power or duty delegated to Chief Officers by Standing Orders, Financial Regulations or any Scheme of Devolved Financial Management approved by the Council;
- (10) any power or duty delegated to a specific officer by Standing Orders or Financial Regulations shall be delegated to that officer;
- (11) to do anything necessarily incidental to the powers and duties delegated under this Scheme, or to the Head of Service's area of responsibility.
- 2.2 A Head of Service may arrange for another Officer in her/his Service to carry out any of the powers and duties delegated to that Chief Officer subject to the other Officer having the necessary qualifications and experience to perform the function delegated.
- 2.3 Subject to compliance with the Council's Policies and Procedures, particularly (but not exclusively) the Council's Policies and Procedures relating to Recruitment, Redundancy and Redeployment, Organisational Change, Job Evaluation and Equalities each Head of Service shall have the following powers and duties relating to employees delegated to her/him:-
- (1) To appoint employees to the Council's establishment other than those within JNC related Chief Officer Conditions of Service;
 - (2) To confirm an employee's appointment following any probationary period;
 - (3) Subject to consultation with the Head of Human Resources and the Head of Corporate Finance, to vary or to carry out a restructuring of the Service's establishment provided that the total approved revenue budget for the Service for that financial year ("the relevant

budget”) is not exceeded in that financial year and no additional expenditure above the level of the relevant budget is committed for any future year;

- (3)A Subject to consultation with the Head of Human Resources, in any case where the Executive, or a person acting on behalf of the Executive, including any Officer to whom powers have been delegated by the Executive, has made a decision in relation to an Executive function (“the Executive decision”), to take any and all action in relation to any employee in the Head of Service’s Service, which is necessary or required to implement, or which is consequent, on the Executive decision
- (4) Subject to the relevant budgets not being exceeded:
- (a) To approve honoraria payments to employees for temporary additional duties falling under Paragraph 35 of the former National Joint Council for Local Authorities’ Administrative, Professional, Technical and Clerical Services Scheme of Conditions of Service (“the Purple Book”), subject, in the case of payments under Paragraph 35(b) of the Purple Book, to the prior agreement of the Head of Human Resources.
 - (b) To grant special leave.
 - (c) To grant unpaid leave.
 - (d) To grant essential and casual user car allowances after consulting the Head of Human Resources.
 - (e) To approve ex gratia payments to employees.
 - (f) To exercise discretion in the starting salary of employees and to award additional increments based on merit within the established grade to existing employees.
 - (g) To discipline and dismiss employees in accordance with approved procedures.
 - (h) To authorise employees to undertake training courses and to approve financial assistance for such training.
 - (j) To authorise employees to continue and, in appropriate cases, discontinue approved training courses and to recover (or to waive recovery of) any financial assistance which the Council

may be entitled to recover from the employee.

- (k) To authorise overtime payments to employees.
 - (l) To take on additional temporary or casual employees to cover for sickness, leave or peaks of workload.
 - (m) To approve apprenticeships.
 - (n) To approve the provision of telephone facilities for employees required to be on emergency call out.
 - (o) To approve financial compensation to any employee who has suffered physical injury or damage to her/his personal property arising out of her/his employment, subject to no payment exceeding £200.
 - (p) To offer work experience placements to students.
 - (q) To approve payments under the Council's relocation scheme for new employees.
 - (r) To approve time off for trade union duties.
 - (s) To approve attendance by an employee at any conference relevant to the employee's area of work or professional discipline.
 - (t) To approve requests from organisations for employees to be available for call out duties in normal working hours in the event of a major disaster.
 - (u) To approve requests from employees to undertake additional work outside of normal office hours subject to such work not conflicting with the interests of the Council nor with their normal duties.
- (5) In any case where an enactment provides, authorises or requires a function, power or duty to be carried out by an authorised officer of the Council, to authorise an officer to carry out the Council's functions, powers or duties under that enactment and to provide the officer with a warrant of authority, identity card or similar document.
- (6) After consulting the Head of Housing (Landlord), to allocate Council housing to new employees on a temporary basis.

2.4 The relevant Corporate Director may exercise any power or duty delegated under this Scheme to a Head of Service who reports to the relevant Corporate

Director but shall not do so if any of the cases set out in Paragraph 4.1 (4)(a) to (d) of the Scheme apply.

3. SPECIFIC DELEGATIONS

- 3.1 The officers referred to in Schedule 1 to this Scheme shall have such functions, powers and duties delegated to them as are specified in respect of each officer in Schedule 1.

4. GENERAL CONDITIONS APPLYING TO DELEGATIONS

- 4.1 The following conditions apply to the exercise of the powers delegated to officers:-
- (1) all powers and duties shall be exercised on behalf of and in the name of the Council;
 - (2) compliance with the Council's Standing Orders and Financial Regulations;
 - (3) the right of the Council and the relevant Regulatory Committees (in respect of functions delegated to it) to impose further conditions or restrictions on the exercise by officers, or any specified officer, of any delegated power;
 - (4) the right of the Council and the relevant Regulatory Committee in respect of any functions delegated to it, to exercise any power or duty delegated to an officer, or to issue directions to an officer on the exercise of any power or duty, but the Council or the relevant Regulatory Committee shall not act in either of these ways if:-
 - (a) the officer concerned has already acted in the exercise of the delegated power or duty; or
 - (b) to do so would involve or potentially involve the Council being in breach of any statute, rule or law, or of the rules of natural justice, or would be likely to involve maladministration; or
 - (c) any third party rights would be adversely affected; or
 - (d) the power or duty is one which has been delegated to an officer because of that officer's professional qualification or expertise and requires for its exercise professional judgement based on that qualification or expertise.
 - (5) an officer may decline to exercise her/his delegated powers in any case and make a recommendation to the relevant Regulatory Committee but shall not do so if any third party rights would be adversely affected as a

result of so doing.

5. APPLICATION TO SUB-COMMITTEES

- 5.1 Any reference in this Scheme to a Regulatory Committee includes a reference to a Sub-Committee of a Regulatory Committee.

6. AMENDMENT TO SCHEME

- 6.1 The power and duties delegated under Schedule 1 to this Scheme may be amended at any time by the Council.
- 6.2 A Regulatory Committee of the Council may at any time amend any of the powers and duties delegated under Schedule 1 to this Scheme subject to the function to which the delegated power or duty relates having been delegated to the Regulatory Committee.
- 6.3 The delegations at Paragraph 2 above and amendments to this Scheme not falling within Paragraph 6.1 or 6.2 above shall be made only by the Council on the recommendation of the relevant Regulatory Committee.
- 6.4 Nothing in this Scheme shall preclude the relevant Regulatory Committee acting within its terms of reference, from revoking an officer's delegated authority (either generally or in respect of specific matters) if the relevant Regulatory Committee considers that it is necessary to do so urgently in the interests of the Council.
- 6.5 In an emergency the Chief Executive shall have authority to exercise the power given to the Regulatory Committee under Paragraph 6.4 above.

7. DEFINITIONS

- 7.1 All expressions in this Scheme shall have the same meaning as they do in the Council's Scheme of Executive Arrangements or as the case may be in the Council's Standing Orders.
- 7.2 In this Scheme the expression "the relevant Regulatory Committee" means the Regulatory Committee having responsibility for the function in question.
- 7.3 In this Scheme the expression "the relevant Corporate Director" means the Corporate Director to whom the Head of Service taking, proposing to take, or responsible for, any action or matter reports.
- 7.4 Any reference in this Scheme to any Statute, Bye-law, Regulation or Scheme made by the Council or to the Council's Standing Orders shall include any amendment, modification or re-enactment of the Statute, Bye-law, Regulation or Scheme or of the Council's Standing Orders.

NOTE (not forming part of the Scheme)

1. The relevant Regulatory Committee is indicated in the left-hand margin of Schedule 1 against each specific delegation using the following key:-

FC = Full Council
ADMC = Administration Committee;
REGC = Regulation Committee;
DCC = Development Control Committee;
ALL = A general delegation affecting all Regulatory Committees.

2. Where an appeal lies against a delegated decision of an officer or where an application for the grant, renewal, or transfer of a licence or consent lies outside the officer's delegated authority, the appeal or application will be made to the relevant Appeals Panel even though a relevant Regulatory Committee may be indicated against the function.

SCHEDULE 1
SPECIFIC DELEGATIONS TO OFFICERS

CORPORATE AND CUSTOMER SERVICES DEPARTMENT

HEAD OF HUMAN RESOURCES

- ADMC** 1. Subject to obtaining medical advice, to agree to the retirement of employees on grounds of permanent ill health within the requirements of the Local Government Pension Scheme and the Council's agreed practice.
- ADMC** 2. After consulting the appropriate Chief Officer, to agree to the retirement of employees in the interest of efficiency of the service and within the Council's agreed practice.
- RA** 2. After consulting the relevant Head of Service, to approve extensions of sick pay by up to 3 months.
- RA** 3. After consulting the appropriate Head of Service, to approve payments in lieu of notice where it is inappropriate to require an employee to work her/his notice period.

HEAD OF LEGAL SERVICES

- FC** 1. Authority to take such action as is necessary to either add or remove the name of any person from either the list of Experienced Members or Lay Members in respect of either the Education Admission Appeal Panel or the Education Exclusion Appeal Panel.
- REGC** 2. Authority, where sufficient information is available prior to a noisy or pay party to enable an injunction to be obtained:-
- (1) to instruct Counsel to take any necessary action;
 - (2) to take proceedings in the High Court under Section 222 of the Local Government Act 1972 including injunction proceedings and such other action as Counsel may advise to prevent within the Borough of Luton any persons from committing or attempting to commit an offence or offences contrary to Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982;
 - (3) to take proceedings under Sections 80 and 81 of the Environmental Protection Act 1990, including injunction proceedings and such other action as Counsel may advise when an offence has been committed under Section 80(4) of the said Act and it is unlikely that proceedings for the offence would afford an adequate remedy in the case of a noise nuisance;

- (4) in interlocutory proceedings to give an undertaking as to damages on behalf of the Council where this is specifically required.

REGC3 To have all the powers of the Proper Officer under the Registration Service Act 1953 and all other relevant enactments with respect to the Registration of Births, Marriages and Deaths.

REGC4. Authority to approve premises as approved premises for the solemnisation of civil marriages under Section 26(1)(bb) of the Marriage Act 1949 (as amended by the Marriage Act 1994) and The Marriages (Approved Premises) Regulations 1995.

ALL 5. To prosecute for offences both under statute and at common law and institute proceedings in respect of Non-Executive Functions.

ALL 6. To authorise any officer of the Council to appear in Court under the provisions of Section 223 of the Local Government Act 1972 with respect to Non-Executive Functions

LIFELONG LEARNING DEPARTMENT

HEAD OF ACCESS

REGC1. The employment of children.

ENVIRONMENT AND REGENERATION DEPARTMENT

HEAD OF ENVIRONMENTAL AND CONSUMER SERVICES

REGC 1. Authority to appoint an Officer of the Council as an Inspector for the purposes of Section 19 of the Health and Safety at Work etc. Act 1974 and to vary or revoke any appointment made under that Section.

REGC 2. Authority to implement the provisions of Sections 10 and 12 of the Food Safety Act 1990 relating to the service of Improvement and Emergency Prohibition Notices.

REGC 3. Authority to authorise the registration of premises for the purposes of a food business under the Food Premises (Registration) Regulations 1997 as amended.

REGC 4. Authority for the service of Statutory Notices execution of works in default and recovery and apportionment of expenses arising from the statutes set out below except where the Chief Executive or Head of Legal Services has been designated the "Proper Officer:-

- Control of Pollution Act 1974; and
 - Clean Air Acts 1956 and 1958.
- REGC 5.** Authority to issue permissions for street and house to house collections in accordance with the Council's Standard Conditions.
- REGC 6.** Registration of persons and premises for the purpose of carrying on the business of acupuncture, tattooing, ear-piercing and electrolysis.
- REGC 7.** The grant of licences and registrations in accordance with the following Acts:-
- Caravan Sites and Control of Development Act 1960;
 - Local Government (Miscellaneous Provisions) Act 1982: Sections 14-17;
 - Game Act 1831;
 - Pet Animals Act 1951;
 - Riding Establishments Acts 1964-70;
 - Animal Boarding Establishments Act 1963;
 - Breeding of Dogs Act 1973;
 - Dangerous Wild Animals Act 1976;
 - Slaughterhouses Act 1974;
 - Guard Dogs Act 1975;
 - Zoo Licensing Act 1981;
 - Environmental Protection Act 1990: Sections 149 and 151; and
 - Dangerous Dogs Act 1991.
- REGC 8.** Authority to inspect premises under the Pet Animals Act 1951, the Animal Boarding Establishments Act 1963 and the Breeding of Dogs Act 1973.
- REGC 9.** Authority to authorise Officers of the Council to exercise the Council's powers and duties under the Product of Animal Origin (Import and Export) Regulations, made under the European Communities Act 1972.
- REGC 10.** Authority to serve statutory notices, execute works in default and recover and apportion expenses under the Clean Air Act 1993.
- REGC 11.** Authority to serve the appropriate notices in accordance with the provisions of Section 3 of the Dogs Act 1906, as amended by the Local Government Act 1988.
- REGC 12.** The grant of Licences and registrations in accordance with the Scrap Metal Dealers Act 1954 (exemption of Scrap Metal Dealers from registration).
- REGC 13.** Local Government (Miscellaneous Provisions) Act 1982:-

- (1) the grant, variation and renewal of Street Trading Consents, including occasional and street markets, in cases where there are no objections and the application satisfies the Council's Policy and Standard Conditions relating to Street Trading Consent;
- (2) the grant of Street Trading Consents without a fee being paid and free of any Standard Conditions to persons wishing to trade on any day of, and in connection with, the Annual Carnival Fair, provided that their stall has been approved by the Head of Leisure Libraries and Culture.

REGC 14. Authority, in accordance with the Council's Convictions Policy and the appropriate Standard Conditions:-

- (1) to grant, renew and vary Licences or permission for Hackney Carriages on change of vehicle;
- (2) to grant, renew and vary Hackney Carriage and Private Hire Operators', Vehicles and Drivers' Licences;
- (3) to grant a Hackney Carriage Vehicle Licence for a temporary vehicle in accordance with Minute 2308/78;
- (4) to suspend or revoke the Licence of any Hackney Carriage or Private Hire Driver who is disqualified from driving;
- (5) to suspend or revoke any Hackney Carriage or Private Hire Driver's Licence where the conduct of the driver so warrants;
- (6) to exercise the Council's under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 to suspend or revoke a Hackney Carriage or Private Hire Vehicle Licence where a vehicle so licensed has failed the Council's vehicle test.

REGC 15. Authority to authorise a person or persons from outside the Council's employ under Section 20(22)(c)(i) of the Health and Safety at Work Act etc. Act 1974 to secure the Council's proper fulfilment of its enforcement role under the relevant provisions of the Act, subject to a report that such action has been taken to the following meeting of the Regulation Committee.

REGC 16. Authority to grant and renew applications for Late Night Refreshment Houses Licences under the Late Night Refreshment Houses Act 1969, in cases where:-

- (1) no objections/complaints are received;

(2) the terminal hours requested do not extend beyond 03.00 hours.

REGC 17. Authority to approve the grant, transfer, variation or renewal of Public Entertainment Licences under Section 1 of and Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982, and impose special conditions, in cases where:-

- (1) no objections are received;
- (2) the terminal hours do not extend beyond 02.30 hours.

REGC 18. Authority:-

- (1) in any case where any condition attached to a Public Entertainment, Sports Entertainment, Cinema and Theatre Licence provides for the consent or approval of the Council to be given, to give such consent or approval;
- (2) following consultation with the Council's Technical Officers and the Fire Authority, to relax the standard conditions relating to:-
 - (a) the standard for emergency lighting; or
 - (b) the fire warning system; or
 - (c) the means of escapein respect of the grant of occasional Public Entertainment, Sports Entertainment, Cinema and Theatre Licences.

REGC 19. Authority:-

- (1) to waive or remit the fee for a Public Entertainment Licence for events which are of an educational, charitable or similar nature;
- (2) to grant applications for the performance of Hypnotism or Striptease to which there are no objections and to impose special conditions relating to such performances;
- (3) to waive the condition attached to Public Entertainment Licences requiring Door Supervisors to be registered under the Door Supervisors Regulation Scheme in cases where:-
 - (a) limited use is made of the Public Entertainment Licence;
 - (b) the Door Supervisors work on a voluntary basis and receive no form of remuneration; and

- (c) the form of entertainment and the type of clientele who frequent the establishment are such that the Head of Environmental and Consumer Services sees fit to waive the requirement;
- (4) to grant applications for registration of Door Supervisors;
- (5) to suspend the registration of Door Supervisors where the conduct of the Door Supervisor so warrants.

REGC 20. Authority:-

- (1) to grant, transfer, vary and renew Private Places of Entertainment Licences with the exception of applications to which objections are received;
- (2) in any case where any condition attached to a Private Places of Entertainment Licence provides for the consent or approval of the Council to be given to give such consent or approval.
- (3) following consultation with the Council's Technical Officers and the Fire Authority to relax the standard conditions relating to:-
 - (a) the standard for emergency lighting; or
 - (b) the fire warning system; or
 - (c) the means of escapein respect of the grant of occasional Private Places of Entertainment Licences.
- (4) to suspend Private Places of Entertainment Licences where licensees are in breach of any conditions attached to their Licences, provided that a report on the matter is placed before the next convenient meeting of the Licensing Panel;
- (5) to lapse applications for renewal of Private Places of Entertainment where applicants have submitted applications for renewal prior to expiry of the Licences but have not complied with the Council's pre-licensing requirements within a period of two months after expiry of such Licences.

REGC21. Authority to renew, transfer and vary licences for Sex Establishments under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and which satisfy the Council's Policy and Standard Conditions provided there are no objections to the

application.

- REGC22.** Authority to grant, renew and transfer applications for licence under Section 3 of the Cinemas Act 1985 of Cinema Licences to which no objections are received.
- REGC23.** Authority to grant, renew and vary licences under the provisions of the Theatres Act 1968 to which no objections are received and authority to impose special conditions.
- REGC24.** Authority to grant and renew licences and receive registrations in accordance with the Lotteries and Amusement Acts 1976 and the Gaming Act 1968 to which no objections are received and with the exception of Amusement Arcades.
- REGC25.** The issue of certificates of grant or refusal under the provisions of the Factories Act 1961 and the Offices, Shops and Railway Premises Act 1963 in respect of means of escape in case of fire.
- REGC26.** Authority to maintain a register under the Pharmacy and Poisons Act 1933.
- REGC27.** Authority to refuse acceptance of any application for any licence which is incomplete, filled out incorrectly or outside any formal time limit required by legislation.
- REGC28.** Claims under Smoke Control Orders.
- REGC29.** Determination of Applications under Section 6 of the Clean Air Act 1968.
- REGC30.** Approval of prior consents to work on construction sites and conditions to be attached thereto under Section 61 of the Control of Pollution Act 1974.
- REGC31.** Authority to serve statutory notices execute works in default, recover and apportion expenses and any other powers and duties of the Council in respect of the Environment Act 1995 Part IV and Sections 108 to 110, 113 and 123 of Part V.
- REGC32.** Authority to issue any licences/certificates and/or make and keep any registration of persons or premises in pursuance of the following Acts and where appropriate collect fees for the issue or variation of such licences and certificates:-

Environmental and Safety Information Act 1988;
Poisons Act 1972; and
Performing Animals (Regulation) Act 1925.

- REGC33.** Authority to take such action as is necessary to comply with the duty imposed on the Council by the Vehicles (Crime) Act 2001.

HEAD OF PLANNING

- DCC 1.** Authority to determine applications for consents under the Tree Preservation Order Regulations.
- DCC 2.** Authority to consider applications for Claims for Deemed Consent under the provisions of the Planning (Hazardous Substances) Regulations 1992.
- DCC 3.** Authority to determine applications for consent under the Planning (Listed Buildings and Conservation Areas) Act 1990 for minor works affecting Listed Buildings but not extending either the height or floor area of such buildings.
- DCC 4.** Authority to determine applications for a determination as to whether or not the Local Planning Authority wishes to exercise control over the demolition of a building under the Town and Country Planning (Demolition - Description of Buildings) (No. 2) Direction 1992.
- DCC 5.** After consulting the Chair of Development Control Committee, authority to determine the extent of "Environmental Statements" to be submitted by prospective developers in accordance with the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988.
- REGC6.** Authority to deal with those matters relating to Building Control, and the Building Act 1984 and Building Regulations.
- REGC7.** Authority to exercise the Council's powers and duties under the Safety of Sports Grounds Act 1975 and the Safety of Places of Sport Act 1987.
- REGC8.** Authority to issue a Retention Notice in respect of any relevant application made under Regulation 5 of the Hedgerow Regulations 1997.
- REGC9.** After consulting the Head of Environmental and Consumer Services, authority to serve statutory notices, execute works in default, recover and apportion expenses and any other powers or duties of the Council in respect of circumstances where the Environment Act 1995 Part II (Section 57) applies (to deal with land which presents an imminent danger or serious danger or serious harm or serious pollution of controlled waters).

DEVELOPMENT CONTROL MANAGER

- DCC 1** The following functions, relation to planning permission under the Town and Country Planning Act 1990 (or any subsequent amending legislation) and Regulations and Directions made or treated as made under that Act, but subject to the exceptions and qualifications set out below.
- DCC 1A** In the event of any planning or enforcement appeals, the preparation, submission and presentation of the Council's statement including appropriate conditions and, if appropriate, in the case of enforcement appeals, a statement as to whether the Council would be prepared to grant permission or consent for the development or works the subject of the Appeal.
- DCC 1B** The determination of all applications for planning permission, approval and consent and the issuing of responses to prior notifications under the provisions of the Town and Country Planning Act 1990 (and any subsequent amending legislation) including the imposition of appropriate conditions.
- DCC 1C** The supply of copies of all applications for planning permission and plans accompanying such applications, at full cost, except to persons/organisations who are unable to inspect the documents by reason of disability or they being a considerable distance from the town hall.
- DCC 1D** The service of Planning Contravention Notices pursuant to Section 171C, and Breach of Conditions Notices in accordance with Section 187A, of the Town and Country Planning Act 1990.
- DCC 1E** The authorisation of officers to enter onto land in accordance with the terms of the Town and Country Planning Act 1990 and the planning (Listed Buildings and Conservation Areas) Act 1990.
- DCC 1F** The determination as to whether a proposed minor amendment to an existing planning application permission requires submission of a fresh planning application and to approve such application where no planning objections have been made.
- DCC 1G** The advertisement of applications which, if approved, would be contrary to the provisions of the development plan, as required by the Town and Country Planning (Development Plans and Consultation) Directions 1992.
- DCC 1H** The formulation of responses to consultations from other local planning authorities and statutory undertakers.

Exceptions and Qualifications to the Delegations at 1A to 1H

- (1) Applications for outline or full planning permission (or for approval of reserved matters relating to means of access and/or siting and/or design) for residential schemes involving the development of more than 0.25 hectares of land or the erection of more than 5 dwellings.
- (2) Changes of use of buildings involving the creation of more than 5 units of residential accommodation.
- (3) Applications for outline or full planning permission (or for approval of reserved matters relating to means of access and/or siting and/or design) for non-residential schemes involving the development of more than 0.25 hectares of land or the creation of more than 250 square meters of floorspace.
- (4) Changes of use involving non-residential accommodation exceeding 250 square meters of floorspace.
- (5) Where the decision would be contrary to the provisions of the development plan then in force for the area, except in the case of minor variations from approved planning standards (as defined in Paragraph 12 below).
- (6) Where the decision would be contrary to an objection of representation in support received in writing within the period specified for representations from a member of the public (other than the applicant or their agent) when that objection or representation in support is made having regard to material planning considerations (as interpreted in accordance with Paragraph (13) below).
- (7) Where a Member of the Council or the Chief Executive has requested that a decision on an application be made by the Development Control Committee
- (8) Where an application for permanent development (i.e. not temporary buildings or structures) has been submitted by or on behalf of the Council or relates to land owned or occupied by the Council.
- (9) Where an application has been submitted by or on behalf of a Member or Officer of the Council.
- (10) Where the decision of the Development Control Manager would run counter to an earlier decision or condition imposed by the Development Control Committee in respect of the same site.
- (11) Where the terms of any permission that might be granted are to be subject to an Agreement or planning obligation under Section 106 of the Town and Country Planning Act 1990.

Interpretation of the Exceptions and Qualifications set out in Paragraphs (1) to

(11) above

- (12) The minor variations referred to in Paragraph (5) above are variations to the Councils standards in respect of driveway lengths, the provision of garaging and parking, minimum garden sizes, distances between buildings etc.
- (13) For the purposes of Paragraph (6) above the following shall not be regarded as material planning considerations.
- (a) an objection to the principle of development where the proposal is not contrary to the policies of the approved development plan
 - (b) a trade objection which anticipates competition from the proposed development;
 - (c) objections relating to trespass onto the objector's property
 - (d) noise and other forms of disturbance arising during and solely as a result of any building operations involved in the development;
 - (e) the question of future maintenance of the objector's property; perceived loss of value to the objector's property, drainage and other issues covered by building control procedures;
 - (f) issues which are covered by other legislation and over which planning controls do not exist;
 - (g) alleged unauthorised activities or works or directly relating to the proposal under consideration and which might be dealt with through other planning investigations;
 - (h) comments of a wholly personal nature, including those of a racist sexist or other form of discriminatory kind;
 - (i) the wording or context of proposed advertisements.

TRANSPORT MANAGER

- REGC 1.** Authority under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 to suspend a Hackney Carriage or Private Hire Vehicle Licence where a vehicle so licensed fails to satisfy the Council's technical requirements and, in the opinion of the Transport Manager, is not fit for use as a Hackney Carriage or Private Hire vehicle.