

## **Scheme of Delegation - Recommendations**

### **North/South/Central REGULATORY COMMITTEE SCHEME OF DELEGATION – REFERRAL PROCEDURE TO THE STRATEGIC REGULATORY COMMITTEE**

The Area Regulatory Committees (North/South/Central) shall deal with all development management matters relating to the development of the area under the Town and Country Planning Acts and directly associated statutes within their administrative area except where:

1. The application is accompanied by an Environmental Statement, relates to cross border issues or in other respects, is in the view of the Assistant Director Strategy and Development, a complex or major application which should be determined by the Strategic Regulatory Committee;
2. An Area Regulatory Committee is minded to make a decision which is contrary to the clear recommendation of the Assistant Director Strategy and Development or the Head of Development Management and:
  - Where the application represents a significant departure from the Development Plan; or
  - Where the committee's resolution might not in the view of the Assistant Director Strategy and Development or the Head of Development Management in consultation with the Assistant Chief Executive Legal and Democratic Services be defensible if challenged and result in compensation or damages being available to, or claimable by, the applicant under a statutory provision.

NB - The Regulatory Committee does have authority to determine planning and other applications as departures from the Development Plan, subject only to their prior notification to the First Secretary of State as appropriate, where in the view of the Assistant Director Strategy and Development they are supported by other material planning considerations which provide a clear and convincing case that would in his/her view satisfy any external examination.

### **ONWARD DELEGATION OF FUNCTIONS TO OFFICERS**

#### **The “By Exception” Approach**

Schemes adopting the “by exception” approach are present within the best performing planning authorities. Such an approach provides greater flexibility and clarity of understanding for all concerned. This approach is strongly supported by the Planning Officers Society and the Local Government Association. Such an approach provides that all planning applications and related functions are considered to fall within the Scheme of Delegation and will be determined by officers unless it is specifically excluded.

### **GENERAL EXCEPTIONS TO SCHEME OF DELEGATION (ie applications requiring Member determination)**

- Applications made, by or on behalf of, or relating to the property of Members or officers of the Council who hold politically restricted posts or who either directly or indirectly report to the Assistant Director Strategy and Development.
- Applications made by the Council or in relation to land owned by the Council which are not in-line with statutory functions (this would mean that classroom extensions etc were delegated to officers but speculative proposals on council owned land would not be)
- Applications accompanied by an Environmental Statement
- Complex or major applications which in the view of the Assistant Director Strategy and Development or the Head of Development Management should be determined by the relevant Regulatory Committee
- Applications which in the view of the Assistant director Strategy and Development or the Head of Development Management raise issues of a complex nature or are of more than local significance and should be determined by the Strategic Regulatory Committee.

### **Member Call-in**

- Applications requested to be referred, by the Local Member, to the Regulatory Committee within 21 days of electronic notification of the application and agreed by the Head of Development Management to be based on material planning reasons. (see separate Practice Note on material considerations)

### **Town / Parish Councils**

- Applications where the Parish Council submit a view contrary to officers (approval or refusal) based on material planning reasons and where these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions. (it is anticipated that in more rural locations the role of Parish Councils will be particularly important as it is often the case that a development may not affect 6 neighbouring properties)

### **Public Objections**

- Applications where 6 or more individual representations (separate premises) have been received relating to material planning reasons.

## **SPECIFIC INCLUSIONS TO SCHEME OF DELEGATION**

### **Consultee Objections**

- Ability to proceed to determine under delegated powers applications where a statutory consultee may object to a proposal providing that the development remains in accordance with the provisions of the Development Plan.

### **Departures**

- Ability to approve departures from the Development Plan where there are no objections, subject to notification of the First secretary of State via the Government Office West Midlands if necessary and/or appropriate.

### **Enforcement**

- Ability to authorise entry to land and property
- Ability to issue Planning Contravention Notices, Breach Of Condition Notices, Enforcement Notices, Temporary Stop Notices, Stop Notices, Section 215 Notices, Listed Building Enforcement Notices, Conservation Area Notices and other remedial action as set out in the Planning Compliance Policy.

### **Trees / Hedgerows**

- To make and confirm Tree Preservation Orders, Tree Replacement Notices, Hedgerow Replacement Notices, Hedgerow Retention Notices and to determine applications to carry out works to protected trees and hedgerows and to provide replacement trees and hedgerows.
- To deal with all matters relating to complaints regarding high hedges.

### **Appeals**

- To respond to all appeals on planning matters

### **Footpaths**

- To deal with orders relating to the diversion of footpaths and bridleways arising from the grant of planning approval

### **Planning Obligations**

- To require planning obligations without referral to committee
- To approve release of contribution money to third parties