



# Uttlesford District Council

Chief Executive: Peter Holt

## Planning Committee Working Group

**Date:** Thursday, 17th February, 2022

**Time:** 2.00 pm

**Venue:** Zoom - <https://zoom.us/>

**Chairman:** Councillor S Merifield

**Members:** Councillors P Fairhurst, R Freeman, M Lemon, J Loughlin and R Pavitt

## AGENDA

**1 Apologies for Absence and Declarations of Interest**

To receive any apologies and declarations of interest.

**2 Minutes of the Previous Meeting**

4 - 7

To consider the minutes of the previous meeting.

**3 Member Training Requirements for Planning Committee - Final Wording**

8 - 9

To agree the final wording regarding Member training requirements for Planning Committee.

**4 Amendments to the Constitution Relating to Planning and the Scheme of Delegation**

10 - 64

To consider amendments to the Constitution relating to Planning and the Scheme of Delegation to be recommended to Full Council for adoption.

**5 Report Template (Verbal item)**

To consider the revised report template to be presented at the meeting.

**6 UDC Planning Committee - Arrangements to view an Exemplar Planning Committee Meeting in Progress (Verbal item)**

To consider Officer attendance in other District Councils to view an exemplar Planning Committee in progress.

**For information about this meeting please contact Democratic Services**

Telephone: 01799 510410, 510369, 510467 or 510548

Email: [Committee@uttlesford.gov.uk](mailto:Committee@uttlesford.gov.uk)

**General Enquiries**

Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk)

Website: [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

# Agenda Item 2

## **PLANNING COMMITTEE WORKING GROUP held at ZOOM on THURSDAY, 16 DECEMBER 2021 at 2.00 pm**

Present: Councillor S Merifield (Chair)  
Councillors R Freeman, M Lemon, J Loughlin and R Pavitt

Officers in attendance: N Brown (Development Manager), B Ferguson (Democratic Services Manager), A Lindsell (Democratic Services Officer), A Lockhart (Legal Services Manager) and J Walsh (Planning Transformation Lead)

### **1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **2 WELCOME FROM THE CHAIR**

The Chair welcomed everyone to the meeting.

### **3 CHANGES TO CALL IN PROTOCOL FOR PLANNING APPLICATIONS**

The Planning Transformation Lead confirmed the need to consider changes to the call in of planning applications protocol as recommended in the peer review. She highlighted the existing arrangements as set out in the report pack and confirmed that the protocol was clear and explicit. She asked Officers to explore why the call in period was five weeks and whether there was a form that councillors could fill in to undertake a call in.

The Chair agreed that no changes to the protocol were necessary but noted that UDC did receive a high number of call ins.

The Development Manager explained that the call in period was currently five weeks to accommodate Parish Councils and enable them to consider the applications within their monthly meeting structure. Currently elected members contact the Development Manager and request call ins accompanied by a valid planning reason and it was agreed that the introduction of a proforma form for call ins could help reduce the submission of applications inappropriate for call in and provide a valuable paper trail and professional feedback.

Following discussion regarding political pressure the Planning Transformation Lead reminded the working group that this existing protocol is constitutional.

The Planning Transformation Lead questioned whether the protocol caused/generated a lot of call ins to be made and the Development Manager confirmed that there were a high number of call ins but the protocol is not necessarily the reason that so many applications are heard by Committee.

It was agreed that the five week consultation period built in an unnecessary two week delay and increased the need for extensions of time (EOTs). It was agreed that the District Council did not have to configure themselves around the parishes, who had the power to co-ordinate Extraordinary Meetings to accommodate untimely planning applications and often had Planning Committees who would only meet once applications had been submitted.

The meeting considered whether the scheme of delegation would benefit from review and the Development Manager confirmed that this could result in additional call ins.

The meeting agreed that it was a sensible suggestion on the part of the Planning Transformation Lead to produce a proforma for Councillors to use to make a call in and to recommend reducing the call in period to four weeks, from five.

AGREED to:

- I. The introduction and use of a pro-forma to help Councillors provide all details required when calling in an application
- II. Recommend to the Governance, Audit and Performance Committee (GAP) that the call-in protocol be amended to reduce the call-in period from five weeks to four.

4

## **CHANGES TO MEMBER TRAINING REQUIREMENTS FOR PLANNING COMMITTEE**

The Planning Transformation Lead detailed the current wording within the constitution as;

“Councillors will be given regular updates to keep them informed of important changes in legislation, procedures or practises either verbally at meetings or as briefing notes (for example in the members bulletin.)”

The Planning Transformation Lead recommended that the following wording was added to the constitution and put forward for adoption by GAP;

“Officers will arrange a mandatory training session for Councillors who are members or substitute members of Planning Committee which must be undertaken before participating in decision making at Planning Committee. Training will be reviewed annually. All Councillors will be invited to attend.”

Councillors discussed the value of the annual formal training and agreed that the Democratic Services Manager would circulate the final wording regarding Part 5 – Probity in Planning – clause 4.1 of the constitution to recommend to GAP regarding the proposed refresher training.

The Planning Transformation Lead explained that the proposed Basic Defensible Planning Decision training was a half day course and recommended that two or three different sessions were offered to Councillors.

AGREED that the Democratic Services Manager circulate the final wording pertaining to clause 4.1 - Member Training for recommendation to GAP.

## 5 COMMITTEE REPORT TEMPLATE

The Planning Transformation Lead apologised that due to significant background work being undertaken with all the templates, they were not currently finalised. She thanked Councillors Loughlin and Merifield for their feedback and welcomed further comments from the group.

The meeting discussed the pros and cons of various structures to the report and the Planning Transformation Lead detailed a mechanism whereby conditions would be inserted towards the end of the report. Councillors agreed that this was preferable.

The Planning Transformation Lead suggested that the introduction of section heads would be of benefit to the public and help them work through the report.

Councillor Freeman noted the value of understanding the site and application's history in order to truly comprehend each case.

The Planning Transformation Lead resolved to bring the finalised template to the next meeting on 6 January 2022.

## 6 DATES OF FUTURE MEETINGS

The following meeting dates were agreed, with all meetings starting at 2pm;  
6 January 2022  
27 January 2022  
17 February 2022  
10 March 2022  
31 March 2022  
21 April 2022  
12 May 2022

Future items recommended for review included;

- i. Officer attendance at planning committee meetings in different districts, virtually or in person.
- ii. Scheme of delegation.
- iii. Public speaking protocol.

The meeting agreed that the Chair and the Planning Transformation Lead would finalise agenda items for each meeting and circulate to members.

*The meeting ended at 15.31.*



# Agenda Item 3

<b>Committee:</b>	Planning Committee Working Group	<b>Date:</b>	
<b>Title:</b>	Changes to Member Training Requirements for Planning Committee		17 February 2022
<b>Report Author:</b>	Ben Ferguson, Democratic Services Manager		

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## Summary

1. At the previous meeting of the [Planning Committee Working Group](#) (PCWG), members discussed the current wording contained in the council's Constitution regarding Planning Committee training.
2. Particular attention was paid to the need to stipulate the mandatory nature of annual training for Committee members.
3. Members agreed that the exact wording would be shared with the working group before being recommended to the Governance, Audit and Performance Committee (GAP).
4. For this purpose, the proposed wording has been brought back to the PCWG for recommendation to GAP Committee.
5. It should be noted that the final decision on constitutional changes are reserved to Full Council on the recommendation of the GAP Committee.

## Recommendations

6. To recommend to GAP Committee that the following change to Part 5 – Probity in Planning – clause 4.1 of the Constitution is recommended to Full Council for adoption:

### Current wording:

Officers will arrange training on planning issues. All members of the Council will be invited to attend. All members of the Planning Committee should attend.

### To be replaced with:

*Officers will arrange an annual mandatory training session for Councillors who are members or substitute members of Planning Committee. This training must be undertaken before participating in decision making at Planning Committee. All members of the Council who are not on Planning Committee or a substitute member of planning committee will be invited to attend on a voluntary basis.*

## Financial Implications

7. Any proposed changes to the constitution to be facilitated within existing budgets.

## Background Papers

8. None

## Impact

- 9.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

## 10.Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Inadequately trained committee members are more likely to make poor decisions.	3	3	To ensure the Constitution reflects the need for committee members to attend training on an annual basis.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

# Agenda Item 4

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## PART 3 - RESPONSIBILITY FOR FUNCTIONS

Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 some functions must be undertaken by the Council, some involve the Council and the executive (functions which may not be the sole responsibility of the executive) and some which may be the function of the Council or the executive as the Council may determine (local choice functions). The executive has sole responsibility for all functions other than those not to be the sole responsibility of the executive by virtue of legislation and those reserved to the council by legislation or (in relation to local choice functions) by the Council itself. Where a function requires the involvement of the Council, save for in a limited number of cases where legislation requires the function to be performed by the Full Council, the function may be delegated to a committee of the Council or an officer.

### 1. Responsibility for local choice functions

Function	Decision-making body	Membership
The determination of an appeal against any decision made by or on behalf of the authority	The Council	
Any function relating to contaminated land	The executive	
The discharge of any function relating to the control of pollution or the management of air quality	The executive	
The service of an abatement notice in respect of a statutory nuisance	The executive	

The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 [power to require consent to the operation of loud speakers in the street] should apply in the authority's area	The Licensing and Environmental Health Committee	Members of the Committee as appointed by Council
The inspection of the authority's area to detect any statutory nuisance	The executive	
The investigation of any complaint as to the existence of a statutory nuisance	The executive	
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	The executive	
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	The executive	
The appointment of any individual  (a) to any office other than an office in which he is employed by the authority;	The executive	

<p>(b) to any body other than -</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment</p>		
The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	The executive	
Functions under sections 106, 110, 111 and 113 of the 2007 Act relating to local area agreements	The executive	



## 2. Responsibility for Council functions

### Committee - Planning Committee

**Membership** - 10 members of the authority or such other number as is agreed by the Council

### Functions-

- 1 Functions relating to town and country planning and development control as specified in paragraph A Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) save for power to acquire a listed building in need of repair and to serve a repairs notice under s.47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 2 Power to create footpaths, bridleways or restricted byways by agreement
- 3 Power to make public path creation orders
- 4 Power to make public path extinguishment orders and rail path extinguishment orders subject in each case to confirmation by the Secretary of State
- 5 Power to divert footpaths bridleways and restricted byways
- 6 Power to authorise the stopping up or diversion of a footpath, bridleway or restricted byway under s.257 Town and Country Planning Act 1990
- 7 Power to extinguish public rights of way for planning purposes under s.258 Town and Country Planning Act 1990
- 8 Powers in relation to hedgerows under the Hedgerows Regulations 1997

- 9 Powers relating to the preservation of trees under the Town and Country Planning Act 1990
- 10 Powers relating to high hedges
- 11 Powers in respect of common land and town and village greens under the Commons Act 2006

## **Committee - Licensing and Environmental Health Committee**

**Membership** - 10 members of the authority or such other number as is agreed by the Council

**Functions** - Functions relating to licensing and registration in respect of the following matters:-

- 1 animal boarding establishments, dangerous wild animals, dog breeding, performing animals, pet shops, riding establishments and zoos
- 2 game and game dealers
- 3 house to house and street collections
- 4 hackney carriages, private hire vehicles, drivers and operators under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976
- 5 pleasure boats under Public Health Acts Amendment Act 1907
- 6 movable dwellings and camp sites under Public Health Act 1936
- 7 caravan sites under Caravan Sites and Control of Development Act 1960

- 8 scrap yards under the Scrap Metal Dealers Act 1964

- 9 tables, chairs and other items on pedestrian areas of highways under the Highways Act 1980
- 10 sex establishments under the Local Government (Miscellaneous Provisions) Act 1982
- 11 street trading under the Local Government (Miscellaneous Provisions) Act 1982
- 12 acupuncture, tattooing, ear-piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982
- 13 food premises under the Food Safety Act 1990
- 14 operation of loudspeakers under the Noise and Statutory Nuisance Act 1993
- 15 licensable activities under the Licensing Act 2003
- 16 houses in multiple occupation under the Housing Act 2004
- 17 the Gambling Act 2005 to include the power to set fees in accordance with regulations made there under
- 18 Functions in relation to health, safety and welfare in connection with work and control of dangerous substances to the extent that the functions are discharged by the authority otherwise than in its capacity as an employer under Part 1 Health and Safety at Work etc Act 1974
- 19 Functions relating to smoke free premises
- 20 Power to designate a public place for the purposes of police powers relating to alcohol consumption
- 21 Power to make or revoke an alcohol disorder zone

## Full Council

### Functions-

- 1 Duty to appoint an electoral registration officer
- 2 Power to assign officers in relation to the requisitions of the registration officer
- 3 Duty to appoint a Returning Officer for local government elections
- 4 Duty to provide assistance at Parliamentary and other nationally funded elections and referendums
- 5 Power to pay expenses properly incurred by electoral registration officers
- 6 Power to make temporary appointments to parish councils
- 7 Power to submit proposals to the Secretary of State for a pilot scheme for local elections
- 8 Duty to consult on a change of scheme for elections
- 9 Power to alter the years of ordinary elections of parish councillors
- 10 Functions relating to the change of name of an electoral area
- 11 Power to change the name of the district
- 12 Power to confer the title of Honorary Aldermen or to grant the freedom of the district
- 13 Power to petition for a charter to confer borough status

- 14 Power to make, amend, revoke, re-enact or enforce byelaws
- 15 Power to promote or oppose local or personal bills
- 16 Functions relating to local government pensions etc
- 17 Power to make standing orders including standing orders as to contracts
- 18 Power to appoint staff and to determine the terms and conditions upon which they hold office
- 19 Duty to make arrangements for the proper administration of financial affairs under s.151 Local Government Act 1972
- 20 Power to appoint "proper officers"
- 21 Duties with regard to the appointment of a Head of Paid Service and Monitoring Officer
- 22 Power to adopt a scheme permitting co-opted members of overview and scrutiny committees to vote under paragraphs 12 and 14 schedule 1 Local Government Act 2000
- 23 Power to make payments or provide benefits in cases of maladministration
- 24 Duty to adopt a code of conduct for members under the Localism Act 2011
- 25 Power to dissolve small parish councils
- 26 Power to make orders for grouping parishes, dissolving groups and separating parishes from groups
- 27 The division of the constituency into polling districts

- 28 Power to divide electoral divisions into polling districts at local government elections
- 29 Powers in respect of holding elections
- 30 Power to fill vacancies on parish councils in the event of insufficient nominations
- 31 Declaration of vacancy in office in certain cases
- 32 Giving notice of casual vacancies in office
- 33 Duties relating to publicity under the Local Government and Public Involvement in Health Act 2007
- 34 Duties relating to notice to the Electoral Commission
- 35 Power to change the name of a parish
- 36 All powers and duties exercisable in connection with community governance reviews and petitions

### **Committee - Standards Committee**

**Membership** - Up to 3 members of the authority from each political group and 3 independent persons, as non voting members.

### **Functions-**

- 1 To promote and maintain high standards of conduct within the Council
- 2 To advise the Council on the adoption or revision of its Code of Conduct
- 3 To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, and changes in the law.

- 4 To give assistance to members and co-opted members of the authority.
- 5 To ensure that all members of the Council have access to training in all aspects of the members' Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the Code
- 6 Functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Localism Act 2011
- 7 Considering petitions when necessary under the Council's petitions scheme

**3. Functions which are not the sole responsibility of the executive**

3.1 The functions set out below are to be performed by the executive subject to the powers of the Council set out thereafter.

- Preparation of a plan under the Children and Young People's Plan (England) Regulations 2005
- Preparation of development plan documents under s.15 Planning and Compulsory Purchase Act 2004
- Preparation of the licensing authority policy statement under the Gambling Act 2005
- Alterations to the development plan under s.54 Town and Country Planning Act 1990 under transitional arrangements
- The formulation or preparation of a plan or strategy

for the control of the council's borrowing, investments or capital expenditure or for determining the council's minimum revenue provision

- I In the above cases the following powers are reserved to the council:-
- I to instruct the executive to reconsider any draft plan or strategy submitted
- I to amend any draft plan or strategy
- I to approve for the purposes of public consultation draft proposals for the preparation of alterations to or the replacement of a development plan document
- I to approve any plan or strategy (whether or not in draft form) for submission to the Secretary of State or any Minister of the Crown for approval where such submission is required
- I to approve a development plan document for the purpose of its submission to the Secretary of State for independent examination under s.20 Planning and Compulsory Purchase Act 2004
- I to adopt (with or without modification) any of the above mentioned plans or strategies

3.2 Amending, modifying, revising, varying, withdrawing or revoking any plan or strategy referred to above shall be the responsibility of the executive only to the extent that it is required to give effect to the requirements of the Secretary of State or any Minister of the Crown in respect of a plan or strategy submitted for approval or is recommended by the person carrying out an independent examination of a development plan document or is authorised by the Council when approving or adopting the plan or strategy.

- 3.3 The functions set out in the left hand column of the table on the next page which but for this provision might be the responsibility of the executive shall not be the responsibility of the executive in the circumstances referred to in the right hand column of the table.

<p>1. Adoption of a plan or strategy (whether statutory or non-statutory) other than one of those referred to in the foregoing provisions of this paragraph</p>	<p>The Council has determined that the decision should be reserved to it</p>
<p>2. The determination of any matter in the discharge of a function which:-</p> <p>2.1 is the responsibility of the executive; and</p> <p>2.2 is concerned with the Council's budget, borrowing or capital expenditure</p>	<p>The person or body by whom the determination is to be made is minded to determine the matter contrary to or not wholly in accordance with the Council's budget or the Council's plan or strategy for the time being approved and adopted in relation to the Council's borrowing or capital expenditure and the decision maker is not authorised by the executive arrangements, financial regulations, standing orders or other rules and procedures to make a determination in those terms.</p>
<p>3. The determination of any matter in the discharge of a function:</p> <p>3.1 which is the responsibility of the executive; and</p> <p>3.2 in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the Council</p>	<p>The person or body by whom the determination is to be made is minded to determine the matter contrary to the approved or adopted plan or strategy</p>

- 3.4 Paragraph 3 in the table above does not prevent the discharge of a function by the executive where the circumstances which render a decision necessary may reasonably be regarded as being urgent and the person or body making the decision has obtained from the Chairman of the Scrutiny Committee (or if there is none or he is unable to act from the Chairman of the Council or in his absence the Vice-Chairman of the Council) a written statement that the determination needs to be made as a matter of urgency.
- 3.5 The functions set out in the left hand column of the table on the next page are the function of the executive subject to the limitations set out in the right hand column.

<p>Making an application under:-</p> <p>s.32 or s.43 Housing Act 1985</p>	<p>Council authorisation to make an application is required</p>
<p>Making calculations (whether original or substitute) under ss. 32 - 37, 43 - 49, 52I &amp; J, 52T &amp; U Local Government Finance Act 1992</p>	<p>Only the preparation of estimates of amounts to be used for the purposes of the calculation and estimates of the calculations for submission to the Council for consideration, the reconsideration of those estimates and amounts in accordance with the Council's requirements and the submission of revised estimates and amounts for the Council's consideration are functions of the executive.</p>

## 4. SCHEME OF DELEGATION OF COUNCIL FUNCTIONS

### GENERAL DELEGATION TO COMMITTEES CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

(In this scheme of delegation chief officers and deputy chief officers have the meanings assigned to them by s.2 Local Government & Housing Act 1989)

The functions of the Council referred to below are delegated to the designated committees and officers.

#### THE PLANNING COMMITTEE

1. Functions relating to town and country planning and development control as specified in paragraph A Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) save for power to acquire a listed building in need of repair and to serve a repairs notice under s.47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990
2. Power to create footpaths, bridleways or restricted byways by agreement
3. Power to make public path creation orders
4. Power to make public path extinguishment orders and rail path extinguishment orders subject in each case to confirmation by the Secretary of State
5. Power to divert footpaths bridleways and restricted byways
6. Power to authorise the stopping up or diversion of a footpath, bridleway or restricted byway under s.257 Town and Country Planning Act 1990
7. Power to extinguish public rights of way for planning purposes under s.258 Town and Country Planning Act 1990

8. Powers in relation to hedgerows under the Hedgerows Regulations 1997
9. Powers relating to the preservation of trees under the Town and Country Planning Act 1990
10. Powers relating to high hedges
11. Powers in respect of common land and town and village greens under the Commons Act 2006

## **THE LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE**

1. Functions relating to licensing and registration in respect of the following matters:-
  - 1.1 animal boarding establishments, dangerous wild animals, dog breeding, performing animals, pet shops, riding establishments and zoos
  - 1.2 game and game dealers
  - 1.3 house to house and street collections
  - 1.4 hackney carriages, private hire vehicles, drivers and operators under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976
  - 1.5 pleasure boats under Public Health Acts Amendment Act 1907
  - 1.6 movable dwellings and camp sites under Public Health Act 1936
  - 1.7 caravan sites under Caravan Sites and Control of Development Act 1960
  - 1.8 scrap yards under the Scrap Metal Dealers Act 1964

- 1.9 tables, chairs and other items on pedestrian areas of highways under the Highways Act 1980
- 1.10 sex establishments under the Local Government (Miscellaneous Provisions) Act 1982
- 1.11 street trading under the Local Government (Miscellaneous Provisions) Act 1982
- 1.12 acupuncture, tattooing, ear-piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982
- 1.13 food premises under the Food Safety Act 1990
- 1.14 operation of loudspeakers under the Noise and Statutory Nuisance Act 1993
- 1.15 licensable activities under the Licensing Act 2003
- 1.16 houses in multiple occupation under the Housing Act 2004
- 1.17 the Gambling Act 2005 to include the power to set fees in accordance with regulations made thereunder
- 2. Functions in relation to health, safety and welfare in connection with work and control of dangerous substances to the extent that the functions are discharged by the authority otherwise than in its capacity as an employer under Part 1 Health and Safety at Work etc Act 1974
- 3. Functions relating to smoke free premises
- 4. Power to designate a public place for the purposes of police powers relating to alcohol consumption
- 5. Power to make or revoke an alcohol disorder zone

6. Power to pass a resolution that Schedule 2 Noise and Statutory Nuisance Act 1993 should apply within the Authority's area

## **THE STANDARDS COMMITTEE**

1. The function of advising the Council on the adoption or variation of a code of conduct
2. Promoting high standards of conduct by members and co-opted members
3. Assisting members and co-opted members to observe the code of conduct
4. Monitoring the operation of the code of conduct
5. Providing training to members and co-opted members on the code of conduct
6. Receiving reports from the Monitoring Officer or investigators appointed by the Monitoring Officer into complaints of a breach of the Code of Conduct: determine such complaints and deciding what action to take with regard to any breaches found to have been proved.
7. With regard to parish and town councils within the district:-  
  
receiving reports from the Monitoring Officer or investigators appointed by the Monitoring Officer into complaints of a breach of the code of conduct by town or parish councillors: advising the parish or town council concerned whether there has been a breach of the Code of Conduct and recommending what action the parish or town council should take with regard to any breaches found to have been proved

## GOVERNANCE, AUDIT AND PERFORMANCE COMMITTEE

The functions of the Council referred to below are delegated to the Governance, Audit and Performance Committee

1. To monitor the performance of the Council and progress against improvement plans; to oversee the Council's internal audit and risk functions; to receive and approve external audit reports; to scrutinize and approve the annual statement of accounts; to make reports and recommendations to the executive, committees and the Council as a whole on its performance management and corporate governance as appropriate.
2. To consider the Internal Audit Manager's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
3. To consider summaries of specific internal audit reports as requested.
4. To consider reports dealing with the management and performance of the providers of internal audit services.
5. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
6. To consider the external auditor's Annual Letter, relevant reports, and reports to those charged with governance.
7. To consider specific reports as agreed with the external auditor.
8. To comment on the scope and depth of external audit work and to ensure it gives value for money.

9. To make arrangements for the appointment of the Council's external auditor and to be responsible for appointing the external auditor under any successor arrangements.
10. To commission work from internal and external audit.
11. To maintain an overview of the Council's contract procedure rules and financial regulations and to monitor compliance therewith.
12. To review any issue referred to it by the Chief Executive or a Director, or any Council body.
13. To monitor the effective development and operation of risk management and corporate governance in the Council.
14. To monitor council policies on whistleblowing and the anti-fraud and corruption strategy and the Council's complaints process;
15. To oversee the production of the authority's Annual Governance Statement and to agree its adoption;
16. To oversee the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
17. To monitor the Council's compliance with its own and other published standards and controls.
18. To review and approve the annual statement of accounts for publication. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
19. To consider the external auditor's report to those charged with governance issues arising from the audit of the accounts.

20. Carry out and give effect to the outcome of Community Governance Reviews of parish boundary and electoral arrangements, including the power to make orders for creating, abolishing or altering parishes, grouping or degrouping parishes, or dissolving parish councils.
21. Carry out and give effect to the outcome of statutory and interim reviews of polling districts and polling places.
22. To make recommendations to the Full Council on its discharge of the following functions, subject to powers delegated to officers:
  - a. Duty to appoint an electoral registration officer
  - b. Power to assign officers in relation to the requisitions of the registration officer
  - c. Duty to appoint a Returning Officer for local government elections
  - d. Duty to provide assistance at Parliamentary and all other nationally funded elections and referendums
  - e. Power to pay expenses properly incurred by electoral registration officers
  - f. Power to make temporary appointments to parish councils
  - g. Power to submit proposals to the Secretary of State for a pilot scheme for local elections
  - h. Duty to consult on a change of scheme for elections
  - i. Power to alter the years of ordinary elections of parish councillors
  - j. Functions relating to the change of name of an electoral area
  - k. Power to change the name of the district
  - l. Power to confer the title of Honorary Alderman or to grant the freedom of the district
  - m. Power to petition for a charter to confer borough status
  - n. Power to make, amend, revoke, re-enact or enforce byelaws
  - o. Power to promote or oppose local or personal bills

- p. Functions relating to local government pensions etc
- q. Power to make standing orders including standing orders as to contracts
- r. Power to appoint staff and to determine the terms and conditions upon which they hold office
- s. Duty make arrangements for the proper administration of financial affairs etc under s.151 Local Government Act 1972
- t. Power to appoint "proper officers"
- u. Duties with regard to the appointment of a Head of Paid Service and Monitoring Officer
- v. Power to adopt a scheme permitting co-opted members of overview and scrutiny committees to vote under paragraphs 12 and 14 schedule 1, Local Government Act 2000
- w. Power to make payments or provide benefits in cases of maladministration
- x. Duty to adopt a code of conduct for members under the Localism Act 2011
- y. Powers in respect of holding elections
- z. Power to fill vacancies on parish councils in the event of insufficient nominations
  
- aa. Declaration of vacancy in office in certain cases
- bb. Giving notice of casual vacancies in office
- cc. Duties relating to publicity under the Local Government and Public Involvement in Health Act 2007
- dd. Duties relating to notice to the Electoral Commission

## **ALL CHIEF OFFICERS & DEPUTY CHIEF OFFICERS**

In consultation with the chairman of the appropriate committee or, where he or she is not available, the vice chairman, chief officers and deputy chief officers have delegated authority to take any action which would normally require committee approval but which requires an urgent decision subject to that action being in accordance with Council policy and within budget. Such a decision is to be reported to the next meeting of the appropriate committee with a full explanation of the reasons for the decision and the urgency.

### **THE CHIEF EXECUTIVE**

1. The development of the Council's corporate policies.
2. The development of corporate strategies.
3. Public relations and consultation relating to matters which are Council functions.
4. Power to make payments or provide benefits in cases of maladministration
5. All functions delegated to chief officers and deputy chief officers under this Scheme of Delegation

### **THE CHIEF FINANCE OFFICER**

1. To certify the annual calculation of the Council Taxbase
2. To certify the Council's Business Rate estimates
3. To certify the draft Statement of Accounts in accordance with the Accounts and Audit Regulations 2015
4. To determine financial administrative procedures and systems pursuant to discharging statutory responsibilities for

making arrangements for the proper administration of the Council's financial affairs under the Local Government Act 1972

5. To review and authorise employees' subsistence and expense rates at 1 April each year in line with national agreements or locally approved variations
6. To respond to consultations of a technical nature relating to local government finance and audit matters
7. To provide other certifications and authorisations required of the Section 151 Officer
8. To comment on and approve documents prepared by the External Auditor prior to consideration by the Governance, Audit and Performance Committee

## **ASSISTANT DIRECTOR: GOVERNANCE AND LEGAL**

1. Authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal including any appeals
2. Take any necessary legal action to protect the interests of the Council.
3. Authorise officers of the Council to appear on behalf of the Council before courts and tribunals

## **MONITORING OFFICER**

1. Power to grant dispensations under s.33 Local Government Act 2011 to district, parish and town councillors who have disclosable pecuniary interests to speak and/or vote on issues relating to such interests and to grant dispensations under the Code of Conduct to district, parish and town councillors with other pecuniary interests to speak and/or vote on issues relating to such interests.

## **DIRECTOR OF FINANCE AND CORPORATE SERVICES**

1. Implementation of national provincial and local agreements and amendments to conditions of service
2. The approval of pensionable ill health retirement in consultation with the Leader of the Council or cabinet member authorised by him or her

## **DIRECTOR OF PUBLIC SERVICES**

1. All functions delegated to the Assistant Directors Housing and Environmental Health and Planning and Building Control under this Scheme of Delegation

## **ASSISTANT DIRECTOR HOUSING AND HEALTH**

1. Grant applications for licences and for registration of premises, persons and vehicles and the amendment or transfer of such licences or registrations where such applications meet policy guidelines adopted by the Council or the Licensing and Environmental Health Committee
2. Determine whether representations made in respect of licensing matters or applications for reviews of licences are valid or may be rejected as being vexatious, frivolous or repetitious
3. Refusal of licenses and registrations where such applications do not meet policy guidelines adopted by the Council or the Licensing and Environmental Health Committee
4. Issue of statutory notices and certificates
5. Issue of statutory notices, registrations and certificates in respect of charitable collections and gaming

6. To suspend licenses issued under Part II Local Government (Miscellaneous Provisions) Act 1976 for a period not exceeding 2 weeks where there has been a breach of condition or an alleged offence where in the view of the Assistant Director - Governance and Legal a prosecution would not be appropriate
7. To suspend licences under s.61 Local Government (Miscellaneous Provisions) Act 1976 (as amended) immediately if in his or her opinion it is in the interests of public safety that the suspension should have immediate effect, such suspension to last until the day after the next meeting of the Licensing and Environmental Health Committee
8. Subject to the provision of a satisfactory statutory declaration, to grant an application for a licence where the Council requires a criminal record check where the applicant is in possession of a check to the level required by the Council which is not more than 18 months old and to revoke any licence if a false declaration is made
9. Subject to the provision of a satisfactory statutory declaration to grant an application for renewal of a licence granted by the Council where the Council requires a criminal record check but a check to the level required by the Council is not immediately available and to revoke any licence if a false declaration is made
10. To grant applications for consent to place tables and chairs and other items on pedestrian areas of the highway subject to conditions where such applications fall within the policy previously adopted by the Licensing and Environmental Health Committee or any amendment or amendments thereto made by the Committee and to refuse applications which do not fall within that policy
11. To grant licences in cases where a driver has a pending prosecution for a motoring offence which is in the opinion of

the Assistant Director - Governance and Legal is unlikely to attract 6 points or more on the driver's licence

## ASSISTANT DIRECTOR PLANNING & BUILDING CONTROL

1. Carry out any functions laid out in the Schedule below, except for the determination of:
  - 1.1 Any application to implement permission otherwise than in accordance with conditions imposed by Committee, within 10 years of the grant of permission **where the application was accompanied by an Environmental Statement**
  - 1.2 Any application a member has called in for a planning reason within the agreed time period;
  - 1.3 Any application the granting of which would represent a departure from the Development Plan where the departure application is to be notified to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009
  - 1.4 ~~Approval of Major Applications (as defined by the GDPO) in Great Dunmow, Saffron Walden and Stansted and approval of applications of more than 5 dwellings elsewhere.~~ **All applications which fall into the category of a major application (as defined by the GDPO).**
  - 1.5 Any proposal involving the District Council either as applicant or landowner, either on its own, or jointly with another individual or body;
  - 1.6 **Any application where the applicant is an officer of the Council or and elected Member**
  - 1.7 Applications which would otherwise be delegated but

which the Assistant Director Planning and Building Control considers should come before the Committee.

**18 Any application for a Dead of Variation to a s106 Agreement which is an alteration to a Head of Term agreed by Planning Committee.**

- 2 Carry out all functions related to the enforcement of planning legislation contained in the Schedule ~~except that the issue of all formal notices must be jointly authorised by the Assistant Director – Governance and Legal~~
- 3 Carry out all functions related to appeals against planning and enforcement decisions made by Uttlesford District Council.
- 4 All powers conferred under this section shall be subject to all duties and obligations contained in the Human Rights Act 1998 and all primary and secondary legislation concerning equal opportunities.

## The Schedule

All functions concerning the Council's role as Local Planning Authority contained in the following primary legislation and all subordinate legislation made thereunder

AGRICULTURAL LAND (REMOVAL OF SURFACE SOIL) ACT 1953

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979

ANTI-SOCIAL BEHAVIOUR ACT 2003

BUILDINGS ACT 1984

BUILDING (LOCAL AUTHORITY CHARGES) REGULATIONS 1998

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

CLEAN AIR ACT 1956

COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

PUBLIC HEALTH ACT 1925

ECCLESIASTICAL EXEMPTION (LISTED BUILDINGS AND  
CONSERVATION AREAS) ORDER 1994

ESSEX ACT 1987

EUROPEAN COMMUNITIES ACT 1972

GREEN BELT (LONDON AND HOME COUNTIES) ACT 1938

HEDGEROW REGULATIONS 1997

HIGHWAYS ACT 1980

LAND COMPENSATION ACT 1961

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

LOCAL GOVERNMENT PLANNING AND LAND ACT 1980

LOCALISM ACT 2011

PASTORAL MEASURES ACT 1983

PLANNING AND COMPENSATION ACT 1991

PLANNING AND COMPULSORY PURCHASE ACT 2004

PLANNING (HAZARDOUS SUBSTANCES) ACT 1990

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)  
ACT 1990

PUBLIC HEALTH ACTS

REGULATORY AND INVESTIGATION PROCEDURES ACT 2000

THE ENVIRONMENT ACT 1995

THE HEALTH ACT 2006

TOWN AND COUNTRY PLANNING ACT 1959

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011

and the power contained in s.111 Local Government Act 1972 and s2 Local Government Act 2000, so far as the use of such powers is incidental to the exercise of the functions of a Local Planning Authority under the legislation listed above, subject to prevailing common law and statutory duties and obligations concerning the use of those powers (advice on this point can be obtained from the Assistant Director Governance and Legal).



## 5. Responsibility for executive functions

Under the Local Government Act 2000 the Leader may discharge all functions of the executive or may arrange for them to be discharged by the executive, a committee of the executive, a member of the executive or by an officer. Such delegation does not preclude the Leader exercising the function personally. In accordance with the Act and Article 7 of the constitution the Leader approved the scheme of delegation set out in the following sections. Thereafter this section will be updated as soon as is reasonably practicable after any alterations to those arrangements are made.

## **SCHEME OF DELEGATION OF EXECUTIVE FUNCTIONS GENERAL DELEGATION TO THE CABINET, MEMBERS OF THE EXECUTIVE (PORTFOLIO HOLDERS), CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS**

(In this scheme of delegation chief officers and deputy chief officers have the meanings assigned to them by s.2 Local Government & Housing Act 1989)

### **DELEGATION TO THE CABINET**

All executive functions of the Council

### **DELEGATION TO PORTFOLIO HOLDERS**

#### **Scrap Metal Dealers Act 2013**

To designate the Executive Member for Communities and Partnerships overall responsibility for the Council's function under the Scrap Metal Dealers Act 2013

The mechanism for dealing with applications under the Act is as follows: the Assistant Director - Housing and Environmental Health to deal with all non contentious matters; contested matters to be dealt with by the Executive Member for Communities and Partnerships.

#### **North Essex Parking Partnership**

To designate the Executive Member for Economic Development or other Council representative on the North Essex Parking Partnership On Street Joint Committee and the Off Street Joint Committee with authority to vote on matters such as the NEPP budget and on street TROs, such decisions having the effect of committing the Council.

## **Local Plan - Duty to Co-operate and Planning Policy**

To designate the Executive member for Environmental Services or other Council representative at duty to cooperate meetings in respect of the preparation of the Council's local plan with other relevant plan making authorities to determine the Council's position on local plan issues.

Determination of the Council's position on any matter relating to:

1. the business on an agenda of the Cooperation for Sustainable Development Member Board;
2. duty to cooperate matters relating to development plans of other local planning authorities not represented on the Coop Board, particularly Braintree and South Cambridgeshire
3. consultations on planning policy issues

## **Executive member for Economic Development**

Determination of the Council's position on any matter relating to the proposed Saffron Walden Business Improvement District.

## **Executive member for Environmental Services**

Exercise of the Council's discretion to set Fixed Penalty Notice fines up to legal limits•

## **DELEGATION TO WARD MEMBERS**

### **Members' new Homes Bonus Scheme**

Pursuant to s.236 Local Government and Public Involvement in Health Act 2007 each ward member shall have power to expend up to £3000 in any financial year in relation to any function of the Council which is an executive function insofar as the function is

exercisable in relation to the ward for which the member is elected. In relation to members of the executive this power relates only to the exercise of such functions which have not been delegated to them by the Leader.

Prior to exercising any function in accordance with this delegation ward members shall consult with the Chief Finance Officer to ensure that such expenditure is legal.

Where a ward member discharges any function in accordance with this delegation he or she shall ensure that a written record of the decision or action taken is made and that such a record is provided to the Council within one month of the date of the decision or action.

The Leader has delegated power to the Section 151 Officer, in consultation with the Monitoring Officer to perform any executive function at the request of any member where:

- i) The performance of the function will be in a ward or partly in a ward not represented by the member or members making the request
- ii) The performance of the function will be of some benefit directly or indirectly to persons living in or carrying out business in the ward or wards which those members represent.
- iii) The total costs of the performance of the functions does not exceed the total amount of the unexpected budget allocated to those members for the performance of the executive functions within their wards and
- iv) The members concerned agree to forgo from their budget allocation such sums as are necessary to meet the cost of the performance of the function.

## DELEGATION TO OFFICERS

### ALL CHIEF OFFICERS & DEPUTY CHIEF OFFICERS

1. In consultation with the Leader of the Council or relevant Portfolio Holder, or if they are not available with any other member of the Cabinet, to take any action which would normally require Cabinet approval but which requires an urgent decision subject to the action being within budget and in line with Council policy. Any such decisions are to be reported to the next meeting of the Cabinet with a full explanation of the reasons for the decision.
2. To purchase goods, materials and services and to give orders for work to be performed insofar as there is provision for such expenditure within the budget and the purchase or order complies with the Council's Procedure Rules and Financial Regulations.
3. To determine the staff structure required for the effective operation of their areas of responsibility and to employ such staff insofar as there is provision for such expenditure in the budget and appointment is in accordance with the Council's Procedure Rules.
4. The day to day management of the services within their purview within budget.
5. The day to day management of all employees within their service units
6. All matters concerning the employment, discipline and dismissal of all staff below the level of Chief Officer subject to any right of appeal, any statutory provisions and any matter reserved to elected members.
7. The approval and implementation of training programmes and the approval of attendance by employees at courses and seminars within budget.

8. Road Closure Orders under Section 21 of the Town and Police Clauses Act 1847

## **THE CHIEF EXECUTIVE**

1. The development of the Council's corporate policies.
2. Development of the Council's corporate and service related strategies.
3. Service Planning and the Corporate Plan.
4. The Council's functions under the Crime and Disorder Act.
5. Quality control and client management of fitness and leisure and sports centres.
6. Community development and engagement.
7. National Lottery and grant matters.
8. All functions delegated to Chief Officers and Deputy Chief Officers under this scheme of delegation.
9. The following functions under the Anti-Social Behaviour Crime and Policing Act 2014:- Power to issue closure notices under s.76 and to extend the validity of a closure notice for up to 48 hours under s.77(4).

## **DIRECTOR OF FINANCE AND CORPORATE SERVICES (\$151 OFFICER AND CHIEF FINANCE OFFICER)**

1. To determine the budget setting process and timetable.
2. To determine the budget monitoring process and timetable.
3. To make arrangements for exchequer services including payroll, expenses reimbursement, banking, supplier payments and debt recovery.
4. To authorise changes to the signatories on the Council's bank mandate.

5. To authorise exceptions to the Contract Procedure Rules where there are sound business reasons to do so in consultation with relevant Portfolio Holders or the Cabinet or Leader.
6. To respond to consultations of a technical nature relating to local government finance and audit matters.
7. To certify grant claims, audited returns and statistical information for submission to government departments.
8. To determine applications for discretionary business rate relief.
9. To agree renewal terms on the Council's insurance policies within budget.
10. To make funds available and authorise payments in the event of an emergency situation.
11. To authorise the write-off of bad debts in accordance with Financial Regulations.
12. To authorise the disposal of surplus vehicles, plant and equipment in accordance with Financial Regulations.
13. The completion of grant claims for housing and council tax benefit and discretionary housing payments.
14. All functions delegated to the Assistant Directors of;
  - a. Corporate Services;
  - b. Finance; and
  - c. ICT and Facilities
  - d. under this scheme of delegation.
15. Applications to central government for funding specific projects.

## **ASSISTANT DIRECTOR - GOVERNANCE AND LEGAL**

1. To authorise the institution, defence, participation in, withdrawal or compromise of any claims or legal proceedings, civil or criminal including the making of appeals.
2. To give necessary legal authorisation to officers of the Council to appear before any courts or tribunals.
3. To issue any statutory notices and certificates.

## **DIRECTOR OF PUBLIC SERVICES**

1. All functions delegated to the Assistant Director of Housing and Environment and Planning and Building Control under this scheme of delegation.
2. In relation to street scene services the day to day management of contracts and services including the preparation and submission of tenders.
3. Contract monitoring, quality control and client management of the grounds and maintenance service.
4. To issue any statutory notices and certificates.

## **ASSISTANT DIRECTOR - CORPORATE SERVICES**

1. To act as lead officer for the Council's Scrutiny Committee.
2. Monitoring and quality control of contracts relating to human resource advice and support.
3. Provision of customer service centre and community information centres.
4. The administration of human resources.
5. Performance management.

6. Public relations and consultation.
7. Management and maintenance of the Council's website and intranet.
8. To act as lead officer for the Council's Performance and Audit Committee.
9. To issue any statutory notices and certificates.

## **ASSISTANT DIRECTOR - FINANCE**

1. To issue any statutory notices and certificates.
2. The issue of possession proceedings in respect of council owned properties not forming part of the housing stock.
3. Completion of grant claims for housing and council tax benefit and discretionary housing payments.
4. The administration of sundry debtors.
5. To authorise budget virements in accordance with the virements rules contained within the Financial Regulations.
6. To make borrowing and investment decisions in accordance with the Council's Treasury Management Strategy.
7. To determine the most appropriate methods for procurement of goods and services consistent with the Procurement Strategy approved by the Cabinet.
8. Collection and control of cash.
9. To submit insurance claims to the Council's insurers.
10. To represent the Council at court proceedings in relation to the recovery of monies owed to the Council.

11. To prove debts on behalf of the Council in bankruptcy and liquidation proceedings.
12. The administration of council tax and Business Rates.
13. The administration of housing and council tax benefits.
14. The administration of Local Council Tax Support scheme (LCTS).
15. The determination of applications for Exceptional Circumstances.
16. Hardship Relief under the LCTS.

### **ASSISTANT DIRECTOR - ICT AND FACILITIES**

1. To issue any statutory notices and certificates.
2. Contract monitoring and quality control of ICT facilities.
3. Development of service related ICT strategies.
4. Monitoring and quality control of contracts relating to council offices and public conveniences.
5. The maintenance, repair and improvement of all non-HRA council assets.
6. Management of all council assets in accordance with the Asset Management Plan.
7. The preparation, implementation and monitoring of a non-HRA stock condition plan.

### **ASSISTANT DIRECTOR - HOUSING & HEALTH**

1. The provision, allocation and management of the Council's housing stock.

2. The administration of Council house sales.
3. The administration of the Council's statutory and other duties in respect of housing the homeless and dealing with landlord harassment.
4. The maintenance repair and improvement of the Council's housing accommodation.
5. The preparation, implementation and monitoring of housing programmes.
6. The provision of a welfare service for applicants for and tenants of housing accommodation including:-
  - 6.1 Liaison with social services
  - 6.2 operation of a sheltered housing service and
  - 6.3 encouragement of the use of Lifeline
7. Liaison with the Homes and Communities Agency, Housing Associations, the private sector, local councils, agencies and societies to assess housing needs and to provide new homes and to rehabilitate substandard, derelict and unused properties.
8. Power to release restrictive covenants on former council houses sold under the right-to-buy legislation.
9. Authority to authorise ex gratia payments including rent free weeks (up to a maximum of £500) to tenants to assist them with the costs of disturbance.
10. Payment of authorised removal expenses to tenants transferring to smaller accommodation.
11. Approval of estimated service charges in respect of former Council flats and maisonettes.

12. Dealing with the exchange of tenancies between the Council's tenants and those of other Local Authorities and Housing Associations.
13. Making nominations to Housing Associations.
14. Dealing with succession of tenancies to members of the family who are legally qualified to succeed.
15. The approval of sub letting of part of tenanted property.
16. The allocation of garages and the issue of Notices to Quit.
17. Grant of wayleaves across the Council's housing land.
18. The Council's functions under the Shops Act 1950.
19. The provision, maintenance and funding of day centres for the elderly and people who are disabled.
20. The issue of proceedings for demotion of council tenancies, possession of Council owned properties forming part of the housing stock, forfeiture of leases and injunctions.
21. Animal welfare and licensing, the control of stray dogs and dog control orders.
22. The burial of people where no (proper) arrangements have been made.
23. Food safety and control including food storage, handling, preparation, transport and exposure for sale.
24. Functions under the Shops Act 1950
25. Health and safety at work to the extent that the functions are discharged by the Council in its capacity as an employer under Part 1 Health and Safety at Work Act 1974.

26. Liaison with the appropriate health authorities.
27. The promotion of public health education and home safety.
28. The control and prevention of infectious and notifiable diseases and food poisoning.
29. The control and eradication of rodents, insects and other pests with public health significance or nuisance potential.
30. The prevention or remedy of a statutory nuisance or other pollution matters of concern, the regulation of industrial processes and the implementation of the contaminated land regime under Part IIA Environmental Protection Act 1990.
31. The maintenance of a Port Health operation and border inspection post at Stansted Airport.
32. The administration of grant schemes for the improvement, adaptation or conversion of private sector housing and the disuse or demolition of unfit premises.
33. The licensing of houses of multiple occupancy.
34. To issue any statutory notices and certificates.
35. The following functions under the Anti- Social Behaviour Crime and Policing Act 2014:-
  - Power to issue community protection notices under s.43 2.
  - Power to authorise remedial work under s.47 or pursuant to a remedial order made under s.493
  - Power to issue fixed penalty notices under ss.52 and 68
36. To deal with the non-contentious applications under the Scrap Metal Dealers Act 2013

37 The following functions under the Anti-Social Behaviour Crime and Policing Act 2014:-

- Power to issue community protection notices under s.43(2).
- Power to authorise remedial work under s.47 or pursuant to a remedial order made under s.49(3)
- Power to issue fixed penalty notices under ss.52 and 68

## **ASSISTANT DIRECTOR - PLANNING & BUILDING CONTROL**

- 1 Deal with dangerous trees under the Local Government (Miscellaneous Provisions) Act 1976 and to recharge the costs to owners.
- 2 Determine applications and issue notices under the Building Act 1984, the Building Regulations as amended and allied matters under the Public Health Acts, Clean Air Act 1956 and the Essex Act 1987, and any other relevant legislation.
- 3 Deal with the operation of the Building (Local Authority Charges) Regulations 1998 and any amendments thereto, along with the Council's scheme for the recovery of charges for Building Regulations purposes.
- 4 Issue requisitions for Information.
- 5 Institute legal proceedings for:-
  - 5.1 failure to comply with any statutory notices
  - 5.2 failure to comply with an Enforcement Notice or Stop Notice
  - 5.3 unauthorised display of advertisements
  - 5.4 breaches of the Building Act and Regulations
- 6 The institution of committal proceedings for breach of an injunction.

- 7 The submission of objections to the Traffic Commissioners or other licensing authority for applications for Goods Vehicle Operators Licences.
- 8 Functions associated with the preparation and monitoring of the Locally Determined Highways Programme.
- 9 The issue of such statutory notices as may be required in connection with the exercise of the functions delegated to the Council by the Highways Authority.
- 10 Minor editorial changes to planning policy documents.
- 11 Street names and house numbers.
- 12 The promotion of energy efficiency and carbon reduction measures.
- 13 Disability issues appropriate to the facilities and activities within the purview of the Council.
- 14 Determine applications made to the Council pursuant to sections 1 and 3 of schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.



<b>Committee:</b>	Planning Committee Working Group	<b>Date:</b>	
<b>Title:</b>	Changes to Section 2 Part 3 – responsibility for function relating to planning		17 February 2022
<b>Report Author:</b>	Jeanette Walsh, Interim Planning Transformation Lead		

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## Summary

1. At the previous meeting of the [Planning Committee Working Group](#) (PCWG), members agreed to receive a report with recommendations about changes to the general delegations to committees chief officers and deputy chief officers as they relate to Planning Committee and to Assistant Director of Planning. Now called the Director of Planning and Building Control.
2. A report prepared for the working group on 27 January has been withdrawn and this report dated 17 February replaces that.
3. There are five changes recommended. The text is set out as track changes in Appendix 1 of this report. All of the recommended changes are intended to increase the efficiency of the authority in dealing with minor applications and remove small applications which do not need to be there from the agenda. Members will note that all of the major applications will now be reported to Planning Committee. It should be remembered that changes to the scheme do not remove the right of Members to call an application to Planning Committee should they wish to do so.
4. The first proposed change is to para 1.1 is to allow officers to deal with variation of conditions applications on all types of previously approved applications where they have been determined by Planning Committee, except where the application was accompanied by an Environmental Statement. Those applications will always go to Planning Committee.
5. The second proposed change requires that all major applications are reported to Planning Committee. Previously it was the applications recommended for approval only. This change reflects the current complex policy environment. Members will also notice that the wording relating to 5 dwellings has been deleted. Call in powers can capture these where they are controversial.
6. The third proposed change is to insert a new paragraph 1.6 to ensure applications where the applicant is an officer of the Council or an elected Member it should be determined by Planning Committee.
7. The fourth change ensures that any deed of variation application to a s106 Agreement where there is a change to the Head of Term and the Planning Committee agreed the Head of Terms should be reported to Planning Committee.
8. The final proposed change is to paragraph 2. It is proposed to delete the need for enforcement notices to be jointly authorised by the Assistant Director – Governance and Legal. Whether to serve an enforcement notice is a matter of

planning judgement and is dependant on whether in the opinion of the planning authority it is expedient to do so. Accordingly this is not a legal decision and there is no need to have a joint sign off arrangement.

## Recommendations

9. To recommend to GAP Committee that the changes set out in the track changed document Appendix 1 Extract from the constitution with track changes, Section 2 Part 3 – Responsibility for Functions should be agreed as changes to the constitution and recommended to Full Council for adoption:

## Financial Implications

10. Any proposed changes to the constitution to be facilitated within existing budgets.

## Background Papers

11. Appendix 1 Extract from the constitution with track changes Section 2 Part 3 - Responsibility for Functions

## Impact

12.

Communication/Consultation	This group is a working group and will make recommendation to GAP
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

## 13. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
That a review does not take place in accordance with good governance	3	3	The recommended changes are intended to improve the efficiency of the Local Planning Authority

and best practice as recommended by the East of England Local Government Association (EELGA)			and create space space for major applications to be determined by Planning Committee
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1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.