

COUNCIL, 16 JULY 2014

REPORT OF THE GOVERNANCE COMMITTEE

AMENDMENTS TO THE CONSTITUTION - ADDITION TO THE DELEGATED POWERS OF THE HEAD OF REGULATORY SERVICES

Governance Committee at its meeting on 26 June considered amendments required to the Constitution to extend the delegated authority of the Head of Regulatory Services concerning a change to the authority used to restrict residents of new developments from having access rights to residents parking schemes.

The Council's basic policy provision for new developments was that any required parking provision should be provided on site. This was particularly so in town centres where many existing buildings often did not have any provision for on-site parking. On occasion, developers were either unable or unwilling to provide the required level of on-site parking provision.

The Council entered legal agreements with developers to remove the possibility of occupants of the development subsequently applying for a residents parking permit for the controlled parking zone within which the development was situated.

Following adverse judicial comment on the limitation of the application of planning obligations under Section 106(1) of the 1990 Act to restricting access to residents' parking permits it was considered appropriate to apply the alternative statutory provision under Section 16 of the Greater London Council (General Powers) Act 1974.

While most applications requiring legal agreements would continue to be considered by Committee, decisions on some small-scale residential developments would be delegated for determination to the Head of Regulatory Services. In order that they could determine applications where a restriction on future residents having access to residents parking permits was required, rather than refer the application to Committee, it was considered appropriate to recommend that the additional power to utilise s. 16 be delegated to them.

The Governance Committee accordingly recommends to the Council that the following paragraph be added to Section 3.6.6 in Part 3 of the Constitution relating to the Head of Regulatory Services:

- (dd) To enter into agreements under s.16 Greater London Council (General Powers) Act 1974 to restrict the occupants of buildings from having access to residents parking permits.