

COUNCIL, 25 NOVEMBER 2015

REPORT OF THE GOVERNANCE COMMITTEE

CHANGES TO DELEGATED POWERS – REGULATORY SERVICES

At a meeting of Governance Committee on 10 September 2015 a report (attached) was presented which proposed changes to the call-in procedure for planning applications, specifically to Section 3.6.6 (b) (vi) of the Constitution for clarification on development in the Green Belt. In addition it was further proposed to change Section 3.6.6 (u) in relation to Certificates of Lawful Development for existing development.

Following a review the Head of Regulatory Services had identified one area of operational activity – the power to deal with deliberate concealment of planning breaches - which would benefit materially from changes to delegated powers to enable more effective and efficient service delivery. Due to a change in legislation a change to the wording re power to enter into S106 obligations was also recommended.

The Governance Committee accordingly recommends to Council that the following changes be incorporated into Section 3.6.6 of the Constitution relating to the Functions Delegated to the Head of Regulatory Services:

- 1) New Section 3.6.6(dd) to read:

“To apply to the magistrates court for a Planning Enforcement Order in accordance with Sections 171BA to 171BC of the Town and Country Planning Act 1990.”

- 2) Section 3.6.6(b) (vi) be altered to read:

“carry out residential development where the number of additional dwellings does not exceed two, including proposals which require prior completion of a Unilateral Undertaking committing the applicant to pay a contribution to mitigate the impact of the development on infrastructure, the latter involving liaison during the process between Head of Regulatory Services and Head of Legal Services.”

- 3) Section 3.6.6(u) be altered to read:

“To issue Certificates of Lawfulness for existing and proposed development and use”