

OFFICER DELEGATIONS - SCHEDULE 1

Functions that cannot be exercised by any Delegated Officer

1. Consideration of certain Ombudsman Reports (section 31A - Local Government Act 1974);
2. Consideration of reports of the Chief Finance Officer (section 115 - Local Government Finance Act 1988);
3. Consideration of reports of the Head of Paid Service (section 4(5) - Local Government and Housing Act 1989);
4. Consideration of reports of the Monitoring Officer (section 5(5) - Local Government and Housing Act 1989);
5. Certain functions relating to non-domestic rating (section 139 - Local Government Finance Act 1988);
6. Certain functions relating to council tax (section 67 - Local Government Finance Act 1992)
7. The preparation of an annual report on the health of the people in the city (section 73B(5) – National Health Service Act 2006). This is a personal duty of the Director of Public Health.

OFFICER DELEGATIONS - SCHEDULE 2

Prohibitions on the exercise of functions by specific Delegated Officers

1. Determination of applications for planning permission by an officer if his or her responsibilities include any aspect of the management of any land or buildings to which the application relates (Regulation 10 - Town and Country Planning General Regulations 1992)

SCHEDULE 3A - DEVELOPMENT MANAGEMENT

Delegations to Head of Development Management

To determine applications, notifications, consultations, enforcements and all other matters within the terms of reference of the Planning Committee subject to the exceptions specified below.

Exceptions

1. Applications (other than those for the discharge of reserved matters or conditions or for applications under s73 Town and Country Planning Act 1990, as amended) for major development as defined for the purposes of the government PS2 statistical return i.e.
 - residential development of 10 or more dwellings or, where numbers not specified, the site area is more than 0.5 hectares;
 - other development where the floor space is 1000 sq. metres or more or the site is 1 hectare or more;

- where a major development is subject to a change of use, it will be classed as a major development and not as a change of use.
Provided that officers may determine applications for major development which consists of external alterations to 10 or more flats.
2. Mineral Applications (other than those for the discharge of conditions or for applications under s73 Town and Country Planning Act 1990) as defined for the purposes of the government PS2 statistical returns, i.e. applications under the National Land Use Classification M101D, MA06A, TR05B.
 3. Applications (other than applications under s73 Town and Country Planning Act 1990) which are a departure from the Development Plan and which would need to be notified to the Secretary of State under the Town and Country Planning (Consultation) (England) Directions 2009 if the Council was minded to grant permission for them.
 4. Applications which are subject to an objection from a statutory consultee (as defined in Article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 which has not been resolved by negotiation or the imposition of conditions.
 5. Applications submitted by or on behalf of the Council for its own development which are the subject of substantive planning objections which have not been resolved by negotiation or the imposition of conditions.
 6. Applications submitted by or on behalf of a City Councillor or their spouse/partner.
 7. Applications submitted by or on behalf of any member of staff of the Strategic Housing, Planning and Transportation Division or any Chief Officer of the Council or their spouse/partner.
 8. Applications which the delegated officer considers should be determined by Planning Committee, having regard to approved guidance on this matter.

Development Management Delegations – Guidance to Officers

Factors to be taken into account by delegated officers in deciding whether a planning application should be determined by Planning Committee.

1. Whether a Councillor, applicant or other person with a significant interest has, within the statutory publicity period, requested in writing with reasons that the matter be determined by Committee. In all such cases, the delegated officer must liaise with the Chair and Vice Chair in relation to the request.
2. Whether it is desirable that representations for and/or against a development proposal should be heard by the Committee. In all cases of requests for such hearings, the delegated officer must liaise with the Chair and Vice Chair in relation to the request.
3. The impact of the development on communities, businesses or individuals.
4. The number, strength and issues raised in public representations.

5. Whether there are significant national planning policy or development plan implications raised in the proposal.
 6. Whether formal Environmental Impact Assessment is involved.
 7. The scale and/or complexity of the development.
 8. The characteristics and sensitivity of the site or adjacent sites, including amenity and heritage considerations.
 9. The nature of the planning history and the history of previous Committee involvement.
 10. Whether Council owned land is involved and it is prudent and in the public interest that the decision is taken by Committee.
 11. Whether the matter is likely to involve either a fine balance between alternative decisions or disputed/uncertain matters of fact or law which ought in the interests of natural justice to be considered by Committee.
 12. Whether there are any legal consequences arising from the determination of the application which are of such significance that they ought to be considered by Committee.
 13. Whether there are any other factors which indicate a Committee decision to be appropriate.
- N.B. This Scheme of Delegation was originally approved by Development Control Committee on 20 September 2002 and came into force on 1 October 2002. It was reviewed and confirmed by Development Control Committee on 11 July 2003.

SCHEDULE 3B - BUILDING CONTROL

Delegations to Director of Regulatory Services and Public Protection

1. To approve an application which conforms with the requirements of the Building Regulations and associated legislation.
2. To refuse an application not conforming with the requirements of the Building Regulations and associated legislation.
3. To relax or dispense with the requirements of the Building Regulations where he or she considers this appropriate in the circumstances of any particular case.
4. To carry out the functions applicable on receipt of a building notice given under the Building Regulations.
5. To carry out the functions applicable to initial notices, plans, certificates and final certificates under the Building (Approved Inspectors Etc.) Regulations.
6. To carry out the functions in relation to dangerous structures under the Building Act.
7. To carry out the functions under the Building Act to require the removal or alteration of work not in conformity with Regulations or executed despite rejection of plans.