FULL COUNCIL – 17 OCTOBER 2017

*Agenda item 4*

Recommendations from Policy and Resources Committee held on 17 July 2017

NONE

Recommendations from Policy and Resources Committee held on 4 September 2017

**PR25/17 CALENDAR OF MEETINGS 2018/2019**

That Council approve the Calendar of Meetings for 2018/2019 subject to any amendment above.

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**PR26/17 AMENDMENT TO CURRENT SCHEME OF DELEGATION TO OFFICERS**

Part 3 of the Council Constitution

That the Council’s Scheme of Delegation be amended as follows:-

**11. Director of Community and Environmental Services**

11.5 ***Planning***

11.5.1 That the Head of Regulatory Services is approved and authorised after having ensured that all statutory requirements have been complied with and after considering all representations received, to:-

**DETERMINE** all types of application submitted under the Town and Country Planning Act 1990 and Planning (Listed Building and Conservation Areas) Act 1990 including the extension of time limits, agreement to minor amendments and non-material amendments to previously approved proposals provided that:-

(1) For approvals; that they accord with the provisions of the appropriate development plan, other policy guidance or supplementary planning guidance.

(2) The application had not been called in by any three Members of the District Council's Planning Committee or by the Parish Councils within the specified consultation period, and that the decision would not conflict with any objection received from three Members of the District Council's Planning Committee within the specified consultation period.

(3) The decision would not conflict with an objection received from an adjoining local authority.

(4) The Head of Regulatory Services considers it prudent to exercise his/her delegated authority, failing which s/he shall report the matter to the appropriate Committee.

That under Item 11.6, the following narrative be included:-

11.6 ***Building Control, Building Regulations and delegation of functions from other authorities***

All the actions below, whether carried out for TRDC or any local authority for which Broste Rivers Ltd or its subsidiary companies carry out the Building Regulation, Building Control or other functions, or by an Approved Inspector, can only be enacted by the HRS if the relevant notice or certificate has been submitted to him or her by a qualified Building Control Surveyor or Approved Inspector.

That an additional item be included as 11.6.6:

11.6.6 To carry out (i) all other Building Control work for the Council and (ii) all Building Control work, functions or activities delegated to the Council which are by law delegable only to another local authority.

Paragraphs 11.5.2 to 11.5.23, Paragraphs 11.6.1 to 11.6.5 and Sections 11.7 and 11.8 will remain unchanged save for any reference in the text to Director of Community and Environmental Services being replaced with Head of Regulatory Services.

That under Item 11.26, Paragraph 11.26.37 the Scheme of Delegation to Officers to include reference to the Director of Community and Environmental Services as follows:-

11.26 ***Enforcement***

11.26.37 To authorise action under the Anti-Social Behaviour Crime and Policing Act 2014 and all powers and remedies under that Act, consistent with the Council’s Community Safety Strategy.

That the following be authorised persons to issue Community Protection Notices (CPNs) and Fixed Penalty Notices (FPNs) for the breach of CPNs:

Environmental Enforcement Officers, Residential Environmental Health Manager, Animal Control Enforcement Officer, Head of Community Partnerships and that the Director of Community and Environmental Services be delegated to add authorised persons as required.

**Paragraphs 11.5.1 to 11.8 and Paragraph 11.26.37 (Part B of the Scheme of Delegation to Officers)**

***Planning***

That the Head of Regulatory Services is approved and authorised after having ensured that all statutory requirements have been complied with and after considering all representations received, to:-

**DETERMINE** all types of application submitted under the Town and Country Planning Act 1990 and Planning (Listed Building and Conservation Areas) Act 1990 including the extension of time limits, agreement to minor amendments and non-material amendments to previously approved proposals provided that:-

(1) For approvals; that they accord with the provisions of the appropriate development plan, other policy guidance or supplementary planning guidance.

(2) The application had not been called in by any three Members of the District Council's Planning Committee or by the Parish Councils within the specified consultation period, and that the decision would not conflict with any objection received from three Members of the District Council's Planning Committee within the specified consultation period.

(3) The decision would not conflict with an objection received from an adjoining local authority.

(4) The Head of Regulatory Services considers it prudent to exercise his/her delegated authority, failing which s/he shall report the matter to the appropriate Committee.

11.5.2 Decisions taken by the Head of Regulatory Services in relation to paragraph (1) above shall be incorporated in the Information Bulletin for Members. However, on receipt of a request from no fewer than three Members of the Planning Committee, or from the appropriate Committee of a Parish Council, any items under paragraph\* (2) above shall not be dealt with under delegated powers but referred to the Planning Committee for determination in accordance with the procedure agreed at Minutes ST11/92 and ST32/95, provided such request is received from Members within 28 days of the application appearing on the weekly bulletin or within 21 days of notification of the planning application in the case of the Parish Councils.

\*Right of call-in does not apply to Certificates of Lawfulness Applications and Applications for Prior Approval.

To authorise Section 106 obligations and their modification or discharge in cases which would normally be delegated.

To take all actions in respect of Environmental Impact Assessments, including but not limited to their approval.

To take enforcement action, including the issue of planning contravention notices and notices requiring information as to interests in land, enforcement notices, breach of condition notices, stop notices, temporary stop notices, applications for an injunction (and other related applications) together with any prosecutions arising from a breach of planning control.

To authorise the execution of works required by an enforcement notice and recover the costs reasonably incurred in doing so

To issue notices pursuant to Section 215 of the Town and Country Planning Act 1990 (as amended) in respect of derelict and untidy land, together with any prosecutions arising from non-compliance with an S 215 Notice, under Section 216 of the Town and Country Planning Act 1990.

To issue Certificates of Lawful Existing Use or Development and Proposed Use or Development pursuant to Sections 191 and 192 of the Town and Country Planning Act 1990 (as amended)

To make determinations, give approvals and agree other matters relating to the exercise of permitted development rights.

To authorise the making of Tree Preservation Orders in cases of urgency and to authorise and make and confirm Tree Preservation Orders where no objections have been received.

To revoke Tree Preservation Orders only in cases where significant trees on the site are also protected by other Tree Preservation Orders.

To modify Orders at the confirmation stage to correct drafting inaccuracies.

(1) To grant or refuse, following consultation with Members, via the Tree Bulletin, applications to lop, top or fell trees within a Tree Preservation Order or on land in the Council's ownership;

(2) To determine, following consultation with Members, via the Tree Bulletin, applications to lop trees where such work is necessary in the interests of good forestry practice or to ensure the future health and safety of a tree;

(3) To determine whether the Council's consent is required in cases where it is claimed the tree is dead, dying or dangerous or to abate a nuisance; and

*(4)* *To consider, following consultation with Members via the Tree Bulletin, notices affecting trees in Conservation Areas and to determine whether or not a Tree Preservation Order should be made.*

(5) To deal with hedgerow removal notices, following consultation with Members via the Tree Bulletin.

To serve a completion notice

To grant consent for the display of advertisements

To authorise entry onto land

To require the discontinuance of a use of land

To institute prosecutions under Section 210 of the Town and Country Planning Act 1990 (as amended) for contravention of a Tree Preservation Order and for works carried out, which might be a prohibited by a Tree Preservation Order, to a tree in a Conservation Area, without notification having been made under Section 211.

To determine the level of public consultation other than statutory consultation appropriate to each development control application.

To carry out consultations on behalf of the Local Planning Authority on Pastoral Schemes under Section 30 of the Pastoral Measures Act 1968, where no major planning implications are involved, such consultations to be the subject of a subsequent report to the Planning Committee.

In consultation with the Solicitor of the Council, to authorise institution of High Court proceedings under the Town and Country Planning Act 1990 to appeal against a decision of the Secretary of State for Communities and Local Government in planning / enforcement appeals.

To make and confirm Footpath Diversion Orders under the Town and Country Planning Acts in the event of no objections being received.

To take enforcement action in respect of listed buildings, unlisted buildings within a conservation area including an application for an injunction, temporary listings, Building Preservation Notices and Listed Buildings Enforcement Notices under the Planning (Listed Building and Conservation Areas) Act 1990.

To grant or refuse requests for planning approval made pursuant to Section 20 and Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017 and to impose conditions on approvals granted.

***Building Control, Building Regulations and delegation of functions from other authorities***

All the actions below, whether carried out for TRDC or any local authority for which Broste Rivers Ltd or its subsidiary companies carry out the Building Regulation, Building Control or other functions, or by an Approved Inspector, can only be enacted by the HRS if the relevant notice or certificate has been submitted to him or her by a qualified Building Control Surveyor or Approved Inspector.

To approve or reject plans under the Building Regulations and other relevant legislation.

To determine applications for relaxation and dispensation of Building Regulations.

To process and monitor Notices and Certificates submitted under the Building (Approved Inspectors Etc.) Regulations.

To serve Notices under Section 36 of the Building Act 1984.

To carry out inspections and issue certificates in accordance with the terms and conditions of the PRC Homes Scheme Handbook.

To carry out (i) all other Building Control work for the Council and (ii) all Building Control work, functions or activities delegated to the Council which are by law delegable only to another local authority.

***Fire Protection and Means of Escape***

To act under Section 72 of the Building Act 1984 (Means of escape from fire in the case of certain high buildings).

***Dangerous Structures and Excavations***

To deal with dangerous structures under Section 78 of the Building Act 1984.

To deal with dangerous excavations under Section 25 of the Local Government (Miscellaneous Provisions) Act 1976.

***Enforcement***

11.26.37 To authorise action under the Anti-Social Behaviour Crime and Policing Act 2014 and all powers and remedies under that Act, consistent with the Council’s Community Safety Strategy.

That the following be authorised persons to issue Community Protection Notices (CPNs) and Fixed Penalty Notices (FPNs) for the breach of CPNs:

Environmental Enforcement Officers, Residential Environmental Health Manager, Animal Control Enforcement Officer, Head of Community Partnerships and that the Director of Community and Environmental Services be delegated to add authorised persons as required.

**PR27/17 SOUTH OXHEY INITIATIVE**

1. It resolves to authorise the appropriation of the additional land subject to the release of a restrictive covenant held by London Borough of Bromley at Former Tennis Courts, land west of the Oxhey Pavilion (the Site) within Oxhey Playing Fields (as shown on the plan at Appendix B which is owned freehold by the Council) having first considered any objections received to the same under the provisions of Section 122 of the Local Government Act 1972 to enable the Council to override third party rights and easements pursuant to Section 203 of the Housing and Planning Act 2016;
2. It authorises the disposal of the Site as public open space pursuant to s.233 of the Town and Country Planning Act 1990 by virtue of a lease for 20 years to the 14th Watford Scout group (to be added to the demise of land already authorised to be disposed to the Scouts) having first considered any objections received to the same; and
3. That the consideration of any objections be delegated to the Chief Executive in consultation with the Chair of Policy & Resources Committee.
4. That in doing so the Council has considered the provisions of the Equalities Act 2010 and the Human Rights Act 1998 contained in paragraph 5 of the report in Appendix A so far as they might be applicable in deciding whether or not to authorise the appropriation as outlined in this report and resolves the following: with regard to Article 1 of Protocol 1 it is considered that in balancing the rights of the individuals who are affected by the appropriation against the benefit to the community of proceeding with the appropriation, the appropriation resulting in the interference with the individuals rights is justified in the interests of providing the relocation of an essential community use for a scouting facility.

**PR30/17 BUDGET MONITORING – MONTH 4 (July)**

That the following revenue and capital budget variations be approved and incorporated into the three-year medium-term financial plan:-

|  |  |  |  |
| --- | --- | --- | --- |
| **Variance** | **2017/18**  **£** | **2018/19**  **£** | **2019/20**  **£** |
| **Revenue** - (Favourable)/ Unfavourable | (145,630) | 10,380 | 6,830 |
| **Capital** - Increase / (Decrease) | (9,500) | 67,500 | 0 |