

Part C4: Non-Executive Scheme of Officer Delegation

- 4.1 Council has delegated to committees and officers the exercise of a range of functions set out in the table below (as referred to in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended), which are not the responsibility of the Executive.
- 4.2 When exercising these delegated powers, officers should maintain a close liaison with the relevant committee chair and refer any proposed action to the relevant committee if required by the chair.
- 4.3 Officers may, in turn, authorise other officers to exercise their functions, or escalate the making of those decisions to Chief Executive or Deputy Chief Executive but must ensure that such delegations are documented and are regularly reviewed.
- 4.4 Any manager may exercise any power delegated to an officer for whom they have supervisory responsibility, except those reserved by law to others.
- 4.5 Any Non-Executive function may be exercised by the Chief Executive or the Deputy Chief Executive notwithstanding its delegation to another officer (except those reserved by law to others).
- 4.6 In the absence of the Chief Executive the Deputy Chief Executive is authorised to exercise any functions which are delegated to the Chief Executive
- 4.7 Officers (or an officer authorised by them) may act on urgent matters, which would otherwise require reference to, or consultation with Council or a committee, if there is no time for such reference or consultation to be made; relevant committee chairs should be consulted if time permits. All such decisions should be reported to the next meeting of Council or committee.
- 4.8 Certain Non-Executive decisions taken by officers must be recorded and published, in accordance with The Openness of Local Government Bodies Regulations 2014.
- 4.9 In addition to the specific powers detailed in the tables below all powers necessary and appropriate for the operational discharge of functions, whether mandatory or discretionary are deemed delegated to the Senior Officer(s) with responsibility for discharging that function, or exercising that power, without a specific resolution of Council or Cabinet, unless the legislation requires a positive resolution or a specific procedure to be adopted before the function can be undertaken. Such delegated powers are to be exercised with due professional skill and diligence relevant to the post and are subject to the limitations, if any, set by the relevant committee and budgetary resources. Further, such delegated powers will be exercised in compliance with and consistent with the policy framework adopted by Council and in accordance with law and the principles of this constitution. The Senior Officers will be able to appoint such officers as they consider necessary to assist in the discharge of the functions.

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Functions relating to Planning

In this section of the scheme of delegation the following abbreviations have been applied:

PCttee means the Planning and Licensing Committee

CM means the Cabinet Member for Planning

HLS means the Senior Officer Responsible for Legal Services

SOP means the Senior Officer Responsible for Planning

No.	Function	Responsibility/ Decision Maker	Exceptions and Conditions
Unless specified otherwise, titles in the third column indicate full delegation to the named officer			
I	General		
A	To respond on behalf of the Council to consultations from Government, Government agencies, the Local Government Association, other local authorities (except <i>with respect to</i> planning applications and similar consultations - see below), professional bodies and all other similar organisations, relevant to the work of the PCttee and so long as: (i) it is not possible to assess and present the matter to the PCttee within the prescribed time for response; or, the matter is considered to be of a relatively minor or straightforward nature not requiring prior debate by the PCttee.	SOP	
B	To provide verbal and written pre-application advice.	SOP	
C	The scope of delegation may be amended by a majority of the Members present at a PCttee to which a report is submitted and there will be no requirement to comply with the procedure for amending the constitution. Changes to officer titles, onward delegations and minor drafting changes can be made without referral back to the PCttee.	SOP	
2	Right of Entry onto Land		

	To exercise the Council's powers with respect to rights of entry onto land and into buildings under the relevant planning, historic building conservation, environmental and Local Government (Miscellaneous Provisions) legislation.		
3	Dealing with Planning and other related Applications and Notifications		
A	<p>To determine all applications for planning permission or related consents (with or without planning conditions or obligations), comprising Listed Building Consent, Tree Preservation Order (TPO) applications, Permissions in Principle, Technical Details Consent.</p> <p>The following provisos apply:</p> <p>(i) All planning decisions must pay due regard to the provisions of the Development Plan, where applicable, and to legislation, Government planning policy, guidance and circulars, and all other relevant material considerations.</p> <p>(ii) The relevant Ward Member(s) and Town / Parish Council / Parish Meeting must be notified through the electronic planning alert system.</p> <p>(iii) Any Member(s) can request that an application or related consent be referred to the PCttee for determination and must provide Planning reasons for the referral.</p>	SOP	<p><i>Types of applications NOT to be determined under delegated powers</i></p> <p>(a) Applications submitted by or on behalf of the Council, for development on Council-owned land.</p> <p>(Any application required in connection with flood prevention/alleviation schemes is exempt from the requirement to be presented to the PCttee).</p> <p>(b) Applications submitted by or on behalf of a Member of the Council or by</p>

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	<p>(iv) Should a Member wish to call in an application to the PCttee then this must be done so in writing within 28 days of the validation date of the application</p> <p>(v) For applications submitted by or on behalf of an employee (directly or indirectly) of the Council (or their partner, close relative or their partner's close relative) in which they have a beneficial interest (i.e. they own the land or are a prospective purchaser), then the employee shall declare their interest and shall have no involvement in the processing of the application/consent. The application will be reported for determination to the PCttee, with the exception of applications made by non- Planning staff (excluding those in politically restricted posts) for Householder development and alterations to dwellings.</p> <p>(vi) If a Permission in Principle application or Technical Details Consent cannot be brought to PCttee due to time constraints, the application/Consent should be the subject of consultation with the Ward Member(s). The final decision lies with the Senior Officer responsible for Planning.</p> <p>(vii) Applications where the Senior Officer for Planning considers (for reasons of public interest, or significant planning reasons) should be referred to the PCttee regardless of whether a call in request has been received in conjunction with the Chair of PCttee</p>		<p>a close relative or partner of a Member, or which relates to land which is owned by a Member (or they have a beneficial interest in), which must be drawn to the attention of the Senior Officer responsible for Planning.</p> <p>(c) Applications where the intended decision would be a significant departure from the provisions of the approved or draft development plan or other approved or adopted Council Planning policies or Supplementary Planning Documents.</p>
B	<p><i>Notifications</i></p> <p><i>The following provisos apply:</i></p> <p>(i) All planning decisions must pay due regard to the provisions of the Development Plan, where applicable, and to legislation,</p>	SOP	<p><i>Types of notifications NOT to be determined under delegated powers</i></p> <p>(a) Notifications submitted by or on behalf of the Council,</p>

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	<p>Government policy, guidance and circulars , and all other relevant material considerations.</p> <p>(ii) The relevant Ward Member(s) and Town / Parish Council / Parish Meeting must be notified through the electronic planning alert system, with the exception of tree works notifications.</p> <p>(iii) Any Member(s) can request that a notification be referred to the PCttee for determination and must provide Planning reasons for the referral.</p> <p>(iv) Should a Member wish to call in an application to the PCttee then this must be done so in writing using the agreed form within 28 days of the receipt of the planning application. Where an application does not have all the statutory consultation responses the Member may (within the initial 28 day period) request in writing an extension to this period. This will then be considered by the SOP and responded to in writing. Any extension would be expected to be within either the statutory determination date or any agreed Extension of Time with the applicant.</p> <p>(v) All notifications submitted by or on behalf of an employee (directly or indirectly) of the Council (or their partner, close relative or their partner's close relative) will be reported for determination to the PCttee, with the exception of applications made by non-Planning staff (excluding those in politically restricted posts) for Householder development and alterations to dwellings.</p> <p>(vi) If a notification cannot be brought to PCttee due to time constraints, the notification should be the subject of consultation with the Ward Member(s). The Senior Officer responsible for Planning will have discretion to determine proposals where objections are received relating to</p>		<p>for development on Council- owned land.</p> <p>(Any notification required in connection with flood prevention/alleviation schemes is exempt from the requirement to be presented to the PCttee).</p> <p>(b) Notifications submitted by or on behalf of a Member of the Council or by a close relative or partner of a Member, or which relates to land which is owned by a Member (or they have a beneficial interest in), which must be drawn to the attention of the Senior Officer responsible for Planning.</p>

	submissions that have strict, statutory time limits for making decisions or taking action		
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C	<p><i>Requests for Prior Approval</i></p> <p><i>The following provisos apply:</i></p> <p>(i) All planning decisions must pay due regard to the provisions of the Development Plan, where applicable, and to legislation, Government policy, guidance and circulars, and all other relevant material considerations.</p> <p>(ii) The relevant Ward Member(s) and Town / Parish Council / Parish Meeting must be notified through the electronic planning alert system.</p> <p>(iii) Any Member(s) can request that a Request for Prior Approval be referred to the PCttee for determination and must provide Planning reasons for the referral.</p> <p>(iv) If a Request for Prior Approval is proposed for refusal, or if any written objection is received but it is proposed to permit, the Ward Member(s) must be notified by the Case Officer and given three calendar days within which they may require that the request for Prior Approval be referred to the PCttee for determination. If no response is received within the three day period, then the delegated decision can be made as notified to the Ward Member(s).</p> <p>(v) All Requests for Prior Approval submitted by or on behalf of an employee (directly or indirectly) of the Council (or their partner, close relative or their partner's close relative) will be reported for determination to the PCttee, with the exception of applications made by non- Planning staff (excluding those in politically restricted posts) for development within the curtilage of a dwellinghouse..</p>	SOP	<p><i>Types of requests for Prior Approval NOT to be determined under delegated powers</i></p> <p>(a) Requests for Prior Approval submitted by or on behalf of the Council, for development on Council- owned land.</p> <p>(Any request for Prior Approval required in connection with flood prevention/alleviation schemes is exempt from the requirement to be presented to the PCttee).</p> <p>(b) Requests for Prior Approval submitted by or on behalf of a Member of the Council or by a close relative or partner of a Member, or which relates to land which is owned by a Member (or they have a beneficial interest in), which must be drawn to the attention of the Senior Officer responsible for Planning.</p>

	(vi) If the Request for Prior Approval cannot be brought to PCttee due to time constraints, the request should be the subject of consultation with the Ward		
	Member(s). The Senior Officer responsible for Planning will have discretion to determine proposals where objections are received relating to submissions that have strict, statutory time limits for making decisions or taking action.		
D	<p><i>Other Types of Application, Notification and Consultations</i></p> <p><i>This includes</i></p> <ul style="list-style-type: none"> • <i>Non-material Amendments</i> • <i>Compliance with conditions</i> • <i>Certificate of Lawfulness of Proposed Use or Development (Section 192)</i> <p>The following provisos apply:</p> <p>(i) All planning decisions must pay due regard to the provisions of the Development Plan, where applicable, and to legislation, Government policy, guidance and circulars, and all other relevant material considerations.</p> <p>(ii) Consultation with the relevant Ward Members and Town / Parish Councils / Parish Meetings is discretionary.</p>	SOP	Subject to prior consultation with HLS where considered appropriate by the Case Officer, in regards to Certificates of Lawfulness.

E	<p>Applications for Certificates of Lawful Use or Existing Use or Development (Section 191)</p> <p>The following provisos apply:</p> <p>(i) The Ward Member(s) and Town / Parish Council / Meeting, must be notified of all Section 191 applications.</p> <p>(ii) Representations will be considered; however, there is no provision to allow this application type to be referred to PCttee for determination.</p>	SOP	Subject to prior consultation with HLS where considered appropriate by the Case Officer.
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4.	Power to Decline to determine Applications for Planning Permission, Permission in Principle or Listed Building Consent	SOP	
5.	Environmental Impact Assessments		
A	Power to carry out all publicity and other actions related to the relevant Environmental Impact Assessment (EIA) legislative framework.	SOP	
B	Authority to require an Environmental Statement under the Environmental Impact Assessment) Regulations (or any other legislation amending or revoking and replacing that legislation) and to offer screening and scoping opinions	SOP	
6	(Section 106) Planning Agreements/Obligations		
A	To negotiate and finalise the Heads of Terms of Section 106 agreements, (agreements regulating development or use of land), Deeds of Variation and other planning agreements, including the details thereof.	SOP	Subject to prior consultation with HLS
B	To determine applications for the modification or discharge of planning obligations.	SOP	(a) Applications which involve the proposed variation or discharge of a section 106 deed that materially differs from the Council's standard models or departs from the reasons for the original imposition of the obligation.

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			<p>(b) Prior consultation with: HLS.</p> <p>(c) Subject to the same consultation and other requirements as planning applications (3.A, above)</p>
7	Disposal of Applications		
	To finally dispose of applications for planning permission, in accordance with the relevant planning legislation.	SOP	
8	Planning Appeals		
	To consider information, including amended plans, submitted by appellants and vary the Council's case accordingly.	SOP	If circumstances dictate, and following reasonable endeavours, to consult, in consultation with the HLS, the Chair (Vice-Chair) and Ward Member(s).
9	Enforcement of Planning Control		
A	<p>To exercise the Council's enforcement powers, including the serving of notices, under the relevant planning, listed building, control of advertisement and tree legislation, including decisions to take no remedial action when unauthorised work has been undertaken but no application is forthcoming (within a timeframe deemed appropriate by officers determined by the circumstances of the case including the Council's Enforcement Policy).</p> <p>A. All assessments as to whether it is expedient to take remedial action in</p>	SOP	Prior consultation with: HLS when required

	<p>relation to a breach of control will take into account the Council's Enforcement Plan and the following provisos:</p> <p>i. All decisions must pay due regard to any relevant provisions of the Development Plan, where applicable, and to legislation, Government policy, guidance and circulars, and all other relevant material considerations.</p> <p>ii. When necessary, consultation will be undertaken to establish whether harm has resulted and if there are expediency reasons for taking action.</p> <p>iii. All cases involving an employee of the Council (or their partner, close relative or their partner's close relative), must be the subject of consultation with the Ward Member(s) and Chair/Vice-Chair of PCttee.</p>		
B	<p>To exercise the Council's enforcement powers to prosecute, or serve an official caution under the relevant planning, listed building, control of advertisement and tree legislation, and pursue proceedings in the courts where appropriate.</p> <p>Where prosecution or the serving of an official caution is undertaken, or civil or criminal court proceedings are pursued, such matters should be reported to the PCttee.</p>	HLS	
C	<p>The withdrawal of Enforcement Notices (including Stop Notices and Breach of Condition Notices) which have served their purpose or which are no longer relevant or necessary.</p>	SOP	Prior consultation with HLS

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10	Article 4 Directions		
A	To serve and confirm Article 4 Directions.	SOP	
B	Power to withdraw Article 4 Directions where it is no longer expedient to remove PD rights	SOP	
11	Rights of Way and Highways		
	To deal with consultations from Gloucestershire County Council on Definitive Map Orders, Public Path Orders and reviews of Roads used as Public Paths – there is no requirement for Officers to undertake consultation as, if necessary, this will be done by Officers of the County Council.	SOP	
12	Trees and Forestry		
A	To exercise the Council's powers relating to the serving, revoking, varying and confirming of Tree Preservation Orders (TPOs) under the relevant legislation.	SOP	
B	To serve Tree Replacement Notices	SOP	
C	To respond to consultations from the Forestry Authority on grant applications and Tree Felling Licences (subject to there being no objections).	SOP	
D	<p>Authority to determine: any application to carry out work to a tree(s) subject to a Tree Preservation Order (subject to consultation with the Ward Member(s) in any case where the officer is recommending refusal or where objections have been received)</p> <p>any notification to carry out work to a tree within a Conservation Area (subject to consultation with the Ward Member(s) in any case where the officer intends serving a TPO or an objection has been received)</p>	SOP	

E	To exercise the Council's powers under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976 in relation to dangerous trees, including rights of entry onto land and into buildings	SOP	
F	To determine Hedgerow Removal Notices and ancillary matters	SOP	
G	Authority to deal with complaints about High Hedges under Part 8 of the Anti-Social Behaviour Act 2003	SOP	
I3	Listed Buildings at Risk		
A	Where urgent action is necessary, to exercise the Council's powers under the following Sections of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA Act). <ul style="list-style-type: none"> • Sections 3 and 4 (PLBCA Act) (Building Preservation Notices) • Section 54 (PLBCA Act) (urgent works for the preservation of an unoccupied listed building); • Section 55 (PLBCA Act) (recovery of costs for works carried out under Section 54). 	SOP	Prior consultation with HLS
B	Powers to serve a Repairs Notice and to acquire a listed building in need of repair under Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	SOP	Prior consultation with HLS
I4	Amendments to the Statutory List of Buildings of Special Architectural or Historic Interest		
A	To respond to consultations from the relevant organisations or Government departments on potential amendments to the Statutory List of Buildings of Special Architectural or Historic Interest.	SOP	
B	To propose amendments to the Statutory List of Buildings of Special Architectural or Historic Interest to the relevant organisations or Government departments.	SOP	