

**TO: Assistant Director (Planning and Implementation)****Development Management**

All decisions or representations on planning and other applications (having taken into account views from Members of the public being contrary to the proposed decision or where the issues raised are not material in planning terms), responses to prior notifications and enforcement matters falling to be considered by the District Council as Local Planning Authority, save those to be made by the District Planning Committee or the Area Planning Committees. Such decisions shall include:

1. Applications for major or large scale development which the Assistant Director of Service Delivery is minded to recommend refusal on the basis of strong policy reasons or because the proposal is contrary to the development plan, subject to first consulting with the Chairperson of the District Planning Committee as to the scope of the proposed reasons for refusal.
2. The determination of applications for minor alterations and additions to developments approved by a Planning Committee where there are no objections.
3. Where a planning application has been determined by a Committee, and unless otherwise required by the determining Committee, the approval or refusal of reserved matters and matters the subject of conditions such as materials, boundary treatments, landscaping etc.
4. In consultation with the Chairperson of the relevant Area Planning Committee to respond to consultations on applications submitted to neighbouring authorities.
5. Applications where the site area exceeds 1 hectare in size, and this is the only reason the application is defined as a 'major development', which the Assistant Director of Service Delivery is minded to recommend approval on the basis the proposal is in accordance with the development plan and subject to the Assistant Director of Service Delivery first consulting with the Chairperson of the Council or relevant Planning Committee (or the Vice-Chairperson in the Chairperson's absence) and the ward members.
6. Applications for major or large scale development which the Assistant Director of Service Delivery is minded to recommend approval on the basis the proposal is in accordance with the development plan and is made under Section 73 of the Town and Country Planning Act (1990) (as amended) only, subject to the Assistant Director of Service Delivery first consulting with the Chairperson of the relevant Planning Committee (or the Vice-Chairperson in the Chairperson's absence) and the ward members.
7. In consultation with a legal advisor, the determination of requests for the variation of a Section 106 Planning Obligation provided that the approved principle of development is unaffected and that the variation does not affect the securing of the payment of monies to the Council.
8. In consultation with the Chairperson of the relevant Planning Committee, to review the accuracy of agreed planning conditions due to the passage of time between the Committee decision and the issue of a decision notice consequent upon the completion of a Section 106 Planning Obligation.

### **Enforcement of Planning Control**

9. In consultation with the Ward Member(s), the issue of Planning Enforcement Notices (Town and Country Planning Act 1990, Section 172) and Listed Building Enforcement Notices (Planning (Listed Building and Conservation Areas) Act 1990, Section 38), and the withdrawal or variation of such proceedings.
10. The issue of Planning Contravention Notices, and the hearing and consideration of representations arising from those notices.
11. The issue of Breach of Condition Notices and Temporary Stop Notices.
12. The issue of notices under Section 215 of The Town and Country Planning Act 1990 requiring the proper maintenance of land.
13. The issue of Remedial Notices (Part 8, Anti-Social Behaviour Act 2003 - High Hedges).
14. In consultation with a Legal Advisor, the institution of legal proceedings for failure to comply with: Planning Contravention Notices, Enforcement and Stop Notices, Breach of Condition Notices, Notices under Section 215 of the Act, and Listed Building and Conservation Area Enforcement Notices, Temporary Stop Notices and Remedial Notices (High Hedges).
15. The removal or obliteration of posters and placards under Section 225 of the Town and Country Planning Act 1990.
16. On the grounds of urgency, and in consultation with the Chairperson of the relevant Area Planning Committee wherever possible and a Legal Advisor, the issue of Stop Notices including, if not already authorised, any necessary enforcement notice; provided that these actions are reported to Members of the relevant Area Planning Committee.
17. In consultation with a Legal Advisor to institute legal proceedings for offences in relation to listed buildings, conservation areas, preserved trees, advertisements and hedgerows. Such proceedings to be reported to Members of the relevant Area Planning Committee

### **Environment and Conservation**

18. To take action on the following matters:
  - a) Dangerous trees - Section 23 and 24 Local Government (Miscellaneous Provisions) Act, 1976.
  - b) Tree Preservation Orders and Trees in Conservation Areas - Sections 198 – 201, 207 and 209 Town and Country Planning Act, 1990.
  - c) Building Preservation Notices and Urgent Repairs to Listed Buildings - Sections 3 and 54 Planning (Listed Buildings and Conservation Areas) Act 1990.
19. To respond to Hedgerow Removal Notices (under regulation 5) and to give notice requiring the replanting of hedgerows (regulation 8) under the Hedgerows Regulations 1997.

20. To approve grants for repairs to historic buildings and improvements in conservation areas falling within the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Local Authorities Historic Buildings Act 1962 and other environmental improvements.

### **Building Control**

21. To determine all matters falling within the provisions of the Building Act 1984 and Building Regulations 2000, Local Government (Miscellaneous Provisions) Act 1976 and associated legislation excluding authorisation of legal action but including:
  - a) Determination of all applications.
  - b) Service of all statutory notices.
  - c) Authorisation of appropriate action in connection with dangerous structures under the Building Act 1984.
  - d) Determination of relaxation applications.
  - e) Authorisation of pre-approval design calculation checks in connection with D.o.E. Circular 39 of 1969.
  - f) Dispensation of post-approval inspections as set out in the Building Regulations Policy Statement.
22. To carry out the following functions under the Party Wall etc. Act 1996.
  - a) To nominate an appropriate officer of the Council as the Appointing Officer.
  - b) To keep a select list of Party Wall Surveyors for the purpose of the above Act.
23. To carry out the technical inspections and other relevant requirements in relation to Premises Licences.

### **Others**

24. To carry out functions in respect of Ordnance Survey.
25. To carry out all functions relating to street numbering under the requirements of the Town Improvements Clauses Act 1847 and Section 17 of The Public Health Act 1925.
26. In consultation with the Ward Member(s), the consideration of proposals for the naming of streets (Public Health Act 1952, Section 16).
27. To authorise officers and duly appoint contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Assistant Director of Service Delivery.
28. To carry out all functions under the Business and Planning Act 2020 – sections 1-10 - for the licensing of the use of highways for the consumption of food and drink outdoors, including the grant, revocation and enforcement of such licences.

**TO: Assistant Director (Place and Community)****Housing**

1. The determination of applications for Renovation Grants, Disabled Facilities Grants and Home Repair Assistance under the Housing Grants, Construction and Regeneration Act 1996.
2. The determination of Home Loss Payments and Disturbance Payments under the Land Compensation Act 1973 to occupiers displaced as a result of the making of a Closing Order or Demolition Order under the Housing Act 1985.
3. The determination of grants and signing notices under the Housing Grants, Construction and Regeneration Act 1996.
4. Housing the homeless including the determination of applications by persons to be considered as homeless under the Housing Act 1996.

**Environmental Health and related licensing/regulatory matters**

5. Enforce and execute the duties and functions of the Council (including authorising in consultation with a Legal Advisor the institution of legal proceedings, and also works in default where the works can be undertaken within existing budgets) under the following statutory provisions and Regulations made thereunder:
  - (a) Animal Welfare Act 2006
  - (b) Anti-social Behaviour Crime and Policing Act 2014 (Part 7)
  - (c) Breeding and Sale of Dogs (Welfare) Act 1999
  - (d) Building Act 1984 (Part III)
  - (e) Caravan Sites and Control of Development Act 1960 (as amended, and to include the varying of site licence conditions)
  - (f) Clean Air Act 1993
  - (g) Clean Neighbourhoods and Environment Act 2005
  - (h) Control of Pollution Act 1974
  - (i) Dangerous Dogs Act 1991
  - (j) Dangerous Wild Animals Act 1976
  - (k) Dogs Act 1906
  - (l) Dogs (Fouling of Land) Act 1996
  - (m) Environment Act 1995
  - (n) Environmental Protection Act 1990 (as amended by the Environment Act 1995)
  - (o) Food and Environment Protection Act 1985 (Parts I & III)
  - (p) The Food Safety and Hygiene (England) Regulations 2013
  - (q) Food Safety Act 1990 (as amended)
  - (r) Health Act 2006
  - (s) Health and Safety at Work etc Act 1974 (and any other relevant statutory provisions as defined in Section 53 of the Act)
  - (t) Housing Act 1985
  - (u) Housing Act 2004
  - (v) Housing Grants (Regeneration and Construction) Act 1996

- (w) Land Compensation Act 1973
- (x) Land Drainage Acts 1976 and 1991
- (y) Litter Act 1993
- (z) Local Government Act 1894
- (aa) Local Government and Housing Act 1976
- (bb) Local Government (Miscellaneous Provisions) Act 1976
- (cc) Local Government (Miscellaneous Provisions) Act 1982 (Sections 13 to 17)
- (dd) Mobiles Homes Act 2013
- (ee) National Assistance (Amendment) Act 1951 (so far as it relates to an application to a Magistrates Court for an order to remove a person to a place of safety)
- (ff) Noise and Statutory Nuisances Act 1993
- (gg) Noise Act 1996
- (hh) Official Feed and Food Controls (England) Regulations 2009
- (ii) Pollution Prevention and Control Act 1999
- (jj) Prevention of Damage by Pests Act 1949 – (Part I)
- (kk) Public Health Acts Amendment Act 1890 – Section 42
- (ll) Public Health Act 1936
- (mm) Public Health Act 1961
- (nn) Public Health (Control of Disease) Act 1984
- (oo) The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014
- (pp) Refuse Disposal (Amenity) Act 1978
- (qq) Regulation (EC) No. 178 / 2002
- (rr) Regulation (EC) No. 852 / 2004
- (ss) Regulation (EC) No. 853 / 2004
- (tt) Regulation (EC) No. 854 / 2004
- (uu) Regulation (EC) No. 882 / 2004
- (vv) Regulation (EC) No. 2073 / 2005
- (ww) Sunbeds (Regulation) Act 2010
- (xx) Sunday Trading Act 1994
- (yy) Trade in Animal Related Products Regulations 2011
- (zz) Water Industry Act 1991 (Sections 67 – 86)
- (aaa) Zoo Licensing Act 1981

6. Subject to notification to the Ward Members and report to the Committee, the determination of Closing Orders under Section 278 of the Housing Act 1985.
7. To authorise Officers and duly appointed Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Director of Service Delivery.

**NOTE:** The following are authorised to act as enforcement and investigating officers for the purposes of the Food and Environmental Protection Act 1985:

- (a) Head of Environmental Health, Waste & Climate Action
- (b) Environmental Health Team Leaders, Environmental Health Officers and Technical Officers

## Licensing

8. In consultation with a Legal Advisor and the Chairperson of the Licensing Committee, the institution of legal proceedings in respect of any of the Council's licensing powers.
9. To authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Assistant Director or other Officers.

## **TO: Assistant Director (Customer Services and Operations)**

### Community and Leisure

1. Operational issues relating to off-street, on-street and residents parking and Parking Orders.
2. The approval of lettings of the Council's parks and open spaces for funfairs and circuses and similar purposes.
3. In consultation with the Director of Strategy and Resources, the setting of the level of fees to be levied for events agreed under 2 above.
4. Operational issues relating to:
  - a) Parks and public open spaces;
  - b) Formal recreation area and any buildings therein and the letting of any stalls, kiosks and other operations thereon including lettings such as funfairs, circuses and other short-term lettings;
  - c) Sponsorship of areas of land such as roundabouts released by the highway authority;
  - d) Enforcement of byelaws and regulations made by the Council in respect of land and premises under its control;
  - e) Implementation of Action Plans in relation to the cultural strategy and other approved strategies;
  - f) Promotion and development of sport, the arts, heritage, play and other related activities;
  - g) Management of facilities provided by the Council including the client role for the management of the contracts for the Blackwater Leisure Centre and the Dengie Hundred Sports Centre.
5. In consultation with a Legal Advisor, to give a direction under Section 77 of the Criminal Justice and Public Order Act 1994 (and notify Ward Member(s)) regarding the removal of unauthorised campers.
6. Operational issues relating to the Council's community halls and centres.
7. Operational issues relating to specialist community transport schemes.
8. All matters under the Anti-social Behaviour Act 2003, Sections 2-4, 6 and 30-36, and the Anti-Social Behaviour, Crime and Policing Act 2014, Parts 1 – 6.

9. To approve and issue the Grant of Deeds of Exclusive Rights of Burial for the Council's Cemeteries.
10. Operational issues relating to cemeteries and mortuaries if provided, and public conveniences.
11. To authorise Officers and duly appointed Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Assistant Director of Service Delivery.
12. In consultation with the Ward Member(s), responding to informal consultations by the South Essex Parking Partnership on proposed traffic regulation orders and related measures for parking restrictions.
13. In consultation with the Council's representative on the South Essex Parking Partnership and the Ward Member(s), to make recommendations to the Parking Partnership on proposed traffic regulation orders for parking restrictions in the light of representations received following formal publication.
14. Operational issues relating to the operation of concessionary travel pass schemes.
15. Subject to no objections being received, and in consultation with the Chairperson of the Licensing Committee and the Ward Members(s), the approval of temporary road closures and the making of Orders under Section 21 of the Town Police Clauses Act 1847.

### **Asset Management**

16.
  - (a) To authorise the grant of easements over Council land at market value or other value as deemed appropriate.
  - (b) To approve any letting of property for a period of up to seven years at market rent to which statutory security of tenure will not apply.
  - (c) To procure agents to advise upon terms for sales, leases, purchases, easements, compensation claims and similar matters or otherwise in connection therewith.
  - (d) To negotiate the terms of new leases, including interim and initial rent both at market rent and in those cases where existing tenants have a statutory right to call for a new lease on expiry of the current term, and to authorise completion of such new leases up to an annual value of £15,000 and duration not exceeding seven years.
  - (e) In consultation with the Chairperson or Vice-Chairperson of the Strategy and Resources Committee and the Leader, as (d) above in relation to leases with an annual value in excess of £15,000, but not exceeding £25,000, or tenure in excess of 7 years but not exceeding 14 years.
  - (f) To negotiate the terms of, and accept, early surrenders of leases.
  - (g) To negotiate and agree rent payable on rent reviews of existing leases based on the advice of a suitably qualified valuer.

- (h) To grant yearly licenses for pedestrian and vehicular access to private property over Council owned land.
- (i) To authorise the grant of way-leaves to other statutory undertakers where Council-owned land is affected.
- (j) To negotiate the terms of, and authorise the granting of, landlords licences and consents and variations under existing leases in consultation with a Legal Advisor.
- (k) To dispose of any surplus small plot of land (up to an area of quarter of an acre with a maximum value of £10,000) at market value upon the advice of a suitably qualified valuer and upon such terms and conditions as he considers appropriate in consultation with the relevant Director and in accordance with Council policy on land disposals.

### **Rivers Management**

- 17. Subject to no objections being received, the issue of licences in respect of fishing and fishermen in the River Blackwater and the use of the Hythe Quay, Maldon and other related facilities within the control of the District Council.
- 18. In consultation with a Legal Advisor, the institution of legal proceedings for any contravention of any of the byelaws relating to the River Blackwater.
- 19. The grant of annual mooring licences to individuals and the renewal of licences to clubs and other organisations for periods not exceeding 5 years.
- 20. Reviewing fees payable under river licences in accordance with the advice of a qualified valuer or in accordance with the Council's policy on mooring fees generally where it is not economic to employ a valuer.
- 21. To authorise officers and duly appoint contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Assistant Director of Service Delivery.
- 22. The exercise of statutory responsibility under the Merchant Shipping Act 1995 in relation to safety on the River Blackwater.

### **Others**

- 23. Exercise of the powers contained in Part 8 of the Anti-Social Behaviour Act 2003 relating to High Hedges.
- 24. To consider and decide on nominations for listing of Assets of Community Value received under the Localism Act 2011 (Community Right to Bid).

## **Retained by Director of Service Delivery**

### **Development Management**

1. In consultation with the Leader of the Council, the Chairperson of the Strategy and Resources Committee, and a Legal Advisor to commence proceedings to challenge appeal decisions on a point of law.

### **Staffing**

2. To approve the filling of vacancies other than the posts of Directors, Monitoring Officer and Section 151 Officer (this shall not apply to those managers that report directly to any of the Directors until after 31 December 2019).
3. To approve the regrading of posts providing that such regrading can be achieved within approved budgets.
4. Where difficulty is experienced in filling a vacant post, to approve the addition to the salary scale of that post of a market supplement not exceeding 15 per cent of the basic salary scale subject to approved directorate budgets.
5. To approve the repayment of training fees for prospective employees where their previous employer requires such repayment.
6. To award up to £100 for staff suggestions.
7. To approve requests from staff for unpaid leave of absence.
8. To award discretionary points on an officer's salary scale within approved directorate budgetary limits.
9. To approve voluntary staff redundancy or voluntary dismissal for those staff who are below Directors, in the interests of the efficient discharge of the Council's functions.