

APPENDIX 6

[the words recommended for addition or insertion are shown in italics and underlined]

Part F.7 – Scheme of Delegation to Officers**Section 4 – List of Statutory Delegations to Officers within the Environmental Services Directorate**

NOTE: Throughout Part F.7 of the Constitution references to the “Group Manager – Planning” (GM-P) are deleted and the references “Head of Development Control – East” (HDC-E) and the “Head of Development Control – West” (HDC-W) are replaced by references to the “Heads of Development Control” (HDC). These changes are agreed to have effect as amendments to the Constitution.

[this schedule starts at page 87 of Part F.7 in the version of the Constitution last updated in June 2005]

Town and Country Planning Act 1990		
Section 169	Power to refer to the Secretary of State the question as to the identity of the "appropriate authority" in respect of a blight notice	AD-PEPP HDC
<u>Section 171C</u>	<u>Power to serve a planning contravention notice</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 171D</u>	<u>Power to prosecute for non-compliance with a planning contravention notice</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 171E</u>	<u>Power to issue a temporary stop notice</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 171G</u>	<u>Power to prosecute for contravention of a temporary stop notice</u>	<u>AD-PEPP</u>

		<u>HDC</u> <u>AD-Enf</u>
<u>Section 172</u>	<u>Power to issue an enforcement notice</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 173A</u>	<u>Powers to withdraw, waive or vary an enforcement notice</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 178</u>	<u>Power to authorise entry onto land in order to take steps to secure compliance with an enforcement notice and power to recover expenses reasonably incurred from the land owner</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 179</u>	<u>Power to prosecute for non-compliance with an enforcement notice</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 181</u>	<u>Power to prosecute for non-compliance with an enforcement notice having effect against subsequent development</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 183</u>	<u>Power to serve or withdraw a stop notice</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 187A</u>	<u>Power to serve a breach of condition notice</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 187B</u>	<u>Power to apply to the Court for an injunction to restrain any actual or apprehended breach of planning control</u>	<u>AD-PEPP</u> <u>HDC</u>

		<u>AD-Enf</u>
<u>Section 188</u>	<u>Duty to keep register of enforcement and stop notices</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 189</u>	<u>Power to prosecute for contravention of discontinuance orders</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 190</u>	<u>Power to authorise entry onto land in order to take steps to secure compliance with a discontinuance order and power to recover expenses reasonably incurred from the land owner</u>	<u>AD-PEPP</u> <u>AD-Enf</u>
<u>Section 191</u>	<u>Power to issue a certificate of lawfulness of existing use or development</u>	<u>AD-PEPP</u> <u>HDC</u>
<u>Section 192</u>	<u>Power to issue a certificate of lawfulness of proposed use or development</u>	<u>AD-PEPP</u> <u>HDC</u>
<u>Section 193</u>	<u>Power to revoke a certificate issued under sections 191 or 192</u>	<u>AD-PEPP</u> <u>AD-Enf</u>
<u>Section 194</u>	<u>Power to prosecute for making a statement, or using a document, which is false or misleading, or withholding material information for the purposes of procuring a certificate under sections 191 or 192</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
Section 196A	Power to authorise officers to enter land without warrant	<u>AD-Enf</u> <u>AD-PEPP</u>
Section 196B	Power to apply for warrant to enter land	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 196C</u>	<u>Power to prosecute for obstructing officers exercising rights of entry under this section</u>	<u>AD-Enf</u> <u>AD-PEPP</u>

Section 198	Power to make Tree Preservation Orders	AD-PEPP HDC
Section 198(2)	Power to give or refuse consent to carry out work in respect of trees subject to Tree Preservation Orders	AD-PEPP HDC
Section 199(1)	Power to confirm Tree Preservation Orders with or without modification	AD-PEPP HDC
Section 199(2)	Duty to observe regulations in respect of Tree Preservation Orders	AD-PEPP HDC
Section 201	Power to make provisional Tree Preservation Orders which take immediate effect.	AD-PEPP HDC
Section 203	Duty to pay compensation in respect of refusal of consent or grant of consent subject to conditions to carry out work in respect of trees subject to a Tree Preservation Order	AD-PEPP HDC
Section 206 (2)	Power to dispense with duty to replace trees removed, uprooted or destroyed in contravention of a Tree Preservation Order	AD-PEPP HDC
Section 207	Power to serve notice (replanting notice) requiring replacement of trees subject to a Tree Preservation Order	AD-PEPP HDC
<u>Section 209</u>	<u>Powers in connection with notices under section 207 including power to enter land, plant trees and recover expenses reasonably incurred from the land owner</u>	<u>AD-PEPP</u> <u>HDC</u>
<u>Section 210</u>	<u>Power to prosecute for non-compliance with a tree preservation order</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 211</u>	<u>Power to prosecute for prohibited acts to trespass in conservation areas</u>	<u>AD-Enf</u> <u>AD-PEPP</u>

<u>Section 213</u>	<u>Power to dispense with duty to replant tree</u>	<u>AD-PEPP</u> <u>HDC</u>
<u>Section 214A</u>	<u>Power to apply to the Court for an injunction to restrain an actual or apprehended offence under sections 210 or 211</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
<u>Section 214B</u>	<u>Power to authorise entry onto land for any of the purposes referred to in this section</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 214C</u>	<u>Power to apply for a warrant to enter land for any of the purposes referred to in this section and to authorise an officer to do so</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 214D</u>	<u>Power to prosecute for obstructing officers exercising rights of entry under this section</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
Section 215	Power to serve notice requiring the proper maintenance of land	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 216</u>	<u>Power to prosecute for non-compliance with notice under section 215</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 219</u>	<u>Power to authorise entry onto land in order to take steps to secure compliance with a notice under section 215 and power to recover expenses reasonably incurred from the land owner</u>	<u>AD-Enf</u> <u>AD PEPP</u>
<u>Section 224(1)&(2)</u>	<u>Powers to require (a) the removal of any advertisement displayed in contravention of regulations made under this section or (b) to require the discontinuance of the use for the display of advertisements of any site used in contravention of such regulations</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 224(3)</u>	<u>Power to prosecute for displaying an advertisement in contravention of regulations made under this section</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
Section 247	Power to submit a holding objection, on behalf of the Local Highway Authority, in	<u>AD-PEPP</u>

	respect of applications to the Secretary of State to stop up highways for development until such time as the proposed stopping-up can be reported for a formal decision	TL-TP
<u>Section 324</u>	<u>Power to authorise officers to enter land for any purposes referred to in this section</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 325</u>	<u>Power to prosecute for obstructing officers exercising rights of entry under this section</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 329</u>	<u>Power to authorise the service of any notice or other document under this Act and to take any related steps under this section</u>	<u>AD-PEPP</u> <u>HDC</u> <u>AD-Enf</u>
Section 330(1)	Power to serve notice requiring information as to the nature of interest in the premises, the name and address of any other person having an interest, the purpose for which the premises is used etc	AD-ENF
Planning (Listed Buildings & Conservation Areas) Act 1990		
<u>Sections 7 & 9</u>	<u>Power to prosecute for executing etc. works or demolition to listed buildings or buildings in conservation areas that are unauthorised or in breach of condition</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Sections 14, 15, 16, 17, 18 and 19</u>	<u>Powers and duties relating to the determination of applications for listed building consent and conservation area consent or variations</u>	<u>AD-PEPP</u> <u>HDC</u>
<u>Section 38</u>	<u>Power to issue listed building and conservation area enforcement notices</u>	<u>AD-Enf</u> <u>AD-PEPP</u> <u>HDC</u>
Section 28	Duty to pay compensation consequential upon revocation or modification of listed building consent	AD-PEPP HDC
Section 29	Duty to compensation for loss or damage	AD-PEPP

	caused by service of a building preservation notice	HDC
<u>Section 42</u>	<u>Power to authorise entry onto land in order to take steps to secure compliance with an enforcement notice under section 38 and power to recover expenses reasonably incurred from the land owner</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 43</u>	<u>Power to prosecute for non-compliance with a listed building enforcement notice or a conservation area enforcement notice</u>	<u>AD-Enf</u> <u>AD-PEPP</u>
<u>Section 44A</u>	<u>Power to apply to the Court for an injunction to restrain an actual or apprehended contravention of section 9(1) or (2)</u>	<u>AD-Enf</u> <u>AD-PEPP</u> <u>HDC</u>
Section 53	Power to make arrangements for the management or disposal of building or land acquired under the Act	AD-PEPP HDC
Section 54	Power to execute works urgently necessary for the preservation of an unoccupied listed building	AD-PEPP HDC
Section 55	Power to recover costs incurred in executing works under Section 54 of the Act	AD-PEPP HDC
<u>Section 59</u>	<u>Power to prosecute for acts causing or likely to result in damage to listed buildings</u>	<u>AD-PEPP</u> <u>AD-Enf</u>