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Part 3, Section B: Responsibility for Council Functions

Notes: (1) All references in the scheme(s) of delegation to officers which refer to a Chief Officer should be read as referring to the Chief Executive or to a Strategic Director holding the appropriate portfolio.

Deleted: (2) The scheme(s) of delegation to officers is subject to review during 2002/03.¶

B.1.1 PLANNING COMMITTEE

The primary purpose of the Planning Committee will be to exercise and undertake those determinations which are the responsibility of the Council as local planning authority, which may be delegated under S101 of the Local Government Act 1972 and are not:

- executive or overview and scrutiny functions
- already delegated elsewhere by the Council;
- already delegated by the Council to officers of the Council;
- exercisable only by the Council itself;
- exercised in a way which breaches or has the effect of breaching policies, strategies and overall budgets approved by the Council or have adverse legal implications.

B.1.2 Membership

- a) **Appointment.** The Planning Committee will consist of twelve members appointed by the Council, at or as soon as reasonably practicable after the Annual Council meeting, in accordance with the proportionality rules of the Local Government and Housing Act 1989. There shall be no power to co-opt.
- b) **Chairman.** The Chairman and Vice-Chairman of the Committee shall be appointed annually by that committee at its first meeting following the Annual Council meeting and before proceeding to any other business.
- c) **Quorum.** Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of the Committee unless at least seven (7) members are present.

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B.1.3 Functions

The Planning Committee will exercise the following functions and those matters which flow from them which are not executive functions by virtue of Schedule 1 or 2 to the Functions Regulations as amended, subject to the Call-in procedure **set out at B.1.3 below.**

A(1). Functions relating to town and country planning and development control (applications)

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| 1. Power to determine application for planning permission |
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A(1). Functions relating to town and country planning and development control (applications)	
20.	Power to determine applications for conservation area consent
21.	Duties relating to applications for listed building consent and conservation area consent.
22.	Power to serve a building preservation notice, and related powers
23.	Power to issue enforcement notice in relation to demolition of unlisted building in conservation area
24.	Powers to acquire a listed building in need of repair and to serve a repairs notice
25.	Power to apply for an injunction in relation to a listed building
26.	Power to execute urgent works.

A(1). Functions relating to town and country planning and development control (applications): Delegation on to officers:	
<u>For list of delegations to Officers see Part 3, C1.5 Built Environment</u>	
b)	

Function:	Delegation on to:
A(2). Functions relating to town and country planning and development control (other than applications)	
1. Power to serve a completion notice.	Chief Executive Officer (in consultation with the relevant local ward members), including withdrawal and all enforcement within the Committee's powers
2. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Chief Executive Officer (in consultation with the relevant local ward members) including withdrawal and all enforcement within the Committee's powers
3. Power to issue an enforcement	Chief Executive Officer (in consultation

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All applications submitted under categories (a)-(f) below are delegated for determination by the Chief Officer (Environment and Economic Development), except in the circumstances identified in any section of Part B.¶

<#>applications for planning permission, lawful use or development; under the Town and Country Planning Act 1990,¶

<#>applications for Listed Building Consent or Conservation Area Consent under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990;(including such applications for demolition of a building within the curtilage of a listed building)¶

<#>applications for Advertisement Consent under the Town and Country Planning (Control of Advertisements) Regulations 1992;¶

<#>'Prior Notifications' under the Town and Country Planning General (Permitted Development) Order 1995;¶

<#>'Hedgerow Removal' applications under the Hedgerow Regulations 1997;¶

<#>applications to undertake works to trees subject of a Tree Preservation Order or within a Conservation Area under the Town and Country Planning (Trees) Regulations 1999;¶

<#>observations on 'County Matters' applications;¶

<#>applications by the Local Authorities under the Town and Country Planning General Regulations 1992;¶

applications for Hazardous Substances Consent under the Planning (Hazardous Substances) Act 1990.

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A(1). Functions relating to town and country planning and development control (applications): Delegation on to officers:

Part B	Description of Application	Categories Applicable (From Part A)
1.	Applications where a Member has requested determination by the Planning & Regulatory Committee in writing, within 28 days of the date of the weekly list on which it appears. The request may be withdrawn at any time and (subject to satisfying all other terms of the Scheme) authority to determine is restored to the Chief Officer.	a, b, c, h, i.
2.	Applications delegated to the Chief Officer, but which he considers it appropriate to be determined by the Committee.	a - i
3.	"Full" or "Outline" (but <u>not</u> reserved matters) applications included within the "major applications" category of the DETR returns, with the exception of residential development where a limit of 5 dwellings (or site area of 0.25 ha. if outline with the number not specified) shall apply.	a, b, c, h, i.
4.	Applications requiring referral to the Secretary of State, under any Direction issued by him.	a, b, c, h, i.
5.	Applications to which the following level of objection has been received*: i) letters of objection representing 3 or more households; ii) a petition containing 10 or more signatures opposing the application.	a, b, c, h, i.
6.(a)	Applications submitted by Harborough District Council.	a, b, c, h, i.
6.(b)	Applications submitted by current or former Members or Officers of HDC or members of their household.	

A(1). Functions relating to town and country planning and development control (applications): Delegation on to officers:		
7.	Applications where it is recommended the decision departs from Council planning policy (approval or refusal).	a, b, c, h, i.
8.	Applications accompanied by an Environmental Assessment, submitted as a requirement of the EIA Regulations 1999.	a, b, c, h, i.
9.	Applications for the total demolition of listed buildings.	b.
10.	Applications within the site of an Ancient Scheduled Monument	a, b, c, h, i.
11.	Applications where it is recommended that the decision departs from the advice given by the Highways Authority.	a, c, h
* An objection would relate to any representation expressing objection to the application on valid planning grounds		

8. When Adoptive Acts are considered for enforcement by the Council discussion must be held with the relevant Portfolio Holder and if considered necessary taken to the Executive for a decision/guidance.
9. The statutory and chosen adoptive obligations under the Acts of Parliament and Regulations which are relevant to the Council service areas will be adhered to, including future amendments, revisions of the stated acts and future obligatory Acts.
10. The Monitoring Officer is authorised to make, from time to time, such amendments to this Scheme as in their view are minor, such as changes to the titles of Officers and is also authorised in consultation with the Chief Executive or Strategic Management Team, to transfer any of the functions contained within this scheme, between Heads of Service.
11. Members of Strategic Management Team may issue appropriate authorisations under the Regulation of Investigatory Powers Act 2003.

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C 1.2 Strategic Management Team Allocation of Responsibilities

1. Each member of the Strategic Management Team is authorised to act on behalf of the Council in relation to any matters within the service area for which they are responsible, under delegated powers that comply with:
 - (a) the overall policies approved by the council.
 - (b) Council Procedure Rules.
 - (c) Financial Procedure Rules.
 - (d) Personnel Policies and Procedures.
 - (e) Approved capital and revenue budget estimates that do not involve increased expenditure nor the loss of income;
 - (f) The requirement of the relevant legislation.
2. Without prejudice to these delegations a member of the Strategic Management Team is expected in appropriate cases to:
 - (a) Maintain a close liaison with the appropriate Portfolio Holder.
 - (b) Ensure that the appropriate members are consulted on the exercise of delegated powers.
 - (c) Ensure that the Monitoring Officer and the Head of Financial Services are consulted and advised of any decisions as necessary.

7. Adjust working hours of their staff to facilitate the work of the Authority and their employees, in consultation with the relevant staff.
8. Consultation should be held with Legal Services before instigating any legal proceedings.
9. Issue Cautions provided that:
 - (a) authority exists for the issue of prosecution proceedings in relation to that matter, and,
 - (b) the caution is administered with due regard to the relevant Circular and associated national standards for cautioning issued by the Home Office

C 1.5 Built Environment Services

1. The issue of directions and imposing of conditions restricting applications for planning permission affecting classified roads (other than trunk roads) and unclassified roads required to be made by the Council in accordance with the Harborough Highways Partnership arrangements within the Leicestershire County Council.
2. Approval, subject to adequate estimate provision of grants for Environmental Plant Scheme and the Amenity Plant Scheme which comply with Council Policy.
3. Application delegated for determination:

3.1 The following applications are delegated for determination, subject to 3.2 (a)-(f), where delegation is removed.

- (a) all applications for planning permission, including applications for the discharge and variation of conditions and requests for minor amendments or applications for lawful use or development (Town and County Planning act 1990)
- (b) all applications for listed building consent or conservation area consent (Town & Country Planning Listed Buildings and Conservation Area act 1990)
- (c) all applications for advertisement consent (Town and Country Planning Control of Advertisement Regulations, 1992)
- (d) all agricultural, telecommunications and other 'prior notifications' (Town and Country Permitted Development Order, 1995)
- (e) all applications for 'hedgerow removal' (Hedgerow Regulations, 1997)
- (f) all applications to undertake works to trees subject to a Tree Preservation Order or within a Conservation Area (Town and Country Planning Trees Regulations 1999)

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- (g) all applications for remedial notices in respect of high hedges (Anti Social Behaviour Act 2003)
- (h) all applications by other local authorities, for example, Leicestershire County Council and observations on 'County Matters' applications (Town and Country Planning General Regulations 1992)
- (i) all applications for Hazardous Substances Consent (Planning Hazardous Substances Act, 1990)

In addition, officers may exercise the power, on behalf of the Council, not to determine 'repeat applications' to give determinations in relation to 'permitted development' to confirm intended Tree Preservation Orders, to enter into legal agreements under Section 106 of the Town & Country Planning act, to exercise the discontinuance of a use of land and the power to serve a building preservation notice and other related actions to secure the integrity of a listed building.

3.2 Circumstances by which delegation to officers is removed:

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- (a) applications where any Member has requested determination of the application by the Planning Committee, using the Request for Call-in form within 28 days of the date of the weekly list on which that application appears. N.B. The request for consideration may be withdrawn at any time and the application returned to delegated authority (subject to compliance with the other criteria explained below)
- (b) applications where the intended decision would depart from currently adopted development plan policy and/or Supplementary Planning Guidance and/or applications where the Development Control Manager considers that determination by the Planning Committee would be appropriate.
- (c) applications to which the following level of counter-representation has been received:
 - i. 5 letters representing different households and in the case of letters of objection, raising valid points relating to planning;
 - ii. a petition of counter representation containing 10 or more signatures
- (d) applications submitted in which current Members or officers of the Council, or members of their household and immediate past officers and members of their household have a beneficial interest. (Delegation being removed when that interest is declared).
- (e) applications where the intended decision would depart from the advice given by the highway authority
- (f) applications for 10 or more dwellings and for commercial floor space of 10,000 m/sq or more.

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Delegation may be to a Standing Committee of the Executive or a further Committee appointed by the Executive, provided that there are no more than four such general Committees of the Executive at any one time in accordance with Article 6.07 (Part 2) of this Constitution.

C.2.3. Specific Function Committees of the Executive

Delegation may be made to a Specific Function Committee of the Executive to carry out certain tasks or functions, provided that full Council has agreed to their establishment in accordance with Article 6.07 (Part 2) of this Constitution.

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i) Remit. TeamHarborough is the name given to the contractual partnership between Serviceteam and the Council. ¶
¶
ii) Membership. ...¶
¶
iii) Functions. Services covered by the partnership are housing maintenance, grounds maintenance and some recycling. Teamharborough is committed to improving the services provided through joint service development and enhancement.¶
¶
iv) Limits to delegation. ..¶

4.4 Substitution

Substitute Members may attend meetings in that capacity only:

- a) to take the place of the ordinary Member for whom they are the designated substitute;
- b) where the ordinary Member will be absent for the whole of the meeting; and
- c) after notifying the Chief Executive or his or her nominee by twelve noon on the day of the meeting of the intended substitution.

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5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. CHAIRING OF THE MEETING

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and sub-Committee meetings, references to the Chairman also include the Chairman of Committees and sub-Committees.

8. QUORUM

The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETING

9.1 Interruption of the meeting

- the proposal does not substantially effect the well being or financial standing of the consultee body;
- you make it clear to the consultee body that::
 - your views are expressed on the limited information before you only;
 - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
- you disclose the personal interest regarding your membership or role when the Committee comes to considers the proposal.
- **Don't** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but you may prefer to do so for the sake of appearances.
- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. (*Use the disclosure form provided for disclosing interests.*)
- **Do** take the opportunity to exercise your separate speaking rights as a Ward/District Council Member (*this is granted by the authority's standing orders or by the consent of the Chairman and Committee*) where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you do:
 - advise the proper officer or Chairman that you wish to speak in this capacity before commencement of the item;
 - remove yourself from the member seating area for the duration of that item; and
 - ensure that your actions are recorded.

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4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Development Control Manager to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.



Part 7: Officer Management Structure

(As at March 2007)

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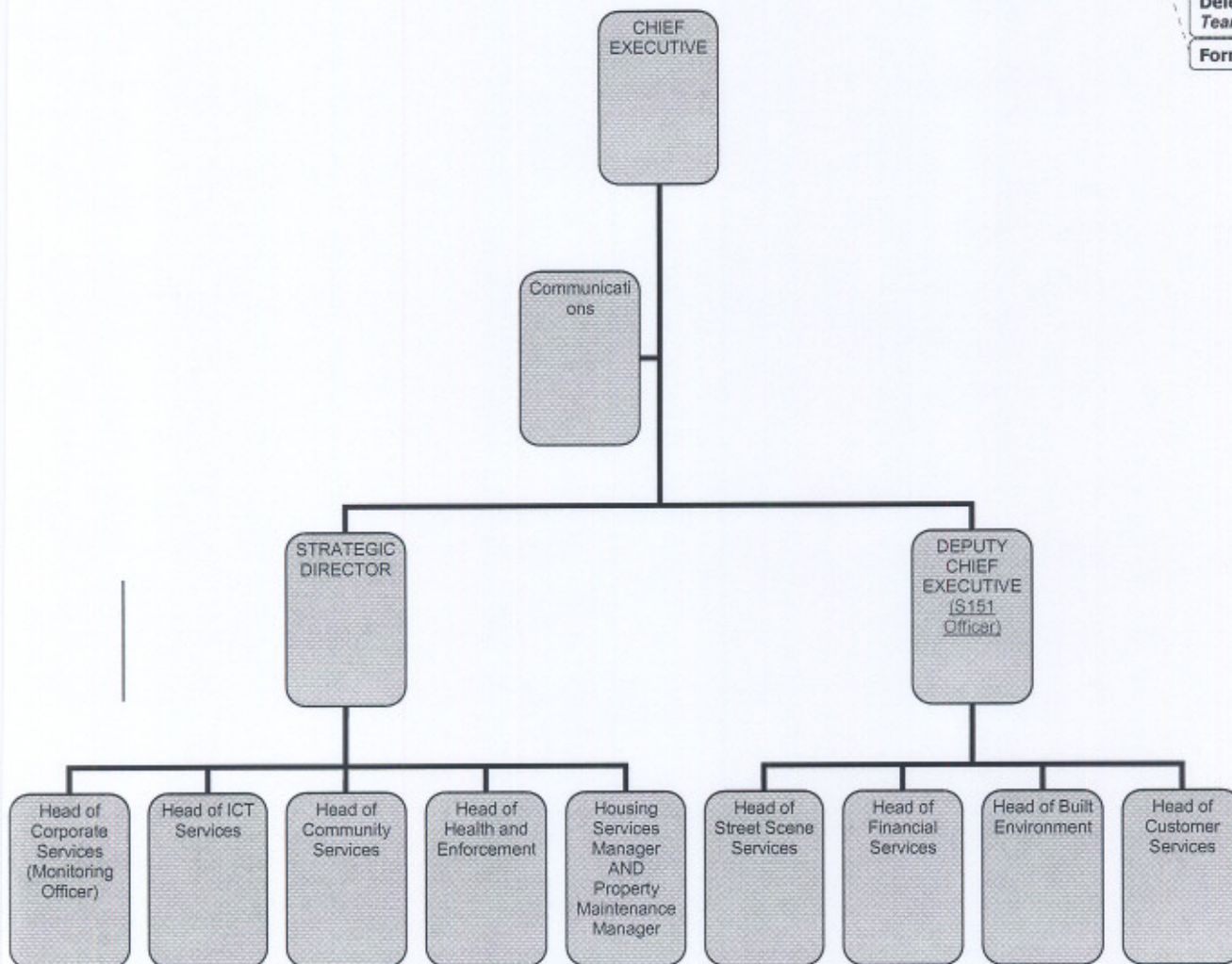
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Chief Executive

[Head Of Paid Service, Returning Officer & Electoral Registration Officer]

STRATEGIC TEAM*Services Director**Resources Director [s.151 (chief finance) Officer]***OPERATIONAL & TECHNICAL TEAMS*****Audit & Performance Review
Team***

Audit & Performance Review Manager

Customer Services TeamCustomer Services Manager
Support Services Manager***Democratic Services Team***Democratic Services Manager
[Monitoring Officer]***Development Control Team***

Development Control Manager

***Communications and
Projects Team***

Communications & Projects Manager

Technical Services Team

Technical Services Manager

***Environmental Services
Team***

Environmental Health Manager

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Financial Services TeamFinance Services Manager
Benefits Manager

	Council Tax/Business Rates Manager
<i>Building Control Services</i>	Building Control Manager
<i>Housing Services Team</i>	Housing Services Manager Property Maintenance Manager
<i>Human Resources Team</i>	Human Resources Manager
<i>Information Technology Team</i>	Information Systems Manager
<i>Legal Services Team</i>	[vacant]
<i>Leisure & Community Development Team</i>	Leisure & Community Development Manager
<i>Planning & Economic Development</i>	Planning & Economic Development Manager