

# Bath & North East Somerset Council

Development Control Committee

29 April 2015

TITLE:

Development Control Committee – Officer Delegations

WARD:

All

**AN OPEN PUBLIC ITEM**

**List of attachments to this report:**

**Extract from Development Control Committee – Officer Delegations with proposed amendments**

## 1 THE ISSUE

1.1 This report invites the Development Control Committee (“the Committee”) to approve the amended Scheme of Officer Delegations (“the Scheme”).

1.2 The amendments to the Scheme are required in order to:-

- a) reflect the Council’s powers and duties under the Community Infrastructure Levy Regulations 2010 (2010/948) (“the CIL Regulations”), and
- b) to update the Scheme in respect of planning obligations under s.106 of the Town and Country Planning Act 1990 (“the TCPA”).

## 2 RECOMMENDATION

2.1 That the Committee approve the amendments to the Scheme in the form attached to this report.

## 3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 There are no resources implications arising from this report.

## 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 The current Scheme is made under the powers contained in Section 101 of the Local Government Act 1972, the Town and Country Planning Acts, the Localism Act 2011, the Council's Constitution and all other enabling powers.

## 5 THE REPORT

5.1 The Committee approved the Scheme on 15 April 2009. Since that date minor changes have been made to reflect changes in officer titles and which did not need to be approved by the Committee

5.2 The Council approved a Charging Schedule, in accordance with the CIL Regulations, on 17 February 2015 and its adoption on 6 April 2015. For developers this means that any applications approved after April 6th 2015 may be subject to the payment of a levy under the CIL Regulations. Where a developer is required to pay levy officers will collect the monies payable and take CIL enforcement action if a developer defaults. As such, the day to day operation of CIL would be unlikely to require involvement from the DC Committee.

5.3 The addition to the Scheme in respect of CIL therefore proposes that officers are authorised to carry out all functions in respect of CIL i.e.;

“To deal with all matters relating to the Community Infrastructure Levy”.

5.4 Secondly whilst the current Scheme contains general authorisations for officers to implement any decision of the authority, there is no specific delegation in the Scheme relating to s106 agreements. A specific delegation was agreed by the General Development Control Committee in 2004 but this is clearly very old and requires updating as a matter of good practice. The proposed amendment explicitly permits officers to carry out all functions in relation to s106 agreements i.e.;

“To enter into planning obligations including the modification, discharge, variation and release of planning obligations”.

## 6 RATIONALE

6.1 To continue to operate the Scheme in order to ensure transparency, openness of decision making and to facilitate the efficient administration of the Council's planning functions.

## 7 OTHER OPTIONS CONSIDERED

7.1 Leaving the scheme unamended would mean that officers would not have delegated authority to administer CIL and there would not be an up to date delegation in respect of s106 agreements.

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<b>Background papers</b>	Development Control Committee – Officer Delegations – available on the Council's website
<b>Please contact the report author if you need to access this report in an</b>	

**alternative format**