

PART A

Report to: Council
Date of meeting: 11 October 2016
Report of: Head of Democracy and Governance
Title: Amendment to the Council Scheme of Delegation

1.0 **Summary**

1.1 This report seeks approval to amend the Council's Scheme of Delegation following the deletion of the role of Head of Regeneration and Development and the approval of new delegations following the introduction of the Community Infrastructure Levy to enable efficient collection and enforcement.

2.0 **Recommendations**

- 2.1 That the Responsibility for Council Functions A2 –A14 and A26- A34 relating to Town and Country Planning and Development Control be amended to delete the Head of Regeneration and Development and to insert the Development Management Team Leader.
- 2.2 That the Responsibility for Council Functions A15-A25, A35, B39, B40, B41 and I 15 be amended to delete the Head of Regeneration and Development.
- 2.3 That a new A37 be added to the Scheme to provide for the administration and enforcement of the collection of the community infrastructure levy under the Community Infrastructure Levy Regulations 2010 as amended and that this be delegated to the Development Management Section Head and the Development Management Team Leader.

Contact Officer:

For further information on this report please contact: Carol Chen Head of Democracy and Governance
telephone extension: 8350 email: carol.chen@watford.gov.uk

Report approved by: Managing Director

3.0 **Detailed Proposal**

- 3.1 Cabinet approved proposals at its meeting on 6 June 2016 to restructure the management of the Council. Included in those proposals was the deletion of the post of Head of Regeneration and Development and the creation of a Deputy Managing Director role with a larger remit of services.
- 3.2 Following statutory consultation with affected staff the Head of Regeneration and Development left the Council on 2 September 2016.
- 3.3 As a result of the deletion of the role it is necessary to make amendments to the Council's Scheme of Delegation. The proposed amendments are set out below.
- 3.4 Under the Council's Scheme of Delegation the Head of Regeneration and Development shares delegated authority for the following functions:
- Town and Country Planning and Development Control
 - Power to Register Common Land or Town or Village greens
 - Functions that are not executive functions delegated by HCC
 - Functions implementing the provisions of s 8 of the Anti-Social Behaviour Act 2003
- 3.5 It is proposed that for all the above the Head of Regeneration and Development be deleted from the delegation. In relation to those Town and Country Planning Act functions specified in A2-A14 and A26-A34 of the scheme, that the Development Management Team Leader be added to the delegation, so that there is sufficient cover to continue to approve planning applications and other Development Management related matters in the event of the absence of the Development Management Section Head.
- The Development Management Section Head is already included within the existing delegation.
- It is envisaged that the Planning Policy Section Head will be available to be consulted by the Team Leader as appropriate.
- 3.6 For all the other delegations where the Head of Regeneration and Development has been given delegated authority, these were already shared with the Development Management Section Head and the Development Management Team Leader; therefore, it is simply the deletion of the reference to the Head of Regeneration and Development that is required.
- 3.7 In April 2015, the Council introduced a Community Infrastructure Charging Schedule and all relevant planning permissions are required to pay the CIL levy. In order to effectively administer and enforce collection of the levy Council is asked to delegate to the Development Management Section Head and the Development Management

Team Leader authority to exercise all powers under the Community Infrastructure Regulations 2010 (as amended) related to the collection and enforcement of the levy. These include the service of warning notices, seeking injunctions to stop development until the levy is paid and applying to the courts for liability orders and charging orders to secure payment and defending appeals against payment.

4.0 **Implications**

4.1 **Financial**

4.1.1 The Shared Director of Finance comments that there are no implications

4.2 **Legal Issues (Monitoring Officer)**

4.2.1 The Head of Democracy and Governance comments that whilst the Scheme of Delegation does allow the Managing Director or another Chief Officer to exercise any delegation in the event of either an emergency or the designated officer being unavailable it is felt that having more than one officer specified in the scheme with knowledge of Development Management is preferable and will ensure robust decision making.
Delegating the collection and enforcement of the CIL levy is an administrative function.

4.3 **Equalities**

4.3.1 No implications

4.4 **Potential Risks**

| Potential Risk | Likelihood | Impact | Overall score |
|--|------------|----------|---------------|
| <i>Council does not agree to the amendments</i> | <i>1</i> | <i>2</i> | <i>2</i> |
| <i>Those risks scoring 9 or above are considered significant and will need specific attention in project management. They will also be added to the service's Risk Register.</i> | | | |

4.5 **Staffing**

4.5.1 No implications

4.6 **Accommodation**

4.6.1 No implications

4.7 **Community Safety**

4.7.1 No implications

4.8 **Sustainability**

4.8.1 No implications

Background Papers

Council Scheme of Delegation

File Reference

None