

# **WAVERLEY BOROUGH COUNCIL**

**EXECUTIVE – 31 MARCH 2015**

---

**Title:**

**AMENDMENTS TO SCHEME OF DELEGATION**

**[Portfolio Holder: Cllr Brian Adams]**

**[Wards Affected: All]**

---

**Summary and purpose:**

The purpose of this report is to seek amendments to the Council's Scheme of Delegation to Officers in respect of a number of planning and housing related issues.

---

**How this report relates to the Council's Corporate Priorities:**

This report relates in particular to the Corporate Priority of 'Environment', in that neighbourhood plans will help to protect and enhance rural and urban communities. These plans will also help us to 'Understand our residents' needs'.

**Financial Implications:**

There are no financial implications associated with this report.

**Legal Implications:**

Permanent delegation to Officers will ensure that the Council's decision-making is robust and that decisions can be taken by Officers at appropriate levels in order to give efficacy to the Council's policies and procedures.

---

**Introduction**

1. The Scheme of Delegation to officers is kept under regular review and this report brings together a number of areas that have been identified by Planning and Housing Services to enable effective and timely actions to be taken, including:-
  - Neighbourhood Planning
  - Planning Enforcement
  - Strategic Environmental Assessments
  - Expenditure levels for Housing Operations

**Neighbourhood Planning**

1. The Government has recently amended its regulations relating to the production of neighbourhood plans by local communities (town and parish councils in Waverley). For example, it has set statutory time limits for local planning authorities to designate neighbourhood areas. At present, when the Council receives an application from a town or parish council, officers undertake a 6 week public consultation and then take a report to the Executive with a recommendation to approve (or not) the area. The designation process can take 3 months or more in total.

2. On 9 February, the Neighbourhood Planning (General) (Amendment) Regulations 2015 came into force. From now on, all area applications that follow parish boundaries (the vast majority in Waverley) will need to be designated within 8 weeks, with this period running from the date following that on which the application is first publicised. The period for consultation has been reduced from 6 to 4 weeks. Applications that include land in more than one local authority have to be determined within 20 weeks. All others have to be determined within 13 weeks.
3. It is considered that area applications that follow parish boundaries should, from now on, be dealt with as a delegated matter, with the decision being made by the Head of Planning after consultation with the Planning Portfolio holder. This is because there would not be sufficient time to continue to take reports to the Executive and allow for the call in period. These area applications are usually straightforward and uncontentious. Other applications (for example those that include parts of more than one parish), will continue to be taken to Executive for a decision, as there will be more time available (and these decisions may be more finely balanced).
4. It should be noted that The National Planning Practice Guidance (NPPG), the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Local Government Act 2000 allow the Executive to delegate the decision on neighbourhood planning to a committee or others in the authority. If the Government were to make further amendments to the Neighbourhood Plan regulations or guidance relating to the designation of areas, the arrangements for designating Neighbourhood Areas can be reviewed at that time if necessary.

### **Planning Enforcement**

5. The Scheme of Delegation currently details the following authority:

“77(vi) authority to waive or relax the requirements of an Enforcement Notice in accordance with Section 173A of the Town and Country Planning Act 1990 (or as may be modified, amended or re-enacted)”.

It is proposed that the word ‘withdraw’ be added to this authority as all three of the powers (withdraw, waive and relax) are contained within the provisions of Section 173A of the Act. The reason for this is to ensure that officers can act effectively when necessary and so that the authority is consistent with the legislation.
6. The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice. However, compensation may be payable by the Local Planning Authority to the person on whom a notice was issued if the Enforcement Notice is withdrawn and loss was suffered as a result of the issue of the notice.

### **Strategic Environmental Assessments**

7. The Scheme of Delegation currently refers to Strategic Environmental Assessments and states:

“To carry out the appropriate Strategic Environmental Assessments pursuant to the SEA Directive and the Environmental Assessment of Plans & Programmes Regulations 2004.”

8. It is proposed to change the wording to accommodate the entire process. A screening assessment determines whether a Strategic Environmental Assessment (SEA) is required but does not form part of the SEA itself. This should be included within the scope of paragraph 90 therefore the words “the screening assessment and” be inserted after “To carry out...”. Whilst the paragraph also implies delegation to the Head of Planning, this also needs to be explicit and included in the second column.
9. The paragraph which follows paragraph 91 in the scheme but which is not numbered reads:

“To determine whether an Appropriate Assessment is required under the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations) and to undertake such an assessment.”
10. Whilst it is implicit that delegated power falls to the Head of Planning, this should be explicit and included within the second column. This should therefore be renumbered as 91a.

### **Expenditure Levels – Housing Operations**

11. The Housing Service has a number of high value generic property service budgets for which there are no current delegations to Officers within the Council’s Scheme of Delegation. Consequently, even though the overall budget has been approved, Officers have to return to the Executive seeking approval to spend from those budgets.
12. Much of the spend is planned on specific Housing properties and is agreed as part of the annual budget-setting process. However, in a number of the areas the specific demand on the budget is unknown until events happen and action needs to be taken (for example major structure works, the re-servicing of void properties and aids and adaptations). In these situations, the budget exists but no specific approval is in place to spend these large items of expenditure.
13. The delay in seeking authorisation from the Executive can result in poor customer service and additional complaints, rent loss and harm to the Council’s reputation. The table at Annexe 1 demonstrates the volumes and amounts of expenditure involved and the requested levels of delegation.
14. To deliver an effective Housing Operations Service, the following delegation is required:

*To authorise the Head of Housing Operations to approve expenditure from specific Council approved budgets up to £30,000 per property.*
15. The Head of Strategic Housing and Delivery already has the delegated authority to approve expenditure up to £30,000 under the Private Sector Home Improvement Policy. The proposed delegated authority for the Head of

Housing Operations would align the delegated authority in specific major HRA spend to the delegation that already exists for private sector spend.

16. If the delegated authority is agreed, the internal process for authorising expenditure will be reviewed so that it will include a formal procedure for appraising all proposed large expenditure. The appraisal will consider the cost of the works in relation to the 30-year rental income for the property, the demand for the property and the development potential for the site.

### **Recommendation**

That the Executive recommends to the Council that the Scheme of Delegation be amended as follows:-

1. to delegate the designation of Neighbourhood Area applications that cover the whole of a Parish Council area to the Head of Planning, in consultation with the Portfolio Holder for Planning;
2. to insert the word 'withdraw' into existing Section 77(vi);
3. to insert "the screening assessment and" into paragraph 90, renumber paragraphs to add in 91A and add Head of Planning in the second column; and
4. add the following authority, that the Head of Housing Operations be authorised to approve expenditure from specific Council-approved budgets up to £30,000 per property.

---

### **Background Papers**

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

---

### **CONTACT OFFICERS:**

**Name:** Matthew Evans

**Telephone:** 01483 523298

**E-mail:** [matthew.evans@waverley.gov.uk](mailto:matthew.evans@waverley.gov.uk)

**Name:** Hugh Wagstaff

**Telephone:** 01483 523363

**E-mail:** [hugh.wagstaff@waverley.gov.uk](mailto:hugh.wagstaff@waverley.gov.uk)