

# Directorate Scheme of Delegations: Growth and Regeneration Directorate

## Introduction

In the Constitution, the Mayor and Full Council delegate certain powers and functions to the Executive Directors.

This is the Growth and Regeneration Directorate Scheme of Delegation to officers. It:

- i) Summarises the powers and functions delegated to the Executive Director of Growth and Regeneration, in Part 1
- ii) Describes how the Executive Director has delegated these powers and functions to officers in their Directorate to exercise on their behalf, in Part 2.

This scheme is subject to the [Council's Constitution](#), including the Council and Mayoral Schemes of Delegation and the Procurement Rules, the Financial Regulations and Standing Orders.

The Executive Director will delegate to the post that's most appropriate for the exercise of the function. Any direct line manager between the Executive Director and the post delegated the function is also entitled to perform that function, unless otherwise stated in the scheme.

In the event of a civil emergency or a business continuity disruption, all authorities relevant to the management of the incident are delegated to named duty officers, officers attending multi-agency coordination group meetings or officers chairing an Incident Management Team, as appropriate.

Although Executive Directors can delegate functions they remain responsible for and accountable to the council for the exercise of their delegated powers. On occasions they may still decide to take decisions themselves. Officers may decide to refer delegated powers back to the Executive Director, the Mayor or Full Council. The Mayor and Full Council can also decide to reserve a particular decision to themselves.

This Scheme of Delegation will remain in force until it is amended or revoked by the Executive Director for Growth and Regeneration or via changes to the Council and Mayoral Schemes of Delegation.

Guidance for managers and staff on how to use Schemes of Delegation is available on the intranet.

Part 1: Functions delegated under the Constitution to the Executive Director of Growth and Regeneration

Executive functions (see [Section 5 of Mayor's scheme of delegation](#))

'Executive' power rests with the Mayor. He or she delegates executive power to officers via the Mayoral Scheme of Delegation, which is part of the constitution. The following executive functions are delegated to the Executive Director of Growth and Regeneration:

- City Growth, Investment and Infrastructure including Culture
- Planning
- Transport

*Local Choice executive functions ([part 3.3 of the Constitution](#))*

In national legislation, 'Local Choice' functions can be either executive or non-executive decisions. The Constitution sets out which they are in Bristol City Council. The following Local Choice functions have been deemed executive functions and have been delegated to the Executive Director of Growth and Regeneration

- Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.
- The determination of an appeal against any decision made by or on behalf of the authority.
- The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.
- The making of agreements for the execution of highways works
- The obtaining of particulars of persons interested in land under section 16 of the Local Government (Misc. Provisions) Act 1976.
- The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.

Non-executive functions ([part 3.2.C of the Constitution](#))

'Non-executive' power rests with Full Council. Full Council can delegate non-executive powers to council committees and to officers through the constitution. The following non-executive powers are delegated to the Executive Director of Growth and Regeneration:

- All the non-executive functions which are the responsibility of the **Development Control Committees** (these are listed in 3.2.B of the Constitution, and the delegations set out in detail in Part 2, below), except for the determination of any application where a member of the council for a ward containing the site of the application requests the matter be determined by a Development Control Committee.
- Some of the non-executive functions which are the responsibility of the **Public Rights of Way and Greens Committee** (specifically, all those set out in list B of the terms of reference, listed in 3.2.B of the constitution). The delegations are set out in Part 2 below.

*Local Choice non-executive functions ([part 3.3 of the Constitution](#))*

In national legislation, 'Local Choice' functions can be either executive or non-executive decisions. The Constitution sets out which they are in Bristol City Council. The following Local Choice functions have been deemed non-executive functions and have been delegated to the Executive Director of Growth and Regeneration

- None.

**Part 2: Delegations to Officers from the Executive Director**

Executive Functions

**1. Transport**

Function	Post authorised to carry out function
<b>Functions relating to Traffic and Highways</b>	Head of Traffic and Highways Maintenance Head of Local and Sustainable Transport
<p><b>Parking and Bus Lane Enforcement</b> To carry out all necessary work with regard to de-criminalised parking enforcement within the Civil Enforcement Area and Special Enforcement Area under the provisions of the Road Traffic Act 1991 and Traffic Management Act 2004 and any other enactment to include the following:</p> <p>a) To deal with all matters relating to the issuing and processing of Penalty Charge Notices, including determining representations made against the Notices, cancellation of Penalty Charge Notices and all subsequent actions regarding non-payment of notices.</p> <p>b) To deal with all matters relating to the processing of appeals against the issue of Penalty Charge Notices that have been made to the National Parking Adjudication Service, including where necessary, not to contest appeals and cancellation of Penalty Charge Notices.</p>	<p>Head of Traffic and Highways Maintenance</p> <p>Team Manager - Parking Enforcement and Operations</p> <p>Team Manager - Parking Enforcement and Operations Team Leader PCN Appeals</p> <p>Team Manager - Parking Enforcement and Operations Team Leader PCN Appeals</p>
<p><b>Parking Facilities</b> To determine requests for the use of off-street car parks and on-street parking where restrictions are in place under a traffic regulation order, and to grant or refuse permission to individuals or organisations for their use.</p>	<p>Head of Traffic and Highways Maintenance</p> <p>Parking Services Infrastructure Team Manager</p>
<p><b>Disabled Persons Parking Badges (Blue Badge Scheme)</b> To determine applications for and to issue Blue Badges, and to withdraw the facilities offered under the Blue Badge Scheme if there is evidence of on-going misuse, (even if the badge is not issued by the authority).</p>	<p>Head of Traffic and Highways Maintenance Team Manager - Parking Enforcement and Operations</p>
<p><b>Concessionary Bus Travel</b> To determine applications for passes which provide entitlement to concessionary bus travel.</p>	<p>Information and Engagement Group Manager</p>
<p><b>Issuing of Parking Permits</b> To carry out all necessary work relating to the issue of parking permits within designated controlled parking zones (permitted parking areas and residents' parking schemes) within the Civil Enforcement Area and Special Enforcement</p>	<p>Head of Traffic and Highways Maintenance Team Manager - Parking Enforcement and Operations</p>

Area.	
<p><b>Off-Street Parking Orders</b> To include land within an appropriate parking order and designate land as an off-street parking place.</p>	<p>Head of Traffic and Highways Maintenance  Parking Services Infrastructure Team Manager</p>
<p>To administer and process (including approval or refusal of) all applications for disabled persons parking bays and white line advisory markings.</p>	<p>Head of Traffic and Highways Maintenance  Parking Services Infrastructure Team Manager Highways Area Engineering Team Manager</p>
<p><b>Traffic Regulation and Management Orders</b></p>	
<p>(a) Authority to prepare, consult upon and advertise permanent orders and statutory notices.</p> <p>(b) Prepare, consult and design any traffic regulation or management scheme which is included in any Traffic Management Work Programme or is intended to facilitate the carrying out of any new development</p> <p>(c) To authorise the variation of the effect of any Experimental Traffic Regulation Order made pursuant to (d) below.</p> <p>(d) To advertise, consult, notify and otherwise carry out all statutory procedures (including the making of any required Experimental Traffic Regulation Order) in respect of any scheme for which the preparatory work has been carried out.</p> <ul style="list-style-type: none"> <li>- where a Permanent Traffic Regulation Order is required in respect of the scheme and the Service Director does not wish to discuss any objections with the Strategic Director or no objections are received to the proposal to make the order, <b>decision to</b> make and seal the order; and</li> <li>- where an Experimental Traffic Regulation Order has been made and the Service Director does not wish to discuss any objections with the Strategic Director or no objections have been received in response to it, <b>decision to:</b></li> <li>- make and seal a further Order modifying the provisions of the Order pursuant to (c) above; and</li> <li>- make and seal a Permanent Order continuing indefinitely the provisions of the Experimental Order.</li> </ul>	<p>Head of Traffic and Highways Maintenance Head of Local and Sustainable Transport</p> <p>Head of Traffic and Highways Maintenance Head of Local and Sustainable Transport</p> <p>Head of Local and Sustainable Transport</p> <p>Head of Local and Sustainable Transport Director of Transport</p> <p>Director of Transport</p>

<p>(e) Decision to carry out all necessary notification and other statutory procedures in respect of the installation of any pedestrian crossing.</p>	
<p><b>Erection of Traffic Signs</b> To deal with all matters relating to the erection, alteration, maintenance and removal of traffic signs, signals and road markings</p>	<p>Network Operations Team Manager Highways Maintenance Manager Head of Local and Sustainable Transport</p>
<p><b>Traffic Regulation Orders for Parking Restrictions</b></p> <p>(a) Authority to prepare detailed designs in respect of any traffic regulation order that is required as a result of reviewing existing parking restrictions within the Civil Enforcement Area and Special Enforcement Area as required under the Road Traffic Act 1991.</p> <p>(b) Where any traffic regulation order or parts of an order advertised is unopposed, and it appears to the Service Director Transport expedient to introduce all or some of those parts immediately and before the introduction of the remainder of the proposal, <b>decision to</b> authorise the sealing of an Order in respect of those parts.</p>	<p>Head of Local and Sustainable Transport</p> <p>Head of Local and Sustainable Transport</p>
<p><b>Minor changes to the Controlled Parking Zone</b></p> <p>(a) Authority to implement minor changes to the extent and operation of the Controlling Parking Zone.</p> <p>(b) Where an order or notice pursuant to the Road Traffic Regulation Act 1984 or otherwise is necessary to implement a minor change, <b>decision to</b> carry out statutory advertisement, consultation and notification and all other measures required prior to making the order or notice and, where a Traffic Regulation Order is required in respect of the minor change and no substantial objections are received to the proposal, to make and seal the order.</p>	<p>Head of Local and Sustainable Transport Head of Traffic and Highways Maintenance</p> <p>Director of Transport</p>
<p><b>Stopping Up Orders</b> To make comments to the relevant Government Office in respect of highway closures under the Town and Country Planning Act 1990.</p>	<p>Head of Local and Sustainable Transport</p>
<p><b>Temporary Traffic Orders/Notices</b> To carry out all preparatory work for the making of Temporary Traffic Regulation Orders and Notices under the Road Traffic Regulation Act 1984 or otherwise and to determine and levy charges.</p> <p>Decision to authorise the making and sealing of Temporary Traffic Regulation Orders and Notices under the Road Traffic Regulation Act 1984 or otherwise.</p> <p>To make and execute Temporary Traffic Notices under the Road Traffic Regulation Act 1984.</p>	<p>Director of Transport Network Operations Team Manager</p> <p>Director of Transport Network Operations Team Manager</p> <p>Network Operations Team Manager</p>

	Network Management lead officers and Emergency Highways Officers
<p><b>Street Fairs - Temporary Road Closure</b></p> <p>To approve applications for temporary road closures under Section 21 of the Town Police Clauses Act 1847 if no substantial objections arise from the consultative process.</p>	Network Operations Team Manager
<p><b>Speed Limits</b></p> <p>To initiate Speed Limit Orders together with the advertisement and sealing of these orders, if no substantial objections are received.</p>	Head of Local and Sustainable Transport
<p><b>Stopping Up and Diversion Orders</b></p> <p>To confirm any public footpath, bridleway or road used as a public path or byway stopping up or diversion orders where no substantial objections have been received or where the objections made have been withdrawn.</p>	Head of Traffic Network Operations Team Manager
<p><b>Creation/Diversion or Extinguishment</b></p> <p>To exercise powers to effect the creation, diversion, extinguishment or stopping-up of adopted highways and footpaths which are directly associated with planning applications determined under delegated authority.</p>	Director of Transport
<p><b>Functions relating to Sustainable Transport, including:</b></p> <ul style="list-style-type: none"> <li>- Passenger Transport</li> <li>- Infrastructure</li> <li>- Engagement and Support Services</li> <li>- Public Transport</li> </ul>	Head of Local and Sustainable Transport
<p><b>Passenger Transport Contracts</b></p> <p>Authority to: -</p> <ul style="list-style-type: none"> <li>- Change the award of a passenger transport service contract where the lowest tenderer declines to take up the contract, or where the contractor is unable to fulfil the terms of the contracts.</li> <li>- To impose penalties on/provide incentives to contractors in accordance with the terms and conditions of the contract.</li> <li>- To terminate a passenger transport service contract, where it is considered that the contractor will not challenge the decision.</li> <li>- Where an Operator has given legal notice of the termination of a commercial or supported service, and where considered desirable, to award an emergency contract for up to six months. During this period, the emergency provision will be reviewed, and where necessary, a tender invited for a substantive contract.</li> </ul> <p>To make changes to passenger transport service contracts that are considered necessary as a result of emergencies, infrastructure works, special events and development schemes.</p> <p>To make adjustments within agreed budgets to supported bus services in response to withdrawn or commercialised services.</p>	Head of Local and Sustainable Transport
<b>Bus and Coach Stops &amp; Stands, Taxi Ranks</b>	

<p>To exercise powers for installation, maintenance, re-siting and removal including poles and flags, shelters, raised platforms, road markings, information displays, CCTV and litter bins.</p> <p>Determining service allocations.</p>	<p>Sustainable Transport Projects &amp; Infrastructure Manager</p>
<p><b>Traffic Regulation Conditions</b> To make an application to the Traffic Commissioner for the imposition of conditions on local bus services where required to regulate their routes and/or stopping place/locations/times/duration.</p>	<p>Head of Local and Sustainable Transport</p>
<p><b>Quality Partnership Schemes</b> To prepare, consult and advertise schemes.</p> <p>To enter into signing legal or quasi legal agreements with bus operators including Quality Partnership and Voluntary Partnership Agreements.</p>	<p>Head of Local and Sustainable Transport</p> <p>Director of Transport</p>
<p><b>Local Bus Services Ticketing Schemes</b> To prepare, consult and advertise schemes.</p>	<p>Head of Local and Sustainable Transport</p>
<p><b>Functions relating to Strategic City Transport</b></p>	<p>Head of Strategic City Transport</p>
<p><b>Adoption of Highways</b> To be responsible for issuing Certificates under the Highways Act 1980 in respect of the adoption of highways,</p> <p>Duty to keep register of adopted highways.</p>	<p>Head of Strategic City Transport Transport Development Management Manager</p> <p>Head of Strategic City Transport Assets and Contracts Manager</p>
<p><b>Street Naming and Numbering</b> To serve statutory notices, the naming of streets and numbering of properties under any duty or power contained in the following acts:-</p> <p>Public Health Act 1925 Towns Improvement Clauses Act 1847</p>	<p>Head of Strategic City Transport Assets and Contracts Manager</p>
<p><b>Transport Development Management</b> To make act on behalf of Highway and Transport Authority on transport matters as a statutory consultee on planning applications. To be responsible for making and administering highway agreements related to planning matters To supervise highway works and issue Certificates in respect of the Highways Act 1980.</p>	<p>Head of Strategic City Transport</p>
<p><b>Gating Orders</b> To prepare and advertise a Draft Order proposing closure of highway for 28 days consultation.</p> <p>Decision to authorise the making of Gating Order to allow the closure of highway (to be reviewed annually).</p>	<p>Head of Strategic City Transport</p> <p>Head of Strategic City Transport</p>
<p><b>Designation of Principal Roads</b> To review, revise and make applications for Principal Road</p>	<p>Head of Strategic City</p>

status for those routes which are considered appropriate.	Transport Assets and Contracts Manager
<b>Goods Vehicles Operators' Licences</b> To make representations about, negotiate improvements or submit objections to any licence application where considered necessary. Present evidence at any subsequent public inquiry.	Director of Transport

## 2. Planning

Function	Post authorised to carry out function
<b>Functions relating to Development Management</b>	Head of Development Management Development Management Team Managers and Principal Development Management Officers
<b>Authority for the making of comments on planning applications situated within the boundary of neighbouring local planning authorities</b>	DM Team Managers and Strategic City Planning Manager
<b>Functions relating to Building Regulations and Standards, including:</b> <ul style="list-style-type: none"> <li>• Statutory building control service</li> <li>• Enforcement of the building regulations</li> <li>• Control of demolitions</li> <li>• Appointee of 3<sup>rd</sup> Party Wall surveyor under the Party Wall Act 1996</li> </ul>	Head of Development Management, Building Control Managers and Building Control Team Managers
<b>Control of Dangerous Structures</b> - to exercise powers contained Section 78(1) of the Building Act 1984 (Dangerous Buildings – emergency measures).	Building Control Manager Building Control Team Managers Principal Structural Engineer Dangerous Structure call out team  (Designated Proper Officers)
<b>To authorise proceedings for contravention of Section 37 of the Public Health Act 1890</b> ('Safety of Platforms, &c. erected or used on public occasions')	Building Control Manager and Building Control Team Managers  (Designated Proper Officers)
<b>Authentication of documents, etc.</b> Building Act 1984 - Section 93	Building Control Manager Building Control Team Managers Principal Structural

	Engineer Dangerous Structure call out team  (Designated Proper Officers)
<b>To issue requisitions for information</b> pursuant to the provisions of Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Building Control Manager and Building Control Team Managers  (Designated Authorised Officers)
<b>Functions relating to City Design</b>	City Design Manager City Design Team Managers
<b>Functions relating to City Innovation and Sustainability</b>	City Innovation and Sustainability Manager City Innovation and Sustainability Team Managers
<b>Functions relating to Strategic Planning, including:</b> <ul style="list-style-type: none"> <li>• Neighbourhood Planning</li> <li>• Strategic planning at sub regional and local level</li> <li>• Maintenance of statutory local development plan, excluding matters relating to the adoption of the Site Allocations and Development Management Policies Local Plan and other Development Plan Documents, which require approval by Full Council, in accordance with the council's Budget and Policy Framework.</li> </ul>	Strategic City Planning Manager Local Plan Team Manager
<b>Functions relating to Community Infrastructure Levy and Planning Obligations</b>	Strategic City Planning Manager Planning Obligations Manager
<b>Designation of the boundary of a Neighbourhood Planning Area (NPA)</b>	Director Planning
<b>Designation of the 'Qualifying Body' to act as Neighbourhood (Planning) Forum for a determined NPA.</b>	Director Planning

### 3. City Growth, Investment and Infrastructure including Culture

Function	Post authorised to carry out function
<b>All functions relating to Culture including (but not exclusively):</b> <ul style="list-style-type: none"> <li>- bidding for small scale funding Bids</li> <li>- Awarding of small scale arts grants</li> <li>- Support of the cultural sector</li> <li>- Operational running of our Cultural Venues</li> <li>-Events in the city</li> </ul>	Head of Culture
<b>Functions relating to Economic Development including (but not exclusively):</b> <ul style="list-style-type: none"> <li>- European Funding Management, Delivery and resource procurement</li> <li>- Managed workspace provision and management</li> </ul>	Economic Development Manager

<ul style="list-style-type: none"> <li>- Economic development strategy and policy</li> <li>- Inward investment and business retention</li> <li>- Business Support</li> <li>- Business Engagement</li> <li>- Destination management and tourism</li> <li>- Sector development</li> <li>- High Streets and Local Centres development</li> <li>- City Centre development</li> </ul>	
<p><b>Functions relating to Major Projects including (but not exclusively):</b></p> <ul style="list-style-type: none"> <li>- Colston Hall</li> <li>- Education Capital</li> <li>- Housing Delivery</li> </ul>	<p>Head of Culture Economic Development Manager Head of Housing Delivery</p>
<p><b>Functions relating to the delivery of BTQEZ and Bristol Arena</b></p>	<p>Director City Growth, Investment and Infrastructure</p> <p>EZ Programme Director</p>

## Property Scheme of Delegations

The **Director for City Growth, Investment and Infrastructure incl. Culture**, will undertake the role of 'corporate landlord'.

In this scheme the term 'land' means real estate of whatever nature including land, buildings or structures, plus any rights over, under or through the land.

### Property Transactions

In the course of its day to day business, the Council enters into a variety of land agreements and performs a number of transactions, including (but not limited to) those listed below:

1. Freehold acquisitions, disposals, including agreements for the exchange of assets; (will be authorised by Service Manager and / or above)
2. Leasehold acquisitions and disposals, including disposals by way of a short tenancy as defined by S123 of the Local Government Act 1972; (will be authorised by Service Manager and /or above)
3. Agreeing terms for the completion of all rent reviews, renewals of leases, the granting and renewals of licences including referrals to court or, for independent determination;
4. Undertaking transactions including agreeing compensation, issuing notices, entering into deeds of variation or rectification and the giving and withholding of consents under the Landlord and Tenant Act 1954 and other relevant Legislation e.g., Section 146 of the Law of Property Act 1925;
5. Agreeing terms for the sale of freehold reversions under the Leasehold Reform Act 1967 and sale of rent charges;
6. Taking action to safe guard Council land and buildings including taking entry into tenant's premises for the purpose of executing emergency works;
7. Entering into planning agreements as landowner;
8. Release of covenants;
9. Taking and granting easements, way leaves and rights of way;
10. Options Agreements; (will be authorised by Service Manager and / or above)
11. Lease surrenders and exit agreements (including dilapidations);
12. Changes under maintenance contracts i.e., only where there is an existing condition of contract (and in accordance with Corporate Procurement Rules);
13. To appoint agents and procure consultants and contractors in accordance with Corporate Procurement Rules and Finance Regulations and
14. Compulsory acquisitions and land compensation claims (will be authorised by Service Manager and / or above).

### Conditions

1. All Key decisions will be taken by Cabinet. The Council's constitution defines a Key decision as one that is likely to:
  - a) result in expenditure or savings of £500,000 or more (this excludes the sale of land) or,
  - b) be significant in terms of its effect on communities living or working in an area

comprising two or more wards.

2. The reporting of transactions will be in accordance with the requirements of 'Key' and 'Officer Executive' Decisions. This could be quarterly if volume is significant.
3. Officers will brief the relevant Cabinet Member on the following before making delegated decisions:
  - a) decisions that are not Key decisions but are otherwise significant (e.g., because they are controversial, or of particular interest to the public and / or councillors);
  - b) the medium-term corporate property disposal plan (updated quarterly).
4. Whenever any of the Property transactions above (Nos. 1-13) have a positive financial consequence for the Council and are in compliance with S123 of the Local Government Act 1972 (and any subsequent variations) namely a disposal of land for the 'best consideration that can reasonably be obtained', authorisation will be at BG14 (and above) with the minimum qualification of MRICS, unless otherwise stated.
5. Whenever any of the Property transactions above (Nos. 1-13) have a negative financial consequence for the Council, whereby less than 'best consideration is to be obtained' (thereby creating an undervalue, subsidy, compensation or rent reduction) approval will be required to authorise such property transactions prior to completion, as below.
6. In the case of Property transaction No. 14. All acquisitions of property through compulsory acquisition will require Cabinet authority. Following approval by Cabinet, the level and payment of compensation and other costs within the Cabinet approved budget for compulsory acquisition will require Service Manager approval.

<b>Amount (capitalised)</b>	<b>Approval required</b>
Up to £25,000	A chartered surveyor at BG14 or higher grade with the minimum qualification of MRICS
In excess of £25,000 but less than £100,000	Property Service Manager with the minimum qualification of MRICS
£100,000 but less than £250,000	Director City Growth, Investment and Infrastructure incl. Culture in consultation with Service Manager with the minimum qualification of MRICS
£250,000 but less than £500k	Director City Growth, Investment and Infrastructure incl. Culture in consultation with Service Manager with the minimum qualification of MRICS and with approval of the Section 151 Officer and relevant Cabinet Member(s)
£500,000 and above, but not more	Cabinet. Post Cabinet approval of the Key decision - the requisition or payments can

than £1m	only be authorised by: Executive Director (following consultation with the Budget Holder)
Over £1m	Cabinet. Post Cabinet approval of the Key decision - the requisition or payments can only be authorised by: Section 151 Officer, in consultation with the Director City Growth, Investment and Infrastructure incl. Culture
Over £2m	Cabinet. Post Cabinet approval of the Key decision - the requisition or payments can only be authorised by: Section 151 Officer, in consultation with the Director City Growth, Investment and Infrastructure incl. Culture. Once Council authority is obtained the Secretary of State's approval to be obtained before implementation.

In the event for example, that sales at undervalue give rise to a state aid or other issue, all issues will be resolved or resolution actions agreed before delegation is sought. All risks to proceeding to transact will be stated in the valuation and delegated authority request so the prospective signatory will be advised of the risks and be able to consider before signing or, not.

#### Notes

1. Best consideration will be as defined by S123 of the Local Government Act 1972 (and any subsequent variations).
2. All transaction will be accompanied by a signed and countersigned valuation in accordance with RICS best practice.
3. All expenditure will be in accordance with the Financial Regulations.
4. Where property is acquired for the purpose of investment, the role of the Cabinet Member with responsibility for Property shall be discharged in consultation with the Cabinet Member with responsibility for Finance and written delegated authority will be obtained from the Councils Chief Finance Officer.
5. Any moveable assets located within properties proposed for sale, that would be included as part of the sale (e.g. paintings) will be subject to separate consideration and in accordance with paragraph seven of the Finance Scheme of Delegations
6. Under Section 123 of the Local Government Act 1972, local authorities (LA) have powers to dispose of land and buildings (including the sale of freeholds, granting and assigning of leases and the granting of easements) for the best consideration reasonably obtainable. A Discount (Undervalue) of up to £2m may be agreed, under the General Disposal Consent (England) 2003, subject to the LA being satisfied that the disposal will secure the promotion or improvement of the economic, social or environmental well-being.
7. If the undervalue exceeds £2m Government approval will be required.
8. Additionally, certain types of disposal may require Statutory consent e.g., Education sites, playing fields and allotments.

9. Once land and buildings have been declared surplus to requirements, the Director with responsibility for Property will arrange for the disposal of these assets in accordance with the Council's property strategy (currently in development).
10. The proceeds from the sale of all land and buildings (subject to certain statutory limitations) will not be earmarked for use by a specific service, but will be pooled and applied to finance future capital investment or, for any other purpose permitted by Regulation (which may if approved, include investment / re-investing into investment property).

### Non-Executive Functions

#### **Delegated Officers**

The Executive Director, Growth and Regeneration has authorised the delegated officers identified in schedule 2 to exercise non-executive functions set out in the Terms of Reference of the Public Rights of Way and Greens and Development Control Committees including, but not restricted to:

- imposing any condition, limitation or restriction on an approval, consent, licence, permission or registration;
- determining whether and in what manner to enforce a failure to comply with an approval, consent, licence, permission or registration;
- amending, modifying, varying, or revoking an approval, consent, licence, permission or registration.

#### **1. Planning**

Function	Post authorised to carry out function
<b>Power to determine application for planning permission</b> Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8)	DM Team Managers and Principal DM officers
<b>Power to determine applications to develop land without compliance with conditions previously attached.</b> Section 73 of the Town and Country Planning Act 1990	DM Team Managers and Principal DM officers
<b>Power to grant planning permission for development already carried out.</b> Section 73(A) of the Town and Country Planning Act 1990	DM Team Managers and Principal DM officers
<b>Power to decline to determine application for planning permission</b> Section 70A of the Town and Country Planning Act 1990	DM Team Managers and Principal DM officers
<b>Duties relating to the making of determinations of planning applications.</b> Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure Order 1995 (S.I. 1995/419 and directions made there under).	DM Team Managers and Principal DM officers
<b>Power to determine application for planning permission made by a local authority, alone or jointly with another person.</b> Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).	DM Team Managers and Principal DM officers
<b>Power to make determinations, give approvals and agree</b>	DM Team Managers

<p><b>certain other matters relating to the exercise of permitted development rights.</b> Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and country Planning (General Permitted Development) Order 1995</p>	<p>and Principal DM officers.  Team Leader, Admin &amp; Business Support</p>
<p><b>Power to enter into agreement regulating development or use of land.</b> Section 106 of the Town and Country Planning Act 1990</p>	<p>DM Team Managers and Principal DM officers</p>
<p><b>Power to issue a certificate of existing or proposed lawful use or development.</b> Section 191(4) and 192(2) of the Town and Country Planning Act 1990.</p>	<p>DM Team Managers and Principal DM officers</p>
<p><b>Power to serve a completion notice.</b>  Section 94(2) of the Town and Country Planning Act 1990.</p>	<p>DM Team Managers and Principal DM officers</p>
<p><b>Power to grant consent for the display of advertisements.</b> Section 220 the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992</p>	<p>DM Team Managers and Principal DM officers</p>
<p><b>Power to authorise entry onto land.</b> Section 196A of the Town and Country Planning Act 1990.</p>	<p>DM Team Managers and Principal DM officers</p>
<p><b>Power to require the discontinuance of a use of land.</b> Section 102 of the Town and Country Planning Act 1990.</p>	<p>DM Team Managers and Principal DM officers s</p>
<p><b>Power to serve a planning contravention notice, breach of condition notice or stop notice.</b> Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.</p>	<p>DM Team Managers and Principal DM officers</p>
<p><b>Power to issue a temporary stop notice.</b> Section 171 of the Town and Country Planning Act 1990</p>	<p>DM Team Managers and Principal DM officers</p>
<p><b>Power to issue an enforcement notice.</b> Section 172 of the Town and Country Planning 1990</p>	<p>DM Team Managers and Principal DM officers</p>
<p><b>Power to apply for an injunction restraining a breach of planning control.</b> Section 187B of the Town and Country Planning Act 1990.</p>	<p>DM Team Managers and Principal DM officers</p>
<p><b>Power to determine applications for hazardous substances consent, and related powers.</b> Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10).</p>	<p>DM Team Managers and Principal DM officers</p>
<p><b>Duty to determine conditions of which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.</b> Paragraph 2(6)(a) of Schedule 2 of the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 of the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act.</p>	<p>Head of Development Management and DM Team Managers</p>
<p><b>Power to require proper maintenance of land.</b> Section 215(1) of the Town and Country Planning Act 1990.</p>	<p>DM Team Managers and Principal DM officers</p>
<p><b>Power to determine application for listed building consent, and related powers.</b></p>	<p>DM Team Managers and Principal DM</p>

Sections 16(1) and (217, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9)	officers Senior Historic Environment Officer  Team Manager, Urban Design
<b>Power to issue Certificate of Lawful works to listed buildings</b> The Planning (Listed Buildings and Conservation Areas) Act 1990: sections 26H and 26I, as inserted by section 61 of the Enterprise and Regulatory Reform Act 2013. The Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014	DM Team Managers, Principal DM Officers and Team Manager Urban Design
<b>Duties relating to applications for listed building consent and certificates of lawful works</b> Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Dept. of the Environment Circular 14/97	DM Team Managers, Principal DM Officers and Team Manager, Urban Design
<b>Power to serve a building preservation notice, and related powers.</b> Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	City Design Manager
<b>Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.</b> Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	DM Team Managers and Principal DM Officers
<b>Powers to acquire a listed building in need of repair and to serve a repairs notice.</b> Section 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Director Planning
<b>Power to apply for an injunction in relation to a listed building.</b> Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990	DM Team Managers and Principal DM Officers
<b>Power to execute urgent works to unoccupied listed buildings</b> Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990	City Design Manager
<b>Power to authorise stopping up or diversion of footpath, bridleway or restricted byway.</b> Section 257 of the Town and Country Planning Act 1990	DM Team Managers and Principal DM Officers
<b>Powers relating to the protection of important hedgerows.</b> Hedgerows Regulations 1997 (S.I. 1997/1160)	DM Team Managers and Principal DM Officers
<b>Powers relating to the preservation of trees.</b> Sections 197 to 214D of Town & Country Planning Act 1990, and the Town and Country Planning (Tree Preservation) (England) Regulations 2012	Head of Development Management, City Design Manager, DM Team Managers, City Design Team Managers
<b>Powers relating to complaints about high hedges.</b> Part 8 of the Anti-social behaviour Act 2003	DM Team Managers and Principal DM Officers

<b>Power to include modifications in other orders.</b> Section 53A of the Wildlife and Countryside Act 1981.	DM Team Managers and Principal DM Officers
<b>Power to revoke or modify planning permission</b> Section 97 of the Town and Country Planning Act 1990	Director Planning
<b>Power to determine applications to develop land without compliance with conditions previously attached.</b> Section 73 of the Town and Country Planning Act 1990	DM Team Managers and Principal DM officers
<b>Power to grant planning permission for development already carried out.</b> Section 73(A) of the Town and Country Planning Act 1990	DM Team Managers and Principal DM officers
<b>Power to decline to determine application for planning permission</b> Section 70A of the Town and Country Planning Act 1990	DM Team Managers and Principal DM officers
<b>The making of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 as amended.</b>	Head of Development Management
<b>The making of Local Development Orders under Article 5 of the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006</b>	Head of Development Management
<b>Power to exercise functions relating to Nationally Significant Infrastructure Projects and Development Consent Orders as contained in the Planning Act 2008.</b>	DM Team Managers and Principal DM Officers

### 3. Transport

<b>Function</b>	<b>Post authorised to carry out function</b>
<b>Power to grant a street works license (section 50 of the New Roads and Street Works Act 1991 (c.22)).</b>	Network Operations Team Manager
<b>Power to permit deposit of builder's skip on highway (section 139 of the Highways Act 1980 (c.66) ("the Act")).</b>	Network Operations Team Manager
<b>Duty to publish notice in respect of proposal to grant permission under section 115E of the Act (section 115E of the Act).</b>	Network Operations Team Manager
<b>Power to license planning, retention and maintenance of trees etc. in part of highway (Section 142 of the Act).</b>	Highways Maintenance Manager
<b>Power to authorise erection of stiles etc. on footpaths or bridleways (section 147 of the Act).</b>	Network Operations Team Manager
<b>Power to license works in relation to buildings etc. which obstruct the highway (Section 169 of the Act).</b>	Highways Maintenance Manager Structures Team Manager
<b>Power to consent to temporary deposits or excavations in streets (section 171 of the Act).</b>	Network Operations Team Manager Highways Maintenance Manager
<b>Power to dispense with obligation to erect hoarding or fence (section 172 of the Act).</b>	Network Operations Team Manager
<b>Power to restrict the placing of rails, beams etc over</b>	Highways Maintenance

highways (section 178 of the Act).	Manager Structures Team Manager
Power to consent to construction of cellars etc. under street (section 179 of the Act).	Highways Maintenance Manager Structures Team Manager
Power to consent to the making of openings into cellars etc. under streets and pavement lights and ventilators (section 180 of the Act).	Highways Maintenance Manager Structures Team Manager
Power to create footpath, bridleway or restricted byway by agreement (section 25 of the Act (C.66)).	Network Operations Team Manager
Power to stop up footpaths, bridleways and restricted byways (section 118 of the Act).	Network Operations Team Manager
Power to determine application for public path extinguishment order (sections 118ZA and 118C(2) of the Act).	Network Operations Team Manager
Power to make a rail crossing extinguishment order (section 118A of the Act).	Network Operations Team Manager
Power to make special extinguishment order (section 118B of the Act).	Network Operations Team Manager
Power to divert footpaths, bridleways and restricted byways (section 119 of the Act).	Network Operations Team Manager
Power to make a public path diversion order (sections 119ZA and 119C(4) of the Act).	Network Operations Team Manager
Power to make a rail crossing diversion order (section 119A of the Act).	Network Operations Team Manager
Power to make a special diversion order (section 119B of the Act).	Network Operations Team Manager
Power to require applicant for order to enter into agreement (section 119C(3) of the Act).	Network Operations Team Manager
Power to make an SSSI diversion order (section 119D of the Act).	Network Operations Team Manager
Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Act (section 121B of the Act).	Network Operations Team Manager
Power to decline to determine certain applications (section 121C of the Act).	Network Operations Team Manager
Duty to assert and protect the rights of the public to use and enjoyment of highways (section 130 of the Act).	Network Operations Team Manager
Duty to serve notice of proposed action in relation to obstruction (section 115E of the Act).	Network Operations Team Manager Structures Team Manager
Power to apply for variation of order under section 130B of the Act (section 130B(7) of the Act).	Network Operations Team Manager

<b>Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway (section 135 of the Act).</b>	Network Operations Team Manager
<b>Power to temporarily divert footpath, bridleway or restricted byway (section 135A of the Act).</b>	Network Operations Team Manager
<b>Functions relating to the making good of damage and the removal of obstructions (section 135B of the Act).</b>	Network Operations Team Manager
<b>Powers relating to the removal of things so deposited on highways as to be a nuisance (section 149 of the Act).</b>	Network Operations Team Manager
<b>Power to extinguish certain public rights of way (section 32 of the Acquisition of Land Act 1981 (c.67)).</b>	Network Operations Team Manager
<b>Power to designate footpath as cycle track (section 3 of the Cycle Tracks Act 1984 (c.38)).</b>	Network Operations Team Manager
<b>Power to make limestone pavement order (section 34(2) of the Wildlife and Countryside Act 1981 (c.69)).</b>	Network Operations Team Manager
<b>Power to discharge and acquire from other authorities, functions relating to Definitive Map Modification Orders and Public Path Orders (section 101 of the Local Government Act 1972).</b>	Network Operations Team Manager