

St Edmundsbury Borough Council

(Extract from) Section 2 - Responsibility for Council functions

- 2.1 The following parts set out how the Council has chosen to delegate responsibility for certain of its Local Choice and non-executive functions. Other delegations are contained in the Scheme of Delegation to Officers. Where no delegation is indicated, responsibility for Local Choice and non-executive functions remains with the full Council. The delegation of powers and duties to Committees and Sub-Committees shall be deemed to include, in any reference to an Act of Parliament, a reference to any subsequent Act or Acts which may amend, replace or extend it, and to any regulation, order or direction made under such Act or Acts.
- 2.2 Every Committee appointed by the Council may appoint Sub-Committees for the purposes to be stated by the Committee. The Members of a Sub-Committee will be Members or substitute Members of the appointing Committee.
- 2.3 Any Committee or Sub-Committee may, within its delegated authority, set up working parties or panels for the detailed study of any matter. Any working party/panel given delegated authority will become a Sub-Committee.

A - Development Control

1 – Remit

The Development Control Committee is authorised to undertake (or sub-delegate) all of the Council's functions relating to town and country planning, development control and the protection of hedgerows and trees, as specified in Parts A and I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended by subsequent regulations).

The Committee is also authorised to exercise the Council's Local Choice Functions in relation to the obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land and the obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (as specified in the table in Section 1 above).

In summary, the area of responsibility of this Committee includes all matters relating to the administration of Town and Country Planning legislation, Listed Building and Conservation Area legislation, Hazardous Substances legislation and the Building Acts and associated Regulations

within the purview of the Authority as it relates to the following functions:-

- (1) The Committee determines all planning or similar applications which are:
 - (a) judged by the Head of Planning & Growth (after consultation with the Chairman and/or the Vice Chairman/men of the Development Control Committee) to be of such district-wide significance or to be so contentious that they should in the public interest be referred to the Committee for consideration and determination, and;
 - (b) applications proposing major development (as defined in Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995) and where the recommendation of the Head of Planning & Growth would conflict with or would not substantially satisfy the written representation of the Parish/Town Council; or where a Member for the ward in which the application site is located, or who is a Member of the Council's Development Control Committee, has requested (in writing) consideration by Committee, and;
 - (c) applications proposing other than major development (as defined above) referred by the Head of Planning & Growth following consultation with the Delegation Panel.

- (2) A [Members' Delegation Panel Scheme](#) (known as "the Panel") has been set up to deal with applications for Planning Permissions, Listed Building Consents and Conservation Area Consents. [The Panel is intended to deal with items which would normally be dealt with under delegated authority but where there is a contrary view from the Town/ Parish Council or where the Ward Member has requested that the application be referred to the Panel for a planning reason.](#) This will apply in cases including [\(but not limited to\)](#) applications from householders, advertised matters, applications for change of use, applications for minor residential development (as defined in Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995), applications for a variation of conditions, applications relating to hazardous substances, [notifications in relation to prior approval](#), TPO applications [and applications for works to trees in Conservation Areas](#).

In cases referred to above ~~where~~ decisions will only be taken following consultation with the Panel which will comprise the Chairman and/or Vice Chairman/men of Development Control Committee and any local Ward Member(s) who has/have expressed any interest in writing.

The [Delegation](#) Panel scheme will operate as follows:

Appendix A

- (a) Meeting of the Panel will normally take place fortnightly.
 - (b) A list of applications to be considered at the Panel will be circulated to all Members, and a written briefing report on each case prepared and circulated to the Chairman and Vice Chairman/men of Development Control Committee and any local Member(s) or adjacent Ward Member with the approval of the Ward Member(s) who has/have expressed any interest in writing, at least four clear working days in advance of the Panel meeting, with provision for emergency items at the discretion of the Chairman or Vice Chairman/men and Ward Member(s) ~~or adjacent Ward Member with the approval of the Ward Member(s).~~
 - (c) The local Member(s) may attend the Panel or submit representations in writing in order to make sure the Panel is clearly aware of their views and reasoning. Any Member may attend the Panel as an observer.
 - (d) The Council's Planning Case Officer(s) will present individual applications for discussion and decision, including all representations received and photographs of the site.
 - (e) The formal decision as to whether the application will be determined at Development Control Committee or by delegated authority will be made by the Head of Planning & Growth in consultation with the Chairman and/or Vice Chairman/men and any interested local Ward Member. In the absence of a consensus between the Members the application will be reported to the Development Control Committee.
 - (f) The relevant Parish/Town Council will be informed of the decision verbally by the Council's case officer within two working days of the Panel meeting and will be sent written reasons within 10 working days of the Panel meeting with copies to the Chairman, Vice Chairman/men of Development Control Committee and local Member(s).
- (3) The Committee is responsible (without imposing limitations on the ability to sub-delegate these functions in accordance with the scheme of delegation to officers) for matters relating to:
- (a) Development Control functions and enforcement including (but without limitation):
 - (i) The preservation of buildings and trees;
 - (ii) Controlling uses of land and buildings, including relocation of non-conforming uses, the making of discontinuance, revocation and modification orders and the making of agreements regulating the development and/or use of land or premises;

- (iii) Determination of planning applications and commenting upon development proposals by Suffolk County Council and other public bodies;
 - (iv) Determination of planning applications made by or on behalf of the Council, whether submitted by or on behalf of the Council itself or jointly with another person;
 - (v) Determination of applications relating to signs and advertisements;
 - (vi) Enforcement by means of issue of enforcement notices, breach of condition notices, stop notices and any other lawful instrument and subsequent prosecution or legal proceedings.
- (b) Building Control functions and enforcement, including but without limitation:
- (i) approval of buildings and works under Building Regulations for the time being in force;
 - (ii) enforcement action including criminal, injunctive or other legal proceedings;
- (c) To fix fees and charges for all services administered by the Committee.

2 – Membership and meeting arrangements

- 2.1 The Committee will comprise up to 17 Members of the Authority.
- 2.2 The Committee will be appointed annually by the full Council and will be politically balanced.
- 2.3 The Committee will appoint its own Chairman and Vice-Chairman/Chairmen.
- 2.4 The Committee will meet in accordance with a schedule of ordinary meetings approved by the Council, although meetings may be cancelled due to lack of business. Special meetings of the Committee may also be called.

3 – Delegation of Functions

- 3.1 The majority of the Committee's functions will be determined by officers, as set out in Section 4 of this part of the Constitution. These delegations are subject to:-
- (a) any such determination being consistent with Development Plans and adopted Borough and County Planning Policies;
 - (b) statutory and customary consultations being carried out; and
 - (c) the safeguards and consultative procedures listed in Part 1 above.

- 3.2 Those matters which will normally fall to be determined by the Committee are as defined part 1, paragraphs (1)(a) – (c) above. In exercising any of its functions, the Committee may refer any item to Council for a decision.

4 – Procedure at meetings

- 4.1 Procedure at meetings shall be in accordance with the Committee Procedure Rules, except as provided in 4.2 below.
- 4.2 The Committee shall have authority to determine from time to time its own arrangements for public speaking on applications, and which matters are to be included within those arrangements.