

FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

| No | Source | Power Delegated | Delegated to | Minute Reference |
|---------|--|--|--|---|
| P & I 1 | Town and Country Planning (Environmental Impact Assessment) Regulations 1999 2017 | <p>(1) To determine whether a proposed development falls within Schedule 2 of the Regulations; and</p> <p>(2) To determine whether to require an environmental impact assessment in respect of proposed developments falling within the scope of Schedule 2 of the regulations</p> | <p>Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Planning Implementation and Enforcement Team Leader <u>Planning Performance Team Leader</u>, or Principal Development Management Officer, or Senior Development Management Officer, or Senior Enforcement Planning <u>Officer - Enforcement</u></p> | <p>Cabinet 27 of 5/10/16 77 of 06/02/19 83 of 6/03/19</p> |
| P & I 2 | Building Act 1984 | To approve or reject, where appropriate, all applications under Building Regulations | Executive Head, or Chief Planning Officer, or Service Manager, or Building Control Manager | <p>Cabinet 27 of 5/10/16 77 of 06/02/19</p> |
| P & I 3 | Local Government Act 2000, part 1A | <p>Except in the case of the Council's own schemes, to authorise relaxation of Building Regulations as necessary</p> <p>Remarks: Relaxations relating to the Council's own schemes require approval of Cabinet</p> | Executive Head, or Chief Planning Officer, or Service Manager, or Building Control Manager | <p>Cabinet 27 of 5/10/16 77 of 06/02/19</p> |

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| P & I 4 | Building Act 1984 | To permit deviations from the approval in the course of building works | Building Control Manager, or Senior Building Control Surveyor, or District Building Control Surveyors, or Assistant Building Control Surveyors | Cabinet 27 of 5/10/16 |
| P & I 5 | Water Act 1989 (s.69 Schedule 8) | To serve notices and take action with respect to buildings over sewers Remarks: Formerly part of Building Act 1984 (s.18) | Executive Head, or Chief Planning Officer, or Service Manager, or Building Control Manager, or Senior Building Control Surveyor | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 6 | Building Act 1984 | To serve notices and to take action under the following: Section 8 - Relaxation of Building Regulations Section 11 - Type relaxation of Building Regulations Section 16 - Passing or rejection of plans Section 19 - Buildings constructed of materials regarded as 'short lived' Section 21 - New buildings to be provided with satisfactory drainage Section 24 - Provision of exits | Executive Head, or Chief Planning Officer, or Service Manager, or Building Control Manager, or Senior Building Control Surveyor | Cabinet 27 of 5/10/16 77 of 06/02/19 |

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| P & I 7 | Building Act 1984 | <p>Section 25 - New houses to be provided with sufficient water supply</p> <p>Section 60 - Provisions of soil pipes and ventilating shafts</p> <p>Section 70 - Food storage accommodation in houses</p> <p>Section 71 - Exits and entrances to certain public buildings</p> <p>Section 72 - Means of escape in case of fire from certain high buildings</p> <p>Section 73 - New buildings over-reaching adjacent chimneys</p> <p>Section 74 - Cellars and Rooms below sub-soil level</p> <p>Section 78 - Emergency measures to deal with dangerous buildings</p> <p>Section 79 - Ruinous and dilapidated buildings etc</p> | <p>Executive Head, or Chief Planning Officer, or Service Manager, Building Control Manager, or Senior Building Control Surveyor</p> | <p>Cabinet 27 of 5/10/16 77 of 06/02/19</p> |

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| | | <p>of work not in conformity with Building Regulations; Section 77 - Dangerous and dilapidated buildings and structures Sections 80 and 81 - Demolitions</p> | | |
| P & I 8 | Hampshire Act 1983 | <p>To serve notices and to take action under the following: Section 11 – Underground car parks (fire precautions); Section 12 – Access for fire fighting vehicles and equipment; Section 13 – Fire precautions in large buildings</p> | <p>Executive Head, or Chief Planning Officer, or Service Manager, or Building Control Manager, or Senior Building Control Surveyor</p> | <p>Cabinet 27 of 5/10/16 77 of 06/02/19</p> |
| P & I 9 | <p>Planning (Listed Buildings and Conservation Areas) Act 1990 <u>(as amended)</u> (s.89) Town and Country Planning Act 1990 <u>(as amended)</u> (s.330(1) and s.330(2)) Miscellaneous Provisions Act 1976 (s.16)</p> | <p>To require information on interests in land and its use</p> | <p>Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor</p> | <p>Cabinet 27 of 5/10/16 77 of 06/02/19</p> |

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| P & I 10 | Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (s.88(5)) | To enter land for the purpose of surveying the land or estimating its value for compensation for acquisition | Executive Head, or Chief Planning Officer or his or her duly authorised Agent | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 11 | Planning (Listed Buildings and Conservation Areas) Act (as amended) 1990 (s.88A) | To seek Warrants to Enter Land for Section 88 purposes | Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 12 | Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (s.88B(1) and s.88B(8)) | To serve Notice of Intended Entry and Notice of Intention to Carry out Works | Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 13 | Local Government (Miscellaneous Provisions) Act 1976 (s.23 and 24) | (1) Dangerous trees - to exercise the powers conferred on the Council under Sections 23 and 24 of the Act; to take such steps as may be appropriate for the purposes of Sections 23(1), 23(2) and 23(4) of the Act, and to take the specified steps in the event of the failure of a person to comply with a notice served pursuant to Section 23(3) of the Act | Executive Head, or Chief Planning Officer, or Service Manager | Cabinet 27 of 5/10/16 77 of 06/02/19 |

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| | | Remarks: Subject to Council's Financial Regulations and Standing Orders as to Contracts (2) To recover expenses reasonably incurred by the Council | | |
| | | | Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 14 | Electricity Act 1989 (s.37) Town and Country Planning Act 1990 (s.90(2)) <u>(as amended)</u> | To respond to consultations under s.37 of the Electricity Act | Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Planning Implementation and Enforcement Team Leader <u>Planning Performance Team Leader</u> , or Principal Development Management Officer , or Senior Development Management Officer, or Senior Enforcement Officer <u>Senior Planning Officer - Enforcement</u> , or Development Management Officer, or Implementation Officer, or Site Monitoring Officer, or Planning Development Management <u>Case Officer</u> , or Enforcement Case Officer | Cabinet 27 of 5/10/16 77 of 06/02/19 83 of 6/03/19 |

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| No | Source | Power Delegated | Delegated to | Minute Reference |
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| P & I 15 | Acquisition of Land Act 1981 s.5A Planning and Compulsory Purchase Act 2004 s.105 | To require information about interests in land which it is intended to compulsory purchase | Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 16 | Building Act 1984 Town and Country Planning Act 1990 <u>(as amended)</u> Planning (Listed Buildings and Conservation Areas) Act 1990 <u>(as amended)</u> Planning (Hazardous Substances) Act 1990 <u>(as amended)</u> Local Government (Miscellaneous Provisions) Act 1976 Planning and Compulsory Purchase Act 2004 <u>(as amended)</u> | To initiate and undertake prosecutions on behalf of the authority pursuant to these Acts and any amending legislation, or Regulations made pursuant to the Acts on matters which are the responsibility of the Cabinet | Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor in consultation with Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Planning Implementation and Enforcement Team Leader <u>Planning Performance Team Leader</u> , Principal Development Management Officer , or Senior Development Management Officer, or Senior Enforcement Officer <u>Senior Planning Officer - Enforcement</u> , or Development Management Officer, or Implementation Officer, or Site Monitoring Officer, or Planning Case Officer <u>Development Management Case Officer</u> , or <u>Planning Enforcement Case Officer</u> , or Senior Arboriculturist <u>Senior Tree Officer</u> , or Arboriculturist <u>Tree Officer</u> , or Senior Conservation and Building Design Officer, or | Cabinet 27 of 5/10/16 77 of 06/02/19 83 of 6/03/19 |

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| | | | Conservation Officer, or Building Control Manager, or Senior Building Control Surveyor, or District Building Control Surveyors | |
| P & I 17 | Town and Country Planning Act 1990 (as amended) s.304 Planning and Compulsory Purchase Act 2004 (as amended) s.115 | To pay grants for research and educational assistance | Executive Head, or Chief Planning Officer, or Service Manager | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 18 | Local Government Act 2000, part 1A | To select footway lighting improvement schemes within the development programme budget | Executive Head, or Chief Planning Officer, or Service Manager, in consultation with the Town or Parish Council, or Planning and Infrastructure Portfolio Holder following receipt of suggestions from Town or Parish Councils | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 19 | Town Police Clauses Act 1847 s.21 Hampshire Act 1983 s.68 | To make and sign an Order to bring into effect temporary road closures, subject to: i) no objections being received from the Police or County Council within 28 days | Chief Executive, or Executive Head, or Chief Planning Officer, or Service Manager, or Senior Development Management Officer, or Senior Enforcement Officer Senior Planning Officer - Enforcement , or Planning Implementation and Enforcement Team Leader Planning Performance Team Leader | Cabinet 27 of 5/10/16 77 of 06/02/19 83 of 6/03/19 |

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| | | ii) prior consultation with District and County Councillors whose wards are directly affected; and | | |
| | | iii) prior consultation with local transport operators, the Fire Service, Ambulance Service, Town/Parish Council, and Chamber of Commerce | | |

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| P & I 20 | Road Traffic Regulation Act 1984 s.69 | To serve notices and to take action for the removal of signs for the guidance or direction of road users | Executive Head, or Chief Planning Officer, or Service Manager, or Senior Development Management Officer, or Senior Enforcement Officer <u>Senior Planning Officer - Enforcement</u> , or Planning Implementation and Enforcement Team Leader <u>Planning Performance Team Leader</u> | Cabinet 27 of 5/10/16 77 of 06/02/19 83 of 6/03/19 |
| P & I 21 | Local Government Act 2000, part 1A | To ensure that the Council's obligations under the County Council's agency agreements are discharged | Executive Head, or Chief Planning Officer | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 22 | Public Health Act 1925 s.18 | To issue notices and documents relating to street names and numbers | Executive Head, or Chief Planning Officer, or Service Manager, or Senior Systems Support Manager | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 23 | Land Charges Act 1972 | To do all matters relating to the registration of Local Land Charges and the issue of the official certificate of search against the Register | Executive Head, or Chief Planning Officer, or Service Manager | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 24 | Local Government Act 2000, part 1A | To make Off-Street Parking Places Orders or Amendment Orders in | Chief Executive, or Executive Head, or Chief Planning Officer | Cabinet 27 of 5/10/16 77 of 06/02/19 |

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| | | cases where no objections to published proposals have been received | | |
| P & I 25 | Local Government Act 2000, part 1A | To authorise the removal of vehicles, trailers, etc left in the Council's car parks | Executive Head, or Chief Planning Officer, or Service Manager, or Enforcement Manager, or Enforcement Operations Administrator, or Enforcement Operations Administrations Officer | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 26 | Road Traffic Regulation Act 1984 s.112(2) | To request information as to the identity of a driver | Executive Head, or Chief Planning Officer, or Service Manager, or Enforcement Manager, or Enforcement Operations Administrator, or Enforcement Operations Administrations Officer | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 27 | Local Government Act 2000, part 1A | To grant consents and to agree terms for the occasional use of car parks for exhibitions and similar events | Executive Head, or Chief Planning Officer, or Service Manager, or Enforcement Manager | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 28 | Civil Enforcement of Parking Contraventions General Regulations 2007, regulations 5, 12, 19 and 21 | To serve notices and certificates, to consider representations, and to take all action on behalf of the Council | Service Manager, or Enforcement Manager, or Enforcement Operations Team Leader, or Enforcement Supervisor, or Senior Civil Enforcement Officer, or Civil Enforcement Officer, or Enforcement Operations | Cabinet 27 of 5/10/16 |

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| | | | Administrator, or Enforcement Operations Administrations Officer | |
| P & I 29 | Civil Enforcement of Parking Contraventions General Regulations 2007, regulation 22 | To recover the increased penalty charge provided for in the charge certificate | Executive Head, or Chief Planning Officer, or Service Manager, or Enforcement Manager, or Enforcement Operations Administrator, or Enforcement Operations Administrations Officer | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 30 | Civil Enforcement of Parking Contraventions Representations and Appeals Regulations 2007, Schedule paragraphs 12-15 | To take all action on behalf of the Council | Executive Head, or Chief Planning Officer, or Service Manager, or Enforcement Manager, or Enforcement Operations Administrator, or Enforcement Operations Administrations Officer | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 31 | Civil Enforcement of Parking Contraventions Representations and Appeals Regulations 2007, regulation 7 (5) | To consider the recommendations of an adjudicator and decide whether to accept those recommendations | Chief Executive, or Executive Head, or Chief Planning Officer, or Service Manager | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 32 | Goods Vehicles (Licensing of Operators) Act 1995 | To make representations on applications relating to the issue of new or variations to existing operators' licences | Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Planning Implementation and Enforcement Team Leader <u>Planning Performance Leader</u> | Cabinet 27 of 5/10/16 77 of 06/02/19 83 of 6/03/19 |

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| | | <p>To determine whether or not an objection to an application for or variation of a goods vehicle operator's licence is appropriate and, if so, to make objection on appropriate grounds on behalf of the Council to the grant or variation of a license (in consultation with local ward members)</p> | <p><u>Team Leader, Principal Development Management Officer</u>, or Senior Development Management Officer, or <u>Senior Enforcement Officer</u> <u>Senior Planning Officer - Enforcement</u> in consultation with Service Manager, or Team Manager (Environmental Protection), or Team Manager (Food and Safety), or Senior Environmental Health Officer, or Environmental Health Officer</p> | |
| | | <p>In the event of non-agreement between or with local Members, to refer to the relevant Portfolio Holder for determination whether to make representations at an inquiry to support the objection</p> | | |
| P & I 33 | Local Government Act 2000, part 1A | <p>In appropriate cases to inform the Licensing Authority that the Council, without prejudice to its formal consideration of the licence application, has no objection to a temporary heavy goods licence being issued, for not more than</p> | <p>Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, <u>Principal Development Management Officer</u>, or <u>Planning Implementation and Enforcement Team Leader</u> <u>Planning Performance Team Leader</u>, or</p> | <p>Cabinet 27 of 5/10/16 77 of 06/02/19 83 of 6/03/19</p> |

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| | | three months, to an operator | Senior Development Management Officer, or Senior Enforcement Officer <u>Senior Planning Officer - Enforcement</u> in consultation with Service Manager, or Team Manager (Environmental Protection), or Team Manager (Food and Safety), or Senior Environmental Health Officer, or Environmental Health Officer | |
| P & I 34 | Public Health Acts Amendment Act 1890 s.42 | To enter into sponsorship agreements for the enhancement of roundabouts subject to no objections being received from the Police, County Council, Town or Parish Council and, in the National Park Area, the New Forest National Park Authority | Executive Head, or Chief Planning Officer in consultation with Service Manager | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 35 | Party Wall etc Act 1996 | To be the "Appointing Officer" for the purposes of the Act | Executive Head, or Chief Planning Officer, or Service Manager | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 36 | Highways Act 1980 Road Traffic Regulations Act 1984 Local Authorities (Goods and Services) Act 1970 | The functions referred to in the Agency Agreement (subject to the general qualifications and procedures contained therein) (with the | Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor | Cabinet 27 of 5/10/16 77 of 06/02/19 |

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| | Local Government Act 1972 s.101 Local Government Act 2000, s.15 Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 | exception of the temporary traffic management measures which are subject to separate delegation arrangements) | | |
| P & I 37 | Highways Act 1980 s.278 | To enter into Agreements to execute improvement schemes on the public highway, subject to prior approval from the Portfolio Holder | Chief Executive, or Executive Head, or Chief Planning Officer, or Service Manager | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| | | To enter into alternative arrangements with Hampshire County Council for minor improvement schemes | Executive Head, or Chief Planning Officer, or Service Manager | |
| P & I 38 | Road Traffic Regulation Act 1984 (as amended) | To make and sign an Order, or to give Notice to bring into effect temporary road closures, temporary traffic diversions, temporary speed limits and other temporary traffic management measures subject to: | Executive Head, or Chief Planning Officer, or Service Manager | Cabinet 27 of 5/10/16 77 of 06/02/19 |

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| | | <p>i) no objections being received during the consultation period from either the Police or Hampshire County Council</p> <p>ii) Local District and County Members whose wards are directly affected being consulted and their views being carefully considered</p> <p>iii) Principal local public transport operators being consulted and their views being carefully considered</p> | | |
| P & I 39 | Planning (Listed Buildings and Conservation Areas) Act 1990 <u>(as amended)</u> | To offer historic building grants | Executive Head, or Chief Planning Officer, or Service Manager | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 40 | Clean Neighbourhoods and Environment Act 2005 s.6 | To be an authorised officer and to give fixed penalty notices (nuisance parking) | Executive Head, or Chief Planning Officer, or Service Manager, or Street Scene and Waste Supervisors, or Enforcement Manager, or Enforcement Operations Team Leader, or Enforcement Supervisor, or Senior Civil Enforcement Officer, or Civil Enforcement Officer, or | Cabinet 27 of 5/10/16 77 of 06/02/19 |

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| | | | Enforcement Operations Administrator, or Enforcement Operations Administrations Officer, or Planning Enforcement Officer, or Team Manager (Environmental Protection), or Team Manager (Food and Safety), or Senior Environmental Health Officer, or Environmental Health Officer | |
| P & I 41 | Clean Neighbourhoods and Environment Act 2005 s.4(5) | To authorise restricted works to be carried out later than 72 hours after an accident or breakdown | Executive Head, or Chief Planning Officer, or Service Manager, or Street Scene and Waste Supervisor, or Enforcement Manager, or Enforcement Operations Team Leader, or Enforcement Supervisor, or Enforcement Officer, or Planning Enforcement Officer Protection), or Team Manager (Food and Safety), or Senior Environmental Health Officer, or Environmental Health Officer | Cabinet 27 of 5/10/16 77 of 06/02/19 |
| P & I 42 | Town and Country Planning (Control of Advertisements) (England) Regulations 2007 <u>(as amended)</u> | To issue discontinuance notices where the compensation provisions set in the Town and Country Planning Act 1990, s. 223 do not apply | Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or Planning Implementation and Enforcement Team Leader <u>Planning Performance Team Leader</u> , or Principal | Cabinet 27 of 5/10/16 77 of 06/02/19 83 of 6/03/19 |

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| | | | <p>Development Management Officer, or Senior Development Management Officer, or Senior Enforcement Officer<u>Senior Planning Officer - Enforcement</u> following consultation with the Executive Head, or Chief Planning Officer</p> | |

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| P & I 43 | Planning Acts (as defined in the Town and Country Planning Act 1990 as amended) | To issue formal cautions in respect of offences committed under the Planning Acts, subject to the Executive Head, or Chief Planning Officer or Service Manager, or Solicitor being satisfied that offences have taken place | Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, Principal Development Management Officer , or Planning Implementation and Enforcement Team Leader <u>Planning Performance Team Leader</u> , or Senior Development Management Officer, or Senior Enforcement Officer <u>Senior Planning Officer - Enforcement</u> , or Solicitor | Cabinet 27 of 5/10/16 77 of 06/02/19 83 of 6/03/19 |
| P & I 44 | Community Infrastructure Levy Regulations 2010 <u>(as amended)</u> | To exercise all powers and duties and to take all necessary action and make all decisions including the making of all determinations and declarations, the service, variation and withdrawal of notices except the following: The determination and granting of applications for relief in exceptional circumstances | Executive Head, or Chief Planning Officer, or Service Manager, or Planning Implementation and Enforcement Team Leader <u>Planning Performance Team Leader</u> Executive Head, or Chief Planning Officer, or Service Manager, or Planning Implementation and Enforcement Team Leader <u>Planning Performance Team Leader</u> in | Cabinet 27 of 5/10/16 61 of 05/12/18 77 of 06/02/19 83 of 6/03/19 |

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| | | | consultation with the Chairman of the Planning Committee | |
| | | To make all necessary applications through the courts and to take all such actions as may be necessary for implementation | Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor, or Planning Implementation and Enforcement Team Leader <u>Planning Performance Team Leader</u> | |
| P & I 45 | Planning and Compulsory Purchase Act 2004 – as amended by the Localism Act 2012 <u>2011 (as amended)</u> | To agree to proposed changes/ modifications to the submitted Development Plan document, to address issues of ‘soundness’, during the public Examination of the document. | Chief Planning Officer, or Executive Head, or Service Manager, or Principal Planning Policy Planner <u>Team Leader</u> in consultation with the Planning and Infrastructure Portfolio Holder. | Cabinet 77 of 06/02/19 |