

## HEAD OF REGENERATION INVESTMENT AND HOUSING

### **Section 1: As Head of Service**

To determine all operational matters in relation to the following

- Development Services , including building control; Development management; and planning policy
- Regeneration ;
- Housing and Community Regeneration, including community development; Community Regeneration; private sector housing; and preventative services;
- Community Learning and Libraries including Adult Education; flying start; libraries and youth and community services; and
- Museum and Heritage Services, including the Museum and Art gallery; the Newport Ship and the Transporter Bridge

### **Section 2: Development Management**

The Head of Service has authority to carry out the following:

In the absence of an appointed Head of Service, the following authority passes to the Development Services Manager:

- (a) To determine all applications made under planning legislation\*, including granting applications which are a departure from the Development Plan in force at the time of decision, except:
- i. Applications for outline or full planning permission where the development is defined as ‘major’ development in Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended or modified by subsequent legislation) and where the site does not already benefit from an extant consent (outline or detailed) for a similar type and scale of development;
  - ii. Applications where an Elected Member has requested that an application be determined by the Planning Committee, giving planning reasons for that request, in accordance with the Protocol for Delegated Powers;
  - iii. Any matter to be determined where a judgement is made by the Leader of the Council in consultation with the Chair and Deputy Chair of the Planning Committee, on advice from appropriate officers that the matter is one that should be considered by Council
  - iv. Any matter which has been delegated to any Cabinet Member or to a Head of Service or any matter which is the responsibility of the Cabinet or Council

v. Any application

- made by any Elected Member of the Council; or
- made by any Officer employed within the Regeneration and Regulatory Services Area and who works in close association with the Development Services Section for example as a regular consultee, other than where that application is submitted solely in that Officer's professional capacity as a Council employee and where the Officer has no personal or non-pecuniary interest in the outcome of the application; or
- in respect of which an Elected Member of the Council has been consulted as a neighbour; or
- in respect of which the Head of Regeneration and Regulatory Services has responsibility for any aspect of the management of any land or buildings to which the application relates; or
- in any other circumstance where the Head of Regeneration and Regulatory Services considers it appropriate for the matter to be determined by Planning Committee

Such matters shall be determined by Planning Committee (where that matter falls within its Terms of Reference).

\* This includes applications for planning permission, Reserved Matters, advertisement consent, Listed Building consent, Conservation Area consent, Hazardous Substances consent, the discharge of planning conditions, works to trees protected by Tree Preservation Orders, notifications of works to trees located within Conservation Areas, applications for Lawful Development Certificates, Hedgerow Removal, and any determinations (including granting consent) in relation to permitted development rights under the General Permitted Development Order (including telecommunications, demolition and agricultural determinations.

- To negotiate and determine the Heads of Terms for Section 106 planning contributions and/or contributions under the Community Infrastructure Levy, including deferred payments, time-limited discounts and setting the level of the monitoring fee;
- To agree any variations to Section 106 agreements or contributions under the Community Infrastructure Levy in liaison with the Ward Members, or, where that agreement was made by the Planning Committee, in liaison with the Ward Members and the Chair and Deputy Chair of Planning Committee;
- To defend the Council's decisions on planning matters at appeal and making all decisions relating to the conduct of appeals, including agreeing Statements of Common Ground, planning contributions and any other obligations pursuant to Section 106 agreements or the Community Infrastructure Levy, wording draft conditions, instructing expert witnesses, and seeking awards of costs when appropriate. In the case of appeals against non-determination, determining the Council's case to be presented at appeal unless the application falls within category (a)i or (a)ii above;

- To make and confirm (where unopposed) footpath diversions/stopping up orders pursuant to the Town and Country Planning Act 1990.
- To make and confirm (where unopposed) Tree Preservation Orders pursuant to the Town and Country Planning Act 1990.
- To provide informal pre-application advice
- To authorise the removal of telephone call boxes.

**Section 3: Enforcement matters**

- (a) To investigate and resolve complaints of unauthorised development (enforcement complaints) including issuing Planning Contravention Notices and Requisitions for Information, instigating prosecution proceedings, action under the Proceeds of Crime Act, taking direct action, removing and/or obliterating advertisements and placards, and/or resolving to take no further action where formal enforcement action is not considered expedient.
- (b) To issue formal enforcement notices or similar under the Planning Acts or associated legislation\*\* unless:
  - i. The unauthorised development in question is defined as ‘major’ development in Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended or modified by subsequent legislation); or
  - ii. Where a Ward Member has requested that the matter be determined by the Planning Committee, giving planning reasons for that request, in accordance with the Protocol for Delegated Powers;

\*\* This includes issuing Enforcement Notices, Listed Building Enforcement Notices, Stop Notices, Breach of Condition Notices, Unsightly Land Notices (under Section 215 of the Planning Act), Hedgerow Replacement Notices and Tree Replacement Notices;

- (c) To investigate and determine complaints relating to high hedges including issuing Remedial Notices under the Anti-Social Behaviour Act, except where a Ward Member calls the item to Planning Committee giving relevant reasons for that request; and taking direct action to implement the requirements of a Notice issued under the High Hedges regulations and/or instruct the Head of Law and Standards (or other appropriate officer) to instigate prosecution proceedings for failure to comply with such a Notice;

- (d) To serve graffiti removal notices and to issue penalty notices for graffiti and fly posting under the Anti-Social Behaviour Regulations.

To authorise officers to undertake covert surveillance in accordance with the Regulation of Investigatory Powers Act 2000

**Section 4: Planning Policy**

- (a) To agree minor changes to the Development Plan during the Plan-making process, and to make decisions in consultation with the Cabinet Member for Regeneration regarding any other changes;
- (b) To prepare and agree the evidence base for the Development Plan, including appointing consultants where necessary.

**Section 5: Building Control**

- (a) The exercise of all powers and duties under the Building Act 1984 and Regulations made there under and related functions:
- (b) To support national initiatives introduced by the Local Authority Building Control Services, Local Authority National Type Approval Consortium, Building Control Wales or similar.
- (c) To carry out any incidental functions or supplementary services including SAP energy performance certificates, and Code for Sustainable Homes and BREEAM assessments and certification, including setting fees for those services.
- (d) To exercise powers under the Local Government (Miscellaneous Provisions) Act 1982 Section 29 regarding the securing of buildings to prevent unauthorised entry.
- (e) To issue Licences pursuant to the Highways Act 1980 in relation to scaffolding or other structures on the highway and to exercise related powers.
- (f) To issue Certificates and exercise powers pursuant to the Safety of Sports Grounds Act 1975, and Fire Safety and Safety of Places of Sport Act 1987 in relation to the use of sports grounds.
- (g) To serve Requisitions for Information.

**Section 6: Planning: Miscellaneous and Procedural Matters**

- (a) To decline to determine planning applications.

- (b) To Finally Dispose of applications under Article 29(15) of the Town & Country Planning (Development Management Procedure) (Wales) Order 2012 (or equivalent provision amending this provision).
- (c) To add, delete or amend conditions or reasons for refusal and/or reasons for taking enforcement action in relation to decisions made under delegated powers or, in liaison with the Chair of Planning Committee<sup>#</sup>, in relation to Committee decisions.
- (d) To agree minor amendments or non-material amendments that involve no significant increase in the scale of development proposed pursuant to the appropriate application.
- (e) To determine responses in relation to:
  - i. Consultations by utility companies in relation to power lines, pipelines and other utilities infrastructure;
  - ii. Fringe area consultations from other local authorities (where the development concerned does not fall within category 1a(ii) above);
  - iii. Applications submitted to the Infrastructure Planning Commission (or any equivalent successor body).
- (f) To make any determination under the Environmental Assessment Regulations (including a decision regarding whether an Environmental Statement is required and the scope of such an assessment).
- (g) To undertake appropriate assessments and to make determinations under the Habitats Regulations.
- (h) To compile and maintain all Registers required by the Planning Acts and any orders or regulations made there under.
- (i) To make any determinations (including decisions of an administrative nature) regarding the processing of any applications received (including decisions relating to the validity, adequacy of information provided and fees payable), and correcting errors on Decision Notices.
- (j) Proper Officer function for signing Decision Notices or Certificates issued as a result of the exercise by the Council of any functions pursuant to the Planning Acts or Regulations or Orders made thereunder or to the Building Regulations or Orders made thereunder.
- (k) Power to authorise officers to sign and issue Decision Notices, Licences and other formal documents as referred to above.

- (l) Power to authorise officers for the purposes of the powers of entry onto land granted by the Planning Acts, Building Act, the Environment Act, the Anti Social Behaviour Regulations and any regulations made there under;

(For the avoidance of any doubt where any judgment has to be made, for example, concerning whether any development is minor or is in accordance with the Development Plan policies, such decision shall be made by the Head of Regeneration, Investment and Housing).

# Should the Chair of Planning Committee be unavailable, authority shall pass to another member of the Planning Committee.

#### **Section 7: Grant Applications**

- I. To determine grant applications for building and related improvement in industrial and commercial improvement areas under Sections 5 and 6 of the Inner Urban Areas Act or similar or subsequent legislation and to administer relevant grants under the Strategic development Scheme or subsequent schemes to a value of £20,000
- II. To determine business grants to a value of £20,000
- III. To determine whether to make bids for European Funding and to determine methods of processing schemes, subject to determination of whether to accept grant aid in line with Council policies

#### **Section 8: Strategic Housing**

- I. To determine any operational matters relating to the Council's strategic Housing function
- II. To determine the allocation of funds available for Renovation and Repairs Grants
- III. To determine when to carry out work in connection with improvement grants on behalf of owners at their expense, and with their agreement, in accordance with the Local Government and Housing Act 1989
- IV. To determine circumstances in which divulge information relating to tenants as follows: (Subject to the requirements of the Data Protection Act)
  - Tenancy references to building societies providing the authority of the tenant is given.
  - Tenancy references in confidence to other local authorities irrespective of authority given by tenant.
  - Forwarding addresses only to statutory bodies, e.g. utility companies, Post Office, British Gas etc.
  - forwarding addresses only to other agencies on receipt of a search fee

**Section 9: Regeneration**

To determine any operational issues relating to :

- Regeneration of the City Centre
- Regeneration of the wider City Region
- Housing and Community Regeneration, including community development; Community Regeneration; private sector housing; and preventative services;

**Section 10: Community Learning and Libraries**

To determine any operational issues relating to:

- Community Learning
- Adult Education;
- Flying start;
- Libraries
- Youth and community services

This includes determination of

- I. Activity programmes
- II. Promotional and marketing activities for the Council's facilities within the service area.
- III. Improvements upgrading or additions to facilities within the service area, subject to available finance.
- IV. Any management agreements for leisure facilities or community learning facilities either owned by the service area or used by the service area.
- V. Management arrangements for all premises used primarily for community, youth or adult education, including community centres on school sites
- VI. Applications for Grant Aid of £5,000 or less- Higher amounts to be determined by the Cabinet member
- VII. Charges for the hire of facilities, pricing structures, coaching and other fees subject to the Council's agreed charging policies
- VIII. Conditions of hire
- IX. Operating times
- X. Designs and sitings of play areas within new developments

**Section 11: Museum and Heritage Services**

To determine any operational issues relating to museum and heritage services including:

- Museum and Art Gallery; including use of any reserve funds
- Newport Ship and
- Transporter Bridge

**Section 12: General**

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in this constitution