

Officer Delegation Scheme (Executive and Council Functions) relevant to the Infrastructure and Investment Scrutiny Board

The Chief Executive is authorised¹ to discharge any function of the Executive not otherwise delegated to a Director including the following functions in relation to ²

City Region functions including:-

- a) the Council's interface with Leeds City Region partners, the Local Enterprise Partnership and other city regions.

The Director of Communities and Environment is authorised³ to discharge the following functions⁴

Car Parking including:-

- a) Operation and maintenance of on and off street car parking provision;
- b) Decriminalised parking functions including:-
 - i) issuing of parking contravention notices; and
 - ii) camera operated bus lanes;
- c) Provision of commercial and residential parking permits; and
- d) monitoring and enforcement of disabled 'blue badge' parking use.

The Director of City Development is authorised⁵ to discharge the following functions⁶

Asset Management including:-

- a) strategic management and development of the Council's land and property portfolio;
- b) disposals and acquisitions both freehold and leasehold⁷;
- c) valuations and appropriations;
- d) architectural and design services; and
- e) any other dealings with land or any interest in land.

Regeneration including:-

- f) development of regeneration frameworks;
- g) implementation of plans to promote the regeneration of specific areas; and
- h) management of the Housing Growth Team with specific responsibility for private housing development and the affordable housing programme.

¹ Save where the Leader or the relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

² Together with similar and ancillary functions which have not been delegated to another Director.

³ Save where the Leader or the relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

⁴ Together with similar and ancillary functions which have not been delegated to another Director.

⁵ Save where the Leader or the relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

⁶ Together with similar and ancillary functions which have not been delegated to another Director.

⁷ To deliver the Council's Capital receipts Programme and support housing growth.

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Highways and Transportation including:-

- i) the authority's role as a highways authority;
- j) maintenance of highway assets of roads, bridges, retaining walls, street lighting and associated infrastructure;
- k) design and delivery of major and minor highway schemes;
- l) development of the Council's transport policy (including parking policy⁸); and
- m) the making of agreements for the execution of highways works under S278 Highways Act 1980.

Flood and water management including:-

- n) Land drainage activities;
- o) The delivery and maintenance of flood alleviation schemes; and
- p) Flood response.

Planning Services including:-

- q) management of the planning service⁹;
- r) building control;
- s) safety at sports grounds;
- t) street naming and numbering;
- u) building conservation and urban design;
- v) contaminated land; and
- w) obtaining of information as to interests in land.

The Chief Planning Officer is authorised¹⁰ to discharge the following functions in relation to ¹¹ the authority's role as Local Planning Authority¹² including:-

1) Development Plan functions including:-

- a) Preparation, monitoring and review of the Development Plan, (including the Core Strategy, Site Allocation Plan, Aire Valley Leeds Area Action Plan and Natural Resources & Waste Development Plan Document).

2) Planning Policy and Guidance functions including:-

- a) Preparation and review of other planning policy and guidance notes (including Supplementary Planning Documents).

3) Neighbourhood Planning functions.

⁸ The Director of City Development's delegations do not cover parking enforcement which falls within the delegations of the Director of Communities and Environment.

⁹ Excluding specific decisions on planning applications, the development of planning policy including the Council's Core Strategy which are delegated to the Chief Planning Officer.

¹⁰ Save where the Leader or the relevant Portfolio Holder has directed or the Chief Officer considers that the matter should be referred to Executive Board for consideration.

¹¹ Together with similar and ancillary functions which have not been delegated to another Director.

¹² The Chief Planning Officer's delegations do not cover those functions delegated to the Director of City Development in relation to Planning Services.

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4) Conservation Area functions including:-

- a) Designation and review of Conservation Area Appraisals and Management Plans.

Director of City Development

The Director of City Development¹³ is authorised to discharge the following Council (non-executive) functions:

(a)	To license market and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
(b)	To issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975
(c)	To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part II of the Fire Safety and Safety of Places of Sport Act 1987
(d)	To grant a street works licence	Section 50 of the New Roads and Street Works Act 1991
(e)	To grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway and related powers	Sections 115E, 115F and 115K of the Highways Act 1980
(f)	To publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115G of the Highways Act 1980
(g)	To permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980
(h)	To license planting, retention and maintenance of trees etc in part of highway	Section 142 of the Highways Act 1980
(i)	To authorise erection of stiles etc on footpaths or bridleways ¹⁴	Section 147 of the Highways Act 1980

¹³ The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

¹⁴ Functions (i), (q), (s) and (v) are also delegated to the Director of Communities and Environment

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(j)	To license works in relation to buildings etc which obstruct the highway	Section 169 of the Highways Act 1980
(k)	To consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980
(l)	To dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980
(m)	To restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980
(n)	To consent to construction of cellars etc under street	Section 179 of the Highways Act 1980
(o)	To consent to the making of openings into cellars etc under streets and pavement lights and ventilators	Section 180 of the Highways Act 1980
(p)	To make a special extinguishment order	Section 118B of the Highways Act 1980
(q)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(r)	To serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980
(s)	To apply for variation of order under section 130B of the Highway Act 1980	Section 130B(7) of the Highways Act 1980
(t)	To make good damage and remove obstructions	Section 135B of the Highways Act 1980
(u)	To remove nuisances deposited on the highway	Section 149 of the Highways Act 1980
(v)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(w)	To authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act 1990

whose powers are limited to areas contained within the Definitive Map of Public Rights of Way.

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Chief Planning Officer

Subject to the exceptions listed below, the Chief Planning Officer¹⁵ is authorised to discharge the following Council (non-executive) functions:

1 Town and Country Planning and Development Control

(a)	To determine application for planning permission	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990
(b)	To determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990
(c)	To grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990
(d)	To decline to determine application for planning permission	Section 70A of the Town and Country Planning Act 1990
(e)	Duties relating to the making of determinations of planning applications	Sections 69 and 92 of the Town and Country Planning Act 1990 and Articles 5, 10,12, 15 to 18, 15 20 to 242, 25 to 30 and 32 to 35 25 and 26 of the Town and Country Planning (General Development Management Procedure) Order 2015/595 ¹⁶ 1995 (SI 1995/419) and directions made thereunder
(f)	To determine application for planning permission made by a local authority, alone or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492)
(g)	To make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 1 to 19 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (SI 2015/596) ¹⁷
(h)	To enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990
(i)	To issue a certificate of existing or proposed lawful use or development	Sections 191 and 192 of the Town and Country Planning Act 1990
(j)	To serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990
(k)	To grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of

¹⁵ The fact that a function has been delegated to the Chief Planning Officer does not require the Chief Planning Officer to give the matter his/her personal attention and the Chief Planning Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Chief Planning Officer remains responsible for any decision taken pursuant to such arrangements.

¹⁶ This Order replaced 1995/419 which is cited in the Functions and Responsibilities Regulations

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		Advertisements) Regulations 1992
(l)	To authorise entry onto land	Section 196A of the Town and Country Planning Act 1990
(m)	To require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990
(n)	To issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990
(o)	To serve a planning contravention notice, breach of condition notice or stop notice	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990
(p)	To issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990
(q)	To apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990
(r)	To determine applications for hazardous substances consent, and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
(s)	To determine conditions to 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	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25), and paragraph 6(5) of Schedule 14 to that Act
(t)	To require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990
(u)	To determine application for listed building consent, and related powers	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(v)	Duties relating to applications for listed building consent	Section 13(1) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and Arrangements for Handling Heritage Applications Direction 2015 and The Conservation Areas Direction 2015 ¹⁸
(w)	To serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings and Conservation areas) Act 1990
(x)	To issue enforcement notice in relation to demolition of listed building in conservation area	Section 38 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(y)	To acquire a listed building in need of repair and to serve a repairs notice	Sections 47 and 48 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990

¹⁸ This Direction replaced Circular 01/01 cited in the Functions and Responsibilities Regulations

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(z)	To apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(aa)	To execute urgent works	Section 54 of Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990

2 Commons Registration

(a)	To register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to (i) an exchange of lands affected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67) or (ii) an order section 147 of the Inclosure Act 1845 (c8 & 9 Vict c 118)	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843)
(b)	To register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471)
(c)	Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 (c.26)
(d)	Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006
(e)	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a) of the Commons Act 2006.
(f)	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2)(b) of the Commons Act 2006

3 Hedgerows and Trees

(a)	The protection of important hedgerows	The Hedgerows Regulations 1997
(b)	The preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Town & Country Planning (Tree Preservation)(England) Regulations 2012 ¹⁹

4 High Hedges

(a)	Complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003
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¹⁹ These Regulations replace the Regulations cited in the Functions and Responsibilities Regulations.