

EXECUTIVE DIRECTOR (PLACE)

Deputises for the Chief Executive as necessary.

To be responsible for the implementation of strategies policies and plans relating to Regeneration and Economic Development, Planning, Leisure, Community and Cultural Services.

1. ESTATES

All the following delegated powers relating to Estates can be exercised by the Executive Director (Place) and Assistant Director (Regeneration and Economic Development) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.

- 1.1. To control and manage commercial properties owned or occupied by the Council.
- 1.2. To negotiate and determine valuations and rentals of commercial properties owned or occupied by the Council in accordance with the policies adopted by the Council.
- 1.3. To approve all rent reviews and terms of leases where an open market rental is agreed between the Council and the lessee.
- 1.4. To approve changes of use of Neighbourhood Centre shops in accordance with Council Policy.
- 1.5. Any negotiation which involves the purchase, lease or sale of land or buildings, or the granting of a license or the right to use Council premises (but excluding halls lettings) shall be conducted by or on behalf of Assistant Director (Regeneration and Economic Development), who will consult the responsible Director, Assistant Director and Legal Services Manager as appropriate. The Assistant Director (Regeneration and Economic Development) will be able to approve transactions with a value of up to £100,000 for disposals or purchases, and £50,000 per annum for lettings in and out, in conjunction with the Executive Director (Finance and Transformation) or Assistant Director (Finance), up to £500,000.
- 1.6. To submit Rating Appeals for NNDR properties and agree Assessments with the Valuation Office.

- 1.7. To submit planning and any other statutory applications for Council funded projects as appropriate.
- 1.8. Under the Assets of Community Value (England) Regulations 2012, to maintain the List of Assets of Community Value and the List of Assets Nominated unsuccessfully by Community Nomination and the associated administrative procedures.
- 1.9 To act as the Council's shareholder representative for the jointly owned Hertfordshire Building Control group of companies.

2. STRATEGIC HOUSING DEVELOPMENT SERVICES

All the following delegated powers relating to Strategic Housing Development Services can also be exercised by the Assistant Director (Regeneration and Economic Development) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation:

- 2.1 To be responsible for the development and implementation of strategies, policies and plans relating to strategic housing development services.
- 2.2 To arrange for applications for planning consent in connection with development projects and other housing initiatives.
- 2.3 To plan and implement the Council's Affordable Housing Programme.
- 2.4 To agree the appropriate tenure, mix and property types on S106 sites with developers and associated consultants.
- 2.5 To agree arrangements in working with private developers to deliver affordable homes.

3. Parking Services

All the following delegated powers relating to Parking Services can also be exercised by the Assistant Director (Regeneration and Economic Development) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation:

- Parking on-street and Council Car Parks
- Decriminalised Parking
- Construction of communal parking bays and vehicular dropped kerbs and hard-standings for Council tenants

- 3.1. To make applications for Deemed Planning Consent for schemes which form part of approved programmes, for example, vehicular hard-standings, dropped kerbs and communal parking bays.
- 3.2. To deal with all operational matters arising in respect of Decriminalised Parking Enforcement.
- 3.3. To be responsible for producing legally compliant Traffic Regulation Orders for, but not limited to, resident parking permit schemes, single and double yellow lines and limited waiting bays.
- 3.4. To advertise and make Traffic Regulation Orders under the Road Traffic Regulation Act 1984 and amendments to Orders, subject to the determination by the Cabinet of any formal objection received.
- 3.5. When no formal objections are received during the Statutory Stage of the Traffic Regulation Order consultation process; a delegated decision is considered by the relevant officer, who outlines the recommendations and reasons in a delegated report. This is checked by a designated officer before a decision is agreed and issued in agreement with portfolio holder.

4 Children's Play Areas

All the following delegated powers relating to Children's Play Areas can also be exercised by the Assistant Director (Regeneration and Economic Development) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.

- 4.1. To use and exercise the powers of the Children Act 1989 and any subordinate Regulations or Orders to ensure all play equipment is safe and suitable and meets the standards set out in EN1176, EN1177 and BS7188.
- 4.2. To uphold the adopted Play Area Strategy for the ongoing management of existing equipped areas of play and to ensure adequate future provision.

5. Planning

All of the following delegated powers relating to Planning can also be exercised by the Assistant Director (Planning) who may also delegate to suitably qualified and/or experienced officers in accordance with an agreed Scheme of Delegation:

- 5.1 To approve and refuse all types of applications submitted under the Town and Country Planning Act 1990 and other planning and relevant legislation.
- 5.2 To determine the appropriate fee for planning and other applications.
- 5.3 To decide whether to register an application based on the information submitted by the applicant and the Council's validation checklist.
- 5.4 To decline to determine an application under Section 70A, 70B or 70C of the Town and Country Planning Act 1990.
- 5.5 To agree minor and non-material amendments to previously approved applications.
- 5.6 To deal with prior notifications and prior approvals under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 5.7 To apply conditions to secure controls over development and deal with the discharge of planning conditions under Section 70(1)(a), 72 and 73 of the Town and Country Planning Act 1990.
- 5.8 To enter into, vary, revoke and discharge obligations to secure financial contributions and/or works for the benefit of the community under Section 106 of the Town and Country Planning Act 1990.
- 5.9 To agree the Council's response to a screening opinion under Parts 2 and 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 5.10 To agree the Council's response to a scoping opinion under Part 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 or Section 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

- 5.11 To grant permission-in-principle for sites on the Part 2 Brownfield Register under the Town and Country Planning (Brownfield Land Register) Regulations 2017 and Part 2 of the Town and Country Planning (Permission in Principle) Order 2017.
- 5.12 To respond to consultations concerning policy formulation proposals by government departments, statutory bodies, local authorities, etc, in consultation with the relevant Executive Member, unless it is prudent that the consultation should be considered by members of the relevant committee.
- 5.13 To respond to consultations concerning development proposals by statutory bodies, local authorities, government departments, the Crown, etc, in consultation with the relevant Executive Member, unless it is prudent that the consultation should be considered by members of the relevant committee.
- 5.14 To progress work related to the preparation, submission, examination and adoption of Development Plan Documents as set out in the Planning & Compulsory Purchase Act 2004 (as amended) (The Act). Detailed regulatory requirements are contained in the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 5.15 To progress work related to the preparation, submission, examination and adoption of a Community Infrastructure Levy, as set out in the Planning and Compulsory Purchase Act 2004 (as amended) (The Act). Detailed requirements are contained within the Community Infrastructure Levy Regulations 2010.
- 5.16 To approve the designation of a Neighbourhood Planning Area where it matches the local town or parish council boundary under Regulation 5 of the Neighbourhood Planning (General) Regulations 2012. [Cabinet must approve the designation of Neighbourhood Planning Area which does not match the town or parish council boundary].
- 5.17^(obj) To decide whether the Council's case at a planning appeal should be by way of written representations, informal hearing or public inquiry and to agree the nature and extent of the case to be presented, including in cases where an appeal has been made against non-determination of a planning application.
- 5.18 To enter any land for the purpose of surveying it in connection with the functions of the Council as the local planning authority under Section 324 of the Town and Country Planning Act 1990.

- 5.19 To decide whether to take enforcement action and what level of enforcement action to take in accordance with the Council's Corporate Enforcement Plan and Planning Enforcement Plan.
- 5.20 To serve notices to obtain information as to interests in land under Section 330 of the Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- 5.21 To serve Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990.
- 5.22 To serve, vary and withdraw enforcement notices against suspected breaches of planning control under Section 172 of the Town and Country Planning Act 1990 and to execute and secure the costs of works required by such notices under Section 178 of the Town and Country Planning Act 1990.
- 5.23 To serve, vary and withdraw listed building enforcement notices against suspected breaches of planning control under Section 38 of the Planning (Listed Building and Conservation Areas) Act 1990 and to execute and secure the costs of works required by such notices under Section 42 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.24 To serve, vary and withdraw Breach of Condition Notices under Section 187A of the Town & Country Planning Act 1990.
- 5.25 To serve Building Preservation Notices under Section 3 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.26 To serve Stop Notices under Section 183 of the Town and Country Planning Act 1990 and Temporary Stop Notices under Section 171E of the Town and Country Planning Act 1990.
- 5.27 To serve Tree Replacement Notices under Section 207 of the Town and Country Planning Act 1990 and to execute and secure the costs of works required by such notices under Section 209 of the Town and Country Planning Act 1990.

- 5.28 To serve Repairs Notices under Section 48 of the Planning (Listed Building and Conservation Areas) Act 1990 and Urgent Works Notices under Section 54 of the Planning (Listed Building and Conservation Areas) Act 1990 and to execute and secure the costs of works required by such notices under Section 55 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.29 To require the discontinuance of advertisements under Section 220 of the Town and Country Planning Act 1990 and to remove or obliterate unauthorised placards, posters and advertisements under Section 225 of the Town and Country Planning Act 1990.
- 5.30 To serve, vary and withdraw notices to require the proper maintenance of land under Section 215 of the Town and Country Planning Act and to execute and secure costs of works required by such notices under Section 219 of the Town and Country Planning Act.
- 5.31 To issue advance written warnings and Community Protection Notices on individuals or bodies whose conduct is having a detrimental effect on the quality of life of those in the locality and is unreasonable and to take action where there is a failure to comply with a Notice under Part 4 Chapter 1 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 5.32 To apply for Planning Enforcement Orders for deliberately concealed unauthorised development under Section 171BA, 171BB and 171BC of the Town and Country Planning Act 1990.
- 5.33 To apply for court injunctions to restrain any apprehended or actual breach of planning control under Section 187B of the Town and Country Planning Act 1990.
- 5.34 To progress prosecution action where enforcement notices have not been complied with under Section 179 of the Town and Country Planning Act 1990.
- 5.35 To progress prosecution action where listed building enforcement notices have not been complied with under Section 38 of the Planning (Listed Building and Conservation Areas) Act 1990
- 5.36 To serve a Certificate of Appropriate Alternative Development where land is proposed to be acquired by the local authority under Section 65 of the Planning and Compensation Act 1991.

- 5.37 To make, vary and revoke Tree Preservation Orders under Section 198 of the Town and Country Planning Act 1990 and Provisional Tree Preservation Orders under Section 201 of the Town & Country Planning Act 1990.
- 5.38 To make minor amendments to planning conditions and Section 106 legal agreements prior to issuing a decision notice, where the decision has been made by Development Management Committee, but it is not necessary for the item to return to Development Management Committee.
- 5.39 To refer to the Development Management Committee applications to revoke or modify hazardous substances consents as defined under the Planning (Hazardous Substances) Act 1990 for referral to the appropriate Secretary of State.
- 5.40 Applications will be presented to Development Management Committee where:
- (a) The application does not accord with the provisions of the development plan or other planning policy guidance or supplementary planning guidance (unless material considerations indicate that the provisions of the development plan no longer apply) but the proposal is recommended for approval.
 - (b) One of the following has occurred within the specified consultation period and (a) it has been accepted by the Assistant Director (Planning) or Development Management Services Manager and (b) the subsequent officer recommendation goes against the comment of support/objection:
 - A comment of support or objection and an associated call-in request has been made by a member of the Borough Council
 - A major objection has been received from a local town or parish Council in relation to an eligible application, as defined in the Procedure Rules for Planning Meetings.
 - An objection has been received from a consultee listed in Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015
- 5.41 The application is a major development and the Borough Council is the applicant and/or has an interest in the land/property which is the subject of the application.

- 5.42 A Member of the Borough Council, the Chief Executive, a Director or Assistant Director or a member of staff in the planning service is the applicant and/or has an interest in the land/property which is the subject of the application.
- 5.43 The Assistant Director (Planning) considers it prudent for the application to be considered by Development Management Committee.
- 5.44 The matter relates to a planning enforcement case and the Assistant Director (Planning) considers it prudent for it to be considered by Development Management Committee.

6. BUILDING CONTROL

It should be noted that statutory building control functions are discharged by three members of Hertfordshire Building Control who are seconded to the Council.

These appointed officers now administer building control functions on behalf of Welwyn Hatfield Borough Council in accordance with the Building Act 1984 and Building Regulations 2010.

7. OTHER FUNCTIONS

- (a) To make technical amendments to the Planning Scheme of Delegation to reflect changes to the planning system and planning legislation.
- (b) To administer the Management Scheme for Welwyn Garden City created under the Leasehold Reform Act 1967 for the purpose of “maintaining and enhancing amenities and values in Welwyn Garden City and with due regard to the convenience and welfare of persons residing, working and carrying on business there.” This includes deciding whether to register an application, determining the appropriate fee, approving and refusing applications, discharging conditions, resolving breaches and taking enforcement action against breaches.

- (c) Any EMS applications where a Member of the Borough Council, the Chief Executive, a Director or Assistant Director or a member of staff in the planning service is the applicant and/or has an interest in the land/property which is the subject of the application will be determined by the Estate Management Scheme Manager and Assistant Director (Planning), or Executive Director (Place) if either are the applicant.
- (d) To deal with notices in respect of temporary markets under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.
- (e) To grant licences, issue notices and authorise the removal and reinstatement for the planting of trees, shrubs, etc in highways under the Highways Act 1980.
- (f) To apply for an enforcement order against unlawful works on registered common land under Section 41 of the Commons Act 2006.
- (g) To protect unclaimed registered common land and unclaimed town or village greens against unlawful interference under Section 45(2)(a) of the Commons Act 2006.
- (h) To institute proceedings for offences in respect of unclaimed land under Section 45(2)(b) of the Commons Act 2006.
- (i) To take action against dangerous trees under Section 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976.
- (j) To grant licences, issue notices and authorise the removal and reinstatement for the planting of trees, shrubs, etc in highways under the Highways Act 1980.
- (k) To serve notices in respect of street naming and numbering under Section 64 and Section 65 of the Town Improvement Clauses Act 1847.
- (l) To apply for enforcement orders against unlawful works on registered common land under Section 41 of the Commons Act 2006, to protect unclaimed registered common land and unclaimed town/village greens against unlawful interference under Section 45(2)(a) of the Commons Act 2006 and to institute proceedings for offences in respect of unclaimed land under Section 45(2)(b) of the Commons Act 2006.

8. STRATEGIC COMMUNITY SERVICES

All the following delegated powers relating to Strategic Community Services can also be exercised by the Assistant Director (Leisure, Community and Cultural Services) who may also delegate to suitably qualified and/ or experienced Officers in accordance with an agreed Scheme of Delegation.

- (a) To maintain community partnerships and develop new ones with the aim of promoting involvement among the community and local business, better health and youth engagement.
- (b) To manage the Borough's Sports Facilities Strategy Steering Group and ensure the development and revision of the borough Sports Facility Strategy on an annual basis.
- (c) To work in partnership with key stakeholders to develop initiatives and events that improve the vibrancy and footfall within the town centre.
- (d) To administer and provide advice on the council's grant application process, including its annual grants, small community grants and the Queens Jubilee grants.
- (e) To participate in the Council's corporate community engagement activities through the management and promotion of the established Borough Panel comprising local residents

9. LEISURE AND CULTURAL SERVICES

All the following delegated powers relating to Leisure and Cultural services can also be exercised by the Assistant Director (Leisure, Community and Cultural Services) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.

- (a) To agree and oversee the programme of activities and events for Council provided leisure and cultural services
- (b) To agree all appropriate fees and charges for use of Council provided leisure and cultural services.
- (c) To agree and oversee all marketing and promotional activities associated with the provision and delivery of Council leisure and cultural services.
- (d) To work closely with the appointed Executive Member with responsibility for local leisure and cultural services, including the reporting of service activities and developments to members of the Council's Cabinet and other relevant committees and appointed panels.
- (e) To work to improve access to leisure and community services for all regardless of their recognised equalities group or circumstances.
- (f) To oversee all leisure, culture, arts and heritage applications to national funding bodies such as the National Lottery Heritage Fund, Sport England, Arts Council and others, with final approval being sought from the Chief Financial Officer before submission.
- (g) To represent the Council as the designated Client Manager of the appointed leisure contractor, Greenwich Leisure Ltd, who have a contract covering seven different sport and leisure sites running to January 2029.
- (h) To be responsible for the management of the Community Lottery Scheme

in conjunction with the Council's lottery partner, and propose policies for and make decisions relating to the operation of the lottery.

- (i) To co-ordinate meetings and the work programme of the borough's Cultural Consortium comprising local sport, leisure, heritage, arts and culture partners.
- (j) To recommend to Cabinet the Housing, Homelessness and Rough Sleeping Strategy and associated strategies and work in partnership with internal and external stakeholders to ensure its effective implementation. This includes working in partnership with Registered Providers to ensure the best housing offer to people in housing need.
- (k) To make arrangements for the selection of Registered Providers for development projects.
- (l) To recommend to Cabinet on appropriate grant funding to Registered Providers on affordable housing sites.
- (m) To discharge the Council's statutory functions in relation to preventing and managing homelessness and in ensuring the Borough's housing needs register is managed in accordance with the Council's Allocations Policy.

10. HOUSING ALLOCATIONS

All the following delegated powers relating to Strategic Housing Services can also be exercised by the Assistant Director (Leisure, Community and Cultural Services) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.

- 10.1 Working where necessary with the relevant Directors and Assistant Directors to:
 - (a) Consider reviews of decisions to exclude applicants from the Housing Needs Register in accordance with relevant legislation.
 - (b) Set up local letting schemes in accordance with Council policy.
 - (c) Agree nomination rights to Council and registered social landlord properties for partner agencies for use as move on.
 - (d) Approve special allocations schemes in accordance with the Council's hard to let strategy, in order to meet housing need, or otherwise in accordance with Council policy.
 - (e) To approve the Annual Lettings Plan and any revisions to the Annual Lettings Plan.
 - (f) To agree prioritisation of properties to specific groups, to ensure the lettings targets set out in the Annual Lettings Plan are met.

- (g) Revise and change priority of housing for applicants accepted as Homeless as necessary to ensure homelessness duties are managed effectively alongside duties to waiting list and transfer applicants.
 - (h) Agree the necessary arrangements to ensure that wherever possible, in times of high demand from homeless households, Council and Registered Provider properties are used to free up temporary accommodation to prevent the use of bed and breakfast and to ensure that any such arrangements are regularly reviewed and monitored.
 - (i) Make decisions where the interpretation of Housing Policy, including the Allocations Policy is disputed.
- 10.2 To make arrangements for the selection of Registered Providers for development projects.