

## Appendix 5

### Table 3 - Delegations to the Director for Regeneration, Economy and Growth

#### Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above, the Director of Regeneration, Economy and Growth is authorised to discharge any function of the Executive in relation to:

- Archives and Records
- Arts and Culture
- Assets, Estates and Property Management
- Attracting inward investment
- Building Control
- Business Durham
- Building Facilities and Management
- CCTV (Internal use)
- Care Connect and CCTV (public space cameras)
- [Conservation](#)
- Construction Programme and Project Management including: Programme and Project Management, Quantity Surveying and Accounts, Construction and Design Management (CDM)
- Culture Sport and Leisure
- Dangerous Structures
- Durham Key options (Housing)
- Economic Development
- Economic Regeneration
- Employability
- External Funding and Programmes
- Health and Safety (Internal)
- Housing Renewal and Improvement
- Housing Management, Strategy and Policy
- Integrated Passenger Transport Unit
- Local Transport Planning
- Libraries
- Management of commercial property portfolio
- Marketing
- Mineral and Waste Applications
- Museums
- Neighbourhood Planning
- Parking Policy, Control and Enforcement
- Planning Applications and Appeals
- Prevention & Resolution of Homelessness
- Project Design, Development and Delivery

- Promoting enterprise
- Regeneration Policy and Programmes
- Selective Licensing (Housing)
- Strategic Spatial and Planning Policy
- Sport and Leisure Centres
- Tourism (Visit County Durham)
- Theatre and Performing Arts
- Strategic Transport and Traffic Management

In carrying out these delegated functions the Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

### **Specific and non-executive delegations**

1. To review decisions made by the Head of Property and Land relating to the list of assets of community value.
2. In consultation with the Corporate Director of Resources as Section 151 Officer, the Cabinet Portfolio Holder for Resources, Investments and Assets and the Cabinet Portfolio Holder for Finance, to approve the acquisition of property up to the value of £500,000 where the property is to be used as a children's home only.

### **The following matters are, in addition, delegated to the Head of Planning and Housing:**

3. To exercise the Council's functions in relation to housing including:
  - (a) the determination of any applications for grant and/or housing assistance loans;
  - (b) the exercise of the Council's enforcement powers under the legislation relating to private sector housing;
  - (c) to investigate and determine all applications made to the Council under its powers and duties to deal with homelessness;
  - (d) to authorise any expenditure required in the exercise of the Council's functions to assist the homeless.
4. To carry out the Council's functions in relation to permanent Gypsy, Roma and Traveller sites, including allocation of sites, site management, rent recovery and tenant support.
5. To determine all forms of planning and other applications and all notifications submitted under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous

Substances) Act 1990 or under any related principal or secondary legislation, except the following:

- (a) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days that any Member of the Council requests be determined by the Planning Committee (such must be made in writing to the Head of Planning and Housing specifying material planning grounds on which the request is made and received by the Head of Planning and Housing within 21 days of publication on the weekly list or the initial publication of the proposal (site notice / press notice / service of neighbour consultation letters, whichever is the latest);
- (b) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days where a Member of the Council or an officer of the Planning Development Service or their spouse/partner or children has an interest in the property or land which is the subject of the application or notification and where there is an objection to the application or notification;
- (c) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days where, despite a Town or Parish Council having expressed objection or support, the officer is minded to recommend the application or notification on material planning grounds contrary to the wishes of the local council and:
  - i) the local council have made a specific request in writing for the application or notification to go before a planning committee; and
  - ii) the local council have confirmed their intention to attend the planning committee to make representations on the application; and
  - iii) the written request is received by the Head of Planning and Housing within 21 days of publication on the weekly list or the initial publication of the proposal (site notice / press notice / service of neighbour consultation letters, whichever is the latest).
- (d) Major developments (excluding section 73 Reserved Matter applications and Review of Mineral Planning Permissions) comprising:
  - i) major residential developments (10 or more dwellings or a site area of 0.5ha or greater) except where the application is for a substitution of house types on a scheme already benefitting from an extant planning permission;
  - ii) development of more than 20,000m<sup>2</sup> of floor space or a site area of 4ha or greater comprised in Use Class B1 (Business) and/or Use Class B2 (General Industrial) and/or Use Class B8 (Storage or Distribution) or waste and waste related development; or

- iii) development not falling within (i) and (ii) above, where the floor space is 1000m<sup>2</sup> (gross) or more or the site area is 1 hectare or more except applications where the use or building would be for agriculture or personal equestrian use;
  - (e) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days likely to have, in the opinion of the Head of Planning and Housing, a significant impact on the environment or are by their nature particularly controversial;
  - (f) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days recommended for refusal which involve the creation of 10 or more full time or equivalent jobs;
  - (g) those applications for planning permission or notifications which have a relevant timescale of more than 35 days where there is a significant departure from Development Plan policy and which would be required to be the subject of a notification to the Secretary of State.
6. The exercise of the Council's enforcement powers under legislation in relation to Common Land and Town and Village Greens.
  7. To decline to determine planning applications under Sections 70A, 70B and 70C of the Town and Country Planning Act.
  8. To finally dispose of planning applications pursuant to Article 40(13)(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015
  9. To take all necessary steps in connection with the defence of appeals against any refusal or failure to determine any of the applications and notifications mentioned at paragraph 5 above.
  10. To provide pre-application advice on proposed or anticipated development schemes in accordance with the Council's Pre-Application Advice Protocol.
  11. To respond to any pre-application or other consultation on nationally significant infrastructure projects submitted or to be submitted to the Major Infrastructure Planning Unit under the Planning Act 2008.
  12. To carry out reviews of planning permissions as required by the Habitats Directive and the Conservation of Habitats and Species Regulations 2017.
  13. To authorise the making and confirmation of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) England Order 2015.

14. To authorise the making of proposals to the Secretary of State under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations.
15. In consultation with the Cabinet Portfolio Holder for Economic Regeneration and the member/s for the Electoral Division/s affected to determine applications for funding of schemes from monies held by the Council under planning obligations.
16. To authorise the drafting, negotiation and completion of Section 106 Planning Obligations, S106A Variations to Planning Obligations and Release of Section 52 Planning Agreements and Section 39 Agreements and to authorise the giving of any approval or consent required pursuant to a S106 Planning Obligation, S106A Deed of Variation or Section 52 Planning Agreement, or Section 39 Agreements.
17. Authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990, The Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 on behalf of the Council.
18. Authorise the taking of prosecution action applications for injunctions and to instruct the Head of Legal and Democratic Services, as necessary, to instigate legal proceedings in respect of the enforcement of legislation relating to town and country planning and conservation.
19. To administer simple and conditional cautions in accordance with PACE and Home Office guidance to persons guilty of criminal offences under legislation relating to town and country planning and conservation.
20. Authorise the taking of default action under Sections 178 and 219 of the Town and Country Planning Act 1990.
21. Authorise the making of Orders under Section 257 of the Town and Country Planning Act 1990.
22. To authorise applications to the Secretary of State for an order under Sections 247 and 249 of the Town and Country Planning Act 1990.
23. To exercise powers of revocation/modification of planning permissions (Section 97), discontinuance of a use/alteration or removal of a building (Section 102 and Schedule 9) and the making of Prohibition or Suspension Orders (Schedule 9) of the Town and Country Planning Act 1990.
24. Authorise the making, confirmation, revocation and variations of Tree Preservations Orders and to determine applications for consent under such Orders.
- 24.25. To designate any areas to be of special architectural or historical interest as conservation areas; to review and amend the boundaries and conclude

Character appraisals and to formulate and prepare proposals for the preservation and enhancement of those areas.

~~25-26.~~ To authorise the taking of all necessary steps in connection with Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Order.

~~26-27.~~ Providing advice or assistance to Parish Council, Neighbourhood Forum or community organisation that is producing a Neighbourhood Plan or Order as required by para 3 of Schedule 4b to the Town and Country Planning Act 1990 (as amended).

~~27-28.~~ In connection with any proposed development under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, determine whether an Environmental Impact Assessment is required (screening) and the information required (scoping).

~~28-29.~~ Authorise individual named officers to exercise powers of entry contained in the following:

- The Hedgerow Regulations 1997
- Town and Country Planning Act 1990
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- Building Act 1984
- Fire Safety and Safety of Places of Sport Act 1987
- Safety of Sport Grounds Act 1975
- Local Government (Miscellaneous Provisions) Act 1982
- Party Wall etc Act 1996
- Planning Act 2008

or such other Acts of Parliament as relate to the relevant statutory functions of the planning authority.

~~29-30.~~ To administer and determine complaints about high hedges and to take default action as necessary under the Anti-Social Behaviour Act 2003.

~~30-31.~~ The obtaining of information under Section 330 of the Town and Country Planning Act 1990.

~~31-32.~~ To exercise the Council's powers to take temporary possession of land pursuant to the Neighbourhood Planning Act 2017.

~~32-33.~~ Act under and in respect of:

- (a) Sections 16, 19 to 21, 23 to 25, 32, 35 and 36, Building Act 1984;
- (b) Sections 77 to 78 and 80 to 83, Building Act 1984;

(c) Building Regulation 18 with regard to giving of notices and requiring the laying open, cutting into, and pulling down the building, works or fittings (Building Regulations 2010),

(d) Party Wall Act etc.1996.

~~33-34.~~ To respond to government and other consultations on Planning, Housing, Transport and Economic Policy.

~~34-35.~~ Accept and reject notices, certificates and certificates of compliance from Approved Inspectors and Public Bodies under Sections 47 to 54, Building Act 1984 and to issue safety certificates in accordance with the Safety of Sports Grounds Act 1975 and Part III, Fire Safety and Safety of Places of Sport Act 1987.

~~35-36.~~ To authorise, sign and serve all notices and deal with all applications, licences, revocations and suspensions and take all necessary enforcement action on behalf of the Council in respect of its responsibilities for matters of building control.

~~36-37.~~ The management of matters required to ensure the Council carries out its statutory duties as a local housing authority as prescribed in:

- Housing Act 1985
- Housing Act 1996
- Housing Act 2004
- Local Government and Housing Act 1989
- Localism Act 2011
- The Regulatory Framework set out by the Regulator for Social Housing and
- Any other relevant statute or government guidance relating to the management and provision of social housing and related facilities.

~~37-38.~~ In conjunction with the Head of Corporate Finance and Commercial Services maintain a Housing Revenue Account in accordance with sections 74 – 78 of the Local Government and Housing Act 1989.

~~38-39.~~ To exercise the Council's functions in respect of the preparation and development of appropriate strategies and plans for the Council's housing stock, including the Housing Investment Programme and Cyclical Maintenance Programmes including the construction, repair, maintenance, modernisation and redevelopment and renewal of properties including (but not limited to) house condition surveys and the preparation and implementation of programmes of repair and improvement.

~~39-40.~~ To prepare and keep under review from time to time the Council's Tenancy Strategy in line with the requirements of the Localism Act 2011.

40.41. In consultation with the Head of Corporate Finance and Commercial Services to take any decisions on the selection of property where it is appropriate to charge an affordable rent in line with the Regulator for Social Housing's Rent Standard.

41.42. Exercising the management of functions of the Council in relation to dwellings owned by the Council but not held under Part IV of the Housing Act 1985.

42.43. Without prejudice to the foregoing delegations, to exercise the following functions of the Council:

- (a) authorising the allocation and granting of tenancies and licenses in accordance with the Council's allocation scheme;
- (b) approving rents in specific cases;
- (c) serving and enforcing notices, to quit, of termination or seeking possession;
  - i) maintaining properties and estates;
  - ii) The management of empty properties;
- (d) granting consent or otherwise to the succession or assignment of a tenancy where statute allows and in line with the Council's policy;
- (e) granting consent to mutual exchanges, imposing conditions to that consent where appropriate or refusing such consent with reference to Schedule 3 of the Housing Act 1985
- (f) granting consent, imposing conditions to that consent where appropriate or otherwise withholding tenants' requests to carry out improvements or alterations in accordance with the Housing Act 1985 sections 97-99
- (g) granting consent or otherwise in any other matter where the Council's tenancy agreement including introductory tenancy agreement or licensees requires that permission is sought by the tenant or licensee;
- (h) authorising compensation for tenants' improvements be they statutory or discretionary (Housing Act 1985 sections 99a and 100);
- (i) settling any claims by tenants for disrepair,
- (j) taking action under sections 1 and 115 of the Crime and Disorder Act 1998, Part V of the Housing Act 1996, Anti-Social Behaviour Act 2003 and Housing Act 2004;
- (k) taking action to secure the eviction of trespassers;
- (l) undertaking consultation with tenants and / or social landlords where required by statute or government guidance or where otherwise



appropriate e.g. section 105 of the Housing Act 1985; and

- (m) authorise the granting of licenses for the use of garages, reviewing license conditions and subsequent termination of licenses where necessary.
- (n) Carry out the Council's statutory responsibilities under Part V of the Housing Act 1985 (Right to Buy).

43.44. Authorising service of statutory notices, admitting / denying the right to buy, withdrawing or requiring completion.

44.45. Authorising sales of freehold or otherwise granting of long leases

45.46. In consultation with the Head of Legal and Democratic Services, enforcing covenants including those relating to repayment of discount, use of shared areas and letting of whole.

46.47. In consultation with the Head of Legal and Democratic Services

- (a) Agreeing variations to the terms of individual leases.
- (b) Granting/refusing permission to requests on various matters, by leaseholders, where the lease requires consent of the landlord.
- (c) Authorising legal action for breaches of covenants.

47.48. Determining the application of covenants applied in relation to the Right to Buy under section 157 of the Housing Act 1985 relating to homes in areas covered by National Parks, Area of Outstanding Natural Beauty and Designated Rural Areas relating to:

- (a) Restriction of onward sales to people who have lived or worked in the area for a period of 3 years, or
- (b) Exercising the Council's first right of refusal to repurchase the property within first 10 years following the RTB sale.

48.49. Exercising the functions of the Council under Part X of the Housing Act 1985 and Part IV, Chapter 3, and Part VII of the Housing Act 2004 in relation to overcrowding.

49.50. Exercising the functions of the Council under the Protection from Eviction Act 1977, the Protection from Harassment Act 1997 and all other enabling powers to regulate and control private landlords.

50.51. Exercising the functions of the Council under the Landlord and Tenant Act 1985 (landlord's obligations).

51.52. In consultation with the Head of Corporate Finance and Commercial

Services, write off irrecoverable debt due from current and former tenants in compliance with the Council's write off policy.

~~52-53.~~ In consultation with the Head of Corporate Finance and Commercial Services, write off any un-refundable Credit balances associated with untraceable former tenants in compliance with the Council's write off policy.

~~53-54.~~ To determine disturbance payments and applications for home loss payments in accordance with the Land Compensation Act 1973.

~~54-55.~~ Undertaking and determining reviews under the Introductory Tenants (Review) Regulations 1997.

~~55-56.~~ To make decisions under Access to Personal Files (Housing) Regulations 1989.

~~56-57.~~ To authorise payments to tenants for decoration and removal expenses or approve ex-gratia payments in appropriate circumstances.

~~57-58.~~ Agreeing terms with private landlords and registered social landlords to lease accommodation for the purposes of providing temporary housing for homeless households.

~~58-59.~~ To consider and determine any matters relating to the Housing Act 1985 (as amended in respect of Right to Buy including the repayment of discount and right of first refusal.

~~59-60.~~ To ensure compliance with all Council policies relating to the provision and management of Council owned residential properties. Council to make changes to all such policies where provision of service would be improved, or necessity arises or to recommend such changes to Cabinet where appropriate.

~~60-61.~~ To establish such arrangements as appropriate to ensure effective engagement of tenants and leaseholders in the setting, monitoring and review of housing and related services including holding meetings, organising consultation events, surveys, and newsletters.

~~61-62.~~ To consider and respond to requests from Durham Police in respect of the designation of dispersal areas under the provisions of the Anti- Social Behaviour Crime and Policing Act 2014.

~~62-63.~~ Provision and operation of closed-circuit television in accordance with the Criminal Justice and Public Order Act 1994 and the Private Security Industry Act 2001.

### **The following matters are, in addition, delegated to the Head of Corporate Property and Land:**

~~63-64.~~ In consultation with the Local Members and the relevant Cabinet Portfolio Member, to sell or lease any property which is surplus to the requirements of

the Service for which it is held and where after enquiries no other Service has expressed an interest in the property.

~~64-65~~. To approve the principle of acquiring property at a price not exceeding £250,000.

~~65-66~~. To settle the terms of the purchase or lease of property the acquisition of which has been approved in principle by the Council and to settle any dilapidation claim at the end of any lease acquired.

~~66-67~~. To negotiate the acquisition of easements, rights of way, wayleaves, licences, covenants and consents for the benefit of Council land and property at a value not exceeding £250,000.

~~67-68~~. To accept the dedication or transfer of land to be maintained as public open space subject to satisfactory terms being negotiated for contribution to the cost of maintenance.

~~68-69~~. To deal with applications for easements, rights of way, wayleaves, licences, covenants and consents affecting council land and property not materially affecting the use to which it is or might be put.

~~69-70~~. To approve the granting of an option over Council land or the acquiring by the Council of an option over land and to approve the extension of any option granted or acquired.

~~70-71~~. To authorise the use of Council land as a permissive right of way and/or to dedicate Council land as a public right of way.

~~71-72~~. In consultation with the appropriate Service representative to grant leases on any council owned property, whether or not it has been declared surplus.

~~72-73~~. In respect of leases, to carry out rent reviews and to grant renewals, variations, assignments, sub-lettings, surrenders and other landlords' consents.

~~73-74~~. To agree the appropriation of land from one use to another where this is necessary to facilitate schemes to be carried out by or on behalf of the Council.

~~74-75~~. To settle compensation claims not exceeding £50,000 either under the provisions of Part 1 of the Land Compensation Act 1973 or as a result of the Council taking entry to property for borehole samples, surveys or other site investigations.

~~75-76~~. To negotiate and agree the rating assessment and valuation of all council owned property, in consultation with the Head of Corporate Finance and Commercial Services.

~~76-77~~. To require information as to interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

~~77-78.~~ To negotiate abortive costs in the event of a transaction not proceeding in circumstances where the Council has a liability to pay costs.

~~78-79.~~ Where required as part of the appropriate management of the Council's assets, to authorise the demolition of Council buildings.

~~79-80.~~ To approve disposals and appropriations of Open Space and Public Walks and Pleasure Grounds as set out in Section 10 of the Open Spaces Act 1906 and Section 164 of the Public Health Act 1875 subject to seeking guidance from the Highways Committee in the event of unresolved objections being received.

~~80-81.~~ To authorise and maintain a list of assets of community value and to make adjudications and decisions in relation thereto, as defined in Part 5, Chapter 3 of the Localism Act 2011.

~~81-82.~~ All duties arising out of the establishment of the Business Improvement Districts.

~~82-83.~~ To authorise land disposals at an undervalue in excess of £50,000. Disposals at an undervalue in excess of £2 million require Secretary of State approval.

~~83-84.~~ Serve, receive and act upon legal notices and apply for permissions, in the exercise of any discretionary power or in complying with any duty of the Council in relation to land and property.

### **The following matters are, in addition, delegated to the Head of Transport and Contract Services:**

~~84-85.~~ To cancel penalty charge notices in respect of parking contraventions under the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.

~~85-86.~~ To exercise the Council's powers under the Traffic Management Act 2004 and Transport Act 2000 to:

- (a) issue a penalty charge notice in connection with parking offences and part of the civil parking regime
- (b) allow exceptions to normal civil parking enforcement practices where appropriate

~~86-87.~~ To authorise the taking of prosecution action applications for blue badge misuse and abuse and to instruct the Head of Legal and Democratic Services, as necessary, to instigate legal proceedings in respect of the Council's powers of enforcement of legislation relating to highways and road traffic.

~~87-88~~. To administer simple and conditional cautions in accordance with PACE and Home Office Guidance to persons guilty of criminal offences under legislation relating to highways and road traffic.

~~88-89~~. To deal with the provision and maintenance of bus stop infrastructure in highways and, if necessary, land abutting highways.

~~89-90~~. To undertake non-statutory consultations before implementing proposals to locate bus stop infrastructure, subject to consultation with Highways Committee before exercising this delegated power if there are unresolved representations to such proposals.

~~90-91~~. To update and amend as necessary the list of streets maintained under Section 36(6) of the Highways Act 1980

**The following matters are, in addition, delegated to the Head of Culture, Sport and Tourism:**

~~91-92~~. To authorise suitably qualified and competent staff within Culture, Sport and Tourism and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under all legislation relating to the Council's functions in respect of Culture, Sport and Tourism.

~~92-93~~. To exercise the Council's functions under all legislation relating to its role as Library Authority.

~~93-94~~. In consultation with the Head of Legal and Democratic Services to take enforcement action under bye-laws relating to arts, libraries and museums.

~~94-95~~. To approve agency agreements where financial transactions are not required.