

Part 3.4 Delegations to Councillors

- 4.1** Each Member may authorise the spend of £1,000 on projects in relation to the Ward for which the member is elected, in line with the South Norfolk Council Member-Led Grant Rules.

Part 3.5 Specific delegation of exercise of functions to officers: Development Management Committee

5.1 Applications made under the Planning Acts

- 5.1.1** The Director of Growth and Business Development and such officers as that Director may approve, are each authorised to determine planning applications and prior notifications except those where the following apply:
- 5.1.1.1** The Local Member has requested that the application be determined by the Development Management Committee for appropriate planning reasons
 - 5.1.1.2** The applicant is known to be a member, employee, or close relative of a member of South Norfolk Council. Close relative is defined as spouse, partner, parent, parent-in-law, son or daughter
 - 5.1.1.3** The officer who would normally make the decision knows that a member or employee of South Norfolk Council has a declarable pecuniary interest in the application
 - 5.1.1.4** Either the Director of Growth and Business Development, the Development Manager or the Chairman of the Committee consider in their own capacity or following compelling reasons from a member that there are exceptional circumstances which warrant consideration of the proposal by committee.
 - 5.1.1.5** The proposal has potential to generate employment but the recommendation is for refusal

5.2 Enforcement of Development Management

- 5.2.1** The Director of Growth and Business Development, and such officers as that Director may approve, are each authorised to undertake the following enforcement action:
- 5.2.1.1** To serve planning contravention notices and, subject to legal advice, to prosecute for non-compliance with such notices.
 - 5.2.1.2** Subject to legal advice, to serve breach of condition notices and, subject to further such advice, to prosecute for non-compliance with such notices.
 - 5.2.1.3** To decide that enforcement action is not appropriate in a particular case and to notify interested parties of this decision, subject to consultation with the local member(s). If the local member(s) is not available and an urgent decision is required, officers should consult with the Chairman or Vice-Chairman of the Development

Management Committee or, in their absence, the relevant Cabinet portfolio holder.

5.2.1.4 Where a case does not involve employment development, subject to consultation with the local member(s):

- (a) to serve enforcement notice (which term shall also include listed building enforcement notices and special enforcement notices);
- (b) to serve stop notices;
- (c) to serve breach of condition notices;
- (d) to apply for injunctions and enforce them;
- (e) to arrange for the entry on land and the taking of steps required by such an enforcement notice and for the recovery of costs incurred in relation thereto;
- (f) to prosecute for any breaches of such enforcement notices, stop notices, or breach of condition notices

If the local member(s) is not available and an urgent decision is required, officers should consult with the Chairman or Vice-Chairman of the Development Management Committee or, in their absence, the relevant Cabinet portfolio holder.

5.2.1.5 Where a case involves employment development or at the request of a member following consultation in line with paragraph 4.2.1.4, it will be referred to the Development Management Committee. If enforcement action has been authorised by a Development Management Committee in a particular case:

- (a) to serve enforcement notice (which term shall also include listed building enforcement notices and special enforcement notices);
- (b) to serve stop notices;
- (c) to serve breach of condition notices;
- (d) to apply for injunctions and enforce them;
- (e) to arrange for the entry on land and the taking of steps required by such an enforcement notice and for the recovery of costs incurred in relation thereto;
- (f) to prosecute for any breaches of such enforcement notices, stop notices, or breach of condition notices;

Unless the taking of any such step has been specifically excluded by the Committee in the particular case.

5.2.1.6 When she/he considers that it is necessary to take urgent enforcement action before the next scheduled meeting of a relevant Development Management Committee, to take any of the steps referred to in 4.2.1.5 above, the Chairman or Vice-Chairman of the Development Management Committee should be consulted or, in their absence, the relevant Cabinet portfolio holder, subject to legal advice at the time and to reporting details of the action so taken to

the next following meeting of the Development Management Committee.

5.3 Other Functions Falling within the Terms of Reference of the Development Management Committee

- 5.3.1 To exercise all other functions falling within the terms of reference of the Development Management Committee whether by the service of notices, making or confirmation of orders, directions or dispensations, issue of determinations or certificates, lodgement of comments or objections, commencement of proceedings, lodgement of appeals, withdrawal or discontinuance of any matter or action, responding to any matters served upon the Council or otherwise.

5.4 Temporary Stop Notices

- 5.4.1 The Director of Growth and Business Development, the Development Manager, the Team Leaders - Development Management, and the Enforcement Officers are authorised to issue and serve a temporary stop notice.

5.5 General Principles against which all Planning Delegations are to be exercised

- 5.5.1. Despite the availability and extent of any delegated power in any particular case, any officer exercising or advising upon the exercise of such power shall first consider whether, in his or her judgement, the matter ought nevertheless to be referred to the Development Management Committee or whether the Chairman or Vice-Chairman of the Committee ought to be consulted. The officer shall have a duty to act in accordance with his or her own judgement in that respect.