

Section 6 Schedules Officers and Scheme of Delegations: Service Area Delegations

The following schedules set out the delegations to specified post holders (as per the Council's organisational structure). The delegations are in addition to the cross service delegations in Constitution Section 6.5.10 - 6.5.16 and also subject to the general rules for delegations set out in the remainder of Section 6.5 as well as the law and this Constitution.

- Schedule 1 Managing Director including delegations:**
- 1A For elections & electoral matters; parish matters; ex gratia payments; legal proceedings; and staffing disciplinary appeals
 - 1B To Head of Human Resources & Organisation Development [*currently none*]
- Schedule 2 Corporate Services including delegations:**
- 2A Head of Corporate Services
 - 2B Solicitor to the Council / Monitoring Officer
 - 2C Democratic Services Team Leader
 - 2D Audit Manager / Data Protection Officer [*currently none*]
- Schedule 3 Operations including delegations to:**
- 3A Head of Operations
 - 3B Waste Manager [*currently none*]
 - 3C Leisure Manager [*currently none*]
 - 3D Environmental Protection Manager & Food, Health and Safety Manager
 - 3E Licensing Manager
 - 3F Senior Licensing Officer
- Schedule 4 Community Services & Improvement including delegations to:**
- 4A Head of Community Services & Improvement
 - 4B Revenue, Benefits and Fraud Manager [*currently none*]
 - 4C Communications and Marketing Managers [*currently none*]
- Schedule 5 Place and Commercial Services including delegations to:**
- 5A Head of Place & Community Services [*currently none*]
 - 5B Assets Manager
 - 5C Principal Growth Point Officer

5D Business Manager (Devon Building Control Partnership)

5E Business Manager (Development Management)

**Schedule 6 Requests for planning application determination by the
Planning Committee**

Schedule 1: Managing Director's Service Area

Delegation Ref	Officer to whom delegation granted
1A	<u>Managing Director</u>
Elections & electoral matters	
1A1	Subject where possible to prior consultation with the Chair and Vice-Chair of Council: (a) to appoint an electoral registration officer (ERO); (b) to assign officers in relation to requisitions of the ERO; (c) to appoint returning officer for local government elections (Section 35); (d) to divide a constituency into polling districts (Section 18); pursuant to Representation of the People Act 1983.
1A2	Subject where possible to prior consultation with the Chair and Vice-Chair of Council: (a) to divide electoral divisions into polling districts at local government elections (Section 31); (b) to hold elections (Section 39(4)); (c) to pay expenses properly incurred by EROs (Section 54); (d) to fill vacancies in the event of insufficient nominations (Section 21); (e) to declare vacancy in office (Section 86); pursuant to Representation of the People Act 1983.
1A3	To: (a) give notice of a casual vacancy (Section 87) (b) make temporary appointments to parish councils (Section 91) pursuant to Local Government Act 1972
1A4	To determine fees and conditions for supply of copies of, or extracts from, elections documents (Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and Rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215)).
1A6	Subject where possible to prior consultation with the Chair and Vice-Chair of Council, to provide assistance at European Parliamentary elections
1A7	To determine appeals on personnel issues where the Council's internal procedure gives an employee a right of appeal
Parish matters	
1A8	Subject where possible to prior consultation with the Chair and Vice-

	Chair of Council, to: (a) dissolve small parish councils, pursuant to Local Government Act 1972 (Section 10) (b) make orders for grouping parishes, dissolving groups and separating parishes from groups (Section 11) pursuant to Local Government Act 1972
Ex-gratia payments	
1A9	To make payments or provide other benefits in cases of maladministration etc. (Section 92 Local Government Act 2000).
Legal Proceedings	
1A10	To take legal proceedings to require the removal of unauthorised campers having taken into account the Council's policy on unauthorised camping (Sections 77 – 79 of the Criminal Justice and Public Order Act 1994 and Section 9 of the Commons Registration Act 1965)
1A11	To authorise officers to provide and sign statements of truth. Civil Procedure Rules 1998.
Staff Appeals	
1A12	To determine appeals on personnel issues where the Council's internal procedure gives an employee a right of appeal
1B	<u>Head of Human Resources & Organisational Development</u>
	<i>Currently none</i>

Schedule 2: Corporate Services

Delegation Reference	Officer to whom delegation granted
2A	<u>Head of Corporate Services</u>
Finance	
2A1	To undertake the management of the Council's financial affairs including all matters concerned with the recovery of community charge, council tax, national non-domestic rates, sundry debts and the power to authorise officers to represent the Council in Court proceedings for recovery.
2A2	To write off debts subject to the following limits: (a) a maximum of £1000; (b) Between £1000 and £5000 after consultation with the relevant Portfolio Holder.
2A3	To grant discretionary relief subject to the following limits: (a) Upto £1000; (b) £1000 or more after consultation with the relevant Portfolio Holder.
2B	<u>Solicitor to the Council and Monitoring Officer</u>
Standards	
2B1	To consult with the Independent Person appointed to deal with Standards Matters by South Hams District Council or West Devon Borough Council on complaints received relating to the Members' Code of Conduct if Teignbridge District Council's Independent Person is not available.
2B2	To determine written applications from Members for dispensations in consultation with the Chair of Committee and / or the Independent Person where it is not reasonably possible to convene a meeting of the Standards Committee in time to consider the application.
2B3	To resolve standards complaints informally or refer for investigation in consultation with the Council's Independent Person.
Constitution	
2B3	To make such minor amendments <i>i.e. change which no Group Leader feels is significant in that it fundamentally changes existing provisions</i> to the Constitution as they considers appropriate (including changes to reflect current legislation, organisational arrangements, to promote clarity and to enable the Constitution to be kept up to date)

Former council house locality restrictions	
2B4	To determine requests to waive the locality clause imposed on former Council houses subject to prior consultation with the Leader, Deputy Leader and (if different) the relevant Executive Member (Section 157 of the Housing Act 1985).
Legal proceedings	
2B5	To take legal proceedings to require the removal of unauthorised campers having taken into account the Council's policy on unauthorised camping (Sections 77 – 79 of the Criminal Justice and Public Order Act 1994 and Section 9 of the Commons Registration Act 1965)
2B5	To authorise officers to provide and sign statements of truth
2B6	To issue any formal notices required to protect the Council's property interests and to institute and defend any criminal and civil legal proceedings on behalf of the Council and to settle, vary and waive such proceedings.
2B7	To decide on the choice of advocate in any case in which the Council is to be represented in court
2B8	To authorise service of requisitions for information (Local Government (Miscellaneous Provisions) Act 1976)
2B8	To (a) remove unauthorised placards and posters and / or (b) prosecute (Sections 224 - 225 Town and Country Planning Act 1990)
2B9	To instigate, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider that such action is necessary to protect the Council's interests.
2C	<u>Democratic Services Team Leader</u>
2C1	Subject to prior consultation with the Group Leaders, the appointment of any individual to: (a) to any office other than an office in which they are employed by the authority; (b) to any body other than (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.
2C2	Minor changes to the Constitution (i.e. subject to such change not being required by law) which Group Leaders do not consider fundamentally change the existing provisions of the Constitution to the detriment of a member of the public or a councillor.

2D	<u>Audit Manager and Data Protection Officer</u>
	<i>Currently none</i>

Schedule 3: Operations

Delegation Reference	Officer to whom delegation granted
3A	<u>Head of Operations</u>
3A1	To grant exclusive rights of burial and to determine matters concerning management of cemeteries
3A2	To serve notices and take action in connection with dangerous trees (Section 23 Local Government (Miscellaneous Provisions) Act 1976)
3B	<u>Waste Manager</u>
	<i>Currently none</i>
3C	<u>Leisure Manager</u>
	<i>Currently none</i>
3D	<u>Environmental Protection Manager & Food and Safety Manager</u>
Environment protection / public health	
3D1	To take action pursuant to Environmental Protection Act 1990, Parts II, IIA, II, IV and VIII
3D2	To take action pursuant to Pollution Prevention and Control Act 1991 and Clean Air Act 1993
3D3	To take action pursuant to Control of Pollution Act 1974 including: (a) Section 60 - requirement on the way works are to be carried out; (b) Section 61 - noise levels on construction sites.
3D4	To enforce the provisions of the following Acts and (including the issue of fixed penalty notices where provided for by the relevant statute) (a) Clean Neighbourhoods and Environment Act 2005 – Part 2 (Vehicles); Part 6 (Dogs); Part 7 (Noise). (b) Anti-Social Behaviour Crime and Policing Act 2014 - Part 4 (Dispersal of Groups etc); Part 6 (the Environment) (c) Refuse Disposal (Amenity) Act 1978 (Abandoned vehicles and refuse) (d) Dogs (Fouling of Land) Act 1996 (e) Noise Act 1996

	<p>(f) Control of Pollution (Amendment) Act 1989 (Failure to furnish documentation – Waste Carriers Licence)</p> <p>(g) Wildlife and Countryside Act 1981</p>
3D5	<p>To take action (including but not limited to the issue and service of notices and taking legal proceedings) under the Public Health Act 1936:</p> <p>(a) Section 45 - repair to closets.</p> <p>(b) Section 48 - examine and test public drains believed to be defective.</p> <p>(c) Section 50 - works in connection with overflowing and leaking cesspools.</p> <p>(d) Section 80 - removal of manure or refuse from public stables and other buildings.</p> <p>(e) Section 83 – requiring owner or occupier to cleanse premises which are filthy or verminous.</p>
3D6	<p>To take action pursuant to Local Government (Miscellaneous Provisions) Act 1982 regarding:</p> <p>(a) Section 27 the repair of drains and to remedy stopped up drains</p> <p>(b) Section 29 the prevention of entry to or damage to health from permanent / temporarily unoccupied buildings</p>
3D7	<p>To take action pursuant to Building Act 1984 regarding:</p> <p>(a) Section 59 – the provision of satisfactory drainage to premises</p> <p>(b) Section 60 – requirement for sufficient sanitary conveniences to be provided in factories and workshops</p> <p>(c) Section 64 – the provision of adequate closets to buildings</p> <p>(d) Section 66 – the provision of water closets to replace earth closets etc when a water supply is available.</p> <p>(e) Section 81 - requiring owners of property to be demolished to shore up or make weather-tight adjoining property.</p>
3D8	<p>To take action pursuant to Local Government (Miscellaneous Provisions) Act 1976:</p> <p>(a) Section 33 regarding the restoration or continuation of supply of water, gas or electricity; and</p> <p>(b) Section 35 regarding the removal of obstructions from private sewers</p>
3D9	<p>To take action pursuant to Local Government (Miscellaneous Provisions) Act 1982 regarding:</p> <p>(a) Section 27 the repair of drains and to remedy stopped up drains</p> <p>(b) Section 29 the prevention of entry to or damage to health from permanent / temporarily unoccupied buildings</p>
3D10	<p>To take action regarding water supplies:</p> <p>(a) Section 80 - 81, Water Industry Act 1991</p> <p>(b) Section 57 Water Act 1991</p> <p>(c) Private Water Supplies Regulations 2009</p> <p>regarding unwholesome private water supplies and to obtain</p>

	information
3D11	To take action pursuant to Prevention of Damage by Pests Act 1949 (Section 4, 5 & 6 regarding the destruction of rats and mice)
3D12	To arrange burials (Section 50 of the National Assistance Act 1948).
Health & Safety	
3D13	To appoint officers: (a) To undertake functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer (b) To Act as inspectors pursuant to Part I of the Health and Safety at Work etc. Act 1974 Section 19(2)
Food Safety	
3D14	To undertake all food safety enforcement functions pursuant to Food Safety Act 1990
3D15	To take actions pursuant to the Food Information Regulations 2014
3D16	To register and take associated action regarding approved food business premises (including for keep up to date register) as required by European regulations applicable to the UK.
3D17	To register food business premises (Regulation 9 Food Premises (Registration) Regulations 1991).
Licensing of caravan sites	
3D18	To deal with all matters relating to licences authorising the use of land as a caravan site ("site licences") under the Caravan Sites and Control of Development Act 1960 pursuant to: (a) Section 3(3) the issue of site licence; and (b) Sections 5 and 8 conditions.
3D19	To license the use of moveable dwellings and camping sites (Section 269(1) Public Health Act 1936)
Licensing / respiration of non-food premises and activities	
3D20	To license premises for acupuncture, tattooing, ear-piercing and electrolysis pursuant to Sections 13 to 17 Local Government (Miscellaneous Provisions) Act 1982.
3D21	To license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business pursuant to: (a) Section 1 Pet Animals Act 1951;

	(b) Section 1 Animal Boarding Establishments Act 1963; (c) The Riding Establishments Acts 1964 and 1970; (d) Section 1 Breeding of Dogs Act 1973; and (e) Sections 1 and 8 Breeding and Sale of Dogs (Welfare) Act 1999.
3D22	To license persons to collect for charitable and other causes pursuant to: (a) Section 5 Police, Factories etc. (Miscellaneous Provisions) Act 1916; and Section 2 House to House Collections Act 1939
3D23	To register animal trainers and exhibitors (Section 1 Performing Animals (Regulation) Act 1925).
3D24	To license zoos (Section 1 Zoo Licensing Act 1981).
3D25	To license dangerous wild animals (Section 1 Dangerous Wild Animals Act 1976).
3D26	To grant consent for the operation of a loudspeaker (Schedule 2 to the Noise and Statutory Nuisance Act 1993
Miscellaneous	
3D26	To take action pursuant to Public Health (Ships) Regulations 1979, International Health Regulations 1979 and Public Health (Ships) (Amendment) Regulations 2007
3D27	To undertake matters for which the Council is responsible or has powers regarding: (a) European Communities Act 1972; (b) Product of Animal Origin (3 rd Country) (England Regulations 2002 and (c) Transmissible Spongiform Encephalopathy (England) Regulations 2002
3D28	To determine matters pursuant to Sunday Trading Act 1994
3D29	To determine matters pursuant to the Vehicles (Crime) Act 2001 regarding registration of motor salvage operators
3D30	To appoint Proper Officers to act on behalf of the Council for the purpose of: (a) National Assistance Act 1948; (b) National Assistance (Amendment) Act 1951; (c) Public Health (Control of Diseases) Act 1984; (d) Public Health (Infectious Diseases) Regulations 1988; and (e) Milk and Dairies (General) Regulations 1959.
3D31	To enforce Teignbridge District Council Byelaws
3E	<u>Licensing Manager</u>
3E1	To determine requests to be removed as designated premises supervisor

3E2	To determine whether a complaint regarding licences is irrelevant, frivolous, vexatious etc.
3E3	To set fees (where appropriate) pursuant to Gambling Act 2005
3E4	Where no representations have been received or representations have been withdrawn to determine applications for: <ul style="list-style-type: none"> (a) premises licences (b) variation of licences (c) transfer of licences (d) provisional statements
3E5	Where no objections have been made or objections have been withdrawn to determine applications for club gaming / club machine permits
3F	<u>Senior Licensing Officer</u>
3F1	To license hackney carriages and private hire vehicles: <ul style="list-style-type: none"> (a) as to hackney carriages in accordance with Town Police Clauses Act 1847; Section 15 Transport Act 1985; and Sections 47, 57, 58, 60 and 79 Local Government (Miscellaneous Provisions) Act 1976; (b) as to private hire vehicles in accordance with Sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
3F2	To license drivers of hackney carriages and private hire vehicles (pursuant to Sections 51, 53, 54, 59, 61 and 79 Local Government (Miscellaneous Provisions) Act 1976).
3F3	To license operators of hackney carriages and private hire vehicles (pursuant to Sections 55 to 58, 62 and 79 Local Government (Miscellaneous Provisions) Act 1976).
3F4	To license sex shops (pursuant to Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3).
3F5	To license persons to collect for charitable and other causes (pursuant to Section 5 Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939).

Schedule 4: Community Services & Improvement

Delegation Reference	Officer to whom delegation granted
4A	<u>Head of Community Services & Improvement</u>
4A1	To authorise service of requisitions for information (Local Government (Miscellaneous Provisions) Act 1976)
4A2	To take action pursuant to Local Government (Miscellaneous Provisions) Act 1982: (a) Section 27 regarding the repair of drains and to remedy stopped up drains (b) Section 29 regarding the prevention of entry to or damage to health from permanent / temporarily unoccupied buildings
Housing	
4A3	To take action in relation to the Council's statutory powers regarding homelessness, housing overcrowding, housing conditions, licensing of houses in multiple occupation and controls on residential accommodation
4A4	To make decisions relating to homelessness pursuant to Housing Act 1996 Section 202 provided that: (a) decisions at first instance must be sub delegated by the Head of Community Services & Improvement to other officer(s); (b) any review of that decision must be carried out by an officer in consultation with the Solicitor to the Council or an officer appointed by them; and (c) reviewing officers should have been involved in the original decision.
4A5	To take action pursuant to Protection from Eviction Act 1997
4B	<u>Revenue Benefits & Fraud Manager</u>
	<i>[currently none]</i>
4C	<u>Communications and Marketing Managers</u>
	<i>[currently none]</i>

Schedule 5: Place and Commercial Services

Delegation Reference	Delegation detail
5A	<u>Head of Place and Commercial Services</u>
	[currently none]
5B	<u>Assets Manager</u>
5B1	To negotiate and enter into transactions involving minor property transactions (including but not limited to wayleaves, Easements and licences, assignments).
5C	<u>Principal Growth Point Officer</u>
5C1	To approve requests for concessionary car parking at Christmas subject to prior consultation with the Leader and Deputy Leader
5C2	To take action / enforce relevant provisions of Road Traffic Regulation Act 1984 Part VIII and The Traffic Management Act 2004 Part VI
5D	<u>Business Manager (Devon Building Control Partnership)</u>
5D1	To exercise the Council's building control powers including taking action in respect of dangerous buildings and acting as statutory consultee (Building Act 1984 & Local Government (Miscellaneous Provisions) Act 1982)
5D2	To take action in respect of dangerous structures (Sections 77 - 78 Building Act 1984)
5D3	To appoint officers pursuant to The Party Wall etc. Act 1996
5E	<u>Business Manager – Strategic Place (Development Services)</u>
Planning Applications and associated planning matters	
5E1	To determine all planning applications and related planning matters under Town and Country Planning Act 1990 and Town and Country Planning (Development Management Procedure) (England) Order 2010 refers UNLESS they fall within one or more of the paragraphs referred to in the "Planning "Call-in Rules" as set out in Schedule 6 below.
5E2	To determine applications for planning permission made by a local

	authority, alone or jointly with another person
5E3	To make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights
5E4	To enter into agreement regulating development or use of land (Section 106 & 106A Town and Country Planning Act 1990) subject to the Planning Committee Chair or Ward Member not requiring the matter to be referred to Planning Committee
5E5	To issue a certificate of existing or proposed lawful use or development (Sections 191(4) & 192(2) Town and Country Planning Act 1990)
5E6	To issue an environmental impact assessment screening or scoping opinion
5E7	To serve a completion notice (Section 94(2) Town and Country Planning Act 1990)
5E8	To determine applications for the display of advertisements and undertake enforcement action on unauthorised adverts
Listed Buildings / Conservation Areas / Heritage Assets (& associated enforcement)	
5E9	Subject to the Planning Committee Chair or the Ward Member not requiring the matter to be referred to committee to: <ul style="list-style-type: none"> (a) determine applications for listed building consent; (b) make Heritage Partnership Agreements; (c) serve repairs notices; and (d) make decisions on related Council powers
5E10	Subject to the Planning Committee Chair or the Ward Member not requiring the matter to be called into committee to: <ul style="list-style-type: none"> (a) serve a building preservation notice and make decisions on related powers; and / or (b) issue a listed building enforcement notice provided that the action required does not require the cessation of the use of any land or building(s) as a dwelling.
Hedgerows / Trees	
5E11	To deal with matters relating to the protection of important hedgerows including allowing for removal of hedge.
5E12	To determine applications and take action regarding high hedges under Part 8 of the Anti-Social Behaviour Act 2003
5E13	To serve notices and take action in connection with dangerous trees (Section 23 Local Government (Miscellaneous Provisions) Act 1976)
5E14	To make decisions regarding preservation of trees pursuant to Section 197 – 214D, 333(7) Town and Country Planning Act 1990 and associated regulations

Enforcement	
5E15	To require proper maintenance of land and power to execute and recover cost of works (Section 215(1) and 219 Town and Country Planning Act 1990) subject to Planning Committee Chair or Ward Member not requiring the matter to be referred to the Planning Committee
5E16	To serve a planning contravention notice and power to require information under Sections 171C & 330 Town and Country Planning Act 1990
5E17	To: (a) remove unauthorised placards and posters and / or (b) prosecute (Sections 224 - 225 Town and Country Planning Act 1990)
5E18	To authorise entry onto land pursuant to Section 196A & 324 Town and Country Planning Act 1990; Section 88 Planning (Listed Buildings and Conservation Areas) Act 1990; and Section 36 Planning (Hazardous Substances) Act 1990
5E19	Subject to the Planning Committee Chair or Ward Member not requiring the matter to be referred to the Planning Committee, to: (a) require the discontinuance of any use of land (Section 102 Town and Country Planning Act 1990); (b) serve a temporary stop notice, stop notice or breach of condition notice (Sections 171E, 183 and 187A Town and Country Planning Act 1990); (c) issue, vary or withdraw an enforcement notice and power to execute and recover cost of works (Sections 172, 172A, 173A and 178 Town and Country Planning Act 1990); (d) apply for an injunction restraining a breach of planning control (Section 187B Town and Country Planning Act 1990); (e) apply for an injunction in relation to a listed building (Section 44A Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990. other than where the required action is to cease use of land / buildings as a dwelling(s)
5E20	To execute urgent works and to recover costs of work (Sections 54, 55 Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
Hazardous Substances	
5E21	Subject to the Planning Committee Chair or Ward Member not requiring the matter to be referred to the Planning Committee, to: (a) determine applications for hazardous substances consent, and

	related powers (Sections 9(1), 10, 13, 14 Planning (Hazardous Substances) Act 1990 and associated regulations; and / or (b) issue, vary or withdraw a hazardous substances contravention notice (Sections 24 and 24A Planning (Hazardous Substances) Act 1990)
Miscellaneous	
5E22	To take action in respect of dangerous structures under Section 167 of the Highways Act 1980.

Schedule 6: Requests for planning application determination by the Planning Committee

The delegation to the Business Manager - Strategic Place (Development Services) to determine all planning applications and related planning matters (“Applications”) to which delegation reference 5E1 refers does not apply where the matter falls within one or more of the paragraphs 1 to 5 below ¹

1 Call in of Applications excluding planning enforcement matters²

1.1 Subject to 1.2 – 1.3 below, the delegation shall not apply to an application where:

- (a) a Member of the ward in which the application site is located or whose ward is contiguous to that ward; or
- (b) the Chair of the Planning Committee; or
- (c) the Town / Parish Council of the parish in which the application site is located

makes a valid request to the Business Manager for the Application to be determined by Planning Committee.

1.2 To be valid, a request must:

- (a) set out the material planning reasons that are relevant to the application;
- (b) set out why the matter should be referred to committee; and
- (c) be received by the Business Manager or by planning@teignbridge.gov.uk before the expiration of the consultation period being at least 21 days after the relevant weekly list of Applications

1.3 An application may not be referred to committee if it concerns a matter of technical appraisal, fact or legal opinion; or is an application with fixed determination periods or an application with no statutory public consultation requirement which shall include for example:

- consultations
- notifications and prior approvals
- permission in principle
- certificates of lawfulness
- screening and scoping opinions
- advertisements

¹ Members who have an interest under the Member’s Code of Conduct in the matter under consideration will not be entitled to call in an application unless a dispensation has been granted.

² For exclusions applicable to planning enforcement matters please see paragraph 5

- hazardous substances applications
- public right of way orders
- works to protected trees
- hedgerow notifications
- high hedge remedial notices
- reserved matters applications.

2 Major Applications

2.1 The delegation shall not apply to any major Application³ where:

- (a) approval is recommended by the Business Manager and
- (b) which would represent a departure from the policies of the Development Plan.

3 Council Member or Officer Applications

3.1 The delegation shall not apply to an application where the applicant or agent (or their close associate / family member) is a Council Member or Officer.

3.2 For the avoidance of doubt this does not cover applications made on behalf of the Council e.g. in respect to Council owned land or development on behalf of the Council.

4 Tree Preservation Orders (TPOs)

4.1 The delegation shall not apply to an application concerning a TPO where objections are made (and not withdrawn) to the unconfirmed order

4.2 The decision whether to confirm the order will be determined by the Regulatory and Appeals Committee.

5 Enforcement Action

5.1 The delegation shall not apply to planning enforcement action which involves the cessation of the use of any land or building as a dwelling(s) unless urgent enforcement action (as determined by the Business Manager) is required

³ Major applications are planning applications for dwelling houses of at least 10 or on a site of at least 0.5 hectares where the number of houses is not known to be at least 10; the provisions of a building(s) where the floor space to be created is at least 1000²m; or development on at least one 1 hectare

5.2 Subject to 5.3 and 5.4 below, the delegation shall not apply to planning enforcement action where:

- (a) a Member of the ward in which the application site is located or
- (b) the Chair of the Planning Committee

makes a valid request to the Business Manager for the action to be approved by Planning Committee.

5.3 To be valid a request must meet the following requirements:

- (a) the request must set out the material planning reasons that are relevant to the Application;
- (b) why the matter should be referred to committee; and
- (c) be received by the Business Manager or by planning@teignbridge.gov.uk before the expiration of 14 days (or such shorter period as may be determined by the Business Manager e.g. due urgency) from the date of the email advising them of the proposed action.

5.4 A matter may not be referred to committee if it concerns a matter of technical appraisal, fact or legal opinion.