

## **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 - 6.5.15 and 6.6 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

**Schedule 2      Corporate Services including delegations:**

- 2A Director of Corporate Services
- 2B Head of Legal and Democratic Services/ Monitoring Officer
- 2C Democratic Services Manager
- 2D Head of Financial Services and Audit
- 2E Head of Assets

**Schedule 3      Customer Experience and Transformation including delegations to:**

- 3A Director of Customer Services and Experience
- 3B Head of Customer and Digital
- 3C Head of Environmental Services
- 3D Head of Housing
- 3E Head of Leisure

**Schedule 4      Place including delegations to:**

- 4A Director of Place
- 4B Head of Strategy and Partnerships
- 4C Economy and Delivery Manager
- 4D Head of Neighbourhoods
- 4E Licensing Manager
- 4F Head of Building Control
- 4G Head of Development Management

**Schedule 5      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: <ul style="list-style-type: none"> <li>(a) to appoint an electoral registration officer (ERO);</li> <li>(b) to assign officers in relation to requisitions of the ERO;</li> <li>(c) to appoint returning officer for local government elections (Section 35);</li> <li>(d) to divide a constituency into polling districts (Section 18); pursuant to Representation of the People Act 1983.</li> </ul>
1A2	Subject where possible to prior consultation with the Chair and Vice-Chair of Council: <ul style="list-style-type: none"> <li>(a) to divide electoral divisions into polling districts at local government elections (Section 31);</li> <li>(b) to hold elections (Section 39(4));</li> <li>(c) to pay expenses properly incurred by EROs (Section 54);</li> <li>(d) to fill vacancies in the event of insufficient nominations (Section 21); pursuant to Representation of the People Act 1983.</li> </ul>
1A3	To: <ul style="list-style-type: none"> <li>(a) to declare vacancy in office (Section 86);</li> <li>(b) give notice of a casual vacancy (Section 87)</li> <li>(c) make temporary appointments to parish councils (Section 91) pursuant to Local Government Act 1972.</li> </ul>
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)).
1A5	To determine appeals on personnel issues where the Council's internal procedure gives an employee a right of appeal
Parish matters	
1A6	Subject where possible to prior consultation with the Chair and Vice-Chair of Council, to: <ul style="list-style-type: none"> <li>(a) dissolve small parish councils, pursuant to Local Government Act 1972 (Section 10)</li> </ul>

	(b) make orders for grouping parishes, dissolving groups and separating parishes from groups (Section 11) pursuant to Local Government Act 1972
Ex-gratia payments	
1A7	To make payments or provide other benefits in cases of maladministration etc. (Section 92 Local Government Act 2000).
Legal Proceedings	
1A8	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)
1A9	To authorise officers to provide and sign statements of truth. Civil Procedure Rules 1998.
Staff Appeals	
1A10	To determine appeals on personnel issues where the Council's internal procedure gives an employee a right of appeal

## Schedule 2: Corporate Services

<b>Delegation Reference</b>	<b>Officer to whom delegation granted</b>
2A	<u>Director 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) Up to £1000; (b) £1000 or more after consultation with the relevant Portfolio Holder.
2A4	As Section 151 Officer in relation to the Scale of Election Fees and Costs: A) Approval of future changes to uplift fees in line with government guidance and national pay agreements ( <a href="#">Decision - Scale of Election Fees and Costs October 2025</a> )
2B	<u>Head of Legal and Democratic Services 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 Persons are 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 Governance Committee in time to consider the application.
2B3	To resolve standards complaints informally or refer for investigation in consultation with the Council's Independent Persons.
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 consider 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 Manager</u>
2C1	Subject to prior consultation with the Group Leaders, the appointment of any individual to: <ul style="list-style-type: none"> <li>(a) to any office other than an office in which they are employed by the authority;</li> <li>(b) to any body other than (i) the authority; (ii) a joint committee of two or more authorities; or</li> </ul>

	(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>Head of Financial Services and Audit</u>
	<i>Currently none</i>
2E	<u>Head of Assets</u>
2E1	To negotiate and enter into transactions involving minor property transactions (including but not limited to wayleaves, Easements and licences, assignments).
2E2	To approve requests for concessionary car parking on the proviso that such shall be for no more than £100 per day and shall not be for a period in excess of five consecutive days per concession ( <a href="#">Council 29 Oct 2024</a> )

## **Schedule 3: Customer Experience and Transformation**

<b>Delegation Reference</b>	<b>Officer to whom delegation granted</b>
3A	<u>Director of Customer Experience and Transformation</u>
3A1	To authorise service of requisitions for information (Local Government (Miscellaneous Provisions) Act 1976)
3A2	To take action pursuant to Local Government (Miscellaneous Provisions) Act 1982: <ul style="list-style-type: none"> <li>(a) Section 27 regarding the repair of drains and to remedy stopped up drains</li> <li>(b) Section 29 regarding the prevention of entry to or damage to health from permanent / temporarily unoccupied buildings</li> </ul>
<b>Housing</b>	
3A3	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
3A4	To make decisions relating to homelessness pursuant to Housing Act 1996 Section 202 provided that: <ul style="list-style-type: none"> <li>(a) decisions at first instance must be sub delegated by the Director of Community Services &amp; Improvement to other officer(s);</li> <li>(b) any review of that decision must be carried out by an officer in consultation with the Head of Legal and Democratic Services or an officer appointed by them; and</li> <li>(c) reviewing officers should not have been involved in the original decision.</li> </ul>
3A5	To take action pursuant to Protection from Eviction Act 1997
3B	<u>Head of Customer and Digital</u>
<b>Council Tax and Business Rates</b>	
3B1	To administer and collect Council Tax pursuant to the Local Government Finance Act 1992, including determining liability, exemptions, discounts, and reductions under Section 13A.
3B2	To administer and collect National Non-Domestic Rates (Business Rates) pursuant to Local Government Finance act 1988 and subsequent amendments including the NDR Rating Act 2023. This includes the application of mandatory and discretionary reliefs.

3B3	To initiate recovery proceedings for unpaid Council Tax and Business Rates, including the issue of reminders, final notices, summonses, and applications for liability orders, pursuant to the Council Tax (Administration and Enforcement) Regulations 1992 and the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989.
3B4	To instruct enforcement agents, apply for charging orders, and commence committal proceedings where appropriate, pursuant to the relevant enforcement regulations.
3B5	To impose civil penalties and financial sanctions where permitted under relevant legislation, including but not limited to the Council Tax Penalty Regulations 1992 and the Housing Benefit Regulations 2006.
3B6	To issue and sign Council Tax Attachment of Earnings Orders pursuant to the Council Tax (Administration and Enforcement) Regulations 1992, following the granting of a Liability Order by the Magistrates' Court.
3B7	To issue and sign Completion Notices pursuant to Section 17 of the Local Government Finance Act 1992 and subsequent amendments.
Sundry Debts	
3B8	To administer and recover sundry debts owed to the authority, including invoicing, issuing reminders, and initiating recovery action pursuant to Section 151 of the Local Government Act 1972.
3B9	To write off irrecoverable sundry debts within financial thresholds set by the Council's Financial Regulations.
Housing Benefit and Council Tax Reduction	
3B10	To assess and award Housing Benefit pursuant to the Social Security Contributions and Benefits Act 1992, the Housing Benefit Regulations 2006, and associated legislation.
3B11	To recover overpaid Housing Benefit pursuant to the Housing Benefit Overpayments Recovery Regulations 2006.
3B12	To assess and award Council Tax Reduction pursuant to Section 13A(2) of the Local Government Finance Act 2012 and the Council's adopted scheme.
3B13	To determine appeals and revisions in accordance with the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001.
3B14	To determine applications for Discretionary Housing Payments (DHP) in accordance with the Discretionary Financial Assistance Regulations 2001 and Government guidance, within the limits of the allocated funding and in line with the Council's DHP policy.
General Powers	

3B15	To exercise all powers necessary for the administration, collection, and enforcement of revenues and benefits functions pursuant to Section 101 of the Local Government Act 1972 and Section 9D of the Local Government Act 2000.
3B16	To implement changes to national schemes and regulations as directed by central government, including uprating of allowances and thresholds.
3B17	To apply discretion in enforcement and recovery in accordance with the Council's Recovery Guidelines and Vulnerability statement
3B18	To authorise officers to attend and represent the Council in Magistrates' and County Court proceedings pursuant to Section 223 of the Local Government Act 1972 and Section 60 of the County Courts Act 1984, in relation to the administration and enforcement of Council Tax, Business Rates, Housing Benefit, and sundry debts.

3C	<u>Head of Environmental Services</u>
	Currently none
3D	<u>Head of Housing</u>
	Currently none
3E	<u>Head of Leisure</u>
	Currently none

## Schedule 4: Place

Delegation Reference	Delegation detail
4A	<u>Director of Place</u>
4A1	To grant exclusive rights of burial and to determine matters concerning management of cemeteries
4A2	To serve notices and take action in connection with dangerous trees (Section 23 Local Government (Miscellaneous Provisions) Act 1976)
4B	<u>Head of Strategy and Partnerships</u>
	Currently none.
4C	<u>Economy and Delivery Manager</u>
	Currently none.
4D	<u>Head of Neighbourhoods</u>
Environment protection / public health	
4D1	To take action pursuant to Environmental Protection Act 1990 including serving of Abatement Notices and Fixed Penalty Notices, including contaminated land issues.
4D2	To take action pursuant to <ul style="list-style-type: none"> <li>• Pollution Prevention and Control Act 1991</li> <li>• Clean Air Act 1993</li> <li>• The Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020.</li> <li>• Control of Pollution Act 1974</li> <li>• Environment Act 1995.</li> </ul>
4D3	To undertake duties pursuant to: <ul style="list-style-type: none"> <li>• The Health Protection (Notification) Regulations 2010,</li> <li>• The Health Protection (Local Authority Powers) Regulations 2010</li> <li>• The Health Protection (Part 2A Orders) Regulations 2010.</li> <li>• Health Act 2006 including all Smoke-free Regulations.</li> <li>• The Public Health (Aircraft) Regulations 1979</li> <li>• Coronavirus Act 2020.</li> <li>• Food and Environment Protection Act 1985</li> </ul>

4D4	<p>To enforce the provisions of the following Acts (including the issue of fixed penalty notices where provided for by the relevant statute):</p> <ol style="list-style-type: none"> <li>Clean Neighbourhoods and Environment Act 2005 – Part 2 (Vehicles); Part 6 (Dogs); Part 7 (Noise).</li> <li>Anti-Social Behaviour Crime and Policing Act 2014 - Part 4 (Dispersal of Groups etc.); Part 6 (the Environment)</li> <li>Anti-social Behaviour Act 2003</li> <li>Refuse Disposal (Amenity) Act 1978 (Abandoned vehicles and refuse)</li> <li>Noise Act 1996</li> <li>Control of Pollution (Amendment) Act 1989 Failure to furnish documentation – (Waste Carriers License)</li> <li>Wildlife and Countryside Act 1981</li> </ol> <p>The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018</p>
4D5	<p>To take action pursuant to the Local Government (Miscellaneous Provisions) Act 1982 regarding:</p> <ol style="list-style-type: none"> <li>the repair of drains and to remedy stopped up drains</li> <li>the prevention of entry to or damage to health from permanent / temporarily unoccupied buildings</li> </ol>
4D6	<p>To take action pursuant to Building Act 1984 regarding:</p> <ol style="list-style-type: none"> <li>the provision of satisfactory drainage to premises</li> <li>the provision of adequate closets to buildings</li> <li>the provision of water closets to replace earth closets etc. when a water supply is available.</li> <li>requiring owners of property to be demolished to shore up or make weather-tight adjoining property.</li> </ol>
4D7	<p>To exercise duties pursuant to The Workplace (Health, Safety and Welfare) Regulations 1992, relating to the provision and design of Sanitary Installations.</p>
4D8	<p>To enter premises as pursuant to the Public Health (Control of Disease) Act 1984.</p>
4D9	<p>To undertake duties pursuant to:</p> <ol style="list-style-type: none"> <li>Housing Act 2004</li> <li>The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.</li> </ol>

4D10	To take action pursuant to Local Government (Miscellaneous Provisions) Act 1976: <ol style="list-style-type: none"> <li>regarding the restoration or continuation of supply of water, gas or electricity; and</li> <li>regarding the removal of obstructions from private sewers</li> </ol>
4D11	To take action pursuant to Local Government (Miscellaneous Provisions) Act 1982 regarding: <ol style="list-style-type: none"> <li>the repair of drains and to remedy stopped up drains</li> <li>the prevention of entry to or damage to health from permanent / temporarily unoccupied buildings</li> </ol>
4D12	To take action regarding water supplies under: <ol style="list-style-type: none"> <li>Water Industry Act 1991</li> <li>Private Water Supplies Regulations 2016</li> </ol> Regarding unwholesome private water supplies and to obtain information.
4D13	To take action pursuant to Prevention of Damage by Pests Act 1949.
4D14	To arrange burials/cremations under the Public Health (Control of Disease) Act 1984.
4D15	Undertake duties under The Scrap Metal Dealers Act 2013.

### Food, Health and Safety

4D16	To appoint officers: <ol style="list-style-type: none"> <li>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.</li> <li>To Act as inspectors pursuant to Part I of the Health and Safety at Work etc. Act 1974.</li> </ol>
4D17	To undertake all food safety enforcement functions pursuant to: <ol style="list-style-type: none"> <li>European Union (Withdrawal) Act 2018</li> <li>Food Safety Act 1990</li> <li>Food Safety and Hygiene (England) Regulations 2013</li> <li>Food Information Regulations 2014</li> <li>Food and Environment Protection Act 1985</li> </ol>
4D18	To undertake all enforcement functions pursuant to: <ol style="list-style-type: none"> <li>Trade in Animals and related Products Regulations 2011.</li> </ol>

	<ul style="list-style-type: none"> <li>b. Animal By-products (Enforcement) (England) Regulations 2013</li> <li>c. The Official Feed and Food Controls (England) Regulations 2009.</li> </ul>
4D19	To deal with all matters relating to licenses authorising the use of land as a caravan site ("site licenses") under the Caravan Sites and Control of Development Act 1960.
4D20	To license the use of moveable dwellings and camping sites under: <ul style="list-style-type: none"> <li>a. Public Health Act 1936</li> <li>b. Mobile Homes Act 2013</li> <li>c. The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.</li> </ul>
4D21	To license premises for acupuncture, tattooing, ear-piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982 and The Local Government Act 2003.
<b>Licensing / registration of non-food premises and activities</b>	
4D22	To license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business pursuant to: <ul style="list-style-type: none"> <li>a. Animal Health Act 1981</li> <li>b. Animal Welfare Act 2006</li> <li>c. Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and The Animal Welfare (Licensing of Activities Involving Animals) (England) (Amendment) Regulations 2019.</li> </ul>
4D23	To enforce the Animals (Penalty Notices) Act 2022 in regard to health and welfare offences
4D24	To exercise powers of seizure and entry pertaining to the Dangerous Dogs Act 1991
4D25	To exercise powers of entry pertaining to the Performing Animals (Regulation) Act 1925.
4D26	To license zoos under the Zoo Licensing Act 1981.
4D27	To license dangerous wild animals under the Dangerous Wild Animals Act 1976 (as amended).
4D28	To grant consent for the operation of a loudspeaker under the Noise and Statutory Nuisance Act 1993 (Schedule 2).
4D29	To powers of entry under the Environment Act 1995. To issue permits under the Environmental Permitting Regulations 2016
4D30	Undertake duties under the Safety of Sports Grounds Act 1975.
<b>Parking</b>	

4D31	To take action / enforce relevant provisions of Road Traffic Regulation Act 1984 Part VIII and The Traffic Management Act 2004 Part VI.
4D32	To approve requests for concessionary car parking at Christmas subject to prior consultation with the Leader and Deputy Leader.

### **Miscellaneous**

4D33	<p><b>Port Health functions</b></p> <p>To take action pursuant to:</p> <ul style="list-style-type: none"> <li>a. Public Health (Ships) Regulations 1979</li> <li>b. International Health Regulations 2005</li> <li>c. Public Health (Ships) (Amendment) Regulations 2007</li> <li>d. Merchant Shipping Act 1995.</li> </ul>
4D34	To determine matters pursuant to Sunday Trading Act 1994
4D35	<p><b>Health Protection functions</b></p> <p>To appoint Proper Officers to act on behalf of the Council for the purpose of:</p> <ul style="list-style-type: none"> <li>a. National Assistance Act 1948;</li> <li>b. National Assistance (Amendment) Act 1951;</li> <li>c. Public Health (Control of Diseases) Act 1984;</li> <li>d. Public Health (Infectious Diseases) Regulations 2020</li> </ul>
4D36	To enforce Teignbridge District Council Byelaws.
4D37	To undertake duties pertaining to the Town and Country Planning Act 1990.
4D38	To issue simple cautions in accordance with Home Office circular 2015.
4E	<p><b>Licensing Manager</b></p>
4E1	To determine requests to be removed as designated premises supervisor.
4E2	To determine whether a complaint regarding license is irrelevant, frivolous, vexatious etc.
4E3	To undertake duties and set fees (where appropriate) pursuant to Gambling Act 2005.
4E4	To undertake duties pursuant to the Hypnotism Act 1952.
4E5	Undertake duties under the Licensing Act 2003 including Temporary Event Notices.
4E6	Where no representations have been received or representations have been withdrawn to determine applications for: <ul style="list-style-type: none"> <li>a. premises licenses</li> <li>b. variation of licenses</li> </ul>

	<p>c. transfer of licenses</p> <p>d. provisional statements</p>
4E7	Where no objections have been made or objections have been withdrawn to determine applications for club gaming / club machine permits.
4E8	<p>To take action regarding the licensing of hackney carriages and private hire vehicles and drivers, and operators pursuant to:</p> <p>a. Town Police Clauses Act 1847 (as amended)</p> <p>b. Transport Act 1985</p> <p>c. Local Government (Miscellaneous Provisions) Act 1976 (as amended)</p> <p>d. Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022</p>
4E9	To license sex shops pursuant to Local Government (Miscellaneous Provisions) Act 1982.
4E10	To license persons to collect for charitable and other causes pursuant to the Police, Factories, & c. (Miscellaneous Provisions) Act 1916 and the House to House Collections Act 1939.
4E11	To license film exhibition establishments and premises for public performance of plays under the Licensing Act 2003.
4E12	To undertake duties and enforce the Business and Planning Act 2020 relating to pavement licences.
4E13	To undertake duties under the Local Government (Miscellaneous Provisions) Act 1982 in relation to Street Trading.

4F	<u>Head of Building Control</u>
4F1	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)
4F2	To take action in respect of dangerous structures (Sections 77 - 78 Building Act 1984)
4F3	To appoint officers pursuant to The Party Wall etc. Act 1996

4G	<u>Head of Development Management</u>
Planning Applications and associated planning matters	
4G1	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.
4G2	To determine applications for planning permission made by a local authority, alone or jointly with another person
4G3	To make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights
4G4	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
4G5	To issue a certificate of existing or proposed lawful use or development (Sections 191(4) & 192(2) Town and Country Planning Act 1990)
4G6	To issue an environmental impact assessment screening or scoping opinion
4G7	To serve a completion notice (Section 94(2) Town and Country Planning Act 1990)
4G8	To determine applications for the display of advertisements and undertake enforcement action on unauthorised adverts
Listed Buildings / Conservation Areas / Heritage Assets (& associated enforcement)	
4G9	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"> <li>(a) determine applications for listed building consent;</li> <li>(b) make Heritage Partnership Agreements;</li> <li>(c) serve repairs notices; and</li> <li>(d) make decisions on related Council powers</li> </ul>
4G10	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"> <li>(a) serve a building preservation notice and make decisions on related powers; and / or</li> <li>(b) issue a listed building enforcement notice</li> </ul> provided that the action required does not require the cessation of the use of any land or building(s) as a dwelling.
Hedgerows / Trees	
4G11	To deal with matters relating to the protection of important hedgerows including allowing for removal of hedge.
4G12	To determine applications and take action regarding high hedges under Part 8 of the Anti-Social Behaviour Act 2003
4G13	To serve notices and take action in connection with dangerous trees (Section 23 Local Government (Miscellaneous Provisions) Act 1976)

4G14	To make decisions regarding preservation of trees pursuant to Section 197 – 214D, 333(7) Town and Country Planning Act 1990 and associated regulations
Enforcement	
4G15	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
4G16	To serve a planning contravention notice and power to require information under Sections 171C & 330 Town and Country Planning Act 1990
4G17	To: (a) remove unauthorised placards and posters and / or (b) prosecute (Sections 224 - 225 Town and Country Planning Act 1990)
4G18	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
4G19	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)
4G20	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	

4G21	<p>Subject to the Planning Committee Chair or Ward Member not requiring the matter to be referred to the Planning Committee, to:</p> <p>(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</p> <p>(b) issue, vary or withdraw a hazardous substances contravention notice (Sections 24 and 24A Planning (Hazardous Substances) Act 1990)</p>
Miscellaneous	
4G22	To take action in respect of dangerous structures under Section 167 of the Highways Act 1980.

**Development Management Scheme of Delegation  
from Head of Development Management to other officers (updated July 2024)**

The following powers are delegated to the Head of Development Management under Section 6 of the Constitution. The following schedule sets out how the Head of Development Management has further delegated these powers.

Type of application or other related matter	Delegated to:
<ul style="list-style-type: none"> <li>Major Developments</li> </ul>	<ul style="list-style-type: none"> <li>Area Team Managers</li> <li>Principal Planning Officers</li> </ul>
<ul style="list-style-type: none"> <li>Making, modification, confirmation and revocation of Tree Preservation Orders</li> <li>Public Right of Way orders under S257, 258 and 259 of TCPA 1990</li> <li>Variations to any such application</li> </ul>	<ul style="list-style-type: none"> <li>Area Team Managers</li> </ul>
<ul style="list-style-type: none"> <li>Removing unauthorised placards and posters</li> <li>Require discontinuance of a use of land</li> <li>Serve discontinuance orders re adverts</li> <li>Serve planning contravention notices, temporary stop notices, stop notice, breach of condition notices, building preservation notices, repairs notices, listed building enforcement notice,</li> <li>Issue, vary or withdraw enforcement notices</li> <li>Apply for injunctions restraining breaches of planning control or in relation to listed buildings</li> </ul>	<ul style="list-style-type: none"> <li>Area Team Managers including instructing necessary subsequent legal action</li> </ul>

<ul style="list-style-type: none"> <li>• Require proper maintenance of land</li> <li>• Execute urgent works and recover costs re Listed Buildings</li> <li>• Closing down of Enforcement complaints where there is no breach taking place or where it is not considered to be expedient in the public interest to take formal enforcement action.</li> </ul> <p>If any of the above require the cessation of the use of any land or building as a dwelling(s) then the matter must be determined by Planning Committee</p>	
<p>Applies to all application types not detailed above. These include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Non major development on Council owned land</li> <li>• Variations to any such application</li> <li>• Minor Developments</li> <li>• Other Developments including householder applications and Listed Building Consent Applications</li> <li>• Discharge of Conditions</li> <li>• Non-Material Amendments</li> <li>• Screening and Scoping Opinions under Environmental Impact Assessment Regs 2017</li> <li>• Consultations from Devon County Council and other local planning authorities</li> <li>• Certificate of Lawfulness S191 or S192 of TCPA 1990 or S26H of TCP (LB and CA) Act 1990</li> <li>• Hazardous substances applications</li> <li>• Advertisement Consent</li> <li>• Prior Approvals and Prior Notifications under GDPO 2015</li> <li>• Planning Permission in Principle and Technical Details Consent</li> <li>• High Hedge Complaints</li> <li>• Tree Preservation Order applications</li> <li>• Conservation Area Notifications</li> <li>• Exemptions for works to dead or dangerous trees</li> <li>• Hedgerow Notifications</li> <li>• As appropriate, variations to any such application</li> <li>• To recommend entering into or modifying an agreement/planning obligation or accept an obligation regulating development or use of land</li> <li>• Pre-application advice</li> </ul>	<ul style="list-style-type: none"> <li>• Area Team Managers</li> <li>• Principal Planning Officers</li> <li>• Senior Planning Officers</li> </ul>

Authorised entry onto land	<ul style="list-style-type: none"><li>• Area Team Managers</li><li>• Principal Planning Officers</li><li>• Senior Planning Officers</li><li>• Planning Officers</li><li>• Senior Enforcement Officer</li><li>• Enforcement Officers</li><li>• Landscape Officer</li><li>• Conservation Officer</li><li>• Arboricultural Officer</li><li>• Biodiversity Officer</li></ul>
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## **Schedule 5: Requests for planning application determination by the Planning Committee**

The delegation to the Head of Development Management 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 <sup>1</sup>

### **1 Call in of Applications excluding planning enforcement matters<sup>2</sup>**

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 Head of Development Management 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 Head of Development Management or by [planning@teignbridge.gov.uk](mailto:planning@teignbridge.gov.uk) before the expiration of the consultation period being at least 28 days after the publication of the site notice.

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
- hazardous substances applications

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<sup>1</sup> 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.

<sup>2</sup> For exclusions applicable to planning enforcement matters please see paragraph 5

- 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 Application<sup>3</sup> where:

- (a) approval is recommended by the Head of Development Management 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 Planning 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 Head of Development Management) is required

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<sup>3</sup> 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 1000<sup>2</sup>m; 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 Head of Development Management 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 Head of Development Management or by [planning@teignbridge.gov.uk](mailto:planning@teignbridge.gov.uk) before the expiration of 14 days (or such shorter period as may be determined by the Head of Development Management 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.