

Committee :	Date :
Planning & Transportation Committee	30 April 2019
Subject: Update to Scheme of Delegations	Public
Report of: Director of the Department of the Built Environment	For Decision
Summary	
<p>The Court of Common Council has delegated some functions to Planning & Transportation Committee. To facilitate the carrying out and administration of these functions, some of them have been delegated down to Chief Officers as set out in the Scheme of Delegations previously approved by the Court of Common Council on 1st May 2014.</p> <p>Departmental updates, most recently in December 2017, reflect changes in legislation. New legislation and responsibilities have been added and minor modifications have taken place and these have been reflected in the revised Scheme of Delegations at Appendix A.</p> <p>Recommendation(s)</p> <p>Members are asked to:</p> <ul style="list-style-type: none"> • Note the Report • Approve the new and updated delegations outlined in this report and shown in full in the updated Scheme of Delegations at Appendix A. 	

Main Report

Background

1. The Court of Common Council has delegated the exercise of various statutory functions to the Planning and Transportation Committee. To facilitate the carrying out and administration of these functions, some of them have been delegated down to Chief Officers as set out in the Scheme of Delegations approved by the Court of Common Council on 1st May 2014, updated in December 2014, June 2015 and December 2016 and December 2017.
2. Some new legislation and responsibilities have been added and other minor modifications have taken place, and these have been reflected in the revised Scheme of Delegations, Appendix A.

Current Position

3. Some changes have been made to update the report for the coming year. Additional items have been added to make our legal responsibilities more

precise and clearer. The changes are shown in the table below, and in red text on Appendix A. The DBE scheme document will in the future form part of an overall Corporate scheme of delegations.

Revisions & Additions

Updated added	Details
29 January 2018 (report to Committee)	TOWN PLANNING SECTION Was Item 42, now item 97. The second use of the word 'applications' in this paragraph has been replaced by the word 'decisions'
23 February 2018 (Urgency Report To PH&ES Comm)	Transportation & Public Realm Section NEW item 93, concerning street trading offences under the London local Authorities Act 1990 as amended (sections 34, 38, 38A, 38B and 38C in respect of street trading offences). Authorisation of Officers. All subsequent items re-numbered by +1
28 June 2018	Old paras 76-80 re-phrased in way that is suitable for the delegation register - now only 2 paras 131 & 132. The following old paragraphs removed: 76 To make payments of Crossrail contributions received by the City of London Corporation to the Mayor and/or Transport for London on the basis of the Implementation Protocol between the Mayor, Transport for London and the local planning authorities, subject to such payment being agreed by the Chamberlain. 77. Delegated authority be granted to the Chief Planning and Development Director to determine such applications as outlined in the report relating to the programme for requests for approval; 78. This authority would not be exercised in respect of more major applications or where objections have been received, without prior consultation with the Town Clerk, in consultation with the Chairman and Deputy Chairman; and 79 It be noted that any proposals in respect of over-station development would not be subject to these provisions and would be the subject of the normal planning application process. And replaced with new para 131 : To make payments of Crossrail contributions received by the City of London Corporation to the Mayor and/or Transport for London on the basis of the Implementation Protocol between the Mayor, Transport for London and the local planning authorities, subject to such payment being agreed by the Chamberlain.
31 August 2018	Was old para 64 - removal of text - now para 118 [This has been amended as the other enforcement remedies contained in sections 225A to K are the subject of a separate delegation.]
31 August 2018	The word 'Officer' added at the 'Delegation to other Officers' to the text 'Chief Planning & Development Director' in the Delegations section
03 October 2018	Transportation & Public Realm section Old Para 22 : Removed and replaced with: 22. Determining applications for consent to the demolition of works

	<p>under any part of a street under Section 5(1) of the Greater London Council (General Powers) Act 1986 and service of notices requiring a person who has demolished works or caused such works to be demolished without consent to deal with them as specified.</p> <p>23. Giving notice of consent to statutory undertakers under section 5(3) of the Greater London Council (General Powers) Act 1986.</p> <p>24. Determining applications for consent to the erection or placement of any wall, barrier or obstruction under section 6(1) of the Greater London Council (General Powers) Act 1986 and service of notices requiring a person who has erected any such wall, barrier or obstruction or caused any such wall, barrier or obstruction to be erected without consent to remove the wall, barrier or obstruction.</p> <p>25. Giving notice of consent to statutory undertakers under section 6(3) of the Greater London Council (General Powers) Act 1986.</p> <p>26. Determining applications for consent to infilling any vault, cellar, underground room or storage area under a street under section 7(1) of the Greater London Council (General Powers) Act 1986 and service of notices requiring a person who has undertaken infilling or caused infilling to be undertaken without consent to remove the infilled material or to alter or deal with it as specified.</p> <p>27. Giving notice of consent to statutory undertakers under section 7(3) of the Greater London Council (General Powers) Act 1986.</p> <p>28. Approval of plans, sections and specifications relating to certain retaining walls and consultation with Transport for London under section 8(2) of the Greater London Council (General Powers) Act 1986.</p> <p>29. Service of notices requiring the execution of works to obviate danger under section 8(4) of the Greater London Council (General Powers) Act 1986.</p> <p>30. Determining whether to comply with a request by Transport for London under section 8(5) of the Greater London Council (General Powers) Act 1986.</p> <p>31. Executing works under section 9(4) of the Greater London Council (General Powers) Act 1986 and recovering the expenses reasonably incurred in so doing, including instituting proceedings for the recovery of expenses.</p> <p>32. Giving effect to any order of a court under section 302 of the Public Health Act 1936 (as applied by 9(3) of the Greater London Council (General Powers) Act 1986).</p> <p>33. Approval of plans, sections and specifications relating to retaining walls near streets under section 167(2) of the Highways Act 1980.</p> <p>34. Consultation with Transport for London under section 167(2) of the Highways Act 1980.</p> <p>35. Service of notices requiring the execution of works to obviate danger under section 167(5) of the Highways Act 1980.</p> <p>36. Determining whether to comply with a request by Transport for London under section 167(6) of the Highways Act 1980.</p>
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37. Executing works under section 290(6) of the Public Health Act 1936 (as applied by section 167(7) of the Highways Act 1980) and recovering the expenses reasonably incurred in so doing, including instituting proceedings for the recovery of expenses.
38. Giving effect to any order of a court under section 302 of the Public Health Act 1936 (as applied by 167(8) of the Highways Act 1980).
39. Determining applications for licences for the construction of bridges over highways under section 176(1) of the Highways Act 1980, including the imposition of terms and conditions.
40. Determining whether the removal or alteration of a bridge is necessary or desirable in connection with the carrying out of improvements to a highway under section 176(4) of the Highways Act 1980 and enforcing the requirement to remove or alter the bridge.
41. Determining applications for licences for the construction, alteration and use of buildings over highways under section 177(1) of the Highways Act 1980, including the imposition of terms and conditions.
42. Recovering any sum payable under section 177(3) of the Highways Act 1980.
43. Executing works and providing facilities under section 177(5) of the Highways Act 1980 and recovering expenses incurred in so doing.
44. Declaring any term or condition to be necessary for the purpose of securing the safety of persons using the highway or of preventing interference with traffic thereon under section 177(6) of the Highways Act 1980.
45. Service of notices requiring the demolition of buildings or the making of alterations under section 177(7) of the Highways Act 1980 where a building has been constructed or altered in contravention of section 177(1). Service of notices requiring the execution of works or the taking of steps as are necessary to secure compliance with terms or conditions of a licence under section 177(8) of the Highways Act 1980.
46. If notices under section 177(7) or (8) are not complied with,, demolishing buildings, executing works or taking such steps as are necessary and recovering expenses incurred in so doing under section 177(9) of the Highways Act 1980.
47. Disposing of materials under section 177(10) of the Highways Act 1980.
48. Consenting to the fixing or placing of any overhead beam, rail, pipe, cable, wire or other similar apparatus over, along or across a highway under section 178(1) of the Highways Act 1980 and attaching terms and conditions
49. Consenting to the construction of works under a street and service of notices requiring the removal or alteration of works or dealing with works constructed without consent under section 179(1) of the Highways Act 1980.

	<p>50. Removing, altering or dealing with works under section 179(4) of the Highways Act 1980 and recovering expenses incurred in so doing.</p> <p>51. Giving notice of consent to public utility undertakers under section 179(5) of the Highways Act 1980.</p> <p>52. Determining applications for consenting to the making of openings in the footway of a street as an entrance to a cellar or vault thereunder under section 180(1) of the Highways Act 1980 and requiring the provision of doors or coverings or directing the manner of construction and the materials.</p> <p>53. Consenting to the carrying out of works in a street to provide means for the admission of air or light under section 180(2) of the Highways Act 1980 and imposing requirements as to the construction of the works.</p> <p>54. Giving notice to public utility undertakers under section 180(5) of the Highways Act 1980.</p> <p>55. Serving notices and causing any thing as respects which there has been default to be repaired or put into good condition under section 180(7) of the Highways Act 1980 and recovering expenses incurred in so doing.</p>
<p>03 October 2018</p>	<p>Transportation & Public Realm section</p> <p>Old Para 26 : Removed and replaced with:</p> <p>59. Publication and display of notices of the passing of a resolution declaring a city walkway under section 6(2) of the City of London (Various Powers) Act 1967.</p> <p>60. Publication and display of notices of the passing of a resolution altering or discontinuing a city walkway under section 6(5) of the City of London (Various Powers) Act 1967.</p> <p>61. Agreeing or authorising the entering into of an agreement in respect of responsibility for paving, repairing, draining, cleansing or lighting any city walkway or any exemption from liability for non-repair of the surface of a city walkway under section 9(1) of the City of London (Various Powers) Act 1967.</p> <p>62. Agreeing or authorising the entering into of an agreement relating to any changes in ownership of materials placed by the Corporation on or in any building or land in pursuance of the Corporation's functions under section 9 of the City of London (Various Powers) Act 1967.</p> <p>63. Agreeing or authorising the entering into of an agreement relating to any changes in duties to provide and maintain support for city walkways or parts of city walkways under section 10(1) of the City of London (Various Powers) Act 1967.</p> <p>64. Instituting civil proceedings for an injunction to prevent any breach of the duty or to secure compliance with the duty to provide and maintain support for a city walkway or any part of a city walkway under section 10(2) of the City of London (Various Powers) Act 1967.</p> <p>65. Service of notices requiring the carrying out of works required to prevent danger or inconvenience to persons on a city walkway or</p>

	<p>works required for the improvement of a city walkway under section 11(1) of the City of London (Various Powers) Act 1967.</p> <p>66. Approving or refusing to approve the carrying out of alternative works under section 11(3) of the City of London (Various Powers) Act 1967.</p> <p>67. Carrying out works under section 11(5) of the City of London (Various Powers) Act 1967 and recovering the expenses reasonably incurred in so doing, including instituting proceedings for the recovery of expenses.</p> <p>68. If any question arises whether the withholding of a consent is unreasonable, determining whether to require referral to an arbitrator under section 11(6) of the City of London (Various Powers) Act 1967 and agreeing to the appointment of the arbitrator.</p> <p>69. Restricting or prohibiting temporarily pedestrian access along and the use of a city walkway or any part of a city walkway by notice under section 11A of the City of London (Various Powers) Act 1967, including determining the extent of the restriction or prohibition and the imposition of conditions and exceptions considered necessary.</p> <p>70. Affixing to a building drainage apparatus under section 15(1) of the City of London (Various Powers) Act 1967.</p> <p>71. Applying to the Mayor's and City of London Court for the affixing of drainage apparatus without the consent of the owner of the building under section 15(2) of the City of London (Various Powers) Act 1967 where consent considered to be unreasonably withheld.</p> <p>72. Removing drainage apparatus in compliance with a notice served on the Corporation and applying to the Mayor's and City of London Court for the annulment of notices to remove drainage apparatus under section 15(3) of the City of London (Various Powers) Act 1967 where the requirement is considered unreasonable.</p> <p>73. Temporarily removing drainage apparatus where necessary during any reconstruction or repair of a building under section 15(4) of the City of London (Various Powers) Act 1967.</p> <p>74. Altering, removing, repairing and maintaining drainage apparatus under section 15(5) of the City of London (Various Powers) Act 1967.</p> <p>75. Paying compensation under section 16(5) of the City of London (Various Powers) Act 1967 to the owner of a building who suffers damage by, or in consequence of, the affixing, altering, removing, repairing or maintaining of any drainage apparatus.</p> <p>76. Giving undertakings as to the use to which land or a right in, on, over or under land or any part thereof to be compulsorily acquired will be put under section 17(3) of the City of London (Various Powers) Act 1967.</p> <p>77. Determining applications for consent to the placing or maintaining in or over a city walkway or any part thereof anything for the use, convenience or entertainment of members of the public, or otherwise for the benefit of the public, or for the improvement of</p>
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	<p>amenities, or for decorative purposes, or to the use of any part of a city walkway temporarily for the purpose of any exhibition or entertainment under section 18(1) of the City of London (Various Powers) Act 1967, including the imposition of conditions.</p> <p>78. Withdrawing consent or varying or adding to any conditions subject to which a consent has been given under section 18(3) of the City of London (Various Powers) Act 1967.</p> <p>79. Requiring the removal of things in respect of which consent was given, removing such things and recovering the expenses incurred in so doing where a condition of consent is contravened under section 18(4) of the City of London (Various Powers) Act 1967.</p>
03 October 2018	<p>Transportation & Public Realm section</p> <p>Delegations to other officers (the following deleted) :</p> <p style="padding-left: 40px;">The following authorities are also delegated to the specified Deputies or Assistants:</p> <p>Transportation and Public Realm Director – Items 4 - 41</p> <p>Assistant Director (Highways) – Items 5 -17 and Items 23 – 26</p> <p>Assistant Director (City Transportation) – Item 18</p> <p>And replaced with :</p> <p style="padding-left: 40px;">These delegations are also delegated to the <i>following</i> senior officers within the Department of the Built Environment as specified:—</p> <ul style="list-style-type: none"> • Transportation and Public Realm Director: delegated items 4 – 96 • Assistant Director (Highways): delegated items 05–17 and Items 56, 57, 58. • Assistant Director (City Transportation): delegated item 18
12 November 2018	<p>Heading between paras 79-80 'CLEANSING' deleted.</p> <p>Replaced with 'Institution of Proceedings'</p>
13 November 2018	<p>New Para 125</p> <p>Authorising the entering into of Planning Performance Agreements and Memoranda of Understanding under section 111 of the Local Government Act 1972 and Part 1 of the Localism Act 2011 and making charges for discretionary planning services under section 93 of the Local Government Act 2003.</p>
15 April 2019	<p>New Para 126</p> <p>To carry out public consultation in respect of applications in accordance with the Statement of Community Involvement and the duty to cooperate in Section 33A of the Planning and Compulsory Purchase Act 2004.</p>

Proposals

4. Committee members are asked to note the changes and endorse this report, and Appendix A.

Corporate & Strategic Implications

5. Regular review of delegations is required to keep them up to date and to ensure that the Department of the Built Environment (DBE) can continue to carry out functions effectively.

Implications

6. Failure to review and update delegations may render the Department less effective in performing its statutory functions and unable to take advantage of new legislative powers including those relating to enforcement.

Consultees

7. The Town Clerk and the Comptroller and City Solicitor have been consulted in the preparation of this report and their comments incorporated.

Recommendation

8. That the Committee agrees to the additional items and amendments to the Scheme of Delegations to allow the DBE to continue its work whilst the full and final Town Clerks overall Scheme of Delegations document is collated.

Appendices

- Appendix A – DBE Revised Scheme of Delegations

Background Papers:

Previous Delegated Powers updated Committee Reports.

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