

ENVIRONMENT SCRUTINY COMMITTEE

26 May 2011
2:06p - 2:09pm

Present: Councillors Kightley (Chair), Saunders (Vice-Chair), Herbert, Marchant-Daisley, Owers, Tunnacliffe, Tucker, Wright and Znajek

Executive Councillors:

Executive Councillor for Environmental and Waste Services:

Councillor Swanson

Executive Councillor for Planning and Sustainable Transport: Councillor Ward

FOR THE INFORMATION OF THE COUNCIL

11/30/ESC Appointment of Development Plan Scrutiny Sub-Committee

Resolved to appoint:

Cllrs: Herbert, Nimmo-Smith, Marchant-Daisley, Saunders, Stuart and Znajek

Alternates: Tunnacliffe and Blencowe

Chair: Cllr Nimmo-Smith

Vice Chair: Cllr Saunders

11/31/ESC Appointments to outside bodies

The Executive Councillor for Planning and Sustainable Transport and the Executive Councillor for Environmental and Waste Services approved the following appointments.

Cambridge University Hospitals Joint Council's Forum (3)

Cllrs: Dryden, Pippas and Ward

Joint Transport Forum (3 + 2 Alternates)

Cllrs: Brown, Marchant-Daisley and Ward

Alternates: Herbert + Brown

Car Club Steering Group (3)

Cllrs: Blencowe, Smart and Ward

City Ranger Steering Group (2)

Cllrs: Dryden and Saunders

Members Cycling and Pedestrian Steering Group (5 + 2 Alternates)

Cllrs: Boyce, Rosenstiel, Taylor, Executive Councillor for Planning and Sustainable Transport and the Cycling Champion)

Alternates: O'Reilly + 1 TBC

Recycling in Cambridge and Peterborough (RECAP) (1)

Cllr: Executive Councillor for Environmental and Waste Services (Opposition Spokes: Herbert)

Gypsy and Travellers Working Group (5)

Cllrs: Bird, Marchant-Daisley, Reid, Smart and Znajek

Cambridgeshire Councils Association Waste Forum (1)

Cllr: Executive Councillor for Environmental and Waste Services

Cambridgeshire Regional Spatial Strategy Review Panel (3 + 2 Alternates)

Cllrs: Blencowe Stuart and Ward

Alternates: Herbert + 1 TBC

Public and Community Transport Steering Group (6)

Cllrs: Bird, Brown, Hart, Rosenstiel, Tunnacliffe and Ward

Joint Transport and Planning Lead Member Group (1)

Cllr: Executive Councillor for Planning and Sustainable Transport.

Cycling Champion

Cllr: Al Bander

Design Champion

Cllr: Stuart

Historic Environment Champion

Cllr: Tunnacliffe

11/32/ESC Executive Councillors Delegations to Officers

Approved the following:

Service Area Delegations: Executive Functions

Powers delegated by Executive Councillor for Planning and Sustainable Transport in respect of executive functions and by the Planning Committee in respect of regulatory functions to the Director of Environment:

- Management of Off Street Car Parks and Park and Ride Services
- Highway maintenance, Footway maintenance, Cycleways, Street Lighting,
- Bus shelters, street name plates, cycle racks and street furniture
- Taxicard, ShopMobility and other current facilities or schemes to improve transport facilities for people with disabilities.
- Concessionary Bus Fares
- Traffic Management and matters relating to the use, control and regulation of public highways.

- Drainage of land and property, ditches, watercourses and sewerage
- Dangerous Buildings, structures and excavations
- Street Naming
- Regulatory functions under the Buildings Act and other legislation concerned with safety, sanitation, health and structural condition of buildings.

Powers delegated by Executive Councillor for Environmental and Waste Services to the Director of Environment:

- Abandoned Vehicles
- Street Cleaning and Public Conveniences
- Control of dogs and other animals and all matters concerned with animal welfare and control

Service Area Delegations: Executive and Regulatory Functions

Powers delegated by Executive Councillor for Environmental and Waste Services to the Head of Refuse and Environment:

- Waste Recycling, Industrial, Commercial, Domestic Waste and Refuse Collection (inc fly tipping under Anti Social Behaviour Act 2003)
- Monitoring and Control of Air Pollution
- Contaminated Land
- Radioactive Substances

Service Area Delegations: Executive and Regulatory Functions

Powers delegated by the Executive and by the Licensing Committee to the Head of Refuse and Environment:

- Food hygiene and safety
- Health and Safety (including home safety)
- Prevention, control and remedy of statutory nuisances
- Water pollution
- Sale of Game
- Control, and destruction where necessary, of Pests, nuisances and infectious diseases
- Monitoring and control of noise, including management of the Noise Call Out Service and powers under Anti Social Behaviour Act 2003 (NB the delegation to close premises causing a noise problem under the 2003 Act

is to the Chief Executive, who in turn authorized the HEHWS to undertake this function (29.4.04)

- Other Public Health regulatory functions not otherwise specified within these delegations
- Acupuncture, tattooing, ear piercing and electrolysis
- Control of caravan sites
- Control and removal of unauthorised encampments
- Hackney carriages, private hire vehicles and trishaws except: the suspension of a driver's or a vehicle licence, unless the driver or proprietor of the vehicle, as appropriate, is informed of the right to appeal to the Taxi Regulation Sub-Committee within 14 days. (In the event of such an appeal, it shall be heard within 7 days of receipt of the appeal.)
- Street collections, house to house collections and the issuing of permits to special interest pressure groups except for the refusal of house to house collection permits.
- Control, regulation and enforcement powers in relation to shops and trading.
- The registration and monitoring of pool betting promoters
- The licensing of scrap metal dealers & businesses which sell/recycle second hand car parts
- To appoint an official veterinary surgeon to carry out duties required at premises licensed under the Food Hygiene (England) Regulations 2006/14
- The power to implement and enforce the provisions of Chapter 1 of Part 1 of the Health Act 2006 and Regulations made under that Act in relation to smoke free premises, places and vehicles.
- The power to authorise in writing any person (whether or not an officer of the City Council), either generally or specifically, to act in matters arising under Chapter 1 of Part 1 of the Health Act 2006 and Regulations made under that Act in relation to smoke free premises, places and vehicles.

Specific Delegations: Executive and Regulatory Functions

Powers delegated by Executive Councillor for Planning and Sustainable Transport in respect of executive functions and by the Planning Committee in respect of regulatory functions to the Director of Environment:

- To act on behalf of the Council under those sections of the Highways Act 1980 and other relevant legislation, delegated to the City Council by the Highways Authority under the Agency Agreement.
- In consultation with the police, where appropriate, to discuss and resolve with passenger transport undertakings matters relating to routes and

stopping places, referring to the Executive Councillor for Climate Change and Growth any for which formal representations or objections are considered to be appropriate.

- To submit objections to goods vehicle operators licences, in consultation with Ward Councillors, the Executive Councillor for Climate Change and Growth and Spokesperson(s) of the Scrutiny Committee
- To act under all the powers available to the Council to secure the construction and adoption of new roads, paths and verges to a satisfactory standard.
- To carry out the decisions of the Cambridge Environment and Transport Area Joint Committee, subject to consultation with the Executive Councillor for Climate Change and Growth and the Spokesperson(s) of the Scrutiny Committee on matters requiring the allocation of City Council budgets, and not contrary to the policies or budgets of the Council.
- To approve grants from the Historic Buildings Fund and to approve AccessGrants up to the value of £5,000
- To operate and negotiate building control fees as necessary (recording the fees agreed) in response to the dictates of the market and other relevant circumstances in adjusting fee levels on major developments that are likely to be subject to particular competition from private Approved Inspectors as long as overall budget targets are met.

Powers delegated by Planning Committee and Executive Councillor for Climate Change and Growth to the Director of Environment in respect of planning and development control:

A1. To determine, and to make decisions in connection with the determination of, all forms of planning and other applications, and all forms of consent and other notifications (as set out in the attached schedule) submitted under the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004 and the Planning Act 2008) and the Planning (Listed Buildings and Conservation areas) Act 1990 except in any of the following circumstances:

a) The application is for 'Major'¹ development (see note for definition of 'Major' at end of A1) where:

- There are third party representations on planning grounds that are contrary to the officer recommendation for approval or refusal.

- b) The application is advertised as a formal departure from the Development Plan policy and where the officer recommendation is for approval.
- c) The application is for development of between 1-9 dwellings, where there are third party representations on planning grounds that are contrary to the officer recommendation and that cannot be resolved by planning condition.
- d) The application is for development involving a change of use where there are third party representations on planning grounds that are contrary to the officer recommendation and that cannot be resolved by planning condition.
- e) The application involves the City Council as applicant or landowner and the development is not of a minor nature.
- f) The application is for the demolition of a listed building or a Building of Local Interest.
- g) The application is submitted by a Member or officer of the City Council.
- h) The application is for a 'non-material' change/amendment in relation to a development that was previously approved by Planning Committee or an Area Committee, and the Chair, Vice-Chair and Spokesperson of that Committee object to the exercise of the delegated power within 14 days of notification.
- i) The application is one where, within 21 days of the date of publication of the weekly list, or within 14 days of receipt of any subsequent significant amendment to the still current proposal, any Member (including County Council Members representing City Wards) requests in writing (including email sent in accordance with the Council's guidelines), that the application should be determined by Committee, stating the planning grounds on which the request is based.
- j) The application requires a Planning Obligation (or any subsequent amendment thereof) containing terms that are not in accordance with, or are additional to, those required by the Council's Planning Obligation Strategy.
- k) The application is one that in the opinion of officers should be determined by Committee because of special planning policy or other considerations.

Note: 1 Major development comprises:

_ 10 or more dwellings, or a site area of 0.5 ha. or more where the number of dwellings is not shown;

_ Other developments where the floor space to be built is 1000 square metres (gross) or more, or where the site area is 0.5 ha. or more in size.

A2. To serve Requisitions for Information, Planning Contravention Notices, Breach of Condition Notices, Notices of Intended Entry, Section 215 Notices, and Discontinuance Notices for advertisements (subject to prior consultation with the Head of Legal and Democratic Services).

A3. To instruct the Head of Legal Services to commence prosecution proceedings for the display of illegal advertisements (including fly posting) and for non-compliance with any formal notices issued.

A4. To instruct the Head of Legal Services to serve enforcement notices under S171 of the Town and Country Planning Act 1990 to remedy a breach of planning control following the refusal of retrospective planning permission.

A5. To instruct the Head of Legal Services to serve Listed Building Enforcement Notices under S38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

A6. To instruct the Head of Legal Services to serve notices requiring urgent works to unoccupied Listed Buildings under S54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

A7. To decide whether to serve a Remedial Notice under Part 8 of the Anti Social Behaviour Act 2003 where there are no third party representations that are contrary to the officer recommendation (subject to prior consultation with the Head of Legal and Democratic Services) and to instruct the Head of Legal

Services to commence prosecution proceedings for non-compliance with a Remedial Notice or to carry out works in default.

A8. To make representations as a 'responsible authority' on applications for public entertainment licenses under the Licensing Act 2003.

B1. To determine all applications for works to trees under the Town and Country Planning Act 1990, and for works to hedgerows under the Environment Act 1995, except in any of the following circumstances:

a) The application is one where there are third party representations on amenity grounds that are contrary to the officer recommendation and that cannot be resolved.

b) The application is one where, within 14 days of being notified, any Member (including County Council Members representing City Wards) requests in writing (including e-mail sent in accordance with the Council's guidelines), that the application should be determined by Committee, stating the grounds on which the request is based.

B2. To serve, and unless objections are received, confirm Tree Preservation Orders and Hedgerow Replacement Notices.

B3. To instruct the Head of Legal Services to take enforcement action or instigate proceedings under part (viii) of the Town and Country Planning Act 1990 relating to violations against protected trees, and under S97 of the Environment Act 1995 relating to violations against protected hedgerows.

Note: Notwithstanding the provisions contained within this Scheme of Delegation, officers will use their discretion and judgment to decide whether to refer any matter contained within this Scheme to Committee for determination, which in their view raises contentious, sensitive or significant policy issues, or where it would be otherwise beneficial for the decision to be made by

Members. Schedule referred to in Delegation A1 above Applications and other forms of consent/notification referred to in Delegation A1 include:

- a) Outline and full planning permission and any subsequent applications for post-decision 'non-material' changes/amendments.
- b) Reserved matters following outline planning permission and any subsequent applications for post-decision 'non-material' changes/amendments.
- c) Renewals of planning permission and any subsequent applications for post decision 'non-material' changes/amendments.
- d) Removal/variation of planning conditions.
- e) Discharge of conditions.
- f) Agreeing the terms of Planning Obligations under S106 of the Town and Country Planning Act 1990.
- g) Advertisement Consent.
- h) Lawful Development Certificates.
- i) County Council Regulation 3 applications.
- k) Prior notifications and approvals under a Development Order.
- l) Goods Vehicle Operating Licences.
- m) Listed Building Consent.
- n) Conservation Area Consent.
- o) Consultations from neighbouring authorities.
- p) Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, or any subsequent amendment or successors to those Regulations.
- q) Screening and scoping opinions under the Conservation (Natural Habitats, etc) Regulations 1994 or any subsequent amendments or successors to those Regulations
- r) Screening and scoping opinions under the Environmental Impact Assessment (Uncultivated Land and Semi-natural Areas) Regulations 2001 or any subsequent amendments or successors to those Regulations

The meeting ended at 2:09pm

CHAIR

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