

Agenda Item No:	11	
Committee:	Full Council	
Date:	15 September 2025	
Report Title:	Constitutional Amendments: Planning Scheme of Delegation	

1 Purpose / Summary

The purpose of this report is to consider revisions to the Planning scheme of delegation within the Council's Constitution. This is to allow the delegation of authority to initiate prosecutions for non-compliance with enforcement notices to officers, rather than requiring a resolution of the Planning Committee.

2 Key issues

- The Council's Constitution includes within it a scheme of delegation. This identifies what duties / tasks can be carried out by officers instead of Planning Committee and sets out any conditions associated with these authorisations.
- Under the existing Scheme of Delegation, prosecution for non-compliance with an enforcement notice must be authorised by the Planning Committee, creating potential delays.

3 Recommendations

- Revise the Planning scheme of delegation within the Council's Constitution as set out at Appendix 1 to:
89. Planning Enforcement:
To:
(i) issue Planning Contravention Notices;
(ii) issue Requisitions for Information;
(iii) authorise and issue Breach of Condition Notice proceedings;
(iv) authorise and issue Waste Land Notices;
(v) authorise and initiate Proceedings against Fly Posters;
(vi) authorise and initiate Proceedings against Unauthorised Signs.
(vii) issue Temporary Stop Notices
(ix) issue Enforcement Notices
(x) authorise prosecution following non-compliance with an enforcement notice of any type
(xi) in cases of urgency in consultation with the Chairman of the Planning Committee (unless such consultation would have a detrimental effect on this power) to:
a. issue a Stop Notice.
b. authorise an application for an injunction.
c. authorise the commencement of any legal proceedings such actions to be notified to the next scheduled meeting of the Planning Committee.

(xii) issue notices requiring the Proper Maintenance of Land

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	Cllr Mrs D Laws
Report Originator(s)	Matthew Leigh
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Background Paper(s)	Constitution

4 Background / introduction

- 4.1 The Scheme of Delegation (SoD) for Planning governs the division of decision-making between officers and Members. Each local authority operates its own scheme of delegation, which sets out the circumstances in which planning matters are to be determined by Committee rather than under officer delegation. The aim of the SoD is that it ensures decisions are made at the appropriate level, in accordance with statutory duties, principles of good governance, and the need for an efficient and effective planning system.
- 4.2 Under the current SoD, the Planning Committee must resolve to pursue prosecution for non-compliance with an enforcement notices of any type. This approach reflects a historical preference for Member oversight of formal legal proceedings. However, there is no statutory requirement for such decisions to rest with Members.

5 Considerations

- 5.1 The delegation of prosecution powers to officers is considered appropriate and proportionate and aligns with practice at many other local planning authorities.
- 5.2 Officer's have taken a number of reports to the Planning Committee over the last 12 months and in every instance the Planning Committee has authorised prosecution.
- 5.3 The following benefits, of delegating this matter to officer, have been identified:
- **Timeliness and Efficiency:** Enforcement action often requires prompt decisions in response to ongoing breaches. Delegation allows for swifter progression to prosecution, avoiding delays linked to Committee cycles.
 - **Member Focus:** This change would enable the Planning Committee to focus on its primary function of determining planning applications.
 - **Resource Management:** Preparing prosecution reports for Committee consumes officer time and committee resource, even where the outcomes are non-contentious. Delegation helps streamline workload and allows officers to focus on the progression of alleged breaches of planning control.
 - **Alignment with Legal Practice:** Decisions to prosecute in other areas of Council activity (e.g. licensing) are typically delegated to officers. Planning enforcement should be consistent with this wider approach.
 - **Need for Timeliness:** Effective enforcement relies on timely action; delays can undermine the credibility of the planning system and compliance with notices.

6 Effect on corporate objectives

- 6.1 The proposed changes supports the following stated objective:

Quality Organisation

7 Community impact

- 7.1 Faster decision-making enables the Council to act more quickly against ongoing planning breaches, helping to protect local residents from prolonged harm to visual amenity, noise, or other adverse impacts. Whilst prompt enforcement reinforces public trust that the Council takes breaches of planning control seriously and will take robust action where necessary.
- 7.2 Timely enforcement action is particularly important in cases where unauthorised development harms residential amenity or safety, often affecting more vulnerable groups disproportionately.

8 Conclusions

- 8.1 Delegating prosecution powers for enforcement notice non-compliance to officers would modernise and streamline the Council's enforcement processes, in line with best practice and legal precedent. It would support timely and proportionate planning enforcement without undermining accountability.

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 - c. authorise the commencement of any legal proceedings such actions to be notified to the next scheduled meeting of the Planning Committee
 - d. ~~authorise prosecution following non-compliance with an enforcement notice of any type~~
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