

## Delegations to Director of Regeneration

H	Function	Limits or restrictions on delegation
	<i>Building Control</i>	
1	<p>To exercise the Council's functions under the Building Act 1984 including: -</p> <p>Section 16 - 25 - passing or rejection of plans</p> <p>Section 35 - contravention of building regulations</p> <p>Section 36 - removal of offending work</p> <p>Section 55 – appeals</p> <p>Section 77 and 78 - dangerous buildings</p> <p>Section 80, 81 and 82 – demolition</p> <p>Section 99 - requiring works</p> <p>Section 102 – appeals.</p>	
2	<p>To administer the approved Scheme of Charges for Building Control in accordance with the requirements of the Building (Local Authority Charges) Regulations 2010.</p> <p><b>Town and Country Planning etc. decisions</b></p>	
3	<p>The responsibility for determining planning and other applications, planning enforcement and safety is exercised by the Planning Committee and the Director for Regeneration.</p>	
4	<p>The Planning Committee will determine the classes of applications and related functions listed in the Schedule below which also sets out the conditions and exceptions under which decisions delegated to employees shall be carried out.</p>	
5a	<p>The Director for Regeneration is authorised to exercise the powers of the Local Planning</p>	

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Authority in the area of Development Control, namely the determination of those planning and other applications, “including all requests for screening and scoping opinions made under the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999”, and including the drafting of conditions and of reasons for refusal on notices of decision, and the carrying out of planning enforcement, including in relation to listed building and conservation areas, advertisement control including discontinuance notices, and serving section 215 notices, and tree protection and safety functions, other than those listed in the Schedule and subject to the conditions and exceptions specified in the Schedule.

- 5b The power to enter into an agreement pursuant to section 111 of the Local Government Act 1972.

### **Schedule Limits on Delegation**

- 6 Where the applicant is, an employee involved in the planning process, or a Councillor, a Senior Manager or (at the discretion of the Director for Regeneration) a Senior employee of the Council, the application shall be reported to Committee for decision.
- 7 Where the Director for Regeneration or a nominated employee so considers, either because of its potential controversy, significant public interest or environmental impact, the application shall be reported to Committee for decision.
- 8 All applications, other than prior determination applications (see 1 above), on which a petition, or six letters or more of unresolved objection or adverse comment with a legitimate planning basis e.g. excluding purely commercial objections or those simply

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about devaluation of property, have been received, either from residential or other neighbours or from statutory consultees, shall only be determined by Committee.

(Applications subject to five or less objections may be granted or refused by the Director for Regeneration or other nominated employee.)

For the avoidance of doubt the phrase “six letters or more of unresolved objection or adverse comment with a legitimate planning basis” shall be interpreted as being where there is a conflict between the employee recommendation and the views expressed as a result of public consultation. Also, a petition shall be defined as a written document signed by ten or more persons from five or more identifiable households.

- 9 In respect of any application, where an objector or applicant indicates in writing within the appropriate timetables their desire to speak to Committee, such applications shall be determined by Committee.
- 10 All applications which are advertised as a departure from the Development Plan and the employee recommendation is in support of the application, shall be determined by the Planning Committee.
- 11 All applications apart from applications for Deeds of Variation where it is proposed to enter into a planning agreement under Section 106 of the Town and Country Planning Act 1990 shall be reported to Committee for decision.
- 12 All applications for consent to fell more than five trees shall be reported to Committee for decision.

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13 Confirmation of any tree preservation order where objections have been received shall be reported to Committee for decision.

14 Council's own applications for listed buildings or locally-listed buildings that involve total or substantial demolition shall be reported to Committee for decision.

### **Regeneration**

15 Management of non-operational investment property e.g. industrial units.

16 The authorisation of appropriately qualified and experienced employees to act as inspectors.

Inspectors and other duly authorised employees are empowered to undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices (including suspension and compliance notices), notifications, waivers, transfer, authorisations, licensing registrations and legal proceedings and formal cautions under the following legislation applicable thereto, and to exercise all other relevant powers, including powers of entry provided under such legislation.

Building Act 1984

Caravan Sites Act 1968

Chronically Sick and Disabled Persons Act 1970

Defective Premises Act 1972

Environmental Protection Act 1990

Health and Safety at Work etc. Act 1974

Housing Acts 1985, 1988, 1996 and 2004

In accordance with the Scheme of Delegation approved by the former Housing Services Committee on 03.06.97.

Housing Act 2004 in accordance with reports to Cabinet (Resources) Panel 21.03.06 and Cabinet 06.06

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Housing and Building Control Act 1984  
Housing Grants, Construction and  
Regeneration Act 1996  
Housing and Planning Act 1986  
Landlord and Tenant Act 1985  
Local Government (Miscellaneous  
Provisions) Act 1976 and 1982  
Local Government and Housing Act 1989

Public Health Acts 1936 and 1961  
Protection from Eviction Act 1977  
Rents Act 1974 and 1977  
Rent (Agriculture) Act 1976  
Rent (Agriculture) Amendment Act 1977  
Social Security and Housing Benefits Act  
1982, Parts II and III

Town Development Act 1952

West Midlands County Council Act 1980 Ss  
32 and 43

Any orders or regulations made thereunder or  
relating to any of the foregoing or having  
effect by virtue of the European Communities  
Act 1972.

Any offence under any legislation or at  
Common Law which is of a similar nature or  
related to the foregoing, including offences of  
aiding, abetting, counselling or procuring,  
incitement, conspiracy, perverting the course  
of justice and criminal attempts.

17 To submit planning applications:

- (i) for the development or  
redevelopment of surplus  
properties (where Development  
Briefs or Planning Briefs are not

Report approved by Cabinet  
28.11.06 with response to legal  
proceedings pursuant to  
Sections 189, 352 and 376 of  
the Housing Act 1985

In accordance with Green  
Decision 04.05.05

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	required) in order to maximise sales potential prior to offering the properties for disposal on the open market.	
	(ii) for deemed applications for building works where funding is contained in approved Capital or Revenue budgets.	
	(iii) Submit planning applications for Council owned properties.	In accordance with Green Decision 19.09.08
18	To undertake operational management of the Arts and Museums Service in accordance with the Public Libraries and Museums Act 1964.	
19	To collect and commission works of art for the Arts and Museums Service.	Wolverhampton Arts and Museums Service Acquisition and Disposal Policy (1999).
20	To provide for the safekeeping of the City Council's documentary heritage and make it available for public consultation in accordance with the Local Government (Records) Act 1962.	Wolverhampton Archives and Local Studies Acquisition and Disposal Policy (2000).
21	To accept items from Public Records under the terms of the Public Records Act 1958.	Wolverhampton Archives and Local Studies Acquisition and Disposal Policy (2000). Wolverhampton Arts and Museums Service Acquisition and Disposal Policy (2005)
22	To accept other items on deposit which contribute to the understanding of the history of the City and its people and make such items available for public consultation.	Wolverhampton Archives and Local Studies Acquisition and Disposal Policy (2000).

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23	To undertake the operational management of the Civic Halls, arranging for a variety of programming and dealing with applications for use of the premises by outside bodies.	Hypnotism Act 1952 Licensing Act 2003 Cinemas Act 1985 Theatres Act 1968
24	To undertake the management of bars and licensed premises attached to the Civic Halls.	Food Safety Act 1990 Intoxicating Substances (Supply) Act 1985 Late Night Refreshment Houses Act 1988 Licensing Acts 1964 and 1988 Licensing Act 2003
25	To grant aid a number of projects, companies and individuals in the furtherance and provision of cultural development in the City.	
26	To provide information and services with regard to local places of interest, events, accommodation and travel in accordance with the Development of Tourism Act, 1969.	
27	To seek additional funding for the above from a range of funding organisations.  <i>Play and Youth</i>	
28	Operational management of the Youth Service including youth clubs, projects and programmes.	Senior Managers to prioritise need in accordance with the Service Plan.
29	To act as Contract Administrator and perform the duties imposed thereon by building and engineering contracts.	

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### **Cultural Services**

- 30 To undertake operational management of the Libraries and Information Service in accordance with the Public Libraries and Museums Act 1964.

Public Library Standards Statement.

### **Historic Environment**

- 31 To exercise the Council's functions under the Planning (Listed Buildings and Conservation Areas) Act 1990 with regards to conservation area appraisals and management plans, review of the local list and Article 4 directions. Where the Director or a nominated employee so considers, either because of its potential controversy or significant public interest, the function shall be reported to Cabinet for a decision.

- 32 To administer heritage grants, including the making of grant offers and authorisation of grant payments made pursuant to such offers, in accordance with codes of practice and terms and conditions for grants as determined by the Cabinet (Resources) Panel.

- 33 To provide an adult education service.

In accordance with the Learning and Skills Council.