

**Scheme of Planning Delegation**

***(Extract from the Council's Constitution)***

**HEAD OF DEVELOPMENT MANAGEMENT**

1. Subject to 2, 3 and 4 below, decisions relating to any function delegated to the Planning Development Control Committee in the Scheme of Delegation (as set out in Part 3 Section 4 of the Constitution) (planning and listed building matters) shall be delegated to the Head of Development Management except those in respect of applications where:
  - (i) a Councillor registers a request that an application be referred to Committee by completing a standard form setting out material planning reasons and that the form be attached to the committee report;
  - (ii) a relevant Parish Council registers a request that an application be referred to Committee, setting out material planning reasons in the request, but only where the Parish Council views are contrary to the intended decision of the officer;
  - (iii) the Head of Development Management considers the application to be for significant development and intends to grant planning permission for the application;
  - (iv) the application is submitted by or on behalf of the Council, or includes Council-owned land, the Head of Development Management intends to grant permission and one or more objections has been received;
  - (v) six or more representations, which the Head of Development Management considers relate to material planning considerations, are received from separate individual addresses which are contrary to the intended decision of the officer;  
  
(NB for the purposes of this exception, a petition will be regarded as one representation, regardless of the fact that addresses may have been included as part of signing the petition – the Council's petition procedure specifically excludes planning applications);
  - (vi) the application relates to a Member or relevant Officer (namely Corporate Management Team members, Assistant Directors, , Heads of Teams, staff in the Development Management Team

and other staff who advise on planning matters) of the Council, in that the application:-

- a. has been submitted by them or on their behalf; or
- b. affects land that they own or occupy; or
- c. is one where they have made representations of support or objection and where (in respect of Members only) that representation would constitute a personal and prejudicial interest.

(NB under the Council's Planning Protocol all applications within this exception should be notified to the Head of Development Management and Chief Operating Officer).

2. The following matters shall be delegated to the Head of Development Management subject to the exceptions stated:-
  - (i) Authority to issue Tree Preservation Orders, and to vary, modify or revoke such Orders.
  - (ii) Decisions on the confirmation of Tree Preservation Orders (with or without modifications) where no objections have been received or all objections which may have been received have been withdrawn.
  - (iii) Any action required in relation to High Hedges under the Anti-Social Behaviour Act 2003 or regulations (other than complaints involving land owned by the City Council, Members or Officers of the City Council).
  - (iv) In respect of hedgerows:-
    - (a) On receipt of a Hedgerow Removal Notice, authority to determine whether the hedge is important in accordance with the Hedgerow Regulations 1997), and;
    - (b) In the case of important hedges, to issue Hedgerow Retention Notices and Hedgerow Replanting Notices in accordance with the above Regulations except (in both cases) in respect of hedgerows owned by the City Council, Members or Officers of the City Council.
  - (v) Authority, in consultation with the Chairman of Planning Development Control Committee (or in his/her absence, the Vice-Chairman of that Committee) to determine any application which would fall within the general delegation under 1 above (notwithstanding the fact that one or more of the exemptions may have been triggered), in cases where it would not be reasonably practicable for the matter to be dealt

with by the Planning Development Control Committee within any period prescribed for decision.

- (vi) Authority to divert a public footpath pursuant to Section 257 of the Town and Country Planning Act 1990.
- 3. Decisions on Certificates of Lawfulness shall not be delegated to the Head of Development Management but shall remain delegated to the Head of Legal Services.
- 4. Decisions on issuing stop notices shall not be delegated to the Head of Development Management but shall be dealt with under the existing delegated powers to the Chief Executive to take action in an emergency or (where meeting timetables permit) by decision of the Planning Development Control Committee.
- 5. In respect of the South Downs National Park (in accordance with an agency agreement with the South Downs National Park Authority):-

All the above powers in respect of applications and other matters in the South Downs National Park.

## Scheme of Licensing Delegation

*(Extract from the Council's Constitution)*

### HEAD OF LICENSING

1. To deal with applications under the Licensing Act 2003 allocated to the Head of Licensing in the following table:-

<b>Matter to be dealt with</b>	<b>Licensing Sub-Committee</b>	<b>Head of Licensing</b>
Application for personal licence	If a Police objection made	If no objection made or if the applicant, Council and Police agree that a hearing is not necessary.
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for a minor variation to premises licence/club premises certificate		In all cases
Decision on whether an application for minor variation should be referred to a responsible authority		In all cases
Application to disapply the mandatory condition for a Designated	If a Police objection is made	In all other cases

<b>Matter to be dealt with</b>	<b>Licensing Sub-Committee</b>	<b>Head of Licensing</b>
Premises Supervisor at community premises		
Application to vary Designated Premises Supervisor	If a Police objection	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for interim authorities	If a Police objection	All other cases
Application to review premises/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a Police objection to a temporary event notice	All cases	
In cases where the Magistrates' Court has determined the licence on appeal		All cases

2. To deal with applications under the Gambling Act 2005 allocated to the Head of Licensing in the following table:

<b>Matter to be dealt with</b>	<b>Licensing Sub-Committee</b>	<b>Head of Licensing</b>
Application for premises licence.	Where representations have been received and not withdrawn.	Where no representations received/representations have been withdrawn.
Application for variation to a premises licence	Where representations have been received and not withdrawn.	Where no representations received/representations have been withdrawn.
Application for a transfer of a premises licence.	Where representations have been received from the Commission and not withdrawn.	Where no representations have been received from the Commission.
Application for a provisional transfer of a premises licence.	Where representations have been received and not withdrawn.	Where no representations received/representations have been withdrawn.
Review of a premises licence.	All cases.	
Application for club gaming/ club machine permits.	Where objections have been received and not withdrawn.	Where no objections have been received/objections have been withdrawn.
Cancellation of club gaming/ club machine permits.	All cases.	
Application for other permits.		All cases.
Cancellation of licensed premises gaming machine permits.		All cases.
Consideration of temporary use notice.		All cases.
Decision to give a	All cases.	

counter notice to a temporary use notice.		
Making representations or seeking reviews as Licensing Authority.		All cases.

3. To deal with applications under Schedule 3 of the Local Government (Miscellaneous Provisions ) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 allocated to the Licensing Sub-Committee in the following table:-

<b>Matter to be dealt with</b>	<b>Licensing Sub-Committee</b>	<b>Head of Licensing</b>
Application for sex establishment licence.	Where representations have been received and not withdrawn.	Where no representations received/representations have been withdrawn.
Application for variation to a for sex establishment licence	Where representations have been received and not withdrawn.	Where no representations received/representations have been withdrawn.
Application for a transfer of a for sex establishment licence.	Where representations have been received from the Police and not withdrawn.	Where no representations have been received from the Police.
Application for renewal of a sex establishment licence	Where representations have been received and not withdrawn.	Where no representations received/representations have been withdrawn.

4. Decisions on applications for the use of St. Maurice's Covert.
5. Decisions on grant of applications in relation to hackney carriage and private hire vehicles, drivers, and private hire operators; suspension and revocation of such licences.
6. Decisions on applications for permits for street collections in the rural area outside Winchester Town.

7. Following consultation with the Mayor, decisions on applications for street collections in the "Winchester Town" area, where the number of applications exceeds the agreed annual total of thirty six collections.
8. In consultation with the Mayor, decisions on applications for special one-off collections, such as for the relief of disasters within the UK, or for other exceptional purposes.
9. Decisions on applications for collections throughout the Winchester Town Area associated with the performance of carols at Christmas.
10. Authority, in consultation with the Head of Estates, to determine the application process, set fees and determine the conditions to be attached to street trading consents.
11. Authority to determine applications for street trading consents under Paragraph 7 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 in respect of any consent street in the District.
12. Taking all necessary action in connection with Public Health Act burials and the recovery of expenditure