

## DIRECTOR OF REGENERATION

1. To grant or refuse consents, to serve notices and take any necessary action including recovery of costs in respect of the following -
  - a. Assertion and protection of public rights to use of highways
  - b. Unlawful damage or disturbance to highways and footways; unauthorised marks on highways
  - c. Control of deposit and removal of builders' skips;
  - d. Planting trees in or near the highway;
  - e. Removal of deposits on the highway;
  - f. Snow clearance;
  - g. Prevention of soil or refuse being washed into street;
  - h. Removal of projections from buildings;
  - i. Trees, shrubs, hedges overhanging the highway, or which are dangerous;
  - j. Prevention of water falling on or flowing on to highway;
  - k. Barbed wire fences;
  - l. Dangerous land adjoining street;
  - m. Control of deposit of building materials;
  - n. Making of excavations in streets;
  - o. Construction of fence/hoarding, or other structure in connection with erection or demolition of building;
  - p. Privately owned bridges;
  - q. Construction of buildings over highways;
  - r. Erection of apparatus across a highway;
  - s. Construction of cellars under a carriageway of a street;
  - t. Cellars, and openings under streets and pavement lights and ventilation;
  - u. Vehicle crossings over footways and verges;
  - v. Repairs to private streets
  - w. Licences for street works and new road
  - x. Encroachments in, on, or over the public highway.
  - y. The erection of Direction Signs by private individuals or outside bodies.
2. To take such action as is considered necessary to secure compliance with the provisions of the Rights of Way Act 1990.
3. To accept offers of land for dedication for highway purposes, and to carry out works or pay costs and expenses in adopting the land, up to a total of £5,000.
4. To approve the marking of the word "Entrance" or "Disabled" on the carriageway where requested by the occupants of premises, and to ask in the case of "Entrance" the occupant to meet its cost.
5. To decide any request for a disabled parking space where a car is not available but the applicant is clearly in need of assistance.
6. To object to the proposed naming of a street by developers or any other person.
7. To allocate street numbers to small infill developments in the city, and to allocate street names and building names.
8. Temporary restrictions:-
  - a. To authorise any necessary action in respect of temporary traffic restrictions for all purposes.

- b. Power to set the level of fees payable by outside bodies for temporary restrictions undertaken on their behalf.
- 9. Powers and duties in respect of traffic regulation orders where no objections are received to a proposed order or where an objection is received but subsequently withdrawn.
- 10. To agree terms for agreements with developers under Section 38 of the Highways Act 1980.
- 11. To agree terms for agreements under Section 278 of the Highways Act 1980 (contributions towards off-site highway infrastructure).

### **Management of corporate assets**

- 1. To agree leases up to a term of 150 years and licence non-residential properties including land at the best rents obtainable.
- 2. To grant, building agreements, licences, easements and wayleaves.
- 3. To serve notices under the Landlord and Tenant Act 1954 to determine leases with a view to renewal on fresh terms.
- 4. To serve notices under Part II of the Landlord and Tenant Act 1954 where the council wishes to oppose the grant of new tenancies or wishes to protect future interests as a tenant of leased property.
- 5. To agree surrender and lease renewal transactions including leases of up to 150 years.
- 6. To service Section 146 notices under the Law of Property Act 1925, in situations where breach of covenants of commercial leases occur and where appropriate to regain possession by means of peaceable re-entry.
- 7. To approve the lettings of any premises under the control of the council to approved, non-profit making organisations, including charities at less than market value, after consultation with the appropriate chief officer.
- 8. To undertake all functions appropriate to the management of property held under trust by the city council including authority to agree with and submit to the Charity Commissioners 'schemes' relating to the future management or disposal of such property.
- 9. To authorise the termination of any lease, licence, easement, or wayleave to use or occupy non-residential land and property.
- 10. To grant service tenancies of council owned land and buildings.
- 11. To place orders for reactive maintenance and emergency works to council owned buildings and structures.

12. To settle claims and requests for ex-gratia payments not exceeding £1,500 subject to the City Solicitor being satisfied that the council are likely to be legally liable.
13. To represent the council in proceedings before the courts including but not limited to:
  - a) To make proposals for the alteration of the valuation list.
  - b) To serve notices of objection concerning proposed assessments of hereditaments.
  - c) To enter into agreements as to the proposed assessments of hereditaments.
  - d) To secure alteration, inclusion or deletion of any rating assessment of property owned or occupied by the council.
  - e) The power to appeal (if such be given to the council) against any valuation banding.
14. Recovery of costs - Where services are provided externally to the Council, the power to recover the full cost of the provision of those services.
15. Work on behalf of other public bodies - Power to carry on work on behalf of other public bodies.
16. To determine the selling prices of goods and services in relation to trading activities.
17. To agree terms of disposal for areas of land and vehicular access rights to owners or tenants who are in the process of purchasing their council house.

## **Mortgages**

1. After consultation with the City Solicitor and Director of Finance and Resources ~~and Information Service~~, to approve lettings of property in mortgage to the city council on terms that do not adversely affect the council's interests as mortgagee.
2. Where a mortgagor of the council fails to comply with any covenants in his legal charge (other than those relating to payment of principal and interest) after written warning of the default, to authorise the ~~city~~ City solicitor-Solicitor to institute proceedings for possession of the mortgaged security; and where appropriate jointly with the Director of Finance and Resources ~~and Information Services~~, and ~~city~~ City solicitor-Solicitor to exercise the council's power of sale under the legal charge.
3. To instruct the City Solicitor where a property is in mortgage with the city council and an order for possession has been granted for mortgage arrears:
  - a) To arrange for re-possession of the property.

- b) To arrange for disposal on the open market at the best price reasonably obtainable, and
- c) To complete the disposal

### **Transport**

- 12. To operate and manage the city council's off street car parking.
- 13. To operate and manage on street pay and display schemes.
- 14. To exercise the council's powers and duties in respect of:-
  - a. the enforcement of traffic regulation orders, including the power to appoint civil enforcement officers
  - b. residents' parking schemes
- 15. The powers and duties under the Reservoirs Act 1975 including authorising the issue of statutory notices, entry upon land, and exceptionally, the taking of emergency action to protect persons or property.
- 16. To exercise the council's powers and duties as highway authority.

### **Trading**

- 17. To trade services within the directorate.
- 18. To determine the selling prices of goods and services in relation to trading activities.

### **Recovery of costs**

- 19. Where services are provided externally to the Council, the power to recover the full cost of the provision of those services.

### **Work on behalf of other public bodies**

- 20. Power to carry out work on behalf of other public bodies.

### **Coastal Flood and Erosion Risk Management / Drainage**

- 21. The council's functions in respect of coastal protection
  - a. to exercise the Council's powers and duties in respect of the Flood and Water Management Act 2010 and Coast Protection Act 1949;
  - b. to negotiate and authorise all necessary work with Government departments, statutory and non-statutory agencies and organisations to manage flood risk and drainage.

### **Economic Development and Business Support**

22. To enable activity by the Council or its agents to assist businesses and thereby stimulate economic growth, improve the city's skills base and individual and community prosperity.

### **Property Investment**

23. To take such steps as shall be considered necessary to protect the council's interest in land and property.
24. Acquire properties that provide long term investment in accordance with corporate objectives. To carry out all transactions required to manage the councils investment fund in line with the property investment strategy

### **Acquisition, disposal, investment and development**

25. To identify and assess opportunities for asset development and investment including the management and chair of the asset development board
26. To provide market advice (including tenant demand, price, availability, type of transaction) to inform wider development decisions
27. To provide all valuation advice regarding development and investment (including assessments of existing use)
28. To carry out all functions required to manage the Council's property investment fund including but not limited to acquisition and disposal of assets in and out of the fund, management, appointment of consultants and annual performance reporting.
29. To assist the Directorate Finance Manager in modelling and assessing financial appraisals
30. To maintain and update the asset development programme plan
31. To provide relationship management of key public sector partners in relation to property.
32. To provide property lead and support to all corporate projects and service reviews
33. Where the city council have approved a purchase and the relevant expenditure, to settle terms up to the approved figure.

34. Where the council have approved the direct construction of an asset and the relevant expenditure, to enter into contract and discharge the functions required to complete the development of the asset.
35. In consultation with the City Solicitor, to accept blight notices which s/he considers to be valid and which are served in respect of properties affected by city council proposals.
36. Where the council has resolved to make a compulsory purchase order, to settle terms for the purchase of property within the relevant approved budget.
37. To make payments for compensation in relation to claims for the value of interests in property and claims for disturbance, where the council have resolved to make a compulsory purchase order.
38. In conjunction with other officers concerned, to settle claims not exceeding £50,000 for land compensation.
39. To agree terms for the acquisition of freehold or leasehold interest, where funding has been approved.
40. To give permission for installation of communications services and services equipment, electricity sub-stations and other minor works or wayleaves in or on any council premises or land under his management.
41. To dispose of freehold interests where the market value does not exceed £150,000.
42. To accept offers and to agree terms and conditions for the sale of land and property.

### **Planning**

43. To prepare and submit the local planning authority's views to
  - a. internal parties within Portsmouth City Council, and
  - b. external parties responsible for policy formulation, including but not limited to commenting on consultation papers and assisting the policy formulation associated with government departments and other parties under the Duty to Cooperate.
44. To prepare and submit the local planning authority's views to working parties on implementation work related to statutory development plan issues affecting the whole or part of the local planning authority's area, to review any statutory development plan, to conduct the consultation, arrange the deposit of drafts, to consider proposed modifications and ultimately secure the adoption of required statutory development plans.
45. To engage with all the relevant parties both internal within Portsmouth City Council and external in responding to emerging neighbourhood plans in the

city, including providing relevant information to designated neighbourhood planning forums. To determine if neighbourhood plans meet all necessary statutory requirements, to conduct consultation, arrange for examinations and conduct neighbourhood plan referendums.

46. To maintain a brownfield register and determine which sites are appropriate to identify in part 1 of the register.
47. To prepare and submit the local planning authority's views to working parties, and policy formulation related to the preparation of minerals and waste policy (except resolutions to review the plan, the consultation and deposit drafts, proposed modifications and adoption of the plan).
48. To publish -
  - a. new planning advice or guidance notes and amend existing notes and to repeal the same where appropriate;
  - b. future heritage guideline documents.
49. To make, confirm or otherwise deal with Directions to create local restrictions on permitted development rights made under the Town & Country Planning legislation relating to General Permitted Development, taking into account any representations received.

### **General Matters**

All Planning Actions and Decisions\* are delegated to the Director of Regeneration and the Assistant Director of Planning and Economic Growth except in the following circumstances:-

50. All applications required to be referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009;
51. Any applications where any Member so requests to the ADPEG providing a written reason, within 28 days of the registration of the application;
52. Any applications which are likely to have significant implications in the opinion of the ADPEG;
53. Any applications which are recommended for approval and that seek planning permission for 1,000 square metres or more of new non-residential floor area or for six or more new dwellings
54. Any applications which are recommended for approval but on which an objection has been received from a statutory consultee, which has not been resolved by negotiation or through the imposition of conditions;
55. Any applications submitted by, or on behalf of, a Councillor of the Authority (or their spouse/civil partner or a person with whom they are

living as spouse/civil partner), or by any member of the Council's staff (or their spouse/civil partner or a person with whom they are living as spouse/civil partner):

56. Any applications, except 'Householder applications', applications for advertisement consent, applications for works to TPO trees, applications in respect of trees in Conservation Areas or applications for minor non-residential alterations or extensions (industrial / commercial / leisure etc extensions, alterations and change of use resulting in less than (net) 250 sq. m of additional floorspace) submitted by or on behalf of the Council for its own developments or on land where the Council is the land owner;
57. Any applications which are recommended for approval where adverse representations based on material planning considerations have been received and a request has been received to attend committee as a deputation, except in the case of applications for certificates of lawfulness or applications for Prior Notifications.

\*\*For this purpose whether an adverse representation is based on material consideration will be a matter of the sole discretion of the ADPEG.
58. Any applications for Minor Material Amendments (made under s73 of the Town and Country Planning Act 1990, or any section which revokes or re-enacts that section) or applications for Reserved Matters following the grant of Outline Planning Permission, that do, in the opinion of the ADPEG have significant implications.
59. The making of Directions restricting permitted development under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order which revokes and re-enacts that Order.
60. The making of Local Development Orders under the Town and Country Planning Act.
61. All necessary approvals for the Compulsory Purchase of land under the Town and Country Planning Act and determinations as to whether to appropriate land for planning purposes, or dispose of such land held for planning purposes under section 232 and 233 of the Act.
62. The adoption of documents as part of the Development Plan, including any Development Plan Documents and Supplementary Planning Documents

\*For the avoidance of doubt, Planning Actions and Decisions include, but are not limited to:

Development Management decisions including the determination of all forms of application under the Town and Country Planning Act and associated legislation; the making of Tree Preservation Orders; the consideration and taking of enforcement



action under that Act and the Planning (Listed Building and Conservation Area) Act; the determination of any aspect of prior approval or otherwise under the Town and Country Planning (General Permitted Development) Order; the screening and consideration of proposal under the EIA Regulations; the agreement and execution of Planning Performance Agreements; the agreement and execution of Agreements under Section 106 of that Act or any other part; the consideration of hazardous substance consents; the consideration of highway diversion and/or stopping up orders under the Town and Country Planning legislation; the taking and defending of any legal proceedings pursuant to, or seeking to resolve, actions taken under that Act; decisions necessary to progress and resolve appeals to the Secretary of State or courts in respect of such decisions and actions; and including any revocation, modification or rescission of such decisions. And the determination of all forms of applications under the Planning (Listed Building and Conservation Area) Act; the determination of complaints received in respect of high hedges and to take such other action under Part 8 of the Anti-Social Behaviour Act 2003; and all necessary steps and decisions to progress any contribution to the determination of Development Consent Orders under the Planning Act.

Any decisions or actions necessary for the proper administration and monitoring of the enforcement, collection and spend of all relevant matters under planning obligations under 106 of the Town and Country Planning Act and under the Community Infrastructure Levy Regulations.

Any decision in respect of applications or approvals in respect of building plans and the Building Regulations.

Strategy and Policy Making and Progression including all necessary agreements or authorisations in the consideration of designation of neighbourhood areas and neighbourhood forum; all necessary agreements or authorisation necessary in the consideration of neighbourhood development plans, neighbourhood development orders or community right to build orders; and any approval for minor changes to conservation area boundaries.

Decisions in respect of any applications to register land on the Council's Assets of Community Value Register or to register land as Town and Village Green.

All necessary approvals to progress any part or all of the Local Plan and the Minerals and Waste Plan, including any Supplementary Planning Documents or associated guidance; the maintenance of a brownfield register and the determination as to which sites are appropriate to identify in which part of that register; and the approval of the Annual Monitoring Report and any other evidence base document for Publication.

The preparation and submission of the Local Planning Authorities views to internal parties within Portsmouth City Council and external parties responsible for policy formulation, including but not limited to commenting on consultation papers and assisting the policy formulation associated with government departments and other parties under the Duty to Cooperate.

~~50. To determine—~~

- ~~a. whether development would fundamentally conflict with or prejudice the implementation of any statutory development plan;~~
- ~~b. whether development would materially conflict with or prejudice the implementation of any of the policies or general proposals of the NPPF or with a fundamental provision of a statutory development plan.~~
- ~~c. all planning applications (including reserved matters applications) where they do not involve a departure from the development plan and where—~~
  - ~~i. no adverse representations are received from statutory consultees;~~
  - ~~ii. other representations are not based on material planning considerations; and~~
  - ~~iii. no request has been received to attend committee as a deputation~~
- ~~d. whether any representations made are based on material planning grounds, in consultation with Highways:~~
  - ~~i. whether a highway diversion and/or stopping-up order under the Town and Country Planning legislation should be made and subsequently confirmed where unopposed, or~~
  - ~~ii. whether a highways diversion and/or stopping-up order under the Town and Country Planning legislation should be referred to the appropriate appellate body for determination where opposed.~~

~~51. Applications to register land on the Council's Assets of Community Value Register~~

~~52. Applications to register land as Town and Village Green~~

~~53. To prepare and submit—~~

- ~~a. Recommendations on any items before the Planning Committee~~
- ~~b. the local planning authority's observations on development proposals within other local authority areas and proposals by government;~~
- ~~c. observations on applications and consultations not covered by the Town & Country Planning legislation which seek the council's views as local planning authority.~~

~~54. To determine whether an environmental assessment statement is required for relevant development projects under the Town and Country Planning legislation and environmental legislation~~

~~55. To determine whether an environmental impact assessment is required for relevant development projects.~~

- ~~56. To approve or refuse applications for certificates of lawfulness of existing or proposed use or development under Section 191 of the Town and Country Planning Act 1990 in consultation with the City Solicitor and to approve or refuse applications for certificates (seeking advice from the City Solicitor where required) under section 192 of the Town and Country Planning Act 1990 and any successor legislation.~~
- ~~57. To advertise as statutorily required or publicise in such way he considered necessary any planning application under Town and Country Planning legislation.~~
- ~~58. To serve statutory notices in respect of listed buildings and conservation areas.~~
- ~~59. To deal with conservation area tree notices including considering objections and representations, and to take such action as considered appropriate.~~
- ~~60. To authorise variation of conditions attached to planning consents where such variation does not require a formal application.~~
- ~~61. To authorise the making of and to confirm or otherwise deal with tree preservation orders, taking into account any objections and representations received.~~
- ~~62. To administer and monitor the enforcement, collection and spend of all planning obligations under Section 106 of the Town and Country Planning Act and the Community Infrastructure Levy Regulations~~
- ~~63. To grant or refuse consent, in respect of building plans and the Building Regulations.~~
- ~~64. To grant or refuse applications for advertisement consent.~~

### **Contentious Matters**

- ~~65. To decide whether to issue a contaminated land notice/remediation notice under environmental protection legislation and to take any preparatory and/or consequent steps to such an action~~
- ~~66. To take enforcement action and prosecution or other appropriate disposal in relation to listed buildings and conservation areas~~
- ~~67. To recommend appropriate breaches of tree preservation orders for prosecution or other disposal to the City Solicitor~~
- ~~68. In relation to breaches of planning control, to serve enforcement notices, breach of condition notices, planning contravention notices and to take any~~

~~other action including but not limited to serving statutory notices, making an application to court or making statutory demands for information in consultation with the City Solicitor and to recommend breaches of planning control for prosecution or other disposal to the City Solicitor where appropriate.~~

~~69. In relation to anticipated breaches of planning control, to seek the City Solicitor's advice on seeking an injunction.~~

~~70. To serve statutory notices relating to land having a detrimental effect upon the amenity of an area under all enabling legislation.~~

~~71. To serve notices and to take other necessary action, including the recommendation of prosecution or other disposal to the City Solicitor, in respect of building plans and the Building Regulations.~~

~~72. In planning appeals and inquiries, to either:~~

~~a. Present the Council's case in appropriate matters; or,~~

~~b. Act as expert witness and seek the advice of the City Solicitor to procure advocacy services in appropriate matters.~~

## **Environmental Matters**

~~73.~~63. To administer public registers of land which may be contaminated, and to appoint inspectors and authorised persons for the purposes of establishing whether land is contaminated in accordance with all enabling environmental legislation.

~~74.~~64. To administer hazardous substance registers in accordance with all enabling environmental legislation