

Meeting of:	COUNCIL
Date of Meeting:	25 JUNE 2025
Report Title:	AMENDMENT TO THE SCHEME OF DELEGATION OF FUNCTIONS
Report Owner / Corporate Director:	KELLY WATSON – MONITORING OFFICER
Responsible Officer:	JONATHAN PARSONS GROUP MANAGER PLANNING & DEVELOPMENT SERVICES
Policy Framework and Procedure Rules:	There is no impact on the Policy Framework and Procedure Rules.
Executive Summary:	Council approval is required for a series of amendments to the Schemes of Delegation of Functions. The changes are required to grant named Officers the legal right to enter land under statutory powers as part of their duties and delegated authority to be granted to the Corporate Director Communities to authorise the relevant officers.

1. Purpose of Report

- 1.1 The purpose of the report is to seek Council approval for a series of amendments to the Schemes of Delegation of Functions.
- 1.2 More specifically, the changes are required to allow named Officers within the Communities Directorate the legal right to enter land as part of their duties. The list of named officers will be updated on an annual basis and will include Officers from Planning, Enforcement, Building Control, Building Conservation and Design, Highways, Countryside and Public Rights of Way sections.

2. Background

- 2.1 Council officers are required as part of their statutory function to enter land as part of their duties. This may include planning enforcement investigations, visits in association with planning applications, visits in connection with tree preservation orders and dangerous structures. For example, Section 324 (Rights of Entry) of the Town and Country Planning Act 1990 allows any person duly authorised in writing by the Secretary of State or by a local planning authority to enter any land for the purpose of surveying it in connection with any permission, consent or determination to be given or made in connection with that land or any other land under that Part.

- 2.2 As a result of legislative changes, the current Scheme of Delegation of Functions requires updating to provide officers with all the necessary and relevant rights of entry under the relevant legislation.

3. Current situation/ proposal

- 3.1 It is proposed that the delegated function given to the Corporate Director Communities at Scheme B2 paragraph 6.1(d) in relation to the issuing of written authorisation to appropriate officers to enable them to exercise powers of entry be updated to include the following legislation:

- 1) Sections 196A, 196B, 196C, 214, 214B, 214C, 214D and 324 of the Town and Country Planning Act 1990 (as amended)
- 2) Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)
- 3) Sections 131 and 152 of the Historic Environment (Wales) Act 2023
- 4) Section 106 of the Infrastructure (Wales) Act 2024
- 5) Section 95 Building Act 1984 (as amended)
- 6) Sections 219 to 225 and 289 of the Highways Act 1980 (as amended)
- 7) Schedule 3, Part 2 of the Environmental Protection Act 1990 (as amended)
- 8) Section 36 of the Planning (Hazardous Substances) Act 1990 (as amended)
- 9) Section 51 of the Countryside and Rights of Way Act (CROW) 2000
- 10) Sections 28 and 51 of the Wildlife and Countryside Act 1981 (as amended)
- 11) Sections 108 & 109 of the Environment Act 1995

- 3.2 It is further proposed that Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 be omitted.

- 3.3 If approved by Council, the sub-delegations for the Corporate Director – Communities will be updated to further delegate the provisions to the Group Manager – Planning and Development Services.

4. Equality implications (including Socio-economic Duty and Welsh Language)

- 4.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

- 5.1 The proposal will not have any direct impact but will enable officers to carry out their function of providing a statutory service, which is a key contributory factor to delivering Local Well-being Objectives. and contribute to the following goals within the Well-being of Future Generations (Wales) Act 2015:

- A prosperous Wales – Enabling households to meet their accommodation needs and reducing homelessness supports a prosperous Wales by supporting people to become financially stable and reducing cost to the public purse.
- A resilient Wales – provision of good quality market and Affordable Housing will increase the resilience of both individuals and communities.
- A Wales of cohesive communities – enabling well-connected, multi-tenure developments will foster sustainable, socially cohesive communities.

6. Climate Change and Nature Implications

6.1 There are no direct Climate Change or Nature implications from this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no Safeguarding and Corporate Parent implications from this report.

8. Financial Implications

8.1 There are no financial implications arising from this report.

9. Recommendations

9.1 It is recommended that Council approves the amendments to the Scheme of Delegation of Functions as set out at paragraphs 3.1 and 3.2 of the report:

9.2 Delegate authority to Monitoring Officer to make amendments to the Scheme of Delegation of Functions where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer decides or the legislation (where relevant) so provides.

Background documents

None