

**DEVELOPMENT CONTROL COMMITTEE – 24<sup>th</sup> APRIL 2006**

**REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT**

**STOP NOTICE POWERS**

**Purpose of Report**

- 1 To obtain a recommendation from Members to the Leader of the Council that certain enforcement powers can be delegated from Members to either the Director of the Urban Environment or the Director of Law and Property as detailed in the report set out below.

**Background**

- 2 Under the Council's Constitution members of the Development Control Committee have the functions relating to Town and Country Planning and Development Control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ('the Functions Regulations')
- 3 Powers under the Functions Regulations include the power to serve a stop notice, power to issue a temporary stop notice and power to issue an enforcement notice. There is, however, no onward delegation to the Director of the Urban Environment to serve or issue these notices. On occasions, in relation to certain unauthorised development, the Local Planning Authority may wish to act quickly and serve either a temporary stop notice or a stop notice. The power to serve Temporary Stop Notices was only given to Local Planning Authorities in June 2005. At present the Director of the Urban Environment is unable to serve either notice without prior authorisation from Development Control Committee, which would cause inevitable delay.
- 4 In order to overcome the above mentioned problem of delay the Constitution would need to be amended so that the following powers are added to the list of delegated functions to the Directorate of the Urban Environment namely the power to issue a temporary stop notice, the power to issue a stop notice and, because stop notices need to have an enforcement notice attached to them, power to issue an enforcement notice on occasions where it is needed in order to serve a stop notice.

- 5 The Constitution also needs to be amended in order to delegate to the Director of Law and Property the power to institute prosecution proceedings for breaches of temporary stop notices (Section 171G Town and Country Planning Act 1990). The Director of Law and Property already has such power in relation to breaches of enforcement and stop notices.

### **Finance**

- 6 There are no direct financial consequences arising from this report.

### **Law**

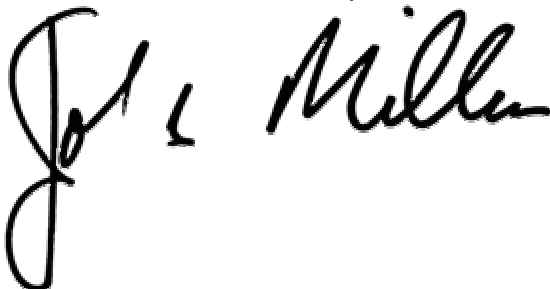
- 7 The Council's powers in relation to enforcement action are contained in the Town and Country Planning Act 1990 (as amended).

### **Equality Impact**

- 8 The content of this report complies with the Council's Equal Opportunities Policy.

### **Recommendation**

- 9 That Members recommend to the Leader of the Council that he take all appropriate steps necessary in order to achieve the amendments to the Scheme of Delegation contained in the Constitution as detailed in paragraphs 4 and 5 of this report.

A handwritten signature in black ink, appearing to read 'J. B. Millar'. The signature is written in a cursive style with a large initial 'J'.

**J. B. MILLAR – DIRECTOR OF THE URBAN ENVIRONMENT**

Contact Officer:

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### **List of Background Papers**

No background papers.