



RECORD OF DELEGATED DECISION

This form is used to record **all** officer decisions which are not included in the Forward Plan. The constitution details who can take delegated decisions.

1. Name & Title of Officer: (who is taking the Decision)	Pranali Parikh Director for Growth and Regeneration
2. Title / Subject Matter:	Planning Enforcement : supporting the hospitality sector and Covid 19 recovery
3. Decision Reference No.	CEX076 (original decision 25/6/20, revised 5/10/20)
4. Type of Decision:	Public
5. Decision Taken: (Try to briefly summarise what you have decided to do. Do not include any exempt or other information in your decision that you would not want to be published.) <ol style="list-style-type: none">To exercise the discretion afforded by s172 of the Town and Country Planning Act 1990 towards breaches of planning control in a supportive manner from 1st October 2020 to 30th September 2021 where it relates to temporary uses of land and structures (e.g. marquees) associated with the recovery of the hospitality sectorTo take enforcement action under the above legislation only where there is a serious impact upon safety, environmental or amenity interests	
6. Reasons for Decision: The hospitality industry has been especially hard hit during the Covid 19 crisis and the Council wishes to support its recovery. Following Christmas 2020 lockdown, hospitality can potentially re-open outside on 12 th April 2021. These operational restrictions will continue and many pubs and other establishments have limited capacity and have struggled to accommodate sufficient customers to enable viable patronage due to social distancing and circulation requirements. The situation remains volatile and Governemnt adjusts the range and nature of restrictions in response to fluctuations in the incidence of the virus in the community. Whist planning legislation allows for temporary arrangements of this nature, in most cases it is limited to 28 days and/or is strictly limited by specified parameters and it may not be expedient or practical for such premises to apply for planning permission as required in	

normal circumstances. If such permission is not sought then establishments may breach planning control.

Under Section 172 of the Town and Country Planning Act the Council has discretion where there is a breach of planning control not to take enforcement action. The Council does not believe that in the current circumstances it would be appropriate to take enforcement action unless there is a serious impact upon safety, environmental or amenity interests. It would also not support the hospitality sector as it wants to.

Circumstances in which Enforcement Action may remain appropriate may include:

- Repeated noise nuisance at unsociable hours, for example from a temporary external cover or marquee;
- Road Safety hazards from insufficient parking if displaced for use by customers;
- Environmental harm, for example to trees, hedges or wildlife
- Damage to Listed Buildings
- Obstruction of rights of way
- Production of litter or other debris

The Council has no power to remove the need to obtain the permission of the relevant landowner for the use of adjacent/nearby land.

7. Authority / Legal Power:

(Please detail where your authority comes from e.g. Committee Minute, Constitution or Legal power i.e. what enables you to take this course of action)

Director for Growth and Regeneration has delegated power over planning enforcement matters. Chapter 2, part 9 para.1.6 of the Constitution.

Monitoring Officer has authority to authorise, issue and serve Statutory Notices under any enactment. Chapter 2, Document 4

8. Background Papers attached?

(Background papers are to be attached (unless exempt)

No

9. Alternative options available / rejected:

(Briefly summarise what other options, if any, are available or considered and why they were rejected.)

1. Blanket decision not to enforce : Rejected as may impair ability to address serious situations.
2. No decision (normal provisions): would not provide the confidence for establishments to make the investments/alterations necessary to facilitate their recovery.

10. Implications:

(Please ask the respective professional officers ((a) Legal, (b) Finance and (c) Human Resources) for their assessment of the potential implications of this decision. You should also consult any other relevant officers if you think the decision will have an impact on their areas of responsibility.)

Legal	<p>Under Section. 172 of the Town and Country Planning Act 1990, the Local Planning Authority may take planning enforcement action where there has been a breach of planning control.</p> <p>A Local Planning Authority has discretion whether or not to take planning enforcement action. There is no obligation on the Local Planning Authority to do so. Officers will consider any enforcement action weighed against covid recovery and the seriousness of any breach of planning and the effect on the wider public. Officers will document their reasons for taking action, or not taking action.</p>
Finance	None
HR	None
11. Signature of Decision Maker: Please do no 'pp' for a Senior Officer	Signature redacted Pranali Parikh Director for Growth & Regeneration
12. Consultation with: (Where applicable)	Cllrs L Higgins and A Pearson Portfolio Holders: Growth and Regeneration, Housing and Communities
13. Date:	15 March 2021

Please send all decisions for publication to: Democratic Services at democracy@melton.gov.uk. All decisions with exempt information should be sent to Natasha Taylor, Democratic Services Manager at ntaylor@melton.gov.uk

14. Decision Reference No.:	
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15. Exempt or Confidential Background Information:

(Use this section to include any exempt or confidential information that should not be published or placed on the Council's website but is needed to support the decision. The information in this section will only be shared within the Authority as appropriate.)

For further support or guidance please contact Natasha Taylor (Democratic Services Manager) or Kieran Stockley kstockley@melton.gov.uk (Assistant Director of Assistant Director for Governance & Democracy (Monitoring Officer)).