



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.

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| 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 |
| 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 4th July 2020 until 30th September 2020 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. Subject to Government guidance the hospitality sector may be able to re-open on 4 th July, but many pubs and other establishments have limited capacity and will struggle to accommodate sufficient customers to enable viable patronage due to social distancing requirements. Establishments have approached the Council regarding the legislative requirements governing 'overspill' arrangements such as the erection/use of temporary structures (e.g. marquees) and use of adjacent land. Whilst 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.)

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| <p>Legal</p> | <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. 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.</p> <p>The Council should document carefully the reasons for any decision not to take planning enforcement action against a breach of planning control as the exercising of discretion may be challenged.</p> |
| <p>Finance</p> | <p>None</p> |
| <p>HR</p> | <p>None</p> |

11. Signature of Decision Maker:
Please do no 'pp' for a Senior Officer

Pranali Parikh
25 June 2020

12. Consultation with:
(Where applicable)

Name: Cllr L Higgins and A Pearson
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.....
Portfolio Holders: Growth and Regeneration , Housing and Communities
Signature:
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...

13. Date:

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

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| 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 Adele Wylie (Director of Governance & Regulatory Services) on awylie@melton.gov.uk or Kieran Stockley (Legal & Governance Manager) on kstockley@melton.gov.uk .