

Decision Pathway Report



PURPOSE: Key decision

MEETING: Cabinet

DATE: 02 April 2019

TITLE	Ratification and Re-issuing of Article 4 Directions											
Ward(s)	Ashley, Cabot, Cotham, Clifton East, Clifton West, Lawrence Hill and Redland											
Author: Tim O’Gara	Job title: Director – Legal and Democratic Services											
Cabinet lead: Councillor Cheney	Executive Director lead: Mike Jackson											
Proposal origin: BCC Staff												
Decision maker: Cabinet Member												
Decision forum: Cabinet												
Purpose of Report: To ratify the decisions take by DC Committee between 2010 and 2011 in relation to the issuing of Article 4 directions.												
Evidence Base:												
<ol style="list-style-type: none"> Article 4 directions allow local authorities to remove rights of permitted development in relation to a locality. This should be done only where necessary to protect the local amenity or the wellbeing of the area. The impact is that works that could otherwise have been carried out under rights of permitted development will instead require planning permission. Since 2000, local government functions have been separated into executive and non-executive, with the former being exercised by the Mayor or Leader and the latter by Full Council. The majority of functions may be delegated in accordance with the relevant legislation. Functions relating to planning are primarily non-executive; however certain residual planning functions, including the power to make Article 4 directions, are the responsibility of the executive. Bristol City Council has made eight Article 4 directions to date. Three of these were made prior to 2000 and are therefore not impacted by this report as no distinction was drawn between executive and non-executive functions at that time; however the decisions relating to the other five were taken at Development Control ('DC') Committee: <table border="1" data-bbox="183 1451 1497 1709"> <tr> <td>Cotham and Redland Conservation Area</td> <td>Boundary walls and hard standings</td> </tr> <tr> <td>Clifton West</td> <td>Houses in multiple occupation (HMO)</td> </tr> <tr> <td>Redland</td> <td>HMO</td> </tr> <tr> <td>Lawrence Hill, Ashley, Cabot, Cotham, and Clifton East</td> <td>HMO</td> </tr> <tr> <td>Grove Wood, Blackberry Hill</td> <td>Gates, walls, fences and means of enclosure and structures</td> </tr> </table> 			Cotham and Redland Conservation Area	Boundary walls and hard standings	Clifton West	Houses in multiple occupation (HMO)	Redland	HMO	Lawrence Hill, Ashley, Cabot, Cotham, and Clifton East	HMO	Grove Wood, Blackberry Hill	Gates, walls, fences and means of enclosure and structures
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<ol style="list-style-type: none"> Whilst it was appropriate that these directions went to DC Committee, the decision-making power ultimately rested with the executive and should therefore have been taken by the Leader at the time or an individual or body with delegated responsibility. 												
Cabinet Member / Officer Recommendations:												
<ol style="list-style-type: none"> That the Article 4 directions issued between 2010 and 2011 be ratified; That the Director – Legal and Democratic Services be instructed to reissue the directions listed in paragraph 3 of the evidence base. 												
Corporate Strategy alignment: N/A												

City Benefits: N/A
Consultation Details: N/A

Revenue Cost	£0	Source of Revenue Funding	<i>Insert specific service budget</i>
Capital Cost	£0	Source of Capital Funding	<i>e.g. grant/ prudential borrowing etc.</i>
One off cost <input type="checkbox"/>	Ongoing cost <input type="checkbox"/>	Saving Proposal <input type="checkbox"/>	Income generation proposal <input type="checkbox"/>

Required information to be completed by Financial/Legal/ICT/ HR partners:

1. Finance Advice: This report requests the retrospective ratification of 5 Article 4 directions which were taken between 2010 and 2011 by a non-executive function rather than an executive function. No financial implication arises as a result of ratifying and re-issuing these planning directions. Until actioned, they risk challenge.

Finance Business Partner: Jemma Prince, 6 March 2019

2. Legal Advice: The existing directions are vulnerable to challenge if not ratified, due to the incorrect decision pathway having been followed. It has been confirmed that no prosecutions have been made in relation to the directions, so no further remedial action is required.

Legal Team Leader: Tim O’Gara, 4 March 2019

3. Implications on IT: There are no IT implications arising from this report.

IT Team Leader: Ian Gale, Service Manager – Service Delivery and Integration, 4 March 2019

4. HR Advice: No HR implications.

HR Partner: James Brereton (People & Culture Manager), 4 March 2019

Background Documents: N/A

Cabinet Member sign-off	Councillors Beech and Cheney	25 February 2019
EDM sign-off	Mike Jackson	27 February 2019
For Key Decisions - Mayor’s Office sign-off	Mayor’s Office	4 March 2019

Appendix A – Further essential background / detail on the proposal	NO
Appendix B – Details of consultation carried out - internal and external	NO
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	NO
Appendix E – Equalities screening / impact assessment of proposal	NO
Appendix F – Eco-impact screening/ impact assessment of proposal	NO
Appendix G – Financial Advice	NO
Appendix H – Legal Advice	NO
Appendix I – Exempt Information	NO
Appendix J – HR advice	NO
Appendix K – ICT	NO