



**DEFA Delegation No. 2022/05**

**GOVERNMENT DEPARTMENTS ACT 1987**

**DEPARTMENT OF ENVIRONMENT, FOOD AND AGRICULTURE**

**Delegation of Functions relating to**

**PLANNING AND BUILDING CONTROL**

In exercise of the powers conferred by section 3(2) of the Government Departments Act 1987<sup>1</sup>, I authorise

**Miss Jennifer Chance, Director of Planning and Building Control**

in the **Department of Environment, Food and Agriculture** until further notice to exercise the functions of the Department relating to Planning and Building Control specified in the Schedule to this authorisation subject to any standing orders made by the Department under section 3(4) of that Act.

Nothing in the Schedule shall be taken to impinge on the authority of the Chief Executive to manage the staff of the Department, nor to execute his responsibilities as Departmental Accounting Officer.

The authorisation contained in DEFA Delegation 2021/19 is hereby revoked.

Made: *04<sup>th</sup> May 2022*

Redacted

**Hon. C Barber, MHK  
Minister for Environment, Food and Agriculture**

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<sup>1</sup> 1987 c.13

## Schedule

### **FUNCTIONS OF THE DEPARTMENT RELATING TO PLANNING AND BUILDING CONTROL**

- (1) The functions of the Department, whether created by statute or otherwise, in connection with Planning and Building Control including the powers, duties and responsibilities of the Department arising from those functions.
- (2) Those functions include the functions of the Department under the following Acts —
  - Building Control Act 1991 (except in respect of functions under sections 22 to 25)
  - Conveyancing Act 1983
  - Copyright Act 1991
  - Housing (Miscellaneous) Provisions Act 2011 (in respect of the functions in section 6)
  - Mechanical Contrivances Regulation Act 1923
  - Town and Country Planning Act 1999 (other than those delegated to the body known as the Planning Committee unless further delegated by that Committee)
- (3) Those functions also include —
  - (a) power to consider or prepare proposals in respect of Planning and Building Control including matters ancillary to them, whether within the enactments referred to in paragraph (2) or otherwise;
  - (b) power to prepare annual revenue or capital expenditure programmes in respect of Planning and Building Control for submission to the Minister;
  - (c) powers to sign planning decision notices;
  - (d) powers of entries in and amendments to The Register and determine such decisions and issue such notices (section 14)
  - (e) powers to issue and revoke Building Preservation Notices (section 17)
  - (f) determine the duties to be performed by civil servants on the staff of Planning and Building Control to give to such staff reasonable instructions;
  - (g) determine the duties to be performed by the employees of Planning and Building Control and to give to such staff reasonable instructions; and
  - (h) exercise such management functions as provided for under the following Civil Service Regulations or analogous thereto, to the extent set out below:

Civil Servants	Authority
Disciplinary Procedure	<ul style="list-style-type: none"> <li>• Recommend Dismissal</li> <li>• Suspension</li> <li>• Up to Final Written Warning</li> <li>• Appeals up to Final Written Warning</li> </ul>
Capability Procedure	<ul style="list-style-type: none"> <li>• Submission of an Adverse Report</li> <li>• Up to Final Warning</li> </ul>
Grievance Procedure	<ul style="list-style-type: none"> <li>• Up to Stage 3</li> </ul>

### Exceptions

- (4) The Director of Planning and Building Control must not determine an application for which authorisation would otherwise be given by this instrument –
- (a) in which the Director of Planning and Building Control has a personal interest (whether or not a pecuniary interest);
  - (b) in which a member of the immediate family of the Director of Planning and Building Control is the applicant;
  - (c) in which any member or officer of Planning and Building Control or a member of the immediate family of such a member or officer, is involved; or
  - (d) in which the Director of Planning and Building Control considers should properly be determined by the Department Member responsible for Planning or the Minister of the Department.