



<b>Subject:</b>	Corporate Seal: Agreements made pursuant to Section 76 of the Planning Act (Northern Ireland) 2011
<b>Date:</b>	19 April 2024
<b>Reporting Officer:</b>	Nora Largey, Interim City Solicitor and Director of Legal & Civic Services
<b>Contact Officer:</b>	Una McMullen, Solicitor – Regulatory and Planning

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.</b>	
Insert number <input type="checkbox"/>	
<ol style="list-style-type: none"><li>1. Information relating to any individual</li><li>2. Information likely to reveal the identity of an individual</li><li>3. Information relating to the financial or business affairs of any particular person (including the council holding that information)</li><li>4. Information in connection with any labour relations matter</li><li>5. Information in relation to which a claim to legal professional privilege could be maintained</li><li>6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction</li><li>7. Information on any action in relation to the prevention, investigation or prosecution of crime</li></ol>	
<b>If Yes, when will the report become unrestricted?</b>	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	To seek Committee approval to delegate authority to the Director of Planning and Building Control to affix the corporate seal to agreements made under Section 76 of the Planning Act

	(Northern Ireland) 2011 that are entered into under delegated authority by the Planning Service.
<b>2.0</b>	<b>Recommendation</b>
2.1	It is recommended that Members give delegated authority to the Director of Planning and Building Control to affix the corporate seal to Section 76 Planning Agreements that are entered into under delegated authority by the Planning Service.
<b>3.0</b>	<b>Main Report</b>
3.1	Members will be aware that the Council routinely enters into planning agreements (“Section 76 Agreements”) with landowners pursuant to Section 76 of the Planning Act (Northern Ireland) 2011 (the “2011 Act”). These Section 76 Agreements are used where it is considered that a development will have a significant impact on the local area that cannot be moderated by a condition contained in the planning permission.
3.2	Whilst most of these Section 76 Agreements are subject to Committee scrutiny and are sealed by the Chief Executive and the Lord Mayor with the corporate seal when complete, there are occasions when such agreements are entered into on foot of planning decisions which are delegated to officers pursuant to the Council’s Scheme of Delegation. Members will be aware that pursuant to Section 31 of the 2011 Act, the Council operates a planning scheme of delegation.
3.3	In those instances where, pursuant to the scheme of delegation, Section 76 Agreements are not brought through the Committee scrutiny process, it is therefore recommended that formal authority is delegated to the Planning Committee to authorise the Director of Planning and Building Control to present agreements to the Lord Mayor & Chief Executive to affix the corporate seal.
3.4	The relevant pieces of legislation relating to the corporate seal are as follows: <ul style="list-style-type: none"> <li>• Section 100 of the Local Government (Northern Ireland) Act 1972 (the “1972 Act”) provides that a seal must be attached to any document which is a deed or a contract that has a value of over £30,000.</li> <li>• Section 120 of the 1972 Act provides that instruments executed by a council under its seal if otherwise valid shall have full force and effect notwithstanding that Council authority has not been given or that the use of the seal is not in accordance with standing orders.</li> <li>• Section 76(10) of the 2011 Act provides that planning agreements may not be entered into except by an instrument under seal.</li> </ul>
3.5	In addition, the Council’s Standing Order 52(b) states in summary that anything requires the corporate seal has to be subject to Council approval by way of a resolution.

3.6	Members should note that officers intend to bring a monthly report to the Planning Committee, which will list those delegated decisions that are subject to Section 76 Agreements to seek authorisation to affix the seal.
3.7	<b><u>Financial and Resource Implications</u></b> None
3.8	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b> None
4.0	<b>Appendices - Documents Attached</b>
	None