

Agenda

Planning Committee

Date: **Wednesday 9 September 2026**

Time: **6.00 pm**

Place: **Council Chamber**

For any further information please contact:

Democratic Services

committees@gedling.gov.uk

0115 901 3844

Planning Committee

Membership

Chair Councillor Roy Allan

Vice-Chair Councillor Paul Wilkinson

Councillor Pauline Allan
Councillor Jane Allen
Councillor Stuart Bestwick
Councillor David Ellis
Councillor Andrew Ellwood
Councillor Helen Greensmith
Councillor Julie Najuk
Councillor Lynda Pearson
Councillor Catherine Pope
Councillor Grahame Pope
Councillor Sam Smith
Councillor Ruth Strong
Councillor Henry Wheeler
Councillor Russell Whiting

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Responsibilities of the Planning Committee:

- 1) To examine and investigate any proposals for development within or outside the Borough which affect the growth prosperity and wellbeing of the Borough and to consult on any action considered necessary.
- 2) Power to fix fees and charges in relation to the remit of the Committee.
- 3) Power to appoint delegates to conferences and to approve Member training in relation to the remit of the Committee.
- 4) To respond to consultative documents received by the Council and falling within the remit of the Committee.

- 5) Power to institute enforcement and legal proceedings in connection with any offences under any powers delegated to this Committee.
- 6) Power to determine applications for planning permission.
- 7) Power to determine applications to develop land without compliance with conditions previously attached.
- 8) Power to grant planning permission for development already carried out.
- 9) Power to decline to determine applications for planning permission.
- 10) Duties relating to the making of determinations of planning applications.
- 11) Power to determine applications for planning permission made to the Council.
- 12) Power to make determinations, give approvals and agree matters relating to the exercise of development rights.
- 13) Power to enter into agreements regulating the use or development of land.
- 14) Power to issue a certificate of existing or proposed lawful use or development.
- 15) Power to serve a completion notice.
- 16) Power to grant consent for the display of advertisements.
- 17) Power to authorise entry onto land pursuant to Section 196A of the Town and Country Planning Act 1990.
- 18) Power to require the discontinuance of a use of land.
- 19) Power to serve a contravention notice, breach of condition notice or stop notice.
- 20) Power to issue an enforcement notice.
- 21) Power to apply for an injunction restraining a breach of planning control.
- 22) Power to require proper maintenance of land pursuant to Section 215(1) of the Town and Country Planning Act 1990.
- 23) Power to determine applications for listed buildings consent.
- 24) Power to serve a building preservation notice
- 25) Power to acquire a listed building in need of repair and to serve a repairs notice.
- 26) Power to apply for an injunction in relation to a listed building.
- 27) Power to execute urgent works to a listed building.
- 28) Power to create, extinguish, stop up or divert footpaths or bridle ways after consultation, where appropriate, with the relevant Parish Council.
- 29) Power to make a rail crossing diversion or extinguishment order.
- 30) To exercise the Council's powers relating to the preservation of trees contained within the Town and Country Planning Act 1990.
- 31) To exercise the Council's powers with regard to the Hedgerows Regulations 1997.
- 32) Power to make, amend, revoke or re-enact byelaws within the remit of the Committee

AGENDA

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1. **Apologies for Absence and Substitutions**
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MINUTES PLANNING COMMITTEE

Wednesday 15 July 2026

Councillor Roy Allan (Chair)

In Attendance:	Councillor Paul Wilkinson	Councillor Ron McCrossen
	Councillor Pauline Allan	Councillor Julie Najuk
	Councillor Stuart Bestwick	Councillor Catherine Pope
	Councillor David Ellis	Councillor Grahame Pope
	Councillor Andrew Ellwood	Councillor Sam Smith
	Councillor Helen Greensmith	Councillor Ruth Strong
	Councillor Darren Maltby	Councillor Henry Wheeler

Absent: Councillor Jane Allen, Councillor Lynda Pearson and Councillor Russell Whiting

Officers in Attendance: J Krawczyk, C Turton, H Stylianou and C Goodall

15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Allen, Pearson and Whiting.

Councillors Maltby and R McCrossen attended as substitutes.

16 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 3 JUNE 2026

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

17 DECLARATION OF INTERESTS

None.

18 APPLICATION NO. 2025/0550 - DEVELOPMENT SITE CHASE FARM, ARNOLD LANE, GEDLING, NOTTINGHAMSHIRE

Reserved Matters application for Appearance, Landscaping, Layout and Scale in relation to outline planning permission 2017/1571 for "Erection of employment units (Class B1c/B2/B8 Use), Pub/Restaurant (Class

A3/A4 Use) and Drive Thru (Class A3 Use), together with associated parking, servicing and landscaping.

The Principal Planning Officer introduced the report.

It was moved and duly seconded by members, to add an additional informative in relation to Condition 6 of the report which was approved as follows:

“With regards to condition 6, the car park management and anti-social behaviour plan should include details of a litter management plan.”

RESOLVED:

TO GRANT RESERVED MATTERS APPROVAL subject to the following conditions:

- 1 This permission shall be read in accordance with the following documents;-

Application form, received 14th July 2025

Site Location Plan, received 14th July 2025

Drawing no. 2024-802-P04A, Unit A Proposed Elevations & Roof Plan, received 20th February 2026

Drawing no. 2024-802-P02A, Unit A Proposed Floor Plan, received 20th February 2026

Drawing no. 2024-802-P05, Unit B Proposed Elevations, received 20th February 2026

Drawing no. 2024-802-P04, Unit B Proposed Floor Plan and Roof Plan, received 20th February 2026

Drawing no. 2024-802-P07, Unit C Proposed Elevations, received 20th February 2026

Drawing no. 2024-802-P06, Unit C Proposed Floor Plan and Roof Plan, received 20th February 2026

Drawing no. 2024-802-P08, Unit D Proposed Plans & Elevations, received 20th February 2026

Drawing no. 2024-802-P09, Unit E Proposed Plans & Elevations, received 20th February 2026

Drawing no. JBA 25/115-06 Rev B, Detailed Soft Landscape Proposals, received 20th February 2026

Drawing no. JBA 25/115-07 Rev B, Detailed Soft Landscape Proposals, received 20th February 2026

Drawing no. JBA 25/115-08 Rev B, Detailed Soft Landscape Proposals, received 20th February 2026

Drawing no. 2024-802-P01.K, Planning Site Layout, received 20th February 2026

Letter from James Blake Associates dated 15th October 2025 regarding Guidance on Habitat Mitigation for the Dingy Skipper at Colliery Way, Gedling

Document titled "Measured Works Schedule," Detailed Soft Landscape Proposals, received 30th April 2026
 Drawing no. JBA 25/115-01 Rev B, detailed Hard Landscape Proposals, received 20th February 2026
 Drawing no. JBA 25/115-02 Rev B, detailed Hard Landscape Proposals, received 20th February 2026
 Drawing no. JBA 25/115-03 Rev B, detailed Hard Landscape Proposals, received 20th February 2026
 Drawing no. JBA 25/115-04 Rev B, detailed Hard Landscape Proposals, received 20th February 2026
 Drawing no. 2024-802-P10.K, Enclosures and managed areas plan, received 16th April 2026
 Drawing no. JBA 25/115-05, Detailed Soft Landscape Proposal, received 30th April 2026
 Drawing no. 9037-P04, External Levels including Unit B Sheet 1 of 2, received 11th June 2026, as updated by the email from the applicant to the Local Planning Authority of 2nd July 2026
 Drawing no. 9038-P04, External Levels including Unit B Sheet 2 of 2, received 11th June 2026, as updated by the email from the applicant to the Local Planning Authority of 2nd July 2026

- 2 The reserved matters details hereby permitted shall be constructed entirely of the materials details submitted as part of this reserved matters application
- 3 The landscaping scheme as approved shall be carried out in the first planting season following the completion of the development. Any trees, shrubs or plants that die within a period of five years from the completion of the development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.
- 4 Full elevation details of the proposed bike storage areas shall be submitted to and approved in writing by the Local Planning Authority. The cycle stores hereby approved for each unit shall thereafter be constructed in accordance with the approved details and be available for use prior to the unit that it serves being brought into use. The cycle stores shall be retained for the life of the development.
- 5 Each unit shall not be occupied until the relevant car parking area serving that unit has been laid out in accordance with the approved details and is available for use.
- 6 Each building hereby approved shall not be occupied until a car park management and anti-social behaviour plan including measures to prevent anti-social behaviour, details of surveillance, lighting, hours of operation, and site management procedures for the car park serving that building has been submitted to and

agreed in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved details.

- 7 Notwithstanding the approved hard landscaping plans listed in condition 2, each building hereby approved shall not be occupied until details of the hard surfacing materials to be used for the car parking areas serving that building has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained for the lifetime of the development.

Reasons

- 1 For the avoidance of doubt.
- 2 In the interests of visual amenity.
- 3 In the interests of visual amenity and biodiversity.
- 4 In the interests of sustainability.
- 5 In the interests of highway safety.
- 6 In the interests of neighbouring amenity.
- 7 In the interests of visual amenity.

Informatives

The Borough Council has worked positively and proactively with the applicant, in accordance with the National Planning Policy Framework based on seeking solutions to problems arising in relation to dealing with the planning application.

With regards to the electric vehicle charging, all electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015) and The Electric Vehicles (Smart Charge Points) Regulations 2021.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining

Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

What is a permit and how to get one? - GOV.UK (www.gov.uk)

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

Building on or within the influencing distance of mine entries - GOV.UK

Permit Terms and Conditions at Coal mining permit terms and conditions - GOV.UK (www.gov.uk)

Guidance which is in form of FAQs in section 10 at What is a permit and how to get one? - GOV.UK (www.gov.uk)

The gas monitoring and extraction plant currently on-site should remain on-site as long as required by the Minerals Planning Authority (MPA). The MPA will require full access to the plant for operational and maintenance purposes.

With regards to condition 6, the car park management and anti-social behaviour plan should include details of a litter management plan.

19 APPLICATION NO. 2026/0327 - NOTTINGHAMSHIRE FIRE AND RESCUE HEADQUARTERS, BESTWOOD LODGE DRIVE, BESTWOOD, NOTTINGHAMSHIRE

Solar Canopies.

The Principal Planning Officer introduced the report.

RESOLVED:

To GRANT PLANNING PERMISSION subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby permitted shall be completed in accordance with the submitted documents, received by the Local Planning Authority 21st May 2026;-

Application Forms
Site Location Plan
Block Plan
Elevations

- 3 The development shall be undertaken in the materials identified on the submitted application forms.
- 4 In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 In the interests of visual amenity and heritage.
- 4 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 121 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.

Notes to Applicant

- 1 The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community

Infrastructure Levy (CIL). Full details of CIL are available on the Council's website.

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

- 2 Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with the National Planning Policy Framework.
- 3 In order to protect and maintain biodiversity in accordance with relevant wildlife legislation, the National Planning Policy Framework, Aligned Core Strategy Policy 17 and Local Plan Policy LPD 18, works shall be conducted in accordance with the following Reasonable Avoidance Measures (RAMS):
 - The working footprint will be kept to a minimum.
 - A toolbox talk will be delivered to workers prior to the commencement of works to inform them of the potential for protected species and what to do if protected species are found during works. This should include halting work until a suitably qualified ecologist has been consulted.
 - If any large mammal holes are identified within 30 m of the site, works will be halted until a suitably qualified ecologist has been consulted.
 - Any common reptiles, amphibians or small mammals, such as hedgehogs, found during the works will be carefully moved to a safe, sheltered location (such as the base of a hedgerow) away from the works, using gloved hands.
 - A wildlife sensitive lighting scheme will be employed, both during and post-construction, in compliance with the following guidance: Bats and Artificial Lighting at Night (Institution of Lighting Professionals, 2023), to avoid impacts to foraging and commuting bats and other nocturnal and crepuscular species.
 - Appropriate RAMS will be followed to prevent entrapment of animals in pipes or trenches, such as provision of egress boards for any trenches left open overnight and capping of pipes over 120 mm in diameter.
 - Materials such as netting and cutting tools will not be left in the works area overnight where they might entangle or endanger animals passing through the site.
 - If possible, no stockpiles or piles of vegetation, rubble or soil will be left overnight. If this cannot be avoided, they will be stored raised off the ground or carefully dismantled by hand prior to removal.
 - Building materials should be stored on pallets to discourage wildlife from sheltering within them

- Concrete should not be left unset overnight. If this cannot be avoided, a suitable barrier should be erected to prevent mammals accessing the concrete.
- Pollution prevention best practice will be followed during works.

4 Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Gedling Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;

- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

"original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

- 5. The presence of the solar canopies does not justify future pruning of retained trees beyond good arboricultural management, and that no works to trees should be undertaken that would harm their health, structure or amenity in order to improve solar gain.

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PLANNING COMMITTEE REFORM

The Assistant Manager – Development introduced a report, which had been circulated in advance of the meeting, briefing Members on proposed legislative changes by the Government and to nominate members of the committee to a Cross-Party Working Group of 9 members to agree the Planning Committee Rules within the Constitution, amend the Planning Committee Protocol and amend the Scheme of Delegation.

RESOLVED:

- 1) To note the content of this report and the Government's proposed planning reforms.
- 2) To nominate up to 9 members to a Cross-Party Working Group to consider Planning Committee Rules within the Constitution, proposed amendments to the Planning Committee Protocol and

also to the Scheme of Delegation, and to refer those amendments to Council for approval.

21 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

22 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

23 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 6.44 pm

Signed by Chair:
Date:

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PLANNING COMMITTEE PROTOCOL

Introduction

1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be reached, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is empowered by the Borough Council, as the democratically accountable decision maker, to determine planning applications in accordance with its constitution. In making legally binding decisions therefore, it is important that the committee meeting is run in an ordered way, with Councillors, officers and members of the public understanding their role within the process.
3. If a Councillor has any doubts about the application of this Protocol to their own circumstances they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.
4. This protocol should be read in conjunction with the Council's Member's Code of Conduct, Code of Practice for Councillors in dealing with Planning Applications, briefing note on predetermination and the Council's Constitution.

Disclosable Pecuniary and Non- Pecuniary Interests

5. The guidance relating to this is covered in the Council's Member's Code of Conduct and Code of Practice for Councillors in dealing with Planning Applications.
6. If a Councillor requires advice about whether they need to declare an interest, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Pre-determination and Predisposition

7. Councillors will often form an initial view (a predisposition) about a planning application early on in its passage through the system whether or not they have been lobbied. Under Section 25(2) of the Localism Act 2011 a Councillor is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take in relation to a matter, and, the matter was relevant to the decision.
8. This provision recognises the role of Councillors in matters of local interest and debate, but Councillors who are members of the Planning Committee taking part in a decision on a planning matter should not make up their minds how to vote prior to consideration of the matter by the Planning Committee and therefore should not

comment or make any commitment in advance as to how they intend to vote which might indicate that they have a closed mind (predetermination).

9. If a Councillor has made up their mind prior to the meeting, or have made public comments which indicate that they might have done, and is not able to reconsider their previously held view, then they will not be able to participate on the matter. The Councillor should declare that they do not intend to vote because they have (or could reasonably be perceived as having) judged the matter elsewhere. The Councillor will be then not be entitled to speak on the matter at the Planning Committee, unless they register to do so as part of the public speaking provision. For advice on pre-determination and predisposition, Councillors should refer to the Code of Practice for Councillors in dealing with Planning Applications in the Council's Constitution, and seek the advice of the Council Solicitor and Monitoring Officer.

Lobbying

10. The guidance relating to this is covered in the Code for dealing with Planning Applications.
11. If a Councillor requires advice about being lobbied, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Roles at Planning Committee

12. The role of Councillors at committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents. Councillors may also request that their votes are recorded.
13. The role of Officers at Planning Committee is to advise the Councillors on professional matters, and to assist in the smooth running of the meeting. There will normally be a senior Planning Officer, plus a supporting Planning Officer, a senior Legal Officer and a Member Services Officer in attendance, who will provide advice on matters within their own professional expertise.
14. If they have questions about a development proposal, Councillors are encouraged to contact the case Officer in advance. The Officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Committees time and more transparent decision making.

Speaking at Planning Committee

15. Planning Committee meetings are in public and members of the public are welcome to attend and observe; however, they are not allowed to address the meeting unless they have an interest in a planning application and follow the correct procedure.
16. Speaking at Planning Committee is restricted to applicants for planning permission, residents and residents' associations who have made written comments to the Council

about the application and these have been received before the committee report is published. Professional agents representing either applicants or residents are not allowed to speak on their behalf. Anyone intending to speak at Committee must register to do so in writing, providing name and contact details, by 5pm three working days before the Committee meeting. As most Committee meetings are currently held on Wednesdays, this is usually 5pm on the Friday before. A maximum of 3 minutes per speaker is allowed, unless extended at the Chair of the Committee's discretion, so where more than one person wishes to address the meeting, all parties with a common interest should normally agree who should represent them or split the three minutes between them. No additional material or photographs will be allowed to be presented to the committee, and Councillors are not allowed to ask questions of speakers.

17. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chair of the Committee will bring the meeting to order. In exceptional circumstances the Chair of the Committee can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
18. Where members of the public wish to leave the chamber before the end of the meeting, they should do so in an orderly and respectful manner, refraining from talking until they have passed through the chamber doors, as talking within the foyer can disrupt the meeting.

Determination of planning applications

19. Councillors will then debate the motion and may ask for clarification from officers. However, if there are issues which require factual clarification, normally these should be directed to the case Officer before the Committee meeting, not at the meeting itself. After Councillors have debated the application, a vote will be taken.
20. Whilst Officers will provide advice and a recommendation on every application and matter considered, it is the responsibility of Councillors, acting in the interests of the whole Borough, to decide what weight to attach to the advice given and to the considerations of each individual application. In this way, Councillors may decide to apply different weight to certain issues and reach a decision contrary to Officer advice. In this instance, if the Officer recommendation has been moved and seconded but fails to be supported, or if the recommendation is not moved or seconded, then this does not mean that the decision contrary to Officer advice has been approved; this needs to be a separate motion to move and must be voted on. If, in moving such a motion Councillors require advice about the details of the motion, the meeting can be adjourned for a short time to allow members and Officers to draft the motion, which will include reasons for the decision which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. Councillors may move that the vote be recorded and, in the event of a refusal of planning permission, record the names of Councillors who would be willing to appear if the refusal was the subject of an appeal.

Oct 2015

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Report to Planning Committee

Subject: Planning Committee Reform

Date: 9th September 2026

Author: Assistant Director - Development

Purpose For Planning Committee Members to approve the amended Planning Committee Rules and Scheme of Delegation within the Constitution for referral to Full Council on 30th September 2026.

Recommendation(s)

THAT:

That Planning Committee agree the proposed amendments to the Planning Committee Rules within Section 10 the Constitution and the Scheme of Delegation with Section 19b of the Constitution and recommends to Council for approval.

1 Background

- 1.1 Government is introducing a National Scheme of Delegation through the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the Regulations"). Sections 319ZZC–319ZZF have been inserted into the Town and Country Planning Act 1990 (as amended) to empower the Secretary of State to define which functions are delegated to officers and which are reserved for planning committees or sub-committee.
- 1.2 Its purpose is to provide greater clarity and consistency about which planning functions are decided by officers and which require committee oversight, reducing variation and uncertainty across Local Planning Authorities
- 1.3 Local Planning Authorities are expected to have the new arrangements for

decision-making in place by 31st October 2026. Decisions taken on or after that date must be taken in accordance with the Regulations and if not, could be considered by the Courts to have been unlawful.

- 1.4 The reforms will include a restriction on the number of elected members on Planning Committees to not exceeding 13 and mandatory training will be introduced for members of Planning Committees.
- 1.5 The introduction of a National Scheme of Delegation which will group planning applications into 2 schedules;
- 1.6 Schedule 1 of the Regulations sets out all the functions which must be delegated to officers for a decision (unless it is an own-interest application). These include a number of categories of applications for planning permission for:
 - householder development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015)
 - minor commercial development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015)
 - minor residential development which is defined in the Regulations as:
 - development that includes only dwellings and development for the purposes incidental to the enjoyment of dwellings, comprises at least one but not more than nine dwellings, and is to be carried out on a site having an area smaller than 0.5 hectares
 - development of a building containing flats, or development within the curtilage of such a building, for any purpose incidental to the enjoyment of the flats or any of them but excludes development in respect of a building containing flats, or development within the curtilage of such a building, that involves either or both of a change of use or change to the number of flats
 - an application for any consent, agreement or approval required by or under a planning permission, development order or local development order for minor residential applications.

Along with a range of other consents which include:

- to develop land without compliance with conditions previously

attached) in respect of which the previous planning permission was a Schedule 1 planning permission (applications under section 73(1) of the Town and Country Planning Act 1990)

- reserved matters approval in respect of an outline planning permission other than a large outline phase permission (i.e. one which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 square metres or more) (applications under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015)
- discharge of conditions (applications under Article 27(1) of Town and Country Planning (Development Management Procedure) (England) Order 2015)
- prior approval for permitted development rights (applications under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015)
- permission in principle (as referred to in section 58A of the Town and Country Planning Act 1990)
- where a local planning authority considers a planning obligation is connected to a Schedule 1 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990)
- where local planning authority considers a planning obligation is connected to a Schedule 1 application, modification or discharge of a planning obligation (applications under section 106A(3) of the Town and Country Planning Act 1990)
- non-material changes to planning permission or permission in principle (applications under section 96A(4) of the Town and Country Planning Act 1990)
- certificates of lawfulness of existing use or development (under section 191(1) of the Town and Country Planning Act 1990)
- certificates of lawfulness of proposed use or development (under section 192(2) of the Town and Country Planning Act 1990)
- certificates of lawfulness for proposed works to listed buildings (under section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990)
- biodiversity gain plan (duty to approve under paragraph 14 of Schedule 7A to the Town and Country Planning Act 1990)
- certificates of appropriate alternative development (applications under section 17 of the Land Compensation Act 1961)

Applications which would otherwise fall under Schedule 1, will fall within Schedule 2 where:

- a local authority considers that the application for planning permission is connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent
- the application is made under section 73A of the Town and Country Planning Act 1990

1.7 The functions which fall within Schedule 2 of the Regulations are:

- applications for planning permission which are not householder, minor commercial or minor residential applications
- applications for planning permission which would otherwise fall into Schedule 1 but are connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent
- applications to develop land without compliance with conditions previously attached in respect of which the previous planning permission was a Schedule 2 planning permission (under section 73(1) of the Town and Country Planning Act 1990)
- applications for development which has already been carried out (under section 73A(1) of the Town and Country Planning Act 1990)
- where it is related to a large outline planning permission, applications for reserved matters approvals (under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015)
- where a local planning authority considers a planning obligation is connected to a Schedule 2 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990)
- where a local planning authority considers a planning obligation is connected to a Schedule 2 application, application for modification or discharge of a planning obligation (under section 106A(3) of the Town and Country Planning Act 1990)
- applications for listed building consent (under section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990)
- applications for the variation or discharge of conditions of listed building consent (under section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990)

- applications for advertisement consent (under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007)
- applications for consent under tree preservation orders (under regulation 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012)

1.8 The Government guidance states that the overriding presumption is that the applications listed in Schedule 2 will be delegated to officers. An application can be referred to a committee or sub-committee only where at least one of the criteria in Regulation 5 (“the Gateway Test”) is met or it is an own-interest (Regulation 6) application and the nominated officer and nominated member of the planning committee agree to the referral

1.9 The Gateway Test is considered by the Nominated Member and Nominated Officer. At a minimum, at least one of the following statutory criteria must be met for a referral to committee to be considered to meet that threshold:

A. where the application raises an economic, social or environmental issue of significance to the local area.

B. where the application raises a significant planning matter having regard to the development plan and any other material considerations.

1.10 Applications for development which do not raise a significant planning matter can only be referred to the committee under criterion A if they raise a significant economic, social or environmental issue for the local area. It is for the Nominated Officer and Member to assess whether the development proposal raises any such issue.

1.11 For the purpose of criterion B, the following circumstances are unlikely to raise a significant planning matter:

where the application for development broadly complies with a detailed site allocation and other relevant policies set out in a local or neighbourhood plan and national decision-making policies set out in the National Planning Policy Framework. Significant planning matters may arise if new material considerations are raised by the application where a

specific planning matter (e.g. highways or flood risk) was initially raised by a statutory consultee as a concern, but the development proposal has been modified to make it acceptable in the view of the statutory consultee (unless the nominated officer has compelling reasons to consider otherwise).

Working Group

- 1.12 At its meeting on 15 July 2026, Planning Committee approved the establishment of a politically balanced Working Group to:
- (a) review and update the Planning Committee Protocol;
 - (b) consider the amendments required to Section 10 and Section 19b of the Constitution; and
 - (c) consider those matters left to local determination under the Regulations.
- 1.13 The Working Group met on 6 August 2026 and was attended by Members together with Officers from Planning, Legal and Democratic Services. Extensive discussion took place and Members provided valuable comments and feedback on the proposed amendments.
- 1.14 Officers subsequently reviewed all comments received and prepared revised drafts of the Planning Committee Protocol, Section 10 and Section 19b. Those revised drafts were circulated to the Working Group Members for further review and comment by 5pm on 17 August 2026.
- 1.15 Final comments were considered by Officers and the documents were subsequently finalised. The documents appended to this report represent the final Officer recommendation.
- 1.16 Whilst broad agreement was reached on many matters, no clear consensus emerged on all issues. In those circumstances, Officers were required to exercise professional judgement in formulating the final recommendations contained within the appended documents.

2 Proposal

- 2.1 That Planning Committee approves the proposed amendments to the Planning Committee Rules within the Constitution and the Scheme of Delegation for referral to Council. The amendments are required to ensure

consistency with the legislative changes set out within the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

- 2.2 Whilst a significant proportion of the amendments arise directly from the requirements of the Regulations and statutory guidance, a number of matters remain within the Council's discretion. The proposed documents therefore reflect officer recommendations on those discretionary matters following consideration of the Working Group discussions, relevant guidance and the need to maintain a clear and legally robust decision-making framework.

- 2.3 The key changes proposed can be summarised as follows;

Section 10 of the Constitution – Planning Committee (Appendix 1)

- 2.4 Committee Membership

The Regulations state that a planning committee shall not comprise more than 13 members. The Council's Committee currently has 16 members comprising of 9 Labour members (56.25%), 4 Conservative (25%), 1 Liberal Democrat (6.25%), and 1 from each respective Independent party (6.25% each). As a whole, the Council comprises 58.53% Labour members, 21.9% Conservative, 9.76% Liberal Democrat and 4.87% in respect of each of the 2 Independent Members or Independent Groupings.

It is recommended that the Committee comprises 12 Members, which is considered to be the most politically balanced option having considered other numbers. It is recommended that a Committee of 12 Members could comprise 7 Labour members (58.33%) 2 Conservative members (16.66%), 1 Liberal Democrat and 1 member from each of the Independent Members or Independent Groupings (8.33% each).

- 2.5 Nominated Officer / Nominated Member Decisions

The Regulations set out that a relevant local planning authority may nominate;

- (a) a member of the authority to act as the nominated member for the purposes of regulations 5 and 6 (applications that may be

determined by a committee or an officer and own interest applications);

- (b) an officer of the authority to act as the nominated officer for the purposes of regulations 5 and 6.

It is proposed that the Chair of Planning Committee (or, in the Chair's absence, the Vice-Chair) as the Nominated Member. This approach reflects the expectations set out within the Regulations and associated statutory guidance and, having reviewed the guidance carefully, it is considered that this is the most appropriate and robust approach for the Council to adopt.

The Regulations and guidance are clear that referral decisions should be considered by the Nominated Officer and Nominated Member rather than through wider Member discussion. Introducing a formal Member discussion process for referral decision may give rise to questions around predetermination, perceived influence over the referral decision, or uncertainty regarding the respective roles of the Nominated Officer, Nominated Member and Planning Committee.

The Nominated Officer will be the Director of Place, or equivalent Officer responsible for the planning service. This aligns with the statutory guidance which states that the nominated officer should be the Chief Planning Officer or equivalent officer who has extensive professional planning experience.

To ensure transparency within the referral process, it is proposed that a written record of every application considered by the Nominated Member and Nominated Officer for referral to Planning Committee shall be maintained and reported within the next available Planning Committee Agenda.

2.6 Section 19B – Scheme of Delegation (Appendix 2)

The Planning delegations have been reviewed to reflect the requirements of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

The revised draft;

- identifies those application types that must be determined by officers

- (P1);
 - identifies those application types which may be referred to Planning Committee through the Nominated Officer/Nominated Member process (P19);
 - retains officer decision-making for advertisement consent applications and Tree Preservation Order matters, reflecting the Working Group discussion (P1 and P10); and
 - retains the Council's existing operational, administrative and enforcement powers.
- 2.7

Under the existing Planning Delegation P25, applications proposing 10 or more residential dwellings or 5,000m² or more of new commercial floorspace are reserved to Planning Committee. The revised scheme of delegation proposes applications involving:

- 10 or more dwellings;
- 1,000m² or more commercial floorspace; or
- residential sites of 0.5 hectares or more where dwelling numbers are not yet known;

- should be capable of consideration under the Gateway Test. This will align with the Council's approach with major development thresholds and focus Member involvement on significant development proposals.
- 2.8

The Regulations include applications or advertisement consent and tree preservation order consent within Schedule 2, allowing them to be referred to Planning Committee subject to the Gateway Test. The revised scheme of delegation proposes that these applications remain delegated to Officers as they are primarily technical matters and are unlikely to justify Committee consideration.

3 Alternative Options

- 3.1 Any proposed amendments the proposals for Section 10 – The Planning Committee of the Constitution and Section 19b of the Constitution – The Scheme of Delegation, can be proposed to and debated by Council on 30th September.

Local Planning Authorities are required to have the new arrangements for decision-making in place by 31 October 2026. Any decisions not taken in accordance with the Regulations may be considered not to be legally

sound.

4 Financial Implications

- 4.1 None, the changes required to the Constitution and Scheme of Delegation have been met from existing budgets.

5 Legal Implications

- 5.1 The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 will come into force on 31 October 2026. Failure to determine applications in accordance with the Regulations may render the resulting decision unlawful and susceptible to challenge through the courts.

6 Local Government Reorganisation Implications

- 6.1 The legislation will apply to every Local Planning Authority in England, therefore a consistent approach to the determination of planning applications will be being taken by authorities ahead of Local Government Reorganisation.

7 Equalities Implications

- 7.1 None, the legislation will be applied across Local Planning Authorities in England. Any implications have been considered by the government.

8 Carbon Reduction/Environmental Sustainability Implications

- 8.1 None, any carbon reduction and sustainability implications will be considered in the determination of individual planning applications by both the Local Planning Authority and Secretary of State should they decide to call in an application.

9 Appendices

- 9.1 Appendix 1 - Section 10 of the Constitution – Planning Committee
- 9.2 Appendix 2 - Section 19B – Scheme of Delegation

10 Background Papers

- 10.1 The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 - <https://www.legislation.gov.uk/ukdsi/2026/9780348283709/contents>
- 10.2 Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - [Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#)

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer

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Section 10 – Planning Committee

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1 Membership

- a) The Planning Committee will be comprised of 12 Members appointed each year at the Annual Meeting of Council. Substitute members are permitted in accordance with Section 4, paragraph 7.26 of the Procedure Rules for Full Council.
- b) The Committee will comply with the political balance rules in Section 15 of the Local Government and Housing Act 1989.

2 Quorum and Frequency of Meetings

- a) The quorum of the Committee shall be five Members.
- b) Meetings will take place approximately every six weeks, although the Chair has the discretion to vary this due to levels of business.

3 Definitions

For the purposes of this Section 10 and the Planning Matters in Section 19b of the Constitution:

- (a) "Householder Application" has the meaning given in the Town and Country Planning (Development Management Procedure) (England) Order 2015;
- (b) "Minor Commercial Application" has the meaning given in the Town and Country Planning (Development Management Procedure) (England) Order 2015;
- (c) "Minor Residential Application" has the meaning given in the Town and Country Planning (Development Management Procedure) (England) Order 2015;
- (d) "Reserved Matters" has the meaning given in the Town and Country Planning (Development Management Procedure) (England) Order 2015;
- (e) "Planning Obligation" means an obligation entered into pursuant to section 106 of the Town and Country Planning Act 1990;
- (f) "Large Outline Planning Permission" means an outline planning permission involving the provision of at least 500 dwellings or the creation of 50,000 square metres or more of floorspace.

4 Responsibility

The functions set out in this section shall be exercised by the Planning Committee subject to:

- a) any statutory requirements, including the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026;
- b) the Council's Scheme of Delegation in force from time to time; and
- c) any successor legislation relating to the discharge of planning functions.

Where legislation requires a planning function to be exercised by an Officer, or permits a function to be exercised by the Planning Committee only following satisfaction of prescribed referral criteria, those statutory requirements shall prevail notwithstanding the allocation of functions set out in this section.

- 1) To examine and investigate any proposals for development within or outside the Borough which affect the growth, prosperity and wellbeing of the Borough and to consult on any action considered necessary.
- 2) Power to fix fees and charges in relation to the remit of the Committee.
- 3) Power to appoint delegates to conferences and to approve Member training in relation to the remit of the Committee.
- 4) To respond to consultative documents received by the Council and falling within the remit of the Committee.

- 5) Power to determine applications for planning permission made to the Council
- 6) Power to determine applications to develop land without compliance with conditions previously attached
- 7) Power to grant planning permission for development already carried out.
- 8) Power to decline to determine applications for planning permission.
- 9) Duties relating to the making of determinations of planning applications.
- 10) Power to make determinations, grant approvals and agree matters relating to the exercise of development rights.
- 11) Power to enter into agreements regulating the use or development of land.
- 12) Power to serve a completion notice.
- 13) Power to require the discontinuance of a use of land.
- 14) Power to determine applications for listed building consent.
- 15) Power to serve a building preservation notice.
- 16) Power to acquire a listed building in need of repair and to serve a repairs notice.
- 17) Power to apply for an injunction in relation to a listed building.
- 18) Power to execute urgent works to a listed building.
- 19) Power to create, extinguish, stop up or divert footpaths or bridleways.
- 20) Power to make a rail crossing diversion or extinguishment order.
- 21) To exercise the Council's powers with regard to the Hedgerows Regulations 1997.
- 22) Power to make, amend, revoke or re-enact byelaws within the remit of the Committee.

4 Rules of Procedure

- a) Paragraphs 7.2, 7.3, 7.4, 7.6, 7.15, 7.17, 7.19, 7.20, 7.21, 7.22, 7.24, 7.25, 7.27, 7.28, and 7.29, of the Procedure Rules for Full Council (Section 4 of this constitution) shall apply to meetings of the Planning Committee as they apply to Council meetings.
- b) References to "the Mayor and Deputy Mayor" shall apply to the Chair and Vice-Chair respectively of the Committee or Sub-Committee concerned and

references to the "Council Chamber" shall apply to the room in which the meeting is held.

5 Planning Committee Protocol

5.1 The Planning Committee Protocol governs the conduct of Planning Committee meetings and the participation of Members, Officers and members of the Public in the planning decision-making process.

5.2 Members of the Planning Committee, substitute members and any Councillor participating in proceedings relating to a planning application shall comply with the Planning Committee Protocol.

5.3 The Planning Committee Protocol shall be read in conjunction with:

- (a) the Members' Code of Conduct;
- (b) the Code of Practice for Councillors in Dealing with Planning Applications;
- (c) the Protocol on Member/Officer Relations; and
- (d) this Constitution.

6 Member Training

6.1 No Member shall attend any meeting of a Planning Committee as a committee Member or a substitute for a committee Member unless and until they have undergone such mandatory training with regard to the planning system as the Council requires.

6.2 Members should endeavour to attend any other specialised training or informal briefing sessions provided to improve and keep up-to-date knowledge of planning law, regulations, procedures, policies and the development plans beyond the minimum referred to in 5.1 above.

7 Referral of Applications to Planning Committee

7.1 The Chair of Planning Committee shall act as the Nominated Member for the purposes of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and any successor legislation (the "Regulations"). In the absence of the Chair, the Vice Chair shall act as Nominated Member.

7.2 The Director of Place (or equivalent Officer responsible for the planning service) shall act as the Nominated Officer for the purposes of the Regulations. References to the Nominated Officer shall include any officer of the Council who has delegated authority to act on behalf of the Nominated Officer.

7.3 The Nominated Member and the Nominated Officer shall consider applications which are capable of referral to Planning Committee under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (or any successor legislation) and the Council's Scheme of Delegation.

7.4 In determining whether an application should be referred to Planning Committee, the Nominated Member and Nominated Officer should have regard to whether:

- a) the application raises a significant planning matter having regard to the Development Plan and any other material planning considerations; and / or
- b) the application raises an economic, social or environmental issue of significant to the Borough or locality affected by the proposal.

7.5 Development proposals submitted by Councillors and Officers and Council development (Own Interest Applications) shall be determined by Planning Committee.

7.6 The Council shall maintain a written record of every application considered by the Nominated Member and Nominated Officer for referral to Planning Committee.

The record shall include:

- (a) the application reference and description;
- (b) the category of application considered;
- (c) whether the application was referred to Planning Committee or determined under delegated powers;
- (d) the reasons for the decision;
- (e) the planning, economic, social and environmental considerations taken into account;
- (f) the Nominated Member and Nominated Officer involved; and
- (g) the date of the decision.

7.7 Notes of the record will be included as information items on the next available Planning Committee agenda.

8 Delegation

Delegations relating to Planning functions are contained within Section 19 of this Constitution and shall be exercised in accordance with the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 any successor legislation relating to the discharge of planning functions.

9 Code of Practice for Councillors in Dealing with Planning Applications

9.1 Introduction

This Code is based upon the Guidance Note issued by the Local Government Association on Probity in Planning for Councillors and Officers (2019). It has been adopted by the Council. Failure on the part of any Councillor to comply with this Code may comprise conduct which could reasonably be regarded as bringing their office or the Council into disrepute and may accordingly be a breach of the Members' Code of Conduct.

The Planning Committee Protocol contains detailed procedures relating to:

- (a) participation in Planning Committee meetings;
- (b) public speaking arrangements;
- (c) predetermination and participation in decision making;
- (d) conduct at Planning Committee meetings;
- (e) decisions contrary to Officer recommendation; and
- (f) other procedural matters.

This Code should be read alongside, and is supplemented by, the Planning Committee Protocol.

9.2 The General Role of Councillors and Officers

- a) Councillors and Officers have distinct but complementary roles. Both serve the public, but Councillors are democratically accountable, whilst Officers are accountable to the Council as a whole. Officers advise Councillors and the Council and carry out the Council's work. They are employed by the Council, not by individual Councillors. A successful relationship between Councillors and Officers will be based upon mutual trust, understanding and respect of each other's positions and roles.
- b) Officers who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct, and similarly Officers who are Solicitors are subject to the Solicitors Regulation Authority (SRA) Code of Conduct. Officers in other professions will have corresponding codes. Breaches of such professional codes of conduct may result in disciplinary action by the relevant professional body. Councillors must not ask Officers to act in a way which will put them in breach of their professional rules.

9.3 Conflicts of Interest and Predetermination

- a) A member of the Planning Committee who is also a member of another body, whether within the Council such as the Cabinet or a committee, or outside the Council such as a parish council or charitable body, should comply with the requirements of the Council's Members' Code of Conduct with regard to the declaration of interests and the participation or non-participation in the consideration of any planning application submitted by that body.
- b) A Member of the Planning Committee who has expressed a clear intention to vote in a particular way or has otherwise predetermined their position on an application before its consideration by the Committee must not take part in the decision as a Member of the Planning Committee.
- c) If any member of the Planning Committee has expressed a view on a planning application to be considered by the Planning Committee on any occasion and in any forum in advance of consideration of the matter by the Planning Committee, but is willing to and intends to listen to all the considerations presented to the committee before deciding on how to vote, then they should not be regarded as having fettered their discretion and they may participate and on that application.
- d) Paragraph 7.20 of the Procedure Rules for Full Council and the Member Code of Conduct at Appendix C sets out requirements for Councillors on declaring pecuniary and non-pecuniary interests, and the consequences of having such interests. These requirements must be followed, and Councillors should regularly review their position to ensure ongoing compliance.

9.4 Own Interest Applications

- a) Councillors and Officers have a right as members of the public to submit planning applications. Such applications must be handled in the following way so as to avoid accusations of favouritism:
 - Officers and Councillors must not act as agents for those pursuing planning matters within the Council even if they are not involved in the decision making.
 - Where a Councillor is the applicant for planning permission or is a relative or close associate of the applicant, that Councillor should play no part in the decision-making process for those proposals. A Councillor who is the applicant will have a disclosable pecuniary interest in their own application and would commit a criminal offence if they participated in its consideration.
 - Where an Officer is the applicant for planning permission or is a relative or close associate of the applicant, that Officer should play no part in processing, advising on or determining the application.
 - The Monitoring Officer should be informed of any application submitted by a Councillor or Officer.
 - Councillor/Officer applicants must not lobby or bring pressure to bear on other Officers or Councillors in connection with their application.
 - Any planning application submitted by a Councillor or Officer (or their partner

- or spouse or immediate family member) should be dealt with by the Planning Committee itself and not dealt with by Officers under delegated powers.
- The right of an applicant to address the Planning Committee before consideration of the application by the Planning Committee should not apply where the applicant is a member of the Council. In that case, the Councillor may write to the Committee with such representations as they wish to make.
- b) The decision making process for proposals relating to Council owned land or Council development can be open to criticism on the basis that the Council may find it difficult to separate its roles as developer and planning authority. It is therefore important that the application is treated with the same transparency and impartiality as those of private developers. Such applications must therefore be handled in the following way:
- Any Officer involved in the initiation of the proposals must not be involved in the processing and determination of the application.
 - Any Councillor/Officer involved in the initiation of the proposals must not lobby or bring pressure to bear on other officers or Councillors in connection with the application.
 - Any planning application submitted by or on behalf of the Council should be dealt with by the Planning Committee itself and not dealt with by officers under delegated powers.
 - Any Councillor involved in the decision to initiate the proposals can only participate at Planning Committee if they are prepared to make their decision in the light of the information and evidence presented there.

9.5 Lobbying of and by Councillor

- a) Whilst lobbying is a normal part of the democratic process; it can lead to the impartiality and integrity of Councillors being called into question unless care is exercised. When being lobbied on a planning application, Members of the Planning Committee should avoid expressing any opinion which might be taken as indicating that they have already made up their mind on the issue. If Councillors do express an opinion, they should make it clear that they will only be in a position to make a final decision after having heard all the relevant arguments and taking into account all relevant material and planning consideration at committee.
- b) In order to avoid any allegation of predetermination or bias, Councillors should restrict themselves to providing procedural advice (for example, how to submit comments and to whom) and make it clear that any view expressed is provisional and that the final decision will be made after considering all relevant arguments and planning considerations at the planning committee meeting. .
- c) Councillors can raise issues which have been raised by their constituents with officers.
- d) The consideration of planning applications by the Planning Committee should

not be subject to whipping arrangements on behalf of the political groups and Councillors must not decide in group meetings before the Committee how they should vote on the matter in Committee. The use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration.

- e) A member of the Planning Committee should avoid organising support for or against a planning application and should avoid lobbying other Councillors on such applications.
- f) Councillors should not put improper pressure on officers for a particular recommendation or decision, and should not do anything which compromises or is likely to compromise officers' impartiality or professional integrity. Councillors must recognise that both Officers and Councillors are bound by the Protocol on Member/Officer Relations and, Officers may also be bound by professional codes, as set out above, a breach of which may expose the Officer to disciplinary action.
- g) If any Councillor, whether or not a member of the Planning Committee, acts as a speaker on behalf of a lobby group at Committee, they must withdraw once they have spoken in order to avoid any suggestion that members of the Committee may be influenced by their continued presence.

9.6 Decisions Contrary to Officer Recommendations

- a) The Planning Committee must only make planning decisions in accordance with the development plan (which includes the Aligned Core Strategy and adopted Local Plan and supplementary planning documents), unless material considerations indicate otherwise.
- b) Planning Committee can make a decision which is contrary to the officer recommendation. This will usually be as a result in the difference in the assessment of how a policy has been complied with or a different weight given to material considerations.
- c) When making a decision which differs from the Officer recommendation, Planning Committee should:
 - Record the reasons for the decision as part of the mover's motion.
 - Adjourn for Officers to draft suitable wording to reflect the reasons proposed.
 - Where Councillors wish to add to or amend conditions proposed by Officers, adjourn the meeting to give Officers a reasonable opportunity to draft suitable conditions reflecting Councillors wishes
 - Give officers the opportunity to explain the implications of the decision, including an assessment of a likely appeal outcome and chance of a

- successful award of costs against the Council, should one be made.
 - Formally agree the detailed reasons for the decision when the meeting re-convenes.
 - Consider adjourning the matter to another meeting where there are concerns about the validity of the reasons proposed.
- d) If the Planning Committee makes a decision contrary to the officers' recommendation, the Minutes should contain a detailed note of the Committee's reasons for the decision, which should be placed on the application file. Councillors must be prepared to explain in full their reasons for not agreeing with the officer recommendation. The reasons for the decision should be clear and convincing.
- e) Where the Planning Committee has resolved to refuse permission, the decision notice will be issued by Officers following the planning committee meeting, subject to any statutory requirements.
- f) Applicants have a statutory right of appeal to the Secretary of State against the refusal of an application, conditions attached to a permission, or non-determination within the prescribed timescales. Appeals are administered by the Planning Inspectorate.
- g) Where an appeal is received, Officers and the Chair and/or Vice Chair of the Planning Committee will meet to discuss the nature of the appeal, the issues raised and the approach to managing the Council's response.

9.7 Site Visits

- a) Site visits will only be arranged for the Planning Committee with the agreement of the Chair of the Committee where the benefit is clear and substantial. A site visit is only likely to be necessary if:
- 1) the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by Officers; or
 - 2) there is a good reason why the comments of the applicant and/or objectors cannot be fully understood from written representations
 - 3) the proposed development is particularly contentious or significant in its local context.
- b) Where a site visit is arranged for the Planning Committee:
- the purpose, format and conduct should be clear at the outset and adhered to by all throughout the visit
 - record of the reasons why a site visit is called shall be kept
 - the Planning Committee will be accompanied by Officers

- the visit must not be used as a lobbying opportunity by the applicant, objectors or supporters. This will be made clear to all parties.
 - the visit itself will consist of an inspection of the site by the Planning Committee to gain a better understanding of the issues and will be run on the strict lines of a planning inspector's site visit.
 - the merits or otherwise of the application will not be discussed.
- c) All members of the Planning Committee should be invited where an official site visit is arranged and whilst they are encouraged to attend, failure to attend does not prevent a Member from participating in the debate or voting later, provided they have sufficient information to make an informed decision.
- d) Where no official site visit is arranged, Members may view the site from public vantage points only. Members must not enter private property, even if invited, and they should not visit a site alone as this could give rise to perceptions of bias of pre-determination.

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Gedling Borough Council Constitution

Section 19b – Scheme of Delegation to Officers – Non - Executive Functions

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1.1 Introduction

These delegations are made under the powers contained in Section 101 of the Local Government Act 1972 (as amended) and with reference to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and all other enabling powers. The Scheme is maintained under section 100G of the Local Government Act 1972.

An officer or other person is authorised to exercise such powers as are set out in this Scheme of Delegation.

1.2 When a Post is Vacant or a Post-holder is Absent

For the purposes of this Scheme, if the post of an officer to whom a function is delegated is vacant or if the post-holder is absent on leave (of whatever type), unless the function is exercisable by an officer who has the appropriate sub-delegation or the Council otherwise decides the following shall apply:

- 1.2.1 In the case of the Chief Executive, the delegation shall be exercisable by a Director or an Interim Chief Executive
- 1.2.2 In the case of a Director, the delegation shall be exercisable by the Chief Executive or another Director.
- 1.2.3 In the case of the Chief Finance Officer, the delegation shall be exercisable by a Deputy Chief Finance Officer in relation to matters which are the responsibility of the Chief Finance Officer.

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- 1.2.4 In the case of the Monitoring Officer, the delegation shall be exercisable by a Deputy Monitoring Officer in relation to matters which are the responsibility of the Monitoring Officer.
- 1.2.5 In the case of Service Managers, the delegation shall be exercisable by the Chief Executive or relevant Director, provided that the Chief Executive or Director has the requisite professional qualification, experience and knowledge, where such is required.
- 1.2.6 Any post specifically referred to shall be deemed to include any successor post, or a post which includes within the job description, elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded.

1.3 All Decisions made by Officers

Where decisions are taken by officers under delegated powers the following conditions and rules shall apply:

- 1.3.1 All delegations shall be exercised in accordance with the Constitution, all relevant policies and procedures of the Council and all relevant legislative provisions.
- 1.3.2 Any officer exercising a delegation shall only do so where provision has been made for any expenditure within the relevant budget or otherwise in accordance with the Financial Rules.
- 1.3.3 Any officer exercising a delegation shall not do so in a manner which is contrary to any resolution of Full Council, Executive, an Individual Executive Member or a Committee.
- 1.3.4 Any officer exercising a delegation shall do so having regard to Health & Safety requirements.
- 1.3.5 Any officer exercising a delegation shall do so having regard to Equalities requirements.
- 1.3.6 Any officer exercising a delegation shall do so having regard to Data Protection requirements.
- 1.3.7 Any officer exercising a delegation shall do so having regard to relevant legislative requirements.
- 1.3.8 Any officer exercising a delegation is responsible for carrying out any consultation necessary under this Scheme. Such consultation shall be in writing, unless due to urgency that is not practicable, in which case there may be verbal consultation which must be recorded in writing, as soon as reasonably practicable and, in any event, within 5 working days.
- 1.3.9 Any officer to whom a delegation is given may waive his/her right to exercise the delegation and refer the matter to the original delegate for a decision or to Full Council, or relevant Committee.
- 1.3.10 Where an officer has the authority to take decisions, any action taken to implement such decisions may be taken in the name of (but not necessarily personally by) that officer, or any other officer authorised by that officer in accordance with paragraph 1.5.
- 1.3.11 Any decision which could subject the Council to legal liability or legal proceedings shall be taken in consultation with the Monitoring Officer.
- 1.3.12 Any decision which has financial implications other than those budgeted for shall be taken in consultation with the Chief Finance Officer.
- 1.3.13 The decision as to whether or not legal action should be taken by or on behalf of the Council must be taken in consultation with the Monitoring Officer.
- 1.3.14 Officers shall not have the power to exercise any delegation where an individual officer is required by law to hold a relevant qualification and he/she does not hold that qualification.
- 1.3.15 Officers shall not have the power to exercise any delegations which fall outside the individual's actual authority as determined by his/her post.
- 1.3.16 Officers shall not have the power to exercise any delegations in a situation where doing so would be unlawful or constitute maladministration.

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- 1.3.17 Subject to any express instructions to the contrary from the delegated body, any power to approve also includes the power to refuse, and the power to impose appropriate conditions.
- 1.3.18 Functions, matters, powers, authorisations, delegations, duties and responsibilities, shall be construed in a broad and inclusive fashion, and shall include the doing of anything which is calculated to facilitate, or is conducive, or incidental, to the discharge of anything specified.

1.4 Recording Decisions

- 1.4.1 As soon as reasonably practicable after making a decision an Officer must produce a written record of the decision in accordance with regulation 7 of the Openness of Local Government Bodies Regulations 2014.

1.5 Sub-Delegations

- 1.5.1 Where an officer is authorised to act under this Scheme of Delegation he/she may further delegate the authority to exercise a specific power to another officer, whilst still retaining the delegation themselves.
- 1.5.2 Before making a sub-delegation, the delegating officer must give consideration to and be satisfied that the officer to whom he/she is sub-delegating is of an appropriate level and has the necessary expertise and knowledge bearing in mind the nature of the delegation.
- 1.5.3 Any such sub-delegation is subject to the existing consultation and limitation requirements.
- 1.5.4 All sub-delegations must be made in writing and a copy provided to the Monitoring Officer within five working days. The Monitoring Officer shall maintain a central register of sub-delegations which shall be available on the intranet.
- 1.5.5 No sub-delegations may be further delegated, unless there is express permission from the original delegating officer that the specific power can be delegated further. Such permission should be included in the written record of the sub-delegation provided under paragraph 1.5.4. When deciding whether to permit further sub-delegation, the same consideration should be given as outlined in paragraph 1.5.2.
- 1.5.6 In the event that a post to which a delegation or function is given ceases to exist and its responsibilities are transferred to another post temporarily or permanently then the delegations given under this Scheme shall be exercisable by the post to which the responsibilities have been transferred. There should be written confirmation of the change in responsibilities from the line manager, which shall be provided to the Monitoring Officer to be retained with the central copy of the scheme of delegations.

1.6 Interpretation

- 1.6.1 Any reference to an Act, Order or other legal provision shall include a reference to any modification or re-enactment thereof and any reference to any Directive, Act, Order or other legal provision shall include any Regulations, Orders, Rules, Instruments, Directions, Statutory Guidance or other legal provision made thereunder.
- 1.6.2 'Appropriate Director' shall mean the Director responsible for the function to which the particular exercise of the delegation applies.
- 1.6.3 'Appropriate Service Manager' shall mean the Service Manager responsible for the function/service to which the particular exercise of the delegation applies.
- 1.6.4 'Consultation' shall mean seeking the comments of the person(s) to be consulted. Consultation shall not mean obtaining the consent of the person(s) to be consulted. A written record of the consultation shall be retained by the officer in accordance with paragraph 1.3.8.

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- 1.6.5 'Emergency' shall mean a situation where immediate action is necessary and where inaction may lead to loss of life, serious injury to a person or animal, or significant damage to or significant loss of property. A written record of any decision taken in an emergency must still be made in accordance with paragraph 1.4

Delegations

General Matters – Non-Executive Functions			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
C1	Authority to take all necessary decisions on all urgent matters falling within the remit of the appropriate Committee or Sub-Committee.	Director (within whom the responsibility for the function falls)	After consultation with the appropriate Chair or Vice-Chair
C2	In any case where to wait for instructions would, in her opinion, prejudice the Council's position, to institute, defend and conduct any legal proceedings affecting the rights or interests of the Council.	Monitoring Officer	
A3	Authority to authorise payment of compensation of up to £500.00 in order to settle a complaint made to the Council directly or through the Local Government Ombudsman.	Director	In consultation with the Monitoring Officer

Election Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
C1	Make an Order under Section 39(4) of the Representation of the People Act 1983 in relation to a Parish Council	Chief Executive	
C2	Pay expenses properly incurred by electoral registration officer	Chief Executive	
C3	Fill vacancies in the event of insufficient nominations in relation to a Parish Council	Chief Executive	
C4	Declare a vacancy in office where a member ceases to be qualified, is disqualified or ceases to be a member of the authority	Chief Executive	
C5	Give public notice of a casual vacancy	Chief Executive	
C6	Make temporary appointments to Parish Councils	Chief Executive	
C7	Deal with publicity requirements where the Council has decided on a change of scheme for elections	Chief Executive	

Gedling Borough Council Constitution

Election Matters

Ref No.	Function	Authorised Officer	Consultation/ Limitation
C8	Deal with notice to Electoral Commission where the Council has decided on a change of scheme for elections	Chief Executive	
C9	Designate an alternative polling place should one become unavailable at short notice before an election	Chief Executive	
C10	Designate an alternative polling place should one become unavailable at short notice before an election.	Chief Executive	

Licensing Matters – Gambling Act 2005

Ref No.	Function	Authorised Officer	Consultation/ Limitation
L1	Authority to appoint authorised persons under Section 304 of the Gambling Act 2005	Director	

Environment and Licensing Matters - General

Ref No.	Function	Authorised Officer	Consultation/ Limitation
EL1.	Power to approve and vary licence conditions, approve and issue licences, registrations, certificates and authorisations in the following matters: a) Certificates of Registration of premises for acupuncture, tattooing, ear piercing and electrolysis (Local Government (Miscellaneous Provisions) Act 1982. b) Licences and renewals of licences in respect of: i) The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018; ii) Keeping an animal boarding establishment (Animal Boarding Establishment Act 1963); iii) Keeping pet shop (Pet Animals Act 1951); iv) Game dealer licences and licence to sell game; v) Public Entertainments (Local Government) (Miscellaneous Provisions) Act 1982; vi) dangerous wild animals. (Dangerous Wild Animals Act 1976); vii) massage and special treatments;	Director	

Gedling Borough Council Constitution

Environment and Licensing Matters - General			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
	viii) late night refreshment houses; ix) caravan sites (Caravan Sites and Control of Development Act 1960); x) cinemas and theatres; xi) Private places of entertainment (Licensing) Act 1967; xii) food premises (Food Safety Act 1990); and any Order or Regulations or other instruments made thereunder or having effect by virtue of the European Communities Act 1972 and relating to food safety or animal foodstuffs and any modification or re-enactment of them. xiii) Environmental Permitting England and Wales Regulations 2016 xiv) zoos (Zoo Licensing Act 1981).		
EL2.	Power to authorise persons, whether employed by the Council or not, to act in a statutory role as appropriate to undertake duties and responsibilities, including Powers of Entry, under the following statutes and regulations and orders made thereunder: - Public Health Act 1936 - Public Health Act 1961 - Prevention of Damage by Pests Act 1949 - Clean Air Act 1993 - Local Government (Miscellaneous Provisions) Act 1976 - Local Government (Miscellaneous Provisions) Act 1982 - Refuse Disposal (Amenity) Act 1978 - Control of Pollution Act 1974 - Caravan Sites and Control of Development Act 1960 - Building Act 1984 - Pet Animals Act 1951 - Animal Boarding Establishments Act 1963 - The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 - Dangerous Wild Animals Act 1976 - Food and Environment Protection Act 1985 - Environmental Protection Act 1990 - Environment Act 1995 - Dangerous Dogs Act 1991 - Water Act 1989 - The Clean Neighbourhoods and Environment Act 2005	Director	

Gedling Borough Council Constitution

Environment and Licensing Matters - General			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
	- Water Industry Act 1991 - Food Safety Act 1990 and any Order or Regulations or other instruments made thereunder or having effect by virtue of the European Communities Act 1972 and relating to food safety or animal foodstuffs and any modification or re-enactment of them. - Public Health (Control of Disease) Act 1984 - Public Health (Infectious Diseases) Regulations 1988 - Slaughter of Poultry Act 1967 - National Assistance Act 1948 (as amended) - Animal Health Act 1981 - the Agriculture (Miscellaneous Provisions) Act 1968 - Natural Mineral Waters Regulations 1985 - Health and Safety (Enforcing Authority) Regulations 1989 - Sunday Trading Act 1994 - Zoo Licensing Act 1981 - Performing Animals Act 1925 - The Control of Pesticides Regulations 1986 - Criminal Justice and Public Order Act 1994 - Noise and Statutory Nuisance Act 1993 - Noise Act 1996 - Health and Safety at Work Act Etc 1974		
EL3.	Authority to appoint named Officers as Inspectors and to be entitled to exercise the powers of an Inspector in: i) Section 20(2)(a) to (m) inclusive, Sections 21, 22 and 25 of the Health and Safety at Work Act 1974; ii) any Health and Safety Regulations; iii) any of the appropriate provisions of the Acts mentioned in Schedule 1 of the 1974 Act which are specified in the third column of the Schedule and of the Regulations, Orders or other instruments of a legislative character made or having effect under any provisions so specified which may be in force from time to time.	Director	
EL4.	Power to authorise named Officers to administer the provisions of the Clean Air Act 1993 with respect to offences under Sections 1, 2 and 20 and notification under Section 51.	Director	
EL5.	Authority to appoint named and suitably qualified Officers to exercise the powers of an Inspector under the Food	Director	

Gedling Borough Council Constitution

Environment and Licensing Matters - General			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
	Safety Act 1990: and any Order or Regulations or other instruments made thereunder or having effect by virtue of the European Communities Act 1972 and relating to food safety or animal foodstuffs and any modification or re-enactment of them.		
EL6.	Authority to appoint such persons as necessary to act as Inspectors within the provisions of Part I of the Environmental Protection Act 1990.	Director	
EL7.	Authority to appoint named Officers to act under the provisions of Part III of the Food and Environmental Protection Act 1985 and Control of Pesticides Regulations 1986 in respect of the advertisement, supply, sale, storage and use of pesticides except where the Health and Safety Executive is the enforcement authority by virtue of Regulation 3 of, and Schedule 1 to the Health and Safety (Enforcing Authority) Regulations 1989, and the use of pesticides in domestic premises by the occupier of those premises, provided such use does not form part of a work activity.	Director	
EL8.	Authority to appoint in writing: i) under Section 19 of the Health and Safety at Work Etc. Act 1974 any Specialist or Consultant as may be required as an Inspector and to authorise such appointee to exercise such powers under Section 20 may be required; ii) to authorise any Specialist or Consultant as may be required to accompany an Inspector pursuant to Section 20(2)(c)(i).	Director	
EL9.	The granting of licences for small lotteries under the Betting, Gaming and Lotteries Act, amusement with prizes, licences for street collections, licences for house to house collections, in accordance with the overall policy of the Council.	Director	
EL10	The approval and refusal of applications for Private Hire and Hackney Carriage Vehicle Licences for vehicles carrying up to eight passengers.	Director	
EL11	Authority to refuse a grant a Hackney Carriage or Private Hire Drivers' Licence, or to revoke an existing licence, where the driver is disqualified from driving and no longer holds a licence under Part III of the Road Traffic Act 1998 authorising him to drive a motor vehicle.	Director	

Gedling Borough Council Constitution

Environment and Licensing Matters - General			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
EL12	Authority to grant a Hackney Carriage or Private Hire Drivers' Licence where the applicant has no previous convictions or cautions.	Director	
EL13	Authority to grant a Hackney Carriage or Private Hire Drivers' Licence where the applicant has previous convictions or cautions for Minor Traffic Offences where the number of points endorsed on his/her driving licence is 7 or fewer.	Director	
EL14	Authority to grant a Hackney Carriage or Private Hire Drivers' Licence where the applicant has previous convictions, cautions or offences which are more than 5 years but less than 10 years prior to the application, except where the applicant has a conviction for Violence or an Indecency Offence, in which case the application must be referred to Committee in the circumstances set out in the approved guidelines.	Director	After consultation with the Chair or Vice Chair and two members of the Committee
EL15	Authority to grant a Hackney Carriage or Private Hire Drivers' Licence where the applicant has previous convictions, cautions or offences which are more than 10 years prior to the application, except in the following circumstances where the application must be referred to the Committee: i) Where the applicant has a conviction for an indictable only offence; and/or ii) Where the applicant has a conviction for a serious sexual offence; or iii) Where the convictions are all more than 10 years old and fall outside of the above but it is felt by the Chair/Vice Chair that the circumstances justify refusal.	Director	After consultation with the Chair or Vice Chair
EL16	Authority to appoint authorised officers to carry out enforcement functions under the Local Government Miscellaneous Provisions Act 1976, in relation to licensed vehicles and drivers operating in the borough which have been licensed by other licensing authorities, subject to those authorities delegating those functions to Gedling Borough Council.	Director	
EL17	Authority to authorise legal proceedings against any person contravening the provisions of the Council's Street Trading Prohibition Order.	Director	In consultation with the Monitoring Officer

Gedling Borough Council Constitution

Environment and Licensing Matters - General

Ref No.	Function	Authorised Officer	Consultation/ Limitation
EL18	Authority to deal with complaints about high hedges, any appeals, enforcement and authorisation of powers of entry under Part 8 of the Anti-Social Behaviour Act.	Director	
EL19	The authority to authorise persons whether employed by the Council or not, to act in a statutory role as appropriate to undertake duties and responsibilities, including powers of entry under the Health Act 2006 and regulations made thereunder to deal with smoke free premises	Director	
EL20	Authorise legal proceedings against any person contravening the provisions of the Health Act 2006 and regulations made thereunder.	Director	In consultation with the Monitoring Officer

Licensing Matters – Licensing Act 2003

Ref No.	Function	Authorised Officer	Consultation/ Limitation
L1	Delegated authority to carry out the functions and to deal with all decisions which are required to be made under the Licensing Act 2003 and which are not either delegated to the Licensing Panels or reserved to the Licensing Committee.	Director	

Planning Matters

Ref No.	Function	Authorised Officer	Consultation/ Limitation
For the purposes of these delegations, the definitions contained within Section 10 of the Constitution shall apply.			
P1	Authority to determine the following applications and approvals under delegated powers: (a) certificates of appropriate alternative development, under section 17(1) of the Land Compensation Act 1961; (b) Certificates of Lawfulness of Proposed Works to Listed Buildings under section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990; (c) Householder Applications; (d) Minor Commercial Applications;	Chief Executive	

Gedling Borough Council Constitution

Planning Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
	(e) Minor Residential Applications, including: (i) development comprising at least one and not more than nine dwellings on a site of less than 0.5 hectares; (ii) development of a building containing flats, or development within the curtilage of a building for purposes incidental to the enjoyment of those flats, excluding development involving a change of use or change in the number of flats; and (iii) applications for any consent, agreement or approval required in connection with development falling within paragraphs (i) or (ii); (f) Applications for Permission in Principle; (g) Applications made under Section 73 of the Town and Country Planning Act 1990 where the original planning permission was granted pursuant to development falling within paragraphs (a) to (f) above; (h) Applications made under section 96A of the Town and Country Planning Act 1990; (i) Requests and applications to modify or discharge planning obligations connected to development falling within paragraphs (a) to (h); (j) Biodiversity Gain Plans; (k) Reserved Matters Applications other than those relating to Large Outline Permissions; (l) Applications for approval of details reserved by condition; (m) Applications for express consent to display advertisements; and (n) Applications for consent under a Tree Preservation Order.		
P2	Authority to determine that no Tree Preservation Orders should be made where notice of intention to carry out work on a tree in a conservation area is received.	Chief Executive	

Gedling Borough Council Constitution

Planning Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
P3	Where planning permission has been refused, authority to decide that an appeal to the relevant Secretary of State should be resisted and to agree in what form the appeal shall be conducted.	Chief Executive	
P4	Authority to make observations on behalf of the Borough Council as District Planning Authority in respect of proposals by Nottinghamshire County Council for which deemed permission was being sought under the Town and Country Planning General Regulations.	Chief Executive	
P5	Authority to exercise judgement and discretion as to when consultations with interested bodies should be carried out in connection with planning applications and likewise the question of re-consultation with residents, Parish Councils and other bodies where amendments are negotiated to planning applications as originally submitted.	Chief Executive	
P6	Authority to make observations on behalf of the Borough Council in respect of proposals by statutory undertakers for which deemed permission is being sought under the Town and Country Planning General Regulations 1992	Chief Executive	
P7	Authority to approve the renewal of a planning permission where there has been no change in circumstances.	Chief Executive	
P8	Authority to make a Tree Preservation Order where no objections have been received.	Chief Executive	
P9	Authority to confirm a Tree Preservation Order where no objections have been received.	Chief Executive	
P10	Authority to exercise the Council's functions in relation to applications for consent and requests or notifications concerning works to trees protected by a Tree Preservation Order pursuant to the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (as amended), including the determination of whether any statutory exemption applies, following consultation where necessary.	Chief Executive	
P11	Authority: i) To issue a Hedgerow Retention Notice where he is satisfied that the hedgerow is important and should be retained;	Chief Executive	

Gedling Borough Council Constitution

Planning Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
	ii) To authorise the Monitoring Officer to make an application for an Injunction where the removal of an important hedgerow is apprehended.		
P12	Authority to serve Planning Contravention Notices under Section 171(c) of the Town and Country Planning Act 1990 and to enter into discussions with the recipient of such a Notice about how any suspected breach of control might be remedied.	Chief Executive	
P13	To take decisions with regard to publicity for reserved matters and amendments to planning applications.	Chief Executive	
P14	Authority to deal with requests to withdraw an Enforcement Notice where no objections are received and to serve Breach of Condition Notices	Chief Executive	
P15	Authority to exercise the general powers of entry conferred on a local planning authority by Section 196A of the Town and Country Planning Act 1990.	Chief Executive	
P16	Authority to authorise the Monitoring Officer to discharge Section 106 Agreements and to release Bonds in support of such Agreements upon being satisfied that the Agreement has been fully complied with and that it would be appropriate for such agreement to be discharged if it no longer serves a useful purpose and was not capable of having any effect in the future.	Chief Executive	
P17	Authority to determine in respect of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: 1. Whether or not an environmental statement was needed prior to a developer submitting an application; 2. To determine where or not schemes comprising Schedule 2 development require an environmental statement.	Chief Executive	
P18	Within the area of his responsibility, power to authorise the service of Notices and the enforcement thereof in the event of default including recovering costs.	Chief Executive	
P19	Authority to determine the following applications under delegated powers unless the application has been referred to Planning Committee in accordance with Section 10 of this Constitution: (a) applications for Listed Building Consent; (b) applications made under Section 19 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the variation or discharge of conditions attached to Listed Building Consent; (c) planning applications connected to applications falling within paragraphs (a) and (b);	Chief Executive	

Gedling Borough Council Constitution

Planning Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
	(d) applications for planning permission involving: (i) 10 or more dwellings; (ii) 1,000 square metres or more of commercial floorspace; or (iii) residential development on a site of 0.5 hectares or more where the number of dwellings is not known; (e) applications made under section 73 of the Town and Country Planning Act 1990 where the original planning permission falls within paragraph (d); (f) applications made under section 73A of the Town and Country Planning Act 1990 relating to development falling within paragraph (d); (g) Reserved Matters Applications relating to Large Outline Permissions; (h) requests and applications to modify or discharge planning obligations connected to development falling within paragraphs (a) to (g).		
P20	Authority to enter land without a warrant under Regulation 12 of the Hedgerows Regulations 1997.	Chief Executive	
P21	Authority to determine all applications of the extension of time limits.	Chief Executive	
P22	Authority to issue and serve a Temporary Stop Notice	Chief Executive	
P23	Authority to exercise the powers to require proper maintenance of land pursuant to Section 215 (i) Town and Country Planning Act 1990, including the power to take action in default.	Chief Executive	
P24	Within the area of his responsibility, power to authorise the service of Notices and the enforcement thereof including the recovery of costs insofar as they may relate to non-executive responsibilities.	Chief Executive	
P25	Authority to delegate to appropriate Officers the service of Notices and taking of action in default insofar as they may relate to non-executive responsibilities.	Chief Executive	
P26	Power to authorise the commencement of legal proceedings within the area of his responsibility insofar as they may relate to non-executive responsibilities.	Chief Executive	In consultation with the Monitoring Officer
P27	Power to authorise persons, whether employed by the Council or not, to act in a statutory role as appropriate to	Chief Executive	

Gedling Borough Council Constitution

Planning Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
	undertake duties and responsibilities, including powers of entry, under statutes and regulations and orders within the area of his responsibility and insofar as they may relate to non-executive responsibilities.		
P28	Authority to enter into Agreements within the area of his responsibility and to release Bonds in support of such Agreements upon being satisfied that the Agreement has been fully complied with and that it would be appropriate for such agreement to be discharged if it no longer serves a useful purpose and was not capable of having any affect in the future.	Chief Executive	
P29	Within the ambit of the Planning Committee to authorise the advertising of proposals in the press affecting large numbers of people in the Gedling Borough area.	Chief Executive	
P30	Authorised to instruct that proceedings be instituted in cases where unacceptable unauthorised banner advertisement signs are erected.	Chief Executive	In consultation with the Chair or Vice-Chair of Planning Committee
P31	Authority to approve the making and confirmation of a Tree Preservation Order under Sections 197 - 201 of the Town and Country Planning Act 1990	Chief Executive	In consultation with the Chair or Vice-Chair of Planning Committee
P32	Authority to serve Building Preservation Notices.	Chief Executive	In consultation with the Chair or Vice-Chair of Planning Committee
P33	Authority to determine any requests for Revocation Orders and where considered appropriate, to refer such matters to Planning Committee for determination	Chief Executive	In consultation with the Chair or Vice-Chair of Planning Committee
P34	Authority to make determinations in relation to whether prior approval is required for development permitted under the Town and Country Planning (General Permitted Development) Order 2015, (as amended) and to agree details and specifications where prior approval is required and give other consents and approvals in relation to that Order.	Chief Executive	
P35	Authority to determine an application for a Certificate of Lawfulness of existing use or development and a Certificate of Lawfulness of proposed use or development of land under Sections 191 and 192 of the Town and Country Planning Act 1990.	Chief Executive	

Gedling Borough Council Constitution

Planning Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
P36	Authority to negotiate and conclude Agreements made under Section 106 of the Town and Country Planning Act 1990. The sealing of any Agreement under the authority of this Section shall be an authorised delegation for the purposes of the Council's Constitution.	Monitoring Officer	In consultation with the Chief Executive
P37	Authority to determine applications under Section 64 of the Town and Country Planning Act 1990 as to whether the carrying out of operations on land or the making of any change in the use of land would constitute or involve development of the land, and if so, whether an application for planning permission in respect thereof would be required having regard to the Town and Country Planning (General Permitted Development) (England) Order 2015 and any successor legislation.	Monitoring Officer	In consultation with the Chief Executive
P38	Authority for the endorsement of Tree Preservation Orders as to their confirmation, modification, variation or revocation.	Monitoring Officer	
P39	Authority to determine when it is expedient to investigate alleged breaches of planning control	Chief Executive	

Staffing Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
1	The Head of Paid Service, derives the following powers from statute: a) the manner in which the discharge by the authority of their different functions is co-ordinated; b) the number of grades of staff required by the authority for the discharge of their function; c) the organisation of the authority's staff; and d) the appointment, dismissal and proper management of the authority's staff, other than in relation to Chief Officers.	Head of Paid Service	
ACS2	Implementation of Circulars on national wage and salary awards and other alterations in conditions of service.	Chief Executive	
ACS3	Authority to approve unpaid leave in excess of 13 weeks.	Chief Executive	
ACS4	Designation of posts attracting car user allowance and eligibility for car loans.	Chief Executive	

Gedling Borough Council Constitution

Staffing Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
5	Authority, to give approval to the payment of first class rail fare to Members and Officers in appropriate circumstances.	Chief Executive	
6	Authority to make agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Chief Executive	
7	Authority to approve honoraria within the terms of the National and Local Schemes	Director	In accordance with the Council's Policy In consultation with the Director responsible for Personnel.
8	Approval of leave of absence for volunteer members of non-regular forces.	Director	
9	Authority to appoint to established posts.	Director	Following consultation with the Director responsible for Personnel.
10	Authority to approve unpaid leave of up to 13 weeks duration.	Director	
11	Authority to create a temporary post	Director	Provided that this can be accommodated within existing budgets In consultation with the Director responsible for Personnel.
ACS12	Authority to allow carry over leave beyond the permitted 5 days and additional paid or unpaid compassionate leave	Director	Following consultation with the Director responsible for Personnel.
ACS13	To authorise payment of occasional user car allowance.	Director	

Gedling Borough Council Constitution

Staffing Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
ACS14	Approval of post entry training grants and attendance at training courses in accordance with the Council's policies.	Director	
ACS15	Authority to allow an appropriate amount of time away from work for family care which can be worked back over a reasonable length of time, the decision to allow time off to take into account both the business needs of the Authority and the individual's personal circumstances.	Director	
ACS16	Authority to make minor adjustments to job descriptions, where they do not involve changes to grade or service conditions and do not give rise to any financial implications.	Director	In consultation with the Director responsible for Personnel
ACS17	Authority to approve applications for a car purchase loan or a contract hire car within the approved scheme.	Director	
AR18	To approve cases of retirement on the grounds of ill-health, including authority to release statutory ill-health pension benefits.	Chief Executive	Subject to necessary medical approval (as defined by regulation) having been obtained.
AR19	Implementation of requirements arising from Pension Act reviews where no discretion is afforded to the Authority.	Chief Executive	
AR20	Authority to approve all cases of dismissal, including by reason of early retirement and compulsory or voluntary redundancy in accordance with any statutory or discretionary arrangements, other than decisions relating to pension release and discretionary payments.	Chief Executive	

Standards Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
S1	Dealing with complaints of breach of the Code of Conduct by Borough Councillors and Parish Councillors	Monitoring Officer	In accordance with Arrangements for Dealing with Complaints and in consultation with

Gedling Borough Council Constitution

Standards Matters			
Ref No.	Function	Authorised Officer	Consultation/ Limitation
			Independent Person, where required in the Arrangements
S2	Granting dispensations to Borough Councillors who have a disclosable pecuniary interest on any of the following grounds: a) without the dispensation, the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of that business; b) that, without a dispensation, no member of the Cabinet would be able to participate on the matter	Monitoring Officer	
S3	Conducting the recruitment process for the Independent Person, reserve Independent Person and Co-opted Members to the Standards Committee	Monitoring Officer	
S4	Authority to constitute the membership of the hearing panel at any time.	Monitoring Officer	

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Report to Planning Committee

Subject: Planning Committee Protocol

Date: 9th September 2026

Author: Assistant Director - Development

Purpose For Planning Committee Members to approve the Planning Committee Protocol.

Recommendation(s)

THAT:

That Planning Committee approve the amended Planning Committee Protocol.

1 Background

- 1.1 Section 10 of the Constitution sets out the rules for Planning Committee with sub-section 8 setting out the Code of Practice for Councillors in Dealing with Planning Applications. This code is supported by the Planning Committee Protocol which accompanies the Planning Committee Agenda for each meeting.
- 1.2 One of the main purposes of the planning system is to manage development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that the Local Planning Authority, both Planning Officers and the Planning Committee, make, planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting that a decision has been partial, biased or not well founded in any way.
- 1.3 Planning decision making is a process of informed judgement taken within

a defined policy context. Decisions can be highly controversial due to their capacity to affect amenity and well-being as well as land and property interests, more so because the system invites public opinion as part of the decision-making process. It is important, therefore, that the planning processes at the Council are characterised by open and transparent decision-making.

- 1.4 The Localism Act 2011 sets out a duty for each local authority to promote and maintain high standards of conduct by councillors and to adopt a local code of conduct. The purpose of the protocol is to provide more detailed guidance on the application of the Code of Practice set out within the Constitution.

Working Group

- 1.5 At its meeting on 15th July 2026, Planning Committee approved the establishment of a politically balanced Working Group to:

- (a) review and update the Planning Committee Protocol;
- (b) consider the amendments required to Section 10 and Section 19b of the Constitution; and
- (c) consider those matters left to local determination under the Regulations.

- 1.6 The Working Group met on 6 August 2026 and was attended by Members together with Officers from Planning, Legal and Democratic Services. Extensive discussion took place and Members provided valuable comments and feedback on the proposed amendments.

- 1.7 Officers subsequently reviewed all comments received and prepared revised drafts of the Planning Committee Protocol, Section 10 and Section 19b. Those revised drafts were circulated to the Working Group Members for further review and comment by 5pm on 17 August 2026.

- 1.8 Final comments were considered by Officers and the documents were subsequently finalised. The Protocol appended to this report represent the final Officer recommendation.

- 1.9 Whilst broad agreement was reached on the revised Protocol, no clear consensus emerged on all issues. In those circumstances, Officers were

required to exercise professional judgement in formulating the final recommendations contained within the appended documents.

2 Proposal

2.1 That Planning Committee Members approve the proposed amendments to the Planning Committee Protocol

The key changes proposed can be summarised as follows;

Revised Planning Committee Protocol (Appendix 1)

2.2 Public Speaking

The speaking time for each category of speaker has been increased to four minutes per category.

Categories of Speaker and Order of Speaking

The draft Protocol provides separate speaking opportunities for:

- the applicant or their agent;
- Ward Councillors and Parish Councillors;
- those speaking in support; and
- those speaking in objection.

2.3 Allowing Ward Members and Parish Councils to speak at Planning Committee would create a more inclusive and democratic decision-making process. The participation of Ward Members and Parish Councils will allow the Committee to better understand the perspective of the community in respect of the proposal being considered, ensuring that the Committee decision has regard to the views of the residents of an area and not only those who have registered to speak at the Committee meeting.

2.4 The Protocol sets out that the consideration of each application shall proceed in the following order:

- the Planning Officer shall introduce and present the application;
 - the applicant or their agent;
 - any Parish Councillor or Ward Councillor who has registered to speak;
 - those registered to speak in support of the application; and
 - those registered to speak in objection to the application.
- Committee Members Speaking on Applications

3 Alternative Options

- 3.1 Any proposed amendments the proposals for the Planning Committee Protocol can be proposed to and debated by Council on 30th September.
- 3.2 The existing Protocol could be retained but this does not allow the agent of the applicant, Ward Members or Parish Councils to speak at the Committee. It is considered that the proposed Protocol allows greater involvement and transparency.

4 Financial Implications

- 4.1 None, the changes required to the Planning Committee Protocol have been met from existing budgets.

5 Legal Implications

- 5.1 The Council's Code of Practice in Section 10 of the Constitution is supplemented by the Planning Committee Protocol is consistent with the Local Government Association's guidance on Probity in Planning and seek to ensure that decisions on planning applications are undertaken, on behalf of communities, in a fair, impartial and transparent way.

6 Local Government Reorganisation Implications

- 6.1 None. Each Local Planning each has its own Constitution and Planning Committee Protocol to ensure the proper consideration and determination of planning applications. It will be for the newly formed unitary authorities to adopt their own Constitutions following Local Government Reorganisation.

7 Equalities Implications

- 7.1 There are no equality implications arising from this report.

8 Carbon Reduction/Environmental Sustainability Implications

- 8.1 None, any carbon reduction and sustainability implications will be considered in the determination of individual planning applications by both

the Local Planning Authority and Secretary of State should they decide to call in an application.

9 Appendices

9.1 Appendix 1 - Revised Planning Committee Protocol

10 Background Papers

10.1 Local Government Association - Probity in planning: Advice for councillors and officers making planning decisions <https://www.local.gov.uk/publications/probity-planning-advice-councillors-and-officers-making-planning-decisions>

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer

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PLANNING COMMITTEE PROTOCOL

Introduction

1. The Council's Planning Committee carries significant responsibility. Decisions on planning matters must be made correctly, as decisions can be challenged through the courts or the Planning Inspectorate, potentially resulting in financial penalties and reputational harm for the Council.
2. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be reached, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
3. The Planning Committee is empowered by the Borough Council, as the democratically accountable decision maker, to determine planning applications in accordance with the Council's constitution. Meetings should be conducted in an ordered way, with Councillors, Officers and members of the public understanding their role within the process.
4. If a Councillor has any doubts about the application of this protocol to their own circumstances, they should seek advice from the Council's Monitoring Officer as soon as possible and preferably well before any meeting takes place.
5. This protocol should be read in conjunction with the Council's Members Code of Conduct, Code of Practice for Councillors in dealing with Planning Applications, and the Council's Constitution and the Protocol on Member/Officer Relations.

Disclosable Pecuniary and Non- Pecuniary Interests

6. The guidance relating to this is covered in the Council's Member's Code of Conduct and Code of Practice for Councillors in dealing with Planning Applications.
7. If a Councillor requires advice about whether they need to declare an interest, they should seek advice from the Council's Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Bias: Predetermination / Predisposition

8. In addition to being aware and taking appropriate action in relation to interests, Members of Planning Committee need to avoid any appearance of bias or of having predetermined their views before taking a decision. Avoidance of bias or predetermination or the appearance of bias or predetermination is a principle of natural justice that the decision maker is expected to adhere to.

9. The courts distinguish between predetermination and predisposition.

- **Predetermination** occurs where a Councillor approaches a decision with a closed mind and is unwilling to consider all relevant arguments and evidence. This renders the decision unlawful and vulnerable to judicial review.
- **Predisposition** means a Councillor has a prior view but remains open to persuasion and willing to change that view in light of all material considerations. Predisposition is lawful and expected in a democratic context.

10. Section 25 of the Localism Act 2011 confirms that a Councillor is not to be regarded as having a closed mind simply because they have previously done or said something that indicates what view they might take. However, the legal test remains whether a fair-minded and informed observer, having considered the facts, would conclude there is a real possibility of bias

11. Expressing an intention to vote a particular way regardless of evidence is predetermination and must be avoided. By contrast, indicating an initial view while confirming willingness to listen to all arguments and Officer advice before deciding is acceptable predisposition. For example, a Councillor who states:

- “Solar farms are blots on the landscape and I will oppose each and every solar farm application that comes before the committee”, demonstrates a closed mind and **predetermination**.
- “Many people find solar farms ugly, and I will need a lot of persuading that any more solar farms should be allowed in our area”, shows **predisposition** but an open mind.

12. This distinction is particularly important in the context of pre-application engagement. For example, the Council may facilitate presentations to Planning Committee by developers of schemes at this stage, allowing Councillors to ask questions and highlight issues such as design, impact on neighbours, or transport implications for example. Expressing views on these specific aspects is acceptable and reflects predisposition. However, Councillors must not express a firm view on whether the development as a whole should be approved or refused. Doing so could amount to predetermination. A final position should only be reached once all material considerations are available and have been properly assessed at the decision-making stage.

13. The following diagram is produced to help Councillors appreciate the range of circumstances (the following is guidance only, any specific questions should be raised with the Council's Monitoring Officer).

		Examples
Lawful	No View	Councillor has not expressed any opinion on the matter.
	Predisposition	- Manifesto pledges / comments, provided the member remains open to persuasion and considers all material at the meeting. - Policy making and setting
Unlawful	Predetermination	- Clearly expressed intention to vote in a particular way on an individual application regardless of the information or evidence presented
	Bias	- Membership of an organisation that supports or opposes particular developments or development types may give rise to perceived bias if the Councillor cannot demonstrate impartiality. - Situations where a fair-minded observer would conclude a real possibility of bias, e.g. close personal or financial interest.

Lobbying

14. Full guidance relating to this is covered in the Code for dealing with Planning Applications. If a Councillor requires advice about being lobbied, they should seek advice from the Council's Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

15. The planning system is founded upon balancing private development proposals with wider public interests, often involving strongly opposing views. Whilst lobbying is a normal part of the planning process, it must not compromise impartiality or create the appearance of bias. A Planning Committee Member who has been lobbied and wishes to support their constituents; or is a Ward Councillor and wishes to campaign for or against a proposal, will need to consider whether this is likely to be regarded as amounting to bias and going against the fair determination of the planning application. Councillors should consider the views of their constituents, but they must remain

impartial; avoiding any appearance of favouring an individual, company, group, or locality. Decisions must be firmly based on the development plan and other material planning considerations. If a Councillor has predetermined their position or has given that impression, they should avoid being part of the decision-making body for that application.

17. If a Councillor has publicly declared a fixed position or given the impression of a closed mind, they should not participate in determining the application. They may speak under the Council's public speaking procedures (as set out in paragraphs 23 to 30 below), having declared their position, but must withdraw from the Committee for that item and must not vote. Any Councillor wishing to speak under this provision must register to do so, in accordance with the public speaking procedures.

18. Participation as a Planning Committee Councillor where a Councillor is or may be perceived to be biased, in addition to the risk of a complaint against the individual Councillor, also places the decision of the Committee at risk from legal challenge. As such, if a Planning Committee Councillor considers that they are or have given the impression that they are biased or predetermined they must carefully consider whether it is appropriate for them to participate in the decision-making.

Roles at Planning Committee

20. The role of Officers at Planning Committee is to advise the Councillors on professional matters, and to assist in the smooth running of the meeting. Officers advise all Councillors impartially and carry out the Council's functions in accordance with decisions of the Council or its committees, or under delegated powers set out in the Constitution.

21. The Localism Act 2011 sets out a duty for each local authority to promote and maintain high standards of conduct by Councillors and to adopt a code of conduct. The Members Code of Conduct in the Constitution is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It embraces the standards central to the preservation of an ethical approach to Council business, including the need to register and disclose interests, as well as appropriate relationships with other Councillors, staff and the public. The Council's constitution sets down rules and orders which govern the conduct of Council business.

22. The role of Councillors at Planning Committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents. Councillors may also request that their votes are recorded. A request for a recorded vote must be moved and seconded in accordance with the Rules of Procedure for Council (Section 4 of the Constitution).

Speaking at Planning Committee

23. Planning Committee meetings are held in public and members of the public are welcome to attend and observe; however, members of the public are not allowed to address the meeting unless they have an interest in a planning application and follow the correct procedure.

24. Those permitted to speak include:

- The applicant or their agent and;
- Any person, business or organisation who have submitted a representation during the consultation period;
- A Parish Councillor or Ward Councillor who have submitted a representation during the consultation period, either in support of or in objection to an application.

Where a representation has been submitted by a business, organisation or other body, a nominated representative may speak on its behalf. Ward Councillors and Parish Councillors may sometimes wish to speak at meetings even if they are not members of the committee, to represent local views. The Chair will not normally allow substitutes or comments to be made by others attending the meeting.

25. Anyone wishing to speak at Committee must register to do so in writing, providing a name and contact details, by 5pm two working days before the Committee meeting (usually the preceding Monday for Wednesday meetings). Only persons who have registered in accordance with this paragraph may address the Committee.

26. Unless the Chair determines otherwise, the consideration of each application shall proceed in the following order:

- the Planning Officer shall introduce and present the application;
- the applicant or their agent;
- any Parish Councillor or Ward Councillor who has registered to speak;
- those registered to speak in support of the application; and
- those registered to speak in objection to the application.

The total speaking time allocated to each category of speaker shall normally not exceed four minutes. Where more than one person wishes to speak within a particular category, those speakers should nominate a spokesperson or share the time allocated to that category. In exceptional circumstances, the Chair may permit additional speaking time, having regard to the need for the fair and orderly conduct of the meeting and, where appropriate, ensuring that those speaking in support of and in objection to an application are afforded an equal opportunity to be heard.

Following public speaking, the Chair will open the matter for debate by the Committee.

27. Speakers must not introduce new documents or photographs at the meeting. Councillors may not question speakers, and speakers may not question councillors, officers, or other speakers. Comments made by speakers must relate to planning issues.

28. Speakers should arrive 15 minutes before the meeting starts and make themselves known to the Committee Clerk who will explain the procedure.

29. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chair of the Committee will bring the meeting to order. In exceptional circumstances the Chair of the Committee can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.

30. Where members of the public wish to leave the chamber before the end of the meeting, they should do so in an orderly and respectful manner, refraining from talking until they have passed through the chamber doors, as talking within the foyer can disrupt the meeting. To maintain the orderly conduct of the meeting and avoid any perception of improper influence, Councillors should not leave the meeting to accompany attendees from the chamber or engage in substantive discussions with applicants, objectors, supporters or other attendees whilst the meeting remains in progress.

Late Representations

31. Where information is received after publication of the committee agenda which, in the opinion of the Assistant Director - Development or other authorised officer, raises a material planning consideration or significant new information not previously identified or addressed within the officer report, officers shall determine what action is appropriate having regard to the nature of the issue raised. This may include reporting the matter to the Committee through a published written update, requesting further information, or, where necessary, deferring or withdrawing the application from consideration to enable the matter to be properly assessed.

Determination of Planning Applications

32. Once all registered speakers have addressed the committee and the planning officer has presented the report, Councillors will debate the Officer recommendation and may ask for clarification from Officers. However, if there are issues which require factual clarification, normally these should be directed to the relevant case officer before the Committee meeting, not at the meeting itself which will result in more

efficient use of the Planning Committee's time. After Councillors have debated the application, the Chair will call for a vote and the Committee Chairperson has a casting vote.

33. A Councillor who is not present for the entirety of the Officer presentation, public speaking and Committee debate on an application must not participate in the debate or vote on that application. This is to ensure that all Councillors taking part in the decision have heard the same information, arguments and advice.

34. Whilst Officers will provide professional advice and a recommendation on every application, it is the responsibility of members of the planning committee, acting in the interests of the whole Borough, and in accordance with planning law, to exercise their planning judgment to decide what weight to attach to the advice given and to the considerations of each individual application, provided that decision is rational and based on planning grounds.

35. The first vote will be on whether to accept the officer's recommendation. Councillors must weigh all material considerations and may vote for or against the Officer recommendation. If the Officer recommendation is carried, the decision has been made and the committee can move on to the next item of business. If the Officer recommendation is not carried, members must then propose an alternative motion. This may be:

- To grant planning permission (with appropriate conditions);
- To refuse planning permission (with appropriate reasons);
- To defer the application to a later meeting for further information or clarification.

Any motion, including any proposed conditions, amendments to conditions, deferrals, or reasons for refusal, must be formally moved and seconded before being debated and finally voted upon.

36. Councillors may add, amend or remove conditions or reasons for refusal but they cannot alter the substance of the application itself (for example, by allowing a single dwelling if the application is for 2 dwellings). Councillors should seek guidance from the relevant Officer as to the appropriateness of the proposed change. Conditions must meet the legal tests set out in national policy and case law: they must be:

- necessary,
- relevant to planning,
- relevant to the development,
- enforceable,
- precise, and
- reasonable.

Applicants have a statutory right of appeal to the Planning Inspectorate against any refusal or condition.

37. Councillors may wish to apply different weight to certain issues and reach a decision which is contrary to the Officer recommendation. In this instance, if the Officer recommendation is not carried when voted upon or if the officer recommendation has been moved but fails to be seconded, this does not mean that the decision contrary to Officer recommendation has been approved. It means that the application remains undetermined. In this case a separate motion must be moved, seconded and voted upon. If, in moving such a motion Councillors require advice about the details of the motion, the meeting can be adjourned for a short time to allow members and Officers to draft the motion, which will include reasons for the decision which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. Councillors may move that the vote be recorded and, in the event of a refusal of planning permission, record the names of Councillors who would be willing to appear if the refusal was the subject of an appeal.

38. Members must state clear reasons for any decision which is contrary to the officer recommendation, including identifying relevant policies. Pressure should never be put on Officers to identify appropriate planning reasons.

39. Where Councillors are minded to make a decision which is contrary to officer advice, the meeting may be adjourned to allow officers to advise members on matters such as the legal implications, appropriate conditions, drafting of reasons for refusal, or to provide planning policy advice for example.

40. Where Councillors resolve to refuse permission contrary to officer recommendation, the planning reasons for refusal must be identified and agreed by the Committee. The reasons will be recorded in the minutes and must be based on material planning considerations and the relevant policies to support the refusal. The detailed wording of those reasons may be delegated to the Assistant Director of Development in consultation with the Chair. Clear, evidenced reasons reduce the risk of costs being awarded against the Council should an appeal be allowed.



Report to Planning Committee

Subject: Future Planning Applications

Date: 24/08/2026

The following planning applications or details have been submitted and are receiving consideration. They may be reported to a future meeting of the Planning Committee and are available for inspection online at: <http://pawam.gedling.gov.uk:81/online-applications/>

Alternatively, hard copies may be viewed at Gedling1Stop or by prior arrangement with Development Management.

<u>App No</u>	<u>Address</u>	<u>Proposal</u>	<u>Possible Date</u>
2019/1080	Land At Broad Close Woodborough	Outline application for 11no. residential properties	TBC
2026/0189	Land South Oxton Road Calverton Nottinghamshire	Full planning application for residential development (154 dwellings) including affordable housing with associated access, drainage, public open space and play space.	TBC
2026/0240	Land At Mansfield Road And Calverton Road Arnold Nottinghamshire	Full planning application at Lodge Farm, for the erection of 116 dwellings, with access, open space, drainage, landscaping, and associated infrastructure.	TBC
2025/0726	Land Off Killisick Lane Arnold Nottinghamshire	Full planning application for the residential development of 172 new homes alongside associated site infrastructure, open space and landscaping.	TBC
2025/0736	24-26 Stoke Lane Gedling Nottinghamshire NG4 2QP	Proposed change of use from disused care home to 17 no. residential dwellings, including upward extension of rear portion of building, and supplementary landscaping to form more parking spaces and bin store, including dropped kerb	TBC

Please note that the above list is not exhaustive; applications may be referred at short notice to the Committee by the Planning Delegation Panel or for other reasons. The Committee date given is the earliest anticipated date that an application could be reported, which may change as processing of an application continues.

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ACTION SHEET PLANNING DELEGATION PANEL - 3rd July 2026

2026/0283

10 Nursery Drive, Carlton, Nottinghamshire

Change of Use from Residential Dwelling (C3) to a Residential Small Children's Home (C2) Including Alterations to Property

The proposed development would result in an over concentration of similar specialist accommodation on a small cul-de-sac, to the detriment of the character of the area.

The Panel recommended that the application be determined under delegated authority.

Decision: to refuse permission.

2026/0305

Burton Joyce Primary School, Padleys Lane, Burton Joyce

The installation of a single timber gazebo, approximately 5 metres in width, on the Key Stage 1 playground within the existing school site.

The proposed development would respect the character of the area and not be detrimental to residential amenity.

The Panel recommended that the application be determined under delegated authority.

Decision: to grant permission.

6th July 2026

Video Conference Call Meeting

Cllr Roy Allan

Cllr Pauline Allan

Cllr Lynda Pearson

Cllr Ruth Strong

Nigel Bryan – Development Manager

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ACTION SHEET PLANNING DELEGATION PANEL - 10th July 2026

2026/0282

8 Colwick Quays, Road No 2, Colwick

2 Storey Extension and Relocation of External A/C units.

The proposed development would respect the character of the area, visual amenity and not impact parking.

The Panel recommended that the application be determined under delegated authority.

Decision: to grant permission.

2026/0319

10 Dover Beck Drive, Woodborough, Nottinghamshire

Proposed single storey front extension and proposed dropped kerb across the full frontage with re-grading of the front garden to create new parking area

The proposed development would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: to grant permission.

10th July 2026

Video Conference Call Meeting

Cllr Roy Allan

Cllr Pauline Allan

Cllr Stuart Bestwick

Cllr Lynda Pearson

Cllr Ruth Strong

Nigel Bryan – Development Manager

Claire Turton – Principal Planning Officer

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ACTION SHEET PLANNING DELEGATION PANEL 17th July 2026

2026/0310

102 Surgeys Lane Arnold Nottinghamshire

Retrospective permission for erection of external store in front of the principal elevation.

The proposed development would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision to grant planning permission.

2026/0311

102 Surgeys Lane Arnold Nottinghamshire

Loft conversion with front and rear dormers.

The proposed development would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision to grant planning permission.

2026/0362

6 Towes Mount Carlton Nottinghamshire

Ground floor side extension with the removal of existing garages and erection of porch

This application was withdrawn from the agenda.

2026/0381TPO

168 Edison Way Arnold Nottinghamshire

Cutting back of 19 trees whitebeam trees. The proposed works are limited to pruning back the eastern canopy to provide clearance from the property whilst retaining the height and overall screening function of the trees.

The proposed development will not have an unacceptable impact on visual amenity

The Panel recommended that the application be determined under delegated authority.

Decision to grant TPO consent

17th July 2026

Video Conference Call Meeting

**Cllr Roy Allan
Cllr Lynda Pearson
Cllr Stuart Bestwick
Cllr Ruth Strong
Cllr Pauline Allan**

**Nigel Bryan – Development Management Manager
Claire Turton – Principal Planning Officer**

ACTION SHEET PLANNING DELEGATION PANEL 24th July 2026

2026/0051

35 Southdale Drive Carlton Nottinghamshire

Single storey rear extension, 2 storey side extension and loft conversion with rear dormer.

The proposed development would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision to grant planning permission.

2026/0206

20 McIntosh Road Gedling Nottinghamshire

Retrospective application for the erection of a single-storey outbuilding.

The proposed development would have an unacceptable impact on the character and visual amenity of the area.

The Panel recommended that the application be determined under delegated authority.

Decision to refuse planning permission

2026/0309

21 Wensley Road Woodthorpe Nottinghamshire

Proposed single storey rear extension, hip to gable conversion and dormer to the rear roof

The proposed development would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision to grant planning permission

2026/0383

58A Sandford Road Mapperley Nottinghamshire
Change of use to class C2 (residential institution) for 1 child

The proposed development would not result in an over concentration of similar developments in the area, would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision to grant planning permission

2026/0395

The Rainbow Whitworth Drive Gedling

PROPOSE AN ENCLOSED SWIMMING POOL BUILDING WITHIN THE CURTILAGE OF THE PROPERTY

The proposed development would be inappropriate development in the Green Belt and would be detrimental to the openness of the Green Belt.

The Panel recommended that the application be determined under delegated authority.

Decision to refuse planning permission

24th July 2026

Video Conference Call Meeting

Cllr Roy Allan
Cllr Lynda Pearson
Cllr Stuart Bestwick
Cllr Ruth Strong
Cllr Pauline Allan
Cllr Andrew Ellwood

**Nigel Bryan – Development Management Manager
Claire Turton – Principal Planning Officer**

ACTION SHEET PLANNING DELEGATION PANEL - 31st July 2026

2026/0279

41 Hartington Avenue, Carlton, Nottinghamshire

Single storey rear extension with balcony above, construction of chimney, application of white render to the existing bungalow. New rear dormer to access balcony and new detached garage

The proposed development would respect the character of the area and residential amenity.

The Panel recommended that the application be determined under delegated authority.

Decision: grant permission.

2026/0406

132 Chapel Lane, Ravenshead, Nottinghamshire

Replace 2 metre high leylandii hedge with a 1.8 metre high composite fence.

Deferred from the agenda.

2026/0430

Newstead Abbey Park, Tabram Hill Lodge, Nottingham Road, Ravenshead

Removal of condition 5 (removal of permitted development rights) of planning permission: 2002/1979.

Removing the condition would allow for extensions that would be disproportionate over and above the size of the original building, to the detriment of the openness of the Green Belt.

The Panel recommended that the application be determined under delegated authority.

Decision: to refuse permission.

2026/0433

8 Salcombe Circus Redhill Nottinghamshire

Single storey front and rear extensions to dwelling.

The proposed development would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: grant permission

31st July 2026

Video Conference Call Meeting

Cllr Roy Allan

Cllr Pauline Allan

Cllr Stuart Bestwick

Cllr Lynda Pearson

Cllr Ruth Strong

Nigel Bryan – Development Manager

ACTION SHEET PLANNING DELEGATION PANEL 7th August 2026

2024/0532

Water Tower Nottingham Road Ravenshead

Proposed upgrade to existing equipment at Ravenshead Water Tower, Nottingham Road, Ravenshead, Nottingham, NG15 9HH

Please refer to drawings

The proposed development is considered acceptable within the Green Belt and would not have an unduly detrimental impact on the character of the area, residential amenity or highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Conditional Permission

2025/0785

5 Church Street Arnold Nottinghamshire

1no pair of self build 3 bedroom semi-detached houses

The proposed development would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Conditional Permission

2026/0334

1 Willow Road Carlton Nottinghamshire

Conversion of two existing ground floor retail units into one retail unit. Conversion of one existing flat into two flats

The proposed development would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Conditional Permission

7th August 2026

Video Conference Call Meeting

Cllr Roy Allan
Cllr Pauline Allan
Cllr Stuart Bestwick
Cllr Lynda Pearson
Cllr Ruth Strong

Lewis Widdowson – Principal Planning Officer
John Krawczyk – Assistant Director of Development

ACTION SHEET PLANNING DELEGATION PANEL 14th August 2026

2026/0362

6 Towes Mount Carlton Nottinghamshire

Ground floor side extension with the removal of existing garages and erection of porch

The proposed development would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision grant planning permission

2026/0393

47 St Albans Road Daybrook Nottinghamshire

Painted wall advertisement

The proposed development would have an unacceptable impact on the visual amenity of the area

The Panel recommended that the application be determined under delegated authority.

Decision refuse advertisement consent

2026/0420

42 Main Road Ravenshead Nottinghamshire

PROPOSED CONVERSION OF OUTBUILDING FOR HOME OFFICE, GYM AND 2 NO. RESIDENTIAL ANNEXES

The proposed development would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision grant planning permission

2026/0427

38 Coronation Road Woodthorpe Nottinghamshire

External alterations to existing rear garden terracing and boundary walls/fence
(retrospective)

The proposed development would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision grant planning permission

14th August 2026

Video Conference Call Meeting

Cllr Roy Allan

Cllr Pauline Allan

Cllr Stuart Bestwick

Cllr Lynda Pearson

Cllr Ruth Strong

John Krawczyk – Assistant Director Development

Claire Turton – Principal Planning Officer

ACTION SHEET PLANNING DELEGATION PANEL - 21st August 2026

2026/0042

34 Third Avenue, Carlton, Nottinghamshire

Use of flat roof as a balcony area with glazed units and handrail around (retrospective)

Withdrawn from the agenda

2026/0122

44 Bridle Road, Burton Joyce, Nottinghamshire

Proposed two storey extension and associated alterations to the existing dwelling.

The proposed development would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: to grant permission.

2026/0182

Eagle Public House, 50 Howbeck Road, Arnold

Change of use to class E (a) from sui generis public house with associated extensions and minor amendments

The proposed development would not have a detrimental impact on the town centre, would provide adequate parking and respect the character of the area and residential amenity.

The Panel recommended that the application be determined under delegated authority.

Decision: to grant permission.

2026/0411

908 Woodborough Road, Mapperley, Nottinghamshire

Variation of conditions 2 and 3 of planning permission 2021/1132 to enable the raised platform and garden area to be used as part of the drinking establishment use.

The proposed development would have a detrimental impact on the amenity of neighbouring residents through noise that would be generated.

The Panel recommended that the application be determined under delegated authority.

Decision: to refuse permission

2026/0451

26 Harrogate Street, Netherfield, Nottinghamshire

Change of use from a lawful 6-bedroom House in Multiple Occupation (Use Class C4) to a 7-bedroom, 7-occupant House in Multiple Occupation (Sui Generis), including the provision of secure cycle storage within the site curtilage.

The proposed development would have

The Panel recommended that the application be determined under delegated authority.

Decision: to grant permission.

21st August 2026

Video Conference Call Meeting

Cllr Roy Allan

Cllr Pauline Allan

Cllr Stuart Bestwick

Cllr Lynda Pearson

Cllr Ruth Strong

Nigel Bryan – Development Manager

Claire Turton – Principal Planning Officer