# Section 10 – Planning Committee

## Contents

1 Membership ..... 1
2 Quorum and Frequency of Meetings ..... 1
3 Responsibility ..... 2
4 Rules of Procedure ..... 3
5 Planning Committee Protocol ..... 4
6 Member Training ..... 4
7 Referral of Applications to Planning Committee ..... 4
8 Delegation ..... 6
9 Code of Practice for Councillors in Dealing with Planning Applications ..... 6
9.1 Introduction ..... 6
9.2 The General Role of Councillors and Officers ..... 6
9.3 Conflicts of Interest and Predetermination ..... 7
9.4 Own Interest Applications ..... 7
9.5 Lobbying of and by Councillor ..... 8
9.6 Decisions Contrary to Officer Recommendations ..... 9
9.7 Site Visits ..... 10

## 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 6.1 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 The Nominated Member and Nominated Officer shall make every effort to reach agreement on whether an application should be referred to Planning Committee.

Where agreement pursuant to para 7.4 above is not reached, the application shall be determined under delegated powers in accordance with the Council's Scheme of Delegation and any applicable legislative requirements.
7.6 Development proposals submitted by Councillors and Officers and Council development (Own Interest Applications) shall be determined by Planning Committee.

7.7 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) the site and Ward;
(d) whether the application was referred to Planning Committee or determined under delegated powers;
(e) the reasons for the decision;
(f) the planning, economic, social and environmental considerations taken into account;
(g) the Nominated Member and Nominated Officer involved; and
(h) the date of the decision.

7.8 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.