

COUNCIL

DATE	24th September 2026
REPORT OF	The Monitoring Officer
SUBJECT	National Scheme of Delegations for Planning Functions
STATUS	Open
FORWARD PLAN REF NO.	Not applicable

CONTRIBUTION TO OUR AIMS

Changes are required to the Council's scheme of delegation and corresponding parts of the constitution to implement the mandatory national scheme of delegations for planning decisions. The delivery of a compliant planning service contributes to the following strategic aims: stronger economy, stronger communities, effective and engaging council and a greener future.

EXECUTIVE SUMMARY

A report recommending constitutional variation to ensure compliance with the compulsory national scheme of delegation which comes into force on 31 October 2026 and to deal with those planning functions that do not come within the new national scheme of delegations.

The report also contains the comments of the Council's Planning Committee regarding the national scheme of delegations.

RECOMMENDATIONS

It is recommended that Council:

1. Approves the changes to parts of the Council's constitution set out in the Annexe of this report, being those parts of the scheme of delegation and the Members Planning Code of Good Practice.
2. Agrees that the nominated member, as set out in the scheme of delegation, will be the Chair of the Planning Committee.
3. Notes the comments of the Planning Committee regarding the national scheme of delegation.
4. Authorises the Monitoring Officer to update the Constitution and supporting Code as appropriate.

REASONS FOR DECISION

The reason for the decision/recommendation will be to implement the national scheme of delegations, as set out in legislation, which will be compulsory from 31 October 2026. The decision will also modify the procedure for additional planning functions so that they are consistent and compatible with the mandatory national scheme of delegations.

1. BACKGROUND AND ISSUES

- 1.1. The National Scheme of Delegation will come into force on 31 October 2026. The relevant legislation is contained in sections 319ZZC to s319ZZF of Part XV of the Town and Country Planning Act 1990 ('the 1990 Act' and The Town and Country Planning (Discharge of Local Planning Authority Functions) Regulations 2026. The legislation also limits the size of planning committees to 13 members. The government has issued guidance entitled - *Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England*.
- 1.2 The legislation requires all local planning authorities to make arrangements for the determination of certain planning applications in accordance with the national scheme of delegation. The legislation has specified that the guidance must be taken into account by Councils when they are making these arrangements.
- 1.3 The current scheme of delegation gives officers powers to determine all planning applications unless the application has received over 3 objections from different addresses or an objection from the relevant parish council or the application has been called in by the ward councillor, or any councillor, for reasons based on material planning considerations. Officers can also, in accordance with the current statutory framework, refer planning applications to planning committee.
- 1.4 Councils will, from 31 October 2026, be required to determine what is known as Schedule 1 planning applications by delegated powers. There will therefore be no power for Councillors or officers to call in or refer Schedule 1 applications to planning committee.
- 1.5 In respect of Schedule 2 applications, as defined in the legislation and guidance, there will be a discretion for those applications to be referred to planning committee. However, the legislation requires the discretion to be exercised in a particular way, as set out in the arrangements below in this report.
- 1.6 In order to give effect to the above requirements, amendments to the Council's scheme of delegation and Members' Planning Code of Good Practice in Parts 2 and 3 of the constitution are required. Members are asked to approve the amendments set out in the Annexe to this report.
- 1.7 There are some planning applications which do not fit within Schedule 1 or Schedule 2 applications (which will be referred to in this report as 'Other

Applications’). The recommendation from officers is that these are dealt with in the same manner as Schedule 2 applications and the proposed changes to the constitution reflect this recommendation.

- 1.8 The regulations also set out how to deal with ‘Own-Interest’ applications which are defined in the legislation and below. These are applications in which the Council, a councillor or an officer has an interest.
- 1.9 The national scheme of delegation and the above changes were discussed at Planning Committee on 2 September 2026. The Council is asked to note the planning committee’s comments regarding the above changes as set out below.

Schedule 1 applications

- 1.10 In accordance with the legislation, the Council must make arrangements for all Schedule 1 applications to be determined by an officer, under delegated powers. Planning applications must be exercised in accordance with those arrangements.
- 1.11 This means that Schedule 1 applications must be determined by an officer. There is no discretion for Schedule 1 applications to be called-in or referred to committee.
- 1.12 Schedule 1 applications are defined as applications which are not Own-Interest and are not Schedule 2 applications. Subject to the above, Schedule 1 applications are applications for:
 - i. householder development;
 - ii. minor commercial development;
 - iii. minor residential development which is defined as:
 - A. development for dwellings (or purposes incidental to dwellings) for between 1 and 9 dwellings on a site which is smaller than 0.5 hectares;
 - B. 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. This excludes development for a change of use or a change to the number of flats in the building; OR
 - C. an application for any consent, agreement or approval in respect of the above applications;

- iv. Section 73 application for the variation or removal of conditions if it relates to a Schedule 1 planning permission;
- v. reserved matters approval in respect of an outline planning permission which is not a Large Outline Permission. A Large Outline Permission is 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;
- vi. discharge of conditions;
- vii. prior approval determinations for permitted development rights;
- viii. permissions in principle;
- ix. applications and/or requests to agree to modify or discharge section 106 agreements/undertakings/obligation which are connected to a Schedule 1 application or permission;
- x. non-material changes to planning permission or permission in principle under section 96A of the 1990 Act;
- xi. lawful development certificates (existing or proposed);
- xii. lawful development certificates for proposed works to listed buildings;
- xiii. approval of biodiversity gain plans;
- xiv. certificates of appropriate alternative development (applications under section 17 of the Land Compensation Act 1961)

Schedule 2 applications

- 1.13 Schedule 2 applications must be determined by officers unless the nominated officer and nominated member agree that:
- a. the application should be referred to the planning committee; AND
 - b. that the application raises:
 - i. an economic, social or environmental issue of significance to the local area; OR

- ii. a significant planning matter having regard to the development plan and any other material considerations (referred to in government guidance as the 'gateway test')

- 1.14 Nominated officers and nominated members should make every effort to reach agreement on which cases should be referred to committee. However, where agreement is not possible, the case must be determined by officers in accordance with the regulations referred to above.
- 1.15 It is recommended that nominated member is the chair of the planning committee. This is in accordance with the guidance which states that the nominated member should be the chair of the planning committee, or where the role does not exist the vice chair or equivalent members.
- 1.16 Arrangements will be made for other senior planning officer and other members to provide cover in case either the nominated officer or nominated member is unavailable. These arrangements will be made and recorded in writing.
- 1.17 The guidance states that the overriding presumption is that Schedule 2 applications should be determined officers and only referred to planning committee as an exception.
- 1.18 Schedule 2 applications are applications which are not an 'Own-Interest' application and applications for one of the following:
 - a. listed building consent;
 - b. variation or discharge of conditions of a listed building consent;
 - c. applications for planning permission which the nominated officer considers is connected with either an application for listed building consent or any application for the variation or discharge of conditions of a listed building consent;
 - d. applications for planning permission which is not a householder, minor commercial or minor residential application;
 - e. section 73 applications for the variation or removal of conditions which is made in respect of a Schedule 2 permission;
 - f. applications under section 73A(1) of the 1990 Act for development which has already been carried out;

- g. applications for reserved matters approvals where the approvals relate to a Large Outline Permission;
- h. requests to agree and/or applications to modify or discharge a section 106 agreement/undertaking/obligation which relate to a Schedule 2 Application;
- i. applications for advertisement consent;
- j. applications for consent under tree preservation orders

Own Interest Applications

- 1.19 Own Interest Applications are applications which would fall within the definition of Schedule 1 or Schedule 2 applications but where the application is made by or on behalf of the Council (whether or not jointly with another person), a councillor or an officer of the Council OR where in the view of the nominated member and nominated officer, the Council or any of its members/councillors or officers otherwise has an interest in the application.
- 1.20 In accordance with the legislation, officers are putting forward amendments to the constitution to the effect that the nominated member and nominated officer may agree to refer an Own-Interest Application to planning committee.

Other Applications not falling within Schedule 1 or 2 of the Regulations

- 1.21 Officers are recommending to Council that planning applications which do not fall within Schedule 1 or 2 of the Regulations will be dealt with like Schedule 2 Applications and/or Own-Interest Applications. This means that the nominated member and nominated officer will decide whether or not to refer those applications to planning committee, using either the gateway test or the considerations for Own-Interest Applications, where applicable. The reason for this is to ensure consistency in dealing with planning applications and a recognition that these applications are less likely to attract the same level of public interest as Schedule 1 or Schedule 2 applications.

Miscellaneous

- 1.22 The guidance also has a section on transparency and reporting and states that, as a minimum, the Council should keep a record of the cases the nominated officer and nominated member have considered for referral to committee, the outcome of their consideration and the reasons for their decision. They should report this to the planning committee on a regular basis and make the information available on the Council's website.

- 1.23 The impact of the legislation and the national scheme of delegations will be reviewed by the Secretary of State by October 2028.

Comments of Planning Committee

- 1.24 At its meeting of 2nd September 2026, the Planning Committee expressed concerns about the new national scheme of delegation and its implications on local democracy and resolved that a comment be passed onto Full Council that the Planning Committee were opposed to the national scheme of delegation and thought that it was contrary to Central Government's expressed intentions regarding devolution and putting power into local hands.
- 1.25 As stated, the government consulted on the national scheme of delegation earlier in 2026 and have now made the scheme mandatory by passing legislation.

Conclusion and Recommendation

- 1.26 The recommendation is for the Council to agree the changes to the constitution which are set out in Annexe A to this report, and to agree the appointment of chair of planning as nominated member, noting the comments of the Planning Committee.

2. RISKS, OPPORTUNITIES AND EQUALITY ISSUES

- 2.1 The main risk of not making the above changes to the constitution is that the Council's planning decision making would not be compliant with legislation. Also, the Council would risk legal challenge of its planning decisions if they are not made in accordance with the national scheme of delegations.
- 2.2 Officers have considered the Council's public sector equality duty and have identified no issues which arise out of this report..

3. OTHER OPTIONS CONSIDERED

Do nothing – this would be contrary to legislation and would put the Council in a non-compliant position and at risk of judicial review.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

- 4.1 No reputational issues are identified as the changes are being made in accordance with government legislation.
- 4.2 In respect of communications, the government consulted on the introduction of a national scheme of delegation in March 2026.
- 4.3 The planning department has and will continue to publicise the new national

scheme of delegation. They have presented the national scheme of delegation to members of the planning committee and all other members who have been trained to be on the committee and have also contacted local developers and planning agents. They will also contact other stakeholders about the changes to include the local housing development board, parish Councils and ward members.

5. FINANCIAL CONSIDERATIONS

No financial implications identified.

6. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

None identified

7. CLIMATE CHANGE, NATURE RECOVERY AND ENVIRONMENTAL IMPLICATIONS

None identified as planning applications will continue to be determined in accordance with the relevant planning statutory and guidance framework.

8. PUBLIC HEALTH, HEALTH INEQUALITIES AND MARMOT IMPLICATIONS

None identified

9. CONSULTATION WITH SCRUTINY

None, although the Planning Committee have been consulted and their comments are included in the report.

10. FINANCE IMPLICATIONS

No direct financial implications arise from the recommendations contained within the report. Any administrative, governance, training, publication or implementation costs associated with the revised arrangements are expected to be managed within existing approved service budgets.

11. LEGAL IMPLICATIONS

The amendments are being made to comply with legislation. Failure to make the amendments and determine planning applications in accordance with the national scheme of delegation will put make the Council non-compliant with legislation. It will also lead to the risk of judicial review in respect of planning decisions.

12. HUMAN RESOURCES IMPLICATIONS

There are no direct HR implications arising from this report.

13. WARD IMPLICATIONS

All wards

14. BACKGROUND PAPERS

14.1 [The Town and Country Planning \(Discharge of Local Planning Authority Functions\) \(England\) Regulations 2026](#)

14.2 [Town and Country Planning Act 1990](#) Part XV

14.3 [Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#)

14.4 [4.-Introduction-of-National-Scheme-of-Delegation.pdf](#) – Report to Planning Committee meeting dated 2 September 2026

14.5 [Part 2 Article 4 Decision Making](#)

14.6 [Part 3 - codes and protocols FULL June 2025](#)

15. CONTACT OFFICER(S)

Simon Jones, Assistant Director of Law and Governance and Monitoring Officer, 01472 324004

THE MONITORING OFFICER

ANNEX A

Amended Scheme of Delegation

Part 2: Article 4, Decision Making

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Replace paragraph 1.12 with the following:

1.12. Notwithstanding the approval of this Scheme of Delegation, the Cabinet and any Committee exercising delegated powers may, through the course of any Municipal Year:

1.12.1. approve further delegations to Officers, subject to appropriate advice from the Monitoring Officer;

1.12.2. amend, substitute or remove specific delegations from this Scheme, subject to appropriate advice from the Monitoring Officer provided that no action shall be taken under these provisions which would be contrary to any applicable statutory requirement, regulation, or legal restriction governing the exercise of the relevant function.

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Replace paragraph 5.5. with the following

5.5 In respect of planning and development management functions, the Director of Economy, Environment and Infrastructure is authorised to exercise all functions of the Council as local planning authority, including the determination of all applications, submissions, requests, approvals, consents, certificates, notifications and other planning matters, unless the matter is required by law, the Constitution, or this scheme of delegation to be determined by Planning Committee or another decision-maker.

5.5.1 The planning and development management functions delegated to the Director include, without limitation, functions relating to planning permission; listed building consent; conservation area consent; advertisement consent; tree preservation orders; certificates of lawfulness; prior approvals; reserved matters; discharge, variation, modification or removal of conditions; non-material amendments; permission in principle; biodiversity gain plans; planning obligations, including modification and discharge; enforcement; lawful use and development; certificates of appropriate alternative development; and any other matter arising under planning, listed building, conservation, advertisement, tree, highways, environmental, flood risk, biodiversity or related legislation.

5.5.2 For the avoidance of doubt, this delegation includes authority to determine all Schedule 1 Applications, Schedule 2 Applications, Other Applications, Own-Interest Applications and any related or ancillary planning function within the meaning of, or arising under, The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, as amended, extended, re-enacted or replaced from time to time.

5.5.3 There shall be a presumption that planning and development management matters are determined under delegated authority unless referral to Planning Committee is required or justified in accordance with this scheme.

5.5.4 A planning matter (provided that it is not a Schedule 1 Application) may be referred to Planning Committee where the nominated officer, in consultation with the nominated member where required, considers that committee determination is appropriate having regard to the nature, scale, sensitivity or significance of the matter, including where the matter raises a significant economic, social, environmental, strategic, policy, probity or public interest issue. A Schedule 1 Application must always be determined by the Director, under their delegated powers.

5.5.5 An Own-Interest Application or matter, being a matter submitted by or on behalf of the Council, a member or officer of the Council, or any matter in which the Council, a member or officer has an interest which may give rise to an actual or perceived issue of probity, may be determined under delegated authority unless the nominated officer considers that referral to Planning Committee is appropriate having regard to the nature of the interest, any actual or perceived issue of probity, and any relevant requirements of the Regulations or statutory guidance.

5.5.6 In exercising this delegation, where legislation or statutory guidance requires particular considerations to be applied when determining whether a planning matter is to be dealt with by officers or by committee, the nominated officer must have regard to any relevant legislation, regulations and statutory guidance, including any guidance issued by the Secretary of State under section 319ZZE(4) of the Town and Country Planning Act 1990, and record the basis for the decision where appropriate.

5.5.7 For the purposes of this clause, a reference to any statute, statutory provision, regulation, order or guidance includes that provision as amended, extended, re-enacted or replaced from time to time.

[and for the Monitoring Officer, with the acquiescence of the Director for Economy, Environment and Infrastructure to provide that there be a sub delegation within the Officer Scheme of Delegation, to the Head of Development Services (Otherwise Chief Planning Officer) as "nominated officer" for the purposes of Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026)]

Part 3

Members Planning Code of Good Practice

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Replace the code with the following (*Tracked proposed changes for ease of reference*):

MEMBERS PLANNING CODE OF GOOD PRACTICE

Introduction

The aim of this code of good practice is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

The key purpose of Planning: to manage and direct development in the public interest

Your role as a Member of the Planning Authority: to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

When the Code of Good Practice applies: this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer and preferably well before any meeting takes place.

1. Relationship to the Members' Code of Conduct 1.1. Do apply the rules in the Members' Code of Conduct first, which must be always be complied with.

1.2. Do then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put: 1.2.1. the Council at risk of proceedings on the legality or maladministration of the related decision; and

1.2.2. yourself at risk of either being named in a report made to the Standards and Adjudication Committee or Council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Standards Board for England.

2. Development Proposals and Interests under the Members' Code 2.1. Do disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. (Use the Council's disclosure form provided for disclosing interests.)

2.2. Do then act accordingly. Where you have a Disclosable Pecuniary Interest, an Other Registrable Interest, or any other interest under the Member's Code of Conduct, which requires you not to participate in the matter~~interest is personal and prejudicial:-~~

2.2.1. Don't participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.

2.2.2. Don't try to represent ward views, get another Ward Member to do so instead.

2.2.3. Don't get involved in the processing of the application.

2.2.4. Don't seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have an ~~personal and prejudicial~~ interest under the Members' Code of Conduct which requires you not to participate in the matter, in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.

2.2.5. Do be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have such an ~~personal and prejudicial~~ interest to an appropriate officer, in person or in writing, the Code places s limitations on you in representing that proposal. You may (under paragraph 12(2) of the members' Code of Conduct adopted by the Council in May 2007) address the Committee ~~but~~ only where you are entitled to do so in the same way as a member of the public under the approved public speaking procedure. After doing so, you must withdraw from the room while the matter is

~~considered and must not remain to observe the Committee's consideration of it. to make representations in the same manner that would apply to a normal member of the public under the approved public speaking procedure, after which you must leave the room whilst the meeting considers it (you may not remain to observe the meeting's considerations on it from the public gallery.~~

2.3. In the case of your own planning applications:

2.3.1. They ~~will always be~~ ~~may be~~ ~~referred~~ ~~considered by~~ ~~to~~ the Planning Committee ~~and not dealt with~~ ~~instead of by~~ ~~rather than determined by~~ officers under delegated powers.

2.3.2. ~~If the application is~~ ~~are~~ ~~considered by the Planning Committee,~~ ~~You~~ must disclose ~~any relevant Disclosable Pecuniary Interest, Other Registrable Interest, or other interest under the Member's Code of Conduct, and must withdraw from the meeting a personal and prejudicial interest and leave the meeting after exercising you have used~~ any right to address the Planning Committee under ~~the public speaking procedure. paragraph 12(2) of the Code, if you are present when the proposal is considered by the Planning Committee; and, in any event~~

2.3.3. You may think it advisable to employ a spokesperson to act on your behalf on the proposal in dealings with officers and any other public speaking at the Planning Committee.

SUMMARY NOTE: You are not prevented from seeking to explain and justify ~~the~~ proposal in which you have ~~an~~ ~~personal and prejudicial~~ interest ~~under the Member's Code of Conduct~~, including your own applications, to an appropriate officer, in person or in writing, where ~~members of the public would have the same opportunity to do so. is able to do the same.~~ You may also exercise any right to address the Committee under ~~the public speaking procedure but must then withdraw from the room while the Committee considers the matter. This means you cannot remain in the public gallery to observe the Committee's consideration. You can also exercise your rights to address the Committee meeting considering it under paragraph 12(2) of the Code, but you will then have to withdraw from the room or chamber whilst the meeting considers it. This means that you cannot observe the meeting's consideration from the public gallery.~~

3. Fettering Discretion in the Planning Process.

3.1. Don't fetter your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the officer's presentation and evidence and arguments on both sides.

3.2. Fettering your discretion in this way (commonly referred to as pre-determination or bias) and then taking part in the decision will put the Council at risk of a finding of

maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

3.3. Do be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (i.e. Through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

3.4. Do consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example), provided:

3.4.1. the proposal does not substantially effect the wellbeing or financial standing of the consultee body;

3.4.2. you make it clear to the consultee body that:

3.4.2.1. your views are expressed on the limited information before you only;

3.4.2.2. you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and

3.4.2.3. you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and

3.4.3. you will disclose ~~the personal interest regarding~~ your membership or role, and any interest arising from it, when the Committee comes to consider the proposal.

3.5. Don't speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but it is recommended that you do so in order to give the public and colleagues the clear indication that you are not seeking to improperly influence the debate or the decision

4. Contact with Applicants, Developers and Objectors

4.1. Do refer those who approach you for planning, procedural or technical advice to officers.

4.2. Don't agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Development Control Manager to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions

will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

4.3. Do otherwise:

4.3.1 follow the rules on lobbying;

4.3.2 consider whether or not it would be prudent in the circumstances to make notes when contacted; and

4.3.3 report to the Director of Economy, Environment and Infrastructure any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition in respect of presentations by applicants/developers:

4.4. Don't attend a planning presentation unless an officer is present and/or it has been organised by officers.

4.5. Do ask relevant questions for the purposes of clarifying your understanding of the proposals.

4.6. Do remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.

4.7. Do be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.

5. Lobbying of Councillors

5.1. Do explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.

5.2. Do remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

5.3. Don't accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register it in the Register of Interests where its value is over £25 (in accordance with the Code of Conduct).

5.4. Do copy or pass on any lobbying correspondence you receive to the Director of Economy, Environment and Infrastructure at the earliest opportunity.

5.5. Do promptly refer to the Director of Economy, Environment and Infrastructure any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.

5.6. Do inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

5.7. Do note that, unless you have a ~~personal and prejudicial interest~~ an interest under the Members' Code of Conduct which prevents you from participating, you will not have fettered your discretion or breached this Planning Code of Good Practice through:

5.7.1. listening or receiving viewpoints from residents or other interested parties;

5.7.2. making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;

5.7.3. seeking information through appropriate channels; or

5.7.4. being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

6. Lobbying by Councillors

6.1. Don't become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you may have fettered your discretion and may also have an interest under the Members' Code of Conduct which prevents you from participating. ~~are likely to have a personal and prejudicial interest.~~

6.2. Do join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Ramblers Association or a local civic society, but disclose a personal interest your membership or involvement, and any relevant interest arising from it, where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.

6.3. Don't excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken

6.4. Don't decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits

7.1. Do try to attend site visits organised by the Council where possible.

7.2. Don't request a site visit unless you feel it is strictly necessary because:

7.2.1. particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or

7.2.2. there are significant policy or precedent implications and specific site factors need to be carefully addressed.

7.3. Do ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information

7.4. Do ensure that you treat the site visit only as an opportunity to seek information and to observe the site.

7.5. Do ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.

7.6. Don't hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.

7.7. Don't express opinions or views to anyone.

7.8. Don't enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:

7.8.1. you feel it is essential for you to visit the site other than through attending the official site visit,

7.8.2. you have first spoken to the Development Control Manager about your intention to do so and why (which will be recorded on the file) and

7.8.3. you can ensure you will comply with these good practice rules on site visits.

8. Public Speaking at Meetings

8.1. Don't allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the approved public speaking procedure, as this may give the appearance of bias.

8.2. Do ensure that you comply with the Council's procedures in respect of public speaking, as set out in the Constitution.

9. Officers

9.1. Don't put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the relevant planning officer, which may be incorporated into any committee report).

9.2. Do recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Director or those officers who are authorised by their Director to deal with the proposal at a Member level.

9.3. Do recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

9.4. Do always be mindful of the principles set out in the Protocol on Member/Officer relations set out in the Constitution.

10. Decision Making

~~10.1. Do ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your reasons are recorded and repeated in the report to the Committee.~~

10.21. Do come to meetings with an open mind and demonstrate that you are open-minded.

10.23. Do comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

10.34. Do come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.

10.45. Don't vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.

10.56. Do have recorded the reasons for Committee's decision to defer any proposal