

Appendix 1

Planning and Regulation Committee

(Proposed new terms of reference, incorporating former Regulation Committee functions and updated committee name)

Membership

17.25 Membership: 13 Members

17.26 The membership shall not at any time exceed the limit set by The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

17.27 This limit referred to in 17.26 only applies to the Committee in carrying out its functions under the same regulations.

17.28 Political Groups may only nominate Members as regular Members or as substitutes on the Planning and Regulation Committee if they have had training in the relevant procedures.

17.29 This Committee is responsible for the following planning functions which will be performed in line with the relevant legislation and having regard for any relevant guidance issued by the Secretary of State:

- a. Exercising delegated authority for the determination of planning applications and related matters in schedule 2 of the planning scheme of delegation set out in the Appendix to the Constitution. These functions will be exercised in accordance with 17.31 to 17.34 below.
- b. Own-interest applications in accordance with 17.35 to 17.37 below.
- c. The Committee will also consider or determine any other planning matter not listed at a-b above that are referred to it by the relevant Nominated Officer or Officers named in the Appendix to the Constitution.
- d. Exercising the Council's functions in relation to the enforcement of the control of development under the Town and Country Planning Act 1990 and related regulations and statutory instruments.

17.30 The votes of each individual Member of the Planning Applications Committee (whether for, against, or in abstention) will be recorded whenever the Committee votes against the Nominated Officer's recommendation for permission or refusal of a planning application, together with the grounds and reasons for overturning the recommendation.

Planning Scheme of Delegation

17.31 The planning scheme of delegation is set out in the Appendix and is managed through these terms of reference. The scheme contains the following:

- a. Schedule 1 sets out those applications reserved by The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 to be determined by the Nominated Officer or Officers, unless 17.35 to 17.37 applies.
- b. Schedule 2 sets out those applications reserved under these same regulations which may be considered by the Committee after the procedure set out in 17.33 to 17.36 has been followed.

17.32 For the purposes of matters relating to schedule 2, the Nominated Member is the Chair of the Committee, with the Vice-Chair able to act as Nominated Member when the Chair is unavailable or has a conflict of interest.

17.33 Schedule 2 applications will only be considered by the Committee once the following procedure has been undertaken, except where 17.35 to 17.37 relating to own-interest applications apply:

- a. A Gateway Triage Process has been completed. The Gateway Triage Process will be agreed by the Head of Planning Applications following consultation with the Chair.
 - i. Those applications that pass the Gateway Triage Process move on to the next stage (17.33b). All others will be determined by the Nominated Officer.
- b. The Nominated Member and Nominated Officer agree that determination by the Committee is necessary because in their view it raises either of the following as set out in The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026:
 - i. one or more issues of economic, social or environmental significance to the local area, or
 - ii. one or more significant planning matters having regard to the development plan and any other material considerations.

17.34 In all cases where the Nominated Member and Nominated Officer do not agree as required in 17.33(b), the decision is to be taken by the Nominated Officer.

17.35 Schedule 1 and 2 applications are considered own-interest applications where they meet the following criteria:

- a. Those that are made (whether or not jointly with any other person) by or on behalf of:
 - i. that authority,
 - ii. a member of that authority, or
 - iii. an officer of that authority, or

- b. Those applications that, in the view of both the Nominated Member and the Nominated Officer, the authority or any of its Members or Officers otherwise has an interest in the application.

17.36 Own interest applications, as defined by 17.35, will only be considered by the Committee where the following apply:

- a. A Gateway Triage Process has been completed (which will include a transparency and propriety review). The Gateway Triage Process will be agreed by the Head of Planning Applications following consultation with the Chair.
 - i. Those applications that pass the Gateway Triage Process move on to the next stage (17.36b). All others will be determined by the Nominated Officer.
- b. The Nominated Member and Nominated Officer agree that determination by the Committee is necessary. If the application is listed in Schedule 2, it may only be considered by the Committee where, in the view of the Nominated Officer and Nominated Member, it raises:
 - i. one or more issues of economic, social or environmental significance to the local area, or
 - ii. one or more significant planning matters having regard to the development plan and any other material considerations.

17.37 In all cases where the Nominated Member and Nominated Officer do not agree to refer as required in 17.36(b), the decision is to be taken by the Nominated Officer

17.38 A record will be kept of the cases the Nominated Officer and Nominated Member have considered for referral to the Committee in accordance with 17.30 to 17.37, the outcome of their consideration and the reasons for their decision. They will be reported to the Committee on a regular basis.

17.39 The Planning and Regulation Committee, and any Panel carrying out regulatory functions under delegation, may permit members of the public interested in their decisions to address their meetings, in accordance with agreed procedures and adhering to the principles of decision-making contained in section 8.5 of the Constitution.

Regulatory Functions – Delegation Arrangements

17.40 The Committee is also responsible for the following specific regulatory functions on behalf of the Council. These are carried out through the following scheme of delegation and not by the Committee itself.

- (a) Appeals against refusal to approve premises for the solemnisation of marriages (or the attachment of a condition to such an approval).

- i. These are delegated to the Planning and Regulation Committee Member Panel, see 17.41.
- (b) All Commons Registration functions under Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008.
 - i. These are delegated to the Planning and Regulation Committee Member Panel, see 17.41.
- (c) The creation, stopping up, diversion of any footpath or bridleway or restricted byway or the reclassification of any public path where substantive objection has been raised or a Political Group or the Local Member requests.
 - i. These are delegated to the Planning and Regulation Committee Member Panel, see 17.41.
- (d) Appeals by pupils and parents against school-related decisions that are not considered by an external appeal Committee, including transport, education awards and religious education.
 - i. Such appeals to be dealt with by ad hoc Panels of Members chaired by and including at least one member of the Planning and Regulation Committee. All Panel members must have received appropriate training before taking up their positions.
- (e) The discharge of persons who are subject to guardianship, pursuant to Section 23 of the Mental Health Act 1983 on the recommendation of the Director Adult Social Care and Health.
 - i. This is delegated to the Mental Health Guardianship Sub-Committee. The sub-committee must consist of at least three Members, one of whom must be a member of the Planning and Regulation Committee and the others to be members of the Adult Social Care Cabinet Committee (who must not also be members of an NHS Foundation Trust). The decision to discharge must be agreed by at least three Members or where there are more Members on the Sub-Committee by a majority of the Panel.

17.41 The Planning and Regulation Committee Member Panel, established to carry out the delegated functions of 17.40 a-c are to consist of 5 Members. A minimum of 1 member must also be a Member of the Planning and Regulation Committee. All Panel members must have received appropriate training before taking up their positions.

17.42 For the removal of doubt, section 17.28 only applies to Members who participate in these delegated arrangements if they are also members of the Planning and Regulation Committee.