

Appendix 2: Proposed Amendments to Terms of Reference (Part 3 of the Constitution) setting out the new Scheme of Delegation

To delete:

~~PLANNING AND DEVELOPMENT CONTROL COMMITTEE~~

~~All matters within the Terms of Reference of the Planning and Development Control Committee are delegated to the Director of Planning, Development and Transportation under the Scheme of Delegation approved by the Committee.~~

~~Functions of the Committee~~

~~To exercise the powers and duties of the Council with regard to development control and to exercise all Non-Executive powers and duties as the Local Planning Authority and those Non-Executive Highways functions of the Council which are not within the remit of the Licensing and Public Safety Committee.~~

~~MATTERS RESERVED TO THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE:-~~

- ~~1. Matters of strategic significance relating to the Committee's Terms of Reference.~~
- ~~2. To keep under review, comment and advise on policies proposed or made through executive powers~~
- ~~3. To recommend to Council the making of byelaws within the Committee's Terms of Reference.~~
- ~~4. Making opposed regulations, orders, plans and schemes within the Committee's terms of reference.~~
- ~~5. Such other matters as the Committee may from time to time reserve to itself for decision.~~

And replace with:

The Constitution sets out matters reserved to Planning and Development Control Committee.

Subject to these matters as set out in the Constitution, all matters within the terms of reference of the Planning and Development Control Committee which are not reserved to Full Council or this Committee are delegated to officers except:

- A. Decisions on Schedule 1 applications for planning permission (defined as "own interest applications") where:**
 - It is a Council own, Member or Council officer's (as defined below) own planning application

- **or any application in which the Council, Member or Officer has a Disclosable Pecuniary Interest or prejudicial Other Disclosable Interest**

AND The Nominated Officer AND Nominated Member both agree that the application should be considered by the Committee.

B. Decisions on Schedule 2 applications for planning permission, works to, or removal of TPO trees, advertisement or listed building consent where:

- It is a Council own, Member or Council officer's planning application **or**
- any application in which the Council, Member or Council officer has a Disclosable Pecuniary Interest or prejudicial Other Disclosable Interest **or**,
- There have been written objections based on material planning considerations from six or more different addresses within the City and the Officer recommendation is for approval. For the avoidance of doubt, a petition will count as one such submission regardless of the number of signatories **or**,
- There has been a referral request from a Member before the end of the publicity period giving a clear planning reason why an application needs considering by the Committee, however supporting information on other impacts may be submitted for consideration.

AND the Nominated Officer AND Nominated Member agree that the application should be considered by the Committee following the Gateway Test.

C. Decisions to confirm Provisional Tree Preservation Orders where there has been an objection to the order, or where the proposed decision is not to confirm the Provisional Tree Preservation Order and there has been a representation in support of confirming the Order.

MATTERS RESERVED TO THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE: -

1. Matters of strategic significance relating to the Committee's Terms of Reference.
2. To keep under review, comment and advise on policies proposed or made through executive powers

Membership

Planning Committee membership should comprise no more than 13 Councillors, in accordance with the National Scheme of Delegation.

Decision taking and Recording

The process of assessment and determination of route for decision will be undertaken in line with the provisions set out in the Good Practice Guidance for Member involvement in Planning and Development Management Decisions as Appended to the Constitution (Constitution Appendix 4).

The decision taken will be captured in the associated delegated or committee report with respective sections titled:

- Reason for determining under delegated powers
- Reason for referral to Committee

Interpretation:

Schedule 1 Applications

As defined Regulation 4 in The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, or any other amendment to the legislation.

Schedule 2 Applications

As defined Regulation 5 in The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, or any other amendment to the legislation.

Nominated Officer

The Head of Planning or the Director of Planning, Development and Transportation. In their absence, substitute by a Group Manager of the Planning Service.

Nominated Member

The Chair of the Planning and Development Control Committee or, the Vice Chair or equivalent Member. In their absence a substitute Member drawn from Planning & Development Control Committee will be nominated by the Chair of that Committee.

Gateway test

The mechanism used to determine whether a Schedule 2 application, which is presumed to be determined by delegated powers, may instead be referred to Planning Committee. The test requires the Nominated Officer and Nominated Member to agree that the application meets at least one of the statutory referral criteria as below:

- One or more issues of economic, social or environmental significance to the local area, or
- One or more significant planning matters having regard to the development plan and any other material considerations.

Referral to Committee only occurs where both the Nominated Officer and Nominated Member agree the criteria are met; if they do not agree the application will be delegated to Officers.

“Council Officer” (for own interest purposes)

- a Senior Officer of the Council (Head of Service and above); or
- an ‘Officer of the Local Planning Authority’ (an officer within the Council who, in the opinion of the Head of Planning, is closely involved in the day-to-day work of the Council’s planning function).

PROCESS FLOWCHART

