



Please reply to:

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Date: 30 September 2026

Notice of meeting

Standards Committee

Date: Thursday, 8 October 2026

Time: 7.00 pm

Place: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames
TW181XB

To the members of the Standards Committee

Councillors:

M. Hull (Chair)
M.M. Attewell
C. Bateson
H.S. Boparai

J.T.F. Doran
D.L. Geraci
M. Gibson
K.M. Grant

M.J. Lee
S.C. Mooney

Substitute Members: Councillors A. Mathur, G. Neall and R.V. Geach

Councillors are reminded that the Gifts and Hospitality Declaration book will be available outside the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

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Agenda

Page nos.

1. Apologies and Substitutes

To receive any apologies for absence and notification of substitutions.

2. Minutes

3 - 4

To confirm as a correct record the minutes of the meeting held on 16 June 2026.

3. Disclosures of Interest

To receive any disclosures of interest from councillors in accordance with the Council's Code of Conduct for members.

4. Changes to the Constitution - the Town and Country Planning Act (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and the Renters' Rights Act 2025

5 - 58

The Committee is asked to:

1. Consider the contents of this report and the required amendments to the Constitution; and
2. Recommend to Council that it agrees the required amendments to the following parts of the Constitution:

Part 3(b) (Terms of Reference – Planning Committee), part 3(d) (Delegation to Officers) and part 5(d) (Planning Code)

**Minutes of the Standards Committee
16 June 2026**

Present:

M. Hull (Chair)

Councillors:

C. Bateson

D.L. Geraci

M.J. Lee

H.S. Boparai

M. Gibson

S.C. Mooney

J.T.F. Doran

K.M. Grant

Apologies: Councillors M.M. Attewell

6/26 Minutes

The Committee resolved to approve the minutes of the meeting held on 25 February 2026.

7/26 Disclosures of Interest

Councillors Bateson, Boparai and Mooney declared that they were also councillors on the West Surrey Shadow Authority.

8/26 Standards Committee Annual Report

The Committee considered the draft Annual Report for the calendar year 2025 and noted the key work undertaken during the year, including revisions to the complaints process, the protocol on member relations, governance improvements, and preparations for Local Government Reorganisation.

Members requested that performance data be captured and monitored showing compliance with complaint handling timescales and details of whether complaints were dealt with internally or referred externally. The Monitoring Officer agreed to present the additional performance information but advised this would be available for the 2025 reporting period only and not historically.

Concerns were raised about lengthy complaint investigations in previous years and their impact on those involved. The Monitoring Officer advised that this was not reflected within the annual report as this related the previous year only. The members present noted that the Democratic Services team were

clerking the Standards Committee for the West Surrey Shadow Authority, that whilst this was seen as a positive opportunity there were concerns regarding officer capacity during the transition.

There were differing views on the report, with some members highlighting improvements in complaint handling and reduced complaint numbers, whilst Councillor Geraci expressed opposition to the report and requested that his dissent be recorded.

A recorded vote was requested by Councillor Geraci and the results were as follows:

For (7):	Councillors Bateson, Boparai , Doran, Gibson, Grant, Lee, Mooney
Against (1):	Councillor Geraci
Abstain (0):	

The Committee **RESOLVED** that

1. It noted and was assured regarding the work of the Standards Committee during 2025; and
1. Subject to the inclusion of agreed performance metrics the Annual Report would be recommended to Council for endorsement.



Committee Report Checklist

Please submit the completed checklists with your report. If final draft report does not include all the information/sign offs required, your item will be delayed until the next meeting cycle.

Stage 1

Report checklist – responsibility of report owner

ITEM	Yes / No	Date
Councillor engagement / input from Chair prior to briefing	Y	16/09/26
Relevant Group Head review	Y	
MAT+ review (to have been circulated at least 5 working days before Stage 2)	JT	19/9/26
This item is on the Forward Plan for the relevant committee	N	
	Reviewed by	
Finance comments (circulate to Finance)		
Risk comments (circulate to Lee O'Neil)	LH	17/09/26
Legal comments (circulate to Legal team)	LH	17/09/26
HR comments (if applicable)		

For reports with material financial or legal implications the author should engage with the respective teams at the outset and receive input to their reports prior to asking for MO or s151 comments.

Do not forward to stage 2 unless all the above have been completed.

Stage 2

Report checklist – responsibility of report owner

ITEM	Completed by	Date rec'd
Monitoring Officer commentary – at least 5 working days before MAT	L Heron	17/09/26
S151 Officer commentary – at least 5 working days before MAT	T. Collier	22/09/26
Commissioner engagement	LS	24/09/2026
	Delete as applicable:	No issues
Confirm final report cleared by MAT	LH	22/09/26

Standards Committee

8 October 2026

Title	Changes to the Constitution - the Town and Country Planning Act (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and the Renters' Rights Act 2025
Purpose of the report	To make a decision and a recommendation to Council
Report Author	Wendi Batteson, Interim, Planning & Litigation Lawyer and Linda Heron, Group Head Corporate Governance and Monitoring Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Committee decision.
Recommendations	Committee is asked to: 1. Consider the contents of this report and the required amendments to the Constitution; and 2. Recommend that the Council agree the required amendments to the following parts of the Constitution: of part 3(b) (Terms of Reference – Planning Committee), part 3(d) (Delegation to Officers) and part 5(d) (Planning Code).
Reason for Recommendation	To comply with the statutory requirements set out in the Town and Country Planning Act (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and the Renters' Reform Act 2025

1. Executive summary of the report *(expand detail in Key Issues section below)*

What is the situation	Why we want to do something
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• <i>Changes in legislation necessitate amendments to the Constitution</i>	• <i>To bring the Constitution in line with the Renters Rights Act 2025 and the Town and Country Planning Act (Discharge of Local Planning Authority Functions) (England) Regulations 2026</i>
This is what we want to do about it	These are the next steps
• <i>Amend the relevant parts of the Constitution as set out in this report</i>	• <i>Seek Council approval to amend the Constitution as set out in this report</i>

2. Key issues

- 2.1 This report seeks a recommendation to Council to approve amendments to the Constitution.
- 2.2 The Local Government Act 2000 requires local authorities to prepare and keep up to date a constitution. The Committee System Working Group (CSWG) is responsible for considering whether any amendments are required to the Constitution. The proposed changes to the Constitution were discussed with, and received the support of, the CSWG on 16 September 2026.
- 2.3 The proposed amendments relate to the following areas:
- (i) Part 3(b) Terms of Reference for Planning Committee updated to reflect new legislation on the Committee remit and the maximum number of members;
 - (ii) Part 3(d) Delegations to Officers updated to reflect the requirements in the Renters' Rights Act 2025 (paras 7.1 and 7.2) and the Town and Country Planning Act (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (paras 14.1 and 14.2);
 - (iii) Part 5(d) Planning Code amended to reflect changes to meetings about planning applications, the scope of planning reports, changes to the call-in procedure, and changes to how applications of the Council, Councillors and Staff are determined.

The Town and Country Planning Act (Discharge of Local Planning Authority Functions) (England) Regulations 2026

- 2.4 The government has passed the Town and Country Planning Act (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the 2026 Regulations") to require local authorities to take a more uniform approach to planning application decision making.
- 2.5 The 2026 Regulations come into effect on 31 October 2026 and introduce a new national scheme of delegation which makes significant changes to the way in which planning applications are determined.
- 2.6 There are no transitional arrangements proposed and therefore the 2026 Regulations have full effect from 31 October 2026, irrespective of when a planning application was received.

- 2.7 The 2026 Regulations specify that some planning application types are always to be determined by officers, and some may be determined by the Planning Committee. They set out in two Schedules those kinds of planning applications that MUST be determined by an officer (applications that fall within Schedule 1) and those that may be placed before Planning Committee, following agreement between the Nominated Officer and the Nominated Member (applications that fall within Schedule 2).
- 2.8 Applications that fall within Schedule 1 must be determined by the Nominated Officer and cannot be determined by members at Planning Committee. The vast majority of planning applications considered by this Council's Planning Committee fall within Schedule 1.
- 2.9 Schedule 2 applications may be determined by Planning Committee provided the Nominated Officer and Nominated Member agree they fall within the Threshold or Gateway test set out in Regulation 5(3) of the 2026 Regulations which state that applications raise one of the following issues may be determined by the Planning Committee:
- (a) one or more issues of economic, social or environmental significance to the local area; or
 - (b) one or more significant planning matters having regard to the development plan and any other material considerations
- 2.10 The Nominated Officer and Nominated Member and any substitutes must be nominated by the Local Planning Authority. It is intended that this will take place at the Planning Committee meeting on 14 October 2026. The Guidance to the Regulations envisage these to be the Planning Development Manager and any substitutions and the Chair of Planning Committee and any substitutions.
- 2.11 Any such referral by the Nominated Officer and Nominated Member must have regard the Guidance issued by the Secretary of State.
- 2.12 Any applications not falling within the above Threshold or Gateway criteria MUST be determined by officers.
- 2.13 Any Council own applications, or those submitted by Officers or Members may if agreed by the Nominated Officer and Nominated Member be brought before Planning Committee or determined at officer level subject to having regard to the Secretary of States guidance. These applications need not meet the threshold or gateway test criteria.
- 2.14 The 2026 Regulations also limit the number of members permitted to sit on Planning Committee to no more than 13.

Renters' Rights Act 2025

- 2.15 The Government introduced the Renters' Rights Act 2025 (RRA 2025) to reform the private rented sector, strengthen tenants' rights and improve housing standards. RRA 2025 places additional statutory responsibilities on local housing authorities, requiring councils to investigate and enforce a range of matters affecting the private rented sector.
- 2.16 These new duties include the investigation and enforcement of complaints relating to unlawful eviction, harassment of tenants, housing standards, rent

control measures, prohibited rental practices, discrimination in the private rented sector and compliance with the new tenancy framework established by the Act. In carrying out these functions, officers are required to exercise powers under a range of legislation including the Protection from Eviction Act 1977, Housing Act 1988, Housing Act 2004 and the Renters' Rights Act 2025.

- 2.17 Whilst Environmental Health Officers are currently authorised to undertake enforcement functions under existing housing legislation, the RRA 2025 is not specifically included within the Council's current Scheme of Delegations. As a result, officers do not currently have an express delegation to exercise the enforcement and administrative powers conferred by the RRA 2025. Given the extent of the Council's statutory responsibilities under the new legislation, it is necessary that officers are formally authorised to undertake these functions.
- 2.18 The Council's Scheme of Delegations therefore requires amendment to incorporate the RRA 2025 and to clearly assign the associated enforcement and administrative responsibilities to appropriately qualified officers. This will ensure that the Council is able to lawfully investigate breaches of the legislation, take enforcement action where required, issue civil penalties and undertake any associated regulatory and administrative functions, including management of any relevant private rented sector register or database.
- 2.19 Although the existing Scheme of Delegations contains general provisions that can be interpreted as permitting officers to enforce housing legislation, the scale and significance of the powers introduced by the RRA 2025, together with the availability of substantial civil penalties and other enforcement measures, justify the inclusion of specific delegated powers within the Council's Constitution. Updating the relevant provisions in the Constitution (part 3(b) paras 7.1 and 7.2) will provide clarity regarding the scope of officers' authority, remove potential ambiguity and minimise the risk of future legal challenge to enforcement decisions.
- 2.20 The proposed constitutional amendment will strengthen the Council's governance arrangements by ensuring that statutory powers are exercised only by properly authorised officers. It will enhance transparency and accountability, improve operational efficiency, provide greater certainty for officers, landlords and tenants.

3. Options appraisal and proposal

- 3.1 Approve the proposed constitutional changes as set out in this report and recommend to Council for approval (recommended option).
- 3.2 Make alternative constitutional changes. This option is not recommended as the proposed amendments to the Constitution have been drafted to ensure compliance with the relevant legislation.
- 3.3 Do not approve any changes and retain the existing Constitution. This is not a viable option as in the event that the Council does not update its Constitution in line with the legislation the officers will not be able to exercise the Council's powers under the RRA2025 and all decisions on whether to delegate applications to officers or refer them to the Planning Committee for

determination would be open to challenge by way of judicial review. A “do nothing” option is therefore not recommended.

4. Risk implications

- 4.1 The risks are set out in the body of the report.

5. Financial implications

- 5.1 Legal challenge to planning decisions can expose the Council to financial risk – either through awards of costs or damages or the cost of defending the Council. Having a clear unambiguous process for addressing the 2026 Regulations should reduce this risk.
- 5.2 The Environmental Health Team had a growth bid approved for 2026/27 to strengthen resilience and capacity meet the new responsibilities created by RRA 2025.
- 5.3 RRA 2025 introduces income streams and greater use of financial penalties for breaches.

6. Legal comments

- 6.1 The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (“the 2026 Regulations”) require local planning authorities to implement the prescribed arrangements by 31 October 2026.
- 6.2 The Renters’ Rights Act 2025 (“the RRA 2025”) imposes several obligations relating to enforcement and oversight of the private rented sector legislation to protect tenant’s rights.
- 6.3 Adoption of the proposed amendments to the Constitution will ensure compliance with the 2026 Regulations and the RRA 2025.

Corporate implications

7. Commissioners’ comments

- 7.1 There are no comments from Commissioners.

8. S151 Officer comments

- 8.1 The S151 Officer confirms that all financial implications have been taken into account and that the recommendations are fully funded from within the current 2026-27 budget.

9. Monitoring Officer comments

- 9.1 The recommendations in this report facilitate compliance with the 2026 Regulations and the RRA 2025.

- 9.2 The proposed changes to the Constitution are required to enable the Council to meet its legal obligations in relation to determination of planning applications and the enforcement duties under the RRA 2025.

10. Procurement comments

- 10.1 There are no procurement implications arising directly from the recommendations in this report.

11. Equality and Diversity

- 11.1 The introduction of a Threshold Test and the proposed alterations to the Constitution are not considered to impact on protected characteristics or other equalities issues.

12. Sustainability/Climate Change Implications

- 12.1 The approach does result in some additional work (conducting Threshold Tests with necessary reports etc) but this would be similar to existing approaches and can be carried out in a sustainable fashion.

13. Other considerations

- 13.1 None.

14. Local Government Reorganisation Implications

- 14.1 LGR procurement and contracts extension principles do not apply to the subject matter of this report.

15. Timetable for implementation

- 15.1 The 2026 Regulations come into effect on 31 October 2026, so the changes proposed to the Constitution, Officer Delegation and Planning Code need to be adopted before then.

16. Contact

- 16.1 Wendi Batteson w.batteson@spelthorne.gov.uk or Linda Heron l.heron@spelthorne.gov.uk.

Please submit any material questions to the Committee Chair and Officer Contact by two days in advance of the meeting.

Background papers:

1. Town and Country Planning Act (Discharge of Local Planning Authority Functions) (England) Regulations 2026; and
2. Renters' Rights Act 2025.

Appendices:

Appendix A – Part 3(b) Terms of Reference – Planning Committee

Appendix B – Part 3(d) Delegations to Officers paras7.1, 7.2, 14.1 and 14.2
Appendix C – Part 5(d) Planning Code

TERMS OF REFERENCE

REGULATORY COMMITTEES

PLANNING COMMITTEE

Membership

Maximum 13 councillors reflecting political balance

Members must attend Development Management training at least annually. New Members must attend induction training on an introduction to Planning and Decision Making, and Appeals/Costs, as a minimum, before they can sit on the Committee. Members of the Committee are expected to attend all further training sessions provided on the Planning regime. Any Member not undertaking these training activities will be unable to serve on the Committee until such time that the minimum training requirement has been met.

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Functions

1. Subject to the Council's Planning Committee Referral Protocol below, Delegations to Officers and any statutory requirements governing the discharge of local planning authority functions, the Committee shall exercise its functions in accordance with the National Scheme of Delegations and the Town and Country Planning (Discharge of Local Planning Authority Functions)(England) Regulations 2026.

Applications shall only be referred to the Planning Committee where such referral is permitted by law.

Deleted: Subject to staff delegations, any applications for planning permission under Part III of the Town and Country Planning Act 1990 to which any of the following below apply AND subject to no decisions being issued within 21 days of the application's appearance on the Publicity Schedule,¶

Deleted: Where councillor representations are received in writing within the specified "call in" period within the approved scheme.¶

¶
¶
Where the Planning Development Manager decides, after consultation with the Chairman of the Planning Committee, that an application should be submitted to the Planning Committee on planning grounds, or where there is significant public concern or where it is very contentious.¶

¶
Where the application is submitted by the Council or by the Council with another person (individual or corporate).¶

¶
Where the application is submitted by an officer of the Council (which shall also include applications for lawful development under Part VI of the 1990 Act).¶

¶
Where an application is submitted by a councillor (which shall also include applications for lawful development under Part VI of the 1990 Act).¶

¶
Approval of over 9 (nine) net additional residential units by new build (minor application).¶

¶
Approval of over 1,000m² net additional floor space by new build (major application)¶

¶
Recommendation of no objection for over 1,000m² net additional building floor space or 1 hectare net additional land area in connection with new Surrey County Council minerals and waste applications (gravel extraction/restoration).¶

¶
Recommendation of no objection for extension of time limits for Surrey County Council minerals and waste applications where the net additional land area is over 5000m².

Deleted: 23 October 2025

2. Powers under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as revised or amended)

3. For the local listing of any building

Planning Committee Referral Protocol

For the purposes of this Protocol, the following terms shall have the following meanings:

Nominated Officer shall mean the Planning Development Manager for the time being; and

Nominated Member shall mean the [chair of the Planning Committee or their substitute that shall be appointed in accordance with the Constitution]

1. Purpose

Updated,

Responsibility for Functions

Part 3 section (b)

1.1 The Town and Country Planning (Discharge of Local Planning Authority Functions)(England) Regulations 2026 ("the 2026 Regulations") introduce a mandatory National Scheme of Delegation for local planning authority decision making. The 2026 Regulations set out the circumstances which planning applications must be determined by officers or may be referred to the Planning Committee.

1.2 The protocol explains how Spelthorne Borough Council will operate the National Scheme of Delegation.

2. Operation

2.1 The 2026 Regulations split applications into 2 groups – applications that must be determined by officers (listed in Schedule 1 of the 2026 Regulations) and applications that may be referred to the Planning Committee (listed in Schedule 2 of the 2026 Regulations) subject to the Nominated Officer and the Nominated Member both agreeing that application meets at least one of the criteria in Regulation 5(3):

- i) where the application raises an economic, social or environmental issue of significance to the local area; and/or
- ii) where the application raises a significant planning matter having regard to the development plan and any other material considerations.

There is a presumption that Schedule 2 applications will be determined by officers.

2.2 Applications submitted by the Council, or by an officer or by a councillor or the Council (in each case whether or not jointly with any other person), or an application in which any officer or a councillor of the Council have an interest may be referred to the Planning Committee subject to the Nominated Officer and the Nominated Member both agreeing.

3. Referral

3.1 Decisions on referral to the Planning Committee are taken jointly by the Nominated Officer and the Nominated Member, or their substitutes (as appropriate). Schedule 2 applications shall only be referred to the Planning Committee where:

- i) the application meets one or more of the gateway criteria set out in Regulation 5(3); and
- ii) the Nominated Officer and the Nominated Member both agree that referral to the Planning Committee is necessary.

3.2 Where both the Nominated Officer and the Nominated Member agree that the gateway criteria are met, the application will be referred to the Planning Committee for determination. Where both the Nominated Officer and the Nominated Member agree that the gateway criteria are not met, the application will be determined by officers.

3.3 The Nominated Officer and the Nominated Member will make every effort to reach an agreement on which cases should be referred to the Planning Committee. Where agreement cannot be reached, the case must be determined by the Nominated Officer in accordance with regulation 5(2) or regulation 6(3)

4. Transparency and reporting

4.1 The Planning Development Manager shall keep a record of the cases the Nominated Officer and the Nominated Member have considered for referral to the Planning Committee, the outcome of their consideration and the reasons for their decision.

Updated ▼

Deleted: 26 February 2026

Part 3 section (b)

4.2 The Planning Development Manager shall report this to the Planning Committee on a regular basis and make it available on the Council's website.

Updated ▼

Deleted: 26 February 2026

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Appendix 3

Part 3 section (d)

DELEGATIONS TO OFFICERS	
Column 1 – Function	Column 2 – Authorised Officer
1. GENERAL	
1.1 To carry out responsibilities for any function which the Council has not reserved to itself or delegated to a Committee or Sub Committee in this Constitution and which Council has not authorised another officer to carry out in this Scheme of Delegation. Decisions taken in accordance with this delegation will be reported to the next available ordinary Council meeting.	Chief Executive or a Deputy Chief Executive or a Group Head in consultation with the relevant Chair and Vice-Chair.
1.2 To enter land and premises for the purpose of inspections, surveys, testing and examinations as required pursuant to any powers or functions of the Council under any enactment	Any Group Head, the Medical Advisor, the Property Inspector for Council Tax and Business Rates, the Senior Environmental Health Manager or such other officer who maybe authorised in writing by the above named
1.3 To serve notices to obtain particulars of a person's interest in land	Group Head of Corporate Governance, Senior Environmental Health Manager or Planning Development Manager or other such officer who may be authorised in writing by the above named
1.4 To serve notice under any enactment (not separately authorised under this scheme of delegations) and to take follow up action	Group Head of Corporate Governance Strategic Planning Manager, Planning Development Manager or Senior Environmental Health Manager
1.5 To authorise officers to conduct directed surveillance or the use of covert human intelligence sources in accordance with the Regulation of Investigation Powers Act 2000	Strategic Planning Manager, Planning Development Manager and Senior Environmental Health Manager
1.6 To administer simple cautions	Strategic Planning Manager, Planning Development Manager or

Appendix 3

Part 3 section (d)

	Senior Environmental Health Manager
1.7 To respond to routine and technical consultations from the Local Government Association, the MHCLG, other Government bodies or departments and any other bodies	Chief Executive, Deputy Chief Executive, Strategic Planning Manager, Planning Development Manager or Senior Environmental Health Manager or such officer who may be authorised in writing by the above named
1.8 Under the provisions of the Children Act 1989 and the Council's Safeguarding Children and Vulnerable Adults Policy and Procedures, to undertake responsibility for making contact with Social Services and for making decisions and referrals, including making Disclosure and Barring Service (DBS) checks on officers or other persons seeking employment with children, young people or vulnerable adults	Deputy Chief Executive responsible for Safeguarding
1.9 To undertake the function of Company Secretary for Knowle Green Estates Limited and any subsidiary companies	Group Head of Corporate Governance
1.10 To invite members: a) of the Licensing Committee to participate in meetings of Licensing Sub-Committees convened to determine various applications within the responsibility of the Licensing Committee; and b) of the Standards Committee to participate in meetings of Assessment Panels.	Group Head of Corporate Governance
1.11 To amend the membership of a political group's seats on any particular committee, at the request of the Group Leader.	Chief Executive
1.12 To be designated the Council's 'Appointed person' in accordance with s10(8) of the Party Wall Act 1996.	Building Control Manager

Appendix 3

Part 3 section (d)

1.13 To authorise grant funding for the Spelthorne Business Forum on an annual basis, to ensure value for money.	Group Head Place, Protection and Prosperity
2 LEGAL AND LEGAL PROCEEDINGS	
Column 1 – Function	Column 2 – Authorised Officer
2.1 To instigate, conduct and settle proceedings, complaints, or disputes (administrative, criminal or civil) on the Council's behalf in any Court, Tribunal or other body or by way of local resolution, and/or in relation to any matters associated thereto, but in respect of settlements this is limited to £50,000 and anything above this level be referred to the Corporate Policy and Resources Committee.	Group Head of Corporate Governance
2.2 To instigate and conduct legal proceedings for any offence or any matter arising under: a. legislation which gives the Council a right or duty to prosecute b. any order notice or licence issued in pursuance to any legislation under which the Council has powers or duties c. any other order or regulation under which the Council has powers or duties	Group Head of Corporate Governance
2.3 To accept service of proceedings on behalf of the Council	Group Head of Corporate Governance (or Chief Finance Officer in respect of insurance claims)
2.4 To instruct Counsel, Solicitors or relevant agents to represent or advise the Council	Group Head of Corporate Governance (or any Chartered Town Planner in respect of planning matters)
2.5 To take necessary action, including legal proceedings, for the recovery of possession of the Council's land and premises or for protecting the interests of the Council in any land or common land	Group Head of Corporate Governance
2.6 Authority to make a formal complaint at the Magistrates Court and to appear in the Magistrates and County Courts on behalf of the Council for the recovery of Council	Group Head Commissioning and Transformation, Senior Recovery Officer, Recovery Officer or

Appendix 3

Part 3 section (d)

Tax, non domestic rates, other revenues and penalties, including formal proof of debt in bankruptcy cases, liquidations and debt proceedings	Technical and System Support Officer
2.7 To represent the Council at the Local Valuation Tribunal	Group Head Commissioning and Transformation or Technical and System Support Officer
2.8 To appear on behalf of the Council in all proceedings before any Court or Tribunal	All employees of the Council who are qualified Barristers, Solicitors or Legal Executives and any other member of staff authorised in writing by the Group Head of Corporate Governance
2.9 To appear on behalf of the Council in proceedings in the Magistrates Court in respect of offences in the Council's car parks	All employees of the Council who are qualified Barristers, Solicitors or Legal Executives and any other member of staff authorised in writing by the Group Head of Corporate Governance, the Group Head Neighbourhood Services and any member of the Car Parks staff authorised in writing by the Group Head Neighbourhood Services.
2.10 To instigate legal proceedings under Section 1 of the Crime and Disorder Act 1998 in respect of anti-social behaviour orders.	Group Head of Corporate Governance
3 AUTHORITY TO SIGN AND SEAL DOCUMENTS	
Column 1 – Function	Column 2 – Authorised Officer
3.1 Authority to sign all legal documents relating to recovery of monies due to the Council	Chief Executive, Chief Finance Officer, Group Head of Corporate Governance, Group Head Community Wellbeing or Group Head Commissioning and Transformation.
3.2 Authority to sign all legal documents for the acquisition or disposal of land (unless under seal)	Chief Executive, Chief Finance Officer or Group Head of Corporate Governance

Appendix 3

Part 3 section (d)

3.3 Authority to sign all contracts and agreements (unless under seal) for expenditure within their service budget or for no value within their service area PROVIDED that Contract Standing Orders have been followed	Chief Officers, Group Head of Corporate Governance, other Group Heads, Planning Development Manager, Strategic Planning Manager or Senior Environmental Health Manager
3.4 To affix the Council's common seal	Chief Executive, Chief Finance Officer or Group Head of Corporate Governance
4 LAND ISSUES	
Column 1 – Function	Column 2 – Authorised Officer
4.1 In respect of properties leased/licensed to or by the Council: a. to refuse or consent to assignments or sub-lettings, including changes to Trustees or Directors details, subject to satisfactory references; b. to negotiate, approve and document rent reviews; c. to agree low level less than best value rents/licence fees for community groups where proper justification has been acquired and documented; d. to agree to variations to any of the terms or covenants; subject to valuation advice where appropriate; e. to renew leases which have security of tenure under the Landlord and Tenant Act 1954; f. to serve notices for renewals or terminations of leases under the Landlord and Tenant Act 1954; g. to settle terms of management arrangements and any variations to them; h. to agree to the grant of Licences to Alter i. in consultation with the Chair of Commercial Assets Sub-Committee, to agree dilapidation settlements up to £100k.	Group Head for Assets

Appendix 3

Part 3 section (d)

4.2 a. To approve new lettings where the rental income per annum (net of VAT) does not exceed £100k. b. To approve lease renewals where the rent in the first year is more than 50% of the passing rent of the previous lease, subject to the financial impact not exceeding £250k. c. To approve freehold or leasehold disposals or acquisitions of land or interests in land not exceeding an estimated value of £100k per transaction. d. To approve the exercise of a break option under the terms of lease of land or property where the financial impact does not exceed the value £100k. e. To accept or agree a surrender where the land or property is no longer required by the Council or the Landlord/Tenant as appropriate, where the financial impact does not exceed £100k. f. to make the application for planning permission in relation to Regulation 3 of the <u>Town and Country Planning General Regulations 1992</u>, on behalf of the Council as developer, where the financial impact does not exceed the value £100k for the whole project. <i>Notes:</i> a. to c. Financial impact to be based on contracted rental values. a. to d. VAT should be disregarded when determining if a transaction falls under the stated thresholds.	Group Head for Assets in consultation with the Chief Finance Officer. <i>(Note: for lettings granted under the Community Lettings Policy, there must also be consultation with the Chairs and Vice Chairs of Corporate Policy and Resources and Community Wellbeing and Housing Committees.)</i>
4.3 Urgent Action In relation to a new letting, to take a decision which is so urgent that it cannot wait until the next scheduled meeting of the Committee and where the decision is not in contravention of established policies. In following this procedure, the Group Head for Assets is required to seek the approval of the Chair and Vice-Chair of the	Group Head for Assets

Appendix 3

Part 3 section (d)

Business, Infrastructure and Growth Committee if the matter would ordinarily fall within the remit of the Committee or in the case that any aspect of the letting could be considered sensitive. The use of such urgent action must be reported to the next relevant Committee meeting.	
4.4 To grant or take miscellaneous licences, wayleaves, easements and other agreements as required	Group Head for Assets
4.5 To enter into a Tenancy at Will	Group Head for Assets
4.6 To determine applications for rights of way or other easements over land	Chief Finance Officer after consultation with Group Head for Assets
4.7 To approve the release of covenants subject to obtaining appropriate legal and valuation advice	Group Head for Assets
4.8 To determine if an asset nominated for inclusion on the list of assets of community value: (i) is within the local authority's area (ii) has been properly nominated (iii) meets the statutory criteria set out in section 88 of the Localism Act 2011 and (iv) does not fall within an excluded category.	Group Head for Assets
4.9 To review decisions made regarding the inclusion of assets on the list of assets of community value in accordance with section 92 of the Localism Act 2011	Group Head Corporate Governance
4.10 To maintain the list of assets of community value in accordance with section 87 of the Localism Act 2011	Group Head for Assets
4.11 To assess and determine compensation applications to private property owners arising out of listings of assets of community value in accordance with section 99 of the Localism Act 2011 and Schedule 2 of The Assets for Community Value (England) Regulations 2012	Group Head for Assets

Appendix 3

Part 3 section (d)

4.12 To review decisions made regarding compensation award in accordance with Schedule 2 of The Assets for Community Value (England) Regulations 2012	Group Head Corporate Governance
5 FINANCIAL MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
5.1 To make a formal demand for payment of monies expended in carrying out works in default under statutory powers, including interest payable thereon	Relevant Deputy Chief Executive
5.2 To raise in line with inflation any financial limits specified in these delegations to officers, contract standing orders or financial regulations	Chief Finance Officer
5.3 In connection with the provision of services under their control: a. Expenditure of any type within approved budgets (subject to delegation 3.3 - as to signature of contracts); b. Day to day running and operation of services, including maintenance and repairs of all buildings, land and equipment within the responsibility of the service area, in accordance with the policies set down by the Council or relevant Committee; and c. Control, purchase and disposal of stores or surplus materials d. To enter into any arrangement with a creditor for payment to be made by way of instalment	Relevant budget holders
5.4 To implement all the Council's borrowing and investment strategies, in accordance with the Treasury Policy Statement and Capital Strategy	Chief Finance Officer
5.5 To determine the tax base, in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, as amended	Chief Finance Officer

Appendix 3

Part 3 section (d)

5.6	To deal with applications for local council tax discounts in very exceptional cases. Such cases to include flooding and where committal action through the courts is not deemed appropriate. The latter will need to be supported by third party reports generally from a social worker or doctor	Chief Finance Officer or Group Head Commissioning and Transformation
5.7	To take all necessary steps relating to the demand, collection and recovery of council tax non-domestic rates and Business Improvement District levy payments and to issue all necessary notices and statements and to sign all relevant documentation	Group Head Commissioning and Transformation
5.8	To sign certificates issued under Section 116 of the Social Security Administration Act 1992	Group Head Commissioning and Transformation
5.9	To exercise the Council's responsibilities under Regulation 6 of the Accounts and Audit (England) Regulations 2011, to maintain an adequate and effective system of internal audit of the accounting records and control systems	Chief Finance Officer
5.10	To take decisions in applications under section 44A of the Local Government Finance Act 1988 and subsequent regulations	Chief Finance Officer or Group Head Commissioning and Transformation
5.11	To grant applications for mandatory rate relief under in accordance with section 43 of the Local Government Finance Act 1988	Chief Finance Officer or Group Head Commissioning and Transformation
5.12	To grant application for discretionary rate relief for properties in accordance with Council policies provided that element of the relief recoverable from local taxpayers does not exceed £9000 in any one case.	Chief Finance Officer or Group Head Commissioning and Transformation
5.13	To grant disabled relief under the Local Government Finance Act 1992 and subsequent regulations	Chief Finance Officer or Group Head Commissioning and Transformation
5.14	To serve the Valuation Officer with notice of objection to any proposals for alteration of the valuation banding lists.	Chief Finance Officer or Group Head Commissioning and Transformation

Appendix 3

Part 3 section (d)

5.15 To make proposals for the alteration of the valuation list for the inclusion of particular properties in the valuation list. To sign valuation agreements and to serve on the Valuation Officer proposals to alter the council tax banding list	Chief Finance Officer or Group Head Commissioning and Transformation
5.16 To pay sums due from the Council	Chief Finance Officer
5.17 To write off debts for non-domestic rates not exceeding £9000 and for Council tax not exceeding £5000.	Group Head Commissioning and Transformation
5.18 To write off debts for Housing Benefits not exceeding £5000	Group Head Community Wellbeing
5.19 To write off debts not exceeding £5000 and to write off all debts without limit where bankruptcy, liquidation proceedings, administration or receiverships proceedings have been instigated	Group Head Commissioning and Transformation
5.20 To fix interest rates for housing loans in accordance with legislation and Council policy	Chief Finance Officer
5.21 To determine the local average interest rates for local authority mortgages, in accordance with section 438 and schedule 16 of the Housing Act 1985 and Council policy	Chief Finance Officer
5.22 To provide all necessary insurance cover and to settle insurance claims	Chief Finance Officer
5.23 To make determinations under sections 42,50, 56,60 and 63(1) of the Local Government and Housing Act 1989	Chief Finance Officer
5.24 To serve completion notices for Council Tax and Business Rate proposals	Chief Finance Officer or Group Head Commissioning and Transformation
5.25 To set fees for Local Land Charges services	Chief Finance Officer

Appendix 3

Part 3 section (d)

5.26 Approval of grants from any funds remaining from the Council's former local lottery	Chief Finance Officer
5.27 To make appropriate staged payments for grants for development	Chief Finance Officer
6 PERSONNEL MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
6.1 To give approval to services to advertise or to fill a staffing vacancy	Chief Executive, Deputy Chief Executive or Group Heads
6.2 Within staffing budgets and overall management structure to approve all matters relating to the organisation, appointment (other than appointments at, or above, grade Group Head) and management (including disciplinary action) of staff in accordance with the Council's staff policies and procedures	Chief Executive, Deputy Chief Executive or Group Heads
6.3 To implement national awards affecting wages, salaries and conditions of service	Chief Executive, Relevant Deputy Chief Executive or Group Head Neighbourhood Services for local rate overtime
6.4 To administer the Council's car loan scheme	Chief Finance Officer
6.5 To agree redundancy payments under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 in cases approved by Management Team	Chief Executive in consultation with the Leader of the Council
6.6 To approve and sign off special severance payments of £20,000 and above but not exceeding £100,000 (Payments of £100,000 and above are reserved to Council)	Head of Paid Service, with a clear record of the Leader's approval and that of any others who have signed off the payment.

Appendix 3

Part 3 section (d)

6.7 To approve and sign off special severance payments below £20,000	Chief Finance Officer
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Appendix 3

Part 3 section (d)

7. ENVIRONMENTAL HEALTH MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
7.1 To exercise the Council's functions in respect of environmental health matters, including, but not limited to the following functions: a. Statutory and Public Nuisances; b. Control of Noise; c. Light nuisance; d. Control of Air Pollution; e. Contaminated Land; f. Control of rats and mice; g. Insects; h. Prevention of Damage by Pests; i. The provision, management and control of Cemeteries, Mortuaries and Crematoria and the discharge of the Council's functions relating to burials and cremation generally; j. Safety of buildings; k. Food, Drinking Water, Food Hygiene and associated matters; l. Functions in connection with the Welfare and Control of Animals; m. Control of Diseases, infectious diseases and General Public Health matters; n. Filthy or verminous premises, articles or persons; o. Accumulations; p. Drains and private sewers and any other environmental health functions in relation to sewerage or, water (by arrangement with the service operators if appropriate);	Senior Environmental Health Manager; or: In relation to 7.1(i) the Group Head of Neighbourhood Services In relation to 7.1(j) the Building Control Manager

Appendix 3

Part 3 section (d)

q. Health and Safety at Work; r. Provisions relating to shops including Sunday trading; s. Hazardous Substances; t. Slaughterhouses, Knackers Yards and Cutting Premises; <u>u. Tattooing, acupuncture, body piercing, semi-permanent skin colouring and electrolysis</u> v. <u>All powers and duties as Local Housing Authority pursuant to the Renters' Reform Act 2025 and all associated legislation, including investigatory, enforcement, regulatory, prosecution and ancillary powers</u>	
7.2 To issue any notices, penalties, permits or certificates in respect of environmental health matters, including, but not limited to: a. Local Government (Miscellaneous Provisions) Act 1976 Local Government (Miscellaneous Provisions) Act 1982; b. Public Health Act 1936 ss. 45, 48, 49, 83, 84, 275 and 287; c. Public Health Act 1961 ss. 17, 22 and 34; d. Building Act 1984 ss. 59, 64, 66, 67, 70, 72, 76, 84, 95 and 97; e. Environmental Protection Act 1990 f. Food Safety Act 1990; g. Prevention of Damage by Pests Act 1949 h. Health and Safety at Work etc. Act 1974; i. Noise Act 1996; j. Anti-Social Behaviour Act 2003; k. Clean Neighbourhoods and Environment Act 2005;	Senior Environmental Health Manager; and in relation to 7.2 (d) and (ll) the Building Control Manager

Appendix 3

Part 3 section (d)

l. Animal Welfare Act 2006;	
m. Health Act 2006;	
n. House to House Collections Act 1939;	
o. Pet Animals Act 1951;	
p. Riding Establishments Act 1964;	
q. Riding Establishments Act 1970;	
r. Animal Boarding Establishments Act 1963;	
s. Breeding of Dogs Act 1973;	
t. Breeding of Dogs Act 1991;	
u. Dangerous Wild Animals Act 1976;	
v. Hypnotism Act 1952;	
w. Smoke-free (Premises and Enforcement) Regulations 2006;	
x. Smoke-free (Signs) Regulations 2012	
y. Smoke-free (Exemptions and Vehicles) Regulations 2007	
z. Smoke-free (Penalties and Discounted Amounts) Regulations 2007;	
aa. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007;	
bb. Pollution Prevention and Control Act 1999;	
cc. Control of Pollution Act 1974;	
dd. Public Health (Control of Disease) Act 1984;	
ee. Private Security Industry Act 2001;	
ff. Meat (Sterilisation and Staining) Regulations 1982;	
gg. Clean Air Act 1993;	
hh. Land Compensation Act 1973 s.37;	
ii. Sunday Trading Act 1994;	
jj. Criminal Justice and Public Order Act 1994 ss.77 and 78;	
kk. Working Time Regulations 1998;	
ll. Building Regulations 2010;	

Appendix 3

Part 3 section (d)

mm.	Building (Approved Inspectors etc.) Regulations 2010;	
nn.	Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002;	
oo.	Land Drainage Act 1991;	
pp.	Scrap Metal Dealers Act 2013;	
qq.	Sunbeds (Regulation) Act 2010;	
rr.	The Caravan Sites and Control of Development Act 1960;	
ss.	Mobile Homes Act 2013;	
tt.	Water Industry Act 1991;	
uu.	Environmental Protection (Control on Ozone-Depleting Substances) Regulations 2011;	
vv.	Waste (England and Wales) Regulations 2011	
ww.	Tattooing of Minors Act 1969	
xx.	The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018	
yy.	Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 and any subsequent related legislation.	
zz.	The Business and Planning Act 2020	
aaa.	Town Police Clauses Act 1847	
bbb.	Highways Act 1980	
ccc.	Policing and Crime Act 2017	
ddd.	Live Music Act 2012	
eee.	Deregulation Act 2015	
fff.	Police, Factories & c. (Miscellaneous Provisions) Act 1916	
ggg.	Licensing Act 2003	
hhh.	Gambling Act 2005	
iii.	Zoo Licensing Act 1981	

Appendix 3

Part 3 section (d)

jjj. Environmental Damage Regulations (Prevention and Remediation) (England) Regulations 2015 kkk. Control of Pollution (Amendment) Act 1989 lll. Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 mmm. Environment Act 1995 (section 108[(1) and (4)a–m]) nnn. Noise and Statutory Nuisance Act 1993 (Schedule 2) ooo. Public Health (Control of Disease) Act 1984 <u>ppp.</u> Clean Air Act 1993 (section 56) qqq. <u>Renters' Rights Act 2025</u>	
7.3 To exercise the Council's functions under the Acts listed in 7.2 to this Scheme of Delegations and any other acts subsequently enacted.	Senior Environmental Health Manager
7.4 Subject to the Terms of Reference of the Licensing Committee to exercise all functions relating to the Licensing Act 2003.	Senior Environmental Health Manager
7.5 To determine statutory minor variations to Premises Licences, including where representations are received, under the Licensing Act 2003.	Licensing Manager
7.6 To adjourn a Licensing Sub-Committee, for administrative reasons.	Licensing Manager
7.7 Subject to the Terms of Reference of the Licensing Committee to exercise all functions relating to the Gambling Act 2005	Senior Environmental Health Manager
7.8 Under the Licensing Act 2003 and the Gambling Act 2005 to make a decision	Environmental Health Manager

Appendix 3

Part 3 section (d)

	on whether a representation is irrelevant, frivolous or vexatious	
7.9	To exercise all powers of the Council under sections 19-22 of the Criminal Justice and Police Act 2001 concerning closure of unlicensed premises	Senior Environmental Health Manager (in consultation with the Chair and Vice-Chair of Licensing Committee)
7.10	Authority under the Food Safety Acts, and any associated Regulations to make application for Emergency Prohibition Orders for appropriate premises and to issue certificates that the measures specified by the Prohibition Orders have been carried out.	Senior Environmental Health Manager or authorised officers from the London Borough of Hillingdon, in relation to Emergency Control Regulations governing imported foods within the Borough's Remote Transit Sheds
7.11	European Union (Withdrawal) Act 2018 as amended by the European Union (Withdrawal Agreement) Act 2020 relating to retained EU regulations including numbers 178/2002, 852-854/2004, 2017/625 and 2073/2005, which relate to food and feed	
7.12	To exercise the Council's powers under the Food Safety and Hygiene (England) Regulations 2013 and relevant EU Directives and any associated regulations to serve/apply for (as appropriate) hygiene improvement notices, hygiene prohibition orders, hygiene emergency prohibition notices and orders, remedial action notices and detention notices	All Environmental Health Staff identified for this purpose by the Senior Environmental Health Manager or authorised officers from the London Borough of Hillingdon, in relation to Emergency Control Regulations governing imported foods within the Borough's Remote Transit Sheds
7.13	To exercise the Council's powers under the Official Feed and Food Control (England) Regulations 2009, including (but not limited to) detention, destruction, special treatment and the re-dispatch of feed and food, the service of notices, the procurement of samples of food and to take other appropriate measures'	Senior Environmental Health Manager or authorised officers from the London Borough of Hillingdon, in relation to Emergency Control Regulations governing imported foods within the Borough's Remote Transit Sheds
7.14	Authority in relation to Waste Disposal to pass on to commercial customers the full increased costs of all future Landfill Taxes imposed by Central Government.	Senior Environmental Health Manager, Group Head Neighbourhood Services

Appendix 3

Part 3 section (d)

7.15	To make minor changes to the Building Control Charges Scheme No. 1.	Building Control Manager
7.16	To issue fixed penalty notices under section 33(1)(a) of the Environmental Protection Act 1990, to persons whom the officer has reason to believe have committed a small-scale fly tipping offence.	Group Head of Neighbourhood Services and Senior Environmental Health Manager
7.17	To authorise appropriate officers to issue Fixed Penalty Notices under section 34(2)(a) of the Environmental Protection Act 1990 to persons whom the officer has reason to believe has failed to comply with their duty of care in the disposal of controlled waste.	Group Head of Neighbourhood Services

8. MARKETS	
Column 1 – Function	Column 2 – Authorised Officer
8.1 To operate a market in Staines under the terms of the Staines Town Hall and Market Act 1872	Group Head Neighbourhood Services
8.2 To set and enforce regulations for any markets within the Borough	Group Head Neighbourhood Services
8.3 To respond to requests for stands in Staines High Street on non-market days under the terms of s115E of the Highways Act	Group Head Neighbourhood Services

9. FREEDOM OF INFORMATION, ENVIRONMENTAL INFORMATION REGULATIONS AND DATA PROTECTION	
Column 1 – Function	Column 2 – Authorised Officer
9.1 To add documents to the Council's publication scheme	Data Protection Officer/Information Governance Co-ordinator

Appendix 3

Part 3 section (d)

9.2	To determine whether any requests under the above acts are repeated or vexatious	Data Protection Officer/Information Governance Co-ordinator
9.3	To determine whether any exemptions apply under the above Acts and Regulations	Data Protection Officer /Information Governance Co-ordinator
9.4	To review decisions made to place items in Part II of agendas and to authorise the disclosure of such items where the reasons for confidentiality no longer apply or where it would be in the public interest to disclose of such items.	Group Head of Corporate Governance in consultation with the Leader of the Council
10. HOUSING AND COMMUNITY CARE MATTERS		
Column 1 – Function		Column 2 – Authorised Officer
10.1	To approve mandatory/discretionary grants under the Housing Grants, Construction and Regeneration Act 1996 in accordance with the policies approved from time to time by the Council.	Group Head Community Wellbeing
10.2	To exercise the powers and the functions of the Council under the Housing Grants and Regeneration Act 1996 and any regulations made thereunder.	Group Head Community Wellbeing
10.3	Authority to require repayment of mandatory/discretionary grants in accordance with Government guidelines and within the timescales laid down in the Council's approved policies.	Group Head Community Wellbeing
10.4	Under the Local Government and Housing Act 1989 repayment of grant provisions, authority to waive the requirement to repay grant in any case where the owner disposes of their property, in order to go to live in sheltered housing or a residential care home, as his/her only or main residence.	Group Head Community Wellbeing
10.5	Pursuant to the Housing Acts and all relevant Orders and Regulations thereunder:-	Senior Environmental Health Manager

Appendix 3

Part 3 section (d)

a. to serve notices requiring the abatement of overcrowding; b. to serve notices requiring the demolition of houses, subject to Demolition Orders, carry out demolition in default and recover the cost; c. to make a declaration of an area as a slum clearance area subject to legislative requirements for Slum Clearance Declarations d. to revoke Closing or Demolition Orders on the satisfactory completion of works to render the house free from serious hazards; e. to serve statutory notices requiring the execution of repairs, carry out work in default and recover the costs; f. to serve notice requiring the production of documents and for entry into premises for inspection, survey and works. g. to exercise the Council's powers under the Housing Act 2004 for the issue of/application for (as appropriate) Improvement Notices, Prohibition Orders, Hazard Awareness Notices, Emergency Remedial Action Notice, Emergency Prohibition Orders and empty property management orders and in respect of houses in multiple occupation, to: i. make interim and final management orders; ii. serve notices requiring compliance with management regulations, the execution of works, including the provision of facilities and fire escapes; iii. make directions to prevent or reduce overcrowding; iv. carry out works in default of compliance with (e)(i), (ii) and (iii) above and to recover the costs. v. To determine and issue licences under the Housing Act 2004	
10.6 To discharge the duties or exercise the powers of the Council under the Housing	Group Head Community Wellbeing

Appendix 3

Part 3 section (d)

	Act 1996 Parts VI and VII with regard to the allocation of housing accommodation, operation of the housing register, provision of housing advice, and matters relating to homelessness and the arrangement of accommodation for households where necessary under the legislation.	
10.7	The placing of homeless persons in bed and breakfast or other temporary accommodation and the fixing, collection and recovering of contributions therefore	Group Head Community Wellbeing
10.8	To make nominations to housing association accommodation of applicants on the Housing Register, in accordance with the Council's bands scheme.	Group Head Community Wellbeing
10.9	To make nomination to housing association accommodation outside the bands scheme to applicants considered as special cases.	Group Head Community Wellbeing
10.10	To make nominations to housing association accommodation of persons nominated by other local authorities/housing associations under any mobility scheme in which the Council agrees to participate.	Group Head Community Wellbeing
10.11	To agree terms for the lease from private landlords of premises to be used for the provision of temporary accommodation for the homeless.	Group Head Community Wellbeing
10.12	Administration of the Spelthorne Personal Alarm Network Scheme ("SPAN") and the negotiation of service charges with other public bodies.	Group Head Community Wellbeing
10.13	To take any necessary action to deal with illegal encampments on Council owned land and on privately owned land, with the owner's permission.	Group Head of Corporate Governance
10.14	To exercise the Council's power and functions in relation to determination and payment of Housing Benefit, rent	Group Head Community Wellbeing

Appendix 3

Part 3 section (d)

allowances and Council Tax benefit and recovery of housing benefit overpayments in accordance with the regulations.	
10.15 The carrying out of such duties necessary for the prosecution, administrative penalties and formal cautioning in cases where housing benefit fraud is detected.	Group Head Community Wellbeing
10.16 The initial decision to decide Discretionary Housing Payments	Appeals and Review Officer and Housing Benefit Manager
10.17 Review of a Discretionary Housing Payments decision	Group Head Community Wellbeing
10.18 The requisition of the supply of water, gas, electricity, telephones and other services necessary for properties provided or to be provided for housing purposes.	Group Head Community Wellbeing
10.19 To exercise the Council's powers and functions in relation to Community Care and related issues.	Group Head Community Wellbeing
10.20 To undertake day to day management of Day/Community Centres and the Meals on Wheels Service.	Group Head Community Wellbeing
11. LEISURE AND ASSOCIATED MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
11.1 The management and letting of all sports, recreational and community facilities provided by the Council subject to the Community Lettings Policy, including:- a. the fixing of charges for special events not covered by the annual review of fees and charges; b. Negotiation of variations in charges for use of sports, recreational and	Group Heads Neighbourhood Services and Community Wellbeing

Appendix 3

Part 3 section (d)

community facilities within established policy; c. The power to waive fees and charges; and d. The setting of opening hours for facilities and the duration of sports seasons.	
11.2 The promotion of musical, artistic, cultural, sporting and community activities, including negotiation of sponsorship arrangements.	Group Head Community Wellbeing
11.3 The management of allotments, including entering into management agreements for sites, lettings, mal-cultivation notices, notices to quit and decisions on applications for permission to erect structures by tenants or allotment associations.	Group Head Neighbourhood Services
11.4 The management of cemeteries, including the allocation, re-allocation and grant of grave spaces, including the repurchase of grave spaces and other associated matters.	Group Head Neighbourhood Services
11.5 The administration of Leisure Development Grants to be made to Voluntary Organisations, in accordance with the policy guidelines approved from time to time by the Community Wellbeing and Housing Committee.	Group Head Community Wellbeing
12. ENVIRONMENT AND PUBLIC AMENITIES MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
12.1 To determine applications made in respect of land under the control of the Council for the following:- a. Placing of structures. b. Erection of directional signs. c. Erection of banners. d. Street trading consent under Section 3 and Schedule 4 of the Local	Senior Environmental Health Manager or Group Head Neighbourhood Services

Appendix 3

Part 3 section (d)

Government (Miscellaneous Provisions) Act, 1982. e. Fun runs, marathons, filming and other similar activities.	
12.2 In relation to the Council's Car Parks:- a. to authorise proceedings in respect of offences against any car park regulations; and b. to determine applications by outside bodies or persons for use of the car parks, subject to any consent not prejudicing the normal use of the car park.	Deputy Chief Executive
12.3 To authorise and determine payment of an appropriate commuted sum when taking over private lighting schemes under Section 161 of the Public Health Act 1875.	Relevant Deputy Chief Executive
12.4 The siting of bus shelters, bus stops, seats and other street furniture.	Relevant Deputy Chief Executive
12.5 The numbering and renumbering of premises in streets.	Deputy Chief Executive with responsibility for Environmental Health & Building Control
12.6 All necessary steps in connection with the removal and disposal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978.	Group Head Neighbourhood Services
12.7 To make representations to Surrey County Council regarding the provision of tendered bus services under the Transport Act, 1985.	Relevant Deputy Chief Executive
12.8 To exercise the Council's powers under the following provisions of the Local Government (Miscellaneous Provisions) Act, 1976:- a. Section 23 (in relation to dangerous trees); b. Section 25 (in relation to dangerous excavations).	Deputy Chief Executive with responsibility for Environmental Health & Building Control
12.9 To institute proceedings in the County Court or High Court to gain possession	Group Head of Corporate Governance

Appendix 3

Part 3 section (d)

	of highway land occupied by caravans, tents or other residential structures.	
12.10	To make objections on amenity grounds to applications submitted to the Traffic Commissioners for Goods Vehicle Operators Licences.	Relevant Deputy Chief Executive or Group Head Neighbourhood Services
12.11	To make minor amendments to the Pavement Policy	Group Head Place, Protection and Prosperity in consultation with the Chair of the Licensing Committee.
12.12	To make minor amendments to the Hackney Carriage and Private Hire Licensing Policy.	Senior Environmental Health Manager
12.13	To issue Private Hire Vehicle and Hackney Carriage licences where applicants comply with the criteria agreed from time to time by the Council or relevant Committee.	Senior Environmental Health Manager
12.14	Immediate revocation of a Hackney Carriage driver and Private Hire driver licenses in accordance with the Council's adopted procedure. Power to revoke is under section 61 Local Government (Miscellaneous Provisions) Act 1976.	Senior Environmental Health Manager in consultation with the Chair and Vice-Chair of Licensing Committee
12.15	To suspend Hackney Carriage driver and Private Hire driver Licences in accordance with the Council's adopted procedure. Power to suspend is under section 61 Local Government (Miscellaneous Provisions) Act 1976	Senior Environmental Health Manager in consultation with the Chair and Vice-Chair of Licensing Committee
12.16	To suspend Hackney Carriage and private hire vehicle licenses in accordance with the Council's adopted procedure. Power to suspend a vehicle is section 60 of Local Government (Miscellaneous Provisions) Act 1976)	Senior Environmental Health Manager
12.17	To administer the hackney carriage and private hire licensing Penalty Points Scheme and issue penalty points in accordance with the Scheme	Senior Environmental Health Manager

Appendix 3

Part 3 section (d)

12.18 To determine appeals against penalty points under the Council's Penalty Points Scheme	Senior Environmental Health Manager in conjunction with the Deputy Chief Executive
12.19 To administer the applications for Pavement Licensing	Senior Environmental Health Manager
12.20 To administer the Licensing Act 2003	Senior Environmental Health Manager
12.21 To administer House to House Collections under the House to House Collections Act 1939	Senior Environmental Health Manager
12.22 To administer Scrap Metal licensing under Scrap Metal Dealer's Act 2013	Senior Environmental Health Manager
12.23 To administer Gambling licensing under Gambling Act 2005	Senior Environmental Health Manager
12.24 To administer Sex Establishments under Local Government (Miscellaneous Provisions) Act 1982	Senior Environmental Health Manager
12.25 To administer Street Collections under Police, Factories & Miscellaneous Provisions) Act 1916	Senior Environmental Health Manager
12.26 To exercise the Council's powers under clause 21 of the Town Police Clauses Act 1847	Deputy Chief Executive
12.27 To arrange for the discharge of the Council's statutory functions relating to burials and cremations	Senior Environmental Health Manager or Group Head Neighbourhood Services
12.28 To exercise the Council's functions in respect of investigations and enforcement under the Clean Neighbourhoods and Environment Act 2005 (CNEA 2005)	Joint Enforcement Team and Senior Environmental Health Manager
12.29 To exercise the Council's functions and to serve Notices under the Anti-Social Behaviour, Crime and Policing Act 2014.	Deputy Chief Executive
13.BYELAWS	

Appendix 3

Part 3 section (d)

Column 1 – Function	Column 2 – Authorised Officer
13.1 To grant authority in writing to any named person (not being a council officer or police constable) to enforce the Byelaws made by the Council	Chief Executive

14. PLANNING AND DEVELOPMENT MANAGEMENT	
14.1 Subject to the Terms of Reference of the Planning Committee <u>and any statutory requirements relating to the discharge of local planning authority function</u>, to exercise all functions relating to town and country planning and development management <u>including all planning applications except where:</u> - <u>(i) applications fall within Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Function)(England) Regulations 2026; and</u> <u>(ii) the Nominated Officer and the Nominated Member have agreed the application requires referral to the Planning Committee as it meets the criteria in Regulation 5(3) of the Town and Country Planning (Discharge of Local Planning Authority Function)(England) Regulations 2026</u>	Planning Development Manager
14.2 Agreement for any variation and to determine any application under section 106A of the Town and Country Planning Act 1990 (the “1990 Act”) <u>except where:</u> <u>(i) applications fall within Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Function)(England) Regulations 2026; and</u> <u>(ii) the Nominated Officer and the Nominated Member have agreed the application requires referral to the Planning Committee as it meets the criteria in Regulation 5(3) of the Town</u>	Planning Development Manager

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Appendix 3

Part 3 section (d)

	<u>and Country Planning (Discharge of Local Planning Authority Function)(England) Regulations 2026.</u>	
14.3	Power to serve an enforcement notice under section 172 of the 1990 Act.	Planning Development Manager
14.4	Power to withdraw or vary any enforcement notice issued under section 173 A of the 1990 Act.	Planning Development Manager
14.5	Power to serve a stop notice under s183(1) of the 1990 Act	Planning Development Manager
14.6	Power to withdraw a stop notice under s183(7) of the 1990 Act	Planning Development Manager
14.7	Power to serve a planning contravention notice under s171C of the 1990 Act	Planning Development Manager
14.8	Power to serve a temporary stop notice under s171E of the 1990 Act.	Planning Development Manager
14.9	Power to withdraw a temporary stop notice under s171E of the 1990 Act	Planning Development Manager
14.10	Power to serve a breach of condition notice under s187A of the 1990 Act	Planning Development Manager
14.11	Power to prosecute for demolition in a conservation area under s196D of the 1990 Act	Planning Development Manager
14.12	Power to seek an injunction under s187B of the 1990 Act unless breach of planning control relates to affordable housing development and / or financial contributions exceeding £0.5M.	Planning Development Manager
14.13	Power to issue a notice for untidy land under s215 of the 1990 Act.	Planning Development Manager
14.14	Power to issue a requisition for information under section s330 of the 1990 Act to require information as to interests in land.	Planning Development Manager
14.15	Power to take direct action under s178 of the 1990 Act	Planning Development Manager
14.16	Enforcement rights of entry without warrant under s196A of the 1990 Act.	Planning Development Manager
14.17	Power to authorise the stopping-up or diversion of a footpath, bridleway or restricted byway under s 257 of the 1990 Act.	Planning Development Manager

Appendix 3

Part 3 section (d)

14.18 Power to extinguish public rights of way over land held for planning purposes under s 258 of the 1990 Act.	Planning Development Manager
14.19 Powers relating to the preservation of trees under s 197 to s214D of the 1990 Act and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.	Planning Development Manager
14.20 Power to confirm a Tree Preservation order where no objections have been raised.	Planning Development Manager
14.21 Power to issue screening and scoping opinions under the Environmental Impact Assessment Legislation.	Planning Development Manager
14.22 Power to issue a decision on the need for an Appropriate Assessment under the Habitats Directive.	Planning Development Manager
14.23 Powers relating to the protection of important hedgerows under the Hedgerows Regulations 1997 (S.I. 1997/1160).	Planning Development Manager
14.24 Powers relating to high hedges under Part 8 of the Anti-Social Behaviour Act 2003	Planning Development Manager
14.25 To grant relief and exemptions under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager or Planning Development Manager
14.26 To issue all notices, orders and apply surcharges and/or interest under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager Planning Development Manager or Group Head of Corporate Governance
14.27 To determine reviews of the calculation of a chargeable amount under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager or Planning Development Manager
14.28 To require any owner or relevant person to provide the Council with such further information, documents or materials as	Strategic Planning Manager or Planning Development Manager

Appendix 3

Part 3 section (d)

considered relevant under regulation 108A of the Community Infrastructure Levy Regulations 2010 (as amended).	
14.29 Agreement of any amendments to the Local List of Requirements for the validation of planning applications.	Planning Development Manager
14.30 Power to object or make representation against a goods vehicle (operator's) licensing application in accordance with the Goods Vehicles (Licensing of Operators Act 1995 and the Goods Vehicles (Licensing of Operators) Regulations 1995.	Planning Development Manager

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PLANNING CODE

Introduction

1. The purpose of this Code is to give clear guidance to all councillors about how they should carry out their duties in relation to planning and development proposals to ensure openness, impartiality, transparency and consistency in planning decisions.
2. This Planning Code should be read in conjunction with the Members Code of Conduct and the Planning in Probity Guidance issued by the LGA.

General Role of Councillors

3. Councillors have a special duty to their ward constituents, including those who did not vote for them, but their overriding duty is to the whole community.
4. Whilst representing their constituents on planning issues and taking account of their views, councillors must make their decision within the statutory planning framework and base these on material planning considerations and what they believe is best for the Borough as a whole. A councillor is not under any obligation to represent a resident on a specific planning application if, in the opinion of the councillor, there are no issues which have wider significance for the neighbourhood, ward or Borough as a whole.
5. Planning decisions cannot be made on a party-political basis in response to any lobbying.

General Role of Staff

6. Staff are responsible to the Council as a whole. They must always act openly and impartially and provide consistent professional advice based on the statutory planning framework, planning policies and procedures, ensuring councillors are aware of all relevant material planning considerations before decisions are made.

Codes of Conduct

7. Both councillors and staff are required to observe codes of conduct and statutory provisions the aim of which is to ensure the integrity of the Council and individual councillors. These codes and procedures require the open disclosure of any pecuniary, non-pecuniary and conflict of interests in matters being considered by the Council or its committees. Councillors and staff are also advised not to accept any gifts or hospitality, which might reasonably be considered to influence their judgement and to record any they do accept in the registers maintained for the purpose. Planning decisions in particular can affect the daily lives of everyone and it is important to ensure there can be no justifiable grounds for suggesting a decision has been biased or influenced in any way.
8. Training and guidance on the Code of Conduct for Members on the declaration of interests, is provided to all councillors by the Council's Monitoring Officer. Members of the Planning Committee must be particularly careful to ensure that they are familiar with this. It is the personal responsibility of individual

Planning Code

Updated: 14 December 2023

councillors to ensure they comply with the code and make all appropriate declarations at Planning Committee. If in any doubt they should seek advice from the Monitoring Officer or the solicitor to the Planning Committee, before the commencement of any meeting, or as soon as possible if it arises during the course of a meeting. Staff with an interest in property in the vicinity of an application or any relationship to an applicant, should disclose this to the Planning Development Manager, who will record the interest and make appropriate arrangements for the handling and supervision of the application to avoid any perception of a conflict of interest.

Lobbying of and by Councillors

9. Lobbying of councillors for or against proposals is a normal part of the planning process. The rules of natural justice mean that planning applications should be determined in an open and fair manner and taking account of relevant information and arguments. It is only at Planning Committee meetings that councillors will have, and be able to consider, all the relevant information and arguments about an application before making a decision.
10. Councillors should feel free to engage in free and frank discussion about all aspects of planning applications in advance of the Committee. Councillors may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. However, it is important to maintain the integrity of individual councillors and the Council as a whole that Members of the Planning Committee should:-
 - a) if lobbied, explain that, whilst they can listen to what is said, they cannot indicate before the relevant Committee meeting which way they intend to vote as it would prejudice their impartiality;
 - b) preface any discussion on a planning application to make it clear from the outset that discussions are not binding and they will only be able to make a final decision at the Committee after hearing all relevant information and arguments;
 - c) declare at the Committee meeting, any contact they have had with applicants or objectors;
 - d) advise Planning Officers of letters/personal lobbying in relation to applications so the issues raised can be taken into account in the professional advice given to the Planning Committee.
 - e) abide by the guidance in this Code with relation to site visits;
 - f) not organise support or opposition to any planning application, lobby other councillors or put pressure on staff for a particular recommendation because this might remove them from the decision-making process.
11. Councillors are encouraged to be responsive to all residents about planning matters. Frequently, applications are daunting for residents who need advice and support about the issues which they raise. All councillors are able to have discussions with residents about planning applications even if that councillor is on Planning Committee.

Declarations of interest

12. If a councillor has received advice from the Monitoring Officer with regard to a declaration: a Disclosable pecuniary interest, non-pecuniary or conflict of interest, then they may disclose the fact that such advice has been given at the time when the declaration or interest is disclosed.

Predetermination and Predisposition

Predisposition

13. Predisposition is lawful. Councillors may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. The key issue is that the councillor ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the councillor retains an "open mind".
14. Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or predetermination "just because" a councillor has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a councillor has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought from the Monitoring Officer where this may be the case.

Pre-determination / Bias

15. Predetermination and bias are unlawful and can make a decision unlawful. Predetermination means having a "closed mind". In other words, a councillor has made his/her mind up on a decision before considering or hearing all the relevant evidence.
16. Bias can also arise from a councillor's relationships or interests, as well as their state of mind. The Code of Conduct's requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application.
17. However, councillors may also consider that a "non-pecuniary interest" or Conflict of Interest under the Code of Conduct also gives rise to a risk of what is called apparent bias. The legal test is: "whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased". A fair-minded observer takes an objective and balanced view of the situation but councillors who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.
18. In the case of applications for development of land in which the Council has an interest, it is particularly important for councillors to avoid the appearance of bias. A councillor who has participated in any decision-making for Council owned developments at either Corporate Policy and Resources Committee, Commercial Assets Sub-Committee or Development Sub Committee, should not participate in any decision making on those developments at Planning Committee, whether attending as a member or substitute member of the

Part 5 (d)

Committee. Likewise, a councillor appointed as a Director to Knowle Green Estates Ltd should not participate in any decision making on Council owned developments at Planning Committee. This does not prohibit a ward councillor from representing the views of their constituents at a Planning Committee meeting, in accordance with paragraph 31. below.

19. Members of the Planning Committee should bear in mind that it would not be appropriate to call-in an application, for consideration by the whole committee if they have already predetermined the matter themselves.

Meetings and pre-application discussions

20. Planning staff frequently hold meetings or have correspondence with applicants to give pre-application advice on their development ideas. Such advice will cover general planning policy applicable to a site, technical design and other requirements and the likelihood of a development being acceptable. Such pre-application advice is given on a confidential basis so as to encourage early contact with the Council which can assist in better planning proposals coming forward or ideas which have no prospect of being acceptable being abandoned at an early stage.
21. These meetings or exchanges of correspondence are part of the normal planning process but are, and must be clearly stated to be, without prejudice to the professional recommendation of Planning officers to the Committee and the decision of the Committee when all information is before it.
22. All applicants are encouraged to carry out pre-application consultation with neighbours to try and resolve issues at an early stage. For larger schemes this may be a more formal public consultation. Where councillors attend such pre-application consultation meetings run by the applicant they should abide by the guidance in this Code. The expectation is that where councillors are invited to attend that the applicant invites all ward councillors.
23. It is important that councillors do not give views to potential applicants either through pre-application consultations or other meetings that could be interpreted by them as giving planning advice and in turn taken as implied support for a proposal if those views are then followed.
24. If a councillor wishes to arrange a meeting with planning staff for themselves and a small number of constituents about a planning application that falls within Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and provided the Nominated Officer and the Nominated Member agree that the application under consideration may be determined by the Planning Committee then this will be arranged at the Council Offices. If requested to do so staff will try to attend meetings arranged by councillors with their constituents away from Knowle Green provided all ward councillors are invited to attend.
25. If attending public meetings arranged by local groups about a planning proposal the principles outlined above should be followed and, councillors of the Planning Committee should try to maintain an impartial role, listening to what is said but not expressing any opinion which could be construed as a final or fixed position. Planning Officers will not normally attend public meetings unless their attendance has been agreed by the Planning Development Manager and representatives of both the applicant and objector are given the opportunity to

Planning Code

Updated: 14 December 2023

Part 5 (d)

be present. Ward Councillors and the Chairman of the Planning Committee will be advised of any public meeting in relation to a planning issue or which Planning Officers have agreed to attend.

Presentations on Likely Major Development Proposals

26. For large or complex schemes the Council may arrange appropriate presentations to councillors by the applicant. This is seen as beneficial to inform councillors at an early stage and to encourage pre-application discussion and free flow of information on what are often complex or controversial issues. The Council itself will also organise presentations to keep councillors informed generally on matters which appear to have or are likely to have strategic importance for the Borough. The Planning Development Manager may also organise technical briefings on major developments at which developers may be present. At any such presentations councillors should abide by the guidance in this Code, listening to presentations, raising concerns and questions, debating the issues but not coming to fixed or final positions in advance of the full debate at Planning Committee.

Site Visits

27. Formal site visits by the Planning Committee are rare because of the amount of material, including plans and photographs submitted with planning applications included in the Planning Committee agenda and presented at Planning Committee. Where they do occur, they must be undertaken in accordance with the guidelines attached at **Appendix 'A'**. The necessity for such a visit will be agreed between the Chairman of the Committee and the Planning Development Manager in advance. Ward Councillors who are not members of the Committee will be advised of any site visit and invited to attend. Members of the Planning Committee will often wish to make informal visits to an application site prior to Planning Committee to familiarise themselves with the context of the proposal. Such visits are encouraged. Please note that councillors have no right of entry to the application site. Provided that no other persons are present then councillors do not need to declare such a visit at Planning Committee. If other people are present at the site visit (e.g. applicant or objector) then councillors should have regard to the advice in paragraph 7 (lobbying) and are advised to declare such a visit at Committee before consideration of the item.

Planning Officer Reports to Committee

28. All matters that fall within Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and provided the Nominated Officer and the Nominated Member agree that application under consideration may be determined by the Planning Committee must be the subject of a written report from Planning Officers which will give an accurate summary of all relevant planning issues. In particular it should include a clear outline of the site history, the relevant development plan policies, the response of consultees and the substance of objections. The Report will in particular set out reasons why it raises one or more issues of significance in relation to economic, social or environmental circumstances in the local area or significant planning matters having regard to the development plan and any other material considerations and why it is therefore being brought to Planning

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Part 5 (d)

Committee for a determination. The report will include a clear recommendation with a technical appraisal justifying it. Any objections or other relevant issues arising after the report is printed will be reported verbally to the Committee at its meeting.

29. The Planning Development Manager shall keep a record of the cases the Nominated Officer and the Nominated Member have considered for referral to the Planning Committee, the outcome of their consideration and the reasons for their decision. The Planning Development Manager shall report this to the Planning Committee on a regular basis and make it available on the Council's website. **DM to make arrangements**

Deleted: ...

Procedure at Committee Meetings

30. Applicants and objectors will be able to address the Planning Committee in accordance with the protocol attached at **Appendix 'B'**. Further information on how to ask to speak at the Committee and the issues that can be covered are set out in the Planning pages of the Council's website.
31. Where there are major applications which require special consideration because of the large number of people wishing to speak, then the Chairman may, in their discretion, make provision for public speaking rights in excess of the usual procedure. The Chairman will be guided by the need to ensure overall fairness in the proceedings within the constraints of the time allowed in the meeting.
32. Where councillors who are not members of the Planning Committee have indicated to the Chairman, prior to a Committee meeting, their wish to speak on a matter in their ward being considered at the Committee, they will be entitled to speak immediately after representatives of the applicant and/or objectors have addressed the Committee. Non-members of the Committee should comply with the procedure for declaration of interests and contact with the applicant or objectors if they attend and speak at a Committee meeting in the same way as members of the Committee.

Ward councillors may wish to address Planning Committee on:

- Applications which have caused interest amongst large numbers of residents of the Ward
- Applications which have significance for the character, facilities or environment of the Ward.

Ward Councillors should not usually seek to address Planning Committee on:

- Matters which are the subject of a dispute between two residents of the Ward
- Matters which reflect the concerns of one resident only, unless there is some reason why the resident is not able to speak for himself at the Planning Committee.

Call-in procedure

33. Councillors may not call in any planning application. If they consider any planning application meets one or more of the Threshold or Gateway criteria in Regulation 5(3) of the Town and Country Planning (Discharge of Local Planning

Deleted: must take the following into account before 'calling-in' a planning application for consideration by the Planning Committee.¶
Subject to the terms of reference of the Planning Committee and these rules a planning application other than those identified in the weekly Planning Publicity Schedule can be called in by a Councillor for determination by the Committee.¶
A councillor may only call-in an application which is in their ward. If the councillor considers that there is a matter of public interest arising in an application situated in another ward, then early contact should be made with the relevant ward councillors.¶
The guiding principle of 'Call-In' is that there is a material planning concern, in the application being considered by the Committee. The decision to refer an application to the Planning Committee rests with the Planning Development Manager.¶
Prior to a councillor calling in an application, he/she must inspect the submitted plans and is advised to discuss the application with the relevant case/planning officer.¶
The 'call-in' will be activated by an email to the Planning Development Manager and the case officer which must give a material planning reason why it should be determined by the Committee.¶
The email must be received by Planning Officers no later than one day after the end of the public consultation period for that application. The date of which is set out on the weekly Publicity Schedule in which it was publicised.¶
The Committee report will identify the councillor who called in the application along with the reason given.¶
Councillors who 'call-in' an application are expected to attend and speak at the Planning Committee setting out their concerns and issues. This will inform the general debate of the committee.¶
If a councillor is unable to attend for any reason, they should send a statement to the Chairman setting out their issues and concerns so that they can be read out at the committee meeting.¶
Where the councillor who 'Called-in' an application is a member of the Planning Committee, that councillor will be given three- minutes to speak following the public speakers and may then speak again as a member of the Committee during its debate on the item

Updated: 14 December 2023

Planning Code

Authority Functions) (England) Regulations 2026 they may discuss this with the Nominated Officer and Nominated Member. If the Nominated Officer and the Nominated Member agree that the application meets at least one criterion in Regulation 5(3), they may decide that the application may be brought before the Planning Committee.

34. If the Nominated Officer and the Nominated Member do not agree the application meets the criteria referred to at para 33 above, it will be determined by officers.

Decision Making

35. A decision on a planning application cannot occur before the Committee meeting when all available information is to hand. All councillors should bear in mind the need to keep an open mind about all the available evidence on a planning application.
36. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. If the Planning Officer's report recommends a departure from the development plan the justification for this must be included in the report.
37. Decisions must be made on planning merits and the reasons for making a decision should be clear and supported by material planning considerations. The reasons for refusing an application should always be minuted as should any conditions attached to an approval.
38. Members are reminded that the Planning Committee meeting is held in public and should therefore ensure that the seven principles of public life are observed.
39. Members of the Planning Committee who require information which is not contained within the Planning Committee report should submit a request in writing to the Planning Development Manager at least one working day before the Planning Committee meeting.
40. The purpose of the Planning Committee meeting is to fully explore all relevant matters and concerns of councillors pertaining to an application before a decision is made. Councillors should prepare in advance of the meeting.
41. Where a councillor decides to vote against a recommendation, this should only arise once:
- (a) The concerns have been articulated by the councillor to allow other members of the Committee to comment on them and officers to advise on them; or
 - (b) Where another member has spoken in the debate and articulated those concerns and the councillor concerned has indicated that they are of the same mind as that councillor.
42. If the Committee wishes to make a decision contrary to the Planning Officers' advice, a member of Planning staff present at the meeting should be given the opportunity to explain the implications of such a decision. If the Committee wish to refuse an application the reasons for doing so must be clear, cogent and comprehensive. They must also be based on planning policies and provide a

Part 5 (d)

clear account of members' rationale for not accepting the Officer recommendation. Similarly, any additional planning conditions must be properly justified and expressed. The decision and reasons for it as agreed by the Committee must be minuted.

43. Members of the Planning Committee who are minded to propose an outcome against Planning Officer advice should first seek advice from the Planning Development Manager prior to the application being determined at a Planning Committee, at least one working day before the Planning Committee meeting. Any motion contrary to Planning Officer advice must be formulated in writing with material planning reasons. Councillors should be prepared to explain in full their material planning reasons for not agreeing with the Planning Officer's recommendation prior to making any decision. Councillors should not rely on staff to produce the material planning reasons for their motion at the meeting.

Applications Submitted by Councillors, Staff or the Council

Determination of applications

44. [Please refer to the Terms of Reference of the Planning Committee.](#)

Applications submitted by the Council

45. Proposals for a Council's own development will be treated no differently from any other application **and may only be determined by Planning Committee if the Nominated Officer and the Nominated Member agree it should be brought to Planning Committee.**
46. Certain councillors may, through their other roles outside of a Planning Committee (e.g. a member of Corporate Policy and Resources Committee, Development Sub-Committee or Commercial Assets Sub-Committee), have been heavily committed to or involved in a Council's own development proposal. In such circumstances, when an item comes to be considered at the Planning Committee, the councillor concerned, if they sit on the Committee, must consider whether they have an interest or degree of involvement with the proposals that could give the impression of bias. If in doubt, they are encouraged to seek advice from the Monitoring Officer. The most appropriate course of action, if that is the case, is that the councillor concerned may address the Committee in the applicant's speaking slot (see the Public Speaking Rules for Planning Committees) but does not take part in its consideration and determination. It is important that the councillor should restrict their address to the Committee to relevant planning considerations rather than wider non-planning issues that are not material to the determination of the application.

Applications submitted by councillors or staff

47. If a councillor or a member of staff submits their own proposal to the Council which they serve, they should take no part in its processing. A councillor who acts as an agent or representative for someone pursuing a planning matter with the Authority should also take no part in its processing.
48. Councillors and Planning Officers must inform the Monitoring Officer of any proposals to submit an application, prior to their submission.

Deleted: Subject to paragraph 4345, any planning application made by a councillor, member of staff or the Council itself should be determined by the Planning Committee and not by the Planning Development Manager under delegated powers.¶

In the case of applications made by a councillor, a member of staff or the Council itself which do not relate to planning merits but are:¶
a legal determination as to whether permission is required, or
forms of notification to the Council including that 'permitted development' is proposed under 'prior approval' procedures.

Deleted: The Planning Development Manager will determine the application. after discussion with the Chairman of the Planning Committee or, if unavailable, the Vice Chairman.

Deleted: Proposals for a Council's own development can give rise to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted to and determined by the Planning Committee

Part 5 (d)

49. Members of the Planning Committee and staff should not act as agents for another person or body pursuing a planning matter with the Council and, if they do, any planning decision must be made by the Planning Committee and not under delegated powers.
50. Whenever possible a councillor making a planning application should appoint an agent to act on their behalf. The councillor must take no part in making a decision on the application and should leave the room for that item if in attendance.

Involvement of Councillors in Appeals

51. Where a councillor wishes to play a part in any appeal, he/she should seek first the advice of the Planning Development Manager and as a courtesy, inform the relevant Ward Councillors.

Training of Councillors in Planning Issues and Procedures

52. No councillor should be appointed to the Planning Committee without having agreed to undertake suitable induction training and familiarisation in planning procedures and the Code of Conduct. The Planning Development Manager, with the support of the Monitoring Officer, and after consultation with the Chair of the Planning Committee, will arrange suitable ongoing opportunities as required and will supplement this with written guidance. It is expected that such induction should take place within three months of appointment to the Committee.
53. It is also envisaged that all members of the Council will engage in induction and familiarisation about planning matters and this Planning Code so that as Ward Councillors, they can effectively represent residents and promote the interests of the Borough as a whole.

Substitutions to Planning Committee

54. Substitutions to Planning Committee will be permitted in accordance the Council's Scheme for Substitutions as set out in the Constitution.

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