

APPENDIX 1

Constitution amendments to reflect changes as a result of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and also to reflect the Planning Officers Society Good Practice Guidance Note.

PART 2

Articles

ARTICLE 8 – THE STANDARDS COMMITTEE, REGULATORY AND OTHER COMMITTEES

8.2 Regulatory Committees

The Council appoints the following regulatory Committees to undertake a number of its statutory and other duties not delegated to officers:

- Planning & Development Committee [in accordance with the Town and Country Planning \(Discharge of Local Planning Authority Functions\) \(England\) Regulations 2026.](#)
- Licensing Committee
- General Purposes Committee

The terms of reference of these Committees are set out at Part 3 of this Constitution.

8.3 Public Participation

~~At meetings of the Planning and Development Committee the Chair will first invite an objector (in pre-arranged exceptional circumstances more than one objector), and then the applicant (or agent or supporter), to address the Committee on the planning issues of an application for a maximum of three minutes each; there being no right for objectors or applicants to question members or officers nor any right of reply by objector or applicants. An applicant (agent or supporter) will only be allowed to speak if there has first been an objector speaking.~~

The Licensing and General Purposes [Committees will allow](#) applicants/objectors to address the Committee as appropriate.

ARTICLE 13 – MONITORING AND REVIEW OF THE CONSTITUTION

13.2 Changes to the Constitution

Statutory changes to the Constitution may be made by the by the Borough Solicitor/Monitoring Officer without reference to Council. Other Changes to the Constitution will only be approved by Council. The Chief Executive may authorise minor and consequential amendments. The Leader of the Council is to be notified of all such amendments.

PART 3

RESPONSIBILITY FOR FUNCTIONS

2. TERMS OF REFERENCE

2.5 Planning and Development Committee – Quorum 4

Membership

The Planning and Development Committee, by virtue of Regulation 7 of the Town and Country Planning (Discharge of Local Planning Functions) (England) Regulations 2026 (“the Regulations”), cannot exceed 13 elected members (to be politically balanced).

Purpose

To exercise, in line with the Council’s Planning and Development Committee Procedures, the functions, powers and duties of the Council in relation to the determination of planning applications and any other planning matter referred to it by the Director of Planning and Regulations.

Powers

The Planning and Development Committee has the following powers:-

To hear pre application or pre-determination presentations of developments by developer and for individual members of the Committee to ask questions and highlight issues that may require further consideration by the developer.

To determine the planning applications referred to it pursuant to the Regulations and the Constitution, as set out in paragraph 4.7 below.

To consider, and where necessary determine, any other planning matter referred to it by the Director of Planning and Regulations.

Planning and Development Committee Chair

The Chair shall be the Council's Nominated Member for the purposes of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

Where the Chair is unavailable or unable to participate in relation to an application, the Chair may designate another member of the Planning and Development Committee as substitute Nominated Member for that application.

a. ~~To advise the Leader/Executive on the following:~~

(i) ~~Identification of consumer needs for services related to planning and development services and facilities functions of the Committee, and recommendations on the development of services and facilities to meet them, including:~~

~~Land use plans and policy, including local plans~~

~~Employment and economic development~~

~~Development management services~~

~~and advising the Leader / Executive / Council accordingly;~~

(ii) ~~Management and maintenance of planning and development related facilities and services in item (i), including employment and training facilities and services;~~

(iii) ~~Monitoring and review of performance in relation to the provision and development of planning and development services and facilities, including employment and training facilities and services, whether provided by the Assistant Director (Planning and Regulation), other Council Service Delivery Units, or outside contractors and advising the Leader/Executive/Council accordingly;~~

(iv) ~~The promotion of the economic development of Stevenage, and of specific industrial/commercial land and premises within Stevenage, as to use and development and, where appropriate, about monitoring negotiations for development and redevelopment;~~

(v) ~~Development and encouragement of local businesses, employment and training initiatives, with co-ordination and implementation by the Leader / Executive as appropriate.~~

(vi) ~~The allocation and monitoring of grant aid and loans to local employment and training initiatives.~~

b. ~~Responsibility for Development Management, including Listed Building Control – determination of planning applications, and enforcement matters under planning regulations.~~

c. ~~Responsibility for Building Control – determination of applications under the Building Regulations, and enforcement matters under planning and building legislation.~~

d. ~~Responsibility for the determination of Countryside Management and Tree Preservation matters, including the making of Tree Preservation Orders and related matters, and including consultation with appropriate outside bodies.~~

e. ~~Matters imposed or permitted by legislation in relation to the functions of the Committee.~~

f. ~~Insofar as they are not already referred to in these terms of reference, those relevant powers set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations as amended (see Table 2 of Part 3 of this Constitution); as clarified by regulations, subject to them being dealt with, as appropriate, by officers under delegated powers.~~

~~This is to include the making of charges for any approval, licence or registration etc., in relation to the powers referred to.~~

- g. ~~Insofar as they are not already referred to in these terms of reference, those local choice functions set out at Table 3 of Part 3 of the Council's Constitution.~~

~~Any other appropriate matter referred.~~

4. SCHEME OF DELEGATION TO OFFICERS

4.4 Council functions

- a. The Chief Executive may exercise all of those Council functions that are not specifically reserved to Council for decision-making, or actions delegated by ~~the Council as the local planning authority to the Director of Planning and Regulation or their delegate as set out in paragraph XX the Planning and Development Committee to the Assistant Director (Planning & Regulation) or his/her delegate.~~
- b. The Chief Executive may exercise any Council power in cases of extreme urgency whether or not reserved for Council decision making
- c. The Borough Solicitor shall have authority to institute, defend or settle any legal proceedings as necessary to protect the interests of the Council.

4.5 Exercise of officer delegations

The Chief Executive will establish a scheme of sub-delegations (save where the Director of Planning and Regulation sub-delegates their functions in para xx in accordance with a Planning Scheme of Management) that specifies the functions, names the post which may carry out that sub-delegated function, and the limits if any on the sub-delegation. The Chief Executive will periodically review sub-delegations and whenever necessary, and may change sub-delegations as (s)he sees fit. The limits on sub-delegation may include the obligation to consult, record and/or refer back to the Chief Executive, Deputy Chief Executive and/or Strategic Directors (or another officer) in certain circumstances, and are made subject to relevant policies.

The Borough Solicitor will maintain the current version of the Council's scheme of officer delegations.

4.6 Planning Scheme of Delegation

Reference to the Regulations in this part of the Constitution is a reference to the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. Schedule 1 of the Regulations contains those application types which must be determined by officers, pursuant to Regulation 4.

4.7 Delegation of Planning Functions

All planning matters and functions that the Council as Local Planning Authority are responsible for are delegated to the Director of Planning and Regulation except where the decision on a matter or function is reserved to the following bodies:

Full Council

The following must be determined by Full Council:

- To submit a Development Plan Document for examination
- To adopt a Development Plan Document
- To submit a draft Charging Schedule for examination
- To approve or withdraw a Charging Schedule

Cabinet

The following must be determined by the Executive:

- To consult on a Local Development Framework Document

- To adopt a Supplementary Planning Document, the Local Development Scheme or the Statement of Community Involvement
- To approve the Authority Monitoring Report
- To authorise a Neighbourhood Plan to be put to referendum
- To agree that a Neighbourhood Plan be Made
- To designate a Conservation Area

Planning and Development Committee

The following planning applications must be determined by the Planning and Development Committee: -

Those applications listed in Schedule 2 of the Regulations that the Nominated Member and the Nominated Officer agree that referral to and determination by Planning and Development Committee is necessary.

Any other planning matter that an officer of the authority with delegated powers considers that referral to and determination by the Planning and Development Committee is necessary.

4.8 Triage System

As recommended in the MHCLG statutory Guidance that accompanied the Regulations, where local planning authorities anticipate that there may be a significant number of cases which meet the criteria in regulation 5(3) (Gateway Test) or which may fall under regulation 6 (Own-Interest Application) and which could therefore be considered for referral to committee, they may wish to put in place a triage system to ensure that the nominated officer and nominated member of the committee are not overwhelmed and to avoid any unnecessary delays in planning decision making.

The Council's Triage System has two stages:

- Stage 1: a category or part of a category of an application of a kind specified by Schedule 2 which should be treated as such.
- Stage 2: a specific application of a kind specified by Schedule 2 where an officer with delegated powers considers it should be treated as such because the criteria in Regulation 5(3) are clearly not engaged.

Triage process for self-interest applications

The majority of all Schedule 1 applications be determined under delegated powers as set out below:

<u>Schedule 1 Functions</u>	
<u>Application categories</u>	<u>Self-Interest applications (Regulation 6) – Suggested Triage.</u>
<u>householder development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015)</u> -	<u>Delegated</u> -
<u>minor commercial development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015)</u> -	<u>Delegated</u> -
<u>minor residential development (consisting of up to 9 new dwellings (flats or houses) on a site smaller than 0.5 hectares and other minor development in relation to flats)</u> -	<u>Delegated</u>
<u>where it is not related to a phase of development in an outline planning permission, reserved matters approvals (applications under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015)</u> - <u>Note:</u> <u>Reserved matters approval in respect of an outline planning permission other than a large outline</u>	<u>Delegated</u>

<u>phase permission (i.e. one which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 square metres or more) (applications under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015)</u> -	
<u>discharge of conditions (applications under Article 27(1) of Town and Country Planning (Development Management Procedure) (England) Order 2015)</u> -	<u>Delegated</u> -
<u>prior approval for permitted development rights (applications under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015)</u> -	<u>Delegated</u> -
<u>permission in principle (as referred to in section 58A of the Town and Country Planning Act 1990)</u> -	<u>Delegated</u> -
<u>where a local planning authority considers a planning obligation is connected to a Schedule 1 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990)</u> -	<u>Delegated</u> -

<u>where local planning authority considers a planning obligation is connected to a Schedule 1 application, modification or discharge of a planning obligation (applications under section 106A(3) of the Town and Country Planning Act 1990)</u> -	<u>Delegated</u> -
<u>non-material changes to planning permission or permission in principle (applications under section 96A(4) of the Town and Country Planning Act 1990)</u> -	<u>Delegated</u> -
<u>certificates of lawfulness of existing use or development (under section 191(1) of the Town and Country Planning Act 1990)</u> -	- <u>Delegated</u> -
<u>certificates of lawfulness of proposed use or development (under section 192(2) of the Town and Country Planning Act 1990)</u> -	<u>Delegated</u> -
<u>biodiversity gain plan (duty to approve under paragraph 14 of Schedule 7A to the Town and Country Planning Act 1990)</u> -	<u>Delegated</u> - -
<u>Certificates of appropriate alternative development (applications under section 17 of the Land Compensation Act 1961)</u>	<u>Delegated</u> - -

Triage process for self-interest applications covered under Schedule 2. The below table also sets out the types of applications and circumstances in which they may be referred to the Planning and Development Committee for its decision:

<u>Schedule 2 Functions</u>	
<u>Application categories</u>	<u>Self-Interest applications (Regulation 6) – Suggested Triage.</u>
A local authority considers that the application for planning permission (Schedule 1) is connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent (See paragraph 19 of the guidance)	<u>Householder applications:-</u> Delegated <u>All other Schedule 1 applications:-</u> Referral to committee where: 1) the application raises a significant planning matter having regard to the development plan and any other material considerations. 2) the application raises an economic, social or environmental issue of significance to the local area.
the application is made under section 73A of the Town and Country Planning Act 1990 (Relating to a Schedule 1 application) -	<u>Householder applications:-</u> Delegated <u>All other Schedule 1 applications:-</u> Referral to committee where: 1) the application raises a significant planning matter having regard to the development plan and any other material considerations. 2) the application raises an economic, social or

	<u>environmental issue of significance to the local area.</u>
<u>applications for planning permission which are not householder, minor commercial or minor residential applications</u> -	Major applications <u>All major applications submitted by or on behalf of the Council shall be determined by the Planning and Development Committee by default.</u> Other applications: <u>Referral to committee where:</u> <u>1) the application raises a significant planning matter having regard to the development plan and any other material considerations.</u> <u>2) the application raises an economic, social or environmental issue of significance to the local area.</u>
<u>applications for planning permission which would otherwise fall into Schedule 1 but are connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent</u> -	Householder applications:- <u>Delegated</u> All other Schedule 1 applications:- <u>Referral to committee where:</u> <u>1) the application raises a significant planning matter having regard to the development plan and any other material considerations.</u> <u>2) the application raises an economic, social or environmental issue of significance to the local area.</u>

<u>applications to develop land without compliance with conditions previously attached in respect of which the previous planning permission was a Schedule 2 planning permission (under section 73(1) of the Town and Country Planning Act 1990)</u> -	Major applications <u>All major (without compliance of conditions) applications submitted by or on behalf of the Council shall be determined by the Planning and Development Committee by default.</u> Other applications: <u>Referral to committee where:</u> <u>1) the application raises a significant planning matter having regard to the development plan and any other material considerations.</u> <u>2) the application raises an economic, social or environmental issue of significance to the local area.</u>
<u>applications for development which has already been carried out (under section 73A(1) of the Town and Country Planning Act 1990)</u> -	<u>Referral to committee where:</u> <u>1) the application raises a significant planning matter having regard to the development plan and any other material considerations.</u> <u>2) the application raises an economic, social or environmental issue of significance to the local area.</u>
<u>where it is related to a large outline planning permission, applications for reserved matters approvals (under Article 6 of the Town and Country</u>	<u>Referral of Reserved Matters Applications to committee where:</u> <u>1) the application raises a significant planning matter having regard to the development</u>

<u>Planning (Development Management Procedure) (England) Order 2015)</u> Definition of large outline reserved matters (defined by the Regulations): One which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 sq.m or more. -	<u>plan and any other material considerations.</u> 2) <u>the application raises an economic, social or environmental issue of significance to the local area.</u>
<u>where a local planning authority considers a planning obligation is connected to a Schedule 2 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990)</u> - -	<u>Referral to planning committee where the obligation relates to certain obligations e.g., affordable housing, infrastructure delivery, financial obligations etc & the deed of variation raises a significant planning matter having regard to the development plan and any other material considerations; or</u> <u>The Deed of Variation raises an economic, social or environmental issue of significance to the local area.</u> <u>Otherwise, delegated to officers.</u> -
<u>where a local planning authority considers a planning obligation is connected to a Schedule 2 application, application for modification or discharge of a planning obligation (under section 106A(3) of the Town and Country Planning Act 1990)</u>	<u>Referral to planning committee where the application relates to certain obligations e.g., affordable housing, infrastructure delivery, financial obligations etc & the deed of variation raises a significant planning matter having regard to the development plan</u>

-	<u>and any other material considerations;</u> <u>or</u> <u>The Deed of Variation raises an economic, social or environmental issue of significance to the local area.</u> <u>Otherwise, delegated to officers.</u> -
<u>applications for listed building consent (under section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990)</u> -	<u>Delegated</u> - -
<u>applications for the variation or discharge of conditions of listed building consent (under section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990)</u> -	<u>Delegated</u>
<u>applications for advertisement consent (under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007)</u> -	<u>Delegated</u>
<u>applications for consent under tree preservation orders (under regulation 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012)</u> -	<u>Delegated</u> -

In relation to standard Schedule 2 applications (Non self-interest), the triage process for such applications is outlined below. In addition, the table also sets out what applications will have to go through the Gateway Process as to whether or not the application is

referred to the Planning and Development Committee for its decision:

<u>Schedule 2 Functions</u>	
<u>Application categories</u>	<u>None Self-interest – Triage (See para 14 of the guidance relating to triage of Schedule 2 apps)</u>
<u>A local authority considers that the application for planning permission (Schedule 1) is connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent</u> <u>(See paragraph 19 of the guidance)</u>	<u>TRIAGE</u> -
<u>the application is made under section 73A of the Town and Country Planning Act 1990 (Relating to a Schedule 1 application)</u> -	<u>TRIAGE</u> -
<u>applications for planning permission which are not householder, minor commercial or minor residential applications.</u> -	<u>GATEWAY TEST</u> - - - - -
<u>applications for planning permission which would otherwise fall into Schedule 1 but are connected to a Schedule 2 application for listed building consent or for the</u>	<u>TRIAGE</u> -

<u>variation or discharge of a condition on a listed building consent</u> -	
<u>applications to develop land without compliance with conditions previously attached in respect of which the previous planning permission was a Schedule 2 planning permission (under section 73(1) of the Town and Country Planning Act 1990)</u> -	<u>GATEWAY TEST</u>
<u>applications for development which has already been carried out (under section 73A(1) of the Town and Country Planning Act 1990)</u> -	<u>GATEWAY TEST</u>
<u>where it is related to a large outline planning permission, applications for reserved matters approvals (under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015)</u> <u>Definition of large outline reserved matters (defined by the Regulations):</u> One which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the	<u>GATEWAY TEST</u>

<u>development is 50,000 sq.m or more.</u> -	
<u>where a local planning authority considers a planning obligation is connected to a Schedule 2 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990)</u> - -	<u>GATEWAY TEST</u> - - -
<u>where a local planning authority considers a planning obligation is connected to a Schedule 2 application, application for modification or discharge of a planning obligation (under section 106A(3) of the Town and Country Planning Act 1990)</u> -	<u>GATEWAY TEST</u> -
<u>applications for listed building consent (under section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990)</u> -	<u>TRIAGE</u> -
<u>applications for the variation or discharge of conditions of listed building consent (under section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990)</u> -	<u>TRIAGE</u> -

<u>applications for advertisement consent (under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007)</u> -	<u>TRIAGE</u> - - -
<u>applications for consent under tree preservation orders (under regulation 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012)</u> -	<u>TRIAGE</u> - -

4.9 Delegation And Sub-Delegation

The Director of Planning and Regulation should produce a document (called the Planning Scheme of Management) for the purposes of Regulation 3 that clearly sets out:

- A. the member of the authority who acts as the Nominated Member;
- B. one or more members of the authority who act as a substitute for the Nominated Member;
- C. the officer of the authority who acts as the Nominated Officer; and
- D. one or more officers of the authority who act as a substitute for the Nominated Officer.

With respect to A and B different members can be nominated for different purposes.
With respect to C and D different officers can be nominated for different purposes.
These should also be set out in the document.

The document should also set out:

- the officer(s) of the authority who have delegated powers to determine a Schedule 1 planning application (Regulation 4);
- the officer(s) of the authority who have delegated powers to determine a Schedule 2 planning application (Regulation 5);

- the officer(s) of the authority who have delegated powers to determine an Own-Interest Application (Regulation 6); and
- the officer(s) of the authority who have delegated powers under the Constitution to determine any other planning matter.

11. The document should be published on the Council's website.

4.10 Lobbying

12. The Nominated Member or the Nominated Officer or any other officer of the authority, when exercising their powers under Regulations 4, 5 or 6 and this Scheme of Delegation, shall not be lobbied or otherwise contacted by any person or organisation, including by members or officers of the relevant authority, to use their power in a particular way.

13. Any such lobbying that is received should be reported to the Monitoring Officer, who will deal with it as appropriate.

14. A Vexatious Customer Procedure to deal with planning related complaints that are unreasonable persistent, malicious and/or vexatious or flagrantly in breach of rules or procedures can be found in Part 5 – Codes and Protocols.

TABLE 3

Responsibility for Local Choice Functions

	Function	Decision making body
1.	Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1	Leader / Executive
2.	The determination of an appeal against any decision made by or on behalf of the Authority	General Purposes Committee Appeals & Grievances Panel Strategic Directors

		<i>In accordance with terms of reference/delegated authority</i>
3.	The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998	Council
4.	~~Any function relating to contaminated land~~	~~Planning & Development Committee~~
5.	The discharge of any function relating to the control of pollution or the management of air quality	Leader / Executive
6.	The service of an abatement notice in respect of a statutory nuisance	Leader / Executive
7.	The passing of a resolution that Schedule 2 to the Nuisance and Statutory Nuisance Act 1993 should apply in the authority's area	Leader / Executive
8.	The inspection of the authority's area to detect any statutory nuisance	Leader / Executive
9.	The investigation of any complaint as to the existence of a statutory nuisance	Leader / Executive
10.	~~The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land~~	~~Planning & Development Committee~~

11.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Leader / Executive
12.	The appointment of any individual officer – (a) to any office other than an office in which he/she is employed by the authority (b) to any body other than: (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	Council (if Council business) Executive (if an Executive function)
13.	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	Leader / Executive
14.	Functions under S.106, 110 & 113 of the Local Government and Public Involvement in Health Act 2007 relating to Local Area Agreements	Leader / Executive

PART 4

RULES OF PROCEDURE

11. Petitions and Deputations

(ix) If a petition regarding a planning application which is contrary to the Officer's recommendation then the application will be considered by the Planning Committee, subject to other requirements of the Council's Constitution. Where the application is referred to the Planning and Development Committee, the lead petitioner or other nominated person, will be given five minutes about the application.

42. Other provisions

The following Standing Orders from Part 1 (Council Meetings) and Part 2 (General) shall apply to these bodies, allowing that 'Mayor' shall be substituted by 'Chair' or person presiding, as appropriate.

The Planning and Development Committee has its own committee procedure rules which is set out at paragraph 49 below.

49. Planning and Development Committee Procedures

Reference to the Chief Planning Officer is also a reference to an officer who is representing them at the committee meeting. This will normally be the Director of Planning and Regulation.

Format of committee agenda

The Committee's agenda may contain the following parts for planning reports:

- A. Development presentations: to enable the Committee to receive presentations on proposed developments, including when they are at the pre-application stage. These items do not attract public speaking rights.
- B. Applications for decision: these items attract public speaking rights.
- C. Other planning matters: non-application matters that require Committee consideration. These items do not attract public speaking rights.

Format of committee procedures

The procedure for considering the items on each part of the agenda are set out below. Reference to the Chief Planning Officer is also a reference to their representative at the committee. This will be the Director of Planning and Regulation or their substitute (Head of Planning and Enforcement).

Development presentations (Pre-applications Only)

The procedure for considering each item shall be as follows:

- The Chief Planning Officer will introduce the main issues;
- The developer will present their scheme for no longer than 20 minutes unless the Chair, exercising their discretion, has allowed a different period;
- Through the Chair, Committee members ask questions of the developer; and
- The Chief Planning Officer will summarise the issues raised by the Committee which will form the minute for the item.

Applications for decision

The procedure for considering applications where there are public speakers shall be as follows:

- The Planning Officer will introduce the development the subject of the application, including an overview of the main issues;
- Public speaking will take place
- The Planning Officer will, where necessary, address any issues raised during public speaking; and
- Through the Chair, Committee members may ask questions of clarification;
- The Committee will consider the item and reach a decision.

The procedure for considering applications where there are no public speakers shall be as follows:

- If requested by the Chair, the Planning Officer will present the main issues; and
- The Committee will consider the item and reach a decision.

Other planning matters

The procedure for considering any item shall be as follows:

- If requested by the Chair, the Planning Officer will present the main issues; and
- The Committee will consider the item and, if required, reach a decision

Format of committee recommendations

The recommendations in reports to Committee will not set out the full wording of planning conditions, informatives and planning obligations, (or reasons for refusal, where that is the recommendation) but comprise a summary of them. There are two reasons for this:

- It communicates the details of the recommended decision more clearly to the Committee than many pages of detailed planning conditions etc; and
- There can sometimes be a delay before a decision is issued (such as waiting for the signing of a legal agreement or views from the Strategic Planning Authority and/or the National Planning Case Unit) and something may arise which necessitates an amendment, a deletion or an addition.

Delegation to officers

It is the function of the Director of Planning and Regulation to communicate the detailed wording of Committee decisions to applicants.

Where the Committee determines an item on an agenda the Chief Planning Officer has delegated authority to:

- make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives and planning obligations or, if refused, the reasons for the decision);
 - accept changes or amendments to the development; and
 - consider the effect of any subsequent changes in legislation or policy;
- prior to the decision being actioned, provided that the Chief Planning Officer is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee, nor that

such change(s) could reasonably have led to a different decision having been reached by the Committee.

In the event of changes being made to an officer recommendation by the Committee (such as amending or changing the recommendation), the task of formalising the wording of those changes, within the substantive nature of the Committee decision, is delegated to the Director of Planning and Regulation.

Public speaking rules

People can only address the committee on items that are on the Applications for Decision part of the agenda. As stated above, other items on an agenda do not attract public speaking rights, except at the discretion of the Chair.

Subject always to the limitations below, for each planning application there are up to three separate speaking slots, in the following order, allocated to:

Objector(s) who have submitted a Planning Objection (as defined below) to the planning application. Only one objector can address the meeting for a maximum of three minutes each. Additional objectors who are wishing to speak at the Meeting will be at the discretion of the Chair.

The applicant or their agent/representative and supporter(s) – hereinafter referred to as the Applicant's slot. This slot will be allocated the same length of time as the Objectors' slot i.e. three minutes. The length of time maybe increased to a maximum of six minutes if the Chair allows an additional objector to speak at the Committee Meeting. The Applicant's slot is for the applicant to decide how to use. If there are supporters wishing to address the committee, they must liaise with the Applicant.

Any Ward Councillor who has submitted a Planning Objection (as defined below) to the planning application. Up to two Ward Councillors can address the meeting for a maximum of Six Minutes Each. If such a Ward Councillor wishes to speak but is unable to attend the Committee, they may nominate a substitute Councillor to address the Committee on their behalf.

A Planning Objection is defined as a Public Access response, email, letter or petition that meets all the following requirements:

- it relates to and is in response to an application that has been publicised/advertised/notified by the Council;
- it is not anonymous and includes the person's name and postal address;
- it is from, or on behalf of, a person who lives at or operates from an address which is within the Council's administrative area;
- it is received by the Planning Service within the statutory consultation period (usually 21 days of the publication of the case in the weekly list of planning applications) or within any prescribed timeframes as part of any formal re-consultation process (between 14 and 21 days); and
- it raises objections that are material planning considerations and are related to the application and they have not been overcome by scheme amendment, imposing planning condition(s) or securing planning obligation(s).

Registering slots and attendance

If members of the public (objectors or supporters), applicants and agents or Ward Councillors wish to speak on an application on an agenda they must contact the Head of Planning and Enforcement (or Team Leader in their absence) by email (planning@stevenage.gov.uk) or by telephone (01438 242242). Registration of slots can only be taken after the publication of the agenda and by 2 working days prior the meeting. In doing so they must provide their contact details and also outline (in writing) the points they wish to raise at the meeting.

On the night of the committee, members of the public (objectors or supporters), applicants and agents or Ward Councillors who have registered a speaking slot must register their attendance with the Committee Clerk in attendance at the meeting at least 15 minutes before the meeting starts.

Prioritisation

Where more than one Objector have registered to speak (subject to the agreement of the Chair) and the arrangements have not been resolved in advance, the Committee Clerk and / or an Officer in the Planning Service will inform the parties involved so that they can decide either who will address the committee or how they will divide up the allocated speaking slots. Objectors are expected to come to an agreement between themselves on this.

Where Objectors cannot come to an agreement, the chair will be notified of this through Democratic Services, and the Chair will decide who will be accorded the right to speak in each of the three-minute slots. Preference will normally be given to those who are potentially most affected by the development, which will usually be those living or operating closest to the application site. The Chair may take advice from officers in making this decision.

Where more than two Ward Councillors have registered to speak and the arrangements have not been resolved in advance, preference will be given to those members within whose ward the development is located or mainly located.

In both cases, to ensure the most efficient progress of Committee business on the evening, the decision of the Chair will be final and not be the subject of debate by the Committee.

Any Councillor who addresses the committee must declare, before making their speech, details of any material contact they have had with the applicant, agent, advisor, neighbour, objector or other interested party and whether the speech is made on behalf of such person(s) or any other particular interest.

Where the Applicant is the only speaker on an item recommended for approval, they would only be expected to take up their speaking slot if there was a material aspect of the recommendation that they disagreed with.

All those involved in public speaking are restricted to an oral presentation only. This means presentations and / or representations made by members of the public either in a written or digital format, will not be presented to the Planning and Development Committee as part of the officer's presentation. Therefore, the officers' presentation material is not available for use by public speakers.

See below under lobbying for advice about the distribution of additional material or information to Members of the Committee.

Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless invited to do so by the Chair.

Speaking Rights at adjourned meetings

Where an item is on an agenda and it has been deferred from a previous meeting, speaking will only be allowed in the following circumstances:

- Where substantive new material is being considered by the committee. Substantive new material is defined as material where officers have decided that consultation with the public on it is necessary.
- Where the matter is to be reconsidered for any other reason.

Otherwise, because the same members are continuing their consideration of the item and are not considering substantive new material, a second round of public speaking is not required.

For the avoidance of doubt, an item that has been deferred because members were minded to go against the officer recommendation and the Chief Planning Officer was unable to advise on grounds in the meeting or the decision constitutes a Departure and is therefore bringing a further report to the next available Committee setting out their advice, does not require a second round of public speaking because this does not constitute substantive new material.

Varying Speaking Rights

At the discretion of the Chair, such as in the interests of natural justice or in exceptional circumstances, the public speaking procedures may be varied. The reasons for any such variation shall be recorded in the minutes. The number of objectors or supporters would not, of itself, be a factor in allowing additional speakers or longer speaking times. If changes are made to the speaking times, the Applicant must be offered the same time to speak as the time offered collectively to Objectors.

Other procedural issues

It is vital that Members of the Committee understand what their role is and the parameters within which they must operate.

Their role is to determine the planning applications that are reported to them; they are planning decision makers. In carrying out that role they are governed by

planning law, particularly s36(6) of the Planning and Compulsory Purchase Act 2004 which states that they must determine an application in accordance with the development plan unless there are good planning reasons to do otherwise. In effect, the purpose of a planning decision maker is to deliver the local plan.

This means that political matters must not be brought into the debate, only material planning considerations. Members are not there to represent their constituents. They represent the Council as a whole and they must make decisions in the public interest. This can extend beyond the vicinity of the development under consideration and in some cases encompass a very wide area, even the whole country if national considerations are raised.

Late material and other updates

It is common for material (such as late representations or consultee responses) to be received by the Planning Service after the close of the agenda. Where this material needs to be brought to the attention of the Committee so that it can be considered (i.e. where new matters are raised), it will be presented in the Addendum Report. It will comprise a summary of what has been raised and be reported in the same way as representations are presented in the main Committee report.

The Addendum Report will contain the following:

- Pick up errors in a committee report that it is necessary to correct.
- Report any material received or identified since the close of the agenda which needs to be brought to the attention of the committee to enable them to consider/determine an agenda item.
- Set out any material changes to the details within the recommendation.

The practicality of producing such a report means that there must be a cut-off point for the receipt of late material by the Planning Service. This is noon (12pm) on the day before the meeting. Generally, material received after this time will not be reported to the Committee. The Chief Planning Officer has an absolute discretion in this regard.

Lobbying

Material must not be distributed to Committee Councillors by members of the public (including public speakers) or other Councillors during the meeting, including the period before it starts or during any adjournments.

The distribution of such material should be done in advance of the meeting by either supplying it to the Planning Service, if it is written material and can be included in the Addendum Report, or otherwise by sending it direct to Councillors in advance of the meeting. Councillors' contact details are available from the Council's website. Anything sent to Councillors must also be sent to the Planning Service.

The deadline for the submission of late material (above) also applies to any lobbying material and where this has not been met, members of the committee will be required to not take such late material into account.

Withdrawn Agenda Items

If the Chief Planning Officer decides before the start of a meeting that an item that is on an agenda of the Committee should not be considered by the Committee, for whatever reason, they shall withdraw that item from the agenda. The committee will be informed of that in the Addendum Report, if possible, and at the start of the meeting. An explanation will be given for the reason the report is withdrawn from the agenda and, if possible, the expected date at which it will be reported again. That decision or the item will not be the subject of debate by the Committee.

Attendance During Committee

Where a decision is made on an agenda item, to be able to vote a Member of the Committee must be present throughout the whole of the Committee's consideration of that item, including the officer introduction and any public speaking. This also applies when a matter is considered across two or more meetings because of a deferment, unless a decision is made to start the consideration of the matter afresh.

Any dispute as to whether the Councillor in question should be permitted to vote shall be decided by the Chair, in consultation with legal and other officers as necessary. That decision will be final and not be the subject of debate by the Committee.

This does not apply to Development Presentations because no decisions are being made as they are part of an informal pre-application process, rather than the formal planning application determination process.

Duration of Meetings

Planning Committee meetings are subject to a guillotine that they should finish within 3½ hours of the time that the meeting was due to start (as listed on the agenda papers). An item started before the guillotine can continue to be considered for a further 30 minutes to enable it to be determined. The meeting must therefore not last for more than 4 hours.

Where a report has been placed on a Planning and Development Committee agenda but the meeting either fails to start to consider that item prior to the guillotine, or starts consideration before the guillotine but fails to complete determination of it within the additional 30 minutes, further consideration of the matter will be suspended and it will be delegated to officers to determine in accordance with the recommendation set out in the report.

The meeting can only suspend these provisions if it does so by way of a resolution made prior to the guillotine and agreed on a majority vote. Generally, the committee would only suspend the guillotine for undetermined items with speakers and must not routinely suspend the guillotine.

Voting procedures

The Chair will bring the Committee to a vote when they consider that there has been sufficient debate of an item.

The Committee will vote on the recommendation set out in the report, unless a motion has been made and seconded to defer consideration of an item (for example for a site visit or for further information/advice).

If a Committee Member wishes to amend the recommendation (such as an additional condition or a variation to a condition) they will need to move this, have it seconded and decided, prior to any vote on the recommendation. A recommendation cannot be changed (eg from approval to refusal) in this way.

For the vote on the recommendation (or an amendment to the recommendation) to be successful there needs to be a majority vote in favour of it. In the event of an equality of votes, the Chair has an additional, unconstrained casting vote. This can be exercised irrespective of whether the Chair already voted.

Decisions contrary to the recommendation

A motion to go against the recommendation must always be considered after a vote on the recommendation (or an amendment to the recommendation) has taken place, so that officers are clear that the Committee may be minded to go against their recommendation and can prepare their advice accordingly.

When the recommendation is not supported, a new motion to either grant or refuse the application must be moved and seconded. However, before a new motion is proposed, the Committee must first receive advice from the Chief Planning Officer as to what form a new motion should take. That advice will be based upon the development plan, the material planning considerations that have been discussed by the Committee and whether there are grounds that could be defended in the event of an appeal or legal challenge.

The solicitor advising the Committee may be called upon as necessary to give advice on legal matters but cannot advise the Committee on planning matters.

Once the Committee has received the advice of the Chief Planning Officer they can proceed to a vote. A detailed minute of the Committee's reasons for going against the officer's recommendation shall be made, which as a matter of law, must be clear and convincing. The decision should take the form, 'That authority is delegated to the Chief Planning Officer to refuse planning permission for the following summary reasons:

If the Chief Planning Officer considers that they are unable to give that advice immediately in the meeting, further consideration of the matter will be suspended, and the agenda item will be deferred so that the Chief Planning Officer can bring a further report to the next available Committee setting out their advice.

In such cases, it will be important that the Chair communicates clearly to the meeting that a decision on the application has not been made and that it will be considered further at a future meeting of the Committee.

Decisions contrary to the development plan

The law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that where the Development Plan is relevant, decisions must be taken in accordance with it unless there are good planning reasons to do otherwise. If the Committee intends to approve an application which does not accord with the provisions of the Development Plan, the material considerations must be clearly identified and the justification for overriding the Development Plan clearly demonstrated. The application must be advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) Order 2015 and, depending upon the type of development proposed, may also have to be referred to the Minister for Housing, Communities and Local Government (National Planning Casework Unit). Such a decision is referred to as a Departure.

If the recommendation in the officer report constitutes a Departure, the justification will be included in that report, and the necessary advertisement would have been undertaken.

If the Committee is minded to make a decision which would be contrary to the officer recommendation and that decision (in the opinion of the Chief Planning Officer) would constitute a Departure, the Chief Planning Officer shall so inform the committee. Further consideration of the matter will be suspended, and the agenda item will be deferred so that the Chief Planning Officer can bring a further report to the next available Committee detailing the planning issues raised by such a decision. Any necessary advertisement of the application will also be undertaken.

In such cases, it will be important that the Chair communicates clearly to the meeting that a decision on the application has not been made and that it will be considered further at a future meeting of the Committee.

If, having considered the second report, the Committee decides to determine the application contrary to the provisions of the Development Plan, a detailed minute of the Committee's reasons for going against the Development Plan shall be made, which as a matter of law, must be clear and convincing.

Deferred Decisions

If the Committee decides to defer consideration of an item to a later meeting the following procedures shall apply depending on the reason for the deferment. At the time of deferral the Chair shall identify which procedure is likely to be followed at the deferred meeting.

If the Committee defers making a decision for further information (such as a site visit or for clarification of or further advice on a matter) or a minor change to the proposal (defined as a change that officers decide that consultation with the public on it is not necessary) then at the deferred meeting members of the Committee will effectively continue their consideration of the item. This means that:

- in line with the principle set out above under Attendance During Committee, only those Members present at the meeting when the matter was first considered, and at the deferred meeting may vote on the matter; and
- in line with the Public Speaking Rights set out above, a further round of public speaking will not be permitted at the deferred meeting.

If the limitations set out above result in the Committee not being quorate (not enough members are present to hold a valid vote), then the procedures set out in the next paragraph shall apply.

If the Committee defers making a decision in order to seek substantive new material or a material change to the proposal (both defined as an addition or change that officers decide that consultation with the public on it is necessary) the Committee shall consider the item afresh at the deferred meeting. Officers will present the item in full, including the new material. Public speaking will be permitted in line with the Public Speaking Rights set out above. All Members present at the deferred meeting when the item is reconsidered may vote on it.

Committee Minutes

The minutes of the committee meeting will record:

- The councillors and officers present at the meeting.
- Any disclosures of interest made by councillors or officers.
- For each item, the identity of any public speakers and the decision.

- Where a decision goes against the recommendation, the reason(s) for doing so.
- Where a decision is deferred, the reason(s) for doing so.
- Details of any adjournment of the meeting, and the reason(s) for doing so;
- The use of the Chair's discretion to depart from Constitutional rules and procedures, and the reason(s) for doing so.
- The recorded vote in terms of those who voted for, against or abstained in respect to an officers recommendation.
- The time the meeting finished.

Site Visit Procedures

Site visits are for Members of the Planning and Development Committee to observe the site and gain a better understanding of the impact of the development. They are intended to:

- be a fact-finding exercise;
- let Members consider the proposed development in the context of the site;
- allow Members to ask officers questions of clarification about the development; and
- enable officers to point out relevant features and factors for consideration at the committee.

The merits or otherwise of the development must not be discussed at a site visit.

The decision whether to have a site visit is made by the Chair of the Planning and Development Committee, in consultation with the Chief Planning Officer. A request for a site visit should only be made by Members of the Committee:

- where the benefit is clear and substantial, and it is only likely to be so if the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs and aerial photography, and the reasons why a site visit is considered necessary should be included in the request; and
- as early as possible in the life of the planning application to prevent delays to the determination of the application.

The request must be agreed by the Chair of the Planning and Development Committee, in consultation with the Chief Planning Officer.

A request for a site visit should not be made by Members of the Committee at the meeting.

A site visit will normally take place during normal business hours (see section 8.10 for more details) which will conclude consideration of the matter. An alternative date can only be arranged with the agreement of the Chair.

Attendance At The Site Visit

A site visit is not a part of the formal determination of the planning application and therefore the public attendance and speaking rights of the formal Planning and Development Committee do not apply. Site visits should only be attended by Members of the Planning and Development Committee and officers. The arrangements for site visits will not normally be publicised. The applicant, their agent(s) and third parties are not expected to be present. If such parties are present and they are interfering with the site visit process, the Chair shall decide how best to deal with the breach of procedures, including abandoning the site visit.

Where permission is needed to go onto private land, contact will be made by officers with the owner to facilitate access. The owner or their representative will only facilitate access and shall play no further role in the site visit.

Where the Chair of the Committee considers that there is information which cannot be provided by officers, which it is necessary to receive on site and which is only likely to be able to be provided by the applicant, their agent(s) or a third party, they will instruct officers to invite one representative of the required party to be present but only to present the information and answer any questions from Members, through the Chair, that relate to the information that officers are unable to provide. Once they have performed their role, they must leave.

Site Visits will only be conducted during normal business hours and so will exclude weekends, bank holidays or any other public holiday which may occur from time-to-time.

Conduct Of The Site Visit

The purpose, format, issues for consideration and standards of conduct should be made clear by the Chair at the outset and adhered to throughout the visit.

All Members attending the site visit should remain together as a group to ensure that they all receive the same information.

Officers will explain the submitted plans and proposals in relation to the site and any relevant neighbouring land. Members of the Committee may ask questions of those present to establish matters of fact and inform their consideration of the application.

Members should not hear representations by any party at the site visit. Where a Member is approached by the applicant or a third party, the party should be advised that they should make representations in writing to the authority and direct them to or inform the officer present.

Reporting On The Site Visit

An Officer from the Planning Service will must prepare minutes of the site visit and these minutes included in the Addendum Report to the Planning and Development Committee that subsequently considers the application. It should record:

- The date and time of the visit.
- The names of all present.
- A summary note of any questions asked by Members and the responses provided by officers (or others) during the visit so that all Members have the same information.

Technical Briefings

Technical briefings may be arranged for large or complex applications where the Chief Planning Officer considers that the Members of the Committee will be assisted by a briefing. The briefing may deal with the application as a whole or with specific issues only.

The purpose of technical briefings is to provide information to Members. Technical briefings are not an opportunity to consider the merits of the application. Members should not treat the technical briefing as an opportunity to debate the application ahead of the relevant Planning and Development Committee meeting, although Members can ask questions for information and clarification.

The briefing will be led by officers. External consultants engaged by the Council to advise officers may also attend.

Officers will generally invite the applicant and/or their advisors to attend the technical briefing, however, these technical briefings are not open to the applicant, members of the public or to objectors, unless they are invited by officers.

Minutes will be kept of technical briefings.

Part 5 – Codes and Protocols

This contains a model procedure to deal with planning related complaints that are unreasonably persistent, malicious and/or vexatious or flagrantly in breach of rules or procedures.

Add:-

Part 5(c) Vexatious Customer Procedure

Introduction

This procedure is designed to deal with lobbying, representations, complaints and similar submissions to the Planning Service where the complainant is unreasonably

persistent, malicious and/or vexatious or flagrantly in breach of rules or procedures. These will be referred to collectively as vexatious complaints in these procedures.

Whilst not specifically covered by these procedures, the Council does not expect staff to tolerate behaviour that is abusive, offensive or threatening and will take action to protect staff from such situations.

Reasons For The Procedure

Planning decisions are based on balancing competing interests and making an informed judgement against a national, regional and local policy framework on what can be controversial proposals. One of the key aims of the planning system is to balance private interests in the development of land against the wider public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. Opposing views are often strongly held by those involved.

Whilst Councillors and officers must take account of these views, they cannot favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so. It is important, therefore, that Councils make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons.

Whilst it is legitimate that people affected by planning proposals express their views on them so that they may be considered, they must respect the Council's members and officers and not subject them to unacceptable behaviour. The purpose of this procedure is to identify such behaviour; explain why it is unacceptable; and set out procedures to deal with it when it occurs persistently.

Potential Problems

Dealing with complaints, representations and enquires from the public is generally a straightforward process. In a small number of cases, people pursue them in a way which can either impede dealing with the matter or can have significant resource implications for the Council. This can happen either while the matter is being investigated, or once the Council has finished dealing with it. It is important to distinguish between people who make several complaints because they genuinely think things have gone wrong and people who make unreasonably persistent complaints, representations or enquiries.

The aim of these procedures is to contribute to the Council's overall aim of dealing with all customers in ways which are consistent and equitable. It sets out how the Council will decide which customers will be treated as vexatious, and what the Council will do in those circumstances. This guidance runs alongside existing corporate policies and guidance relating to equalities, health and safety, and dignity and respect at work. It should only be pursued where necessary.

What follows are the three most common examples of behaviours that would be covered by these procedures.

National Scheme Of Delegation

The Government have introduced a National Scheme of Delegation through the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. This means that there are only certain circumstances when a planning application can be referred to committee for determination. The old practices of a specific quantity of objections triggering that or referral by a ward member, no longer apply.

The decision on whether a matter is determined by members in committee, cabinet or full council is specified by the Regulations or the Constitution. Where there is discretion, it is generally a decision between the Chair of Planning Committee] and the Director of Planning and Regulation . There are statutory provisions governing how they should do this, and lobbying is not a matter that can be considered. Because of this risk that they will be put under pressure to use their powers in a particular way, the Constitution prohibits the lobbying of these members and officers in these circumstances.

Any such lobbying should be reported to the Monitoring Officer, who will deal with it under these procedures.

Representations On Planning Applications

The public have the right to comment on a planning application. It is the substance of what has been said that is material, not how often it has been repeated or who said it. A planning decision is not a local plebiscite and voluminous, repetitive objection or support campaigns add nothing to the decision-making process, other than unnecessarily increasing the workload of the Planning Service as they must be processed.

Councils have always had to deal with such repeat representations, but a new trend is emerging where AI is used to generate this material. The result can be excessive both in the number of objections generated and in the length of individual objections. These can often be highly inaccurate. Along with the right to make a representation, there is a duty to ensure that it is accurate. Again, excessively long and inaccurate representations add nothing to the decision-making process, other than unnecessarily increasing the workload of the Planning Service as they must be checked.

Any such excessively voluminous representations or where there is evidence of the unreasonable use of AI, should be reported to the Monitoring Officer, who will deal with it under these procedures.

Vexations complaints

The final category is wider than representations on planning applications and can occur with other planning activities such as enforcement complaints and policy matters. Again people have the right to make complaints or other representations, but they also have a responsibility to be reasonable and not submit excessive quantities of correspondence and be unreasonably persistent.

The Council defines unreasonable behaviour in these cases as those who, because of the frequency or nature of their contacts with the Council, hinder the Council's consideration of their or other people's complaints/enquiries. Customers who are displaying unreasonable behaviours, may have justified complaints or grievances but are pursuing them in inappropriate ways. They may not be seeking to resolve a dispute between themselves and the Council but are seeking to cause unnecessary aggravation or annoyance to the Council. Alternatively, they may be intent on pursuing complaints or enquiries which appear to have no substance, or which have already been investigated and determined. Their contacts with the Council may be amicable but still place very heavy demands on staff time, or they may be distressing for all involved.

Any such behaviours that reach the vexatious threshold should be reported to the Monitoring Officer, who will deal with it under these procedures.

Principles

The key principle behind these procedures is the need to balance the rights of the public to correspond with the Council with their responsibility to do so in a way that is proportionate and reasonable. The procedures are not intended to be used to restrict customers in contacting the [Planning Service], however the Council has a duty to ensure that it provides value for money for all its residents and customers. It is those customers who are placing heavy demands on staff time that is unjustified and unreasonable who will potentially be subject to these procedures.

Procedure And Sanctions

Where the Director of Planning and Regulation considers that a customer is in breach of these procedures they will refer the matter to the Monitoring Officer.

If the Monitoring Officer agrees that the thresholds in these procedures have been reached, they will contact the customer. There are three stages to the process.

Stage 1

The infringement of these procedures will be explained to the customer. They will be advised not to repeat their actions and the potential consequences of ignoring the advice will be set out.

Stage 2

If there is a further infringement, that fact will be pointed out to the customer. They will be advised that this is their final warning and if they repeat their actions, they will be treated as a vexatious complainant as previously set out.

Stage 3

Following a third infringement, they will be treated as a vexatious complainant and informed of the actions the Council is putting in place. This would usually mean that they must submit any representations or other communication with the **Planning Service** through either:

- An appropriate professional person; or
- the customer's ward member.

The professional person should be operating in the field of planning or a closely related professional area and would include a RTPI planning consultant, RICS surveyor, an RIBA architect or similar. These professions have professional codes which prescribe the behaviour of their members thereby enabling the Council to manage, through their respective institutes, any problems that might arise. The professional person must therefore be endorsed by the Director of Planning and Regulation and their decision on this would be final.

If the customer is unable or unwilling to use a professional person, then the only way to submit material on planning matters to the **Planning Service** is through their ward member. The ward member would have to comply with the Council's rules in doing this, including the expectations around proportionality and reasonableness.

Further sanctions may be considered depending on the circumstances of a particular case. These could include:

- **Named Point of Contact:** Requiring the complainant to only contact one named staff member.
- **Refusing New Complaints:** Refusing to process further complaints about the same matter.
- **Banning Access:** Banning the individual from council premises, except by appointment.
- **Termination of Contact:** In extreme cases, stopping all communication with the complainant.

The restrictions would normally continue for a year. The sanctions will then be reviewed by the Monitoring Officer, in consultation with the **Director of Planning and Regulation**, to judge whether they can be lifted. This decision will be based on whether the customer has displayed reformed behaviour. The sanctions should remain in place until such time as it is considered that they have.

If sanctions are removed but the customer renews their previously identified behaviour, the sanctions can be reimposed without any further warning.

Appeal

The decision to treat a customer as vexatious and impose sanctions can be appealed through the Monitoring Officer. This must be received by the Council within 28 days of the date of its decision. If the customer is dissatisfied with the outcome, the Chief Executive Officer can be asked to review the decision. That request must also be made within 28 days and the decision will be final.

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