

COUNCIL

DATE 23 April 2026

***PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: ADOPTION OF THE PLANNING CONTROL COMMITTEE
ADDITIONAL GUIDANCE**

REPORT OF: SERVICE DIRECTOR: GOVERNANCE/ MONITORING OFFICER

COUNCIL PRIORITY: RESPONSIBLE GROWTH

1. EXECUTIVE SUMMARY

To provide Members with a proposed Planning Control Committee Guidance.

The introduction of this additional guidance aims to supplement the Members Planning Code of Good Practice which is already found as an Appendix to Part 8 of the Constitution: [Microsoft Word - CONSTITUTION - Sections 1-18 final 22.5.25.docx](#).

This guidance applies to all Members (not just planning committee members) at all times when involved in the planning process and compliments the constitutional ethical framework already in operation.

2. RECOMMENDATIONS

It is recommended that:

- 2.1. Full Council approve and adopt the Planning Control Committee Guidance into the Constitution.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The role of the Planning Control Committee has increased in interest over recent years with substantial resident interaction.
- 3.2 The Guidance should be read in conjunction with the Members' Code of Conduct and the Protocol on Councillor- Officer Relations. The purpose of this guidance is to provide additional advice on the standards to be applied specifically in relation to planning matters. The key purpose of Planning is to proactively manage development in the wider public interest.

4. ALTERNATIVE OPTIONS CONSIDERED

None

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

All Group Leaders have been consulted

6. FORWARD PLAN

- 6.1** This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1** The Council's constitutional documents comprise various codes and protocols which govern the conduct of Officers and Members in carrying out their duties.

- 7.2** It is considered beneficial to have in place additional arrangements on the operation of the planning control committee to ensure that Members and Officers fully understand the parameters of the Planning Control Committee (PCC or 'the Committee'). The Committee exercises those functions of the local planning authority not delegated to the Director: Place.

- 7.3** The Director: Place may refer a matter to the Planning Control Committee for determination or consideration if the application is controversial or of significant public interest or is likely to have a significant impact on the environment.

These arrangements, in the way of this additional guidance should be adopted into the Constitution to ensure transparency on the role of the committee and also evidence the commitment of the Council to supporting the delivery of this statutory process.

8. RELEVANT CONSIDERATIONS

- 8.1** Section 101 of the Local Government Act 1972 enables local authorities to arrange for the discharge of their functions by committees, sub-committees, or officers.

The operation of the PCC is a significant investment of time and resource and requires the close coordination of planning, democratic services and legal teams. It plays an essential role in providing democratic and transparent decisions. The creation of this additional guidance intends to enhance the operation of the committee and governance framework to ensure that the Councils make and are seen to make planning decisions on proper planning grounds and that the Councils make (and are seen to make) decisions properly, openly, impartially, and for justifiable reasons.

General

- 8.2** The guidance includes a general explanation on the role of the committee and members in attending the committee as part of the decision making and ethical framework within the Constitution. It sets out the parameters, use and manner of:
- Pre Application Discussions
 - Member Briefings
 - Site Visits

Pre Application Discussions:

- 8.3** This section of the guidance sets out the purpose and benefits of pre application discussions.

It is well recognised that these can be helpful, productive and of considerable benefit to both parties in relation to development proposals that are complex, controversial or of major local significance eg large housing estates, waste disposal sites, wind farms, industrial estates/business parks and supermarkets.

- 8.4** Unfortunately, it would be easy for such discussions to become, or be seen by objectors to become part of the lobbying process on the part of the applicant. It is therefore essential that where any discussions are held in relation to such major development proposals it is done within carefully established guidelines as set out in the protocol. This guidance sets out the manner in which these will be held.

Members Briefings

- 8.5** The Council has also introduced Member Briefings into the planning decision making process.

It is essential to highlight that there is no mandatory requirement for Members to attend any Briefing although their presence is strongly encouraged and welcomed. Non attendance therefore does not prevent a Member from their subsequent participation in deciding an application when it comes before the Committee. This will strengthen the robustness of the decision-making process.

- 8.6** As referenced within the guidance, Committee Members should exercise caution when discussing matters at the briefing which could be perceived as showing they had taken a fixed position on the proposals (or any aspect of them) or could be taken as an indication of predetermination or bias.
- 8.7** However subject to that constraint, Committee Members (and other members) should feel free to ask questions to understand and explore the nature of proposals being considered at the briefing. Questions primarily should be factual, but it would be perfectly in order, for example, for a member to ask whether a particular option or approach had been explored or why a particular approach had not been explored or whether it could be explored in the future.

Site Visit Protocol

- 8.8** The purpose of a site visit is to enable committee members to see the physical attributes of the site and its setting which are part of the material considerations in cases where these are not readily capable of being appreciated from documentary material

A site visit request will need to be made in writing unless it has been deemed necessary by the Development and Conservation Manager in consultation with the Chair. It can be made in one of two ways:

- i) Pre Committee:** - to support expedient decision-making.
- ii) At a Planning Control Committee** - Any Planning Control Committee Member may propose that a decision on an application be deferred to allow a site visit to take place. If seconded and voted upon by a majority of Members, a site visit will take place.

- 8.9** Members proposing a site visit must state planning reasons for visiting the site and identify how / why the pre-meeting site visit protocols set out above were not utilised and are not sufficient to allow a decision to proceed.

- 8.10** Attendance at a site visit is not mandatory, similarly to attendance at briefings. Following a site visit, officers will provide a brief update to members of any significant additional information or issues raised at the site visit.

Members of the Committee who were not able to attend the site visit should consider whether they have sufficient information before them to enable them to take part in determining the application

9. LEGAL IMPLICATIONS

- 9.1.** Section 9P of the Local Government Act 2000 as amended sets out the duty of the Council to prepare and keep up to date its constitution as follows:

(1) A local authority must prepare and keep up to date a document (referred to in this section as its constitution) which contains— (a) a copy of the authority's standing orders for the time being, (b) a copy of the authority's code of conduct (if any) for the time being under section 28 of the Localism Act 2011, (c) such information as the Secretary of State may direct, and (d) such other information (if any) as the authority considers appropriate.

- 9.2.** The Council Constitution is made available on our public website and it is for the Monitoring Officer to monitor and review the operation of the constitution on an ongoing basis and where necessary bring forward amendments to Council.

- 9.3.** There is a risk of legal challenge to the decisions made by the Planning Control Committee if robust and consistent procedures are not in place in line with current national guidance. There is also a greater risk of a Local Government Ombudsman complaint being upheld if the Authority does not provide clear, consistent and up to date advice to Councillors on carrying out their duties and responsibilities when determining Planning Applications and considering planning matters. This additional guidance seeks to discharge this responsibility to a high standard.

9.4. Section 4 sets out that only Full Council will be responsible for *'adopting and amending the Authority's Code of Conduct for members and other codes and protocols comprising the ethical framework.'* This guidance falls within the remit of this responsibility.

10. FINANCIAL IMPLICATIONS

There are no capital or revenue implications arising from this report at this stage.

11. RISK IMPLICATIONS

Appropriate guidance frameworks and enhanced decision making frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unlawful decision making.

12. EQUALITIES IMPLICATIONS

12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2. There are no equalities implications associated with this report.

13. SOCIAL VALUE IMPLICATIONS

The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

There are no known Environmental impacts or requirements that apply to this report

15. HUMAN RESOURCE IMPLICATIONS

There will be no impact.

16. APPENDICES

16.1 Appendix 1 – Planning Control Committee additional guidance

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

18.1 none