

Constitution Committee

Agenda

17 September 2026

Time: 10am

Location: Council Chamber, Civic Centre, Hartlepool

Members: Constitution Committee

Councillors Bailey-Fleet, Dunbar, Gaines, G Harrison (C), Holbrook, Little, Male, Napper (VC) and Thompson

1. Apologies for absence

2. To receive any declarations of interest by members

3. Minutes

- 3.1 To confirm the minutes of the meeting held on 2 July 2026 (reconvened on the 15 July 2026).

4. Items requiring decision

4.1 Planning Scheme of Delegation – *Director of Legal Governance and Human Resources*

4.2 Progress update on implementation of new governance arrangements – *Monitoring Officer / Director of Legal Governance and Human Resources*

5. Any other business which the chair considers urgent

For Information

Date of next meeting – 17 November 2026.

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Constitution Committee

Minutes and Decision Record

2 July 2026

Meeting commenced

Time: 2:00 pm

Location: Council Chamber, Civic Centre, Hartlepool

Present:

Councillor: Graham Harrison (In the Chair)

Councillors: Martin Dunbar, Adam Gaines, Philip Holbrook, Sue Little, Amanda Napper (VC), Carole Thompson

Also present: Councillor Karen Oliver as substitute for Councillor Corinne Male in accordance with Council Procedure Rule 4.2.

Officers: Hayley Martin, Director of Legal, Governance and HR
Joan Stevens, Democratic Services and Statutory Scrutiny Manager
Laura Stones, Governance Solicitor
Claire Mcpartlin, Democratic Services and Legal Support Officer

1. Apologies for Absence

Apologies were received from Councillors Bailey-Fleet and Male.

2. Declarations of Interest by Members

None.

3. Confirmation of the minutes of the meeting held on 11 March 2026 (reconvened on the 17 March 2026)

Confirmed.

4. New Governance Arrangements *(Monitoring Officer / Director of Legal, Governance and Human Resources)*

The Monitoring Officer / Director of Legal, Governance and Human Resources outlined the report which gave an overview of the English Devolution and Community Empowerment Act 2026 (the Act) and its impact on the Council's current Governance arrangements.

In other Local Authority areas, an overarching programme board had been established with a number of key programme areas and workstreams sitting below. It was proposed that a working group be established with Members to work with officers on various workstreams including Governance and Constitution, Member Roles and Development and Policy, Partnerships and Devolution.

The Council would need to move to a Leader and Cabinet system one year following the commencement of Schedule 61 of the Act which was expected on 29 June 2026. However, it was proposed that the transition be completed by the Council's next Annual Meeting in May 2027. This would allow the Leader and Cabinet system to be in place for the next municipal year.

It was discussed that a Terms of Reference would need to be put in place for the working group. A discussion ensued and to allow suggestions to be incorporated into the Terms of Reference prior to the working group being established, it was agreed that the meeting be adjourned and reconvened at a later date.

5. Any other business which the Chairman considers urgent

A Member raised a query around the review of the Refugee Champion. The Chair advised a review had been requested to allow for better understanding on the role. It was discussed that there are several Member Champion's and the key role is to ensure services provided by the Local Authority are well supported.

6. Adjournment of Meeting

The meeting was adjourned to be reconvened once the Terms of Reference is drafted.

The meeting was reconvened on 15 July 2026 at 1pm in the Civic Centre, Hartlepool

Present:

Councillor: Graham Harrison (In the Chair)

Councillors: Martin Dunbar, Adam Gaines, Philip Holbrook, Sue Little, Carole Thompson

Also present: Councillor Karen Oliver as substitute for Councillor Corinne Male in accordance with Council Procedure Rule 4.2.

Councillor Corinne Male (in attendance at reconvened meeting in addition to substitute)

Councillor Tom Feeney

Officers: Hayley Martin, Director of Legal, Governance and HR
Joan Stevens, Democratic Services and Statutory Scrutiny Manager
Laura Stones, Governance Solicitor
Gemma Jones, Scrutiny and Legal Support Officer

7. Apologies for Absence

Apologies were received from Councillor Napper.

8. Declarations of Interest by Members

None.

9. New Governance Arrangements *(Monitoring Officer / Director of Legal, Governance and Human Resources)*

The meeting was reconvened after further information had been circulated for the item relating to new governance arrangements. Members of the committee were asked to comment on the draft Terms of Reference for the Leader and Cabinet Transition Working Group document.

In the discussion that followed, several points were raised in relation to the draft document. They were as follows –

- A Member queried what the proposed cabinet size and composition would be. The Director of Legal Governance and HR explained that a benchmarking exercise would be carried out to compare practices and approaches with local authorities of similar size to Hartlepool. Other local authorities who had recently moved to a Leader and Cabinet model would also be considered.
- The Local Government Association (LGA) and the Centre for Governance and Scrutiny (CfGS) would also be contacted to assist with the transition.
- It was discussed that the arrangement of Overview and Scrutiny Boards would be a local decision.
- It was agreed that consideration would be given to the continued appointment of Overview and Scrutiny Committee Chairs from non-majority groups.
- The Scheme of delegation would be reviewed in full as part of the new governance arrangements.
- Public engagement and consultation will be considered as part of the transition.
- Working Groups can include non-Constitution Committee members.
- Training sessions with CfGS and LGA will be open to all elected members.

- It was agreed that all members of the Constitution Committee would be invited to be members of the working group.
- Whilst non-Constitution Committee members will be invited to participate in meetings and working groups, they will not be able to vote on matters.
- New Governance arrangements would need to be in place by June 2027.
- It was suggested that stakeholders be invited to committee meetings and working groups.
- It was suggested that notes from the working groups could be shared with non-Constitution Committee members for comments and feedback.
- It was suggested that the Deputy Leader be invited to participate in future meetings on this matter.

Recommended

It is recommended that Members:

- (a) note the requirement to change to a Leader and Cabinet governance model before 29 June 2027;
- (b) approve the approach and timescales outlined.
- (c) agree to the establishment of a working group, comprising of at least 3 Elected Members, to consider proposals in relation to the implementation of the new governance model.

10. Member Champion Review – *Monitoring Officer/ Director of Legal, Governance and HR*

The Director of Legal, Governance and HR presented to the Committee a report regarding the review of Member Champions. The report contained information relating to the seven Member Champions and a description of their roles. It was noted that there was a statutory requirement to have an Armed Forces Champion.

Members considered the role of the Member Champions and discussed what the role entailed and how this work could/should be fed back to the policy committees or full council.

Members debated the best way to move forward with the Member Champion role. It was proposed and seconded that a change be made to the recommendation in that a review of the Member Champion role would be carried out as part of the development of a council constitution.

Recommended

- a) It is recommended that Members defer reviewing the list of Member Champions and the role / requirements for Members in the conduct of the role. This would then be reviewed as part of the development of a new council constitution.

The meeting concluded at:

Time: 13.45pm

CHAIRMAN



Constitution Committee

17 September 2026

Report of: Director of Legal, Governance and Human Resources
Subject: PLANNING SCHEME OF DELEGATION

1. Council Plan Priority

Hartlepool will be a place:

that is connected, sustainable, clean and green. (Place)

that is welcoming with an inclusive and growing economy providing opportunities for all. (Potential)

with a Council that is ambitious, fit for purpose and reflects its community. (Organisation)

2. Purpose of Report

2.1. The purpose of this report is to seek approval of the revised Planning Delegation Scheme for officers (Appendix 1), Committee (Appendix 2) and Planning Code of Practice (Appendix 3) so that it can be referred to Full Council for adoption. This ensures the Council's arrangements comply with the new statutory national scheme of delegation for planning functions.

3. Background

3.1. The Planning and Infrastructure Act 2025 introduced reforms to planning decision-making in England, including a national scheme of delegation for planning functions and controls on the size of planning committees. The detailed requirements are set out in the Town and Country Planning

(Discharge of Local Planning Authority Functions) (England) Regulations 2026 and associated statutory guidance.

3.2. The new framework is intended to provide greater clarity and consistency in the role of planning committees, with more minor and technical applications determined by officers and committee consideration focused on applications of greater local significance.

3.3. The Regulations are due to come into force on 31 October 2026. Local planning authorities are required to have regard to the statutory guidance when making and operating arrangements under the Regulations.

4. Proposals

4.1. It is proposed that the Council adopts the revised Planning Delegation Scheme (officers and committee) and Planning Code of Practice attached at Appendix 1,2,3. The revised scheme reflects the statutory distinction between applications which must be determined by officers and those which may only be referred to Planning Committee where the relevant statutory gateway test is met.

4.2. The scheme also removes local arrangements which are no longer compatible with the national framework, including automatic referral mechanisms based solely on the number of objections and general ward member call-in arrangements where these are inconsistent with the Regulations.

4.3. Operational arrangements will be put in place to ensure that decisions about whether eligible applications may be referred to Committee are properly recorded and made in accordance with the statutory gateway test.

5. Other Considerations/Implications

Risk Implications	If a local planning authority does not comply with the regulations from the date they come into force (31 st October 2026) and their planning committees make decisions on applications which must be decided by delegated officers, those decisions may be susceptible to judicial review, leading to the quashing of the decision.
Financial Considerations	There are no direct financial implications arising from the recommendations. Any costs associated with updating procedures, training and administrative arrangements will be met from existing resources.

Subsidy Control	There are no subsidy control implications arising from this report.
Legal Considerations	The legal basis for the revised scheme is sections 319ZZC to 319ZZF of the Town and Country Planning Act 1990, as inserted by the Planning and Infrastructure Act 2025, together with the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and the associated statutory guidance.
Single Impact Assessment	The revised scheme relates to governance arrangements for planning decision-making. There are no direct equality impacts identified at this stage, but the scheme will support transparent and consistent decision-making.
Staff Considerations	There are no direct staffing implications. Planning, Legal and Democratic Services officers will need to ensure that the revised procedures are embedded and that relevant officers and members are briefed on the new arrangements.
Asset Management Considerations	There are no asset management implications arising from this report.
Environment, Sustainability and Climate Change Considerations	There are no direct environment, sustainability or climate change implications arising from this report. Environmental considerations will continue to be assessed through the determination of individual planning applications in accordance with the development plan and material planning considerations.
Consultation	Internal consultation has been undertaken with relevant officers in Planning, Legal and Democratic Services in preparing the revised scheme.

6. Recommendations

- 6.1. That the revised Planning Delegation Scheme for officers and Members and Planning Code of Practice attached be referred to Full Council for final adoption.

7. Reasons for Recommendations

- 7.1. The recommendations are necessary to ensure that the Council's planning decision-making arrangements comply with the new statutory national scheme of delegation and provide a clear, lawful and consistent basis for the determination of planning applications.

8. Background Papers

- 8.1. Planning and Infrastructure Act 2025; Town and Country Planning Act 1990;
Town and Country Planning (Discharge of Local Planning Authority
Functions) (England) Regulations 2026;
Statutory guidance on Planning Committees and the National Scheme of
Delegation of Planning Functions.
Part 5 – Planning Code of Practice

9. Contact Officers

Hayley Martin, Director of Legal, Governance and Human Resources
Hayley.martin@hartlepool.gov.uk
01429 523002

13. DIRECTOR OF NEIGHBOURHOOD AND REGULATORY SERVICES

13.1 The Director of Neighbourhoods and Regulatory Services is responsible for the teams which are committed to growing our economy, help businesses, facilitate the creation of new and diverse jobs and inward investment and to arm residents with the right skills to take advantage of this growth. Further to this to regenerate the Borough through delivering key regeneration projects and delivering new housing, services and infrastructure including roads, schools, shops and services to develop and grow the Borough by supporting and encouraging sustainable development and inward investment. The Director of Neighbourhoods and Regulatory Services is responsible for the following services:

- Planning and Building Control
- Environmental Services (operational maintenance of parks, open spaces, beaches, Cems & Crems)
- Waste Collection, Recycling Disposal
- Passenger Transport
- Fleet Transport
- Public Protection
- Community Safety & ASB
- CCTV
- Safer Hartlepool Partnership
- Environmental Health
- Trading Standards
- Licensing
- Engineering and Building Design
- Construction & Building Maintenance
- Highways & Strategic Transport
- Emergency Planning & Civil Contingencies
- Health, Safety & Risk
- Business Continuity
- Car Parking
- Facilities Management/School Meals and Building Cleaning
- Security Contract
- Estates and Asset Management
- Housing Revenue Account (HRA)
- Housing Standards & Selective Licensing
- Valuations
- Strategic Regeneration/Capital Programme

13.2 Reference to Regulations in this section 13 is a reference to the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

13.3 Pursuant to Regulation 3(1)(a) and 3(2)(a), the Nominated Member for the purposes of Regulations 5 and 6 is the Chair of Planning Committee.

- 13.4 Pursuant to Regulation 3(1)(a) and 3(2)(a), the Nominated Officer for the purposes of Regulations 5 and 6 is the Director of Neighbourhood and Regulatory Services.
- 13.5 Pursuant to Regulation 3(2)(b), where the Nominated Officer is unavailable they may appoint a substitute officer at the Nominated Officer's discretion.
- 13.6 The following planning applications must be determined by the Planning Committee:
- 13.6.1 Those applications listed in Schedule 2 that the Nominated Member and Nominated Officer agree that referral to and determination by the Planning Committee is necessary.
- 13.6.2 An Own-Interest Application (as defined in the Regulations) that the Nominated Member and Nominated Officer agree that referral to and determination by the Planning Committee is necessary.
- 13.7 In addition to the general delegations set out in Section 6 of the scheme, the Director Neighbourhoods and Regulatory Services is authorised to exercise the following specific functions:

No	Delegation
Planning and Development	
DNRS1	The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.
DNRS2	The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
DNRS3	Pursuant to Regulation 4, the determination of the following application types (set out by Schedule 1 of the Regulations) MUST be by officers under powers delegated to the Director of Neighbourhoods and Regulatory Services without determination by Planning Committee (provided it is not an Own Interest Application (see Note 1 below)): 1. An application made under section 17(1) of the Land Compensation Act 1961 (certificates of appropriate alternative development). 2. An application made under section 26H(1) of the Listed Buildings Act (certificate of lawfulness of proposed works). 3. A householder application; 4. A minor commercial application; 5. A minor residential application; 6. An application for permission in principle; 7. (1) An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning

	permission was a Schedule 1 planning permission. (2) In this paragraph— “original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990; “Schedule 1 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this Schedule. 8. An application made under section 96A(4) of TCPA 1990 (non-material changes to planning permission or permission in principle). 9. (1) In respect of a planning obligation that the authority concerned considers is connected with a Schedule 1 approval— a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990; b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990; (2) In this paragraph, “Schedule 1 approval” means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in Schedule 1 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. 10. An application made under section 191(1) of TCPA 1990 (certificate of lawfulness of existing use or development). 11. An application made under section 192(1) of TCPA 1990 (certificate of lawfulness of proposed use or development). 12. The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A to TCPA 1990. 13. (1) A reserved matters approval application in respect of an outline planning permission other than a large outline permission. (2) In this paragraph “large outline permission” means an outline planning permission which permits development involving either or both of— a) the provision of 500 or more dwellings; b) the provision of a building or buildings where the floorspace to be created by the development is 50,000 square metres or more; 14. An application made under article 27(1) of DMPO (applications made under a planning condition); and 15. An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 for— a) prior approval, or
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	b) determination as to whether prior approval is required.
DNRS4	The determination of the following application types should be determined by officers under powers delegated to the Director of Neighbourhoods and Regulatory Services: 1. 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. 2. 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). 3. Applications for listed building consent (under section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990). 4. applications for advertisement consent (under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007). 5. Applications for consent under tree preservation orders (under regulation 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012). The Gateway Test (see note 2 below) MUST be applied to Schedule 2 applications in determining whether they need to be reported to The Planning Committee or determined by officers. In the event of the latter, these will be determined under the powers delegated to the Director of Neighbourhoods and Regulatory Services. These are: 1. An application for listed building consent made under section 10(1) of the Listed Buildings Act; 2. An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent); 3. An application for planning permission that the authority concerned considers is connected with an application of a kind specified in paragraphs 1) or 2); 4. An application for planning permission that is not— a) a householder application, b) a minor commercial application, or c) a minor residential application;

	5. (1) An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 2 planning permission. (2) In this paragraph— “original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990; “Schedule 2 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this Schedule; 6. An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out); 7. (1) In respect of a planning obligation that the authority concerned considers is connected with a Schedule 2 approval— a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990; b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990. (2) In this paragraph, “Schedule 2 approval” means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (as amended); 8. A reserved matters phase application; 9. An application made under regulation 9(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement); or 10. An application made under regulation 16(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order). This power is subject to the Own-Interest Applications as set out in the Regulations (Note 1 below).
DNRS5	The determination of any application caught by the Own-Interest Application categories or status, where in accordance with the Regulations the Nominated Member and Nominated Officer determine it can be dealt with by officers under delegated powers.

DNRS6	All other planning functions not listed in DNRS3, DNRS4 and DNRS5 are delegated to the Director of Neighbourhood and Regulatory Services.
DNRS4	Matters which will be exercised by the Director and to be reported for information to the next available meeting of the Committee: a) To serve a Tree Preservation Order. b) To serve a hedgerow retention notice. c) To require the discontinuance of a use of land d) To serve a stop notice (including a temporary stop notice) e) To issue an enforcement notice f) To apply for an injunction restraining a breach of planning control g) To serve a building preservation notice and related powers h) To issue enforcement notice in relation to demolition of unlisted building in conservation area i) To acquire a listed building in need of repair and to serve a repairs notice j) To apply for an injunction in relation to a listed building k) To defend Planning enforcement Appeals l) To exercise Section 215 of the Town and Country Planning Act 1990 m) To take any enforcement action under the Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning Act 2008 or under any related secondary legislation.
DNRS5	Power to formulate and issue decision notices following decisions made in principle by the Committee.
DNRS6	Power to negotiate and set charges for diversion or related matters and to take action regarding blockages or Rights of Way issues other than those related to countryside management.
DNRS7	In relation to matters which are relevant to countryside management, power to negotiate and set charges for diversion or related matters and to take action regarding blockage on Rights of Way issues.
DNRS8	Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way which are relevant to countryside management.
DNRS9	Power to register without modification unopposed applications to register land as town or village green in respect of Town and Village Greens, following the statutory consultation period.
DNRS10	Power to refer disputes with regard to planning application viability to the District Valuer for impartial assessment.

DNRS11	Power to determine the designated Officer having power of entry to premises under the provisions of the Planning Acts.
DNRS12	To consider reports on proposed changes to national planning policy in consultation with the Chair.
DNRS13	To consider reports on the proposed Development Plan Documents of neighbouring authorities where the Council is a consultee.
Environmental Services	
DNRS14	To exercise the functions of the Authority in relation to the management, inspection and control of asbestos, (Control of Asbestos at Work Regulations), and water systems in relation to Legionella (Approved Code of Practice for Minimisation of Legionella in Water Systems (L8)).
DNRS15	To exercise the Council's functions under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987.
DNRS16	Power to make Tender Bids for Works and Services, subject to relevant legal requirements.
DNRS17	Power to seek out competitive tenders for the supply of goods and services, in response to the changes in the market economy
DNRS18	Power to purchase plant and vehicles subject to the usual tendering arrangements in line with Council procurement rules
DNRS19	Power to implement programmes and activities relating to education and raising public awareness about environmental matters.
DNRS20	Power to name, rename, number and renumber streets under the conditions of relevant Acts and in consultation with the Neighbourhoods and Regulatory Services committee.
DNRS21	Power to deal with applications in relation to the Concessionary Fares Scheme
DNRS22	Power to determine applications under the Blue Badge scheme and deal with any subsequent action required.
DNRS23	Power to allocate staff car park places to individuals subject to payment of the approved charges.
DNRS24	Power to approve or reject plans submitted under and in accordance with the provision of byelaws relating to new streets.
DNRS25	Power to approve changes to subsidised bus services and charges within the existing budgetary provision.

DNRS26	Power to exercise directly or by his/her nominated representative, power of entry and inspection under Section 11 of the Safety of Sports Ground Act 1975.
DNRS27	Power to exercise directly or by his/her nominated representative power of entry and inspection under Section 35 of the Fire Safety and Safety of Places of Sport Act 1987
DNRS28	Power to serve notices, take default action and authorise legal action under the provision of Section 20 of the Local Government (Miscellaneous Provisions) Act 1976.
DNRS29	Power to serve notices where appropriate under the Local Government (Miscellaneous Provisions) Act 1976 requiring the removal of trees, or such parts thereof, as may be required to secure the protection of the public, and/or the unimpeded movement of vehicles.
DNRS30	Be authorised to determine which Officers are "Suitably Qualified" in relation to the appropriate authorisations.
DNRS31	Power to institute proceedings for obstruction of an Inspector in exercising his/her powers under Section 20 of the Health and Safety at Work Act 1974.
DNRS32	Power to take any necessary action on behalf of, or acting as, the Hartlepool Port Health Authority.
DNRS33	Power to implement schemes for remediation and after-care of closed landfill sites and institute measures to minimise the environmental impact of leachate and landfill gas, as required by the Environment Agency.
DNRS34	Power to enter into arrangements with regard to the River Tees Port Health Authority
DNRS35	To agree the transfer or assignment of premises between the Health and Safety Executive and the Authority under the Health and Safety (Enforcing Authority) Regulations 1998.
DNRS36	In consultation with the Director of Legal, Governance and Human Resources to serve notices and institute proceedings under section 20 of the Local Government (Miscellaneous Provisions) Act 1976 (Provision of Sanitary Appliances at Places of Entertainment).
DNRS37	After consultation with the Director of Legal, Governance and Human Resources discretion as to whether or not to commence proceedings under the Health and Safety at Work etc. Act 1974.
DNRS38	To arrange for the restoration of water supplies to premises where it has been discontinued because of the absence or defective state of any apparatus by the carrying out of works of renewal and repair and the recovery of expenses up to £200.

DNRS39	To select and purchase vehicles, plant and workshop equipment in accordance with the Authority's procurement rules.
DNRS40	To provide driver training and the assessment of driving standards of Authority employees who operate vehicles and plant belonging or on hire to the Authority.
DNRS41	To deal with dangerous trees under the provisions of section 23 of the Local Government (Miscellaneous Provisions) Act 1976, in cases of emergency.
DNRS42	To take all necessary action with regard to the service of notices and the execution of works and the recovery of costs under legislation relating to injurious weeds.
DNRS43	To designate "Appointed Officers" in accordance with the Dutch Elm Disease (Local Authorities) Order 1984.
DNRS44	To sign orders with public utilities.
Public Protection	
DNRS45	To exercise the Council's functions in respect of dangerous and dilapidated buildings and other structures including authorising service of Notice under the Public Health Acts 1936 and 1961 and the Building Act 1984.
DNRS46	To exercise those functions and responsibilities in relation to the seizure of stray dogs under Part VIII of the Environmental Protection Act 1990 and such other ancillary and related powers under the Act.
DNRS47	To exercise the Council's functions with regard to temporary markets under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.
DNRS48	Power to grant and suspend all Hackney Carriage Vehicle Licences, Private Hire Vehicle Licences and Private Hire Operators Licences, Hackney Carriage Drivers Licences and Private Hire Drivers Licences.
DNRS49	Power to issue licences under the Game Act 1831.
DNRS50	Power to carry out any necessary action or functions under the County of Cleveland Act 1987 and subsequent Regulations made thereunder.
DNRS51	Power to serve notices, give consent or take action in default including legal proceedings in respect of Control of Pollution Act 1974.
DNRS52	Power to issue notices, take default action and authorise legal action under the Slaughterhouses Act 1974.
DNRS53	Power to act on behalf of the Council in respect of:- • The Food and Environment Protection Act 1985, Part III as amended by the Pesticides (Fees and Enforcement) Act 1989 • The Control of Pesticides Regulations 1986.

DNRS54	Power to serve notices, take default action and authorise any necessary legal action in relation to contraventions of the Public Health Acts delegated to the Regeneration Board.
DNRS55	Power under Section 287 of the Public Health Act 1936 to issue the necessary authentication for an Officer to enter premises as may be required.
DNRS56	Power to serve notices and take action in default, including legal proceedings, in respect of Sections 80 and 81 of the Environmental Protection Act 1990 to statutory nuisance.
DNRS57	Power to authorise any necessary legal action for; contravention of Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
DNRS58	Power to issue but not refuse registration of food premises under the regulations made under Section 19 of the Food Safety Act 1990.
DNRS59	Power to enforce the provisions of the 'Products of Animal Origin (Import and Export) Regulations 1992.
DNRS60	Power to approve Plans submitted under Section 4 of the Clean Air Act 1993 and submissions under Section 7 of the Clean Air Act 1993.
DNRS61	Power to enforce the provision of the Clean Air Act 1993 and any Regulations made thereunder including authorisation of work in default and legal proceedings.
DNRS62	Power to approve Chimney Heights submitted under Sections 14 and 15 of the Clean Air Act 1993.
DNRS63	Exercise all powers of the Council (other than those reserved to Committee) under the relevant Acts and subsequent Regulations, Byelaws and Orders, including but not limited to, enforcement, institution of proceedings, approval, certification, designation, variation, consenting, granting or renewal relevant to the responsibilities and service areas assigned to the post.

Licensing	
DNRS64	Power to carry out all of the functions of the Licensing Act Sub-Committee and the Regulatory Sub-Committee
DNRS65	Power under Section 287 of the Public Health Act 1936 to issue the necessary authentication for an Officer to enter premises as may be required.
DNRS66	Power to appoint a Chief Inspector of Weights and Measures.
DNRS67	Power to appoint alternative Proper Officers, Nominated Medical Practitioners and Authorised Officers as set out in the Public Health (Control of Diseases) Act 1984 and the National Assistance Act 1948 (as amended in 1951).
DNRS68	Power to issue, refuse and revoke licences to premises under the provisions of the Food Safety (General Food Hygiene) (Butchers Shops) Amendments Regulations 2000.
DNRS69	Power to nominate Authorised Officers and others to exercise statutory powers of entry under Section 108 of the Environment Act 1995.
DNRS70	Authorisation in accordance with the provisions of Section 19(1)(c) of the Food and Environment Protection Act 1985 as amended by the Pesticides (Fees and Enforcement) Act 1989.
DNRS71	Power to Serve Notice under Section 51 of the Clean Air Act 1993.
DNRS72	Appoint Proper Officer of the Authority under the Public Health (Control of Diseases) Act 1984.
DNRS73	To exercise all powers and duties under the provisions of the Public Health (Control of Diseases) Act 1984.
DNRS74	To serve abatement notices where the Authority is satisfied that a statutory nuisance exists or is likely to occur or re-occur.
DNRS75	To implement, administer and deal with all ancillary matters, including the appeals process associated with the Food Standards Agency national Food Hygiene Rating Scheme.
DNRS76	To undertake those functions under any of the “relevant statutory provisions” within the meaning of Part 1 (health, safety and welfare in connection with work and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that these functions are discharged otherwise than in the Authority’s capacity as an employer.

DNRS77	To exercise all powers and duties under the relevant requirements of the Working Time Regulations 1998.
DNRS78	To deal with applications for the registration of persons and premises relating to the practice of acupuncture, tattooing, skin piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982.
DNRS79	To issue, under Section 19 (2) of the Criminal Justice and Police Act 2001, a Closure Notice to premises when satisfied that the premises are being, or have been within the last 24 hours, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises.
DNRS80	In consultation with the Chair of the relevant Committee the setting fees for licences/consents/registrations and similar.
DNRS81	To determine applications for licences under the Authority's scheme for licensing pleasure craft under section 94 of the Public Health Acts Amendment Act, 1907 subject to appeals against any refusal being referred to the Licensing Committee.
DNRS82	To determine transfers, variations, provisional statements and variations of designated premises supervisors under Licensing Act 2003 where no representations have been received to enable licensable activities to be provided at establishments in Hartlepool.
DNRS83	To license the use of moveable dwellings and camping sites under section 269 of the Public Health Act 1936.
DNRS84	To serve notices under sections 60 and 61 of the Control of Pollution Act 1974 (Prevention of Noise) and 79 and 80 of the Environmental Protection Act 1990.
DNRS85	The inspection of premises and the taking of all necessary action in connection with furnaces and fuel and to deal with the control of chimney heights under the clean air legislation.
DNRS86	To consider and decide upon applications under section 61 of the Control of Pollution Act 1974 (consent to work on construction sites).
DNRS87	To determine whether abatement notices should be fixed to vehicles, machinery or plant contravening the Noise and Statutory Nuisance Act 1993.
DNRS88	To determine applications for permits for the operation of loud speakers in streets or roads in accordance with the Noise and Statutory Nuisance Act 1993.
DNRS89	To determine the validity of an application for deemed consent under the Planning (Hazardous Substances) Act 1990.

DNRS90	To serve notices under section 85 of the Water Industry Act 1991.
DNRS91	To inspect, determine, consult and remediate contaminated land within Hartlepool under section 57 of the Environment Act 1995 and Part 2A of the Environmental Protection Act 1990.
DNRS92	To enable powers of entry, work to be carried out in default and to seize equipment under section 81(3) of the Environmental Protection Act 1990 and section 10 of the Noise Act 1996.
DNRS93	To enforce the prohibition of dark smoke from any chimney, prohibition of dark smoke from industrial or trade premises under sections 1 and 2 respectively of the Clean Air Act 1993 and enforce the prohibition of smoke in smoke control areas and the acquisition and sale of unauthorised fuel and all other pollution issues referred to under the Clean Air Act 1993.
DNRS94	To control noise on construction sites by service and enforcement of section 60 notices under Control of Pollution Act 1974.
DNRS95	To enable the monitoring, review and assessment of air quality under Part IV of the Environment Act 1995 and the consultation and declaration of areas as Air Quality Management Areas.
DNRS96	To take action under the Noise Act 1996 to abate and control noise complaints from domestic and licensed premises.
DNRS97	To designate alarm notification areas under sections 69-72 of the Clean Neighbourhoods and Environment Act 2005.
DNRS98	To take action as necessary under the Clean Neighbourhoods and Environment Act 2005 in relation to audible intruder alarms including powers of entry to abate the sounding of alarms and service of fixed penalty notices.
DNRS99	To undertake the duties of the Authority as Weights and Measures Authority including the appointment of the Chief Inspector of Weights and measures, approving the Annual Report of the Chief Inspector of Weights and Measures and all legislative requirements that apply to the Authority in that capacity including any functions performed under the Licensing Act 2003 and the Violent Crime Reduction Act 2006.
DNRS100	To determine applications for consent to permit loading and unloading at large shops before 9.00 am on Sunday mornings within a loading control area under Schedule 3 of the Sunday Trading Act 1994, subject to such conditions considered appropriate.
DNRS101	To appoint appropriate Officers of the trading standards section as inspectors under the provisions of the Sunday Trading Act 1994.
DNRS102	To renew arrangements to secure the provision of the trading standards metrology laboratory services, subject to their being no material changes to the arrangement agreed in May 2007.
DNRS103	To determine applications relating to sites for circuses and caravan rallies.

DNRS104	To take all necessary action, including issuing any instructions for prosecution, in connection with those sections of the Clean Neighbourhoods and Environment Act 2005 and associated regulations which relate to highways, nuisance and/or abandoned vehicles, fly- posting, transport of waste materials, noise nuisance and abandoned shopping trolleys.
DNRS105	To take all necessary action with regard to the parking of caravans on unlicensed areas of the Borough.
DNRS106	To determine applications for licences to display goods in accordance with section 20 Schedule 5, of the Local Government (Miscellaneous Provisions) Act 1982.
Community Safety	
DNRS107	To undertake the Authority's powers and duties in relation to high hedge complaints under the Anti-Social Behaviour Act 2003.
DNRS108	Exercise responsibilities in relation to applications for Child Safety Orders under Section 11 of the Crime and Disorder Act 1998
DNRS109	Power to apply for an Injunction to Prevent Nuisance and Annoyance (IPNA) and Criminal Behaviour Orders (CBOs) under Parts 1 and 2 of the Anti-Social Behaviour, Crime and Policing Act 2014.
DNRS110	To respond to any Police consultation in respect of the making by the Police of a Dispersal Order under Part 3 of the Anti-Social Behaviour, Crime and Policing Act 2014.
DNRS111	Exercise responsibilities in consultation with the Director of Legal, Governance and Human Resources in relation to Drink Banning Orders under the Violent Crime Reduction Act 2006.
DNRS112	Where applicable the power to designate an area as a Public Space Protection Order and to undertake such consultation in respect thereof under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.
DNRS113	Power to take action to deal with anti-social behaviour under the provisions of the Crime and Disorder Act 1998.
DNRS114	Power to deal with all Fly tipping and to take any necessary action against offenders in consultation with the Director of Legal, Governance and Human Resources.
DNRS115	Power to deal with abandoned vehicles recovered under the Refuse Disposal (Amenity) Act 1978 procedures after due process of law and in accordance with Standing Orders.

DNRS116	Power to endorse or take any necessary action to implement any agreed transfer of enforcement responsibility as set out in Regulation 5 and 6 of the Health and Safety (Enforcing Authority) Regulations 1989.
DNRS117	Power to nominate Authorised Officers within his/her Department who shall have powers to collect and deal with stray and dangerous dogs under the Dangerous Dogs Act 1991 and the Road Traffic Act 1988.
DNRS118	Anti-Social Behaviour, Crime and Policing Act 2014: a) To issue a Closure Notice under section 76 of the Anti-Social Behaviour, Crime and Policing Act 2014. b) To issue a Cancellation Notice under section 78 of the Anti-Social Behaviour, Crime and Policing Act 2014. c) To authorise Officers to enter premises for which a Closure Order is in force and/or to do anything necessary to secure the premises against entry. d) To issue a Community Protection Notice under section 43 of the Anti-Social Behaviour, Crime and Policing Act 2014. e) To issue Fixed Penalty Notices under sections 52 and 68 of the Anti-Social Behaviour, Crime and Policing Act 2014 for failure to comply with a Community Protection Notice or Public Spaces Protection Order. f) To delegate authorised Officers to utilise the Anti-Social Behaviour, Crime and Policing Act 2014 with regard to issuing and enforcement of community protection orders and Fixed Penalty Notices. g) To authorise Officers to take enforcement action and enter premises for which a Community Protection Notice Order is in force and/or to do anything necessary to secure the premises against entry. To discharge all other functions under the Anti-Social Behaviour, Crime and Policing Act 2014 except those not capable of delegation.
DNRS119	To issue a certificate that a need for a closure order has ceased, under section 22 of the Criminal Justice and Police Act 2001.
DNRS120	To authorise Officers to act in accordance with section 25 of the Criminal Justice and Police Act 2001 and to enter premises and do all that is reasonably necessary for the purpose of securing compliance with a closure order.
DNRS121	To investigate complaints and offences and provide instructions to the Director of Legal, Governance and Human Resources to consider commencing legal proceedings.
DNRS122	Permit the authorisation of Officers to enforce legislation relating to idling offences under Road Traffic (Vehicle Emissions) (Fixed Penalty)(England) Regulations 2002.

DNRS123	To enforce, and with the Director of Legal, Governance and Human Resources to institute proceedings, in relation to the sale of combat knives and offensive weapons under the Criminal Justice Act 1988, Part XI and any subsidiary legislation made thereunder.
DNRS124	To dispose of redundant vehicles, plant and workshop equipment in accordance with the Authority's Financial Regulations.
DNRS125	To consider and respond to requests from Cleveland Police in respect of the designation of dispersal areas under the provisions of the Anti-Social Behaviour Act 2000.
DNRS126	To issue penalty and fixed penalty notices, penalty charge notices and fixed monetary penalties for all offences under the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005, Dog Byelaws, The Dogs (Fouling of Land) Act 1996, Anti-Social Behaviour Act 2003, Control of Pollution (Amendment) Act 1989, Refuse Disposal (Amenity) Act 1978, Noise Act 1996 and Housing Act 2004 and the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 made under the Energy Act 2013 and any amendments under those Orders.
DNRS127	To act as the Proper Officer under section 149(1) of the Environmental Protection Act 1990 for the purpose of discharging the Authority's functions for dealing with stray dogs.
DNRS128	To take all necessary action with regard to unauthorised dumping under section 33 of the Environmental Protection Act 1990.
DNRS129	To manage the use and enforcement of on and off street parking, waiting and loading restrictions, bus lane enforcement and other items under the Traffic Management Act 2004, the Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007, the Civil Enforcement of Parking Contraventions (England) General Regulations 2007, the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007, the Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007, the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) 2007 and the Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment) (No 3) Order 2007, the 2015 Deregulation Bill and any subsequent amending legislation or further legislation regarding parking contraventions.
DNRS130	To decide upon applications for the issue of parking permits for the parking of vehicles in "permit holders only" parking places established by the Authority under the Road Traffic Regulation Act.

Part 3 - (4) Officer Delegations Scheme (Director of Neighbourhood and Regulatory Services);

DNRS131	To arrange for the removal of vehicles under section 3 of Refuse Disposal (Amenity) Act 1978, section 99 of the Road Traffic Regulation Act 1984, Part II of the Removal and Disposal of Vehicles Regulations 1986 and section 11 of Clean Neighbourhoods and Environment Act 2005 that are illegally, obstructively or dangerously parked, abandoned or broken down on a road and the removal and disposal of abandoned vehicles generally.
Building Design and Construction	
DNRS132	To receive, pass or reject all plans, certificates and notices pursuant to the Building Regulations 2010 (as amended) and related legislation with the support of a Registered Building Inspector.
DNRS133	Power to approve condition or reject applications submitted under the Building Regulations 2010 (as amended) and other related legislation with the support of a Registered Building Inspector.
DNRS134	Power to accept and process Building Notices given under and in accordance with the provisions of the Building Regulations 2010 (as amended) with the support of a Registered Building Inspector.
DNRS135	Power to accept or reject Initial notices and subsequent certificates under and in accordance with the provisions of the Building (Approved Inspectors etc.) (Amendment) Regulations 2010 with the support of a Registered Building Inspector.
DNRS136	Power to pass or reject applications for relaxation or dispensation of the Building Regulations 2010 (as amended) with the support of a Registered Building Inspector.
DNRS137	Power to serve Enforcement notices under the Building Act 1984 and power to authorise proceedings and take action under Sections 35 and 36 of the Building Act 1984 with the support of a Registered Building Inspector.
DNRS138	Power to exercise all of the duties and powers under the Building Act 1984 with the support of a Registered Building Inspector.
DNRS139	Power to respond to consultations made by outside bodies or agencies to the Council in their capacity as a Building Control Regulation Authority with the support of a Registered Building Inspector.
DNRS140	Power to accept and process applications for Regularisation Certificates under and in accordance with the provisions of the Building Regulations 2010 (as amended) with the support of a Registered Building Inspector.
DNRS141	Power to authorise the charging of fees in accordance with the provisions of The Building (Local Authority Charges) Regulation 2010 with the support of a Registered Building Inspector.

Part 3 - (4) Officer Delegations Scheme (Director of Neighbourhood and Regulatory Services);

DNRS142	Power to deal with agreements to provide sewers under buildings in accordance with the provisions of the Building Act 1984 and through the Agency with Northumbrian Water Ltd with the support of a Registered Building Inspector.
DNRS143	Power to maintain and improve existing watercourses and to construct new works under Section 14(2), 14(3) and 15 of the Land Drainage Act, 1991 with the support of a Registered Building Inspector.
DNRS144	Power to apply to DEFRA for grant aid for works to watercourses under Section 59 of the Land Drainage Act 1991 with the support of a Registered Building Inspector.
DNRS145	Power to secure and maintain a proper flow in a watercourse by service of notice under Section 25 of the Land Drainage Act 1991 with the support of a Registered Building Inspector..
DNRS146	Power to require and to give approval to a developer to fill, partially fill, cover over, or culvert any ditch or watercourse (excluding main river) that runs through or abuts land to be developed, under Section 262 and 263 of the Public Health Act 1936 with the support of a Registered Building Inspector..
DNRS147	Power to require a landowner to repair, maintain and cleanse culverts and watercourses in, on or under their land under Section 264 of the Public Health Act 1936 with the support of a Registered Building Inspector.
DNRS148	Power to authorise the undertaking of drainage work to prevent flooding under the Land Drainage Act 1991 with the support of a Registered Building Inspector.
DNRS149	Power to authorise the preparation of any programme and implementation of any works and dealing with any other matters under the Water Act 1973 with the support of a Registered Building Inspector.
DNRS150	To deal with applications for relaxation of Building Regulations made under section 8 of the Building Act 1984 and current Building Regulations with the support of a Registered Building Inspector.
DNRS151	To exercise the powers of the Authority under section 81 of the Building Act 1984 in respect of notification of intended demolitions or to ensure the proper execution of demolition work with the support of a Registered Building Inspector..
DNRS152	To exercise the powers of the Authority under section 78 of the Building Act 1984 with regard to emergency measures in respect of dangerous buildings with the support of a Registered Building Inspector.
DNRS153	To serve notice under section 77 of the Buildings Act 1984 with respect to executing works to potentially dangerous buildings/structures with the support of a Registered Building Inspector.

Part 3 - (4) Officer Delegations Scheme (Director of Neighbourhood and Regulatory Services);

DNRS154	To execute and enforce breaches of the current Building Regulations in accordance with section 35 and 36 of the Building Act 1984 with the support of a Registered Building Inspector.
DNRS155	To execute and enforce the powers of the Authority under section 72 of the Building Act 1984 in relation to buildings with inadequate means of escape in case of fire with the support of a Registered Building Inspector.
Highways and Infrastructure	
DNRS156	Power to arrange the execution of works in connection with highway cleansing through the Control of Pollution Act 1974 and the Environment Protection Act 1990.
DNRS157	Power to authorise unscheduled and scheduled maintenance in respect of the adopted highway network and under the Local Transport Plan in accordance with the approved budget.
DNRS158	Power to issue permits for abnormal load movements throughout the Borough under S.21 of the Road Traffic Regulations Act 1984.
DNRS159	Power to authorise the use of three/four way temporary traffic signals in the public highway.
DNRS160	Power to act on behalf of the Highways Authority in respect of the conditions of the New Roads and Street Works Act 1991 including, but not limited to, licensing and enforcement issues
DNRS161	Power to authorise and determine the conditions for the temporary closure of the public highway for 'thronging's' in accordance with the requirements of the Town Police Clauses Act 1847.
DNRS162	Power to deal with matters relating to compensation claims against the Council concerned with defects in the highway.
DNRS163	Power to deal with the establishment and management of schemes for off street parking
DNRS164	Power to authorise the advertisement of proposed Traffic Regulation Orders.
DNRS165	Power to act on behalf of the Highway Authority in respect of the conditions of the Highway Act 1980 including but not limited to Licensing and Enforcement of activities on, under and above, the highway and adoption of highways under the relevant sections of the Act.
DNRS166	Power to act on behalf of the Highway Authority in respect of the conditions of the Highway Act 1980 including but not limited to Licensing and Enforcement of activities on, under and above, the highway and adoption of highways under the relevant sections of the Act.
DNRS167	To make requests for information under section 16(1) of the Local Government (Miscellaneous Provisions) Act 1976.

Part 3 - (4) Officer Delegations Scheme (Director of Neighbourhood and Regulatory Services);

DNRS168	To approve the making of temporary and permanent Traffic Regulation Orders and the issue of temporary and permanent Traffic Regulation Notices.
DNRS169	To approve applications for permission to place public kiosks, feeder pillars, electric pillars, clocks and any other similar structures on or over public highways.
DNRS170	To determine requests for the repositioning of street furniture to allow access to private premises.
DNRS171	To object where necessary on behalf of the Authority as Highway Authority to the granting or renewal of a vehicle operators' licence and to authorise the appropriate Officer, to appear before the Licensing Authority to support such objection if considered necessary.
DNRS172	To carry out minor traffic management measures not requiring Traffic Regulation Orders and costing less than £10,000 subject to the necessary finance being available in the approved budget.
DNRS173	To serve notices under section 112 of the Road Traffic Regulation Act 1984 on registered keepers of vehicles requiring them to notify the Authority of the name and address of the driver.
DNRS174	To grant Street Works Licences under section 50 of the New Roads and Street Works Act 1991.
DNRS175	To determine the priority for the surfacing of roads.
DNRS176	Power to make orders and enter into agreements for the creation, modification and/or stopping up of highways and adoption of new streets as highways (including those that are repairable at the public expense) in accordance with the Highways Act 1980 (as amended) and thereafter make all orders necessary to modify the Definitive Map in accordance with the Wildlife and Countryside Act 1981
DNRS177	To make application to the Department for Transport in respect of the closure or diversion of a highway that is consequential of planning permission for development in accordance with section 247 of the Town and Country Planning Act 1990.
DNRS178	To deal with all matters in relation to the closure or diversion of highways as a consequence of planning permission for development in accordance with section 257 of the Town and Country Planning Act 1990.
DNRS179	To make all necessary arrangements to convert a footway to a cycle track with a right of way on foot under sections 65 and 66 of the Highways Act 1980.
DNRS180	To make all necessary arrangements in respect of Orders under section 3 of the Cycle Tracks Act 1984 for the conversion of all or any part of a footpath to a Cycle Track.

Part 3 - (4) Officer Delegations Scheme (Director of Neighbourhood and Regulatory Services);

Emergency Planning	
DNRS181	In consultation with the Chair of Neighbourhoods and Regulatory Services Committee, to make decisions on the felling of street trees following the duty to consult under the provisions of section 96A of the Highways Act 1980 (as amended by 115 of the Environment Act 2021). In cases where the removal of a street tree is outside the scope of the duty to consult or is subject to an exemption within the legislation or guidance, the decision on whether to fell a street tree will be made by the Council's arboriculturalist.
DNRS182	To discharge the Authority's responsibilities as a category 1 responder under the Civil Contingencies Act 2004.
DNRS183	To act as the Proper Officer for civil emergencies.
DNRS184	To approve and maintain emergency planning arrangements and procedures on behalf of the Authority under the statutory guidance of the Civil Contingencies Act 2004, such procedure to include, amongst other matters, the appointment of appropriate Officers involved in the process.
DNRS185	To act as the Proper Officer for business continuity management.
DNRS186	As the Proper Officer for business continuity management to approve and maintain an effective business continuity management procedure on behalf of the Authority under the statutory guidance set out in the Civil Contingencies Act 2004, including the appointment of appropriate Officers involved in the process.
Facilities Management	
DNRS187	Determine and implement a Joint Waste Strategy developed by the constituent Authorities.
DNRS188	Power to approve private functions, sponsored walks etc. in public open spaces, subject to the approval of the Director of Finance, IT and Digital for insurance purposes and in consultation with the Strategic Asset Manager.
DNRS189	Power to negotiate the terms of contracts concerning the disposal, recycling, re-use and minimisation of wastes
DNRS190	Power to manage the Household Waste Recycling Centre and implement and expand schemes for the recycling, re-use and minimisation of waste.
DNRS191	Power to deal with proposals and their implementation for the provision of new and improvement of existing street lighting and client responsibilities for the maintenance of street lighting.

Part 3 - (4) Officer Delegations Scheme (Director of Neighbourhood and Regulatory Services);

DNRS192	Power to agree a reduced notification period under Section 6 of the Control of Asbestos at Work Regulations 20067 and Section 5 of the Asbestos (Licensing) Regulations 1983.
DNRS193	To determine applications received from persons suffering a learning difficulty or physical disability for a reduced cost of admission to leisure facilities.
DNRS194	To determine applications from voluntary and charitable organisations, for reduced charges for leisure facilities for fund raising events.
DNRS195	To hire transport from outside sources for use by service areas.
DNRS196	To issue permits under section 19 of the Transport Act 1985 and the section 19 Permit Regulations 2009 (or any amended Section 19 Permit Regulations) in relation to minibuses.
DNRS197	To submit on behalf of the Authority observations on traffic regulation conditions in relation to bus service registrations made under the Transport Act 1985.
DNRS198	To inspect premises for the assessment of charges for refuse collection and waste disposal, in accordance with the Control of Pollution Act (COPA) 1974, Environmental Protection Act 1990 and Controlled Waste (England and Wales) Regulations 2012.
DNRS199	To determine waste disposal licences and resolutions under the Waste Disposal Regulations, section 34 of the Environmental Protection Act 1990.
DNRS200	To extend the provision of Authority services into new developments within the Borough, as required by the Control of Pollution Act (COPA) 1974, and section 46 of the Environmental Protection Act 1990.
DNRS201	To make arrangements for the separate collection of recyclable waste under the Household Waste recycling Act 2003, and Waste (England and Wales) (Amendment) Regulations 2012.
DNRS202	To exercise the powers and duties of the Authority under Parts II and IV of the Environmental Protection Act, 1990.
DNRS203	Power to authorise officers to carry out any functions required to be carried out by the Authority under the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (including subsequent regulations/amendments including the issuing of prohibition notices.
DNRS204	Power to design and implement the public Christmas decorations in accordance with the approved budget.

Part 3 - (4) Officer Delegations Scheme (Director of Neighbourhood and Regulatory Services);

DNRS205	Power to approve applications for permission to site mobile exhibitions in the Council's Car Parks.
DNRS206	To determine applications received for permission to display temporary advertisements on selected street lighting columns within the Authority's policy of permitting such advertising for charitable and suitable non- commercial events.
Regeneration	
DNRS207	To manage, operate and develop Regeneration policies and projects.
DNRS208	In relation to all projects and programmes, to authorise the entering into of agreements with other funding organisations where the purpose of the agreement is to enable that organisation to provide funding support for projects within any of the programmes delivered or managed by the Authority.
DNRS209	Power to enter into informal negotiations with prospective landlords, tenants, purchasers or vendors, reporting any terms of agreement possible back to the relevant Chair of Committee.
DNRS210	Power to deal with any proceedings in respect of any breach of tenancy conditions and to take any subsequent action necessary.
DNRS211	Power to instruct the Director of Legal, Governance and Human Resources to take any action necessary for the legal implementation of any matter related to Strategic Asset Management.
DNRS212	Power to employ auctioneers to sell property at auction and to authorise the auctioneer to sign contracts on behalf of the Council at auction, where the Council appraisals agreed
DNRS213	Power to agree the terms of purchase of houses in advance of proposed or agree clearance areas, reporting to the appropriate Board/Committee for information all subject to appropriate budgetary provision being available in consultation with the Director of Finance, IT and Digital and relevant Committee Chair.
DNRS214	Power to settle compensation claims from Council house tenants to a maximum of £500.
DNRS215	Power to consider and approve requests for conveyance of additional strips of land comprised in Council house premises, subject to the 'Right to Buy' provisions where the tenant of the adjoining property has no objection and the Council's interests are not prejudiced thereby.

Part 3 - (4) Officer Delegations Scheme (Director of Neighbourhood and Regulatory Services);

Strategic Assets Management	
DNRS216	Power to accept subject to contract the highest tender received by the Borough Council for property advertised for sale or to let by way of lease or licence upon the open market and to report back to the appropriate Committee/Board for information.
DNRS217	Power to approve land and property disposals, leases, lettings, licences, wayleaves, easements, undertaking and concluding rent reviews, lease renewals and the release and amendments of restrictions, covenants and other land and property matters within prescribed thresholds as set out in the Finance and Corporate Affairs Committee arrangements.
DNRS218	Power to re-advertise property where no tender has been received as a result of previous marketing.
DNRS219	Power to grant early entry under licence onto land or into buildings for which authority to sell or lease has previously been granted.
DNRS220	Power to review rents, and review existing leases, of all properties and land, except Council Houses and to serve all relevant notices under the lease and power to respond to all notices served upon the Council in this respect.
DNRS221	Power to re-let property, other than Council houses, upon the open market, which has previously been let and which is not required for the Council's immediate statutory purposes.
DNRS222	Power to agree terms for, and authorize the granting of wayleaves, easements and licences over Borough Council land and to allow early entry onto relevant Borough Council land.
DNRS223	Subject to budgetary availability power to agree terms and authorise the taking of wayleaves and easements over land owned by a third party where such easements and wayleaves are required for benefit of Borough Council property holdings and power to allow early entry.
DNRS224	Power to give consent to building or development of land or to the alterations of buildings where such consent is required pursuant to a covenant contained in a conveyance or lease of the land or building, and to determine applications for variation of user clauses or restrictive covenants from leaseholders or freeholders of Council owned or previously Council owned land or property
DNRS225	Power to consent to alterations to shop premises under the terms of lease and to authorise landlord's repairs.
DNRS226	Power to terminate business leases at appropriate premises.
DNRS227	Power to approve the institution of proceedings for the recovery of property held under lease

Part 3 - (4) Officer Delegations Scheme (Director of Neighbourhood and Regulatory Services);

DNRS228	Power to determine eligibility for assistance and approve claims for repurchase in appropriate cases under the provision of the Housing Act 1985.
DNRS229	Power to allocate tenancies to approved applicants and tenants of houses in confirmed Clearance Areas or Closing and Demolition Orders and to pensioners in future Clearance Areas where the property has been purchased by the Council and other approved cases in proposed Clearance Areas.
DNRS230	Power to nominate tenants to Registered Provider's properties.
DNRS231	Power to allocate Council tenancies in accordance with the Council's allocations policy.
DNRS232	Power to order repairs to Council dwellings and garages.
DNRS233	Power to approve within the guidelines laid down by the Council applications for sale of Council dwellings.
DNRS234	Power to approve exchanges between Council tenants or Council tenants and private tenants (including Housing Associations).
DNRS235	Power to approve letting a Council tenancy to persons with former tenant arrears or recharges debt under £500.
DNRS236	Power to transfer tenancies on death, remarriage or in cases of legal and mutual separation and similar special cases.
DNRS237	Power to provide move on' accommodation from supported or emergency accommodation.
DNRS238	Power to allocate garage tenancies.
DNRS239	Power to award decoration vouchers to tenants of properties which have been re-let and left in a poor state of decoration or properties which are proving difficult to let by virtue of the poor standard of decoration.
DNRS240	Power to reduce charges for tenant's liability for repairs on grounds of financial hardship, age or condition of the appliance to be replaced and to waive charges where there is reasonable doubt as to the extent of liability.
DNRS241	Power to take all action necessary up to and including application to County Court for Possession Orders in respect of rent arrears cases.

Part 3 - (4) Officer Delegations Scheme (Director of Neighbourhood and Regulatory Services);

DNRS242	Power to serve notice upon the tenant or tenants of a Council dwelling house in respect of any breach of tenancy condition and/or any breach of the grounds set out in Schedule 2 of the Housing Act 1985 (as amended) and to take any subsequent action necessary including authorising application to the County Court for Possession Orders subject to prior consultation with the Director of Legal, Governance and Human Resources.
DNRS243	Power to take action to recover possession of any Council owned dwelling or garage occupied by an unauthorised occupier.
DNRS244	Power to instruct the Director of Legal, Governance and Human Resources to take possession action for recovery of premises in appropriate cases where a breach of the tenancy agreement has taken place.
DNRS245	Power, in consultation with the Chair of Finance and Corporate Affairs Committee, to accept offers to sell houses to the Council upon terms agreed with the Strategic Asset Manager, in advance of proposed or agreed clearance areas and to report to the relevant Committee for information.
DNRS246	Power to authorise appropriate treatment of party walls exposed by demolition of adjoining clearance area properties.
DNRS247	Power, in consultation with the Director of Finance, IT and Digital, to write off former tenancy arrears which do not exceed £50,000, after all appropriate recovery procedures have been attempted.
DNRS248	To exercise the Authority's powers under section 33 of the Local Government (Miscellaneous Provisions) Act 1976 to ensure the continuation or restoration of water, gas or electricity to private residential dwellings where the failure of the landlord to pay the bills results in the threat of or the actual disconnection of supplies and to recover the costs incurred and interest accrued in taking any such action.
DNRS249	To approve applications for grants relating to private sector housing which comply with the provisions of the Housing Acts, Housing Grants, Construction and Regeneration Act 1996 and the Housing Assistance (England and Wales) Regulatory Reform Order 2002 within the scheme laid down by the Authority.

Part 3 - (4) Officer Delegations Scheme (Director of Neighbourhood and Regulatory Services);

DNRS250	To approve in whole or in part the removal of the conditions imposed by an Improvement Grant under the Housing Grants, Construction and Regeneration Act 1996 and the Housing Assistance (England and Wales) Regulatory Reform Order 2002 where there is a repayment of an amount which reflects that proportion of the condition period remaining unexpired plus compound interest.
DNRS251	To serve notices under the provisions of Part 1 of the Housing Act 2004 in connection with housing disrepair; to consider the carrying out of works in default; the execution of such works in default and the recovery of expenses incurred and interest accrued in executing such works.
DNRS252	To carry out inspections and submit reports in connection with the provisions of the Housing Acts so far as they relate to houses in accordance with the provisions relating to repair, the closing and demolition of houses unfit for human habitation and the abatement of overcrowding.
DNRS253	To serve all necessary notices under the Housing Act 2004 to ensure that houses in multiple occupation are provided with adequate means of escape from fire and adequate other fire precautions and in consultation with the Director of Legal, Governance and Human Resources to exercise discretion to take action to ensure that such notices are complied with either by the institution of any court proceedings or the acceptance of undertakings on behalf of the Authority under the Housing Act 2004.
DNRS254	In respect of grants relating to private sector housing improvement to determine when a contractor other than one whose estimate accompanied the application be allowed to undertake the work and the circumstances when grant shall be paid direct to any applicant in preference to the contractor.
DNRS255	To exercise all powers and duties of the Authority under the provisions of the Housing Act 2004 and associated regulations with respect to housing conditions (Part 1), licensing of houses in multiple occupancy (Part 2), selective licensing of other residential accommodation (Part 3), additional control provisions in relation to residential accommodation (Part 4), miscellaneous provisions (Part 6) and supplementary and final provisions (Part 7).

Part 3 - (4) Officer Delegations Scheme (Director of Neighbourhood and Regulatory Services);

DNRS256	The management of all matters required to ensure the Authority carries out its statutory duties as a local housing authority as prescribed in: • Housing Act 1985 • Housing Act 1996 • Housing Act 2004 • Local Government and Housing Act 1989 and Any other relevant statute or government guidance relating to the management and provision of social housing and related facilities.
DNRS257	To take any decisions on the selection of property appropriate for affordable rent.
DNRS258	Exercising the management of functions of the Authority in relation to dwellings owned by the Authority but not held under Part IV of the Housing Act 1985.
DNRS259	Authorising the allocation and granting of tenancies and licenses in accordance with the Authority's allocation scheme: (a) approving rents in specific cases; (b) serving notices, to quit, of termination or seeking possession; (c) maintaining properties and estates; (d) granting consent or otherwise to the assignment of a tenancy where statute allows and in line with the Authority's policy; (e) granting consent to mutual exchanges, imposing conditions to that consent where appropriate or refusing such consent with reference to Schedule 3 of the Housing Act 1985; (f) granting consent or otherwise to tenants' requests to carry out improvements or alterations; (g) granting consent or otherwise in any other matter where the Authority's tenancy agreement including introductory tenancy agreement or licensees requires that permission is sought by the tenant or licensee; (h) authorising compensation for tenants' improvements be they statutory or discretionary (Housing Act 1985 sections 99a and 100); (i) settling any claims by tenants for disrepair; (j) taking action under sections 1 and 115 of the Crime and Disorder Act 1998, Part V of the Housing Act 1996, Anti-Social Behaviour Act 2003 and Housing Act 2004; (k) taking action to secure the eviction of trespassers; (l) undertaking consultation with tenants and / or social landlords where required by statute or government guidance or where otherwise appropriate e.g. section 105 of the Housing Act 1985; and (m) authorise the granting of licences for the use of garages, reviewing licence conditions and subsequent termination of licences where necessary.

Part 3 - (4) Officer Delegations Scheme (Director of Neighbourhood and Regulatory Services);

DNRS260	Carry out the Authority's statutory responsibilities under Part V of the Housing Act 1985 (Right To Buy). • Authorising service of statutory notices, admitting/denying the right to buy, withdrawing or requiring completion. • Authorising sales of freehold or otherwise granting of long leases. In consultation with the Director of Legal, Governance and Human Resources, with regard to freeholds, enforcing covenants including those relating to repayment of discount, use of shared areas and letting of whole. Leasehold: • Agreeing variations to the terms of individual leases. • Granting/refusing permission to requests on various matters, by leaseholders, where the lease requires consent of the landlord, e.g. requests to sublet whole. In consultation with the Director of Legal, Governance and Human Resources authorising action on breaches of covenants.
DNRS261	To ensure compliance with all Authority policies relating to the provision and management of Council owned residential properties. Authority to make changes to all such policies where provision of service would be improved or necessity arises or to recommend such changes to the appropriate committee where appropriate.
DNRS262	To establish such arrangements as appropriate to ensure effective engagement of tenants and leaseholders in the setting, monitoring and review of housing and related services including holding meetings, organising consultation events, surveys and newsletters
DNRS263	To consider any matters relating to the Housing Act 1985 (as amended) in respect of Right to Buy including the repayment of discount and right of first refusal.
DNRS264	In consultation with the Director of Finance, IT and Digital, the write-off of Credit balances associated with untraceable former tenants in compliance with the Authority's write-off policy.

Note 1:

“Own Interest Application”

1. An own-interest application is an application to a relevant local planning authority of a kind specified in Schedule 1 or Schedule 2 of the Regulations where—
 - (a) the application is made (whether or not jointly with any other person) by or on behalf of—
 - (i) that authority,
 - (ii) a member of that authority, or
 - (iii) an officer of that authority, or
 - (b) in the view of the nominated member and the nominated officer, the authority or any of its members or officers otherwise has an interest in the application.
2. A relevant local planning authority must make arrangements so that any own-interest application made to that authority is determined in accordance with paragraphs (3) to (5).
3. Any own-interest application that is not referred to a committee in accordance with paragraph (4) must be determined by an officer of that authority.
4. The nominated member and nominated officer may agree to refer an own-interest application to a committee.
5. In considering whether to make a referral under paragraph (4), the nominated member and the nominated officer must have regard to any relevant guidance issued by the Secretary of State under section 319ZZE (4) of TCPA 1990.

Note 2:

“Gateway Test”

Where an application is for a type of development falling within Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (as amended) an application may be referred to Planning Committee for determination subject to the following:

Part 3 - (4) Officer Delegations Scheme (Director of Neighbourhood and Regulatory Services);

Both the Nominated Member **AND** Nominated Officer or their authorised substitute agree that a proposal raises: **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

Planning Committee

The Planning Committee shall exercise the Authority's Town and Country Planning, and Development Management functions including Commons registration and Village Greens. This includes powers relating to the protection and preservation of important hedgerows and trees.

Planning Committee Membership			
Membership	11 Councillors	Quorum	5 Councillors

No	Planning Committee Function
1	Own Interest Applications
2	Schedule 2 applications (see DNRS delegation) where the Nominated Member and Nominated Officer or their authorised substitute agree that a proposal raises: 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 and both agree that it should be determined by Planning Committee.
3	Own interest applications (see DNRS delegation) where the Nominated Member and Nominated Officer, or their authorised substitutes, agree that they should be determined by Committee.
4	Powers, related to Commons Registration, where applications / modifications are opposed.
5	Functions relating to public rights of way where applications / modifications are opposed.
6	Functions relating to Town and Village Greens where applications / modifications are opposed.
7	To consider reports on the proposed Development Plan Documents of neighbouring authorities where the Council is a consultee.

Part 3 - Responsibility for Functions

(3) The Authority's Functions and Delegation Scheme - Planning Committee

No	Planning Committee Function
8	To receive reports on the performance of the Development Control and Planning Policy section.
9	Powers relating to Tree Preservation Orders where three or more objections are received

PLANNING CODE OF PRACTICE

Contents

	Page
1. Introduction	71
2. The Need for a Code	71
3. Scope Of The Code	72
4. Councillors and Officers	72
5. What Planning Decisions Are Based On	75
6. Duties and Actions	77
7. The Decision Making Process	77
8. Lobbying of and by Elected Members	78
9. Pre-Application and Pre-Decision Discussions	80
10. Registration of Interests	82
11. Declaration of Interests by Elected Members at Committee	83
12. Parish Membership	83
13. Unauthorised Development or Breach of Listed Building Control	84
14. Officer Reports to Committee	85

15.	Committee Procedures	85
16.	Committee Site Visits	87
17.	Decisions Delegated to Officers	88
18.	Decisions Contrary to the Development	88
19.	Decisions Contrary to Officer Advice	89
20.	Approving Repeat Applications for Development Previously Refused	89
21.	Development Proposals Submitted by, or Affecting, Elected Members and Officers	90
22.	The Council's Own Developments	90
23.	The Media	91
24.	Record Keeping and Complaints	91
25.	Training	92
26.	Learning from Past Decisions	92
27.	Gifts and Hospitality	93
28.	Inappropriate and Offensive Comments	93
	Appendices - 1, 2, 3	95

The main points of advice about the conduct expected of Elected Members and Officers are emphasised in bold italics, like this sentence.

PLANNING CODE OF PRACTICE

1. INTRODUCTION

- 1.1 This Planning Code of Practice complements and expands on the '[Code of Conduct for Elected Members and Co-opted Members](#)' ('Code of Conduct') adopted by Hartlepool Borough Council in conformity with the Localism Act 2011. The Code of Conduct is essentially concerned with the responsibilities of Elected Members when acting in the role as an Elected Member of the Borough Council. The Planning Code is concerned with the integrity of the Planning System and its procedures. It is therefore based on guidance from The Committee on Standards in Public Life, the Local Government Association, the Royal Town Planning Institute, the Department for Housing, Communities and Local Government (DHCLG), the Council's External Auditors and others. The Code sets out practices and procedures designed to avoid allegations of malpractice in the operation of the planning system. The aim is to protect the integrity of the planning system as open and fair to all parties.
- 1.2 The Code will be enforced through the Council's Audit and Governance Committee. The Code will be a consideration in any investigation of maladministration by the Local Government and Social Care Ombudsman. The Code refers mainly to the actions of a Planning Committee as the main decision making body, but it applies especially to other forms of decision making, e.g. Full Council where planning issues may be discussed. The Code applies to both Elected Members and Officers.
- 1.3 In terms of Article 6 of the Human Rights Act 1998, (right to a fair trial), the Code, together with the availability of an appeal procedure will meet the requirements of the Article. Ensuring that decisions are properly recorded and supported by adequate reasons. The fundamental basis of the Code is that the Planning System operates in the public interest and therefore decisions affecting private and public interests have to be made openly, impartially, with sound judgement and for justifiable reasons.
- 1.4 In addition, the role of Elected Members on a Planning Committee involves balancing/representing the needs and interests of individual constituents and the community with the need to maintain an ethic of impartial decision making on what can be highly controversial proposals which give rise to great tensions.

2. THE NEED FOR A CODE

- 2.1 Decisions on planning applications rely on informed judgement within a firm policy context. The determination of planning applications can be highly contentious because the actual decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers. This is heightened by the openness of the system (ie it actively invites public opinion before taking decisions) and the legal status of development plans, decision notices and enforcement action. It is important, therefore, that the planning process is characterised by open, fair, impartial, transparent and defensible decision making.
- 2.2 One of the key purposes of the planning system is to control development in the 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. It is important, therefore, that planning authorities should make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should be able to show that decisions have been taken in an impartial, unbiased and well-founded way.

3. SCOPE OF THE CODE

- 3.1 This Code sets out the practices which Hartlepool Borough Council follows to ensure that its planning system is fair and impartial, and explains the conduct expected of both Officers and Elected Members on planning matters.
- 3.2 It applies to both Elected Members and Officers who are involved in operating the planning system - it is not, therefore restricted to professional town planners or to Elected Members in Committee meetings. The successful operation of the planning system relies on mutual trust and an understanding of each other's roles. It also relies on each ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so.
- 3.3 Both Elected Members and Officers are guided by codes of conduct. The statutory Code of Conduct, supplemented by guidance from the DLUHC and others, provides standards and guidance for Elected Members. Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of the Code may be subject to disciplinary action by the Institute. However, not all Planning Officers are members of the RTPI, and parts of the Code of Professional Conduct are incorporated into this Code. The Council also has a Code of Conduct for Employees, by which all employees are required to abide. In addition to these Codes, the Council's Rules of Procedure govern the conduct of Council business.
- 3.4 Whilst this Code, and the others referred to above, attempt to be as clear as possible, ***if in doubt about how the guidance applies in particular circumstances seek advice***. Officers should seek advice from the Monitoring Officer. Elected Members can also seek advice from the Planning and Development Manager or from a Solicitor within the Legal Services Division as appropriate.
- 3.5 Appendix 1 also contains a list of other guidance on planning which is available from the Council.
- 3.6 This guidance is mainly about planning applications, but also applies to the ways in which the Council handles all applications, planning enforcement matters and also how the Council prepares a Local Plan. References to applicants and objectors should therefore generally also be taken to refer to complainants and alleged contraveners in enforcement cases, and to landowners, developers and objectors involved in plan proposals. The guidance applies to planning matters on which a decision will be taken by the Council.

4. COUNCILLORS AND OFFICERS

4.1 Elected Members and Officers have different, but complementary, roles. Both serve the public. Elected Members are responsible to the electorate, and are elected to represent all people of the Borough. Officers are responsible to the Authority as a whole. They advise the Council and its committees, and carry out the Authority's work. They are employed by the Authority, not by individual Elected Members, and it follows that instructions may be given to Officers only through Full Council or Committee decision. Any other system which develops is open to question. A successful relationship between Elected Members and Officers can only be based upon mutual trust, respect and an understanding of each other's roles and positions. This relationship, and the trust which underpins it, must never be abused or compromised.

4.2 Therefore:

- ***Individual Elected Members should not give instructions to Officers on planning matters.***
- ***Officers' actions will follow Council policy and Committee decisions.***
- ***Political group meetings should not be used to decide how Elected Members should vote on applications and enforcement cases and Members are not mandated on these matters by a political group.***

4.3 The Code of Conduct sets out the requirements on Elected Members in undertaking their role as an Elected Member of the Council. It covers issues central to the preservation of an ethical approach to council business, including the need to register and declare interests, but also appropriate relationships with other Elected Members, staff and the public, which will impact on the way in which Elected Members participate in the planning process. Of particular relevance to Elected Members who become involved in making a planning decision is the requirement that;

“Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor. The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Elected Members should take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so. Elected Members who do not feel that they can act in this way should consider whether they are best suited to serve on a planning committee.

4.4 Officers must always act impartially. The RTPi Code of Conduct says, amongst other things, planners:

- shall not make or subscribe to any statements or reports which are contrary to their own genuine professional opinions;

- shall act with competence, honesty and integrity;
- shall fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;
- shall act in a way that encourages equity and inclusion.

These guidelines should apply to all Planning Officers. More detailed guidance and requirements are in the Council's own Code of Conduct for Employees. Through the Local Government and Housing Act 1989 as amended, restrictions are placed on the outside activities of senior staff.

4.5 Impartiality (particularly crucial in highly contentious matters) is re-enforced by requirements in the Code of Conduct. Elected Members are placed under a requirement by the Code to:

- treat others with respect; and
- act in accordance with the local authority's requirements,.

4.6 **Under the Localism Act, 2011, a Code of Conduct, when viewed as a whole, must be consistent with the following principles;**

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

In addition, the Code of Conduct requires Election Members to agree that they will on all occasions;

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of councillor.

Further more the Code of Conduct requires Members in undertaking their role to:

- impartially exercise their responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest

- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

The actions and conduct of Elected Members and Officers should be such as would seem appropriate and above suspicion to an impartial outside observer. Decisions should be taken in the interests of the Borough as a whole, and should not be improperly influenced by any person, company, group or Parish Council. The key is to demonstrate that decisions are taken on the facts alone, without any undue outside pressure.

5. WHAT PLANNING DECISIONS ARE BASED ON

- 5.1 Planning decisions are based on planning considerations and cannot be based on immaterial considerations. The Town and Country Planning Act 1990 (as amended), together with Government guidance through the National Planning Policy Framework and cases decided by the courts, define what matters are material to planning decisions.
- 5.2 ***It is the responsibility of Officers in preparing reports and recommendations to Elected Members, and in advising Committees, to identify the material planning considerations and to ensure Elected Members are aware of those matters which are not material to planning decisions.***
- 5.3 Section 70 of the Town and Country Planning Act 1990, provides that Elected Members have a statutory duty when determining planning applications, to have regard to the provisions of the development plan where material to the application, and to any other material consideration.

Section 38 (6) of the Planning & Compulsory Purchase Act 2004 advises that it is a requirement that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

The National Planning Policy Framework constitutes guidance for local planning authorities in both drawing up plans and as a material consideration in determining applications. The Framework underlines that 'the purpose of the planning system is to contribute to the achievement of sustainable development' (paragraph 6 refers).

The development plan consists of:

- The policies of the Hartlepool Local Plan 2018, the Hartlepool Rural Neighbourhood Plan and the policies contained within the Minerals and Waste Development Plan Documents (September 2011) so far as they are consistent with the National Planning Policy Framework.

Neighbourhood Plans subject to examination in public and approval through referendum, must be in general conformity with an adopted Local Plan.

5.4 Other material planning considerations include:

- supplementary planning documents approved by the Council following public consultation;
- statutory duties in relation to conservation areas and listed buildings;
- representations made by statutory consultees and other people making comments, to the extent that they relate to planning matters;
- the environmental qualities of the surrounding area or the visual character of a street (this includes the scale, design and materials of buildings and the landscaping of a site);
- the amenity and privacy of dwellings;
- the character of an area in other senses (in terms of noise or other forms of pollution);
- road safety (both directly as in the case of a dangerous access or indirectly in terms of car parking and traffic generation);
- public services, such as drainage;
- public proposals for using the same land; and
- legitimate planning gain/community benefit.

5.5 There is much case law on what are, and are not material planning matters. ***Planning matters must relate to the use and development of land.*** For example, the following are ***not*** normally planning matters and ***cannot be taken into account in planning decisions:***

- personal and financial considerations;
- private property rights and boundary disputes;
- covenants;
- effects on property and land values;
- developers' motives;
- public support or opposition, unless it is founded on valid planning matters;
- the fact that development has already begun (people can carry out development at their own risk before getting permission and the Council has to judge development on its planning merits);
- the fact that an applicant has carried out unauthorised development in the past;
- "trade objections" from potential competitors;
- moral objections such as activities likely to become addictive, for instance betting shops, lottery kiosks or amusement arcades;
- the belief that an application is submitted by an owner with the intention of selling the property at an enhanced value;
- the loss of an attractive private view (for instance when development is proposed on the opposite side of the road to or at the rear of an objector's house);
- the fear that an objector's house or property might be devalued;
- the fact that the applicant does not own the land to which his application relates (this can be overcome by agreement with the owner and, if it is not, the development cannot happen);

- the fact that an objector is a tenant of land where development is proposed; any consequences between landlord and tenant are unrelated to the application;
- allegations that a proposal might affect private rights, ie restrictive covenants; property maintenance; ownership and private rights of way disputes; boundary disputes; (such considerations are legal matters on which objectors should consult their own solicitor or advisor since it will not be possible for Officers of the Council to advise as to such rights);
- arguments of a personal kind in relation to the circumstances of the applicant. It is essential that Elected Members are aware that planning permission goes with the land. The Government inquiry into planning in North Cornwall ('Inquiry into the Planning System in North Cornwall - DoE 1993') makes it plain that personal preferences are not reasons for granting planning permissions. Personal circumstances may, very exceptionally, have a place in the system. Therefore, information about the applicant should not be material to the consideration of a planning application in the vast majority of cases, and personal circumstances cannot therefore, in general, outweigh planning considerations.

6. DUTIES AND ACTIONS

- 6.1 The Council's Planning Committee exercises the Borough Council's statutory Local Planning Authority functions and is the decision maker for the purpose of determining applications other than those matters falling within the Council's Scheme of delegation (see Part 3 of the Constitution). Decision makers have a very special responsibility and have a number of statutory duties. There are also actions that can be taken against the Council and Elected Members for a failure to properly discharge the Local Planning Authority function. These duties and actions are summarised in Appendix 2.

7. THE DECISION MAKING PROCESS

- 7.1 In reaching a decision on a planning application, Elected Members need to:-
- identify the development plan policies which are relevant to the particular development proposal;
 - identify any other material considerations;
 - if there are other material considerations, the development plan should be taken as a starting point and the other material considerations should be weighed in reaching a decision. Considerable weight should be attached to the relevant policies of an adopted development plan. Some weight can be attached to an emerging plan, dependent on the stage at which a draft plan has reached prior to its formal adoption.

At a fundamental level, Elected Members should go through the following three stage process when making a decision:-

Stage 1

- (i) Identify the relevant development plan policies and other relevant material considerations (if any) in respect of the application which need to be taken into account in the decision making process.
- (ii) Identify irrelevant matters which should not be taken into account in the decision making process. These include the applicant's personal qualities such as having a long term family connection with the area, his or her popularity in the community, the fact he/she is a local farmer, the fact that a son or daughter is just about to marry.

Stage 2

- (i) Attach sufficient weight to the development plan policies and other material consideration for and against refusal or approval.
- (ii) Elected Members must give clear and convincing reasons for any departure from adopted plan policies and other material considerations.

Stage 3

Weigh the material considerations in reaching a decision.

A failure to follow the proper decision making procedure can give rise to proceedings for a Judicial Review and/or a finding of maladministration by the Local Government Ombudsman.

- ***In the decision making process, Elected Members should not take into account irrelevant matters, allow them to outweigh important planning considerations and fail to take fully into account Government guidance on the weight to be attached to relevant considerations.***
- ***Elected Members should determine applications in accordance with the advice given to them by their professional Officers unless they have good planning reasons, in the knowledge of all material considerations, to take a decision contrary to the officer's recommendation.***

8. LOBBYING OF AND BY ELECTED MEMBERS

It is important to recognise that lobbying is a normal and perfectly proper part of the political process: those who may be affected by a planning decision will often seek to influence it through an approach to their Ward Member or to a Member of the Planning Committee.

- 8.1 Elected Members need to take account of the general public's (and the Ombudsman's) expectation that a planning application and other applications will be processed and determined in a transparent, open and fair manner, in which Elected Members taking the decision will take account of all the evidence presented before arriving at a decision, and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. The determination of a planning application is a formal administrative

process involving rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly, with the added possibility that an aggrieved party may seek Judicial Review of the way in which a decision has been arrived at, or complain to the Ombudsman on grounds of maladministration.; or to the Monitoring Officer that an Elected Member has breached the Code of Conduct.

- 8.2 An Elected Member who represents a ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If the Elected Member responds to lobbying by deciding publicly to support a particular outcome - even campaign actively for it – it will be very difficult for that Elected Member to argue convincingly when the Committee comes to take its decision that he/she has carefully weighed the evidence and arguments presented (perhaps in some respects for the first time) at Committee. Whilst in most circumstances this may not amount to a prejudicial or any pecuniary interest in terms of the Code of Conduct, **the proper course of action for such a Elected Member would be to make an open declaration and not to vote.** This can be seen, however, as a severe restriction on the Elected Member's wish - duty even - to represent the views of the electorate. In most cases it should be possible for an Elected Member to listen to a particular body of opinion, without engaging in lobbying for a particular outcome, and wait until the Planning Committee, to hear all the evidence presented, before making a final decision.
- 8.3 It is very difficult to find a form of words which covers every nuance of these situations and which gets the balance right between the duty to be an active ward representative and the 'overriding duty as a Elected Member ... to the whole local community'. However, the following guidance will be appropriate in most cases.
- 8.4 Elected Members who are lobbied on a planning matter before the Planning Committee:
- ***may listen to what is being said;***
 - ***may give procedural advice ie to write to the Director of Neighbourhoods and Regulatory Services, the name of the Case Officer, the deadline for comments, whether the application is to be determined by the Planning Committee or delegated to Officers how decisions are reached through Officer recommendation /Planning Committee;***
 - ***should refer the person and any relevant correspondence to the Case Officer, so that their views can be recorded and, where appropriate, summarised in or attached to the report to the Committee;***
 - ***should take great care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have considered all the evidence and arguments;***
 - ***should make it clear that Elected Member will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee;***
 - ***should not openly declare which way they intend to vote in advance of the relevant Committee meeting, or otherwise state a commitment to oppose or support the application;***
 - ***should not negotiate detailed planning matters with applicants, agents, objectors, etc;***

- ***should pass relevant correspondence to the Case Officer prior to any Committee meeting;***
- ***should report instances of significant, substantial or persistent lobbying to the Planning and Development Manager or the Director of Neighbourhoods and Regulatory Services.***

8.5 Elected Members who have openly declared their voting intention in advance of the relevant Committee meeting should make an open declaration and leave the meeting, taking no part in debate or voting.

8.6 To avoid impressions of improper influence which lobbying by Elected Members can create:

- ***Elected Members should in general avoid organising support for or opposition to a planning matter to be determined by the Borough Council, and should not lobby other Elected Members - such actions can easily be misunderstood by parties to the application and by the general public;***
- ***Elected Members should not put pressure on Officers for a particular recommendation;***
- ***political group meetings should not be used to decide how Elected Members should vote on planning matters;***
- ***Elected Members should not act as agents or advocates for planning applications or any other applications, enforcement cases or proposals to be determined by the Borough Council. Where an Elected Member is involved in a particular planning matter, she/he should take care not to appear to try to influence other Elected Members, and should declare an interest at the relevant Committee meeting.***
- ***Whenever an Elected Member is approached or lobbied on any particular application Elected Members should consider distributing the draft letter attached as Appendix 3 which makes clear the neutral stance which Elected Members need to adopt to remain impartial pending consideration of all the material facts at the Committee meeting.***
- ***If Elected Members attend private site meetings in their ward at the request of the applicant they should express no opinion on the merits of the application and should normally advise the applicant that the Elected Member may also speak to other interested parties including objectors, again, without expressing any opinion on the merits of the application prior to determination before Planning Committee.***
- ***Elected Members should not normally undertake private site inspections in another Elected Member's ward without prior notice to the Elected Ward Member. Again Elected Members should express no opinion on the merits of the application.***

9. PRE-APPLICATION AND PRE-DECISION DISCUSSIONS

- 9.1 The Council encourages pre-application discussions between Planning Officers and potential applicants. These bring advantages to all parties: they can avoid applications being made which are clearly contrary to policy, and so avoid unnecessary worries for those who could be affected; they can avoid abortive work for the Council and applicants by giving clear information about applicable policies, etc before proposals are designed; and so they can improve the quality of applications and development.
- 9.2 However, discussions might be seen (especially by objectors) as part of a lobbying process. In order to avoid such problems, pre-application discussions should take place within clear guidelines. Although the term 'pre-application' has been used, the same considerations apply to any discussions which take place before a decision is taken:

- ***The Officer should always make it clear at the outset that the discussions will not bind a Council to making a particular decision, and that any views expressed are personal and provisional. By the very nature of such meetings, not all relevant information will be to hand, neither will formal consultations with interested parties have taken place.***
- ***Advice should be consistent and based upon the development plan and material considerations.***
- ***Where the Director of Neighbourhoods and Regulatory Services is the decision-maker (for delegated matters - see later), he/she should normally not meet the applicant, agent or objectors to discuss a case without another Officer present. A written note should be made of all discussions. A follow up letter is advisable, at least when documentary material has been left with the Council. A note should also be taken of telephone discussions.***
- ***Whilst Elected Members will not normally be involved in pre-application or pre-decision discussions, if an Elected Member is present he/she should be accompanied by an Officer. The Elected Member should be seen to be advised by the Planning Officer on development plan and other material considerations, and the Officer should take a note of the meeting.***

9.3 Applicants and potential applicants sometimes ask for advice on whether planning permission will be granted in particular circumstances. Advice may also be sought on the lawful use of land. For clarity, and to avoid a future decision on a planning application being compromised:

- ***Officers should normally ask someone requesting advice to put the request in writing - so that it is clear on what proposal or circumstances advice is being given.***
- ***Written replies to such requests will contain a caveat that advice cannot bind a future decision of the Council on any subsequent application.***
- ***Persons seeking advice about the lawful use of land should be advised that Parliament has provided a procedure for a Local Planning Authority to certify what a lawful use of land is by means of an application for a Certificate of Lawfulness of Existing Use or Development. Advice from an Officer cannot legally circumvent this procedure.***
- ***Officers may be unable to say what their recommendation is on a particular planning matter until all issues have been considered and the papers published for the relevant Committee.***

9.4 The Planning Advisory Service operated by the Planning and Development Team encourages Elected Member involvement in pre-application discussions on major applications, a 'Pre Application Development Forum' has been agreed by the Planning Committee which would allow Elected Members to be presented with development proposals at an early stage. A local protocol is set out below regarding Elected Member involvement. Without this, Elected Member involvement may unnecessarily open any Elected Member on the planning committee, to avoidable risks of challenge on apparent predetermination.

9.5 The local protocol for the 'Pre Application Development Forum' is as follows:

- Elected Members are encouraged to promote any community aspirations involving sites, land or community benefits from development, or other planning issues through Local Development Framework & Sustainable Community Strategy preparation at the earliest opportunity (To embed community aspirations in corporate policy and minimise the risks of pre determination in any community championing role);
- Elected Members and the public are invited to any pre application development forum, on significant proposals (To ensure transparency of process & minimise private briefings);
- The relevant officer explains the role of Elected Members present at any pre-application discussion and this is recorded in the note of the meeting;
- The Developer is invited to attend and present their proposals;
- Interested Parties are invited to speak;
- Planning Committee Elected Members' role in pre-application discussions is to learn about the emerging proposal, identify issues to be dealt with in any further submissions, but not to express any initial view on the proposal as to pre-determine their view on any formal application;
- Officers will note those present, the issues identified at the pre-application discussion meeting or forum, and take appropriate follow up action recording the outcome of the meeting to the developer and on a public file;
- Any planning committee Elected Member who elects to support a view for or against the development being discussed will predetermine their position to the extent they will be advised to declare a prejudicial interest, and be free to present their community views to the committee in the event of the committee considering a subsequent application, but not to participate in the discussion and vote on the application.

10. REGISTRATION OF INTERESTS

- 10.1 The Localism Act 2011 places an obligation on Elected Members to register and declare certain disclosable pecuniary interests and such other interests as set out within the Code of Conduct for Elected Members and Co-opted Members. Further the Code outlines the consequences for the Elected Member's participation in consideration of an issue, in the light of those interests. The attention of Elected Members is also drawn to Council Procedure Rule 21 (which for the avoidance of doubt has application to Council Committees and Sub Committees) on interests of Elected Members in contracts and other matters. These requirements must be followed scrupulously and Elected Members should review their situation regularly. Guidance on the registration and declaration of interests will be issued by the Council's Monitoring Officer. However, ultimate responsibility for fulfilling these requirements rests individually with each Elected Member.
- 10.2 You must register in the Authority's Register of Elected Members' Interests information about your registerable personal interests. A definition of a registerable personal interest is contained within the Code of Conduct for Elected Members and Co-opted Members. A register of Elected Members' interests will be maintained by the Council's Monitoring Officer, which will be available for public inspection. An Elected Member must provide the Monitoring Officer with written details of relevant interests within 28 days of his election, or appointment to office. Any changes to

those interests must similarly be notified within 28 days of the Elected Member becoming aware of such changes.

11. DECLARATION OF INTERESTS BY ELECTED MEMBERS AT COMMITTEE

- 11.1 Information regarding ‘your registerable and non-registerable personal interests’ is contained in the Code of Conduct for Elected Members and Co-opted Members.
- 11.2 Elected Members of the Planning Committee should consult the Code of Conduct for Elected Members and Co-opted Members to determine their registrable and non-registrable personal interests to determine, what, if any, effect these interests could have at a Planning Committee meeting.

Pre-determination and Bias

- 11.3 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as an Elected Member, however you should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- 11.4 At all meetings, when making a decision, you need to consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.
- 11.5 However, if an Elected Member, in advance of the decision-making meeting had taken a firm view on the planning matter (in essence they had ‘pre-determined’ the matter), either in meetings of the other body or otherwise, they would not be able to demonstrate that, in participating in a decision, all the relevant facts and arguments had been taken into account, they would have fettered their discretion. Were they to participate in a decision in those circumstances, they might place their authority in danger of Judicial Review.
- 11.6 There will be occasions when Elected Members will wish to press for a particular development which the Elected Member regards as beneficial to the development of the area. Should that Elected Member be able to vote on any planning application relating to that development? The appropriate action is not clear cut, and may depend on the particulars of the case. However, the general advice would be that an Elected Member in such circumstances may well be so committed to a particular development as the result of undertaking the responsibilities of furthering the development of the area, that he or she may well not be able to demonstrate that they are able to take account of counter arguments before a final decision is reached. Indeed, the Elected Member may be seen as an advocate on behalf of the authority for the development in question. In that sense, the Elected Member becomes almost the ‘internal applicant’. In such circumstances, the appropriate approach is likely to be that the Elected Member advocating for the development should not vote on the relevant applications.

12. PARISH MEMBERSHIP

- 12.1 The Council consults the relevant Parish or Parish Meeting on every planning application. Planning Officers may, on request, attend a Parish meeting early in the

life of an application to explain the facts of the application and any relevant Development Plan policies.

- 12.2 Difficulties can arise for Elected Members who are members of a Parish Council as well as the Borough Council. By taking part in a Parish Council meeting when their comments on an application are agreed, a Borough Elected Member will be seen to have made up her/his mind in advance of hearing all the issues at the decision making Borough Council Committee. The Elected Member could be considered to have fettered his or her discretion. In those circumstances the Elected Member should not participate at the Borough Council meeting. In such cases the Elected Member has been excluded not because of the code but because the Elected Member's previous actions had fettered his or her discretion and possibly laid the council open to the objection that the planning process had been tainted. So, an Elected Member has to choose whether to form a view at an early stage of the process and campaign for or against the planning applications but be excluded from the final decision-making; or reserve judgment until all views have been considered and only then form a view.

'Dual' Members should therefore either:

- ***not take part in the discussion of an application at the Parish Council meeting at which comments are agreed; or***
- ***not take part in the discussion/decision on the application at the Borough Council's Planning Committee;***

Furthermore:

- ***although the consultation response from a Parish Council is a relevant consideration, Elected Members should not automatically defer to the Parish Council view, because Parish Councils do not have the advice of professional Planning Officers in reaching their decision.***

13. UNAUTHORISED DEVELOPMENT OR BREACH OF LISTED BUILDING CONTROL

- 13.1 Elected Members or Officers who are aware of a breach of planning or listed building control on land under their ownership or control should promptly advise the Planning and Development Manager or the Director of Neighbourhoods and Regulatory Services of the breach in writing.
- 13.2 Breaches of planning or listed building control involving an Elected Member or an Officer should be promptly investigated by the Planning and Development Manager.
- 13.3 Planning enforcement decisions are taken by the Director of Neighbourhoods and Regulatory Services in consultation with the Chair of the Planning Committee and the Director of Legal, Governance and HR. A written Officer report and decision record will be prepared in advance of any decision being taken. The report and decision record on some enforcement matters may not be available to the public,

for example if the Council is considering a prosecution in the courts. Schedule 12A of the Local Government Act 1972 as amended sets out what can be considered in private.

14. OFFICER REPORTS TO COMMITTEE

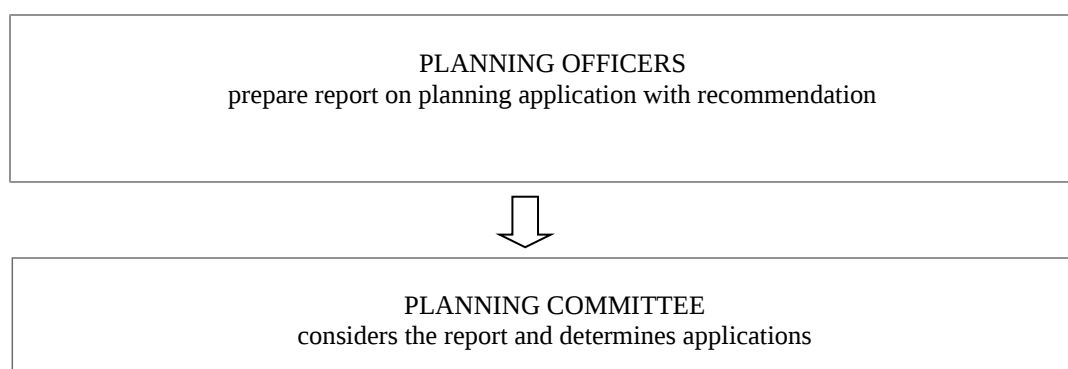
14.1 To ensure that Committees give due consideration to the development plan and other material considerations, all Committee decisions on planning applications, and other proposals will normally be taken only after the Committee has received a written Officer report. Written Officer reports will reflect the collective view of the Department - not the view of the individual author.

14.2 Reports should be accurate and should:

- cover, amongst other things, the substance of objections and the views of people who have been consulted;
- include reference to relevant material and applicable policies and their implications for the case; the site or related history (where relevant) and any other material considerations;
- have a written recommendation of action; oral reporting should be rare and be carefully minuted when it occurs; contain an appraisal of the planning considerations which clearly justifies the recommendation and broadly indicates the weight which can be given to any opposing considerations;
- if the recommendation is contrary to the provisions of the development plan, clearly state the material considerations which justify this;
- describe the purpose and content of any conditions, planning agreement or obligation proposed in association with the planning permission.

15. COMMITTEE PROCEDURES

15.1 Decisions relating to planning applications (other than those matters dealt with under the Council's Scheme of Delegation) are taken by the Council's Planning Committee. The procedure for processing planning applications may be summarised as follows:



15.2 Reports are available to the public five working days before the Committee on request. The application files, containing all comments, are also available at that stage. Late letters and other information may be put to Committee and copies of these are normally available for inspection. The public (including applicants and

objectors) can attend Committee meetings and may speak under the terms of the Council's public speaking policy.

- 15.3 A guidance leaflet on public speaking and the process to be followed is made available. In essence, the officer will explain what is proposed and highlight the key planning issues. An individual or Applicant wishing to speak on an application can ask to address the Committee for a defined time, ordinarily four minutes. Elected Members may then ask questions of that individual if they wish. If the applicant (or agent) wish to speak or respond to points raised, they can then do so. Elected Members will then debate the merits of the case and arrive at a decision.
- 15.4 It is important that Elected Members are present throughout all the debate on an item. **If any Elected Member has to leave the Committee meeting for any reason, thereby missing any part of the proceedings, he/she should take no further part in the voting arrangements for the item(s) considered during their absence. Similarly if an item is deferred to a future Committee whether for a Site Visit or any other reason when the item is resumed at that Committee any Elected Members who were not present for all the proceedings relating to that item at the original Committee Meeting should also take no part in the discussion or voting on that item.**
- 15.5 The Planning Committee may agree or disagree with the report and recommendation and having considered all the relevant planning matters, the Committee may:
- grant planning permission (usually with appropriate planning conditions) with justified planning reasons;
 - refuse planning permission, with justified planning reason(s);
 - defer the application for further consideration.
- 15.7 Decisions on Local Plan/Local Development Plan proposals are generally within the functions of the Neighbourhoods and Regulatory Services Committee, subject to Council approval as part of the Budget and Policy Framework.
- 15.8 The procedures governing the conduct of meetings are set out in the Council's Constitution. However, the general public who attend these meetings will usually not be familiar with the Council's Constitution, or this Code. It is therefore important that decisions are made on relevant grounds and that this is the impression left with the public who attend. Responsibility for this rests primarily with the Chairperson of the meeting, assisted where appropriate by Officers. To facilitate this:
- ***a briefing for the Chair and Vice-Chair of the Planning Committee will be held after the Officer reports and recommendations have been published. The purposes of these briefings is to inform the Chair and Vice-Chair of the issues, to ensure that the rationale for the Officer recommendation is explained, and to identify any potentially problematic or controversial items;***
 - ***one or more Chartered Town Planners will be present at all Planning Committee meetings at which planning matters are considered;***
 - ***a Legal Officer will normally also be present.***

At a briefing and in order to ensure the proper conduct of the Committee meeting and to minimise any inconvenience, the Chair and Vice Chair may agree for an item(s) to be withdrawn if circumstances so require, the Committee being notified at the commencement of their meeting, of such withdrawal of the item(s) from the agenda.

16. COMMITTEE SITE VISITS

16.1 The Planning Committee may sometimes decide to visit a site prior to determining an application. Site visits sometimes result from a request by an Elected Ward Member. It is acknowledged that this is a proper part of the representational role and should normally be acceded to, so long as the Elected Ward Member can justify his/her request in relation to material planning considerations. Site visits should not be employed merely to appease local interest in an application.

16.2 However, site visits cause delay and add costs for the applicant and Council, and should only be used where there are substantial benefits. Therefore:

- ***A site visit is likely to be necessary only if the impact of the proposed development is difficult to understand from the plans and any supporting material, including photographs taken by Officers, or if the proposal is particularly contentious.***
- ***The reasons for a site visit should be clearly stated and minuted.***
- ***All Elected Members of the Planning Committee will be invited and should make every effort to attend, so that they understand the issues when the matter is considered at the following Committee meeting.***

16.3 Site visit meetings will be conducted in a formal manner:

- ***The Chairman should start by explaining the purpose and conduct of the site inspection .***
- ***The Officer will describe the proposal and highlight the issues relevant to the site inspection and other material planning considerations.***
- ***The Officer will be asked to point out relevant features which can be observed. Elected Members may also wish to point out features which can be observed, or to ask factual questions of the Officer.***
- ***To avoid giving an impression of being lobbied, Elected Members should not listen to or talk to any individuals whilst on site, unless being addressed as a group. Any comments should be made to the whole group through the Chair.***
- ***The public, applicant or objector may attend the site inspection and will be invited by the Chair to draw Elected Members' attention to any salient features or to any relevant factual information.***
- ***Other than to draw Elected Members' attention to any salient feature or to clarify a factual point, through the Chair, the public, applicant and objector will not be allowed to speak.***
- ***To avoid Elected Members being spoken to individually, the Chairman should endeavour to keep the Committee together as a group.***
- ***No discussion or decision-making will take place on site.***
- ***No hospitality will be accepted before, on or after site visits.***
- ***Elected Members or Officers who have any declarable interest which means they should not participate at Committee on determining the application should not attend a site inspection.***

17. DECISIONS DELEGATED TO OFFICERS

- 17.1 Decisions on certain types of application can be taken by Officers under delegated powers, The full list of decisions delegated to the Director of Neighbourhoods and Regulatory Services is set out in Part 3 of the Constitution. The system allows quicker decisions to be taken on straightforward matters.

18. DECISIONS CONTRARY TO THE DEVELOPMENT PLAN

- 18.1 Planning decisions must normally be taken in accordance with the Development Plan (see paragraph 5.3).
- 18.2 If Officers are determining an application contrary to the development plan, they must do so in accordance with the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 to determine the decision-making route.
- 18.3 In some circumstances (as defined by Government Direction) the application will be referred - normally after the Planning Committee has agreed a recommendation - to the Secretary of State to enable him/her to decide whether to 'call in' the application to be decided centrally. More details are set out in Appendix 2.

19. DECISIONS CONTRARY TO OFFICER ADVICE

- 19.1 If following debate, the Planning Committee is minded to makes a decision contrary to the Officers' recommendation on a planning application the reasons should be stated in clear terms and based on material planning considerations. Officers may comment on the proposed reasons. Officers will summarise (from the debate) why members are departing from officer recommendation. Where the reasons are unclear to the officer, the officer will seek to clarification from the Members as to why they are departing from the officer recommendation. An amended motion (opposite contrary to the officer recommendation) will then be moved, seconded and a second a vote taken. The drafting of conditions, and as the case may be reasons for refusal, will be delegated to the Director of Neighbourhoods and Regulatory Services.

19.2 Where the Committee is minded to approve an application subject to the entering into of a S106 Agreement the matter shall be delegated to the Director of Neighbourhoods and Regulatory Services to execute the S106 Agreement and issue the permission.

19.3 If a Committee wishes to amend or add conditions to an approval, the detailed drafting of conditions will be delegated to the Director of Neighbourhoods and Regulatory Services

20. APPROVING REPEAT APPLICATIONS FOR DEVELOPMENT PREVIOUSLY REFUSED

20.1 One complaint that frequently arises, and has been investigated by the Local Government and Social Care Ombudsman, is the approval of a planning application where an application for substantially the same development has previously been refused, where there has not been a significant change in circumstances.

20.2 The principles which can be distilled from Ombudsman cases are as follows:-

- **there is perversity and maladministration, if a Local Planning Authority approves a planning application, which has previously been refused, where there has not been a significant change in the planning circumstances;**
- **the fact that there has been a significant change in the membership of the Planning Committee does not justify inconsistency between current and previous decisions;**
- **the perversity of approving a planning application, which has been previously refused, where there has been no significant change in the planning circumstances, is maladministration if:-**
 - insufficient weight has been given to Officers' recommendations and Central Government guidance; and
 - there is a failure to give and record reasons for the authority's change of mind.

20.3 Elected Members are advised that a serious risk of challenge is posed by a failure to give and record clear and convincing planning reasons for the approval of planning applications for which there is a history of refusals by the Council and Inspectors appointed by the Secretary of State where there has been no significant change in the planning circumstances.

20.4 Therefore:

- **If a Committee is minded to approve an application for development previously refused, the proposer of the motion for approval or the Chairman should state what the significant change in the planning circumstances justifying approval before a vote is taken.**
- **If there is a history of refusals by the Council and Inspectors appointed by the Secretary of State, the proposer of the motion for approval or the**
- **Chairman should also state why the Inspector's decision should no longer be followed before a vote is taken.**

21. DEVELOPMENT PROPOSALS SUBMITTED BY OR AFFECTING COUNCILLORS AND OFFICERS

- 21.1 Proposals to their own authority by serving Elected Members and Officers and their close friends and relatives can easily give rise to suspicions of impropriety. Proposals can take the form of either planning applications or Development Plan proposals, or may involve planning enforcement. It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way which gives no grounds for accusations of favouritism.
- 21.2 For planning proposals submitted by Planning Officers and Elected Members they shall proceed to determination before Planning Committee, subject to the following principles:
- **Serving Elected Members and Planning Officers who submit their own proposal to the authority they serve should play no part in the decision-making process for that proposal.**
 - **Such proposals may be reported to Committee in accordance with the Town and Country Planning (Discharge of Local Authority Functions) (England) Regulations 2026 and not dealt with by the Director of Neighbourhoods and Regulatory Services under delegated powers.**
 - **The Council's Monitoring Officer should be informed of such proposals by serving Elected Members, and the Officers report to the Committee will show that the applicant is an Elected Member**
 - **Elected Members and Planning Officers should never act as agents for people pursuing a planning matter within the Borough.**
 - **The Officer concerned should have no involvement with the determination of the application.**
- 21.3 For proposals submitted by, or on behalf of, other Council Officers or close relatives and friends of Officers or Elected Members involved with the development management process:
- **The Officer concerned will have no involvement with the determination of the application.**
 - **The application shall be determined in accordance with Town and Country Planning (Discharge of Local Authority Functions) (England) Regulations 2026 .**
- 21.4 Where a planning proposal directly affects the property or personal interests of an Elected Member, she/he should play no part in the decision-making process. This would apply, for example if an Elected Member submitted comments, as a neighbour, on a planning application.
- 21.5 Similarly, an Officer should have no involvement in processing a planning proposal which directly affects her/his property or personal interests.

22. THE COUNCIL'S OWN DEVELOPMENTS

22.1 Proposals for the Council's own development have to be treated in the same way as those by private developers.

- **All applications for the Council's own development will be reported to Committee in accordance with the relevant provision of the scheme of delegation.**
- **All applications for the Council's own development will be the subject of a written Officer report, as with other applications.**

23. THE MEDIA

23.1 The principles of this Code also apply to press contact. Elected Members and Officers when commenting to the media on planning matters should:

- *have regard to the points made in the section on lobbying (Section 8);*
- *ensure that they do not give the impression that they have predetermined or pre-judged (as opposed to a pre-disposition) the planning application ;*
- *and;*
- *make clear that Elected Members will retain an open mind until such time as the full facts are available and these are debated by the appropriate Committee;*
- *for delegated applications, make clear that the Director of Neighbourhoods and Regulatory Services or his appointed representative will retain an open mind until such time as the full facts are available and presented for decision.*

23.2 Any Officers can provide facts about a planning matter which are in the public domain and available to the media. However, the media should be referred to the Communications and Marketing Team who will liaise with the appropriate officer for attributable comments.

24. RECORD KEEPING AND COMPLAINTS

24.1 The Council has established its own Complaints Procedure. Complaints are first investigated within the Department by an Officer more senior than the Case Officer. If the complaint cannot be resolved within the Department it will be escalated in accordance with the Council's Complaints Procedure.

24.2 So that complaints may be fully investigated and, in any case, as a matter of general good practice, record keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. It is not possible to keep a full note of every meeting and conversation. However, the guiding rule is that every case file should contain an account of the main events throughout its life. It should be possible for someone not involved with that application to understand what the decision was and how and why it was reached.

- ***The main source of this documentation will be the Officer report to Committee and, if the Committee does not agree the recommendation, the Committee minutes.***

- *For delegated applications, a formal note of the main planning considerations is written and kept on file.*
- *These principles apply equally to enforcement and Development Plan matters.*
- *All Committee reports and delegated decision reports will be checked and agreed by the Planning and Development Manager.*
- *A written note should be kept of all potentially contentious meetings and telephone conversations: this may be in the form of a follow-up letter. Whilst it will be impossible to keep a full note of every meeting, conversation and site visit, a record should be kept of significant events and site visits which have taken place. The extent of the note should be in proportion to the significance of the event.*

25. TRAINING

25.1 As section 5 above explains, the planning system is a complex mixture of statute and case law, and of local and national policy, balancing private and public interests. The declaration of interests is also an area which demands the exercise of well-informed judgement.

- A copy of this Code of Practice will be accessible to each Elected Member and Officer in the Neighbourhoods and Regulatory Services Department, including new Elected Members and employees.
- The Council will provide periodic training events for Elected Members on planning, which all Elected Members should endeavour to attend as part of their personal development.
- Elected Members newly elected to the Council without prior training and those serving upon the Planning Committee who have not attended planning training within a two year period prior (including substitutes) should not vote upon any planning application or the consideration of enforcement and other action until they have attended a recognised training event on planning. The Council will employ a Chartered Town Planner as Planning and Development Manager and will seek to employ trained or Chartered Town Planners to operate its main planning functions.
- The Council will, as far as possible, assist Officers in carrying out training and development activities which enable them to meet the requirements of their post, and enable them to fulfil the 'continuous professional development' requirements placed on Chartered Town Planners.

25.2 **An Elected Member shall not participate in decision making at meetings of the Planning Committee if they have not attended the mandatory training prescribed by the Council. Elected Members of the Committee shall also endeavour to attend any other specialised training sessions provided, since these are designed to extend the knowledge of the Elected Member on planning law, regulations, procedures, Codes of Practice and Development Plans and generally assist the Elected Member in carrying out their role properly and effectively.**

26. LEARNING FROM PAST DECISIONS

- 26.1 The lessons to be learnt from any complaint against the Planning Service should be considered, recorded, and any necessary changes to procedures implemented. Planning Officers will review decisions where appropriate in order to learn from experience.

27. GIFTS AND HOSPITALITY

- 27.1 ***Elected Members and Officers are advised to treat with extreme caution any offer or gift, favour or hospitality which is made to them personally.***
- 27.2 Elected Members should also be very cautious about accepting gifts and hospitality. The Code of Conduct requires any Elected Members receiving any gift or hospitality, **in their capacity as members**, over the value of £25, to provide within 28 days of its receipt written notification of the details to the Monitoring Officer of the Council. Such details will go in a register of gifts and hospitality, which will be open to inspection by the public.
- 27.3 Similarly, Officers, during the course of carrying out their duties, may be offered hospitality from people with an interest in a planning proposal. Wherever possible, such offers should be declined politely. If the receipt of hospitality is unavoidable, Officers should ensure that it is of the minimal level and declare its receipt as soon as possible. Declarations of receipt of gifts and hospitality will be reviewed regularly by the Council's Monitoring Officer.
- 27.4 The presumption should be that any gift is normally refused.

28. INAPPROPRIATE AND OFFENSIVE COMMENTS

- 28.1 When composing a planning representation, we expect comments to comply with the following rules. Comments must not:
- a) Contain any personal names, please use words such as applicant, neighbour, etc.
 - b) Contain any personal information such as you're living on your own, you're on holiday next week etc.
 - c) Contain any information relating to medical data for yourself or others; this is unlawful for us to process.
 - d) Contain any material which is defamatory of any person.
 - e) Contain any material which is obscene, offensive, hateful or inflammatory.
 - f) Promote sexually explicit material.
 - g) Promote violence.
 - h) Promote discrimination based on race, sex, religion, nationality, disability, sexuality orientation, or age.
 - i) Infringe any copyright, database right or trademark of any other person.
 - j) Be likely to deceive any person.
 - k) Be made in breach of any legal duty owed to a third party, such as a contractual duty or a duty of confidence.
 - l) Promote any illegal activity.
 - m) Be threatening, abusive, invasive of another's privacy, or cause

harassment or needless anxiety.

- n) Be used to impersonate anyone, or to misrepresent your identity or affiliation with anyone.
- o) Give the impression that they emanate from us, if this is not the case.
- p) Advocate, promote or assist any unlawful act such as (by way of example only), copyright infringement or computer misuse.

28.2 Comments that fail to accord with these rules will not be published where moderation prior to publication is in place and will be removed as soon as practicably possible in all other cases. The decision of officers as to whether to remove a comment is final and will not be subject to debate or discussion. Comments will only be moderated once and will not be subsequently re-moderated.

APPENDIX 1; OTHER GUIDANCE

FROM HARTLEPOOL BOROUGH COUNCIL

Code of Conduct for Elected Members and Co-opted Members
Code of Conduct for Employees
Council's Constitution
Statement of Community Involvement

FROM OTHER ORGANISATIONS

'Code of Professional Conduct' The Royal Town Planning Institute (RTPI).

'Openness and transparency on personal interests', Department for Housing, Communities and Local Government.'

'Probity in Planning', Local Government Association..

'The Role of Elected Members in Plan Making and Development Control'.

'Planning Authorities and Racist Representations', RTPI.

'Lobby groups', dual-hatted members and the Code of Conduct – Guidance for members, Standards Board for England.

'Positive Engagement' – A Guide for Planning Councillors.

'Model Members Planning Code of Good Practice – ACSes

Planning Policy Guidance – DCLG (March 2014)

APPENDIX 2; DUTIES AND ACTIONS**1. DUTIES OF ELECTED MEMBERS**

In determining applications, Planning Committee are not bound to follow the Officer's recommendation contained in a report. The Committee should form its own views as to whether permission should be granted. However, this should not be interpreted as meaning that there are no possible grounds for challenge in the Courts, by the Ombudsman or some other external agency whatever Elected Members do, for example in approving applications contrary to Officer's recommendations, National and Development Plan Policy.

Elected Members of the Local Planning authority have the following duties:-

- (i) Elected Members must at all times act within the law;
- (ii) The overriding duty of Elected Members is to the whole community, not to individual applicants. For example, the avoidance of sporadic development in the open countryside is in the interests of the whole community;
- (iii) Elected Members have a statutory duty when determining planning applications to have regard to the provisions of the development plan where material to the application and to any other material considerations (Section 70 of the Town & Country Planning Act 1990).
- (iv) Elected Members have a statutory duty to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004)
- (v) Elected Members have a statutory duty when determining applications for listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses: Section 16 of the Planning (Listed Building and Conservation Area) Act 1990.
- (vi) Elected Members have a statutory duty when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (vii) Elected Members have a statutory duty when determining planning applications in respect of buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the special character or appearance of the area: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. ACTIONS AGAINST LOCAL PLANNING AUTHORITIES AND ELECTED MEMBERS

Actions against Local Planning Authorities and Elected Members are necessary because duties without recourse would be potentially unenforceable. This part of the code briefly examines the remedies available to aggrieved persons who consider that the Council has acted unreasonably or unlawfully in making a planning decision and the implications these actions may have for the Council and Elected Members.

The consequences of an unlawful or unreasonable planning decision are that the Council and Elected Members would become subject to the scrutiny of the following external agencies:-

(1) THE AUDIT AND GOVERNANCE COMMITTEE

Part III of the Local Government Act 2000 introduced the Ethical Framework for Local Government. This was a statutory framework within which Elected Members should operate. These provisions have now been amended through the Localism Act, 2011, but which still provides for a duty upon local authorities to promote and maintain high standards of conduct.

The Ethical Framework has the following key elements:

- (1) Codes of Conduct;
- (2) Register of Interests
- (3) Arrangements to deal with complaints received by the Council, with reports and possible hearings through the Audit and Governance Committee (see generally Article 8 and Part 3 of the Council's Constitution).
- (4) A criminal offence provision under Section 34 of the Localism Act, 2011..

The framework is concerned with the proper behaviour of politicians in public life, namely:

- (1) the way in which politicians conduct themselves in decision making;
- (2) their relationships with constituents, officials and outside interests; and
- (3) how conflicts of interest are declared and handled in the decision making environment of a Council.

(2) EXTERNAL AUDITOR

Each year the Council publishes an Annual Governance Statement to comply with the Accounts and Audit Regulations. This document is part of the Council's corporate governance framework as is the Annual Statement of Accounts as audited through the Council's external auditors. The Annual Statement of Accounts therefore contains the opinion of the external auditor on the legality and prudence of the Council's financial affairs.

Extraordinary headings of expenditure which could be raised by the external auditor from decisions of the Planning Committee are:

- (a) an ombudsman finding of maladministration and injustice giving rise to recommendations for remedial action and financial recompense;
- (b) costs of litigation and award of costs following an application for Judicial Review;

- (c) costs of local public inquiries, including possible award of applicants' costs including the possible substantial compensation payments following actions by the Secretary of State for the revocation, modification or discontinuance of a permission granted by the Council .

(3) LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

Aggrieved individuals who consider that they have been unfairly treated by the Council may refer their complaint to the Local Ombudsman for investigation to see if they have suffered injustice caused by maladministration.

Examples of maladministration would include:-

- (a) failure to follow a Council's agreed policies, rules or procedure;
- (b) failure to have proper procedures; bias or unfair discrimination;
- (c) failure to give due weight to Officer's recommendations and National Policy coupled with a failure to give and record clear and convincing planning reasons for approving a planning application where a planning application for substantially the same development has previously been refused;
- (d) taking into account irrelevant matters, allowing them to outweigh important planning considerations and failing to take fully into account Government guidance on personal circumstances.

If, after investigation, it is found that injustice has been caused by maladministration, the Ombudsman's report will contain recommendations as to what action the Council ought to take, which may include the payment of compensation.

The powers of the Local Government Ombudsman are contained in the Local Government Act 1974, as amended.

(4) JUDICIAL REVIEW

If an aggrieved individual or group of individuals believe that the Council's planning decision is wrong in law, they can make application to the High Court for Judicial Review of the decision, which might result in the planning decision being quashed.

In considering an application for Judicial Review the Court has regard to the following factors:-

- (a) whether the Council determined the planning application in accordance with the Development Plan or other material considerations;
- (b) whether the Council has taken into account an irrelevant consideration;
- (c) whether the Council has failed to take into account a relevant consideration;
- (d) whether there is evidence to suggest that if the Council has taken into account all relevant considerations it could not reasonably have taken the decision it arrived at;
- (e) whether all required procedures had been followed or there had been any procedural unfairness.

If the claimant succeeds on an application for Judicial Review, the planning decision may be quashed. In such circumstances it would be normal for the costs of the claimant's action to be awarded against the Council.

(5) THE “CALL IN” POWERS TO THE SECRETARY OF STATE

The Secretary of State has call in powers which can be exercised where a Council appears to be making inconsistent decisions which are seriously in conflict with National and Development Plan Policy. Planning applications called in by the Secretary of State, usually require a local public inquiry to be held, a part of the costs of which may be incurred by the Local Planning Authority. This power is contained in Section 77 of the Town & Country Planning Act 1990, as amended. The Town and Country Planning (Consultation) (England) Direction 2021 should now be read in conjunction with this power. There are broad categories of development a Local Planning Authority must refer, in relevant circumstances, if it does not propose to refuse the development. These are Green Belt development, large office retail and leisure developments outside town centres, world heritage development, playing field development, flood risk development and commemorative object development. Referral to the Secretary of State may also be required in certain cases involving heritage development and the Health & Safety Executive.

(6) THE POWERS OF THE SECRETARY OF STATE TO REVOKE OR MODIFY A PLANNING PERMISSION

Where planning permission has already been granted by the Council, the Secretary of State has powers to revoke or modify planning permission, or to require a discontinuance of a land use. This power is used if the original decision is judged to be grossly wrong. Cases giving rise to intervention include those where some important wider planning objective is at stake, such as protection of fine countryside.

Cases involving revocation and modification almost invariably require a local public inquiry before the Secretary of State's decision is confirmed. In addition to costs falling on the Council for the inquiry, where a planning permission is revoked or modified, there would be a liability for compensation to those with an interest in the land to be paid by the Local Authority.

APPENDIX 3;**DRAFT LETTER FOR LOBBYISTS**

Dear Sir/Madam

The Role of an Elected Member in a Planning Application

Thank you for seeking my advice as an Elected Member on a planning application. I will do all that I can to see that the matter is dealt with as fairly and as quickly as possible. My role as an Elected Member is to listen and assist you and others through the planning process. The process is complex and involves consulting a number of different people. The views of various people will not always coincide.

The Council has adopted policies on certain planning matters and it is important that applications are dealt with firmly in accordance with those policies, and relevant national guidance, so that decisions are consistent throughout the Borough.

A large number of applications are dealt with directly by Planning Officers under powers delegated to them. Other applications are dealt with by Planning Committee. If I am a Elected Member of the Committee I will have a vote on this application. If not, I may be able to attend the Committee if the application is within my Ward, but not vote. It is not possible for me to provide any commitment or support for an application or objection until I have heard all the facts presented at Committee. I may also be approached by others who will take a different point of view to you and I will therefore need to weigh up all the conflicting considerations.

Any views that you have on an application should be sent directly to the Council's Director of Neighbourhoods and Regulatory Services and any correspondence or information that I have received will also be passed on to the appropriate officer.

I am required by the Council's Planning Code of Practice to maintain my impartiality and integrity and not to attempt or be seen as attempting to influence Planning Officers or fellow Elected Members. I therefore cannot act as an advocate or agent on your behalf.

If I am an Elected Member of Planning Committee I may refer you to another Elected Member who will help you make out your case.

If I am involved in making a decision on an application I cannot accept any gifts or hospitality from you or be seen to meet you or to meet you on or off site or otherwise give the impression of influence or bias.

I hope this clarifies my role as an Elected Member in the planning process.

GUIDE TO PRE-APPLICATION DEVELOPER FORUMS

1. FOREWORD

This guide illustrates the structured approach to the way that Hartlepool Borough Council intends to operate its Pre Application Developer Forum.

Constructive pre-application discussions between potential applicants and planning officers have long been recognised as a means of helping to ensure all relevant considerations are addressed when an application is submitted in order to enable determination of the application in a timely manner bringing more certainty into the process.

The document 'Positive Engagement – A Guide for Planning Councillors' promotes the involvement of Councillors in pre-application discussion stating 'The engagement of local Councillors as leaders and representatives of the community is vital in the delivery of positive outcomes from the planning process.'

Officers can benefit from Councillors being more fully informed as this may well be able to assuage any unfounded fears their local communities may have for pre-application developer forums as a proposal emerges.

This forum along with any pre-application advice is given in good faith, however any advice given will not fetter the discretion of the Local Planning Authority in the actual determination of any planning application.

This guide has been prepared to set out the Council's procedures to ensure the process is transparent and consistent.

2. WHAT ARE PRE-APPLICATION DEVELOPER FORUMS?

Pre-Application Developer Forums are part of the Council's One Stop Shop, pre-application advisory service which provides advice on planning matters prior to the submission of a formal planning application.

The forums will be open meetings to allow potential developers to present their planning proposals prior to the submission of a formal planning application.

These forums provide a clear context for Councillors to listen to proposals and offer views as to what issues need to be dealt with in any formal submission of a planning applications. They are arranged, publicised and chaired by the authority.

3. WHO CAN ATTEND?

The developer/applicant for a significant planning proposal is invited to attend and present their proposal.

The public can attend but not to speak to keep the meeting focused on issues to be considered.

Interested parties such as consultees, parishes, amenity societies, and public representatives (such as a representative of a residents group as outlined in the Council's Statement of Community Involvement 2010) are invited to speak, following an officer introduction and developer explanation of the emerging proposals.

4. WHEN WILL A PRE-APPLICATION DEVELOPER FORUM BE HELD?

A guiding principle to development which would be the subject of a 'Pre Application Development Forum' should be that the proposals are of a significant scale and complexity to necessitate such an event.

5. WHAT IS THE PROCESS FOR THE FORUM?

The Chair of the Pre-Application Developer Forum (who is also the Chair of the Planning Committee) will introduce the applicant/developer to the forum. Councillors will be reminded that this is an information gathering exercise and is not an opportunity to express their support or otherwise for a proposal. If Elected Members do express a view either for or against a proposal, this may automatically exclude them from voting on the application when it comes before the Planning Committee formally.

The applicant/developer will present the proposal for a maximum of 15 minutes to the forum. Powerpoint will be available for use by the applicant/developer.

Councillors will be given an opportunity to seek clarification on a proposed submission, however this is not a forum to express their views.

Interested parties will also be given the opportunity to seek clarification or raise issues. A time limit of 4 minutes is attached to this which is inline with the Planning Committee procedures. It should be noted that this is not a forum for objecting to a proposal it is to seek clarification or raise planning issues which should be considered in any formal planning submission. Any interested party wishing to participate in the forum should declare their interest to the Planning Technician, Gill Scanlon (contact details contained at the end of this guidance) in advance of the forum.

Minutes of the meeting will be taken by an officer present and these will be made publicly available on the Council's website.

Applicants/Developers of significant proposals are encouraged to consult publicly on any proposal separate to this process.

In order to keep the event focused the forum will run for approximately 45minutes to 1 hour.

6. WHAT ARE THE BENEFITS OF A PRE-APPLICATION DEVELOPER FORUM?

Early discussions between applicants/ developers and planning officers will provide the opportunity to steer projects in the right form that will be attractive to the community and acceptable to the Local Planning Authority. They can be of great benefit to the applicant by identifying the key planning issues, avoiding abortive work and speeding up the statutory process.

There are tangible benefits from well managed engagement prior to the submission of a planning application. These include:

- improved quality of the proposed development;
- opportunities for better co-ordination of investment in an area;
- improved efficiency for all users by re-ducing wasted time and money spent on abortive work or going over old ground;
- avoidance of incomplete/invalid applications;
- identification of who should be involved from the early stages and opportunities cre-ated for them to be heard in an effective way;
- additional clarity and certainty for both applicants and the community;
- reinforcing Elected Members' roles in their communities.

Pre-application discussions are not a substitute for the formal consultation and the processing of an application and they are not held to conduct negotiations in public, or to allow objectors to frustrate the process

7. ADVICE TO COUNCILLORS

Councillor engagement in pre-application discussions is not intended to bring forward their views on the proposal as such.

Planning Committee Elected Members' role in pre-application discussions is to learn about the emerging proposal, identify issues to be dealt with in any further submissions, but not to express any initial view on the proposal as to pre-determine their view on any formal application.

Any Planning Committee Elected Member who elects to support a view for or against the development being discussed will pre-determine their position to the extent they will be advised to declare a prejudicial interest, and be free to represent their community views to the planning committee in the event of the committee considering a subsequent application, but not to engage in the debate or vote on the application.

8. DISCLAIMER

As part of the One Stop Shop service the Council offers any advice given by Council officers at pre-application developer forums is not a formal planning decision by the Council as Local Planning Authority. Officers will provide the best advice possible based on the information available. This advice will be offered in good faith and to the best of officers ability, without prejudice to any formal consideration of any planning application following statutory consultation and the evaluation of all available information.

Officers cannot guarantee that any application subsequently received will be made valid or approved. However, pre-application advice should assist in helping applicants ensure that all necessary information, including the correct fee is provided. This will reduce the risk of any subsequent application being declared not valid and it should assist applicants by increasing their awareness of the relevant planning issues which will inform any subsequent decision as to whether or not an application will be approved.

9. SERVICE COMPLAINTS

The Local Planning Authority is committed to providing an effective and efficient pre-application planning service. If you are not satisfied with the service provided by officers you should write to or discuss any concerns with the Planning and Development Manager. If the concerns are not addressed to your satisfaction the Council has a formal complaints procedure, details of which are on the Council's website or can be produced on request.

10. CONTACTS

If you have any queries or comments on this Guide or any other aspect of the Pre-Application Developer Forum or the One Stop Shop process please contact:

Planning Services
Hartlepool Borough Council
Neighbourhoods and Regulatory Services
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel: 01429 523741
Email: developmentcontrol@hartlepool.gov.uk

Finally if you have any complaints about the service please contact:

Jim Ferguson
Planning & Development Manager
Hartlepool Borough Council
Neighbourhoods and Regulatory Services Department
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel: 01429 523274
Email: jim.ferguson@hartlepool.gov.uk



Constitution Committee

17 September 2026

Report of: Monitoring Officer/Director of Legal, Governance and Human Resources

Subject: PROGRESS UPDATE ON IMPLEMENTATION OF NEW GOVERNANCE ARRANGEMENTS

1. Council Plan Priority

Hartlepool will be a place:

with a Council that is ambitious, fit for purpose and reflects its community.
(Organisation)

2. Purpose of Report

2.1 To provide the Constitution Committee with a progress update on the implementation of the Council's transition from the Committee System to a Leader and Cabinet model of governance and to outline progress against the agreed implementation programme.

3. Background

3.1. The English Devolution and Community Empowerment Act 2026 requires the Council to move from its current Committee System to a Leader and Cabinet model of governance by 29 June 2027.

3.2. The Constitution Committee considered a report on 2 July 2026 which outlined the statutory requirement for change, approved the proposed programme approach and agreed the establishment of the Leader and Cabinet Transition Working Group. The Working Group met on 11 August 2026 to commence consideration of the key issues associated with the

implementation of the new governance model and to facilitate Member input into the various workstreams that will support transition arrangements.

4. Progress Update

4.1. Since the approval of the programme approach, officers have established the governance and project management arrangements required to oversee the transition programme and ensure delivery within the statutory implementation period. The below workstreams have been identified within the programme and groups established:

Group 1 - Governance Structure

Group 2 - Constitutional Changes

Group 3 - Member Development / Engagement / Cultural Change

4.2. The Leader and Cabinet Transition Working Group has been established and has undertaken its initial review of the principal governance issues that will require determination prior to implementation of the new arrangements. These include:

- Cabinet size and composition.
- Allocation of portfolio responsibilities.
- Executive decision-making arrangements.
- Committee structures and appointments.
- Overview and Scrutiny arrangements.
- Constitutional amendments required to support the new governance framework.

4.3. To inform Members' consideration of these matters, officers have undertaken benchmarking activity against a number of comparable authorities operating Leader and Cabinet governance arrangements. Comparative information relating to cabinet structures, portfolio responsibilities, scrutiny arrangements and committee configurations has been collated and presented to the Working Group for consideration.

4.4. Work has also commenced on the detailed review of the Council's Constitution. Initial consideration has been given to those sections most significantly affected by the transition, including responsibility for functions, procedural rules, delegations, codes and protocols, Members' allowances and appointments to outside bodies.

4.5. In addition, preliminary work has commenced in relation to Member development, communications and cultural change requirements. These workstreams will support Members and officers in understanding and operating effectively within the new governance framework and will form an important part of the implementation programme over the coming months.

- 4.6. The focus of activity during the next phase of the programme will be the development of detailed proposals by the Working Group and officers for consideration by the Constitution Committee. This will include recommendations regarding cabinet arrangements, scrutiny structures, constitutional amendments and associated implementation arrangements

5. Other Considerations/Implications

Risk Implications	The principal risk remains the requirement to implement the new governance arrangements within the statutory timeframe. Progress to date is consistent with the agreed programme and project governance arrangements are in place to monitor delivery and mitigate implementation risks
Financial Considerations	There are no direct financial implications arising from this progress report. Existing officer resources continue to support the programme, although ongoing implementation activity will require officer and Member commitment throughout the transition period.
Subsidy Control	None
Legal Considerations	The Council is under a statutory duty to implement a Leader and Cabinet model of governance in accordance with the provisions of the English Devolution and Community Empowerment Act 2026 by 29 June 2027. The work outlined within this report supports compliance with that requirement.
Single Impact Assessment	Not applicable at this stage.
Staff Considerations	Implementation of the new governance arrangements continues to require officer support across a number of service areas. Appropriate resources are being coordinated through the programme arrangements.
Asset Management Considerations	There are no asset management implications arising from this report.
Environment, Sustainability and Climate Change Considerations	There are no environmental, sustainability or climate change implications arising from this report.
Consultation	Member engagement has commenced through the Leader and Cabinet Transition Working Group. Further engagement with Members, officers and stakeholders will continue as detailed proposals are developed.

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6. Recommendations

6.1. It is recommended that Members:

1. Note the progress made in implementing the Council's transition to a Leader and Cabinet model of governance.
2. Note the work undertaken by the Leader and Cabinet Transition Working Group to date.
3. Agree that further progress reports be presented to future meetings of the Constitution Committee.

7. Reasons for Recommendations

7.1. To ensure that the Constitution Committee maintains oversight of the transition programme and receives assurance that progress is being made towards implementation of the new governance arrangements within the statutory timescale.

8. Background Papers

Constitution Committee - 26.07.02 - New Governance Arrangements
The English Devolution and Community Empowerment Act 2026

9. Contact Officers

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