Section 3 – Committee Functions

This section contains a description of the bodies who have functions delegated to them by Council. Those functions are as follows:

• Town and Country Planning, Development Control (the Planning Functions)

• Licensing Functions

• Audit Functions

• Employment Functions

• Health and Wellbeing Functions

• Corporate Parenting Functions

• Standards Functions

3.3.1. Planning Control Committee

3.3.2. When the committee carries out the planning functions it will follow the Probity in Planning Code of Conduct (part 5 section 6).

3.3.3. The committee functions are:

1 Planning Scheme of Delegation

The Scheme is in two parts: the elements that need to be within a Council's Constitution and those that should be outside it. Those elements that are outside the Constitution are administrative in nature rather than constitutional and are generally called a Scheme of Management.

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

2 Delegation Of Planning Functions

2.1 All planning matters and functions that the Council as Local Planning Authority are responsible for are delegated to the Chief Planning Officer [1] except where the decision on a matter or function is reserved to the following bodies:

[1] In the case of Bury Council this is the Assistant Director for Strategy, Planning and Transport

Full Council

2.2 The following must be determined by Full Council:

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

Executive

2.3 The following must be determined by the Executive:

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

Planning Committee

2.4 The following planning applications must be determined by Planning Control Committee:

- Those applications listed in Schedule 2 that the Nominated Member and the Nominated Officer agree that referral to and determination by Planning Control Committee is necessary.
- An Own-Interest Application, as defined in the Regulations, that the Nominated Member and the Nominated Officer agree that referral to and determination by Planning Control Committee is necessary.
- Any other planning matter that an officer of the authority with delegated powers considers that referral to and determination by Planning Control Committee is necessary

Triage System

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

2.6 The Council's Triage System has two stages:

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

2.7 Those application types that fall into stage 1 are listed in the Schedule 2 appendix.

Delegation And Sub-Delegation

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

A. the member of the authority who acts as the Nominated Member;

B. one or more members of the authority who act as a substitute for the Nominated Member;

C. the officer of the authority who acts as the Nominated Officer; and

D. one or more officers of the authority who act as a substitute for the Nominated Officer.

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

2.10 The document should also set out:

- the officer(s) of the authority who have delegated powers to determine a Schedule 1 planning application (Regulation 4);
- the officer(s) of the authority who have delegated powers to determine a Schedule 2 planning application (Regulation 5);
- the officer(s) of the authority who have delegated powers to determine an Own-Interest Application (Regulation 6); and
- the officer(s) of the authority who have delegated powers under the Constitution to determine any other planning matter.

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

Lobbying

2.12 The Nominated Member or the Nominated Officer or any other officer of the authority, when exercising their powers under Regulations 4, 5 or 6 and this Scheme of Delegation, shall not be lobbied or otherwise contacted by any

person or organisation, including by members or officers of the relevant authority, to use their power in a particular way.

2.13 Any such lobbying that is received should be reported to the Monitoring Officer, who will deal with it as appropriate. The Monitoring Officer shall develop and publish procedures to deal with these issues and other vexatious planning complaints.

3 Planning Control Committee - Terms Of Reference

Membership

3.1 By virtue of Regulation 7, it cannot exceed 13 elected members (to be politically balanced).

Purpose

3.2 To exercise, in line with the Council's Planning Control Committee Procedures, the functions, powers and duties of the Council in relation to the determination of planning applications and any other planning matter referred to it by the Chief Planning Officer.

Powers

3.3 The Planning Control Committee has the following powers:

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

b. To determine the planning applications referred to it pursuant to the Regulations and the Constitution, as set out above.

c. To consider, and where necessary determine, any other planning matter referred to it by the Chief Planning Officer.

Schedule 1

1. An application made under section 17(1) of the Land Compensation Act 1961 (certificates of appropriate alternative development) (a).

2. An application made under section 26H(1) of the Listed Buildings Act (certificate of lawfulness of proposed works) (b)

3. A householder application.

4. A minor commercial application.

5. A minor residential application.

6. An application for permission in principle (c).

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) (d).

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 (modification and discharge of planning obligations) (e);

(b) an application to modify or discharge that obligation under section 106A(3) of TCPA1990 (modification and discharge of planning obligations) (f).

(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 this Schedule.

10. An application made under section 191(1) of TCPA 1990 (certificate of lawfulness of existing use or development) (g).

11. An application made under section 192(1) of TCPA 1990 (certificate of lawfulness of proposed use or development) (h).

12. The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A to TCPA 1990 (i).

13. A reserved matters approval application in respect of an outline planning permission other than a large outline permission.

14. An application made under article 27(1) of DMPO (applications made under a planning condition).

15. An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (j) for—

(a) prior approval, or

(b) determination as to whether prior approval is required

16. The decision to enter land in Part 2 of the Council's Brownfield Land Register thereby triggering a grant of Permission in Principle where the criteria above are met and any application for Technical Details Consent where the criteria above are met.

Schedule 2

As provided for by the Regulations, this Schedule contains those application types that should be determined by officers, pursuant to Regulation 5, unless the nominated member and officer agree to refer it to committee.

Triaged Applications

The following categories of application should be determined by officers:

- [These are those Schedule 2 Applications that are moved here so that they are always considered to be delegated – this should be those application types that are already delegated under a Council's current constitution]
- Advertisements
- Tree works applications
- Variation of conditions

A Triaged Application can also be identified, from the list of Residual Schedule 2 applications below, by an officer with delegated powers in the context of a particular application.

Residual Schedule 2 Applications

The Gateway-Test must be applied to a Schedule 2 application, which is not a Triaged Application, to decide whether it needs to be reported to Planning Control Committee, these include:

1. An application for listed building consent made under section 10(1) of the Listed Buildings Act (making of applications for listed building consent).

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 paragraph 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) (a).

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 (modification and discharge of planning obligations);

(b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990 (modification and discharge of planning obligations).

(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 this Schedule.

8. A reserved matters approval application in respect of a large outline permission.

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) (b).

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) (c).

ADMINISTRATIVE ELEMENTS

Planning Scheme Of Management

1 Introduction

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

1.2 This Planning Scheme of Management allows the Chief Planning Officer to discharge their responsibilities under the Planning Scheme of Delegation in the Constitution, and for the purposes of Regulation 3 to produce a document that clearly sets out:

A. the member of the authority who acts as the Nominated Member;

B. one or more members of the authority who act as a substitute for the Nominated Member;

C. the officer of the authority who acts as the Nominated Officer;

D. one or more officers of the authority who act as a substitute for the Nominated Officer.

1.3 The document must also set out:

- the officer(s) of the authority who have delegated powers to determine a Schedule 1 planning application (Regulation 4);
- the officer(s) of the authority who have delegated powers to determine a Schedule 2 planning application (Regulation 5);
- the officer(s) of the authority who have delegated powers to determine a Own-Interest Application (Regulation 6); and
- the officer(s) of the authority who have delegated powers under the Constitution to determine any other planning matter.

1.4 This document sets out the rules within the Regulations and provides additional advice on the use of delegated powers; both those powers derived from the Regulations and the powers delegated to the Chief Planning Officer in the Council's Constitution.

2 Nominated Members

2.1 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 Control Committee.

Substitutes

2.2 Pursuant to Regulation 3(2)(b), where the Nominated Member is unavailable for whatever reason, the substitute Nominated Member is the Vice Chair of Planning Committee[2].

3 Nominated Officers

3.1 Pursuant to Regulation 3(1)(b) and 3(2)(a):

- The Nominated Officer for the purposes of Regulations 5 and 6 is the Chief Planning Officer.

Substitutes

3.2 Pursuant to Regulation 3(2)(b), where the Nominated Officer is unavailable for whatever reason, the substitute Nominated Officer is the Head of Development Management or Team Leader Development Management.

4 Sub-Delegation

4.1 The Regulations and the Constitution provide that different officers can be nominated for different purposes with respect to the determination of planning applications and other planning matters.

Schedule 1 And Schedule 2 Triaged Applications

4.2 The Chief Planning Officer has sub-delegated the task of determining the following planning application categories to the following officers of the LPA.

Schedule 1 Applications (Regulation 4)

4.3 Applications that must be determined by officers.

Application category	Service Head	Section Head	Other Named Posts
All Schedule 1 *Items 1-15 inclusive*	State job title(s) Head of Development Management	State job title(s) Team Leader Development Management	State job title(s) Designated Senior Planning Officers

[2] To be designated

Schedule 2 Triaged Applications (Regulation 5)

4.4 Triaged Applications identified in the Scheme of Delegation.

Application category	Service Head	Section Head	Other Named Posts
All Schedule 2 items	State job title(s) Head of Development Management	State job title(s) Team Leader Development Management	State job title(s) Designated Senior Planning Officers

Schedule 2 Residual Applications (Regulation 5)

4.5 Triaged Applications capable of being identified and determined by officers.

Application category	Service Head	Section Head	Other Named Posts
State the category from the respective schedule	State job title(s) Head of Development Management	State job title(s) Team Leader Development Management	State job title(s) Designated Senior Planning Officers

Residual Schedule 2 And Own-Interest Application

4.6 The role of Nominated Member and Nominated Officer is to decide whether a non-triaged Schedule 2 application or a Own-Interest Application is determined by committee. Where it is not to be determined by committee, the Chief Planning Officer has sub-delegated the task of determining the following planning application categories to the following officers of the LPA.

Schedule 2 Non-Gateway-Test Applications (Regulation 5)

Application category	Service Head	Section Head	Other Named Posts
State the category from the respective schedule *Items 1-10 inc.*	State job title(s) Head of Development Management	State job title(s) Team Leader Development Management	State job title(s) Designated Senior Planning Officers

Own-Interest Applications (Regulation 6)

Application category	Service Head	Section Head	Other Named Posts
State the category from the respective schedule	State job title(s) Head of Development Management	State job title(s) Team Leader Development Management	State job title(s) Designated Senior Planning Officers

Other Planning Matters

4.7 The Constitution delegates all planning matters to the Chief Planning Officer, save for those matters that must be determined by Full Council, the Executive or Planning Control Committee. The Chief Planning Officer has sub-delegated the task of determining the following planning matters to the following officers of the LPA.

Planning Matter	Service Head	Section Head	Other Named Posts
State the planning matter	State job title(s) Head of Development Management	State job title(s) Team Leader Development Management	State job title(s) Designated Senior Planning Officers

4.8 With respect to a planning matter that is delegated to the Chief Planning Officer but is not listed above, the Chief Planning Officer can, at their discretion, sub-delegate the task of determining the matter to another officer.

5 Use Of Delegated Powers

5.1 When using delegated powers or referring a matter to committee for a determination, the Nominated Officer and the Nominated Member, when involved, and an officer of the LPA must make sure that they take such decisions in the appropriate way and that they are recorded. This should be captured in the associated delegated or committee report with respective sections titled:

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

5.2 These reasons should be succinct but clear.

Schedule 1

5.3 These applications must always be determined under delegated powers and cannot be referred to committee for determination. The associated delegated report should therefore state:

This is a Schedule 1 Application. By virtue of Regulation 4, it must be dealt with under delegated powers.

Schedule 2

Triaged Applications

5.4 Some categories of application in Schedule 2 have been identified in the Scheme of Delegation as Triage Applications and should be determined under delegated powers. The other categories of application in Schedule 2 can be treated as a Triaged Application by officers if they consider that, in the context of a particular application, the criteria in the Gateway Test (see below) are clearly not engaged. In both cases, the associated delegated report should state:

This is a Schedule 2 Application. By virtue of Regulation 5, it should be dealt with under delegated powers because the Gateway Test is not engaged.

Gateway Test Applications

5.5 The Regulations make provision, in Regulation 5(3), for the matters that must be considered by the Nominated Member and Nominated Officer when they agree whether or not to refer a proposal to determine a Schedule 2 Application to committee. They are known as the Gateway Test and are that the 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.

5.6 If it is agreed to refer an application to committee, that decision and the reasons for it should be set out succinctly and clearly in the associated committee report as follows:

This is a Schedule 2 Application. By virtue of Regulation 5, it is being reported to Committee because the Nominated Member and Nominated

Officers agree that it is necessary because [it raises one or more issues of economic, social or environmental significance to the local area] [and] [it raises one or more significant planning matters having regard to the development plan and any other material considerations].

5.7 If it remains a delegated decision, the associated delegated report should state:

This is a Schedule 2 application. By virtue of Regulation 5, it is being dealt with under delegated powers because the Nominated Member and Nominated Officer do not agree that the Gateway Test is engaged because it does not raise any issues of economic, social or environmental significance to the local area and nor does it raise any significant planning matters having regard to the development plan and any other material considerations.

Triage Process For Own-Interest Applications

5.8 These are applications made by or on behalf of:

a) the Council;

b) a member of the Council;

c) an officer of the Council; or

d) the Council or any of its members or officers otherwise has an interest in the application.

5.9 The decision-making process for these applications should be one of ensuring openness and transparency. In deciding whether to refer to committee, the Nominated Member and Officer should ensure that, because of the nature of the applicant, there is not a real (or reasonably perceived) risk of bias by determining the application under delegated powers and secondly that, because of the nature of the development, there is a good reason to refer it to Committee.

Own-Interest Applications: Applicant Considerations

5.10 In this context, category (c) Linked Persons should normally be narrowed to only apply to:

- a Senior Officer of the Council; or
- an ‘officer of the Local Planning Authority’.

5.11 The first would be defined as Service Head level and above.

5.12 The second, would be defined as an officer within the Council who, in the opinion of the Chief Planning Officer, is closely involved in the day-to-day work of the Council’s planning function.

5.13 It is reasonable to conclude that other officers of the Council would probably not be known to the planning service and therefore the risk of bias is not engaged. Such applications should be determined in the same way that any other application in that Schedule would be determined. The details of the Own-Interest applicant status should be recorded in the respective committee or delegated report with the following introduction:

This is an Own-Interest Application because the applicant is an officer of the Council, but as they are not a senior officer nor closely involved in the day-to-day work of the Council's planning function it has not been reported to committee for that reason. [This is a Schedule 1 Application.

By virtue of Regulation 4, it must be dealt with under delegated powers.] [This is a Schedule 2 Application. By virtue of Regulation 5, it should be dealt with under delegated powers because the Gateway Test is not engaged.].

Own-Interest Applications: Development Considerations

5.14 For any application:

- caught by the above category (c) 'Own-Interest applicant status' criteria; or
- an Own-Interest Application in categories (a), (b) and (d);

with respect to whether there is a good reason to refer that application to committee because of the nature of the development, the following criteria should be used:

Such an Own-Interest Application should only be considered by the Nominated Member and Nominated Officer for referral to and determination by committee if one of the following criteria applies:

- the proposal has been advertised under Article 15 of the DMPO because it does not accord with the provisions of the development plan; or
- one or more material planning considerations are raised that have the potential to have a significant impact.

5.15 This allows the circumstances of each application to be assessed and if it is for a development that complies with policy and there is not considered to be a material planning objection, it can be dealt with under delegated powers, with the reason recoded in the delegated report as follows:

This is an Own-Interest Application. By virtue of Regulation 5, it is not being reported to committee because it has not been advertised under Article 15 of the GMPO as a departure and nor is there considered to be a material planning objection.

5.16 Where either of these criteria applies, the Nominated Member and Nominated Officer must agree that it is necessary for the planning application to be referred to and determined by committee and this should be recorded in the normal way in the associated committee report as follows:

This is an Own-Interest Application. By virtue of Regulation 5, it is being reported to Committee because the Nominated Member and Nominated Officer agree that it is necessary because [it has been advertised under Article 15 of the GMPO as a departure] [and] [there is considered to be a material planning objection].

5.17 Limitations should be set on the receipt of material planning considerations by the Planning Service to ensure that these matters can be safely administered, and the risk of fraudulent objections is minimised:

A material planning consideration must have been made in writing in response to the publicity/advertisement/notification of the application, be from a person with an address within the LPA area and be received within the specified deadline.

5.18 With these safeguards in place, such applications will be put to committee where that serves a legitimate purpose but can be dealt with under delegated powers where committee involvement is not necessary.

5.19 Under Regulation 10 of the Town and Country Planning General Regulations 1992, where a local planning authority is determining its own application for planning permission, it must not be determined by a committee, sub-committee or officer responsible for the management of the building or land to which the application relates. In addition to this restriction, where a planning application is made by or on behalf of a nominated officer or member or an entity owned or controlled (whether wholly or partly) by a member or officer (including jointly with another person), in the interests of propriety, they should not be involved in the decision on whether to refer it to committee or not.

Officer's Discretion To Use Delegated Powers

5.20 With respect to planning applications covered by the Regulations, officers do not have discretion to decide to report a matter to committee. Only the nominated member and officer can jointly take that decision.

5.21 With respect to any other planning matter that is capable of being dealt with under delegated powers, an officer does have the ability, in their absolute discretion, to decide that it is not appropriate in the circumstances of a particular case to exercise those powers with respect to that planning matter and therefore report it to members (Full Council, the Executive or [Planning Control Committee] as appropriate) for determination. Again, it is not possible to advise further on this because these are essentially exceptional circumstances.

5.22 In both cases, that decision and the reasons for it should be set out succinctly and clearly in the associated committee report, as follows:

This is [describe the planning matter]. It is being reported to [Council] [Cabinet] [Committee] because the Chief Planning Officer considers that it is necessary because […].

Lobbying

5.23 The Council's Scheme of Delegation prohibits the Nominated Member or the Nominated Officer or any other officer of the authority, when exercising their

powers under Regulations 4, 5 or 6 and the Scheme of Delegation, being lobbied or otherwise contacted by any person or organisation, including by members or officers of the relevant authority, to use their power in a particular way.

5.24 The Constitution requires that any such lobbying that is received should be reported to the Monitoring Officer, who must develop and publish procedures to deal with these issues and other vexatious planning complaints.

Street Naming

j) To deal with the naming and re-naming of streets and the numbering and renumbering of properties, where objections have been received to proposals.

Tree Preservation Orders

k) To deal with the making or confirmation of tree preservation orders, in accordance with Sections 197 to 214D of the Town and Country Planning Act 1990 (or as subsequently amended) and the Tree Regulations 2012 (or as subsequently amended) where objections have been received to proposals.

Listed Buildings and Conservation Areas

l) To determine applications for grants for repair/maintenance works in respect of listed buildings where the amount of grant requested exceeds £5,000.

m) To designate a conservation area under Section 69 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (or as subsequently amended).

General

n) To give directions restricting permitted development under Article 4 of the Town and Country Planning (Development Procedure) (England) Order 2015 (or as subsequently amended).

o) To deal with any functions relating to town and country planning and development control (development management) referred to in the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.

Commons Registration

p) To deal with any functions relating to the registration of common land or Town and Village Greens and to register the variation of the rights of common as set out in Schedule 1 to the Functions Regulations, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.

Public Rights of Way

q) To deal with any functions relating to public rights of way referred to in the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.