Notice of Audit and Governance Committee

Date: Thursday, 3 September 2026 at 6.00 pm

Venue: HMS Phoebe, BCP Civic Centre, Bournemouth BH2 6DY

BCP Council

Membership:

Chair:
Cllr E Connolly

Vice Chair:
Cllr M Andrews

Cllr S Bartlett
Cllr J Beesley
Cllr M Phipps
Cllr J Salmon
Cllr V Slade
Cllr M Tarling
Cllr T Trent

Independent persons:

Katherine Hewitt
Ilva Kana

All Members of the Audit and Governance Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

https://democracy.bcpcouncil.gov.uk/ieListDocuments.aspx?MId=6494

If you would like any further information on the items to be considered at the meeting please contact: Democratic Services on 01202 096660 or
email democratic.services@bcpcouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or
email press.office@bcpcouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpcouncil.gov.uk

AIDAN DUNN
CHIEF EXECUTIVE

25 August 2026

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Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests

Does the matter directly relate to one of my Disclosable Pecuniary Interests (DPIs) (set out in Table 1)?

- Yes: **I have a DPI and cannot take part without a dispensation**
- No: Does the matter directly relate to the finances or wellbeing of one of my Other Registerable Interests (ORIs) (set out in Table 2)?
  - Yes: **I have an ORI and must disclose it. I may speak as a member of the public but not discuss or vote and must leave the room**
  - No: Does it directly relate to the finances or wellbeing of me, a relative or a close associate?
    - Yes: **I have a NRI and must disclose it. I may speak as a member of the public but not discuss or vote and must leave the room**
    - No: Does it affect the finances or wellbeing of me, a relative or a close associate or any of my ORIs?
      - No: **I have no interest to disclose**
      - Yes: Am I or they affected to a greater extent that most people? And would a reasonable person think my judgement is clouded?
        - Yes: **I have an interest and must disclose it. I may speak as a member of the public but not discuss or vote and must leave the room**
        - No: **I have no interest to disclose**

What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test	Predetermination Test
In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?	At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors 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 declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. Apologies

To receive any apologies for absence from Councillors.

2. Substitute Members

To receive information on any changes in the membership of the Committee.

Note – When a member of a Committee is unable to attend a meeting of a Committee or Sub-Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.

3. Declarations of Interests

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

4. Confirmation of Minutes 7 - 26

To confirm and sign as a correct record the minutes of the meeting held on 16 July 2026.

a) **Action and Recommendation Tracker** 27 - 36

To consider any outstanding actions and recommendations from previous meetings.

5. Public Issues

To receive any public questions, statements or petitions submitted in accordance with the Constitution. Further information on the requirements for submitting these is available to view at the following link:-

https://democracy.bcpcouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1

The deadline for the submission of public questions is midday on Thursday 27 August 2026 [midday 3 clear working days before the meeting].

The deadline for the submission of a statement is midday on Wednesday 2 September 2026 [midday the working day before the meeting].

The deadline for the submission of a petition is Wednesday 19 August 2026 [10 working days before the meeting].

ITEMS OF BUSINESS

This report seeks approval to amend the Council's Constitution to reflect the national scheme of delegation for local planning authority functions introduced by the Planning and Infrastructure Act 2025 and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, which come into force on 31 October 2026.

The Regulations significantly restrict the circumstances in which planning applications may be referred to Planning Committee and replace existing local referral mechanisms, including Ward Member call-ins and objection-based triggers. The report explains the distinction between Schedule 1 applications, which must be determined by officers, and Schedule 2 applications, which are presumed to be delegated unless the statutory gateway test is met and the nominated officer and nominated member agree referral to committee.

The recommended approach is to amend the Constitution to comply with the national scheme, establish nominated officer and nominated member arrangements, retain appropriate transparency through decision records and reporting, and provide clear information for Members and the public.

While the Council has limited discretion over the national requirements, the proposed amendments are intended to ensure lawful implementation, reduce the risk of legal challenge, and maintain effective, transparent and accountable planning decision-making.

To receive a presentation providing a deeper dive review of shareholder governance in relation to Council owned companies.

This report provides assurance regarding the Council's arrangements for procuring from, appointing and managing Small and Medium-Sized Enterprises (SMEs).
The report considers two key governance questions:

1. How does the Council satisfy itself that SME suppliers are capable, financially resilient and appropriately controlled to deliver contracted outcomes?

2. How does the Council ensure that procurement processes do not create unnecessary barriers which disadvantage SMEs or restrict competition?

The report outlines the Council's current control framework and how it seeks to balance protection of public funds and service delivery with the objective of maintaining an accessible and competitive supplier marketplace.

No other items of business can be considered unless the Chair decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL

AUDIT AND GOVERNANCE COMMITTEE

Minutes of the Meeting held on 16 July 2026 at 6.00 pm

Present:-

Cllr E Connolly – Chair

Cllr M Andrews – Vice-Chair

Present: Cllr S Bartlett, Cllr J Beesley, Cllr J Salmon, Cllr V Slade, Cllr M Tarling and Cllr T Trent

Also in attendance: Cllr M Phipps joined the meeting virtually

13. Apologies

The Chair advised that Cllr Phipps had sent her apologies for absence for attendance in person, however, would try to join virtually if possible.

14. Substitute Members

There were no substitute members on this occasion.

15. Declarations of Interests

Cllr Slade declared an interest as being the council leader during part of this process, but also as the former chair of Seascape Group until March of this year, which was talked about in the Governance of Council committees. Cllr Bartlett declared an interest as the previous Chair of the Overview and Scrutiny Board that scrutinised FuturePlaces reports. Cllr Tarling declared an interest as he had previously been interviewed by Future Places for a senior management role prior to being elected.

16. Public Issues

Public Issues in relation to Agenda Item 5: BCP FuturePlaces (FPL) Investigation Report – Final Summary

Questions from Mr Alexander McKinstry:

Question 1
Page 7, paragraph 8 of tonight's agenda pack notes that on 3 December 2025, this Committee resolved to send a series of written questions to FuturePlaces "stakeholders" in the week ending 12 December 2025, seeking responses by mid-January 2026. The following then appears in italics: "These dates were extended slightly in reality." Just out of interest, why were the dates extended, and what new dates were substituted?

Response:

Due to personal reasons, the Chair was unable to prepare and collate the stakeholder questions until early February 2026. Following consideration of appropriate wording of questions and ascertaining email addresses where possible, the questions were sent to stakeholders in April 2026. Some stakeholders were sent chasing emails in June 2026.

Question 2:
Can you provide a list of all stakeholders contacted for further information or clarification following the 3 December 2025 meeting, and clarify which stakeholders did not reply, or replied stating that they were unable or unwilling to assist with these enquiries? (I accept there was no obligation for any stakeholder to reply.) In addition, did former chair of FuturePlaces Philip Broadhead ever respond to the Chair's email sent sometime prior to 24 September 2025 (https://www.youtube.com/live/8-pK-1mJ_BQ?is=A0ydpeOm-gjRGVVr&t=45m4s), seeking his views on the scope of the investigation; and is there any likelihood of the abovementioned correspondence - questions and answers - being published, perhaps as a supplement if the FuturePlaces report ends up going to full Council?

Response:
Responses were sought from a range of former members, officers and Future Places representatives. Some former officers were unable to be contacted due to private data-sharing considerations. Some other stakeholders responded substantively, some declined to participate and some did not respond at all. The points raised in the responses have informed the Chair’s Foreword Statement.

The responses themselves are not being published because they contain material raising confidentiality, privacy and legal considerations. Some respondents specified the responses were in strictest confidence and they have replied to the Chair on this basis. Instead, relevant themes and perspectives have been reflected within the Chair’s Foreword.

The Chair did not receive a response from the email sent to former councillor Philip Broadhead to the email sent in August 2025.

Question 3
Revisiting the FuturePlaces report, I note that the then-Chief Executive, Graham Farrant, was asked about the recruitment of FuturePlaces' strategic engagement director, who was rumoured to know Drew Mellor - this is at 3 1 29 of the report - yet no questions seem to have been put to him about the recruitment of the managing director, a far more controversial matter in which he, Mr Farrant, was directly involved. This despite the fact that the "make it safe for scrutiny" email was disclosed in an FOI response of 16 May 2025; and that I read out said email at a meeting of this Committee, with the Head of Audit and Graham Farrant both present, on 29 May 2025. Graham Farrant did not retire until August 2025. Why was he asked about the recruitment of the strategic engagement director, but not the appointment of the managing director?

Response:
The then-Chief Executive was asked about the recruitment and appointment of the managing director and replies and comments are incorporated into the investigation report in section 3.1.

Questions from Mr Ian Redman:

Question 1:
The Cabinet reports of October 2021 and June 2022 described a comprehensive governance framework for FuturePlaces, including Commissioning Team oversight, Gateway approvals, shareholder controls, regular financial monitoring and audit assurance. The findings of this investigation suggest that the reality differed significantly from those arrangements. At what point did senior officers become aware that the governance framework approved by Cabinet was not operating as intended, who was responsible for ensuring those arrangements were implemented, and why was Cabinet not advised that the approved governance model was not being followed before substantial public funds had been committed?

Response:
The preamble to this question gives the questioner's own summary and not the conclusion of the report. The report and associated evidence shows that the situation was more complex and, in fact, an evolving one, as Future Places was being established.

There were many references in the Cabinet papers and other governance documents setting out that the arrangements were expected to evolve as Future Places was established. Indeed, the BCP Council funding model for Future Places changed in July 2022.

Further, this expectation of evolving arrangements was referred to in the Audit & Governance Committee meeting of 10th March 2022. The following excerpt from the minutes states:

"There was a recognition that 'FuturePlaces' was still in its early stages of development particularly within the area of the Business Planning process and in the realm of establishing robust governance arrangements and that, as work progressed, the Committee would therefore be likely to require some greater clarity in some areas."

"In conclusion, the Chairman of the Committee referred to the Committee's ambition to understand the arrangements for governance being established as 'FuturePlaces' evolved and to test those governance arrangements as the Company became fully operational and thereafter on an ongoing basis."

Section 3.2 of the investigation report responded to the scope question posed namely, "Consider the adequacy of the governance arrangements put in place by the Council for the operation of BCP Futureplaces Ltd".

This section of the report identifies some governance weaknesses such as the failure to agree certain governance documents and the view of the commissioning team representative that the scope for initially agreed schemes were being extended or changed but not via the officer team. The report goes on to identify when these issues were escalated and who with.

The shareholder representative and the Commissioning Team on the Council client side, and the Managing Director and FPL Board on the company side, was responsible for ensuring the governance arrangements were implemented. Other than the mechanisms referred to above, the investigation did not identify any formal escalation to Cabinet.

It is worth noting that the Leader and Deputy Leader of the Council were Board members of Future Places, and the Deputy Leader was Chair up until the point that Lord Kerslake became Chair in October 2022.

Question 2:
The FuturePlaces investigation concluded that there were significant weaknesses in governance, financial oversight, procurement and shareholder assurance. Looking back, what specific actions, within their respective statutory and professional responsibilities, should the Chief Executive, Section 151 Officer, Monitoring Officer and Head of Internal Audit reasonably have been expected to take to prevent or significantly reduce the losses? In each case, how does that compare with what was actually done at the time, and what changes have since been implemented to ensure those responsibilities are discharged more effectively in future?

Response:
The questioner's opening contextual summary is noted as his personal conclusions, they are not the conclusions drawn by the investigation report. It is not the case, for example, that the investigation concluded that there were significant weaknesses in financial oversight.

There are a few areas where Committee members have expressed a view that different actions should or could have been taken by officers. For example, the Committee expressed a view that the recruitment process for the Future Places Managing Director should have been an open and rigorous one. However, what specific actions should have been taken by officers at the time is a subjective question. The report did not determine that any of the statutory officers had failed to provide appropriate advice and guidance, or that they had not fulfilled their duties. Officers have to adhere to their responsibilities but also must not obstruct the will of an elected administration. If the processes are open to interpretation, officers' ability to challenge is limited.

The outcome of this investigation is to make specific recommendations to Council that the Committee believes will strengthen Council processes and procedures for the future.

Regarding the reference to reducing “losses”, it is not clear what losses are referred to. The value to BCP Council of the work produced by Future Places is not something statutory officers had a direct ability to control.

Question 3:
At the Audit & Governance Committee meeting on 10 March 2022, the Head of Audit & Management Assurance advised that BCP FuturePlaces had been incorporated into Internal Audit's audit programme. He explained that Internal Audit was developing a "trusted adviser relationship" that was "not just about retrospective look back", but would proactively support officers on matters where they "might not be conversant with what's required", including "things like financial regs". He further advised the Committee that there were no issues requiring its attention.
Given the investigation's findings of significant weaknesses in governance, financial oversight, procurement and shareholder assurance, what assurance and advisory work had Internal Audit actually undertaken by March 2022, how active was this "trusted adviser relationship" throughout the lifetime of FuturePlaces, and why were those issues not identified or reported to the Committee at that time?

Response:
The questioner’s summary of the investigation’s findings are his own and are not the conclusions drawn from the investigation’s report. The quotes provided from the Audit & Governance Committee meeting of 10 March 2022 are also not entirely accurate.

It is also relevant to state the minutes of the conclusion of that meeting in full:
In conclusion, the Chairman of the Committee referred to the Committee’s ambition to understand the arrangements for governance being established as ‘FuturePlaces’ evolved and to test those governance arrangements as the Company became fully operational and thereafter on an ongoing basis.

It was agreed that, in consultation with the Chairman and Vice-Chairman of the Committee, a document be prepared by ‘FuturePlaces’ taking account of the issues raised at the meeting in order to enable issues and concerns to be addressed by the Committee over time and, if necessary, identify areas where further clarity might be required. This would also be an opportunity to create a record of what had been covered as a baseline for future monitoring and allow the Company to work through and develop its governance arrangements.

The minutes of the subsequent meeting on 17 March 2022 states:
It was also noted that follow-up action identified by the Committee at its previous meeting relating to ‘BCP FuturePlaces’ was underway with, initially, the outcome of an update on that work going to the Chairman and Vice-Chairman of the Committee. The Chairman confirmed that if there were any further issues arising from the update which required further report to the Committee, an item would be added to the agenda for a future meeting as appropriate.”

The investigation report, at section 6.4, responds to the scope question “Consider the adequacy of the role of the Council’s Internal Audit team”. This section of the report details the work undertaken and the reporting to the A&G Committee.

PUBLIC STATEMENTS

Statements from Mr Ian Redman:

Statement 1:

Cabinet approved the establishment of FuturePlaces on the basis of a detailed governance framework, including shareholder oversight, Commissioning Team scrutiny, Gateway approvals, financial monitoring and regular assurance. On the basis of the public record, Members were entitled to expect those arrangements would be implemented. However, the subsequent investigation concluded that significant elements of the approved framework were either ineffective or not operating in practice. The report does not establish when the arrangements operating in practice diverged from those approved by Cabinet, who first became aware of that divergence, who was responsible for ensuring the approved arrangements were implemented, or why Members were not informed before further public funds and liabilities were committed. Without establishing that chronology and accountability, Members cannot be assured that Cabinet decisions are implemented as approved or that similar governance failures will be identified and escalated before substantial public funds are placed at risk.

Statement 2:

The investigation acknowledges that BCP Council cannot locate the Procurement Decision Record (PDR) for the £18,500 Smart Growth Associates purchase order and accepts that this may represent a breach of Financial Regulations. However, the obvious follow-up enquiries appear limited. In a normal local authority control environment, procurement approvals, invoice authorisations, finance system audit trails, emails and evidence that work was completed would ordinarily provide an audit trail, even where one document is missing. Yet the investigation also concluded it could not establish how or why Smart Growth Associates were selected, despite Gail Mayhew's documented participation in a recorded Holes Bay regeneration meeting in January 2021 attended by Graham Farrant and Adam Richens. The Chair's Foreword also acknowledges that members of the public, through Freedom of Information requests, identified relevant evidence that supported the Committee's work. Taken together, these omissions suggest that further relevant Council records may remain unidentified.

Statements from Mr McKinstry:

Statement 1:

The FuturePlaces report should have been commissioned at least two years ago. I was bitterly disappointed when Vikki Slade told this Committee, 11 January 2024, "We did have a discussion ... about whether to hold a formal investigation ... [But] what purpose would it have served?" At that point, two figures were still in public office who could have facilitated that investigation immeasurably. There may have been good reasons, for instance, why Graham Farrant approved of Drew Mellor sitting on a three-strong interview panel, having already promised the job to the sole candidate. Others have resisted or downplayed this investigation - "Good money after bad," "No smoking gun here," "90% of lessons have been learned" - so I'd like to thank those members who consistently supported it. The result is a 190-page report with 18 governance recommendations, so it turns out there was something to see here after all.

Statement 2

Regarding the Chair's foreword: I couldn't have bettered it, and my only gripe relates to paragraph 53 and the appointment of the managing director. While the monitoring officer did not formally intervene in that process, that alone doesn't convince me that the process was "not unlawful" and it's regrettable that a legal opinion hasn't been provided on this matter, despite being requested by Cllr Phipps at the 24 September 2025 meeting. Absent any legal opinion, I wonder if the Committee might consider approaching Dorset Police to establish whether there is a case to progress here - as was done with the "cleaning for votes" affair (see Standards Committee papers, 28 February 2023, item 7). That may sound alarmist, but the appointment process has been publicly described as "predetermined", "fixed", "reverse-engineered", "premeditated" (the BBC), "staggering", and "absolutely dreadful" - so an escalation shouldn't be surprising.

Statement 3

Part 5.5 of the FuturePlaces report describes Drew Mellor's involvement in the decision to source office space for the URC; the subsequent letting of premises in Exeter Park Road, whose *de facto* landlord was acquainted with Cllr Mellor; and Drew Mellor's acquisition of the rent-collecting company nine months down the line. The Chair notes (paragraph 108) that the investigation has not explored the relationships between Drew Mellor, the landlord, and the respective companies, nor any negotiations between them, and this is a striking omission, given the large number of public concerns raised about this matter which you can see in red ink on pages 177 and 178. All I'll say is that it's a shame that this part of the investigation was scoped so narrowly, as it stands out against the rest of the report, which is otherwise unsparing in its research and sedulous in its analysis.

17. BCP FuturePlaces (FPL) Investigation Report - Final Summary

The Head of Audit and Management Assurance (HAMA) and Chair of the Committee presented a report, a copy of which had been circulated to each

Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The report was a summary of the BCP FuturePlaces Ltd (FPL) investigation process initiated by the Audit & Governance (A&G) Committee. The A&G committee agreed a scope and then considered the findings of a detailed investigation led by Internal Audit. The Committee considered the investigation report over three public meetings. One non-public financial focused briefing also took place. The Committee, via the Chairperson, asked a series of follow up bespoke questions to seek the perspectives from several relevant stakeholders. The Committee agreed that the Chairperson would write a foreword statement to summarise the investigation and provide an overview of what the Committee considered, including the perspectives of stakeholders, drawing the investigation to a conclusion.

The Chair thanked the HAMA for all his work in pulling the recommendations together and advised the Committee that she hoped her foreword, whilst it may not express the views of all Committee Members, adequately addressed the main themes which had been considered during the Committee's meetings regarding FuturePlaces.

The Committee considered the Future Places report and acknowledged it as a thorough piece of work, with discussion focusing on the need for clearer accountability, stronger actions arising from the findings, and consideration of wider lessons for the Council's long-term approach to regeneration.

Members discussed the strategic context of regeneration activity over a number of years, noting concerns about changing delivery models, the cost of unsuccessful projects, the need for a clear and consistent regeneration strategy, and the importance of maintaining cross-party support for major regeneration schemes over successive administrations.

It was suggested that the wider lessons from the investigation should be reflected in the minutes and considered through future work relating to regeneration, although views differed on whether these issues should form part of the report's recommendations.

Discussion took place regarding the Chair's foreword to the report, with comments made about the interpretation of evidence received, the treatment of stakeholder responses, and whether factual inaccuracies or omissions may exist within the foreword.

A member advised that they had received correspondence from former stakeholders raising concerns about aspects of the foreword and sought to raise these matters during the meeting. Members discussed the appropriateness of introducing this information at this late stage of the process.

The Monitoring Officer advised that it was a matter for the Committee to determine what information it wished to consider, although legal advice could be provided regarding any issues of privilege or defamation if required.

Members expressed differing views on the handling of the additional correspondence, with some emphasising the importance of correcting factual inaccuracies and others highlighting concerns about the late presentation of evidence and the need for proper process.

Following further discussion, the Chair proposed a short adjournment to allow the correspondence referenced to be considered by her before the Committee resumed its consideration of the matter.

The Committee adjourned at 7:17pm and returned to session at 7:33pm.

The Committee resumed following the adjournment and the Chair reported that the information shared regarding alleged inaccuracies in the foreword had been reviewed. The Chair concluded that the matters raised reflected differences of opinion and emphasis rather than factual inaccuracies, although a clarification was provided regarding references to Mr Beavers and Smart Growth Associates. It was Mr Beever's assertion that he had never been formally associated or employed by Smart Growth Associates and the Local Government Association, Councillors Forum Report, available on their website, suggesting he may be assicated or employed was incorrect. The Chair was happy to accept Mr Beevers clarification as fact.

The Committee then considered proposed additional recommendations arising from the investigation. A proposal was made for a statement of accountability to accompany the report to provide a concise summary of responsibility and key findings for the public.

The Monitoring Officer reminded members that the investigation had not made findings of wrongdoing against any individual and that it was not the role of the Committee to do so.

Members discussed accountability for the Future Places arrangements, with differing views expressed on the extent to which responsibility should be attributed to individuals, senior leadership, governance structures, or the wider system of decision-making that was in place at the time.

It was highlighted that the Committee agreed scope focused on the adequacy or not of governance and lessons learned rather than attributing blame, and it was noted that the investigation had been deliberately scoped to review processes rather than individual conduct.

Following discussion, the proposal for a separate accountability statement was not seconded and therefore withdrawn.

The Committee agreed to proceed by considering the report recommendations individually, with any proposals for additional recommendations or amendments to be discussed alongside the relevant recommendation rather than separate motions.

Recommendation 1:
As a matter of formal policy, senior* company executive directors should be appointed via Council instigated open advertising, which should be live for at least 15 working days (3 weeks)
the Council should pick a grade or £ salary banding to define senior, say above £75,000?

Recommendation 2:
Company executive directors should be selected using the same selection/interview process adopted for Council Corporate Directors

The Chair was supportive of the Recommendations however advised that a Committee Member had proposed a motion as follows:

a. *Recommendations 1 and 2 shall be replaced with a requirement that every executive-director position, chief-officer-equivalent position, or Council-controlled company role with potential total remuneration of £75,000 or more:*
- *is publicly advertised for at least 15 working days;*
- *follows the Council's Corporate Director recruitment and due-diligence process;*
- *uses a role description, person specification and scoring framework agreed before any candidate is approached;*
- *includes professional HR participation and at least one genuinely independent panel member;*
- *requires panel members and candidates to declare all relevant personal, professional, commercial and political relationships;*
- *requires references, employment-history checks and verification of qualifications before an unconditional offer;*
- *retains a complete written recruitment audit trail; and*
- *is not preceded by any offer, assurance, negotiation of terms or indication that a candidate has already been selected.*

b. No Leader, Deputy Leader, portfolio holder or company director shall constitute a majority of the panel appointing a senior executive to a Council-controlled company.

c. Any exceptional departure from these requirements must be approved in advance by Full Council.

In response to the recommendations, members supported following the Council's existing recruitment processes rather than specifying salary thresholds or remuneration levels, noting that such measures could quickly become outdated and may not accurately reflect total remuneration.

It was suggested that scrutiny should instead focus on reviewing the Council's HR recruitment policies to ensure they provide sufficient oversight and capture all relevant requirements.

Members also noted that some recommendations appeared to reflect previous governance arrangements rather than the Council's intended future operating model. It was clarified by the HAMA that the salary threshold included in the recommendation had been intended as an illustrative example rather than a fixed figure. Members agreed that the key requirement was to ensure the Council's established senior staff recruitment policies were applied consistently, as this would provide a robust recruitment process and avoided the need to create separate arrangements for council-owned companies.

In response to clarification from the Chair, it was confirmed that the motion did not have a secondar and therefore did not progress although the Chair highlighted the importance of the Committee having drawn out the discussion.

The recruitment process for Council Corporate Directors was discussed further with a Committee Member highlighting that the process involved multiple panels and not just one decision making panel.

Following further discussion, it was felt that a briefing be arranged on the recruitment process of corporate directors, including the various interview panels to understand policies and ensure it would be applicable and appropriate for Council owned company director recruitment. **ADD TO ACTION TRACKER.**

Recommendation 3:
Councillors who are also company directors may proffer evidence or advice to the council (when and if invited to do so) but must not be a party to (take part in voting) making a decision of the Council affecting the company.

In response to a query, it was clarified that a Councillor who was also a Company Director could never exclude themselves from responsibilities of the company director role and must therefore exclude themselves from their Council responsibilities when the Council votes on matter pertaining to the company of which they were a director.

Recommendation 4:
For all existing Council companies ensure that the required/approved/agreed governance documents are actually in place and up-to-date.

The Chair highlighted the planned briefing in September on council owned companies.

In response to some discussion, the HAMA clarified that he was trying to distinguish between existing and new Council companies with

Recommendations 4 and 5 and that the Committee would want reassurances that existing Council owned companies had all the relevant governance documentation in place.

Recommendation 5:
For any new council company to be set up in future, all governance documents must be agreed and signed by the council and company representatives within six months of company incorporation date. Any exceptions must be escalated to the Shareholder Advisory Board by the shareholder representative and company secretary.

The Committee discussed the recommendation in the context of governance arrangements for new council-owned companies. It was recognised that governance documents for existing companies should be reviewed to ensure they were up to date, while for new companies the focus should be on ensuring appropriate governance arrangements were established at the right stage of development.

Members expressed concern that imposing a fixed timescale, such as six months from incorporation, could be either too restrictive or too flexible depending on the nature of the company and its activities. Discussion therefore focused on linking governance requirements to business case approval, operational activity and funding commitments rather than a specific timeframe.

The Chair noted that some initial funding may be necessary to recruit staff and develop governance documents but considered that greater clarity was needed regarding what activity could take place before governance arrangements were fully agreed.

The Monitoring Officer suggested that existing shareholder governance structures could play a role in considering proposals for new companies before they progressed to Cabinet or Council as an additional safeguard. Post meeting note – this was not discussed again during the meeting.

Following further discussion around the recommendation and how to safeguard the Council and its interests, the Committee decided it wanted to add its own additional recommendation, and it was Proposed, Seconded and agreed by the Committee to add an additional Recommendation as follows:

Recommendation 5a:
The business case for any future Council owned company must set out what activity may take place in advance of governance documents being agreed and in advance of contractual arrangements and substantive funding commitments being made by the Council.

The Chair took Recommendations 6 and 7 together as follows:

Recommendation 6:

The Council should pre-define, in the Shareholder Agreement or other suitable governance document, what natural evolution of a project looks like and what is a more fundamental tangent sub-project (from any original Cabinet or Council agreed Commissioning Plan or Business Plan project).

Recommendation 7:
Further, what is the trigger that means a decision is required from councillors (Cabinet) to materially evolve a project – this could be budget increase or decrease for example as a proxy.

The HAMA confirmed that these recommendations had been proposed to mitigate possible 'mission or scope creep'. The Committee agreed to these recommendations and had no queries or additions.

Recommendation 8:
As a matter of formal Policy the Council should determine whether, to evidence the Teckal decisive control test, council Teckal companies should follow all Council policies (or some key Council policies or be free to operate their own policies agreed by the company board).

The Committee discussed the importance of demonstrating the Council's control over its Teckal companies and ensuring that governance arrangements clearly reflected the Council's ability to exercise decisive control.

It was noted that while some council policies may not always be proportionate or appropriate for smaller company structures, any departure from council policies should remain a matter for the Council to decide rather than the company itself.

Members expressed concern that the original wording could be interpreted as allowing company boards to determine whether council policies would apply. The discussion emphasised the need for clarity, transparency and accountability, with members agreeing that any variation from council policies should be explicitly approved by the Council.

Following some discussion about potential ambiguity of the recommendation, it was Proposed, Seconded and agreed to propose an amendment to the recommendation as follows:

Recommendation 8a:
As a matter of formal Policy the Council should determine whether, to evidence the Teckal decisive control test, council Teckal companies will follow all Council policies (unless explicitly agreed with the Council)

Recommendation 9:
Publish (public reports) all BCP Council Teckal company Business Plans and financial information including budgets and financial outturn.

A Committee Member expressed concern about reports being published in a timely manner and there was some discussion over setting a timescale for this recommendation.

Members also considered the publication and reporting of company business plans and financial information, highlighting the importance of regular oversight and public transparency regarding the performance of council-owned companies.

In response to a query, the interim Chief Financial Officer confirmed that financial information of Council Teckal companies was not currently included in the statement of accounts but could be considered as an addition should the Committee request it.

The Monitoring Officer advised that the Constitution already required the Shareholder Advisory Board to receive annual reports and accounts from council-owned companies, together with performance monitoring reports at least twice yearly. It was suggested that, rather than creating additional governance arrangements, a practical approach would be for the Audit and Governance Committee to receive regular reports from the shareholder representative or their delegate.

Members noted that the existing shareholder governance structures had been established to address governance concerns and that reporting to Audit and Governance could provide additional transparency and accountability. It was further suggested that the shareholder representative should be accountable for receiving the required reports and, where reports had not been received, provide an explanation for the Committee. The Chair agreed it was important to have a link with the shareholder representative but felt that was a separate issue to the proposed recommendation.

It was Proposed, Seconded and agreed by the Committee to suggest an additional Recommendation as follows:

Recommendation 9a:
That the Audit & Governance Committee receive an annual report on the business plans, financial information, including budget and financial outturns of all BCP Council owned Teckal companies.

Recommendation 10:
Full P&L accounts should be filed/delivered to the registrar (Companies House) to enhance transparency and public understanding.

It was highlighted by a Committee Member that this was now a mandatory requirement, however it was clarified that it was not at the time of writing this recommendation. The Chair confirmed she was happy for it to be included as it was part of the findings of the investigation.

Recommendation 11:
Any proposal or Business Plan where any bonus payment scheme is suggested must be firstly agreed by the Shareholder Advisory Board and then by Full Council.

A Committee Member requested an addition of bonus or other incentive payment scheme to be clearer in the recommendation. The HAMA clarified that the Council should determine what the actual scheme should be.

The Chair stressed that it needed to be clear that it was the bonus pay scheme/structure itself which needed to be agreed by the Shareholder Advisory Board and then full Council, not the principle.

Recommendation 12:
Shareholder Agreement – Reserved matters pages may be enhanced by sub-sections; it may be appropriate that for certain reserved matters the approval by Full Council should apply, whereas other reserved matters may be approved by some other decision maker – proportionality being the driver for this decision.

The HAMA confirmed that this recommendation would mean there would not be any ambiguity on what needs to go to Ful Council as it would decide what reserve matters should be approved by Council at onset.

Recommendation 13:
The Council should stipulate that future declarations of interest, made by company directors, should be more than just a list of entities or bodies – the actual interest should be clearly recorded, such as a member of / director of and should include whether the interest is paid/non-paid/voluntary/on the basis of their roles (as a Councillor or MP or similar).

A Committee Member put forward a proposed amendment which was read out by the Chair but not Seconded at the time and therefore not progressed.

The Committee discussed whether declarations of interest for Directors and individuals involved in council-owned Teckal companies should be strengthened in response to concerns arising from the Future Places review.

It was noted that existing Council officer declaration processes already required interests to be declared in accordance with an established framework, with declarations reviewed by the Monitoring Officer and relevant officers.

Members considered whether additional categories of interests should be disclosed, including ongoing negotiations capable of creating future financial interests, but concerns were raised regarding proportionality, practicality and consistency with existing legal and governance frameworks.

The Committee agreed that a more appropriate approach would be to align declaration requirements for Teckal companies with the Council's existing declarations of interest regime, ensuring a consistent standard applied across those acting on behalf of council-owned companies.

Members also discussed wider issues relating to the disclosure of interests, perceived conflicts of interest and the limitations of the current standards regime where individuals have left office and supported raising these matters through the appropriate standards channels and the Local Government Association.

It was Proposed, Seconded and agreed that the Committee requested the Chair write formally to Standards Committee requesting that consideration be given to the treatment of ongoing negotiations capable of creating future financial interests and the arrangement for addressing potential standards concerns after individuals have left office, with a view to informing wider discussions through the Local Government Association. **ADD TO ACTION TRACKER.**

Following further discussion regarding the most appropriate wording, it was Proposed, Seconded and agreed by the Committee to propose an amendment to Recommendation 13 as follows:

Recommendation 13a:
Council-owned Teckal companies must ensure that all employees and individuals otherwise engaged by the company must adhere to the BCP Council declarations of interest policy.

Recommendation 14:
Council companies should physically locate, as an office base, in a council owned property, the council must appropriately charge the company for that occupation. Any proposal to occupy third party premises must be firstly approved by the Shareholder Advisory Board and then Full Council.

In response to a comment, it was highlighted that, where an exception to the general requirement was sought, this should be subject to consideration and approval by the Shareholder Advisory Board and then Full Council.

Recommendation 15:
Any Shareholder Agreement, should formally define the role of the shareholder representative.

A Committee Member proposed the addition of the word 'responsibilities' within the Recommendation to be more explicit.

It was therefore Proposed, Seconded and agreed by the Committee to propose an amendment as follows:

Recommendation 15a:
Any Shareholder Agreement, should formally define the role and responsibilities of the shareholder representative.

Recommendation 16:
The Council should consider whether a 'Reserved Matter log' be kept by the company secretary and or commissioning team which shows sequentially, by date, any reserved matter approval decisions and who or what Council entity made the decision.
It was Proposed, Seconded and agreed by the Committee to propose an amendment to the recommendation by removing 'should consider whether' and inserting 'must ensure', therefore:

Recommendation 16a:
The Council must ensure a 'Reserved Matter log' be kept by the company secretary and or commissioning team which shows sequentially, by date, any reserved matter approval decisions and who or what Council entity made the decision.

Recommendation 17:
An action plan be agreed by the Shareholder Advisory Board to progress the governance reviews of council companies as agreed in respect Cabinet and Audit & Governance – the action plan should specifically include the plan to terminate councillors as company directors.

The Committee discussed the position regarding Councillors serving as directors of council-owned companies and noted that the Council's agreed position was that Councillors should not normally be appointed to company boards.

The Monitoring Officer advised that there was no plan to terminate all Councillors as company directors, because the will of Council at the time this decision was made was that they would not normally be appointed to boards as Company Directors. It was recognised that further clarification was required on the meaning of "not normally" and the practical application of that approach and it was noted that this was being considered further by the Shareholder Advisory Board.

Committee Members agreed that the recommendation should be revised to focus on the role of Councillors as company directors rather than requiring their removal.

It was also agreed that the Shareholder Advisory Board should continue its work reviewing governance arrangements and that the issue should be revisited following the planned briefing on council-owned companies.

The Committee Members further requested that the matter of Councillors as Company Directors be added to the action tracker for future consideration and potential recommendations to Council following the briefing on Council owned companies in September. **ADD TO ACTION TRACKER**.

Following further discussion, it was agreed to propose an amended Recommendation 17 as follows:

Recommendation 17a:
An action plan be agreed by the Shareholder Advisory Board to progress the governance reviews of council companies as agreed in respect Cabinet and Audit & Governance – the action plan should specifically include the role of councillors as company directors.

Recommendation 18:
Shareholder Advisory Board and Shareholder Operations Board meetings (x3 per year, minimum) to be added to the corporate calendar.

The Committee had no discussion on this Recommendation.

A Committee Member highlighted that he still had motions he wished to be considered by the Committee. The Committee discussed a proposed motion to write to local MPs, the Secretary of State, the relevant Parliamentary Select Committee and the Local Government Association to highlight the findings of the review and seek consideration of any wider legislative or governance implications. While members supported ensuring that lessons learned were shared, concerns were raised that the proposal was overly prescriptive and could have unintended reputational consequences.

The Committee continued to discuss proposals for further external engagement, including briefing local MPs on the findings of the review and any potential legislative implications. It was agreed that MPs should be kept informed of the issues raised, while recognising that any changes to legislation would be a matter for Parliament and Government. Members were advised that any future consideration of additional actions would require further advice and discussion outside the scope of the current investigation. **ADD TO ACTION TRACKER**.

Members noted that the governance issues identified were already recognised nationally and that the Committee's recommendations, together with engagement through existing channels, were likely to be a more proportionate approach.

Members also sought assurance regarding implementation of the agreed recommendations and were advised that progress would be monitored through the existing Audit and Governance follow-up process, with lead officers required to report back on any delays in implementation.

A Committee Member withdrew his final motion which was not discussed in the Committee as the Monitoring Officer advised that if it was to be discussed, it would need to be in an exempt session. The Chair concluded by advising there would be a separate discussion with Officers to consider any next steps.

Members agreed to note the Chair's foreword statement and the internal audit investigation findings, recommend the 18 recommendations subject to any amendments proposed and additional recommendations agreed by the Committee to Council, and to conclude the Audit and Governance Committee's investigation.

One member abstained from the vote, noting support for the substantive work undertaken whilst expressing reservations about part of the composite recommendation.

RESOLVED that the Audit & Governance Committee:

1. **Notes the Chair's forward statement, set out in Appendix 1, which pulls together a 'wraparound' overview of what the Committee has considered through the investigation.**
2. **Notes the Internal Audit led investigation findings report for scope areas 1 to 8, set out in Appendix 2.**
3. **Recommends to Council, the 18 recommendations, made within the Internal Audit led investigation report and adds any other recommendations that may result from perspectives received from stakeholders.**
4. **Agrees the investigation process initiated by the A&G Committee is concluded.**

Voting: For 7, Abstention 1

The meeting ended at 10.07 pm

CHAIR

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Minute no	Item	Action Items remain until action complete	Who	Outcome
Meeting date: 16 July 2026 (additional meeting)				
17	**BCP FuturePlaces (FPL) Investigation Report - Final Summary**	Arrange a briefing on the recruitment process of corporate directors, including the various interview panels (to understand policies and ensure it would be applicable and appropriate for Council owned company director recruitment.)		
		Chair to write formally to Standards Committee requesting that consideration be given to the treatment of ongoing negotiations capable of creating future financial interests and the arrangement for addressing potential standards concerns after individuals have left office, with a view to informing wider discussions through the Local Government Association.	Chair	
		Include the matter of Councillors as Company Directors for future consideration and potential recommendations to Council following the briefing on Council owned companies in September.		
		Keep MPs informed of the issues raised in the review, while recognising that any changes to legislation would be a matter for Parliament and Government.		
Meeting date: 28 May 2026 (core meeting)				
7	**Action Sheet**	In relation to items added to the Forward Plan, contact lead Director to check progress of report on Governance of Lower Central Gardens (currently scheduled for November)	HAMA	Report confirmed (NB November committee date rescheduled to 10 December 2026)

Minute no	Item	Action Items remain until action complete	Who	Outcome
9	**External Auditor – Audit Progress & Sector Update**	Committee requested that further information be provided on the financial assumptions underpinning the SEND reform programme	CFO	Chair updated at 30 July meeting, committee to review action in September
11	**Governance Process for Regeneration (Carter's Quay)**	The Committee agreed that further questions and proposed recommendations would be submitted to officers, copying all Committee Members	Committee	Questions were received by the officer which will be reviewed and feed into a future report. Additional briefings could be considered.
		Officers would respond to those points	DID & MO	Report to be submitted to next appropriate meeting in consultation with Chair and Monitoring Officer
		Following consultation with the Committee, the Chair would prepare a report setting out the Committee's findings and recommendations	Chair	
		It was further agreed that officers would review that report to confirm what information could be released into the public domain	MO	
Meeting date: 19 March 2026 (core meeting)				
113	**External Audit – Auditor's annual report 2024/25 final**	Committee agreed that it would be helpful to track the recommendations in the report by receiving an update on progress in the summer.	EA & CFO	CFO in conjunction with other officers to bring an update report for the Sept / Oct meeting
Meeting date: 26 February 2026 (non-core meeting)				
101	**External Audit Finding report and SoA 2024/25**	Consider adding an item to the Forward Plan on cybersecurity	Committee	The Chair has agreed a briefing paper will instead be circulated later in the year (approx. Sept26) due to the sensitive nature of this subject matter

Minute no	Item	Action Items remain until action complete	Who	Outcome
103	**Risk Management Policy**	Raise awareness of new Risk Management Policy with Overview and Scrutiny Chairs	Chair	To be completed after July 2026 committee
Meeting date: 27 November 2025 (non-core meeting)				
66	**External Auditor (EA) – Auditor's Annual report 2024/25 (Value for Money arrangements report)**	Liaise with Chief Financial Officer on whether more regular VFM updates required	EA	Review after March 2026 committee
Meeting date: 16 October 2025 (core meeting)				
49	**Risk Management - Corporate Risk Register Update**	Liaise with Chair of the Children's Services O&S Committee on arrangements for how DSG, high needs block and Corporate Risk CR02 are being monitored (possible forward plan item)* *At subsequent committee on 15.1.26 it was agreed to include the partial audit opinion on Out of Borough Placements in this discussion.	Chair	Chairs have discussed with each other and with officers the most effective way of facilitating. Actions now being addressed as part of SEND reform programme (see 9.above) Action in relation to CR02: invite Director to 15 October 2026 meeting as part of next Corporate Risk register report
Meeting Date: 24 July 2025 (core meeting)				
21	**Information Governance**	Update committee on the review by leadership team of the function of IG Information Governance within BCP Council	MO	Scheduled in Forward Plan for Oct26

Minute no	Item	Action Items remain until action complete	Who	Outcome
33	**Forward Plan**	Liaise with Chair on scheduling of Ombudsman reports	MO	Scheduled in Forward Plan for Oct26

RAG status:

RED	Not yet started
AMBER	In progress
GREEN	Complete

List of Abbreviations:

CE	Chief Executive
CFO	Chief Financial Officer
COO	Chief Operations Officer
MO	Monitoring Officer
HAMA	Head of Audit and Management Assurance
R&I	Risk and Insurance
EA	External Auditor
DS	Democratic Services
DID	Director of Investment and Development

Minute no	Item	Recommendation made *items remain for monitoring until implementation is complete or committee agree to remove.	Assigned to and target date
Recommendations from Committee meeting – 16 July 2026 **(Note: recommendations annotated as ‘a’ are those amended or added by the committee to the recommendations in the HAMA’s report** **The following recommendations will be submitted by the A&G committee to Full Council for approval on 13 October 2026.**			
17	**BCP FuturePlaces (FPL) Investigation Report - Final Summary**	Recommendation 1: As a matter of formal policy, senior* company executive directors should be appointed via Council instigated open advertising, which should be live for at least 15 working days (3 weeks) *the Council should pick a grade or £ salary banding to define senior, say above £75,000?	Head of Paid Service, (or delegate) Immediately
		Recommendation 2: Company executive directors should be selected using the same selection/interview process adopted for Council Corporate Directors	Head of Paid Service, (or delegate) Immediately
		Recommendation 3: Councillors who are also company directors may proffer evidence or advice to the council (when and if invited to do so) but must not be a party to (take part in voting) making a decision of the Council affecting the company.	Monitoring Officer, Immediately
		Recommendation 4: For all existing Council companies ensure that the required/approved/agreed governance documents are actually in place and up-to-date.	Company Secretary/Company link officers, 01/04/2026

Minute no	Item	Recommendation made *items remain for monitoring until implementation is complete or committee agree to remove.	Assigned to and target date
		Recommendation 5: For any new council company to be set up in future, all governance documents must be agreed and signed by the council and company representatives within six months of company incorporation date. Any exceptions must be escalated to the Shareholder Advisory Board by the shareholder representative and company secretary.	Shareholder representative and Company Secretary Immediately
		Recommendation 5a: The business case for any future Council owned company must set out what activity may take place in advance of governance documents being agreed and in advance of contractual arrangements and substantive funding commitments being made by the Council.	
		Recommendation 6: The Council should pre-define, in the Shareholder Agreement or other suitable governance document, what natural evolution of a project looks like and what is a more fundamental tangent sub-project (from any original Cabinet or Council agreed Commissioning Plan or Business Plan project).	Shareholder Advisory Board 01/04/2026
		Recommendation 7: Further, what is the trigger that means a decision is required from councillors (Cabinet) to materially evolve a project – this could be budget increase or decrease for example as a proxy.	Shareholder Advisory Board 01/04/2026

Minute no	Item	**Recommendation made** *items remain for monitoring until implementation is complete or committee agree to remove.	**Assigned to and target date**
		Recommendation 8a: As a matter of formal Policy the Council should determine whether, to evidence the Teckal decisive control test, council Teckal companies will follow all Council policies (unless explicitly agreed with the Council)	Shareholder Advisory Board 01/04/2026
		Recommendation 9: Publish (public reports) all BCP Council Teckal company Business Plans and financial information including budgets and financial outturn.	Company Secretary /Company link officers 01/04/2026
		Recommendation 9a: That the Audit & Governance Committee receive an annual report on the business plans, financial information, including budget and financial outturns of all BCP Council owned Teckal companies.	
		Recommendation 10: Full P&L accounts should be filed/delivered to the registrar (Companies House) to enhance transparency and public understanding.	Company Secretary With effect from 2025/26 reporting
		Recommendation 11: Any proposal or Business Plan where any bonus payment scheme is suggested must be firstly agreed by the Shareholder Advisory Board and then by Full Council.	Shareholder Advisory Board Immediately

Minute no	Item	**Recommendation made** *items remain for monitoring until implementation is complete or committee agree to remove.	**Assigned to and target date**
		Recommendation 12: Shareholder Agreement – Reserved matters pages may be enhanced by sub-sections; it may be appropriate that for certain reserved matters the approval by Full Council should apply, whereas other reserved matters may be approved by some other decision maker – proportionality being the driver for this decision.	Shareholder Advisory Board 01/04/2026
		Recommendation 13a: Council-owned Teckal companies must ensure that all employees and individuals otherwise engaged by the company must adhere to the BCP Council declarations of interest policy.	Shareholder Advisory Board Immediately
		Recommendation 14: Council companies should physically locate, as an office base, in a council owned property, the council must appropriately charge the company for that occupation. Any proposal to occupy third party premises must be firstly approved by the Shareholder Advisory Board and then Full Council.	Shareholder Advisory Board Immediately
		Recommendation 15a: Any Shareholder Agreement, should formally define the role and responsibilities of the shareholder representative.	Shareholder Advisory Board 01/04/2026
		Recommendation 16a: The Council must ensure a 'Reserved Matter log' be kept by the company secretary and or commissioning team which shows sequentially, by date, any reserved matter approval decisions and who or what Council entity made the decision.	Shareholder Advisory Board 01/04/2026

Minute no	Item	Recommendation made *items remain for monitoring until implementation is complete or committee agree to remove.	Assigned to and target date
		Recommendation 17a: An action plan be agreed by the Shareholder Advisory Board to progress the governance reviews of council companies as agreed in respect Cabinet and Audit & Governance – the action plan should specifically include the role of councillors as company directors.	Shareholder Advisory Board 01/04/2026
		Recommendation 18: Shareholder Advisory Board and Shareholder Operations Board meetings (x3 per year, minimum) to be added to the corporate calendar	Chief Executive Immediately

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AUDIT AND GOVERNANCE COMMITTEE

Report subject	**Review of the Council's Constitution - Recommendations of the Constitution Review Working Group - Planning Reforms**
Meeting date	3 September 2026
Status	Public Report
Executive summary	This report seeks approval to amend the Council's Constitution to reflect the national scheme of delegation for local planning authority functions introduced by the Planning and Infrastructure Act 2025 and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, which come into force on 31 October 2026. The Regulations significantly restrict the circumstances in which planning applications may be referred to Planning Committee and replace existing local referral mechanisms, including Ward Member call-ins and objection-based triggers. The report explains the distinction between Schedule 1 applications, which must be determined by officers, and Schedule 2 applications, which are presumed to be delegated unless the statutory gateway test is met and the nominated officer and nominated member agree referral to committee. The recommended approach is to amend the Constitution to comply with the national scheme, establish nominated officer and nominated member arrangements, retain appropriate transparency through decision records and reporting, and provide clear information for Members and the public. While the Council has limited discretion over the national requirements, the proposed amendments are intended to ensure lawful implementation, reduce the risk of legal challenge, and maintain effective, transparent and accountable planning decision-making.
Recommendations	**It is RECOMMENDED that:** **(a) in relation to the new national scheme of delegation of planning functions, the proposed amendments to Parts 2, 3, 4 and 6 of the Constitution, as set out in Appendix 3 to this report, be approved and take effect from 31 October 2026;**

	(b) the Chief Operations Officer be delegated authority to appoint and amend any appointment of nominated officer(s) under the 2026 Regulations; **(c) the Chairs and Vice-Chairs of the two respective committees be appointed as the nominated members and substitute members from 31 October 2026 but the respective planning committees be delegated authority to appoint and amend the appointment of the nominated member(s) under the 2026 Regulations;** **(d) officers be authorised to prepare and publish appropriate guidance and communications for Members, officers and the public explaining the revised arrangements for planning referrals and decision-making under the national scheme of delegation;** **(e) officers monitor the operation of the revised arrangements, including the volume and nature of referral requests, decision records, committee referrals and any associated operational or resource impacts, to inform the review by the Constitution Review Working Group after six months of operation;** **(f) the Constitution Review Working Group undertake a review of the arrangements after six months of operation and recommend any changes, if any, that may be considered necessary;** **(g) any necessary and consequential technical and formatting related updates and revisions to the Constitution be made by the Monitoring Officer in accordance with the powers delegated.**
Reason for recommendations	To make appropriate updates and revisions to the constitution following consideration by the Working Group.
Portfolio Holder(s):	Not applicable
Corporate Director	Aidan Dunn (Chief Executive)
Report Authors	Richard Jones (Head of Democratic Services and Deputy Monitoring Officer) Simon Gould (Development Management Manager) Katie Herrington (Development Management Manager)
Wards	Not applicable
Classification	For Recommendation

Background

1. The Terms of Reference of the Audit and Governance Committee include 'Maintaining an overview of the Council's Constitution in respect of financial regulations, working protocols and codes of conduct and behaviour (not otherwise reserved to the Standards Committee or other committees)'.

2. In discharge of this responsibility the Committee established a Constitution Review Working Group of five of its Councillors. The current members of the Working Group are Councillor Connolly (Chair) and Councillors Andrews, Armstrong, Beesley and Weight. Since its establishment in July 2020, the Working Group has continued to meet to consider requests for change. The Group receives advice from various officers including the Monitoring Officer and Head of Democratic Services. From time to time, as required, Officers and Councillors with specialist responsibility have been invited to have an involvement.

Format

3. Throughout the work of the Group a 'Forward Plan' of issues has been maintained and added to as additional issues have arisen. This approach will continue to be adopted for capturing future issues.

4. Any proposed changes to the Constitution are shown with track changes in the appendices to this report. Any page number references are to pages within the current published Constitution.

Options Appraisal

5. The Working Group considers carefully whether or not changes are necessary on each issue raised. If supported the Working Group determines the proposed alterations to the wording which forms the basis of the recommendations to the Audit and Governance Committee. This report sets out the proposed changes following those deliberations in relation to the Planning Committee Reforms.

6. This report is seeking changes to various parts of the Constitution required to respond to the Planning and Infrastructure Act 2025 and The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 which come into force on 31 October 2026.

Engagement with Planning Committee Members

7. Before determining the proposed way forward set out in this report, the Chair of the Constitution Review Working Group convened an online meeting with members of the Planning Committees on 10 August 2026. The purpose of the meeting was to enable officers to outline the changes arising from the national scheme of delegation and to hear the views of councillors closely involved in the planning process. Following that discussion, the Chair of the Working Group summarised the principal issues raised by members as set out in the table below together with the officer response. The feedback received has helped shape the proposed local implementation arrangements.

Issue raised	Summary of concern	Officer response / how addressed
Review of operation in practice	Members considered that the revised arrangements should be reviewed after implementation, including whether the current two-committee planning structure remains appropriate.	The recommendations provide for a six-month review by the Working Group. Officers consider that the immediate priority is lawful implementation by 31 October 2026, with any wider structural issues, including whether to retain two Planning Committees, considered once operational evidence is available.
Councillor advocacy and referral requests	Members sought clarity on how councillors can advocate for residents on Schedule 1 applications and how they may request that a Schedule 2 application be considered for committee referral.	Members will continue to be able to make written representations on all planning applications. For Schedule 2 applications, Appendix 1 proposes a councillor referral request form to support a clear and transparent process for asking the nominated member and nominated officer to apply the gateway test. This should also help manage the risk of councillors attempting to, or being perceived as attempting to, place undue pressure on the nominated persons outside the formal process.
Recording Schedule 2 decisions	Members asked how decisions will be recorded where Schedule 2 applications are, or are not, proposed for committee consideration.	The report proposes that a decision record be generated where the nominated member and nominated officer consider whether an application should be referred to committee. Appendix 2 provides a draft decision record. Schedule 2 applications may reach the nominated persons through either a councillor referral request or an officer referral following professional assessment by the case officer and review by an appropriate senior planning officer. Officers do not recommend a disproportionate requirement to create a formal decision record for every Schedule 2 application irrespective of whether it has been identified for referral consideration. However,

Issue raised	Summary of concern	Officer response / how addressed
		where officers consider during routine case management whether a Schedule 2 application should be escalated to the nominated persons, an appropriate file note should be recorded on the planning file. Where an application is placed before the nominated persons, their deliberation will follow a structured process and a decision record will be completed for every referral considered.
Burden on nominated officer and nominated member	Members raised concern about the potential workload falling on the nominated officer and nominated member, and whether more than two nominated members should be appointed.	The recommended initial approach is to appoint the Chairs of the two Planning Committees, with Vice-Chairs as substitutes, as a pragmatic starting point. The Regulations allow different nominations for different purposes, and the recommendations enable the Planning Committees to amend nominated member arrangements if experience shows that a wider model is required.
Transparency of nominated individual decisions	Members were concerned that referral decisions should not take place informally or without an adequate record.	The report proposes a structured process for cases considered by the nominated member and nominated officer, a decision record for every referral considered, publication of relevant records on the public register, and a formal six-month review informed by monitoring of issues, concerns, referral patterns and operational feedback.
Constitution should avoid naming individuals	Members considered that the Constitution should be sufficiently flexible and should not require amendment whenever individual officer responsibilities change.	The recommendations use role-based and delegated appointment arrangements. It is proposed that the Chief Operations Officer be delegated authority to appoint and amend nominated officer arrangements, avoiding the need to name individual officers in the Constitution.
Selection of nominated member(s)	Members queried whether the Planning Committees should determine who undertakes the nominated	The recommendations provide for the Chairs and Vice-Chairs to undertake the role initially from 31 October 2026, but delegate authority to the

Issue raised	Summary of concern	Officer response / how addressed
	member role, given the importance of the responsibility.	respective Planning Committees to appoint and amend nominated member arrangements. This provides immediate certainty while preserving local flexibility. This will further provide capacity should a conflict of interest exist.
Councillor-suggested conditions	Members suggested that councillors should be able to propose conditions on approvals where they consider this would address planning concerns.	The report confirms that Members may include suggested planning conditions or informatives in their representations. The final decision on whether any condition is lawful and appropriate will remain with the decision-maker, applying the usual tests of necessity, relevance to planning, relevance for the development to be permitted, enforceability, precision and reasonableness.

8. The engagement with Planning Committee members has therefore informed the proposed local implementation arrangements, including the referral request form, decision record, nominated officer and member arrangements, transparency measures and the proposed six-month review. Not all operational detail needs to be set out in the Constitution itself, but officers will prepare supporting guidance for Members and officers to ensure the revised process is understood and applied consistently.

National Scheme of Delegation of Planning Functions

9. The government is introducing major structural reforms to modernise local authority planning committees in England, with the final regulations scheduled to legally come into force on **31 October 2026**. Enabled by the Planning and Infrastructure Act 2025 and The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, these changes aim to accelerate housebuilding by streamlining decision-making and standardising how local committee's function.

10. The government's aim behind the national scheme of delegation is to ensure that there is greater clarity and consistency about the role of planning committees in planning decision making. Committees should focus on the key proposals that matter to an area, enabling other, often more minor and technical, decisions to be made by planning officers.

11. Section 319ZZC of the Town and Country Planning Act 1990 gives the Secretary of State the power to set out which functions of a local planning authority should be delegated to planning officers for a decision and which should instead go to the planning committee.

12. The Secretary of State has exercised this power through the 2026 Regulations. These regulations set out types of applications where decisions:
    1. must be delegated to officers in all cases (as set out in Schedule 1) and
    2. are presumed to be delegated to officers unless (as set out in Schedule 2):
        i. they meet at least one of the criteria in regulation 5(3) or
        ii. they have regard to the provision in regulation 5(4);
        iii. they are Own Interest Applications – an application made by or on behalf of a local authority, a member or officer of that local authority or an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers (whether or not it is made jointly with another person) (regulation 6);
        iv. **and** the nominated officer(s) and nominated member(s) of the planning committee agree they should be referred to the planning committee for determination.
13. Where a planning function is not listed in either Schedule 1 or 2, it is for the local planning authority to decide whether it should be delegated to an officer or referred to the committee for a decision (as part of its local constitution).
14. Under the national scheme of delegation, current practices set out in the local authority constitution, such as the power for Ward Councillors to require cases to be called-in for committee consideration or having trigger points for referral to committee if a certain number of objections/letters of support are reached, will not be possible. Local authorities need to amend their constitutions to align with the national scheme of delegation.

Implementation Timeline

15. Planning authorities must officially amend their constitutions to match the new rules.
16. Local authorities that fail to comply by the 31 October 2026 date risk having their committee decisions overturned via judicial review.
17. There are likely to be planning applications with a valid referral reason as set out by the existing constitution in the lead up to 31 October 2026 where it will not be possible for these applications to be heard at the committee by this date. As an example, the planning application might still be in the early stages of assessment.
18. Every effort will be made to determine applications in a timely manner. However, the reason for referral might fall away under the constitution. From 31 October 2026 it will not be possible for the planning committee to determine applications which do not adhere to the new constitution given the risk of judicial review.
19. Notwithstanding, paragraph 2.9 of Part 3 'Responsibility for Functions and Officer Scheme of Delegation' (appendix 3) makes provision to refer applicable schedule 2 planning applications to committee that have been received as valid prior to 31 October 2026 provided referral now adheres to the new scheme of delegation.

What is NOT changing

20. Whilst the Planning and Infrastructure Act 2025 and the new National Scheme of Delegation will change how certain planning applications are referred to and determined by Planning Committees, many important aspects of the planning system will remain unchanged. The reforms are primarily concerned with the decision-making route for applications rather than the fundamental planning process itself. Applications will still be assessed against the Development Plan and other material planning considerations, which includes the National Planning Policy Framework (new version published on 27 August 2026), and there will continue to be opportunities for residents, councillors, statutory consultees and other interested parties to make representations that inform the decision-making process.

- Planning applications will continue to be submitted, validated, registered and processed by the Council in the normal way.
- Statutory consultation, publicity and notification requirements will continue to apply.
- Site notices, neighbour notifications and press notices (where required) will still be carried out.
- Residents, businesses, community groups, parish and town councils, and statutory consultees will continue to be able to submit comments and representations.
- Councillors will continue to be able to make representations on planning applications and advocate on behalf of residents.
- Representations can continue to be made on both Schedule 1 and Schedule 2 applications.
- All representations received during the consultation period will continue to be considered as part of the decision-making process.
- Planning officers will continue to assess applications against national planning policy, the Development Plan and other material planning considerations.
- Officer reports and written assessments will continue to explain how applications have been considered and why decisions have been reached.
- Planning conditions may still be imposed where appropriate and lawful.
- Planning obligations and Section 106 agreements will continue to be negotiated where necessary.
- Decision notices will continue to be issued setting out the formal decision and any conditions or reasons for refusal.
- Applicants will continue to have rights of appeal against refusals, non-determination and certain conditions.
- Enforcement powers and the Council’s ability to investigate alleged breaches of planning control will remain unchanged.

- The Planning Committees will continue to exist and will continue to determine those applications that fall within the circumstances prescribed by the Regulations.
- Planning Committee meetings will continue to be held in public and decisions made by committees will remain transparent and accountable.
- Members of the public will continue to be able to observe Planning Committee meetings and participate where the Council's public speaking arrangements allow.
- The statutory requirement for planning decisions to be made fairly, lawfully and without bias remains unchanged.
- Judicial review and other legal challenge mechanisms remain available where appropriate.
- Local planning authorities will continue to be responsible for delivering planning services and implementing local planning policy.

21. In summary, the reforms do not remove local democratic input into the planning process, but they do significantly change its effect on the decision-making route. For Schedule 1 applications, committee determination will no longer be available unless the application falls within the own-interest provisions and the nominated officer and nominated member agree referral. For Schedule 2 applications, there will be no automatic route to committee through Ward Member call-in or objection-based triggers; instead, referral will depend on the statutory gateway test being met and the nominated officer and nominated member agreeing that the application should be determined by committee.
22. Councillors and residents will continue to be able to raise concerns, provide local knowledge and make representations, and those representations must continue to be taken into account by the decision-maker.

What is prescribed and where does the Council have discretion?

23. The national scheme of delegation prescribes the core decision-making framework for planning applications from 31 October 2026. The Council therefore has limited discretion over whether applications within Schedule 1 or Schedule 2 may be determined by officers or referred to committee. However, the Council does retain discretion over the local arrangements needed to operate the scheme effectively, transparently and proportionately.

Area	Prescribed by the Regulations	Local discretion retained by the Council
Schedule 1 applications	These must generally be determined by officers and cannot be referred to committee unless they fall within the own-interest provisions and the nominated officer and nominated member agree referral.	The Council may determine how Members, residents and other interested parties are supported to make representations on Schedule 1 applications.

Area	**Prescribed by the Regulations**	**Local discretion retained by the Council**
Schedule 2 applications	These are presumed to be delegated to officers unless the statutory gateway test is met, or the application is an own-interest application, and the nominated officer and nominated member agree referral to committee.	The Council may determine the local process for requesting referral, triaging requests, recording decisions and reporting outcomes.
Ward Member call-ins and objection triggers	Existing local mechanisms which automatically require committee referral, such as Ward Member call-ins or objection-based triggers, cannot continue where they are inconsistent with the national scheme.	The Council may provide alternative routes for Members and the public to make representations and may publish guidance explaining how concerns can be raised under the revised arrangements.
Nominated officers and nominated members	Referral to committee depends on agreement between the nominated officer and nominated member where the Regulations permit referral.	The Council may appoint different nominated officers or members for different purposes and may make cover or substitution arrangements to avoid delay.
Committee structure	Planning committees may only determine applications within the circumstances permitted by the Regulations.	The Council may retain its existing committee structure, subject to the statutory limit on committee size and the need to keep arrangements under review.
Transparency and reporting	The Regulations prescribe when committee referral is permitted. Existing local call-in or objection-trigger mechanisms cannot be retained where they would require or permit referral outside the circumstances allowed by the Regulations.	The Council may publish decision records, provide periodic reports, update application reports and issue public and Member guidance to support transparency and accountability.

24. In practice, the Council’s discretion is therefore not whether to adopt the national scheme, but how best to implement it locally. The proposed amendments seek to comply with the prescribed requirements while retaining, so far as possible, transparent local processes for referral requests, Member involvement, public representations, decision recording and future review.

Notable Required Changes

25. The locally established methods used to refer planning applications to the Planning Committee are being abolished.

26. No Ward Member Call-ins: Local ward councillors will lose their automatic power to “call-in” an application to be heard by the committee.

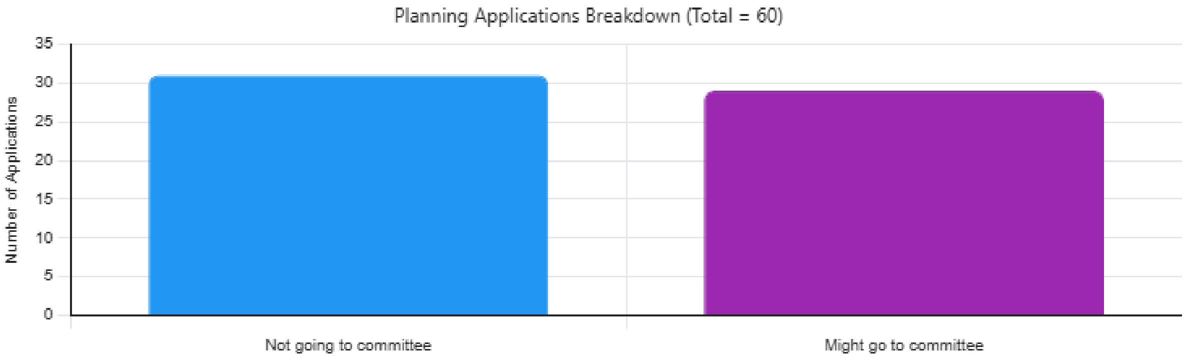
27. No Public Objection Triggers: Applications will no longer automatically trigger referral to the planning committee if they receive a high number of objections/letters of support contrary to the Officer recommendation.

28. Transparency Exception: Special exceptions are made for “own-interest” applications (such as applications submitted by the council itself or its officers/ members) which can still be referred to the committee for public accountability.

Impact on Number of Applications Referred to Committee

29. As a comparison, data for the period 1 April 2024 to 31 March 2026 below shows the approximate reduction in the number of planning applications which would have been referred to the Planning Committee if they had been subject to the new national scheme of delegation:

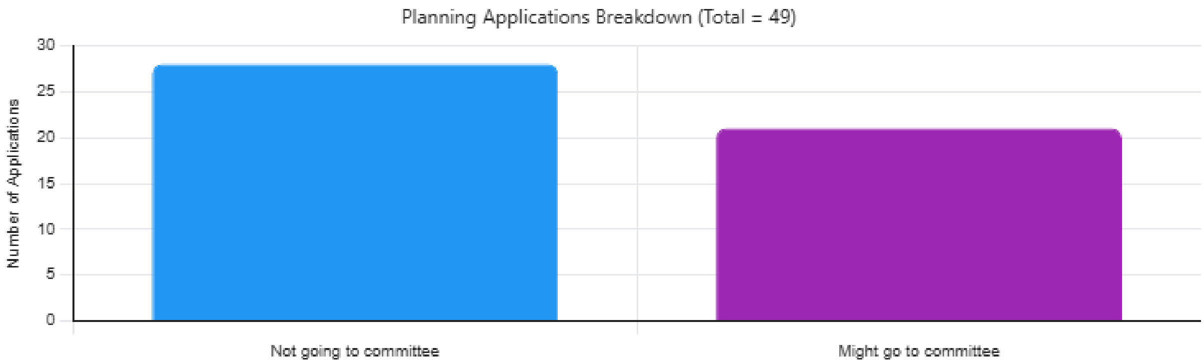
30. Eastern BCP Planning Committee: 52% reduction



Blue – 31 applications not going to committee

Purple – 29 applications might go to committee

31. Western BCP Planning Committee: 58% reduction



- 🔵 **Blue** – Not going to committee (28)
- 🟣 **Purple** – Might go to committee (21)

Size and Number of Committees

32. There can be no more than 13 members of the planning committee. This is a maximum figure designed to accommodate local planning authorities where members are from multiple political parties. However, it is advised that local planning authorities should consider whether a smaller number of members would be more appropriate in their area to support effective decision making.

33. It will be possible to retain the Eastern and Western Planning Committees. However, it might be necessary to consider the amalgamation of these Planning Committees in the future given the expected reduction in the number of planning applications that will be heard by the Planning Committees. This is not an issue which is being considered at this stage and does not need to be decided by 31 October 2026.

The New Approach: Schedule 1 and Schedule 2

34. From 31 October 2026, planning applications will fall within either Schedule 1 or Schedule 2.

    <u>Schedule 1 Functions</u>
    <u>Applications that must be determined by an officer</u>

35. The functions which fall within Schedule 1 of the Regulations are:

    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 (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 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).
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. 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 The Town and Country (Development Management Procedure) (England) Oder 2015 (applications made under a planning condition).
15. An application pursuant to provision in Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for—
   (a) prior approval, or
   (b) a determination as to whether prior approval is required.

36. However, the application will fall within Schedule 2 where:

- a Schedule 1 application for planning permission is connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent
- an application would otherwise fall under Schedule 1 but is made under section 73A of the Town and Country Planning Act 1990
- an application would otherwise fall under Schedule 1 but is made by or on behalf of a local authority, a member or officer of that local authority or an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers

Schedule 2 Functions
Applications that may be determined by a committee or by an officer

37. The functions which fall within Schedule 2 of the Regulations are:

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).

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).

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).

Presumption in Favour of Delegated Decisions

38. The Government's statutory guidance for local planning authorities at paragraph 21 states 'The overriding presumption is that applications listed in Schedule 2 will be delegated to officers'. An application can be referred to committee only where:

    (a) at least one of the criteria in regulation 5(3) is met or it is an own-interest application (regulation 6); and

    (b) the nominated officer and nominated member of the planning committee agree to the referral.

39. For these purposes:

    (a) the nominated officer should be the Chief Planning Officer or equivalent officer who has extensive professional planning experience. The Head of Planning Operations is suggested for this role. However, it will be necessary to ensure that there are other senior planning officers who can provide cover if needed to avoid any unnecessary delays in the referral process. It is suggested that the Development Management Managers adopt this role. It is proposed that the Chief Operations Officer be delegated authority to appoint and amend the nominated officer(s) to perform this function as necessary.

    (b) the nominated member could be the Chair of the planning committee or, where such a role does not exist, the equivalent member. It has been suggested by Officers that the Chairs of the Eastern and Western Planning Committees adopt this role although some Members consider this too narrow and would like to consider widening the role beyond one or two individuals. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 state at paragraph 3(2) "when nominating a member or officer, a relevant Local Planning authority may (a) nominate different members or officers for different purposes". It would seem therefore that the regulations establish the principle of having multiple nominated members for the purposes of exercising consideration of whether a Schedule 2 application should go to Planning Committee. As in the case of nominated officers, it will be necessary to ensure there are arrangements in place for other members to cover should the nominated member(s) not be available. It is suggested that the Vice-Chairs of the Eastern and Western Planning Committees adopt this role. It is proposed that the Chair and Vice-Chairs of the two respective committees assume these roles initially but the two planning committees be delegated authority to appoint and amend the nominated member(s) to perform this function as necessary.

40. BCP Council is responsible for putting into place its own arrangements for how the consideration of cases for referral to committee will operate in practice.

41. Where it is anticipated that there may be a significant number of cases which meet the criteria in regulation 5(3) or which may fall under regulation 6 and which could, therefore, be considered for referral to committee, a triage system has been set out in appendix 3 to help ensure that the nominated officer and nominated member of the committee are not overwhelmed and to avoid unnecessary delays in planning decision making.

42. Schedule 2 applications may therefore be placed before the nominated officer and nominated member in two ways. First, a councillor may submit a referral request

using the proposed form in Appendix 1. Secondly, an application may be identified by officers through the normal case management process where, in the professional judgement of the case officer, it appears capable of meeting one or more of the gateway criteria or may fall within the own-interest provisions.

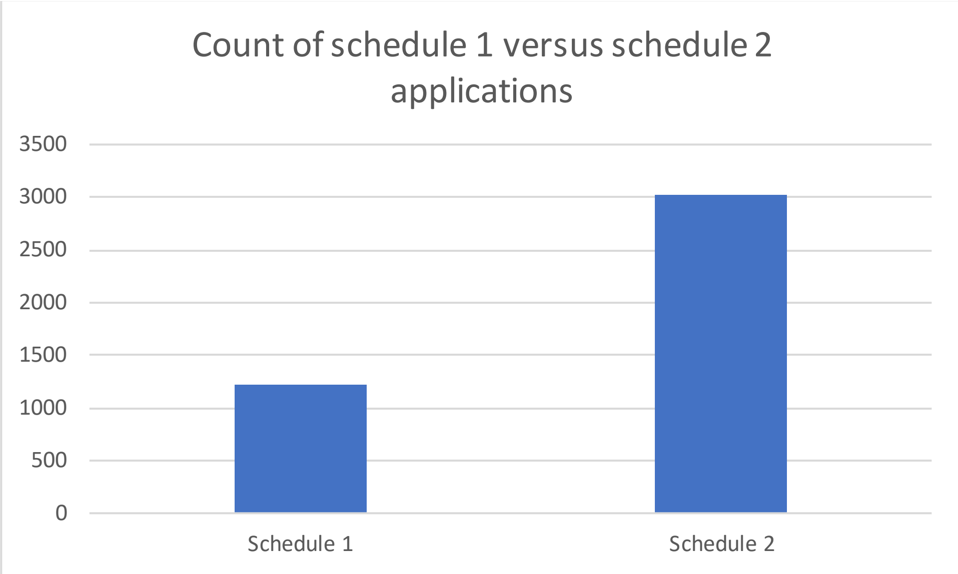
43. For officer-identified cases, the initial judgement would be made by the planning case officer as part of their assessment of the application, informed by consultation responses, representations received, the nature and scale of the proposal, relevant policy considerations and any potential own-interest issue. Where the case officer considers that the application may appropriately be considered for committee referral, the matter should be escalated to the relevant Development Management Manager, or other senior planning officer appointed for that purpose, before it is placed before the nominated officer and nominated member.

44. The senior officer review is intended to provide a proportionate triage stage. It should confirm whether there is a reasonable basis for asking the nominated officer and nominated member to apply the statutory gateway test, rather than requiring the nominated persons to consider every Schedule 2 application. This preserves the statutory presumption in favour of officer delegation, avoids unnecessary delay, and focuses nominated person consideration on applications where there is a genuine issue of local significance, significant planning judgement or transparency arising from an own-interest application. Where routine officer case management considers whether a Schedule 2 application should be escalated but the matter is not placed before the nominated persons, a brief file note should be recorded on the planning file to show that the issue was considered and the reason why referral consideration was not pursued. Where the application is placed before the nominated persons, their deliberation will take place through a structured process and a formal decision record will be completed.

45. Some Members have expressed concern with the default position whereby all Schedule 2 planning applications will be determined under delegated powers, unless the application is called to Planning Committee by the nominated member and officer. A suggestion has been made that this position could be reversed and that all Schedule 2 planning applications would go to Planning Committee unless the nominated member and officer produce a decision record setting out reasons why it would not meet the qualifying criteria set out in the gateway test under Regulation 5(3).

46. Officers are concerned with this approach as it would significantly increase the burden and work levels on the nominated member and officer. It would result in some applications currently precluded from going to Planning Committee under the existing Scheme of Delegation potentially having to go to Planning Committee under the new Scheme of Delegation. Examples include Tree Work and Advertisement Consent applications. Such a change would seem to be contrary to the stated aim by Central Government to streamline the Planning Committee process and to adopt a presumption in favour of delegated decisions.

47. Based on applications submitted in the last year (1st August 25 – 1st August 26), 3,031 applications would have fallen within schedule 2, with 2,118 falling within schedule 1.



48. Of these, 3,031 schedule 2 applications, 2,339 were tree work applications, 396 were 'other minor' developments (such as replacement windows to flats), and 106 advertisements.

PS Code	Schedule 2
N01 - Major-Dwellings	25
N02 - Major - Offices/research and development	3
N03 - Major - General Industry/ storage/warehouse	3
N04 - Major - Retail, distribution and servicing	2
N06 - Major - Other major developments	27
N18 - Minor - Other minor developments	396
N20 - Change of Use	78
N22 - Advertisements	106
N23 - Listed building consents to alter/ extend	52
TWA - Tree Work Application	2339
Grand Total	**3031**

49. With a presumption in favour for items to go to committee, along with the absence of a set triage (as recommended in Appendix 3) on average the nominated member and officer would need to review 252 applications a month.

50. This review would require an 'officer decision record for each of the 252 (on average) applications a month (as shown in appendix 2 – requiring a clear reason why the application would meet the requirements) to show whether or not the item would or would not attend committee.

51. Even if a weekly meeting was set up to discuss potential applications, this would require the designated officer and member to consider 56 applications (assuming 4.5 weeks in a month) per week. This would place considerable burden on both officers and members.

52. The other implication is that if no decision records were issued then those 252 applications would need to be considered by the planning committee, placing greater time and administrative burden on both officers and members. For clarity, even if a gateway test was imposed to automatically exclude tree work applications,

the designated officer and member would still be required to consider and complete such officer decision record for 18 applications per week. This is still a considerable burden on officer and member's time.

53. Nominated officers and nominated members should make every effort to reach agreement on which cases should be referred to committee. However, the Government's statutory guidance at paragraph 15 states that 'where agreement is not possible, the case must be determined by officers in accordance with regulation 5(2) or regulation 6(3)'.

54. Where an application would otherwise be in Schedule 1 but is of a type set out in paragraph 36 above it should be considered to be in Schedule 2.

Gateway Test

55. In determining whether a referral is made, the presumption should be that decisions are delegated to Officers and only exceptionally be referred to committee. The Regulations make provision, in Regulation 5(3), for the matters that must be considered by the Nominated Member and Nominated Officer on whether to refer a proposal to determine a Schedule 2 Application to committee. They are known as the Gateway Test and comprise:

    (a) where the application raises an economic, social or environmental significance to the local area; or

    (b) where the application raises one or more significant planning matters having regard to the development plan and any other material considerations.

56. Applications for development which do not raise a significant planning matter can only be referred to the committee under criteria A if they raise a significant economic, social or environmental issue for the local area. It is for the nominated officer and member to assess whether the development proposal raises any such issue, providing an opportunity for local democratic oversight where necessary. What constitutes 'significant' will vary depending on the local area, but examples could include:

    - an application for outline planning permission for a large multi-phase residential development allocated in the local plan
    - an application for planning permission for change of use of a community shop in a rural area
    - an application for planning permission or listed building consent for changes to a notable listed building in a town centre

57. For the purpose of criteria B, the following circumstances are unlikely to raise a significant planning matter:

    - where the application for development broadly complies with a detailed site allocation and other relevant policies set out in a local or neighbourhood plan and national decision-making policies set out in the National Planning Policy Framework. Significant planning matters may arise if new material considerations are raised by the application
    - where a specific planning matter (e.g. highways or flood risk) was initially raised by a statutory consultee as a concern, but the development proposal has been

modified to make it acceptable in the view of the statutory consultee (unless the nominated officer has compelling reasons to consider otherwise)

Own Interest Applications

58. Applications which are made (whether or not jointly with any other person) by the authority or an officer or member of the authority or it is an application where, in the view of the nominated officer and nominated member, the authority or any of its members or officers has an interest, are own-interest applications dealt with under regulation 6.

59. Regulation 6 provides that the function of determining an own-interest application may be referred to a committee by agreement of the nominated member and nominated officer, at their discretion. Any such application not referred to a committee must be delegated to an officer.

60. Therefore, it is recognised that there may be cases where, in the interests of transparency and public accountability, it may be appropriate for some such applications whether they are in Schedule 1 or Schedule 2 to be referred to the planning committee. Where the nominated officer and nominated member agree, they can be referred to the committee without the need for consideration of the criteria set out in regulation 5(3).

61. 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, 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 a nominated officer or nominated member of the authority or they have an interest in it, in the interests of propriety, they should not be involved in the decision on whether to refer it to committee or not.

Transparency, Reporting and Referral Requests

62. The nominated officer and nominated member process will not be a public committee meeting, but it should not be characterised as informal. It will be a structured decision-making process for applying the statutory gateway test, or the own-interest provisions, to applications placed before the nominated persons. For every referral considered by the nominated officer and nominated member, a decision record will be completed recording the application, the outcome of their consideration and the reasons for the decision. Where a decision record is generated on a particular planning application it will be published on the public register for reasons of openness and transparency. A draft decision record is appended to this report. Officers do not recommend that a formal nominated member and nominated officer decision record is required for every Schedule 2 application. However, where routine officer case management considers whether a Schedule 2 application should be escalated to the nominated persons, but the matter is not placed before them, a brief note of that consideration should be retained on the planning file.

63. During the initial six-month review period, officers will monitor the operation of the nominated officer and nominated member referral process, including any issues, concerns or patterns arising from referral requests, officer triage, decision records,

committee referrals and feedback from Members, officers or the public. This monitoring will inform the formal review by the Constitution Review Working Group after six months of operation. That review will consider whether the arrangements are operating consistently, fairly, transparently and in accordance with the Regulations, and whether any changes to guidance, process, reporting or constitutional wording are required.

64. Members may also consider whether they would like the production of a monthly or quarterly report, similar to the existing appeal decisions report circulated to the Planning Committee, listing all the decision records taken on Schedule 2 applications in the previous period.

65. All planning reports will include a section to highlight whether it is a Schedule 1 or Schedule 2 application and further, the reasons for either a delegated or committee decision.

66. Members have raised concern as to how they will be an advocate for residents in respect of Schedule 1 planning applications. Officers consider the most appropriate option is for Members to make written representations in the same way interested third parties currently do. If members seek clarity over aspects of schedule 1 applications, they may also contact senior officers (Senior planner and up) by phone or email. Members may also include suggested planning conditions or informatives in their representations where they consider these would address planning concerns, although the final decision on whether any condition is necessary, relevant to planning and the acceptability of the development, enforceable, precise and reasonable will remain a matter for the decision-maker.

67. The Council's Local Code of Best Practice Relating to Planning Matters remains relevant to these arrangements. In particular, the provisions on lobbying by councillors recognise that ward councillors may make representations on behalf of their ward, but that such representations should relate to the planning merits of the application and should be open and transparent. Councillors should avoid lobbying members of the Planning Committee or exerting undue pressure on planning officers in relation to any particular application. These principles will apply equally to communications with nominated officers and nominated members when they are considering whether a Schedule 2 application should be referred to committee. The use of a formal referral request process, written representations, file notes for officer case management considerations and decision records for every referral considered by the nominated persons is intended to ensure that councillor input is properly captured without creating an impression that nominated persons are being placed under improper pressure.

68. Members wanted more clarity on how to request that the nominated member and officer consider calling a Schedule 2 planning application to Planning Committee. Officers consider that the existing call-in form could be amended and re-badged to allow a member to submit a request for referral to the nominated member and nominated officer (see Appendix 1). The nominated member and nominated officer would then review the referral request by applying the gateway test criteria set out in Regulation 5(3) and, where applicable, the own-interest provisions in Regulation 6, before deciding whether the application should be referred to Planning Committee. A decision record would be generated where the request is considered by the nominated persons.

69. In addition, officers may identify Schedule 2 applications for consideration by the nominated persons. This is expected to arise through the case officer's normal assessment of the application, including consideration of the planning issues raised, consultation responses, representations, policy implications and any own-interest considerations. Where the case officer considers that the application may meet the gateway test, the matter should be reviewed by the relevant Development Management Manager or other appointed senior planning officer. Only where that senior officer considers that there is a reasonable basis for referral consideration would the application be placed before the nominated officer and nominated member. This officer triage route will be set out in operational guidance rather than in detailed constitutional wording.

BCP Publicity for the National Scheme of Delegation

70. In addition to Member engagement, the Council will ensure that the public is informed of the changes affecting planning decision-making. This will be achieved through updates to the Council's website, providing clear and accessible information on:

- The changes being introduced through the national scheme of delegation;
- Any consequential amendments to the Coun'il's Constitution and local Scheme of Delegation;
- The respective roles of Planning Committee and Planning Officers in determining planning applications; and
- How members of the public can engage with the planning process under the revised arrangements.

71. This approach will help ensure transparency, maintain public confidence in the planning system, and support both Members and stakeholders in understanding the changes as they are implemented.

Conclusion

72. The government's aim behind the national scheme of delegation is to ensure greater clarity and consistency about the role of planning committees in planning decision making.
73. The government considers that Planning Committees should focus on the key proposals that matter to an area and that more minor and technical decisions should be made by planning officers.
74. The Council must officially amend its Constitution to match the new rules.
75. If the Council fails to comply by 31 October 2026, there is a risk that planning committee decisions will be overturned via judicial review. It will not be possible for the two planning committees to consider planning applications referred under the current scheme of delegation post 31 October 2026.
76. The Council has very limited scope to amend the new national scheme which is being imposed.

Summary of financial implications

77. There are no anticipated financial implications arising from the implementation of the recommendations as set out in this report. However, if members were minded to reverse the presumption of Schedule 2 applications being delegated to officers which would require a formal decision record being captured for the 3,000+ Schedule 2 Applications, this would likely result in significant burden on the nominated officers and members and potentially upon the committee meetings, legal and democratic services support.

Summary of legal implications

78. The Planning and Infrastructure Act 2025 and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 introduce a statutory national scheme for the discharge of specified local planning authority functions. The Council is therefore required to ensure that its Constitution, including the scheme of delegation and planning committee arrangements, is consistent with the new legal framework when the Regulations come into force on 31 October 2026.

79. Failure to amend the Constitution, or continuing to determine applications through referral routes which are no longer permitted, would create a risk that decisions are taken without lawful authority and may be susceptible to judicial review. The proposed constitutional amendments, nominated officer and nominated member arrangements, decision-recording process and supporting guidance are intended to mitigate that risk by ensuring that planning applications are determined through the correct statutory route and that any committee referral is properly justified and recorded.

Summary of human resources implications

80. There are no anticipated direct human resources implications arising from the implementation of the recommendations as set out in this report. The proposed amendments are intended to align the Council's constitutional arrangements with the national scheme of delegation and are not expected to require changes to staffing structures, roles, employment contracts, payroll, pensions or TUPE arrangements. However, if Members were minded to adopt a significantly different approach, including reversing the presumption that Schedule 2 applications are determined under delegated powers or requiring a formal decision record for all such applications, this could create additional workload and resource pressures for Planning, Legal and Democratic Services officers, as well as for nominated members. Any material increase in workload would need to be kept under review and considered through normal service planning and resource management arrangements.

Summary of sustainability impact

81. There are no anticipated direct sustainability impacts arising from the implementation of the recommendations as set out in this report. The proposed amendments relate to the Council's constitutional arrangements for the discharge of planning functions and do not alter planning policy, environmental assessment requirements, climate considerations, or the substantive assessment of planning

applications. Sustainability, climate and environmental matters will continue to be considered, where relevant, as part of the determination of individual planning applications in accordance with the Development Plan, national planning policy and any other material planning considerations.

Summary of public health implications

82. There are no anticipated direct public health implications arising from the implementation of the recommendations as set out in this report. The proposed amendments relate to the Council's constitutional arrangements for the discharge of planning functions and do not alter planning policy, public health assessment requirements, or the substantive consideration of health and wellbeing matters in individual planning applications. Public health considerations will continue to be taken into account where relevant as part of the assessment and determination of planning applications in accordance with the Development Plan, national planning policy and any other material planning considerations.

Summary of equality implications

83. There are no anticipated direct equality implications arising from the implementation of the recommendations as set out in this report. The proposed amendments relate to the Council's constitutional arrangements for the discharge of planning functions and do not alter planning policy, consultation requirements, public speaking arrangements, or the substantive assessment of equality impacts in individual planning applications. The Council will continue to comply with its Public Sector Equality Duty when exercising its planning functions and equality considerations will continue to be taken into account where relevant in the determination of individual applications.

Summary of risk assessment

84. The principal risk arising from this report is the risk of non-compliance with the national scheme of delegation if the Council's Constitution is not amended before the Regulations come into force on 31 October 2026. Failure to align the Council's arrangements with the statutory framework could result in planning committee decisions being taken without lawful authority, with an associated risk of judicial review and reputational damage.

85. There is also a transitional risk in relation to applications that may have been referred to committee under the existing Scheme of Delegation but cannot lawfully be determined by committee after 31 October 2026 unless they meet the requirements of the new scheme.

86. There is a further risk that Members may attempt to, or be perceived as attempting to, place undue pressure on nominated officers or nominated members when seeking referral of Schedule 2 applications to committee. This could undermine confidence in the fairness, transparency and objectivity of the referral process. This risk is mitigated by the Local Code of Best Practice Relating to Planning Matters, the requirement for councillor representations to relate to planning merits, the proposed written referral request process, file notes where officer case management considers but does not pursue escalation, decision records for every referral considered by the nominated persons, and guidance reminding Members that communications with

nominated persons must be open, transparent and not amount to lobbying or undue pressure. These risks are further mitigated by the proposed constitutional amendments, the use of nominated officer and nominated member arrangements, clear referral and decision-recording processes, and public and Member communications explaining the revised arrangements.

87. If Members were minded to adopt a significantly different approach to Schedule 2 applications, this could create additional operational and resource pressures and increase the risk of delay in decision-making.

Background papers

Published works

Appendices

Appendix 1 - Councillor Request for Referral to Planning Committee form
Appendix 2 - Nominated Member and Nominated Officer Decision Record
Appendix 3 – Proposed Changes to Parts 2, 3, 4, and 6 of the Constitution with Track Changes
Appendix 4 – Clean version of Part 3 of the Constitution for ease of reading

Appendix 1

Councillor Request for Referral to Planning Committee

Completion note: Please download this template and save it locally before completing and submitting the form.

Application details	
BCP area	Bournemouth / Christchurch / Poole *(delete as appropriate)*
Application number	
Site address	
Application ward	
Referral request	
Gateway test A What issue(s) of economic, social or environmental significance to the local area does the application raise which would justify referral to committee?	
Gateway test B What significant planning matter(s) does the application raise, having regard to the Development Plan and any other material planning considerations?	
Councillor details	
Councillor name	
Councillor's ward	
Date sent to nominated member and nominated officer	

Send completed forms to [INSERT EMAIL ADDRESS]

Guidance notes follow on the next page.

Guidance Notes

This form must be used when seeking a referral to planning committee by the nominated member and officer. In order to submit a legitimate referral request this form must be completed and received by the nominated member and officer within 28 days of the application being registered and going live on the Councils website.

The following guidance has also been prepared to assist Councillors when completing the form:

- Please complete each section of the form in full otherwise the request will not be considered valid.

- As part of filling in the form, you must:
  (a) specify the issues of economic, social or environmental significance to the local area raised by the proposals or;
  (b) Identify the significant planning matter(s) raised by the proposals having regard to the development plan and any other material considerations. impact or wider public interest. You may wish to refer to the guidance on the Planning Portal and the government's own National Planning Practice Guidance to assist you.

If you have any queries please contact Planning Services
planning@bcpcouncil.gov.uk

Nominated Member and Nominated Officer Decision Record

This form records the decision of the nominated member and nominated officer on whether a planning application should be referred to Planning Committee under the national scheme of delegation.

Application details	
Planning application address	
Planning application reference	
Description of development	
Decision-makers	
Nominated member	
Nominated officer	
Decision	
Decision outcome	**Select one:** ☐ Refer the application to Planning Committee ☐ Application to remain delegated to officers
Reason for decision Please explain why the gateway test is, or is not, engaged.	
Gateway test relied upon, if applicable	☐ The application raises one or more issues of economic, social or environmental significance to the local area.

	☐ The application raises one or more significant planning matters having regard to the Development Plan and any other material planning considerations. ☐ Own-interest application under Regulation 6.
Record and publication	
Suggested wording for committee referral	*This is a Schedule 2 application. By virtue of Regulation 5, it is being reported to Planning Committee because the nominated member and nominated officer agree that referral is justified for the reasons set out in this decision record.*
Suggested wording for delegated decision	*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 for the reasons set out in this decision record.*
Confirmation	
Date of decision	
Nominated member confirmation	
Nominated officer confirmation	

Note: A copy of this decision record should be retained on MasterGov and published on the public register in accordance with the Council's agreed arrangements.

Article 8 - Other Committees / Informal Consultative Groups

8.1. Other Committees

8.1.1. The Council will appoint the following other Committees to take such decisions which are not reserved to Full Council; the responsibility of the Leader / Cabinet or within the remit of Overview and Scrutiny:

The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, (S.7)

a) **Western BCP Planning Committee** – consisting of 11 Councillors (the committee must not comprise more than 13 members);

b) **Eastern BCP Planning Committee** – consisting of 11 Councillors (the committee must not comprise more than 13 members);

c) **Licensing Committee** – consisting of 14 Councillors;

d) **Standards Committee** – consisting of 7 Councillors;

e) **Appeals Committee** – consisting of 7 Councillors;

f) **Audit and Governance Committee** – consisting of 9 Councillors; and

g) **Investigation and Disciplinary Committee** – consisting of 7 Councillors (including the Leader of the Council and another member of the Cabinet).

8.1.2. The Council may appoint other Committees, Sub-Committees and Special Committees with delegated powers to act under specific terms of reference which must be set out in the minutes of the meetings.

8.1.3. The Council will establish a Health and Wellbeing Board in accordance with the legislative requirements and statutory guidance, and the terms of reference for this Board are published on the website.

8.2. Powers of Committees

8.2.1. The Committees shall have the functions set out within Part 3 of this Constitution.

8.2.2. A Committee may, at any time, decline to exercise a delegated power. The matter must then be considered and determined by the Full Council as appropriate.

8.3. Informal Consultative Groups

The Council may establish informal advisory groups which shall not have any power to make decisions. The groups may be consulted on matters within the terms of reference approved by Council and as set out within Part 3 of this Constitution.

8.4. Training Requirements

8.4.1. No Councillor shall sit as a member, or where applicable, as a substitute member of the Standards Committee unless they have completed all training deemed essential and promoted via the Council’s Learning Management and Cyber Security training platforms.

8.4.2. No councillor shall sit as a member or, where applicable, as a substitute member of the following bodies unless they have received appropriate training provided for this purpose.

a) Western BCP Planning Committee;

b) Eastern BCP Planning Committee;

c) Licensing Committee;

d) Appeals Committee;

e) Transportation Advisory Group.

8.5. Conduct of Committee Meetings

Committee meetings will be conducted in accordance with the law and the Procedure Rules set out within Part 4D of this Constitution.

PART 3A

RESPONSIBILITY FOR FUNCTIONS

1.15. Conferring honorary titles.

1.16. Making, amending, revoking, re-enacting and adopting byelaws and promoting and opposing the making of local legislation and personal bills in Parliament.

1.17. Any other function which, by law, must be reserved to the Full Council.

Full Council has delegated specific non-executive functions to the following bodies listed below.

2. Planning Committees

Western BCP and Eastern BCP Planning Committee comprising the following

Western BCP Planning Committee	Eastern BCP Planning Committee
Alderney & Bourne Valley	Boscombe East & Pokesdown
Bearwood & Merley	Boscombe West
Broadstone	Bournemouth Central
Canford Cliffs	Burton & Grange
Canford Heath	Christchurch Town
Creekmoor	Commons
Hamworthy	East Cliff & Springbourne
Kinson	East Southbourne & Tuckton
Newtown & Heatherlands	Highcliffe & Walkford
Oakdale	Littledown & Iford
Parkstone	Moordown
Penn Hill	Mudeford, Stanpit & West Highcliffe
Poole Town	Muscliff & Strouden Park
Redhill & Northbourne	Queen's Park
Talbot & Branksome Woods	Wallisdown & Winton West
Westbourne & West Cliff	West Southbourne
	Winton East

2.1. All matters relating to Town & Country Planning functions as set out in the planning and related Acts, are delegated to the relevant senior planning officer as set out in the Chief Executive's Scheme of Delegation to determine, other than those matters as set out below which shall be the responsibility of the respective area Planning Committee.

2.2. For the avoidance of doubt, applications falling within more than one Committee area shall be determined by the Committee in whose area contains the greater proportion of land within the red line application site boundary. In the event that the area within the red line application site boundary falls equally between the two committees, the relevant Chief Officer with responsibility for Planning (or any person nominated by them for such a purpose) shall determine, in consultation with both chairs, and having regard to the location of any impacts of the proposal that the Chief Officer (or any person nominated by them for such purpose) considers relevant, to which of the two committees the report relating to the application will be taken for the determination to be made.

2.3. ~~2.3~~ The Planning Committees are responsible for exercising, in accordance with the Council's Planning Committee Procedures, the Council's functions, powers and duties in relation to the determination of planning applications and any other planning matter referred to it by the Head of Planning Operations.

~~2.4~~ The Planning Committees ~~has~~have the following powers:

2.4. -

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.

c) To consider, and where necessary determine, any other planning matter referred to it by the Head of Planning Operations.

d) To appoint and amend the appointment of the nominated member(s) under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

~~2.2. The Planning Committees have responsibility to determine the following:~~

~~2.2.1. applications submitted by or on behalf of a Councillor or direct family (spouse or civil partner) of a Councillor for any property or land in which they have a financial interest;~~

~~2.2.2. applications submitted by or on behalf of a current Officer:~~

~~1.1 working within the planning section; or~~

~~2.1 at Tier 3 level and above; or~~

~~3.1 direct family (spouse or civil partner) of Officers identified under~~ 1.1~~2.3.2~~ 1.1~~a)~~ ~~and~~ 1.1~~b); or~~

~~for any property or land in which they have a financial interest;~~

~~2.5~~ The following planning applications must be determined by Planning Committee:

2.5. -

- Those applications listed in Schedule 2 that the Nominated Member and the Nominated Officer agree that referral to and determination by Planning 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 Committee is necessary.
- Any other planning matter that an officer of the authority with delegated powers considers that referral to and determination by Planning Committee is necessary.

~~2.2.3.~~ ~~**applications referred to the respective Committee by the relevant senior planning officer for one or more of the following reasons:**~~

~~a)~~ ~~**applications where there are material planning issues that have not previously been considered within the Council's area;**~~

~~b)~~ ~~**applications for reserved matters where the outline planning permission was granted by Planning Committee unless the Planning Committee have expressly requested (when determining applications for outline planning permission) that the subsequent reserved matters should not be referred to Planning Committee for determination;**~~

~~c)~~ ~~**applications with a major economic impact;**~~

~~d)~~ ~~**applications by or on behalf of a planning Officer who has recently left the organisation; and/or**~~

~~**applications that the Head of Planning Operations considers are potentially contentious and raise material planning issues, have a finely balanced Officer recommendation or would affect the wider public interest;**~~

Schedule 1 Applications

2.6. ~~2.6~~ Schedule 1 - As provided for by the Regulations, this Schedule contains those application types that must be determined by officers.~~.~~

~~2.7~~ Schedule 1 applications comprise:
2.7.

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 (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 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).

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. 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 The Town and Country (Development Management Procedure) (England) Oder 2015 (applications made under a planning condition).

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

(a)prior approval, or
(b)a determination as to whether prior approval is required.

~~1.~~

~~2.8 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.~~

~~An application made under section 73(1) of the TCPA 1990 (application~~

~~2.8~~ However, the application will fall within Schedule 2 where:

- a Schedule 1 application for planning permission is connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent

- an application would otherwise fall under Schedule 1 but is made under section 73A of the Town and Country Planning Act 1990

- an application would otherwise fall under Schedule 1 but is made by or on behalf of a local authority, a member or officer of that local authority or an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers

Schedule 2 Applications:

2.9
~~2.9~~ Schedule 2 application should be determined by officers, unless the Nominated Member and Nominated Officer agree to refer it to committee under the Gateway Test within 28 days of the date of the valid registration of the

application. For valid planning applications received before 31 October 2026, this 28 day time limit will not apply.

2.10 Applications received before 31st October 2026 where 20 or more valid representations have been received before 31st October 2026 contrary to the Officers recommendation will still be honoured and those applications will go to Planning Committee.

2.10 Schedule 2 applications comprise:

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).

   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).

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).

Triaged Applications:~~–~~

2.11

~~2.11~~ The following categories of application should be determined by officers unless referred to the Planning Committee by the Nominated Member and Nominated Officer in accordance with paragraphs 2.12 and 2.13.

2.11.1 -

~~2.11.1~~ 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).-

~~2.2.4.~~ 2.11.2 ~~2.11.2~~ 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).

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

2.11.4 An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent).

2.11.5 An application for planning permission that relates to an application of a kind specified in paragraph 1 or 2.

2.11.6 An application for planning permission that is not—

(a) a householder application,

(b) a minor commercial application, or

(c) a minor residential application.

2.11.7 (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 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.

2.11.8 An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out).

2.11.9 (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.

Gateway Test Applications

2.12

~~2.13~~ The Gateway-Test must be applied to a Schedule 2 application, which is not a Triaged Application or is a Triaged Application which has been referred as per paragraph 2.11, to decide whether it needs to be reported to Planning Committee.

2.13 ~~2.14~~ The application must meet at least one of the following statutory criteria as determined by the Nominated Member and Nominated Officer when deciding whether a Schedule 2 Application is referred to committee. It must be determined whether, or not, the application 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.

Residual Schedule 2 Applications

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 Committee and a decision record placed on the public register, these include:

2.14

1.

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

Own Interest Applications

These are applications made by or on behalf of:

2.15 -

a) the Council;

b) a member of the Council;

c) an officer of the Council; or

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

d) -

In this context, category (c) Linked Persons is narrowed to only apply to:

2.16 -

- a Senior Officer of the Council; or
- an 'Officer of the Local Planning Authority'.
-

The first would be defined as Tier 3 level and above.

-

The second, would be defined as an Officer within the Council who, in the opinion of the Nominated Ofifcer, is closely involved in the day-to-day work of the Council's planning function.

-

2.17 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);

-

Such Own-Interest Applications 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.

S106 Agreements

2.18 ~~2.17~~ In the case of where the decision relates to S106 obligation falling outside of the context of a planning application, where connected to an application falling into either Schedule 1 or Schedule 2, the function of determing the agreement should fall into the same tier as the related application.

~~2.2.5. applications where the Council is the applicant or landowner and subject to 10 or more representations from third parties provided that to count toward that number, a representation must fulfil the criteria under paragraph 2.3.8, and are not an application listed under paragraph 2.3.7(c);~~

~~2.2.6. significant departure from Development Plan Policy which would be required to be the subject of consultation with the Secretary of State;~~

~~2.2.7. applications which require an Environmental Impact Assessment except where the relevant senior planning officer considers that approval of the application would not lead to significant environmental impacts;~~

~~2.2.8. an application which a Councillor requests should be referred to the Planning Committee ("Councillor Call-In") provided that all of the following criteria are met:~~

- ~~in the opinion of the Councillor making the request, the application raises material planning issues that affect part or all of their ward or would affect the wider public interest that would warrant debate and consideration by a planning committee; and~~
- ~~the request is in accordance with the local planning authority's agreed call-in protocol (as set out at paragraphs 2.6 and 2.7 to this Part 3A); and~~
- ~~the Application is not one of the following:~~
- ~~Permission in Principle (PiPs)~~
- ~~Lawful Development Certificates (LDC) (existing or proposed)~~
- ~~Prior Approvals and Prior Notifications~~
- ~~non-material amendments (S96 applications)~~
- ~~applications other than "major", "minor" and "householder".~~

~~2.2.9. applications where there have been 20 or more representations from third parties provided that to count toward that number, a representation must:~~

- ~~identify on the representation that it has come from a residence which is believed by the case officer (at the time of deciding whether the matter needs to go to Planning Committee) to be within one mile of any point measured from the relevant application site red line boundary;~~
- ~~be received by the Council within the initial or any subsequent representation period as identified on the posted planning site notice relating to that application or any other related representation period provided by the Council if no planning site notice is posted;~~
- ~~identify one or more issues that the case officer considers to be of material planning relevance to the application to which it relates;~~
- ~~not have been withdrawn by the person making the representation prior to the time of deciding whether the matter needs to go to Planning Committee;~~
- ~~be contrary to the intended case officer recommendation; and~~

- ~~provided that any additional representation from the same residence may be counted if in the opinion of the relevant senior planning officer in consultation with the relevant Chair of Planning it raises any different relevant material planning issues to those already contained in other representations from that residence.~~

~~2.3. The Planning Committees have power to receive and provide comment on presentations relating to pre-application planning proposals that the relevant senior planning officer considers appropriate having regard to the Council's Local Code of Best Practice relating to Planning Matters and any extant guidelines agreed by the Planning Committee.~~

~~2.4. In addition to the powers identified above, the Planning Committees have the power to consider and determine any matter arising in relation to any Town and Country Planning Legislation where that matter has been expressly referred to the Planning Committee by an Officer for such a purpose as an alternative to that Officer exercising a power delegated to them pursuant to the Officer Scheme of Delegations.~~

~~2.5. The requirement of the call-in protocol referred to at 2.3.7 above are as follows:~~

~~2.5.1. the request is submitted on the latest Planning Committee Referral Form produced for that purpose ("Planning Committee Referral Form") and all parts of the submitted Planning Committee Referral Form have been completed. This includes setting out:~~

- ~~planning reasons that the Councillor considers are material to the application that justify the referral;~~
- ~~why it is considered that the application will affect the ward of the Councillor making the referral or why the Councillor considers that the application would affect the wider public interest and should be considered by planning committee; and~~
- ~~confirmation that the Councillor, in advance of submitting the Planning Committee Referral Form, has used their reasonable endeavours to notify all Councillors in whose ward the application site (of the application) is situated in whole or part that they are making a call in request; and~~

~~2.5.2. the completed Planning Committee Referral Form:~~

- ~~has been submitted by the Councillor making the request by email and received in the inbox of both the case officer and the relevant office inbox as follows:~~
- ~~an application where the application site is wholly or partly in the former Bournemouth Council area - planning.bournemouth@bcpcouncil.gov.uk;~~

- ~~an application where the application site is wholly or partly in the former Christchurch Council area – planning.christchurch@bcpcouncil.gov.uk;~~
- ~~an application where the application site is wholly or partly in the former Poole Council area planning.poole@bcpcouncil.gov.uk,~~
- ~~or any other inbox notified to Councillors for this specific purpose~~

~~(N.B. if an application crosses more than one former Council area then the request must be sent to both relevant office email addresses); and~~

- ~~is received no later than 4pm on the seventh calendar day after the initial or subsequent notification period as identified on the posted planning site notice relating to that application or any other related notification period provided by the Council if no planning site notice is posted.~~

~~2.6. With regard to the Councillor Call-In:~~

~~2.6.1. a Councillor may make the request that the application be called in conditional upon the case officer recommendation being to either grant or refuse or in the alternative may make the request unconditional;~~

~~2.6.2. a request may be withdrawn by the Councillor by sending an email notification to both the case officer and the relevant office inbox (see paragraph 2.6.2 above), that is received in both inboxes no later than 7 calendar days prior to the agenda publication date of the relevant Planning Committee meeting; and~~

~~2.6.3. in the event of any of the requirements relating to the Councillor Call-In not being met, the Councillor Call-In will not have been validly made and Councillors should be aware that a decision may (subject to the exercise of the option in paragraph 2.5 above) at any time thereafter be made by officers under delegated powers.~~

~~2.7. For the avoidance of doubt, for the purposes of the 20 representation process identified in 2.3.8 above, a representation that identifies more than one name on it (including a petition) shall only be counted as one representation in calculating whether the 20 representation trigger has been reached.~~

~~3.~~3 Licensing Committee

~~3.1.~~3.13 All matters relating to Licensing functions as set out in the relevant legislation are delegated to Officers pursuant to the Chief Executive's Scheme of Delegation to determine other than those matters set out below which shall be the responsibility of the Licensing Committee.

~~3.2.~~3.14 The Licensing Committee has responsibility for the following:

PART 3B

SCHEME OF DELEGATION TO OFFICERS

	and/or (b) to refer any complaint concerning a failure to disclose a disclosable pecuniary interest to the police without further reference.
Referendums	
85	To make arrangements for (including the holding of) any referendum.
Registers	
86	To determine any application to amend the register of common land and town and village greens (except applications to register or de-register land as common land and town and village greens).
Signing and Sealing	
87	To sign and issue any certificate confirming the Council's power to enter into a contract where this is legally required.

Specific Delegations of particular relevance to the Chief Operations Officer	
Ref	**Power**
General	
88	To undertake all action relating to: (a) the acquisition or disposal of any land or building; and/or (b) any grant and/or termination of any lease or licence for any land or building; (c) any other transaction associated with any land or building, provided that in all cases: (i) the sum of money associated with any such acquisition, disposal or other transaction(including termination) does not exceed £500,000; and (ii) all costs associated with any such transaction can be met from within a budget available for such purposes.
Highways / public rights of way / public access	
89	To undertake all action relating to the regulation of highways, public rights of way and/or public access including: (a) the processing, administration and determination of any application or request arising in relation to any such matter; and/or (b) the making of any order relating to any highway, public right of way and/or public access in the area of the Council including any order under: (i) the Highways Act 1980; and/or (ii) the Road Traffic Regulation Act 1984; (c) the referral of appropriate permanent or experimental traffic regulation orders to the Transportation Advisory Group, where, following consultation with the relevant Portfolio Holder, it is considered that there are significant or contentious objection(s) received during the statutory consultation period.

Licensing	
90	To undertake all action in connection with any application (including any application to grant, review, transfer, vary, remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Licensing Act 2003 including power to determine whether a representation is a “relevant representation” for the purposes of the Act, but excluding any matter whether by virtue of section 10 Licensing Act 2003 or otherwise cannot be discharged by an Officer.*
91	To undertake all action in connection with the submission of any scheme, details and/or other matter pursuant to any licence, notice, permission, consent, approval or other determination issued by or on behalf of the Council pursuant to the Licensing Act 2003 or the Gambling Act 2005.*
92	To prepare and issue reports on behalf on the Licensing Committee where a matter relates to a licensing function under the Licensing Act 2003 or the Gambling Act 2005 and is necessary to facilitate the exercise of another function of the Council.*
93	To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Gambling Act 2005 including power to determine whether a representation is a “relevant representation” for the purposes of the Act, but excluding any matter whether by virtue of section 154 Gambling Act 2005, section 10 Licensing Act 2003 (as it applies to the Gambling Act) or otherwise cannot be discharged by an Officer.*
	* Delegations to Officers in relation to the Licensing Act 2003 and the Gambling Act 2005 rest with the Licensing Committee. For the avoidance of doubt: (a) references to the Licensing Act 2003 and the Gambling Act 2005 include any regulations, directions and/or other orders made pursuant to either of them; and (b) all interpretation and other provisions set out in the Introduction and General provisions sections at the start of the Officer Scheme of Delegations shall apply equally to these delegations including powers relating to nomination.
Planning	
94	To undertake all action relating to any matter arising in relation to any Town and Country Planning Legislation including in respect of any application submitted to the Council under any Town and Country Planning Legislation power to undertake all action in relation to: (a) the administering and processing of any such application including: (i) any application submitted wholly or partly under section 73 and/or section 73A of theTown and Country Planning Act 1990; (ii) any application for listed building consent;

	(iii) any application for permission in principle and/or technical detail consent; (iv) any reserved matter application; and/or (v) any certificate of lawful use, (b) the determination of any such application including whether to require / impose any condition, obligation, limitation and/or any other restriction and/or requirement in respect thereof but excluding the determination of any such application that is expressly identified as being the responsibility of the Planning Committee in Part 3, Section 2 of the Constitution; and/or (c) the administration, processing and determination of any matter consequent on any permission, consent, approval and/or other determination arising from such an application including determining any information provided pursuant to any condition or obligation.
95	To appoint and amend any appointment of nominated officer(s) under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

Specific Delegations of particular relevance to the Corporate Director – Children's Services	
Ref	**Power**
~~95~~96	To be the director of children's services for the purposes of exercising all functions identified in section 18 of the Children Act 2004 and any relevant regulations which must or may be made the responsibility of that post including power to undertake all action in relation not all such functions
~~96~~97	To determine whether to approve any school governor appointment for which the Council has responsibility.

Specific delegations of particular relevance to the Director of Public Health	
Ref	**Power**
~~97~~98	To be the statutory director of public health for the purposes of exercising all functions identified as being the responsibility of that post in section 73A of the National Health Service Act 2006 (as amended), the Health and Social Care Act 2012 (the 2012 Act) and any related regulations.
~~98~~99	To determine any expenditure from the Public Health Grant.

PART 4D

MEETING PROCEDURE RULES

for publication" unless and until the document has been made available to the public or the press by or on behalf of the Council, the Cabinet, a Committee or Sub-Committee.

17.2. No Councillor shall disclose to any person other than a Councillor any matter arising during the proceedings of the Council, the Cabinet, any Committee, or Sub-Committee and which comes to their knowledge by virtue of their office as a Councillor where such disclosure would prejudice the interest of the Council or would be contrary to law.

17.3. No Councillor shall disclose to any person any decision or proceedings of that body except when one of the following applies (provided that nothing in this paragraph shall authorise disclosure which would contravene Rule 17.1 or Rule 17.2 of this Part 4D):

17.3.1. a report on the matter has been circulated to the Council by that body;

17.3.2. the decision has become public knowledge; or

17.3.3. the matter comes within the powers of that body and a final decision has been made upon it.

18. Voting

18.1. It is the responsibility of each councillor to properly inform themselves and ensure that they are sufficiently appraised of any matter before voting.

18.2. Voting will be by a show of hands or where practical and the means are available to those present, by electronic means. Where there is a clear majority in favour of a proposal the person presiding will ask if any Councillor wishes to vote against or abstain from a proposal.

18.3. When a Councillor asks for a recorded vote to be taken, and one quarter of Councillors present support the request, the vote will be recorded to show whether each Councillor voted for or against the motion or abstained.

18.4. A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.

18.5. A Councillor may require, after a vote is completed, that the minutes of the meeting record how they voted or abstained.

18.6. Where there are equal votes cast for a motion or amendment the Chair or the person presiding will have a second or casting vote.

18.7. Any right of a Councillor who is appointed to any body of the Council to vote on a particular item may be limited by proceedings contained or identified in this Constitution.

18.8. For the avoidance of doubt, any Code or Protocol which is, or is identified as to be, incorporated into Part 6 of this Constitution shall be construed as being proceedings and part of these procedure rules.

~~18.9. Where an application falls to be determined by Planning Committee that is subject to the exercise of a Call-In power by a Councillor under section 2 of Part 3A of the Constitution, the Councillor shall not be permitted to vote on that item but subject to any requirements of the Member Code of Conduct, may speak in relation to it as a Councillor to the extent as provided for in any protocol adopted by the Planning Committees.~~

19. Offices and Appointments

19.1. A secret ballot will be held to elect the Chair and Vice-Chair of the Council, Committees and Sub-Committees, or Councillors to any office or position where more than one person is nominated.

19.2. If a secret ballot is held and no person receives more than half of the votes cast, the name of the person with the least number of votes will be withdrawn. Further ballots will be held until one person receives a clear majority.

19.3. The Chair, or person presiding, will have a second or casting vote where the votes are equal.

20. Variation and revocation of Procedure Rules

Any motion under Procedure Rule 10 (Motions on Notice) of this Part 4D, to vary or revoke these Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council. Council

21. Suspension of Procedure Rules

21.1. Any of the Procedure Rules may be suspended to the extent permitted within the Rules and the law in respect of any business at a meeting of the Council, Cabinet, a Committee or Sub-Committee where its suspension is moved.

21.2. A motion to suspend Procedure Rules shall not be moved without notice (that is under Procedure Rule 11 of this Part 4D) unless there shall be present at least one-half of the Members of the Council or that Cabinet, Committee or Sub-Committee respectively. The extent and duration of the suspension will be proportionate to the result to be achieved taking into account the purposes of the Constitution set out in Article 1.

22. Interpretation of Procedure Rules

Subject to taking advice from the Monitoring Officer or their nominated representative, the ruling of the person presiding as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting.

23. Substitute Members

Committees and sub-committees

23.1. A Political Group may, by notice to the Monitoring Officer or their nominated representative, appoint a substitute member from within its Group for a meeting of a Committee or Sub-Committee.

PART 6
CODE OF CONDUCT AND PROTOCOLS

Local Code of Best Practice relating to Planning Matters

1. Introduction

1.1. Bournemouth Christchurch and Poole (BCP) Council's Code of Conduct for Councillors provides guidance for elected Councillors about the high ethical standards expected of all those in public service. The Code of Conduct for Councillors is reproduced in Part 6 of the Council's Constitution. References to the Planning Committee in this Code and subsequent schedules contained in this Part 6 of the Constitution shall apply equally to both Area Planning Committees.

1.2. The Council through its Planning Committee makes decisions on certain planning related applications as set out in the Constitution. The principles for making planning decisions are laid down in local and national planning policy, development plans and legislation. The Planning and Compulsory Purchase Act 2004 in conjunction with the Town and Country Planning Act 1990 requires decisions to be made in accordance with relevant adopted Plans unless there are material planning reasons not to do so. In many instances, it is necessary in making decisions to exercise a level of judgement on the issues. This can involve balancing conflicting elements and taking account of relevant replies to consultations with interested parties and representations made by the public.

1.3. This Local Code of Best Practice for councillors and officers relating to planning matters applies to every councillor irrespective of whether or not they are a member of the Planning Committee. It also applies to all officers. It is supplemental to, and should be read in conjunction with, the Code of Conduct for Councillors.

1.4. The content of this Local Code addresses various issues involved in decision making. The processes and procedures that it identifies should help ensure that the public have confidence that planning decisions are made in an impartial, open, transparent and fair manner, taking account of all the relevant information.

2. General conduct of councillors and officers

2.1. Councillors and officers have different but complementary roles. This Code generally relates to all councillors but where it is more focused towards councillors appointed to the Planning Committee this is identified.

2.2. Councillors have a wide variety of roles and responsibilities. These include:

2.2.1 being appointed to committees including Cabinet on which they make decisions relevant to a wide variety of different Council functions;

2.2.2 playing an important part in community engagement; and

2.2.3 being appointed to external bodies as trustees or directors.

2.3. Seven principles of public life have been identified as applying to all councillors and officers. These principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Further details of these principles are set out in the Code of Conduct for Councillors.

2.4. The Protocol for Councillor/Officer relations is a further document concerned with matters of conduct. It applies to both Councillors and Officers. A copy of it is reproduced in Part 6 of the Constitution.

2.5. Planning Officers must adhere to the Royal Town Planning Institute's Code of Conduct. Other specialist officers must comply with the requirements for conduct stipulated by their appropriate professional bodies. All Council staff must also comply with any relevant code of conduct for BCP Council employees.

3. The Planning application process

Pre-application discussions and meetings

3.1. If a Councillor appointed to the Planning Committee intends to vote on a planning application and is involved in any communication or discussion with any member of the public they should:

3.1.1 remain impartial;

3.1.2 recognise that their role on Planning Committee is not one of negotiator; and

3.1.3 seek to avoid discussion on any detail relating to the application unless an officer is present.

Lobbying of Councillors / Discussions with Officers

3.2. Lobbying is a normal part of the planning process. It can occur in a variety of different situations ranging from seeking to secure the allocation of a site in a Local Plan to a particular planning application. It can involve councillors with many different roles from those involved in decisions relating to the use of management of Council land to councillors on the Planning Committee who determine applications.

3.3. The early engagement of councillors in planning issues relating to a potential planning application can be a positive contributor to helping ensure the sustainable development of the area that meets the need of the community.

3.4. In some circumstances, meetings or presentations may be arranged in advance of a related planning decision being made by councillors. To avoid the perception that councillors may have predetermined any decision or fettered their discretion in such circumstances:

3.4.1 there should always be an officer present at a planning related meeting or presentation arranged by officers with a record of the meeting taken including notes of issues raised and any advice given by officers. These should be kept on a relevant file.

3.4.2 officers should normally seek to make clear in advance and / or at the start of any such meeting or presentation that no part of any discussion will bind the Council and any view expressed is provisional;

3.4.3 The nature of some meetings and presentations may provide a legitimate reason as to why it would need to be confidential. A record of the reason(s) for such confidentiality should be noted on the relevant file and notes relating to any non-confidential elements should be clearly identifiable.

3.5. Depending upon the nature of their work, officers may well also find themselves being approached by members of the public with regard to various planning decisions. In the case of Planning Officers for example, such approaches may be made by a wide range of parties with an interest in the matter including the applicant, agent, consultee, a supporter or an objector. Whenever this occurs, an officer should always consider the nature and likely content of any discussion and reflect on whether it is appropriate to make a note of what was discussed including, as part of any note, recording express details of the advice given / outcomes of any negotiation. In many cases, to try and avoid disagreement going forward, seeking to agree a note of such matters with the other attendees may well be a sensible way forward.

Lobbying of Councillors appointed to the Planning Committee

3.6. Councillors on the Planning Committee are also likely to find themselves in various situations where members of the public including developers and other councillors seek to engage them on matters relating to a specific planning application. The general principles set out in clause 3.1 above are applicable to any circumstance when this might occur.

3.7. In addition, councillors appointed to the Planning Committee who intend to participate as a member of that Planning Committee in relation to an item should have regard to the following in relation to any such circumstance:

3.7.1 avoid saying anything that could give an indication that they have already made up their mind on an application and is no longer open to considering its merits;

3.7.2 if any opinion is expressed, then make clear that it is a preliminary view only and a final decision will only be made when all relevant factual information is available at the time of the Planning Committee meeting. However, generally seek to limit any opinion to matters relating to procedure only;

3.7.3 pass any written (including electronic) correspondence relating to a planning application of which the councillor is the main addressee (for an e-mail addressed to all members of the Planning Committee this will be the Chair of the Planning Committee), as soon as reasonably practicable to the case officer dealing with that application for recording on the file and as appropriate forwarding to other members on the Planning Committee;

3.7.4 especially take care if invited to attend any meeting or presentation relating to an application not arranged by officers and in particular considering seeking advice from the Monitoring Officer before deciding whether to attend a meeting that appears to be for the purpose of lobbying; and

3.7.5 consider whether any contact (including any meeting) relating to a planning application other than one arranged by officers might be seen as significant and if so, disclose such contact at the relevant Planning Committee meeting in advance of a decision being taken.

Lobbying by councillors

3.8. As part of a councillor's role in representing their communities, ward councillors are likely to become involved in the decision-making process relating to planning applications.

3.9. To the extent this involves a councillor discussing any individual planning related application with an officer, it can be very easy for the impression to be given that a councillor is using their position to influence progress relating to the matter. It is important that any such discussions are therefore open and transparent. Consequently, officers may well seek to take a note of any such communication.

3.10. A ward councillor who is not taking part in the determination of a planning application at Planning Committee can make representations on behalf of their ward, may attend Planning Committee and with the agreement of the Chair of Planning Committee, address the Planning Committee in accordance with the Protocol on Public Speaking at Planning Committee. Any representations should relate to the planning merits of the application. When making representations as a ward councillor, the councillor should aim to make clear whether the opinion expressed is the view of the councillor or their constituents.

3.11. Councillors should avoid lobbying members of the Planning Committee and exerting undue pressure on planning officers in relation to any particular application.

4. Determining a Planning Application including Predetermination

4.1. Many decisions on planning applications and other related matters are delegated to officers. Details of such delegations are set out in Part 3 of the Constitution.

4.2. Other applications not delegated to officers are determined by councillors sitting on Planning Committee. Every application considered by Planning Committee will be accompanied by a report that has been produced by Officers. Copies of committee reports are available for consideration in accordance with the Council's Access to Information Rules. These are produced in Part 4 of the Constitution.

Predetermination

4.3. Every planning application should be determined having regard to all planning considerations that are relevant to it.

4.4. In the case of decisions by Planning Committee, the point in time when all relevant information will be available is the meeting of the Planning Committee at which an application is to determined. Every councillor on the Planning

Committee should make their decision only after full consideration of the accompanying Officer report including its recommendation and having regard to all applicable information and discussion that takes place at the committee meeting.

4.5. If, prior to voting on a decision, a councillor on the Planning Committee fully commits themselves to a particular view on a planning application such that their mind is no longer open to considering the merits of the case that councillor should not take part in the item as a member of the Planning Committee.

4.6. This does not mean that a councillor cannot hold strong views about an application. In other words, a councillor can be predisposed towards a matter under discussion; however, that is not the same as having a closed mind.

4.7. In some cases, a councillor, including a member of the Planning Committee, may decide in advance of a Planning Committee meeting that they wish to commit themselves to a particular planning decision and seek to speak for or against it. This is not uncommon in the case of Ward Councillors. Councillors, including ward councillors, may request the opportunity to speak at a Planning Committee meeting. A member of the Planning Committee should make clear in advance of a meeting if this circumstance applies to them. In such a case, the member of the Planning Committee should also make their position clear at the start of the meeting, must not take part in discussion of the item as a member of the Planning Committee and must not vote on the item.

Membership of another local authority

4.8. Some councillors who sit on Planning Committee may also be members of another tier of local government. Such councillors should have regard to the guidance on interests contained in this Code and the Councillor Code of Conduct. In particular, if those councillors take part in any debate on a development proposal at a Parish/Town Council meeting, they should consider adopting a practice at the time of such participation of making clear that the views they express are based on information available at that time and as a consequence their views might change in the light of further information that becomes available prior to a determination by the Planning Committee.

4.9. If in doubt, councillors are recommended to seek further advice from the Monitoring Officer.

Political Group Meetings

4.10. As the point in time at which all information on a planning application will be available to councillors on a Planning Committee will be at the actual meeting of that committee, political group meetings in advance of the Planning Committee should not be used to determine how councillors should vote.

4.11. Further, since every planning application should be determined on its merits, the use of a party whip is not appropriate to seek to compel a member of the Planning Committee to vote in any particular way.

Applications by the Council or in respect of Council-owned land

4.12. Any application submitted by the Council or involving land forming part of the red line area of a planning application which is owned by the Council shall be determined by the Planning Committee, subject to the qualifying criteria set out in the scheme of delegation.

Applications by Councillors and Officers

4.13. It is perfectly legitimate for a councillor or an officer to submit a planning application. However, to avoid any perceptions of impropriety the following should be applied to any such application.

4.13.1 Every application identified as submitted by or on behalf of a councillor or their spouse or civil partner in respect on any property (including land) in which they have a financial interest shall as provided for in Section 2, Part 3 of the Constitution be referred to the Planning Committee.

4.13.2 Every application identified as submitted by or on behalf of an officer working for the Council within its Planning Section or generally at Tier 3 or above at the time that the application is submitted or their spouse of civil partner shall as provided for in Section 2, Part 3 of the Constitution also be referred to the Planning Committee for determination.

4.13.3 An application from a councillor or officer will usually be identified as part of the registration process. However, councillors and officers to whom either of the two paragraphs above apply are encouraged to draw the fact that such an application has been submitted to the attention of both the Head of Planning (or any other Officer nominated by them) in writing and also the relevant case officer within twenty one days of the date of the application being submitted.

4.13.4 If an application is submitted by someone other than a councillor but relates to property (including land) in which the councillor has a legal interest, the councillor is also encouraged to provide such notification as identified above. This is in addition to any duty of disclosure the councillor may have for the purposes of the Councillor Code of Conduct. For the purpose of this code, the phrase “legal interest” means a legal interest registered at HM Land Registry in the name of the councillor.

4.13.5 No councillor or officer who submits or has a planning application submitted on behalf of themselves, their spouse or their civil partner should take part in handling the application on behalf of the Council or seek to use their position to influence the decision relating to that application. Councillors and officers should also be mindful of the need to consider potential conflicts arising in respect of applications by other family members and friends. If in doubt, advice should be sought from the Monitoring Officer.

4.13.6 No councillor or officer who acts as an agent for any person pursuing a planning matter with the Council should take part in handling the application on behalf of the Council or seek to use their position to influence the decision relating to that application.

4.13.7 In considering the extent to which they can engage in any part of the process relating to a planning application including the consideration of that application at Planning Committee, a councillor should always have regard to the requirements of the Member Code of Conduct.

4.13.8 Where a councillor frequently declares an interest and therefore is unable to take part in the proper consideration of planning matters referred to the Planning Committee, the relevant political group should review the presence of that councillor on the Planning Committee with a view to replacing them with another councillor whose interests would not prevent them considering and deciding planning issues referred to the Committee.

Fraud, Corruption and Bribery

4.14. The Council, the Head of Paid Service and all its senior officers have a zero-tolerance commitment to issues of bribery and corruption.

4.15. Every councillor should inform the Monitoring Officer and every officer should report to their line manager or their Head of Service if any offer is made to them in relation to the exercise of any aspect of the Council's planning functions. Officers should also report to their line manager and councillors advise the Monitoring Officer of any matter that indicates a possible incidence of fraud, corruption or bribery.

Considering all relevant information

4.16. It is important that every councillor's decision takes account of all relevant planning considerations including any relevant representations and consultation responses. Any councillor who is absent during any part of the Planning Committee's consideration of an application (including any related officer presentation and public speaking) should not take any further part in the discussions on the application or vote on that application.

Site Visits

4.17. Site visits will be arranged and managed in accordance with the protocol agreed by the BCP Planning Committee.

Decisions contrary to an officer recommendation

4.18. If a councillor wishes to put forward a motion that a matter is dealt with contrary to an officer recommendation, that councillor should identify their reason(s) for refusal or approval including by reference to relevant Development Plan policies. In the case of a motion to approve, the councillor should also be aware that officers may seek clarification of any particular conditions / planning obligation that the councillor might wish to have imposed.

5. Training

5.1. As part of their induction programme, all new councillors will be expected to attend training sessions that are made available to them for the purposes of providing an introduction to the planning system. Where the Head of Planning identifies it as necessary, additional training sessions will also be made available to councillors appointed to the Planning Committee. Examples of this might include the introduction of new significant legislation. Councillors on Planning Committee are expected to make all reasonable efforts to attend such training. A councillor who is unable to attend such training will normally be expected to seek advice as to whether such training or information on its content can be made available to them separately. Democratic Services Unit will aim to keep a record of councillor attendance at training. Details of any councillor who fails to engage in planning training that is made available will be drawn to the attention of the relevant group leader.

5.2. No councillor shall sit as a member or substitute member on the Planning Committee unless they have received appropriate training provided for this purpose.

PLANNING COMMITTEE - PROTOCOL FOR SPEAKING / STATEMENTS AT PLANNING COMMITTEE

1. Introduction

1.1 The following protocol facilitates opportunities for applicant(s), objector(s) and supporter(s) to express their views on planning applications which are to be considered at a Planning Committee meeting. It does not therefore relate to any other item considered at Planning Committee in respect of which public speaking/questions shall only be permitted at the discretion of the Chair.

1.2 This protocol is separate from and is not intended to replicate or replace the procedure for submitting a written representation on a planning application to the Council during the consultation period.

1.3 **The email address for any person who wishes to register a request to speak and / or submit a statement for the purposes of this protocol or to correspond with Democratic Services on any aspect of this protocol is democratic.services@bcpcouncil.gov.uk**

2. Order of presentation of an application

2.1 The running order in which planning applications are heard will usually follow the order as appears on the agenda unless the Planning Committee otherwise determines.

2.2 In considering each application the Committee will normally take contributions in the following order:

a) presenting officer(s);

b) objector(s);

c) applicant(s) /supporter(s);

d) councillor who has called in an application (who is not a voting member of the Planning Committee in relation to that application) / ward councillor(s);

e) questions and discussion by voting members of the Planning Committee, which may include seeking points of clarification.

3. Guidance relating to the application of this protocol

3.1 The allocation of an opportunity to speak / provide a statement to be read out at Planning Committee under this protocol is not intended as a guarantee of a right to speak / have a statement read out.

3.2 The Chair has absolute discretion as to how this protocol shall be applied in respect of any individual application so far as it relates to the conduct of the meeting and as provided for in this protocol including whether in any circumstance it should be waived, added to or otherwise modified. This discretion includes the opportunity to speak (or submit a statement), varying the speaking time allowed and the number of speakers. In the event of any uncertainty as to the interpretation or application of any part of this protocol a determination by the Chair will be conclusive.

3.3 A failure to make a request to speak / submit a statement in accordance with any one or more of the requirements of this protocol will normally result in the request / submission of the statement not being treated as validly made and therefore not accepted.

4. Electronic facilities relating to Planning Committee

4.1. All electronic broadcasting and recording of a Planning Committee meeting by the Council and the provision of an opportunity to speak remotely at such a meeting is dependent upon such matters being accessible, operational and useable during the meeting. As a consequence, a meeting other than a wholly virtual meeting may proceed, including consideration of all applications relating to it, even if it cannot be electronically broadcast, recorded and/or any person is unable to speak / be heard at the time when the opportunity to do so on an application is made available.

5. Attending in person at a Planning Committee meeting / wholly virtual meetings

5.1. Unless otherwise stated on the Council's website and/or the agenda Planning Committee will be held as a physical (in person) meeting. A Planning Committee meeting will only be held as a wholly virtual meeting during such time as a decision has been taken by BCP Council that committee meetings of the Council may be held in this way. In the event of there being a discretion as to whether a Planning Committee meeting shall be held as a wholly virtual meeting, then the Head of Planning in consultation with the Chair shall be able to determine whether such a discretion should be applied.

6. Provisions for speaking at Planning Committee (whether in person or remotely)

6.1. Any applicant, objector or supporter who wishes to speak at a Planning Committee meeting must register a request to speak in writing with Democratic Services at democratic.services@bcpcouncil.gov.uk by **10.00 am of the working day before the meeting.**

6.2. A person registering a request to speak must:

a) make clear as to the application(s) on which they wish to speak and whether they support or oppose the application; and

b) provide contact details including a telephone number and/or email address at which they can be reached / advised that they have been given an opportunity to speak.

6.3. There will be a maximum combined time of **five** minutes allowed for any person(s) objecting to an application to speak. A further combined **five** minute maximum will also be allowed for any supporter(s). Up to **two** people may speak during each of these allotted times (the applicant(s) and any agent for the applicant(s) will each count as separate speakers in support). No speaker may speak for more than half this time (i.e. **two and a half minutes)** unless:

a) there is no other speaker who has also been allotted to speak for the remainder of the five minutes allowed;

b) or the other allotted speaker fails to be present or is unable to be heard (in the case of remote speaking), at the Planning Committee meeting at the time when the opportunity to speak on the application is made available; or

c) the other allotted speaker expressly agrees to the speaker using more than half of the total speaking time allowed.

6.4. If more than two people seek to register a wish to speak for either side, an officer from Democratic Services may ask those seeking the opportunity to speak to appoint up to two representatives to address the Planning Committee. In the absence of agreement as to representatives, entitlement to speak will normally be allocated in accordance with the order when a request was received by Democratic Services. However, in the event of an applicant(s) and / or the agent of the applicant(s) wishing to speak in support of an application such person(s) will be given the option to elect to speak in preference to any other person registered to speak in support.

6.5. A person registered to speak may appoint a different person to speak on their behalf. The person registered to speak should normally notify Democratic Services of this appointment prior to the time that is made available to speak on the application.

6.6. A person may at any time withdraw their request to speak by notifying Democratic Services by email or in person on the day of that meeting. However, where such a withdrawal is made after the deadline date for receipt of requests then the available slot will not be made available for a new speaker. In cases where more than two requests to speak within the allocated five minutes were received by the deadline, Democratic Services will, where practicable, reallocate the slot in date receipt order.

6.7. During consideration of a planning application at a Planning Committee meeting, no question should be put or comment made to any councillor sitting on the Planning Committee by any applicant, objector or supporter whether as part of a speech or otherwise.

7. Questions to person speaking under this protocol

7.1. Questions will not normally be asked of any person who has been given the opportunity to speak for the purpose of this Protocol. However, the Chair at their absolute discretion may raise points of clarification.

8. Speaking as a ward councillor or other BCP councillor (whether in person or remotely)

8.1. Any ward councillor shall usually be afforded an opportunity to speak on an application at the Planning Committee meeting at which it is considered. Every ward councillor who is given the opportunity to speak will have up to **five** minutes each.

8.2. At the discretion of the Chair, any other councillor of BCP Council not sitting as a voting member of the Planning Committee may also be given the opportunity to speak on an application being considered at Planning Committee. Every such councillor will have up to **five** minutes each.

8.3. ~~Any member of the Planning Committee who has exercised their call in powers to bring an application to the Planning Committee for decision should not vote on that item but subject to any requirements of the Member Code of Conduct, may have or, at the discretion of the Chair, be given the opportunity to speak in connection with it as a ward councillor or otherwise in accordance with the speaking provisions of this protocol. Such a member will usually be invited after speaking to move themselves from the area where voting members of the Planning Committee are sitting and may be requested to leave the room until consideration of that application has been concluded.~~

9. Speaking as a Parish or Town Council representative (whether in person or remotely)

9.1. A Parish or Town Council representative who wishes to speak as a representative of that Parish or Town Council must register as an objector or supporter and the same provisions for speaking as apply to any other objector or supporter applies to them. This applies even if that representative is also a councillor of BCP Council.

10. Content of speeches (whether in person or remotely) and use of supporting material

10.1. Speaking must be done in the form of an oral representation. This should only refer to planning related issues as these are the only matters the Planning Committee can consider when making decisions on planning applications. Speakers should normally direct their points to reinforcing or amplifying planning representations already made to the Council in writing in relation to the application being considered. Guidance on what constitutes planning considerations is included as part of this protocol. Speakers must take care to avoid saying anything that might be libellous, slanderous, otherwise abusive to any person or group, including the applicant, any officer or councillor or might result in the disclosure of any personal information for which express consent has not been given.

10.2. A speaker who wishes to provide or rely on any photograph, illustration or other visual material when speaking (in person or remotely) must submit this to Democratic Services **by 12 noon two working days before the meeting**. All such material must be in an **electronic** format to be agreed by Democratic Services and will usually be displayed on the speaker's behalf by the presenting officer. The maximum number of slides to be displayed must not exceed **five**. Material provided after this time or in a format not agreed will not be accepted. The circulation or display of hard copies of such material at the Planning Committee meeting itself will normally not be allowed. In the interests of fairness, any material to be displayed must have already been submitted to and received by the Council as part of a representation/submission in relation to the application by the date of agenda publication for that Planning Committee meeting.

10.3. The ability to display material on screen is wholly dependent upon the availability and operation of suitable electronic equipment at the time of the Planning Committee meeting and cannot be guaranteed. Every person making a speech should therefore ensure that it is not dependent on such information being displayed.

11. Remote speaking at Planning Committee

11.1. In circumstances where the Council has put in place electronic facilities which enable a member of the public to be able to speak remotely to a Planning Committee meeting, a person may request the opportunity to speak remotely via those electronic facilities using their own equipment. In circumstances other than a wholly virtual meeting this would be as an alternative to attending the meeting in person. The provisions of this protocol relating to speaking at Planning Committee shall, unless the context otherwise necessitates, equally apply to remote speaking.

11.2. The opportunity to speak remotely is undertaken at a person's own risk on the understanding that should any technical issues affect their ability to participate remotely the meeting may still proceed to hear the item on which they wish to speak without their participation.

11.3. A person attending to speak remotely may at any time be required by the Chair or the Democratic Services Officer to leave any electronic facility that may be provided.

12. Non-attendance / inability to be heard at Planning Committee

12.1. It is solely the responsibility of a person who has been given an opportunity to speak on an application at a Planning Committee meeting (whether in person or remotely) to ensure that they are present for that meeting at the time when an opportunity to speak is made available to them.

12.2. A failure / inability by any person to attend and speak in person or remotely at a Planning Committee meeting at the time made available for that person to speak on an application will normally be deemed a withdrawal of their wish to speak on that application. This will not therefore usually be regarded as a reason of itself to defer or prevent an application from being heard.

12.3. This protocol includes provisions enabling the opportunity to provide a statement as an alternative to speaking in person / as a default option in the event of a person being unable to speak at the appropriate meeting time.

13. Submission of statement as an alternative to speaking / for use in default

13.1. A person (including a councillor of BCP Council) who has registered to speak, may submit a statement to be read out on their behalf as an alternative to speaking at a Planning Committee meeting (whether in person or remotely).

13.2. Further, any person speaking on an application at Planning Committee may, at their discretion, additionally submit a statement which can be read out as provided for in this protocol in the event of not being able to attend and speak in person or remotely at the time when an opportunity is made available for that person to speak on the application. The person should identify that this is the purpose of the statement.

14. Provisions relating to a statement

14.1 Any statement submitted for the purpose of this protocol:

a) must not exceed **450** words in total unless the statement is provided by a ward councillor or any other councillor who is not voting on the application under consideration in which case the statement may consist of up to **900** words;

b) must have been received by Democratic Services by **10.00am of the working day before the meeting** by emailing democratic.services@bcpcouncil.gov.uk

c) when submitted by a member of the public (as opposed to a councillor of BCP Council), will be treated as amounting to **two and a half minutes** of the total time allotted for speaking notwithstanding how long it does in fact take to read out;

d) must not normally be modified once the deadline time and date for receipt of the statement by Democratic Services has passed unless such modification is requested by an officer from Democratic Services; and

e) will normally be read out aloud by an officer from Democratic Services having regard to the order of presentation identified in this protocol.

14.2 A person who has been given the right to speak and who has submitted a statement in accordance with this protocol may at any time withdraw that statement prior to it being read out by giving notice to Democratic Services. Where such withdrawal occurs after the deadline date for registering a request to speak has passed, then a further opportunity for a statement to be submitted will not be made available. If the statement that has been withdrawn was submitted as an alternative to speaking, then if the person withdrawing the statement wishes instead to exercise their opportunity to speak in person they should notify Democratic Services on or before the time of withdrawing the statement.

15. Assessment of information / documentation / statement

15.1. BCP Council reserves the right to check any statement and any information / documentation (including any photograph, illustration or other visual material) provided to it for use at a Planning Committee meeting and to prevent the use of such information / documentation in whole or part, in particular, if it:

a) is considered to contain information of a kind that might be libellous, slanderous, abusive to any party including an applicant or might result in the disclosure of any personal information for which express consent has not been given; and / or

b) is identified as having anything on it that is considered could be an electronic virus, malware or similar.

15.2 The Head of Planning in consultation with the Chair shall have the absolute discretion to determine whether any such statement / information / documentation should not be used / read out in whole or part. If circumstances reasonably permit, Democratic Services may seek to request a person modify such statement / information / documentation to address any issue identified.

16. Guidance on what amounts to a material planning consideration

16.1. As at the date of adoption of this protocol, the National Planning Portal provides the following guidance on material planning considerations:

"*A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. Material considerations can include (but are not limited to):*

- *Overlooking/loss of privacy*
- *Loss of light or overshadowing*
- *Parking*
- *Highway safety*
- *Traffic*
- *Noise*
- *Effect on listed building and conservation area*
- *Layout and density of building*
- *Design, appearance and materials*
- *Government policy*
- *Disabled persons' access*
- *Proposals in the Development Plan*
- *Previous planning decisions (including appeal decisions)*
- *Nature conservation*

However, issues such as loss of view, or negative effect on the value of properties are not material considerations."

https://www.planningportal.co.uk/faqs/faq/4/what_are_material_considerations#:~:text=A%20material%20consideration%20is%20a,Loss%20of%20light%20or%20overshadowing

Note

For the purpose of this protocol:

(a) reference to the "Chair" means the Chair of Planning Committee and shall include the Vice Chair of Planning Committee if the Chair is at any time unavailable or absent and the person presiding at the meeting of a Planning Committee at any time that both the Chair and Vice Chair of Planning Committee are unavailable or absent;

(b) reference to the Head of Planning includes any officer nominated by them for the purposes of this protocol and if at any time the Head of Planning in unavailable, absent or the post is vacant / ceases to exist, then the Development Management Manager or if also unavailable / absent or that post is vacant/no longer exists then the next most senior officer in the development management team (or any of them if more than one) who is first contactable;

(c) reference to 'ward councillor' means a councillor in whose ward the application being considered at a meeting of Planning Committee is situated in whole or part and who is not a voting member of the Planning Committee in respect of the application being considered; and

(d) a "wholly virtual meeting" is a Planning Committee meeting where no one including officers and councillors physically attend the meeting; however, a meeting will not be held as a "wholly virtual meeting" unless legislation permits

Adopted by the Planning Committee on 17.11.22 and updated on 20.7.23

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1.15. Conferring honorary titles.

1.16. Making, amending, revoking, re-enacting and adopting byelaws and promoting and opposing the making of local legislation and personal bills in Parliament.

1.17. Any other function which, by law, must be reserved to the Full Council.

Full Council has delegated specific non-executive functions to the following bodies listed below.

2. Planning Committees

Western BCP and Eastern BCP Planning Committee comprising the following

Western BCP Planning Committee	Eastern BCP Planning Committee
Alderney & Bourne Valley	Boscombe East & Pokesdown
Bearwood & Merley	Boscombe West
Broadstone	Bournemouth Central
Canford Cliffs	Burton & Grange
Canford Heath	Christchurch Town
Creekmoor	Commons
Hamworthy	East Cliff & Springbourne
Kinson	East Southbourne & Tuckton
Newtown & Heatherlands	Highcliffe & Walkford
Oakdale	Littledown & Iford
Parkstone	Moordown
Penn Hill	Mudeford, Stanpit & West Highcliffe
Poole Town	Muscliff & Strouden Park
Redhill & Northbourne	Queen's Park
Talbot & Branksome Woods	Wallisdown & Winton West
Westbourne & West Cliff	West Southbourne
	Winton East

2.1. All matters relating to Town & Country Planning functions as set out in the planning and related Acts, are delegated to the relevant senior planning officer as set out in the Chief Executive's Scheme of Delegation to determine, other than those matters as set out below which shall be the responsibility of the respective area Planning Committee.

2.2. For the avoidance of doubt, applications falling within more than one Committee area shall be determined by the Committee in whose area contains the greater proportion of land within the red line application site boundary. In the event that the area within the red line application site boundary falls equally between the two committees, the relevant Chief Officer with responsibility for Planning (or any person nominated by them for such a purpose) shall determine, in consultation with both chairs, and having regard to the location of any impacts of the proposal that the Chief Officer (or any person nominated by them for such purpose) considers relevant, to which of the two committees the report relating to the application will be taken for the determination to be made.

2.3. The Planning Committees are responsible for exercising, in accordance with the Council's Planning Committee Procedures, the Council's functions, powers and duties in relation to the determination of planning applications and any other planning matter referred to it by the Head of Planning Operations.

2.4. The Planning Committees have 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.

c) To consider, and where necessary determine, any other planning matter referred to it by the Head of Planning Operations.

d) To appoint and amend the appointment of the nominated member(s) under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

2.5. The following planning applications must be determined by Planning Committee:

- Those applications listed in Schedule 2 that the Nominated Member and the Nominated Officer agree that referral to and determination by Planning 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 Committee is necessary.
- Any other planning matter that an officer of the authority with delegated powers considers that referral to and determination by Planning Committee is necessary.

Schedule 1 Applications

2.6. Schedule 1 - As provided for by the Regulations, this Schedule contains those application types that must be determined by officers.

2.7. Schedule 1 applications comprise:

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 (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 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).

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. 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 The Town and Country (Development Management Procedure) (England) Oder 2015 (applications made under a planning condition).

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

    (a)prior approval, or
    (b)a determination as to whether prior approval is required.

2.8 However, the application will fall within Schedule 2 where:

- a Schedule 1 application for planning permission is connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent

- an application would otherwise fall under Schedule 1 but is made under section 73A of the Town and Country Planning Act 1990

- an application would otherwise fall under Schedule 1 but is made by or on behalf of a local authority, a member or officer of that local authority or an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers

Schedule 2 Applications:

2.9 Schedule 2 application should be determined by officers, unless the Nominated Member and Nominated Officer agree to refer it to committee under the Gateway Test within 28 days of the date of the valid registration of the application. For valid planning applications received before 31 October 2026, this 28 day time limit will not apply.

2.10 Applications received before 31st October 2026 where 20 or more valid representations have been received before 31st October 2026 contrary to the Officers recommendation will still be honoured and those applications will go to Planning Committee.

2.10 Schedule 2 applications comprise:

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).

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).

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).

Triaged Applications:

2.11 The following categories of application should be determined by officers unless referred to the Planning Committee by the Nominated Member and Nominated Officer in accordance with paragraphs 2.12 and 2.13.

2.11.1 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).

2.11.2 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).

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

2.11.4 An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent).

2.11.5 An application for planning permission that relates to an application of a kind specified in paragraph 1 or 2.

2.11.6 An application for planning permission that is not—

(a) a householder application,

(b) a minor commercial application, or

(c) a minor residential application.

2.11.7 (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 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.

2.11.8 An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out).

2.11.9 (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.

<u>Gateway Test Applications</u>

2.12 The Gateway-Test must be applied to a Schedule 2 application, which is not a Triaged Application or is a Triaged Application which has been referred as per paragraph 2.11, to decide whether it needs to be reported to Planning Committee.

2.13 The application must meet at least one of the following statutory criteria as determined by the Nominated Member and Nominated Officer when deciding whether a Schedule 2 Application is referred to committee. It must be determined whether, or not, the application 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.

<u>Residual Schedule 2 Applications</u>

2.14 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 Committee and a decision record placed on the public register, these include:

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

<u>Own Interest Applications</u>

2.15 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.

2.16 In this context, category (c) Linked Persons is narrowed to only apply to:

- a Senior Officer of the Council; or
- an 'Officer of the Local Planning Authority'.

The first would be defined as Tier 3 level and above.

The second, would be defined as an Officer within the Council who, in the opinion of the Nominated Ofifcer, is closely involved in the day-to-day work of the Council's planning function.

2.17 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);

Such Own-Interest Applications 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.

S106 Agreements

2.18 In the case of where the decision relates to S106 obligation falling outside of the context of a planning application, where connected to an application falling into either Schedule 1 or Schedule 2, the function of determing the agreement should fall into the same tier as the related application.

3 Licensing Committee

3.13 All matters relating to Licensing functions as set out in the relevant legislation are delegated to Officers pursuant to the Chief Executive's Scheme of Delegation to determine other than those matters set out below which shall be the responsibility of the Licensing Committee.

3.14 The Licensing Committee has responsibility for the following:

AUDIT AND GOVERNANCE COMMITTEE

Report subject	**Procurement and Contract Management – deeper dive into processes and arrangements for SMEs**
Meeting date	3 September 2026
Status	Public Report
Executive summary	This report provides assurance regarding the Council's arrangements for procuring from, appointing and managing Small and Medium-Sized Enterprises (SMEs). The report considers two key governance questions: 1. How does the Council satisfy itself that SME suppliers are capable, financially resilient and appropriately controlled to deliver contracted outcomes? 2. How does the Council ensure that procurement processes do not create unnecessary barriers which disadvantage SMEs or restrict competition? The report outlines the Council's current control framework and how it seeks to balance protection of public funds and service delivery with the objective of maintaining an accessible and competitive supplier marketplace.
Recommendations	**It is RECOMMENDED that:** **The content of this report is noted.**
Reason for recommendations	The minutes from the 19th of March 2026 meeting of Audit & Governance Committee state (para 115) the Chair indicated that it may be useful to undertake a deep dive into the experience of SMEs in navigating their way through the procurement process.

Portfolio Holder(s):	Cllr Jeff Hanna, Portfolio Holder for Transformation, Resources and Governance
Corporate Director	Aidan Dunn, CEO
Report Authors	Stuart Bickel
Wards	Council-wide
Classification	For Information

Background

This report provides assurance regarding the Council's arrangements for procuring from, appointing and managing Small and Medium-Sized Enterprises (SMEs).

The report considers two key governance questions:

- How does the Council satisfy itself that SME suppliers are capable, financially resilient and appropriately controlled to deliver contracted outcomes?
- How does the Council ensure that procurement processes do not create unnecessary barriers which disadvantage SMEs or restrict competition?

The report outlines the Council's current control framework and how it seeks to balance protection of public funds and service delivery with the objective of maintaining an accessible and competitive supplier marketplace.

Scope

1. The scope of this deep dive does not include the following which are not subject to the council’s Procurement and Contract Management governance:

- Award of Grants, Subsidies and Financial Assistance
- Award of licencing / permitting street / open-space based traders
- Award of licencing / permitting for events

Strategic Context

2. SMEs play an important role in the Council's supply chain and contribute to:

- Increased market competition.
- Improved value for money.
- Innovation and service improvement.
- Increased flexibility and responsiveness.
- Support for local economic growth.
- Delivery of social value outcomes.

3. The Procurement Act 2023 promotes greater participation by SMEs and requires contracting authorities to design procurement processes that are proportionate, transparent and accessible.

4. While SME participation generates significant benefits, SMEs can also present different risk characteristics to larger organisations. Effective governance arrangements therefore need to ensure that risks are appropriately managed without creating unnecessary procedural burdens that inhibit SME participation.

Reserving contracts exclusively for SMEs

5. The Council cannot generally reserve contracts exclusively for SMEs under the Procurement Act 2023. Instead, assurance is obtained through ensuring procurement requirements are proportionate and do not create unnecessary barriers to SME participation, whilst maintaining fair and open competition for all suppliers.

The Council's Assurance Framework

6. The Council's assurance framework is based on three principles:

   - **Proportionality** - Requirements placed upon suppliers should be proportionate to the value, complexity and risk profile of the contract.
   - **Risk Management** - Due diligence and contract management controls should be sufficient to protect public funds, service continuity and statutory responsibilities.
   - **Market Accessibility** - Procurement processes should encourage competition and avoid creating unnecessary barriers to capable suppliers.

7. The Council seeks to strike an appropriate balance between these principles when designing and managing procurement exercises.

Understanding SME Risks

8. The Council recognises that SMEs can present particular risks which require assessment and monitoring.

9. Financial Resilience - Potential risks include:

   - Lower cash reserves.
   - Limited access to financing.
   - Greater exposure to inflationary pressures.
   - Dependency on a smaller customer base.
   - Increased vulnerability to unexpected economic events.

10. Capacity and Capability - Potential risks include:

    - Limited workforce capacity.
    - Key-person dependency.
    - Reduced organisational resilience.
    - Challenges associated with rapid growth.

11. Governance and Compliance - Potential risks include:

    - Less mature governance structures.
    - Limited compliance resources.
    - Reduced specialist support functions.

12. Business Continuity - Potential risks include:

    - Reliance on subcontractors.
    - Reduced resilience to operational disruption.
    - Service continuity risks should the supplier experience financial distress.

13. These risks are not unique to SMEs and do not necessarily indicate that an SME is unsuitable for Council contracts. However, they inform the level of assurance required before contract award and throughout the contract lifecycle.

Preventing Unnecessary Barriers to SME Participation

14. An important part of the Council's governance framework is ensuring procurement processes remain proportionate and accessible. Excessive assurance requirements can create unintended barriers to entry, resulting in:

- Reduced competition.
- Fewer bids.
- Higher contract costs.
- Reduced innovation.
- Reduced opportunities for local businesses.
- Reduced value for money.

15. The Council therefore seeks to ensure that supplier assurance requirements are focused on genuine risk mitigation rather than unnecessary administrative burden.

<u>Procurement Controls Prior to Contract Award</u>

Financial Due Diligence

16. The Council undertakes financial assessments appropriate to the value and risk profile of the contract. Typical controls include:

- Credit reference checks, or
- Full financial checks that are referred to BCP Accountancy for more detailed review such as:
    - Review of financial accounts.
    - Financial ratio analysis where appropriate.
    - Assessment of business viability.
    - Consideration of turnover and contract exposure.

17. The purpose of financial assessment is to understand and manage risk rather than exclude smaller suppliers. Financial requirements are applied proportionately and are not intended to create unnecessary barriers to participation.

Supplier Suitability Checks

18. Prior to award, suppliers may be assessed against:

- Mandatory exclusion grounds.
- Discretionary exclusion grounds.
- Companies House records.
- Financial stability.
- Tax compliance requirements.
- Relevant legal and regulatory obligations.

19. These checks provide assurance that suppliers are suitable to contract with the Council.

Technical Capability Assessment

20. Suppliers are assessed on their ability to deliver the required outcomes. Assessment may include:

- Relevant experience and capability at an organisational level
- Relevant experience and capability at an individual staff level
- Delivery methodology.

21. The focus is on capability and experience rather than organisational size.

Insurance and Compliance Requirements

22. Insurance requirements are determined according to the specific risks associated with each procurement / contract and may include:

- Public liability insurance:
    - BCP's default position - £10m
- Employers' liability insurance:
    - UK Statutory Minimum - £5m (most insurers provide £10m as standard)
    - BCP's default position - £10m
    - It is a legal requirement that all companies hold Employer's (Compulsory) Liability insurance of £5m as a minimum. NB not applicable to Sole Traders
- Professional indemnity insurance:
    - BCP's default position - £1m minimum

23. The Council seeks to ensure that insurance requirements remain proportionate and reflective of actual contract risks.

Information Governance and Cyber Security

24. Where contracts involve personal information, technology systems or sensitive data, suppliers may be required to demonstrate:

- Data protection compliance.
- Information governance arrangements.
- Cyber security controls.
- Cyber Essentials certification or equivalent arrangements where appropriate.

SME-Friendly Procurement Practices

25. The Council has adopted several approaches designed to reduce unnecessary burdens on suppliers.

Standardised Documentation

26. Where possible, procurement exercises utilise standard templates for:

- Invitation to Tender (ITT) and Request for Quote (RFQ) documentation including standardised Response Documents
- Pricing schedules.
- Evaluation criteria.
- Contract terms.

27. Standardisation reduces complexity and improves consistency for suppliers.

Reducing Duplication

28. The Council seeks to minimise requests for duplicate information and to avoid requiring suppliers to repeatedly provide evidence already submitted elsewhere within a procurement exercise.

Proportionate Response Requirements

29. Tender / Quote questions are designed to focus on information necessary to assess delivery capability. Examples include:

- Use of targeted method statements.
- Application of word limits.
- Limiting requests for extensive supporting documentation.
- Focusing on outcomes rather than lengthy narrative submissions.

30. This helps ensure evaluation is based on quality of response rather than bid-writing resources.

Staged Evidence Requests

31. Where appropriate, suppliers may initially provide declarations which are subsequently verified before award. Examples include:

- Insurance arrangements.
- Policy documents.
- Compliance certifications.

32. This reduces the burden on bidders who are ultimately unsuccessful.

Plain English Documentation

33. The Council aims to produce procurement documentation using clear and accessible language to support understanding by suppliers of all sizes and levels of public sector experience.

Lotting Strategies

34. Where appropriate and practical, larger requirements may be divided into:

- Geographic lots.
- Specialist / subject matter lots.

35. This enables SMEs to bid for portions of opportunities aligned to their capability and capacity.

Market Engagement

36. Prior to procurement, the Council may undertake market engagement activities to:

- Understand market capacity.
- Test proposed requirements.
- Identify barriers to competition.
- Inform procurement design.

37. Market feedback can support the development of proportionate specifications and commercial models.

Contract Award Governance

38. Contract awards are subject to established governance arrangements designed to ensure:

- Transparency.
- Fairness.
- Compliance with Procurement Act requirements.
- Appropriate delegation and approval.

39. Controls include:

- Approved procurement routes.
- Documented evaluation processes.
- Separation of duties.
- Moderation and quality assurance.
- Appropriate officer approvals.

40. These arrangements provide an auditable decision-making process.

Contract Management and Ongoing Assurance

41. The Council recognises that assurance does not end at contract award.

42. Contract management arrangements are intended to ensure suppliers continue to deliver the required outcomes throughout the life of the contract.

43. Typical controls include:

- Named contract managers.
- Contract management plans.
- Performance monitoring.
- KPI monitoring.
- Service review meetings.
- Risk management arrangements.
- Escalation procedures.

Financial Monitoring

44. Where contracts are higher value or higher risk, ongoing monitoring may include:

- Review of financial information.
- Credit monitoring.
- Assessment of emerging risks.
- Escalation of concerns.

45. This supports the early identification of financial distress and potential service continuity issues.

Managing Supplier Failure Risks

46. The Council operates arrangements intended to identify and respond to emerging supplier risks. These may include:

- Monitoring performance indicators.
- Escalation routes for concerns.
- Business continuity planning.
- Contingency arrangements.
- Exit and transition planning for critical contracts.

47. The objective is to minimise disruption to Council services should a supplier experience operational or financial difficulties.

Governance Oversight and Assurance

48. Corporate oversight is provided through existing governance structures, including procurement, finance and contract management arrangements. Assurance may be derived from:

- Procurement compliance reviews.
- Internal audit activity.
- Contract management reporting.
- Risk management processes.
- Performance monitoring arrangements.

49. These mechanisms enable senior officers to monitor whether controls are operating effectively.

Measuring Success

50. The council's performance, with respect to SME participation, shows:

- Number of contracts awarded to SMEs in 2025/26: 457
- Number of contracts awarded to SMEs in 2025/26 as a proportion of overall number of contracts awarded in 2025/26: 48%
- Value of contracts awarded to SMEs in 2025/26: £680M
- Value of contracts awarded to SMEs in 2025/26 as a proportion of overall value of contracts awarded in 2025/26: 30%

Conclusion

51. The Council operates a procurement and contract management framework designed to achieve an appropriate balance between effective risk management and market accessibility.

52. Pre-award due diligence, governance controls and ongoing contract management arrangements provide assurance regarding supplier capability, compliance and resilience. At the same time, the Council seeks to apply these controls proportionately to avoid creating unnecessary barriers that may disadvantage SMEs, reduce competition or undermine value for money.

53. Overall, the framework is intended to support informed procurement decisions, protect public funds, maintain service continuity and encourage a diverse and competitive supplier market capable of delivering positive outcomes for residents and communities.

Options Appraisal

54. No options appraisal associated with this report.

Summary of financial implications

55. No financial implications associated with this report

Summary of legal implications

56. No legal implications associated with this report.

Summary of human resources implications

57. No human resources implications associated with this report.

Summary of sustainability impact

58. No sustainability impact associated with this report.

Summary of public health implications

59. No public health implications associated with this report.

Summary of equality implications

60. No equality implications associated with this report.

Summary of risk assessment

61. No risk assessment associated with this report.

Background papers

No background papers associated with this report.

Appendices

There are no appendices to this report.

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