

COUNCIL

13 OCTOBER 2026

JOINT REPORT OF THE CABINET AND THE MONITORING OFFICER

A.3 AMENDMENTS TO THE COUNCIL'S CONSTITUTION – PLANNING COMMITTEES AND THE NATIONAL SCHEME OF DELEGATION OF PLANNING AUTHORITY FUNCTIONS

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Council to consider proposed amendments to the Constitution recommended by the Cabinet following a fundamental review undertaken by Officers of the delegated powers relating to planning matters following the introduction of the Government's new National Scheme of Delegation of Planning Functions and associated legislation.

The main proposals cover miscellaneous amendments to the Scheme of Delegated Powers (Part 3) and the Codes and Protocols (Part 6) to ensure the Council's Constitution remains effective, efficient and consistent at an operational level and complies with the new legislation.

EXECUTIVE SUMMARY

Cabinet, at its meeting held on 25 September 2026 (minute 37 refers), considered a report a report of the Portfolio Holder for Corporate Finance & Governance (A.1) that had requested Cabinet to approve the recommended changes to the Constitution for referral onto Full Council following a fundamental review undertaken by Officers of the delegated powers relating to planning matters following the introduction of the Government's new National Scheme of Delegation of Planning Functions and associated legislation. The main proposals had covered miscellaneous amendments to the Scheme of Delegated Powers (Part 3) and the Codes and Protocols (Part 6) to ensure the Council's Constitution remained effective, efficient and consistent at an operational level and complied with the new legislation.

Cabinet was informed at that meeting that the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the 2026 Regulations"), which would come into force on 31st October 2026, related to the national scheme of delegation of planning functions and the size of planning committees. Those Regulations required relevant local planning authorities ("LPAs") in England (as defined by section 319ZZF(1) of the Town and Country Planning Act ("TCPA 1990")) to make arrangements for specified planning functions to be discharged by committees (including sub-committees) or by officers.

In making and operating arrangements under those Regulations, section 319ZZE(4) and (5) of the TCPA 1990 required LPAs to have regard to any relevant guidance issued by the Secretary of State. Such (draft) guidance had been issued by the Ministry for Housing, Communities & Local Government on 1st June 2026, and along with the 2026 Regulations, had been taken into account in producing the proposals.

It was reported to Cabinet that the Government's aim behind the national scheme of delegation was *"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"*.

The 2026 Regulations set out types of applications where decisions:

- must be delegated to officers in all cases as set out in Schedule 1; and
- were presumed to be delegated to officers unless:
 - they met at least one of the criteria in regulation 5(2); or
 - the application was made by, or on behalf of, a local authority, a member or officer of that local authority or an entity owned or controlled by the authority or any of its members or officers (regulation 6); and
 - the nominated officer and nominated member of the planning committee agreed that the application should be referred to a planning committee for its determination.

Cabinet had been made aware that where a planning function was not listed in either Schedule 1 or 2, it was for the LPA to decide whether it should be delegated to an officer or referred to a committee for a decision, and for this reason a local protocol complying with the legal framework should be adopted.

Cabinet had recalled that Part 3 of the Council's Constitution provided the Responsibility of Functions - Scheme of Delegated Powers, with the determination of planning applications being contained within Schedule 2 – non-executive functions. Currently, all planning (including all prior approval applications), enforcement, building control and conservation matters were delegated to the Corporate Director (Planning & Community) **except** in relation to the determination of certain planning applications as detailed within Part 3.15-3.18, for determination by the Committee. The changes required to comply with the legislation had been set out in Appendix A to the Portfolio Holder's report to Cabinet.

Cabinet had been advised that, under the national scheme of delegation, current practices set out in local authority constitutions must be reviewed to ensure compliance with the legislation and the most fundamental change for this Council would be the removal of the power for Ward councillors to require cases to be referred to for committee consideration, as this would no longer be possible. Local authorities would need to amend their constitutions to align with the national scheme of delegation and further information was contained within the Protocol, as had been set out in Appendix B to the Portfolio Holder's report.

Having considered the fundamental review undertaken by Officers of the delegated powers relating to planning matters to comply with the new legislation implementing the new national scheme of delegation, and the recommended changes to the Constitution arising therefrom, and to enable those recommendations to be submitted to the Full Council for formal approval and adoption, Cabinet had resolved:-

"that Cabinet –

- (a) notes the contents of the report and the impact of the Government's National Scheme of Delegation of Planning Functions and the requirements to amend the Council's Constitution to ensure compliance with the new legislation coming into force with effect from 31st October 2026; and*

(b) formally **RECOMMENDS TO COUNCIL** that:

- (i) *Part 3 (Scheme of Delegated Powers – Planning Committee) of the Council's Constitution be amended to reflect the proposed changes, as set out in Appendix A attached hereto this report;*
- (ii) *Part 6 (Codes and Protocols) of the Council's Constitution be amended to incorporate the new "Protocol for the Discharge of Local Planning Authority Functions", as set out in Appendix B attached hereto this report, together with the consequential deletion of the Members' Referral Scheme for Planning Applications;*
- (iii) *these changes come into effect on 31st October 2026; and*
- (iv) *authority to amend the Protocol, as set out in Appendix B, be delegated to the Corporate Director (Planning and Community), in consultation with the Chairman of the Planning Committee and the Monitoring Officer, to reflect any minor alterations considered necessary through the implementation of the new national scheme and best practice."*

The report of the Portfolio Holder for Corporate Finance & Governance submitted to the formal meeting of the Cabinet held on 25 September 2026 is attached as Appendix C to this report for Members' information and guidance.

RECOMMENDATIONS

That Council, having considered this report, formally approves that:-

- (a) Part 3 (Scheme of Delegated Powers – Planning Committee) of the Council's Constitution be amended to reflect the proposed changes, as set out in Appendix A attached hereto this report;**
- (b) Part 6 (Codes and Protocols) of the Council's Constitution be amended to incorporate the new "Protocol for the Discharge of Local Planning Authority Functions", as set out in Appendix B attached hereto this report, together with the consequential deletion of the Members' Referral Scheme for Planning Applications;**
- (c) these changes come into effect on 31st October 2026; and**
- (d) authority to amend the Protocol, as set out in Appendix B, be delegated to the Corporate Director (Planning and Community), in consultation with the Chairman of the Planning Committee and the Monitoring Officer, to reflect any minor alterations considered necessary through the implementation of the new national scheme and best practice.**

BACKGROUND PAPERS FOR THE DECISION

Published minutes of the meeting of the Cabinet held on 25 September 2026.

APPENDICES

Appendix A – Amendments to Part 3 (Scheme of Delegated Powers – Planning Committee) of the Council's Constitution

Appendix B - Protocol for the Discharge of Local Planning Authority Functions

Appendix C - Report of the Portfolio Holder for Corporate Finance & Governance (A.1) submitted to the formal meeting of the Cabinet held on 25 September 2026