



WEST OXFORDSHIRE
DISTRICT COUNCIL

WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	COUNCIL – 16 SEPTEMBER 2026
Subject	NATIONAL SCHEME OF DELEGATION OF PLANNING FUNCTIONS
Wards affected	All
Accountable member	Councillor Liz Leffman - Executive Member for Planning and Infrastructure Email: liz.leffman@westoxon.gov.uk Councillor Alaric Smith – Chair of the Constitution Working Group Email: alaric.smith@westoxon.gov.uk
Accountable officer	Andrea McCaskie - Director for Governance and Regulatory Services Email: Andrea.McCaskie@ewestoxon.gov.uk
Report author	Andrew Brown, Head of Democratic and Electoral Services Email: andrew.brown@westoxon.gov.uk
Summary/Purpose	To put arrangements in place to amend the Constitution when national changes to the functioning of Planning Committees in England come into effect (on 31 October 2026).
Annexes	N/A
Recommendation(s)	That Council resolves to: 1. Agree that a 12-Member Planning Committee will replace the Strategic Planning Committee and Development Management Sub-Committee following the October meeting cycle and that the Planning Committee will meet on the dates currently scheduled for the Development Management Sub-Committee. 2. Delegate authority to the Director of Governance and Regulatory Services to appoint Members to the Planning Committee in accordance with political proportionality and the nominations made by political groups. 3. Agree that the Chair of the Planning Committee will be the

	“nominated member” under the Regulations with the Vice-Chair of the Planning Committee as substitute, and that the Head of Planning will be the “nominated officer”, with the Development Management Manager the substitute. 4. Agree that the Chair and Vice-Chair of the Planning Committee will be paid the Special Responsibility Allowances payable to the Chair and Vice-Chair of the Development Management Sub-Committee under the Members Allowances Scheme 2023/24 to 2026/27. 5. Agree that all own-interest applications will be considered by the nominated member and nominated officer for referral to the Planning Committee, meaning that no own-interest applications will automatically be delegated to officers. 6. Delegate authority to the Director of Governance and Regulatory Services, in consultation with the Chair and Vice-Chair of the Strategic Planning Committee and the Chair of the Constitution Working Group, to update the Constitution (including parts 3C, 4F and 6Q) to put the new arrangements in place to ensure compliance with The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, following consideration by the Constitution Working Group.
Corporate priorities	• Putting Residents First • Working Together for West Oxfordshire
Key Decision	NO
Exempt	NO
Consultees/ Consultation	A briefing for the Strategic Planning Committee is scheduled for 7 September 2026. The Constitution Working Group met on 29 July 2026 and will consider proposed changes to the Constitution before they are implemented.

1. EXECUTIVE SUMMARY

- 1.1 From 31 October 2026, new Regulations will introduce a national scheme of delegation for planning functions together with a maximum size for local authority planning committees. These changes represent the most significant reform to local planning decision-making in many years and will require the Council to amend its Constitution and associated governance arrangements.
- 1.2 This report seeks some Council decisions and delegations to ensure that the Council's planning arrangements and Constitution are compliant with the national changes when they take effect on 31 October 2026.

2. BACKGROUND

- 2.1 The Planning and Infrastructure Act 2025 introduced measures to reform planning committees in England. This includes a national scheme of delegation for planning functions and a cap on the size of planning committees at a maximum of 13 Members, the details of which are set out in The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the Regulations"). The Regulations come into force on 31 October 2026.
- 2.2 A previous report to Council on 22 July 2026 provided more detail and context on these national planning changes. Council resolved to:
 - 1. *Note the report;*
 - 2. *Request that the Constitution Working Group further consider the implications of the new Regulations and how they need to be reflected in any changes to the Council's Constitution, prior to the Regulations coming into effect on 31st October 2026.*

3. OVERVIEW OF THE WORK TO DATE

- 3.1 Officers have considered the Regulations and associated guidance together with a number of documents and templates issued by bodies such as the Planning Officers Society (POS) and the Planning Advisory Service (PAS).
- 3.2 The Constitution Working Group met on 29 July 2026 to consider the July Council report. The Working Group considered that:
 - 1. A briefing workshop should be held for the Strategic Planning Committee (as requested at full Council). This was scheduled for 7 September 2026.
 - 2. Terms of reference for a new Planning Committee will need to be produced to replace those for the Strategic Planning Committee and the Development Management Sub-Committee (Part 3C of the Constitution).
 - 3. The scheme of delegation for planning functions (Part 4F of the Constitution) will need to be updated to reflect the national scheme of delegation.
 - 4. The Members Planning Code of Good Practice will need to be reviewed and updated (Part 6Q of the Constitution).

5. The “nominated member” would have a key role in being consulted on which applications may be determined by committee. This may require training.
6. A flow chart would be useful for showing the decision-making routes for planning applications.
7. There is a need to communicate with town and parish councils, including potentially through Oxfordshire Association of Local Councils. Officers are producing FAQs and an online briefing for town and parish councils.
8. The Council would wish to maximise member decision making where appropriate and possible within the new national framework.
9. The Council may wish to write to the government about the Regulations, potentially with partner authorities.

3.3 Some aspects of the Council’s response to the Regulations can be undertaken at an operational level whereas other aspects will require amendments to the Constitution. The latter are discussed in the following paragraphs. It is proposed that changes are made to the Constitution under delegated authority, with the Chair and Vice-Chair of the Strategic Planning Committee and the Chair of the Constitution Working Group acting as key consultees. This is because the next scheduled full Council meeting is not until 18 November 2026, after the Regulations take effect.

4. PLANNING COMMITTEE STRUCTURE

- 4.1 The Council currently operates a 24-Member Strategic Planning Committee and a 12-Member Development Management Sub-Committee, with the sub-committee determining the majority of applications that come before members. With planning committees being capped at a size of 13-Members, a “parent and sub-committee” model is no longer considered to be viable.
- 4.2 The Constitution Working Group propose replacing the two committees with a single 12-Member “Planning Committee”. This committee would be responsible for determining applications that are referred to it under the Regulations.
- 4.3 The rationale for a 12-member Planning Committee is to allow for a degree of continuity, including continuity of membership, through a period of significant change. The Planning Committee would effectively replace the role of the Development Management Sub-Committee and meet on the existing sub-committee dates, when there is business for the Committee to consider. The Planning Committee would also be responsible for considering the Council’s response to Nationally Significant Infrastructure Projects within the district, which is currently a function of the Strategic Planning Committee.
- 4.4 It is proposed that Part 3C of the Constitution is updated under delegated authority to reflect the changes to the structure and responsibilities of planning committees.
- 4.5 It is recommended that delegated authority is granted to the Director of Governance and Regulatory Services to appoint 12 members to the Planning Committee in accordance with political proportionality and the wishes of political groups (as expressed by Group Leaders).

These may or may not be the same 12 members who currently sit on the Development Management Sub-Committee.

5. NOMINATED MEMBER AND NOMINATED OFFICER

- 5.1 The Regulations invite the Council to identify a “nominated member” and a “nominated officer” for the purposes of deciding which applications that may be determined by a committee (“Schedule 2 applications”) will be referred to committee for determination.
- 5.2 The nominated member and nominated officer may agree to refer a Schedule 2 application to a committee if in their view it raises:
 - a) one or more issues of economic, social or environmental significance to the local area, or
 - b) one or more significant planning matters having regard to the development plan and any other material considerations.
- 5.3 In considering whether to refer an application to committee the nominated member and nominated officer must have regard to any relevant guidance issued by the Secretary of State.
- 5.4 It is recommended that the Council nominates the Chair of the Planning Committee as the nominated member, with the Vice Chair of the Planning Committee as the substitute, and that Council nominates the Head of Planning as the nominated officer, with the Development Management Manager as the substitute.
- 5.5 It is recommended that the Chair and Vice-Chair of the Planning Committee are paid the special responsibility allowances that are currently payable to the Chair and Vice-Chair of the Development Management Sub-Committee under the Members’ Allowances Scheme 2023/24 to 2026/27. These are set at 1.25x basic allowance for the Chair and 0.25x basic allowance for the Vice-Chair. A separate report on the Council agenda invites Council to begin the process of formulating a new members’ allowances scheme. In anticipation of the national changes and their impact on these members roles, Council has previously noted, on 20 May 2026, that the allowances paid to planning committee chairs and vice-chairs will be reviewed as part of that work.

6. PLANNING SCHEME OF DELEGATION

- 6.1. The introduction of the national scheme of delegation will require the Council to update its own scheme of delegation to reflect which applications may be determined by committee under the Regulations (schedule 2 applications) and which applications must be delegated to officers (schedule 1 applications).
- 6.2. The national scheme is very restrictive in defining the schedule 2 applications which may be determined by committee, limiting potential committee consideration to major applications in most cases. For schedule 2 applications there is a “gateway test” whereby a nominated member and nominated officer may agree to refer a schedule 2 application to committee in certain circumstances (see para 5.2).

- 6.3. It is proposed that, following consideration by the Constitution Working Group in October, Part 4F of the Constitution is updated under delegated authority to reflect the new national scheme of delegation for planning functions.
- 6.4. The Regulations require that any “own interest” application must be subject to the same gateway test. These are applications made by or on behalf of the authority, a member or an officer, or in which the authority, a member or an officer have an interest.
- 6.5. The national guidance states that it is not a requirement for the nominated officer and nominated member to consider all Schedule 2 applications or all own-interest applications. The Council may, through its Constitution, decide which Schedule 2 or own-interest applications need to be considered for referral to committee, and which ones are automatically delegated to officers.
- 6.6. Given the relatively small size of the district council and the wish to avoid perceptions of bias and to promote transparency, the Council has an existing convention whereby all own-interest applications are determined by committee. Council is therefore recommended to agree that all own-interest applications will be considered for referral to committee by the nominated officer and nominated member.

7. MEMBERS' PLANNING CODE OF GOOD PRACTICE

- 7.1 Officers will be reviewing the Members' Planning Code of Good Practice in order to ensure that it will remain fit for purpose and reflect good practice, including in view of the new nominated member and nominated officer roles in deciding which schedule 2 and own-interest applications will be determined by committee.
- 7.2 It is proposed that Part 6Q of the Constitution is updated under delegated authority if amendments are deemed to be necessary following consideration by the Constitution Working Group in October.

8. OTHER CONSIDERATIONS

- 8.1. Officers consider that no changes are required to the Members' Code of Conduct, which forms Part 6A of the Constitution as it is an Oxfordshire-wide document.
- 8.2 Similarly, officers do not see a need to update the substance of the public participation rules, which were reviewed recently by the Constitution Working Group in response to recommendations made to the Council by the PAS.
- 8.3 Officers have reviewed the Council's policies and arrangements for dealing with persistent complainants and unreasonable behaviour in light of POS guidance.
- 8.4 Officers will also be reviewing internal processes and procedures, including:
 - a) Reviewing what steps should be taken at the validation stage of the application process to ensure that schedule 2 applications are identified, with checking in place.
 - b) Developing a clear process for schedule 2 applications, including reporting arrangements.

- c) Reviewing the templates for planning reports and update (additional representations) reports.

9. ALTERNATIVE OPTIONS

- 9.1 Council could decide to create a single planning committee of a different size to the 12-Member committee that is proposed (e.g. 11 or 13 members). This would slightly alter the apportionment of seats to groups from the current allocations on the Development Management Sub-Committee. A size of less than 11 members is not recommended as that would be considered to be too small.
- 9.2 Council could decide to hold an extraordinary meeting to consider proposed changes to the Constitution, and the appointment of members to the Planning Committee, rather than grant delegated authority to an officer in consultation with key members. This approach would require a full Council meeting to be held in w/c 26 October 2026 e.g. Wednesday 28 October 2026, which is during half term week.

10. FINANCIAL IMPLICATIONS

- 10.1. The reduction in the number of planning committees will result in a small saving on the Special Responsibility Allowances paid to committee chairs in the short-term. There are no other financial implications arising from this report.

11. LEGAL IMPLICATIONS

- 11.1. The Regulations introduce a statutory framework governing the allocation of planning decision-making responsibilities between officers and planning committees.
- 11.2. The Council must ensure that it complies with the Regulations, which come into force on 31 October 2026 by reviewing governance arrangements, member training and officer procedures.
- 11.3. Failure to adopt the National Scheme of Delegation will result in risk of challenge. If the committee were to make decisions on any applications falling under Schedule 1 of the Regulations which must be delegated to officers, those decisions may be subject to judicial review by anyone aggrieved by the decision. This may lead to the quashing of the decision.

12. EQUALITIES IMPACT

- 12.1 There are no differential impacts on groups with protected characteristics arising from the recommendations in this report.

13. SUSTAINABILITY IMPLICATIONS

- 13.1 These upcoming changes are mandated by the government which has undertaken its own assessment.

14. BACKGROUND PAPERS

- 14.1 None.

(END)