

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

**AUDIT AND GOVERNANCE COMMITTEE – WEDNESDAY, 5
AUGUST 2026**



Title of Report	AMENDMENTS TO THE CONSTITUTION TO REFLECT THE TOWN AND COUNTRY PLANNING (DISCHARGE OF LOCAL PLANNING AUTHORITY FUNCTIONS) (ENGLAND) REGULATIONS 2026	
Presented by	Emma Lant Legal Team Leader - Governance	
Background Papers	Current Constitution Working Group Minutes 20 July 2026 The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 Statutory Guidance	Public Report: Yes
Financial Implications	There are not any financial implications to be considered	
	Signed off by the Section 151 Officer: yes	
Legal Implications	It is a legal requirement to have an up to date Constitution, and to comply with the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.	
	Signed off by the Deputy Monitoring Officer: yes	
Staffing and Corporate Implications	There are not any staffing and corporate implications to be considered	
	Signed off by the Head of Paid Service: yes	
Purpose of Report	To present the changes which will be required to the Council's Constitution as a result of the coming into force of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 proposed on 31 October 2026.	

Recommendations	THAT AUDIT AND GOVERNANCE COMMITTEE: 1. NOTES THE WORK OF THE CROSS-PARTY WORKING GROUP; 2. CONSIDERS THE PROPOSED GENERAL REQUIRED CHANGES TO THE CONSTITUTION, SUMMARISED IN THE REPORT; 3. DELEGATES AUTHORITY TO THE CONSTITUTION WORKING GROUP IN CONSULTATION WITH THE MONITORING OFFICER AND OFFICERS TO FINALISE THE CHANGES TO THE CONSTITUTION TO BE RECOMMENDED TO COUNCIL AT ITS MEETING ON 15 SEPTEMBER 2026 FOR ADOPTION WITH EFFECT FROM 31 OCTOBER 2026.
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1.0 BACKGROUND

- 1.1 As the committee will be aware, the Council's Constitution is reviewed annually to ensure it continues to be fit for purpose and legally compliant. The review of the Constitution will take place as usual this year under the usual timeframe, to be reported to the Audit and Governance Committee, and Full Council, to be adopted next year.
- 1.2 Due to the proposed introduction of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, amendments will be required to the Constitution in anticipation of their coming into force on 31 October 2026.
- 1.3 The Regulations are intended to increase the number of planning applications determined by officers and reduce the number referred to Planning Committees. The Regulations set out that some applications (listed under Schedule 1 of the Regulations) must be determined by officers and so they will no longer be able to be referred to Planning Committee. The guidance on the Regulations states that in determining whether a referral of a Schedule 2 application is made to committee, the presumption should be that decisions are delegated to officers and only exceptionally be referred to committee.
- 1.4 The Regulations also refer to own interest applications which are those submitted by the Council, a member or an officer, or in the view of a nominated member and nominated officer, where any of the Council's members or officers otherwise has an interest in the application. The Regulations state that a nominated member and a nominated officer may agree to refer an own interest application to Planning Committee, and in considering whether to make such a referral they must have regard to any relevant guidance issued by the Secretary of State. A series of slides to provide further information about the changes is attached at Appendix A.

2.0 PROPOSED AMENDMENTS

- 2.1 The Constitution currently sets out the rules concerning the Planning Committee at Section D3. The required changes as set out in the legislation are as follows:

Call-In Arrangements

Current position: Ward Members may request that an application is determined by Planning Committee through the Council's call-in process.

Draft Regulations: Applications listed under Schedule 1 must be determined by officers. Schedule 2 applications would only be referred to committee where a nominated member and a nominated officer jointly agree that the application raises significant economic, social, environmental or planning issues. There is no provision for call-in requests to be made by Ward Members and so this will be removed from the Constitution.

Committee Referral Criteria

Current position: Applications may go to committee because they are controversial, attract significant public interest, conflict with policy, or are referred by officers.

Draft Regulations: Applications listed under Schedule 1 must be determined by officers. For Schedule 2 applications, referral criteria are narrower and focus on significant economic, social, environmental or planning impacts.

Council, Member and Officer Applications

Current position: These applications are generally determined by Planning Committee.

Draft Regulations: These applications would be determined by officers unless a nominated member and nominated officer agree to refer an own interest application to Planning Committee.

Officer Delegation

Current position: A wide range of planning matters are already delegated to officers.

Draft Regulations: Certain categories of application (Schedule 1) must be determined by officers. Some Schedule 2 applications and some own interest applications will also be determined by officers.

Impact

The Council is well placed, and a detailed review against the statutory schedules of the Regulations is being undertaken by officers

Committee Size

Current position: Planning Committee comprises 11 Councillors.

Draft Regulations: Committees determining planning applications may have no more than 13 members.

- 2.2 The main issue requiring review is the existing Member call-in process, which differs from the referral mechanism proposed in the draft Regulations.
- 2.3 As the Regulations were only laid before parliament in June 2026, but the changes need to be brought in for 31 October 2026, this does not leave much time for the amendments to be considered, and there are still areas for which further guidance or templates may be provided. Therefore, the exact wording cannot be brought to the

committee at this stage, and the committee is therefore asked to provide a delegation to the Monitoring Officer, in consultation with the Planning Portfolio Holder, to make the necessary amendments which will be necessary between this meeting and 31 October 2026; for example if model wording is introduced or if any clarifications are made by the Government.

Policies and other considerations, as appropriate	
Council Priorities:	- Planning and Regeneration - A Well-Run Council
Policy Considerations:	None.
Safeguarding:	None.
Equalities/Diversity:	None.
Customer Impact:	It will impact those making planning applications as their applications will need to be dealt with under a different process.
Economic and Social Impact:	None.
Environment, Climate Change and Zero Carbon	None.
Consultation/Community/Tenant Engagement:	None.
Risks:	The Council must ensure it has an up to date and legally compliant constitution. If changes are not made then the Council will be at risk of being in breach of planning regulations, and any decisions made on planning applications by Planning Committee which must be delegated to officers once the Regulations come into force may be subject to judicial review.
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