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11 September 2026

To: All Members of the Standards Committee

Dear Member,

Standards Committee - Monday, 14th September, 2026

I attach a copy of the following reports for the above-mentioned meeting which were not available at the time of collation of the agenda:

**6. CHANGES TO THE CONSTITUTION - REFORM OF PLANNING COMMITTEES (PAGES 1 - 30)**

Report of the Director of Built Environment & Highways

Yours sincerely

Richard Plummer, Committees Manager

## **LATE BUSINESS SHEET**

**Report Title: Reform of Planning Committees – Constitutional Changes**

**Date: 14 September 2026**

### **Reason for lateness**

This appendix is considered urgent pursuant to section 100B (4) (b) of the Local Government Act 1972. That provision states “*An item of business may not be considered at a meeting of a principal council unless ... by reason of special circumstances, which shall be specified in the minutes, the chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency*”.

The attached report sought assurance and guidance from the Constitution Working Group (CWG), before submission to the Standards Committee, to ensure that it proposed appropriate changes. The CWG could not reasonably meet before the publication of the Standards Committee statutory deadline. The report has been submitted as a late paper following the meeting of the CWG to the Standards Committee for approval.

**Report for:** Standards Committee 14 September 2026

**Title:** Reform of Planning Committees – constitutional changes

**Report authorised by:** Rob Krzyszowski, Director of Built Environment & Highways

**Lead Officer:** Catherine Smyth, Head of Development Management & Planning Enforcement

**Ward(s) affected:** N/A

**Report for Key/  
Non Key Decision:** N/A

**1. Describe the issue under consideration**

A report on the Government's introduction of a national scheme of delegation prescribing which planning and related applications should be determined by an officer or committee in the legislation made on 15<sup>th</sup> July 2026 (and taking effect on 31st October 2026), The Town and Country Planning (Discharge of Local Planning Authority functions) (England) Regulations 2026 (the 'Regulations'), and the changes to the Council's Constitution required to implement those delegations.

**2. Cabinet Member Introduction**

N/A

**3. Recommendations**

To consider and agree the proposed changes to the Constitution set out Appendix 1 attached to this report, to implement the national delegations in the Regulations and to recommend adoption of these changes to Full Council on 12th October 2026.

**4. Reasons for decision**

To implement new legislation and ensure the council, as local planning authority, makes decisions in accordance with the new legislation.

**5. Alternative options considered**

The option of not amending the Constitution was considered but not pursued as the Council will be under an obligation to comply with the requirements in the Regulations on 31 October 2026.

**6. Reform of Planning Committees**

**REFORM OF PLANNING COMMITTEES**

Background to Reform of Planning Committees

6.1 Government recognises that planning committees have an integral role in providing local democratic oversight of planning decisions. As such, they

consider that it is vital that they operate as effectively as possible, focusing on those applications which require Member input and not revisiting the same decisions. In the King's Speech in 2024, the Government announced that it would *'modernise the way planning committees operate to best deliver for communities and support much needed development'*.

- 6.2 Government also recognises that local planning authorities have, until now, had their own 'in-house' processes in terms of which planning applications are decided by committee and officers, with also lots of variation in how they operate, their size, and how effective they ultimately are; with no consistency nationwide. Government considers that bringing uniformity and clarity to the process would assist those local planning authorities who need support to improve decision making, with resulting benefits, through more certainty to applicants including developers – which, they consider, should ultimately lead to growth in housing delivery and capacity.
- 6.3 Government's focus has been driven towards enabling planning committees to focus on shaping their local areas through taking decisions on planning proposals which have a significant impact on the area, ensuring that they operate as efficiently as possible. They also acknowledge and support the strong role professional planners should play in making planning decisions. Furthermore, they want to support local planning authorities in meeting national speed targets for determination of planning applications, and to ensure appropriate delivery of high quality development.

#### Technical Consultation

- 6.4 The Ministry of Housing, Communities and Local Government (MHCLG) carried out a technical consultation in 2025 which set out a proposed national scheme of delegation (NSD) with a two-tiered system, which would require that no cases would be automatically reported to Planning Committee, and that some types of applications would never be reported. The consultation also set out proposals to prescribe the size of planning committees and a requirement for planning committee Members to hold a valid certificate of completion of training on planning matters.
- 6.5 Haringey provided a response to the technical consultation last summer, with key points raised by the response set out below:
- Recognise and support the Government's determination to ensure planning committees have an integral role in providing local democratic oversight of planning decisions
  - Recognise that many of the proposed reforms to 'modernise planning committees' are already implemented by Haringey Council
  - Note that an independent Peer Challenge of the Planning Service undertaken in late 2023 by the Local Government Association (LGA) Planning Advisory Service (PAS) which stated that our committee 'is a very good example of how public facing planning committees are run'

- Note that the Council was updating its Constitution and Planning Protocol in 2025 to ensure it is at the forefront of best practice
- Welcome the introduction of a NSD, so that there is greater consistency and certainty for residents, applicants, and developers
- Request that there should be a mechanism for elected member requests for cases to be considered by Committee

### Regulations and Explanatory Memorandum

- 6.6 MHCLG provided an updated position in March 2026 setting out submissions made to them and their response to the consultation; and in June 2026 MHCLG published its formal consultation response, draft guidance and laid the Draft Regulations to Parliament for review and scrutiny. The Draft Regulations were subject to a further, but more limited, public consultation, with The Town and Country Planning (Discharge of Local Planning Authority functions) (England) Regulations 2026 Regulations being made on 15th July 2026; which will change the way planning committees have to work.
- 6.7 Government decided to take forward the proposals broadly as set out in their technical consultation documents and as per the Draft Regulations. The aim is to ensure that there would be greater clarity and consistency about the role of planning committees in planning decision making. It is intended to enable planning committees to work more effectively by allowing them to focus on the key development proposals that matter in their area, enabling other, often more minor and technical, decisions to be made by planning officers. The measures in the Regulations are to help ensure that planning committees play their proper role in scrutinising development without obstructing it, whilst also maximising the use of experienced professional planners. The measures are intended to facilitate faster decision making on planning applications and to ensure greater standardisation over the operation of committees across all local authorities in England, in turn providing for a more efficient service and greater certainty for communities, residents, applicants, businesses and developers.
- 6.8 Key aspects of the Regulations are:
- A National Scheme of Delegation ('NSD') will be introduced
  - The presumption of the NSD is that decisions are delegated to officers and only, by exception, can cases be referred to committee
  - The Regulations set out types of planning applications which must always be delegated to planning officers (Schedule 1)
  - Other types of planning applications may instead, in some circumstances, be referred to a planning committee for consideration and decision (Schedule 2); with the default position for Schedule 2 cases being consideration and decision making by Officers and cases being reported to planning committee as an exception
  - Some current practices set out in local authority constitutions, 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 is reached, will not be possible. Local authorities will need to amend their constitutions to align with the NSD.

- Cases that can be considered for decision at planning committee must be discussed by the Chair (or in their absence the vice-Chair) of the Planning Sub-Committee ('Nominated Member') and the Head of Development Management and Planning Enforcement (or in their absence the Director of Built Environment & Highways or one of the team managers within the Development Management Service) ('Nominated Officer'); every effort should be made to reach agreement on which cases should be referred to committee. Only cases where agreement is reached need to be referred to Planning Sub Committee, for determination.
- Para 15 of the 'Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England' states that: 'Nominated officers and nominated members should make every effort to reach agreement on which cases should be referred to committee. However, where agreement is not possible, the case must be determined by officers.'
- When deciding whether an application should be referred to a planning committee at least one of the following statutory criteria must be met:
  - A. the application raises one or more economic, social or environmental issues of significance to the local area
  - OR
  - B. the application raises one or more significant planning matters having regard to the development plan and any other material considerations
- As a minimum, the local planning authority should keep a record of the cases the Chair of the Planning Sub-Committee and the Head of Development Management and Planning Enforcement have considered for referral to committee, the outcome of their consideration and the reasons for their decision. They should report this to planning committee on a regular basis and make it available on their website
- The number of members on a planning committee or sub-committee to be no more than 13
- The requirements for Member training were to be considered further but have not as yet been made mandatory by national legislation

6.9 The Regulations will come into force on 31 October 2026. Where local planning authorities do not comply with the Regulations from the date they come into force and their planning committees make decisions on applications which must be delegated officers, those decisions may be subject to a legal challenge by anyone aggrieved by the decision. This may lead to the quashing of the decision by the court.

6.10 The table below sets out which applications identified in the Regulations are to be determined by officers (Schedule 1) and those that may, in some circumstances, be referred to a planning committee to determine (Schedule 2 and Own-interest applications).

| Category   | Delegated to | Application type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| Schedule 1 | Officers     | <ol style="list-style-type: none"> <li>1. Certificates of <b>appropriate alternative development</b></li> <li>2. An application made under section 26H (1) of the Listed Buildings Act (<b>certificate of lawfulness</b> of proposed works)</li> <li>3. A <b>householder</b> application</li> <li>4. A <b>minor commercial</b> application (floorspace less than 1,000 sq.m. on a site less than 1 hectare)</li> <li>5. A <b>minor residential</b> application (between one and 9 dwellings on a site less than 0.5 hectare)</li> <li>6. An application for <b>permission in principle</b></li> <li>7. An application made under section 73(1) of Town and Country Planning Act (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 – i.e. <b>material amendments</b></li> <li>8. An application made under section 96A (4) of TCPA 1990 (non-material changes to planning permission or permission in principle) i.e. <b>non-material amendments</b></li> <li>9. In respect of a <b>planning obligation</b> that the authority considers is connected with a Schedule 1 approval— <ol style="list-style-type: none"> <li>(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)</li> <li>(b) an application to modify or discharge that obligation under section 106A (3) of TCPA 1990 (modification and discharge of planning obligations)</li> </ol> </li> <li>10. An application made under section 191(1) of TCPA 1990 (<b>certificate of lawfulness of existing use or development</b>)</li> </ol> |

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|            |                                                                                                                                                                                                                                         | <p>11. An application made under section 192(1) of TCPA 1990 (<b>certificate of lawfulness of proposed use or development</b>)</p> <p>12. The submission of a <b>biodiversity gain plan</b> under paragraph 13(2)(a) of Schedule 7A to TCPA 1990</p> <p>13. <b>A reserved matters approval application</b> in respect of an outline planning permission, other than a large outline permission</p> <p>14. An application made under article 27 (1) of the Development Management Procedure Order (applications made under a <b>planning condition</b>)</p> <p>15. An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015(<b>21</b>) for—</p> <p>(a) <b>prior approval</b>, or</p> <p>(b) a <b>determination as to whether prior approval is required</b>.</p> |
| Schedule 2 | <p>Officers <b><u>UNLESS</u></b> the Chair of the Planning Sub-committee and the Head of Development Management and Planning Enforcement (or their substitute(s)) decide the application should be referred to a planning committee</p> | <p>1. <b>An application for listed building consent</b> made under section 10(1) of the Listed Buildings Act (making of applications for listed building consent).</p> <p>2. An application made under section 19(1) of the Listed Buildings Act (<b>variation or discharge of conditions of listed building consent</b>).</p> <p>3. An application for planning permission that the authority considers is connected with an application specified in 1 or 2.</p> <p>4. An application for planning permission that is <b>not—</b></p> <p>(a) a <b>householder application</b>,</p> <p>(b) a <b>minor commercial application</b>,</p> <p>or</p> <p>(c) a <b>minor residential application</b>.</p>                                                                                                                                             |

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|  |  | <ol style="list-style-type: none"> <li>5. An application made under section 73 (1) of TCPA 1990 i.e. <b>material amendment application</b> (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 2 planning permission.</li> <li>6. An application made under section 73A (1) of TCPA 1990 i.e. <b>material amendment application</b> (planning permission for development already carried out)</li> <li>7. In respect of a <b>planning obligation</b> that the authority concerned considers is connected with a Schedule 2 approval— <ol style="list-style-type: none"> <li>(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);</li> <li>(b) an application to modify or discharge that obligation under section 106A (3) of TCPA 1990 (modification and discharge of planning obligations).</li> </ol> </li> <li>8. <b>A reserved matters approval application</b> in respect of a large outline permission (at least 500 homes and/or 50,000m<sup>2</sup> floorspace created)</li> <li>9. An application made under regulation 9 (1) of the Town and Country Planning (<b>Control of Advertisements</b>) (England) Regulations 2007 (application for express consent to display advertisement)</li> <li>10. An application made under regulation 16 (1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (<b>application for consent under tree preservation order</b>)</li> </ol> |
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| Applications made by or on behalf of the Council, a member or officer/the Council, a member or an officer has an interest in such application ('own-interest applications') | Officers. <b>UNLESS</b> the Chair of the Planning Sub-committee and the Head of Development Management and Planning Enforcement (or their substitute(s)) decide the application should be referred to a planning committee | Schedule1 and/or Schedule 2 |
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- 6.11 The Regulations require that the local planning authority must make arrangements so that any Schedule 1 application made to that authority is determined by an Officer of that authority.
- 6.12 Also, where an application listed in Schedule 1 is connected with an application for listed building consent/variation or discharge of conditions imposed on such consent the Nominated Member and Nominated Officer shall consider whether the application should be referred to a planning committee.
- 6.13 Additionally, where an application listed in Schedule 1 is an 'own-interest application' the Nominated Member and Nominated Officer shall consider whether the application should be referred to a planning committee.
- 6.14 Schedule 2 applications will be decided by Officers unless the Chair of the Planning Sub-committee and the Head of Development Management and Planning Enforcement (or their substitute(s)) agree that the application should be reported to planning committee.

### The Gateway Test

- 6.15 Schedule 2 applications are delegated to Officers to determine unless the Nominated Member and Nominated Officer agree to refer an application to a planning committee. The criteria that the Nominated Member and Nominated Officer need to consider when deciding whether to refer a schedule 2 application to a Planning Committee is referred to in the statutory guidance issued by the Secretary of State that regard must be had to the 'Gateway Test'. The local planning authority needs to nominate a Member and an Officer of the authority to act as the nominated people for the purposes of the Gateway Test. There can also be Substitute Nominated Members and Officers appointed.

- 6.16 The Gateway Test involves a meeting between the Nominated Member and the Nominated Officer to discuss if the schedule 2 planning application should be referred to a Planning Committee for decision. It is recommended that the Chair of the Council's Planning Sub Committee would be the Nominated Member, with the Vice-Chair of Planning Sub Committee being the Nominated Substitute. It is intended that the Head of Development Management and Planning Enforcement would be the Nominated Officer, with the Director of Built Environment & Highways or one of the Team Managers within the Development Management Service being Nominated Substitutes.
- 6.17 The Regulations set out that the Nominated Member and Nominated Officer may agree to refer a Schedule 2 application to a Planning Committee if the application in their view 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.
- 6.18 Schedule 2 includes applications for planning permission which would otherwise fall within Schedule 1 but are connected to an application for listed building consent or the variation or discharge of a condition attached to listed building consent.
- 6.19 'Significant' is not defined in the Regulations. What is deemed to be significant, or have a significant impact is stated in the statutory guidance '[Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England](#)' published by the Secretary of State on 1 June 2026 ('Statutory Guidance'), will vary from place to place and over time. In considering whether to make a referral to planning committee the Nominated Member and the Nominated Officer must have regard to the Statutory Guidance.
- 6.20 The Statutory Guidance provides that the following circumstances are unlikely to raise a significant planning matter:
- 1. 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;
  - 2. 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).
- 6.21 Some applications may need to be considered more than once in a Gateway Test discussion, if circumstances of the case change.

#### Own – Interest Applications

- 6.22 The Regulations state that the Council's own applications and those made by Members or Officers of the authority/the Council, a member or an officer has an interest in such application must be determined by Officers if not referred to a planning committee by the Nominated Member and Nominated Officer.

### How we currently make decisions

- 6.23 Haringey's current process, as set out in the Constitution, governing how decisions are made on planning applications will need to be amended to ensure that they aligned with the system the Government is introducing. However, Haringey does already have a robust and effective scheme of delegation for planning decisions, which enables the vast majority of planning decisions to be made by Officers, with a small number of planning applications, mainly the most strategically important ones, required to be reported to Planning Sub Committee for Members' consideration and decision.
- 6.24 Haringey's current process also already includes a mechanism whereby certain applications need to be discussed by the Chair of Planning Sub Committee and Head of Development Management and Planning Enforcement to decide whether they should be reported to Planning Sub Committee or whether Officers can determine them under delegated powers. Those processes will require amending to ensure the Council complies with the requirements of the Regulations. Our current arrangements result in a very strong performance in terms of speed of decision making – with last financial year's performance at 100% of major applications being determined within time, 90% of minor applications and 93% of other applications; including where extensions of time have been agreed with applicants.
- 6.25 Members considered and determined 16 applications at Planning Sub Committee across 2025; all of which were major schemes for housing (four of which were Council's own schemes) - and/or commercial/industrial use; with one application relating to infrastructure provision. Our Planning Sub Committee also play a very important role in considering briefings on major proposals at pre-application stage, which takes considerable dedicated time, and helps shape and improve schemes to meet the requirements of planning policy and delivery for the community.
- 6.26 The Planning Sub Committee's current responsibility for functions is set out in Section B of Part 3 of the Constitution as set out in Appendix 1 attached to this report together with the proposed amendments to the same.

### Proposed Triage

- 6.27 The Statutory Guidance provides that Nominated Officers and Nominated Members are not required to consider whether all Schedule 2 applications should be referred to Planning Sub Committee for decision, and through their Constitution a local planning authority may decide which Schedule 2 applications are not required to be considered against the Gateway Test.

6.28 The Statutory Guidance states that ‘Where local planning authorities anticipate that there may be a significant number of Schedule 2 or own-interest applications which may need to be considered for referral to committee they may wish to put in place a triage system to ensure that the Nominated Officer and Nominated Member of the committee are not overwhelmed and to avoid any unnecessary delays in planning decision making’ (Paragraph 14).

6.29 The Regulations require that decisions on Schedule 2 applications will be made by Officers unless the Nominated Member and Nominated Officers, as part of the Gateway Test, agree that an application should be reported to Planning Sub Committee for Members’ consideration and decision because either of the criteria in paragraph (a) or (b) in paragraph 6.17 above is met. Government expect Committees to focus on those applications which would raise issues of economic, social or environmental significance to the local area, or significant planning matter, and that Officers would decide the vast majority of planning applications. The Government has, however, also stated in the Statutory Guidance that all Schedule 2 applications do not need to be considered against the Gateway Test. The statutory guidance acknowledges that listed building, advertisement consent and consents for works to trees with a Tree Preservation order are included in Schedule 2, but in most cases do not raise issues which would merit committee scrutiny and that the presumption is that they should only be exceptionally referred to committee. Similarly, applications which seek to vary or discharge conditions of Listed Building Consent should, if it is considered, be dealt with by Officers, based on specialist advice. This approach is considered proportionate and consistent with Government guidance because these application types rarely raise strategic planning issues capable of meeting the Gateway Test.

6.30 It is recommended that responses to consultations by other boroughs would be determined by Officers, as per current practice.

#### Proposed Gateway Request

6.31 Members currently have ‘call in’ powers for planning applications, subject to certain criteria and timeframe. This is not an automatic right to have an application considered and determined by Planning Sub Committee. It is a right to ask the Director of Built Environment & Highways, or Head of Development Management, to discuss the planning application with the Chair of the Planning Sub Committee, and for the Chair to decide if the case should be referred to Planning Sub Committee or not. In reaching their decision the Chair of Planning Sub Committee must currently have regard to the criteria set out in Part 5 Section E (Planning Protocol) of the Constitution i.e. whether the:

- Proposal is a significant development which has caused substantial local interest;

- Officer recommendation is for approval contrary to policy in the Development Plan or other adopted guidance; and
- Application is recommended for approval [Applications that are to be refused by Officers under delegated authority will not normally be determined at Planning Committee]

- 6.32 The Government has made it clear that an automatic right to call-in cases to Planning Committee for decision will not be available to Members in the future. It is recommended, however, that we introduce a 'Gateway Request' process which would allow Members to request that Schedule 2 applications (with the exception of those for Advertisement Consent, works to TPO trees and other protected trees, Listed Building Consent, plus applications to vary or discharge conditions of listed building consent) be considered under the Gateway Test, as set out in para 6.17 above. This would be similar to our existing arrangements in this regard.
- 6.33 The Gateway Request would require a councillor of the ward within which the application site is situated, to submit a written request setting out the planning reasons why it is considered that the matter should be referred to the Planning Sub Committee before the expiry of the statutory consultation period for the application. That case would then be considered by the Nominated Officer and the Nominated Member, to decide if the case should be referred to Planning Sub Committee for determination.
- 6.34 A Gateway Request would not constitute a member call-in and would not create any entitlement for an application to be determined by Planning Sub Committee. Rather, it would provide a mechanism for ward councillors to request that a Schedule 2 application be assessed by the Nominated Member and Nominated Officer against the Gateway Test, who would determine whether referral to Planning Sub Committee is justified.

### Proposed decision route for Council's Own applications

- 6.35 The Regulations provide that Council's own-interest applications and those made by Members or Officers of the authority that are not referred to a planning committee following agreement by the Nominated Member and Nominated Officer or their nominated substitute(s) shall be determined by Officers; however the Nominated Member and the Nominated Officer; or their Nominated Substitute(s) may agree to refer an own-interest application. This would be similar to the process currently operating.

### The Size of Planning Committee

- 6.36 The Regulations also set the maximum number of members which may sit on a planning committee of a local authority in England; which is 13. This measure is intended to allow planning committees to operate more efficiently and improve the quality of decision making. The council's existing Planning Protocol, 2025, within its Constitution, states that there are 11 Members of the Sub Committee; which accords with the requirements of the new Regulations.

### What needs to change to ensure lawful decisions are made

6.37 Part 3, Section B, of the Constitution 'Responsibility for Functions' and Part 5, Section E, 'Planning Protocol' will need to be amended to implement the new arrangements from 31 October 2026. The proposed changes are set out in Appendix 1 attached to this report.

6.38 Part 5, Section E, of the Constitution sets out the Planning Protocol. The Protocol sets out expected behaviour in relation to applicants, residents and other third parties, to ensure probity of planning transactions and the highest standards expected in public office. It also sets out how planning applications will be determined, including how applications can be referred to Planning Sub Committee for consideration and decision, and how the Planning Sub Committee will exercise functions delegated to it. This will need to be amended to reflect the new arrangements, as set out in Appendix 1.

## Engagement

6.39 Officers presented the Government's technical consultation in connection with the proposed reform of planning committees to Strategic Planning Committee on 7 July 2025; and also provided an update to the Strategic Planning Committee on 13 July 2026 on the draft Regulations. Comments made by Members were responded to at the meetings and have also been considered in drafting this report. As referred to above the council submitted a formal response to MHCLG in response to the technical consultation.

6.40 These matters have been considered by the Constitutional Working Group, whose comments have been taken into account and, on which basis, have agreed that the report should be reported to Standards Committee for their consideration.

## Monitoring and Review

6.41 The Regulations require that by 31<sup>st</sup> October 2028 the Secretary of State must carry out a review of the Regulations and publish a report setting out the conclusion of the review, having regard to the objectives intended to be achieved by the Regulations.

6.42 The Regulations do not specifically require local planning authorities to keep a record of the applications considered under the Gateway Test, however the explanatory memorandum to the Regulations is clear, that in order for the Secretary of State to carry out their review (and also in the interest of transparency for residents and all stakeholders), LPAs will be required, as a minimum, to keep a record of the cases the Nominated Officer and Nominated Member have considered for referral to committee, the outcome of their consideration and the reasons for their decision. It will be required for Officers to report this information to the Planning Sub Committee on a regular basis, and make it available on our website. They will also monitor it through routine

engagement with local planning authorities, developers and other key stakeholders.

- 6.43 The detail for how the record keeping would best work is currently being worked up by Officers.
- 6.44 The Government will also collect data on appeals where decisions have been made by committees.

#### Member training

- 6.45 The Government reports that the consultation showed that there was strong support for mandatory training of planning committee members to improve their understanding of planning, with a range of views expressed. The matter is still under final consideration by the Government and mandatory training is likely to be introduced, in the future. In the meantime Haringey will proceed on the basis of the current Constitution, which requires Planning Sub Committee and substitutes to be trained before making decisions on planning applications at Planning Sub Committee, and to undertake training hours during the municipal cycle.

### **7. Contribution to strategic outcomes**

- 7.1 The Development Management and Planning Enforcement services contribute to the Corporate Delivery Plan's focus on tackling inequality, climate justice and health across all of the various themes.

### **8. Carbon and Climate Change**

- 8.1 The recommendations will change council procedures but will not impact on carbon and climate change. The policies relating to carbon and climate change used to determine planning applications are set out in the council's Local Plan, and the London Plan, which is not the subject of this report. All planning decisions must have the appropriate regard to the Development Plan, regardless of whether the decision is delegated to Officers or decided by Planning Sub Committee.

### **9. Statutory Officers comments Finance, Procurement, Legal and Equalities**

#### **Finance**

- 9.1 There are no financial issues arising.

#### **Director of Legal and Governance**

- 9.2 Sections 319ZZC to 319ZZF of the Town and Country Planning Act 1990 (introduced through section 54 of the Planning and Infrastructure Act 2025) and the Regulations introduce a national scheme of delegation for planning functions and require the Council to make arrangements that are consistent with those Regulations before they come into force on 31 October 2026. The proposed amendments to the Constitution are intended to give effect to those statutory requirements.

- 9.3 The Statutory Guidance notes that where a local planning authority does not comply with the Regulations and a planning committee determines an application that should have been delegated to an officer, the resulting decision may be challenged by way of judicial review and could be quashed by the Court.
- 9.4 In accordance with the Constitution, changes to the Constitution may only be approved by Full Council following recommendation by the Standards Committee and advice from the Monitoring Officer. It is therefore appropriate that proposed amendments set out in this report are first considered by Standards Committee before being referred to Full Council for determination.

### **Equality**

- 9.3 The council has a Public Sector Equality Duty (PSED) under the Equality Act (2010)
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
  - Advance equality of opportunity between people who share protected characteristics and people who do not
  - Foster good relations between people who share those characteristics and people who do not
- 9.4 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.
- 9.5 Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.
- 9.6 The decision to amend the Constitution is likely to positively impact all users, including those that may find the process complex by making it easier and clearer regarding how residents can engage with planning processes and whether a planning application will be determined by officers or planning committee. This decision does not change how people and communities are consulted on planning applications and this will continue as per existing procedures.

### **Procurement**

- 9.7 There are no procurement issues arising.

## **10. Local Government (Access to Information) Act 1985**

- 10.1 None

## **11 Appendices**

Appendix 1: Constitution and Planning Protocol Changes

12 Background Papers

None.

## **Appendix 1**

### **Constitution and Planning Protocol Changes**

Section E of Part Five of the Constitution - Planning Protocol

#### **CURRENT**

## **2. PLANNING FUNCTIONS**

### **Administration of Planning Functions in Haringey**

2.04. The performance of the Council's planning function is largely delegated to the Planning Sub-Committee, and to officers of the Council pursuant to arrangements made under Section 101 of the Local Government Act 1972. Approximately 9 out of 10 planning decisions in Haringey are made by officers, through authority delegated to them by the Council. This level of delegated decision making is consistent with other Councils across the Country and allows the majority of planning decisions to be determined promptly, allowing Members of the Committee to focus on the most significant and controversial proposals.

### **Referring applications to the Planning Sub-committee**

2.09 All Members of the Council receives copies of the weekly list detailing the applications that have been received.

2.10 Any Member and/or a local community body and/or a local residents association may request that an application is determined by the Planning Sub-Committee instead of officers under delegated authority by notifying in writing, within the statutory consultation period for the application, the Director of Planning & Building Standards/Head of Service stating the planning reasons for such request.

2.11 The Director of Planning & Building Standards or the Head of Service shall, in consultation with the Chair of the Planning Sub-Committee, determine whether the request should be granted and the application referred to the Planning Sub-Committee to determine. In determining whether to grant a request, officers and the Chair of the Planning Sub-Committee shall have regard to whether the:

- proposal is a significant development which has caused substantial local interest;

- officer recommendation is for approval contrary to policy in the Development Plan or other adopted guidance; and

- application is recommended for approval

- 2.12 The Director/Head of Service may also exercise their judgement, in consultation with the Chair of the Planning Sub Committee, to refer a matter to the Planning Sub Committee rather than be determined through officer delegation, even if a Member has not requested this, pursuant to paragraph 2.07 of Section E (Scheme of Delegation) of Part Three of the Council's Constitution.

## PROPOSED

Section 2 of the current Planning Protocol will be changed to (deleted text has been struck through; new text is in italics) **with effect from 31 October 2026:**

## 2. PLANNING FUNCTIONS

### Administration of Planning Functions in Haringey

- 2.04. The performance of the Council's planning function is largely delegated to officers of the Council pursuant to arrangements made under Section 101 of the Local Government Act 1972 *and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (See table below)*. Approximately 9 out of 10 planning decisions in Haringey are made by officers, through authority delegated to them by the Council. This level of delegated decision making is consistent with other Councils across the Country and allows the majority of planning decisions to be determined promptly, allowing Members of the Committee to focus on the most significant proposals.

### *Schedule 1 and Schedule 2 and Own-Interest Applications*

- 2.09 All Members of the Council receive copies of the weekly list detailing which applications have been received. *The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 requires applications identified in Schedule 1 to the Regulations summarised in the table below to be determined by officers and Schedule 2 also summarised below, unless the Nominated Member (Chair or in their absence the Vice-Chair of the Planning Sub-Committee) and the Nominated Officer (Head of Development Management and Planning Enforcement or in their absence the Director of Built Environment & Highways or one of the team managers within the Development Management Service) agree that the application should be referred to Planning Sub Committee.*

| Category   | Delegated to | Application type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Schedule 1 | Officers     | <ol style="list-style-type: none"> <li>1. Certificates of <b>appropriate alternative development</b></li> <li>2. An application made under section 26H (1) of the Listed Buildings Act (<b>certificate of lawfulness</b> of proposed works)</li> <li>3. A <b>householder</b> application</li> <li>4. A <b>minor commercial</b> application (floorspace less than 1,000 sq.m. on a site less than 1 hectare)</li> <li>5. A <b>minor residential</b> application (between one and 9 dwellings on a site less than 0.5 hectare)</li> <li>6. An application for <b>permission in principle</b></li> <li>7. An application made under section 73(1) of Town and Country Planning Act (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 – i.e. <b>material amendments</b></li> <li>8. An application made under section 96A (4) of TCPA 1990 (non-material changes to planning permission or permission in principle) i.e. <b>non-material amendments</b></li> <li>9. In respect of a <b>planning obligation</b> that the authority considers is connected with a Schedule 1 approval— <ol style="list-style-type: none"> <li>(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)</li> <li>(b) an application to modify or discharge that obligation under section 106A (3) of TCPA 1990 (modification and discharge of planning obligations)</li> </ol> </li> <li>10. An application made under section 191(1) of TCPA 1990 (<b>certificate of lawfulness of existing use or development</b>)</li> <li>11. An application made under section 192(1) of TCPA 1990 (<b>certificate of</b></li> </ol> |

|            |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                                                                                                                                                                                                                               | <p><b>lawfulness of proposed use or development)</b></p> <p>12. The submission of a <b>biodiversity gain plan</b> under paragraph 13(2)(a) of Schedule 7A to TCPA 1990</p> <p>13. <b>A reserved matters approval application</b> in respect of an outline planning permission, other than a large outline permission</p> <p>14. An application made under article 27 (1) of the Development Management Procedure Order (applications made under a <b>planning condition</b>)</p> <p>15. An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015(21) for—<br/> (a) <b>prior approval</b>, or<br/> (b) a <b>determination as to whether prior approval is required</b>.</p>                                                                                                                                                                                                                                                                            |
| Schedule 2 | <p>Officers <b><u>UNLESS</u></b> the Chair of the Planning Sub-committee and the Director of Built Environment &amp; Highways (or their substitute(s)) decide the application should be referred to a planning committee'</p> | <ol style="list-style-type: none"> <li>1. <b>An application for listed building consent</b> made under section 10(1) of the Listed Buildings Act (making of applications for listed building consent).*</li> <li>2. An application made under section 19(1) of the Listed Buildings Act (<b>variation or discharge of conditions of listed building consent</b>).*</li> <li>3. An application for planning permission that the authority considers is connected with an application specified in 1 or 2.</li> <li>4. An application for planning permission that is <b>not</b>—<br/> (a) <b>a householder application,</b><br/> (b) <b>a minor commercial application, or</b><br/> (c) <b>a minor residential application.</b></li> <li>5. An application made under section 73(1) of TCPA 1990 i.e. <b>material amendment application</b> (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 2 planning permission.</li> </ol> |

|                           |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                           |                                                                                                                                                                                                                               | <p>6. An application made under section 73A (1) of TCPA 1990 i.e. <b>material amendment application</b> (planning permission for development already carried out)</p> <p>7. In respect of a <b>planning obligation</b> that the authority concerned considers is connected with a Schedule 2 approval—<br/>         (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);<br/>         (b) an application to modify or discharge that obligation under section 106A (3) of TCPA 1990 (modification and discharge of planning obligations).</p> <p>8. <b>A reserved matters approval application</b> in respect of a large outline permission (at least 500 homes and/or 50,000m2 floorspace created)</p> <p>9. An application made under regulation 9 (1) of the Town and Country Planning (<b>Control of Advertisements</b>) (England) Regulations 2007 (application for express consent to display advertisement)*</p> <p>10. An application made under regulation 16 (1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (<b>application for consent under tree preservation order</b>)*</p> |
| Own-interest applications | <p>Officers.</p> <p><b>UNLESS</b> the Chair of the Planning Sub-committee and the Director of Built Environment &amp; Highways (or their substitute(s)) decide the application should be referred to a planning committee</p> | Schedule 1 and/or Schedule 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

## Gateway Test

- 2.10 *Deciding which Schedule 2 or Own-Interest applications are to be referred to Planning Sub Committee is referred to in the statutory guidance issued by the Secretary of State, which states that regard must be had to the 'Gateway Test'.*

*The matters for consideration at the Gateway Test are whether 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 consideration*

*The statutory guidance provides that the following circumstances are unlikely to raise a significant planning matter:*

- 1. 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;*
- 2. 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).*

## Gateway Request

- 2.11 *For Schedule 2 applications (\* with the exception of applications for Advertisement Consent, Listed Building Consent, applications to vary/modify applications to discharge conditions for a listed building consent, works to a tree protected under a TPO and works to a tree located within a conservation area) any Member of the ward within which the application site is situated may make a 'Gateway Request', asking that the application be considered by the Nominated Member and Nominated Officer against the Gateway Test. The request must be in writing within the statutory consultation period for the application, and set out the planning reasons why it is considered that the matter should be referred to the Planning Sub Committee for decision. A Gateway Request does not confer any entitlement for the application to be referred to Planning Sub Committee and does not constitute a member call-in. The Nominated Member and Nominated Officer shall determine whether referral is justified having regard to the Gateway Test.*

### *Own-Interest Applications*

2.12 *The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 do not require that the Nominated Member and Nominated Officer consider the Gateway Test when deciding whether a Schedule 1 or 2 application made by or on behalf of the Council, a member or officer or the Council, a member or an officer has an interest in should be referred to the Planning Sub-committee, but the statutory guidance provides that such applications may be referred in the interests of transparency and public accountability.—Any Member and/or a local community body and/or a local residents association may request that an application is determined by the Planning Sub-Committee instead of officers under delegated authority by notifying in writing, within the statutory consultation period for the application, the Director of Planning & Building Standards/Head of Service stating the planning reasons for such request. The Director of Planning & Building Standards or Head of Service Chair of the Planning Sub-Committee, officers and the Chair of the Planning Sub-Committee the:*

~~- proposal is a significant development which has caused substantial local interest; officer recommendation is for approval contrary to policy in the Development Plan or other adopted guidance; and~~

~~- application is recommended for approval~~

~~The Director of Built Environment & Highways/Head of Service may also exercise their judgement, in consultation with the Chair of the Planning Sub Committee, to refer a matter to the Planning Sub Committee rather than be determined through officer delegation, even if a Member has not requested this, pursuant to paragraph 2.07 of Section E (Scheme of Delegation) of Part Three of the Council's Constitution.~~

### **CURRENT CONSTITUTION WORDING:**

Section B of Part Three of the Constitution - Responsibility for Functions: Full Council & Non-Executive Bodies.

## **SECTION 2 – COMMITTEES**

### **8. The Strategic Planning Committee**

There is a Protocol outside this Constitution setting out how the Strategic Planning Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

There is also a Protocol setting out how members of the Planning Sub-Committee will exercise any functions delegated to the Sub-Committee, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office, which will also be followed by members of Strategic Planning Committee when exercising the same functions as the Sub-Committee. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

The Strategic Planning Committee has all the functions which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1, Paragraph A (Town and Country Planning) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations. This includes Planning related Regulatory matters.

### **SECTION 3 - SUB-COMMITTEES AND PANELS**

#### **Section 4.2 Planning Sub-Committee**

There is a Protocol setting out how members of the Planning Sub-Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

The Sub-Committee has all the functions which are set out below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations (references to paragraphs are to those in Schedule 1):

(a) paragraph A - Town Planning Functions

(A) planning applications for the erection of 10 or more dwellings and where the officer recommendation is for approval;

(B) planning applications for changes of use of 1000 sq. metres or more of gross internal floor space and where the officer recommendation is for approval;

(C) planning applications for the erection, or extension of non-residential buildings where the new build is 1000 sq metres or more of gross internal floor space and where the officer recommendation is for approval;

(D) unless otherwise agreed with the Chair of the Planning Sub-Committee, planning applications either:

- (i) for major development as defined by the Town and Country Planning (Development) Management Procedure (England) Order 2015 (or any replacement legislation) and where the officer recommendation is for approval; or
- (ii) where a legal agreement relating to that development is required; or
- (iii) where the recommended decision would be contrary to the development plan;
- (E) unless otherwise agreed with the Chair of the Planning Sub-Committee, applications submitted by, or on behalf of the Council;
- (F) planning applications on Council owned land, where the Council is not the applicant, where significant material planning objections are received during the consultation process and which the Assistant Director or Head of Development Management, in consultation with the Chair of the Planning Sub-Committee, determines should be subject to members' consideration;
- (G) planning applications submitted by or on behalf of members; or employees within the Planning Service or senior employees elsewhere in the Council; or their spouses, parents or children;
- (H) any planning application to amend an application or vary conditions or a legal agreement previously decided/imposed by Planning Sub-Committee and which the Assistant Director or Head of Development Management, in consultation with the Chair of the Planning Sub-Committee, considers to constitute a major or significant change;
- (I) any planning application where there have been objections from a single councillor of the Ward within which the application site is situated and/or a local community body and/or a local residents' association, and a written request setting out the planning reasons for the matter to be referred to the Planning Sub-Committee has been made before the expiry of the consultation period, and which the Assistant Director or Head of Development Management in consultation with the Chair of the Planning Sub-Committee considers should be referred to the Planning Sub-Committee for determination;
- (b) paragraph B - Power to amend; For the avoidance of doubt, the Assistant Director or Head of Development Management is authorised after a Planning Sub-Committee determination to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions (and to authorise any such changes requested by the GLA or government body) (and to further sub-delegate this power) provided this authority shall be exercised after consultation with the Chair (or in their absence the vice-Chair) of the Sub-Committee.

## **PROPOSED CONSTITUTION WORDING:**

Sections 2 and 3 of Section B of Part Three of the Constitution will be changed as set out below **(deleted text has been struck through; new text is in italics), with effect from 31 October 2026:**

## **SECTION 2 – COMMITTEES**

## 8. The Strategic Planning Committee

There is a Protocol outside this Constitution setting out how the Strategic Planning Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

There is also a Protocol setting out how members of the Planning Sub-Committee will exercise any functions delegated to the Sub-Committee, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office, which will also be followed by members of Strategic Planning Committee when exercising the same functions as the Sub-Committee. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution. ~~The Strategic Planning Committee has all the functions which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1, Paragraph A (Town and Country Planning) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations. This includes Planning related Regulatory matters.~~

*The Planning Sub Committee has power to determine those applications identified in paragraph (a) (Schedule 2 Applications) and (b) (Own-Interest Applications) of section 4.2 (Planning Sub-committee) of this Part of the Constitution that the nominated member and the nominated officer agree requires reporting to and determination by the Strategic Planning Committee, because 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; and for own-interest applications, is in the interests of transparency and public accountability.*

## SECTION 3 - SUB-COMMITTEES AND PANELS

### Section 4.2 Planning Sub-Committee

There is a Protocol setting out how members of the Planning Sub-Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

~~The Sub-Committee has power to determine: in Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations (references to paragraphs are to those in Schedule 1):~~

~~(a) paragraph A—Town Planning Functions~~

*(a) Schedule 2 Applications*

*Those applications in Schedule 2 of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 listed below that the Nominated Member and the Nominated Officer agree requires reporting to and determination by the Planning Sub-Committee, because 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:*

- 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 (i) a householder application, (ii) a minor commercial application, or (iii) a minor residential application*
- 5. An application made under section 73(1) of the Town and Country Planning Act 1990 ("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*
- 6. An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out*
- 7. In respect of a planning obligation that is considered is connected with a Schedule 2 approval, a request to agree to modify or remove that obligation under section 106A(1)(a) or section 106A(3) of TCPA 1990*
- 8. A reserved matters approval application in respect of a large outline permission [at least 500 homes and/or 50,000m<sup>2</sup> floorspace created]*
- 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)*

*(b) Own-Interest Applications*

*An application listed in paragraph (a) above or in Schedule 1 of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 listed below, made by or on behalf of the Council, a member or officer/the Council, a member or an officer has an interest in, that the Nominated*

*Member and the Nominated Officer agree requires reporting to and determination by the Planning Sub-Committee [in the interests of transparency and public accountability].*

- 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. 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*
- 8. An application made under section 96A (4) of TCPA 1990 (non-material changes to planning permission or permission in principle)*
- 9. In respect of a planning obligation that is considered is connected with a Schedule 1 approval, a request to agree to modify or discharge that obligation under section 106A(1)(a) or section 106A (3) of TCPA*
- 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 DMPO (applications made under a planning condition)*
- 15. An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015(d) for prior approval, or a determination as to whether prior approval is required*

*The Nominated Member is the Chair (or in their absence the vice-Chair) of the Planning Sub Committee and the Nominated Officer is the Head of Development Management and Planning Enforcement (or in their absence the Director of Built Environment & Highways or one of the team managers within the Development Management Service).*

*The Nominated Officer shall keep a record of the applications that the Nominated Officer and Nominated Member agreed should be referred to Planning Sub Committee, the Sub-committee's decision regarding such applications and reasons, which shall be reported to the Planning Sub Committee on a regular basis and made available on the Council's website.*

~~(A) planning applications for the erection of 10 or more dwellings and where the officer recommendation is for approval;~~

~~(B) planning applications for changes of use of 1000 sq. metres or more of gross internal floor space and where the officer recommendation is for approval;~~

~~(C) planning applications for the erection, or extension of non-residential buildings where the new build is 1000 sq metres or more of gross internal floor space and where the officer recommendation is for approval;~~

~~(D) unless otherwise agreed with the Chair of the Planning Sub-Committee, planning applications either:~~

~~(i) for major development as defined by the Town and Country Planning (Development) Management Procedure (England) Order 2015 (or any replacement legislation) and where the officer recommendation is for approval; or~~

~~(ii) where a legal agreement relating to that development is required; or~~

~~(iii) where the recommended decision would be contrary to the development plan;~~

~~(E) unless otherwise agreed with the Chair of the Planning Sub-Committee, applications submitted by, or on behalf of the Council;~~

~~(F) planning applications on Council owned land, where the Council is not the applicant, where significant material planning objections are received during the consultation process and which the Assistant Director or Head of Development Management, in consultation with the Chair of the Planning Sub-Committee, determines should be subject to members' consideration;~~

~~(G) planning applications submitted by or on behalf of members; or employees within the Planning Service or senior employees elsewhere in the Council; or their spouses, parents or children;~~

~~(H) any planning application to amend an application or vary conditions or a legal agreement previously decided/imposed by Planning Sub-Committee and which the Assistant Director or Head of Development Management, in consultation with the Chair of the Planning Sub-Committee, considers to constitute a major or significant change;~~

~~(I) any planning application where there have been objections from a single councillor of the Ward within which the application site is situated and/or a local community body and/or a local residents' association, and a written request setting out the planning reasons for the matter to be referred to the Planning Sub-Committee has been made before the expiry of the consultation period, and which~~

~~the Assistant Director or Head of Development Management in consultation with the Chair of the Planning Sub Committee considers should be referred to the Planning Sub Committee for determination;~~

*For the purposes of clarity:*

- 1. Planning obligations connected with major planning applications will, if the Nominated Member and Nominated Officer agree that such application should be referred to the Planning Sub Committee, be considered by the Planning Sub Committee when determining the application.*
- 2. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 provides that the applications identified in Schedule 1 of the Regulations must be determined by officers unless made by or on behalf of the Council, a member or officer/the Council, a member or an officer has an interest in the application; in which case the Gateway Test is engaged.*
- 3. The Nominated Officer and the Nominated Member should make every effort to reach agreement on which cases should be referred to committee. However, where agreement is not possible, the case must be determined by officers.*
- 4. Responses on planning consultations from other boroughs are to be determined by Officers.*