



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	PLANNING & LICENSING COMMITTEE – 9 SEPTEMBER 2026 COUNCIL – 23 SEPTEMBER 2026
Subject	RECOMMENDATIONS FROM THE CONSTITUTION WORKING GROUP – NATIONAL SCHEME OF DELEGATION FOR PLANNING FUNCTIONS
Wards affected	District-wide
Accountable member	Councillor Mike Every, Chair of the Constitution Working Group Email: Mike.Every@Cotswold.gov.uk
Accountable officer	Angela Claridge, Director of Governance and Development Email: Democratic@Cotswold.gov.uk
Report author	Simon Harper, Head of Democratic and Electoral Services Email: Democratic@Cotswold.gov.uk
Summary/purpose	To present recommendations from the Constitution Working Group in relation to the changes required to the Council Constitution to implement the National Scheme of Delegation for Planning Functions.
Annexes	Annex A – Part 5E: Planning Protocol, with proposed changes shown. Annex B – Part C4 non-executive scheme of officer delegation relating to Planning.
Recommendation	That Council resolves to: 1. Make the changes to the Planning Protocol in Part 5E of the Council Constitution shown at Annex A. 2. Make the changes to the non-executive scheme of officer delegation relating to Planning in Part C4 of the Council Constitution shown at Annex B.
Corporate priorities	• Delivering Good Services • Supporting Communities



COTSWOLD

District Council

Key Decision	NO
Exempt	NO
Consultees/ Consultation	Constitution Working Group Head of Planning Services Lead Lawyer - Planning



1. EXECUTIVE SUMMARY

- 1.1** Council is recommended by the Constitution Working Group to consider amendments to the Planning Protocol in Part 5E and non-executive scheme of officer delegation relating to Planning in Part C4 of the Council Constitution.

2. BACKGROUND

- 2.1** Through the Planning and Infrastructure Act 2025 and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, the Government is introducing measures regarding the role of planning committees.
- 2.2** The new scheme is known as the 'National Scheme of Delegation' and requires councils to have regard to the regulations in the operation of its planning committee.
- 2.3** The Constitution Working Group met on 30 July 2026 and 19 August 2026 to consider the changes required to the Council Constitution to implement the National Scheme of Delegation from 31 October 2026.

3. NATIONAL SCHEME OF DELEGATION FOR PLANNING FUNCTIONS

- 3.1** The National Scheme of Delegation limits planning committees to major or strategic applications with other applications delegated to officers. Applications will be categorised into two types: Schedule 1 and Schedule 2.
- 3.2** Schedule 1: officer delegations will be mandatory for householder extensions and residential schemes up to nine homes (including discharge of conditions for those applications). Local political call-in or objection number triggers will no longer apply.
- 3.3** Schedule 2: officer delegation is presumed for larger or sensitive developments including major projects and listed building consents. Applications can only be considered by the planning committee if a nominated planning officer and a nominated committee member mutually agree that it has local significance or raises a major planning issue (commonly referred to as the 'gateway test'). In the event of disagreement, the view of the nominated planning officer takes precedence.
- 3.4** Applications from members and officers, referred to as own-interest applications, will be subject to the 'gateway test'.



- 3.5** Planning committees will have a maximum size of 13 members and there will be mandatory training requirements.

4. PLANNING PROTOCOL

- 4.1** The Planning Protocol at Part 5E of the Council Constitution has been amended to reflect the requirements of the National Scheme of Delegation for Planning Functions. The changes include reference to the 'gateway test' that requires the nominated member and nominated officer to determine the outcome of referrals.
- 4.2** The nominated member will be the Chair of the Planning and Licensing Committee, or in their absence, the Vice-chair of the Planning and Licensing Committee. The nominated officer will be the Head of Planning Services, or in their absence, the Assistant Director – Planning. Where no nominated substitute is available or able to act, consideration will be deferred until an alternative member or officer, as appropriate, has been appointed.
- 4.3** Where a call-in is made under the gateway test, the outcome of the gateway meeting will be recorded against the planning application. All referrals and outcomes of Gateway review meetings will be reported to the Planning and Licensing Committee on at least a quarterly basis.
- 4.4** As part of the call-in process, a member could indicate whether they would wish an application to be subject to a Sites' Inspection Briefing.
- 4.5** The call-in process will in future simply require members to send an email to CDC.PlanningReviewPanel@cotswold.gov.uk. It will no longer be necessary to make a request through the portal.
- 4.6** Members of the Constitution Working Group propose that the Chair of the Planning and Licensing Committee should have the casting, or second vote, in the event of a tied vote on an application being considered by the committee. This is in line with the procedure rules in Part D1 16.2 Part D5 1.1 of the Council Constitution. At present, the application is referred to Council for determination but this is no longer possible.
- 4.7** It was noted that, in practice, a tied vote was very rare at the Planning and Licensing Committee.



5. NON-EXECUTIVE OFFICER SCHEME OF DELEGATION

- 5.1** The non-executive officer scheme of delegation relating to Planning in Part C4 of the Council Constitution has been amended to reflect the requirements of the National Scheme of Delegation for Planning Functions.
- 5.2** The members of the Constitution Working Group noted that it is best practice to bring Planning enforcement powers together in the non-executive officer scheme of delegation. The opportunity has therefore been taken to do this – they are at 9 A, B, C, D, E and F under Enforcement of Planning Control.

6. COMMUNICATIONS

- 6.1** A member briefing on the changes to how planning applications will be considered by the Council will be provided ahead of their introduction on 31 October 2026.
- 6.2** Information on the changes will be provided at upcoming parish and town council forum events.

7. ALTERNATIVE OPTIONS

- 7.1** The Council has no choice but to implement the provisions of the National Scheme of Delegation for Planning Functions.

8. FINANCIAL IMPLICATIONS

- 8.1** The implementation of the National Scheme of Delegation for Planning Functions is likely to result in fewer planning applications being considered by the Planning and Licensing Committee. This may mean that monthly meetings are no longer required resulting in less officer time in facilitating and supporting meetings.

9. LEGAL IMPLICATIONS

- 9.1** Full Council, through its responsibilities as set out in the Constitution, recognises the requirement to observe specific requirements of legislation and the general responsibilities placed on the Council by public law, but also accepting responsibility to use its legal powers to the full benefit of the citizens and communities in its area.
- 9.2** Section 9P Local Government Act 2000 requires the Council to keep its Constitution up to date.



COTSWOLD
District Council

10. RISK ASSESSMENT

10.1 The recommendations are intended to reduce risks to the Council, specifically in relation to regulatory decision making.

11. EQUALITIES IMPACT

11.1 There are no differential impacts on groups with protected characteristics.

12. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

12.1 No climate and ecological emergencies implications have been identified.

13. BACKGROUND PAPERS

13.1 Ministry of Housing, Communities and Local Government – Planning Committees and the National Scheme of Delegation: guidance for local authorities.

(END)