

City of London Corporation Committee Report

Committee(s): Planning and Transportation Committee – For Decision	Dated: 22 June 2026
Subject: Reform of Planning Committees – Outcomes and Proposed Implementation	Public report: For Decision
This proposal: provides statutory duties and business enabling functions	
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	£N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain’s Department?	N/A
Report of:	Town Clerk; Comptroller & City Solicitor and Executive Director of Environment
Report author:	Gemma Stokley; Fleur Francis;

Summary

Following the Planning and Infrastructure Act 2025 and subsequent government consultations, major reforms are being implemented to the English planning system to speed up housing delivery and standardise decision-making.

A core component of this reform is the modernisation of planning committees, specifically (i) the compulsory delegation of certain planning decisions to Officers (ii) a “gateway” mechanism whereby the nominated member and nominated officer may refer other planning decisions to a committee or sub-committee if they meet specified criteria; and (iii) a statutory limit of 13 members on any committee making planning decisions on matters referred to them by the nominated member and nominated officer.

This report seeks to further outline the new requirements and the proposed steps for local adoption, with a view to ensuring that the governance framework is in place to enable compliance and ensure the lawful discharge of the City’s local planning authority functions from the date the new legislation takes effect. Approval is sought to progress the establishment of a new Planning Applications Sub-Committee and the governance framework set out within the report.

This report also responds to the Policy & Resources Committee resolution of the 19th of February 2026 seeking advice as to whether a deadline for objections/representations could be captured within the Planning Protocol and requesting that

the current provision of printed packs be reviewed. Your committee of the 13th of March 2026 resolved to consider the points raised through the resolution. This report addresses the same with subsequent amendments to the Planning Protocol proposed.

Recommendation(s)

Members of the Planning and Transportation Committee and Policy & Resources Committee are asked to consider and recommend to the Court of Common Council:

- 1) a reduction to the size of the Planning Applications Sub-Committee to 11 Members and to amend its Terms of Reference and Officer Scheme of Delegation so as to meet the requirements set out within the new legislation, as follows:
 - (a) The approval of the necessary changes to the Terms of Reference for Planning and Transportation Committee (**Appendix 1**) and Planning Applications Sub-committee (**Appendix 2**) and the Officer Scheme of Delegations (**Appendix 3**), (subject to any amendments proposed by your committee) to enable compliance with the new requirements for the discharge of local planning authority functions set out in the Town and Country Planning (Discharge of Local Authority Functions) Regulations 2026 (“the Regulations”);
 - (b) to authorise the Town Clerk, in consultation with the Chair and Deputy Chair of Planning and Transportation Committee, to make any further amendments as may be required in the event of the made Regulations and related Guidance (expected in October 2026) containing different provisions to the drafts referred to in this report; and
 - (c) all future amendments to the constitution of the Planning Applications Sub-Committee to sit within the remit of the Planning and Transportation Committee, bringing its governance in line with its other Subs;
- 2) Confirm that all planning functions not dealt with by the Regulations will continue to be exercised in line with current arrangements (subject to the minor modifications shown tracked), as set out in **Appendix 3** (Scheme of Delegation).

Members of Planning & Transportation Committee are asked to:

- 3) Nominate the Chair of Planning and Transportation Committee to act as the nominated member for the purposes of discharging local planning authority functions as required by the Regulations
- 4) Provide for the Deputy Chair of Planning and Transportation Committee to be the substitute nominated member for the purposes of discharging local planning authority functions as required by the Regulations
- 5) Nominate the Planning and Development Director to act as the nominated officer for the purposes of discharging local planning authority functions as required by the Regulations
- 6) Provide for the Assistant Director Planning Performance and the Assistant Director (Development Management) to be the substitute nominated officers for

the purposes of discharging local planning authority functions as required by the Regulations

- 7) Approve the necessary changes to the Planning Protocol (**Appendix 4**) to reflect the requirements of the Regulations
- 8) Approve the changes to the Planning Protocol (**Appendix 4**) to set a deadline for the submission of late objections/representations in advance of a committee meeting with provision to accept late objections/representations only in exceptional circumstances at the discretion of the Chair on the advice of the Planning and Development Director (or in their absence respectively the Deputy Chair and Assistant Director of Planning Performance/Assistant Director (Development Management))
- 9) Continue to mandate in-house training for those elected to the Planning Applications Sub-Committee until such time as further detail on a national certification framework is released
- 10) Instruct officers, in consultation with the Chair and Deputy Chair, to explore and progress proposals, as considered appropriate, to seek changes to relevant governance documents that will allow positions exclusively held by the Chair of the Planning and Transportation Committee, to be opened up to the wider Committee membership
- 11) Agree that the provision of printed consultation responses/representations (i.e. the “Comments Packs”) no longer need to be provided for members of the Planning Applications Sub-Committee or the public, but that these will still be circulated to members electronically and a limited number of hard copies will be made available for inspection at the Guildhall, via the Committee Clerk.

Main Report

BACKGROUND

1. The Government has brought forward proposals to reform the operation of local authority planning committees in England as part of its wider programme of planning reform intended to increase efficiency, consistency, and certainty in decision-making. These reforms are enabled by powers contained in the Planning and Infrastructure Act 2025, which was announced in the King’s Speech as part of the Government’s agenda to modernise the planning system and support housing and infrastructure delivery.
2. Planning committees are recognised by the Government as playing a critical role in maintaining local democratic oversight and public confidence in the planning system. However, the Government has stated that there is significant variation in current committee practices across England, which it considers can lead to delay, inconsistency, and inefficiency in planning outcomes.
3. In May 2025, the Government launched a public consultation titled “Reform of Planning Committees: Technical Consultation”. This consultation sought views on how the new powers in the Planning and Infrastructure Act 2025 should be used in practice, focusing on three core areas:

- the delegation of planning functions,
 - the size and composition of planning committees, and
 - training requirements for committee members.
4. The consultation detailed a tiered approach to the national scheme of delegation with Tier A applications being determined by officers and Tier B which could be referred to planning committee through a gateway process, a proposed size for the planning committee of 8-11 members, and the intention to develop a national planning committee training package and a national certification scheme.
 5. On 26th March 2026, MHCLG issued a four-week consultation on the draft regulations and guidance which would give effect to the planning committee reforms provided for in the Planning and Infrastructure Act 2025. The draft regulations and guidance have been prepared by MHCLG taking account of the responses which were submitted to the May 2025 technical consultation.
 6. The consultation reinforced the principle that planning is inherently a local and democratic activity but highlighted that different local delegation arrangements were creating uncertainty and variation in decision-making standards across authorities. Respondents generally supported reform in principle, particularly the introduction of a more consistent, nationally defined approach to delegation, while expressing a range of views on how flexibility and local accountability should be preserved. The consultation documentation confirms that the measures are intended to give effect to enabling powers already approved by Parliament, rather than to reopen debate on the principle of reform.

SUMMARY OF NEW LEGISLATIVE REQUIRMENTS

7. The Government's published response to the consultation on proposed reforms to planning committees, alongside draft regulations and guidance setting out the intended legislative framework signpost that they intend to proceed with a package of measures aimed at strengthening decision-making, improving consistency, and clarifying the respective roles of councillors and officers in the planning process. The draft regulations indicate that the Government will proceed with a national scheme of delegation and introduce clearer rules on committee size (which would be capped at a maximum of 13 members). The introduction of a new mandatory requirement for planning committee members to be trained is not being taken forward at this time but the response notes the Government will continue to consider this after the implementation of the other reforms.
8. Full details of the draft regulations and guidance can be found here: [Planning committee reform: draft regulations and guidance - GOV.UK](#)
9. The regulations were laid before Parliament on the 1st of June 2026 but have not yet been made. The Government are looking to set a date to bring the regulations into force from 31 October 2026. This will allow time for local authorities over the

summer to make arrangements, such as amending their constitutions, so that planning committees comply with the regulations.

National Scheme of Delegation and “Gateway” mechanism for referral to Committee

10. The legislation and guidance relating to delegations can be found here: [Planning committee reform: statutory consultation on draft Regulations and guidance - GOV.UK](#)
11. In summary, **Schedule 1** of the draft Regulations lists those applications which **must** be determined by an officer. (These are largely minor applications or decisions of a more procedural nature which, unless there were a number of objections, would, under current arrangements, normally be dealt with by officers under their delegated authority). Schedule 1 applications
 - Householder.
 - Applications for certificates of lawfulness of proposed works under the Listed Buildings Act.
 - Applications made under s73(1) to develop land without compliance with conditions previously attached where the original planning permission was a Schedule 1 permission
 - Minor residential and minor commercial development (1-9 dwellings on a site of less than 0.5 hectares) and other minor development to flats.
 - Discharge of conditions.
 - Reserved matter approvals (other than a large outline permission).
 - Lawful development certificates.
 - Certificates of appropriate alternative development.
 - Non-material amendments.
 - Biodiversity gain plans.
 - Prior approval applications.
 - Permission in principle.
 - Changes to S106 obligations connected to the above type applications being amended under S106A.
12. **Schedule 2** lists those types of applications which **may** be referred to a committee or sub-committee if, following a “gateway” process undertaken by the local planning authority’s **nominated officer and nominated member**, they agree the Schedule 2 application raises an issue of economic, social or environmental significance to the local area, or raises a significant planning matter (having regard to relevant government guidance). Any application not referred to committee must be delegated to an officer.

Schedule 2 applications

- Any applications for planning permission not in Schedule 1 or made under s73A(1) (planning permission for development already carried out) or which is associated with a Listed Building Consent application (including an application to vary or discharge conditions of a listed building consent).
- Reserved matters approvals for large outline permission.
- Variations of permissions (S73 applications) in respect of which the original planning permission was a Schedule 2 planning permission.

- Listed building consent (“LBC”)
 - Variation or discharge of conditions to an LBC.
 - Tree preservation order consents.
 - Advertisement consent.
 - Changes to S106 obligations connected to the above type applications being amended under S106A.
13. If an application is made by a ‘linked person’, so someone who works for the authority as an officer or member or are making an application on behalf of the authority, or if it is the view of the nominated member and the nominated officer that the authority or any of its members or officers has an interest in the application it can be referred to the committee or subcommittee, without consideration to the gateway test.
14. If a planning function is not listed in Schedule 1 or Schedule 2, then it’s for the LPA to decide on whether it should be delegated to officers or referred to a committee or sub-committee in their constitution.

PROPOSALS FOR COMPLIANCE WITH THE NEW LEGISLATIVE REQUIREMENTS

Planning Functions not listed in Schedule 1 or Schedule 2 of the Regulations

15. No change is proposed for the discharge of planning functions not listed in Schedule 1 or Schedule 2 (such as decisions in respect of enforcement action, currently delegated under the officer Scheme of Delegation; and decisions in respect of Article 4 Directions, currently not delegated and requiring decision by Planning and Transportation Committee). These would continue to be dealt with in accordance with the existing officer Scheme of Delegation. Relevant sections would be retained unamended, save for some minor amendments which have been suggested for clarity and completeness and where wording is no longer required (for example where legislation is no longer in force). (This is reflected under “Scheme of Delegation”, below and **Appendix 3**)

Nominated Member and Nominated Officer -

16. As regards the **nominated member and nominated officer** (responsible for undertaking the “gateway” process to decide which Schedule 2 proposals should be referred to committee or sub-committee), the government draft guidance states that it is generally expected that the nominated officer is the Chief Planning Officer or equivalent officer who has extensive professional planning experience and that the nominated member is the Chair of Planning Committee. Substitute nominated members and officers can be provided. It is proposed that for all Schedule 2 applications: (i) the nominated member be the Chair of Planning and the substitute nominated member be the Deputy Chair of Planning and Transportation; and (ii) the nominated officer be the Planning and Development Director and the substitute nominated officers be the Assistant Director Planning Performance and the Assistant Director (Development Management). The nomination of these roles

is a function of the local planning authority and as such rests with Planning and Transportation Committee. The above nominations are recommended to your Committee under recommendations 3 to 6.

17. Information regarding all Schedule 2 applications which have been considered for referral to committee will be recorded, including the outcome of the consideration and the reasons for it. This will be reported to Planning Application Sub-Committee on a regular basis and made available on the local planning authority website.
18. Information about all applications will continue to be available to all members of Planning Applications Sub-Committee by way of the existing standing agenda items for every committee meeting.

Committee and Sub-committee Terms of Reference, Size and Composition –

19. **Planning and Transportation Committee:** On 23 April 2026 the Court of Common Council appointed 35 members of the Planning and Transportation Committee and agreed its Terms of Reference. Subject to the revised arrangements for Planning Applications Sub-Committee proposed at paragraph 21 below being agreed (to ensure Planning and Transportation Committee is not referred decisions which must be made by committees or sub-committees of no more than 13 members), then the number of members on Planning and Transportation Committee do not need to be reduced, and only minor “tidying” amendments to its Terms of Reference are recommended – see **Appendix 1**.
20. **Planning Applications Sub-Committee:** On 13 October 2022 the Court of Common Council approved the establishment of the Planning Applications Sub-Committee to which it has delegated the Local Planning Authority functions of deciding planning applications, and listed building consents (not dealt with under officers’ delegated authority). That Sub-Committee was to have the same Membership, Chair and Deputy Chair as the Planning and Transportation Committee). It was also agreed that only a decision of the Court of Common Council could alter the composition of that Sub-Committee (i.e. it is not within the gift of the Planning and Transportation Grand Committee to approve any changes).
21. The City’s Planning Applications Sub-Committee is, therefore, currently constituted as a Ward Committee comprising of a total of 35 members (4 of whom are Aldermen). The requirement for a maximum cap of 13 would represent a committee 37% of the size of the current committee.
22. The matters currently delegated to Planning Applications Sub-Committee include some Schedule 2 matters which, following the legislative changes, are prohibited from being determined by a committee/sub-committee which exceeds 13 members. There are also some other Schedule 2 matters which are currently either dealt with under delegated authority (such as discharge of/amendments to conditions and discharge of planning obligations) or which currently remain with Planning and Transportation Committee (such as Tree Preservation Orders).

23. The legislative changes allow for all Schedule 2 matters to be referred to a committee or sub-committee (if the criteria are met and so agreed by the nominated member and nominated officer). However, the committee to which the matters are referred must not exceed 13 members. It is therefore proposed that the constitution of Planning Applications Sub-Committee be amended to limit its members to not more than 13 to enable it to determine Schedule 2 applications referred to it (see further reasoning at paragraph 28 below). It is also proposed that Planning Applications Sub-Committee's Terms of Reference be extended to include all Schedule 2 applications not being decided under delegated authority (following the gateway process).
24. Were the Schedule 2 matters currently decided by Planning and Transportation Committee (such as TPO's) to remain for possible referral to the grand committee, then it would become necessary to also reduce the grand committee's membership to 13. Noting that the grand committee is responsible for potentially wide-ranging strategic and policy matters, for now, it is considered preferable to retain its membership at 35 while ensuring that all decisions prohibited to committees exceeding 13 members are referred to Planning Applications Sub-committee (if the criteria for referral are met and referral is agreed). This is reflected in the proposed amendments to the Planning Applications Sub-committee's Terms of Reference at **Appendix 2**. However, it is worth noting that there is a separate, broader Governance Review taking place at the City Corporation which is focussed on more general efficiencies. Appetite for the continuation of Ward Committees as a general principle will be explored further in that separate piece of work. This will likely take more time to consult upon, with outputs due for early 2027.
25. As highlighted within the City's formal response to the original government consultation, the City Corporation is in a unique position whereby most of its elected members are politically independent, and its Planning Committee includes members with a broad range of expertise in matters related to or that affect planning and the built environment. This helps to contribute to the efficiency and quality of decisions made by the committee. It is also recognised, however, that the City's current arrangements in terms of Planning Committee size and set-up are an anomaly when compared to other London boroughs. As things stand, those Committees asked with considering planning applications at other London local authorities range from between 5-16 Members including the Chair and Deputy Chair. It should also be noted that the Government's proposed reduction in committee size to a maximum of 13 is in line with the recommendations made under the 2020 Lisvane review, where it was recommended that an optimum number of members to oversee this function would be between 12-15 members.
26. It is also important to note that the proposals will in no way restrict Members having sight of the decisions they should be involved in, and/or information that they are required to scrutinise regarding decisions taken.

27. Additionally, subject to certain safeguards, Members should generally be permitted to speak with the same rights as a member of the public on planning applications (see under “Planning Protocol” below). Where a Member has a relevant disclosable pecuniary interest, the Localism Act 2011 allows for this where a dispensation is applied for and granted for the purpose.
28. A membership of 13 is proposed in the draft legislation as a maximum figure to accommodate local planning authorities where members are from multiple political parties. The government have, however, suggested that local planning authorities should consider whether a smaller number of members would be more appropriate in their area to support effective decision making.¹
29. Noting that the Guidance advocates consideration of a lower number than the maximum 13 and the political neutrality of the vast majority of elected members, it is proposed that a Sub-Committee of 11 members is approved at this stage. In accordance with Standing Order number 26.14 the quorum for all Sub-Committees shall be any three Members unless otherwise stipulated by the appointing Committee/the Court.
30. It is proposed that the Chair and Deputy Chair of the Planning and Transportation Committee should also hold these positions on the Planning Applications Sub-Committee as is currently the case to ensure a consistency of leadership.
31. At present, there are four dedicated spots reserved for Aldermen on the Grand Committee and thus also on the Planning Applications Sub-Committee. It is recommended that one Aldermanic spot be reserved on the new Sub-Committee for an Alderman with the nominee to be selected from the General Purposes Committee of Aldermen on an annual basis from amongst the four put forward for the Grand Committee. By convention, Aldermen do not challenge Common Councillors for spaces on bodies on which they are already allocated reserved spaces.

This report does not propose dedicated spaces for residential Wards/Members given that the membership of the Sub-Committee is there to consider each scheme on its merits against policy, irrespective of background. The Grand Committee will, as stated, continue to be comprised as a Ward Committee.

32. In terms of wider governance, as previously referenced, the power to amend the membership of the Sub-Committee currently rests with the Court of Common Council. This report seeks to have that responsibility reverted to the Planning and Transportation Committee, also bringing this in line with the powers it has in relation to its other Subs. This is also consistent with all other sub-committees with the exception of the Resource Allocation Sub-Committee.
33. It is worth noting that, as a consequence of these changes, Wards will no longer be able to directly appoint representatives to the Sub-Committee, or ‘switch’ representatives as they have been permitted to do via a resolution to the Court

¹ See paragraph 28 of Guidance

of Common Council from their Ward Deputy. At present, the City Corporation do not permit proxy voting for any of its Committees.

34. Finally, it is worth noting that a Wardmote Resolution was passed by the Ward of Cripplegate in March 2026, requesting that Members who sit on committees with local property interests and/or professional associations within the property development industry, be prevented from sitting on this sub-committee. All Members are beholden to the City Corporation's Code of Conduct, which sets out expectations on the management of conflicts of interest. Where the City Corporation acts as a promoter of an application, there is guidance and assistance from officers is provided to ensure there is no conflict. Personal pecuniary interests, and activities undertaken that may lead to a perception of bias, remain a matter for the individual Member. If there are any concerns of a breach of the Code of Conduct, this can be referred through the existing procedures. On this basis, there is no proposal within this report to restrict the membership of this Sub-Committee.
35. Members will be aware that Committees review their own Terms of Reference and those of their Subs on an annual basis. Anticipating that these new changes will come into effect in late October 2026, the annual review in early 2027 will therefore present a natural review point of the new constitution after approximately four months of operation.
36. The suggested Terms of Reference for Planning Applications Sub-committee reflecting the arrangements outlined above is annexed for consideration at **Appendix 2** (shown in track changes from the existing Terms of Reference for ease of reference).
37. There are evidently multiple ways in which the composition of the remainder of a new Sub-Committee might be achieved. Officers are, however, of the view that this would present a beneficial opportunity to bring the governance of the Planning Applications Sub-Committee in line with the other Sub-Committees currently overseen by Planning and Transportation Committee, (namely Local Plans and Streets and Walkways), with the new membership (a total of 8 Members excluding the Chair, Deputy Chair and reserved Aldermanic spot) being elected annually by and from amongst the membership of the Planning and Transportation Committee. This would allow equal opportunity for all on the Grand Committee to submit expressions of interest to serve.
38. Members views as to the composition of the new Sub-Committee are now sought. Should the view of the Committee(s) vary significantly from this recommendation, further work may be required to map out the implications and require a report back. It would, therefore, be for the Committee to decide if it also wished to delegate authority to the Town Clerk, in consultation with the Chair and Deputy Chair, to enable progress with overall proposals during the recess period.

Scheme of Delegation

39. The officer Scheme of Delegation requires amendment to reflect the changed legislative arrangements in respect of Schedule 1 and Schedule 2 applications

(requiring all Schedule 1 applications to be delegated and requiring all Schedule 2 applications to be delegated other than those where the nominated member and nominated officer agree they should be referred to the Planning Applications Sub-committee). All other matters are retained as existing with some minor amendments suggested to the delegations to provide for clarity and completeness, and to remove redundant wording which is no longer required (such as where legislation is no longer in force). The amendments are shown in **Appendix 3** by way of track changes to the current version).

Planning Protocol

40. Minor amendments are required to Part 2 the Planning Protocol to reflect the governance changes made by the Regulations. These are shown tracked in **Appendix 4**.
41. Amendments to Part 4 of the Planning Protocol are also shown tracked in **Appendix 4** to include a deadline for the submission of objection/representations in advance of a committee meeting, with provision to allow for late objections/representations only in exceptional circumstances at the discretion of the Chair of the Planning Applications Sub-Committee, on the advice of the Planning and Development Director. This amendment follows consideration of and responds to the resolution of the Policy & Resources Committee resolution dated 19th February 2026 whereby your Committee was invited to seek advice and review of:
 1. Whether the deadlines for objections/representations captured within the Planning Protocol could be revised; and
 2. Whether the current provision of printed packs might be reviewed with the view of reducing the overall printing allocation.

As per this Committee's request on the 13th of March 2026 officers have now considered and report back in response to the points raised through the resolution.

42. In consideration of resolution 2, the extent of copies of printed packs including of representations followed a specific request from a previous member of your Committee. It is not a statutory requirement for Committee Members to be presented with printed versions. Noting that the number of members on the Planning Applications Sub-Committee will reduce from November, leading to a significant reduction in printing, at the current time officers are recommending that printed packs for Members should continue to include the main reports pack but that hard copies of the "Comments Pack" are no longer provided as a matter of course. The Comments Pack would still be circulated to members of the sub-committee electronically and Town Clerks will continue to make copies available at the Guildhall for inspection.
43. In consideration of resolution 1, late representations create difficulty (particularly where material is voluminous) for officers not only in terms of administering the same but also in terms of ensuring lately submitted material considerations are considered by officers and are before committee with appropriate opportunity to

consider the same prior to determining an application. In consideration of this resolution, officers have undertaken a benchmarking exercise considering how other local planning authorities, including neighbouring authorities to the City Corporation, manage late representations. Officers have also sought legal advice from King's Counsel on the merits and risks of setting a deadline.

44. The benchmarking exercise undertaken by officers identified that a number of authorities have set deadlines by which representations are to be submitted in order for the same to be considered by their respective officers and planning committee (although we understand these are often operated flexibly). For example, some authorities require material to be submitted no later than 12 noon the working day before the committee are due to sit. It is fair to say setting a deadline for representations appears to be a common practice for those local planning authorities considered.
45. Legal advice has been received in respect of the City Corporation setting a deadline. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with a planning application or permission in principle the authority should have regard to the provision of the development plan so far as it is material to the application, to any local finance considerations so far as is material to the application and to any other material considerations. The concept of '*dealing with*' an application applies from receipt of the application until issue of the decision notice thereby placing a continuing duty to have regard to material considerations. Material considerations are considered to be those a rational decision maker would regard as so obviously material it must be taken into account. In light of the continuing duty imposed, if a representor were to make a representation shortly before a committee meeting in which they relied upon a material consideration which had not been addressed in the officer report, there is a risk a decision taken on the planning application without taking that material consideration into account would be held to be unlawful.
46. Committee agendas are to be open to inspection at least five clear days before a meeting (subject to certain exceptions). Section 100B of the Local Government Act 1972 provides copies of the agenda for a meeting of a principal council and report for the meeting shall be open to inspection by members of the public at the offices of the council for at least five clear days before the meeting. Section 100D Local Government Act 1972 provides copies shall include a list of background papers and at least one copy of each of the documents included in that shall be open to inspection at the offices of the council with those documents relating to the subject matter of the report which disclose any facts or matters on which the report is based.
47. The publication requirements and continuing duty of section 70(2) can be difficult to manage when late representations are made. Where a deadline has been put in place but not adhered to the conclusion has been reached in case law that although the desirability of determining applications expeditiously cannot override the requirements of fairness, the failure by complainants of unfairness to comply with published guidance designed to secure applications are properly

determined fairly and on their merits without the need for deferral, is not irrelevant. The essential test is fairness and what fairness requires depends on the circumstances.

48. There are circumstances where it is appropriate and legally necessary to accept late documents. Such an example would be representations based upon documents not in existence at the time the deadline expired such as revised Government planning policy or handed down judgment.
49. Advice from King's Counsel notes a number of advantages and disadvantages to setting a deadline. Advantages include allowing Members time to give representations proper consideration in advance of the meeting, providing opportunity for other representors to be able to consider representations in advance of the meeting, officers having adequate time to consider representations and advise Members on the technical accuracy of points made and any implications (including the weight that can be placed on the matters raised), the ability for officers to advise as to whether a new material consideration has been raised and if it has been whether it alters any of the conclusions or recommendations set out in the officer report, limited adjournments to proceedings, more efficient administration and if a person fails to meet the deadline, the failure to meet the deadline can be taken into account in response to any complaint raised when considering fairness.
50. Disadvantages of setting a deadline for receipt of representations are that those making representations may wait until the deadline to do so, resulting in the submission of many representations shortly before a decision is made thereby increasing difficulty for officers assessing large numbers of representations in time to give members relevant and useful advice and that a new consideration may arise after the deadline and before the meeting or decision. If that new consideration fell into the 'obviously material' category it would be an error for the decision maker not to take it into account.
51. Overall, the Counsel advice concludes that the advantages in setting a deadline, subject to some flexibility in the approach being taken, would outweigh the disadvantages. To that end an absolute deadline is not recommended by King's Counsel as this could create a risk of a decision to grant planning permission being quashed, if a new material consideration was raised late and not taken into account due to the submission missing the deadline set. It is suggested, therefore, that an element of flexibility should apply and there should be discretion given the Chair of the Planning Applications Sub-Committee on the advice of the Planning and Development Director, to allow late representations past the deadline if exceptional circumstances apply. It is also recommended that the Planning Protocol provide that a representation submitted after the deadline must be accompanied by (1) an explanation as to why it is being submitted after the deadline, and (2) a statement identifying whether it raises any new material planning considerations which have not been addressed in the officer report.
52. Overall, there is merit in setting a deadline for representations. The proposal and amendments shown in the Planning Protocol is to set a deadline for

representations to be made by 10am the working day before the date of the meeting. This would give representors an opportunity to draw attention to recent events (including the publication of new policy) and would allow members time to consider representations and allow officers to advise members on the representations. However, such a deadline would not be absolute as there may be exceptional circumstances when representations are made which require appropriate consideration despite the deadline not being met. Accordingly, the proposal is to include a degree of flexibility so as to provide that the deadline applies save in exceptional circumstances. This would be applied case by case at the discretion of the Chair of the Planning Applications Sub-Committee (with the Deputy Chair as their substitute) on the advice of the Planning and Development Director (with the Assistant Director Planning Performance and the Assistant Director (Development Management) as their substitute).

53. All other substantive parts of the Planning Protocol remain unchanged, including speaking opportunities for the public and members at committee/sub-committee regarding applications. Any amendments to the Planning Protocol are a matter for your committee.

Mandatory Training

54. At present, the City Corporation's Planning Protocol recognises that the Committee on Standards in Public Life recommends that members of planning committees should receive appropriate training. Appointment to the Committee effectively creates a requirement for Members to undertake such training, both on appointment and periodically thereafter. At present, members of the Planning Applications Sub-Committee are mandated to complete the in-house training available before they are able to consider planning applications.
55. In addition to delegation and committee size, the Planning and Infrastructure Act 2025 introduces a requirement for planning committee members to be trained and certified in key elements of planning. While the detailed certification framework is not set out in full within the draft regulations, the consultation documentation confirms that mandatory training is intended to raise standards, improve consistency, and support public confidence in planning decisions.
56. Until such time as any further detail regarding potential national certification framework is released, it is recommended that those sitting on the Planning Applications Sub-Committee would continue to be mandated to undertake the in-house training provided in order to be able to sit in judgement of planning applications as set out in the existing Planning Protocol.

Other considerations

57. It should be noted that the Chair also currently undertakes a number of additional roles such as the City's representative sitting on the London Council's Transport and Environment Committee, and as Planning and Transportation Committee's representative on the Crime and Disorder Scrutiny Committee. Noting the additional commitments for the Chair and Deputy arising from the Nominated

Member functions, it is proposed that these representatives be elected by the Planning and Transportation Committee from amongst its members, instead of being undertaken by the Chair. Given that these roles generally engage matters of planning strategy (rather than site specific planning application issues) it is considered that Planning and Transportation Committee members who do not serve on the smaller Planning Applications Sub-Committee might be particularly suitable for these roles. This may especially be the case for former Planning Applications Sub-Committee members who, following the changes, may have additional capacity to focus on these roles and related wider planning strategy issues.

PROPOSAL

58. Members are now invited to scrutinise the proposals within this report, adopting them as proposed in the Appendices and/or with any suitable additions, amendments etc.
59. Specifically, Members are asked to:
 - a) Agree a Planning Applications Sub-Committee composition of 11 Members, with the Chair and Deputy Chair of the Grand Committee to also serve in these positions on PASC as well as a reserved space for an Alderman and with all other appointments made by election of the Planning and Transportation Committee on an annual basis;
 - b) Agree the amendment of the terms of Reference of Planning Applications Sub-committee to include all matters in Schedule 2 of the Regulations which the nominated member and nominated officer agree should be referred to a committee or sub-committee for decision;
 - c) Seek the permission of the Court of Common Council to allow all future amendments to the constitution of the Planning Applications Sub-Committee to sit within the remit of the Planning and Transportation Committee, bringing its governance in line with its other Subs;
 - d) approve the necessary changes to the Terms of Reference of Planning and Transportation Committee and Planning Applications Sub-committee (to reflect (a) and (b) above) and the Officer Scheme of Delegations to meet the requirements set out within the new legislation as set out within **Appendices 1 – 3** and agree that the Town Clerk, in consultation with the Chair and Deputy Chair of the Planning and Transportation Committee, be granted delegated authority to further amend these documents in line with any changes to the regulations and guidance released by Government ahead of the implementation of the new legislation if necessary;
 - e) Agree minor amendment to the Planning Protocol as shown in **Appendix 4** to reflect the legislative changes;
 - f) Approve the changes to the Planning Protocol (**Appendix 4**) to set a deadline for the submission of late objections/representations in advance of a committee meeting with provision to accept late objections/representations only in exceptional circumstances at the discretion of the Chair on the advice of the Planning and Development Director (or in their absence respectively the

Deputy Chair and Assistant Director of Planning Performance/Assistant Director (Development Management));

- g) Continue to mandate in-house training for all those sitting on the Planning Applications Sub-Committee until such time as any national training and certification scheme is formally introduced;
 - h) Agree the nominated member should be the Chair of Planning and Transportation Committee (with the Deputy Chair as their substitute) and agree the nominated officer should be the Planning and Development Director (with the Assistant Director Planning Performance and the Assistant Director (Development Management) as their substitute);
 - i) Agree that the provision of printed consultation responses/representations (i.e. the "Comments Packs") no longer need to be provided for committee members or the public but that these will be circulated to members electronically and a limited number of hard copies will be made available for inspection at the Guildhall, via the Committee Clerk.
60. If approved by this Committee, implementation of (a) to (d) above will also require the subsequent approval of both the Policy & Resources Committee and the Court of Common Council.

Corporate & Strategic Implications

- 61. Strategic implications – This proposal seeks to align the City Corporation's Planning Application Sub-Committee's governance processes with new national legislation that it is currently anticipated will come into effect in Autumn 2026. The Government indicate that aligning with this new legislation will have the benefit of improving efficiency and the quality of debate.
- 62. Financial implications – There is no cost associated in supporting the proposals within this report.
- 63. Resource implications – These are included in the body of the report.
- 64. Legal implications – These are included in the body of the report.
- 65. Risk implications – failure to implement any solutions in the efficiency of decision-making risks the under delivery of our strategic objectives.
- 66. Equalities implications – the proposals within this report do not adversely impact or effect any group of people with protected characteristics under the Equalities Act 2010, or recognised characteristics (e.g. Social Mobility).
- 67. Climate implications – None at this time.
- 68. Security implications – None at this time.

Conclusion

- 69. The Government's consultation and proposed regulations represent a significant reform to the governance of planning decision making in England. The reforms

aim to standardise delegation arrangements nationally, constrain the size of planning committees, and professionalise committee membership through mandatory training.

70. The statutory consultation on the draft regulations is a key stage in finalising the detail of the new system. Subject to the outcome of the consultation, the Government has indicated that the new arrangements could be introduced later in 2026, requiring local planning authorities to amend their constitutions, schemes of delegation, and committee procedures accordingly. Members are therefore encouraged to use this report as an opportunity to commence discussions on how the organisation may best look to implement the changes required to planning governance and, if proposals contained within the report are agreeable, to put these to the Policy and Resources Committee and, ultimately, the Court of Common Council for further consideration, ahead of the Autumn 2026 roll out of new legislation.
71. Following a motion at the Policy and Resources Committee on the 19th of February and the consideration of this at the Planning and Transportation Committee, officers have taken advice on potential updates to the Planning Protocol to introduce a cut-off for late representations. Officers are recommending the introduction of a cut-off which has a degree of flexibility included, so as to ensure that material considerations are not overlooked. Officers are also recommending that members of the committee agree that printed copies of the representations and consultation responses (i.e. the "Comments Pack") is no longer required for members of the committee or the public, but this shall be circulated as an electronic pack for members alongside the committee agenda and report. A limited number of hard copies will be made available for inspection at the Guildhall, via the Committee Clerk.