THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

ADMINISTRATION COMMITTEE 12 OCTOBER 2026

FULL COUNCIL 21 OCTOBER 2026

NATIONAL SCHEME OF DELEGATION FOR PLANNING APPLICATIONS CHANGES AND CONSTITUTIONAL REVISIONS

Summary

To revise the Constitution to reflect statutory changes. The revisions also seek to retain a role for Members as the democratically elected local representatives.

For Decision

1. BACKGROUND

1.1. The Government has introduced the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the Regulations"). These changes, referred to as National Scheme of Delegation for Planning Applications, will come into effect from 31 October 2026, and councils must update their constitutions before then.

The National Scheme of Delegation for planning applications

1.2. The government's aim behind the National Scheme of Delegation is ' to ensure that there is greater clarity and consistency about the role of planning committees in planning decision making. Committees should focus on the key proposals that matter to an area, enabling other, often more minor and technical, decisions to be made by planning officers.'

1.3. At present, local planning authorities have their own schemes of delegations, including arrangements for matters to be referred to Committee for determination. The new arrangements set out that certain specified applications will always be determined by officers and others will only be decided by Committee when certain criteria apply and a senior officer and a senior member agree. The details of the National Scheme of Delegation for Planning Functions are set out in the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the Regulations"). The Government has also produced guidance to support the implementation of the Regulations, for which local planning authorities must have regard when operating and making the required arrangements.

1.4. The Regulations split applications into two different Schedules. Schedule 1 lists the categories of planning-related applications that must be determined

by planning officers under delegated powers rather than by a planning committee. These include routine and lower-risk matters such as householder applications, minor commercial and minor residential developments, certificates of lawfulness, non-material amendments, biodiversity gain plans, prior approval applications, applications made under a planning condition and most reserved matters applications.

1.5. Schedule 2 lists applications that may either be determined by officers or referred to a planning committee where they raise significant planning, economic, social or environmental issues. These generally include larger or more complex development proposals, listed building consent applications, retrospective planning applications, large outline and reserved matters applications, advertisement consent applications and applications for consent under a tree preservation order.

1.6. The full details of the Regulations can be found here: The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026

1.7. The proposed changes set out in this report are aligned with the Regulations and enable members to be able to give their views on applications that are determined by officers under the National Scheme of Delegation.:

2. Detail

2.1. Officers are proposing arrangements (which are set out below),, following consultation with the Lead Member for Resident Services, Planning and Enforcement, and the Chair and Vice Chairs of the Planning Applications Committee.

2.2. -

Member Representation Meeting

2.3. As set out in the proposed Part 8, Section 7 Code of Conduct on Planning, this report recommends creating a Member Representation Meeting to enable Members to provide views to officers before certain applications are determined under delegated powers.

2.4.

2.5. The Member Representation Meeting would not be a decision-making meeting but would receive a summary of the planning applications and sufficient information to enable members to give views on the applications, before they are determined by officers. Members' views will be recorded.

2.6. The MRM would consist of the Planning Committee Chair or a Vice -Chair, one member of the majority group from the Planning Committee, one member of the opposition group, and one councillor from the ward affected by the application.

2.7. The proposed changes are set out in Appendices One (clear version) and Two (track changes).

Planning Committee Terms of Reference

2.8. The Regulations imposed by central government are designed to ensure that far fewer planning applications are determined by Councillors. Officers have reviewed the Planning and Planning Applications Committees' terms of reference. There is no longer a clear separation of roles under these new, imposed Regulations and therefore this report proposes removing the Planning Applications Committee, leaving the Planning Committee to determine those applications that it is able to, under the National Scheme of Delegation.

2.9. Should there be any large-scale planning applications similar to the size of the Kensal Canalside or Earl's Court decisions made last November and December, officers would consult the Planning Committee Chair and either have a single-item agenda or set up an additional meeting.

2.10. This report proposes that as well as the additional Vice-Chair, there should be an increase in the pool of councillors on the Planning Committee from ten to 16. This will continue to allow more members to gain experience in determining applications as well as distributing the workload more evenly.

2.11. The proposed changes are set out in Appendices Three (clear version) and Four (track changes).

Delegation to the Director

2.12. Alongside the changes set out above, central government's legislation requires the Council to update the delegations to the Director of Planning and Place. If agreed, this would enable the Director to discharge her obligations efficiently and effectively.

2.13. These changes are set out is Appendices Five (clear version) and Six (track changes).

Nominated Officer and Nominated Member

2.14. As part of the Regulations, the Council must also designate a planning officer to a new role of Nominated Officer and a relevant councillor to the companion role of Nominated Member. These two roles have a statutory function in determining if Schedule 2 applications meet the statutory test in Regulation 5(3) and should go to a committee. However, the government has prescribed that the Nominated Officer is the final decision-maker.

2.15. Members are invited to appoint the Director of Planning and Place as the Nominated Officer, who will designate appropriate senior colleagues as deputies. Members are also invited to appoint the Planning Committee Chair as the Nominated Member with the two vice chairs as deputies.

2.16. In subsequent years, the Nominated Member will be agreed at Annual Council as part of the Representation on Committees report.

3. Consultation and Engagement

3.1. Officers have consulted the Leader of the Opposition Group about these proposed changes.

3.2. The borough has several long-established amenity groups that have been heavily engaged with the planning process over many years. Alongside the democratically elected councillors, these groups have contributed distinctive local perspectives that have helped to inform and shape the debate on planning matters. Officers have engaged with these groups.

4. Implications for representation on committees

4.1. The Planning Applications Committee is one of the Council's ordinary committees. Officers have reviewed the allocations on committees and can advise Members that if Council agreed to increase the Planning Committee to a pool of 16 councillors, there would be no change in proportionality. Ten seats would be removed from the 'ordinary committees' and the details are set out below.

Table 1 Allocations agreed by Annual Council, 27 May 2026

	Conservative	Labour	Lib Dem
Councillors	34 (68%)	13 (26%)	3 (6%)
Seats expected under proportionality calculations (out of 43)	29 (66.7%)	11 (27.3%)	2 (6.0%)

Table 2 Proposed New balance and committee allocations.

	Conservative	**Labour**	**Lib Dem**
Councillors	34 (68%)	13 (26%)	3 (6%)
Seats allocated and percentages (out of 33)	22 (66.7%)	9 (27.3%)	2 (6.0%)
Current allocations			
Administration Committee	4	2	1
Audit and Transparency Committee	3	1	0
Investment Committee	4	2	0
Proposed allocation			
Planning Committee (if increased from 10 to 16)	11	4	1
Totals	22	9	2

5. Recommendation

5.1 The Administration Committee is asked to recommend that Full Council:

(i) Adopt the amended Planning Committee terms of reference, including removing the Planning Applications Committee and increasing the membership of the Planning Committee to a pool of 16 councillors frow which five would sit at any meeting, as set out in Appendix Three.

(ii) Adopt the amended Scheme of Delegations, as set out in Appendix Five

(iii) Adopt the amended Planning Code of Conduct, as set out in Appendix One.

(iv) Appoint the Director of Planning and Place as the Nominated Officer and to allow that person to appoint deputies until the Annual Council 2027.

(v) Appoint the Chair of the Planning Committee as the Nominated Member and to allow that person to appoint the two vice chairs as deputies until the Annual Council 2027.

(vi) Agree to appoint the Nominated Officer and Nominated Member as part of the appointments to committees at Annual Council.

(vii) Acknowledge that the Planning Committee will have two vice chairs, to be appointed by that Committee.

(viii) Acknowledge, if the recommendations to remove the Planning Applications Committee and increase the size of the Planning Committee are agreed, that the representation on Committees remains as agreed at Annual Council.

For Decision

Grainne O'Rourke
Director of Law & Governance and Monitoring Officer
Amanda Reid
Director of Planning and Place

Background papers used in the preparation of this report: None.

Contact officers:
Douglas Campbell, Governance Manager, douglas.campbell@rbkc.gov.uk

Appendix One: Part 8, Section 7 Code of Conduct on Planning (proposed version)
Appendix Two: Part 8, Section 7 Code of Conduct on Planning (track changes)

Appendix Three: Part 5, Section 2 Terms of Reference – excerpt (proposed version)
Appendix Four: Part 5, Section 2 Terms of Reference – excerpt (track changes)
Appendix Five: Part 7, Section 2 Scheme of Delegations – excerpt (proposed version)
Appendix Six: Part 7, Section 2 Scheme of Delegations – excerpt (track changes)