

Committee Report Checklist

Please submit the completed checklists with your report. If final draft report does not include all the information/sign offs required, your item will be delayed until the next meeting cycle.

Stage 1

Report checklist – responsibility of report owner

ITEM	Yes / No	Date
Councillor engagement / input from Chair prior to briefing	Y	16/09/26
Relevant Group Head review	Y	
MAT+ review (to have been circulated at least 5 working days before Stage 2)	JT	19/9/26
This item is on the Forward Plan for the relevant committee	N	
	Reviewed by	
Finance comments (circulate to Finance)		
Risk comments (circulate to Lee O'Neil)	LH	17/09/26
Legal comments (circulate to Legal team)	LH	17/09/26
HR comments (if applicable)		

For reports with material financial or legal implications the author should engage with the respective teams at the outset and receive input to their reports prior to asking for MO or s151 comments.

Do not forward to stage 2 unless all the above have been completed.

Stage 2

Report checklist – responsibility of report owner

ITEM	Completed by	Date rec'd
Monitoring Officer commentary – at least 5 working days before MAT	L Heron	17/09/26
S151 Officer commentary – at least 5 working days before MAT	T. Collier	22/09/26
Commissioner engagement	LS	24/09/2026
	Delete as applicable:	No issues
Confirm final report cleared by MAT	LH	22/09/26

Standards Committee

8 October 2026

Title	Changes to the Constitution - the Town and Country Planning Act (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and the Renters' Rights Act 2025
Purpose of the report	To make a decision and a recommendation to Council
Report Author	Wendi Batteson, Interim, Planning & Litigation Lawyer and Linda Heron, Group Head Corporate Governance and Monitoring Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Committee decision.
Recommendations	Committee is asked to: 1. Consider the contents of this report and the required amendments to the Constitution; and 2. Recommend that the Council agree the required amendments to the following parts of the Constitution: of part 3(b) (Terms of Reference – Planning Committee), part 3(d) (Delegation to Officers) and part 5(d) (Planning Code).
Reason for Recommendation	To comply with the statutory requirements set out in the Town and Country Planning Act (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and the Renters' Reform Act 2025

1. Executive summary of the report *(expand detail in Key Issues section below)*

What is the situation	Why we want to do something
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<i>Changes in legislation necessitate amendments to the Constitution</i>	<i>To bring the Constitution in line with the Renters Rights Act 2025 and the Town and Country Planning Act (Discharge of Local Planning Authority Functions) (England) Regulations 2026</i>
This is what we want to do about it	These are the next steps
<i>Amend the relevant parts of the Constitution as set out in this report</i>	<i>Seek Council approval to amend the Constitution as set out in this report</i>

2. Key issues

- 2.1 This report seeks a recommendation to Council to approve amendments to the Constitution.
- 2.2 The Local Government Act 2000 requires local authorities to prepare and keep up to date a constitution. The Committee System Working Group (CSWG) is responsible for considering whether any amendments are required to the Constitution. The proposed changes to the Constitution were discussed with, and received the support of, the CSWG on 16 September 2026.
- 2.3 The proposed amendments relate to the following areas:
- (i) Part 3(b) Terms of Reference for Planning Committee updated to reflect new legislation on the Committee remit and the maximum number of members;
 - (ii) Part 3(d) Delegations to Officers updated to reflect the requirements in the Renters' Rights Act 2025 (paras 7.1 and 7.2) and the Town and Country Planning Act (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (paras 14.1 and 14.2);
 - (iii) Part 5(d) Planning Code amended to reflect changes to meetings about planning applications, the scope of planning reports, changes to the call-in procedure, and changes to how applications of the Council, Councillors and Staff are determined.

The Town and Country Planning Act (Discharge of Local Planning Authority Functions) (England) Regulations 2026

- 2.4 The government has passed the Town and Country Planning Act (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the 2026 Regulations") to require local authorities to take a more uniform approach to planning application decision making.
- 2.5 The 2026 Regulations come into effect on 31 October 2026 and introduce a new national scheme of delegation which makes significant changes to the way in which planning applications are determined.
- 2.6 There are no transitional arrangements proposed and therefore the 2026 Regulations have full effect from 31 October 2026, irrespective of when a planning application was received.

- 2.7 The 2026 Regulations specify that some planning application types are always to be determined by officers, and some may be determined by the Planning Committee. They set out in two Schedules those kinds of planning applications that MUST be determined by an officer (applications that fall within Schedule 1) and those that may be placed before Planning Committee, following agreement between the Nominated Officer and the Nominated Member (applications that fall within Schedule 2).
- 2.8 Applications that fall within Schedule 1 must be determined by the Nominated Officer and cannot be determined by members at Planning Committee. The vast majority of planning applications considered by this Council's Planning Committee fall within Schedule 1.
- 2.9 Schedule 2 applications may be determined by Planning Committee provided the Nominated Officer and Nominated Member agree they fall within the Threshold or Gateway test set out in Regulation 5(3) of the 2026 Regulations which state that applications raise one of the following issues may be determined by the Planning Committee:
- (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
- 2.10 The Nominated Officer and Nominated Member and any substitutes must be nominated by the Local Planning Authority. It is intended that this will take place at the Planning Committee meeting on 14 October 2026. The Guidance to the Regulations envisage these to be the Planning Development Manager and any substitutions and the Chair of Planning Committee and any substitutions.
- 2.11 Any such referral by the Nominated Officer and Nominated Member must have regard the Guidance issued by the Secretary of State.
- 2.12 Any applications not falling within the above Threshold or Gateway criteria MUST be determined by officers.
- 2.13 Any Council own applications, or those submitted by Officers or Members may if agreed by the Nominated Officer and Nominated Member be brought before Planning Committee or determined at officer level subject to having regard to the Secretary of States guidance. These applications need not meet the threshold or gateway test criteria.
- 2.14 The 2026 Regulations also limit the number of members permitted to sit on Planning Committee to no more than 13.

Renters' Rights Act 2025

- 2.15 The Government introduced the Renters' Rights Act 2025 (RRA 2025) to reform the private rented sector, strengthen tenants' rights and improve housing standards. RRA 2025 places additional statutory responsibilities on local housing authorities, requiring councils to investigate and enforce a range of matters affecting the private rented sector.
- 2.16 These new duties include the investigation and enforcement of complaints relating to unlawful eviction, harassment of tenants, housing standards, rent

control measures, prohibited rental practices, discrimination in the private rented sector and compliance with the new tenancy framework established by the Act. In carrying out these functions, officers are required to exercise powers under a range of legislation including the Protection from Eviction Act 1977, Housing Act 1988, Housing Act 2004 and the Renters' Rights Act 2025.

- 2.17 Whilst Environmental Health Officers are currently authorised to undertake enforcement functions under existing housing legislation, the RRA 2025 is not specifically included within the Council's current Scheme of Delegations. As a result, officers do not currently have an express delegation to exercise the enforcement and administrative powers conferred by the RRA 2025. Given the extent of the Council's statutory responsibilities under the new legislation, it is necessary that officers are formally authorised to undertake these functions.
- 2.18 The Council's Scheme of Delegations therefore requires amendment to incorporate the RRA 2025 and to clearly assign the associated enforcement and administrative responsibilities to appropriately qualified officers. This will ensure that the Council is able to lawfully investigate breaches of the legislation, take enforcement action where required, issue civil penalties and undertake any associated regulatory and administrative functions, including management of any relevant private rented sector register or database.
- 2.19 Although the existing Scheme of Delegations contains general provisions that can be interpreted as permitting officers to enforce housing legislation, the scale and significance of the powers introduced by the RRA 2025, together with the availability of substantial civil penalties and other enforcement measures, justify the inclusion of specific delegated powers within the Council's Constitution. Updating the relevant provisions in the Constitution (part 3(b) paras 7.1 and 7.2) will provide clarity regarding the scope of officers' authority, remove potential ambiguity and minimise the risk of future legal challenge to enforcement decisions.
- 2.20 The proposed constitutional amendment will strengthen the Council's governance arrangements by ensuring that statutory powers are exercised only by properly authorised officers. It will enhance transparency and accountability, improve operational efficiency, provide greater certainty for officers, landlords and tenants.

3. Options appraisal and proposal

- 3.1 Approve the proposed constitutional changes as set out in this report and recommend to Council for approval (recommended option).
- 3.2 Make alternative constitutional changes. This option is not recommended as the proposed amendments to the Constitution have been drafted to ensure compliance with the relevant legislation.
- 3.3 Do not approve any changes and retain the existing Constitution. This is not a viable option as in the event that the Council does not update its Constitution in line with the legislation the officers will not be able to exercise the Council's powers under the RRA2025 and all decisions on whether to delegate applications to officers or refer them to the Planning Committee for

determination would be open to challenge by way of judicial review. A “do nothing” option is therefore not recommended.

4. Risk implications

- 4.1 The risks are set out in the body of the report.

5. Financial implications

- 5.1 Legal challenge to planning decisions can expose the Council to financial risk – either through awards of costs or damages or the cost of defending the Council. Having a clear unambiguous process for addressing the 2026 Regulations should reduce this risk.
- 5.2 The Environmental Health Team had a growth bid approved for 2026/27 to strengthen resilience and capacity meet the new responsibilities created by RRA 2025.
- 5.3 RRA 2025 introduces income streams and greater use of financial penalties for breaches.

6. Legal comments

- 6.1 The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (“the 2026 Regulations”) require local planning authorities to implement the prescribed arrangements by 31 October 2026.
- 6.2 The Renters’ Rights Act 2025 (“the RRA 2025”) imposes several obligations relating to enforcement and oversight of the private rented sector legislation to protect tenant’s rights.
- 6.3 Adoption of the proposed amendments to the Constitution will ensure compliance with the 2026 Regulations and the RRA 2025.

Corporate implications

7. Commissioners’ comments

- 7.1 There are no comments from Commissioners.

8. S151 Officer comments

- 8.1 The S151 Officer confirms that all financial implications have been taken into account and that the recommendations are fully funded from within the current 2026-27 budget.

9. Monitoring Officer comments

- 9.1 The recommendations in this report facilitate compliance with the 2026 Regulations and the RRA 2025.

- 9.2 The proposed changes to the Constitution are required to enable the Council to meet its legal obligations in relation to determination of planning applications and the enforcement duties under the RRA 2025.

10. Procurement comments

- 10.1 There are no procurement implications arising directly from the recommendations in this report.

11. Equality and Diversity

- 11.1 The introduction of a Threshold Test and the proposed alterations to the Constitution are not considered to impact on protected characteristics or other equalities issues.

12. Sustainability/Climate Change Implications

- 12.1 The approach does result in some additional work (conducting Threshold Tests with necessary reports etc) but this would be similar to existing approaches and can be carried out in a sustainable fashion.

13. Other considerations

- 13.1 None.

14. Local Government Reorganisation Implications

- 14.1 LGR procurement and contracts extension principles do not apply to the subject matter of this report.

15. Timetable for implementation

- 15.1 The 2026 Regulations come into effect on 31 October 2026, so the changes proposed to the Constitution, Officer Delegation and Planning Code need to be adopted before then.

16. Contact

- 16.1 Wendi Batteson w.batteson@spelthorne.gov.uk or Linda Heron l.heron@spelthorne.gov.uk.

Please submit any material questions to the Committee Chair and Officer Contact by two days in advance of the meeting.

Background papers:

1. Town and Country Planning Act (Discharge of Local Planning Authority Functions) (England) Regulations 2026; and
2. Renters' Rights Act 2025.

Appendices:

Appendix A – Part 3(b) Terms of Reference – Planning Committee

Appendix B – Part 3(d) Delegations to Officers paras 7.1, 7.2, 14.1 and 14.2
Appendix C – Part 5(d) Planning Code