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Audit and Risk Committee

Tuesday 29 September 2026 at 6.50 pm

in the Council Chamber, Council Offices, Market Street, Newbury

Note: This meeting can be streamed live here: https://www.westberks.gov.uk/governanceethicscommitteelive

Date of despatch of Agenda: 21 September 2026

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Gordon Oliver on 01635 519486
e-mail: Gordon.Oliver1@westberks.gov.uk

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk

West Berkshire COUNCIL

To: Councillors Erik Pattenden (Chairman), Ross Mackinnon (Vice-Chairman), Jeremy Cottam, Laura Coyle, Carolyne Culver, Billy Drummond, Owen Jeffery, Simon Carey and Iain Cottingham

Substitutes: Councillors Adrian Abbs, Dennis Benneyworth, Paul Dick, Alan Macro and Stephanie Steevenson

Agenda

Part I

		Page No.
1	**Apologies** To receive apologies for inability to attend the meeting (if any).	1 - 2
2	**Minutes** To approve as a correct record the Minutes of the meeting of this Committee held on 23 June 2026 and the Minutes of the two extraordinary meetings held on 28 July 2026.	3 - 16
3	**Action Log** Purpose: To be informed about the actions taken from past meetings.	17 - 18
4	**Declarations of Interest** To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' Code of Conduct.	19 - 20
5	**Work Programme** Purpose: To consider the work programme for the next 12 months.	21 - 22
6	**Planning Constitution Amendments - National Scheme of Delegations** This report asks Council to approve amendments to the Council's Constitution to: a) Implement the National Scheme of Delegation for planning functions, as introduced under the Planning and Infrastructure Act 2025 and given effect by the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.	23 - 100

b) Establish a single Planning Committee to replace District Planning Committee, Eastern Area Planning Committee and Western Area Planning Committee.

c) Implement other minor amendments to the Constitution relating to Planning.

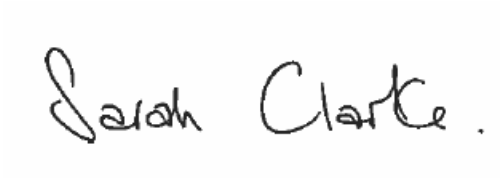
7 **Internal Audit Update Report: Q1 2026/27** 101 - 120
Purpose: To update the Committee on the status of Internal Audit work as at the end of Quarter One 2026/27.

8 **Strategic Risk Register: Q1 2026/27** 121 - 128
To highlight the corporate risks that need to be considered by the Audit and Risk Committee and to outline the actions taken to mitigate those risks.

9 **Exclusion of Press and Public**
RECOMMENDATION: That members of the press and public be excluded from the meeting during consideration of the following items as it is likely that there would be disclosure of exempt information of the description contained in the paragraphs of Schedule 12A of the Local Government Act 1972 specified in brackets in the heading of each item. Section 10 of Part 10 of the Constitution refers.

Part II

10 **Strategic Risk Register - Q1 2026-27** 129 - 158
(Paragraph 3 – information relating to financial/business affairs of particular person)
(Paragraph 5 – information relating to legal privilege)
(Paragraph 5 – information relating to proposed action to be taken by the Local Authority)



Sarah Clarke
Executive Director - Resources

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

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Audit and Risk Committee – 29 September 2026

Item 1 – Apologies for Absence

Verbal Item

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DRAFT Agenda Item 2

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

AUDIT AND RISK COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 23 JUNE 2026

Councillors Present: Erik Pattenden (Chairman), Jeremy Cottam, Carolyne Culver, Owen Jeffery and Stephanie Steevenson (Substitute) (In place of Laura Coyle)

Also Present: Sarah Clarke (Executive Director (Resources)), Martyn Sargeant (Service Director (Strategy & Governance)) and Julie Gillhespey (Audit Manager), Simon Carey, Gordon Oliver and Darius Zarazel (Principal Democratic Services Officer)

Apologies for inability to attend the meeting: Councillor Ross Mackinnon, Councillor Laura Coyle, Councillor Billy Drummond and Councillor Iain Cottingham

PART I

3 Minutes

RESOLVED:

(a) That the Minutes of the meeting of the Governance Committee held on 28 April 2026 were approved as a true and correct record and signed by the Chairman.

(b) That the Minutes of the Audit and Risk Committee held on 14 May 2026 were approved as a true and correct record and signed by the Chairman.

4 Action Log

The Committee considered the Action Log (Agenda Item 3).

Satisfied with the information presented, the Committee agreed that the updates could be noted.

5 Declarations of Interest

There were no declarations of interest received.

6 Work Programme

The Committee considered the Governance Committee Forward Plan (Agenda Item 5).

Satisfied with the Plan, the Governance Committee agreed that it could be noted.

7 Member Training

Martyn Sargeant (Service Director – Strategy and Governance) presented the Training Programme (Agenda Item 6).

A short paper had been circulated to Members setting out the proposed programme. This reflected the technical nature of the Committee's work and the expectation that Members would be able to understand, interpret and challenge detailed financial and governance information.

Members were invited to indicate areas of greatest need and identify any additional subjects they wished to include. The Local Government Association (LGA) training resources were highlighted as a useful starting point.

During the debate, the following points were discussed:

- It was requested that the Council's risk heat map approach be shared with the Berkshire Pension Fund.
- Members suggested the following topics as potential priorities:
    - treasury management (including the Prudential Code)
    - risk management
    - financial administration and regulations
    - statements of accounts
    - internal audit
    - fraud and corruption
- It was noted that treasury management training had been delivered in the previous year, and some members felt that previous training in relation to fraud and corruption issues had been comprehensive.
- It was suggested that catastrophic risks were of particular concern, including loss of ICT systems and the resulting inability to deliver statutory functions; this was emphasised as a greater concern than reputational damage or routine service disruption.
- Officers noted the range of topics requested and undertook to develop a training programme based on the suggestions. Officers would liaise with the Chairman regarding the schedule.

Actions:

- **Officers to share details of the Council's risk heat mapping approach with the Berkshire Pension Fund through Councillor Jeremy Cottam.**
- **Officers to develop a training programme based on the feedback received and agree the schedule with the Committee's Chairman**.

RESOLVED to note the report.

8 Internal Audit Plan 2026 - 2029

Julie Gillhespey (Audit Manager) presented the Internal Audit Plan 2026-2029 (Agenda Item 7).

During the debate the following points were discussed:

- It was clarified that the programme was driven by ongoing review of internal and external risks, with an annual comprehensive refresh linking audit work to corporate priorities. Risks were prioritised and scored, ensuring higher risks were reviewed at an appropriate frequency.
- A question was raised regarding GDPR responsibilities and assurance over third-party/contractor compliance. It was explained that this would be addressed through contract management, proportionate to the sensitivity and nature of the data involved.
- It was asked whether internal audit cross-referenced information from other committees (for example, scrutiny work on transformation). It was confirmed that where the testing of an audit covered evidence from other committees, etc, it would

be cross-referenced and recorded in line with internal audit evidence standards and review requirements.

- Members asked whether the Committee could see examples of full internal audit reports (beyond summaries) to support transparency and understanding. It was explained that, while full reports were not routinely presented, officers intended to use member training to walk through an example audit, including what a report looked like and how audit opinions were derived.
- The Committee asked what measurable improvements/outcomes were expected over the three year plan period, and how success would be monitored and reported. Officers indicated that they had not had any recommendations made at the last external assessment, and the aim was to maintain compliance with professional standards. The standards had recently changed, so there was a need to ensure that staff were appropriately trained. It was proposed to look at the Council's approach to using AI and technology, covering any associated benefits and risks, including the need to validate AI outputs. Any monitoring requirements were informed by the Internal Audit Quality and Improvement Programme with results reported through the Annual Report.
- A question was raised on whether Members would be consulted as part of the audit of the Council's use of social media. It was stated this would not normally form part of audit work (which focused on management controls and risks), unless linked to wider strategic issues, but this did not happen often.
- Clarification was sought regarding the HR audit and how retention would be audited. It was noted that recruitment and retention work had already been completed earlier in the year.
- Sickness absence management was flagged as a potential risk area. It was explained that this had been reviewed in detail historically. Since then, the Council had put in place a more robust framework, which included benchmarking to see if absence rates were out of step with its peer group. The focus of any audit would be on whether policies and procedures were being adhered to.
- Members queried whether care homes should be included as a high-risk area, given the current financial pressures. It was suggested that there may have been a recent change of plans for the Council's care homes that would require clarification from the Executive. The Audit Manager clarified after the meeting that her reference was not regarding new plans, but the plans that had been included in the Transformation Programme, as she was not aware of the current status of that work.
- Concerns were raised about ICT document storage/records management, which had been highlighted as part of a previous scrutiny review. It was confirmed this could be audited if requested, though ICT audits typically needed to be scoped into manageable elements. Access controls were covered routinely, and storage could be reviewed as a specific area. Members requested that such an audit be included in the Audit Plan.
- Assurance was sought regarding the Internal Audit Team's resources. It was confirmed the Internal Audit Plan was based on a team of 4.4 FTE. Resourcing was currently considered to be sufficient, but if a current vacancy was left unfilled and created a significant gap, then this would be flagged to the Committee.

Action: Audit Manager to include an audit of data storage on the Audit Plan.

RESOLVED: that the Proposed Audit Plan and Internal Audit Charter be approved.

9 Internal Audit Annual Assurance Report 2025/26

Julie Gillhespey (Audit Manager) presented the Internal Audit Annual Assurance Report 2025/26 (Agenda Item 8).

During the debate, the following points were discussed:

- Members asked whether issues related to procurement cards were likely to be replicated in other local authorities. Officers considered that other local authorities would most likely experience similar issues. It was explained that central government had granted powers for local authorities to have procurement cards, which had strict rules governing their use. Issues uncovered by audit were mostly related to non-compliance with the rules, including card sharing (which should not occur). The alternative would be to issue more cards, but that carried its own risk. No incidents of fraud had been identified.
- Assurance was sought that recurring procurement card issues were being addressed and were not left to become systemic risks. It was explained that compliance had improved at points historically, but there was a tendency to slip back into working practices that suited the service. The underlying framework was considered to be robust, but it required consistent adherence and training.
- Members asked about spending limits on procurement cards. It was explained that limits were set by service directors and controls included monthly/transaction thresholds and restrictions (e.g., controls on what could be purchased, and no cash withdrawals).
- The Committee noted that 'exceptional financial support' was listed as a risk and suggested adding the local government settlement as a risk, since this was unlikely to keep up with inflation. It was agreed this linked into the broader funding gap and that wording could be added; it was also noted that an audit was planned for the year examining financial robustness.

Action: The local government settlement to be added as a risk.

RESOLVED: that the Internal Audit Annual Assurance Report 2025/26 be noted.

10 Constitution Update

Nikki Thomas (Service Lead - Legal & Democratic) presented the proposed amendments to the Constitution (Agenda Item 9).

During the debate the following points were discussed:

- It was noted that the software used to compile committee agendas had automatically accepted tracked changes for the Part 11 update, so these did not show in Appendix A - a corrected version had been published within the supplementary agenda pack.
- A question was asked about the proposed exclusion of certain social care placements from Key Decision requirements. It was explained that while initial placement costs usually fell within delegated authority limits, expenditure could mount up over time. The intention was to allow placements to be secured quickly (as delays for formal Executive approvals could result in losing placements), while adding additional safeguards (i.e., multiple layers of authorisation, including Chief Executive sign-off).
- A further question was asked about transparency and monitoring of such arrangements. It was confirmed that these were recorded as written officer decisions and could therefore be monitored.
- A question was asked about how members and officers would be made aware of the updated Constitution once implemented and what training was provided. It was noted that changes to the Scheme of Delegation largely reflected current practice; officers

could seek advice from the Monitoring Officer or deputies as needed. Also, the Constitution was covered as part of the staff induction process.

- The Committee asked about how the Constitution was accessed. It was explained that it was published to the Council's website in individual sections and also as a single PDF document.
- It was noted that the Task Group guidance would be discussed at the Resources and Place Scrutiny Committee meeting on 29 June, with feedback to be considered before submission to Council.
- Thanks were expressed to the Officers and Members who had been involved in updating the Constitution over a long period of time.

RESOLVED: that

(a) Part 11 Scheme of Delegation be updated in accordance with the changes detailed in Appendix A to reflect the changes to Senior Management within West Berkshire Council and guidance.

(b) Part 5 – Executive Rules Key Decision threshold be affirmed at £500,000 but that social care placements should be excluded from key decisions as set out in Appendix B

(c) Task Group Guidance (Appendix C) be formally added to the Constitution with amending Part 6 para 3.4 with the addition of: '3.4.3.3 shall adhere to the Task Group guidance appended'.

(d) Deletion of Health and Wellbeing Board sub-bodies that have been dissolved or no longer meet in public.

(e) Update to Part 6 sub part 6 Audit and Risk Committee terms of reference 4.1 to add: To consider and make recommendations to the Council on proposed changes to the Constitution.

11 Strategic Risk Register Q4 2025/26

Martyn Sargeant (Service Director – Strategy and Governance) presented the Risk Management Report for Quarter 4 2025/26 (Agenda Item 10).

Members did not have any questions on this item.

RESOLVED to note the report.

12 Exclusion of Press and Public

RESOLVED: That members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 3 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Section 10, Part 10 of the Constitution also refers.

13 Strategic Risk Register Q4 2025/26

(Paragraph 3 – information relating to financial/business affairs of particular person)

(Paragraph 5 – information relating to legal privilege)

(Paragraph 5 – information relating to proposed action to be taken by the Local Authority)

The Committee considered an exempt report concerning the Strategic Risk Management Report for Quarter 4 2025/26 (Agenda Item 12).

RESOLVED to note the report.

(The meeting commenced at 6.30 pm and closed at 7.33 pm)

CHAIRMAN …….

Date of Signature …….

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

AUDIT AND RISK COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 28 JULY 2026

Present: Councillors Erik Pattenden (Chairman), Ross Mackinnon (Vice-Chairman), Laura Coyle, Carolyne Culver, Billy Drummond and Owen Jeffery, and Independent Member Simon Carey (attending virtually)

Also Present: Councillor Iain Cottingham (Executive Portfolio: Finance and Resources), Sarah Clarke (Executive Director (Resources)), Toby Bradley (Service Lead, Financial Management), George Winterbourne (Service Lead – Finance and Strategic Assets), Duncan Laird (KPMG), Gordon Oliver (Clerk) and Darius Zarazel (Zoom Host)

Apologies for inability to attend the meeting: Councillor Jeremy Cottam

PART I

18 Declarations of Interest

There were no declarations of interest received.

19 Annual Governance Statement 2025/26

Councillor Iain Cottingham (Portfolio Holder: Finance and Resources) and Sarah Clarke (Executive Director – Resources) presented the Annual Governance Statement 2025/26 (Agenda Item 3).

It was noted that the report referred to the Governance Committee rather than the Audit and Risk Committee on page 25, and it was requested that this be updated.

Action: Change reference to Governance Committee to Audit and Risk Committee on page 25.

It was noted that Internal Audit had highlighted the risk that not all internal audit recommendations had been fully implemented. It was agreed that progress in implementing the recommendations should be regularly reviewed by the Committee going forward.

Action: Progress against internal audit recommendations to be reviewed as part of the quarterly internal audit update reports.

It was noted that External Audit had not identified any risk of significant weakness in the Council's governance or arrangements for improving economy, efficiency or effectiveness due to procedures performed, and the Council had appropriate and effective processes in place.

Members asked how the Code of Local Governance was embedded in day-to-day decision making. The Committee was directed to Part 5 of the Governance Statement, which had been updated to reflect the creation of the Audit and Risk Committee, adoption of the Finance Improvement Plan (FIP), and establishment of the Finance Improvement Group and the GPAW Boards.

Officers were asked how measures in the FIP had led to improved resilience. It was noted that the Council's financial position had improved due to the financial controls put

in place. The Financial Review Panel had drilled down into the main drivers of cost. Service Directors were asked to present plans to bring costs in line with budgets. The Asset Optimisation Plan had helped to make the most of the Council's assets. Also, the Transformation Programme was helping to improve efficiency. While the Council was not yet in a position of financial sustainability, there was a clear route towards achieving this.

A number of potential changes to the report were suggested:

- Page 6 should refer to Resources and Place Scrutiny rather than Transformation and Place Scrutiny.
- The report should refer to recommendations from the Policy Development Group (PDG) around the Transformation Programme.
- Appendix A should refer to recommendations made by the Project Management Task and Finish Group, acknowledging the role of scrutiny.
- The document should include hyperlinks so readers could access the scrutiny and PDG reports.

Action: Officers to make suggested changes to the report.

Concerns were expressed that scrutiny had looked at project management on three occasions, but without cross-referencing of documents there was a risk of failure to learn lessons. Officers cited significant improvements that had been made to project management within the Council but noted that the Service Lead who had delivered these changes had recently left, so there was a need to embed the changes in the organisation's DNA to prevent slipping back.

It was acknowledged that implementation of scrutiny recommendations needed to be tracked.

Action: Officers and Members of the Executive to consider how scrutiny recommendations are tracked.

It was suggested that the report presented the Council's governance in an overly positive light. Concerns were expressed around policy making, decision making, and the administration of governance.

Members asked why the Council's Financial Statements and Annual Governance Statement was being considered at extraordinary meetings rather than a scheduled meeting. Officers indicated that it had been difficult to get the Governance Report to a scheduled meeting and discussions had taken place about scheduling additional meetings in future. It was acknowledged that the Annual Governance Statement had been omitted from the agenda of the previous extraordinary meeting in error. Assurance was provided that adequate processes were in place to ensure that reports came forward as planned.

Members voiced concern about the number of extraordinary meetings of various committees and highlighted that the Annual Pay Review had been considered at extraordinary meeting, despite being a statutory document. It was explained that this had been omitted in error, and because there was a requirement to approve it by 31 March, an extraordinary meeting had needed to be arranged.

Surprise was expressed that the Social Value Policy had not referenced the previous version produced in 2021. It was suggested that this was not the best way in which to work. Officers explained that there had been significant legislative change in the intervening period, which was why the new policy had been drafted from scratch.

It was highlighted that the Executive Summary had been missing from a recent Executive report. It was suggested that the report could not have been read in full by Members of

the Executive - this was felt to be an unsatisfactory model of governance and decision making. Assurance was provided that Members of the Executive had reviewed the report in full, and it was suggested that there may have been an issue with the report's version control.

Members sought clarification on the workstream related to organisational culture. Officers indicated that this was intended to support the workforce to embrace opportunities presented by change. The name of the board had changed from 'We Can' to 'We Can, You Can, I Can' reflecting that it sought to empower the workforce to make decisions and deliver change. It was acknowledged that WBC was a small authority with limited resources, which made its ambitions difficult to achieve.

The Committee sought clarification on whether officers 'at the coal face' were involved in the We Can, You Can, I Can Board. It was confirmed that the Board comprised senior officers, but its work was informed by the Employee Engagement Forum. Opportunities would also be taken to work with trade unions.

RESOLVED subject to the requested changes being made, to approve:

(a) the Annual Governance Statement at Appendix A to this report

(b) the updated Code of Local Governance at Appendix B

(The meeting commenced at 7.37 pm and closed at 8.13 pm)

CHAIRMAN …….

Date of Signature …….

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DRAFT

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AUDIT AND RISK COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 28 JULY 2026

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PART I

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Action: Change reference to Governance Committee to Audit and Risk Committee on page 25.

It was noted that Internal Audit had highlighted the risk that not all internal audit recommendations had been fully implemented. It was agreed that progress in implementing the recommendations should be regularly reviewed by the Committee going forward.

Action: Progress against internal audit recommendations to be reviewed as part of the quarterly internal audit update reports.

It was noted that External Audit had not identified any risk of significant weakness in the Council's governance or arrangements for improving economy, efficiency or effectiveness due to procedures performed, and the Council had appropriate and effective processes in place.

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in place. The Financial Review Panel had drilled down into the main drivers of cost. Service Directors were asked to present plans to bring costs in line with budgets. The Asset Optimisation Plan had helped to make the most of the Council's assets. Also, the Transformation Programme was helping to improve efficiency. While the Council was not yet in a position of financial sustainability, there was a clear route towards achieving this.

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Action: Officers to make suggested changes to the report.

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It was acknowledged that implementation of scrutiny recommendations needed to be tracked.

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the Executive - this was felt to be an unsatisfactory model of governance and decision making. Assurance was provided that Members of the Executive had reviewed the report in full, and it was suggested that there may have been an issue with the report's version control.

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RESOLVED subject to the requested changes being made, to approve:

(a) the Annual Governance Statement at Appendix A to this report

(b) the updated Code of Local Governance at Appendix B

(The meeting commenced at 7.37 pm and closed at 8.13 pm)

CHAIRMAN …….

Date of Signature …….

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Audit and Risk Committee - Actions Tracker

Members are requested to consider the following list of actions and note the updates provided.

Ref.	Date	Item/Action	Member/Officer	Status	Comments/Update
26-2	27/01/2026	**KPMG: Draft Auditor's Annual Report (2024-25) -** review the use of '!' symbols where there is limited risk	KPMG	In progress	Pending the next Annual report, expected January 2027.
26-3	27/01/2026	**KPMG: Draft Auditor's Annual Report (2024-25) -** consider bringing the annual reports to separate meetings in future years.	KPMG	In progress	Pending the next Annual report, expected January 2027.
26-14	23/06/2026	**Member Training -** Officers to develop a training programme based on the feedback received and agree the schedule with the Committee's Chairman.	Martyn Sargeant	In progress	
26-17	28/07/2026	**Annual Treasury Management Review 2026/26 -** Check the valuation used to calculate the rate of return for property investment in section 5.22 of the report	George Winterbourne	Complete	Confirmed typo - should have been 31 March 2025 rather than 31 March 2026. Corrected accordingly.
26-18	28/07/2026	**Annual Treasury Management Review 2026/26 -** Check the figures in 5.19 and Appendix D	George Winterbourne	Complete	Included further detail in 5.19 to clarify the differences in SONIA rates between this section and Appendix D.
26-19	28/07/2026	**Annual Governance Statement 2025/26 -** Change reference from Governance Committee to Audit and Risk Committee on page 25.	Sarah Clarke	In progress	
26-20	28/07/2026	**Annual Governance Statement 2025/26 -** Progress against internal audit recommendations to be reviewed as part of the quarterly internal audit update reports.	Julie Gillhespey	Complete	See Q1 2026/27 report.
26-21	28/07/2026	**Annual Governance Statement 2025/26 -** Make changes to report: - Page 6 should refer to Resources and Place Scrutiny rather than Transformation and Place Scrutiny. - Refer to recommendations from the Policy Development Group around the Transformation Programme. - Appendix A to refer to recommendations made by the Project Management Task and Finish Group, acknowledging the role of scrutiny. - Include hyperlinks so readers can access the scrutiny and PDG reports.	Sarah Clarke	In progress	
26-22	28/07/2026	**Annual Governance Statement 2025/26 -** Consider how scrutiny recommendations are tracked.	Cllr Iain Cottingham/ Sarah Clarke	Complete	Recommendations and actions are being managed by the individual scrutiny committees.

Last Updated: 21 September 2026

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Audit and Risk Committee – 29 September 2026

Item 3 – Declarations of Interest

Verbal Item

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WEST BERKSHIRE COUNCIL
AUDIT & RISK COMMITTEE WORK PROGRAMME

Meeting Date	Item	Purpose	Lead Officer	Report likely to be considered in private (i.e., it contains confidential or exempt information)
17 Nov 2026	Strategic Risk Register: Q2 2026/27	To highlight the corporate risks that need to be considered by the Audit and Risk Committee and to outline the actions taken to mitigate those risks.	Martyn Sargeant, Beatriz Teixeira	Part Exempt
17 Nov 2026	Review/Update to the Anti-Fraud Policy and Related Policies	The Council's policies covering Anti-Fraud and Corruption, Anti-Money Laundering and the Bribery Act were last reviewed/published in 2023, they are required to be reviewed every three years to ensure they reflect the most recent local government guidance and relevant legislation. The Terms of Reference for the Audit and Risk Committee state the Committee's role is to have oversight of fraud risk and how it is being managed, this therefore includes review of the Council's policies and procedures covering the management of fraud.	Julie Gillhespey	Open
26 Jan 2027	Internal Audit Update Report: Q2 2026/27	To update the Committee on the status of Internal Audit work as at the end of Quarter Two 2026/27.	Julie Gillhespey	Open
26 Jan 2027	Risk Management Strategy 2027-2030	The Risk Management Strategy sets out the overarching framework for managing risk at the Council, the Council's risk appetite and the risk management objectives for the next three years.	Martyn Sargeant, Beatriz Teixeira	Open
26 Jan 2027	Financial Year 2026/27 Mid-Year Treasury Report	The report details the changes in the elements that contribute to the overall performance of the treasury activities and what the impacts of those changes are expected to be, along with the results for the half-year to September 2026.		Open

08 Mar 2027	KPMG: Draft Auditor's Annual Report	To present the Draft Auditor's Annual Report for the year ending 31 March 2026 from KPMG (external auditor)	TBC	Open
08 Mar 2027	Internal Audit Update Report: Q3 2026/27	To update the Committee on the status of Internal Audit work as at the end of Quarter Three 2026/27.	Julie Gillhespey	Open
08 Mar 2027	Internal Audit Draft Plan: 2027/28	The Public Sector Internal Audit Standards (PSIAS) require the Council's Audit Plan and Internal Audit Charter to be approved by those charged with governance within the Council. The purpose of this report is to set out a risk-based plan of work for Internal Audit (IA) that will provide assurance to the Audit and Risk Committee on the operation of the Council's governance, risk management and internal control frameworks, and support the Committee's review of the Council's Annual Governance Statement.	Julie Gillhespey	Open
08 Mar 2027	Strategic Risk Register: Q3 2026/27	To highlight the corporate risks that need to be considered by the Audit and Risk Committee and to outline the actions taken to mitigate those risks.	Martyn Sargeant, Beatriz Teixeira	Part Exempt

Last Update: 27 Aug 2026

Planning Committee and National Scheme of Delegation

Committee considering report:	Council
Date of Committee:	15th October 2026
Portfolio Member:	Councillor Denise Gaines
Date Head of Service agreed report: *(for Corporate Board)*	25th August 2026
Date Portfolio Member agreed report:	TBC
Report Author:	Bob Dray, Interim Service Lead – Planning

1 Purpose of the Report

1.1 This report asks Council to approve amendments to the Council's Constitution to:

(a) Implement the National Scheme of Delegation for planning functions, as introduced under the Planning and Infrastructure Act 2025 and given effect by the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

(b) Establish a single Planning Committee to replace District Planning Committee, Eastern Area Planning Committee and Western Area Planning Committee.

(c) Implement other minor amendments to the Constitution relating to Planning.

2 Recommendations

2.1 Replace Section 8 (Service Director – Development and Housing) of the Scheme of Delegation in Part 11 of the Constitution with the changes shown in Appendix A to implement the National Scheme of Delegation and ensure the amended Constitution is in accordance with the Planning and Infrastructure Act 2025 and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

2.2 Amend Part 6.8 Appendix Planning Committees with the changes shown in Appendix B to replace the existing three committee structure with a single Planning committee.

2.3 Delegate to the Monitoring Officer to make any minor substantive changes to the Constitution they deem necessary to ensure the Council's planning delegation arrangement comply with the Planning and Infrastructure Act 2025 and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. This delegated authority is provided that any such changes are the

minimum necessary to ensure compliance, and subject to the amendments being ratified by Full Council as soon as practicable.

2.4 Endorse a review of the new arrangements by the Service Lead for responsibility for planning between 6 and 12 months following implementation.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	Planning committees involve a significant level of resource, predominantly by way of officer time. The increased levels of delegation are expected to significantly reduce the number of planning applications that are determined by planning committee. Consequently, part of these proposals is to replace the current planning committee structure with a single planning committee. The implementation of the national scheme of delegation would use existing system and software, and so no other significant costs are anticipated in this respect. There is a need for additional training for members and officers, and for public communications regarding the changes. However, it is anticipated that these can be accommodated within existing resources. No additional budget has been secured to implement these changes. If the National Scheme of Delegation is not implemented locally, it would not be legally possible to determine some planning applications, which could lead to appeals against non-determination (with costs) or judicial reviews, both of which have significant financial implications.
Human Resource:	In the short-term, the implementation is resource intensive. Taking a longer perspective, it is anticipated that the reduction in committee workload will result in a net more efficient use of human resources.
Legal:	The Council is under a statutory duty to have regard to the guidance and to operate the national scheme of delegation and committee arrangements required by the 2025 Regulations from 31st October 2026.

	Failure to amend the Constitution, or a committee decision taken in breach of the Regulations, would be liable to legal challenge by way of judicial review and could be quashed. It is therefore essential to make changes to the Constitution to ensure that the Council can continue to fulfil its legal obligations under the Town and Country Planning Act 1990 and other associated legislation. Planning law commentators have identified potential areas of challenge associated with the new national scheme of delegation, including the interpretation and application of the gateway tests. These are general risks applying to all local planning authorities and so there is no direct mitigation. The proposals do, however, include proposed clauses to enable the Monitoring Officer to make emergency changes to the Constitution if necessary to ensure compliance with the 2026 Regulations. This will help mitigate the risks associated with introducing a new regime at pace, and will enable to the Council to adapt should new case law and guidance materialise in the early stages of nationwide implementation. Proposals prepared in collaboration with Sharon Armour (Legal Services Manager). Consultation with Nicola Thomas (Service Lead – Legal and Democratic) and Sarah Clarke (Monitoring Officer).
Risk Management:	The principal risks of not approving the recommendations are: 1. The Council being unable to progress the determination of a significant number of applications until changes are made. These would occur where an unamended Constitution does not give delegated authority to officers, but the referral to committee would be contrary to the Regulations. 2. Avoidable delays in the determination of planning applications, and increased risk of appeals against non-determination with associated costs. 3. Legal challenge to committee decisions and reputational harm from non-compliance with a statutory framework.
Property:	No material implications.

Policy:	The National Scheme of Delegation is a legislative change enacted by Government as part of wider planning reforms, which is supported by published statutory guidance. These changes relate to how planning functions are delegated within local planning authorities, but otherwise the legal and policy framework for decision-makers remains unchanged. Planning law continues to require planning decisions to be made in accordance with the development plan (e.g. local plan and neighbourhood plans) unless material considerations indicate otherwise. These specific reforms do not alter the National Planning Policy Framework (revised separately on 17th August 2026), or any local planning policies.			
	Positive	**Neutral**	**Negative**	**Commentary**
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		No, the National Scheme of Delegation has been subject to EqIA through the legislative process. The changes are procedural and apply equally to all applicants and residents. The proposals in this report are to make the necessary changes to implement these into the Council's constitution. There is not considered to be any material impact on inequality from these proposals. Every planning decision must have due regard to the Equality Act and this is not proposed to change. The number of planning committees is not considered have any material impact on inequality from these proposals. The changes are procedural and apply equally to all applicants and residents.

B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		No, the National Scheme of Delegation has been subject to EqIA through the legislative process. The changes are procedural and apply equally to all applicants and residents. The proposals in this report are to make the necessary changes to implement these into the Council's constitution. It is not considered that this decision would affect persons with protected characteristics in any materially different way. Every planning decision must have due regard to the Equality Act and this is not proposed to change. The number of planning committees is not considered that this decision would affect persons with protected characteristics in any materially different way. The changes are procedural and apply equally to all applicants and residents.
Environmental Impact:		✓		The changes are procedural and do not have a direct environmental impact. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This will not change under the National Scheme of Delegation or a single planning committee. The development plan will maintain the same policies in relation to environmental protection.
Health Impact:		✓		The changes are procedural and do not have a direct health impact. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This will not change under the National Scheme of Delegation or a single planning committee. The development plan will maintain the same policies in relation to public health and the built environment.

ICT Impact:		✓		The changes will be implemented using the existing case management system. Where changes are required, it is anticipated that these can be made in-house.
Digital Services Impact:		✓		These are procedural changes with no direct impact on Digital Services. However, where appropriate, process design will seek to prioritise digital solutions (for example, any forms for members to flag applications for consideration).
Council Strategy Priorities:		✓		The recommendations are not brought forward to support any of the Council's strategic priorities, rather the recommendations relates to business as usual in that they are ensuring planning functions continue in accordance with the legislative framework.
Core Business:	✓			The implementation of the National Scheme of Delegation is required to continue business as usual planning functions, predominantly the determination of planning applications.
Data Impact:		✓		No additional data would be routinely collected as part of the new processes.

Consultation and Engagement:	The recommendations in this report have been prepared in collaboration between the Service Lead – Planning (Chief Planning Officer), Development Manager and Legal Services Manager. There has also been engagement with the Portfolio Holder for Planning and Housing, Service Director (Development and Housing), Development Management Team Leaders, Service Lead – Democratic and Legal, the Executive Director – Place, and the Executive Director – Resources (Monitoring Officer).

	In addition, it is recognised that this is a substantial change to the way in which planning decision are determined, and therefore the following early engagement has also taken place: • Briefing note for Constitution Review Task Group • Early update email circulated to all members • Early update email circulated to all parish and town councils • Topic at annual member planning training (September 2026) In recognition of upcoming local government reform, officers have also liaised with colleagues at South Oxfordshire and Vale of the White Horse ("South and Vale") Councils to ensure implementation proposals are aligned as much as possible.

4 Executive Summary

4.1 This report is brought because the Council is required to update its Constitution to implement the National Scheme of Delegation for planning functions. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 come into force on 31st October 2026 and will require certain planning functions to be discharged by officers, with other applications only capable of being referred to committee where the statutory gateway tests and local referral arrangements are satisfied.

4.2 The report proposes to:

(a) Replace the existing planning delegation provisions in the Constitution with updated wording that reflects the National Scheme of Delegation.

(b) Delegate all Schedule 1 applications to officers, as required by the Regulations, and delegate a number of other application types that are technical in nature.

(c) Introduce a local triage process for Schedule 2 and own-interest applications, recognising that this is the main area where there is the ability for local discretion. The process would filter which applications are considered by the nominated member and nominated officer, rather than requiring every Schedule 2 application to be reviewed. It would broadly use existing local committee triggers as the starting point, including officer referral, Planning Committee Chairman referral, ward member flagging, own-interest applications and major development, while excluding application types that are proposed to remain fully delegated.

(d) Replace the existing District Planning Committee, Eastern Area Planning Committee and Western Area Planning Committee with a single Planning Committee, reflecting the expected reduction in committee workload.

(e) Delegate limited authority to the Monitoring Officer to make any necessary minor amendments to ensure compliance during implementation, subject to ratification by Full Council as soon as practicable.

(f) Endorse a review of the new arrangements between 6 and 12 months after implementation.

4.3 Approval of the recommendations is necessary to ensure the Council can continue to determine planning applications lawfully and efficiently once the new statutory framework comes into force. The proposed arrangements provide a proportionate local implementation of the Regulations, maintain appropriate democratic oversight for qualifying applications, reduce avoidable committee workload, and include safeguards through Monitoring Officer delegation and post-implementation review.

5 Introduction

5.1 The Planning and Infrastructure Act 2025 introduced a new statutory framework requiring all local planning authorities in England to adopt a National Scheme of Delegation for planning functions, alongside a maximum size limit for planning committees.

5.2 The Government has stated that these reforms are intended to provide greater clarity, consistency and certainty in planning decision-making across England, to ensure that planning committees focus on key proposals that matter to an area, and to enable more routine and policy-compliant applications to be determined by professional planning officers.

5.3 The new requirements are given effect by the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. The Regulations were made on 15th July 2026 and come into force on 31st October 2026. From that date, the Council will be legally required to determine certain categories of planning application under officer delegated authority, and to operate a statutory 'gateway test' before certain other applications may be referred to committee. The Council's current Constitution does not reflect these requirements and must be amended before commencement.

5.4 This is a mandatory legislative change. The Council has discretion over some elements of local implementation – for example, committee structure and size within the statutory maximum, and internal process design. The Council does not have discretion over whether to comply with the core statutory framework. It is therefore essential the Constitution is amended, and internal processes revised, prior to the commencement date on 31st October 2026.

6 Overview of the National Scheme of Delegation

6.1 This section gives an overview of the new National Scheme of Delegation, as set out in legislation and guidance (Appendix C). A Member Briefing Note from the Planning Advisory Service (Local Government Association) is included in Appendix D. The following section sets out how it is proposed to implement the National Scheme of Delegation at West Berkshire.

6.2 The National Scheme of Delegation sets out two schedules to determine which applications must be delegated to officers, and those which may be referred to planning committee subject to the statutory 'gateway tests':

(a) Schedule 1 sets out the list of types of applications that **must in all circumstances be delegated to officers**.

(b) Schedule 2 sets out the list of types of applications that **may be referred to a committee subject to the circumstances** set out in the Regulations and must be delegated to an officer where those circumstances have not been met.

6.3 In determining whether a committee referral is made for a Schedule 2 application, the presumption should be that decisions are delegated to officers and only exceptionally be referred to committee. At a minimum, at least one of the following statutory criteria (the "**gateway tests**") must be met for a referral to committee to be considered to meet that threshold:

(a) where the application raises a significant planning matter having regard to the development plan and any other material considerations.

(b) where the application raises an economic, social or environmental issue of significance to the local area.

6.4 The decision to refer to committee is made by agreement between a nominated member (e.g. Committee Chairmen) and a nominated officer (e.g. Chief Planning Officer). This decision must be made having regard to any guidance issued by the Secretary of State (see Appendix C), and the overriding presumption is that the applications listed in Schedule 2 will be delegated to officers and only exceptionally referred to committee.

Schedule 1 applications

6.5 The table below lists all application types that are listed in Schedule 1 of the Regulations. These are the types of applications that **must in all circumstances be delegated to officers**. Some of these application types are already 'fully delegated' under the Council's pre-existing Scheme of Delegation. For comparison, the table also identifies those which are currently subject to call-in and those which are always delegated currently.

Proposed Schedule 1 functions that must always be delegated under the National Scheme of Delegation.	**Available to call-in (before changes)**	**Always delegated (before changes)**
Householder development (a) an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development.	✓	
Minor commercial development (a) an application for planning permission for development of an existing building or part of a building currently in use for any of the purposes falling within Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development, where such an application does not include a change of use, a change to the number of units in a building, or development that is not wholly at ground floor level or that would increase the gross internal area of a building.	✓	
Minor residential development (a) an application for planning permission for development that— (i) includes only dwellings and development for purposes incidental to the enjoyment of dwellings, (ii) comprises at least one but not more than nine dwellings, and	✓	

(iii) is to be carried out on a site having an area smaller than 0.5 hectares; (b) an application for planning permission for development (other than excluded flat development) of a building containing flats, or development within the curtilage of such a building, for any purpose incidental to the enjoyment of the flats or any of the flats; or (c) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order for development within paragraph (a) or (b).		
Reserved matters approvals in respect of an outline application other than a large outline permission. ("large outline permission" means an outline planning permission which permits development involving either or both of— (a) the provision of 500 or more dwellings; (b) the provision of a building or buildings where the floorspace to be created by the development is 50,000 square metres or more.)	✓	
Discharge of conditions (applications under Article 27(1) of Town and Country Planning (Development Management Procedure) (England) Order 2015)		✓
Prior approval for permitted development rights, or an application for determination as to whether prior approval is required (applications under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015)		✓
Permission in principle (as referred to in section 58A of the Town and Country Planning Act 1990)	✓	
Where a local planning authority considers a planning obligation is connected to a Schedule 1 application, **requests to agree to modify or discharge a planning obligation** (under section 106A(1)(a) of the Town and Country Planning Act 1990)		✓
Where local planning authority considers a planning obligation is connected to a Schedule 1 application, **modification or discharge of**	✓	

a planning obligation (applications under section 106A(3) of the Town and Country Planning Act 1990)		
Non-material amendments to planning permission or permission in principle (applications under section 96A(4) of the Town and Country Planning Act 1990)		✓
Certificates of lawfulness of existing use or development (under section 191(1) of the Town and Country Planning Act 1990)		✓
Certificates of lawfulness of proposed used or development (under section 192(2) of the Town and Country Planning Act 1990)		✓
Biodiversity gain plan (duty to approve under paragraph 14 of Schedule 7A to the Town and Country Planning Act 1990)		✓
Certificates of appropriate alternative development (applications under section 17 of the Land Compensation Act 1961)	✓	

Schedule 2 applications

6.6 Schedule 2 covers applications that may be considered by Planning Committee, but only if the statutory gateway tests and any local arrangements are met. These are detailed in the statutory guidance (Appendix C), but in summary are:

(a) planning applications that are not covered by Schedule 1;

(b) planning applications that would normally be Schedule 1, but are linked to listed building consent or changes to conditions on listed building consent;

(c) applications to change or remove conditions from an earlier Schedule 2 planning permission;

(d) retrospective planning applications, where the development has already taken place;

(e) reserved matters applications that relate to a large outline planning permission[1];

(f) requests to change or remove a planning obligation, where the obligation is linked to a Schedule 2 application;

(g) formal applications to change or remove a planning obligation, where the obligation is linked to a Schedule 2 application;

[1] "large outline permission" means an outline planning permission which permits development involving either or both of (a) the provision of 500 or more dwellings; (b) the provision of a building or buildings where the floorspace to be created by the development is 50,000 square metres or more.

(h) applications for listed building consent;

(i) applications to change or remove conditions on listed building consent;

(j) applications for advertisement consent; and

(k) applications for consent to carry out works to trees protected by tree preservation orders.

Own-interest applications

6.7 The new scheme recognises that there may be cases where, in the interests of transparency and public accountability, it may be appropriate for some 'own-interest applications' to be referred to planning committee without the need for consideration of the 'gateway tests'. Accordingly, the nominated member and officer may also refer the following types of application to committee:

(a) Made by the Council, or on Council-owned land

(b) Made by elected councillors or members of staff

Local implementation and triage system

6.8 Government guidance says the Council does not need to review every Schedule 2 or own-interest application for possible referral to Planning Committee. The Council can therefore use a local triage process to decide which applications should be considered by the nominated member and officer.

6.9 Under the proposed approach, only applications with a realistic prospect of meeting the statutory gateway tests, or raising relevant own-interest issues, would be considered for possible referral. The Council may also decide that some Schedule 2 application types should always be determined by officers. If the nominated member and officer do not both agree to refer an application to Planning Committee, it must be determined by officers.

Councillor and public involvement in planning decisions

6.10 The National Scheme of Delegation does not make any changes to the ability for residents, business, town/parish councils and other interested parties to make comments on planning applications. Any such comments will continue to be taken into account in determining planning applications where they raise material planning considerations.

6.11 Although the route to planning committee will now be governed by the new Regulations, ward councillors remain an important voice in the planning process. They may continue to represent the views of residents, businesses and parish councils, and provide relevant local knowledge. Councillors may make representations on planning applications, which will similarly be taken into account where they raise material planning considerations.

6.12 Where a Schedule 2 application is referred to Planning Committee, the speaking rights for town/parish councils, objectors, supporters, applicants/agents and ward members will remain unaffected.

7 Implementation Proposals for the National Scheme of Delegation

7.1 This sections sets out the proposals for implementing the National Scheme of Delegation in West Berkshire.

Continuity with South and Vale

7.2 In the context of local government reorganisation (notwithstanding the current pause and review by Government), officers have liaised with colleagues at South Oxfordshire and Vale of White Horse District Councils in order to maximise alignment where possible. South and Vale each have their own planning committees, similarly with a meeting each month.

7.3 A Special Council of the Vale of White Horse District Council and a Special Council of South Oxfordshire District Council on 24th September 2026 will consider constitution amendments relating to the National Scheme of Delegation. The proposals at South and Vale similarly give local ward members the ability to make a "Gateway Referral Request", which is equivalent to what is being proposed in this report.

Amendments to Constitution

7.4 Appendix A includes the full text of the proposed changes to the Constitution required to implement the National Scheme of Delegation. It is proposed to replace Section 8 of the Constitution's Scheme of Delegation, which sets out the delegations to the Service Director – Development and Housing.

7.5 The responsibilities for Planning and Housing have been disaggregated for clarity, but no substantive changes are proposed to the Housing delegations. These are replicated in Section 8.2.

7.6 The Planning delegation have been rewritten in Section 8.1 to reflect the National Scheme of Delegation. The following is a summary of these changes, some of which are elaborated below:

(a) Similar to the existing arrangements, all planning matters are delegated to the Service Director and Service Lead with responsibility for Planning, and to the Chief Planning Officer, and the provisions set out the conditions and limitations.

(b) The Chief Planning Officer is delegated authority to produce and maintain a document nominating the nominated member, nominated officer and their substitutes.

(c) All applications listed in Schedule 1 of the Regulations are delegated to officers. This is a direct requirement of the Regulations.

(d) The amendments identify several application types (in addition to Schedule 1 applications) that are delegated to officers.

(e) Sets out arrangements for Planning Committee to consider Schedule 2 applications which are referred to committee by the nominated member and nominated officer. The clauses repeat key legal parameters set out in the Regulations.

(f) A local triage system is set out which determines which applications are considered by the nominated member and nominated officer for referral to Planning Committee.

(g) Sets out provisions to ensure that there is no inappropriate lobbying of the nominated member and nominated officer in whether to refer an application to Planning Committee. These terms do not prevent a ward member from making representations to support their flagging of applications for consideration.

(h) Sets out provisions to enable the Monitoring Officer to make necessary amendments to the Constitution to ensure its terms of compliant with the Regulations upon implementation.

Nominated Member and Nominated Officer

7.7 As with the current arrangements, the proposed constitution amendments give delegated authority to the Service Director and Service Lead with responsibility for Planning.

7.8 Under the proposals, the Chief Planning Officer (Service Lead) will produce and maintain a document that identifies the nominated member, nominated officer and their substitutes, as required by the Regulations. In accordance with best practice, this document sits outside the Constitution so that it can be updated as necessary without reverting to Full Council on every occasion. Multiple nominations are included to ensure there are no single points of failure.

7.9 Ordinarily, it is anticipated that the nominated member would be the Planning Committee Chairman. The Vice Chairman would be a substitute, together with any other identified member.

7.10 Ordinarily, it is anticipated that the nominated officer would be the Chief Planning Officer (Service Lead), with the Development Manager, Service Director and Executive Director as substitutes.

Application process

7.11 The internal process is an operational matter that falls outside the recommendations of this report. However, for awareness, each application would be dealt with as follows

(a) **Initial screening**: At validation stage, each application will be registered as either a Schedule 1 or Schedule 2 application. Thereafter, any Schedule 1 application will proceed to be determined under delegated authority, but Schedule 2 applications will be subject to additional steps.

(b) **Schedule 2 triage**: Similar to how current committee triggers operate, the Planning Service will introduce measures to ensure that any application meeting the triage conditions set out in the proposed triage system are referred to the nominated member and officer (or their substitutes).

(c) **Gateway tests**: The Nominated Member and Officer will meet on a regular basis. They will consider all applications which have been triaged for assessment against the 'gateway tests'. They will decide whether the triaged applications can be referred to committee, or are to be determined under delegated authority. The Regulations require that this decision must be made having regard to the Government's statutory guidance. A record will be made of each decision, including reasons. Occasionally, it may be necessary to revisit these decisions within the process if the circumstances change, but most decisions about committee referral will be made at a point where consultation has concluded so that all parties have certainty on the process that will be followed.

(d) **Application report**: Every application report – delegated and committee – will include a statement setting out the outcome of the screening, triage and gateway tests.

7.12 It should be noted that the law and policies that guide decision making outcomes on planning applications is not changing. Planning law continues to require that all planning decisions are made in accordance with the development plan (e.g. local plan and neighbourhood plans) unless material considerations indicate otherwise. These changes to not affect the National Planning Policy Framework, the adopted Local Plan, or any other planning policy document.

Schedule 1 and other 'triaged out' applications

7.13 The constitution amendments stipulate that any application listed in Schedule 1 of the Regulations will be delegated to officers for decision. See list at paragraph 6.6.

7.14 Councils may also identify other application types that are always delegated to officers, in addition to those listed in Schedule 1 of the Regulations. This may be where, for example, existing schemes of delegation delegate applications that are not specifically listed in Schedule 1.

7.15 The following application types are included within Schedule 2 of the Regulations, but it is considered appropriate to 'triage/carve out' such that they are always delegated.

Application type	**Justification**
Applications for the **variation or discharge of conditions of listed building consent** (under section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990)	The Council's current scheme of delegation stipulates that all discharge of conditions applications are always delegated. Conditions on listed building consents are normally technical considerations. For example, details of joinery, method statements, window details,

Applications for **advertisement consent** (under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007)	Advertisement consents are subject to limited considerations – local amenity and public safety – which are normally technical in nature. Many local planning authorities delegate these applications.
Applications for **consent under tree preservation orders** (under regulation 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012)	Applications specialist knowledge of tree biology, physiology, pests and diseases etc. which can affect their health, as well as current Arboricultural management practice. In particular "5 Day Notices" must be determined urgently where a protected tree is thought to pose an immediate risk to people or property. Hedgerow notifications are determined against various schedules of specific ecological, landscape, or historical criteria; and these again are entirely technical assessments requiring specialist Archaeological and Ecological determination.
Applications for **screening and scoping opinions** under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.	The Council's current scheme of delegation stipulates that all EIA screening and scoping opinions are always delegated. These are technical determinations.

Triage process for Schedule 2 applications

7.16 The triage process for Schedule 2 applications is the area in which the Council has the greatest degree of discretion in how the national scheme of delegation in implemented.

7.17 The guidance is clear that, the overriding presumption is that the functions listed in Schedule 2 will be delegated to officers. In determining whether a referral is made, the presumption should be that decisions are delegated to officers and only exceptionally be referred to committee. This encourages a robust triaging process that filters out the majority of applications, thereby making the referral process as efficient as possible, and avoiding raising expectations of a committee referral if that would be inconsistent with the Regulations.

7.18 The proposals seek to largely replicate the Council's existing scheme of delegation as the foundations for the new triaging process. It is considered that the similarities with the existing arrangements will assist the Council in the initial implementation.

7.19 The table below summarises the applications which would be triaged for consideration by the nominated member and officer. Whilst largely repurposing existing committee triggers as a triage process, the following should be noted:

(a) The level of objection would not trigger referral in of itself. This is because any committee referral must be made on planning reasons, and so it would likely raise public expectations if every application with (for example) 10+ objections would be subject to a committee decision. This does not change the fact that all representations that raise material planning considerations are taken into account. Moreover, the ward member would still be able to flag an application to the nominated member and officer if they believed it may pass the statutory tests.

(b) All major applications would automatically be considered by the nominated member and officer due to their increased propensity to pass the gateway tests.

7.20 It is proposed that the triage process is reviewed between 6-12 months after implementation to ensure it is fit for purpose.

Appendix A Paragraph	**Trigger for the panel to consider whether the application should be referred to planning committee**	**Comments**
8.1.10(a)	Officer referral	Nominated senior planning officers in the Planning Service would be able to refer an application for consideration by the panel.
8.1.9(b)	Planning Committee Chairman referral	The Planning Committee Chairman may themselves make a referral to the panel.
8.1.9(c)	Flagged for consideration by the Ward Member	Any ward member may flag any application in their ward (or adjacent ward) to the nominated member and officer. They may also make representations to accompany their request. This would be comparable to existing call-in arrangements, but instead directed to the nominated member and officer for further consideration. A ward member would have four weeks from the validation of the application to flag it to the nominated member and officer via any form made available by the Planning Service.

8.1.10(d)a	Application made by WBC, or where the land is owned by WBC.	As an 'own-interest application' these can be referred to committee without passing the gateway tests. It is proposed to replicate the existing scheme of delegation.
8.1.10(d) b/c/d	Applications made by members of staff (Planning, linked to Planning, or Executive Leadership)	As an 'own-interest application' these can be referred to committee without passing the gateway tests. It is proposed to replicate the existing scheme of delegation. To be proportionate, this is proposed to be limited to members of staff in the Planning Service, any member of staff who has a direct involvement in the planning application process (e.g. consultees, legal officers), and the Council's Executive Leadership Team. It is not necessary to extend this to members of staff in unconnected services (e.g. social care workers) as they do not have any connection with the process.
8.1.10(d)e	Application made by elected WBC councillor.	As an 'own-interest application' these can be referred to committee without passing the gateway tests. It is proposed the panel will consider all such cases (i.e. not subject to any conditions).
8.1.10(e)	Applications for major development, as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015.	Greater propensity for application to pass the statutory gateway tests.

Referral to Planning Committee

7.21 Upon implementation a regular operational meeting will be established. This will be attended by the nominated member, nominated member, their substitutes and (where necessary) a legal advisor. It will be an operational decision when it meets, but it is envisioned in would typically meet on a fortnightly basis.

7.22 The nominated member and officer (or substitutes) will consider all applications identified through the local triage process, and decide whether any application should be referred to Planning Committee. For each application considered a record will be made of the referral decision and the reasons why the application was, or was not, referred.

7.23 It is important to highlight that the Regulations legally require the nominated member and officer to make their decision having regard to the statutory guidance issued by Government. This is an area which it is anticipated could be subject to legal challenge, and therefore the constitution amendments include clauses to prevent lobbying of the nominated member and officer.

7.24 Any application referred by the nominated member and officer will proceed to Planning Committee for determination in the normal manner. Any application not referred will proceed under delegated authority. The application report for each application will include a note stating:

(a) Whether the application is Schedule 1 or 2;

(b) For Schedule 2 applications, whether it was triaged to be considered by the nominated member and officer;

(c) For any triaged application, the reasons for either a delegated or committee decision.

Provisions for consequential amendments

7.25 The proposals amount to a substantial change in the way planning decisions are delegated and referred to planning committee. There has been limited time between the making of the final regulations and the implementation date. Consequently, there is a risk that – following implementation – minor amendments may be required to address unforeseen issues. This is particularly the case where these changes are being made nationwide, so such issues may arise through legal challenges across the country.

7.26 To mitigate this risk, it is proposed that the Monitoring Officer is delegated the authority to make any substantive changes to the Constitution that are in their opinion necessary to ensure the Council's Constitution fully aligns with the Regulations. Where any changes are necessary, a report will be brought to Full Council for permanent ratification of the changes are the earliest practical opportunity.

7.27 This is reflected in paragraph 8.1.16 of the proposed amendments.

Future review

7.28 This is one of the most substantial planning reforms that has taken place in recent years, and it introduces a fundamentally different approach to how local planning authority functions are delegated. The Regulations were made in July 2026 and come into effect on 31st October 2026, leaving limited time to prepare for implementation.

7.29 The proposals have been carefully considered and prepared. Officers have followed all available statutory and industry guidance, and have attended workshops run by the

Planning Advisory Service including representatives of planning authorities across England.

7.30 Nevertheless, it is considered good practice with such a substantial procedural change that it is subject to a review between 6 and 12 months. Recommendations are made accordingly.

8 Single Planning Committee

8.1 In light of the National Scheme of Delegation, it is proposed to replace District Planning Committee, Eastern Area Planning Committee and Western Area Planning Committee with a single Planning Committee. This would reflect the anticipated reduced committee workload.

8.2 Appendix E sets out the existing committee arrangements and data on workload over recent years.

8.3 Running a planning committee is resource intensive, predominantly in terms of officer time. A meeting will normally be staffed by a lead planning officer, legal officer, clerk, Zoom host, 1-3 planning case officers, and normally at least one consultee officer. The preparatory work involved significant planning officer time (especially for the lead officer), and technical officer support. Planning committees also require committee members to commit large amounts of time. As such, ensuring the committee structure is as efficient as possible is important in terms of making effective use of resources and public expenditure.

8.4 The committee data from recent years (Appendix E) indicates that a single planning committee would be a more efficient and effective structure. Combining the responsibilities of EAPC and WAPC would result in less cancellations, and a more consistent throughput where currently there are often imbalances between the committee (one with limited business, another with a backlog).

8.5 The National Scheme of Delegation is expected to significantly reduce the number of applications which are referred to planning committee. It is therefore recommended that the three existing committees are replaced with a single planning committee.

8.6 The benefits of a single planning committee, meeting monthly, would be:

(a) Reflects the anticipated workload for planning committees under the National Scheme of Delegation.

(b) Enables more consistency with agenda items, avoiding the imbalances that arise with multiple committees. In turn this should lead to less cancellations.

(c) More efficient use of resources, particularly officer and member time, which in turn minimises public expenditure.

(d) A single planning committee would enable membership selection from all councillors. This would help minimise disadvantages to minority group members in terms of selecting substitutions.

(e) A single planning committee for West Berkshire would be better aligned with future Local Government Reorganisation.

(f) Reducing the number of planning committees is being considered by other councils in light of the National Scheme of Delegation.

8.7 A single district-wide planning committee risks reducing local knowledge or representation. However, it is considered that the number of members that would sit on a single Planning Committee would still allow strong representation and local knowledge. It should also be noted that the committee procedure remains unchanged, and the ward member(s) would still be able to make representations direct to Planning Committee.

8.8 On balance, it is considered that the benefits of a single Planning Committee support the proposed change.

8.9 It is proposed that the new Planning Committee comprises 11 members. This replicates the size of District Planning Committee, as opposed to the smaller sub-committees that comprises nine members. This number is within the maximum statutory limit of 13 established by the new Regulations.

9 Other planning constitution amendments

9.1 The following minor amendments are also proposed to the Constitution.

Substitute Members of Planning Committees

9.2 The Constitution sets out the membership arrangements for the Planning Committees to ensure that their composition reflects the Council's overall political balance. Each Area Planning Committee comprises nine Members drawn from the wards within its geographic remit.

9.3 Under the Council's current political make up, the Minority Group has three Members representing wards in the western area, but only one Member representing wards in the eastern area. As a result, the Constitution allocates a single Minority Group Member to the Eastern Area Planning Committee.

9.4 Paragraph 4.2 currently limits substitute Members to those belonging to the same political group as the Member they are substituting for. In the present circumstances, this means that the Minority Group Member on the Eastern Area Planning Committee is unable to appoint a substitute at all.

9.5 In the most extreme scenario, this could result in a meeting being unable to proceed due to the committee not being quorate. It is important to emphasise that planning decisions must be made solely on relevant planning grounds and not on political considerations. This provides a strong rationale for amending the Constitution to ensure the committee can function effectively regardless of political group distribution.

9.6 It is therefore proposed that Section 4 of Part 6.8 - Appendix: Planning Committees be amended to allow a Substitute Member from any party on occasions where a selection cannot be made from the same party.

Member Planning Training

9.7 The Development Management Audit has included the following recommendation:

> *"We recommend that, as per the LGA good practice guidance 'Probity in Planning', councillors (i.e. the Planning Committees) should visit or review a sample of implemented planning permissions to assess the quality of the decisions and the development, ideally on an annual or more frequent basis. The Code of Conduct for Planning should be revised accordingly."*

9.8 The Planning Service intend to incorporate this action into the annual Member Planning Training. The Code of Conduct for Planning has now been incorporated into of Part 6.8 - Appendix: Planning Committees. To fulfil the full recommendations of the audit, it is proposed to make an addition to Section 4 of Part 6.8 - Appendix: Planning Committees.

10 Other options considered

National Scheme of Delegation

10.2 The National Scheme of Delegation is being implemented nationwide by the 2026 Regulations. All local planning authority decisions are bound by these Regulations, and therefore there is no alternative which involves not implementing the National Scheme of Delegation.

10.3 The proposals have been drafted in line with the statutory guidance published by Government, and with industry guidance produced by the Planning Officers Society and the Planning Advisory Service (part of the Local Government Association). As the proposals adopt a national scheme, these is limited scope to vary the substance of the drafting.

10.4 The main area of local discretion is in the triaging process. Consideration has been given to a more robust triaging process that filters out more applications from being considered by the nominated member and officer, reflecting the Government's statutory advice that it is the presumption that most Schedule 2 applications will be delegated to officers and only exceptionally will an application be referred to committee. However, given that this a new scheme that is being implemented for the first time nationwide, it is considered appropriate to propose a more relaxed triage process. It is, however, proposed to review the arrangements following implementation, whereby this can be given further consideration.

Single Planning Committee

10.5 Consideration has been given to not making changes to the existing committee structure. However, given the anticipated reduction in planning committee caseload, the costs associated with running each planning committee, and the Council's financial

position, it is not considered a financially sound approach to run multiple planning committees under the National Scheme of Delegation.

Other planning constitution amendments

10.6 The alternative option would be to retain the existing substitute and training arrangements, but this would not address the risks set out in this report, nor address the recommendations of the Development Management Audit.

11 Conclusion

11.1 The recommendations in this report are necessary to ensure that the Council's Constitution is updated before the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 come into force. From that date, the Council must operate the National Scheme of Delegation and cannot continue to rely on existing local arrangements where these are inconsistent with the statutory framework.

11.2 The proposed amendments to the Scheme of Delegation will enable the Council to continue determining planning applications lawfully and efficiently, while preserving committee consideration for those Schedule 2 and own-interest applications that meet the statutory requirements for referral. The proposed triage arrangements provide a proportionate local process which reflects the Regulations, Government guidance and the Council's existing approach to committee referrals.

11.3 Replacing the existing three planning committees with a single Planning Committee is recommended because the National Scheme of Delegation is expected to reduce committee workload significantly. A single committee is therefore a more efficient and proportionate structure, making better use of officer and member time, reducing avoidable cancellations and providing a consistent district-wide approach.

11.4 The proposed delegated authority for the Monitoring Officer and the planned review after implementation provide appropriate safeguards during the transition to the new regime. For these reasons, the recommendations at paragraph 2 are proposed as the most appropriate way to secure legal compliance, maintain service continuity and ensure the Council's planning decision-making arrangements remain effective and proportionate.

12 Appendices

Appendix A – Amendments to Scheme of Delegation

Appendix B – Amendments to Planning Committee Appendix

Appendix C – Government Statutory Guidance

Appendix D – PAS Member Briefing Note

Appendix E – Existing Planning Committee Arrangements

Corporate Board's recommendation

Background Papers:

- Planning and Infrastructure Act 2025
- Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026
- Statutory guidance – Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England

Subject to Call-In:

Yes: ☐ No: ☒

The item is due to be referred to Council for final approval ☒

Delays in implementation could have serious financial implications for the Council ☒

Delays in implementation could compromise the Council's position: ☒

Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months ☐

Item is Urgent Key Decision ☐

Report is to note only ☐

Wards affected: All

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2			

Appendix A

Amendments to Scheme of Delegation

8. Service Director (Development and Housing)

8.1 Planning

8.1.1
Subject to the exceptions and conditions set out in this Scheme of Delegation, all planning matters and functions that the Council are responsible for as Local Planning Authority (as defined by the Town and Country Planning Act 1990) are delegated to the Service Director and Service Lead with responsibility for Planning, and to the Chief Planning Officer.

8.1.2
The Chief Planning Officer shall produce and maintain a document for the purposes of Regulation 3 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 that clearly sets out:

a) the member of the authority who acts as the Nominated Member;

b) one or more members of the authority who act as a substitute for the Nominated Member;

c) the officer of the authority who acts as the Nominated Officer; and

d) one or more officers of the authority who act as a substitute for the Nominated Officer.

8.1.3
With respect to 8.1.2 (a) and (b) different members can be nominated for different purposes. With respect to 8.1.2 (c) and (d) different officers can be nominated for different purposes. These should also be set out in the document where appropriate.

8.1.4
The following planning matters and functions must be determined by **Full Council**:

a) To submit a Development Plan Document for examination
b) To adopt a Development Plan Document
c) To submit a draft Charging Schedule for examination
d) To approve or withdraw a Charging Schedule

8.1.5
The following planning matters and functions must be determined by the **Executive**:

a) To consult on a Local Development Framework Document
b) To adopt a Supplementary Planning Document, the Local Development Scheme or the Statement of Community Involvement
c) To approve the Authority Monitoring Report
d) To authorise a Neighbourhood Plan to be put to referendum
e) To agree that a Neighbourhood Plan be Made
f) To designate a Conservation Area

8.1.6
Those applications listed in **Schedule 1** of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (or any revisions/replacement of these Regulations) shall be determined by an officer with delegated authority in all circumstances.

8.1.7
In addition to those applications listed in Schedule 1 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, the following applications shall be **determined by an officer with delegated authority** in all circumstances:

(a) Applications for the variation or discharge of conditions of listed building consent (under section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990)
(b) Applications for advertisement consent (under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007)
(c) Applications for consent under tree preservation orders (under regulation 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012)
(d) Applications for screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
(e) Applications for works to trees or woodlands subject to a Tree Preservation Order under Regulation 16 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
(f) Notifications for tree works to trees within a Conservation Area under section 211 of the Town and Country Planning Act 1990.
(g) Notifications where a tree is thought to present an immediate risk of serious harm, under Regulation 15 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
(h) Notifications under Regulation 5 of The Hedgerow Regulations 1997 for the remove of qualifying hedges.

8.1.8
The following planning matters and functions must be determined by **Planning Committee**:

a) Those applications listed in Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (or any revisions/replacement of these Regulations) that the Nominated Member and the Nominated Officer agree that referral to and determination by Planning Committee is necessary.
b) An Own-Interest Application, as defined in the Regulations, that the Nominated Member and the Nominated Officer agree that referral to and determination by Planning Committee is necessary.
c) Any other planning matter that an officer of the authority with delegated powers considers that referral to and determination by Planning Committee is necessary.

8.1.9
The Nominated Member (or substitute) and Nominated Officer (or substitute) – herein collectively referred to as the "**Nominated Persons**" – may refer an application to Planning Committee for determination if:

(a) It is an application not listed in Schedule 1 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and the Nominated Persons consider the conditions of paragraph 8.1.10 are met; or

(b) It is an ‘own-interest’ application as defined by the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, and the Committee Referral Panel considers it prudent to do so in the interests of transparency.

8.1.10
The Nominated Persons will consider an application for referral to Planning Committee where any of the following conditions apply:

(a) The Service Director/Service Lead with responsibility for Planning, the Development Manager, or a Development Management Team Manager refer an application to the Nominated Persons;

(b) The Planning Committee Chairman refers an application to the Nominated Persons;

(c) The application is flagged to the Nominated Persons by a Member for the Ward to which the application relates, or a Member for a Ward adjoining the Ward to which the application relates, and that member:

    a. Has provided a planning reason for flagging the application for consideration; and

    b. Has completed the any form made available for flagging the application, and submitted it within the deadline published by the Planning Service, this date being four weeks from the date the application is published as valid;

(d) The application is made (whether or not jointly with any other person) by or on behalf of:

    a. West Berkshire Council, or where the land in question is owned by the Council;

    b. A member of staff of the Planning Service;

    c. A member of staff who works directly with the Planning Service;

    d. A member of staff who is part of the executive leadership team;

    e. An elected member of the Council;

(e) The application is defined as major development in terms of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

8.1.11
The Nominated Persons may refer an application to Planning Committee if in their view 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.

8.1.12
In considering whether to make a referral, the Nominated Persons must:

(a) Comply with the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (or any revisions/replacement of these Regulations); and

(b) Have regard to any relevant guidance issued by the Secretary of State.

8.1.13
Where the Nominated Persons do not agree on whether the refer an application to Planning Committee, the application must be determined by an officer with delegated authority.

8.1.14
The Nominated Persons may:

(a) Make a preliminary decision about committee referral which is subject to their future review;

(b) Re-consider a committee referral decision (for example, if materially new information arises);

(c) Make a decision about committee referral that is subject to conditions (for example, the resolution of a technical matter);

8.1.15
A record shall be made of all decisions by the Nominated Persons.

8.1.16
Any member or officer making a referral to the Nominated Persons may give planning reasons for doing so when making their referral. However, when exercising their powers under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (or any revisions/replacement of these Regulations) and this Scheme of Delegation, the Nominated Persons shall not be lobbied or otherwise contacted by any person or organisation, including by members or officers of the Council, to use make a particular decision. Any member of officer making a Any such lobbying that is received should be reported to the Monitoring Officer, who will deal with it as appropriate. The Monitoring Officer shall develop and publish procedures to deal with these issues and other vexatious planning complaints.

8.1.17
The provisions in Section 8.1 implement the National Scheme of Delegation introduced by the Planning and Infrastructure Act 2025 and Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 that comes into effect on 31st October 2026. Recognising that this is a new national scheme, the Council's Monitoring Officer is delegated the authority to make any substantive changes to Section 8.1, and any consequential amendments in the wider Constitution, deemed necessary to ensure the Council's compliance with the Act and Regulations. This delegated authority is provided that any such changes are the minimum necessary to ensure compliance, and subject to the amendments being ratified by Full Council as soon as practicable.

8.2 Housing

8.2.1
Subject to the exceptions and conditions set out in this Scheme of Delegation, all housing matters and functions that the Council are responsible for as Local Housing Authority (as defined by the Housing Act 1985) are delegated to the Service Director and Service Lead with responsibility for Housing.

Traveller Sites

8.2.2
To commission professional services in relation to traveller and gypsy sites

8.2.3
To undertake an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to the district and to prepare a strategy in respect of meeting those needs, in accordance with the Housing Act 2004

8.2.4
To apply annual increases to charges on gypsy sites in line with the rent increases applied by West Berkshire Council managing the site to its own tenants.

Housing

8.2.5
To publish an allocations scheme and develop policies to offer choice to applicants in the allocation of housing

8.2.6
To exercise the duties conferred on the Council in relation to homelessness.

8.2.7
To promote energy efficient homes including administering grants for energy efficiency

8.2.8
To give grants and loans for the repair / improvement of housing in accordance with national guidance and locally published policies.

8.2.9
To award mandatory, and where appropriate discretionary, Disabled Facilities Grants for the purpose of aids and adaptations for eligible people, in accordance with national guidance and local published policies.

8.2.10
To act as a Director of the Flexible Homes Improvement Limited, on behalf of West Berkshire Council, for the purpose of administering loans for the repair / improvement of housing within the Flexible Home Improvement Loans sub-region

8.2.11
To approve discretionary grants and loans as exceptions to the adopted Housing Grants & Loans Policy

8.2.12
To offer grants for the improvement and/or repair of housing.

8.2.13
To determine applications for Housing Association Grant with regard to the purchase of properties in the second-hand market for occupation by homeless families in accordance with the special homelessness initiative subject to the contribution on any one unit not exceeding £50,000.

8.2.14
Determination of application for individual DIYSO Housing Association Grant.

8.2.15
Implementing rent reviews in accordance with valuers' instructions.

8.2.16
Carry out repairs to units of temporary accommodation.

8.2.17
Repurchase of ex-Council House Stock in Rural Areas.

8.2.18
To approve exceptions to the application of the local connection criteria for homes subject to s.19 of the Housing Act 1980 and s.157 of the Housing Act 1985

8.2.19
To develop and implement strategies to bring empty homes back into use, including the use of empty Dwelling Management Orders and Compulsory Purchase Orders.

8.2.20
To make use of planning and housing powers to address poor housing.

8.2.21
Service of Notice to Quit on tenants of Council dwellings. Allocation of pitches on Council owned caravan sites.

8.2.22
Decisions on all matters relating to the Council's conditions of tenancy in relation to the Council's statutory housing function.

8.2.23
Assessing current and future need for affordable housing and demand for market housing.

Appendix B

Amendments to Planning Committee Appendix

Part 6.8 - Appendix: Planning Committees

1. Preamble

- **1.1** Part 3 (Meeting Procedure Rules) and Part 6 (Council Bodies) set out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- **1.2** If there is any conflict between the wording of Parts 3 and 6 and this Appendix, this Appendix will prevail.

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2. Role and Conduct of Councillors and Officers

- **2.1** Councillors and Officers have different, but complementary, roles in the planning process and it is important that an open, respectful and transparent relationship is developed based upon mutual trust and understanding of each other's positions. It is important for the overall standing of the Council that they work as an effective team.
- **2.2** Members of the Planning Committee have different roles to those of other Councillors. Councillors who are members of the Planning Committee determine the more significant and contentious planning applications received by the Council. In doing so, these Councillors and nominated substitutes perform a quasi-judicial role and are required to consider all planning proposals against the wider public interest.
- **2.3** When considering planning applications, Councillors need to ensure that only material planning considerations are taken into account. In reaching a decision, Councillors should ensure they understand, consider and take account of the relevant material considerations connected with the application and should not favour any person, group or locality or put themselves in a position where they may appear to do so. In order to ensure that decisions are taken on planning grounds and are sound it is incumbent on all Planning Committee Members to give full consideration to reports prepared by Officers and familiarise themselves with all relevant national planning policy and guidance (including the National Planning Policy Framework), Development Plan policies and other material considerations well in advance of the consideration of a development proposal at the Planning Committee itself.
- **2.4** Planning Committee Members must take steps to ensure that in their discharge of their Planning Committee duties the distinction between this role

and their role as Ward Members is constantly made clear. If Members wish to act in the latter capacity they must make that clear at the outset.

- **2.5** Officers are employed by the Council. Instructions may only be given to Officers by the Council, its Executive or a Committee or by way of delegated powers. Officers involved in the processing and determination of Planning matters must act in accordance with the Officers Code of Conduct (see paragraph 13.5 of Part 13 of the Constitution) and with the relevant sections of the Royal Town Planning Institute's Code of Professional Conduct and any other applicable guidance. Officers are required to act impartially at all times in determining applications and providing advice at the Planning Committee. Officers will be expected to conduct themselves in all they say and do in a manner which totally preserves this position of impartiality.
- **2.6** It is not appropriate for Councillors to direct, or seek to influence, Officers to determine an application in a particular way. A Councillor must not use improperly their position as a Member to confer on, or secure for himself or any other person, an advantage or disadvantage.
- **2.7** Councillors must not favour, or discriminate against, any person, company, group or locality nor put themselves in a position where they appear to do so.

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3. Establishment

- **3.1** The Council is a Local Planning Authority ("LPA") and has established a Planning Committee ~~and two Area Planning Committees (the Eastern Area Planning Committee and the Western Area Planning Committee).~~
- ~~**3.2** The Eastern Area Committee covers the following Wards:~~
  - ~~Aldermaston;~~
  - ~~Basildon;~~
  - ~~Bradfield;~~
  - ~~Bucklebury;~~
  - ~~Burghfield and Mortimer;~~
  - ~~Pangbourne;~~
  - ~~Thatcham Central;~~
  - ~~Thatcham Colthrop and Crookham;~~
  - ~~Thatcham North East;~~
  - ~~Thatcham West;~~
  - ~~Theale;~~
  - ~~Tilehurst Birch Copse;~~
  - ~~Tilehurst South and Holybrook;~~
  - ~~Tilehurst and Purley.~~
- ~~**3.3** The Western Area Committee covers the following Wards:~~
  - ~~Chieveley and Cold Ash;~~
  - ~~Downlands;~~
  - ~~Hungerford and Kintbury;~~
  - ~~Lambourn;~~
  - ~~Newbury Central;~~
  - ~~Newbury Clay Hill;~~

~~• Newbury Greenham;~~
~~• Newbury Speen;~~
~~• Newbury Wash Common;~~
~~• Ridgeway.~~

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4. Membership

- **4.1** ~~Each Area~~ The Planning Committee shall consist of ~~nine~~ 11 Members drawn across the District ~~from the Wards covered by the committee~~ and reflecting the political balance of the Council.
- ~~**4.2** Each Area Planning Committee shall also have Substitute Members drawn from the Wards covered by the committee, but to sit a Substitute Member must be a Member of the same political group as the Member they are substituting for.~~
- ~~**4.3** The District Planning Committee shall consist of 11 Members reflecting the political balance of the Council - the Portfolio Member responsible for Planning plus five Members from each of the Area Planning Committees.~~
- **4.2** The Chair of the Planning Committee shall be elected at Annual Meeting of the Body (Part 3 Meeting Rules para 4.1.3) and shall not be the Executive Member responsible for Planning.
- **4.4 3** The ~~District~~ Planning Committee shall also have Substitute Members, but to sit a Substitute Member must be a Member of the same ~~political~~ opposition or minority group ~~and of the same Area Planning Committee~~ as the Member they are substituting for (unless there are no Substitute Members of the same political group allocated to the Committee, in which case a Substitute Member may be from one of the other political groups).
- **4.5** Before serving on any Planning Committee, each Committee Member or Substitute Member must receive such formal training (and refresher training) in the planning system as the Service Director with responsibility for Planning shall determine in consultation with the Portfolio holder with responsibility for Planning. The training shall include visits, or a review of sample implemented planning permissions, to assess the quality of the decisions and the development, ideally on an annual or more frequent basis.

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5. Scope of Role - Statutory

- **5.1** Section 101 of the Local Government Act 1972 allows an LPA to arrange for the discharge any of its functions by a committee, sub-committee, or an officer or by any other local authority.
- **5.2** The Town and Country Planning Act 1990 is the principal statutory instrument for the determination of planning applications and associated casework. The planning application process is also governed by various other Acts of Parliament, Regulations, Orders, and Directions. Applications

for planning permission must be determined in accordance with a with the Town and Country Planning Act 1990, and other associated planning legislation.

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6. Scope of Role - Planning Principles

- **6.1** To the extent that Development Plan policies are material to an application for planning permission the decision must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 - these provisions also apply to appeals).
- **6.2** The Development Plan is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the Development Plan, unless the local planning authority decides that the neighbourhood plan should not be made.
- **6.3** A material planning consideration is one which is relevant to making the planning decision in question. The scope of what can constitute a material consideration is very wide. However, in general planning is concerned with land use in the public interest, so the protection of purely private interests will not normally be material considerations.
- **6.4** Law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be give to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.
- **6.5** Any application which constitutes a departure to the Development Plan, in the terms of the legislation, must be advertised as such. If such an application is to be approved the material considerations leading to this conclusion must be clearly identified.

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7. Scope of Role - ~~Area~~ Planning Committee

- **7.1** ~~Each Area~~ The Planning Committee will consider applications for planning permission and other Development Management casework where the Scheme of Delegation requires a committee decision ~~and the application site is within the Ward covered by that Committee (refer to Section 3).~~

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~~8. Scope of Role - District Planning Committee~~

- ~~**8.1** The District Planning Committee will consider, on behalf of the Council, applications for planning permission and other Development Management casework where:~~
  - ~~**8.1.1** The Chairman of an Area Planning Committee determines it is appropriate for the decision to be made by the District Planning Committee, rather than the Area Planning Committee.~~
  - ~~**8.1.2** an Area Planning Committee has referred the application to the District Planning Committee for determination following a majority vote;~~
  - ~~**8.1.3** an Area Planning Committee has considered the application but the Service Director or Service Lead with responsibility for Planning, or the Development Manager, has determined that the decision:~~
    - ~~**8.1.3.1** has a possible conflict with a policy that would undermine the Development Plan; or~~
    - ~~**8.1.3.2** is of a district wide public interest; or~~
    - ~~**8.1.3.3** there is a possibility for claims for significant costs against the Council.~~
- ~~**8.2** Where a decision of an Area Planning Committee has been referred to the District Planning Committee as above, that decision shall not take effect until the District Planning Committee has considered it.~~

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9. Committee Site Visits

- **9.1** Where deemed necessary, by the Chairman ~~of the relevant~~ the Planning Committee and Development Manager, Committee Site Visits may be conducted to enable Planning Committee Members to view application proposals in context, and to inform their assessment of the impact of a proposal on the application site and surrounding area. Committee Site Visits are not to be used to debate the merits of the application.
- **9.2** A Committee site visit is a formal meeting of the relevant committee and the same rules apply to chairing it as apply to a Meeting.
- **9.3** Committee site visits should be by those Planning Committee Members able to attend, with Officer assistance. Others attending (ward members, town or parish council representatives, applicant/agent, supporters, and objectors) do so at the discretion of the Meeting Chairman. At the direction of the Meeting Chairman, other attendees may ask Members to observe specific aspects of the site and its surroundings, or ask for clarification of

factual matters, but must not express opinions or other representations regarding the merits of the application.

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10. Planning Committee Briefings

- **10.1** On occasions it may be appropriate for officers, applicants, or prospective applicants, to give a presentation to Planning Committee at an earlier stage before the application is considered by the Planning Committee for a decision. This gives an opportunity for applicants to explain their development proposals and/or to provide an opportunity for Members to raise questions in connection with the proposals.
- **10.2** When considering a request for a briefing, the complexity of the proposal should be considered. Planning Committee briefings should be restricted to more complex proposals.
- **10.3** The Chairman of the Planning Committee must approve any request for a briefing in consultation with the Development Manager and the Monitoring Officer, or their representatives.
- **10.4** To avoid any perception of influence it is advisable that any briefing must take place at least three weeks before the meeting of the Planning Committee that will hear the application. Briefings should avoid discussion, although questions of clarification are appropriate. The Chairman of the Committee will manage the briefing. Officers will be present to record proceedings and answer any questions of clarification.
- **10.5** Consideration should be given to inviting Ward Members, Parish Council representatives and other interested parties.

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11. Discussions before Decision is made

- **11.1** Local Planning Authorities are encouraged to enter into discussions and negotiations which can bring about improvements that can make an application acceptable, and thereby potentially speed up the planning process. Such pre-application discussions will normally take place at Officer level and Members shall wherever possible refer requests by applicants and third parties for such advice to Officers. If Members become involved in such discussions they should make it clear that their views are personal and provisional and they may wish to make a record of the discussion.
- **11.2** All Councillors have a role to play in helping consultation between their constituents and developers. Such consultation can be a huge benefit to all parties but can easily be seen as part of a lobbying process by the applicant if care is not taken. Planning Committee Members in particular must be careful to adhere to the rules regarding predetermination and predisposition.
- **11.3** This section covers any discussions taking place before a decision is made not simply prior to the application being submitted. It does not affect

discussions between Councillors and Officers nor does it impact on any pre-application planning advice provided by Officers under the adopted policy.

- **11.5** Planning advice given by Officers should be consistent, based on the Development Plan and material considerations.
- **11.6** The Councillor's role is to feedback responses from the community. If invited to attend pre-committee discussions, all Councillors should speak first to the Planning Officer handling the application.
- **11.7** If such a meeting is held, a written note should be made of the meeting, particularly if contentious. Where the meeting includes a Planning Committee Member, at least one Officer should attend any such meetings and a follow up letter from the Councillor is advisable summarising the discussion.
- **11.8** If an Officer is unable to attend and the meeting has to go ahead the Councillor should make written notes and forward a copy of these to the Development Manager as soon as possible. This is also advisable for all Councillors who are not a member of the relevant planning committee.
- **11.9** All Councillors should also note that potentially contentious telephone discussions should also be recorded in writing, preferably immediately after the conversation so recollection is fresh and should be reported to the Monitoring Officer.
- **11.10** Where a meeting concerns a major development, it is preferable that the meeting takes place on Council premises with Officers present and notes of discussions are made.
- **11.11** At all times Planning Committee Members should be mindful of general rules regarding predetermination.

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12. Lobbying

- **12.1** It is recognised that lobbying is a normal and perfectly legitimate element of the process of considering planning applications. If a Councillor, who is not on the Planning Committee to determine an application, wishes to support a particular viewpoint then that Councillor has a right to appear at the relevant Planning Committee and seek permission to address the meeting provided that they have registered to speak in accordance with paragraph 16 below.
- **12.2** It is, however, important that Councillors protect their impartiality and integrity in planning matters. Planning Committee Members will not breach the Code by listening to or receiving viewpoints from residents or other interested parties provided that they make it clear that they are keeping an open mind. However expressing an intention to vote one way or another before a Planning Committee meeting would prejudice impartiality and potentially open the Council to challenge.

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13. Ward Members

- **13.1** Ward Members have a central role in helping to represent the views of local people and other stakeholders at both pre-application and planning

application stage. Ward Members bring strong community leadership, extensive local knowledge and an up-to-date understanding of current issues.

- **13.2** Planning Officers have to act impartially at all times, but will provide support and advice to Ward Members on planning matters in order for them to play this community leadership role. Ward Members should not direct, or seek to influence, Officers' to make a particular decision.

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14. Only One Forum

- **14.1** Members of the District Council may consider applications at parish level and form a view on the basis of evidence available at that time. At district level they may consider the same application but, with additional information and advice from Officers, may well change their mind.
- **14.2** At district level, Councillors may also be members of both the Area Planning Committee and the District Planning Committee (DPC). At DPC they may consider the same application but, with additional information and advice from Officers, may well change their mind.
- **14.3** It is suggested that Councillors who sit at parish or town level, or consider an application at both the Area Planning Committee and DPC, indicate to the meeting that while they have a personal interest by way of their membership of the Parish/Town Council / Area Planning Committee as a Councillor, any comments made at the previous meeting(s) are made in relation to the information before them at that meeting. Councillors are not pre-judging the matter and will want to consider carefully all material likely to be available at whichever level the application is being considered. When the matter is considered by a Planning Committee for the District, the Councillor will weigh up all the information at that time and consider the matter afresh.

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15. Planning Applications by Councillors, Officers or the Council

- **15.1** These can, by their very nature, arouse suspicions of impropriety. It is vital they are handled in a way that ensures there are no grounds for accusations of favouritism.
- **15.2** If it is a Council application it will be treated in the same way as a private developer. The same administrative process, including consultation, should be carried out in relation to the Council's own planning applications, and that they should be determined against the same policy background. Decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Council if the development is permitted.

It is important that the Council is seen to be treating such applications on an equal footing with all other applications as well as actually doing so.

- **15.3** If the application is made by an Officer within the Planning Service, or another Service or Officer that works closely with Planning, the Planning Service Lead or Development Manager (as appropriate) shall take reasonable steps to ensure there are no grounds for accusation of favouritism. This could include the application being dealt with by a Planning Officer in another team. Where the determination is made under delegated authority, the Officer exercising delegated authority should do so in consultation with the Monitoring Officer.
- **15.4** If it is a Councillor application they are entitled to speak to Officers both prior to and at Committee in the same way as any member of the public. They will have a Disclosable Pecuniary Interest and should refer Member Code of Conduct [Part 13 Constitution]. However, they shall not seek improperly to influence the decision and shall play no part in the debate itself as a Councillor nor be able to vote.
- **15.5** The Council's Monitoring Officer shall be informed of all applications by Councillors and Officers and will register such applications.
- **15.6** The Scheme of Delegation provides stricter terms for applications by Planning or senior staff, or by Councillors to be considered by Committee ~~where recommended for approval.~~

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16. Meeting Procedure - Registering to Speak

- **16.1** Members of the groups below may address the Committee during consideration of any application (but only provided that they have first registered to speak as set out below):
    - **16.1.1** Parish/Town Council representative(s);
    - **16.1.2** Adjoining Parish/Town Council representative(s);
    - **16.1.3** Objectors;
    - **16.1.4** Supporters;
    - **16.1.5** Applicant or their agent.
- **16.2** Apart from the applicant or their agent, applications to speak must be by persons or on behalf of bodies that have made written representations on an application as part of the consultation process.
- **16.3** The deadline to register to speak at a Meeting is 16:00 on the last working day before the Meeting. Requests must be made to the Planning Service in writing to the given address (preferably by email) and an acknowledgement from the Planning Service received.
- **16.4** Those registering to speak must provide:
    - the name of the person wishing to speak;
    - a contact telephone number;
    - the application they wish to speak on;
    - the capacity in which they are registering.
    - Whether they are attending in person or remotely via video conferencing

- **16.5** Persons registering to speak should also confirm if they are willing for the Council to share their contact details with other speakers so that arrangements can be made to nominate a spokesperson if necessary.

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17. Meeting Procedure - Representations and Time Limits

- **17.1** In addition to those listed above, and further to the Meeting Rules of Procedure, the Ward Councillor(s) shall be entitled to speak on any application affecting their Ward.
- **17.2** Further, when the Committee considers an application affecting more than one Ward, the Chairman, with the agreement of the Committee, may allow additional speakers from the relevant Ward(s).
- **17.3** The total time allowed for speeches in respect of each of the groups of speakers shall not exceed five minutes or such longer period as the Meeting Chairman may allow with the consent of the Committee.
- **17.4** Where more than one person is entitled or has registered to speak in any of the groups of speakers, the five minute period shall be shared between them. In such circumstances, speakers are encouraged to appoint a spokesperson, but if no spokesperson is nominated, the speakers will be heard in the order in which they have registered until the five minute period has elapsed.
- **17.5** Where there is more than one Ward Councillor speaking:
    - **17.5.1** where they each seek the same outcome, they will share a speaking time of five minutes;
    - **17.5.2** where they seek a fundamentally different outcome, each speaker or group will be allowed five minutes.
- **17.6** When there is a linked application (for example, in the case of linked applications for planning permission and listed building consent on the same property), they will generally be treated as one agenda item such that speakers may only speak once.
- **17.7** material on the planning file that a speaker wishes to refer to must be highlighted or provided to the Planning Officers at least five clear working days before the Meeting (Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002). Officers will facilitate reasonable requests to display requested plans, photographs, or supporting documents which are on the planning file and have been requested in advance of the meeting, but this will not include presentations slides.
- **17.8** No new material may be produced or referred to at the Meeting unless lodged under 17.7.
- **17.9** The Committee may only ask those speaking for clarification of points raised. Members may not ask any other questions, nor may they elicit information that the speaker may have omitted.

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18. Meeting Procedure - Order of Representations etc

- **18.1** The following procedure shall apply in respect of each item as relevant in the circumstances (but the Meeting Chairman may change the order at their discretion, or invite any representative to clarify a factual issue at any time):
    - **18.1.1** introduction of item by Officers;
    - **18.1.2** representations by Parish/Town Council representative(s);
    - **18.1.3** Members' questions to Parish/Town Council representative(s);
    - **18.1.4** representations by Adjoining Parish/Town Council representative(s) (where agreed by the Meeting Chairman);
    - **18.1.5** Members' questions to Adjoining Parish/Town Council representative(s);
    - **18.1.6** representations by objector(s);
    - **18.1.7** Members' questions to objector(s);
    - **18.1.8** representations by supporter(s);
    - **18.1.9** Members' questions to supporter(s);
    - **18.1.10** representations by applicant or agent;
    - **18.1.11** Members' questions to applicant or agent;
    - **18.1.12** representations by Adjoining Ward Councillor(s);
    - **18.1.13** Members' questions to Adjoining Ward Councillor(s);
    - **18.1.14** representations by Ward Councillor(s);
    - **18.1.15** Members' questions to Ward Councillor(s);
    - **18.1.16** Members' questions to Officers.
- **18.2** Questions raised as part of the above process may only seek to clarify a statement made and not to introduce new business.

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19. Meeting Procedure - Debate and Decision

- **19.1** Once all submissions and questions have been dealt with, Committee Members shall then debate the application.
- **19.2** For the avoidance of doubt, subject to the Councillors' Code of Conduct, Ward Councillors on Planning Committees may take part in the debate and/or vote on an application affecting their Ward.
- **19.3** After a reasonable period of debate, a Member of the Committee may propose that the Committee approve, refuse, defer or reference up to District Planning Committee an application before it (a "Proposal"), and:
- **19.4** Where the Proposal is for approval, the Proposing Member may adopt the planning conditions and/or obligations suggested by Officers, or they may vary, remove or add conditions (with reasons) which they consider justified on planning grounds. They may also elect to delegate to Officers to determine appropriate conditions/obligations. Where the Proposal to approve is contrary to Officer recommendation, it is advisable that the Proposing Member states their reasons for this.

- **19.5** Refusal reasons suggested by Officers (where in accordance with Officer recommendation), or they may vary, remove or add reasons which they consider justified on planning grounds. Where the Proposal is contrary to, or at variance with, the Officer recommendation, the Proposing Member must give full clear reasons for their Proposal.
- **19.6** Where the Proposal is for deferring or referencing to District Planning Committee, the Proposing Member must give reasons.
- **19.7** Any Proposal must be formally seconded to proceed.
- **19.8** At any stage of the debate any Committee Member (including the Proposer and Seconder) may:
    - **19.8.1** seek Officers' guidance as to the wording of a Proposal or Condition or a reason for refusal or any other issue affecting the matter being considered;
    - **19.8.2** propose an amendment to a Proposal (eg adding a fresh Condition or a fresh reason for refusal) and, if the Proposer and Seconder agree, the Proposal shall be amended accordingly.
- **19.9** The making of a Proposal shall not necessarily halt debate - the Meeting Chairman shall decide when the debate has concluded and when a vote is to be taken.
- **19.10** Once the Meeting Chairman decides that the debate has concluded they will:
    - **19.10.1** seek a Proposal if none has yet been put; and
    - **19.10.2** put the Proposal to the vote; and
    - **19.10.3** if the Proposal is not carried, seek (an) alternative Proposal(s), such that the application before the meeting is determined.
    - **19.10.4** notwithstanding Part 3 Meeting Rules para 11.7, a Proposal may be repeated in a Planning Committee following further debate.

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20. The Role of the Chairman

- **20.1** Agenda management is vital to the smooth running of the meetings. The Chairman is key to this. Each Chairman will discuss with the appropriate Democratic, Legal and Planning Officer before the Committee the items on the agenda and will query, where necessary, matters referred up and site visits called.
- **20.2** The rules of debate as set out in **Part 3** Meeting Rules para 16.1, 16.2 shall apply.
- **20.3** If there are equal numbers of votes for and against the Chairman will have a second or casting vote. There will be no restriction on how the Chairman exercises their vote.

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21. Implementing Planning Committee Decisions

- **21.1** Where an application has been decided by Planning Committee, Officers will implement the Planning Committee's decision by coordinating the completion of any outstanding tasks (e.g. legal agreements or technical matters delegated to officers) and issuing the decision notice.
- **21.2** The Development Manager has delegated authority to make minor amendments to committee decisions, in consultation with the Chairman/Vice Chairman of the Committee. This authority can be exercised before or after the decision notice is issued.

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22. Appeals and Legal Challenges

- **22.1** In the event that planning permission is refused, either under delegated powers conferred on the Development Manager or by the Planning Committee, an applicant may exercise their right of appeal. Planning decisions may also be subject to Judicial Review or other legal proceedings.
- **22.2** Officers will organise and generally appear as witnesses at planning appeals and other proceedings on behalf of the Council. In some circumstances (such as where specialist evidence is required) it may be necessary to appoint Counsel or Consultants to appear for the Council.
- **22.3** In giving evidence, Officers will present the best possible case on behalf of the Council while complying with the Royal Town Planning Institute ("RTPI") Code of Professional Conduct. This Code requires that Planning Officers who are members of the Institute do not make statements purporting to be their own, but which are contrary to their bona fide professional opinion.
- **22.4** Members can have an important role to play in appeals and may, within set deadlines, make written representations to the Inspector and may also appear at informal hearings or as a witness at public inquiries. In doing so they should state whether they are acting in their local Ward Member capacity or, representing the Council's case.
- **22.5** From time to time a Planning Committee will disagree with professional advice given by the Officers and may decide to determine an application contrary to that advice. Where there is a subsequent appeal and Planning Officers are unable to defend decisions on appeal (due to requirements of the professional conduct rules of the RTPI) it may be appropriate for Members of the Committee to attend any subsequent appeal hearing, and if necessary, to give evidence in support of the Council's decision. Planning and Legal Officers will support Members attending or wishing to make representation at appeals and advise them on preparing and delivering evidence on behalf of the Council.
- **22.6** Planning decisions are decisions made by the Council. It is therefore not normally appropriate for an elected Member to support an appellant at Appeal. If Members have concerns about delegated applications, the appropriate course of action is to call in the application to Planning Committee for determination.
- **22.7** If an appeal is lodged before determination by a planning committee (a "non-determination appeal"), the Council is no longer the decision maker, but it will have an opportunity to provide its position on the appeal to the

Planning Inspectorate. Where Inspectorate timescales permit, reasonable efforts will be made to bring the application to committee to adopt a position on the appeal. Where Inspectorate timescales do not permit, the Development Manager will exercise delegated authority to adopt a position for the appeal, subject to consultation with the relevant Committee Chairman (or Vice Chairman in their absence)..

- **22.8** During the appeal process, there may be occasions where an immediate decision is required regarding the Council's position (for example, new evidence on a material consideration). Where Inspectorate timescales permit, reasonable efforts will be made to bring the application to committee to adopt a position on the appeal. Where Inspectorate timescales do not permit, the Development Manager will exercise delegated authority on the specific matter, subject to consultation with the relevant Committee Chairman (or Vice Chairman in their absence).

Ministry of Housing,
Communities &
Local Government

Statutory guidance

Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England

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Applies to England

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Introduction

1. This guidance supports local planning authorities in England in implementing the provisions in sections 319ZZC to 319ZZF of the Town and Country Planning Act 1990 (https://www.legislation.gov.uk/ukpga/1990/8/part/XV/crossheading/england-discharge-of-functions-of-local-planning-authority) (introduced through section 54 of the Planning and Infrastructure Act 2025) and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (the Regulations). These sections relate to the national scheme of delegation of planning functions and the size of planning committees.

2. Sections 319ZZC to 319ZZE of the Town and Country Planning Act 1990 apply to all local planning authorities except development corporations, Homes and Communities Agency, National Park Authorities and the Broads Authority. They also apply to mineral planning authorities where they exist (excluding those which are National Park Authorities).

3. As required by section 319ZZE(4) and (5) of the Town and Country Planning Act 1990, local planning authorities must have regard to this guidance in operating or making arrangements required under the Regulations.

4. For the avoidance of doubt, where local planning authorities do not comply with the Regulations from the date they come into force (31 October 2026) and their planning committees make decisions on applications which must be delegated officers, those decisions may be subject to judicial review by anyone aggrieved by the decision. This may lead to the quashing of the decision.

National Scheme of Delegation of Planning Functions

5. 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.

6. Section 319ZZC of the Town and Country Planning Act 1990 gives the Secretary of State the power to set out which functions of a local planning authority should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee.

7. The Secretary of State has exercised this power through the Regulations. These Regulations set out the following general approach to decision making:

- where applications fall under Schedule 1 decisions must be delegated to officers under regulation 4
- where applications fall under Schedule 2, there is a presumption under regulation 5 that decisions are delegated to officers unless the nominated officer and nominated member agree the application should be referred to a planning committee or sub-committee for determination and that it meets at least one of the criteria in regulation 5(3)

8. There is further specific provision under regulation 6 for own-interest applications i.e. an application made (whether or not jointly with any other person) by the authority or an officer or member of the authority or an application where the authority or any of its members or officers has an interest, to support transparency and propriety. These applications can be referred to a planning committee or sub-committee for determination if the nominated officer and nominated member of the planning committee agree. Where a planning function is not listed in either Schedule 1 or 2, it is for the local planning authority to decide whether it should be delegated to an officer or referred to a committee or sub-committee for a decision (as part of its local constitution).

9. Under the national scheme of delegation, 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 national scheme of delegation. Failure to do so may make decisions on whether to delegate applications to officers or refer them to committees for determination liable to judicial review.

Consideration for referral to committee

10. For the purposes of considering referral of applications to committee:

a. the nominated officer should be the Chief Planning Officer or equivalent officer who has extensive professional planning experience. However, local planning authorities will also need to ensure they have other senior planning officers who can provide cover if needed to avoid any unnecessary delays in the referral process (or where there is an own interest application and the Chief Planning Officer or equivalent officer has an interest it).

b. the nominated member should be the chair of the planning committee or, where such a role does not exist, the vice chair or equivalent member. As in the case of nominated officers, the authority will need to ensure there are arrangements in place for other members to cover should the nominated member not be available (or where there is an own interest application and the nominated member has an interest in it).

11. Where local planning authorities have more than one planning committee, they may nominate different officers or members for each committee.

12. It is for individual local planning authorities to put in place their own arrangements for how the consideration of cases for referral to committee will operate in practice.

13. It is not a requirement of the national scheme of delegation that nominated officers and nominated members consider all Schedule 2 applications or all own-interest applications for potential referral to committee. Local planning authorities may, through their constitutions, decide which Schedule 2 or own-interest applications need to be considered for referral. The regulations provide for the option for Schedule 2 applications to be considered for committee against the gateway test but do not require all schedule 2 applications to be considered – they will otherwise be delegated to officer.

14. 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.

15. 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 in accordance with regulation 5(2) or regulation 6(3).

16. Further best practice advice is available from the Planning Advisory Service on the referral of applications to committee.

Schedule 1 functions

17. Schedule 1 of the Regulations sets out all the functions which must be delegated to officers for a decision (unless it is an own-interest application). These include a number of categories of applications for planning permission for:

- householder development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015)
- minor commercial development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015)
- minor residential development which is defined in the Regulations as:
  - development that includes only dwellings and development for the purposes incidental to the enjoyment of dwellings, comprises at least one but not more than nine dwellings, and is to be carried out on a site having an area smaller than 0.5 hectares
  - development of a building containing flats, or development within the curtilage of such a building, for any purpose incidental to the enjoyment of the flats or any of them but excludes development in respect of a building containing flats, or development within the curtilage of such a building, that involves either or both of a change of use or change to the number of flats
  - an application for any consent, agreement or approval required by or under a planning permission, development order or local development order for development within paragraph (a) or (b)

18. It also contains a range of other planning consents:

- to develop land without compliance with conditions previously attached) in respect of which the previous planning permission was a Schedule 1 planning permission (applications under section 73(1) of the Town and Country Planning Act 1990)
- reserved matters approval in respect of an outline planning permission other than a large outline phase permission (i.e. one which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 square metres or more) (applications under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015)
- discharge of conditions (applications under Article 27(1) of Town and Country Planning (Development Management Procedure) (England) Order 2015)

- prior approval for permitted development rights (applications under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015)
- permission in principle (as referred to in section 58A of the Town and Country Planning Act 1990)
- where a local planning authority considers a planning obligation is connected to a Schedule 1 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990)
- where local planning authority considers a planning obligation is connected to a Schedule 1 application, modification or discharge of a planning obligation (applications under section 106A(3) of the Town and Country Planning Act 1990)
- non-material changes to planning permission or permission in principle (applications under section 96A(4) of the Town and Country Planning Act 1990)
- certificates of lawfulness of existing use or development (under section 191(1) of the Town and Country Planning Act 1990)
- certificates of lawfulness of proposed used or development (under section 192(2) of the Town and Country Planning Act 1990)
- certificates of lawfulness for proposed works to listed buildings (under section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990)
- biodiversity gain plan (duty to approve under paragraph 14 of Schedule 7A to the Town and Country Planning Act 1990)
- certificates of appropriate alternative development (applications under section 17 of the Land Compensation Act 1961)

19. However, applications which would otherwise fall under Schedule 1, will fall within Schedule 2 where:

- a local authority considers that the application for planning permission is connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent
- the application is made under section 73A of the Town and Country Planning Act 1990

Schedule 2 functions

20. The functions which fall within Schedule 2 of the Regulations are:

- applications for planning permission which are not householder, minor commercial or minor residential applications
- applications for planning permission which would otherwise fall into Schedule 1 but are connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent
- applications to develop land without compliance with conditions previously attached in respect of which the previous planning permission was a Schedule 2 planning permission (under section 73(1) of the Town and Country Planning Act 1990)
- applications for development which has already been carried out (under section 73A(1) of the Town and Country Planning Act 1990)
- where it is related to a large outline planning permission, applications for reserved matters approvals (under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015)
- where a local planning authority considers a planning obligation is connected to a Schedule 2 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990)
- where a local planning authority considers a planning obligation is connected to a Schedule 2 application, application for modification or discharge of a planning obligation (under section 106A(3) of the Town and Country Planning Act 1990)
- applications for listed building consent (under section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990)
- applications for the variation or discharge of conditions of listed building consent (under section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990)
- applications for advertisement consent (under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007)
- applications for consent under tree preservation orders (under regulation 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012)
- applications to which paragraph 19 above apply

21. The overriding presumption is that the applications listed in Schedule 2 will be delegated to officers. An application can be referred to a committee or sub-committee only where:

a. at least one of the criteria in regulation 5(3) is met **or** it is an own-interest application (regulation 6); **and**

b. the nominated officer and nominated member of the planning committee agree to the referral

Criteria which must be met before a case can be considered for referral under regulation 5

22. In determining whether a referral under regulation 5 is made, the presumption should be that decisions are delegated to officers and only exceptionally be referred to committee. At a minimum, at least one of the following statutory criteria must be met for a referral to committee to be considered to meet that threshold:

A. where the application raises an economic, social or environmental issue of significance to the local area

B. where the application raises a significant planning matter having regard to the development plan and any other material considerations

23. Applications for development which do not raise a significant planning matter can only be referred to the committee under criterion A if they raise a significant economic, social or environmental issue for the local area. It is for the nominated officer and member to assess whether the development proposal raises any such issue, providing an opportunity for local democratic oversight where necessary. What constitutes ‘significant’ will vary depending on the local area but examples could include:

- an application for outline planning permission for a large multi-phase residential development allocated in the local plan
- an application for planning permission for change of use of a community shop in a rural area
- an application for planning permission or listed building consent for changes to a notable listed building in a town centre

24. For the purpose of criterion B, the following circumstances are unlikely to raise a significant planning matter:

- 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
- 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)

Own-interest applications

25. Applications which are made (whether or not jointly with any other person) by the authority or an officer or member of the authority or it is an application where, in the view of the nominated officer and nominated member, the authority or any of its members or officers has an interest, are own-interest applications dealt with under regulation 6. We recognise that there may be cases where, in the interests of transparency and public accountability, it may be appropriate for some such applications whether they are in Schedule 1 or Schedule 2 to be referred to a planning committee or sub-committee. Where the nominated officer and nominated member agree, they can be referred to the committee without the need for consideration of the criteria set out in regulation 5(3). Where no such referral has been made, they must be determined by an officer.

26. Under regulation 10 of the Town and Country Planning General Regulations 1992, where a local planning authority is determining its own application for planning permission, it must not be determined by a committee, sub-committee or officer responsible for the management of the building or land to which the application relates. In addition to this restriction, where a planning application is made by a nominated officer or nominated member of the authority or they have an interest in it , in the interests of propriety, they should not be involved in the decision on whether to refer it to committee or not.

Treatment of reserved matters applications

27. We recognise that outline planning permission can be granted for largescale multi-phase development which can take place over many years. As such each related reserved matters application can represent substantial development in its own right and cover more issues of substance, for example, the provision of on site community infrastructure , which may, in exceptional circumstances, merit committee scrutiny. For this reason, we have distinguished between those reserved matters approval applications which relate to large outline planning permissions and those which do not, with the former being placed in Schedule 2 and the latter in Schedule 1.

28. A large outline planning permission for the purpose of these regulations is an outline planning permission which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 square

metres or more. A reserved matters application for such development must meet the criteria set out under regulation 5(3) for a committee to consider it.

29. When considering reserved matters approval applications which fall into Schedule 2 against the criteria in regulation 5(3), nominated officers and nominated members should only have regard to matters which are directly relevant to the reserved matters application before them.

Treatment of section 106 decisions

30. Specific provision has not been made for section 106 agreements themselves in the regulations. This is because, most of the time, appropriate section 106 planning obligations will be considered as part of the application process. In other cases, they can be entered into unilaterally by the landowner so there is no real ‘function’ for the local planning authority. We recognise that there may occasionally be section 106 planning obligations which are agreed outside of the context of a planning application but we consider that, in these cases, the decision on whether it should be delegated to officers or referred to committee should be left to the discretion of the local authority.

31. Where a local planning authority considers a section 106 agreement is connected to an application falling into either Schedule 1 or Schedule 2, and agreement is being sought to amend or discharge the planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990), the function of agreeing to amend or discharge the obligation should fall into the same schedule as the related application. This same approach applies to applications to modify or discharge an obligation under section 106A(3).

Treatment of special control applications

32. Applications for listed building consent, advertisement consent and consent under tree preservation orders are included in Schedule 2. In most cases, these types of application will not raise issues which would merit committee scrutiny. The presumption, therefore, is that decisions should be delegated to officers and only exceptionally referred to committee.

33. Whether such an application meets the criteria in regulation 5(3) will depend on the particular circumstances but an example could include where there are proposals for a change of use and works to a prominent listed building which makes an important contribution to a town centre.

Transparency and reporting

34. As a minimum, the local planning authority should 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. They should report this to the planning committee on a regular basis and make it available on their website.

Size of committees

35. Regulation 7 provides for the number of members on a planning committee or sub-committee to be no more than 13. This is a maximum figure to accommodate local planning authorities where members are from multiple political parties. Local planning authorities should consider whether a smaller number of members would be more appropriate in their area to support effective decision making.

OGL

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Member Briefing: Planning Committee Reforms

August 2026

v2

What is PAS?

*PAS exists to support local planning authorities to provide **efficient and effective** planning services, **drive improvement** and **respond to and deliver changes** in the planning system.*

Planning Committee Reforms: Why are they changing

Government aims for the reforms

- address **variation and inconsistencies** across the country
- tackle **inefficiencies and delays**
- ensure **good quality decision making** and
- empower planning professionals and members to **make sound decisions**

Planning and Infrastructure Act 2025

- **power to delegate decisions** (i.e. national scheme of delegation),
- **power to control the size & composition of committees** and
- **power to mandate training for members**

Planning Committee Reforms: When & what is changing

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

- Draft **regulations laid 1 June 2026**
- **Regulations** come **into force 31 October 2026**
- **Statutory review** by **31 October 2028**

Statutory changes introduce:

- A **national scheme of delegation**
  - Schedule 1 applications are to be decided by officers, and
  - Schedule 2 applications can go if they meet a criteria at a “gateway test”
- A **new ‘gateway test’** applied by the nominated officer and member for Schedule 2 applications
- Having no more than **13 members of a planning committee**

What does this mean?(1)

As of 31st October 2026:

- Local authorities can only have **13 members on a planning committee**
- The **national scheme of delegation creates two types of applications**
    - Schedule 1 applications (minor applications) – which **must be decided by officers**, and
    - Schedule 2 applications (everything else) - can go to committee if they meet a criteria set out in the regulations (Reg 5(2)); an application raises either: a) one or more issues of **economic, social or environmental significance to the local area**, or
        b) one or more **significant planning matters**.
- This decision is called a **"gateway test"** and is made by of a nominated officer and member agree for the application to proceed to committee

What does this mean? (2)

- It is not expected that **all Schedule 2 applications will go to the "gateway test"** or that all applications will pass the "gateway test" to go to committee.
- It is for **each authority to decide** which:
  - **Schedule 2 application types can go to "gateway test",** and
  - which applications **trigger the "significance" test to go to committee**
- Local Authorities can set their own designation with Schedule 2 applications, in their constitutions, as to how this will work in practice – this is described as "triaging" of schedule 2 applications

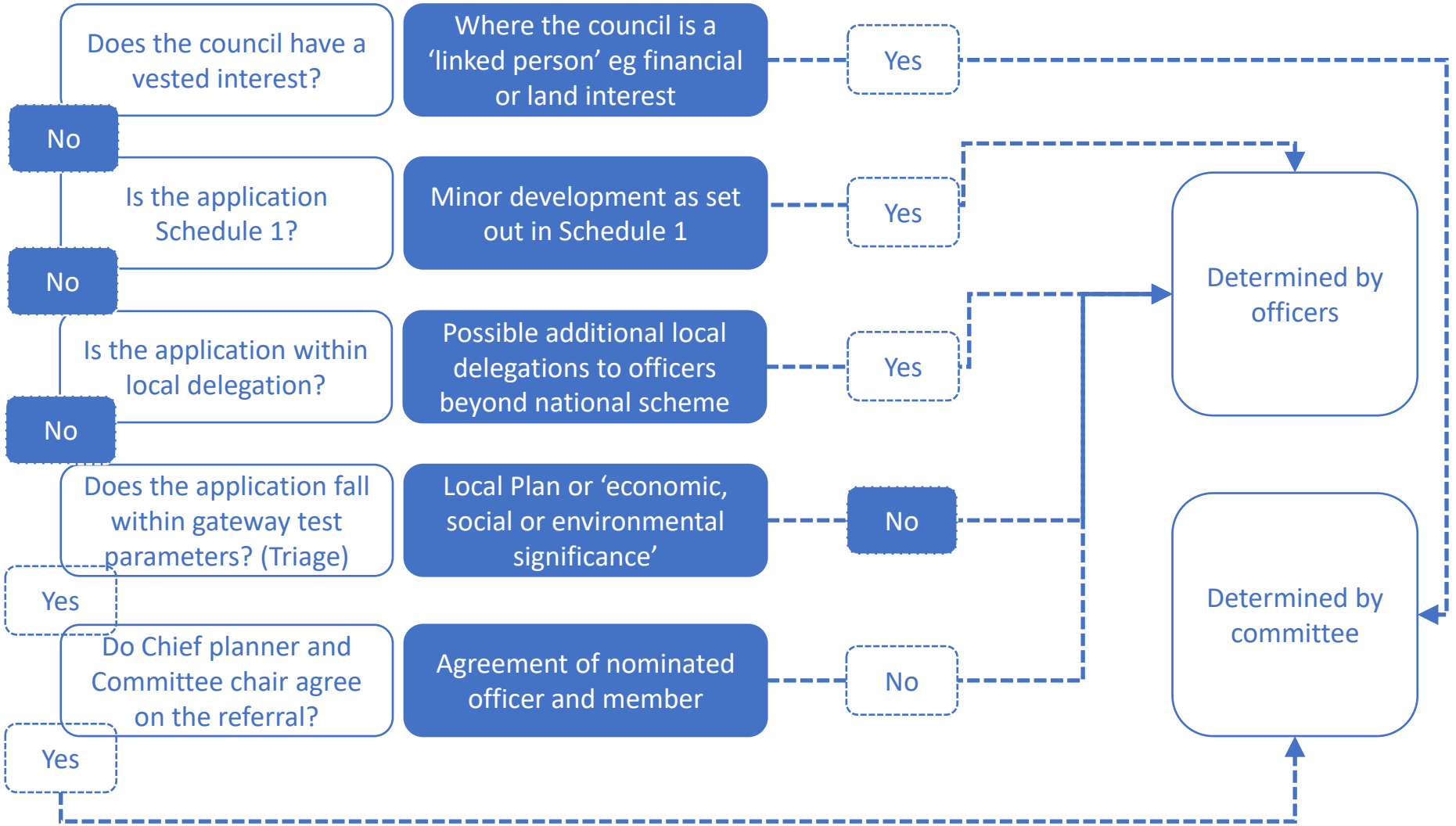
- Councils should be keeping a record (and publishing it) of the cases taken through this test, and the outcome and the reasons.

Schedule 1 & Schedule 2 applications

Schedule 1: decisions must be made by officers	Schedule 2: decisions presumed to be made by officers but could go to committee
'minor commercial' relates to use: classes A1, A2, A3, A4 and A5 changes of use are **not** included under minor commercial	Anything not under Schedule 1
'minor residential' applications includes only dwellings and development for purposes incidental to the enjoyment of dwellings	Reserved matters – only Schedule 2 if meets 'large outline' definition
S73 applications to vary or remove conditions are now in the same schedule as the "original" application	

Schedule 1 or Schedule 2 applications that the council considers to have a vested interest in ie financial or land interest or a "linked person" ie council employee or close relative or associate, may also be called to the "gateway test" and committee.

What this looks like



The Gateway Test

At least one of the criteria (a) and (b) must be met for a Schedule 2 application to be referred to 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***

It is for the local authority to decide in their area what constitutes "significant" in criteria a) & b) but the guidance does some highlight examples that could be considered

Statutory guidance examples criteria a) significant economic, social or environmental issues :

Would **likely** be:

- Outline planning permission for a large multi-phase residential development
- Change of use from a community shop in rural area
- Planning permission or listed building consent for changes to a notable listed building in a town centre

Statutory guidance examples criteria b) significant planning matter:

What they are **unlikely** to be:

- Application in broad compliance with allocation and local policy and NPPF
- Where planning matter eg highways or flood risk was raised by statutory consultee but the application has been suitably amended to address it.

How this impacts your role as a councillor

Key points to note as a councillor are:

- **Understand** that **all 'minor development'** (Schedule 1 applications) will now **always be decided by officers**
- **Understand your council's local arrangements** for Schedule 2 and the '**gateway test**', so that you can **advise your communities** and **make representations** on whether decision should be **referred to Planning Committee**
- **Continue** to provide **views and representations** as part of **planning policy** and **Local Plan development**

Additionally, for Planning Committee members:

- Note Committee decision will **only be required for referred applications**
- Anticipate **potential change in workload** for Planning Committee

These changes do not alter the planning balance that planning decisions are made with

For councils to consider

In implementing these changes councils will want to consider:

- the impact of the regulations on your present committee:
  - **will the limit of 13 committee members** affect the committee and amend accordingly?
  - **does the council need to alter how it presently "triages" applications to committee;** no Schedule 1 applications, only the "significant" applications from Sch 2, is it seeing 7 or less applications per session?
- **How robust do 'gateway test' arrangements for the committee to be seeing what is "significant" for your authority need to be?**
- **Managing transition before the 31st Oct**
- **Informing members, community engagement and applicants of the changes**
- **How to make the new decision-making process clear and transparent**
- **Workload planning at "gateway" and committee process**

What councils need to do

Before 31 October 2026, all councils will need to:

- **Review the council's present approach to applications** going to committee and the impact of the regulations will have
- **Ensure awareness of regulations and guidance** with members, key officers and other interested parties
- **Establish a system and schedule** to apply to the **'gateway test'** locally
- **Amend the council constitution** so it complies with the national scheme of delegation and limits which Schedule 2 applications reach the "gateway test" if appropriate

Further PAS Resources



PAS website here for FAQs, recordings and presentations



PAS best practice guidance:

1. How to amend your constitution;
2. The gateway test; and
3. Material to train your members



PAS residential courses for Planning Committee Chairs @ Warwick University 10-11 October 2026 and 19-20 January 2027

Further information

Further information is available at: https://www.local.gov.uk/pas

To understand how these changes are being implemented locally, you should contact your council's planning team.

References

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

Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK (June 2026)

Reform of planning committees: technical consultation - GOV.UK (May 2025)

PAS 2026 Events | Local Government Association (April-May 2026)

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Appendix E

Existing Planning Committee Arrangements

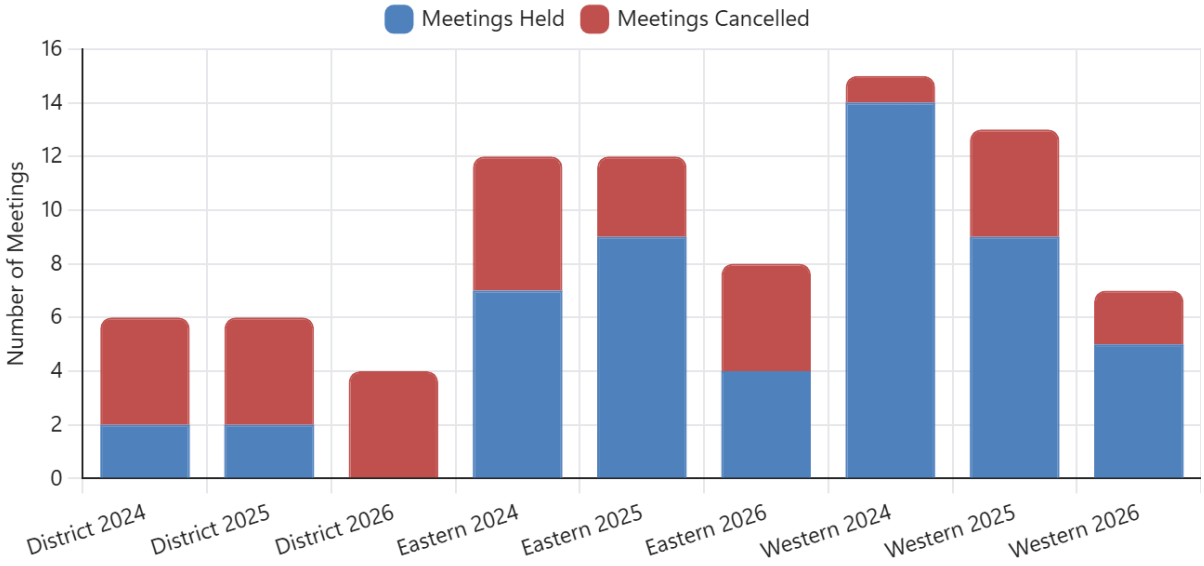
1. The Council currently has three planning committees, with the following responsibilities.

Committee	Terms of Reference (summarised)
Eastern Area Planning Committee (EAPC)	Consider planning applications and other Development Management casework where the Scheme of Delegation requires a committee decision for application sites within the following Wards: • Aldermaston; • Basildon; • Bradfield; • Bucklebury; • Burghfield and Mortimer; • Pangbourne; • Thatcham Central; • Thatcham Colthrop and Crookham; • Thatcham North East; • Thatcham West; • Theale; • Tilehurst Birch Copse; • Tilehurst South and Holybrook; • Tilehurst and Purley.
Western Area Planning Committee (WAPC)	Consider planning applications and other Development Management casework where the Scheme of Delegation requires a committee decision for application sites within the following Wards: • Chieveley and Cold Ash; • Downlands; • Hungerford and Kintbury; • Lambourn; • Newbury Central; • Newbury Clay Hill; • Newbury Greenham; • Newbury Speen; • Newbury Wash Common; • Ridgeway.

District Planning Committee (DPC)	Consider planning applications and other Development Management casework where:
	• The Chairman of an Area Planning Committee determines it is appropriate for the decision to be made by DPC rather than the Area Planning Committee.
	• An Area Planning Committee has referred the application to the District Planning Committee for determination.
	• An Area Planning Committee has considered the application but the Service Director or Service Lead with responsibility for Planning, or the Development Manager, has determined that the decision:
	  ○ has a possible conflict with a policy that would undermine the Development Plan; or
	  ○ is of a district wide public interest; or
	  ○ there is a possibility for claims for significant costs against the Council.
	Where a decision of an Area Planning Committee has been referred to DPC, that decision shall not take effect until the DPC has considered it.

2. The table below sets out the business considered by each of the committees over the past three years.

Committee	Year	Meetings Held	Meetings Cancelled	Total Items Considered	Average Items per Held Meeting
District	2024	2	4	2	1.00
	2025	2	4	2	1.00
	2026	0	4	0	N/A
Eastern	2024	7	5	14	2.00
	2025	9	3	15	1.67
	2026	4	4	7	1.75
Western	2024	14	1	40	2.86
	2025	9	4	19	2.11
	2026	5	2	12	2.40



3. The above data shows:
    a. WAPC had the highest number of meetings held across the last three years, particularly in 2024 (14 meetings held, 1 cancelled).
    b. EAPC maintained a relatively consistent programme, although cancellations increased in some years.
    c. DPC has a very high cancellation rate relative to meetings held, with no held meetings recorded in 2026 to date.

4. Of the applications considered at planning committee meetings between 2024 and 2026, some 30 applications would be Schedule 1 applications and therefore delegated decisions under the National Scheme of Delegation.

5. Between 2019 and 2026, 85% (142 of 168) of WAPC applications, and 77% (83 of 108) of EAPC applications have been decided by committee in accordance with officer recommendation.

6. By way of comparison with other councils, a Planning Advisory Service (PAS) national survey of planning committees, undertaken across more than 120 English councils in 2024/25. PAS reported that:

a. around 75% of responding councils have a single planning committee, meet monthly, have 4 or fewer items per meeting, and meetings typically last less than 3 hours.
b. 79% of councils have just a single committee and when they have more than one then this is very often a Strategic Developments Committee (51%).
c. Over half (around 53%) of Planning Committees have 9-12 members. Outliers included one council with 23 members and another with only 5 members.
d. Most councils (85%) have monthly meetings, most of these meetings are between 1 and 3 hours in duration and usually have been 2 and 4 items in total.

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Internal Audit Update Report – Quarter One 2026/27

Committee considering report:	Audit and Risk Committee
Date of Committee:	29 September 2026
Portfolio Member:	Councillor Iain Cottingham
Report Author:	Julie Gillhespey (Audit Manager)

1 Purpose of the Report

1.1 To update the Committee on the status of Internal Audit work as at the end of Quarter One 2026/27.

1.2 The Global Internal Audit Standards (GIAS) in the UK Public Sector, require the Audit Manager to provide periodic updates to senior officers and members on performance against the Audit Plan. As stated in the Council's approved Internal Audit Charter, quarterly updates are required to be presented to the Committee.

1.3 The periodic reports aim to provide a progress update against the work in the Audit Plan together with highlighting any emerging significant issues/risks that are of concern.

2 Recommendation(s)

No recommendation is made; the report is to provide the Audit and Risk Committee with an update on Internal Audit Work as at the end of Quarter One 2026/27.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	None
Human Resource:	None
Legal:	None
Risk Management:	Internal Audit work helps to improve risk management processes by identifying control weaknesses in systems and procedures and making recommendations to provide mitigation. The aim of which is to help ensure that services and functions across the Council achieve their goals and

	targets, and the organisation as a whole meets its plans and objectives.			
Property:	None			
Policy:	None			
	Positive	**Neutral**	**Negative**	**Commentary**
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
Environmental Impact:		X		
Health Impact:		X		
ICT Impact:		X		
Digital Services Impact:		X		
Council Strategy Priorities:		X		

Core Business:		X		.
Data Impact:		X		
Consultation and Engagement:	None			

4 Executive Summary

4.1 To update the Committee on the status of Internal Audit work as at the end of Quarter One 2026/27.

4.2 The Global Internal Audit Standards (GIAS) in the UK Public Sector, require the Audit Manager to provide periodic updates to senior officers and members on performance against the Audit Plan. As stated in the Council's approved Internal Audit Charter, quarterly updates are required to be presented to Committee.

4.3 The periodic reports aim to provide a progress update against the work in the Audit Plan together with highlighting any emerging significant issues/risks that are of concern.

4.4 From the three corporate audits completed during the period, there was one given a limited assurance opinion. There was also one school report given a limited assurance opinion. There was one corporate follow-up that was given an unsatisfactory progress rating.

4.5 The Audit Team has an in-service reportable performance target to achieve at least 80% of the audit plan for the year. As at the end of Quarter One the projected year end figure was 84%. This is lower than the usual percentage at this time of year, as the team continues to have a Senior Auditor vacancy.

5 Supporting Information

Introduction/Background

5.1 For each piece of assurance work undertaken the report provides an audit assurance opinion on the effectiveness of governance, risk management and control in the area under review.

5.2 An assessment of the number of reviews in each opinion category is the key factor used to determine the Internal Audit annual assurance opinion. Descriptions of the assurance opinion ratings used are detailed as follows:

Opinion	Description
Substantial Assurance	A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited.
Reasonable Assurance	There is a generally sound system of governance, risk management and control in place. Usually moderate-to-minor issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited, but are not a cause for concern.
Limited Assurance	There is a large number of moderate weaknesses and/or significant weaknesses or non-compliance issues identified which are of concern. Improvement is required to the system of governance, risk management and control to effectively manage risks to the achievement of objectives in the area audited.
No Assurance	Immediate action is required to address fundamental gaps, weaknesses or non-compliance identified. The system of governance, risk management and control is inadequate to effectively manage risks to the achievement of objectives in the area audited.

5.3 Appendix A to this report sets out the audit work that has been finalised in the quarter. There is a lower number of completed audits for this quarter, the main reason being that there was less audit work commenced in the previous quarter because of the two vacancies in the team. One vacant post was recruited to at the end of March 2026; therefore, the level of audit work being undertaken has increased for this quarter. The table below shows the breakdown of completed audits by opinion given. For this reporting period there was one completed corporate audit given a less than reasonable assurance opinion, and one school audit.

Audit Type	No Assurance	Limited Assurance	Reasonable Assurance	Substantial Assurance
Corporate Systems		1	2	
Schools		1		

5.4 We carry out a follow-up review for all audits given a less than reasonable assurance opinion. We use three categories to provide a conclusion on the level of progress with implementing agreed recommendations, **Fully Implemented**, **Satisfactory** (no issues of concern still needing to be addressed), and **Unsatisfactory** (large number of recommendations outstanding and/or weaknesses of concern not addressed). There was one corporate follow-up completed during the period where an unsatisfactory progress rating was given.

Follow-up Type	Unsatisfactory	Satisfactory	Fully Implemented
Corporate Systems	1	0	0
Schools	0	0	0

5.5 Limited Assurance Opinion Reports/ Unsatisfactory Follow-up Audits

Management and Oversight of School Deficits

Key issues identified for this audit were reported to the Governance and Ethics Committee in January 2026, as an emerging issue to highlight to Committee regarding the depletion of the Schools Reserve Fund. The key areas where we have made recommendations are as follows:

a) There is a worsening budget position for schools, with an increasing number going into a deficit budget position. There are known reasons for this, particularly a national decline in pupil numbers, with West Berkshire experiencing a more significant percentage reduction than the national average over recent years. Maintained schools are also facing a notable increase in the need for SEND provision.

b) Although work is underway to establish a corporate strategy to address these challenges, this will take time to implement and embed and for resulting improvements in school budget balances to be realised. In the meantime, there is need for shorter- and medium-term approaches to effectively manage the situation.

c) Changes in staffing, resources and practices have delayed development of changes in approach for oversight and management of school budget deficit position. At the time of this review, Finance and Education Services were actively working to improve communication and sharing of information, as well as reviewing operational capacity within Finance, and looking at team restructuring, identification of deficit drivers, and financial modelling to increase the level of data to assist with longer-term financial planning.

d) As well as the issue of there being a continuous increase in the number of schools going into deficit, the audit also identified a sustained pattern in the significant reduction of schools with a surplus balance, which previously have assisted in offsetting the deficit balances all of which are held in the School Fund Reserve Account.

e) The reduction in the balance held in the School Fund Reserve account will impact on the Council's General Reserve if it goes into a deficit position which we have projected could happen in the next year. At the time of the audit this had not been reflected in service-level or corporate registers, and longer-term forecasting of the School Fund Reserve was not being undertaken, only an end of year figure calculated for the Council's year-end financial statements. This issue of concern was raised with senior officers/members in November 2025 and was reported to the Governance Committee prior to completion of the audit to expedite timely remedial action.

f) We found there is an effective framework in place in relation to the Council's Scheme for Financing Local Authority-Maintained Schools, the content meets statutory requirements and is regularly reviewed against changes in government requirements.

Theale Primary School

We did not identify any significant areas of concern, the audit opinion was reached due to the number of control weaknesses where improvements were required, the key points being:

a) several areas where core financial administration processes require strengthening, including Agresso FMS reconciliations, purchase ordering and payment procedures, procurement card controls, bank reconciliation activities, additional time claim processing, and School Fund accounting.

b) A review of delegated financial authorities, aligned to job descriptions and defined roles and responsibilities is advised to streamline workflows and enhance operational effectiveness.

c) There was limited evidence/source documentation for some governance and financial processes, including a lack of evidence of verification processes/authorised signatories and FGB challenge recorded in minutes. Improvements to audit trails are therefore required to ensure robust financial control and oversight.

West Berkshire Lottery Follow-up Audit (2nd Stage Follow-up)

a) Our latest follow up has identified a further positive step, with progress made in addressing resourcing challenges. Funding had been secured to recruit a Social Value role, which will assume responsibility for the day-to-day management and monitoring of the lottery, and therefore there is resource available to review and expand the lottery oversight undertaken as per our advisory recommendations.

b) However, there has been no further progress in finalising the contract with the service provider, assurance therefore remains limited in relation to compliance with Gambling Commission requirements, the Council's Contract Rules, and clarity of delegated roles and responsibilities.

The Service Director for Community Services has been invited to the meeting to provide further information regarding the issues with progressing the recommendations, especially in relation to having a contract in place.

5.6 Details of the audit work in progress and the stage reached are set out at Appendix B. This includes a number of audits still in progress from last financial year, for context, where work is commenced late in the last quarter of the year, it will inevitably roll into the next year to be completed. There were also a few audits that were put on hold when staff left which were then picked up at a later stage by the Audit Manager.

5.7 Audit work may also take longer than planned for a number of reasons. We are very reliant on services providing us with the required information/managers responding to draft audit reports in a timely manner. As a small team, we also need to react to

emerging changes in risk during the year, for example suspected fraud, requests for unplanned work and investigations, as well as audit advice, which may require a reprioritisation of work, and result in delays in the planned work already commenced.

5.8 Progress made against the Anti-Fraud Work Plan is set out at Appendix C.

5.9 In relation to corporate audits, Appendix D gives further detail to support the audit report opinion, setting out the scoping of each audit as well as the number and significance of recommendations made. Appendix E sets out a visual presentation to support the audit report opinion in the format of an audit risk heatmap.

5.10 The Audit Team has an in-service reportable performance target to achieve at least 80% of the audit plan work for the year. As at the end of Quarter One the projected year end figure was 84%. This is lower than the usual percentage at this time of year, due to the team still having a Senior Auditor vacancy. A further attempt at recruitment is currently underway.

Proposals

This report is to update the Audit and Risk Committee of the progress of Internal Audit work at the end of Quarter One 2026/27.

6 Other options considered

The quarterly update report for the Committee is required to comply with the Council's Internal Audit Charter and professional good practice.

7 Conclusion

There was one corporate audit and one school audit completed during the period that were given a less than reasonable assurance opinion. There was also one corporate audit follow-up given an unsatisfactory opinion. The volume of limited assurance reports and unsatisfactory follow-up audits continues to be low, and there are no emerging significant issues/risks that are of concern that need to be raised with the Committee this quarter.

8 Appendices

Appendix A - Completed Audit Work

Appendix B - Current Audit Work

Appendix C - Anti-Fraud Work Plan Update

Appendix D - Completed Audits – Supporting Information

Appendix E - Completed Audits – Audit Risk Heatmaps

Background Papers:

None

Subject to Call-In:

Yes: ☐ No: ☒

The item is due to be referred to Council for final approval	☐
Delays in implementation could have serious financial implications for the Council	☐
Delays in implementation could compromise the Council's position	☐
Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months	☐
Item is Urgent Key Decision	☐
Report is to note only	☒

Wards affected:

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Owning Service	Strategy and Governance		

Change History

Version	Date	Description	Change ID
1			

Internal Audit Plan Update Report
(End of June 2026)

Appendix A

1) COMPLETED AUDITS

Directorate/Dept/Service	Audit Title	Overall Opinion
Corporate		
Resources		
Strategy & Governance	Land Charges	Reasonable Assurance
People		
Education and SEND	Oversight and Management of School Budget Deficits	Limited Assurance
Children's Social Care	Guardianship/Child Arrangements Orders	Reasonable Assurance
Schools		
Primary	Theale	Limited Assurance

NOTE

The overall opinion is derived from the number/significance of recommendations together with using professional judgement. The auditor's judgement takes into account the depth of coverage of the review (which could result in more issues being identified) together with the size/complexity of the system being reviewed).

2) COMPLETED FOLLOW UPS

Directorate/ Service	Audit Title	Overall Opinion - Report	Opinion - Implementation progress
Place			
Community Services	West Berkshire Lottery	Advisory	Unsatisfactory

3) COMPLETED ADVISORY REVIEWS/OTHER WORK

Bus Grant review and Sign-off

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Internal Audit Plan Update Report **Appendix B**
(End of June 2026)

1) CURRENT AUDITS

Corporate/Directorate/ Service	Audit Title	Current Position of Work	Audit Plan Year
Corporate			
Transformation, Customer and ICT	Transformation	Testing	2025/26
Resources			
Finance, Property and Procurement	Fee/Grant Income Recording and Monitoring	Testing	2025/26
Finance, Property and Procurement	Brokerage - Care Commissioning	Draft Report Issued	2025/26
Finance, Property and Procurement	NNDR	Testing	2026/27
Finance, Property and Procurement	Accounts Receivable	Testing	2026/27
Finance, Property and Procurement	Payroll	Background	2026/27
Transformation, Customer and ICT	ICT Helpdesk	Testing	2026/27
People			
Education and SEND	Dedicated Schools Grant (DSG)	Ready for Review	2025/26
Adult Social Care	Three Conversations Model	Draft Report Issued	2025/26
Education and SEND	Pupil Premium Grant (PPG)	Testing	2026/27
Place			
Community Services	Shaw House Operations	Draft Report Issued	2025/26
Community Services	Public Protection Partnership – Trading Standards and Environmental Health	Testing	2026/27
Community Services	Leisure Centre Management - Contract Management	Ready for Review	2026/27
Environment	Waste Management Contract	Background	2026/27

Corporate/Directorate/ Service	Audit Title	Current Position of Work	Audit Plan Year
Schools			
None			

2) CURRENT ADVISORY REVIEWS/INVESTIGATIONS AND OTHER WORK

Audit/Review Title	Current Position of Work
Mosaic Project Board	Audit Manager undertaking critical friend role/offering advice as part of Project Board meetings
Review of Fraud Related Policies and Procedures	Review complete, ready for Audit Manager sign-off
HR Related Investigation	Ongoing

3) CURRENT FOLLOW-UPS

Directorate/Service	Audit Title
Resources	
None	
Place	
People	
None	
Schools	
None	

APPENDIX C

Anti-Fraud Work Plan

(Drawn together from entries in the Audit Plan for 2026/27)

Audit Name	Work Focus	Update Position (End of June 2026)
National Fraud Initiative (NFI) Investigation Work	Review of data matches to assess whether fraudulent.	Preparing for the new exercise commencing in the autumn. (This is a large/time consuming mandatory exercise that is ongoing during the year.)
National Non-Domestic Rates (NNDR)	Fraudulent applications for exemptions/reliefs and payment of refunds.	Commenced, at the testing stage.
Members Expenses	Inappropriate/falsified claims for expenses being paid.	Planned for Quarter 3
Shared Lives	Inappropriate/falsified payments may be generated. Falsified claims for expenses may be submitted.	Planned for Quarter 3
Parking	Income collection and recording processes and reconciliations to the parking machine ticket information to ensure all income due is collected and accounted for.	Planned for Quarter 4
Brokerage/Care Commissioning Placement Processes – Children's	Check for compliance with Contract Rules of Procedure/legislation. Risk that provider selection/client placement decisions are not made appropriately/potential for conflict of interest/personal gain.	Planned for Quarter 2

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APPENDIX D

COMPLETED AUDITS – FURTHER DETAIL TO SUPPORT THE REPORT OPINIONS

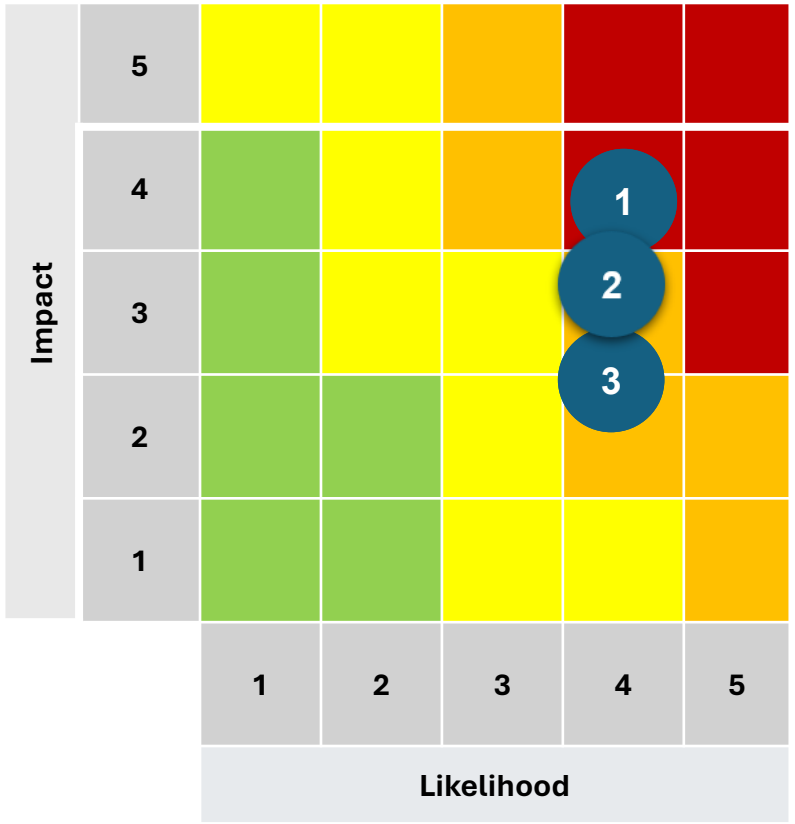
Directorate / Service	Audit title	Overall Assurance Opinion	Audit Scoping Objective(s)	Number of Recommendations per Significance Category			
				Fundamental	Significant	Moderate	Minor
Education and SEND/ Finance, Property and Procurement	Oversight and Management of School Budget Deficits	Limited Assurance	1) To ensure that there is an effective framework and a robust strategy in place to manage, monitor and provide active oversight of the school budget deficit position. 2) To ensure that the Council has established proactive measures to support Schools to effectively manage delegated budgets and to identify those schools with increased risk of falling into deficit. 3) To ensure that there are effective processes in place, in accordance with the legislation and statutory guidance, to evidence effective management and monitoring of deficit balances incurred by schools.	0	2	9	2
Strategy and Governance	Land Charges	Reasonable Assurance	1) To ensure that the Council's Land Charges administration framework is in accordance with key legislation/guidance in conjunction with the Local Land Charges Act (LLC) 1975. 2) To ensure that there are adequate procedures and processes in place for the effective management of Land Charges in conjunction with the HM Land Registry Guidance for Originating Authorities (GfOA) dated 31/3/25.	0	0	2	4

APPENDIX D

Directorate / Service	Audit title	Overall Assurance Opinion	Audit Scoping Objective(s)	Number of Recommendations per Significance Category			
				Fundamental	Significant	Moderate	Minor
Children's Social Care	Guardianship and Child Arrangement Orders	Reasonable Assurance	1) To ensure that the Council has established a policy and associated procedures for the provision of support services, including financial support in relation to Special Guardianship Orders and Child Arrangement Orders. 2) To ensure that there are effective procedures in place for the recording and monitoring of financial support provided for Special Guardianship Orders and Child Arrangement Orders.	0	0	2	7

APPENDIX E

Oversight and Management of School Budget Deficits

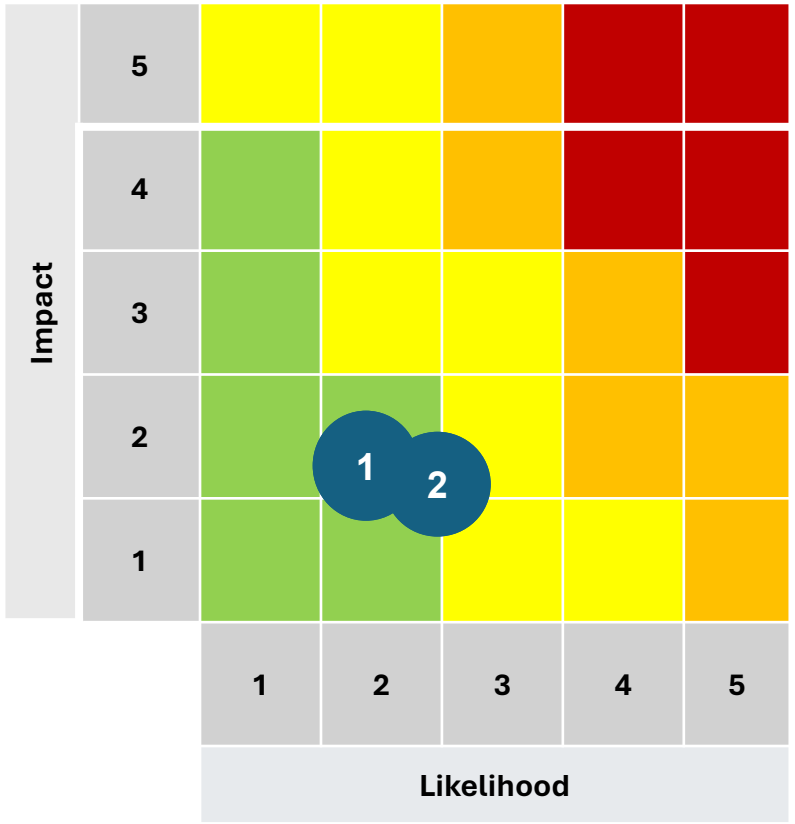


1. To ensure that there is an effective framework and a robust strategy in place to manage, monitor and provide active oversight of the school budget deficit position.

2. To ensure that the Council has established proactive measures to support Schools to effectively manage delegated budgets and to identify those schools with increased risk of falling into deficit.

3. To ensure that there are effective processes in place, in accordance with the legislation and statutory guidance, to evidence effective management and monitoring of deficit balances incurred by schools.

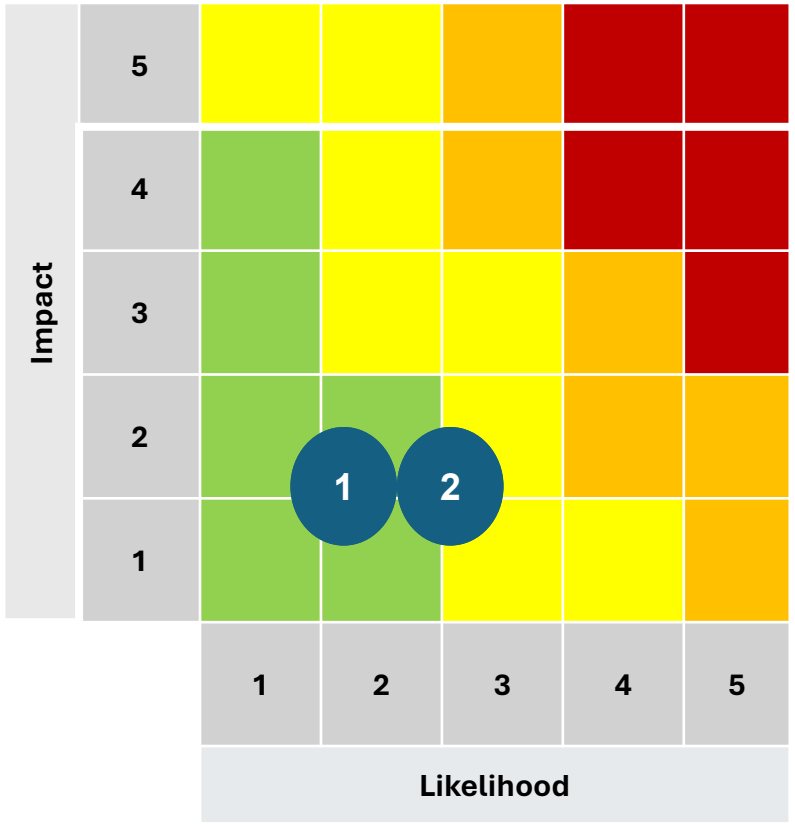
Land Charges



1. To ensure that the Council's Land Charges administration framework is in accordance with key legislation/guidance in conjunction with the Local Land Charges Act (LLC) 1975.

2. To ensure that there are adequate procedures and processes in place for the effective management of Land Charges in conjunction with the HM Land Registry Guidance for Originating Authorities (GfOA) dated 31/3/25.

Guardianship and Child Arrangement Orders



1 To ensure that the Council has established a policy and associated procedures for the provision of support services, including financial support in relation to Special Guardianship Orders and Child Arrangement Orders.

2 To ensure that there are effective procedures in place for the recording and monitoring of financial support provided for Special Guardianship Orders and Child Arrangement Orders.

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Risk Management Q1 2026/27 Report – Part I

Committee considering report:	Audit and Risk Committee
Date of Committee:	29 September 2026
Portfolio Member:	Cllr Iain Cottingham
Date Portfolio Member agreed report:	10 September
Report Author:	Martyn Sargeant, Service Director – Strategy and Governance Beatriz Teixeira, Performance, Research and Consultation Manager

1. Purpose of the Report

1.1 To highlight the **17 corporate risks** (as at the end of June 2026) to be considered by the committee and outline the actions that were being taken to mitigate those risks, in accordance with the West Berkshire Council Risk Management Strategy

1.2 To call attention to changes observed in the Corporate Risk Register (CRR) during the reference period, more specifically, those related to a change in scoring or to the closure or inclusion of a risk in the register.

2. Recommendations

That the Committee be informed of the corporate risk position as at the end of June 2026 and actions undertaken to minimise the impact of the 17 existing risks on the Corporate Risk Register (CRR), which are described in Appendix B and detailed in Appendix C, in the confidential Part II of this report.

3. Implications and Impact Assessment

Implication	Commentary
Financial:	None.
Human Resource:	None.
Legal:	None.
Risk Management:	The report outlines the key risks that Corporate Board are monitoring / managing at present.
Property:	None.
Policy:	There are no policy implications associated with this report.

	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
Environmental Impact:		**x**		
Health Impact:		x		
ICT or Digital Services Impact:		**x**		
Council Strategy Priorities or Business as Usual:	***x***			Risk management activities support the delivery of the objectives relevant to the Council Strategy priorities and other business as usual areas.
Data Impact:		x		
Consultation and Engagement:	The report is based on the updated Service Risk Registers provided by Service Directors. The updating of the Service Risk Registers includes a requirement that changes are discussed at the relevant Directorate Management Team meetings and should be highlighted to relevant Portfolio Holder(s). Senior Leadership Team receives a copy of this report.			

4. Executive Summary

4.1 This report summarises a range of information relating to the Corporate Risk Register (CRR) and analyses any developments and emerging risks. It updates the committee on key issues and actions that they should be aware of.

4.2 During the review of the CRR by the Performance Team, the following changes were observed:

(a) Five new risks were added to the CRR, three reputational, one financial and one personal, staff or customer. Four of those risks currently exceed the

Council's acceptable exposure limit and one is currently within or below that threshold.

(b) One risk classified as personal, staff or customer, last scored at 9 (high) was closed.

(c) Three financial risks had their score decreased

- Risk 1 had its score changed from 25 to 16, remaining classified as "extreme" and beyond the acceptable exposure limits, albeit by seven points instead of the previous 16;
- Risk number 8 had its score changed from 9 (high) to 6 (moderate), thus remaining within the acceptable risk exposure limits.
- Risk number 11's score changed from 12 to 9, remaining classified as "high" but now within the acceptable risk exposure limits.

(d) The scores of two risks were increased:

- Risk number 7 went from a score of six (moderate) to nine (high). Despite the score increase, it remains within acceptable risk exposure level.
- Risk number 9 had its score changed from two (low) to six (moderate), also remaining within the acceptable risk exposure level.

4.3 Analysis of the risk levels from the CRR shows that ten out of the 17 risks are rated at a level higher than the acceptable risk appetite limit established by the Council's Risk Management Strategy. Six of these risks exceed the appetite significantly (by three or more points).

4.4 More detailed information on the modifications to the Corporate Risk Register can be found in Part II of this report (Part II - Appendix A: Changes in the CRR).

4.5 The submission of a part II report is due to the presence of exempt information, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. Rule 8.10.4 of the Constitution also refers. More specifically, information relating to:

- financial/business affairs of particular person
- legal privilege
- proposed action to be taken by the local authority

5. Overview of the Corporate Risk Register (public version): risk scores and classification

5.1 The CRR is designed to summarise all major risks escalated by Directors and Service Leads for action or active monitoring at corporate level. The method used to score risks is detailed as part of the Risk Management Strategy.

5.2 As of the end of Q1, the 17 risks in the CRR were categorised as: seven *extreme*, six *high*, and four *moderate.* The categories *personal, staff or customer*, *reputational* and *financial loss* account for five risks each. The two remaining risks refer to assets and compliance. The classification of all risks in the CRR is illustrated in the graph below.

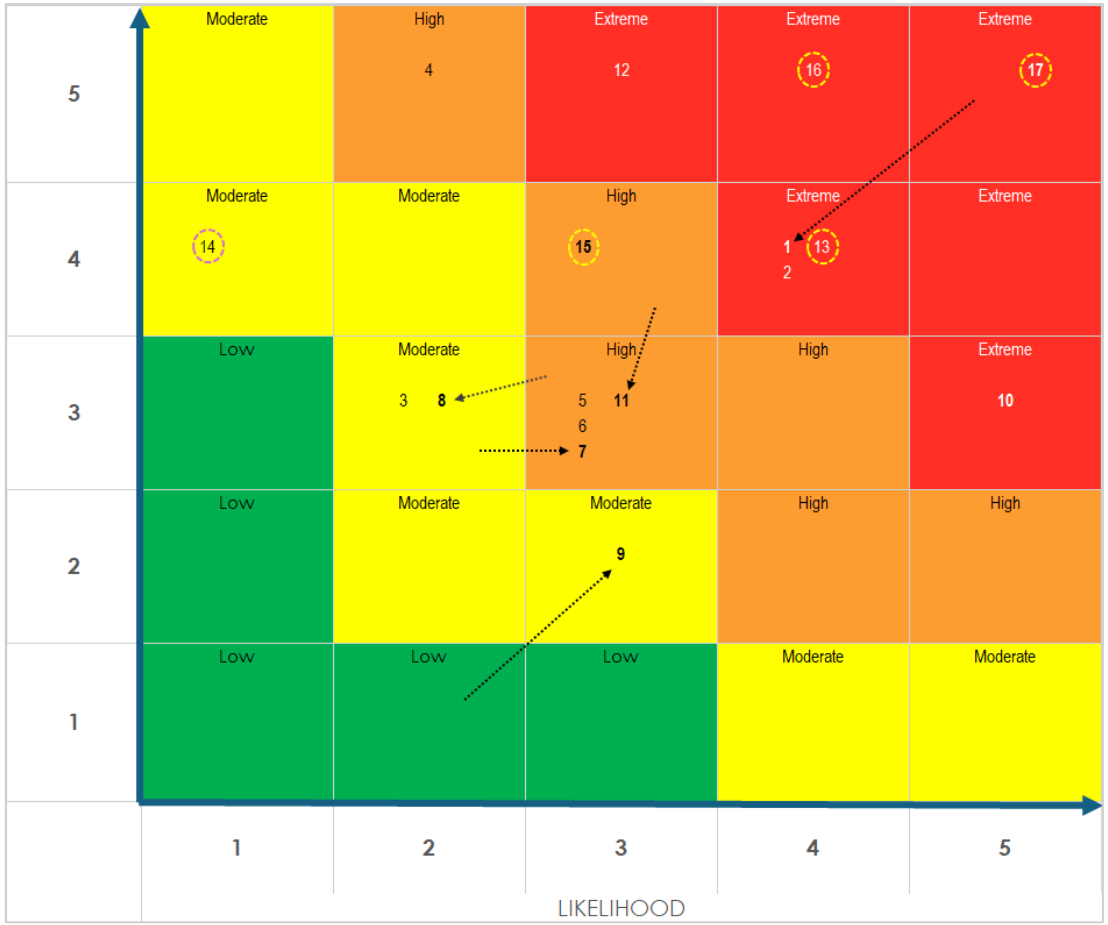


Figure 1. Heat Map (public version)

N.	Primary Risk Category
1	Financial loss
2	Financial loss
3	Personal, Staff or Customer
4	Personal, Staff or Customer
5	Personal, Staff or Customer
6	Personal, Staff or Customer
7	Reputation
8	Financial loss
9	Compliance
10	Reputation
11	Financial loss
12	Assets (physical & information)
13	Reputation
14	Reputation
15	Personal, Staff or Customer
16	Reputation
17	Financial loss

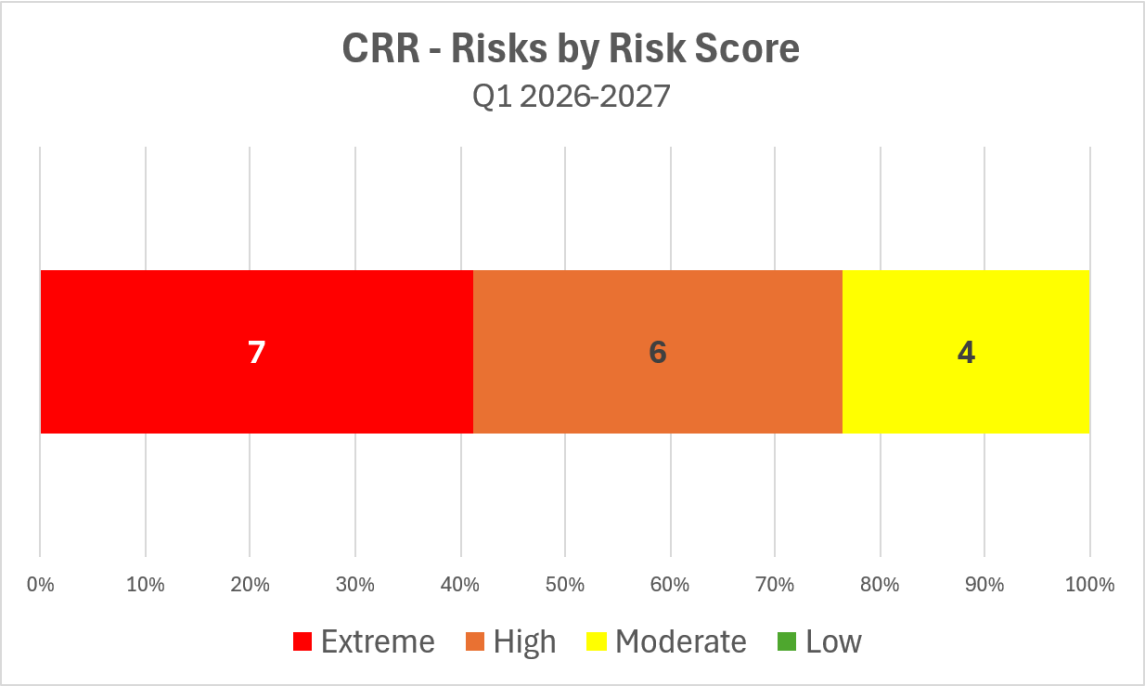


Figure 2. Risks in CRR by risk score

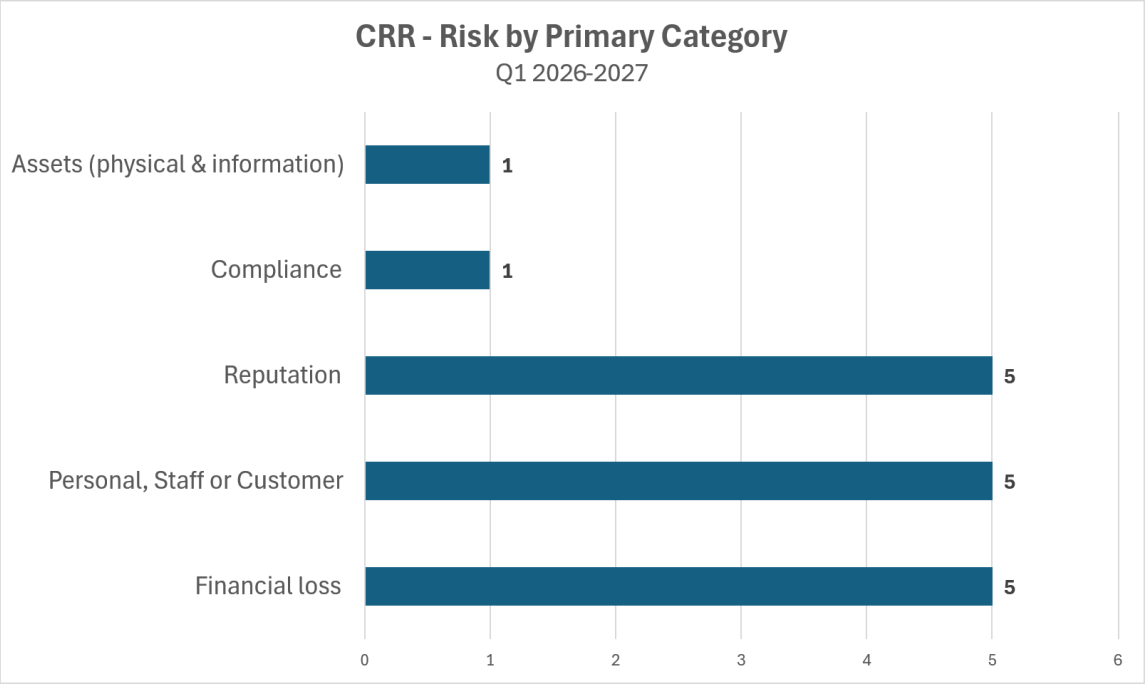


Figure 3. Risks in CRR by primary category

6. Assurance on the risk management approach

6.1 The matrix below maps the risk appetite scorings associated with the different risk exposure levels. These were the thresholds utilised to assess if the risks currently in the Corporate Risk Register exceed acceptable parameters as set by the Risk Management Strategy.

5	CAUTIOUS 5	FLEXIBLE 10	OPEN 15	SEEKING 20	SEEKING 25
4	CAUTIOUS 4	CAUTIOUS 8	OPEN 12	SEEKING 16	SEEKING 20
3	AVERSE 3	CAUTIOUS 6	FLEXIBLE 9	OPEN 12	OPEN 15
2	AVERSE 2	CAUTIOUS 4	CAUTIOUS 6	CAUTIOUS 8	FLEXIBLE 10
1	AVERSE 1	AVERSE 2	AVERSE 3	CAUTIOUS 4	CAUTIOUS 5
IMPACT / LIKELIHOOD	1	2	3	4	5

Risk Appetite according to the Risk Management Strategy	
Finance Assets	Flexible
Compliance	Flexible/Open
Reputation	Open
Operational	Open
Personal, Staff or Customer	Cautious

Figure 4. Heat map of risk appetite levels and Risk appetite levels according to the Risk Management Strategy

6.2 The information in the private appendix includes details of the relevant appetite parameters and ranks each risk according to whether it exceeds the appetite and to what extent. This is done with a simple RAG rating as follows:

- RED: exceeds appetite threshold by three or more points.
- AMBER: exceeds appetite threshold by up to two points.
- GREEN: at or below the appetite threshold.

6.3 The scores attributed to ten of the risks currently in the Corporate Risk Register exceed the acceptable levels of risk appetite set in the Council's Strategy – six of them by three points or more and four by up to two points. The remaining seven risks are currently within or below the acceptable risk levels, as illustrated below.

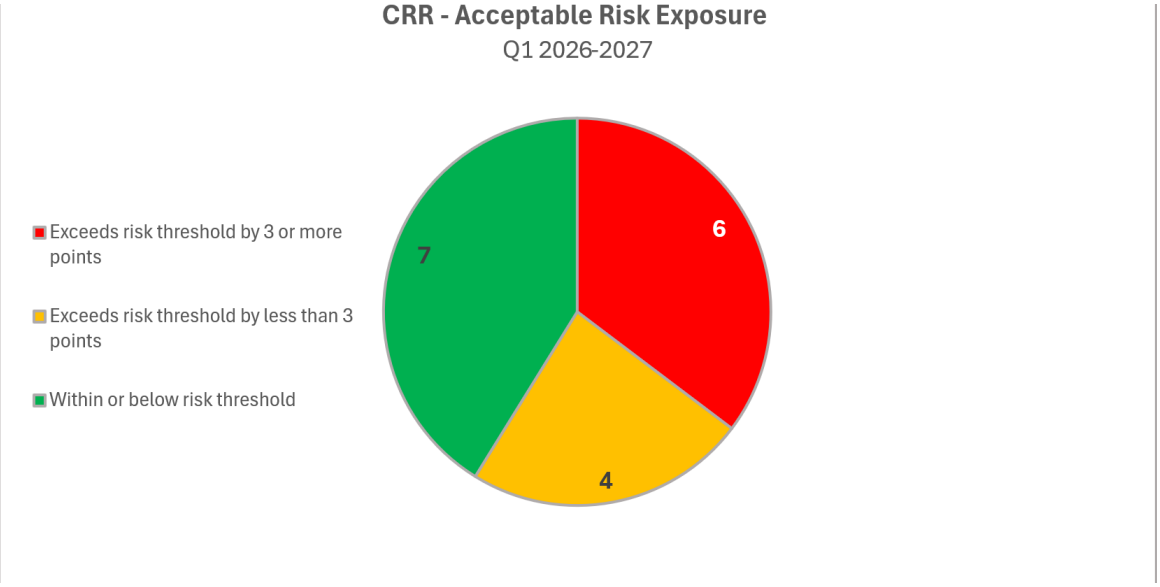


Figure 5. Risks in CRR according to their acceptable exposure levels

6.4 More details on the risks currently in the Corporate Register, information on mitigation actions in place and on emerging risks are available in Part II of this report (Appendix B: Overview Corporate Risks).

7. Conclusion

7.1 The report highlights the variations observed in the Corporate Risk Register during Q1 2026/27, including risks added to the register, changes in risk scores and the closure of one risk. At the time of reporting, there were 17 risks in the CRR, all of which have been assessed in accordance with the Risk Management Strategy, including the acceptable exposure levels as per the Council's risk appetite.

7.2 More information on individual risks and the actions in place and planned for their mitigation can be found in the Part II of this report, more specifically in:

- Appendix A – Changes in the Corporate Risk Register
- Appendix B – Overview of the Corporate Risk Register (Confidential)
- Appendix C – Detailed Corporate Risk Register (Confidential)

Background Papers:

None

Subject to Call-In:
Yes: ☐ No: ☒

The item is due to be referred to Council for final approval	☐
Delays in implementation could have serious financial implications for the Council	☐
Delays in implementation could compromise the Council's position	☐
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	☐
Item is Urgent Key Decision	☐
Report is to note only	☒

Wards affected: All

Officer details:

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Change History

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