

Report Title	Constitutional Amendments
Meeting	Council
Meeting Date	1 st October 2026
Report Author	Howard Culshaw
Directorate	Resources
Lead Executive Member(s)	Leader
Wards Affected	All
Public. Part Exempt, or Fully Exempt	Public
Appendices (if any)	1 - Articles of the constitution, Area Committee and Development Management Committee functions 2 - Scheme of delegation 3 - Terms of reference of the Accounts and Audit Committee 4 - Code of Conduct for Employees 5 - Area Committee Report 6 – Contract Procedure Rules

1. Executive Summary

- 1.1 Amendments to the Articles of the constitution, Area Committee and Development Management Committee functions in the Council's constitution are required because of the coming into force of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 on 31st October 2026.

The scheme of delegation within the constitution relating to the functions of the Assistant Director, Planning, Building Control and Regulatory Services needs to reflect the changes brought about by the Building Safety Levy (England) Regulations 2025, the levy coming into operation from 1st October 2026.

Additionally, the report suggests good practice amendments to the terms of reference of the Accounts and Audit Committee, a redrafting of the council's Code of Conduct for Employees and updated Contract Procedure Rules.

2. Recommendations

For the reasons set out in this report, Council is recommended to:

- 2.1 Agree to the amendment of the Articles of the constitution and the Area Committee and Development Management Committee functions in the terms of Appendix 1 to this report.

- 2.2 Agree to the amendment of the Scheme of Delegation relating to the functions of the Assistant Director, Planning, Building Control and Regulatory Services in the terms of Appendix 2 to this report.
- 2.3 Agree to the amendment of the Terms of Reference of The Accounts and Audit Committee in the terms of Appendix 3 to this report.
- 2.4 Approve the redrafted Code of Conduct for Employees in the terms of Appendix 4 to this report.
- 2.5 Approve the updated Contract Procedure Rules.
- 2.6 Agree that all the above to take effect from Monday 12th October 2026.

3. Information: the Rationale & Evidence for the Recommendations

- 3.1 The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 come into force on 31 October 2026 and apply to relevant local planning authorities in England.

They introduce a national scheme of delegation for planning functions, setting out which planning applications must be determined by officers and which may be referred to a planning committee.

The purpose is to create greater consistency and efficiency in planning decision-making across England.

Planning committees are intended to focus on significant or strategic development proposals, while routine and technical applications are generally delegated to officers.

The Regulations also place limits on the size of planning committees, with the aim of improving decision-making and committee effectiveness.

Local planning authorities must have regard to accompanying statutory guidance issued by the Ministry of Housing, Communities and Local Government.

Area Committees have already been appraised about these significant changes in planning law and their implications by the Assistant Director, Planning, Building Control and Regulatory Services in his report to their June meetings earlier this year (Appendix 5).

The necessary changes to the constitution's articles and committee functions are set out in Appendix 1 and the rationale for the changes may be understood with reference to that report, therefore.

- 3.2 The Building Safety Levy is a government levy linked to certain forms of development. Its purpose is to raise funds associated with building safety measures.

Local authorities are responsible for administering the levy, including assessing liability, collecting payments, maintaining records and transferring levy income in accordance with the national scheme.

Preparations have been made to administer the levy, including establishing processes for receiving applications, assessing contributions, collecting payments and undertaking related administration.

In practical terms, developers of relevant schemes may be required to pay the levy before development can proceed through prescribed stages. The detailed operation of the levy is governed by legislation and national regulations.

The constitution will need to provide the appropriate delegation of Building Safety Levy functions to the Assistant Director Planning, Building Control and Regulatory Services, including assessment, collection, recovery, exemptions, enforcement and stakeholder engagement. The required delegation is set out in Appendix 2.

- 3.3 There is currently no general statutory requirement to appoint independent members to an Accounts and Audit Committee. However, it is widely regarded as good governance practice and is recommended by CIPFA.

The Terms of Reference of the Accounts and Audit Committee ought therefore to be amended to reflect that as proposed in Appendix 3. This ought to strengthen governance assurance and external perceptions of independence.

- 3.4 In consultation with the Council's service managers, the Assistant Director Human Resources and Organisational Change has produced a redrafted Code of Conduct for Employees. This is reviewed every three years and some suggested minor changes have been made to the Code, notably the incorporation of the Council's revised values of Innovation, Customer Focus and Excellence. There is also a strengthened emphasis on Equality Act 2010 requirements around protected characteristics.

- 3.5 The Council has recently employed a dedicated Corporate Procurement Officer who has reviewed the Contract Procedure Rules and proposed further amendments in order to fully comply with the Procurement Act 2023. The detailed amendments are shown at Appendix 6.

4. Link to Council Plan Priorities: (Providing High Quality Services and Facilities, Proud and Connected Communities and Places, Good Growth, Housing and Healthy Communities and Preparing for Local Government Reorganisation)

- 4.1 Providing High Quality Services – the constitution underpins every decision the council makes and all its work.

5. Implications

5.1 Financial Implications

None.

5.2 Legal and Governance Implications

As explained in the body of the report.

5.3 Climate and Biodiversity Implications

None.

5.4 Human Resources Implications

The report recommends amendments to the Employee Code of Conduct.

5.5 Equality and Diversity Implications

The changes to the Employee Code of Conduct ought to strengthen the council's compliance with its Equality Duty under the 2010 Act.

6. Consultation

Area committees and service managers.

7. Alternative Options Considered

None.

8. Statutory Officer Sign off (please put an x in the relevant box below)

Section 151 Officer	X
Monitoring Officer	X

9. Background Documents

None.

Contact Officers

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