MINUTES OF THE EXTRAORDINARY COUNCIL MEETING
HELD AT NELSON TOWN HALL
ON 22ND OCTOBER 2026

PRESENT –

His Worship the Mayor (Councillor N. Ahmed – in the Chair)

Councillors

Z. Ali
M. Ammer
M. Aslam
M. Atkinson
R. Bashir
C. Church
D. Cockburn-Price
S. Cockburn-Price
M. Hanif
B. Hartley
D. Hartley
M. Iqbal
Y. Iqbal
N. McCollum
A. Mahmood
B. Newman
R. O'Connor
M. Stone
M. Sakib
A. Sutcliffe
Y. Tennant
L. Whipp
A. Whitehead
G. Whittaker

(Apologies for absence were received from Councillors F. Ahmed, S. Ahmed, D. Gallear, D. Lord, and M. Waddington).

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36. DECLARATIONS OF INTEREST

Members were reminded of the legal requirements concerning the declaration of interests and other registrable interests.

37. CONSTITUTIONAL AMENDMENTS

A report advising Council of the mandatory requirements arising from the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and which would come into force on 31st October 2026 was submitted for consideration.

The report sought approval to the amendments required to the Council's Constitution and planning decision-making arrangements. The Regulations implemented the national scheme of delegation introduced under Sections 319ZZC to 319ZZF of the Town and Country Planning Act 1990.

Within the report Council were advised that failure to amend the Constitution did not postpone the Regulations. From 31st October 2026 these Regulations would come into force irrespective of whether the Constitution had been updated. An unamended Constitution did not preserve an existing member call-in right where the right conflicted with the national scheme. If Council did not

establish an effective Schedule 2 referral process, the practical consequence would be that all applications (Section 1 and 2) would remain with officers for determination.

The report also set out the legal consequences of non-compliance with the legislation. Government statutory guidance expressly stated that if an authority hadn't complied by 31st October 2026 and a Planning Committee determined an application which must be delegated to officers, the decision may be open to challenge by judicial review and may be quashed. This would create potential delay, re-determination, costs and reputational consequences for the Council.

It was moved by Councillor M Iqbal seconded by Councillor A. Mahmood and –

RESOLVED

(1) That it be noted that the national scheme of delegation comes into force on 31st October 2026 and that compliance was a statutory requirement, not a matter of local discretion.

(2) That the inability of the Secretary of State for Housing, Communities and Local Government, Angela Rayner MP to respond to an invitation to pause this draconian legislation which would affect local decision making be noted.

(3) That the amendments to the Constitution necessary to give effect to the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 as set out in Appendices 1 and 2 attached to the report, be approved but the following remain within the functions of the Area Committees:

- To consider all enforcement and other action, including legal proceedings, under the Town and Country Planning Acts.
- To deal with all matters relating to tree preservation and protection of hedgerows, including the making of orders and the institution of legal proceedings.
- To deal with all matters relating to designated Conservation Areas.

(4) That the arrangements for the Nominated Officer and Nominated Member, together with any lawful substitute arrangements, for the Schedule 2 referral process be noted.

(5) That the Monitoring Officer be authorised, in consultation with the Assistant Director of Planning, Building Control and Regulatory Services to make any consequential or technical amendments within the scope of the Monitoring Officer's constitutional authority which were necessary to maintain consistency with the Regulations and statutory guidance.

(6) That Council writes to both Oliver Ryan MP and Jonathan Hinder MP to raise the Council's opposition at the highest level in government to this legislation.

His Worship the Mayor _____