November 2026

National Scheme of Delegation – Factsheet

What is the National Scheme of Delegation

The National Scheme of Delegation came into effect on 1st November 2026. Under the National Scheme of Delegation, practices previously set out in Swindon Borough Council's Constitution, including the power for Ward Councillors and Parish Councils to require cases to be called in for committee consideration are now no longer possible.

Update

At full Council on the 22nd October members voted to agree the necessary changes to the Constitution to allow for the National Scheme of Delegation to be implemented from the 1st November 2026.

A reminder of the national Changes

Planning and other application types are now categorised into 2 separate schedules.

Schedule 1 - Must be delegated to officers. There is no legal mechanism for these application types to be determined by a Planning Committee.

Schedule 2 There is a presumption in favour of officer delegation unless the nominated officer (in Swindon this is the Chief Planning Officer or substitute) and nominated member (in Swindon this is the Chair of the Planning Committee or Vice Chair when necessary) agree the application should be referred to a Planning Committee.

What are the changes local to Swindon Borough Council?

The legislation does allow for Councils to make some local arrangements to their scheme of delegation. This is known as 'local triage'. As part of the adopted change to the Constitution, certain application types that fall within Schedule 2 will also be automatically delegated to officers for decision. These are:

- Applications for works to trees including trees subject to Tree Preservation Orders
- Applications for Advert Consent
- Retrospective applications (when they relate to a type of development that would fall within Schedule 1)
- Any applications where the recommendation is to refuse planning permission

Do all Schedule 2 applications go to Planning Committee?

No, a Schedule 2 application (if not part of the local triage for officer delegation) can only be referred to planning committee where both the 'nominated officer' and the 'nominated member' agree a referral. This decision is made during the 'Gateway Test' meeting.

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What is the Gateway Test?

The Gateway Test is a procedural check that determines whether a Schedule 2 application can be referred to the Planning Committee instead of being decided directly by planning officers. It is not the meeting where the decision is made on the application.

In order to determine if an application should be determined by the Planning Committee at least one of the following criteria is required to be met:

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

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

The above criteria is set in law.

Referral to a Planning Committee will happen if the nominated officer and nominated member agree that either one or both of the criteria is met. If they do not agree, or if at least either test is not met, the application is delegated to planning officers for determination.

What about applications on Council land or when the Council or a Council Member or Officer is the applicant?

'Own-interest applications', which are applications made by the authority itself (whether alone or jointly with another person), or made by a member or officer, or where the authority, members or officers have an interest in the application, will be subject to the Gateway Test. There will be appropriate safeguards where the nominated officer or nominated member has an interest in an application.

How can ward councillors still be involved in the planning process?

Early Engagement - You are encouraged to engage with planning officers early in the consultation window on applications. Engagement on pre-application enquiries, where appropriate, is also strongly encouraged.

Written Representations within the timeframes - Submitting clear, policy-based planning arguments during the standard consultation phase ensures local impacts are appropriately considered in the officer's final report. Where applications are referred to a Planning Committee the Member for the ward in which the application site is located and the local Parish Council will be entitled to present to the Planning Committee under the public speaking procedures.

Next steps

The Gateway Test meetings are scheduled regularly, and the minutes of each meeting will be included on the publicly available planning file for each relevant application.

There will be a report to Planning Committee every 6 months (or the nearest Planning Committee to that date) outlining the number of applications that were subject to a Gateway Test, the outcomes and any recommendations following any future review.

Flowchart of the decision making route for planning and other applications:

