

APPENDIX 3

Title of meeting:	Cabinet Member for Planning Policy & City Development
Date of meeting:	14 October 2022
Subject:	Recommendations from the Scrutiny Management Panel in respect of the Call in of the decision taken by the Cabinet Member for Planning Policy & City Development on 26 July 2022 in respect of item 4 on that agenda "Options for increasing Planning Committee Capacity."
Report by:	City Solicitor
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1 To present the Cabinet Member with the recommendations arising from the Scrutiny Management Panel held on 27 September 2022.
- 1.2 In reconsidering the matter, the Cabinet Member should take into account any observations made by the Scrutiny Management Panel. The options available to the Cabinet Member are to either amend or reconfirm the decisions made on 26 July 2022, or upon taking into account the matters raised, refer the matter on to the Governance & Audit & Standards Committee for comment prior to either amending or reconfirming the decisions made on 26 July 2022.
- 1.3 The original report considered by the Cabinet Member on 26 July 2022 is attached as Appendix 1.
- 1.4 The subsequent decision made by the Cabinet Member will not be subject to further Call-in.

2. Options available to the Cabinet Member

- 2.1 Taking into account the observations made by the Scrutiny Management Panel, the Cabinet Member amends the decisions made on 26 July 2022

or
- 2.2 Taking into account the observations made by the Scrutiny Management Panel, the Cabinet Member reconfirms the decisions made on 26 July 2022

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or

- 2.3 taking into account the matters raised by the Scrutiny Management Panel, refer the matter on to the Governance & Audit & Standards Committee for comment prior to either amending or reconfirming the decisions made on 26 July 2022.

3. Background

- 3.1 At a special meeting held on 27 September 2022 the Scrutiny Management Panel reviewed the decision taken by the Cabinet Member for Planning Policy & City Development on 26 July 2022 in respect of item 4 on that agenda "Options for increasing Planning Committee Capacity."
- 3.2 At this meeting Cllr Ryan Brent, the lead Call-in member, presented the Call-in and a response was provided by the Cabinet Member, Cllr Lee Hunt. The panel asked questions of both parties before debating the matter.
- 3.3 The Scrutiny Management Panel concluded that the reason for the Call-in was upheld in that the decision may have been taken without adequate information and that the Cabinet Member may have been unable to properly take into account the constitutional implications of the decision.
- 3.3 In doing so, and in accordance with the agreed process, the Scrutiny Management Panel has set out the nature of its concerns that are to be addressed in conjunction with the original matter. These are included at para 4.2 of this report.

4. Reasons for recommendations

- 4.1 The Scrutiny Management Panel resolved that that the reasons for the Call-in were upheld and it therefore referred the matter back to the Cabinet Member for reconsideration as it believed that the decision may have been taken without adequate information and that the Cabinet Member may have been unable to properly take into account the constitutional implications of the decision.
- 4.2 During the debate the Scrutiny Management Panel made the following comments and raised the following specific areas of concern:
- Requested that further consideration be made to increasing the threshold of the number of members required for a planning application to be considered by the Planning Committee.
 - Believed it would be beneficial to find out what the public thought about the proposals contained within the report.
 - Requested that the Constitution Working Group look at the matter, as there appeared to be a lack of clarity currently in respect of the correct decision making process and the remit of Cabinet Members. It was believed that Full

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Council having to agree such changes would be restricting and no aligned either with the current convention or practically workable.

- Believed that the matter should be referred to the Governance & Audit & Standards Committee for consideration, with its findings reported back to the Cabinet Member prior to the decision being made.

5. Integrated impact assessment

- 5.1 The contents of this report do not have any relevant equalities and environmental impact and therefore an Integrated Impact assessment is not required.

6. Legal implications

- 6.1 The key legal implications are contained within the report. This said it is appropriate to state that the Scrutiny Management Panel in hearing the call in, were on balance prepared to accept that the portfolio holder may have had less than adequate information with respect to an opportunity to refer the matter to Governance Audit and Standards. It is apposite to note that a previous portfolio holder did avail himself of this option to engage the Governance & Audit & Standards Committee on the 16th September 2021.
- 6.2 The portfolio holder did confirm during the Scrutiny Management Panel meeting on the 27th September 2022 that he was aware of the opportunity to avail himself of an opportunity to refer Governance & Audit & Standards Committee as an additional option available to him. The options available to the portfolio holder are as stated in this report.

7. Director of Finance's comments

- 7.1 There are no financial implications arising directly from the recommendations contained in this report. Financial comments on the substantive matter are contained within the report attached at Appendix 1.

Signed by: Peter Baulf, City Solicitor

Appendices:

Appendix 1 - 'Options for increasing Planning Committee capacity' report considered by the Cabinet Member for Planning Policy & City Development on 26 July 2022

Appendix 2 - Decision Notice for 26 July 2022 Planning Policy & City Development meeting

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Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: