

Title of meeting:	Governance & Audit & Standards Committee
Date of meeting:	27 October 2022
Subject:	Referral by the Cabinet Member for Planning Policy & City Development "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 At the request of the Cabinet Member for Planning Policy & City Development, the Governance & Audit & Standards Committee is invited to consider and make comments on the process and principles of the decisions taken by him on 26 July 2022 in respect of the report "Options for increasing Planning Committee Capacity" which were subsequently 'called-in'.

2. Recommendations

The Governance & Audit & Standards Committee is invited to make comments on the process and the below decision made on 26 July 2022 that the Cabinet Member for Planning Policy and City Development will reconsider at a future meeting.

That the scheme of delegation for planning decision making be amended by:

1. The deletion of paragraph 53 of Part 2 Section 5B (Director of Regeneration) of the constitution; and
2. The amendment of paragraph 57 of Part 2 Section 5B (Director of Regeneration) of the constitution so that the threshold applied to a requirement for Committee determination is where six or more adverse representations based on material planning considerations have been received.

3. Background

- 3.1. Please see attached covering report following consideration of the call-in by the Scrutiny Management Panel (Appendix 1), which was considered by the Cabinet Member for Planning Policy & City Development alongside the original report (Appendix 2) on 14 October 2022.
- 3.2. Please see attached report and decision record which provide the background to the decision made on 26 July 2022 (Appendices 2 and 3).
- 3.3. 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."
- 3.4. 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.
- 3.5. In addition, the Scrutiny Management Panel 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. This is an opportunity which the Cabinet Member has availed himself of, hence this report to the Governance & Audit & Standards Committee.
- 3.6. This decision has not been implemented, pending the outcome of the call-in process, consideration by the Governance & Audit & Standards Committee and subsequent reconsideration by the Cabinet Member.

4. Reasons for recommendations

- 4.1 There are no specific recommendations included within the report. Instead, the Governance & Audit & Standards Committee is requested to consider the matter and report its findings back to the Cabinet Member prior to the Cabinet Member reconsidering the matter and making a decision. It should be noted that the subsequent decision made by the Cabinet Member will not be subject to further Call-in.

5. Integrated impact assessment

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

The legal implications are contained within this report- the situation is to be reviewed as part of the Constitutional Working Group as it was recognised that

whilst the above process allows adequate scrutiny the actual basis is something that requires re-aligning within the constitution.

7. Director of Finance's comments

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 2.

.....
Signed by: Peter Baulf, City Solicitor

Appendices:

Appendix 1 - '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 considered by the Cabinet Member for Planning Policy & City Development on 14 October 2022;

Appendix 2 - 'Options for increasing Planning Committee capacity' report considered by the Cabinet Member for Planning Policy & City Development on 26 July 2022; and

Appendix 3 - Decision Notice for 26 July 2022 Planning Policy & City Development meeting.

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
N/A	