



GOVERNANCE COMMITTEE

REPORT

30 April 2015

Subject Heading:

Revision to the call-in procedure for applications brought before the Regulatory Services Committee

Report Author and contact details:

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Policy context:

Council's Constitution

Financial summary:

None arising from this report

SUMMARY

A report was presented at the previous meeting of the Committee on 11 March 2015 setting out proposed changes to the call-in procedure for planning applications brought before the Regulatory Services Committee. At that meeting, Members deferred making a decision so that further thought could be given to the proposed revisions.

This revised report before Members retains the proposal for the call-in of a planning application to be restricted to the Councillors for the ward in which the planning application site is located. It is recognised however that there may be exceptional circumstances whereby non-ward councillors feel it is necessary for an application to be brought for the consideration of the Regulatory Services Committee. In such exceptional circumstances, approval must be sought in writing, setting out detailed reasons for the call in which must be related solely to matters of material planning concern, and obtained from the Head of Regulatory Services for the application to be brought before the committee.

RECOMMENDATIONS

It is recommended to Council:

1. That Committee Procedure Rule 13(e) of the Council's Constitution be revised to read the following:

(e) Only a Councillor representing the ward in which the planning application is located, or in exceptional circumstances any member of the Council, may call-in an application before the Regulatory Services Committee. Any such request for call-in must be received by the Head of Regulatory Services in writing (to include email and facsimile) and must set out detailed reasons for the call in which must be related solely to matters of material planning concern. Any Member of the planning committee calling in a matter must take care to express themselves in a manner which would not amount to bias or pre-determination should they intend to take part in the meeting.

2. That Section 3.6.6(d) be revised to read the following:

“Members of the Ward in which a proposal is situated may request that an application be referred to the Regulatory Services Committee for determination. Such request must be made in writing to either the Head of Regulatory Services personally. If no such request is received by the deadline of that period the Head of Regulatory Services may determine the application.

If any Member considers there are exceptional circumstances warranting the calling in of a planning application which is not situated within their Ward then they must seek and obtain approval from the Head of Regulatory Services.”

3. That the Council's Monitoring Officer be authorised to make the necessary change to the Council's Constitution, should the proposal be agreed by Council.

REPORT DETAIL

1. Committee Procedure Rule 13(e) of the Council's Constitution sets out the provisions for the call-in of a planning application for consideration by the Regulatory Services Committee which would otherwise be determined by Council Officers in accordance with the delegated scheme of authority. It states:

“Any request for call-in by a Member must be received by the Head of Regulatory Services in writing (to include email and facsimile) and setting out detailed reasons for the call in which must be related solely to matters of material planning concern. Any Member of the planning committee calling in a matter must take care to express themselves in a manner which would not amount to bias or pre-determination should they intend to take part in the meeting.”

2. As previously reported, Members of the Regulatory Services Committee had proposed that a revision be made to the call-in procedure. The previous proposal was for the call-in of a planning application to be restricted specifically to the Councillors for the ward in which the planning application site was located. This would change the existing arrangement which permits any Member of the Council to call-in a planning application irrespective of whether he/she is the ward Councillor where the planning application site is located.
3. At the meeting of the Governance Committee on 11 March 2015 where the report on the matter was first considered, a number of Members expressed concern that the proposal was too restrictive in that there might be exceptional circumstances where non-ward councillors would want the matter to be brought before Members rather than through a delegated authority to Officers. Such exceptional circumstances could for example include proposals which are very close to a neighbouring Ward boundary and/or have a wider impact that affects more than the Ward concerned. As such, Members deferred making a decision to enable further discussion on what the appropriate procedure for the call-in should be.
4. To assist, Officers have provided details of the call-in arrangements for all London boroughs (attached as Appendix A). The research has shown that out of the remaining 31 London boroughs, 21 have some form of restriction on their call-in arrangements, with variations depending upon local preferences.
5. A consistent theme throughout the various local arrangements is the need for material planning considerations to be stated when the request for call-in is made. That provision currently exists within the Committee procedure rules. Should Members be minded to agree the proposals to restrict the call-in arrangements to Ward Councillors and, in exceptional circumstances to all members of the Council, it would continue that approval in writing must be submitted to and obtained from the Head of Regulatory Services. The reasons provided for the call-in will be included in the report before the Regulatory Services Committee and the Member(s) calling-in the application is/are expected to attend the relevant meeting to explain their reasons.
6. There is no right of appeal where the Head of Regulatory Services deems that the reasons for call-in do not relate to material planning considerations.
7. Should Members be minded to recommend this revised approach to Council, minor alterations would also be required to the delegations afforded to the

Head of Regulatory Services. Those revisions are detailed in recommendation 2 of this report.

8. It should be noted finally that any Member of the planning committee calling in a matter must continue to take care to express themselves in a manner which would not amount to bias or pre-determination should they intend to take part in the meeting.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial impacts resulting from the proposed revision to the Council's Constitution.

Legal implications and risks:

It is for Council to determine the procedures it shall follow for the calling in of planning applications before the Regulatory Services Committee.

Human Resources Implications and risks:

There will likely be a very minor reduction in the volume of work for staff as the proposal, if agreed, would result in fewer reports making their way onto the Regulatory Service Committee agenda for consideration.

Equalities implications and risks:

There are none arising from this report.

BACKGROUND PAPERS

None