

MEMBER CALL IN PROTOCOL – DEVELOPMENT MANAGEMENT

Item OS 23/25 referred from Overview and Scrutiny Committee of 29 June 2023

Careful consideration was given to an amended Development Management Protocol which had been retitled to Member Call-in. The amendments were aimed at making the process clearer for both Members and Officers and encouraged an open and collaborative approach.

The proposed amendments were set out in 1.1.3 of the report and the amended Protocol was attached at Annex 1. The Cabinet Member for Planning referred to the supplementary report of the Director of Planning, Housing and Environmental Health which proposed a minor change to the wording of paragraph 6.5 of the amended Protocol. This change provided further clarification to the call in procedure by confirming that in the event of conflicting views between the Director of Planning, Housing and Environmental Health and the Area Chair, the application should automatically be referred to the Area Planning Committee for consideration.

Members attention was drawn to the legal implications, outlined in 1.2.1, regarding delegation to a committee, sub-committee or officer as set out in s101 of the LGA 1972. This meant that it was not possible to delegate a decision to an individual Member as responsibility was in the remit of an officer. It was, therefore, proposed to amend DPHEH 100 of the Constitution (Part 3 – Responsibilities) so that the delegation remained with the Director of Planning, Housing and Environmental Health but subject to prior approval of the relevant Area Planning Committee Chair. Any changes to the Constitution required approval from Full Council.

Finally, to assist Members with identifying what was appropriate for call-in List B would be updated to include the material planning considerations set out in paragraph 4 of the Protocol and a direct link to the document.

Members welcomed the changes made to the Protocol which reflected comments made previously. Clarity was sought on the process for councillors in an adjoining Ward who wished to see an application considered at a committee and whether the process should be completed in the 21 days' notice period. It was confirmed that in this situation the adjoining Ward Member should contact the relevant Ward Member to ascertain whether they intended to call-in the application. If there was a legitimate reason why the Ward Members were not minded to, or were unable to call-in the application, then adjoining Ward Members could request that the Director of Planning, Housing and Environmental Health considered the application for consideration at committee. There was an expectation that this process could be achieved within the

21 days call-in period. However, it was suggested that adjoining Ward Members make the case officer aware so that progress of the call-in period could be monitored.

The suggestion to set out clearly the reasons for refusal if a call-in was not accepted in the written briefing note summarising the discussion that took place (in accordance with paragraph 9 of the Protocol) was noted.

RECOMMENDED*: That

- (1) the amended Protocol attached at Annex 1 and as updated in the supplementary report be endorsed;
- (2) the amended text in the Protocol be included in the Constitution as part of DPHEH 100 (Part 3 – Responsibilities); and
- (3) the Monitoring Officer be authorised to make any necessary consequential changes to the Constitution.

***Referred to Council**