

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

26 September 2024

Report of the Scrutiny Officer

Part 1- Public

Matters for InformationScrutiny

1 CALL-IN DECISION NOTICE D240094MEM – RESPONSE TO PROPOSED REFORMS TO THE NATIONAL PLANNING POLICY FRAMEWORK AND OTHER CHANGES TO THE PLANNING SYSTEM CONSULTATION

The above decision (attached at Annex 1) has been called in. In accordance with Overview and Scrutiny Committee Procedure Rule 15 (c), five members of the Overview and Scrutiny Committee have raised a valid call-in of this decision.

1.1 Background

1.1.1 The Cabinet Member for Planning resolved that the response to the consultation (attached at Annex 2) is submitted as agreed to the Ministry of Housing, Communities and Local Government (MHCLG).

1.1.2 The reason for this decision, outlined in the Decision Notice is as follows:

- On 30 July 2024 the Government published its consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system. The consultation runs until 24 September 2024 and comprises 106 questions. The Government has confirmed that it will respond to the consultation and will publish a revised NPPF before the end of the year, so that policy changes can take effect as soon as possible. A response to the consultation has been drafted and has been agreed by the Cabinet Members for Planning...this decision seeks agreement to submit the response to the consultation within the consultation period to MHCLG.

1.1.3 Cabinet Decision Notice D240094MEM was published on 16 September 2024.

1.2 Call In

1.2.1 In accordance with Committee Procedure Rule 15 (c), as set out in Part 4 of the Constitution, a request for call-in of this decision was made by Cllrs Hood, Cope, Hickmott, Hoskins and Thornewell. The request was received on 16 September 2024 and the grounds are set out below:

- The undersigned wish to "Call In" the Cabinet Member for Planning, Decision D240094MEM that the Officer Response to the NPPF and other changes to the Planning System Consultation be submitted to the Government.
- The withdrawal of the Local Plan at the 18B consultation stage was a result of proposed reforms to the National Planning Policy Framework and other changes to the Planning System Consultation.
- There has been no interaction with Members by Officers concerning the NPPF Consultation, only a recent request to share any replies to the Consultation. No Member discussion has taken place on the recently revised National Planning Policy Framework Draft and therefore no Member views have been sought at any meeting. Some members have requested an all members briefing which could have been scheduled to enable us to contribute collectively. There has been no forum to discuss the responses from Officers to the Consultation before submission on behalf of the Council.
- For those reasons we wish to call in his decision to the Overview and Scrutiny Committee at your earliest convenient time. We call this decision in on the understanding that the Officer Comments will be forwarded to the Government in Draft form before the closure of the Consultation on the 24th September 2024. To be followed by a definitive document which will encompass both the views of Members and Officers.

Cllr M A J Hood
 Cllr A Cope
 Cllr P Hickmott
 Cllr F A Hoskins
 Cllr D Thornewell

1.2.2 Pending further consideration by the Overview and Scrutiny Committee at this meeting, the decision at Annex 1 stands deferred.

1.2.3 Following a request made to MHCLG on 17 September 2024, it is noted that the deadline to respond to the consultation, has now been extended until 30 September 2024, to allow for a response to be endorsed by Members.

1.3 Next Steps

1.3.1 In accordance with paragraph 15 (d) if having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of those concerns. In this case, if referred back to the Cabinet Member for Planning, he shall then reconsider it, amending the decision or not, before adopting a final decision.

1.3.2 If following a call-in of the decision, the Overview and Scrutiny Committee does not refer the matter back to the Cabinet Member the decision shall take effect on the date of this Overview and Scrutiny i.e. 26 September 2024.

1.3.3 In accordance with paragraph 15 (h) of the Overview and Scrutiny Procedure Rules, Cabinet can be required to reconsider any particular decision only once. No further call-ins are permitted of that particular decision.

1.4 Legal Implications

1.4.1 In compliance with the Overview and Scrutiny Procedure Rules, 15 (c) states:

- During that period the Chief Executive shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by any five members of the Overview and Scrutiny Committee.

1.4.2 Such a request must be made in writing and must state the reason the members believe the call-in to be necessary. On receipt of such a request, within five working days of publication, the Chief Executive shall notify the decision taker of the call-in and a meeting of Overview and Scrutiny Committee shall be called to take place where practicable within 10 working days of receipt of a valid call in. Pending that meeting the decision shall stand deferred.

1.5 Financial and Value for Money Considerations

1.5.1 As detailed in the consultation response (Annex 2)

1.6 Risk Assessment

1.6.1 As detailed in the consultation response (Annex 2)

1.7 Recommendations

1.7.1 The Overview and Scrutiny Committee to review the decision taken by the Cabinet Member for Planning set out in D240094MEM dated 16 September 2024 and the request for call-in; and

1.7.2 Following further consideration, if the Overview and Scrutiny Committee remain concerned about any aspects of the decision in respect of the response to proposed reforms to the National Planning Policy Framework and other changes to the Planning System Consultation, refer D240094MEM back to the Cabinet Member for reconsideration, setting out any recommendations in writing.

Background papers:

contact: Gill Fox

Nil

Damian Roberts
Chief Executive