
REQUEST FOR SCRUTINY REVIEW ON ROLE OF COUNCILLORS TAKING DECISIONS ON PLANNING APPLICATIONS AT BOTH TOWN/PARISH COUNCIL AND DISTRICT COUNCIL LEVELS

To: **Overview & Scrutiny Panel – 29 April 2014**

Main Portfolio Area: **Planning**

By: **Senior Democratic Services Officer**

Classification: **Unrestricted**

Ward: **Thanet Wide**

Summary: The report represents a Member request for inclusion of an item on the agenda of this meeting, which suggests an issue for possible inclusion on the Overview & Scrutiny Panel work programme for 2013/14.

For Decision

1.0 Introduction and Background

- 1.1 On 31 March 2014, Councillor King submitted a request to Democratic Services regarding the inclusion on an item on the agenda of this meeting, relating to a possible Review of the role of Councillors taking decisions on planning applications at both town/parish Council and District Council Level.'
- 1.2 The request was referred to the Chairman of the Panel who consented to the inclusion of this item on the agenda for this meeting.

2.0 The Brief Summary/Context of the Request

- 2.1 Councillor King suggested that there have been recent cases where Councillors have voted to support a planning application at town/parish level and have subsequently been involved in taking the equivalent decision on the planning application at the District Council's Planning Committee.
- 2.2 Councillor King recognised that this "dual-hatted" role does not of itself contravene the Members' Code of Conduct and it should be noted that at the District Council Planning Committee, Councillors have the benefit of information not available to town/parish Councils, such as an officer report and statements in support of, and objection to, planning applications.
- 2.2 Nevertheless, Councillor King suggested that being involved in commenting upon (at town/parish level) and then deciding upon a planning application (at District level) may give the appearance of involving a degree of pre-determination. Councillor King suggests that Political Group Leaders might consider ways of avoiding that "appearance", suggesting that if the Panel agrees to carry-out a review of this issue; that would contribute to the enhance openness and transparency in decision making at Council meetings.

3.0 Options

- 3.1 The Panel may wish to include the suggested scrutiny project onto the current work programme for 2013/14 with a decision to set up a working party/TFG or commission a detailed officer report.
- 3.2 Members may opt to include the proposed scrutiny project onto the OSP work programme for 2014/15 with a decision to set up a working party/TFG or commission a detailed officer report.
- 3.3 Members may decide not to accept the request to carry out a scrutiny review of the Council's governance arrangements in relation to the role of dual hatted Councillors in planning decision making at District Council level.

4.0 Next Steps

- 4.1 If Members agree to undertake a scrutiny project as per the request, and the outcome leads to suggestions to embed changes into the Council's Constitution, then the outcomes of such a review may be referred to the Constitutional Working Party, Standards Committee and then to full Council.

5.0 Corporate Implications

5.1 Financial and VAT

- 5.1.1 There are no direct financial implications arising from this report.

5.2 Legal

- 5.2.1 There is no legal impediment to Councillors commenting upon planning applications at town/parish level and then being involved in taking decisions on the same applications at District Council level. However, it is known that in some areas, some Councillors may voluntarily opt not to be involved at both levels. Political Group Leaders may reach an "agreement" to avoid or limit this dual hatted role; but it would largely be a voluntary agreement.
- 5.2.2 However if Members were to recommend that the Panel forwards any recommendations through the formal decision making process, then such recommendations would need to be forwarded to the Constitutional Review Working Party, Standards Committee and Full Council in that order. If any changes were to be adopted in that way, it would mean amending the Council's Constitution to reflect the new governance arrangements in relation to district decision making on planning applications.

5.3 Corporate

- 5.3.1 Effective governance arrangements require that the Overview & Scrutiny Panel plays an effective critical friend role.

5.4 Equity and Equalities

- 5.4.1 There are no equity and equality issues arising directly from this report.

6.0 Recommendation(s)

- 6.1 Members' guidance is sought regarding the options as set out in section 3.0 of the report.

7.0 Decision Making Process

- 7.1 The Overview & Scrutiny Panel can set out its own work through a work programme; with due consideration to suggestions from both Panel and non-Panel Members.

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| Contact Officer: | Charles Hungwe, Senior Democratic Services Officer, Ext 7186 |
| Reporting to: | Glenn Back, Democratic Services & Scrutiny Manager |

Annex List

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| Annex 1 | Notice of Request for a future OPS agenda item |
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Background Papers

| Title | Details of where to access copy |
|-------|---------------------------------|
| None | N/A |

Corporate Consultation Undertaken

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| Finance | Sarah Martin, Financial Services Manager |
| Legal | Harvey Patterson, Corporate & Regulatory Services Manager |