

Reply from Council on 9th December 2015 to the recommendation made by the Scrutiny and Overview Committee on 9th November 2015.

CO/60

RECOMMENDATION FROM THE SCRUTINY & OVERVIEW COMMITTEE TO AMEND THE CONSTITUTION TO INCLUDE A REVISION OF THE PLANNING DETERMINATION PROCESS

The Chairman of the Scrutiny & Overview Committee reported that the Committee had recommended to Council a change to the Council's Constitution so that, in the event of a Development Control Committee proposing a decision that would be likely to have significant costs implications for the Council, the decision could be referred for determination by full Council.

The recommendation had been triggered by discussions and concerns raised initially by Members of the Finance & Performance Working Group of 18th June 2015 and subsequently by the Business Improvement Working Group on 13th October 2015.

Both Working Groups were concerned that the Council had incurred significant costs in recent years arising from decisions made by both Development Control Committees that could not be justified on planning grounds. The applicants in these cases had then been successful at appeal, including obtaining significant costs awards against the Council. The Members of the Scrutiny & Overview Committee at their meeting on 9th November 2015 echoed these concerns and made the above recommendation to Council with a view to preventing some potential future appeal costs.

Under the proposed process the full Council would determine planning applications referred to it by the Director of Planning, Economic Development and Property if he was of the opinion that the relevant Development Control Committee was minded to make a decision where there were likely to be significant cost implications.

Details of a proposed amendment to Article 4 of the Constitution and a short procedure note, which would give effect to the Committee's recommendation, were included in the report.

RESOLVED

That Article 4 of the Constitution be revised by the insertion of a new paragraph 4.2(l) as follows: “*To determine planning applications referred to it by the Director of Planning, Economic Development and Property if he is of the opinion that the relevant Development Control Committee is minded to make a decision in which there are likely to be significant cost implications.*” and the renumbering of the existing paragraph 4.2(l) to 4.2(m) and that the procedure note set out in the appendix to these minutes be agreed.

REASONS

- (i) That the Council receive the recommendation of the Scrutiny and Overview Committee pursuant to part 4C of the Council’s Constitution.
- (ii) To ensure where a decision is made in respect of a planning application in which there is a likelihood of the Council incurring significant costs that such decision is taken by the full Council given the effect of large costs awards on the Council’s overall budget.