

**Minutes of the Standards Committee on 3 March 2014**

S17

**CALL IN PROCEDURE**

The Assistant Chief Executive – Legal reported that the recommendation made at the last meeting had been considered at Full Council on 10 December 2013. At that meeting Members had not been prepared to adopt the protocol and had voted to defer the item for further consideration by the Standards Committee. The issues raised were:

- Para 3.1 – concern at the suggestion of giving the Assistant Director – Planning and Building Control the power to reject a call in request, if he was not satisfied with the reasons given.
- Para 3.2 – Questioning the statement that applications should not be called in just because they are controversial.
- Concern at the deadline for requesting a call-in.

Following the meeting, the Assistant Chief Executive - Legal had emailed all members of the council for their views on the protocol and 6 responses had been received. Two of these were in favour of the proposed protocol and four had raised some concerns.

The committee discussed this issue. Councillor Eden said he had been surprised at the full council's response and thought there appeared to be a lack of understanding of the planning process.

Councillor Cant said she agreed with the protocol. There seemed to be a perception amongst some residents that an application might be considered more favourably by the Planning Committee and she was regularly asked to call in smaller applications often involving neighbour disputes. However, there was generally a sound reason for the planning officer's recommendation and when these small applications were called it was unusual for the officer's decision to be overturned.

Members commented that delegation was vital to the smooth running of the planning process and the majority of applications were delegated to planning officers. The larger applications that were likely to be more controversial were usually referred to the Planning Committee, so this protocol was directed more toward the smaller applications.

Councillor Eden said there wasn't a problem with calling in an application because it was 'controversial'. If an application was causing a lot of public concern, there would almost certainly be a relevant planning reason related to the objections.

It was agreed that the best approach was for Members to look at the planning application, obtain clarification from the planning officer regarding the facts of the case and then decide if it warranted call –in. Planning officers were happy to discuss any planning application with members and give advice on the planning issues. It had been proposed to insert in the protocol a paragraph to read, ‘It was recommended that members considering calling in an application should seek advice of planning officers before doing so’

Members were satisfied that the Assistant Director Planning and Building Control should be the final arbiter in the process. He was the most senior person in the planning department and was usually two levels away from where the decision was taken. However, it was felt that this provision was only included as a failsafe as it was very unlikely that there would be need to exercise this power.

The time scale for calling in an application was 5 weeks, which the committee felt was a sufficient period of time.

The Chief Executive – Legal explained that if the Council did not accept the protocol, the Standards Committee could issue guidance on what would constitute a breach of the code. It was preferable to adopt a protocol that was agreed by the whole council and which would provide clarity for Members and officers.

**RESOLVED** to refer the item back to Full Council with the recommendation that the protocol be approved.