

Committee: Scrutiny

Agenda Item

Date: 9 February 2016

17

Title: Planning Appeals

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Item for decision

Summary

1. A request has been received for the Scrutiny Committee to consider the “policy, processes and decision-making” by which the council decides whether or not to defend planning appeals.

Recommendations

2. The committee should decide whether it wishes to review this area of work.
3. If the committee decides it does wish to carry out a review, it must then decide whether it would like to:
 - i) receive a scoping report at its next meeting
 - ii) receive a report from a relevant officer at its next meeting or
 - iii) establish a Task and Finish Group

Financial Implications

4. None. There are no costs associated with this report.

Background Papers

5. None

Impact

- 6.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None

Ward-specific impacts	None
Workforce/Workplace	None

Situation

7. A request has been received from Cllr Barbara Light for the Scrutiny Committee to consider “the policy, processes and decision-making of UDC not to defend planning appeals”.
8. Section 4.2 of the Overview and Scrutiny Procedure Rules in the council’s constitution states:
9. “Any member of an overview and scrutiny committee or sub-committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.”
10. A request was also received from the Clerk of Saffron Walden Town Council for the Scrutiny Committee to review the council’s procedures and process when reaching such decisions on planning appeals.
11. These requests were made in relation to the Kier Appeal, which Full Council voted not to defend and was then subsequently dismissed by a Planning Inspector.
12. The Scrutiny Committee is not able to review individual planning decisions, nor decisions made by Full Council. Therefore if the committee decides it wishes to proceed with this review it cannot look at any individual decision and must instead focus on general principles and practices.

Risk Analysis

13.

Risk	Likelihood	Impact	Mitigating actions
None at this stage – committee first needs to decide whether it wishes to progress this review			

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.