

To:
Ms Nicola Townsend
Head of Development Management

**Monks Orchard Residents' Association
Planning**

28th October 2020

Dear Ms Townsend

Please could you clarify the following anomaly in planning procedure which could be discussed at a suitable meeting of the 'Constitution Review' or 'Scrutiny Committee' and either a logical response provided or whether a recommendation for changes to the procedure could or should be considered.

This letter is a formal request to ascertain reasons or solutions to the following procedural Planning Issue.

The Council website '*precludes*' **planning issues** from the **Scrutiny Committee**.

The council website under "*scrutiny*" indicates:

"Scrutiny does not consider matters within the remit of the Planning and Licensing Committees and rarely considers issues that affect just one locality in the borough."

Why? And if not, where can this issue be debated?

After checking, nowhere in the Localism Act 2011 does it preclude Planning procedures from Scrutiny ^[1]:

Issue to be resolved:

The Case Officer's assessment of a planning application in formulating his/her recommendation is provided in the **Case Officer's Report** to the Planning Committee. This same Report is published on the documents tab of the on-line public register application lists of documents, to allow public scrutiny about a week prior to the date of the Planning Committee and allows any contentious issue(s) raised in the Case Officer's Recommendation Report to be available for comment by committee members, objectors and members of the public in order to assess the reported recommendation to be debated during the committee hearing but, importantly, prior to a decision being made.

This is to ensure all members of the committee and objectors etc have had an opportunity to be aware of the reasoning supporting and justifying the recommendation and any concerns they might have to challenge the officer's recommendation or clarify any contentious issues prior to a decision being made.

This procedure meets the **Governance Review 2020** planning **Recommendation 9** which states:

Recommendation 9:

Ensure the **decision-making structure** fully supports **participation** by creating more purposeful opportunities for **non-Cabinet Members** and **residents** to **consider and influence planned decisions** **'before'** they are taken. ...

However, the same procedure is **NOT** available for the assessment of planning proposals decided by **Delegate Committee**.

[1] <https://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/2/enacted>

We assume the **Planning Constitution Part 4k** applies to the **'Delegate Committee'** as it is – **'by definition'** - a planning **'Committee'** and therefore appropriate for **part 4k** of the constitution.

Planning Constitution part 4k Section 5 - REPORTS:

"Para 5.1 **Each planning application** for decision is the subject of a **written report** with an **officer recommendation**. Reports will be produced in a standard form provided by the Director of Planning and Strategic Transport, and will identify and analyse the **material considerations**, of which the (Planning & Delegate *) Committee need to take account when considering the application on the planning merit" ...

(*) our insertion.

If an application proposal is to be decided by the **Delegate 'Committee'**, there is **NO opportunity** for public assessment of the **Case Officer's Report** giving reasoning for the case officers recommendation, as the report is not published or available for assessment **'prior'** to a decision and therefore there is no opportunity to evaluate whether objectors' comments have been suitably addressed or the reasoning for the justification for an approval is sound, **'prior'** to a decision being made.

Thus, the procedure for **delegated decisions** are not afforded a similar **scrutiny** to those decided by the **Planning Committee** and **fail** to meet the requirement of the **Governance Review Recommendation 9**.

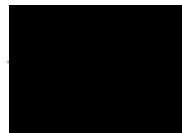
Any contentious issue or policy failure cannot be rectified once a decision has been made as there is no procedure to allow a change to a decision once it has been made.

Can you raise this anomaly at an appropriate **Committee** to debate this inconsistency in procedure and either explain the logic for the difference or recommend a change allowing public scrutiny of the Case Officer's Report prior to the Delegate Committee Decision once the Agenda for the Delegate Committee is known or, if not, what are the reasons for the difference in procedure?

Kind Regards
Derek



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