

Report To: COUNCIL

Date: 4 October 2022

Executive Member /
Reporting Officer: Cllr Gerald Cooney – Executive Leader
Sandra Stewart – Chief Executive

Subject: GODLEY GREEN PLANNING APPLICATION

Report Summary:

Council Constitution Part 2 - Articles of the Constitution Article 9 - Speakers Panel (Planning) state at 9.1 Regulatory and Non Executive Functions 1. – *“The Council will appoint the Speakers Panel (Planning) to discharge its quasi-judicial and regulatory functions, as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. These include functions relating to Town and country planning and development control (strategic planning matters are within the terms of reference of the Strategic Planning and Capital Monitoring Panel).”*

Part 3a - Terms of Reference and Scheme of Delegation 11. STRATEGIC PLANNING AND CAPITAL MONITORING PANEL 1. Terms of Reference The Strategic Planning and Capital Project Monitoring Panel shall have delegated powers to deal with the following:-

Within the framework of Council Policy, and having regard to the Development Plan, Local Development Documents, other planning guidance and development briefs approved by the Council, the Panel shall exercise the Council's functions relating to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000 (as amended). Most of these functions are delegated to the Speakers (Planning) committee and then onwards to the Director or Head of Planning but the following are reserved to the Strategic Planning and Capital Project Monitoring Panel 1. applications for Large Scale Major Development, defined from time to time by Department for Communities and Local Government. Currently this includes o residential developments of 200 dwellings or more, or 4 ha or more; o 10,000 square metres or more, or 2 ha or more of retail, commercial or industrial or other floorspace. 2. Smaller scale major applications contrary to Development Plan Policy; 3. All significant applications which would depart from Green Belt policy shall be referred to the Strategic Planning and Capital Monitoring Panel for determination. 'Significant' will be defined by the Executive Leader and Chief Executive or their nominees;

Therefore, in accordance with the Constitution the Godley Green Planning application falls to be determined by Strategic Planning and Capital Monitoring Panel unless determined otherwise by Full Council. This report makes a recommendation to Panel to invite Council to refer the matter for determination by Speakers Panel Planning to avoid allegations of bias or predetermination as the application is being promoted by the Council and Strategic Planning and Capital Monitoring Panel has a number of members who are

part of the Executive Cabinet.

Recommendations:

- (i) That the Council's Speakers Panel (Planning) consider the Godley Green planning application instead of Strategic Planning and Capital Monitoring because the Council is promoting the application and it would be preferable to have a separation of roles to avoid either an appearance or challenge of bias and/or predetermination.
- (ii) That the meeting of Speakers Panel (Planning) scheduled for 14 December 2022 be moved to 21 December 2022

Policy Implications:

In line with the constitution.

Financial Implications:

(Authorised by the Section 151 Officer & Chief Finance Officer)

There are no additional financial implications as a consequence of Speakers Panel considering the application as opposed to Strategic Planning and Capital Monitoring.

Legal Implications:

(Authorised by the Borough Solicitor)

The constitution sets out how the Council has delegated its functions and the Council has the authority to make alternative delegations

Risk Management:

To avoid legal challenge and ensure openness and transparency of decision making.

Background Papers:

Background papers relating to this report can be inspected by contacting Sandra Stewart, Chief executive and Proper officer:



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