

Committee: OVERVIEW AND SCRUTINY	Date: 3rd April 2012	Classification: Unrestricted	Report No.	Agenda Item No.
Report of: Service Head, Democratic Services		Title:		
Originating Officer(s): Simone Scott-Sawyer, Democratic Services		Cabinet Decision Called-in: Statement of Community Involvement Decision		
		Wards: All		

1. SUMMARY

- 1.1 The attached report of the Corporate Director (Development and Renewal) was considered by the Cabinet on 14th March 2012 and has been “called-in” by Councillors Peter Golds, Gloria R. Thienel, Zara Davies, Craig Aston and Emma Jones, in accordance with the provisions of Part Four Sections 16 and 17 of the Council’s Constitution.

2. RECOMMENDATION

- 2.1 That the Committee consider the contents of the attached Cabinet report, review the provisional decisions arising; and
- 2.2 Decide whether to accept them or refer the matter back to Cabinet with proposals, together with reasons.

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

Brief description of “background papers”

**Cabinet Report CAB 079/112 –
14th March 2012**

Name and telephone number of holder and address
where open to inspection

Simone Scott-Sawyer

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3. BACKGROUND

- 3.1** The request to call-in the Cabinet's decision dated 22nd March 2012 was submitted under Overview and Scrutiny (O and S) Procedure Rules Sections 16 and 17. It was considered by the Assistant Chief Executive, Legal Services who has responsibility under the constitution for calling in Cabinet decisions in accordance with agreed criteria. The call-in request fulfilled the required criteria and the decision is referred to Overview and Scrutiny Committee in order to consider whether or not to refer the item back to the Cabinet, at its meeting on 4th April 2012, for further consideration. Implementation of the Cabinet decision is suspended whilst the call-in is considered.

4. THE CABINET'S PROVISIONAL DECISION

- 4.1** The Cabinet after considering the report attached, at Appendix 1, provisionally decided:-

- "1. That the amendments to the Statement of Community Involvement, as set out in Appendix 1 to the report be agreed, and also be the subject of a 6 week period of public consultation to be carried out with a view to subsequent adoption by Cabinet; and*
- 2. That the Director of Development and Renewal be authorised to make any appropriate and necessary minor amendments to the Statement of Community Involvement prior to consultation.*

4.2 Reasons for Decisions

1. The Planning Service is comprehensive in how it consults the local community and other stakeholders. The adopted SCI embraced public consultation and has been approved in support of a period of extensive growth when communities were very uncertain of change. However, improvements in technology and new service provision options introduced by the Council, including free access to the internet in Idea Stores and libraries, has meant that many residents can better access information online.
2. The proposed changes to the scope of the SCI would mean:
 - An increase in the use of established new technology to support the local community to understand what is happening in their area;
 - A more modern, streamlined, less paper/space reliant but still legally robust service;

- A subsequent reduction, over time, in the amount of administration staff time required to support the planning application consultation process;
- The local community would have a wider range of ways of being informed about development activity and proposals;
- Evolving a more responsive system rather than being consulted in line with rigid guidance, the local community could also begin to identify how they wish to be consulted, when or if at all;
- Reduction in spend on these activities.
- The Council would still exceed the statutory minimum for notifying the local community on planning applications and other related matters.

4.3 Alternative Option Considered

These were detailed fully in paragraph 4 of the report (CAB 079/112); in summary the option was:

Retain Existing Arrangements

The alternative option is to leave the current requirements in place. In times of reduced local government budgets, it is considered that this would not be an efficient option. It will mean continuing to undertake consultation which far exceeds the legal requirements, but in some cases is not considered to be effective, and at a significant cost to the Council. It would also mean that the Council would not be making best use of new technology, which is increasingly becoming residents' preferred means of communication.

5. REASONS / ALTERNATIVE COURSE OF ACTION PROPOSED FOR THE 'CALL IN'

5.1 The Call-in requisition signed by the five named Councillors gives the following reasons for the Call-in:

The report allows the Council not to consult residents on the final outcome of a planning application. It allows the Council Planning Department to inform consultees of a planning decision in an indirect way instead of the current direct way, where there can be no doubt that consultees have been informed of the decision.

In section 6.4 of the report, it was stated that "Not advising consultees in writing of the outcome of an application. Instead, the initial consultation letter will advise third parties to refer to the website for information. Local people and other stakeholders will also be encouraged to register on My Tower Hamlets for email alerts". This means that residents will have to look on the website constantly in the hope that it has been updated and shows the relevant planning application. Also some residents may not have internet access or a computer and therefore this will alienate them from the most crucial stage of the planning process. This allows the Council to get rid of its responsibility for a clear paper trail, of decisions and consultations. Without

this clear paper trail, it will be extremely difficult for residents to know what the progress is on planning consultations.

Also in section 6.4, it states that one of the aims of this report is “reducing the extent of the consultation boundary for consultation letters.” This will mean that many residents will not even hear of planning applications, although they may be affected by the planning application.

The report also states in section 6.4 that the Council plan to reduce the scope of re-consultation exercises. This will mean that the Council will not keep residents properly informed. Although the resident may not have made comments in the initial consultation, they may still be concerned about the application.

5.2 The requisition also proposed the following alternative course of action:

“There is an ongoing agenda for localism which has carried on from the last to the present government. We therefore propose that the consultation be expanded rather than reduced. Furthermore, it is proposed that the existing system is retained and be expanded to include meetings with wards Councillors and community groups, officers and the applicant to enhance transparency and actual community involvement.”

6. CONSIDERATION OF THE “CALL IN”

6.1 Having fulfilled the call-in request criteria, the matter is referred to the Overview and Scrutiny Committee in order to determine the call-in and decide whether or not to refer the item back to the Cabinet at its next meeting.

6.2 The following procedure is to be followed for consideration of the “Call In”:

- (a) Presentation of the “Call In” by one of the “Call In” Members followed by questions.
- (b) Response from the Lead Member/officers followed by questions.
- (c) General debate followed by decision.

N.B. – In accordance with the Overview and Scrutiny Committee Protocols and Guidance adopted by the Committee at its meeting on 5 June, 2007, any Member(s) who presents the “Call In” is not eligible to participate in the general debate.

6.3 It is open to the Committee to either:

- resolve to take no action which would have the effect of endorsing the original Cabinet decision(s), or
- the Committee could refer the matter back to the Cabinet for further consideration setting out the nature of its concerns and possibly recommending an alternative course of action.