



CABINET

This meeting will be recorded and the sound recording subsequently made available via the Council's website.

Please also note that under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, other people may film, record, tweet or blog from this meeting. The use of any images or sound recordings is not under the Council's control.

To: Councillors Miah (Leader), Hamilton (Deputy Leader), Ashcroft, Blackshaw, A. Gray, Jadeja, Jones and Tillotson (for attention)

All other members of the Council
(for information)

You are requested to attend the meeting of the Cabinet to be held in Committee Room 1, at the Council Offices, Southfields, Loughborough on Thursday, 14th December 2023 at 6.00 pm for the following business.

Chief Executive

Southfields
Loughborough

1st December 2023

AGENDA SUPPLEMENT - QUESTIONS

5. QUESTIONS UNDER CABINET PROCEDURE 10.7 2 - 5

The deadline for questions is noon on Monday, 4th December 2023.

CABINET – 14TH DECEMBER 2023

QUESTIONS UNDER CABINET PROCEDURE 10.7

Note: Questions A-C relate to changes made to Council Constitution in respect of Plans Committee at Council on 6th November 2023/the FAQs sent out to all members in that respect.

A. Councillor D. Taylor - Changes in Length of Time for Speakers at Plans Committee

“At the July 26th 2023 briefing, it was largely felt by all Councillors present that the 5-minute slot should remain in the interests of democracy.

Would the Leader confirm, in the interests of democracy who decided to recommend the change to the constitution to 3 minutes without bringing this item back for further discussion at a later Councillor briefing?”

The Leader, or his nominee, will respond:

The recommendations of POSe, including those for public speaking, were first presented to members on 26 June 2023. The change to the time limit for public speaking was discussed in the all-member technical briefing on 7 September 2023 and Group Leaders were also briefed on 21 August 2023. The proposal was considered by Scrutiny Committee on 9 October 2023 and they resolved to support the recommendations to Cabinet (minute 51 23/24 refers). Cabinet considered the proposals on 12 October 2023 and resolved to refer the changes to Council on 6 November 2023 where the changes were approved by members (minutes 37 and 66.1 23/24 refer).

B. Councillor D. Taylor – Call In Process (Plans Committee)

“Would the Leader explain where in the Planning Officers’ Society Enterprises (POSe) representations it recommends changing the Constitution to **‘Ultimately the Chair (or Vice Chair in their absence) will decide if the item will be added to the committee agenda’?**

It is stated in the FAQs the change responds to concerns raised **repeatedly** by members of the Plans committee that items are being brought to committee by Ward Councillors that should be dealt with under delegated authority.

Would the Leader list the dates and planning applications over the past year that have **repeatedly** been raised by members of the Plans committee?

If concerns are repeatedly raised by members of the Plans Committee. Would the Leader explain why the FAQs state 'It is only going to affect such a small number of applications?'

It is stated in the FAQs the amendment is to deal with exceptional circumstances where the reason for the Councillor's call-in has been overcome to the satisfaction of stakeholders. Would the Leader confirm how the stakeholders will be contacted and will their responses be registered in the public domain? Also, will this include Parish Councils and objectors as stakeholders?"

The Leader, or his nominee, will respond:

The POSe report does not make any reference to the Chair making decisions on reports being added to the agenda. The matter was led by the concerns raised by members of the Plans Committee.

The Council receives around 2,500 planning applications of all types a year and 97% of them are dealt with using delegated powers. A very small number of applications are actually called in to Plans Committee and then progress to be heard at committee and of these, an even smaller number have had ward councillors' concerns satisfactorily addressed but the call in request not withdrawn. In the circumstances where called in applications are heard at the committee yet all the planning concerns and issues have been satisfactorily been addressed, members have consistently expressed their frustration that committee time could be better spent on dealing with more controversial applications. In the member briefings, there was a strong view that there should be a mechanism to arbitrate when ward councillors have been invited to withdraw the request but are unwilling to do so when the planning issues they have raised have been satisfactorily addressed.

It was also considered necessary to have a mechanism available when elections had changed the councillor in a ward and there was an outstanding call in that the new ward councillor didn't support. This was a particular issue in May of this year given the turnover of councillors.

Councillors wishing to call in planning applications must do so for legitimate planning reasons acting in the wider public interest. Guidance on what are legitimate planning reasons is provided in the formal planning application consultation letter.

The amendment is to deal with exceptional circumstances where the ward councillors' objection has been overcome to the satisfaction of a stakeholder. For example, if the ward councillor calls in the application on the grounds there is insufficient parking but the Highway Authority's formal response is that the provision is acceptable and they have no objections, there is unlikely to be cause for the Plans Committee to overrule the officer's recommendation to approve planning permission, as such a decision would not be tenable at appeal.

In this example the Highway Authority response would be published in the public domain along with the ward councillor's call in request. The Chair would be invited to consider the officer recommendation report and also the Ward

Councillor's call in request to consider if they feel the report warrants consideration of the Plans Committee. The outcome of the Chair's deliberation will be communicated to the ward councillor who made the call in request and a note made on the planning file.

C. Councillor D. Taylor - Single Member Wards (Plans Committee)

"Would the Leader confirm that the Mayor, Deputy Mayor, and Councillors who are ill must follow the requirements of the Members' Code of Conduct and the Planning Code of Good Practice?"

The POSe review recommends the Council introduce new provisions in its planning procedures which allow members of the Plans committee to nominate another Councillor to exercise the call-in procedure and public speaking function on their behalf, going on to say particularly with the prospect of more single-member Wards. Would the Leader acknowledge that the administration has been selective when changes have been made to the Constitution, indeed, some amendments have been made that were not in the POSe's recommendations and some that were suggested were left out. Therefore, would he agree, that this damaging risk to local democracy should be rectified at the earliest opportunity?"

The Leader, or his nominee, will respond:

The Mayor, Deputy Mayor, and Councillors who are ill must follow the requirements of the Members' Code of Conduct and the Planning Code of Good Practice.

The POSe report does not recommend that the Council introduce new provisions in its planning procedures for single member wards; rather, it states in para 6.17:

"The Review Team's view is that this [the issue of single member wards] is a decision for the Council as the issue of democratic representation is a general matter outside the scope of this review, but they do feel that it should be explicitly clarified, particularly with the prospect of more single member wards."

The administration has been selective in the changes made to the constitution. Not all recommendations were taken forward; for example, recommendations to move the TPO appeals from the Appeals and Review Committee to the Plans Committee and the suggestion to relocate the Plans Committee from the Preston Rooms were not taken forward following discussion with members and officers.

D. Councillor Baines – Balancing Budget/Council Services

"Given the stated aim of the Labour / Green alliance is to balance the budget and not use reserves, could you please indicate what Council services you propose to stop offering and from when?"

The Leader, or his nominee, will respond:

As clarification point it should be noted that the Lead Member set out the approach to budget setting in his paper to the Budget Scrutiny Panel of 24 October 2023. In this paper he set out the approach which is 'to slow the use of reserves to enable a balanced budget to be achieved over the term of the council across a number of financial cycles, whilst protecting services and enabling investment in projects with significant future cost saving, income raising or service enhancement potential'.

There are no current plans for cessation of any service offering.

Detailed budget proposals are set out in the draft 2024/25 budget which has now been published as part of the suite of reports due to be presented at the Cabinet meeting of 14 December 2023.