



Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

COUNCIL

16 JULY 2019

WARDS AFFECTED: ALL WARDS

AMENDMENT TO CONSTITUTION: "MINDED TO REFUSE" AT PLANNING COMMITTEE

Report of the Monitoring Officer

1. PURPOSE OF REPORT

- 1.1 To propose an amendment to the council's constitution to remove the "minded to refuse" process.

2. RECOMMENDATION

- 2.1 Paragraph 2.12 of part 3c of the council's constitution referring to the "minded to refuse" process be deleted.

3. BACKGROUND TO THE REPORT

- 3.1 Paragraph 2.12 of part 3c of the council's constitution states that:

"There shall not, on the first consideration of an application, be a refusal of permission against the officer's recommendation. Any such motion shall be deemed to be a motion of "minded to refuse" and consideration of that application will be deferred to a future meeting of the committee.

In considering that application at the subsequent meeting of the Planning Committee, only officers and members (including the relevant ward councillor) will be permitted to speak on the application. The Planning Committee may, at this subsequent meeting, determine to grant permission either unconditionally or subject to conditions, or to refuse the application, in accordance with section 70 of the Town and Country Planning Act 1990".

- 3.2 Having operated this system since September 2016, whilst at times it has worked well and allowed members the opportunity to research reasons for refusal prior to making a final decision, there have been occasions where it has delayed the decision making process and risked appeals against non-determination. It is considered that a

similar opportunity for members to discuss reasons for refusal could be achieved by allowing a short adjournment as part of the meeting, provision for which is already made within the constitution.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

4.1 To be taken in public session.

5. FINANCIAL IMPLICATIONS (IB)

5.1 Although there are no implications arising directly from the report, members should be aware that there is a potential cost attached to appeals against non-determination.

6. LEGAL IMPLICATIONS (MR)

6.1 Changes to the constitution will only be approved by Council by a two-thirds majority of those members present and voting on a report of the Monitoring Officer or of a working group of councillors appointed for the purpose.

7. CORPORATE PLAN IMPLICATIONS

7.1 This report supports all aims and visions in improving decision making processes.

8. CONSULTATION

8.1 All councillors and relevant officers will be consulted during the reporting process.

9. RISK IMPLICATIONS

9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Loss at appeal following decisions to refuse for weak reasons	Ensure all members have received relevant training and receive support in decision making	N Smith / R Owen

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 The recommendations within this report do not affect any particular community, area or group.

11. CORPORATE IMPLICATIONS

11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: Report to Council, 6 September 2019 “Proposals for rearrangements for Planning Committee”

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