



Full Council	Tuesday, 16 April 2024	Matter for Decision
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Report Title:

**Amendment to Matters Reserved to
Development Control Committee**

Report Author(s):

David Gill (Head of Law and Democracy / Monitoring Officer)

Purpose of Report:	To request approval from Council to amend the list of matters reserved to the Development Control Committee for decision.
Report Summary:	The report requests Council to approve an additional decision to Development Control Committee which would allow the Chair of the committee to exercise discretion on Member call-in to Committee following consultation with the Strategic Director.
Recommendation(s):	That the Council approve the additional reserved matter set out in paragraph 1.8. and authorises the Head of Law & Democracy / Monitoring Officer to make the consequential amendments to the Constitution accordingly.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>Teresa Neal (Strategic Director) (0116) 257 2642 teresa.neal@oadby-wigston.gov.uk</p> <p>David Gill (Head of Law and Democracy / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk</p>
Strategic Objectives:	Our Council (SO1) Our Communities (SO2)
Vision and Values:	Customer & Community Focused (V1)
Report Implications:-	
Legal:	There are no implications arising from this report.
Financial:	There are no implications arising from this report.
Corporate Risk Management:	Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable
Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.

Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	As the author, the report is satisfactory.
Consultees:	Chair of the Development Control Committee
Background Papers:	None.
Appendices:	None.

1. Background

1.1 Under section 101 of the Local Government Act 1972, a local authority may arrange for the discharge of its functions by a committee, sub-committee or officer of the Council.

1.2 Under section 9P of the Local Government Act 2000, a local authority must prepare and keep up to date a constitution which contains prescribed information in relation to the functioning of the authority which includes its Scheme of Delegation on the exercise of Council functions.

1.3 **Current Scheme of Delegation relating to the Development Control Committee**

The current Scheme of Delegation in relation to the Development Control Committee can be found at Part 3, Section 3 - Bodies Exercising Council Functions.

1.4 Within the current scheme, there is a provision that permits a ward Member to request that a matter is determined by the Committee as opposed to being decided by officers under delegated powers.

1.5 That provision is framed in the following terms:

A Ward Member has notified the Strategic Director in writing or by email within 3 weeks of the publication of the weekly list that the application should be determined by the Development Control Committee, and:

(i) The notification is supported by one or more Planning grounds; and

(ii) Where the item relates to a matter of local concern.

(iii) Provided that this "call-in" shall not be exercised by any Member with a prejudicial interest.

1.6 There have recently been a number of cases where a Ward Member has been unable to call-in a decision for the Committee to consider because by the time that their constituent/resident has raised their concerns with them, the 3 week period for call-in has expired and the delegations currently do not contain a provision that would allow the Chair to exercise his discretion and admit the item for consideration.

1.7 Following discussions with the Chair, it has been requested that consideration be given to introducing a provision that would allow the Chair to exercise some discretion.

1.8 The proposed wording of the new reservation is set out below:

'Where in the opinion of the Chair having consulted the relevant Strategic Director (or his nominated officer) and:

- (i) the notification is supported by one or more material planning grounds; and
- (ii) the item relates to a matter of local concern;

the Chair may agree to the matter being determined by the Committee.'