

Planning Policy Decisions – Accountability to Council

City of Edinburgh Council

23 March 2006

Purpose of report

- 1 The Council approved the following motion by Councillor Lowrie at the meeting on 14 October 2004:

“Council notes that under the current political management arrangements there is no way that strategic policy decisions made at the full Planning Committee can be taken to the full Council.

Council calls for a report to address this matter to ensure full democratic accountability.”

Main report

- 2 Prior to the introduction of the new political management arrangements in 2000, there was a provision in the Standing Orders relating to Committees by which not less than a quarter of the members present at a Committee meeting could ask for a decision taken by the Committee to be submitted as a recommendation to the Council. The full text of the former Standing Order is set out in Appendix 1 to this report.
- 3 This Standing Order was superseded by the call-in arrangements whereby decisions of the Executive may be remitted to a Scrutiny Panel, or the full Council, on a requisition by five members. However, the call-in arrangements do not apply to decisions of the Planning Committee.
- 4 The Cross Party Working Group previously considered the question of accountability for strategic planning decisions at a meeting on 25 March 2004, when I reported on a motion by Councillor Whyte on the implications of re-allocating functions of the Planning Committee to the Executive of the Council.

The report recommended the retention of current arrangements for the exercise of the Council's functions as planning authority by elected members but proposed the adoption of a protocol where the Executive, the Development of the City Scrutiny Panel and the full Council would have a role in the preparation, scrutiny and adoption of the Development Plan.

- 5 The Cross Party Working Group agreed the recommendations in the report but suggested that consideration be given to expanding the range of matters which would be subject to prior consideration by the Executive and the Development of the City Scrutiny Panel to include other strategic or city-wide initiatives.
- 6 Following the meeting, advice was taken from the Head of Planning and Strategy. He searched for a definition of a "significant" planning issue which might help, but found none. He noted that the Scottish Executive's Planning Advice Note said that defining significance was a matter for each authority to determine. He also noted that the Planning Committee was content to allow him to decide what was significant in relation to individual applications on the circumstances of each case rather than use a definition. It was therefore proposed that the adjusted protocol read as follows:
 - in preparing the Development Plan (Structure Plan and Local Plans) and other strategic, city-wide planning policies or initiatives, to be identified by the Head of Planning and Strategy, the views of the Executive and Development of the City Scrutiny Panel will be sought before draft proposals are finalised;
 - the formal adoption of Development Plans will be by the Council;
 - an annual report on the performance and customer focus of the planning process, and its contribution to broader Council agendas, will be submitted to the Development of the City Scrutiny Panel before consideration by the Planning Committee.
- 7 The Council Secretary wrote to the Deputy Leader and Opposition Group Leaders on 13 May 2004 and received no objections.
- 8 I reported in these terms to the Cross Party Working Group on 12 January 2006. There is express provision both in the Council's Standing Orders and in the protocol above that the formal adoption of Development Plans will be by the Council. The commitment within the protocol to consult with the Executive and the Development of the City Scrutiny Panel on strategic, city-wide planning policies and initiatives contributes further to democratic accountability. Decisions of the Executive are subject to the call-in provisions which can provide for discussion at Council. I asked the Group to consider whether these arrangements are sufficient to meet the concerns expressed in Councillor Lowrie's motion.

- 9 The Group noted the report and that the matter would be discussed with Councillor Lowrie in the SLD Group. Subsequently, the Council Secretary has been advised that the SLD Group support the reinstatement of the former Standing Order. This report is therefore referred to the Council for decision.

Recommendations

- 10 The Council's instructions are requested.


Jim Inch
Director of Corporate Services
09/03/06

Appendices	Appendix 1 – Extract from former City of Edinburgh Council Standing Orders
Contact/tel	John Sturt, Council Secretary 529 4136 john.sturt@edinburgh.gov.uk
Wards affected	City wide
Background Papers	Report by the Director of Corporate Services to Cross Party Working Group on 25 March 2004. Memo dated 13 May 2004

Extract from former City of Edinburgh Council Standing Orders

The Right to Have Decisions Referred to Council

48. (1) As soon as a decision is taken not less than a quarter of the members present may ask for it to be passed to the Council as a recommendation (if it is a decision that would not normally go to the Council). This paragraph depends on the terms of any law and paragraphs 2 and 3 below.
- (2) Without affecting the terms of paragraph (3) of this Standing Order, the terms of paragraph (1) will apply in the same way to Sub-Committees when acting with delegated powers. Therefore a decision will normally be sent as a recommendation to the parent Committee of the particular Sub-Committee. In exceptional, urgent cases, it can be sent to the Council by the Convener (for the Vice-Convener if the Convener is absent).
- (3) Under this Standing Order the following decisions cannot be sent to the Council.
- (1) A decision by one Committee on a matter referred to it by any other Committee for its views before that other Committee considers the matter further.
- (2) A decision:
- by a Committee acting with delegated powers on a matter where the decision may affect the interests or rights of any person as an individual; and
 - which is reached after a hearing by the Committee where the person has a right to be heard either in person or through a representative. However, this sub-paragraph does not apply to a deputation under Standing Order 65.