

## BRECKLAND DISTRICT COUNCIL

**Report of:** Rob Walker, Executive Director and Monitoring Officer

**To:** Overview & Scrutiny Commission – 28 October 2021

**Author:** Rory Ringer, Democratic Services Manager

**Subject:** Call-In of the Cabinet decision on the Local Plan Review

**Purpose:** This report advises the Overview & Scrutiny Commission on the procedural aspects of Calling In the decision.

### **Recommendation(s):**

- 1) To take no further action, in which case the decision will take effect immediately; **or**
- 2) To refer the decision back to Cabinet for reconsideration, setting out the nature of the Commissions concerns and/or proposed changes to the decision; **or**
- 3) To refer the commission's function to review or scrutinise the decision to full Council.

## **1.0 BACKGROUND**

- 1.1 Call-in is a provision of the Local Government Act 2000 that enables councillors to ensure that the principles of decision-making set out in the Council's Constitution are adhered to. It allows the Council's Overview and Scrutiny Commission to require the Council's executive to reconsider certain decisions prior to implementation.
- 1.2 Call-in is only intended to be used in exceptional circumstances when councillors believe that a decision has been taken in a way that is contrary to the Council's principles of decision making and when representations to the decision-maker about these concerns have not resolved the issue.
- 1.3 A request to call in the Cabinet decision of 20 September 2021 regarding the Local Plan Review was made on 24 September 2021 by three members of the Council in accordance with Breckland Council's call-in procedures as set out in the Constitution.
- 1.4 The reason given for the call-in is that the members concerned believe that the decision has been taken without any consultation with members and more importantly that of the Local Plan Working Group; that the Executive Member should have consulted on the proposals particularly in relation to the proposed timetable of the review.

## **2.0 BACKGROUND TO THE DECISION**

- 2.1 The National Planning Policy Framework – July 2021- requires plans to be reviewed every 5 years. The attached report sets out the timetable for a single policy review of Policy INF03 to require submission of a full review of the Plan to the Planning Inspectorate by November

2026. It also sets out the timetable for the substantive review of the Local Plan to allow that requirement to be met

### **3.0 REVIEWING THE DECISION**

3.1 The process for reviewing the decision is as follows:

3.2 **Initiator of call-in** – The Councillor who has initiated the call-in will set out the purpose of the call-in.

**Cabinet Member/Officer** – Will set out the reasons for making the decision.

**Questions** – The Commission will then have an opportunity to ask questions.

**Conclusions** – The Commission will then, having considered the matter, take a decision on its response to the call-in.

### **4.0 OPTIONS**

4.1 To take no further action, in which case the decision will take effect immediately, or

4.2 To recommend that the decision is reconsidered by Cabinet at its next scheduled meeting, setting out the nature of the Commission's concerns and/or proposed changes to the decision. The Cabinet will then reconsider its decision taking into account the concerns and/or proposals on the Overview and Scrutiny Commission; or

4.3 To refer the commission's function to review or scrutinise the decision to full Council.

### **5.0 IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

#### **5.1 Constitution & Legal**

5.1.1 The Local Government Act 2000 and Council's Constitution contain provisions that enable the Overview and Scrutiny Commission to review decisions made by the Cabinet or other Executive decision makers. A call in notice has been received that is compliant with the Council's constitution.

#### **5.2 Stakeholders / Consultation / Timescales**

5.2.1 Call in represents an opportunity for Members of the Overview and Scrutiny Commission to consider and review the decision of the Cabinet.

### **6.0 WARDS/COMMUNITIES AFFECTED**

6.1 None

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Background papers:-           None

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**Key Decision:**               No

**Exempt Decision:**         No

**Appendices attached to this report:**

Appendix A                    Cabinet Report 20 September 2021