

## **URGENT UPDATE - STATEMENTS OF COMMON GROUND**

### **Recommendations**

**This update makes the following recommendations to the Committee:**

- 1. That the Lead Member for Planning and Infrastructure be recommended to approve the draft Statements of Common Ground, attached at Exempt Appendices 1 and 2 to the report.**
- 2. That the process for agreeing amended and new Statements of Common Ground be noted.**

### **Current Responsibilities**

The following responsibility is listed for the Head of Planning and Development (Constitution, B5 – Responsibilities of Senior Officers):

*'All aspects of the preparation of statutory and non-statutory spatial planning documents on any relevant matter including planning tariff and infrastructure planning and advice to Council, developers and others on these matters.'*

While Statements of Common Ground fall into this category, it is subject to *'the referral of any required decision or action which is controversial in nature to the appropriate Member decision making body.'*

Due to the nature of SoCGs, it would be expected that they would be referred to the Lead Member for Planning and Infrastructure for decision, rather than the decision being taken by the Head of Planning and Development.

### **Duty to Cooperate: Statement of Common Ground Procedure**

A protocol for approving SoCG was agreed at the SPI Committee on 9 March 2021, as part of the Duty to Cooperate Procedures. In relation to urgent changes, the protocol included the following:

*'To accommodate any urgent changes to statements of common ground that may arise after this committee has agreed a statement, any such changes made subsequent to SPI committee agreement will be done in consultation with the Chair and Vice-Chair of the SPI Committee.'*

However, there is not a direct translation of this process to the new governance arrangements. When the responsibility to approve SoCG sat with the SPI Committee, the protocol built in efficiency to prevent delays when urgent amendments were required, whereby the Chair and Vice Chair were still involved in the approval of amendments on the Committee's behalf as decisions could not be delegated to individual members. However, under the current system, decisions can be taken by individual Lead Members, and so the same process would not be applicable.

### **Current Process**

The current process for agreeing Statements of Common Ground will change according to the length of time between the Inspector requesting an updated or new SoCG, and the deadline applied by the Inspector.

The definition of 'urgent' with regards to the call-in period is set out below:

'A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest.'

Different timelines are set out below, outlining the processes required for each.

More than 28 days (plus 7 working days to allow for call-in) – Standard Timescale

<u>Notice of Decision</u>	The Notice of Decision will be published (via the Forward Plan) at least 28 days in advance of the expected decision date, stating that part or all of the meeting may be held in private.
<u>Meeting of the Planning and Infrastructure Policy Advisory Committee</u>	The item will be presented at the next scheduled meeting of the PAC or, if necessary, an additional meeting of the PAC will be scheduled.
<u>Meeting of the Lead Member for Planning and Infrastructure</u>	The item will be considered by the Lead Member for Planning and Infrastructure at a public meeting, at least 10 working days before the decision is to be implemented, and the Record of Decision signed by the Lead Member.
<u>Decision implemented</u>	The decision would be implemented following the expiry of the 5-day call-in period unless called in.

Less than the standard timescale but more than 10 working days

<u>Agreement to waive 28-days-notice of a private meeting</u>	Where the report is likely to be exempt or part exempt, the Chairman of the Overview and Scrutiny Committee must agree that the decision is urgent, and that the requirement of 28-days-notice of a private meeting can be waived.
<u>Notice of Decision</u>	The Notice of Decision would be published and include the reason for urgency, and therefore the reason that the requirement for 28-days-notice for a private meeting cannot be met.  <i>(Continued over)</i>

<u>Meeting of the Planning and Infrastructure Policy Advisory Committee</u>	The item will be presented at the next scheduled meeting of the PAC or, if necessary, an additional meeting of the PAC will be scheduled.
<u>Meeting of the Lead Member for Planning and Infrastructure</u>	The item will be considered by the Lead Member for Planning and Infrastructure at a public meeting, at least 7 working days before the decision is to be implemented, and the Record of Decision signed by the Lead Member.
<u>Decision implemented</u>	The decision can be implemented following the expiry of the 5-day call-in period unless called in.

Ten working days or fewer

<u>Agreement to waive call-in</u>	The Chairman of the Overview and Scrutiny Committee and the political group leaders will be informed of the urgent decision and if, by simple majority, they do not disagree, call-in will be waived.
<u>Agreement to waive 28-days-notice of a private meeting</u>	Where the report is likely to be exempt or part exempt, the Chairman of the Overview and Scrutiny Committee must agree that the decision is urgent, and that the requirement of 28-days-notice of a private meeting can be waived.
<u>Notice of Decision</u>	The Notice of Decision would be published and include the reason for urgency, and therefore the reason that both the 28-notice for a private meeting and the call-in period will be waived.
<u>Meeting of the Lead Member for Planning and Infrastructure</u>	The SoCG will be considered by the Lead Member for Planning and Infrastructure at an urgent public meeting, and the Record of Decision signed by the Lead Member.
<u>Decision implemented</u>	The decision would be implemented immediately.