
COMMITTEE BUSINESS – SCRUTINY TASK AND FINISH GROUP - WHEN AND HOW TO USE SUPPLEMENTARY PLANNING GUIDANCE (SPG)’ – DRAFT TERMS OF REFERENCE

Purpose of the Report

1. To ask Members to consider and approve the establishment of a Task and Finish Group to investigate ‘When and how to use Supplementary Planning Guidance (SPG) and agree the Group’s draft Terms of Reference.

Background

2. Following the establishment of the Replacement Local Development Plan (RLDP) Joint Scrutiny Task and Finish Group in October 2021, concerns were raised by a number of Members regarding current Supplementary Planning Guidance (SPG) and how they are used by the Council.
3. It was therefore proposed that an Environmental Scrutiny Committee investigation be established to explore ‘When and how to use Supplementary Planning Guidance (SPG)’.
4. There are currently four Members of the Environmental Scrutiny Committee that are already undertaking work into the RLDP as part of the Joint Task and Finish Group. In view of these subjects being intrinsically linked, it is proposed that these Members also undertake this work on the SPGs. The proposed nominees for the SPG Task and Finish Group are therefore Cllr Patel, Cllr Lancaster, Cllr Wong and Cllr Sandrey.

5. Attached at Appendix A is the Group's proposed Terms of Reference and approach for this piece of work.
6. Due to the current situation with the Covid Pandemic and the increasing pressure on services at this time, it is recognised that the timescales surrounding this investigation may be affected due to availability of witnesses, for example. There is therefore a need for the timescales to be somewhat provisional and flexible to account for this.
7. In the event that the Task Group is inadvertently affected by such pressures, it could result in the investigation continuing past the start of the pre-election period. Members are assured that in this instance, any evidence would be carried over following the elections and the work continued when the Scrutiny Committee reconvenes its Work Programme.

Way Forward

8. The Committee is asked to consider the attached approach of the Task and Finish Group and agree the proposed Terms of Reference established for the investigation into Supplementary Planning Guidance.

Legal Implications

9. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendation in this report is to consider and review matters, there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure

Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

10. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendation in this report is to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to:

- i) Consider the attached approach for the Task and Finish Group investigation into 'When and how to use Supplementary Planning Guidance (SPG)';
- ii) Agree the proposed nominees to sit on this Task Group, identified at paragraph 4; and
- iii) Agree the Task Group's proposed Terms of Reference attached at Appendix A.

DAVINA FIORE

Director of Governance & Legal Services

7 January 2022