

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Economy and Place Scrutiny Committee
10 August 2022

Report Title: Local Plan Issues and Options – Call-in

Submitted by: Monitoring Officer

Portfolios: Strategic Planning

Ward(s) affected: All

Purpose of the Report

To outline the call-in process and options available to the committee

Recommendation

That the committee decides whether or not to offer Cabinet any advice in respect of the decision taken by Cabinet on this issue on 19 July 2022.

Reasons

To comply with the requirements of the Constitution.

1. **Background**

1.1 On 15 June 2022, the Economy and Place Scrutiny Committee received a presentation and report on the outcomes of the Borough Local Plan Issues and Strategic Options Consultation. Minutes of the deliberations of that committee are set out on the Council's website. The committee resolved:-

“That the feedback on the Newcastle under Lyme Local Plan Issues & Strategic Options consultation be noted, and following review, provide comments for further consideration at Cabinet.”

1.2 On 19 July 2022, Cabinet received a report providing feedback on the Local Plan Issues and Strategic Options Consultation. Cabinet resolved:-

“That:

- 1) *The feedback on the Newcastle under Lyme Local Plan Issues & Strategic Options consultation be noted; and*

2) *The feedback received from the Economy and Place Scrutiny Committee be noted.*

1.3 On 20 July 2022, the Monitoring Officer received notification of a call-in of the 19 July Cabinet decision, supported by the requisite number of members to validate the call-in request in accordance with the Council's constitution.

2. **Issues**

2.1 Section D3 (Scrutiny Procedure Rules) of the Council's constitution sets out the process to be followed in respect of a scrutiny hearing of the call-in. Pages 182 to 185, in particular, set out the hearing procedure and are reproduced below:

(Extract from the constitution, Part D Scrutiny, section D3 Scrutiny Procedure Rules).

PROCEDURE FOR A CALL-IN TO A SCRUTINY COMMITTEE

"16.4 The Chair will retain full discretion to conduct a Call-In as s/he sees fit, however the following procedure will ordinarily apply (and shall be published in the meeting agenda).

(a) Call-in Members are requested to nominate a single spokesperson to outline the reasons for the call-in and the desired outcome. Any other Member calling in the decision who wishes to add any additional information may also address the meeting. However, Call-In Members will make every effort to avoid repetition. A maximum of five Call-In Members will be permitted to speak.

(b) The timings set out in the procedure are for guidance only and the Chair may at his or her discretion change the timings, depending on the subject matter of the Call-In and the level of public interest.

(c) Where questions are permitted within the procedure, they will be asked and answered succinctly and will not be used as an opportunity to deliver speeches. Officers may be invited to attend with the Respondent, who will usually be the Cabinet Member, and may also address the meeting on technical issues (if requested to do so by the Cabinet Member).

(d) Visiting Members:-

(i) may not vote on committee business;

(ii) will notify the Chair before the start of the meeting, if they wish to speak on a particular item;

(iii) will, at the discretion of the Chair, be invited to speak at the beginning of the Call-In and may be invited to sum up at the end of a debate, at the Chair's discretion.

(iv) will not, other than as provided for in paragraph 16.4(c) above or by the Chair, be permitted to participate in any debate at the meeting.

(e) The Call-In Members or the Respondent will confirm their attendance at the Call-In hearing and must notify the Chair at least 3 working days prior to the date scheduled for the Call-In hearing if they propose to call witnesses or introduce documentary or other evidence in support of their case, including details of the proposed format of the

evidence. The Chair will, in consultation with the Monitoring Officer consider the appropriateness of the proposals to the subject matter of the Call-In and the impact on arrangements for the hearing itself, including the indicative timescales set out in the procedure.

Hearings Procedure

16.5 Subject to the Chair's discretion, the procedure for hearings will be as follows:-

Opening statements

(a) The Lead Call-in Member will address the meeting outlining (a) the reasons for the call-in; and (b) the desired outcome from the call-in. The reasons given will be consistent with those set out in the Notice of call-in (or any changes agreed under Paragraph 16.3). The Call-in Members as a group to be allocated a maximum of 30 minutes speaking time in total.

(b) Visiting Members (who have provided notice) may address the Committee at this point. Visiting members to be allocated a maximum 15 minutes speaking time in total – up to 5 minutes per Member.

(c) Cabinet Member will respond to the Call-In. The Cabinet may call witnesses at this point. The Cabinet Member and any witnesses to be allocated a maximum of 30 minutes speaking time in total.

(d) The Call-In Members may ask questions of the Cabinet Member. A maximum 15 minutes in total to be allocated for this part of the meeting.

Questions and debate by the Committee.

(e) The Committee may ask questions of the Cabinet Member and Call-In Members and debate what it has heard. A maximum 30 minutes in total to be allocated for this part of the meeting.

Conclusion of the Debate

(f) Concluding remarks from the Lead Call-in Member. A maximum 15 minutes in total to be allocated.

(g) Concluding remarks from Cabinet Member(s). A maximum 15 minutes in total to be allocated.

(h) Committee to discuss what it has heard and may make any recommendations to the Cabinet Member or Cabinet. A maximum 15 minutes in total to be allocated.

Guidance on options available to the Committee;

(i) The Committee may decide that the original Cabinet/Cabinet Member decision stands.

(j) The Committee may wish to make a recommendation(s) which change the substantive decision which will be referred back to Cabinet or the Cabinet Member for consideration.

(k) The Committee may wish to offer advice or make any recommendations which do not change the substantive decision. (For example: establish a cross party working group; how the decision making process could have been improved on for the future and suggestion relating to consultation and engagement improvements). The Cabinet Member in attendance may agree to accept the advice or recommendation(s).

Action following a Hearing

16.6 As soon as is reasonably practicable following the hearing of a call-in, the Chair will give notice on the Monitoring officer either;

(a) that the Committee is not offering any advice or any advice that needs to be considered before a relevant decision(s) can be implemented; or

(b) that the Committee is offering advice in a report accompanying the notice that it requires the decision taker to consider before any further action is taken.

16.7 In the event of a notice under paragraph 16.6(a) above, any decision awaiting implementation may be implemented immediately, and any advice offered is to be noted.

16.8 In the event of a notice under paragraph 16.6(b) above the report will be submitted to the decision taker who will decide what action to take in respect of any decision awaiting implementation or to be taken and whether to adopt any or all of the advice contained in the report.

16.9 Any further call-in notices given in respect of a decision that has been considered under this process will not operate to defer the implementation of the decision in question.”

2.2 In the case of 16.6(a), no further action is required from Cabinet

2.3 In the case of 16.6(b), Cabinet shall meet to consider the recommendations and determine whether or not to amend its original decision in light of the same.

3. **Proposal**

3.1 That the committee decides whether or not to offer Cabinet any advice in respect of the decision taken by Cabinet on this issue on 19 July 2022.

4. **Reasons for Proposed Solution**

4.1 To comply with the requirements of the Constitution.

5. **Options Considered**

5.1 N/A

6. **Legal and Statutory Implications**

6.1 The legal and statutory implications in respect of the Local Plan process and Issues and Options Stage are dealt with in the two reports referred to. In respect of the scrutiny hearing itself, compliance with the relevant legal and statutory requirements is assured through compliance with the process set out above and in the Constitution.

7. **Equality Impact Assessment**

7.1 N/A

8. **Financial and Resource Implications**

8.1 In respect of the Local Plan process, these implications are addressed in the two reports referred to. Any implications flowing from any recommendations this committee may make will be considered as part of any report taken back to Cabinet in respect of the same.

8.2 There are no additional financial or resource implications associated with the scrutiny hearing itself, other than the internal resource required to support/administer the same.

9. **Major Risks**

9.1 None identified in respect of the scrutiny hearing process.

10. **UN Sustainable Development Goals (UNSDG)**

10.1 None identified in respect of the scrutiny hearing process.

11. **Key Decision Information**

11.1 This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 Referred to in the text above.

13. **List of Appendices**

13.1 Call-in Notice 20 July 2022

13.2 Cabinet Report 19 July 2022

13.3 Letter from NuLBC CEX, dated 18th February 2022

14. **Background Papers**

14.1 The following reports and the background documents associated with the same:-

Report to Economy and Place Scrutiny Committee dated 15 June 2022:

<https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=467&MId=4163>