

**OVERVIEW AND SCRUTINY COMMISSION
1 NOVEMBER 2010**

**CALL- IN OF EXECUTIVE DECISION – BRACKNELL FOREST BOROUGH LOCAL
DEVELOPMENT FRAMEWORK SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT**

Assistant Chief Executive

1 INTRODUCTION

Councillors Leake, Baily, Finnie, McLean and Virgo have requested a Call-In of the Executive's decision I020719, to approve a Preferred Option of the Site Allocation Development Plan Document for Consultation. The Council's Constitution requires that the Overview and Scrutiny Commission review the Executive's decision within 7 working days of the decision to call-in. If, having considered the decision, the Commission is concerned about it, then it may refer it back to the Executive for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council.

2 SUGGESTED ACTION

- 2.1 That the Councillors requesting the Call-In explain their concerns to the Overview and Scrutiny Commission.**
- 2.2 That the Overview and Scrutiny Commission reviews the Executive's decision and determine whether to give their views and recommendations on it to the Executive for their consideration.**

3 SUPPORTING INFORMATION

- 3.1 The procedure rules relating to Call-In are in the Council's Constitution at Annex 1.
- 3.2 At its meeting on 19 October the Council's Executive met and considered the attached report entitled, 'Local Development Framework - Site Allocations Development Plan Document', also Appendix A, the draft preferred option, and Appendix F. Due to the size of the documents, the report's Appendices B, C, D, E and E2, also considered by the Executive, are not attached to this report; these background papers to support the report and preferred option, are available to view with this agenda online. Printed copies will also be available on request:

- Appendix A Draft Preferred Option
- Appendix B Report of Options Consultation
- Appendix C Preferred Options Background Paper
- Appendix D Draft Infrastructure Delivery Plan
- Appendix E Draft Sustainability Appraisal Report (incorporating Strategic Environmental Assessment)
- Appendix F Equalities Impact Assessment

- 3.3 The Executive agreed the recommendations in that report, and the record of the Executive's decision at Annex 2 was published on 20 October, for implementation on 27 October, subject to any Call-In.
- 3.4 On 22 October, Councillor Leake, supported by Councillors Baily, Finnie, McLean and Virgo, formally notified the Head of Democratic and Registration Services (the 'Proper Officer' under the terms of the Constitution) that he wished to call-in the Executive's decision to approve a Preferred Option of the Site Allocation Development Plan Document for Consultation.
- 3.5 An additional meeting of the Overview and Scrutiny Commission has been arranged at short notice as under the Constitution, the Commission have until Tuesday 2 November to consider the Call-In. The Council's Leader and the Executive Member for Planning, Transport and Economic Development will be present. Officer attendance will include the Chief Executive, the Director of Environment, Culture and Communities, and the Chief Officer, Planning and Transport.
- 3.6 A special meeting of the Executive has been provisionally arranged for 5pm on 2 November 2010, which will consider any views the Commission may wish to submit to it.

Background Papers

Local Government Act 2000

Contact for further information

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Bracknell Forest Council Constitution (Extract)

2.3 Terms of Reference

The Overview and Scrutiny Commission shall:

(iii) review decisions made, but not yet implemented, by the Executive and any other Committee, where these have been called-in.

SECTION 8 – OVERVIEW AND SCRUTINY PROCEDURE RULES

20. Call-in

a) When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a Key Decision is made by an officer with delegated authority from the Executive, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two working days of being made. The chairmen of the Overview and Scrutiny Commission and overview and scrutiny panels will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

b) The notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the date the decision is published, unless the decision is called in as described below.

c) During the period, the proper officer may call-in a decision for scrutiny by the Overview and Scrutiny Commission if so requested by the chairman and any 2 Members of the Overview and Scrutiny Commission, or any 5 Members of the Council and shall then notify the decision-maker and all other Executive members of the call-in. He/she shall call a meeting of the Commission on such date as he/she may determine, where possible after consultation with the Commission chairman, and in any case within 7 working days of the decision to call-in.

d) For the purposes of this section, where the decision relates to the exercise of an education function, the duly appointed diocesan representatives and parent governor representatives shall have the same rights to seek or support the calling-in of a decision as any other member of the Overview and Scrutiny Commission.

e) If, having considered the decision, the Commission is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred back the decision maker shall then reconsider within a further 7 working days, amending the decision or not, before adopting a final decision.

f) If following an objection to the decision, the Overview and Scrutiny Commission does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body or to the Council, the decision shall take effect on the date of the meeting, or the expiry of the period in which the meeting should have been held, whichever is the earlier.

g) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an Executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was made by the Executive, as a whole or a committee of it, a meeting will be convened to reconsider within 7 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 5 working days of the Council request.

h) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

i) The call-in procedure set out above shall not apply where the decision being made by the Executive is urgent. 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 interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body the decision is an urgent one, and therefore not subject to call-in. The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions made as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

j) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

**Bracknell Forest Council
Record of Decision**

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|---------------------------------|----------------|
| Work Programme Reference | 1020719 |
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1. **TITLE:** Bracknell Forest Borough Local Development Framework Site Allocations Development Plan Document
2. **SERVICE AREA:** Environment, Culture & Communities
3. **PURPOSE OF DECISION**
To approve a Preferred Option of the Site Allocation Development Plan Document for Consultation under Regulation 25 (Public participation provisions)
4. **IS KEY DECISION** Yes
5. **DECISION MADE BY:** Executive
6. **DECISION:**
 - 1 That the Preferred Option at Appendix A (including its associated annexes and supporting technical information) for the purposes of public consultation be agreed.
 - 2 That the consultation strategy set out in Section 5 of the report be agreed.
 - 3 That authority be delegated to the Executive Member for Planning and Transportation to make any necessary amendments to the Preferred Options and supporting technical and background papers prior to public consultation.
7. **REASON FOR DECISION**
The reasons for the recommendations are outlined in the report.
8. **ALTERNATIVE OPTIONS CONSIDERED**
The alternative options are outlined in the report.
9. **PRINCIPAL GROUPS CONSULTED:** All Bracknell Forest Council Chief Officers.
10. **DOCUMENT CONSIDERED:** Report of the Director of Environment, Culture & Communities
11. **DECLARED CONFLICTS OF INTEREST:** None.

| Date Decision Made | Date decision will be implemented |
|--------------------|-----------------------------------|
| 19 October 2010 | 27 October 2010 |
