

Cabinet Meeting: Monday, 01 September 2025

Question from: Cllr Issott

Question to: Councillor Scullion, Leader of the Council

QUESTION

Whilst it is neither illegal nor prohibited in the Council's Constitution for an Executive Member to sit on the Planning Committee, both the Local Government Association (LGA) and the Planning Advisory Service advise against this practice because it may expose the Council to legal risk, particularly in the form of a Judicial Review, due to the potential for perceived or actual predetermination of planning applications. As a result, several councils have amended their constitutions to explicitly prohibit Executive Members from serving on Planning Committees, thereby mitigating such risks.

Given this information, will the Council Leader please propose to remove and replace Cllr Dacre at the next Full Council Meeting and ask the Head of Legal and Democratic Services to bring forward a report to Governance and Business outlining a change to the Council's Constitution to prohibit Executive Members from sitting on the Planning Committee.

Response

Thank you for your question to Cabinet last Monday. I have asked officers to look further into practice around the country and the picture, as well as the constitutional position, is very mixed: some councils have no Cabinet/executive councillors while others have more than one.

Of course we are always in the difficult position, as a council, of having to decide on our own local planning applications and I do think, as with councils across the country, that our Planning Committee try their very best to ensure that such matters are treated scrupulously and fairly.

However, I do believe that the issue that you have raised requires further consideration and I have therefore asked the Constitution Working Party to take a look at the matter and advise Cabinet accordingly.