

ABERDEEN CITY COUNCIL

COMMITTEE	Statutory Council Meeting
DATE	17 May 2017
REPORT TITLE	Local Review Body (LRB) - Pool of Members
REPORT NUMBER	CG/17/052
DIRECTOR/HOS	Fraser Bell - Head of Legal and Democratic Services
REPORT AUTHOR	Lynsey McBain

1. PURPOSE OF REPORT:-

This report seeks the Council's approval to appoint all Councillors to form membership of the Local Review Body (LRB).

2. RECOMMENDATION(S)

The Council is recommended:-

- (i) to appoint all Councillors to be members of the statutory Local Review Body pool; and
- (ii) to note that all members will be provided with the appropriate training

3. BACKGROUND/MAIN ISSUES

- 3.1 The Council is required to establish a Local Review Body in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 3.2 Where an application in the category of local developments has been dealt with under the Scheme of Delegation to officers (powers given to Senior officers to make decisions), the applicant can request the LRB to review the case. The legislation requires review cases to be conducted by a committee of the planning authority or such other Members of the Council who are eligible to participate and will comprise at least 3 members of the authority. It is proposed that for future meetings of the LRB, where possible, the panel will have 5 members hearing each review. However the quorum will remain at 3 members in terms of the 2013 regulations.
- 3.3 Members participating in review cases will receive appropriate training in planning issues and in how to conduct the LRB. Training sessions for

members to the LRB have been organised. Dates will be circulated to members in due course. Members are not permitted to sit on a LRB unless they have completed the necessary training.

- 3.4 Councillors will not be allowed to sit on the LRB if the case to be determined is within that Councillor's ward in accordance with agreement at Planning Committee on 8 March 2009.
- 3.5 The Council, in its previous term, had 17 members who formed the pool for the LRB. It is now proposed that **all** Councillors be trained in order to sit on a LRB.
- 3.6 In 2016, there were 17 meetings of the Local Review Body considering a total of 42 cases. There has been an increase in the amount of cases coming to the LRB and as a result it would be beneficial to have as many Councillors trained to sit on the LRB as possible.

4. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the recommendations of this report.

5. LEGAL IMPLICATIONS

The Council has a statutory duty to appoint members to the Local Review Body.

6. MANAGEMENT OF RISK

Acceptance of the above recommendations is not considered to pose any risk to the Council and will ensure that the Council meets its statutory obligations. If the Council fails to appoint members to the Local Review Body it will be in breach of a statutory duty.

7. IMPACT SECTION

The establishment of a pool of members to constitute the Local Review Body contributes to the Smarter Governance strand of Aberdeen – the Smarter City, particularly around the Council ensuring that applicants have a right of appeal and this is considered by an independent Review Panel as required by statute.

Economy

- 7.1 There will be no impact on economy arising from the recommendations.

People

7.2 An Equality and Human Rights Impact Assessment is not required as the proposal does not disproportionately impact on persons with protected characteristics compared to persons without such characteristics.

Place

7.3 Acceptance of the recommendations will ensure that the Council meets its statutory obligations.

Technology

7.4 There will be no impact on technology arising from the recommendations

8. BACKGROUND PAPERS

None.

9. APPENDICES (if applicable)

None.

10. REPORT AUTHOR DETAILS

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