

ABERDEEN CITY COUNCIL

COMMITTEE	Statutory Council Meeting
DATE	18 May 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Local Review Body (LRB) – Pool of Members
REPORT NUMBER	COM/22/070
DIRECTOR	Gale Beattie
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Lynsey McBain
TERMS OF REFERENCE	7

1. PURPOSE OF REPORT

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

2. RECOMMENDATIONS

That Council:-

- 2.1 appoints all Councillors to be members of the statutory Local Review Body pool; and
- 2.2 notes that all members will be provided with the appropriate training.

3. CURRENT SITUATION

- 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 the decision of the Planning Committee on 18 March 2009.
- 3.5 The Council, in its previous term, agreed that all members form the pool for the LRB, however not all members undertook the necessary training and the pool consisted of 23 members. It is hoped that for this term all Councillors will be fully trained in order to sit on a LRB with various training sessions organised in order to prepare as many Councillors as possible.
- 3.6 In 2021, there were 12 meetings of the Local Review Body considering a total of 26 cases. Up to the end of April 2022 there have been 6 meetings of the LRB which considered 15 cases. There has been an increase in the amount of cases coming to the LRB in recent years and as a result it would be beneficial to have as many Councillors trained as possible to sit on the LRB.

4. FINANCIAL IMPLICATIONS

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

5. LEGAL IMPLICATIONS

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

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 There are no environmental implications associated with this report.

7. RISK

- 7.1 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. The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Failure to maximise the number of elected members trained and part of the pool would increase the risk of reviews not being heard in the 12 week time limit.	Ensure there are various training sessions organised to allow as many members as possible to become trained.	L	Yes
Compliance	The Council must comply with its statutory obligations	To ensure compliance with its statutory obligations, the Council must ensure that as many members are trained as possible.	L	Yes
Operational	No significant risk identified			Yes
Financial	No significant risk identified			Yes
Reputational	There may be a risk to the reputation of the Council as LRBs could be delayed and decisions not made within the 12 week	Approval of the report and the attendance of members at the relevant training will minimise this risk.	L	Yes

	limit of a review being submitted.			
Environment / Climate	No significant risk identified			Yes

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
	The proposals in this report have no impact on the Council Delivery Plan.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Full impact assessment not required
Data Protection Impact Assessment	Not required.
Other	None.

10. BACKGROUND PAPERS

10.1 Planning Committee – 19 March 2009 – report on the arrangements of Local Review Body – local members not permitted to sit on a case.

11. APPENDICES

11.1 None

12. REPORT AUTHOR CONTACT DETAILS

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