

SCRUTINY MATTERS AND REVIEWS UNDERTAKEN BY THE COMMISSION

81/08 - REQUESTS FOR INCLUSION OF ITEMS IN FUTURE WORK

PROGRAMME: The Scrutiny Officer submitted a written report in respect of a Review Submission Form that had been received from Mrs Czernik regarding affordable housing developments at East Park Road, Spofforth and Little Ribston. The Scrutiny Officer provided Members with a brief background to the submission and highlighted the provisions of the Local Government Act 2000 and statutory guidance governing the remit of Overview and Scrutiny, as well as the Council's own Overview and Scrutiny Procedure Rules, all of which were detailed in the report. He also highlighted work undertaken by the Improvement and Development Agency for Local Government (IDeA) who had recently completed a review of the Council's Planning Service and the review of Planning Enforcement that the Commission undertook at its last meeting on 2 March 2009. The Scrutiny Officer explained that in accordance with the rules and guidance on Overview and Scrutiny, Scrutiny Commissions were not permitted to review individual cases, they could however undertake wider policy reviews should they feel it appropriate. Under the Council's own rules, Overview and Scrutiny Commissions were also prohibited from investigating matters that were subject to ongoing legal proceedings or Ombudsman investigations. It was therefore before the Commission to decide whether, on the basis of evidence given by Mrs Czernik, to undertake further work to produce a scope for a wider planning policy review (if Mrs Czernik was agreeable to this), or whether no further action was to be taken.

The Chair then invited Mrs Czernik to address the Commission with her concerns.

Mrs Czernik summarised her reasons for calling on the Commission to undertake a review. Mrs Czernik alleged that the Council had collaborated with Accent Housing Association to provide affordable homes at East Park Road, Spofforth and Little Ribston, and asked that a review encompassing the Council's planning policy, guidelines, building regulations and methods used for ascertaining the need for affordable housing, be undertaken in order to ascertain whether the alleged collaboration with Accent had resulted in the planning policies, guidelines, and building regulations being subverted to meet the Council's objective of providing housing. Mrs Czernik confirmed that she had brought legal proceedings against Accent and circulated pictures that she had taken of the development at the two sites for Members' information.

Members discussed the subject at some length and were concerned that Councillor Fawcett, local Ward Member for Spofforth with Lower Wharfedale, was not present at the meeting. The Monitoring Officer, explained that Councillor Fawcett was precluded from attending the meeting as she had a prejudicial interest in the item, namely that she had been a member of the Planning Committee that granted permission for development at the two sites. The Monitoring Officer then reiterated that the Commission was not permitted to review individual cases, or in other words deal with appeals, further it was not permitted to investigate matters that were subject to legal proceedings or Ombudsman investigations. The Commission could however,

undertake a wider policy review and make recommendations regarding the Council's future relations with housing associations if it so wished. The Commission could investigate systemic failures but could not investigate individual cases leading to alleged injustices as that was for the Ombudsman.

It was agreed that the Commission would wait until the conclusion of legal proceedings in connection with the sites and then decide if any further action should be taken with regard to a wider planning policy review.

(Councillor Ian Galloway declared that he had a defunct personal interest in this item on the basis that he used to work as a contractor for the Accent Group, but had had no involvement with the Group's planning issues. On the basis that the interest was not prejudicial, he remained in the meeting and took part in the debate).

(5.34 pm - 6.40 pm)