

## **LOCAL REVIEW BODY**

### **A REMIT AND POWERS**

- 1 Determination of requests for review of decisions by the Council's Appointed Person to refuse, or grant subject to conditions, applications for planning permission for local developments covered by the Council's statutory Scheme of Delegations, and for the non-determination by the Appointed Person of such applications, all under the Planning etc. (Scotland) Act 2006 and regulations made thereunder.

### **B MEMBERSHIP**

- 1 7 members (3 Labour, 2 SNP, 1 Conservative, 1 Independent).
- 2 All members require to undergo induction and regular refresher training as arranged by the relevant Depute Chief Executive and shall not sit at meetings of the Committee unless they have attended such training to the satisfaction of the Clerk.

### **C QUORUM AND VOTING**

- 1 3 members
- 2 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

### **D SUBSTITUTES**

- 1 Substitutes are not allowed.

### **E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 Scheduled meetings every 4 weeks, or as near thereto as is practicable, throughout the calendar year, excluding the Christmas holiday period and the summer recess.
- 2 Where there is no business to be brought to a scheduled meeting, the Clerk, in consultation with the Chair, and prior to the notice calling the meeting being issued, may cancel that scheduled meeting.
- 3 Additional meetings may be arranged by the Clerk, in consultation with the Chair, in the circumstances described in G11, below.
- 4 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.
- 5 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle

- 7 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

## **F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to and approved at the next meeting of the Committee.

## **G MISCELLANEOUS**

- 1 The Local Review Body is a Committee required by statute to deal with requests for review of certain decisions made under delegated powers to the Council's "Appointed Person". Its procedures are governed by the Town and Country Planning (Schemes of Delegations and Local Review Procedure) (Scotland) Regulations 2008, as amended.
- 2 To be able to take part in the decision-making process, members require to have attended all stages of the committee's consideration of an application, including site visits. (See also G.3, below).
- 3 In terms of a decision of the committee on 10 November 2021, the Local Review Body will make unaccompanied inspections of the land to which review applications relate in advance of the first consideration of all review applications, attendance at unaccompanied inspections being mandatory, and that any member not attending is unable to take any further part in the determination of the review application.
- 4 The administration of the Local Review Body's business is to be carried out by the Committee Services Manager.
- 5 Legal advice is to be made available to the Local Review Body at its meetings by the Chief Solicitor, and the officer providing that advice must not have been involved in the case at any earlier stage.
- 6 Planning advice is to be made available to the Local Review Body at its meetings by the relevant Depute Chief Executive, and the officer providing that advice must not have been involved in the case at any earlier stage. The advice provided is to be limited to advising on the content of the development plan, national planning advice and guidance, council Supplementary Planning Guidance and council policies, and not on the merits of the case.
- 7 Training for Members is to be organised by the relevant Depute Chief Executive.
- 8 Decision letters are framed and sent by the Clerk, and, where required by a decision of the Local Review Body, the Clerk shall sign and issue planning permission.
- 9 Where a section 75 or other legal agreement is required, the Clerk shall instruct the Chief Solicitor to take the appropriate action before planning permission is issued.
- 10 If required, and where not provided by legislation, procedures at meetings of the Local Review Body are to be set by the Chief Solicitor in consultation with the Chair.
- 11 On occasion, a quorum may not be available due to the withdrawal of members under the Councillors' Code of Conduct. Where an item of business cannot be

transacted in those circumstances it shall, as determined by the Chief Solicitor, be referred to full council for determination.