
Item Called-in following an Executive Decision: Planning Enforcement Plan 2026

Committee considering report:	Resources and Place Scrutiny Committee
Date of Committee:	29 June 2026
Portfolio Member:	Councillor Denise Gaines
Report Author:	Stephen Chard

1 Purpose of the Report

- 1.1 This report presents the call-in request submitted on 18 June 2026 for the Resources and Place Scrutiny Committee to review the Executive decision of 11 June 2026 to approve the recommended changes following public consultation and adopt the West Berkshire Council Planning Enforcement Plan 2026.
- 1.2 The call-in has been submitted in accordance with Part 6.9, Paragraph 13 of the Council's Constitution.

2 Recommendations

- 2.1 In accordance with the call-in request dated 18 June 2026, it is recommended that Members of the Scrutiny Committee review the Executive's decision of 11 June 2026 in relation to the adoption of the Planning Enforcement Plan 2026.
- 2.2 The Resources and Place Scrutiny Committee may determine:
 - (a) To let the decision stand; or
 - (b) To state its views on the matter and refer the decision back to the Executive.

3 Supporting Information

- 3.1 At the Executive meeting on 11 June 2026, the Executive considered a report setting out the Planning Enforcement Plan 2026. The Executive resolved to:
- (a) Approve the recommended changes following public consultation and adopt the West Berkshire Council Planning Enforcement Plan 2026.
- 3.2 On 18 June 2026, Councillors Ross Mackinnon, Dominic Boeck, Paul Kander, Richard Somner and Howard Woollaston put the Monitoring Officer on notice that they wished to call in this decision. They stated:

We are calling in the following decision on the grounds that it breaches the Council's constitutional principles of decision-making, specifically the requirement for clarity of aims and desired outcomes, the presumption in favour of openness, and the requirement that decisions be based on adequate evidence.

Grounds for call-in: The introduction of the "Category 4" prioritisation effectively deprioritises certain breaches to the point of permanent inaction. However, the paper fails to be transparent with the public about what this means in practice. The Category 4 designation is a de facto admission of service reduction masked as bureaucratic "prioritisation."

Approving this without defining the upper limit of waiting times for Category 4 cases, or openly stating that capacity constraints mean some reported breaches will simply never be investigated, is a fundamental failure of transparency.

Alternative proposal: Refer the decision back to the Executive to explicitly define maximum target response times for Category 4 cases. The Executive must also publish a transparent statement outlining exactly which types of planning breaches will no longer be actioned under this new regime.

Background - legal and constitutional points

- 3.3 The role of a Scrutiny Committee includes both developing and reviewing policy and holding the Executive to account. A Scrutiny Committee may not however discharge any functions other than those conferred on it, and whilst it is perfectly proper for a Scrutiny Committee to offer advice and recommendations to an Executive decision maker, in law, responsibility for an Executive decision is that of the Executive.
- 3.4 Statutory Guidance confirms that pre-scrutiny of a proposed Executive decision might consist of (inter-alia) seeking the views of local stakeholders and interested parties, and advises that the Executive should take into account any views expressed by an Overview and Scrutiny Committee when determining their final decision. The Executive is not however limited to consideration only of the views of a Scrutiny Committee, and may take into account other factors in its decision making process and make other determinations as it thinks fit.
- 3.5 Legal provisions in respect of Call-in are set out at Section 9F of Part 1A of the Local Government Act 2000 and reflected within the Constitution (Part 6.9). The options available to the Resources and Place Scrutiny Committee are:

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- (a) To let the decision stand; or
 - (b) To state its views on the matter and refer the decision back to the Executive.
- 3.6 The Resources and Place Scrutiny Committee may make other recommendations as a result of the Call-In to relevant bodies, which shall be considered **after** a decision has been reached on the Call-In.

4 Appendices

- 4.1 Appendix A – Executive Report (11 June 2026) – Planning Enforcement Plan 2026.