

# **Part 8.5a)**

# **Planning Protocol**

# Planning Protocol

This document aims to ensure that the integrity of the planning system is open and fair to all parties and that planning decisions are made openly, impartially with sound judgement, and for justifiable planning reasons. It also aims to ensure that throughout the planning process there are no grounds for suggesting that a decision is the subject of bias, not impartial or not well founded in any way.

## 1 Background and Scope

- 1.1 This Planning Protocol substantially follows the Code previously produced by the Association of Council Solicitors and Secretaries following consultation with the Audit Commission, the Local Government & Social Care Ombudsman, and the former Standards Board for England. It should be read in conjunction with the Terms of Reference provided for the Strategic Planning Committee and the Area Planning Committees.
- 1.2 The Planning Protocol takes into account the ethical framework introduced by the Localism Act 2011, the National Planning Policy Framework and relevant planning practice guidance, and the Code of Conduct for Members adopted by North Northamptonshire Council (“the Council”).
- 1.3 The aim of this Protocol is to ensure that:
  - a) The integrity of the planning system as open and fair to all parties.
  - b) Planning decisions are made openly, impartially with sound judgement, and for justifiable planning reasons; and
  - c) Throughout the planning process there are no grounds for suggesting that a decision is the subject of bias, not impartial or not well founded in any way.
- 1.4 The Planning Protocol applies to Members of the Planning Committees and officers.

## 2 Introduction

- 2.1 The Council’s Planning Committees operate in a quasi-judicial manner. There is recourse through the courts and the Planning Inspectorate if a decision on a regulatory planning matter is not correctly made - with possible financial penalties for the Council. This places an important responsibility on those who serve on the Planning Committees.

- 2.2 The role of Members of the Local Planning Authority is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. This involves balancing representing the needs and interests of the area as a whole with the need to maintain the ethic of impartial decision-making on what can be highly controversial proposals.
- 2.3 This Protocol has therefore been established to provide guidance for Members and officers in dealing with planning matters to avoid grounds for allegations of malpractice.
- 2.4 This Planning Protocol applies at all times when Councillors are involved in the planning process, and it is therefore incumbent upon Members to abide by the content of this Protocol. (This includes, where applicable, when part of decision-making meetings of the Council in exercising the functions of the Planning Authority or when involved in less formal occasions, such as meetings with officers or the public and consultative meetings.) It applies as equally to planning enforcement matters or site-specific policy issues as it does to planning applications.
- 2.5 A Member shall not accept a nomination to serve on a Planning Committee unless he/she agrees to abide by the terms of the Planning Protocol.
- 2.6 If a Member has any doubts about the application of this Planning Protocol to their own circumstances, they should seek advice early, from the Monitoring Officer, preferably well before any meeting takes place.
- 2.7 In this Planning Protocol “Planning Meeting” covers all meetings of the Strategic Planning Committee and the Area Planning Committees.

### **3 Relationship to Members’ Code of Conduct**

- 3.1 The rules in the Council’s Members’ Code of Conduct should be applied first and must always be complied with throughout the decision-making process.
- 3.2 The rules of this Planning Protocol seek to interpret and supplement the Members’ Code of Conduct for the purposes of planning control. The Protocol is designed to help safeguard the Council and its Members. Please be aware that if the Planning Protocol is not followed, you may put:
  - i. the Council at risk of proceedings on the legality or maladministration of the related decision; and
  - ii. yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a

breach of the Code of Conduct, a complaint being made to the Standards Committee.

#### **4 General Roles and Conduct**

- 4.1 The basis of the planning system is the consideration of private proposals against wider public interests, with often strongly opposing views. Whilst Members should take account of those views, they should not favour any person, company, group, or locality; nor put themselves in a position where they appear to do so. Decisions should clearly be based upon the development plan and material planning considerations.
- 4.2 The role of Members at a Planning Committee is not to represent the views of their electorate, but to consider planning applications in the interests of the whole Council area. When voting on applications, Members may therefore decide to vote against the views expressed by their electorate.
- 4.3 Members who do not feel that they can act in this way should consider whether they are best suited to serving on a Planning Committee.
- 4.4 Members whose business or other interests bring them into frequent contact with the planning system should consider whether it is appropriate or practical to accept appointment to a Planning Committee: nor should other Members seek to appoint such a Member to a Planning Committee.
- 4.5 The role of officers at Planning Committee is to advise the Members on professional matters, and to assist in the smooth running of the meeting.
- 4.6 If Members have questions about a development proposal, they are encouraged to contact the planning case officer in advance. The officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Planning Committee's time and more transparent decision making.

#### **5 Training**

- 5.1 No Member shall attend any meeting of a Planning Committee as a Committee Member or a substitute for a Committee Member unless he or she has undergone such mandatory training in planning procedures as the Council requires.
- 5.2 Members should endeavour to attend any other specialised training or informal briefing sessions provided, to improve and keep up-to-date

knowledge of planning law, regulations, procedures, Codes of Practice, and the Development Plans beyond the minimum referred to in 5.1 above.

## **6 General Principles for Dealing with Planning Matters**

- 6.1 A Member should consider the interests of local residents and businesses as a whole and should not favour any individuals or groups. He or she should also act in the interests of the whole Council area.
- 6.2 Members (and officers) should not act as either paid or unpaid agents or consultants on planning matters within the jurisdiction of the Council as the local planning authority.
- 6.3 Planning applications will be determined in a transparent, fair, and open manner and Members should have regard only to the development plan and material planning considerations and should disregard all other factors.
- 6.4 Members participating at meetings should ensure that they are present for the whole presentation by officers and subsequent debate on a particular matter. This is to ensure that they are able to hear all the relevant evidence and debate in relation to a proposal. In the event that a Member misses part of an item being discussed then they must not vote. (This does not apply to any site visit that might be arranged, where although Members should make best endeavours to attend, it is not mandatory.)
- 6.5 Members should retain an open mind about planning matters until they are in possession of all the relevant information to be presented.
- 6.6 Members should pay full regard to officers' professional recommendations, relevant national/regional planning statements and guidance, and relevant Development Plan Policies.
- 6.7 Members are recommended to be cautious of social contact with applicants and agents.
- 6.8 Members should not disclose to a third-party information submitted to them or a committee on a confidential basis.

## **7 Disclosable Pecuniary and Personal Interests**

- 7.1 The Council's Code of Conduct sets out requirements for Members on declaring personal and disclosable pecuniary interests and the consequences of having such interests. These must be followed scrupulously, and Members should review their situation regularly.

- 7.2 Members should avoid membership of the Planning Committees if it entails, or would entail, frequent declarations of disclosable pecuniary interests.
- 7.3 A Member with a disclosable pecuniary interest in respect of a particular planning matter must declare it and take no part in the discussion or the determination of the proposal. The Member may in their personal capacity and if registered to speak, make representations in line with the Council's Public Speaking procedure prior to any debate on the matter, but thereafter should leave the room while the item is considered and determined. The responsibility for this rests with each Member and they may wish to consult with the Monitoring Officer or legal advisor to the committee at the earliest opportunity if in any doubt.
- 7.4 Ward Members who are also members of the Planning Committee may participate in the Committee debate on an application in their ward and subject to any disclosable pecuniary interest will normally be allowed to vote on the application.
- 7.5 A Member who has a disclosable interest in a planning matter is still able to represent the interests of his or her Ward at Committee meetings in respect of that matter, subject to the Council's rules on Public Participation at Committees. Alternatively, the Member could advise their electorate to address their representations to another ward member.

## **8 Pre-determination and Predisposition**

- 8.1 Members of the Planning Committee need to take account of the general public's expectation that a planning application will be processed and determined in a transparently open and fair manner, in which members taking the decision will take account of all the evidence presented before arriving at a decision, not take into account irrelevant evidence or representations and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. A Member may voice their concerns publicly before a meeting, but they should make it clear that they will not form a final opinion until they have considered all the information.
- 8.2 Members must not prejudice their ability to participate in planning decisions at a Planning Committee by making up their mind, or clearly appearing to have made up their mind (particularly in relation to an external interest or lobby group), on how they will vote on any planning matter prior to formal consideration of the matter at the relevant Planning Committee and hearing the officer's presentation and evidence and arguments on both sides.

- 8.3 Pre-determining a matter in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- 8.4 If a Member has made up their mind prior to the meeting or have made public comments which indicate that they might have done and is not able to reconsider their previously held view, then they will not be able to participate on the matter.
- 8.5 Members who are members of a Planning Committee and who in that capacity attend any ancillary meeting or committee need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application or on planning policies. Section 25 of the Localism Act 2011 provides that a Member should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular meeting, provided they remain open to listening to all the arguments and changing their mind in the light of all the information presented at a relevant meeting. A Member in this position will always be judged against an objective test of whether the reasonable onlooker with knowledge of the relevant facts, would consider that the Member was biased.
- 8.6 Circumstances may also arise where a Member has had significant personal involvement with an applicant, agent or interested party (whether or not in connection with the particular matter before the Planning Committee), which could lead an observer who knows the relevant facts to reasonably think the Member's interest is so significant that it is likely to prejudice the Member's judgement of the public interest. In these circumstances the Member should declare a disclosable interest, observe the Council's rules on Public Participation at Committees, and withdraw from the meeting.
- 8.7 Members must be aware that they are likely to have pre-determined a matter where the Council is the landowner, developer or applicant and they have acted as, or could be perceived as being, a chief advocate for the proposal.
- 8.8 For advice on predetermination and predisposition, Members should seek the advice of the Monitoring Officer.

## **9 Lobbying of Councillors**

- 9.1 Lobbying is a normal part of the planning process. It is recognised that those affected by a proposal will often seek to influence the decision by an approach to their local Member or to Members of a Planning Committee. However, such

lobbying can lead to the impartiality and integrity of a member being called into question. The information provided by lobbyists may represent a selective and incomplete picture of the relevant considerations in respect of a planning matter.

- 9.2 Members of a Planning Committee are free to listen to any point of view about a planning proposal. Even though they may agree with a particular view Members of a Planning Committee should take care not to express an opinion which may be taken by the public as indicating that they or the authority had already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, Members should restrict themselves to giving procedural advice, including suggesting to those who are lobbying, that they should speak or write to the relevant officer in order that their opinions can be included in the officer's report to the Committee. If they do express an opinion, it should be made clear that the Member will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee.
- 9.3 Members can raise issues which have been raised by their electorate with officers. It is always good practice that they make it clear that they can only make a final decision after hearing all the relevant arguments and taking into account all relevant material and planning considerations at Planning Committee. Remember if Members of a Planning Committee, your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, you should not improperly favour, or appear to improperly favour, any person, company, group, or locality.
- 9.4 If a Member of the Planning Committee responds to lobbying by deciding to make public their support of a particular outcome; or actively campaigns for it, they should make clear in their public comments and/or at committee when the decision is under consideration that the views expressed are/were provisional and they will come to a final view once they have weighed all the evidence and listened to all the arguments presented at the committee meeting. If a Member is of the view that they are unable to make an unbiased decision they should not participate in the decision. If they consider the public comments they have made mean the public perception is that they will be unable to make a decision without bias, the Member of Planning Committee may in the interests of maintaining public confidence decide not to participate in a decision.
- 9.5 If any Member, whether or not a committee member, speaks on behalf of a lobby group at the decision-making committee, they must withdraw once they have spoken in order to counter any suggestion that their presence may have some influence on the said committee in making its final decision.



- 9.6 Neither members or officers should accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value requires this.
- 9.7 Members should copy or pass on any lobbying correspondence you receive to the relevant Head of Service at the earliest opportunity.
- 9.8 Members should promptly refer to the relevant Head of Service any offers made to you of planning gain or constraint of development, through a proposed s.106 planning obligation or otherwise.
- 9.9 If you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), you should report this to the Monitoring Officer who will in turn advise the appropriate officers to follow the matter up.
- 9.10 If a Member requires advice about being lobbied, they should seek advice from the Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

## **10 Political Influence**

- 10.1 Given that the point at which a decision on a planning application is made cannot occur before a Planning Committee meeting, when all available information is to hand and has been duly considered, any political group meeting prior to the committee meeting should not be used to decide how Members should vote and political whips must not be used.
- 10.2 Members of the planning committees should avoid organising support for or against a planning application and avoid lobbying other Members. Such actions can easily be misunderstood by parties to the application and by the general public. Where a member of a Planning Committee wishes to act as a facilitator to a local group regarding a particular application, they should indicate that they will need to absent themselves from the vote on that particular application when it was being considered

## **11 Contact with Developers, Applicants and Objectors**

- 11.1 It is recognised that pre-application discussions can be of great benefit to the planning process, provided that they take place within clear parameters and governance arrangements.

- 11.2 Members should refer those who approach you for planning, procedural or technical advice to officers.
- 11.3 A dialogue between a potential applicant and the Council prior to the submission of an application can be a significant benefit to both parties. Such discussions should not, however, become or be seen to become, part of a lobbying process. Any such discussions should therefore be arranged through officers and take place within clear guidelines.
- 11.4 Where Members are involved in pre-application discussions, at least one officer should be present at any meetings and a follow-up letter is advisable, particularly when documentary material has been left with the Council. A written note should be made of all meetings.
- 11.5 Any advice that is given should not be partial, nor seen to be partial, by any party involved. It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are personal and provisional. Advice and observations should be based on the adopted plan and material considerations.
- 11.6 The following terms of engagement shall apply:
  - i. Presentations by applicants should be limited to the development proposal and a question-and-answer session on factual matters. The understanding must be that the engagement is in order to improve understanding. Where appropriate, such meetings may take place on site and incorporate a site visit. Officers of appropriate seniority should attend presentations.
  - ii. Members should maintain an impartial listening and questioning role and avoid expressing an opinion or giving advice beyond outlining the adopted local policies. Questions to clarify aspects of a proposal, or the expressions of policy concerns are legitimate, as long as they do not develop into negotiations. It should be made clear at the outset of the meeting that discussions are not binding, and that views expressed are not part of the determination process. It should be made clear in introductory remarks that any statements should be categorised as 'without prejudice'.
  - iii. If the applicant requests the views of the authority, these will be communicated subsequently and in writing by officers. In such communication, officers will make it clear that any views expressed prior to formal determination of an application are preliminary.
  - iv. A written note of the proceedings should be kept - to include a record of officer attendance and follow up.

- v. Follow up to the meeting should occur with a letter emphasising the informative nature of the meeting.
- vi. A note should also be taken of any potentially contentious telephone discussions in respect of an application.

## **12 Call-Ins to Committee**

- 12.1 Planning applications can be 'called-in' by Members to the appropriate Planning Committee for determination.
- 12.2 The Council has a separate procedure set out in the Council's Constitution that deals with the Call-In of planning applications by Councillors in more detail.

## **13 Membership of Other Councils and Outside Bodies**

- 13.1 Be aware that, whilst the Members' Code of Conduct provides for a presumption that you may regard yourself as not having a prejudicial interest in matters which relate to the organisations mentioned below, you must exercise your discretion in deciding whether or not to participate in each case.
- 13.2 Where you have been significantly involved in the preparation, submission, or advocacy of a planning proposal on behalf of:
  - i. another local or public authority of which you are a member; or
  - ii. a body to which you have been appointed or nominated by the Council as its representative; or
  - iii. you are a trustee or company director of the body submitting the proposal and were appointed by the Council

you should always disclose a prejudicial as well as personal interest and withdraw.

- 13.3 A Member is able to take part in the debate on a proposal by a consultee body (for example as a member of a parish council) provided:
  - i. The proposal does not substantially affect the wellbeing or financial standing of the consultee body;
  - ii. The Member makes it clear to the consultee body that:

- a. Their views are expressed on the limited information before them only;
- b. They must reserve judgement and the independence to make up their own mind based on their overriding duty to the whole community and not just to the people in that area, ward, or parish.

13.4 Members will disclose the interest regarding their membership or role when the relevant Planning Committee comes to consider the proposal.

13.5 Members may take the opportunity to exercise their separate speaking rights as a local Member.

13.6 When exercising this right, they should:

- i. Advise the committee that they wish to speak in this capacity in accordance with the Public Speaking arrangements;
- ii. Remove themselves from the Member seating area for the duration of that item; and
- iii. Ensure that their actions are recorded.

## **14 Site Visits**

14.1 The primary aim of a site visit is to enable Members to judge for themselves the likely impacts of the proposed development and appreciate the issues involved. All members of the Planning Committee should make best endeavours to attend the site visits although there is not an absolute requirement to attend.

14.2 Site visits should only be conducted where it is felt the complexities of the site require clarification prior to committee members considering the officer's report, or where the committee, having considered the report, feel more clarification is required. When deciding whether a site visit is necessary, all circumstances should be considered including whether:

- i. Matters of judgement are involved on the context of the site such as the effect on landscape, impact on character, residential amenity, or highway considerations rather than purely on principle;
- ii. It is a finely balanced case; or
- iii. It is a contentious application where there are strong local views.

- 14.3 The site visits will normally be held once the officer report has been prepared and prior to the meeting of the Planning Committee.
- 14.4 Where visits are arranged, they must be undertaken in a consistent manner. The Council has a separate Protocol for Site Visits that provides the detailed procedure that should be followed by Members and officers.
- 14.5 Members should not carry out unaccompanied site inspections (other than for the purpose of seeing the site), contact landowners themselves or arrange to go onto sites without a Planning Officer present. Members need to exercise caution with regard to being lobbied on such site inspections.

## **15 Conduct of Ward Members (non-members of the Planning Committee)**

- 15.1 Ward Members have an important role to play as representatives of their communities and to bring local information to the decision-making process. Ward Members may therefore become involved in discussions with officers about individual applications. However, they should remember that it is very easy to create the impression that they are using their position to influence the progress of the application. Any discussions with officers should be seen to be open and above board. Officers should make a note on the file of any such discussions.
- 15.2 Ward Members who are not members of a Planning Committee can make representations on planning applications in their Ward and may attend meetings of the Planning Committee and, with the Chairperson of Planning Committee's agreement, can address the Planning Committee on such applications in accordance with the Council's procedure on Public Speaking.
- 15.3 Any representations or address should relate to the planning merits of a planning application. If the Member is also a Parish/Town Councillor, and the Parish/Town Council is the applicant they should register to speak and make clear at the start of their representation in which capacity they are addressing the Committee.
- 15.4 When making representations on behalf of their electorate, Members should make it clear that it is their electorates' views and not their own that are being expressed. Furthermore, any representations on behalf of their electorate must be expressed in such a way that no individual or group feels that they have been unfairly represented.
- 15.5 If a Ward Member speaks on behalf of a lobby group at the decision-making committee, they should withdraw from the meeting once any public or Ward Member speaking opportunities have been completed.

- 15.6 A Member who has declared a prejudicial interest in a planning application and is therefore unable to represent the interests of their Ward in respect of that application, should advise their electorate to address their representations to another Ward Member who is not so affected.
- 15.7 Being a Member of another Council that has expressed a view on an application does not prevent a Planning Committee Member reaching the same or a different view when the application is considered on its merits by the Planning Committee. However, the Member should approach the decision-making process afresh and not express a final view in advance of the committee meeting, or act as an advocate for another Council. To do so would give an appearance of bias.

## **16 Development Proposals submitted by Councillors and Officers**

- 16.1 A Member who acts as an agent to people pursuing a planning matter or who has submitted, or intends to submit, or is closely connected with someone (e.g., a spouse, close relative, or close social acquaintance) who has submitted, or intends to submit, a planning application should play no part in the decision-making process for that proposal. This includes refraining from any form of lobbying of other Members.
- 16.2 Nor should such a Member:
- i. Use his or her position to gain access to officers to pursue his or her interest; or
  - ii. Bring improper pressure to bear on officers.
- 16.3 They should preferably appoint an agent to act on their behalf in negotiations or discussions, particularly in respect of major or controversial developments.
- 16.4 Members should notify the relevant head of Service and/or the Monitoring Officer of any application with which they are connected directly or indirectly before it is submitted to the Council.
- 16.5 Where a Member or officer, or their agent, submits an application in a personal capacity (either as an individual or through a company, firm or body with which they are connected) it shall always be considered by the Planning Committee. The Monitoring Officer shall be notified of the application and confirm in the report to Committee that the application has been dealt with in accordance with this Protocol.

- 16.6 A Member of a Planning Committee contemplating making a planning application for development which is clearly contrary to approved planning policies may wish to consider whether they want to remain a member of the committee before submitting it.
- 16.7 A Member who has received (or is closely connected with someone who has received) a planning permission should ensure that the terms of that planning permission are scrupulously observed, both in respect of compliance with the submitted documents and in respect of compliance with the conditions imposed.

## **17 Planning Applications by the Council**

- 17.1 The Council itself requires planning permission to carry out or authorise certain types of development on land it owns. Where these are major applications, they will be determined by the relevant Planning Committee. Proposals for the Council's own development will be treated with the same transparency and impartiality as those by private developers.

## **18 The Role of Officers**

- 18.1 Councillors and officers have different but complementary roles. Both serve the public, but Councillors are responsible to the electorate whilst officers are responsible to the Council as a whole. Their relationship is based upon mutual trust and understanding, and this must never be abused or compromised. Instructions to officers can only be given through a decision of the Council, the Executive or Committee, or under delegated powers and not by individual Councillors acting outside those powers.
- 18.2 Members should contact the planning case officer in advance of the planning committee if they have any questions about a development proposal that is on the Committee agenda. The officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Planning Committee's time and more transparent decision making.
- 18.3 Members must not put pressure on officers to put forward a particular recommendation. (This does not prevent them from asking questions or submitting views to the relevant Head of Service, which may be incorporated into any committee report.).
- 18.4 It should be recognised that officers are part of a management structure. Where Members wish to discuss proposals that are not on the Committee agenda, outside of any arranged meeting, they should first do so with the

relevant Head of Service or those officers who are authorised by the Head of Service to deal with the proposal at a Member level.

- 18.5 Members should also recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Officer Code of Conduct and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the planning committee or its Councillors.
- 18.6 Members and officers should be aware and mindful of the Council's Member and Officer Protocol for Working Effectively.

## **19 Officer Reports to Committee**

- 19.1 Reports should be accurate and cover, among other things, the relevant planning matters of objections and the relevant planning matters raised by people who have been consulted in respect of an application.
- 19.2 Relevant points will include a clear exposition of the site or related history, the relevant Development Plan Policies, and all other relevant material planning considerations.
- 19.3 Reports should include a clear written recommendation of action.
- 19.4 Reports should list the topics that will be addressed by conditions and if possible, also include draft Heads of Terms (where applicable) to a legal agreement, if the recommendation is to grant planning permission.
- 19.5 Reports should contain a technical appraisal which clearly justifies the recommendation made by the officer.
- 19.6 If the recommendation in the report is contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated.
- 19.7 Where an application is recommended for refusal the reasons will be set out in full in the officer's report.



## **20 Determination of Planning Applications**

- 20.1 Members determining applications will take account of all the relevant information presented before reaching a decision and should not commit themselves to a final opinion before having done so.
- 20.2 In considering the merits of planning applications Members should have regard only to relevant planning matters and should disregard all other factors and considerations.
- 20.3 Members should pay full regard to the professional officer recommendation, relevant national/regional planning guidance and relevant Development Plan Policies.
- 20.4 Members can always ask for clarification from officers. However, if there are issues which require factual clarification, preferably these should be directed to the case officer before the committee meeting, not at the meeting itself.
- 20.5 Members will then debate the application and should they wish to do so, may give an indication of how they intend to vote.
- 20.6 After Members have debated the application, a vote will be taken.
- 20.7 Whilst officers will provide professional advice and a recommendation on every application and matter considered, it is the responsibility of Members, acting in the interests of the whole Council, to decide what weight to attach to the advice given and to the considerations of each individual application. In this way, Members may decide to apply different weight to certain issues and can of course, reach a decision contrary to officer advice.
- 20.8 If in moving contrary to the advice and/or recommendation in an officer's report Members require further advice about the details of the motion, the meeting can be adjourned for a short time to allow Members and officers to draft the motion. This can include reasons for the decision which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged.
- 20.9 Where Members propose to determine a planning matter contrary to officers' advice, full and proper reasons based on material planning considerations must be given at decision time.
- 20.10 Members may move that any vote should be recorded at any meeting of the Planning Committee. This means that a formal record is taken of how each individual Member voted (For, Against, or Abstain).

## **21 Review of Decisions**

- 21.1 Members of the Planning Committees should from time to time visit a sample of implemented planning permissions to assess the quality of the decisions made. It is recommended that such a review should be undertaken annually.

**End of Planning Protocol**

**January 2022**