

Full Council 1st December 2021

Report Title	Planning Protocols
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List of Appendices

Appendix A – Draft Planning Protocol

Appendix B – Draft Planning Committee Site Visit Protocol

1. Purpose of Report

- 1.1. For Full Council to endorse a Planning Protocol and a Planning Committee Site Visit Protocol.

2. Executive Summary

- 2.1 This report requests that Full Council approve two protocols relating to the Planning Authority.
- 2.2 These protocols are in addition to the duties and responsibilities detailed in the Members' Code of Conduct, and other supplementary advice and guidance provided to Planning Authority members through training.
- 2.3 The aim of the Planning Protocol is to ensure the integrity of the planning system as open and fair to all parties, that planning decisions are made in an open, impartial manner and subject to material planning consideration, and to mitigate against accusations of bias that may be made against the Planning Authority.
- 2.4 The Site Visit Protocol provides clear guidance to members in undertaking site visits, where required, prior to determining applications for planning consent.

3. Recommendations

- 3.1 It is recommended that Full Council:
- a) Approve the Planning Protocol (Appendix A); and
 - b) Approve the Planning Committee Site Visit Protocol (Appendix B).

(Reason for Recommendations – to ensure that appropriate codes and protocols are in place to provide guidance to members of the Authority's planning committees when undertaking their duties and responsibilities).

4. Report Background

- 4.1 It is considered good practise to provide additional guidance and direction to members of the Authority's planning committees to assist them in undertaking their quasi-judicial role in determining applications for planning consent. The proposed protocols are supplemental to the Authority's Members Code of Conduct and members obligations under law.
- 4.2 Both the Constitutional Working Group (CWG) and the Democracy and Governance Committee have discussed the attached draft protocols. The attached draft protocols are recommended for approval by Full Council. If approved, their application will be monitored to ensure that they are providing an effective level of advice and guidance required by the Planning Authority.

5. Issues and Choices

- 5.1 The draft Planning Protocol covers the significant elements that members need to consider when undertaking their duties and responsibilities on behalf of the Planning Authority. These include: - general principles of decision making, pre-determination and predisposition, lobbying of councillors, contact with developers, applicants, and objectors etc.
- 5.2 The draft Planning Committee Site Visits Protocol develops recommended good practise and itemises key considerations that need to be considered both before, during and after agreed visits to a site. It is noted that site visits would normally only be conducted by exception, with most determinations of applications for planning consent being made without the need for a site visit.
- 5.3 Full Council may wish to note, that during discussions in the preparation of the draft protocol, members expressed a desire for new technology to be expanded to assist members of the Planning Authority and reduce the need for on-site visits to be made; this will be considered by officers in due course.

6. Implications (including financial implications)

6.1 Resources and Financial

- 6.1.1 None specific to this report.

6.2 Legal

- 6.2.1 The Planning Protocol(s) substantially follow codes adopted by former sovereign authorities and based on good practise. The protocol(s) will apply to all formal meetings of the Planning Authority when determining applications for planning consent. The protocols re-enforce the statutory requirements placed on all members as detailed in the Member Code of Conduct.
- 6.2.2 Adoption of the protocols, and their application, will assist in ensuring that successful challenge of the Planning Authority's decision-making process is reduced.

6.2.3 Application of the protocols will be kept under ad hoc review to ensure that any amendments are considered to improve advice to members and improve the decision-making process.

6.3 Risk

6.3.1 Failure to adopt the protocols and apply their provisions may result in future decisions of the Planning Authority being open to successful challenge. It is important that the Authority have appropriate measures in place to guide members in decision making and provide confidence to the public and applicants that decisions are made in a fair, equitable and transparent manner, based upon material planning considerations and relevant statute.

6.3.2 Failure to follow the provisions of the Member Code of Conduct and the proposed protocols may result in either complaints registered with the Local Government and Social Care Ombudsman, the Planning Inspectorate or in certain circumstances the courts.

6.4 Consultation

6.4.1 Both the Constitutional Working Group and the Democracy and Standards Committee have considered the draft protocols. Both are recommending approval.

6.5 Consideration by Scrutiny

6.5.1 Not applicable to this report.

6.6 Climate Impact

6.6.1 None specific to this report.

6.7 Community Impact

6.7.1 Adopting the protocols, and their subsequent application, will assist in increasing confidence among the public and planning applicants that the Authority will determine applications, and undertake their statutory duties in a fair and transparent manner.

7. Background Papers

7.1 Members Code of Conduct
Council Constitution
Constitutional Working Group - Draft Protocols 4th November 2021.