

## STANDARDS COMMITTEE

14 MARCH 2011

### REFERENCE FROM PLANNING COMMITTEE

#### A.2 PLANNING MATTERS : LOCAL PROTOCOL FOR COUNCILLORS

(Report prepared by Clare David)

##### PART 1 – KEY INFORMATION

###### **PURPOSE OF THE REPORT**

For Members to consider and approve revisions to Planning Matters : Local Protocol for Councillors.

###### **EXECUTIVE SUMMARY**

The Planning Committee at its meeting on 8 March is being asked to consider and recommend to the Standards Committee that revisions to Planning Matters : Local Protocol for Councillors are approved. There are four main changes and these have been brought about to incorporate improvement actions as a result of a number of Service reviews and to reflect changes to the main body of the Council's Constitution. The changes are summarised as follows:

- A guidance note to facilitate Member involvement in pre application discussions in line with the introduction of a Development Management approach;
- Reports to Planning Committee and more particularly the way in which decisions taken contrary to Officer recommendation are to be recorded;
- The introduction of Planning Committee site visits to all those sites appearing on the Committee agenda that day; and
- Changes to the way in which Council and Member applications are to be dealt with and the introduction of delegated substitutes for Planning Committee Members (these changes are included to bring the Protocol in line with the Constitution).

Members of the Standards Committee will be updated verbally at their meeting on any further amendments to the Protocol as a result of the Planning Committee consideration on 8 March.

###### **RECOMMENDATION**

**That Members consider and approve the revisions to Planning Matters : Local Protocol for Councillors as set out in this report and with any other comments made by the Planning Committee.**

##### PART 2 – IMPLICATIONS OF THE DECISION

###### **DELIVERING PRIORITIES**

The Protocol supports the Corporate Plan expectation that Councillors and Officers will uphold and promote the values of personal integrity, honesty and respect for others.

###### **FINANCE, OTHER RESOURCES AND RISK**

**Finance and other resources**

The proposed revision of the Protocol to provide for organised site visits to be held prior to Members giving consideration to an application at Planning Committee has a small cost implication (approx. £10,500 over three years). This is to be covered from within existing budgets.

**Risk**

No specific risks have been identified. The Protocol clearly sets out the processes that must be followed when Members and Officers deal with issues within the planning system.

**LEGAL**

This action is within the Council's discretionary powers.

**OTHER IMPLICATIONS**

**Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.**

**Crime and Disorder / Equality and Diversity / Area or Ward affected**

**Area or Ward Affected**

The District.

**PART 3 – SUPPORTING INFORMATION**

**BACKGROUND**

The Protocol does not form part of the Council's Constitution but is a subsidiary document that sits alongside it. It describes how the Council deals with planning applications and other related planning matters including those relating to planning policy and recognises the separate roles of Councillors and Officers. The third version of the Protocol was adopted by the Council in September 2009.

The Planning Service has been the subject of a considerable number of service structure reviews and internal and external audits over the past few years and considerable changes have been made to implement the outcomes of these reviews. There are four principal amendments under consideration in order to bring the Protocol up to date with the existing and proposed improvements and changes to the Council's Constitution.

**CURRENT POSITION**

The four main changes are summarised as follows. The full report and Protocol to be considered by Planning Committee is contained at Appendix 1 (wherever possible the changes are indicated in italic text).

1. Discussions with Applicants (Section 2 and Appendix 1).

The Protocol has been updated to take into account a number of changes to the way planning applications are dealt with as a result of the Planning Services Improvement Plan but principally because of the introduction of Development Management. The Council is committed to providing a Development Management service for local communities; inward investors; developers; other statutory bodies and infrastructure providers in order to promote high quality, sustainable development. A Development Management approach, however, will necessitate a change in the way that both officers and elected Members work within the planning applications system. Development Management, for example, encourages Councillors to be involved in pre application discussions to act as champions of their communities but without prejudicing their role as decision makers. The Protocol provides updated advice on this.

2. Reports to Planning Committee (Section 7 and Appendix 2).

This section has been updated to reflect the new Planning Committee report template as suggested by the Haslam Report. In 2009 Michael Haslam OBE BSc (Econ) MRTPI of Michael Haslam Associates Ltd was commissioned by the Council to consider the arrangements for reporting applications to the Planning Committee. A number of recommendations were made in the report, one of which was a revision to the report template to make it more focussed and aid Members in the decision making process. These changes are reflected in the revised Protocol.

The revised Protocol also makes reference to how decisions that are taken by the Planning Committee that are contrary to the officer's recommendation will be dealt with (para. 7.5). Where the Planning Committee makes a decision on a planning application contrary to the Officer recommendation, or on a draft planning policy or land allocation which departs from the Officer recommendation, this can be difficult to justify if challenged. It is therefore important that there is a clear written audit trail recording the reasons for and source of all such departures. Where a planning application is determined contrary to the Officer recommendation, Members will provide officers with reasons based on proper planning grounds and these will either be recorded in the Minutes or a recording of the meeting will be taken. A guidance note for dealing with applications at meetings of the Planning Committee when Members disagree with the Officer's recommendation was approved by Planning Committee on 5 January 2010 (minute no. 137 refers) and is contained in full at Appendix 2 of the Protocol.

3. Planning Committee Site Visits (Section 9 Para. 9.5)

This section of the Protocol is updated to take into account the proposal to hold Member site visits to all those sites on a Planning Committee agenda on the day of that Committee.

4. Changes in Section 12 , 13 and 14 to reflect the Contents of the Constitution

Sections 12 and 13 relate to planning applications made by or on behalf of the Council as landowners or by Members of the Council. Section 14 relates to substitute Members on the Planning Committee and has been updated. These have been amended to reflect the Council's Constitution.

**BACKGROUND PAPERS FOR THE DECISION**

Planning Matters : Local Protocol for Councillors September 2009.

**APPENDICES**

Appendix 1 – Report to Planning Committee