

COUNCIL

25 MARCH 2025

JOINT REPORT OF THE MONITORING OFFICER AND THE CABINET

A.3 AMENDMENTS TO TENDRING DISTRICT COUNCIL'S MEMBERS' PLANNING CODE & PROTOCOL FOLLOWING A REVIEW

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Council to consider proposed amendments to the Members' Planning Code & Protocol following a review carried out by the Standards Committee and consideration by the Cabinet.

EXECUTIVE SUMMARY

The Standards Committee, at its meeting held on 5 February 2025 (Minute 34 refers), considered a report of the Monitoring Officer (A.1) which presented the updated revised version of the Planning Probity Protocol, following consultation with the members of the Planning Committee, the Portfolio Holder for Housing and Planning, Planning Officers and the Independent Persons.

It had been reported that some themes emerging from the consultation were:

- *the concept of Bias needed to be stronger.*
- *stronger links to the Members' Code of Conduct, declarations of interest and the impact of participation at meetings.*
- *importance of seeking advice earlier.*
- *a determination should be made as to which Planning Applications submitted by Officers of the Council in their personal capacity should be submitted to the Planning Committee for determination i.e. Senior Officers above a certain grade and all Officers employed within Planning Services and Legal Services.*
- *the importance of Member Training needed to be stressed within the Planning Probity Protocol.*
- *stronger details needed around Planning Committee Members attending public meetings with applicants, developers and objectors, and*
- *site visits section needed to be stronger relating to the exceptional circumstances.*

Members had been made aware that the outcome of the consultation had been set out in detail in Appendix B of the Officer report. In addition, it had been considered necessary to include some text around the Protocol on Member and Officer Relations, as that had been omitted in the first review and was relevant.

It had been RESOLVED that the Standards Committee –

- (a) notes the outcome of the consultation with the members of the Planning Committee, the Portfolio Holder for Housing and Planning, Planning Officers and the Independent Persons;
- (b) endorses the revised Planning Probity Protocol (subject to tracked changes being accepted as well as the typing errors being amended) and **recommends to Full**

Council that it be adopted and incorporated into the Council's Constitution;

- (c) subject to (b) includes **an additional recommendation to Full Council that the Planning Committee's Terms of Reference be amended to reflect the proposed seniority of Officers and all Officers within Planning and Legal Services personal planning applications to be referred to the Planning Committee;** and
- (d) **subject to Full Council's approval of the Planning Probity Protocol, that training on the Protocol forms part of the Mandatory Training as required by Council Procedure Rule 33.3 for Members of the Planning Committee.**

Resolutions (b), (c) and (d) above are pertinent to this report.

The Cabinet, at its meeting held on 17 March 2025 (Minute 143 refers), considered the recommendations put forward by the Standards Committee.

Cabinet decided to recommend to Full Council that:-

- (1) the revised Planning Probity Protocol be adopted and incorporated into the Council's Constitution;
- (2) the Planning Committee's Terms of Reference be amended to reflect that personal planning applications submitted by the proposed seniority level of Officers plus all Officers within Planning and Legal Services will be referred to the Planning Committee; and
- (3) training on the Planning Probity Protocol forms part of the Mandatory Training as required by Council Procedure Rule 33.3 for Members of the Planning Committee.

The revised Planning Probity Protocol is attached as the Appendix to this joint report.

RECOMMENDATIONS

That Council, having considered this joint report, approves that –

- (1) **the revised Planning Probity Protocol be adopted and incorporated into the Council's Constitution;**
- (2) **the Planning Committee's Terms of Reference be amended to reflect that personal planning applications submitted by the proposed seniority level of Officers plus all Officers within Planning and Legal Services will be referred to the Planning Committee; and**
- (3) **training on the Planning Probity Protocol forms part of the Mandatory Training as required by Council Procedure Rule 33.3 for Members of the Planning Committee.**

BACKGROUND PAPERS FOR THE DECISION

Published Decisions of the meeting of the Cabinet held on 17 March 2025.

APPENDICES

Revised Planning Probity Protocol