

Standards Committee : 12 January 2010

Title of report: Proposed adoption of a revised and updated Councillors' Protocol for Planning Committees

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	N/A
Is it in the Council's Forward Plan?	N/A
Is it eligible for "call in" by Scrutiny?	N/A
Cabinet member portfolio	Corporate

Electoral wards affected: All

Ward Councillors affected: N/A

Public or private: Public

1. Purpose of Report

To consider the attached draft Planning Protocol for Councillors and refer to the Planning & Highways Committee for consideration.

To recommend to Council adoption of the attached draft Planning Protocol.

2. Key Points

It is essential that the Council's planning process operates properly, lawfully and effectively and is seen by all parties involved in the process to do so. Decisions must be made fairly, openly, impartially and for justifiable planning reasons. Failure to do so not only exposes both the Council and individual councillors to potential criticism and allegations of improper conduct, but can also increase the likelihood of legal challenges being mounted through the courts or complaints being made to the Ombudsman.

A protocol advising members on how to approach planning decision making and how to conduct themselves at all stages of the planning process has been in existence since 2000. That original protocol was revised and updated in 2007 and approved by a joint meeting of the Standards Committee and the

Planning & Highways Committee on 16 July 2007. The current protocol has now been revised and updated again to take into account guidance recently published by the Local Government Association entitled 'Probity in Planning', to provide clearer advice to members on dealing with their own planning applications or those submitted by family and friends and to address a number of difficulties and misunderstandings in relation to the operation of the protocol that have arisen over the past couple of years.

The attached draft protocol is intended to address all of the above issues. The main changes are as follows:

- The encouragement of pre-application and pre-determination discussions with councillors, particularly members of the planning committees and sub-committees
- Clarification of councillors' speaking rights at planning committees and sub-committees
- Confirmation that the Chair of the planning committee or sub-committee will not allow members to vote on any motion that is contrary to the original officer recommendation unless he/she is satisfied that the reasons put forward can be justified by officers on planning grounds
- Clarification that the Chair may ask for a recorded vote on any application where he/she considers such a request to be appropriate and two other members of the committee or sub-committee support the request
- Clear advice and procedures for dealing with planning applications submitted by serving councillors, their close associates and relatives

3. Implications for the Council

The Council should have appropriate protocols in place to ensure that its planning processes are robust and that, as far as possible, its decisions are not susceptible to legal challenge.

4. Consultees and their opinions

Various officers in Legal Services, Planning and Building Control and the Policy and Governance Service have been involved in discussions regarding the proposed revisions to the protocol. The Chairs of both of the Area Planning Sub-Committees, the Chair of the Planning & Highways Committee and the leaders of the political groups have all been consulted. Responses to those consultations are incorporated in the attached draft protocol.

5. Officer recommendations and reasons

That the Standards Committee consider the attached draft protocol and refer it to the Planning & Highways Committee for further consideration and thereafter that the draft protocol be referred to the Corporate Governance & Audit Committee and then Council for formal adoption.

6. Cabinet portfolio holder recommendation

N/A

7. Next steps

If approved by this Committee, the draft planning protocol will be referred to the Planning & Highways Committee on 25 January 2010, then to the Corporate Governance & Audit Committee on 5 February 2010 and then to Full Council on 24 March 2010 for formal approval.

8. Contact officer and relevant papers

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Background Papers:

N/A

