



REPORT OF: The Monitoring Officer

TO: Standards Committee

ON: 26th June 2024

Subject: Planning Protocol for Members and Officers

1. PURPOSE OF THE REPORT

This report provides Committee with the draft Planning Protocol for consideration and review.

2. RECOMMENDATIONS

The Committee is asked to:

2.1 Consider and review the Planning Protocol for Members and Officers (**Appendix**) and suggest any amendments.

2.2 To recommend to Full Council to adopt i the Planning Protocol for Members and Officers and for inclusion in the Council's Constitution.

3. BACKGROUND

Planning protocols are essential frameworks that guide the systematic approach to planning activities within the Council. These protocols ensure that all necessary steps are taken, risks are managed, and resources are allocated efficiently.

One of the key purposes of the planning system is to manage development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that the Council should make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting that a decision has been partial, biased or not well founded in any way.

Members role in the Planning process is to make decisions openly, impartially, with sound judgement and for justifiable planning reasons. When planning applications are reported to the Planning and Highways Committee, the report will contain an Officer recommendation as to whether planning permission should be granted or refused. Members are entitled to bring their own judgment to bear on planning applications and

to make a decision contrary to Officer recommendation, but it is important that such decisions are taken on sound planning grounds which will withstand scrutiny.

The Standard's Committee's role and function as delegated by the Council includes assisting Councillors and co-opted members to observe the Code of Conduct. The Committee also has a function to monitor the operation of the Council's standards arrangements and make appropriate recommendations to the Council as it considers appropriate with respect to the maintenance and review of the Code, together with such other codes, procedure, protocol, or guidance as the committee considers appropriate.

4. RATIONALE

The aim of this Planning Protocol is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way. This Planning Protocol also sets out the practices and procedures that members and officers of the Council should follow whenever they are involved in planning matters in order to comply with the Code of Conduct for Members (as adopted by the Council from time to time) ('the Code') and the Employee Code of Conduct, respectively.

This Protocol applies to all Member involvement in Planning functions (i.e. whether or not they are Members of the Planning Committee or hold any Executive responsibilities for Planning), including not only consideration and determination of applications for Planning Permission but also Planning enforcement action and the formulation and adoption of Planning policies.

The Planning and Highways Committee

The Planning & Highways Committee has a quasi-judicial role and when determining planning applications must adhere to the following principles:

- To act fairly and openly;
- To approach each application with an open mind;
- To weigh up carefully all the relevant issues;
- To determine each application on its merits and with reference to the Development Plan and any other material considerations;
- To avoid undue contact with interested parties that could give rise to accusations of unfair bias;
- To ensure that the reasons for their decisions are clearly stated;
- To make planning decisions openly, impartially with sound judgement and for justifiable planning reasons.

The Planning & Highways Committee has powers delegated by the Council and are contained in Part 3, Section 3 of the Constitution, which includes matters that have been referred under the Members Referral Scheme. The Committee also has powers to consider petitions received by the Council which relate to planning and highways issues.

All Members attending the Planning & Highways Committee must have undertaken relevant up to date training as provided by the Council's Member Training Programme 2024/2025.

5. POLICY IMPLICATIONS

The Member's Code of Conduct, the Officer Code of Conduct and the Protocol on Member/Officer Relations forms part of the Council's governance framework, and are necessary to promote and maintain high ethical standards, and to ensure public confidence. The Planning Protocol aims to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

Following adoption by the Council, the Protocol will be referred to at the annual mandatory training offered to Members wishing to serve on the Planning & Highways Committee.

6. FINANCIAL IMPLICATIONS

None.

7. LEGAL IMPLICATIONS

The Council Constitution will be updated to include the Planning Protocol for Members and Officers, should the Planning Protocol for Members and Officers be approved by Full Council.

8. RESOURCE IMPLICATIONS

None.

9. CONSULTATIONS

The Standards Committee regularly review the Council's arrangements for promoting and maintaining high standards of conduct. As such the Standards Committee is invited to review the draft protocol and provide and comments. Senior Planning Officers have also been consulted, and have provided some feedback.

Chief Officer/Member

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Date: 26th June 2024

Appendices: Appendix: Planning Protocol for Members and Officers