

Report to Planning Committee

Subject: Updated Planning Committee Protocol and Code of Practice

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1. Purpose of the Report

To approve the updated Planning Committee protocol, revised Code of Practice for Councillors in dealing with Planning Applications and the Planning Delegation Panel arrangements.

2. Background

The existing Protocol was adopted in January 2011, and it is recognised that it needs to be refreshed to reflect changes in the context in which Planning Committee determines applications, changes to other relevant codes of conduct and emerging examples of good practice.

Members of the Planning Committee will recall that the Local Government Association and the Planning Advisory Service published 'Probity In Planning' in April 2013. This revised previous 2009 guidance for Councillors and Officers involved in the planning process. The guidance was endorsed by the Borough Council's Standards Committee, then referred to Planning Committee to determine what action to take.

A cross party working group of Members has met several times to consider the implications of the revised guidance and to review the Council's Planning Committee Protocol and Code of Practice for Councillors in dealing with Planning Applications. In addition, the working group raised issues about the current arrangements for the Planning Delegation Panel, in particular the make-up of the Panel and the ability for substitutes to attend.

3. Proposal

The protocol has been revised to ensure that

- decision making is fair, open and impartial
- only relevant planning matters are taken into account
- it complies with members Code of Conduct, Code of Practice for Councillors in dealing with Planning Applications, the predetermination

briefing note and the Council's Constitution.

The revisions reflect

- guidance on predetermination and predisposition
- lobbying issues
- clarification on members' and officers' roles at committee
- clarification on member decisions contrary to officer advice, and the process for determining these.

Once adopted, the protocol will be reviewed on a regular basis to ensure it remains up to date and represents good practice.

At the same time, the Code of Practice for Councillors dealing with Planning Applications has been updated to reflect the 'Probity In Planning' guidance. In summary the proposed revised version:

- includes a new section clarifying the general role of officers and members
- includes a new section on development proposals submitted by officers, members and the Council.
- provides more detail on the process to be followed when decisions are taken contrary to officer recommendation.
- provides more detail on when site visits should be carried out.

The operation of the Planning Delegation Panel (PDP) has been reviewed. As a result of this, it is proposed to amend the Constitution to incorporate the following changes:

- A statement of the role of the Planning Delegation Panel, which reflects the current officer delegation arrangements;
- Confirmation that all Councillors may attend the meeting and contribute to discussions; and
- Where a permanent member of the PDP is unable to attend, they can send a substitute member of Planning Committee in their place to take part in making recommendations about how planning applications should be determined.

Changes to the Code of Practice and arrangements for the Planning Delegation Panel will need to be approved by Full Council as they represent changes to the Constitution.

4. Resource Implications

None.

5. Recommendations

That Planning Committee:

1. **Adopts** the Protocol for use at committee meetings;
2. **Agrees** the revised version of the Gedling Borough Council Code of Practice for Councillors in dealing with Planning Applications and refers it to Council for approval and insertion into the Constitution; and
3. **Agrees** the revised arrangements for the Planning Delegation Panel and refers it to Council for approval and insertion into the Constitution.

6. Appendices

Appendix 1 - updated Planning Committee Protocol

Appendix 2 - revised Code of Practice for Councillors in dealing with Planning Applications

Appendix 3 – revised arrangements for the Planning Delegation Panel