

Planning

Non- Planning Committee Member – Officer Protocol

1. The Development Management process is a regulatory one, and the Planning Act states that the Authority must determine planning applications in accordance with the provisions of the development plan unless material considerations indicate otherwise. It is essential that members bring their concerns to the attention of officers as soon as possible so that they can be run through that statutory filter. Having been advised of the members', and the public's concerns, it is for the professional officers to decide:

- which of those concerns is a material planning consideration,
- what weight to give the material considerations,
- which of them needs to be resolved before permission is granted and which can be dealt with by condition, and
- which may merit refusing planning permission.

Where applications are reported to Planning Committee, the members have a right to disagree with the officers' assessment of the case, and give a different weight to the material considerations.

2. Guidance on the conduct of non-Planning Committee members is contained in the *Planning Code of Practice* which can be found in the *Codes and Protocols* part of the Council's Constitution. The Code currently states as follows:

**“Non-Committee members of the council**

2.7 Members who are not on the Planning Committee represent their electoral division and the county borough as a whole. They may attend the Planning Committee and address it for no more than five minutes but may not take part in any debate and will not have a vote on any matter. They may also attend site visits. Such members do not act in the quasi-judicial role performed by Planning Committee members, but shall:

- Act fairly and openly and avoid any actions that would give rise to an impression of bias or undue influence.
- Avoid inappropriate social contact with applicants and their agents, objectors and other interested parties.

2.8 Such members may express support for a particular opinion in advance of the matter being considered by the Planning Committee, or by the Chief Planning Officer and Development Control Manager under delegated powers.

2.9 A member who has declared an interest in a matter is not permitted to attend the Planning Committee, either as a councillor or as a private citizen.”

3. Members are consulted about planning submissions by means of the weekly list of planning applications, which gives them the opportunity to specify which proposals should come before committee, and should prompt them to advise officers of their concerns as early in the process as possible.
4. Officers cannot give members a blow-by-blow account of the determination of a planning application. They cannot enter into correspondence about material planning considerations with members or interested persons whilst an application is in the process of being determined. The important thing is that members provide officers with their concerns as soon as possible so that they can be properly investigated.
5. It is not appropriate for members to communicate directly with the applicants, developers or statutory consultees. It is for officers to resolve any matters with the applicants, developers or statutory consultees.
6. Officers will not attend public or site meetings to discuss planning applications.
7. Officers will commit to one meeting with ward members for each major planning application, to give councillors the opportunity to express their concerns. A maximum two members of the public can attend such a meeting as representatives of the local community and unless there are exceptional circumstances these meetings should be held a virtually. If further concerns come to light, an email will normally be enough to advise officers.
8. Members will not be provided with any paper copies of a planning application or supporting documents. That would be wasteful of resources and contrary to the general trend of communicating information electronically.
9. Officers will ensure that all additional documentation submitted by applicants or agents in support of a planning application will be placed on the Public Access part of the Council's website as soon as practically possible to allow members to update themselves on the progress of an application.
10. Members should communicate to officers their concerns or support for a scheme based on the submission of amended plans and documentation as soon as practically possible.
11. The feedback on members' concerns is contained in the report to Planning Committee or in the delegated officer report. Officers will provide to members a general quarterly update in respect of major applications stating when they are likely to come before committee, and what the outstanding issues are. The timescale for reporting an application to Planning Committee will vary depending on the scale and complexity of the application.
12. In multi-Member Wards only one Member from each political group should normally exercise speaking rights at Planning Committee unless they have opposing views.