

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Planning Protocol Sub-Committee**
held on Monday, 7th March, 2011 at Committee Suite 1 & 2, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor D Brickhill (Chairman)

Councillors J P Findlow, S Jones, W Livesley and J Wray

Officers

Paul Jones, Democratic Services Team Manager

Paul Mountford, Democratic Services

Nicky Folan, Legal Services

Apologies

Councillor R Cartlidge

12 DECLARATIONS OF INTEREST

No interests were declared.

13 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

14 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 8th February 2011 be approved as a correct record.

15 THE PLANNING PROTOCOL OF CONDUCT

At the previous meeting, the Sub-Committee had considered a revised version of the Planning Protocol on conduct which had been produced in the form of a three page guidance note with key principles set out in a bulleted list, supplemented by detailed supporting information. Members had agreed a number of additional amendments to the content and format of the Protocol and had resolved that:

- (1) the further amendments agreed by the Sub-Committee be incorporated into the revised Planning Protocol of Conduct;

- (2) any further comments on the Protocol by Members of the Sub-Committee be conveyed to [Democratic Services] by 14th February;
- (3) a revised version of the Protocol be submitted to the next meeting; and
- (4) the issue of Planning Officers providing assistance to Members, including reasons, in the event that a Planning Committee determines an application against the recommendations of Officers, and the issue of Officer presentations at planning committee meetings, be raised at the next meeting of the Planning Chairmen.

With regard to resolution (4), the Officers reported that the Planning Chairmen and Planning Officers had confirmed that there was an understanding that Officers would assist Members in providing reasons for determining an application against the recommendation of Officers.

Members had before them a second revision of the Protocol which incorporated the amendments agreed at the previous meeting. This comprised a three page summary document setting out the aim and purpose of the Protocol and a list of 22 key points, supplemented by more detailed guidance notes. Members noted that the guidance notes included further guidance on predetermination, including advice on the form of wording to use when calling in an application.

During consideration of the Protocol, Councillor S Jones expressed concern at the section of the supporting guidance dealing with the lobbying of planning committee members and the acceptance of gifts or hospitality. She wished the guidance to be amended to advise individual members strongly not to attend meetings with developers and lobby groups. Whilst other Members of the Sub-Committee were content with the wording as it stood, Cllr Jones asked that her concerns be placed on record.

The Sub-Committee approved the revised document subject to the following amendments:

1. the introductory wording indicating that the Protocol applied to members of the Strategic Planning Board and Northern and Southern Planning Committees should be highlighted in bold text; and
2. paragraph 15 of the summary should be amended to read (amendment shown in italics):

“15. make sure you are present at the planning meeting for the entire item, including the Officers’ introduction and update, *otherwise you cannot vote.*”
3. paragraph 7.4 of the supplementary guidance should be amended to read (amendment shown in italics):

- “7.4 Remember *that you can* copy or pass on any lobbying correspondence you receive to the Head of Planning and Housing at the earliest opportunity or declare the receipt of lobbying information at the planning meeting.”

Members were advised that the Planning Protocol of Conduct formed part of the Council’s Constitution and any changes to it required the approval of Council on the recommendation of the Constitution Committee. As the Strategic Planning Board and Standards Committee had previously received reports on the amended Planning Protocol due to their respective interests in the document, the revised document that had now been produced by the Sub-Committee should be reported back to each of these Committees prior to final consideration by the Constitution Committee.

RESOLVED

That the amended version of the Planning Protocol of Conduct as further amended be recommended to the Constitution Committee for approval by Council, subject to any further comments from the Strategic Planning Board and the Standards Committee.

16 PUBLIC SPEAKING PROTOCOL

The Constitution Committee, at its meeting on 27th January 2011, had extended the terms of reference of the Planning Protocol Sub-Committee to include a review of the arrangements for public speaking at meetings of the Council’s planning committees.

The Planning Protocol on Public Speaking had been circulated with the agenda for Members’ consideration.

Members’ key concerns related to the time allocated for local ward members to speak and the fact that members and public speakers were not able to use presentation aids when addressing the planning committee. The background to these issues was discussed with the Officers.

Members agreed the following amendments to the Protocol:

1. Local ward members who are not members of the planning committee should each be given a period of up to five minutes in which to speak, and they may in turn be cross-examined by the committee.
2. Paragraph 1.3 of the Protocol should be amended to read as follows (additional wording shown in italics):

“1.3 In order to be fair to all parties, no presentation aids will be permitted. Similarly, the circulation of information, photographs and/or plans at the meeting will not be allowed. *However, the site plan will be shown and may be referred to throughout the consideration of the application.*”

Members were advised that the Planning Protocol on Public Speaking formed part of the Council's Constitution and any changes to it required the approval of Council on the recommendation of the Constitution Committee. The Planning Protocol on Public Speaking had been developed by the Strategic Planning Board as the body responsible for producing protocols and procedures to facilitate the planning process. The amendments to the Protocol agreed by the Sub-Committee therefore needed to be reported to the Strategic Planning Board prior to final consideration by the Constitution Committee.

RESOLVED

That the amendments to the Planning Protocol on Public Speaking be recommended to the Constitution Committee for approval by Council, subject to any comments from the Strategic Planning Board.

The meeting commenced at 10.00 am and concluded at 11.35 am

Councillor D Brickhill (Chairman)