

CHESHIRE EAST COUNCIL

Planning Protocol Sub-Committee

Date of Meeting: 6th January 2011
Report of: Democratic Services Manager
Subject/Title: The Planning Protocol

1.0 Report Summary

- 1.1 This report asks the Sub-Committee to review the existing Planning Protocol and if necessary produce a more succinct, user-friendly version.

2.0 Recommendations

- 2.1 That the Sub-Committee review the Council's Planning Protocol and if necessary produce a more succinct, user-friendly version for recommendation to the Constitution Committee.

3.0 Reasons for Recommendations

- 3.1 Since the adoption of the original version of the Planning Protocol by the Council, updated versions of guidance for Planning Councillors have been published. In addition, the Planning Protocol has been reviewed by the Chairmen and Vice-Chairmen of the Strategic Planning Board and Planning Committees, in conjunction with Officers. The Constitution Committee has appointed a Sub-Committee to advise on the production of a revised Protocol which is more succinct and user-friendly.

4.0 Wards Affected

- 4.1 N/A

5.0 Local Ward Members

- 5.1 N/A

6.0 Policy Implications

- 6.1 There are no direct policy implications arising from the proposals contained in this report.

7.0 Financial Implications

- 7.1 None can be identified.

8.0 Legal Implications (authorised by the Borough Solicitor)

- 8.1 There is a risk of legal challenge to the decisions made by the Strategic Planning Board and Planning Committee's if robust and consistent procedures are not in place in line with current national guidance.
- 8.2 There is also a greater risk of a Local Government Ombudsman complaint being upheld if the Authority does not provide clear, consistent and up to date advice to Councillors on carrying out their duties and responsibilities when determining Planning Applications and considering planning matters.

9.0 Risk Management

- 9.1 The Planning Protocol, in order to operate effectively, needs to be reviewed and updated regularly, and those amendments reported to the members of the relevant Committees so that members involved in the planning process are fully aware of the contents and their responsibilities.
- 9.2 If the reviews and updates do not take place, and members are not made aware of them, a number of risks can be identified:
- Generally, a lack of up to date advice aimed at ensuring the integrity of the planning system for those Councillors involved as Members of the Board or Committees and for those involved as Local Ward Members
 - Personal and prejudicial interests and fettering of discretion not being identified and declared at the required times and the appropriate actions carried out as a result
 - lack of, or inconsistent, up to date advice concerning how Councillors respond to requests for any meetings with developers, applicants, neighbours, Parish/Town Councils
 - lack of, or inconsistent, advice regarding lobbying of and by Councillors and how to react to this
 - lack of clarity and inconsistent procedures applied throughout Cheshire East with regard to decision making at Board/Committee meetings
 - Complaints to the Local Government Ombudsman being upheld over conduct and matters that occur at Board/Committee meetings and during the conduct of planning applications.
- 9.3 The updated protocol should provide updated guidance and requirements on these points.

10.0 Background and Options

10.1 The report to the Constitution Committee on 30th September 2010 is attached as an Appendix. It sets out the background to this matter and includes proposed revisions to the existing Protocol which both the Strategic Planning Board and the Standards Committee had recommended to the Constitution Committee for approval. The Constitution Committee, however, resolved that:

(1) the Planning Protocol be not referred to Council for approval at this stage; and

(2) a sub-committee be appointed, the size, proportionality and membership to be determined in consultation with the Chairman and Group Whips, to be charged with examining the Protocol and, if necessary, redrafting it as a short sensible guide with the assistance of the Officer who drafted the amendments.

10.2 The Planning Protocol forms part of the Council's Constitution and any changes to it require the approval of Council on the recommendation of the Constitution Committee.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer.

Name: Paul Mountford

Designation: Democratic Services Officer

Tel No: 01270 686472

Email: paul.mountford@cheshireeast.gov.uk