

PLANNING PROTOCOL – PLANNING APPLICATIONS SUBMITTED BY COUNCILLORS AND OFFICERS

Recommendations:

- (1) That consideration be given to amending paragraphs 5 (“dual hatted” Councillors) and Section 6 (“fettering a Councillor’s discretion”) in respect of the position of Chairmen of Area Plans Sub Committees and their role at District Development Control Committee should an application be referred to the latter;**
- (2) To consider proposed amendments to Section 22 of the Protocol relating to planning applications made by Councillors; and**
- (3) To report to the Council on these items as appropriate.**

1. (Deputy Monitoring Officer). This report deals with three sections of the Planning Protocol which, in the light of recent experience, may benefit from clarification. These relate to paragraphs 5 and 6 concerning dual hatted members and fettered discretions and Section 22 which deals with planning applications from Councillors and Officers.

Paragraphs 5 and 6

2. Section 5 and 6 of the Protocol deal with the question of avoiding fettered discretions which could disqualify members from taking part in planning decisions, particularly if they are members of more than one authority which are dealing with planning issues.

... 3. Appendix 1 provides copies of correspondence between Councillor K Wright, Chairman of Area Plans Sub Committee ‘C’ and the Deputy Monitoring Officer on the role of Chairmen in cases where planning applications are referred to the District Development Control Committee (the parent body of the Area Plans Sub Committees). In his reply the Deputy Monitoring Officer expresses his view that once an application has been referred upwards all members should regard the planning consideration as commencing afresh particularly if there is new information brought forward at the later meeting.

4. The Standards Committee is asked to consider the need to amend paragraphs 5 and 6 to deal with the role of the Chairmen of Area Plans Sub Committees and Councillors who may be members of both committees who could be involved with planning applications at meetings of both bodies.

Section 22

5. This section of the Planning Protocol deals with the steps which Councillors (both present and past together with their friends, relatives and business associates, etc) must take if they are submitting planning applications to the Council.

6. Section 22 (paragraph 2) advises these applicants that they should inform the Monitoring Officer of the submission of the application. This links with the delegated authorities held by the Head of Planning and Economic Development which require that he cannot determine any planning application from a Councillor or Officer of Planning Services or from any Officer acting as an agent for an applicant under delegated powers and must instead refer the cases to an Area Plans Sub Committee.

7. This procedure has come under scrutiny as a result of a recent case where a Councillor was seeking planning consent. In that case the member correctly advised the Monitoring Officer and the Deputy Monitoring Officer of the submission of the planning application and in turn both the Monitoring Officer and Deputy Monitoring Officer advised the Head of Planning and Economic Development. For a variety of reasons, the fact that the applicant was a serving Councillor was not relayed to the case officer in Planning Services. As a result a number of procedural problems arose with the application which are still being reviewed. However, it has become clear that the requirement in the Protocol to simply notify the Monitoring Officer may not be sufficient to ensure that any case officer appreciates that the application must be referred to an Area Plans Sub-Committee.

8. It is recommended that Section 22 be amended to make provision for applicants in these various categories to notify the Head of Planning and Economic Development of their status. The Head of Planning and Economic Development intends to extend this practice to all applicants for planning consent as it is considered that some of the categories such as past Councillors, business associates of Councillors and friends and relatives of Councillors may be difficult to trace in practice.

... 8. A copy of the amendments to Section 22 of the Code are attached as Appendix 2 together with a copy of the proforma, which will be introduced, by the Head of Planning and Economic Development. The latter should be appended to the Protocol for future reference.

9. The Standards Committee is asked to consider these proposals.