



Town Hall, St. Helens, Merseyside, WA10 1HP

Telephone: 01744 673219 Mrs Joanne Griffiths MBE

Agenda

STANDARDS COMMITTEE

PUBLIC MEETINGS ARE WEBCAST (LIVE STREAMED)

Date: Tuesday, 14 January 2025 Time: 4.00 pm Venue: Room 10

Membership

Lab 6 Councillors Bell, Bond, Bowden, Laird, McCormack and Quinn

Grn 1 Councillor Hawley

LD 1 Councillor Pearl

Inds 1 Councillor Stevenson

NIW 1 Councillor Collier

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STANDARDS COMMITTEE

At a meeting of this Committee held on
8 July 2024

(Present) Councillors Bell, Bond, Collier, Hawley, Laird, Maloney MBE,
McCormack and Pearl

(Not Present) Councillors Bowden and Stevenson.

1 **APPOINTMENT OF CHAIRMAN**

- * **Resolved that Councillor Bowden be appointed Chair of this committee and Councillor Bond be appointed Chair for this meeting.**

Councillor Bond here took the Chair.

2 **APOLOGY FOR ABSENCE**

An apology for absence was received from Councillor Bowden.

3 **MINUTES**

- * **Resolved that the Minutes of the meeting held on 16 January 2024 be approved and signed.**

Councillor McCormack here entered the meeting.

4 **DECLARATIONS OF INTEREST FROM MEMBERS**

No Declarations of Interest from Members were made.

5 **LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN COMPLAINTS UPDATE 2024/25**

A report was submitted which informed the Committee of Ombudsman cases from 1 April 2024 to 31 May 2024 and drew comparisons for the same period during 2023/24.

The report summarised the number of complaints against the Council determined by the Ombudsman which were explained by the Monitoring Officer.

- * **Resolved that the report be noted.**

6 **MEMBER TRAINING AND DEVELOPMENT UPDATE**

A report was submitted which detailed the training opportunities available to Members and attendance rates from 1 January 2024 to 31 May 2024, and Member training currently planned up to 31 December 2024.

In accordance with the records held by the Organisational Design and Development Team, three briefing/training sessions were delivered during the period of 1 January 2024 to 31 May 2024, including two Chief Executive briefings and one Planning Committee training session. Attendance was 49 Members in total and the breakdown was included at Appendix 1 to the report.

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In addition to the briefing events noted in Appendices 1 and 2, members also had access to over 1000 e-resources on the Learning Hub, bitesize learning on the IT Learning Support Hub, and eLearning opportunities on the My Learning and LGA platform.

* **Resolved that the report be noted.**

7 **REVISED MEMBERS' ICT PROTOCOL AND GUIDANCE ON USE OF SOCIAL MEDIA FOR ELECTED MEMBERS**

A report was submitted which informed the committee of an updated Members' ICT Protocol and Guidance on use of Social Media prior to its submission to Council for approval.

The Members' ICT Protocol was last reviewed and then adopted by full Council on 12 July 2017. A copy of the Protocol was distributed to all elected members and issued to new members as part of their induction.

Effective communication was vital for councillors. Social media played a key role in achieving this, provided it was used in the right way. Guidance on the use of social media for elected members had been updated. Whilst it was recognised that social media could provide opportunities for the Council to engage with citizens, the use of social media also presented the Council and elected members with certain risks and challenges and could potentially result in breaches of the Council's Code of Conduct for Elected and Co-Opted Members.

A breach of the Code of Conduct may occur if an elected member fails to comply with the Members' ICT Protocol. Depending on the circumstances, an alleged breach of the Council's Code of Conduct may be considered by the Standards Committee.

The Members' ICT Protocol and Guidance document had been reviewed to ensure they remained fit for purpose.

Members discussed the protocol and guidance and suggested that the following be added to the Guidance on use of Social Media at Appendix 2 to the report: "Members are responsible for the information that is posted and remains on social media pages and any inappropriate posts should be removed."

* **Resolved that the revised Members' ICT Protocol and Guidance on use of Social Media for Elected Members be recommended to Council for approval.**

8 **UPDATE ON CODE OF CONDUCT COMPLAINTS AGAINST ELECTED MEMBERS**

A verbal report was made by the Monitoring Officer which updated the Committee on complaints received alleging breaches of the Code of Conduct. Council had delegated powers to the Monitoring Officer to consider complaints and determine if they should be the subject of a full investigation in accordance with the agreed Procedure for Dealing with Complaints regarding breach of the Code. Since the last meeting on 18 January 2024, the Monitoring Officer had received 18 complaints against Members including a Parish Councillor, which had been dealt with under delegated powers. The complaints were submitted from members of the public and Elected Members. Five complaints were concluded at stage 1 of the Procedure (which also included one from


STANDARDS COMMITTEE

the previous reporting period) which the Monitoring Officer decided not to investigate in accordance with the examples listed in Appendix 1 of the Procedure. Five complaints concluded at stage 2 of the Procedure by way of alternative resolution i.e. informal advice, apology etc. There were nine complaints outstanding which are under consideration.

*** Resolved that the verbal update be noted.**

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|  ST HELENS BOROUGH COUNCIL | <h2>Standards Committee</h2> <h3>14 January 2025</h3> |
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| Report Title | Member Training and Development Update | |
| Cabinet Portfolio | People, Performance & IT | |
| Cabinet Member | Councillor Keith Laird | |
| Exempt Report | No | |
| Reason for Exemption | N/A | |
| Key Decision | No | |
| Public Notice issued | N/A | |
| Wards Affected | All | |
| Report of | Vicky Willett Director of Policy & Transformation VickyWillett@sthelens.gov.uk | |
| Contact Officer | Laura Bellis OD&D Team Manager – Delivery LauraBellis@sthelens.gov.uk Emma Morris Head of Organisational Design & Development EmmaMorris@sthelens.gov.uk | |
| Borough Priorities | Ensure children and young people have a positive start in life. | |
| | Promote good health, independence, and care across our communities. | |
| | Create safe and strong communities and neighbourhoods for all. | |
| | Support a strong, thriving, inclusive and well-connected local economy. | |
| | Create green and vibrant places that reflect our heritage and culture. | |
| | Be a responsible Council. | X |

1. Summary

- 1.1 This report details the training opportunities available to members together with the attendance dates from 1st June 2024 to 30th November 2024, and the member training currently planned for the remainder of the 2024/2025 financial year.

2. Recommendation for Decision

- i) **The Committee is recommended to note the report.**

3. Purpose of this report

- 3.1 To provide the Standards Committee with an overview of the training opportunities provided to members from 1st June 2024 to 30th November 2024, and the current training/briefing planned up until 31st March 2025.
- 3.2 The detail of all completed training is provided in Appendix 1.
- 3.3 The details of upcoming training currently planned for 2024/2025 can be found in Appendix 2.

4. Background / Reason for the recommendations

- 4.1 In accordance with the records held by the Organisational Design and Development Team, fourteen briefing/training sessions were delivered during the period of 1st June 2024 to 30th November 2024, these included four Ward Member Grant Scheme Training sessions, one All Members Briefing, two Ketamine Awareness Training sessions, Licensing Training along with a variety of other training sessions. Attendance was 132 members in total across all fourteen training sessions. Attendance and an overview of all sessions is detailed in Appendix 1.
- 4.2 The sessions were hosted via a combination of in-person and virtual events, enabling greater flexibility for officers and members.
- 4.3 Looking forward, there are currently 5 events planned or in the process of having training dates confirmed up to 31st March 2025 (Appendix 2).
- 4.4 Members have been invited to complete the following eLearning modules:
- Action Counters Terrorism
 - Equality and Diversity
 - Fire Awareness
 - Fraud Awareness
 - Hate Crime
 - Safeguarding Children Awareness
 - Safeguarding Adult Awareness
 - Suicide Awareness

- Unconscious Bias
- 4.5 Appendix 3 outlines the completion rates of the above modules. Details of eLearning have been shared with Members to encourage completion in recent weeks. Further promotion will be undertaken to encourage members to review these modules and progress will be reported at the next Standards Committee report.
- 4.6 In April this year, the Organisation Design and Development Team commissioned and launched a short Modern Slavery eLearning module, which has been made available to all members. This eLearning was designed to provide a brief overview and awareness of the signs of Modern Slavery and how to raise concerns. Currently four members have completed this training. This eLearning module and further promotion will be discussed at the next Member Training and Development Steering Group Meeting.
- 4.7 The Organisational Development team is continuing to collaborate with the relevant officers on the review and development of a Data Protection eLearning module designed specifically for members, this is expected to be launched in 2025.
- 4.8 Following feedback from Members an in person drop-in session has been planned for January 2025 focusing on the Members Portal. This session will provide an overview to the Portal, how to access and navigate the site along with an opportunity for any issues or questions to be raised.
- 4.9 The Organisational Development team is working with relevant colleagues to coordinate the delivery of Climate Change and Net Zero Training for Members in March 2025. Dates are currently being identified and once confirmed these will be shared and promoted with Members.
- 4.10 In addition to the briefing events noted in Appendices 1 and 2, members also have access to over 1000 e-resources on the Learning Hub, bitesize learning on the IT Learning Support Hub, and eLearning opportunities on the My Learning and LGA platform.
- 4.11 Members have access to a resource area and a training and briefing materials repository on My Learning. The resource area contains links to key documents, eLearning and signposting to systems and websites, in the following subject areas:
- About St Helens
 - Senior Leadership Structures
 - eLearning (detailed in para 4.5)
 - Key Strategic Documents
 - Key Sites and Systems
 - Being a Councillor

- Emergency Planning
- Planning
- Prevent
- Safeguarding Adults
- Safeguarding Children
- Schools
- Scrutiny
- Your Health and Wellbeing
- Your Personal Development

- 4.12 Content in the resource area is reviewed on a quarterly basis to ensure it remains current and accessible.
- 4.13 The training and briefing materials repository provides members with easy access to materials shared during training such as presentation slides and guidance documents, following the event.
- 4.14 The Organisational Design and Development Team continue to update and develop the My Learning site including the upload of short 'how to' videos demonstrating how to complete a variety of tasks on the site, and the implementation of a learner dashboard to enable members to view their learning progress.
- 4.15 Any updates or developments continue to be shared and promoted to Members by the Organisational Design and Development Team.
- 4.16 System data suggests that access to the Member area on My Learning is relatively low and therefore further insight is required to understand the barriers to ensure that all Members can benefit from the learning resources available.

5. Consideration of Alternatives

- 5.1 Positive feedback has been received from Members and at the Overview and Scrutiny Committee meeting about the resources available to Members, along with the My Learning platform, noting how easy they are to access, navigate and monitor progress.

6. Conclusions

- 6.1 The Organisational Design and Development Team will continue to work with the Member Training and Development Steering Group and senior officers to develop training that meets members' needs and support the delivery of Council priorities and support Members to access the resources via My Learning.

7. Legal Implications

7.1 There are no known legal implications associated with this report.

8. Financial Implications

8.1 The costs are contained within the Member Training budget for 2024/2025. There are no known financial implications associated with this report.

9. Equality Impact Assessment

9.1 There are no known equality implications associated with this report.

10. Social Value

10.1 There are no social value implications associated with this report.

11. Net Zero and Environment

11.1 This report has no impact on net zero and environment.

12. Health and Wellbeing

12.1 There are no known Health and Wellbeing implications associated with this report.

13. Customer and Resident

13.1 There are no known customer and resident implications associated with this report.

14. Asset and Property

14.1 There are no known asset and property implications associated with this report.

15. Staffing and People Management

15.1 There are no known staffing and human resources implications associated with this report.

16. Risks

16.1 If elected Members do not complete their training, they may not be as impactful when dealing with issues on behalf of the residents of St Helens. To mitigate this, training is made available via the Members' Portal and can be accessed 24/7 to enable Members to complete at a time to suit them. Where face to face briefings take place more than one date is offered where possible.

17. Policy Framework Implications

17.1 There are no known policy framework implications associated with this report.

18. Impact and Opportunities on Localities

18.1 There are no known impact and opportunities on localities associated with this report.

19. Background Documents

19.1 None.

20. Appendices

20.1 Appendix 1 – Councillor Training and Development Report 1st June 2024 to 30th November 2024

20.2 Appendix 2 - Councillor Training and Development Events Report Upcoming Events - 1st December 2024 to 31st March 2025

20.3 Appendix 3 - Councillor Training and Development Essential eLearning Completion

Councillor Training and Development Events Report:

1st June 2024 to 30th November 2024

| Event | Date(s) | Attendance | % of Attendance |
|---|------------|------------|-----------------|
| Local Insight Training for Members | 03/06/2024 | 3 | 6.1 |
| Training for Licensing (Taxis/Policy) | 07/06/2024 | 8 | 16.3 |
| Licensing Sub-Committee (Licensing Act/Licensed Premises) | 14/06/2024 | 8 | 16.3 |
| Audit & Governance Committee Training | 23/07/2024 | 7 | 14.3 |
| Ward Member Grant Scheme - Member Training | 03/09/2024 | 13 | 26.5 |
| Ward Member Grant Scheme - Member Training | 05/09/2024 | 11 | 22.4 |
| All Members Briefing | 12/09/2024 | 16 | 32.6 |
| Ward Member Grant Scheme - Member Training | 18/09/2024 | 5 | 10.2 |
| Ward Member Grant Scheme - Member Training | 19/09/2024 | 3 | 6.1 |
| Audit & Governance Committee Training | 23/09/2024 | 6 | 12.2 |
| Emergency Planning Briefing for Members – Roles & Responsibilities | 26/09/2024 | 26 | 52.9 |
| Financial Monitoring Reports | 02/10/2024 | 6 | 12.2 |
| Ketamine Awareness Training In person | 19/11/2024 | 6 | 12.2 |
| Ketamine Awareness Training Online | 26/11/2024 | 14 | 28.5 |

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Councillor Training and Development Events Report Upcoming Events

1st December 2024 to 31st March 2025

| Event | Date(s) |
|--|------------|
| Audit & Governance Training with LINK | 02/12/2024 |
| All Members Briefing | 04/12/2024 |
| Members Portal Drop-In Sessions | 14/01/2025 |
| Safeguarding Children Training – In Person | 25/02/2025 |
| All Members Briefing | 20/03/2025 |
| Climate Change and Net Zero Training for Members | TBC |

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Councillor Training and Development Essential eLearning Completion

| Module | % of Members Completed | No. of Members Completed | % of Members Currently in Progress | No. of Members Currently in Progress | % of Members not yet started | No. of Members not yet started. |
|--|-------------------------------|---------------------------------|---|---|-------------------------------------|--|
| Action Counter Terrorism | 24.5 | 12 | 12.2 | 6 | 63.3 | 31 |
| Equality and Diversity | 30.6 | 15 | 6.1 | 3 | 63.3 | 31 |
| Fire Awareness | 26.5 | 13 | 8.2 | 4 | 65.3 | 32 |
| Fraud Awareness | 42.9 | 21 | 0.0 | 0 | 57.1 | 28 |
| Hate Crime | 14.3 | 7 | 6.1 | 3 | 79.6 | 39 |
| Safeguarding Children Awareness | 24.5 | 12 | 4.1 | 2 | 71.4 | 35 |
| Safeguarding Adult Awareness | 12.2 | 6 | 6.1 | 3 | 81.6 | 40 |
| Suicide Awareness | 20.4 | 10 | 2.0 | 1 | 77.6 | 38 |
| Unconscious Bias | 26.5 | 13 | 2.0 | 1 | 71.4 | 35 |

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|  ST HELENS BOROUGH COUNCIL | <h2>Standards Committee</h2> <h3>14 January 2025</h3> |
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|-----------------------------|---|
| Report Title | Revised Protocol for Councillors and Officers Dealing with Planning Matters and Related Constitutional Changes |
| Cabinet Portfolio | Finance and Governance |
| Cabinet Member | Councillor Martin Bond |
| Exempt Report | No |
| Reason for Exemption | N/A |
| Key Decision | No |
| Public Notice issued | N/A |
| Wards Affected | N/A |
| Report of | Jan Bakewell Director of Legal & Governance janbakewell@sthelens.gov.uk |
| Contact Officer | Matt Jones Head of Legal and Democratic Services mattjones@sthelens.gov.uk |

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| Borough Priorities | Ensure children and young people have a positive start in life | |
| | Promote good health, independence, and care across our communities | |
| | Create safe and strong communities and neighbourhoods for all | |
| | Support a strong, thriving, inclusive and well-connected local economy | |
| | Create green and vibrant places that reflect our heritage and culture | |
| | Be a responsible Council | X |

1. Summary

- 1.1 The agreed comments of Standards Committee are sought on proposed revisions to the Protocol for Councillors and Officers Dealing with Planning Matters (known as ‘the Planning Protocol’). The agreed comments of Standards Committee will be considered by Council at its meeting on 15 January 2025, prior to its adoption of an updated Protocol.

2. Recommendation for Decision

Standards Committee is recommended to:

- 2.1 Provide agreed comments, for consideration by Council, on the proposed revisions to the Planning Protocol, set out at Appendix 1.

3. Purpose of this report

- 3.1 The Planning Protocol aims to ensure that, within the planning process, there are no grounds for suggesting that a planning decision taken by officers or members has been biased, partial or not well founded in any way. The Protocol is a living document and has been the subject of amendment over the years to ensure it reflects current best practice.
- 3.2 The report seeks the views of Standards Committee with regard to proposed revisions to the Planning Protocol which are recommended in order to reflect recent changes to the Lawyers in Local Government’s Planning Code of Good Practice (‘the Code’).
- 3.3 The agreed comments of Standards Committee will be considered by Council at its meeting on 15 January 2025, prior to its adoption of an updated Protocol. The agreed comments of Planning Committee, following its meeting of 10 December 2024, are attached at Appendix 2, for information, and will also be considered by Council.

4. Background / Reason for the recommendations

- 4.1 On 4 November 2011, the Council adopted the initial version of the Planning Protocol, which has been periodically updated to incorporate latest guidance to Members so they can deal appropriately with interests that may arise from time to time when they consider planning matters.
- 4.2 On 25 January 2024, Lawyers in Local Government issued the latest revision of the Code, which included various changes including the addition of recommendations relating to the conduct of Planning Committee Members in relation to social media posts and the use of social media during Committee meetings.
- 4.3 The proposed revisions, taking into account the agreed comments of Planning Committee are at paragraphs 4.3 and 17.5 of the Planning Protocol and are as follows:
- 4.3 Members should not participate in social media or exchanges by texting or other electronic communication as a member of the committee, during the committee’s proceedings, which may give the impression of undue influence, or the appearance of bias and an inattention to the proceedings.

- 17.5 In particular, members should be aware of the power of social media posts or re-posting and be careful not to give the impression that they will definitely vote in a certain way or act with a closed mind if they intend to participate in the decision-making process on behalf of the authority. This accords with the legal principle that members should avoid pre-determination (or an impression of such) in relation to the determination of planning applications. However, this legal principle does not prevent members from expressing a predisposed view in relation to planning matters provided that the member does not have, or give the appearance of, a closed mind when determining a planning application.

5. Consideration of Alternatives

- 5.1 Not to agree the proposed amendments would risk the Council's Planning Protocol being out of step with the latest revision of the Code and not in keeping with accepted best practice.

6. Conclusions

- 6.1 Members are recommended to provide agreed comments on the proposed revisions to the Planning Protocol, set out at Appendix 1.

7. Legal Implications

- 7.1 The update to the Planning Protocol is intended to ensure that, within the planning process, there are no grounds for suggesting that a planning decision taken by officers or members has been biased, partial or not well founded in any way, thus reducing the risk of legal challenge. The amended Protocol will, if approved by Council, form part of the Council's constitution.

8. Financial Implications

- 8.1 N/A

9. Equality Impact Assessment

- 9.1 The introduction of the guidance reminds Members to keep an open mind during planning deliberations and to be careful not to allow unconscious bias based on negative generalised stereotypes linked to characteristics protected under the Equality Act 2010 to influence their decision.

10. Social Impact

- 10.1 N/A

11. Net Zero and Environment

- 11.1 N/A

12. Health and Wellbeing

- 12.1 None

13. Customer and Resident

- 13.1 The Planning Protocol seeks to ensure that planning decisions are made openly, impartially, with sound judgment and for justifiably reasons. The proposed revisions ensures that residents will be further assured that planning decisions are made free from bias an undue influence.

14. Asset and Property

- 14.1 N/A

15. Staffing and People Management

- 15.1 N/A

16. Risks

- 16.1 See paragraph 7.1 above.

17. Policy Framework Implications

- 17.1 The Planning Protocol seeks to ensure that planning decisions are made openly, impartially, with sound judgment and for justifiably reasons and helps to ensure that the Council meets its Borough Strategy priority “to be a responsible Council”.

18. Impact and Opportunities on Localities

- 18.1 N/A

19. Background Documents

- 19.1 None

20. Appendices

Appendix 1 - Protocol for Councillors and Officers Dealing with Planning Matters (the Planning Protocol)

Appendix 2 - Relevant minutes of the meeting of Planning Committee held on 10 December 2024

ST HELENS BOROUGH COUNCIL**PROTOCOL FOR COUNCILLORS AND OFFICERS
DEALING WITH PLANNING MATTERS****1.0 THE NEED FOR GUIDANCE**

- 1.1** Planning relies on informed judgment within a firm policy context which presumes in favour of development in accordance with the Development Plan unless material considerations indicate otherwise. It is also highly contentious because its decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers. This is heightened by the openness of the system (it actively invites public opinion before taking decisions) and the legal nature of development plans and decision notices. It is important, therefore, that the process is characterised by open and transparent decision-making.
- 1.2** One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of land holdings and the quality of their settings. It is important, therefore, that planning decisions affecting these interests should be made openly, impartially, with sound judgment and/or justifiable reasons. The process should leave no grounds for suggesting with any justification that a decision has been partial, biased or not well-founded in any way.
- 1.3** Elected members should have regard to this guidance contained in this Protocol when involved in planning and other development matters.
- 1.4** If members are uncertain about the application of the Protocol, they should seek advice from officers, preferably in advance of the Planning Committee meeting.

2.0 RESPONSIBILITIES FOR THE DISCHARGE OF THE COUNCIL'S PLANNING FUNCTION

- 2.1** The performance of the Council's planning function is delegated to a Committee and Officers of the Council, pursuant to Section 101 of the Local Government Act 1972. An extract from the Council's Scheme of Delegation is attached to this Protocol at Appendix A, which sets out details of the applications which can be determined by Planning Officers.
- 2.2** All other decisions on planning matters are dealt with by the Planning Committee.

3.0 DECLARATION AND REGISTRATION OF INTERESTS

- 3.1** As with all aspects of Council business, Members should observe the guidance on declaring disclosable pecuniary interests personal interests and prejudicial interests as set out in the St Helens Borough Council Code of Conduct for Elected and Co-opted Members ('the Code').
- 3.2** The Code sets out requirements and guidance for Members on declaring disclosable pecuniary interests, prejudicial interest and personal interests and the consequences of having such interests. This must be followed scrupulously and Members should review the Code's provisions regularly and continually reassess their own position against the requirements of the Code. Members must always bear in mind that not only should impropriety be avoided but also any appearance, or grounds for suspicion, of improper conduct. The responsibility for this rests with each individual Member.

- 3.3 A Register of Members' Interests is maintained by the Council's Monitoring Officer. This is a living document and Members are required to notify the Monitoring Officer of any changes within 28 days of the Member becoming aware of the change. Members who have substantial property interests or who work in the Planning field on a professional basis e.g. Planning Advisors, which would prevent them from voting on a regular basis, might wish to ensure that they avoid sitting on the Planning Committee.

Disclosable Pecuniary Interests

- 3.4 The Code adopted by the Council describes in detail the term disclosable pecuniary interest. Where a matter arises at a meeting which **directly relates** to a Member's disclosable pecuniary interest, set out at Table 1 of the Code (e.g. land and property owned by the Member or their partner) then the Member must disclose the nature of the interest at the start of the meeting, or failing that as soon as the Member realises that such an interest is in play. Unless a dispensation has been granted, the Member must not vote or take any part in the debate on the matter and must not remain in the room whilst the matter is discussed.

Personal Interests

- 3.5 Where a matter arises at a meeting which **affects** a Member's own financial interest or their well-being, or the financial interest or well-being of a relative or close associate of theirs or a registerable body set out at Table 2 to the Code (e.g. a charity of which they are a member) then the Member must disclose the personal interest. A Member with a personal interest may remain in the meeting and speak and vote as normal, but it is important that they have first considered whether they have a prejudicial interest in relation to that interest (see further below).

Prejudicial Interests

- 3.6 Where a matter arises at a meeting which **directly relates** to a Member's financial interest or well-being (or the financial interest or well-being of the Member's relative or close associate) or **directly relates** to the Member's registerable interests, as set out a Table 2 of the Code, then a prejudicial interest arises. A prejudicial interest also arises where the matter affects the Member's financial interest or well-being (or the financial interest or well-being of a relative or close associate) to a greater extent than the majority of inhabitants of the ward affected by the decision in circumstances where a reasonable member of the public, knowing all the facts, would believe that it would affect the Member's view of the wider public interest. A Member with a prejudicial interest must disclose the interest and may speak on the matter only if members of the public are also allowed to speak (in which case the member may address the Committee for a maximum of 3 minutes). Otherwise, the Member may not take part in any discussion or vote on the matter and must not remain in the room unless a dispensation has been granted.

4.0 CONDUCT OF MEMBERS

- 4.1 Any Member of the Council not sitting on the Planning Committee, if permitted to speak shall be allowed to address the Committee for a period of no more than three minutes, such time being additional to that permitted under the Council's public speaking rules. Such Members shall speak immediately prior to the applicant addressing the Committee and/or the debate commencing with those supporting the application speaking last. For the avoidance of doubt such Members shall speak before any Members of the Committee exercising rights to address the Committee. Should non-Members of the Planning Committee wish to address the Committee on matters where they have a disclosable pecuniary interest this is subject to receiving a dispensation from the Monitoring Officer.
- 4.2 Members of the Planning Committee may at times find that they feel so strongly about a particular development proposed or general types of development proposals that they are not capable of going into the Committee room and considering the particular matter before them with an open mind. Whilst such a scenario would not constitute a disclosable pecuniary interest, prejudicial interest or

personal interest, it is clear that that Member should not take part in the deliberations on the matter in order to ensure that any decision made is not susceptible to judicial challenge. In such a situation the Member should make an open declaration and be given the opportunity to address the Committee, where the public speaking rules apply, for a maximum of 3 minutes immediately prior to the applicant addressing the Committee and/or the debate commencing such time being additional to that permitted under the Council's public speaking rules. However, once the Member has so addressed the Committee the Member should play no further part in the consideration of the matter although they should be permitted to stay in the Committee room. Those Members of the Planning Committee who are also Parish Councillors, and may happen to discuss a particular Planning Application prior to it being considered at the Planning Committee, should, if they wish to, consider the matter at the Planning Committee, always make it expressly clear at the Parish Council meeting that any comments and votes cast by them at that meeting are provisional, and that they will only be in a position to form a final view at the meeting of the Planning Committee. In such a position the Member will be treated as having a declarable personal interest at the Planning Committee. In such a circumstance that Member can still take part and vote in the consideration of the application at the Planning Committee.

4.3 Members should not participate in social media or exchanges by texting or other electronic communication as a member of the committee, during the committee's proceedings, which may give the impression of undue influence and may give the appearance of bias and an inattention to the proceedings.

4.4 Members of a Parish Council should not take part in the consideration or vote on any application made by the Parish Council or where the application directly relates to the Parish Council although the Member would be allowed to address the Committee for a period of 3 minutes prior to the application being considered provided that the public speaking rules apply.

5.0 CONDUCT OF OFFICERS

5.1 Officers are also subject to a Code of Conduct which provides guidance and standards for officers. In addition, all officers dealing with planning applications are expected to comply with the provisions of the Royal Town Planning Institute's Code of Professional Conduct, whether or not they are members of the Royal Town Planning Institute.

5.2 Officers shall notify the Council's Head of Planning in writing at the time of any planning application made by or on behalf of the Officer and his/her partner.

6.0 DEVELOPMENT PROPOSALS SUBMITTED BY MEMBERS AND COUNCIL DEVELOPMENT

6.1 Applications submitted to the Council by serving and former Members and their close friends and relatives can easily give rise to suspicions of impropriety. So indeed can proposals for the Council's own development. Although it is perfectly legitimate for such proposals to be submitted it is vital to ensure that they are handled in a way which gives no grounds for accusations of favouritism.

6.2 Serving Members who act as agents for people pursuing a planning matter within their Authority should play no part in the decision-making process for that proposal. Similarly, if Members submit their own development proposals to the Council they should take no part in the decision-making process or discuss the application with any other Member of the Council at any time.

Proposals submitted by Members or their partners should be reported to the Planning Committee as main items and should not be dealt with by Officers under delegated powers. Where such an application is submitted, the Member shall notify the Council's Head of Planning in writing at the time of the application.

Proposals for the Council's own development should be treated in the same way as those by private developers in accordance with The Town and Country Planning General Regulations 1992 This outlines that the same administrative process, including consultation, should be carried out in relation to the Council's own planning applications and that they should be determined against the same

policy background (ie. the Development Plan and any other material planning considerations). Decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Council if the development is permitted (excluding those local financial considerations which are defined in statute).

- 6.3** Any Member who has acted as a chief advocate for a proposal should be aware of the dangers of being perceived as being biased when the matter comes before the committee. In circumstances where the Member has been significantly involved in preparing or advocating the proposal that Member shall not take part in the debate or vote although he or she could make pre application submissions under the 3 minute rule. For the avoidance of doubt the preparation/advocating referenced here shall mean something more than just sitting on the proposing committee or being the relevant Portfolio Holder.
- 6.4** In line with the statutory guidance issued by the Secretary of State in Chapter 5 of 'Local Leadership, Local Choice' and to facilitate the full exchange of information between the Executive and the Planning Committee, the Portfolio Member responsible for the Local Plan will sit as a Member of the Planning Committee.

7.0 LOBBYING OF AND BY MEMBERS OF THE PLANNING COMMITTEE

- 7.1** Lobbying is a normal and perfectly proper part of the political process; those who may be affected by a planning decision will often seek to influence it through an approach to their Elected Ward Member or to a Member of the Planning Committee. It is essential for the proper operation of the planning system that local concerns are adequately ventilated and often the most effective and suitable way that this can be done is via Elected Members. However, such lobbying can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a Member being called into question.

- 7.2** Section 25 of the Localism Act 2011 provides that:

“A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision because:

(a) the decision-maker had previously done anything that directly or individually indicated what view the decision-maker took, or would or might take, in relation to a matter, and

(b) the matter was relevant to the decision.”

By the time a Member considers a planning application, they must have an open mind and appear to have an open mind when determining the application before them.

- 7.3** Members of the Planning Committee should, if they wish to take part in the decision-making process, not give any commitment to vote in a particular way on a particular planning application.
- 7.4** If an interested party making representations in favour or against a particular application excessively lobbies a Member of the Planning Committee, the Member shall:

- (a) immediately notify in writing the Council's Head of Planning of the fact that such an
- (b) approach has been made, identifying the site, the nature of the approach, who it was made by and the action taken by the Member concerned;
- (c) keep an adequate written record so as to enable the Member to disclose the fact of such an approach if and when the application or proposal is considered by the Planning Committee; and
- (d) disclose the fact and nature of such an approach at any relevant meeting of the Planning Committee.

- 7.5** Where a Member of a Planning Committee receives written representations directly in relation to a planning application or Plan Document, the Member shall pass a copy of the correspondence to the Council's Head of Planning in order that those representations may be taken into account in any report to Planning Committee. The Head of Planning should record receipt of the written representations in a separate register.
- 7.6** Members of the Planning Committee should, if attending public meetings, unless they intend to make the relevant declarations, do so only to hear the views of those present and should not express a final opinion on the merits of the application.
- 7.7** In discussions between Members generally and Members of the Planning Committee (at party group meetings or other informal occasions), Members should have regard to:-
- (a) the principles governing the Code;
 - (b) the principles governing the conduct of Members of the Planning Committee set out in this part of the Protocol;
 - (c) the obligations placed on Members of the Planning Committee not to give commitments in relation to any planning application.
- 7.8** Relevant Officers should be available to meet with the Chair of the Planning Committee between the time when a report is circulated and the time of the meeting. The Chair should forewarn Officers in cases where he/she is aware that the recommendation is likely to be challenged and the reasons why.
- 7.9** In common with Members generally, all Members of the Planning Committee should have the opportunity at any time to contact the relevant Planning Officer in relation to any planning application or Planning Document proposal, but no Member should attempt in any way to put improper pressure on the Officer in order to influence the contents of an Officer's report or the recommendations made on any matter.
- 7.10** Any political group meeting prior to the Committee meeting should not be used to decide how Members should vote. The view of the Ombudsman is that the use of political "whips" at group meetings in this way is contrary to the model Code, such behaviour amounting to maladministration.

8.0 PRE-APPLICATION DISCUSSIONS

- 8.1** Discussions between a potential applicant for planning permission and the Council prior to the submission of an application, and the taking of the decision upon the application, can be of considerable benefit to both parties and is generally encouraged as assisting the planning process. However, it would be easy for such discussions to become, or be seen to become, part of a lobbying process.
- 8.2** In order to avoid any difficulties, pre-application discussions should take place within the following guidelines:-
- (a) It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are personal and provisional.
 - (b) Advice should be consistent and based upon the Development Plan and other material considerations. In addition, all Officers taking part in such discussions should make it clear whether or not they are the decision-maker.
 - (c) A written note should be made of all meetings. The written note shall include the names of those persons who attended the meeting, a summary of the matters discussed and a list of any agreed actions.
 - (d) Care must be taken to ensure that advice is not partial, or seen to be.

(e) No Member sitting on the Planning Committee shall take part in any form of pre application and/or pre decision discussion with a developer or any person acting on behalf of a developer except in those circumstances as set out at 7.2(f) below.

(f) Any Member of the Council including those sitting on the Planning Committee shall be permitted to attend pre-application presentations by developers/ applicants provided that such presentations are both organised AND attended by Planning Officers of the Council.

9.0 REPORTS BY OFFICERS TO COMMITTEE MEMBERS

9.1 Members are required to arrive at a decision on granting or refusing permission by using planning criteria and by excluding non-planning considerations. In determining planning applications, Members are required to make decisions in accordance with the Development Plan for its area, unless other material considerations indicate otherwise. To this end, the reports of officers to Members must be accurate and cover all relevant points. These reports:-

(a) should contain a section on the relevance of the Development Plan, a description of the site and any related planning history, the impact on human rights and crime and disorder and all other identified material considerations will be outlined;

(b) should deal with the substance of any objections received and the views of people who have been consulted or notified;

(c) should contain a technical appraisal which clearly justifies the stated recommendation;

(d) should incorporate a recommendation for the consideration of Members;

(e) oral reporting (except to update a report) should be extremely rare and carefully minuted when it does occur;

(f) if the report's recommendation is contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated.

10.0 PUBLIC SPEAKING AT COMMITTEE

10.1 The benefits of allowing public speaking at Committee are that public confidence is generally enhanced and direct lobbying may, as a result, be reduced. The disbenefits are that it may lengthen meetings and make them marginally more difficult to manage.

10.2 The Council allows public speaking at meetings of its Planning Committee in accordance with the public speaking protocol set out at Appendix B hereto.

11.0 DECISIONS CONTRARY TO OFFICER RECOMMENDATION AND/OR THE DEVELOPMENT PLAN

11.1 The law requires that where the Development Plan is relevant, decisions should be taken in accordance with it, unless material considerations indicate otherwise.

11.2 In discussing and then determining a planning application, Members should confine themselves to the planning merits of the case and the reasons for making a final decision should be clear and convincing and supported by planning evidence. Where there is a potential for decisions to be taken which are contrary to officer recommendations, the following guidelines should be followed.

11.3 These guidelines will apply when a majority of Members do not consider that a planning application should be determined in accordance with the Planning Officer's recommendation. The appropriate way of proceeding will depend on the circumstances of the individual case but in general the following options will apply:

(a) Deferral

If further information is required or the Committee considers that minor changes may make an application acceptable, the application may be deferred for decision at a later meeting. This may need to follow further public consultation in respect of the change, depending on its impact. However, the requirement to determine planning applications within a fixed period, and the implications of delay must be borne in mind in considering whether to defer.

(b) Refusing a Planning Application contrary to a recommendation to approve

The Committee should indicate reasons for refusal with sufficient clarity to enable clear and precise reasons (with reference to relevant policies) to be provided in the decision notice. The reasons indicated should be confirmed by the Chair and minuted in full. However, it may well be that although the Committee has indicated clear reasons, the precise wording (including relevant policies) cannot appropriately be framed in the forum of the Committee meeting. In this case the drafting of precise reasons may be delegated to the Head of Planning (following consultation with the Chair) rather than reported back to the Committee for final approval.

(c) Approving a Planning Application contrary to a recommendation to refuse

Where the Committee wishes to grant planning permission contrary to a recommendation to refuse, the reasons should be clearly stated and minuted, and the Committee should consider whether there are any planning conditions it would wish to see imposed. The drafting of appropriate conditions, including those specified by the Committee, will normally be delegated to the Head of Planning following consultation with the Chair (unless the Committee resolve otherwise) and reported to the Committee at its next meeting. It is imperative that Members allow officers to comment on proposed resolutions which are contrary to the recommendation in the report before any vote is taken.

- 11.4** Conscious of the public arena in which planning decisions are made, Members will conduct the business of the Planning Committee in a fair and sensitive manner. The debate on a planning application will be confined to the planning merits, or otherwise, of the development proposal. Members will ensure that all questions to officers are presented in a respectful manner and in an appropriate tone.
- 11.5** All applications which are not in accordance with the Development Plan must be identified as soon as possible. If it is intended to approve such an application the material considerations which led to this conclusion must be clearly identified and how they justify over-riding the Development Plan clearly demonstrated. If the Officer's report recommends approval of a departure the justification for this should be included, in full, in the Committee report. If a Member proposes a decision against the Development Plan and contrary to the Officer's recommendation, the Member must at that time indicate the reasons why they consider a departure is justified.
- 11.6** If the Planning Committee makes a decision contrary to the Officer's recommendation (whether for approval or refusal), a detailed minute of the Committee's reasons should be made and a copy placed on the application file.
- 11.7** A qualified Legal Officer should always attend the meeting to ensure that procedures have been properly followed.
- 12.0** **COMMITTEE SITE VISITS**
- 12.1** Site visits can cause delay and additional costs and should only be used where the expected benefit is substantial. A decision by the Planning Committee to carry out a site inspection should normally only take place when:-
- (a) if the impact of the proposed development is difficult to visualise from the plans and any supporting material; or

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- (b) there is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing; or
- (c) the proposal is particularly contentious.

12.2 When requesting a site visit, Members will give a reason, which will be formally minuted.

12.3 Any Member of Planning Committee may request that a site visit take place prior to the meeting at which a report is due to be considered in circumstances where they believe the provisions of 12.1(a), (b) or (c) apply. If such a request is made, Officers shall contact all Members of Planning Committee to inform them of the request and if satisfied that the request falls within the terms set out at 12.1 shall make such arrangements as are reasonably practicable to enable a site visit to take place prior to the meeting. If it is not reasonably practicable to make the necessary arrangements in advance of the meeting, this will be reported to the Committee.

12.4 The procedural rules set out in Appendix C must be observed at all times in the holding of all site inspections.

12.5 Members of the Planning Committee should seek advice from the Monitoring Officer or the Deputy Monitoring Officer, if they are invited to attend meetings with applicants, developers or groups of objectors and are likely to take part in the decision-making process. Members can then make a decision about their attendance at the Committee having taken account of the issues relating to pre-determination.

12.6 Unaccompanied, unscheduled visits to application sites by members are discouraged as they cannot be an adequate substitute for formal visits with experienced officers to explain materially relevant technical issues. There may also be health and safety risks which are best managed through a formal organised visit. However, where the application site can be viewed safely from public areas and the member cannot reasonably attend the organised site visit, the member may reasonably form the view that it would be beneficial for him/her to carry out an unaccompanied visit in such circumstances.

13.0 REGULAR REVIEW OF DECISIONS

13.1 At least on a biennial basis, arrangements will be made for Members of the Planning Committee to visit a sample of implemented planning permissions in order to assess the quality of the decisions. This should include examples from a broad range of categories such as major and minor development, permitted departures, upheld appeals, listed building works and enforcement cases.

13.2 The Planning Committee should formally consider the outcome of this review and decide whether it gives rise to the need to review any existing policies or practices.

14.0 COMPLAINTS AND RECORD-KEEPING

14.1 Whatever procedures the Council operates, it is likely that complaints will be made. In order that any complaints can be fully investigated, record-keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. Every planning application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings or significant telephone conversations.

14.2 The same principles of good record-keeping will be observed in relation to enforcement and Development Plan matters. Monitoring of record-keeping will be undertaken on a continuous basis by managers in the Planning Section.

15.0 POLITICAL GROUP MEETINGS ORGANISED TO TAKE PLACE BEFORE THE MEETING OF THE PLANNING COMMITTEE AT WHICH THE MATTERS TO BE CONSIDERED AT THAT COMMITTEE WILL BE SPECIFICALLY DISCUSSED.

Whilst such group pre meetings are lawful they should be properly regulated in order to reduce the risk of any successful judicial challenge being made against the subsequent Planning Committee decision. Such group pre meetings represent a good opportunity for the Chair/Portfolio holder to brief/clarify matters relating to the planning applications that have arisen in the Chair's briefing to other committee Members. However, such meetings should never be used as an opportunity to decide how Members will vote at the Planning Committee itself in order to avoid predetermination taking place. At such group pre-meetings Members should observe the following rules:-

- (i) No Member should indicate which way they will actually vote in the Planning Committee;
- (ii) No Member with a disclosable pecuniary interest or prejudicial interest should attend the group pre meeting when a relevant item is being discussed;
- (iii) No Party Whip shall be used/threatened to be used at any time in relation to any matter up for consideration by the Planning Committee;
- (iv) Should any attempt be made to apply a Party Whip, all Members aware of the attempt shall be obliged to immediately inform the Monitoring Officer;
- (v) Members must ignore/resist any attempt to whip them, and should give no consideration to the attempted whip when the relevant planning application is being considered;
- (vi) Only material considerations relevant to the planning application should be discussed at the group pre meeting when the application is being considered;
- (vii) It is acceptable to raise at the group pre meeting the Party view on the importance or otherwise of the material considerations relevant to any particular planning application, but at the end of the day it is for each Member to form his/her own judgement on the matter under consideration at the meeting of the Planning Committee;
- (viii) No mutual voting arrangements/deals should be discussed either prior to or at the meeting of the Planning Committee. Thus, it is not acceptable for one Member to agree to support another Members view on application 'A' in return for that other Member supporting his/her view on application 'B';
- (ix) Officers should not attend the group pre meeting as a matter of course although they may be asked to attend and clarify any particular planning/legal query that arises during the group discussions; and
- (x) Only Planning Committee Members may attend such group pre meetings.

16.0 GIFTS AND HOSPITALITY

- 16.1** The receipt of gifts and hospitality can cause damage to public confidence in local government and affect the integrity of the planning system. An offer of a gift, favour or hospitality should be treated with extreme caution, especially where it is from an applicant/objector to a planning application.
- 16.2** Members should avoid knowingly accepting the gifts or hospitality from persons who are currently or likely to be promoting or opposing planning applications or from others connected with such persons.
- 16.3** Members must comply with the Council's Code of Conduct for Elected & Co-Opted Members in this regard.

17.0 MEDIA AND SOCIAL MEDIA COMMENTS

- 17.1** All Members should ensure that any contact with the media or comments they make about a planning application on social media should not affect the integrity of the planning system.

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- 17.2** Members of the Planning Committee should ensure that they do not create the impression that they have pre-judged a planning application.
- 17.3** All Members should ensure that they do not create the impression that the Council has already pre-judged a planning application.
- 17.4** The Code of Conduct for Elected and Co-opted Members applies to all forms of communication and interaction, and all Members shall note the published guidance on use of social media.
- 17.5** In particular, members should be aware of the power of social media posts or re-posting and be careful not to give the impression that they will definitely vote in a certain way or act with a closed mind if they intend to participate in the decision-making process on behalf of the authority. This accords with the legal principle that members should avoid pre-determination (or an impression of such) in relation to the determination of planning applications. However, this legal principle does not prevent members from expressing a predisposed view in relation to planning matters provided that the member does not have, or give the appearance of, a closed mind when determining a planning application.
- 18.0** **BREACHES**
- 18.1** A breach of this Protocol may constitute a breach of the Council's Code of Conduct for Elected & Co-Opted Members.

Updated Protocol approved by Council on: 04.11.09

Updated Protocol approved by Council on: 13.04.16

Updated Protocol approved by Council on: 22.07.20

Updated Protocol approved by Council on: 12.07.22

The Constitution of St Helens Borough Council
Part 3 – Responsibility of Functions
B. Council Functions Delegated to Officers (Excerpt)

Planning

1. To determine all applications for planning permission, listed building consent, conservation area consent, tree works consent, advertisement consent, prior notifications, lawful development certificates, variation/discharge of Section 106 agreements and all other matters submitted for the determination, formal approval or comment of the Council as Local Planning Authority under the relevant Town and Country Planning Act and associated legislation.
2. To decline to accept applications for development for which there has been an appeal dismissed within the preceding two years.
3. To decline to accept applications for development for which there has been a refusal where, in the view of the Council's Head of Planning, there has been no material change in circumstances.
4. To decline to determine retrospective applications where an existing enforcement notice exists.
5. To instruct the Council's Chief Legal Officer to issue, and where necessary withdraw, Planning Contravention Notices, Enforcement Notices, Temporary Stop Notices, Discontinuation Notices, Breach of Condition Notices and Notices under Section 215 of the Town and Country Planning Act and, where appropriate, take direct action in the event of non-compliance with any notice.
6. To grant planning permission in those cases where a matter is referred to the Secretary of State for him to decide whether or not he wants to call it in, and he decides not to do so, and the Planning Committee have been minded to grant planning permission.
7. To exercise the powers of Council relating to the protection of important hedgerows under the Hedgerows Regulations 1997.
8. To exercise the powers of Council relating to the preservation of trees.
9. To determine all complaints made under Part 8 of the Anti-Social Behaviour Act 2003, for "high hedges".
10. To make the formal determination of received complaints under Part 8 of the Anti-Social Behaviour Act 2003 relating to high hedges other than where such a complaint relates to a hedge on Council-owned land or where there are considered to be wider neighbourhood issues and the matter is locally sensitive, in which case the matter be referred to the Planning Committee.
11. To issue, and where necessary withdraw, Planning Contravention Notices, Enforcement Notices, Temporary Stop Notices and Discontinuance Notices, and Breach of Condition Notices under Section 187a of the Town and Country Planning Act (as amended).

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Exceptions

- (a) Applications which are contrary to the provisions of the Council's Unitary Development Plan/Local Development Framework and which are recommended for approval.
- (b) Applications which are contrary to the Council's policies, standards and guidance and which are recommended for approval.
- (c) Applications which raise issues which are not covered by specific Council policies, standards or guidelines.
- (d) Applications which are potentially controversial or likely to be of significant public interest in the opinion of the Council's Executive Director of Place Services or Director of Strategic Growth or Assistant Director of Regeneration & Planning or Head of Planning.
- (e) Applications which would have a significant impact on the environment, in the opinion of Council's Executive Director of Place Services or Director of Strategic Growth or Assistant Director of Regeneration & Planning or Head of Planning.
- (f) Applications (except for Prior Notifications for Telecommunications Development and Lawful Development Certificates) on which six or more independent material planning objections have been received which cannot be resolved by negotiation or through this imposition of conditions.
- (g) Applications which have been submitted by or on behalf of an Elected Member of the Authority (or their spouse/partner), by or on behalf of a Chief Officer of St Helens Council (or their spouse/partner), or by or on behalf of an employee within Development Services Section of St Helens Council (or their spouse/partner).
- (h) Applications submitted by, or on behalf of, the Council, irrespective of the number of objections.
- (i) Applications which the Council's Executive Director of Place Services or Director of Strategic Growth or Assistant Director of Regeneration & Planning or Head of Planning considers should be presented to Committee for decision.
- (j) Variation of Section 106 agreements and planning conditions relating to applications that were originally granted by the Planning Committee

Provisos

- (a) In the case of formal applications, they are not determined until at least 12 days have elapsed since they appeared on the weekly list.
- (b) All representations are to be carefully considered and all proposals are to be dealt with in accordance with statutory requirements and having regard to the Council's relevant policies and guidelines.
- (c) All matters dealt with by the exercise of delegated powers are supported by file notes referring to all material considerations, comments and objections received and clearly stating the reason for the decision.
- (d) All applications determined under delegated powers are reported for the information of Members by way of regular reports on the Planning Committee agenda.
- (e) In some circumstances less than six objections may be significant. In such cases the application will be referred to the Planning Committee.

Public Speaking at Planning Committee – Protocol

1. The Council's standard neighbour notification and acknowledgement letters will inform people of the right to address the Planning Committee on a Planning Application.
2. Anyone who wishes to address the Committee will inform officers in writing by noon on the day before the date of the meeting.
3. Officers will inform applicants, objectors and supporters of the date and time of the Committee at which the application is to be determined.
4. The following maximum times apply regarding length of speaking rights:
 - a. Applicant elects to speak or more than 6 material objections, each party to be given up to 5 minutes; and
 - b. where 25 or more material observations, each party to be given up to 10 minutes.
5. The running order of the Committee will normally commence with those applications where members of the public/applicants wish to address the Committee.
6. When their item is to be discussed, objectors and supporters will be invited to present their case and the applicants shall then be given the right to respond.
7. Normally only one objector, supporter and the applicant will be allowed to speak. The Chair shall decide whether or not to allow more than one representative to address the meeting.
8. A dialogue will not be permitted between the applicant/agent, objector, supporters and members of the Planning Committee, unless a member of the Planning Committee is seeking to clarify matters of fact from any individual speaking at Committee.
9. The Head of Planning will summarise the arguments in the light of what has been said and expand, if necessary, on the recommendation.
10. Officers from other disciplines can also contribute, depending on the issues raised.
11. A debate between members will then take place on the basis of the officers report and representations heard, and a decision will then be moved and voted upon by the Committee.

Site Visits by the Planning Committee - Procedural Rules

1. The purpose of a site visit is to assess the planning issues on the ground.
2. The deferred item is included in the next available agenda where applicants/objectors are allowed to address the Committee.
3. Site visits will normally take place on the afternoon prior to the evening Committee meeting:
4. Prior to the site visit the applicant/agent will normally be informed as to the time and date of the site visit.
5. Councillors should make every effort to attend the site meeting organised by officers for the Committee.
6. Strict rules should govern the conduct of site visits:
 - Members will be accompanied by a Planning Officer and officers of other disciplines as required
 - The site will be viewed from wherever it is most advantageous to appreciate the issues
 - Representations made by applicants or objectors on the site visit should not be accepted or encouraged
 - No decisions should be made on the site visit, nor should the impression be created that any Member(s) hold a particular view on the development of the site or a particular planning application

PLANNING COMMITTEE

At a meeting of the Planning Committee held on
Tuesday, 10 December 2024

- (Present) **Councillor D Long (Chair)**
Councillors CD Banks, Bowden, Case, Collier, Gomez-Aspron MBE,
Hodkinson, Hooton, Laird, McCauley, Murphy MBE, Pearl and
Tasker
- (Not Present) **Councillors Preston and van der Burg**

36. REVISED PROTOCOL FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS AND RELATED CONSTITUTIONAL CHANGES

On 5 November 2024, a report was presented to Planning Committee recommending amendments to the Protocol for Councillors and Officers Dealing with Planning Matters in accordance with the revisions made to the Code.

During consideration of the Protocol at this meeting, it had been proposed that a further reason for the inclusion of wording indicating that members should not participate in social media, or other electronic communications, during Committee meeting proceedings, was that it would give the impression of inattention.

In addition, concern was raised that, in relation to the issue of pre-determination, specific reference to social media, and the posting of comments by members, might inadvertently operate to prevent members from expressing any opinion on a planning application prior to its consideration by Planning Committee. Reference was also made to the correct paragraph headings under which the proposed revisions should be located.

The Principal Solicitor, Planning and Regeneration presented the revised Protocol for Councillors and Officers Dealing with Planning Matters advising that the report sought the further views of Planning Committee.

The Protocol for Councillors and Officers Dealing with Planning Matters had been appended to the report at Appendix 1. Revisions, which took into account the comments and suggestions of Planning Committee members at its meeting held on 5 November 2024, had been made at paragraphs 4.3 and 17.5 of the Planning Protocol and highlighted in red text.

The report advised that agreed comments of the Planning Committee and those of the Standards Committee, following its meeting of 14 January 2025, would be considered by Council at its meeting on 15 January 2025, prior to its adoption of an updated Protocol.

- * **Resolved that the Protocol for Councillors and Officers Dealing with Planning Matters and Related Constitutional Changes be agreed and approved without comment.**

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