



ST HELENS
BOROUGH COUNCIL

THE RECOMMENDATIONS IN THIS REPORT ARE SUBJECT TO
CONSIDERATION BY STANDARDS COMMITTEE ON 4 JULY 2022

Council

12 July 2022

Report Title:	Report of Standards Committee - 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	All
Report of	Jan Bakewell Director of Legal and Governance janbakewell@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 Revised Protocol for Councillors and Officers Dealing with Planning Matters and Related Constitutional Changes was submitted to Standards Committee on 4 July 2022 and is attached at Appendix 1 to this report for information.

2. Recommendations for Decision

Council is recommended to:

- (1) **approve the amendments to the Protocol for Councillors and Officers Dealing with Planning Matters, set out at Appendix 2;**
- (2) **approve the changes to Part 3 of the Constitution (Responsibility for Functions – Council Functions Delegated to Officers – Planning), set out at Appendix 3; and**
- (3) **authorise the Monitoring Officer to amend the Constitution so that it accords with the decision of Council in this regard.**

3. Purpose of this Report

- 3.1 The Protocol for Councillors and Officers Dealing with Planning Matters (“the 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 recommends amendments to the Protocol in order to reflect recent changes to the Code of Conduct for Elected and Co-opted Members. Minor amendments are also recommended to officer delegations contained at Part 3 of the Constitution (Appendix 2) and which are to be referenced within the Protocol. Other updates are made to the site visit protocol and public speaking arrangements. The opportunity has also been taken to reflect recent changes to officer job titles and to provide greater clarity with regard to requirement to report excessive lobbying to officers.

4. Background /Reasons for the recommendations

- 4.1 Detailed in the Standards Committee Report.

5. Consideration of Alternatives

- 5.1 Not to agree the proposed amendments would risk the Council's current Protocol being out of step with the Code of Conduct for Elected & Co-Opted Members and not in keeping with accepted best practice.

6. Conclusions

- 6.1 Members are recommended to approve the amendments to the Protocol set out at Appendix 2 and approve the changes to Part 3 of the Constitution (Responsibility for Functions – Council Functions Delegated to Officers – Planning), set out at Appendix 3.

7. Legal Implications

- 7.1 The revisions to the Protocol are 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 and proposed revisions to Part 3 of the Constitution (Responsibility for Functions – Council Functions Delegated to Officers – Planning) will, if approved, form part of the Council's constitution.

8. Community Impact Assessment (CIA) Implications

- 8.1 None

9. Social Value

- 9.1 None

10. Sustainability and Environment

- 10.1 None

11. Health and Wellbeing

- 11.1 None

12. Equality and Human Rights

- 12.1 None

13. Customer and Resident

- 13.1 None

14. Asset and Property

- 14.1 None

15. Staffing and Human Resources

- 15.1 None

16. Risks

16.1 See paragraph 7.1 above.

17. Finance

17.1 None

18. Policy Framework Implications

18.1 None

19. Impact and Opportunities on Localities

19.1 None

20. Background Documents

20.1 None

21. Appendices

Appendix 1 – Report to Standards Committee – 4 July 2022

Appendix 2 - Protocol for Councillors and Officers Dealing with Planning Matters

Appendix 3 - Part 3 of the Constitution (Responsibility for Functions – Council Functions Delegated to Officers – Planning)