



Standards Committee

14 January 2025

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
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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