

TRAFFORD COUNCIL

Report to: Council
Date: 27 July 2022
Report for: Decision
Report of: Executive Member for Economy and Regeneration and the Corporate Director of Place

Report Title

Updated Planning Committee Code of Practice

Summary

The Planning Committee Code of Practice was first introduced into the Council's Constitution in May 2017. It applies to both Members and officers. A number of changes have arisen since in the way the Planning Committee operates.

The updated Code of Practice reflects those changes to the operation of the Planning Committee and formalises some existing common practice. Adoption of the updated Code of Practice will help to ensure that planning decisions are robust, lawful and defensible.

The updated Planning Committee Code of Practice was approved by the Planning and Development Management Committee for adoption at its meeting of 14 July 2022.

Recommendation(s)

That the updated Planning Committee Code of Practice be adopted and replace the existing code contained in Part 5 of the Constitution.

Contact person for access to background papers and further information:

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Background Papers: None

Appendices:

Appendix 1: Planning Committee Code of Practice July 2022

Relationship to Corporate Priorities	The Code of Practice will support each the corporate priorities by helping to ensure that planning decisions are robust, lawful and defensible.
Relationship to GM Policy or Strategy Framework	N/A
Financial	The Code of Practice will help to ensure that planning decisions are robust, lawful and defensible, thus reducing the Council's risks of incurring costs in defending either legal challenges or planning appeals.
Legal Implications	The Code of Practice will help to ensure that planning decisions are robust, lawful and defensible, thus reducing the Council's risk of legal challenges to decision making.
Equality/Diversity Implications	N/A
Sustainability Implications	N/A
Carbon Reduction	N/A
Staffing/E-Government/Asset Management Implications	No additional staffing or other resources are required.
Risk Management Implications	The Code of Practice will help to ensure that planning decisions are robust, lawful and defensible, thus reducing the Council's risks in this regard.
Health and Safety Implications	N/A

1. Background

1.1 The Planning Committee Code of Practice was first introduced into the Constitution in May 2017 and has not been updated since. It was intended to formalise the framework around Planning Committee decision making which had operated under well understood procedures and guidance, but which had not previously been consolidated or codified into one single document. It was introduced partially in response to a number of incidents at Planning Committee where speakers and other attendees had significantly disrupted proceedings. The Code of Practice applies to both Members and officers.

1.2 Since then, a number of changes have arisen in the way the Planning Committee operates, for example:-

- Meetings are live streamed on the Council's You Tube Channel.
- Applications are now presented by a number of different officers, rather than just the Head of Service.
- The Chair and Vice Chair no longer carry out accompanied site visits with the Head of Planning in the afternoon before Committee.

- A short presentation on each agenda item is given by an officer with plans and other visuals displayed.
- Speakers can opt to have a written statement read out by an officer rather than address the Committee themselves.
- It has been confirmed in case law that the general duty of public authorities to give reasons for their decisions applies equally to the Planning Committee.

1.3 The updated Code of Practice (Appendix 1) therefore reflects these changes and also responds to feedback given to officers from applicants and objectors who have observed or participated in Committee proceedings.

2. Summary of Proposed Changes

2.1 The Code has not been fundamentally revised and remains broadly as first adopted in 2017. Some of the changes simply formalise existing common practice.

2.2 The main changes are as follows:-

- Reflecting the fact that meetings are streamed live on You Tube and can be viewed both during proceedings and after the event, with a reminder to maintain behavioural standards accordingly.
- Reminds Members that their behaviour should be polite and respectful to everyone taking part in proceedings, be that applicant, objectors, supporters, officers or each other.
- Addressing issues in respect of the perception of the Committee and that it is important for Members (and officers) to be perceived as behaving in a way which is fair and transparent to all those involved in the Committee process (whilst acknowledging that the planning process inevitably leads to disappointment for some).
- As such, the Code of Practice has been expanded in respect of lobbying and in particular around lobbying taking place on site visits. The LGA recommend that site visits take place only in exceptional circumstances. However, officers understand that site visits can be very beneficial to Members in gaining an understanding of site circumstances so the updated guidance is intended to balance the benefits of site visits against the possibility of excessive and unfair lobbying taking place where Members actively seek to enter sites and engage with interested parties. This reflects the unwritten but well established procedure for the accompanied Chair / Vice Chair site visits which took place prior to 2018.
- Expansion of the guidance on procedures around speaking rights and arrangements for speakers – for example confirming that only the first person to register to speak is able to do so and formalising the usual

(but unwritten) arrangements for circumstances where more than one application appears on an agenda for the same site.

- To confirm specifically that there are no speaking rights for schemes which are at appeal – either where putative reasons for refusal need to be put forward for a non-determination appeal or officers are requesting Members add, amend or remove reasons for refusal in a live appeal. This is because the decision making body is no longer the Council and representations can and should be made to PINS.
- To specifically identify that a speaker may ask for a statement to be read out by an officer in lieu of speaking themselves, but that this statement should be capable of being read out within 3 minutes, and if it is not the officer will conclude the statement at the next logical opportunity once 3 minutes has passed.
- Confirming that speakers or observers may not hand out or present additional material to the Committee at the meeting – as it is impossible for officers to verify the accuracy of the information or advise properly on the weight to be given to it.
- Reflecting the fact that a broader range of officers present to and advise the Committee and that they may not have politically restricted posts, but should behave at Committee as if they do.
- Confirming that reasons for decisions should be given where Members seek to overturn or alter officer recommendations.

2.3 Adoption of these changes will help to ensure that planning decisions are robust, lawful and defensible.

3. Recommendation

4.1 For the reasons specified above it is recommended that Council adopt the updated Planning Committee Code of Practice.