

**Manchester City Council
Report for Information**

Report to: Standards Committee - 1 November 2018

Subject: Planning Protocol

Report of: City Solicitor

Purpose of the Report

1. To advise the Committee of the operation/efficacy of the Planning Protocol.

Recommendation

1. To note the position regarding the operation/efficacy of the Planning Protocol
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Wards Affected: All

Financial Consequences for the Revenue Budget: None directly

Financial Consequences for the Capital Budget: None directly

Contact officers

Name: Fiona Ledden
Position: City Solicitor
Telephone: 0161 234 3087
E-mail: fiona.ledden@manchester.gov.uk

Name: Robert Irvine
Position: Group Manager (Planning and Infrastructure) (Legal)
Telephone: 0161 219 6010
E-mail: r.irvine@manchester.gov.uk

Name: Julie Roscoe
Position: Head of Planning, Building Control and Licensing
Telephone: 0161 234 4552
E-mail: j.roscoe@manchester.gov.uk

Backgrounds documents (available for public inspection):

None

1. Introduction

- 1.1. At the meeting of Committee on 2 November 2017, the City Solicitor presented a report which provided an overview on the operation and efficacy of the Council's Planning Protocol. The report included a proposal to revise the current Planning Protocol regarding the process for determining a site visit by the relevant Committee of the Council in the discharge of its statutory planning function. At that time the relevant Committees were both the Planning and Highways Committee and the Wythenshawe Area Committee.
- 1.2. Members will recall being advised that the Planning Protocol is included within the Council's Constitution and is accordingly reviewed annually. The report, in addition to explaining a revision being proposed to the protocol, advised Committee that training was being arranged for Members on the protocol and other planning matters. The training would be open to all Members.
- 1.3. The purpose of revising the Protocol in 2017 was to provide clarity to Members, officers and members of the public with regard to the process relating to site visits.
- 1.4. The Committee commented that, in view of the quasi-judicial nature of the Committee's business, it was important that all Members of the Committee receive ongoing training on the planning protocol and any subsequent changes made. Members were of the view that ongoing training should also apply to Committees and Panels dealing with licensing matters.
- 1.5. The Committee recommended that the Planning Protocol be amended to require Planning and Highways Committee and Wythenshawe Area Committee members to attend ongoing training on planning matters.
- 1.6. The Committee resolved:
 1. To note the position regarding the operation and efficacy of the Council's Planning Protocol.
 2. To endorse the proposed changes to the Planning Protocol as detailed in the report submitted, subject to the inclusion of a mandatory requirement for members of Planning and Highways Committee and Wythenshawe Area Committee to attend ongoing training on planning matters.
 3. To recommend that an explanatory note which makes reference to the protocol for site visits be included on the agenda in respect of every Planning and Highways Committee and Wythenshawe Area Committee.
 4. To recommend that a briefing note be produced for all Councillors which sets out the changes made to the Planning Protocol and the Protocol for Site Visits.

1.7. This current report provides a further review of the operation and efficacy of the Planning Protocol.

2. The Protocol

2.1. Following Standards Committee in November 2017, the revised Protocol on site visits was issued to Members of the Planning and Highways Committee and to the Chair of Wythenshawe Area Committee to be used with immediate effect, in advance of being formally embedded into the Constitution.

2.2. Members of the Planning and Highways Committee have since that time considered a number of requests for site visits, resolving to carry out a visit in relation to 5 separate planning applications. (There have been circa 80 planning applications for determination by the Committee over the same period).

2.3. There were no site visits undertaken by the Wythenshawe Area Committee.

2.4. On each occasion, either the Chair or Head of Service reminded members that clear planning reasons must be considered and given for a site visit. Additionally, the reason(s) were incorporated into the minutes.

2.5. A recommendation from this Committee was for a note on the Protocol to be included in the agenda for Planning and Highways. The revised Protocol was incorporated into the Constitution in May 2018.

2.6. The following has now been incorporated into the papers for the Planning Highways Committee:

"The meeting (and any site visits arising from the meeting) will be conducted in accordance with the relevant provisions of the Council's Constitution, including Part 6 - Section B "Planning Protocol for Members". A copy of the Constitution is available from the Council's website at https://secure.manchester.gov.uk/downloads/download/4030/the_constitution."

3. Training

3.1. Following the elections in May 2018, the composition of the Planning and Highways Committee changed; 7 new Members were subsequently selected to sit on the Committee. Wythenshawe Area Committee was disestablished in May 2018.

3.2. Training for the Committee was arranged for the morning of the first meeting following the elections. This covered key areas to allow Members to take part in the meeting. This included:

- the decision making process,
- the role of members and officers,
- codes of conduct and training,

- interests and bias,
- lobbying,
- the committee process itself which included site visits; and,
- material considerations.

3.3. The opportunity was also taken to brief members on the statutory planning framework which includes the timescales for determining applications, how local planning authorities are judged by Government and S106 legal agreements. All of these carry inherent risks to the Council if we are found to be performing poorly or not following due process.

3.4. It has also recently been agreed that training would be provided to all Members of the Council on S106 legal agreements as this is a subject currently receiving significant attention. This will further include a briefing on how viability is dealt with as part of the planning process.

3.5. In the report to Standards Committee last year, members were advised that a training session open to all members was being arranged for the end of November 2017. This would have covered largely the same matters provided to the Planning and Highways Committee in May of this year and would have been used to advise of the revisions to Protocol regarding site visits.

3.6. The session was postponed as take up was particularly low. The intention is to rearrange this for early 2019.

3.7. In the meantime, officers have agreed with the Chair of the Planning and Highways Committee, given the significant number of new members, that there is merit in providing a mid-year training session to review any procedural issues the Committee Members would like to discuss, or in respect of which they would like further clarification at this time.

4. Effectiveness of the Protocol

4.1. It remains the case, as Committee were advised last year, that the Protocol is considered to be effective. There are very few occasions when it has to be referred to. Those occasions are almost exclusively related to advising Members on the provisions around personal/prejudicial interests, bias/predetermination and members' rights with regard to participating where these issues arise. There has also been some reference to material considerations and to the provisions on site visits.

4.2. The fact that members have known to seek advice in such situations, and that there have been no complaints arising from alleged breaches of the protocol would suggest that the Protocol is effective in achieving its purpose.

5. Conclusion

5.1. The Planning Protocol sets out a duty to promote and maintain high standards of conduct in the discharge of the Council's duty as local planning authority. The Protocol is reviewed annually and periodically changes are made having regard to legislative changes or to ensure best practice continues to be followed.