

**Manchester City Council  
Report for Information**

**Report to:** Standards Committee - 4 November 2021  
**Subject:** Planning Protocol  
**Report of:** City Solicitor

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**Summary**

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;  
and
  2. To note the potential amendment to the Planning Protocol and provide  
comments on it.
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**Wards Affected:** All

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**Financial Consequences for the Revenue Budget:** None directly

**Financial Consequences for the Capital Budget:** None directly

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**Backgrounds documents (available for public inspection):** None

## **1. Introduction**

- 1.1. This report provides Committee with an update and an overview of the operation and efficacy of the Council's Planning Protocol. Past reports from the City Solicitor (notably in 2018 and 2019) set out how the Committee's recommendations had been implemented.
- 1.2. This included establishing annual mandatory training for the Planning and Highways Committee, with updates as necessary throughout the municipal year. In addition, a note on the importance of the Protocol and its application to site visits is now part of each Planning and Highways Committee agenda.
- 1.3. Committee were also advised in March this year of some minor changes to the protocol, including amendments to the Site Visit Protocol which now advises that attendance at such is, in most cases, for the Members of the Committee and relevant officers only. This is to reinforce the position that visits are not to be used for lobbying and this is in line with practice elsewhere.

## **2. Effectiveness of the Protocol**

- 2.1. Officers continue to be of the view that the Protocol remains effective. There have been and are very few occasions when the Protocol has to be referred to. As has been the case in previous years, the occasions when the Protocol has been referred to 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. There is one outstanding complaint which alleges that it has been breached. The progress of the complaint will be monitored and consideration will be given to whether any changes are required to the protocol in light of it.
- 2.2. The fact that members have known to seek advice in such situations, and that there has been only one complaint alleging a breach of the protocol would suggest that the Protocol is effective in achieving its purpose. As mentioned above, the outstanding complaint will be monitored with consideration given to any changes that may be required to the protocol to address any issues arising.

## **3. Potential amendment to the Planning Protocol**

- 3.1. Notwithstanding that officers consider that the Planning Protocol is effective, it is continually kept under review. Amendments to the Protocol are considered where particular issues arise which are either not covered by the Protocol or where the provisions in the Protocol could be improved or clarified.
- 3.2. Although no amendments are being recommended at this time, there are on-going discussions taking place about late comments received prior to Committee. Currently late comments made up to 4.00pm two days before

Committee are provided to Members in a supplemental report. Anything beyond this will be presented verbally.

- 3.3. This can be problematic if comments are made very late as officers are required to consider and address each and every point made. Practice elsewhere is to have a cut off for late comments to enable the process to be properly managed and to avoid some parties attempting to delay the planning process by deliberately submitting lengthy representations, for example the morning of the Committee itself.
- 3.4. Members of Committee are invited to comment on this potential change to the protocol, so that Members' views can be taken into account in reaching a decision on whether/how this amendment should be made.

#### **4. Conclusion**

- 4.1. 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. It is considered to be effective in doing so, but notwithstanding this the Protocol is reviewed annually and periodically changes are made having regard to legislative changes or to ensure best practice continues to be followed. It is in this context that officers are considering amending the Protocol as set out in this report.

#### **5. Recommendations**

- 5.1. The recommendations appear at the front of this report