

**Manchester City Council  
Report for Information**

**Report to:** Standards Committee - 16 June 2022  
**Subject:** Planning Protocol  
**Report of:** City Solicitor

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**Summary**

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

**Recommendations**

1. To note the position regarding the operation/efficacy of the Planning Protocol.
  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

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

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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.
- 1.2. Committee were advised in November 2021 of a proposed change to the protocol. The change proposed relates to the submission of late representations, and in particular proposed introducing a cut-off for their submission. Anything received beyond that cut-off point would not be reported to the Committee. Members indicated support for the principle of having such a cut-off point, to enable the Committee process to be properly managed and to avoid unnecessary delays to committee business caused by unduly late submission of representations. This amendment to the protocol will be brought forward as part of this year's review of the constitution.

## **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. One ongoing member complaint was reported to Members of this Committee in November 2021. That complaint was rejected at Stage 1, and it was not considered that any changes to the Protocol were required in the circumstances.
- 2.2. Since the last report to Committee in November 2021, there have been 4 further complaints about members' conduct in Planning Committee. These relate to the conduct of Ward Members in relation to a planning application on which they have commented and/or addressed Committee. Although the complaints allege breaches of the Members' Code of Conduct, and do not expressly allege any breach of the Planning Protocol, their progress will be monitored and consideration will be given to whether any changes are required to the protocol in light of their circumstances.
- 2.3. The fact that members have known to seek advice in relation to interests or potential bias/predetermination situations, and that there have been no recent complaints expressly alleging a breach of the protocol would suggest that the Protocol is effective in achieving its purpose. Notwithstanding that, and as mentioned above, the outstanding complaints 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. The potential amendment reported to Committee in November 2021 will be brought forward when the constitution is reviewed this year. Members may recall that this proposed introducing a deadline for representations to be made ahead of a planning committee meeting. Any representations received beyond that point would not be reported to committee. The purpose of this is to allow the committee process to be properly managed and to avoid any potential for deliberate attempts to delay determination of applications by submitting representations very late in the process.

3.3. No further amendments to the Protocol are proposed at this time.

#### **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.

#### **5. Recommendations**

5.1. The recommendations appear at the front of this report