

**Manchester City Council
Report for Information**

Report to: Standards Committee - 15 June 2023
Subject: Planning Protocol
Report of: City Solicitor

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; and
 2. To note the proposed amendment to the Planning Protocol.
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Wards Affected: All

Contact officers

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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 June 2022 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.
- 1.3. This proposed amendment was not in fact progressed as an amendment, on the basis that it was a procedural matter rather than a conduct matter for inclusion in the Protocol. Instead, the proposed amendment was progressed as an amendment to the Council's guidance on how to comment on planning applications, available on the Council's website. A copy of the webpage is attached to this report, as Annex 1, for Members' information.

2. Effectiveness of the Protocol

- 2.1. Officers continue to be of the view that the Protocol remains effective. There continue to be 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.
- 2.2. Four complaints regarding Member conduct in planning matters were reported to this committee in June 2022. However, all complaints were rejected at the initial stage, without the need for further investigation, and it is not considered that any changes to the Protocol are required in the circumstances.
- 2.3. Since the last report to Committee in June 2022, there have no formal complaints about Members' conduct in Planning Committee.
- 2.4. 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 formal complaints alleging a breach of the Protocol would suggest that the Protocol is effective in achieving its purpose.

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. On review it is apparent that, whilst the Protocol mainly uses gender-neutral language, there are some instances where amendment is needed in order to ensure gender-neutral language is used throughout. A copy of the Protocol is attached to this report at Annex 2, with the proposed changes shown as “tracked changes”. These amendments will be brought forward when the constitution is reviewed later this year.

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