

**Manchester City Council
Report for Resolution**

Report to: Standards Committee – 13 June 2019

Subject: Planning Protocol

Report of: City Solicitor

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.
 2. To approve the proposed amendment to the Planning Protocol.
-

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

1.0 Introduction

- 1.1 At the meeting of Committee on 1 November 2018, the City Solicitor presented a report which provided an overview on the operation and efficacy of the Council's Planning Protocol. The report described the operation of and efficacy of the Planning Protocol as revised by the Council in May 2018 (Minute CC/18/50), and how the Committee's recommendations from the previous consideration of the planning protocol in November 2017 had been implemented.
- 1.2 The report explained that the mandatory training called for by Committee had taken place in May 2018, following the changes in the Planning and Highways Committee's membership after the local elections in May. A mid-year follow-up to that training was being planned. A note on the importance of the Protocol and its application to site visits was now part of every Planning and Highways Committee agenda.
- 1.3 The report also advised that training was being arranged for all members of the Council on planning obligations and the operation of and purpose of Section 106 Agreements. That training took place in late November 2018.
- 1.4 The Committee resolved to note the position regarding the operation and efficacy of the Council's Planning Protocol.

2.0 Effectiveness of the Protocol

- 2.1 It continues to be the view of officers that the Protocol is considered to be effective. There continue to be very few occasions when the Protocol has to be referred to, and there have been no complaints that it has been breached. 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 material considerations and to the provisions on site visits.
- 2.2 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.

3.0 Proposed 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 As a result of the most recent consideration of the Protocol, officers are of the opinion that the provisions relating to discussions between Members and developers could be improved and clarified. In particular, and following the

advice in the Planning Advisory Service/Local Government Association guidance document “Probity in Planning for Councillors and Officers”, officers propose to amend the Planning Protocol section headed “Pre and post application discussions” by adding the following paragraphs:

“Officers and serving councillors must not act as agents for people pursuing planning matters within their authority even if they are not involved in the decision making on it.

Officers should be present with councillors in pre-application meetings. Councillors should avoid giving separate advice on the development plan or material considerations as they may not be aware of all the issues at an early stage. Neither should they become drawn at any stage of the planning process into any negotiations, which should be done by officers.”

4.0 Training

- 4.1 Following the Committee’s last consideration of the Planning Protocol, a training session on Section 106 Planning Obligations and Viability took place at the end of November.
- 4.2 A further training session, aimed principally at new Members of Planning Committee, but open to all Committee Members, will take place on the morning of the next Committee Meeting (30 May 2019).

5.0 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. 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 propose to amend the Protocol as set out in this report.