

## NOTICE OF MEETING

# STRATEGIC PLANNING COMMITTEE

**Monday, 19th February, 2024, 7.00 pm - George Meehan House, 294 High Road, Wood Green, London, N22 8JZ (watch the live meeting [here](#), watch the recording [here](#))**

**Councillors:** Barbara Blake (Chair), Reg Rice (Vice-Chair), Nicola Bartlett, John Bevan, Cathy Brennan, George Dunstall, Scott Emery, Emine Ibrahim, Sue Jameson, Lotte Collett and Alexandra Worrell

**Quorum:** 3

### 1. **FILMING AT MEETINGS**

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the 'meeting room', you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

### 2. **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

### 3. **URGENT BUSINESS**

The Chair will consider the admission of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be dealt with under item 10 below).

### 4. **DECLARATIONS OF INTEREST**

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

(i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and

(ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

## **5. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS**

To consider any requests received in accordance with Part 4, Section B, paragraph 29 of the Council's constitution

## **6. MINUTES (PAGES 1 - 6)**

To confirm and sign the minutes of the Strategic Planning Committee meeting held on 13<sup>th</sup> November and the Special Strategic Planning Committee on 11<sup>th</sup> December as a correct record.

## **7. PLANNING AND BUILDING CONTROL 2023/24 Q3 UPDATE (PAGES 7 - 28)**

A report on the work of the Planning and Building Control services to December 2023.

## **8. PLANNING SERVICE PEER CHALLENGE: REPORT AND ACTION PLAN (PAGES 29 - 68)**

This report sets out the Council's response to the recommendations from the Planning Service Peer Challenge that took place in October 2023, looking at the Planning service functions.

## **9. UPDATING THE PLANNING PROTOCOL (PAGES 69 - 106)**

This report sets out the potential changes to the Planning Protocol, which is part of the Council's Constitution, that officers are considering, for Members to consider and discuss.

## **10. NEW ITEMS OF URGENT BUSINESS**

## **11. DATES OF FUTURE MEETINGS**

To note the dates of future meetings TBC

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Fiona Alderman

Head of Legal & Governance (Monitoring Officer)

George Meehan House, 294 High Road, Wood Green, N22 8JZ

Friday, 09 February 2024

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## MINUTES OF MEETING

**Strategic Planning Committee held on Monday 13th November 2023,  
7:00 – 8:15**

### PRESENT:

**Councillors: Barbara Blake (Chair), Reg Rice (Vice-Chair), Nicola Bartlett, John Bevan, Cathy Brennan, Scott Emery, Alexandra Worrell, George Dunstall and Sean O'Donovan**

#### 1. **FILMING AT MEETINGS.**

The Chair referred to the notice of filming at meetings and this information was noted.

#### 2. **APOLOGIES**

Apologies were received from Councillor Ibrahim and Councillor Jameson.

#### 3. **URGENT BUSINESS**

There were no items of urgent business.

#### 4. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### 5. **DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS**

There were no depositions/petitions/presentations/questions.

#### 6. **MINUTES**

RESOLVED

To approve and sign the minutes held on the 20<sup>th</sup> of June 2023 as a correct record of the meeting.

#### 7. **PLANNING AND BUILDING CONTROL 2023/24 Q1-2 UPDATE (PAGES 5 26)**

The Assistant Director for Planning, Building Standards and Sustainability introduced the report which provided an update on the work of the Planning and Building Control services for Quarter 1 to 2 which covered the period of September/October 2023.

#### **Planning Cross Cutting Matters –**

In response to questions from the Committee, it was noted:

- It was noted by members that the 'Pathways to Planning' graduate scheme was a positive step forward. If successful it was intended to lead to further careers in

planning and architecture. Members looked forward to meeting the upcoming graduates on the scheme.

- It was noted that the Council's action plan to help promote Diversity and Inclusion was launched. Subsequently officers within the planning, building and sustainability team are working on an action plan to encourage equality diversity and inclusion, including within recruitment. This was led by a staff group of volunteers. This group would be working to come up with actions on a more local level. Officers would update the Committee on this in due course.
- In relation to dealing with the backlog of applications. It was noted that the new Government scheme, Planning Skills Delivery Fund allowed planning teams to bid up to £100,000. It was noted that the fund could be used to help deal with any backlog via routes such as managed overtime or recruitment of additional staff.
- It was noted that the update on increased planning fees, had passed through parliament. This update allowed a 25% increase on smaller applications fees and 35% on major applications fees. That was the government's long-term approach and that would be index linked in line with inflation.

### **Development Management and Enforcement –**

The Head of Development Management and Planning Enforcement introduced this section of the report.

In response to questions from the Committee, it was noted:

- That the caseload increase was an issue but that had now levelled off. A decrease in the number of open cases was expected as the team was well resourced to deal with the cases. In terms of the PPA and outstanding money, this referred to the money that had been agreed to be paid but had not been paid yet. This was often set on milestones; officers would not record debt that they were owed in that figure. With fast track and priority applications, the additional income allowed the team to keep staffing levels and resource high. Officers were allocated work knowing they would have to prioritise the case.
- In terms of tackling back-log August was a quiet period, this was used as a 4-week block to tackle outstanding cases. A lot of applications are reliant on detailed discussions with consultees, on all those fronts there had been an increase in resource. It was noted that applications tend to increase around the Christmas period. The majority of the backlog consisted of smaller cases and this should continue to decrease. There was also an increase in end-to-end times and a lot of it could be post-committee. The Legal agreement process could be lengthy due to the COVID-19 hangover. There was a drop in major applications due to the impact of inflation on developers. It was noted that at present there were not many live projects or pre-applications. There was good work underway to raise the profile for investment in this area.
- In terms of additional performance figures officers monitored this closely, with built-in notifications to alert officers on reporting deadlines. The team worked under pressure, decisions were made robustly and performance targets were hit. Any further performance targets would not impact this.
- It was noted that there was difficulty in predicting planning overall yearly figures, the busier time was at Christmas time.
- With the introduction of increased planning fees, the government would be reducing the Planning Guarantee time from 26 to 16 weeks. Officers continued to monitor this closely and bringing this forward meant the window had narrowed. Officers would be bringing in new procedures and checks to subdue any substantial risk arising from the need for quicker decisions.

- There was a request for Committee members to visit a sheltered housing scheme

## **Planning Policy and Infrastructure –**

The Head of Policy, Transport and Infrastructure Planning introduced the report.

In response to questions from the Committee, it was noted:

- The Infrastructure Delivery Plan was a snapshot in time previously, officers wanted to make the new IDP a living document. There was a request to ensure younger and older people were engaged e.g. on youth facilities
- The Local Plan timescale was delayed, the limited resources within the team could have impacted this. Officers wanted the Infrastructure Delivery Plan to be on the leading edge and have sought to do a lot of the work in-house. Evidence based work provided by consultants wasn't always effective and doesn't always reflect the needs and aspirations of councils. The first engagement of the local plan was not a statutory requirement, but the team wanted to engage early. The Peer Review looked at timescales of the Local Plan; from this there would be improvements made.
- A fairer approach to allocation of the Community Infrastructure Levy (CIL) was approved in 2020. The CIL rate was drastically different across the borough but this imbalance had been addressed. In terms of participatory budgeting, the teams were still in the process of understanding what this meant in Haringey.

## **Building Control –**

The Head of Building Control Services introduced the report.

In response to questions from the Committee, it was noted:

- Currently, anything over 18 metres could have a single staircase legally. The Secretary of State stated 'single staircase buildings are not inherently unsafe'. Therefore, schemes could progress without two staircases and the Government had backtracked on this stringent requirement during a transitional period. It was noted that there would be no planning policy basis to refuse a proposal where there was no second staircase if other appropriate fire engineering measures were sufficient. It was also explained to the committee that the planning policy requirements were wider than just looking at staircases, the other options for fire engineering measures were available and can be sufficient.
- The team currently has one trainee in place with a replacement for a second trainee being recruited to.

## **RESOLVED**

That the report be noted.

## **8. NEW ITEMS OF URGENT BUSINESS**

There were no new items of urgent business.

## **9. DATES OF FUTURE MEETINGS.**

The date of the next meeting is 20<sup>th</sup> February.

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## **MINUTES OF SPECIAL STRATEGIC PLANNING**

### **PRESENT:**

**Councillors: Barbara Blake (Chair), Reg Rice (Vice-Chair), John Bevan, Cathy Brennan, Sue Jameson, Scott Emery, Emine Ibrahim, Alexandra Worrell, George Dunstall**

#### **1. FILMING AT MEETINGS.**

The Chair referred to the notice of filming at meetings and this information was noted.

#### **2. APOLOGIES**

Apologies were received from Councillor Bartlett.

#### **3. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **4. MEMBERSHIP UPDATE OF THE PLANNING SUB COMMITTEE (PAGES 1 - 4)**

### **RESOLVED**

To confirm the appointment of Councillor Lotte Collet to the Planning Sub Committee in accordance with the Strategic Planning Committee Protocol.

#### **5. DATES OF FUTURE MEETINGS**

19<sup>th</sup> February 2024

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**Report for:** Strategic Planning Committee 19 February 2024

**Title:** Planning and Building Control 2023/24 Q3 Update

**Report authorised by:** Rob Krzyszowski, Assistant Director, Planning, Building Standards & Sustainability

**Lead Officer:** Robbie McNaugher, Head of Development Management & Enforcement

Bryce Tudball, Interim Head of Planning Policy, Transport & Infrastructure

Bob McIver, Head of Building Control

**Ward(s) affected:** N/A

**Report for Key/  
Non Key Decision:** For information

- 1. Describe the issue under consideration**  
A report on the work of the Planning and Building Control services to December 2023.
- 2. Recommendations**  
That this report be noted.
- 3. Reasons for decision**  
Not applicable.
- 4. Alternative options considered**  
This report is for noting and as such no alternative options were considered.
- 5. Planning and Building Control 2023/24 Q3 Update**

### Planning cross-cutting matters

#### Planning Service Peer Challenge

- 5.1 Further to the Council's Corporate Peer Challenge held in Spring 2023, the Planning service hosted an external "Planning Service Peer Challenge" from 17-19 October 2023.
- 5.2 The Planning Peer Review report was received in November 2023 and is reported to the Strategic Planning Committee as a separate agenda item at this meeting.

#### Planning Skills Delivery Fund

- 5.3 In July 2023 the Government announced a new 'Planning Skills Delivery Fund' where local planning authorities could bid for up to £100,000 for:
  - **Backlog funding** – planning applications which have not been determined by their statutory deadline
  - **Skills funding** – to address skills gaps in local planning authorities e.g. design, conservation, transport, landscape, ecology, waste, viability etc
- 5.4 In September 2023 the Council submitted a bid to the Fund for £75k for backlog funding for the Development Management service and £25k for skills funding for the Planning Policy team.
- 5.5 The Government announced successful bids on 19 December 2023. Haringey has been awarded the £75k for the backlog but unfortunately the bid for £25k skills funding was unsuccessful.
- 5.6 The current backlog is just under 200 planning applications. This consists of major developments for over 1,000 dwellings, a care home, and over 14,000sqm of commercial floorspace and minor development for just under 100 dwellings and enhancements to over 20 commercial premises. This represents at least £1m of annual Council Tax as well as substantial business rates income.
- 5.7 Haringey's initial approach will be for officers to work additional paid hours to clear the backlog. We believe this will yield results quicker and provide a longer-term investment in skills and experience than bringing external resource. Existing staff have a working knowledge of Haringey and the cases, they do not require training or integration and are motivated to return to the levels of service they have historically delivered. This will be carefully managed to ensure additional hours are realistic, not excessive, and do not compromise the progress of more recently received applications.
- 5.8 We anticipate each officer will need to determine up to 13 applications each before the May target attached to the funding to reduce the backlog entirely. Reports have been put in place to monitor progress and outputs from officers, all relevant applications have been identified and allocated a manager to oversee their progress, the relevant hours required have been recorded and

work is underway to categorise applications and address any blockages. Around 20 eligible applications have been decided already. Officers will be participating in workshops with other authorities to share good practice.

Housing Delivery Test (HDT): 2022 Measurement

5.9 On 19 December 2023 the Government published the results of the Housing Delivery Test (HDT) 2022<sup>1</sup>. The HDT looks back over the last 3 years at the number of homes physically completed in a borough and compares this against the housing requirement (or ‘target’), with some allowance made for the period of the pandemic.

5.10 The published data for Haringey shows that it has met 99% of its adjusted\* housing requirement over the 3 years measured:

Haringey	Number of homes required (adjusted*)	Number of homes delivered
2019-20	1375	867
2020-21	1000	1458
2021-22	1502	1503
Total:	3877	3827
Number of homes delivered as % of (adjusted*) requirement over 3 years		99%

\*The housing requirement (or ‘target’) was reduced to make allowance for the period of the pandemic. Haringey’s current annual housing requirement target set in the London Plan 2021 is 1,592 homes per year

5.11 This means that Haringey is no longer subject to the ‘Presumption in Favour of Sustainable Development’ additional requirements (although this does still exist as a general policy in the NPPF anyway) and does not need to publish a HDT Action Plan as it has had to do in previous years.

5.12 It should of course be borne in mind that the nature of homebuilding means there is a lag time of often several years between a planning permission being granted and homes actually being delivered and completed, so these figures reflect planning permissions granted several years ago. Planning permissions must keep up with (and exceed) the annual target of 1,592 homes per year if delivery in future years is going to meet the target on an annual basis.

Ongoing national planning reforms

5.13 On 19 December 2023 the Government published a range of updates on national planning reforms and other matters, including:

- **Government response to consultation<sup>2</sup>** on Levelling-up and Regeneration Bill: reforms to national planning policy (the original consultation was reported to Strategic Planning Committee on 20 February 2023)

<sup>1</sup> [www.gov.uk/government/publications/housing-delivery-test-2022-measurement](https://www.gov.uk/government/publications/housing-delivery-test-2022-measurement)

<sup>2</sup> [www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy](https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy)

- A new **updated National Planning Policy Framework (NPPF)**<sup>3</sup> (with a correction update published the following day on 20 December)
- **Written ministerial statement**<sup>4</sup> 'The next stage in our long term plan for housing update' by the Secretary of State to parliament
- **Speech**<sup>5</sup> 'Falling back in love with the future' by the Secretary of State
- **Letter**<sup>6</sup> 'Housebuilding in London' from the Secretary of State to the Mayor of London

5.14 Some of the key points include:

- Greater clarity on the **importance of delivering new homes and development**
- Keeping the requirement to have a **5 Year Housing Land Supply** but amending the approach
- Further support for the supply of **specialist older people's housing**
- Strengthen support for **small sites for housing** development with a further consultation soon
- More emphasis on **community-led housing** and development but further work to be done on affordability
- Further policy on seeking '**beauty**' and rejecting 'ugliness' in design
- Supporting **energy efficiency** and **low carbon heating** improvements to existing buildings
- An intention to review national policy regarding **climate change mitigation**
- **National Development Management Policies** will be introduced which will have equal weight to local/regional Development Plan policies
- Setting more **rigid timelines for developing Local Plans** and Neighbourhood Plans
- Setting out an expectation (although not a requirement) that **increased planning fees** must be spent on planning services
- Constraining the use of '**Extensions of Time**' for planning applications, including banning them for householder applications to improve planning performance and reporting
- Launching a **review into the statutory consultee** system to tackle unnecessary delay
- Laying out details of which local authorities are "most promiscuously" **rejecting planning applications against officers' advice** and making transparent the amount that it is costing the local council taxpayer
- Publishing data on **developers' build out rates** and this becoming a material consideration with another consultation on this matter soon
- An announcement launching a '**London Plan Review**' **group of expert advisers**<sup>7</sup> to report to the Secretary of State by 15 January 2024 to consider and make recommendations on specific changes to the London Plan regarding facilitating the delivery of new homes on brownfield sites

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<sup>3</sup> [www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)

<sup>4</sup> <https://questions-statements.parliament.uk/written-statements/detail/2023-12-19/hcws161>

<sup>5</sup> [www.gov.uk/government/speeches/falling-back-in-love-with-the-future](http://www.gov.uk/government/speeches/falling-back-in-love-with-the-future)

<sup>6</sup> [www.gov.uk/government/publications/housebuilding-in-london-letter-from-the-secretary-of-state-for-levelling-up-housing-and-communities](http://www.gov.uk/government/publications/housebuilding-in-london-letter-from-the-secretary-of-state-for-levelling-up-housing-and-communities)

<sup>7</sup> [www.gov.uk/government/publications/housebuilding-in-london-terms-of-reference-london-plan-review/terms-of-reference-london-plan-review-expert-advisers](http://www.gov.uk/government/publications/housebuilding-in-london-terms-of-reference-london-plan-review/terms-of-reference-london-plan-review-expert-advisers)

- 5.15 Officers will ensure that the latest requirements relevant to a planning application at the time of any decision are included and explained in reports to Planning Sub Committee.

Equality, Diversity & Inclusion (EDI)

- 5.16 The Council has been developing its corporate approach to Equality, Diversity & Inclusion (EDI) through a new EDI Strategy and Action Plan.
- 5.17 As part of this and to complement the corporate work, the Planning, Building Standards & Sustainability service is developing a 'local' EDI Action Plan.
- 5.18 This is currently work in progress and the Strategic Planning Committee will be updated at a future meeting.

## Development Management & Enforcement

### Performance overview

5.19 An overview of performance is as follows. **Appendix One** explains the categories of applications.

- Applications received during 2023/24 (1<sup>st</sup> April – 31<sup>st</sup> Dec): **2,455**
- Applications received during same period 2022/23: **2,447**
- Number of cases on-hand end of Dec) 2023: **755**
- Number of cases on-hand end of Dec 2022: **780**
- Appeals decided during 2023/24 (1<sup>st</sup> April – 31<sup>st</sup> Dec): **44**
- Appeals decided during same period 2022/23: **85**
- Appeals dismissed (won) during 23/24 (1<sup>st</sup> April – 31<sup>st</sup> Dec): **26 (59%)**
- Appeals dismissed (won) during same period 2022/23: **69 (81%)**
- Cumulative performance (applications in time) 2023/24 (1<sup>st</sup> April – 31<sup>st</sup> Dec)
  - **Majors: 100%**
  - **Minors: 87%**
  - **Others: 86%**
  - **PS1 Only: 93%**
  - **Decisions excluded from statutory figures: 69%**

5.20 As set out above performance is at 100% for 'Majors' applications. Our performance for 'Minor' applications has improved again for this quarter giving a significant improvement on last year for the year to date. Appeal performance has declined but still remains high.

	2019/20	2020/21	2021/22	2022/23	2023/24
<b>Majors</b>	100%	100%	100%	100%	100%
<b>Minors</b>	94%	95%	90%	80%	87%
<b>Others</b>	96%	97%	91%	87%	86%
<b>PS0+ PS1</b>	91%	91%	91%	87%	93% (PS1 only)
<b>PS Exclude</b>				73%	69%

Cumulative Performance. As of Sept 2022/23 'PS1' and 'PS Exclude' figures are reported separately within the new Arcus system. Prior to that both PS1 and PS Exclude were reported as a single return under 'PS0'

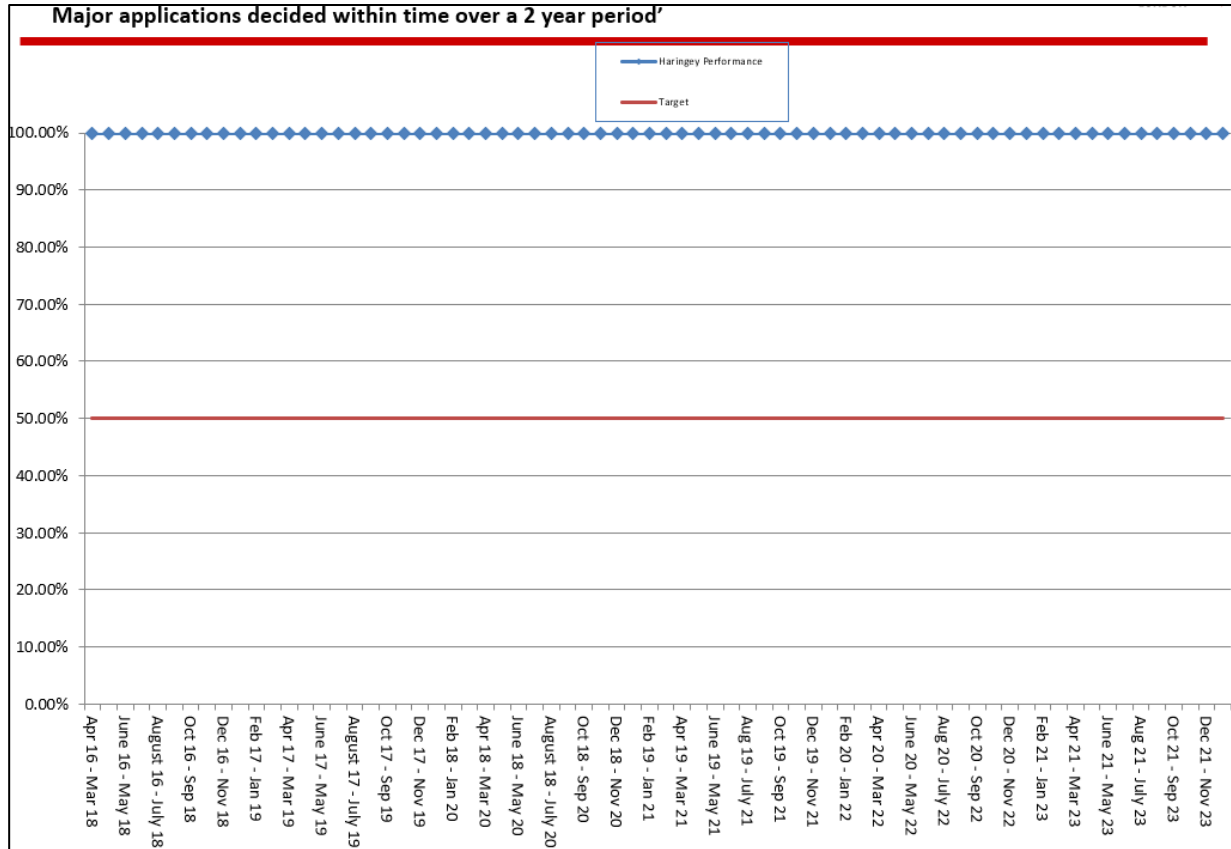
5.21 The Government has three measures of application performance which the Council must remain within thresholds for. If we breach these thresholds we may be designated as a poorly performing planning authority and developers will then have the option of applying directly to the Planning Inspectorate for planning permission. This would mean that we don't get the fee income for that application but we are still required to undertake the consultation. In addition we lose the democratic right to determine the application. These are (assessed over a two-year rolling period):

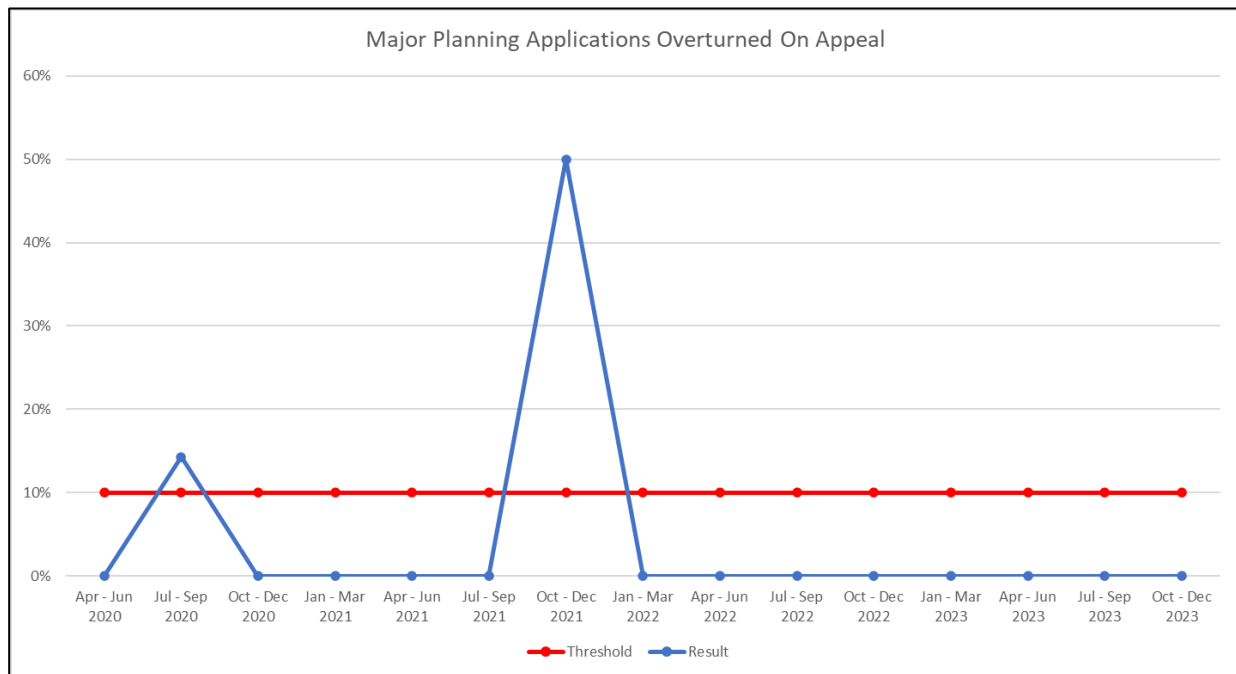
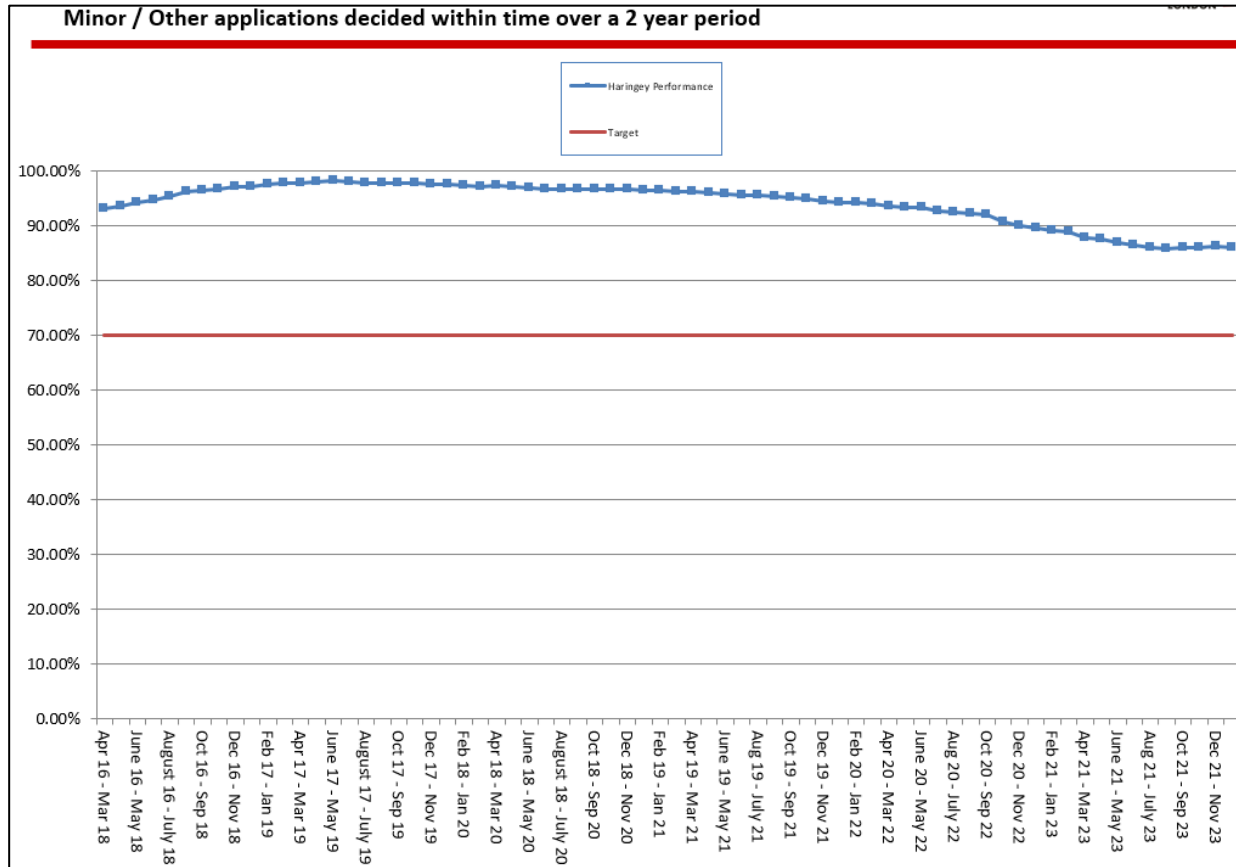
- Majors applications performance at least 50%
- Minor and Other applications performance at least 70%
- Appeals lost (below 10% in both categories)

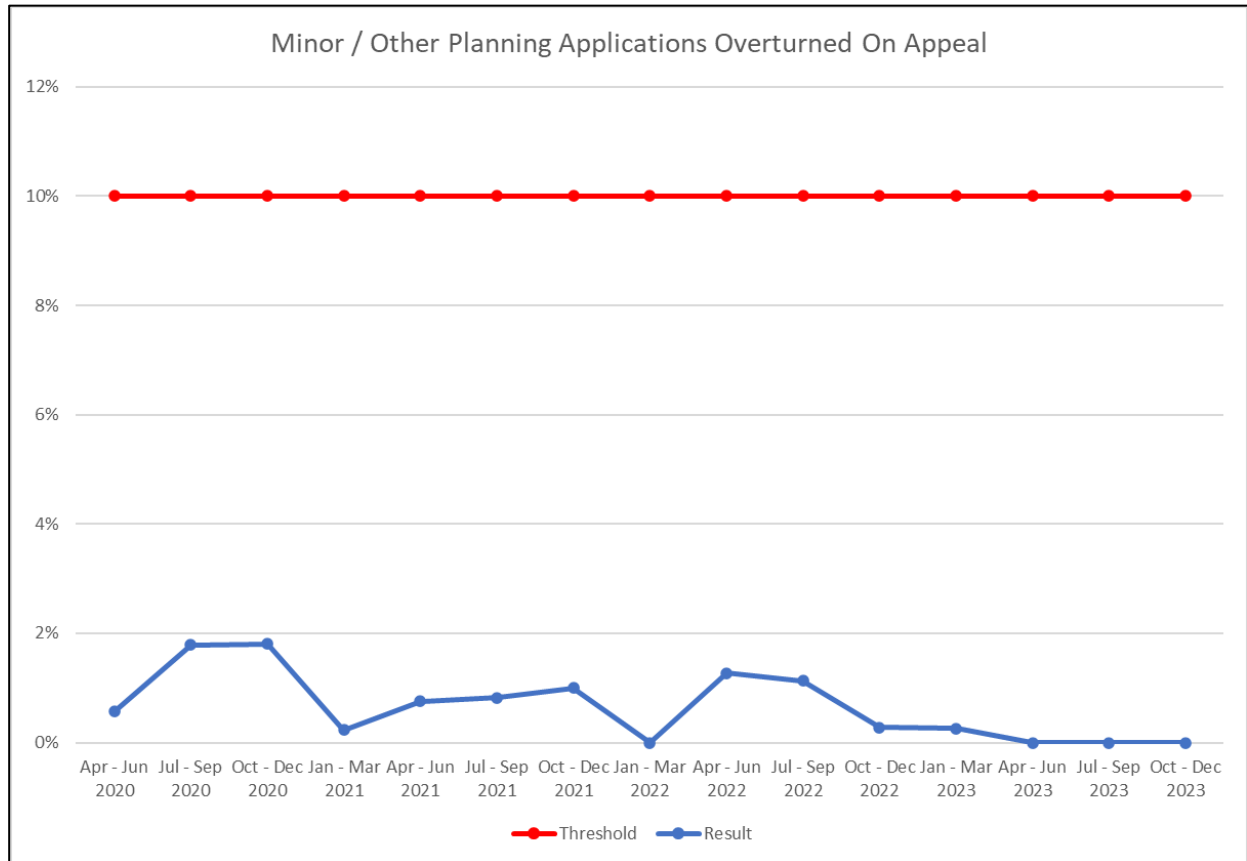


5.22 The government has set out that it is concerned with the use of ‘extensions of time’ (EoTs) on smaller applications and intends to launch a consultation on reducing their use later this year. Given our current performance if EoTs are disregarded this is a concern and could lead to designation in the minor and others measure. Performance without EoTs for minors and other is as follows:

- Minors: 40%
- Others: 43%







5.23 For 2023/24 we have decided the following:

- **16 'Major'** applications (compared to the **10** during the same period last year)
- The average time of decision has increased from 312 to 416 days but all have been subject to planning performance agreements or extensions of time due to the need for S106 agreements on applications of this scale.

	19/20	20/21	21/22	22/23	23/24
No. of Major Apps decided	19	20	15	16	16

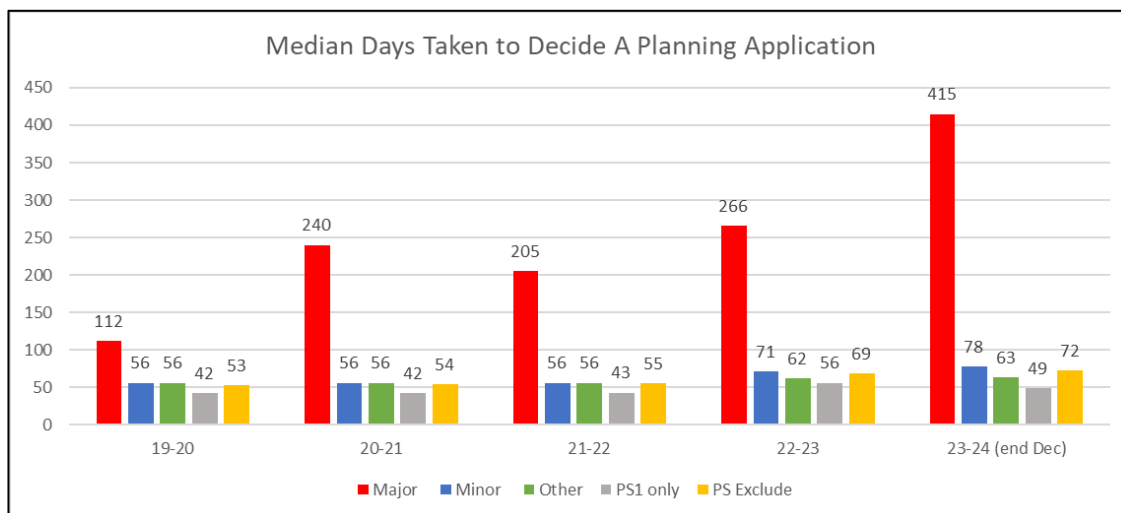
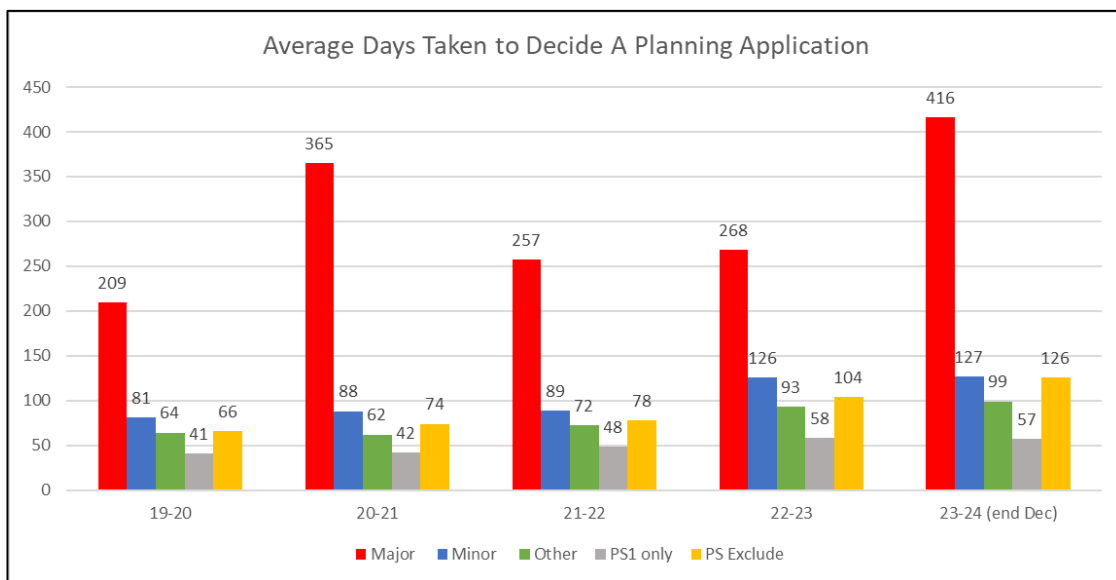
**Major applications decided over past five years**

- **414 'Minor'** applications (compared to the 246 'Minor' applications last year)
- The average decision time has decreased from 137 days to 127 days
- **722 'Other'** applications (compared to the 942 'Other' applications last year)
- The average decision time has increased from 92 days to 99 days

5.24 The end to end times for different types of applications are set out below:

**Average and Median days to decision 23/24 - (April 23 – December 23)**

	Average Days to Decision	Median Days to Decision
Major	416	415
Minor	127	78
Other	99	63
PS1 only	57	49
Exclude	126	72

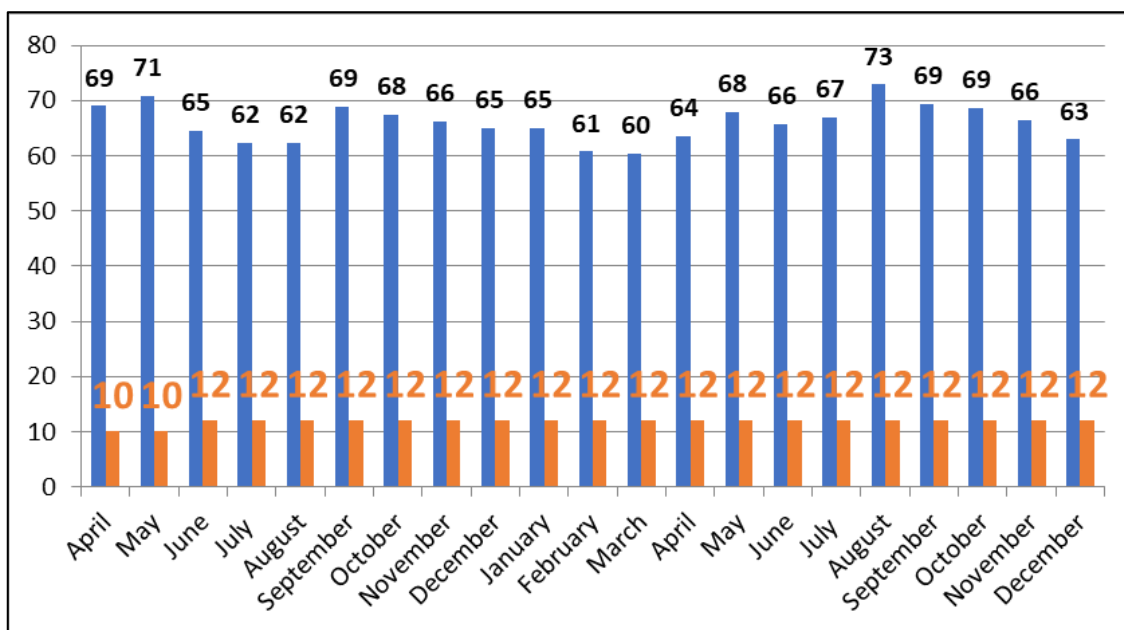


5.25 The overall numbers of applications received, approved, and refused over recent years is set out below:

	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
<b>Received</b>	3094	3308	3375	3385	2455
<b>Approved</b>	2576 (89%)	2590 (85%)	2535 (84%)	2533 (88%)	1781 (87%)
<b>Refused</b>	314 (11%)	475 (15%)	499 (16%)	333 (12%)	272 (13%)
<b>Total decided</b>	2,890	3,065	3,034	2866	2053

5.26 The length of time taken to validate an application is at an average of 29 days, decreased from 35 days due to faster allocation of applications.

5.27 Officer caseloads are at around 63 per officer in Q3 of 2023/24 financial year, which has decreased from 65 last year due to targeted work to reduce the backlog in August last year.



5.28 After rising over previous years the number of on hand applications has now begun to reduce and is less than last year. As of the end of December 2023, there were 755 pending valid applications (down from 780 on this time last year). There are also a substantial number of applications not yet validated or registered and the new system allows for greater monitoring of this figure which is currently 159 ‘new’ applications. Giving a total of 914 pending planning applications. This backlog of applications is a concern and has accumulated due to the implementation of the new system and recruitment delays leading to staff shortages. With funding now in place a significant effort is now being put towards eradicating this. In August the team made significant progress in reducing the number of applications and has continued to determine more applications than have been received in following months. As set out above the ambition is to clear the backlog by May 2024.

5.29 The number of applications over 26 weeks is now at around 230. This is a decrease from 315 at the end of September 2023. Some of these cases are complex or awaiting section 106 sign off and many are approval of details applications for major developments requiring detailed discussions with consultees but many are due to the current backlog. With backlog reduction initiatives underway as set out above this is expected to reduce significantly.

## Pre-application advice

5.30 During 2023/24 there have been:

- 104 pre-application meetings (same period last year: 141) generating a total of £254,534 in income (same period last year: £210,036)
- 63 householder pre-application meetings (same period last year: 67) generating £28,700 in income compared to (same period last year: £28,014)

5.31 The use of Planning Performance Agreements (PPAs) until the end of December 2023 has generated £380,282 in income, compared to £148,405 last year with a further £327,676 still to be received.

5.32 Express householder written advice, fast-track certificate of lawfulness and new fast-track application services have proved popular with customers whilst increasing income for the service. Until the end of December 23 we have received:

- 24 instances of Express Pre-applications generating a total of £7,709.
- 13 instances of Fast Track Certificate of Lawfulness applications generating a total of £8,743.
- 12 instances of Fast Track Householder applications generating a total of £9,576.

## Planning Decisions

5.33 The final government threshold relates to overturns of refusals (officer and committee) on applications on appeal. We are at 1% on minor / other applications.

5.34 For major applications the measure for quality of planning decisions is the percentage of the total number of decisions made that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period.

5.35 The nine months specified in the measure enables appeals to pass through the system and be decided for the majority of decisions on planning applications made during the assessment period. The assessment period for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation, once the nine months to be allowed for beyond the end of the assessment period is taken into account. The average percentage figure for the assessment period as a whole is used.

- 5.36 The threshold for designation on applications for both major and non-major development, is 10% of the total number of decisions on applications made during the assessment period being overturned at appeal. This is calculated as an average over the assessment period.
- 5.37 The Department for Levelling Up, Housing and Communities has confirmed that we have avoided designation this period (2019-21) achieving a figure of 2.7%.
- 5.38 For the 2023 designation period (2020-22) we will not be designated.
- 5.39 Haringey's performance for 2019/21 and 2020/22 is as follows:

Type of application	Number of apps	Number of overturns	% (Threshold 10%)
Majors 19/21	37	1	2.7%
Majors 20/22	35	1	2.9%

- 5.40 With the introduction of increased planning fees the government has reduced the Planning Guarantee time from 26 to 16 weeks. No applications have reached this new threshold as new fees came into effect on 8<sup>th</sup> December so it will be April before any applications will be affected by this. Measures are already in place to monitor this.
- 5.41 The government has consulted on further performance measures looking more widely at quantitative and qualitative performance. Proposed measures include measuring average speed of decision making, validation times, use of extensions of time and planning enforcement performance and potentially customer feedback.

### Planning Enforcement

- Enforcement complaints received during 2023/24: 447 compared to the 520 Enforcement complaints received last year.
  - Enforcement notices served during 2023/24: 38 compared to the 27 Enforcement notices served during the same period last year.
- 5.42 The Enforcement team is listed as 17<sup>th</sup> in the country for issuing enforcement notices for the year to September 2023 by DLUHC.

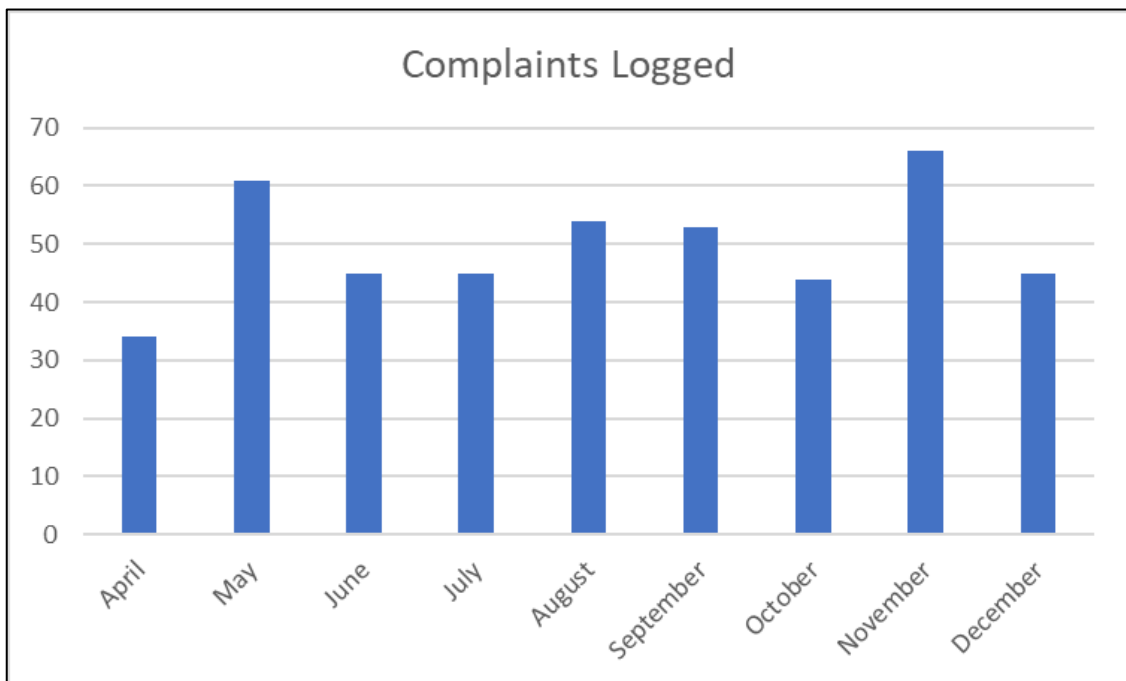
**Top 51 planning authorities that issued the highest number of enforcement notices in the year to September 2023**

Search in table

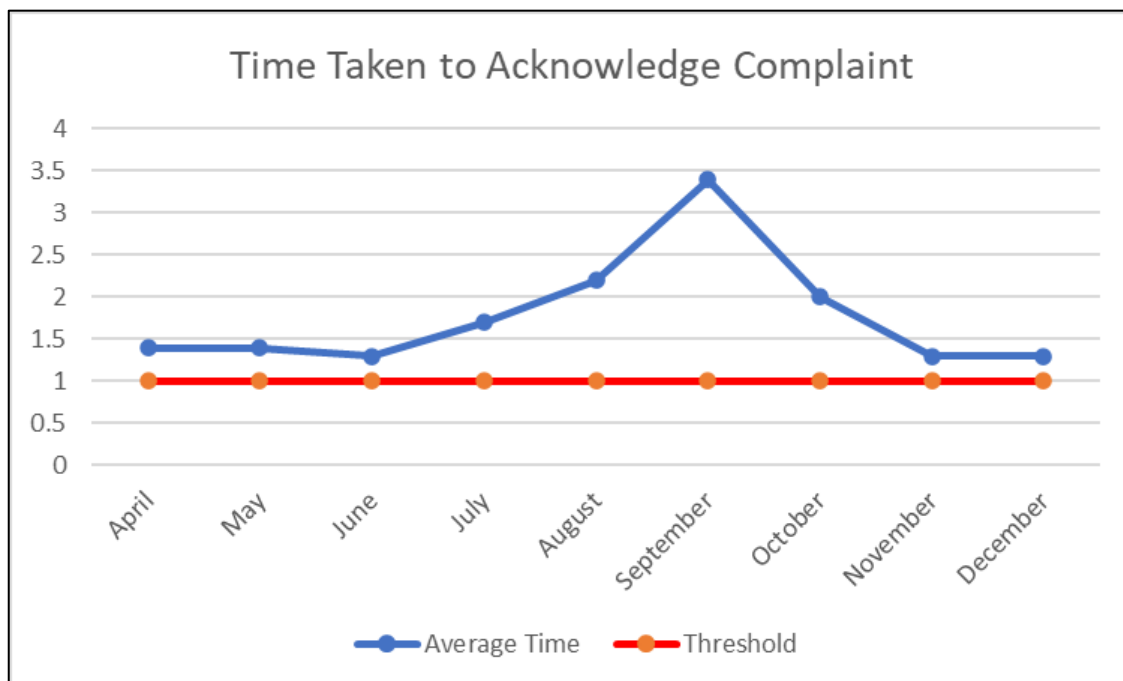
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Rank	Planning authority	Enforcement notices issued
1	Brent	149
2	Westminster	138
3	Newham	114
4	Barnet	102
5	Buckinghamshire	99
6	Ealing	85
7	Bradford	82
8	Cornwall	77
9	Camden	63
10	Hackney	62
11	Slough	57
12=	Colchester	56
12=	Leeds	56
14	Kirklees	50
15	Stockport	49
16	Lambeth	45
17	Haringey	44
18	Enfield	42
19	Hillingdon	41
20	Birmingham	39

5. 43 Of the complaints 51% were acknowledged within one working day of receipt. This measure is down from 66% last year, as a result of staff shortages in the Customer Services team. The Planning Enforcement Team has a target to make a decision on all enforcement complaints within 8 weeks.







	22-23	23-24
Cases received	520	447
Cases decided within 8 weeks	89 (17%)	251 (56%)
Cases decided not within 8 weeks	69 (13%)	45 (10%)
Cases with no decision past 8 week target date	0 (0%)	109 (24%)
Cases within 8 weeks yet to be decided	362 (70%)	42 (10%)

- 5.44 The performance has been affected by a number of factors such as, current high workloads due to backlogs caused by the loss to the team of a senior and experienced staff member last year, and some officers have not been updating the relevant fields in the new system though in many cases they have undertaken the initial investigation and in some cases have even issued enforcement notices. As such a weekly reminder has now been set up on the new system and circulated in advance of the 8 week decision. This should lead to an improvement in the 8 week decision performance.
- 5.45 The Planning Enforcement Team continues to seek prosecutions against owners who have failed to comply with existing enforcement notices. In addition to the prosecution proceedings, there has been a concerted effort in securing confiscation sentences under the provisions of the Proceeds of Crime Act (POCA) 2002. There are a number of prosecutions that are still going through the courts (these take a significant length of time) including a POCA confiscation court hearing that took place on 20 October 2023. Following this the sentencing hearing will take place on 9 February to finalise the sum awarded to the Council. The team is working on undertaking a direct action that will enable the compliance of an unresolved enforcement notice.
- 5.46 Officers are working with colleagues in other departments to explore bringing Financial Investigation Services in house to increase the proportion of income received from confiscation orders.

Member Training & Site Visits

- 5.47 Members recently received training on viability. A programme of learning visits and training is being prepared and any suggestions are welcome for visits and training. Visits will focus on Council housing developments along with other completed developments and refresher training on issues arising on recent applications.

### **Planning Policy & Infrastructure**

5.48 The timetable for preparing the New Local Plan is set out in the table below.

<b>Document</b>	<b>Regulation</b>	<b>Date</b>
<b>New Local Plan First Steps Engagement consultation</b>	Reg 18	November 2020-February 2021
<b>Draft Local Plan consultation</b>	Reg 18	2024
<b>Proposed Submission Local Plan consultation</b>	Reg 19	2024/2025
<b>Submission &amp; Examination</b>	Reg 22-25	2025
<b>Adoption</b>	Reg 26	2025

5.49 The drafting of the Draft New Local Plan is at an advanced stage with recent work focusing on area-specific proposals. In the past 6 months the Planning Policy Team has been maximising opportunities to engage with a range of key placemaking stakeholders including neighbourhood forums, resident groups, statutory consultees (e.g. the GLA and TfL) and site owners, agents and developers.

5.50 Alongside this, the Planning Policy Team has been liaising closely with other areas of the Council including in relation to:

- Development of a Council vision for Haringey (a recommendation from the Corporate Peer Challenge);
- Tottenham placemaking matters (following the recent Tottenham Voices Engagement and in respect of the forthcoming Shaping Tottenham Strategy);
- Development of proposals for key Council-owned placemaking sites;
- New legislative requirements for mandatory Biodiversity Net Gain taking effect from February 2024;
- Allocation of accrued CIL funding, including a potential participatory budgeting approach for future spend of Neighbourhood CIL.

**Building Control****Performance Overview**

5.51 The applications to date this year are slightly below previous years, however our market share has stabilised, although we are concerned that as a result of the new Regulatory regime, it may again come under threat. Building Control has received a significant number of new housing schemes and continue to work on the majority of high schemes within the Borough and will be the go-to Building Control advisor for the Building Safety Regulator.

Building Control	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24*
Applications	1996	2323	1717	2645	2069	1240
Fees	604k	600k	561k	766k	698k	565k
Site visits	6817	6278	5603	6243	5674	3121
Market share	54%	62%	53%	57%	40%	40%
Dangerous Structures	190	162	159	225	204	140
Demolition Notices	13	29	20	18	22	12

\* 01 April – 19 January 2024

**Dangerous structures**

5.52 There have been 140 dangerous structure calls to date this year. It should again be noted that where we request the help of our dangerous structure contractor, there is a cost attached to this that initially comes out of Building Control's budget until we can invoice the owner.

**Building Act & Building Control**

5.53 The Government continues to release various consultation documents relating to the Building Safety Act and the secondary legislation that will provide the detailed timescales.

5.54 The new Building Control regime has now commenced and the register for Building Inspectors is open – Haringey officers are working on being registered by the April 2024 deadline. To enable this there is both a significant cost and staff have to prove their competence by exam and/or interview in order to become registered.

5.55 As previously advised there are ongoing risks associated with the new regime, namely 1. Surveyors failing to prove their competency and register with the Building Safety Regulator, 2. Surveyors not wanting to undertake the exams to prove competency and 3. Losing staff to other Building Control Bodies.

- 5.56 The risks outlined above could lead to Haringey not being able to fulfil that statutory function to provide a Building Control Service.
- 5.57 The current team are applying through the different channels available, but it is unknown as to whether they will be registered by the aforementioned date. In addition to the concerns over registration, there are 4 members of the team retiring by April, including the Head of Building Control. We are working to recruit to these posts as quickly as possible.
- 5.58 We are at present trying to get the job profiles re-evaluated in order that they reflect the revised roles and responsibilities, whilst at the same time trying to recruit agency surveyors to resolve the immediate problem. In addition we are also looking for an interim Head of Building Control.

**6. Contribution to strategic outcomes**

- 6.1 The Planning and Building Control services contribute to the Corporate Delivery Plan's focus on tackling inequality, climate justice and health across all of the various themes.

**7. Local Government (Access to Information) Act 1985**

Planning Applications are on the Planning Register on the Council's website and the Local Plan documents are also on the Council's website.

**Appendices**

Appendix One – Definitions of Categories of Development

## **APPENDIX ONE**

### **Definitions of Categories of Development**

#### **Major Development**

- 10+ dwellings / over half a hectare / building(s) exceeds 1000m<sup>2</sup>
- Office / light industrial - 1000+ m<sup>2</sup> / 1+ hectare
- General industrial - 1000+ m<sup>2</sup> / 1+ hectare
- Retail - 1000+ m<sup>2</sup>/ 1+ hectare
- Gypsy/traveller site - 10+ pitches
- Site area exceeds 1 hectare

#### **Minor Development**

- 1-9 dwellings (unless floorspace exceeds 1000m<sup>2</sup> / under half a hectare)
- Office / light industrial - up to 999 m<sup>2</sup>/ under 1 hectare
- General industrial - up to 999 m<sup>2</sup>/ under 1 Hectare
- Retail - up to 999 m<sup>2</sup>/ under 1 hectare
- Gypsy/traveller site - 0-9 pitches

#### **Other Development**

- Householder applications
- Change of use (no operational development)
- Adverts
- Listed building extensions / alterations
- Listed building demolition
- Application for relevant demolition of an unlisted building within a Conservation Area
- Certificates of Lawfulness (191 and 192)
- Notifications
- Permissions in Principle (PiP) and Technical Detail Consent (TDC)

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**Decision cover page**

Report Title: Planning Service Peer Challenge Report & Action Plan

Date of Decision: Strategic Planning Committee 19 February 2024 + Cabinet 12 March 2024

Report Author: Rob Krzyszowski, Assistant Director Planning, Building Standards & Sustainability

Contact No: 020 8489 3213

Council Leadership Team Lead (and date report agreed): David Joyce, Director Placemaking & Housing 19 January 2024

Report Title	Planning Service Peer Challenge Report & Action Plan
<b>*Legal Comments Provided by:</b>	Justin Farley
<b>*Financial Comments Provided by:</b>	John O'Keefe
<b>*Equalities Comments Reviewed by:</b>	Elliot Sinnhuber
<b>*Procurement Comments Provided by:</b>	N/A
<b>In the Background - This section of the report includes outlining consultation with partners/stakeholders, service users, residents more generally, business, other public bodies, interest groups, government, staff or statutory consultees. Please indicate if this has happened and who has been consulted. Also include how consideration has been given to the Haringey Deal and to hearing the voices that are too often overlooked</b>	
<b>Number of Appendices included –please check the report writing guidance on the template and consider can these be included as background documents if they do not refer to in the recommendations or need to be referred to agree the proposals.</b>	Appendix A: Planning Service Peer Challenge – Report  Appendix B: Planning Service Peer Challenge – Action Plan
<b>*Background documents</b> listed that are available for public inspection or web links exists? [These are the documents that have been relied upon to a material extent in the preparation of the report. Any background papers that are listed must be retained and accessible for public inspection for a period of 6 years. It is the responsibility of the report author to ensure this is done.]	N/A
<b>Date considered by Cabinet Member</b> Please note that if your report impacts or relates to two or more Cabinet portfolios, you will need to also arrange a further briefing meeting with the Cabinet members before submission of the report to Informal CAB.	13 August 2023 23 October 2023 20 November 2023 2 January 2024 1 February 2024

<p><b>Dates considered by Officer Internal Boards</b> [This can include internal Cabinet and Officer Groups]</p>	<p>17 August 2023 Placemaking &amp; Housing Board</p> <p>30 November 2023 Planning Board</p> <p>7 December 2023 Placemaking &amp; Housing Board</p> <p>19 February 2024 Strategic Planning Committee</p>
<p><b>Date considered by Council Leadership Team</b> Politically sensitive strategic key decisions would need to be considered by .] Please contact Ben Hunt on x1164 if you have any queries about which meeting your report should be considered at. Meetings table place on a Thursday morning</p>	<p>11 January 2024</p>
<p><b>Date considered by informal CAB</b> [Politically sensitive strategic key decisions would need consideration at CAB – Please contact Felicity Foley with any queries about Informal CAB.]</p>	<p>1 February 2024 Cllrs Ahmet, Williams, Gordon</p>
<p>Please consider if a wider briefing on this key decision is required at <b>Labour Group / Liberal Democrat Group meetings?</b> When?</p>	<p>N/A</p>
<p>Is the decision compliant with the <b>Council’s Budget and Policy Framework</b> as set out in Part Four Section E of the Constitution?</p>	<p>Yes</p>

**Report for:** Strategic Planning Committee 19 February 2024

**Item number:** To be added by the Committee Section

**Title:** Planning Service Peer Challenge Report & Action Plan

**Report authorised by:** David Joyce, Director of Placemaking & Housing

**Lead Officer:** Rob Krzyszowski, Assistant Director Planning, Building Standards & Sustainability

**Ward(s) affected:** All

**Report for Key/  
Non Key Decision:** Key Decision

**1. Describe the issue under consideration**

- 1.1. This report sets out the Council's response to the recommendations from the Planning Service Peer Challenge that took place in October 2023, looking at the Planning service functions.
- 1.2. The Peer Challenge was led by a team of local government peers and facilitated by the Local Government Association (LGA) Planning Advisory Service (PAS).

**2. Cabinet Member Introduction – Cabinet Member for Housing Services, Private Renters and Planning – Councillor Sarah Williams**

- 2.1. Peer Challenges are a valuable tool offered by the LGA/PAS to provide challenge and to support council Local Planning Authority (LPA) functions. I would like to thank the team of local government peers from councils across the country who were invited to Haringey to look at how our Planning service is run, how we engage with our residents and communities, and where we can improve.
- 2.2. This is a time of considerable change in Haringey, not least in our relationships with our residents and communities through the Haringey Deal. This is why we asked the peer team to specifically look at this theme.
- 2.3. I am really proud of the positive nature of the report and feedback we've had from the peer team. It shows the journey the Planning service has come over the last 10 years – in 2012 the then Secretary of State named Haringey as the "worst" planning authority and now we are not just seen as high performing but one of the best. It is a testament to the hard work of our planning staff, our partners and the residents and communities that work with us every day.
- 2.4. However, we know that we still have a lot of work to do to ensure that we are consistently the best Planning service we can be. There is no room for

complacency not least because of the incredibly challenging financial environment which councils – including Haringey – find themselves in. The recommendations the peers team have set out in their report will be really helpful in taking that the Planning service on the next step in its journey to remain a high performing planning authority.

- 2.5. It is important that we don't just tackle the symptoms highlighted by the peer report but we tackle the root causes, so the proposed Action Plan helps ensure there is a stable, well-resourced and well-led Planning service for the future of Haringey's residents, businesses and partners.

### **3. Recommendations**

- 3.1. Strategic Planning Committee is asked to:

- Note the content of this report, the recommendations in the Peer Challenge report (Appendix A) and the Action Plan (Appendix B) which responds to each of the 10 recommendations.
- Agree to refer this report and the appended documents to Cabinet with the recommendation to endorse the Peer Challenge report (Appendix A) and approve the Action Plan (Appendix B).

### **4. Reasons for decision**

- 4.1. There is an expectation that all councils undertaking a Planning Service Peer Challenge will publish the feedback report and produce an action plan which responds to the recommendations in the report.
- 4.2. Implementing those recommendations are important as it will help the Planning Service improve, including building stronger relationships with the residents, businesses and partners in Haringey and provide a better, more efficient service.
- 4.3. The Action Plan (Appendix B) sets out what the Council's Planning Service intends to do in response to these recommendations, including specific actions, when they will be delivered, and who will be responsible for delivering them.

### **5. Alternative options considered**

- 5.1. The option not to respond to the Peer Challenge recommendations with a formal report was considered. That option was not considered appropriate as publishing the peer team's report, and the Council's response to it, ensures that the Council is transparent in respect of its improvement plans for the Planning Service.

### **6. Background information**

- 6.1. In October 2023 Haringey welcomed a team from the LGA/PAS to undertake a Planning Service Peer Challenge. The team was comprised of:
- **Steve Barker**, Principal Consultant, Planning Advisory Service (PAS)
  - **Cllr Danny Beales**, Cabinet Member for New Homes, Jobs & Community Investment, London Borough of Camden
  - **Marilyn Smith**, Head of Planning & Assurance, London Borough of Barking & Dagenham
  - **Sarah Scannell**, Assistant Director of Planning, Birmingham City Council
  - **Jon Palmer**, Head of Planning, Milton Keynes
- 6.2. The peer team spent three days on site meeting with staff, councillors, partners and stakeholders. The team also observed a number of Planning Sub Committee meetings and had access to a range of documents and information in order to support their work.
- 6.3. A Peer Challenge is not an inspection but nonetheless is an important way for councils to identify and prioritise areas for development or improvement.
- 6.4. Planning Service Peer Challenges focus on 5 key themes:
1. **Vision and leadership**
  2. **Performance and management**
  3. **Community engagement**
  4. **Partnership engagement**
  5. **Achieving outcomes**
- 6.5. In addition to these standard themes, the Council asked the peer team to consider the Planning service having regard to the following:
1. The findings from the **LGA Corporate Peer Review** which took place in May 2023 and was reported to Cabinet in October 2023
  2. The **Haringey Deal**
  3. **Value for money** and efficiencies
  4. **Developer perspective** and narrative for investment
- 6.6. Following the ‘challenge’ a Final Report was produced by the peer team which included a number of recommendations. The full report is set out at Appendix A. Some headline quotes regarding the Planning Service from the report are provided below:
- “**regarded positively** by developers and agents... community groups”
  - “**genuine passion** for the service”, “**good and dedicated** group of staff”
  - “**Committee is a very good example** of how public facing planning committees are run”
  - “been on a **dramatic journey of improvement over the last 10 years** with unrecognisable improvement in planning performance and the delivery of high-quality large development sites in the borough”

- “**performing well** against the national planning performance regime for speed and quality of planning decision making, with a **very low number of appeals and complaints** compared to other local authorities”
- “The council needs to recognise **how it can attract new development...** actively promoting what the council wants to achieve **over the next 10 or 15 years...** This comes from the Council’s **long-term vision** and the **new Local Plan**”

6.7. The recommendations in the peer team’s report are:

- **R1.** Prioritise work to address the **backlog** of applications and manage the risk of lost income through the return of application fees.
- **R2.** There should be a dedicated **officer lead for the local plan**. The unfilled position of Planning Policy Team Manager and the combined responsibilities of the Head of Planning Policy, Transport & Infrastructure is not giving enough priority to the production of the local plan. This must be seen as key going forward.
- **R3.** Maintain a clear and consistent **political lead for the local plan**. Have a more formal Local Plan Member Working Group, chaired by the Cabinet Member for Planning with other relevant cabinet members on it, to receive regular updates on progress of the local plan, focus to the work, and highlighting the work to come, making strategic joined up decisions across portfolios and to give clear political steer, leadership and champion the local plan.
- **R4.** A detailed and resourced **programme for the production of the new local plan** should be produced, with specific project management support, recognising the resources required, the timetable for delivery and confirming the proposed timescales are deliverable. It should have a clear communication strategy to partners and communities, to support meaningful engagement beyond the “usual suspects” as part of the Haringey Deal, as well as broader policy work in future for area specific policies and design codes.
- **R5.** The planning service, as part of the Placemaking & Housing Directorate, need to be fully engaged in the work on the **long-term vision of the Council**, being clear about what type of development Haringey wants to see in the future and how the local plan will reflect the aspirations and needs of different communities of the borough, including working with agents and developer forums in sharing these key visions. Officers should engage with senior counterparts within the GLA and TfL to accelerate key opportunities and remove existing blockers.
- **R6.** Continue the work on the Council’s **Infrastructure Delivery Plan** and make sure it is integrated to support the development and adoption of the local plan.
- **R7.** Look at relationship between the **Planning and Regeneration functions**, recognise where there can be mutual benefits, more joined up working and shared resourcing - as is already occurring for Housing. Placemaking and Planning should be more intrinsically linked, utilising planning and placemaking and regeneration team resources, streamlining or sharing engagement processes. Investigate scope for developing a shared resource, potentially using capital funding, to support the

production and delivery of the local plan and Regeneration priorities. Making use of architects, planners, designers and project managers from across the Directorate to use their skills to assist with local plan.

- **R8.** Consider how allocation of **Community Infrastructure Levy (CIL)** and Neighbourhood CIL spending can support members and broader community engagement in the planning process, highlighting the positives of development, and giving clear communication of how those decisions are made.
- **R9.** Give the **Development Management & Enforcement service the headspace to review their operation and improve the service** from within – this means assessing their structure, processes, workflows, potential access to shared resources in other teams and opportunities to maximise income. This will mean ensuring a good commercial approach by striking the right balance between good customer service and experience with providing more advice through the paid-for planning advice service. Working with something like the PAS DM Challenge Toolkit to identify any structural issues, process improvements and customer engagement processes that could be introduced to better focus the use of planning resources and, through a workforce strategy for the service, highlight any skill deficits or resilience issues across the service. Planning officers may require some additional training or support to enable them to take on complex cases and have the confidence to engage with key partners, and negotiate on schemes with confidence, having clarity on the key aims for development in the borough. Freeing up senior leadership in the service to focus on managing the service and team leaders to actively manage the caseload performance.
- **R10.** Specifically project manage the integration of the **new IT system (Arcus)** to embed and maximise its use within the service. Highlight and support key super users to support and advise others, upskilling case officers in its use and team managers in using the system to manage performance, in Planning and Enforcement.

6.8. In line with the expectations of the Peer Challenge process, we look forward to welcoming the peer team back later in 2024 to check back on our progress.

## **7. Contribution to the Corporate Delivery Plan 2022-2024 High level Strategic outcomes**

7.1. The Planning Service Peer Challenge responds to all themes in the Corporate Delivery Plan supporting improvements across the Planning Service, relationships with residents, communities, partners, stakeholders and with Members.

7.2. In particular, the Corporate Delivery Plan states “The Local Plan will embed a more Placemaking Approach” and the peer team report makes recommendations relevant to this.

## **8. Carbon and Climate Change**

- 8.1. This Action Plan does not have direct impacts on carbon and climate change but does support the Council to deliver more efficient, resilient and resident-focused services. This may have a positive reduction of carbon and helping services deliver on the Council's climate change ambitions.
- 8.2. The peer review team was sent high-level information regarding the Climate Change Action Plan, Annual Carbon Report, Community Carbon Fund (funded by developer contributions), Carbon Literacy Training and other strategies and initiatives.

**9. Statutory Officers comments**

**Finance [John O'Keefe – Head of Finance: Capital, Place & Economy]**

- 9.1. The acceptance of the recommendations of the report will not create an additional financial burden on the Council as the delivery of the actions will be contained within existing resources.

**Procurement**

- 9.2. N/A

**Head of Legal & Governance [Justin Farley – Senior Lawyer Planning]**

- 9.3. The Planning Service Peer Challenge Action Plan is a non-statutory document that sets out the actions the Planning service intend to take to give effect to the recommendations in the report prepared by the peer team.
- 9.4. The approval of the Action Plan to facilitate the discharge of the Council's planning functions under the Town and Country Planning Act 1990 Act is ancillary to those functions and so authorised under section 111 of the Local Government Act 1972.
- 9.5. The actions to be taken by the Planning service in the Action Plan are not non-executive functions and so the decision to endorse the recommendations in the Peer Challenge report and approve the Action Plan can be taken by Cabinet in accordance with the Council's Constitution.

**Equality [Elliot Sinnhuber – Policy & Equalities Officer]**

- 9.6. The council has a Public Sector Equality Duty (PSED) under the Equality Act (2010) to have due regard to the need to:
  - Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act.
  - Advance equality of opportunity between people who share protected characteristics and people who do not.
  - Foster good relations between people who share those characteristics and people who do not.



- 9.7. The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.
- 9.8. Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.
- 9.9. The decision in question is regarding the note and endorsement of the Planning Service Peer Challenge and the approval of its subsequent action plan.
- 9.10. The Planning Service Peer Challenge Action Plan makes a number of specific proposals on how the Council can improve its approach to tackling inequalities. This includes one specific recommendation on the emerging new Local Plan having a clear communication strategy to support meaningful engagement beyond the 'usual suspects' as part of the Haringey Deal. As a result approving the action plan should lead to a positive impact on those who share protected characteristics and should positively advance the PSED in Haringey. The Local Plan has been, and will continue to be, subject to a dedicated Equalities Impact Assessment as it progresses.

## **10. Use of Appendices**

Appendix A: Planning Service Peer Challenge – Report

Appendix B: Planning Service Peer Challenge – Action Plan

## **11. Background papers**

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**Planning Service Peer Challenge**

**London Borough of Haringey**

**Interviews: 16<sup>th</sup> to 19<sup>th</sup> October 2023**

**Final Report: 24<sup>th</sup> November 2023**



## 1.0 Executive Summary

This report sets out the findings of a planning service peer challenge, organised by the Planning Advisory Service (PAS), as part of the Local Government Association (LGA), at the request of the Planning Service (the service) of the London Borough of Haringey (the Council).

It is the review's findings that the London Borough of Haringey's planning service is performing well and is regarded positively by developers and agents as users of the service as well as the community groups who regularly interact with the service. It is well respected by other services within the Council, councillors, and senior management. The senior leadership of the service is particularly highly regarded. The working and supportive nature of relationships within the service, and between officers and members and partners are excellent and there is a strong commitment to and recognition of the communities of the borough.

The new local plan is recognised as key in delivering the Council's priorities in the Corporate Plan. It is vital in helping to deliver the Council's objectives and helping the service to make the link between the work of the planning service and the corporate aims and objectives. However, there is a lack of awareness from many, both inside and outside of the Council, of the vision and benefits of the plan and the timetable for the plan. There was a lack of clarity regarding the resourcing and programme of work required to deliver the new local plan, to what the review considers to be a challenging timetable.

There are presently limited resources in the policy team delivering against the proposed programme of the local plan. This includes a lack of dedicated leadership and project management support to produce the local plan, and a detailed and resourced project plan of the work required to deliver it. We believe this to be a significant risk. Having a consistent and recognised political champion for the plan and planning is vital in showing the corporate ownership, leadership, and importance of delivering the local plan. There are opportunities for the service to build on the award-winning engagement work already undertaken to further engage with communities, in line with the Council's Haringey Deal commitment, through the local plan production.

Every planning service in the country would like more resources, and Haringey's is no exception. We believe the Development Management service is working very hard to keep up with the increased volume of work the service is handling compared to previous years, but it is not making significant inroads in to reducing the backlog to become a wholly effective decision-making authority. The growing backlog of applications and risk of lost income through the return of application fees through the planning guarantee is concerning and needs to be managed.

Haringey has a comparable ratio of volume of applications to planning officer numbers working on them to other similar sized local authority planning services. A reduction in resources presently would affect performance. We conclude if more resources are not going to be available, or even if they are, the service will have to consider changing some of its present processes and to maximise the benefits of the new IT system to best utilise the planning resources and skills available. Changes can include making sure that work is undertaken at the most appropriate level within the service, using the professional planners to focus on planning work rather than administrative work. It should also look to upskilling individuals to enable them to take on complex cases, to have the confidence to engage with key partners, to negotiate on schemes with confidence, recognising where efforts and resources could be better focused. There should be a consistent and positive performance management process across the Development Management teams, helping identify any specific issue early and accessing support as required. The service should continue and build on the work to maximise commercial income already underway, through fees, costs, enforcement, and developer contributions, and recognising where these can be spent to support the aims of the Council and maximising the visibility of the planning service.

The approach the service is taking to develop the Council's Infrastructure Delivery Plan (IDP) is innovative and comprehensive. The IDP summit held in early October was a pragmatic and collaborative approach to stakeholder engagement. The service needs to make sure the IDP is focused on supporting the development and adoption of the local plan.

There are lots of examples of delivery occurring within the borough. The Council needs to recognise how it can attract new development coming into the borough; actively promoting what the Council wants to achieve over the next 10 or 15 years for the communities and the area, the right kind of development for the area and where those opportunities are. This comes from the Council's long-term vision and the new local plan. It should be presented as a single narrative and backed by the full Council's commitment.

## 2.0 Recommendations

**R1.** Prioritise work to address the backlog of applications and manage the risk of lost income through the return of application fees.

**R2.** There should be a dedicated officer lead for the local plan. The unfilled position of Planning Policy Team Manager and the combined responsibilities of the Head of Planning Policy, Transport & Infrastructure is not giving enough priority to the production of the local plan. This must be seen as key going forward.

**R3.** Maintain a clear and consistent political lead for the local plan. Have a more formal Local Plan Member Working Group, chaired by the Cabinet Member for Planning with other relevant cabinet members on it, to receive regular updates on progress of the local plan, focus to the work, and highlighting the work to come, making strategic joined up decisions across portfolios and to give clear political steer, leadership and champion the local plan.

**R4.** A detailed and resourced programme for the production of the new local plan should be produced, with specific project management support, recognising the resources required, the timetable for delivery and confirming the proposed timescales are deliverable. It should have a clear communication strategy to partners and communities, to support meaningful engagement beyond the "usual suspects" as part of the Haringey Deal, as well as broader policy work in future for area specific policies and design codes.

**R5.** The planning service, as part of the Placemaking & Housing Directorate, need to be fully engaged in the work on the long-term vision of the Council, being clear about what type of development Haringey wants to see in the future and how the local plan will reflect the aspirations and needs of different communities of the borough, including working with agents and developer forums in sharing these key visions. Officers should engage with senior counterparts within the GLA and TfL to accelerate key opportunities and remove existing blockers.

**R6.** Continue the work on the Council's Infrastructure Delivery Plan and make sure it is integrated to support the development and adoption of the local plan.

**R7.** Look at relationship between the Planning and Regeneration functions, recognise where there can be mutual benefits, more joined up working and shared resourcing - as is already occurring for Housing. Placemaking and Planning should be more intrinsically linked, utilising planning and placemaking and regeneration team resources, streamlining or sharing engagement processes. Investigate scope for developing a shared resource, potentially using capital funding, to support the production and delivery of the local plan and Regeneration priorities. Making use of architects, planners, designers and project managers from across the Directorate to use their skills to assist with local plan.

**R8.** Consider how allocation of Community Infrastructure Levy (CIL) and Neighbourhood CIL spending can support members and broader community engagement in the planning process, highlighting the positives of development, and giving clear communication of how those decisions are made.

**R9.** Give the Development Management & Enforcement service the headspace to review their operation and improve the service from within – this means assessing their structure, processes, workflows, potential access to shared resources in other teams and opportunities to maximise income. This will mean ensuring a good commercial approach by striking the right balance between good customer service and experience with providing more advice through the paid-for planning advice service. Working with something like the PAS DM Challenge Toolkit to identify any structural issues, process improvements and customer engagement processes that could be introduced to better focus the use of planning resources and, through a workforce strategy for the service, highlight any skill deficits or resilience issues across the service. Planning officers may require some additional training or support to enable them to take on complex cases and have the confidence to engage with key partners, and negotiate on schemes with confidence, having clarity on the key aims for development in the borough. Freeing up senior leadership in the service to focus on managing the service and team leaders to actively manage the caseload performance.

**R10.** Specifically project manage the integration of the new IT system (Arcus) to embed and maximise its use within the service. Highlight and support key super users to support and advise others, upskilling case officers in its use and team managers in using the system to manage performance, in Planning and Enforcement.

### **3.0 Background and Scope of the Peer Review**

This report sets out the findings of a planning service peer challenge, organised by the Planning Advisory Service (PAS), as part of the Local Government Association (LGA), at the request of the Planning Service (the service) of the London Borough of Haringey Council (the Council). Peer challenges are managed and delivered by the sector for the sector. They are improvement orientated and are tailored to meet the individual council's needs. Designed to complement and add value to a council's own performance and improvement, they help planning services review what they are trying to achieve, how they are going about it, what they are achieving, and what they could improve.

The aim of the peer challenge was to assess the operation of Haringey Council's Planning Service and how it can respond to the present and future challenges.

The review has focused on:

- The recognition of the role of the planning service to deliver and support the Council's strategic priorities and deliver the ambitions for the area.
- How the service understands its communities and delivers their aspirations.
- The perception of the service from within the service, the council, communities, and partners, and how it engages with them.
- The services' performance particularly in terms of the core development management process and local plan progress.
- The use of resources within the service.

The review took the form of an analysis of data and information relating to the operation of the planning service. The review team watched recent Planning Sub Committee meetings of the council, online and in-person. It reviewed key documents and supporting material produced by the Council and undertook interviews from 16<sup>th</sup> to 19<sup>th</sup> October 2023 with councillors, senior managers, and staff from both inside the planning service and other parts of the Council, community groups, external consultees, developers, agents and partnering organisations.

This report is structured around the headings of:

- **Vision and leadership** - how the authority demonstrates leadership to integrate planning within corporate working to support delivery of corporate objectives.

- **Performance and management** - the effective use of skills and resources to achieve value for money, and the effectiveness of processes (and the roles of officers and members) in decision-making on development proposals.
- **Community engagement** – how the authority understands its community leadership role and community aspirations and uses planning to help deliver them.
- **Partnership engagement** – how the authority works with partners to balance priorities and resources to deliver agreed priorities.
- **Achieving outcomes** - how well the service leverages national and local planning policy to deliver the sustainable development and planning outcomes its community requires.

This review takes place a few months after the Council has undertaken a Corporate Peer Challenge (CPC) of the authority. Some of the findings of this planning service review build on and develop some of the findings from the CPC within the planning service.

Local government and planning services across the country are presently in very challenging times, with extensive resourcing difficulties that are expected to continue into the future. The review occurred at a time that the Government's Levelling Up and Regeneration Bill is progressing through Parliament to set future national planning policy, give details of any future changes in the national planning process and set out how the service will have to respond over the coming years, as well as more immediate new requirements for local authority planning services, such as the delivery of mandatory Biodiversity Net Gain.

The Haringey planning service has been on a dramatic journey of improvement over the last 10 years, with unrecognisable improvement in planning performance and the delivery of high-quality large development sites within the borough.

The Council has also gone through a recent period of change to its political leadership. This has brought a new and ambitious agenda for the council, aiming to transform its relationship with residents, creating stronger and more engaged services that can deliver their ambition for Haringey's many communities. The Council is in the process of establishing a long-term vision for the borough. The Council's new local plan will have the opportunity to be the spatial representation of the new council vision. The planning service is key to delivering the Council's aims but it needs to be recognised that the timetable for local plan preparation is limited by the national requirement for local plans in the present planning system to be submitted for examination by 30<sup>th</sup> June 2025.

Overall, it is very evident from the review's interactions with staff, councillors, communities, and partners during the review that there is a genuine passion for the service, the Council, and a real desire to deliver the best for the area and its communities.

The peer review team was made up of serving council officers and a councillor from local authorities from across the England and a PAS review manager.

The review team members were:

- **Marilyn Smith**, Head of Planning & Assurance, Barking & Dagenham Council
- **Sarah Scannell**, Assistant Director of Planning, Birmingham City Council
- **Jon Palmer**, Head of Planning, Milton Keynes City Council
- **Cllr Danny Beales**, Cabinet Member for New Homes, Jobs and Community Investment, Camden Council
- **Steve Barker**, Peer Challenge Manager, Planning Advisory Service

We commend the Council and the service for inviting in the review and its open and transparent approach to hosting the review. The team would like to thank the officers and members at Haringey Council and everybody they met during the process for their time and positive contributions.

## 4.0 Detailed Feedback

### 4.1 Vision & Leadership: how the authority demonstrates leadership to integrate planning within corporate working to support delivery of corporate objectives.

It is the review's findings that the London Borough of Haringey's planning service is performing well and regarded positively by developers and agents as users of the service and the community groups who regularly interact with the service. It is well respected by other services within the Council, councillors, and senior management of the Council. The senior leadership of the service is especially highly regarded.

The supportive working relationships within the service between officers, between officers and members, and the service's relationships with partners are excellent. There is a strong commitment to, and recognition of, the communities of the borough. The planning service has an overall good and dedicated group of staff within it, who all work supportively together, with a large amount of pride in working for the service. The whole team and the leadership of the service should be strongly commended in garnering this collective and supportive team spirit.

The senior management of the service is very honest in its leadership and has a drive to challenge itself and strive for improvement, as highlighted by the desire to undertake this review but also in its honest challenge to the service.

The service is in the process of updating the local plan from the present 2017 local plan document. This new local plan is recognised as a key document corporately through the Council's principles laid out in the Haringey Deal and the Haringey Corporate Delivery Plan by senior management. The Council is aiming to submit the new local plan in 2025, ahead of central government's proposed deadline of 30th June 2025 for local plans to be submitted for examination under the present local plan process. After this date the plan would need to conform to the new style plan making process presently progressing through the legislative process. The service's present timetable for the new local plan of: Draft Local Plan consultation in 2024, Proposed Submission consultation in 2024/25 and Examination and Adoption in 2025/26, has little to no flex against the central government-imposed requirement for submission by the end the June 2025. The review has some concerns that the present timetable to take the plan forward is going to be challenging, especially with what we believe is presently a lightly resourced local plan team.

There are positions within the planning policy team that have remained unfilled for an extended length of time. We believe this, along within Head of Planning Policy, Transport & Infrastructure having a wider responsibly away from the local plan, has hindered the plan coming forward. This is together with the fact that this small team also undertakes other policy work which can take the focus away from local plan work. The plan needs to be their principal focus to be able to deliver the new local plan on the proposed timetable.

The new local plan is vital in helping to deliver the Council's objectives and helping the service to make the link between the work of the planning service and the corporate aims and objectives. However, there is a lack of awareness from many of the purpose of the local plan, how it is a tool to deliver the growth that the borough needs and what outcomes can be achieved from having an up-to-date local plan. There is no published timetable, or clarity on the resourcing, and programme of work to deliver the new local plan. This includes a lack of dedicated and specific leadership and management of the local plan production.

There appears to be very little political ownership of the new local plan and little to no awareness by partners both inside and outside of the council. This local plan needs to be supported by vocal and consistent political leadership. It is recognised that there have been a number of changes over the recent past in the holder of the role of Cabinet Member for Planning. This high turnover of the role has brought a reduced visibility of the role as the political champion for the local plan and possibly in awareness of progress and timetable both internally and externally of the new local plan. The present Cabinet Member for Planning has a well-established understanding of the planning process from her previous role as the chair of the Council's planning committee and will be a great asset in her role of championing and leading



the local plan. This role is vital in promoting the progress of the local plan but also in giving strong leadership, governance, awareness, and linkages across the council.

The present governance structure with the local plan updates going to many of different boards and groups is not maximising the return of political leadership for the local plan. Due to the importance of the local plan corporately we suggest that there should be a more formal Local Plan Member Working Group. This working group should be chaired by the Cabinet Member for Planning with other relevant cabinet members on it. It should be receiving regular updates on progress of the local plan, focusing on the work undertaken, highlighting the work to come, making strategic joined up decisions across portfolios and giving the officers clear political steer and leadership for the production of the local plan and political ownership of the Council's local plan.

There also seemed little political or senior leadership vision for using developer contributions such as CIL and Section 106 to provide infrastructure, and then highlighting the benefits of this spend for infrastructure provision and resident engagement.

There is recognition of the Council priorities around the agenda of housing delivery in the borough and how the planning service plays its part in supporting this priority. There is awareness of the priority of the Haringey Deal across the service but little practical reflection of what this means on the ground presently for the service. In some areas of the service there was a lack of clarity or understanding of their role in delivering the Council's priorities, and that planning plays an important role in delivering them. There is a need to better recognise, own and embrace the Council's priorities, recognising its key role in delivering them. The planning service is often a public shopwindow for the Council and its therefore critical that the recommendations that are made are outcome focused. The new local plan and wider understanding of the Council's aims will be key in helping to bridge the gap of understanding and ownership of the Council's priorities with the service.

There are lots of examples of delivery occurring within the borough. The Council needs to recognise how it can attract new development coming into the borough; actively promoting what the Council is wanting to do for the next 10 or 15 years for the communities and the area, what the right kind of development is for the area and where those opportunities are, and present the full Council's commitment to it. This comes from the Council's long-term vision and should be a driver in the new local plan.

The Chief Executive wants to establish and deliver the strategic direction and priorities for the Council and sees the role of the planning service as a key driver for delivering them. The new local plan is key in making this linkage.

#### **4.2 Performance & management: the effective use of skills and resources to achieve value for money, and the effectiveness of processes (and the roles of officers and members) production of planning policy and in decision-making on development proposals – including how the Council's Planning Committee is functioning.**

The service is regarded positively by developers and agents as users of the service and the community groups who regularly interact with the service. It is considered "professional" and "engaging" and seen as a "positive", "problem-solving" service. It is well respected by other services within the Council, councillors, and senior management. The senior leadership of the service is especially highly regarded and seen as accessible, responsive, and supportive. The working and supportive nature of relationships within the service, and between officers and members, and partners are positive. This was noted by many people we spoke with from both inside and outside of the service, including external partners. The leadership of the service should be highly commended for building this culture within the service.

As already highlighted, the timetable to produce the new local plan is going to be challenging with what we believe is limited resources in the planning policy team, with no room to delay against the national government target of submission of the local plan in the present system before June 2025.

Presently there is only a very small planning policy team of only 5 to bring the plan forward, with an unfilled post of Planning Policy Team Manager, and the Head of Planning Policy, Transport & Infrastructure interim for a couple of years. This is less than we would expect to see in a planning policy team for a London Borough or comparable sized authority. We have concerns that there is a lack of the required resources available and focused leadership and direction within the planning policy team to facilitate and deliver the plan against the proposed timetable.

Production of the local plan has already fallen behind its initial proposed timetable of submission in early 2023, which is now delayed until 2024/25. As noted above, there is also a distinct lack of awareness of (and focus on) the timetable and aims for the new local plan. This view was from both external partners and some key internal council partners.

A detailed and resourced programme of work to deliver the new local plan to the proposed timetable needs to be produced, with a specific project management responsibility and clear and regular communication to internal and external partners.

Recognising the resources that will be required for the different stages of work to deliver the plan is critical to delivering the plan to the proposed timetable. We believe that the planning policy team will be able to work with individuals and skills from across the Council within the Regeneration Service and others to deliver the production of the local plan.

There has been good work undertaken around the initial digital engagement on the plan, and this very much supports the Council's aims around engagement with communities through the Haringey Deal, and we have heard that there is draft local plan material available. The local plan is a great opportunity to build on this already heralded engagement work and support the Council's aims of engagement and delivery with the communities of the borough.

We are aware that the Council is presently working on its vision and aims for the area. The local plan should be recognised as the spatial manifestation of that vision and aims. There is a great opportunity to move these forward together, but the local plan cannot be delayed.

The Development Management service is performing well against the national planning performance regime for speed and quality of planning decision making, with a very low number of appeals and complaints compared to other local authorities. There is a strong recognition of how the service has improved over the last 10 years.

The borough has seen a steady increase in the number of applications received, with major applications practically doubling, compared to previous years but this appears to be slowing again.

The services' internal performance management is highlighting a considerable increase in the average days taken to decide major and minor applications in the present period. Caseloads have been rising historically over the last year but there is some recognition that this is starting to reduce with recent increased output from the service. We suspect that this is due in part to managing the impact of integrating the new Arcus IT system into the service, which, along with the hard work of the Development Management team is starting to make some inroads into the backlog of cases but it is recognised that there is still a lot of work required to bring the backlog down. The high number of backlog cases and risk of lost income from the return of fees through the planning guarantee is concerning and it has been recognised from within the service that it needs to be proactively managed by Team Managers and the service with some importance.

The service has bid to access funding from central government to help reduce the backlog and they are waiting to hear if they have been successful. This is similar to almost all local planning authorities across the country. Hopefully the service will be successful in accessing the requested funding but how the service chooses to use this extra resource to clear the backlog will be interesting. We would suggest that even though the service will have to undertake some short-term actions to help reduce it there will need a more permanent rethink to help the service remain on top of it going forward.

There was a consistent message from individuals we engaged with that the planning service was under resourced. Data from the last few years, compared to other London Boroughs, shows the Haringey planning service appears to be below average for staffing numbers, 37 planning staff compared to a London average of 46, but with fairly comparable numbers of development management staff, and in recent history dealing with a just below average number of applications when compared across London. However, as highlighted previously, there has been a noted increase in the number of planning applications, particularly major applications, received by the council recently albeit this appears to be starting to decline this year. The service is performing well in delivering above average net dwellings, affordable housing provision, and reported performance in handling timeliness of applications. It has as an average for expenditure per head of population and below average cost delivering the service compared to other London Boroughs.

Every planning service in the country would like more resources, and Haringey is no exception. We recognise that resources are limited within planning and local government. The Development Management service is working very hard with the resources that it has available and that this is at a comparable ratio of volume of applications to officer numbers to other similar sized local authorities. We do believe that a reduction presently would affect future performance and we conclude if more resources are not going to be available, or even if they are, the service will have to consider changing some of its present processes. This includes embracing more opportunities for the new IT system to better utilise the planning resources and skills available to it, recognising tasks which could be undertaken by non-planning staff.

Feedback from users and partners of the service suggests that there is a considerable reliance on engagement with the Assistant Director and Head of Development Management & Enforcement of the service. It is great that these individuals are seen so positively, but it does raise concerns about the resilience of the service and dependencies on these key individuals. We understand that the Development Management service has previously embraced a Systems Thinking approach to the receipt and decision making of applications. This approach is not universally popular with officers, many of whom see it as part of the cause of the backlog of applications. Case officers are “tied up” with competing deadlines around validation of applications, appeals, and application decisions, that if do not happen within ideal timescales, put more pressure on timely decision making by the service.

There are obviously some very well informed, experienced, and very committed Development Management officers within the service. Using their expertise within the department, we believe that a small working group of DM officers from across the service, including the Performance Manager, could engage with something like the PAS DM Challenge Toolkit, to recognise blockages, improving the DM process, helping own an improved process and freeing up planning resource. Changes could include making sure that work is undertaken at the most appropriate level within the service, using the professional planners to focus on planning work rather than administrative work. The service should also look at upskilling individuals to enable them to take on complex cases, to have the confidence to engage with key partners, to negotiate on schemes with confidence. Recognising where efforts and resources could be better focused. There should be a consistent and positive performance management process of individuals’ throughput and removing any duplication of checks. The service might have to be brave to even suggest reducing the quality of some activities that are obviously welcomed by applicants that cannot be supported with limited resources such as not validating applications when they are unacceptable, reducing the length of reports, requiring all advice to be directed to pre-application service, reducing negotiations with applicants on schemes without pre-application advice, reducing number of staff attending planning committee and other corporate meetings, and undertaking committee site visits by exception. We are not advising that all these activities specifically need to stop but that the service needs to evaluate what can and cannot be done with the limited resources available.

The initial implementation of the new Arcus IT system has been undertaken and the initial potential benefits are starting to be recognised by some within the team. This is a great start but there are further opportunities to embrace that the new system can support the service. Only a few individuals are actively and fully invested in getting the most out of the new system and the level and depth of usage appears to have stalled with some team members, so the maximum benefits of the new system are not being gained.

There is a reliance on a single external contractor to support the new system with little or no dedicated internal ownership.

We suggest that such a long-term and key programme requires a more specific and detailed project management resource and support for a number of “super users” in the service to support and drive embedding the new system and maximising of its benefits.

The system can also help to actively manage performance across the teams. There were concerns expressed that there is presently an inconsistency across the teams in performance management. Consistency across the Team Managers can allow more targeted use of resources and support to keep on top of performance, being proactive in addressing the backlog of applications, delivering timely decisions and consistency across the service.

The Council’s Planning Enforcement Team is working very well with high levels of performance compared to other local authorities’ enforcement functions both nationally and within London. They are issuing timely decisions, high numbers of notices and offering paid for advice. They are recognised as an integral part of the planning team and the collective team spirit of the service and they recognise that they could work closer with the Development Management service and are a potential resource to aid the reduction of the backlog of applications, particularly as many planning cases are joint enforcement cases. They are actively embracing the new Arcus IT system, using it to develop their own workflows. There is potential for the Enforcement Team to be recognised as part of the focus on income generation by the planning service through cost applications, prosecutions and applications submitted due to enforcement.

It is recognised that the service has contributed to the Council’s financial position directly through Section 106 and developer contributions, application fees, accessing external funding and savings already made and indirectly through the related extra Council tax, Business rates and New Homes Bonus for new homes and commercial spaces from planning decisions. There is good initial work underway to maximise this commercial income available from the service to support capital projects and recognising where planning can actively support the Council’s wider agenda. This work needs to continue and be built on to maximise commercial income brought in by the service. This might mean that the service has to become a little more “hardnosed” in some of its external dealings with customers, such as limiting advice to the paid for planning advice service and having a streamlined processes for receiving requests for advice and recognition of the associated income. The widely held recognition that the service is working with limited resources and the present goodwill held towards the service will go a long way in supporting this.

As part of the review, we took the opportunity to view the Council’s planning committee, the Planning Sub Committee. This was done through watching a sample of recent committees both online and in-person. The Haringey Planning Sub Committee is a very good example of how public facing planning committees are run. The role of the planning committee Chair is recognised as a key role. The present Chair is well respected, well informed, clear in managing the process of decision making. There appears to be a very good and trusted relationship between the committee chair and the Head of Development Management & Enforcement and the Assistant Director Planning, Building Standards & Sustainability. It was very apparent that the members of the committee work respectfully with each other, the Chair, and officers. The planning case officers are well respected and treated professionally by the committee members in the meetings and were considered helpful by planning committee members we spoke with. Officers are professional and responsive to questions that are raised by the committee members and the interactions between officers and members appear professional and courteous.

The Council’s streaming of the Planning committee is very good, with good audio and targeted video of anybody who speaks at the committee.

As the service looks at how it uses its planning officer resources it should include how it supports the committee. Recognising the time taken to service the committee, produce committee reports, including very comprehensive appendix to reports, and the time of senior officers attending committee.

The role of the councillor on committee is important and challenging and access to training, as well as support from planning officers, is essential for members to fulfil the role well. The service should work closely with the Council members to give informal opportunities to share information between officers and committee members and that they are aware of how they can engage with officers if they have questions, to ensure that any required information will be available when the committee sits to enable quality decision making. This informal advice should sit alongside an increase in the number and variety of more formal training and briefing sessions for committee members around key topic areas, to review decisions, appeal outcomes and progress of delivery against local plan policies. We appreciate that some of this is occurring during the regular site visits that the committee undertake and through the triannual Strategic Planning Committee meetings. Some of this training should be expanded to help ward councillors in their role as intermediaries for communities to engage in the planning process.

### **4.3 Community Engagement: how the authority understands its community leadership role and community aspirations and uses planning to help deliver them.**

It is apparent that the planning service is very aware of, and focused on, the many diverse communities of the borough. It was widely recognised that the Council faces a challenging “East/West” divide in engagement with communities of the borough. There is a strong awareness and engagement of the often “seldom heard” key groups of the community by both officers and members. There is a clear and positive commitment to the principles of community engagement within the service.

There are some very well-informed community groups and individual local residents within the borough, with a very good understanding of the complexities of the development and wider planning processes, the developments, and the opportunities of their areas, as well as great knowledge of their communities. Many were also very aware and sympathetic to the Council’s resourcing challenges. There is a strong recognition from the service that the community and residents’ groups are an important part of ensuring that communities can effectively interact with the planning system. Of the residents’ groups that we spoke with there was a lot of positivity towards the service with recognition that the service is working hard, recognising how they can engage with the service, with good engagement with senior leaders of the service being out and about and engaging with the communities. There was recognition of a difference in engagement with residents in the east and west of the borough. In the west, the more traditional amenity groups like paper, whereas greater engagement is digital in the east where there are fewer formal groups. There was a strong desire from the residents’ groups and communities that we spoke with to engage in the planning process. This was expressed particularly around early and ongoing engagement in the local plan production, engagement in the pre-application process where appropriate and improved communication on planning enforcement cases. It was highlighted that some resident’s groups had received very useful briefings on the local plans, whereas others were not informed.

Though the awareness or knowledge of the “what” of the Haringey Deal has very much landed with the service there is not a strong understanding of the “how” of the Haringey Deal will be applied within the planning service in the day to day working practices.

Embracing the Haringey Deal and bringing the engagement of the local communities to the heart of the service’s work on the local plan is a great opportunity, it will help local communities to shape how the borough develops and for the service to practically embrace a key council objective.

The digital initial local plan engagement has been recognised as innovative in its use of technology to help enhance engagement. Good and meaningful public engagement of the local plan making is often the most resource and time intensive in plan making. Given limited resources and time this could present a challenge where the opportunity is greatest for meaningful collaboration with the community.

Residents highlighted that when they engage with their ward councillor on planning issues is dependent on the particular ward councillor and how well they are informed. We had limited engagement with ward councillors during the review, but they should be seen as a vital part of the service’s engagement with

communities and every opportunity should be given to help them be informed on planning process and issues and include them in planning engagement work.

There are positive community engagements being undertaken in the Regeneration and Housing work through the Placemaking agenda. However, the planning process does feel a little disjointed from these wider placemaking engagement processes. There are concerns, and some examples identified, that this will bring a duplication of efforts or missed opportunities to enhance both agendas or appear disjointed or confusing to communities.

The Council does not have a large number of neighbourhood plans made or in production but there was some frustration noted amongst some neighbourhood groups about the level of engagement with them on their neighbourhood plans. It is a really interesting challenge for the service and recognised by the Council's commitment to engagement with the breadth of communities in the borough, of how to engage and support constructively with different communities, with different requirements of support and representation, to be a positive experience.

The service has started some good initial work around participatory budgeting around Neighbourhood Community Infrastructure Levy (NCIL) and Community Infrastructure Levy (CIL) and there are examples of how this money is being spent in different areas. However, there was quite a low awareness of how to access this amongst community and councillors, so we recommend building on the participatory budgeting approach or even undertaking a lower-level engagement, recognising that CIL & NCIL spending supports the aims of the Council of working with, and delivering for, communities and maximising the visibility of planning service.

#### **4.4 Partnership Engagement: how the authority works with partners to balance priorities and resources to deliver agreed priorities.**

It is the review's findings that the London Borough of Haringey's planning service is regarded very positively by developers and agents, as users of the service, and, as previously noted, the community groups who regularly interact with the service.

The officers of the service are well respected by the councillors, other services within the council, and senior management. The senior leadership of the service are especially highly regarded.

The direct working relationship between the officer and members of the planning committee and Cabinet Member appear to be very strong, with a lot of professional trust and support between the two.

External partners, developers, and agents are very positive about their engagement with the service and particularly appreciate the level of access to senior leadership of the service, especially Assistant Director and Heads of Services. We heard some really good examples of excellence in customer service in dealing with planning applications in a timely manner and the delivery of good professional pre application advice.

It was highlighted that there is a lack of consistency with engagement and performance in some parts of the team and the challenge of accessing planning officers by telephone was raised a number of times. This lack of consistency appears to mean that a lot of engagement is directed at the senior leadership of the service; Assistant Director, and Head of Service. We recognise that this puts a strain on the level of the service and is a potential critical failure point in the future of the service.

Partners were aware that there were some resourcing challenges within the service, particularly around the limited resources available in heritage and design.

Other Council departments are also very positive about the work of the team and believe them to be open, collegiate, and focused on delivering the Council aims. There is an appreciation of the high volume of work undertaken in the team and that they see the value in engaging and contributing to support to achieve significant outcomes for the borough, for example working with the Housing Delivery Team.

Very few of the partners we spoke with were able to articulate what they believed the aims and objectives of the borough were when it came to development and placemaking. There was very little awareness or engagement from the developers and agents we spoke with of the local plan, its aims, work to date or timetable going forward. Many did not appreciate the local plan's relevance to their own priorities, particularly as "things were getting done anyway" from those that were already active in the borough.

Some partners, including some councillors, are not clear how decisions were made about the direction for development in the borough and the roles of each part of the Council. This limits the ability to maximise opportunities and build relationships for the future of the borough.

There is a significant opportunity for the council to better engage with the GLA (Greater London Authority) and TfL (Transport for London) as key partners around bringing the local plan forward, highlighting opportunities for the potential release of sites e.g., Crossrail 2 safeguarded sites, and raising awareness of the development aims and opportunities in the borough.

The local plan is the opportunity to bring partners with you about the type of development that the Council wants to see.

#### **4.5 Achieving Outcomes: how well the service leverages national and local planning policy to deliver the sustainable development and planning outcomes its community requires.**

There are lots of really good things happening in Haringey; lots of examples of delivery occurring within the borough and in the pipeline to happen in the future. The planning service is seen very positively, as "builders not blockers" by both internal and external partners and there is a strong recognition that the service is trying to get positive outcomes for the borough. And as mentioned the planning team is well respected and valued within the Council and across other services.

The council needs to recognise how it can attract new development coming into the borough; actively promoting what the council wants to achieve over the next 10 or 15 years for the communities and the area, the right kind of development for the area and where those opportunities are. This comes from the Council's long-term vision and the new local plan. It should be presented as a single narrative and backed by the full Council's commitment. The new local plan needs to have a greater visibility, greater awareness of the aims and the timetable for production, particularly for external partners but also internally.

As already mentioned, the policy team feels very lean, and we believe will need resource to deliver to the timescale required for what is such a key council strategy. There appears to be potential resource outside of the policy team, principally in the Regeneration programme, that we believe can support the plan making process and bringing more consistency in how the placemaking agenda and the new local plan can work collectively together.

We feel there should be greater clarity on the political leadership and governance of the local plan. The present engagement with the multiple officer boards which are not signing off or contributing on the plan but feels more of "tick box" rather than governance.

Across the service there is a strong commitment and understanding of the Council's corporate priority to deliver housing in the borough.

The Council's Quality Review Panel (QRP) process is welcomed and recognised as driving good quality design in the area and the recognition of good design through the Council's Design Awards. The Council's design officer was highlighted as a particular positive, helping to drive good design quality. However, the limitations of the resource with only one design officer were also highlighted. Access to urban design skills are particularly limited at present within the sector, but with an increasing focus in this area of work in the future through planning reform, the Council might need to think how it can increase this

resource through access to shared services with the neighbouring boroughs or expanding the knowledge base within the team.

The approach the service is taking to develop the Infrastructure Delivery Plan (IDP) is quite innovative and comprehensive. The IDP summit held in early October was a pragmatic and collaborative approach to stakeholder engagement. The service needs to make sure the IDP is focused on supporting the development and adoption of the local plan.

More transparency of the process of allocating CIL to infrastructure projects, and the benefits this brings to the borough, is needed. It is recognised by some that the opportunities that Planning income from CIL brings, how its allocation can support the delivery of key projects for the communities and the wider borough but there is very little recognition and understanding of how CIL spend is allocated on projects across the borough or had clarity of where the political oversight or leadership of the CIL spend happens. The use of CIL and NCIL spend could be used positively to engage with communities, delivering recognised infrastructure needs. It is felt that there could be improved communications with communities on where CIL & NCIL is to be spent.

As previously mentioned, the service has made a strong start of making the planning service become more commercial and this will need to be built upon and embedded to help the service to continue to be resourced to deliver the good work occurring in the service and maintain the good delivery occurring in the borough.

## **5.0 Implementation, next steps and further support**

It is recognised that the Council and service will want to consider and reflect on these findings.

To support openness and transparency, we recommend that the council shares this report with officers and that they publish it for information for wider stakeholders. There is also an expectation that the council responds to the finding in the report and develops an action plan to be published alongside the report.

Where possible, PAS and the LGA will support councils with the implementation of the recommendations as part of the Council's improvement programme.

A range of support from the [LGA](#) and [PAS](#) is available on their websites. Some specific areas of support that the authority might wish to look at includes:

- [Local Plan Project Management support](#)
- [Development Management Challenge Toolkit](#)
- [Improving governance of developer contributions](#)
- [Biodiversity Net Gain Readiness Checklist for Local Authorities](#)

It is recommended that Haringey Council discuss ongoing PAS support with Steve Barker, Principal Consultant, [stephen.barker@local.gov.uk](mailto:stephen.barker@local.gov.uk) and any corporate support with Kate Herbert, Principal Adviser, [kate.herbert@local.gov.uk](mailto:kate.herbert@local.gov.uk)

As part of the LGA's peer review peer impact assessment and evaluation, PAS and the LGA will contact the Council in 6-12 months to see how the recommendations are being implemented and the beneficial impact experienced.

The author of this report is Steve Barker ([stephen.barker@local.gov.uk](mailto:stephen.barker@local.gov.uk)), on behalf of the peer review team.

This report was finalised in agreement with the Council on 24/11/2023.

We are grateful for the support of everyone that contributed to this review.





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**Planning Service Peer Challenge 2023  
Action Plan 2024**

	<b>Recommendation</b>	<b>What we're doing already</b>	<b>Action</b>	<b>Owner</b>	<b>Timescales</b>	<b>Resource</b>
<b>R1 Backlog</b>	Prioritise work to address the <b>backlog of applications</b> and manage the risk of lost income through the return of application fees.	<p>Staff have been working on an <b>action plan to clear the backlog</b> since Summer 2023 which is already reducing the backlog</p> <p>In September 2023 the Council bid for DLUHC's Planning Skills Delivery Fund and on 19 December 2023 it was announced the Council had been <b>successful in securing £75k</b> for this</p> <p>The DM service relies on timely responses from <b>internal (and external) consultee services</b> and many of the delays result from issues with certain consultees</p>	<p><b>Action 1: Clear backlog &amp; return caseloads to normal levels by May 2024</b></p> <p>Put in place greater <b>monitoring of caseloads and backlog</b> to ensure officers have sufficient capacity and throughput to ensure a further backlog is not created and that output balances or exceeds the number of applications received</p> <p>Put in place measures to improve the timeliness and quality of responses from <b>internal consultee services</b> in Transport, Carbon Management and Environmental Health / Noise</p>	<b>Head of DM&amp;E</b>	<b>May 2024</b>	<p>Additional <b>staff and overtime hours</b> for a temporary period</p> <p>Supporting input from <b>internal consultee services</b></p> <p>Ensure the service has adequate staff to process the quantity of applications received including in busy periods by <b>implementing R9</b></p>

	<b>Recommendation</b>	<b>What we're doing already</b>	<b>Action</b>	<b>Owner</b>	<b>Timescales</b>	<b>Resource</b>
<b>R2 Local Plan officer lead</b>	There should be a dedicated <b>officer lead for the local plan</b> . The unfilled position of Planning Policy Team Manager and the combined responsibilities of the Head of Planning Policy, Transport & Infrastructure is not giving enough priority to the production of the local plan. This must be seen as key going forward.	<p>The <b>Planning Policy Team Manager post has been kept vacant</b> whilst the postholder is acting up as Interim Head of Planning Policy, Transport &amp; Infrastructure (HoPPTI).</p> <p>The HoPPTI post is being reviewed as a result of the <b>Transport Planning Team moving out of the PPTI service</b> to the Environment &amp; Resident Experience directorate. Unfortunately this transfer is taking longer than originally expected.</p> <p>When the HoPPTI post is reviewed and filled on a permanent basis, the Planning Policy Team Manager post will also be filled.</p> <p>This has meant the Planning Policy Team Manager post has been kept vacant longer than it should have, which has regrettably had an impact on the Local Plan.</p>	<b>Action 2: Recruit to Planning Policy Team Manager post</b>	<b>AD Planning, Building Standards &amp; Sustainability</b>	<b>April 2024</b>	Complete the <b>move of the Transport Planning Team</b> out of the Planning Policy, Transport & Infrastructure service to the Environment & Resident Experience directorate

	Recommendation	What we're doing already	Action	Owner	Timescales	Resource
<b>R3 Local Plan political lead</b>	Maintain a clear and consistent <b>political lead for the local plan</b> . Have a <b>more formal Local Plan Member Working Group</b> , chaired by the Cabinet Member for Planning with other relevant cabinet members on it, to receive regular updates on progress of the local plan, focus to the work, and highlighting the work to come, making strategic joined up decisions across portfolios and to give clear political steer, leadership and champion the local plan.	<p>The Cabinet Member responsible for the Local Plan is the <b>Cabinet Member for Housing Services, Private Renters &amp; Planning</b> which since May 2023 is Cllr Sarah Williams</p> <p>In June 2020 a <b>Local Plan Member Working Group</b> was set up to maintain frequent and informal engagement with Members and to act as a 'sounding board' as the New Local Plan is prepared. It is comprised of the same Members as Strategic Planning Committee and chaired by the Cabinet Member. It is not a public meeting and documents are a work in progress and confidential. The Group has met 19 times and covered all Local Plan topic areas at least once.</p>	<p><b>Action 3: Ensure joint Planning &amp; Placemaking Cabinet Member meetings as follows:</b></p> <ul style="list-style-type: none"> <li>• (Chair) Cabinet Member for Housing Services, Private Renters &amp; Planning</li> <li>• Cabinet Member for Housebuilding, Placemaking &amp; Local Economy</li> <li>• Assistant Director Planning, Building Standards &amp; Sustainability</li> <li>• Assistant Director Regeneration &amp; Economic Development</li> <li>• Other supporting officers</li> </ul> <p>This will not be a public meeting and documents will be work in progress and confidential</p> <p>This will be in addition to the existing Local Plan Member Working Group which will continue to meet</p>	<p><b>Cabinet Member for Housing Services, Private Renters &amp; Planning</b></p> <p><b>Head of PPTI</b></p>	<b>April 2024</b>	<b>Within existing resources</b>

	<b>Recommendation</b>	<b>What we're doing already</b>	<b>Action</b>	<b>Owner</b>	<b>Timescales</b>	<b>Resource</b>
<b>R4 Local Plan resourced programme and communication strategy</b>	<b>4a)</b> A detailed and <b>resourced programme for the production of the new local plan</b> should be produced, with specific project management support, recognising the resources required, the timetable for delivery and confirming the proposed timescales are deliverable.	As set out in response to R2, the Council is working to fill the vacant Planning Policy Team Manager post on a permanent basis to lead on programme management of the Local Plan  More <b>Programme Management support currently within the Regeneration &amp; Economic Development</b> service is being made available to the Planning service which will support programme management of the Local Plan	<b>Action 4a: Publish New Local Plan programme</b>	<b>Head of PPTI</b>	<b>July 2024</b>  June 2025 DLUHC deadline for submission of current style Local Plans	<b>Programme Management support within Placemaking &amp; Housing</b>

	Recommendation	What we're doing already	Action	Owner	Timescales	Resource
	<p><b>4b)</b> It should have a clear <b>communication strategy</b> to partners and communities, to support meaningful engagement beyond the “usual suspects” as part of the <b>Haringey Deal</b>, as well as broader policy work in future for area specific policies and design codes.</p>	<p>A <b>Communication and Engagement Plan for the New Local Plan ‘First Steps Engagement’</b> was approved by <a href="#">Cabinet in October 2020</a> and implemented</p> <p>The <b>New Local Plan First Steps Engagement won the 2022 Royal Town Planning Institute (RTPI) London Chair’s Award and <a href="#">2022 RTPI National Planning Award for Excellence</a></b>. “The judges were very impressed with Haringey’s great example of engagement... They set the mark in 2020 that others have since followed... They ensured that the plan was not only socialised but <b>reached under-represented groups</b> and engaging with a huge range of people through <b>innovative</b> methods. The team went above and beyond what was required and have <b>paved the way for others</b> who wish to follow.”</p>	<p><b>Action 4b: Publish New Local Plan Communication &amp; Engagement Plan</b> in line with the principles of the <b>Haringey Deal</b> for the next engagement exercise at Regulation 18 stage</p> <p>This will include making published materials as accessible as possible (e.g. via a digital-based Local Plan)</p>	<p><b>Head of PPTI</b></p>	<p><b>July 2024</b></p>	<p><b>Within existing resources</b></p>

	<b>Recommendation</b>	<b>What we're doing already</b>	<b>Action</b>	<b>Owner</b>	<b>Timescales</b>	<b>Resource</b>
<b>R5 Vision</b>	<p>The planning service, as part of the Placemaking &amp; Housing Directorate, need to be fully engaged in the work on the <b>long-term vision</b> of the Council, being clear about what type of development Haringey wants to see in the future and how the local plan will reflect the aspirations and needs of different communities of the borough, including working with agents and developer forums in sharing these key visions. Officers should engage with senior counterparts within the GLA and TfL to accelerate key opportunities and remove existing blockers.</p>	<p>The Planning service is <b>working closely with the Corporate Policy Team</b> as work on the emerging new borough Vision progresses</p> <p>The Planning service takes part in <b>regular meetings with the GLA/TfL</b> as part of the wider Placemaking &amp; Housing functions and the Transport Planning functions. The Planning service contributes to various GLA forums e.g. the Digital SHLAA Project Board and the Planning for London engagement events</p> <p>The Council recently adopted its <b>Inclusive Economy Framework 'Opportunity Haringey'</b> which includes a priority action to 'bring new investment to the borough' and developing an <b>Inward Investment Strategy</b></p>	<p><b>Action 5: Ensure Planning service engaged on the emerging new borough Vision and Inward Investment Strategy</b></p> <p>Also ensure engagement with key stakeholders such as developers, GLA, TfL</p>	<p><b>AD Planning, Building Standards &amp; Sustainability</b></p> <p><b>AD Strategy, Communications &amp; Collaboration</b></p> <p><b>AD Regeneration &amp; Economic Development</b></p>	<b>Autumn 2024 adoption of the borough Vision</b>	<p>Support from <b>Corporate Policy Team</b></p> <p><b>Economic Development service</b></p>



	<b>Recommendation</b>	<b>What we're doing already</b>	<b>Action</b>	<b>Owner</b>	<b>Timescales</b>	<b>Resource</b>
<b>R6 Infrastructure Delivery Plan</b>	Continue the work on the Council's <b>Infrastructure Delivery Plan</b> and make sure it is integrated to support the development and adoption of the local plan.	It is currently planned to complete a Draft Infrastructure Delivery Plan (IDP) ahead of consultation on a Regulation 18 Draft Local Plan. Work is ongoing to ensure the scope of the IDP is appropriate for the purpose of supporting the New Local Plan.	<p><b>Action 6: Publish Draft Infrastructure Delivery Plan (IDP) alongside Regulation 18 Draft Local Plan</b></p> <p>Include linkages to other service plans e.g. Local Area Energy Plan, Local Implementation Plan</p>	<b>Head of PPTI</b>	<b>July 2024</b>	<p><b>Within existing resources</b></p> <p><b>Support from other services</b> e.g. Carbon Management, Transport Planning etc</p>

	Recommendation	What we're doing already	Action	Owner	Timescales	Resource
<b>R7 Planning and Regeneration</b>	<p>Look at relationship between the <b>Planning and Regeneration</b> functions, recognise where there can be mutual benefits, more <b>joined up working and shared resourcing</b> - as is already occurring for Housing. Placemaking and Planning should be more intrinsically linked, utilising planning and placemaking and regeneration team resources, streamlining or sharing engagement processes. Investigate scope for developing a shared resource, potentially using capital funding, to support the production and delivery of the local plan and Regeneration priorities. Making use of architects, planners, designers and project managers from across the Directorate to use their skills to assist with local plan.</p>	<p>The Planning and Regeneration services work very closely together on a wide range of projects to ensure general strategic consistency</p> <p>Close working should, however, not jeopardise the <b>independence of planning advice and decisions</b>. The Council's Constitution already includes a Planning Protocol which sets out how planning decisions on Council owned land should be made solely on planning grounds to ensure appropriate separation of Council functions when necessary</p> <p>More <b>Programme Management support currently within the Regeneration &amp; Economic Development</b> service is being made available to the Planning service which will support programme management of the Local Plan</p>	<p><b>Action 7: Ensure joint Planning &amp; Placemaking Cabinet Member meetings</b></p> <p>As set out in Action 3</p> <p>This will cover issues such as:</p> <ul style="list-style-type: none"> <li>• Borough-wide placemaking framework</li> <li>• New Local Plan oversight</li> <li>• Key Planning and RED activities e.g. allocation of Community Infrastructure Levy (CIL)</li> <li>• Programme Management support</li> <li>• Ensuring Service Plans and staff targets for PBSS and RED reflect work on joint projects</li> </ul>	<p><b>Director Placemaking &amp; Housing</b></p> <p><b>AD Planning, Building Standards &amp; Sustainability</b></p> <p><b>AD Regeneration &amp; Economic Development</b></p>	<b>April 2024</b>	<b>Programme Management support within Placemaking &amp; Housing</b>

	Recommendation	What we're doing already	Action	Owner	Timescales	Resource
R8 Community Infrastructure Levy (CIL)	Consider how allocation of <b>Community Infrastructure Levy (CIL)</b> and Neighbourhood CIL spending can support members and broader community engagement in the planning process, highlighting the positives of development, and giving clear communication of how those decisions are made.	In March 2020 the <a href="#">Council allocated</a> £2.2m of <b>Neighbourhood CIL (NCIL)</b> to 41 projects following a public consultation exercise	<b>Action 8a: Round 1 NCIL &amp; SCIL: communicate positive outcomes</b>  Work with project delivery services and Communications Team to highlight to the community that NCIL and SCIL from development was used to part-fund the projects	<b>Head of PPTI</b>	<b>April 2024</b>	Support from <b>relevant services and Communications Team</b>
		In December 2020 the <a href="#">Council allocated</a> £14.6m of <b>Strategic CIL (SCIL)</b> to 15 projects	<b>Publish annual IFS, internal quarterly reports &amp; improve commencement notifications</b>			
		Every year the Council publishes an <b>Infrastructure Funding Statement (IFS)</b> required by law setting out CIL spend and delivery	<b>Action 8b: Round 2 SCIL</b>  As part of the 2024/25 budget setting process, highlight the use of <b>SCIL in the Council's Capital Programme</b> to support the Council's financial position and that the funding comes from new development	<b>Head of PPTI</b>  <b>Head of Finance (Placemaking &amp; Housing)</b>	<b>April 2024</b>	<b>Within existing resources</b>  Support from <b>Finance service</b>
		The Council's Corporate Delivery Plan commits to developing a Haringey approach to <b>participatory budgeting</b> consistent with the Haringey Deal, potentially using NCIL. Officers have started to explore options available	<b>Action 8c: Round 2 NCIL</b>  Engage with members and the community, <b>potentially through a participatory budgeting approach</b> , and highlight that the funding comes from new development	<b>Head of PPTI</b>  <b>Policy &amp; Equalities Team Manager</b>	<b>April 2024</b>	Support from <b>Corporate Policy Team</b>

	Recommendation	What we're doing already	Action	Owner	Timescales	Resource
<b>R9 Development Management &amp; Enforcement</b>	<p>a) Give the <b>Development Management &amp; Enforcement</b> service the headspace to review their operation and improve the service from within – this means assessing their <b>structure, processes, workflows</b>, potential access to shared resources in other teams and opportunities to maximise income....</p> <p>...Working with something like the PAS DM Challenge Toolkit to identify any structural issues, process improvements and customer engagement processes that could be introduced to better focus the use of planning resources and...</p>	<p>It is welcome that the Peer report recognises the “planning service has been on a <b>dramatic journey of improvement over the last 10 years</b>, with unrecognisable improvement in planning performance and the delivery of high-quality large development sites within the borough”, that we are “<b>performing well</b>” and that we are a “<b>very good example of how public facing planning committees are run</b>”</p> <p>The team has started to work through the <b>Planning Advisory Service (PAS) DM Challenge Toolkit</b> to revisit the team’s approach which is creating positive outcomes</p> <p>In December 2023 the Council submitted bids to DLUHC’s <b>Digital Planning Improvement Fund &amp; Proptech Innovation Fund</b> for national data standards and digital citizen engagement. Awards will be announced in 2024</p>	<p><b>Action 9a: Structure &amp; processes</b></p> <p>As part of <b>R10 Digital System</b> processes and workflows will be reviewed to increase automation, streamlining and efficiencies</p> <p>Complete the <b>PAS DM Challenge Toolkit &amp; Action Plan</b> to review the principles that the team works to including improving the balance of work between fully qualified planning staff and assistant planning officers</p>	<b>Head of DM&amp;E</b>	<b>June 2024</b>	<p><b>Staff resource</b> to prepare and carry out <b>PAS DM Challenge Toolkit &amp; Action Plan</b></p> <p>Potential resource from DLUHC’s <b>Digital Planning Improvement Fund &amp;/or Proptech Innovation Fund</b></p>

	Recommendation	What we're doing already	Action	Owner	Timescales	Resource
	<p><b>b) This will mean ensuring a good commercial approach by striking the right balance between good customer service and experience with providing more advice through the paid-for planning advice service.</b></p>	<p>It is welcome that the Peer report recognises the planning service's financial contribution to the Council "through S106 and developer contributions, application fees, accessing external funding and savings already made and indirectly through the related extra Council tax, Business rates and New Homes Bonus for new homes and commercial spaces from planning decisions. There is <b>good initial work underway to maximise this commercial income...</b>"</p> <p>We are a highly commercial service eg:</p> <ul style="list-style-type: none"> <li>• We are 1 of only 2 planning services providing <b>fast-track</b> services</li> <li>• We recently moved from "pre-application" to "<b>planning advice services</b>" to capture income from all stages</li> <li>• <b>New fees &amp; charges</b> are proposed for 2024/25 to charge for more advice</li> </ul>	<p><b>Action 9b: Commerciality</b></p> <p>Once the backlog is cleared (R1) the team's focus can shift back again to commerciality</p> <p>Implement the new fees &amp; charges for 2024/25 to capture all opportunities for income generation</p> <p>Negotiate on planning applications primarily through charged services</p> <p>Publish a statement on revised approach to commerciality, negotiation and customer service</p>	<p><b>Head of DM&amp;E</b></p>	<p><b>May 2024</b></p>	<p><b>Within existing resource</b></p> <p>Income and work required is dependent on the wider economic context and the development market</p> <p>Requires commercial approach from Finance, HR</p>

	<p>c) ...through a <b>workforce strategy</b> for the service, highlight any skill deficits or resilience issues across the service. Planning officers may require some additional training or support to enable them to take on complex cases and have the confidence to engage with key partners, and negotiate on schemes with confidence, having clarity on the key aims for development in the borough. Freeing up senior leadership in the service to focus on managing the service and team leaders to actively manage the caseload performance.</p>	<p>The Council has an <b>existing Workforce Development Strategy 2019-2023</b>. This is currently being updated, working towards adoption in 2024</p> <p><b>Continuing Professional Development (CPD)</b> are already part of biannual <b>'My Conversations'</b> performance framework meetings with staff</p> <p>The Council has been successful in being part of <b>Cohort 1 of DLUHC / LGA's new Pathways to Planning</b> scheme where we will secure a new graduate in April 2024</p> <p>The Council currently has training subscriptions to <b>New London Architecture, Urban Design London</b>, and <b>Future of London</b>. Training is also available from the <b>Royal Town Planning Institute</b>, the <b>Planning Officers Society</b> and also the LGA's <b>Planning Advisory Service</b></p>	<p><b>Action 9c: Workforce Strategy</b></p> <p>Implement a workforce strategy training plan for Planning</p>	<p><b>AD Planning, Building Standards &amp; Sustainability</b></p>	<p>May-December 2024 alongside corporate Workforce Strategy</p>	<p><b>Within existing resource</b></p> <p>Support from <b>Human Resources</b></p>
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	<b>Recommendation</b>	<b>What we're doing already</b>	<b>Action</b>	<b>Owner</b>	<b>Timescales</b>	<b>Resource</b>
<b>R10 Digital System</b>	Specifically project manage the integration of the <b>new IT system (Arcus)</b> to embed and maximise its use within the service. Highlight and support key super users to support and advise others, upskilling case officers in its use and team managers in using the system to manage performance, in Planning and Enforcement.	<p>The <b>full implementation of this new software was not completed</b> due to resource pressures from the backlog built up while implementing</p> <p>Grant funding from DLUHC was sought but not awarded. There is limited revenue funding in the DM&amp;E budget to progress this work</p> <p><b>Super users</b> have been identified but further training is required and a <b>project lead and project management resource</b> is required</p> <p>In December 2023 the Council submitted bids to DLUHC's <b>Digital Planning Improvement Fund &amp; Proptech Innovation Fund</b> for national data standards and digital citizen engagement. Awards will be announced in 2024</p>	<p><b>Action 10: Draft and implement a new Arcus Project Plan</b></p> <p>Setting out key improvements, super users and training</p>	<p><b>Head of DM&amp;E</b></p> <p><b>Business Performance &amp; Monitoring Manager</b></p>	<b>July 2024</b>	<p>Potential resource from DLUHC's <b>Digital Planning Improvement Fund &amp;/or Proptech Innovation Fund</b></p> <p>Using remaining capital funding to project manage and resource this</p> <p>Permanent recruitment to the <b>Business Performance &amp; Monitoring Manager</b> post (currently acting up)</p>

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**Decision cover page**

Report Title: Updating the Planning Protocol

Date of Decision: Strategic Planning Committee 19 February 2024

Report Author: Rob Krzyszowski, Assistant Director Planning, Building Standards &amp; Sustainability

Contact No: 020 8489 3213

Council Leadership Team Lead (and date report agreed): N/A

Report Title	
<b>*Legal Comments Provided by:</b>	Not sought on this specific report but is fully involved in the emerging changes to the Planning Protocol
<b>*Financial Comments Provided by:</b>	Not sought at this stage
<b>*Equalities Comments Reviewed by:</b>	Not sought at this stage
<b>*Procurement Comments Provided by:</b>	N/A
<b>In the Background - This section of the report includes outlining consultation with partners/stakeholders, service users, residents more generally, business, other public bodies, interest groups, government, staff or statutory consultees. Please indicate if this has happened and who has been consulted. Also include how consideration has been given to the Haringey Deal and to hearing the voices that are too often overlooked</b>	The Planning Service Peer Challenge 2023 heard from a variety of borough partners and residents about improvements to the Planning Service. A number of recommendations were made and an Action Plan has been drafted. However, the peer report did not make any recommendations regarding the Planning Protocol
<b>Number of Appendices included –please check the report writing guidance on the template and consider can these be included as background documents if they do not refer to in the recommendations or need to be referred to agree the proposals.</b>	Appendix A: Planning Protocol 2017
<b>*Background documents</b> listed that are available for public inspection or web links exists? [These are the documents that have been relied upon to a material extent in the preparation of the report. Any background papers that are listed must be retained and accessible for public inspection for a period of 6 years. It is the responsibility of the report author to ensure this is done.]	N/A
<b>Date considered by Cabinet Member</b> Please note that if your report impacts or relates to two or more Cabinet portfolios, you will need to also arrange a further briefing meeting with the Cabinet members before submission of the report to Informal CAB.	Monday 29 January 2024 discussion

<p><b>Dates considered by Officer Internal Boards</b> [This can include internal Cabinet and Officer Groups]</p>	25 January 2024 Planning Board
<p><b>Date considered by Council Leadership Team</b> Politically sensitive strategic key decisions would need to be considered by .] Please contact Ben Hunt on x1164 if you have any queries about which meeting your report should be considered at. Meetings table place on a Thursday morning</p>	N/A
<p><b>Date considered by informal CAB</b> [Politically sensitive strategic key decisions would need consideration at CAB – Please contact Felicity Foley with any queries about Informal CAB.]</p>	N/A
<p>Please consider if a wider briefing on this key decision is required at <b>Labour Group / Liberal Democrat Group meetings?</b> When?</p>	N/A
<p>Is the decision compliant with the <b>Council’s Budget and Policy Framework</b> as set out in Part Four Section E of the Constitution?</p>	Yes

**Report for:** Strategic Planning Committee 19 February 2024

**Item number:** To be added by the Committee Section

**Title:** Updating the Planning Protocol

**Report**

**authorised by :** Rob Krzyszowski, Assistant Director Planning, Building Standards & Sustainability

**Lead Officer:** Robbie McNaugher, Head of Development Management & Enforcement

**Ward(s) affected:** N/A

**Report for Key/**

**Non Key Decision:** N/A

**1. Describe the issue under consideration**

1.1. This report sets out the potential changes to the Planning Protocol, which is part of the Council's Constitution, that officers are considering, for Members to consider and discuss.

**2. Cabinet Member Introduction**

2.1. N/A

**3. Recommendations**

3.1. Strategic Planning Committee is asked to note the content of this report.

**4. Reasons for decision**

4.1. The Planning Protocol was last updated and approved as part of the Council's Constitution in 2017. It is appropriate to consider updating the Planning Protocol to bring it up-to-date in line with good practice and alongside wider changes to the Constitution that the Council is considering.

**5. Alternative options considered**

5.1. The Council could decide not to update the Planning Protocol but this is not considered appropriate as it would be out-of-date and not in line with the latest good practice.

**6. Background information**

6.1. The Council's Constitution Part Five contains various Codes and Protocols governing the way various elements of the Council function. Within Part Five,

Section E is the Planning Protocol which was last updated and approved in 2017.

6.2. The Planning Protocol currently covers various topics including:

- Conduct of Members/Officers
- Training
- Open & fair decisions
- Bias & predetermination
- Declaring interests
- Consistency
- Reasons
- Lobbying from developers / residents
- Hospitality, social contacts
- Pre-app presentations
- Site visits
- Role of Ward Members
- 'Call in' to Planning Sub Committee
- Running order

6.3. Since the Planning Protocol was last updated and approved in 2017, various industry-standard good practice documents have been updated which officers have had regard to in considering updates:

- **Probity in Planing – Advice for councillors and officers making planning decisions** – Local Government Association (LGA) Planning Advisory Service (PAS) – December 2019 [LINK](#)
- **Probity and the Professional Planner – Exercising your independent professional judgement** – Royal Town Planning Institute (RTPI) – January 2020 [LINK](#)
- **The Members Planning Code of Good practice** – Lawyers in Local Government (LLG) – January 2024 [LINK](#)

6.4. In October 2023 a **Planning Service Peer Challenge** was invited to Haringey to give 'critical friend' feedback and make recommendations for any improvements needed to the service. This is the subject of a separate report to Strategic Planning Committee. The peer report stated that "Committee is a very good example of how public facing planning committees are run" and did not make any recommendations regarding Planning Sub Committee or the Planning Protocol.

6.5. Officers are considering and working on drafting potential changes to the Planning Protocol as follows:

1. General updates and tidying up
2. Removing duplication / inconsistency with wider Constitution and Member Code of Conduct
3. Clarifying officers' ability to refer an application to Committee

4. Confirming planning decisions cannot be made on a party-political basis / are not 'whipped'
5. Establishing a new 'Strategic Planning Panel' pre-application meeting between applicants and relevant members, with associated transparency measures
6. Renaming 'Development Management Forum' to 'Planning Forum'
7. Clarifying processes for petitions
8. Clarifying the running order for Planning Sub Committee meetings
9. Clarifying step-by-step process for dealing with Motions, including those contrary to officer recommendation
10. Clarifying approach to Deferrals

6.6. Strategic Planning Committee Members are invited to suggest any further changes to the Planning Protocol which they are interested in exploring.

6.7. Constitution Working Group meetings are being held with relevant Members to discuss potential changes to the Council's Constitution, including the Planning Protocol, in more detail.

6.8. Final proposed changes to the Council's Constitution including the Planning Protocol would need to be approved by a future meeting of the Full Council.

## **7. Contribution to the Corporate Delivery Plan 2022-2024 High level Strategic outcomes**

7.1. Potential changes to the Planning Protocol support all themes in the Corporate Delivery Plan by making improvements across the Planning Service, relationships with residents, communities, partners, stakeholders and with Members.

## **8. Carbon and Climate Change**

8.1. The Planning Protocol does not contain policies or procedures regarding carbon and climate change because the appropriate document for planning policies is the Local Plan and associated planning policy documents. The efficient and proper implementation of the Planning Protocol will help support the delivery of the policies on the Local Plan, including on carbon and climate change.

## **9. Statutory Officers comments**

9.1. Not sought at this early stage although full advice will be provided for when changes to the Planning Protocol, as part of wider potential changes to the Council's Constitution, are proposed to Full Council.

## **10. Use of Appendices**

Appendix A: Planning Protocol 2017

## **11. Background papers**

N/A

# Planning Protocol 2017

## 1. PURPOSE OF THE PROTOCOL

- 1.01. This Protocol has been adopted by Haringey Council to ensure the highest standards of probity in the performance of its planning function.
- 1.02. Consistency, fairness and openness are important qualities for any regulatory function in the public eye and they are vital to the conduct of a planning committee. Adherence to the Protocol is intended to build public confidence in the Council's planning system.
- 1.03. The purpose of the Protocol is:
  - (a) to state how the Members of the Planning Sub-Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties;
  - (b) to ensure a consistent and proper approach by all Members to the exercise of planning functions;
  - (c) to ensure applicants and their agents, residents and other third parties are dealt with by Members consistently, openly and fairly;
  - (d) to ensure the probity of planning transactions and the high standards expected in public office; and
  - (e) to ensure planning decisions are made openly, fairly and in the public interest, in accordance with legislation and guidance.
- 1.04. This Protocol relating to planning matters is intended to be supplementary to The Members' Code of Conduct (Part Five Section A of the Council's Constitution). The Localism Act 2011 sets out a duty for each local authority to promote and maintain high standards of conduct by councillors and to adopt a local code of conduct. The Council adopted a Code of Corporate Governance in July 2008 which was updated in July 2013 and contains 6 key principles based on the Nolan Committee on Standards in Public Life. The provisions of the Code of Conduct continue to have full force and effect. The purpose of this Protocol is to provide more detailed guidance on the application of the guidance in relation to planning matters.
- 1.05. Copies of this Protocol will be made publicly available online and will be kept under review.

## **2. BACKGROUND TO THE COUNCIL'S PLANNING FUNCTIONS**

### **Determination of Applications**

- 2.01. The planning process is governed by legislation, both primary and secondary, and in particular the Town and Country Planning Act 1990 (as amended) (“the 1990 Act”), the Planning and Compulsory Purchase Act 2004 (as amended) (“the 2004 Act”), the Planning Act 2008 and the Localism Act 2011. The National Planning Policy Framework (“NPPF”) together with Government guidance set out in the National Planning Practice Guidance provides a policy context for the preparation of statutory plans and the discharge of a Local Planning Authority’s functions. In addition, the Courts have also provided a large body of “case law” in respect of planning matters.
- 2.02. Planning law requires the Local Planning Authority (“LPA”) to determine all planning applications "in accordance with the development plan unless material planning considerations indicate otherwise" (Section 38(6) 2004 Act). The development plan in Haringey comprises the London Plan together with the Council’s local plan and when adopted further local plan documents (e.g. area action plans) and if applicable neighbourhood development plans (together “the Development Plan”). In cases of development involving works within a conservation area, or where the development is likely to affect the setting of a listed building, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 contains a duty on the Council to the desirability of preserving the listed building or its setting and Section 72 of that Act requires LPAs to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In accordance with paragraph 197 of the NPPF, in assessing and determining development proposals, LPAs should apply the presumption in favour of sustainable development.
- 2.03. The responsibilities of the LPA must be performed without undue influence or consideration of a personal interest. When determining planning applications Members must only take into account the Development Plan and any material planning considerations. The Members of the authority are elected to represent the interests of the whole community in planning matters. Views relating to material planning considerations expressed by neighbouring occupiers, local residents and any other third parties must be taken into account but local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission.
- 2.04. The planning system does not exist to protect the private interests of one person against the activities of another. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other impacts as a result of a particular development, but whether the proposal would unacceptably affect



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amenities and the existing use of land and buildings which ought to be protected in the public interest.

**Enforcement**

- 2.05. The purpose of the planning enforcement provisions is to protect the integrity of the planning system and the development control process. Whether to take enforcement action in any particular case and what action to take in the circumstances are matters for the authority's discretion. The existence of a breach of planning control is not in itself grounds for the institution of enforcement action. Paragraph 207 of the NPPF provides that "Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and LPAs should act proportionately in responding to suspected breaches of planning control. LPAs should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so".
- 2.06. Haringey Council has published a guide to planning enforcement (July 2012) which sets out the Council's approach to the enforcement of breaches of planning control. This will be regularly reviewed and used to guide decisions in respect of planning enforcement by officers and, where required, Members.

**Appeals to the Secretary of State**

- 2.07. An applicant who has not received a determination within the requisite period of time; has been refused planning permission or other approval; or who is unhappy with conditions attached to a permission granted, and those responsible for developments the subject of enforcement action, have a right of appeal to the Secretary of State for Communities and Local Government ("the Secretary of State"). If it is shown that the Council's conduct in dealing with the matter was unreasonable, the appellant's costs may be awarded against the Council. The most frequent example of unreasonable behaviour is a failure to substantiate an authority's decision on the relevant planning grounds in the particular case.

**Other Powers of the Secretary of State**

- 2.08. The Secretary of State possesses a range of powers which could be exercised where a LPA appears to be making inconsistent decisions or decisions which are seriously in conflict with national and Development Plan policies. This could involve use of the power to "call in" applications, so the application would be determined by the Secretary of State following a public inquiry. A permission granted by the Council can in

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special circumstances be revoked, modified or discontinued. Such decisions may be subject to compensation payable by the Council.

- 2.09. In addition, there is the power in Section 62A 1990 Act (inserted by Section 1 of the Growth and Infrastructure Act 2013) which allows certain applications to be made directly to the Secretary of State, where the LPA for the area has been designated for this purpose. Designation can occur in circumstances where the LPA's performance in terms of its decision making falls short of pre-determined criteria for the timeliness or quality of decisions in respect of major applications. These criteria will be kept under review by the Secretary of State and any changes thereto will be laid before Parliament.

**Powers of the Mayor of London**

- 2.10. The Mayor of London possesses a range of planning powers with regards to developments taking place in London. For strategic developments<sup>1</sup>, the Mayor has the power to allow the LPA to determine the application itself, direct refusal of the planning application or to take over the application for determination. The London Plan sets out the Mayor's policies and guidance for development taking place within London, in particular major developments or those with London wide significance. The Mayor can in certain circumstances prevent developments going ahead that are inconsistent with the London Plan.

**Administration of Planning Functions in Haringey**

- 2.11. The performance of the Council's planning function is largely delegated to the Planning Sub-Committee, and to officers of the Council pursuant to arrangements made under Section 101 of the Local Government Act 1972. Approximately 9 out of 10 planning decisions in Haringey are made by officers, through authority delegated to them by the Council. This level of delegated decision making is consistent with other Councils across the Country and allows the majority of planning decisions to be determined promptly, allowing Members of the committee to focus on the most significant and controversial proposals.
- 2.12. Many decisions are made under delegated powers by the Assistant Director, Planning or Head of Development Management in accordance with a scheme of delegation. (See the Terms of Reference of the Planning Sub-Committee in the Constitution).

**Planning Applications by Councillors or Officers of the Council**

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<sup>1</sup> The Town and Country Planning (Mayor of London) Order 2008 sets out the range of applications on which the Mayor should be consulted. These include development of more than 150 dwellings, development of more than 15,000 square metres and buildings over 30 metres high

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- 2.13. When a planning application is submitted by a serving councillor; or more senior officers (tier 3 or above); or officers within the planning directorate; or by a close relative or a close friend of either an officer or Councillor; or by a councillor acting as agent for the applicant, the councillor or officer concerned will:
- take no part in the processing and determination of the application; and
  - advise the Monitoring Officer and the Assistant Director, Planning/Head of Development Management of the application.
- 2.14. All such applications will be reported to the Planning Sub-Committee and determined by the Sub-Committee and not by an officer under delegated powers.
- 2.15. The report of the Assistant Director, Planning/Head of Development Management will include confirmation from the Monitoring Officer that these requirements have been met.

**Planning Applications by the Council**

- 2.16. Subject to the provisions of the Town and Country Planning General Regulations 1992 planning applications made by or on behalf of the Council will be treated in the same way as those made by or on behalf of private applicants.

**Delegation to Officers**

- 2.17. All Planning applications can be decided under delegated powers save for those reserved in the Constitution for determination by Planning Sub-committee.
- 2.18. Where officers are determining applications under their delegated powers, an officer report will be completed which must record the material planning considerations that have been taken into account in the decision making process.
- 2.19. The Planning Sub-Committee will receive, for its information, a regular report identifying the planning applications which have been determined by officers under the scheme of delegation, and the decisions thereon.

**Referring applications to the Planning Sub-Committee**

- 2.20. All members of the Council receive copies of the weekly list detailing the applications that have been received.
- 2.21. If a Member wishes an application to go before the Planning Sub-Committee rather than be determined through officer delegation, he/she should make this request as soon as possible (and within the 21 day neighbour notification period) and ensure that any such request states

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the planning grounds on which it is based. The Assistant Director, Planning/Head of Development Management in consultation with the Chair of the Sub-Committee will consider such requests and whether the application should be referred to the Sub-Committee. The criteria to be used for determining such requests will include:

- whether the proposal is a significant development which has caused substantial local interest;
- where the officer recommendation is for approval contrary to policy in the Development Plan or other adopted guidance; and
- whether the application is recommended for approval. Applications that are to be refused will not normally be determined at planning committee.

2.22. The Assistant Director, Planning is responsible and accountable to the Council for the Planning and Development Service which deals with the administration of all planning matters. The Head of Development Management is responsible and accountable to the Assistant Director, Planning for the immediate management of the Council's development management function.

### **3. APPLICATION OF THE PROTOCOL**

3.01. The Protocol applies to the conduct of Members in relation to all applications for permission/approval under planning legislation. The Protocol also applies to decisions to take or not to take planning enforcement action. The principles (below) would also apply where consideration was to be given to the inclusion or otherwise of specific proposals within the statutory local plan even when the Sub-Committee was being consulted informally rather than making the final decision.

3.02. The Protocol also applies to any other item before the Sub-Committee. This can include the lists of major applications and delegated decisions. For these, as with all items, Members should ensure that all comments they make are appropriate for the Sub-Committee forum, and relate to a Council wide issue or concern that is not better dealt with by raising directly with officers outside of Sub-Committee.

3.03. In the following sections references to determination of planning applications should be taken as referring also to all these other matters.

### **4. THE MEMBERS' CODE OF CONDUCT**

4.01. The Members' Code of Conduct ("the Code of Conduct") applies to Members of the Planning Sub-Committee as to all Members of the

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Council. The parts of the Code of Conduct on personal and prejudicial interests, the register of those interests and receipt of gifts and hospitality are particularly relevant. Members of the Sub-Committee should also have regard to the general principles of conduct when exercising their planning functions.

## **5. CONDUCT OF MEMBERS OF PLANNING SUB-COMMITTEE**

### **Training**

- 5.01. The Council will ensure that all Members of the Planning Sub-Committee have undertaken appropriate training on planning legislation and relevant matters prior to their participation in the work of the Sub-Committee. The Council will make available regular updates/training for Planning Members, and will encourage all other Members of the Council to take part in planning training.
- 5.02. For Planning Sub-Committee Members and substitute Members of the Planning Sub-Committee there is a requirement to undertake training prior to sitting on the Committee. Ongoing training is required and each Member should undertake at least 5 hours of training per annum.

### **General Principles**

- 5.03. This section of the protocol applies solely to Members of the Council's Planning Sub-Committee when determining planning applications or considering the inclusion of local plan proposals or resolving to take planning enforcement action. It is intended to ensure that the integrity of the decision making process is not impaired, either in reality or in perception, through a lack of openness in decision-making, or through the lobbying of those Members who will make decisions.
- 5.04. This part of the protocol is also designed to ensure that, wherever possible, representations made to Members form part of the public information leading to any decision.
- 5.05. The conduct of Members of the Council who are not Members of the Planning Sub-Committee is governed by the next section of the protocol, where greater flexibility is permitted, and where those Members are given greater freedom to discharge their role as representatives of the local community within a clear framework.
- 5.06. The Council (which unless otherwise stated means acting as LPA) has a responsibility to make decisions with knowledge of the relevant Development Plan policies, taking into account all other material considerations and any representations, applying the appropriate weight to each. In addition, it is important that elected Members receive open and impartial professional advice from their Planning Officers. Members should make planning decisions by reference to a written officers' report.

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- 5.07. This can only be done at the Sub-Committee. Conclusions reached in advance of the Sub-Committee risk being on partial facts, without the relevant advice, and without the ability to view all the material considerations before applying appropriate weight. They are therefore open to misunderstanding, and possibly, to legal challenge on the grounds that the right things have not been taken into account, or immaterial things have been taken into account, or that the Members concerned have been subject to “bias” or “pre-determination”.
- 5.08. For these reasons Members should not reach or express any firm conclusion on an application prior to the relevant Sub-Committee meeting. If, for any reason a Member decides, in advance of the Sub-Committee meeting, to express a firm and final view on the development, he or she shall not take part in the deliberations of the Sub-Committee but may exercise the rights below.
- 5.09. Where any Member makes representations to the ‘Planning Service’, in writing or orally, in relation to any application, those representations will be recorded for inclusion in the officers’ report. Where these representations constitute a firm and final view on the development, the Member will not take part in the deliberations of the Sub-Committee but may exercise the rights below.

**Open and fair decisions**

- 5.10 At the London Borough of Haringey decisions on controversial planning applications are taken in public by the Planning Sub-Committee.

For a decision to be open and fair:

- Those taking the decision should not be biased or have pre-determined how they will decide;
- Those taking the decision should not have a disclosable pecuniary interest or prejudicial interest (see below for further information about these) in the outcome;
- The decision should be consistent with others taken previously unless there are good reasons to decide otherwise; and
- The reasons for the decisions should be clearly set out.

**Bias or predetermination**

- 5.11 It is entirely permissible for Planning Sub-Committee Members, who are democratically accountable decision makers, to be predisposed towards a particular outcome. Nonetheless they must address the planning issues before them fairly and on their merits. That means they can have a view on the application or matter but must not make up their minds on how to vote before formally considering the application and any representations. Planning Sub-Committee Members must have an open mind to the merits of a proposal before it is formally considered at the

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Sub-Committee meeting and they must be prepared to be persuaded by a different view in the light of any detailed arguments or representations concerning the particular matter under consideration.

- 5.12. If the Sub-Committee's decision on a planning application is challenged in the High Court by way of judicial review on the grounds that some of the Sub-Committee Members were biased, or had predetermined the application, the court will assess the case on the basis of what a fair-minded observer, knowing the relevant facts would think.
- 5.13. Section 25 of the Localism Act 2011 provides that a decision maker is not to be taken to have had, or appeared to have had, a closed mind when making the decision just because:
- the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take, in relation to a matter; and
  - the matter was relevant to the decision.
- 5.14. This provision does not change the law on bias and pre-determination which means that Sub-Committee Members must still take planning decisions with an open mind and having taken into account all relevant material planning considerations. What s.25 does provide is that statements made by Members cannot be used in court as evidence that the Member in question had or appeared to have a closed mind. Other evidence or any evidence that a Member has taken into account irrelevant considerations, however, is not so restricted by s.25.
- 5.15. Notwithstanding the s.25 provisions, the safest course is for Sub-Committee Members to avoid making public statements (including expressing views in emails) as to their support for or opposition to any application which would indicate they had made up their minds before the formal consideration of the application at the meeting. If a Sub-Committee Member has made such a statement they must be satisfied that they can still consider the application with an open mind and are prepared to take into account any new matters or any new arguments in favour of or against the proposed development until the decision is made otherwise they should not take part in any decision on the application in question. In which case it is to be treated the same as any other prejudicial interest, as will cases of perceived bias, and the Member shall declare this interest and leave the room for the item in question as set out below.

**Declaring an interest**

- 5.16. It is important that Sub-Committee Members should not be influenced or perceived to be influenced by any interests that they, their family or close associates may have in a particular application. To this end at the start of every Sub-Committee meeting Sub-Committee Members will be asked to declare any interests they may have in relation to the matters before

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them. As outlined in the Code of Conduct, “disclosable pecuniary interests” are prescribed by law and are entered in the register of interests maintained by the Council’s Monitoring Officer. The Code of Conduct also provides for the disclosure of other interests at meetings in certain circumstances. It is not sufficient for a Member to only state they have ‘an interest’. When declaring an interest, the Member must describe what the interest in question actually entails.

**Disclosable pecuniary interests**

- 5.17. ‘Disclosable pecuniary interests’ are prescribed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and are set out in Appendix A to the Code of Conduct. The categories of disclosable pecuniary interests include employment or office, interests in land in the Borough and contracts with the Council.
- 5.18. An interest is a ‘disclosable pecuniary interest’ if it is of a type described above and it is an interest of the Member or of their spouse or civil partner, a person with whom they are living as husband and wife or a person with whom they are living as if they were civil partners and the Member is aware of the interest. Members should note the criminal sanctions for failure to comply with these requirements (as outlined in Appendix B of the Code of Conduct).

**Other interests**

- 5.19. A Sub-Committee Member may have other interests such as ‘Personal’ or ‘Prejudicial’ interests which, whilst not falling within the legal definition of disclosable pecuniary interests should, it is strongly advised, be declared in the public interest. For example, such an interest may arise where the Sub-Committee Member resides near a development which is the subject of the planning application under consideration. While it is for the Sub-Committee Member to judge, a useful rule of thumb is “will my enjoyment of my property be affected either positively or negatively by this application?”. If the answer is in the affirmative, it would be advisable for the Sub-Committee Member to declare such an interest.
- 5.20. A prejudicial interest would also arise, for example, if the affected property were to be owned by a company of which the Sub-Committee Member is a director.
- 5.21. Advice is given below regarding what Sub-Committee Members and non-Sub-Committee Members should do if they have a disclosable pecuniary interest or other interest in an application due to be considered at a Sub-Committee meeting.
- 5.22. It is important to note that the rules relating to declarations of interest apply equally to non-Sub-Committee Members who may from time to time wish to attend a Sub-Committee meeting and speak on a particular matter. Each Member who attends a meeting must make an assessment



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of whether they have an interest in the matters under discussion, whether they intend to participate in proceedings or not.

**Consistency**

5.23. Decisions will not be seen as fair if they are different from those taken on previous similar cases without good reason. The Sub-Committee report will set out the relevant considerations and will draw attention to decisions on any other similar cases where appropriate.

**Reasons**

5.24. Fair and open decision making requires the reasons for the decision to be clear. This is particularly important when the Sub-Committee's decision differs from that recommended in the report.

5.25. Members will want to actively and positively engage with planning decisions. All Members can:

- advise objectors/applicants/others on planning processes and how to get involved;
- give advice about adopted planning policies and local priorities
- direct lobbyists, applicants or objectors to the relevant planning officer so that their opinions can be included in the officer's report;
- lead on local discussions in the preparation of the development plan documents, area action plans and supplementary planning documents;
- provide input into the preparation of planning briefs and guidance;
- receive and pass on information, for example weekly lists and briefings from officers on key proposals;
- attend Development Management Forum meetings, ask questions there; and
- raise issues important to local people and to the developers.

5.26. To ensure that Members and the Council are not open to challenge Members should:

- preface relevant discussions with a disclaimer; the nature of this will depend on their role within the authority in the context of planning;
- clearly indicate that any discussions with them are not binding on the Council;
- be clear about the distinction between giving advice and engaging in negotiation so only engaging in the former;
- involve officers where this will help to safeguard transparency and the appearance of bias;
- be aware of relevant policies included in the Council's adopted plans but give consideration to other matters relevant to planning; and
- seek the advice of the Monitoring Officer when they are unsure of what they are able to do and in relation to any potential "interest".

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5.27. Members should not:

- expect to lobby and actively support or resist an application/decision and subsequently vote at committee or Cabinet; or
- seek to put undue pressure on officers or Members of a deciding committee to support a particular course of action in relation to a planning application or other planning decision.

This does not mean that a Councillor may not question robustly or argue forcefully for a particular course of action.

**Pre-Committee procedures**

Developer's briefings to Planning Sub-Committee

5.28. Enabling a Developer to brief and seek the views of elected Members about planning proposals at an early stage (usually pre-application or where this is not possible, very early in the formal application period) is important in ensuring that new development is responsive to and reflects local interests/concerns where possible. Early member engagement in the planning process is encouraged and supported by the NPPF. Haringey proposes to achieve this objective through formal briefings of the Planning Sub-Committee in accordance with procedures set out in this Protocol. No decision will be taken at such meetings and the final applications will be the subject of a report to a future meeting of the Sub-Committee. These meetings are held in public and are webcast although there are no public speaking rights.

5.29. The purpose of briefings are:

- To enable Members to provide feedback that supports the development of high quality development through the pre-application process, and avoid potential delays at later stages;
- To ensure Members are aware of significant applications prior to them being formally considered by the Planning Sub-Committee;
- To make subsequent Planning Sub-Committee consideration more informed and effective;
- To ensure issues are identified early in the application process, and improve the quality of applications; and
- To ensure Members are aware when applications raise issues of corporate or strategic importance.

5.30. What sort of presentations would be covered in the briefings?

- Presentations on proposed large-scale developments of more than 50 dwellings, or 5,000 sq m of commercial or other floorspace or which includes significant social, community, health or education facilities, or where the Assistant Director, Planning/Head of

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Development Management considers early discussion of the issues would be useful; and

- Presentations on other significant applications, such as those critical to the Council's regeneration programmes, significant Council developments, or those requested by the Chair of the Sub-Committee.

5.31. Frequency and timings of meetings

Once a month or by agreement with the Chair and Assistant Director, Planning/Head of Development for all Members of the Planning Sub-Committee plus Cabinet Members and Ward Members – supported by Assistant Director, Planning/Head of Development Management and other relevant officers.

5.32. Format of the meetings

- The meeting will be chaired by the Chair of the Planning Sub-Committee who will ask Members attending to disclose any relevant interests; and
- The Developer will supply all presentation materials including any models, and these will be displayed in the meeting room;
- Officers to introduce the proposal and advise of issues arising from the Development Management Forum (where this has taken place):
  - The Developer and agents will be invited to make a presentation of up to 15 minutes;
  - Ward Members will have the opportunity to give their views for a maximum of three minutes each.
  - The Cabinet Members will have the opportunity to give their views for three minutes.
  - Members of the Planning Sub-Committee will be able to ask questions to the Developer and officers. These questions will be restricted to points of fact or clarification and must be structured in a way that would not lead to a member being perceived as taking a fixed position on the proposals;
  - Comments of Members of the Planning Sub-Committee; and
  - Summary of the comments raised.

5.33. A short note of the meeting summarising Members' comments would be made.

Other matters

5.34. Developer participation in the Developers' briefings would not normally happen prior to a Development Management Forum or other public meeting or public consultation being held relating to the site or prior to attendance at the Quality Review Panel subject to programming and scheduling pressures.

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5.35. Comments and questions can be raised, and this can also include positive engagement about the proposed development. However, Members should ensure that they are not seen to pre-determine or close their mind to any such proposal as otherwise they may then be precluded from participating in determining the application.

**Development Management Forum**

5.37. The Council has established a Development Management Forum to facilitate the discussion of large-scale or contentious planning proposals. The forum does not reach a decision about a proposal. Its purpose is to allow participants to raise issues of concern and obtain answers to questions about the particular application. The aim is to allow early discussion by Members and members of the public on planning issues related to these planning proposals and to explore the scope for agreement between all parties in a positive and constructive way prior to the later decision being made at the Planning Sub-Committee. Forum meetings will usually take place prior to the submission of an application but can take place at an early stage of the formal process before the Planning Sub-Committee meeting. They do not remove the opportunity for objectors, supporters and applicants to address the Planning Sub-Committee when an application is to be determined or the holding of exhibitions and or public meetings where these are considered appropriate.

What applications does the forum consider?

5.38. Applications that may be considered by the forum include major applications and those of significant local interest. It is not possible to prescribe the exact type of proposals but they may include the following:

- Applications which involve more than 10 residential units or over 1,000 sq m of floor space;
- Those applications that involve a major departure from the Council's planning policy; or
- Those applications that involve high buildings i.e. over 5 storeys.

5.39. Applications that will not generally be considered by the forum include:

- Minor planning applications to alter or extend houses;
- Applications to confirm whether a use of land or buildings needs planning permission (a 'lawful development certificate');
- Applications to put up advertisements;
- Amendments to applications or those which have already been the subject of a forum discussion; or
- Applications where there will be a recommendation for refusal.

5.40. A forum meeting will be held when:

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The Assistant Director, Planning/Head of Development Management, in consultation with the Chair of the Planning Sub-Committee, considers that a forum would be beneficial in resolving issues on a particular planning proposal. For development management forum meetings held at the pre application stage site notices and emails to local groups and councillors will be sent advising them of a proposed meeting. For those meetings held following the submission of a planning application consultees will be advised in accordance with the Council's consultation policy as set out in the Council's SCI in force at the time as part of the consultation on the planning application.

Who can attend?

5.41. Meetings are open to all Members, local businesses and residents. Normally one application or proposal will be considered at each forum to allow for effective discussion. To assist the running of the meeting an agenda is prepared and a short briefing note on the proposal is available.

5.42. The format of the meeting is as follows:

- A senior planning officer chairs the forum. They ensure that all planning issues arising from the proposal are raised but that there is no discussion on the merits of the proposal. The applicant is invited to make a presentation of the proposal for a maximum of 15 minutes.
- Local residents and organisations have an opportunity to present their views either for or against the proposal.
- Planning officers provide information on the progress of the proposal.
- The applicant responds to questions from Members of the Planning Sub-Committee, ward councillors and local business and residents.

5.43. An attendance record is kept, the discussion is recorded and a note of the meeting is made which is reported to the Planning Sub-Committee when any subsequent proposal is submitted for determination.

All Members: Haringey's Development Management Forum

5.44. All Members can attend Development Management Forum meetings which are called to promote early exploration of issues relevant to a particular development. They do not seek to reach any decision about the likely outcome of an application.

5.45. The particular role that Members can play at the meetings is dependent on whether or not they have a formal role within the planning system of the authority, for example are a member of Planning Sub-Committee or the Cabinet, but all Members will need to take account of the generic guidelines for example, publicly clarifying their particular role.

5.46. All Members can:

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- use the meeting to understand the development, the issues important to local people and to the developers, and how the relevant policies are being applied by asking questions;
- give advice about adopted planning policies and local priorities and clarify or seek clarification of policies and priorities;
- give advice about planning processes or direct those present to relevant officers or other sources of advice and information both present or outside the meeting;
- refer local objectors or supporters to ward colleagues who are in a position to take a wider role if theirs is limited and further Member assistance is required; and
- seek advice from officers as to the process to be followed, issues being reviewed and the likely policy position.

5.47. Members should not use the forum to undertake negotiations or appear to put undue pressure on the officers in relation to any future decision on the scheme. Members are however entitled to robustly question developers and officers in order to fully understand issues before the forum.

Ward Members: Development Management Forum

5.48. Ward Members who are not on the Planning Sub-Committee can greatly assist this process by taking an active part in the forum meeting, asking questions, commenting on planning policies and local priorities, and advising on the planning process. They can usefully draw attention to local circumstances and issues, and comment on the appropriate weight to be given to those. It will be important that Ward Members ensure that their remarks and advice are based on adopted Council planning policies as far as possible. This is important to avoid creating any confusion in the minds of developers or local people about who speaks for the Council in negotiations or about the Council's negotiating position.

**Quality Review Panel**

5.49. As part of the pre-application process for major and /or sensitive applications, the Council encourages applicants to present their proposals to the Quality Review Panel. The panel is a group of independent and objective experts, including experienced architects and other built environment professionals, who meet on a regular basis. The Panel's advice is provided for the benefit of the Planning Sub-Committee. The advice will also be used to help officers and the developer to improve upon the quality of the scheme as it evolves.

5.50. The best design outcomes generally occur when schemes are presented to the panel at the pre-application stage, as this allows applicants sufficient time to amend proposals following panel feedback.

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- 5.51. Discussions and negotiations while the application is current but prior to determination:
- 5.52. Once an application has been submitted, officers are working to strict deadlines to ensure that the application can be efficiently and properly determined. They may, during that period, enter into discussions, and sometimes negotiations, with the applicant or their agent in order to clarify aspects of the scheme or to ensure that the applicant is aware of the council's policy requirements. Sometimes such discussions will also convey to an applicant the views of third parties or consultees.
- 5.54. At this stage it is not appropriate for Members, whether or not they are on the Planning Sub-Committee, to enter into direct discussions and /or negotiations with applicants or consultees. Members should recognise the clear distinction between negotiation and listening without prejudice to views which may be expressed to them (see the section on Lobbying below). For Members to enter into negotiations whilst an application is current at best sends a confused message to applicants and consultees about who is officially speaking on behalf of the Council, and at worst will without doubt result in the Member appearing to show bias or pre-disposition. However, this does not prevent Members at this stage asking officers for information about an application, or from passing on the views of constituents or others, indeed this would be a proper area of Member activity. Members should at the same time ensure that any requests for advice or interpretation are passed to officers.

Briefings/interim reports

- 5.55. An effective way of building a degree of certainty into pre-application or post submission discussions is for officers to engage with Members at an appropriate stage in negotiations. Officers may prepare a committee report, briefing note or a site visit in order to identify the key issues that have emerged during discussion, and, where necessary, seek member endorsement to the approach that is being pursued, or simply to present the scheme as an information item to Members. This provides the opportunity for committee Members to raise questions of their own or seek further information regarding the proposed development.

Approaches by applicants

- 5.56. Members of the Planning Sub-Committee will discourage any applicant or agent, or other interested party such as a landowner from approaching them directly in any way in relation to planning proposals. If an approach is received, the Member will take care not to give any commitment, or the impression of a commitment that he or she holds any particular view on the matter.

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5.57. If an approach is received by a Member of the Planning Sub-Committee from an applicant or agent or other interested party in relation to a particular planning application, then the Member will:

- (a) Inform the applicant that such an approach should be made to Officers of the Council;
- (b) Keep an adequate written record so as to enable the Member to disclose the fact of such an approach if and when the application or proposals is considered by the Planning Sub-Committee; and
- (c) Disclose the fact and nature of such an approach at any relevant meeting of the Planning Sub-Committee.

In this context an approach should be noted where the discussion extends beyond simple information to the merits or demerits of the particular proposals.

5.58. Where a Member of the Planning Sub-Committee receives written representations directly in relation to a planning application, the Member will pass the correspondence to the Assistant Director, Planning/Head of Development Management in order that those representations may be taken into account in any report to the Planning Sub-Committee.

#### **The Sub-Committee meeting**

5.59. Planning sub-committee meetings generally start at 7.00pm and the Council's standing orders provide that they will end at 10.00pm except that discussion of the specific item or case in hand at 10.00pm may continue thereafter at the discretion of the Chair. There are 11 Members of the Sub-Committee. The quorum for making a decision as set out in the Council's constitution is at least one quarter of the whole number of voting Members are present. Where notified in advance to the Sub-Committee Clerk and subject to them having attended the mandatory training, substitute Members may attend in place of a Planning Sub-Committee member, pursuant to the Committee Procedure Rules. Substitutes will be from the same political party, to maintain the political balance at Sub-Committee and will be subject to clearance from the group's Chief Whip. The substitute will be for the duration of the entire agenda and will not be used for individual items.

#### **Lobbying and representations**

5.60. The proper place for objectors to raise their concerns is in writing in response to public consultation on a planning application or by making representations at a Sub-Committee meeting. Sub-Committee Members may nevertheless receive lobbying material through the post or by email from either the applicant or the objectors or be approached personally by interested parties. In dealing with such approaches, it is important for



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Sub-Committee Members not to do or say anything that could be construed as bias or pre-determination.

- 5.61. Where Sub-Committee Members receive lobby material through the post or by email they should forward it to the Assistant Director, Planning/Head of Development Management. If Sub-Committee Members feel it is necessary to acknowledge receipt of or comment on the correspondence, they should consider the advice on bias or predetermination in this Protocol and should send a copy of their response to the Assistant Director, Planning/Head of Development Management.
- 5.62. If a Sub-Committee Member is approached by an individual or an organisation in relation to a particular planning application, they may listen to what is said but they should explain that because they are a member of the Sub-Committee they must keep an open mind until they have seen all the material before the Sub-Committee. A Sub-Committee Member might suggest that the individual or organisation should:
- Where an application is not yet on a Sub-Committee agenda, write to the Planning Officer responsible for the particular case who will take into account any material planning considerations raised in the representations when preparing a report for the Sub-Committee; or
  - If the application is already on a Sub-Committee agenda, contact the Sub-Committee Clerk to make a request to speak at the Sub-Committee meeting.
- 5.63. In either case contact another Member who is not a Sub-Committee Member to seek their support. Generally speaking, this should be the Ward Councillor for the Ward within which the application is made.
- 5.64. If a Sub-Committee Member does decide to become involved in organising support for or opposition to a planning application or has offered an opinion on a planning application, then that Sub-Committee Member must take into account the advice on bias or predetermination in this Protocol. If after considering that advice the Sub-Committee Member comes to the view that on an objective assessment they cannot sit on the Sub-Committee and decide the application with an open mind, they should not be part of the Sub-Committee that decides the application. They can however attend the Sub-Committee meeting and speak on their constituent's behalf and adopt the role of local member rather than decision taker.

**'Decision Maker' role**

- 5.65. A Councillor who is a member of the Planning Sub-Committee or a suitably trained substitute and who takes part (or who intends to take part) at a meeting of the Planning Sub-Committee in the determination of particular Planning Application will for the purposes of this Protocol be a "Decision Maker" in relation to such Planning Application.

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5.66. A Councillor who is a Decision Maker shall comply with the provisions of the Code of Conduct generally.

**‘Local Member’ role of a Planning Sub-Committee member**

5.67. Where a Planning Sub-Committee member wishes to make representations on behalf of his/her constituent(s), for the purposes of this Protocol he/she will be a “Local Member” in relation to that planning application. He/she may attend a meeting of the Planning Sub-Committee to make representations about the planning application on behalf of their constituents

5.68. A Councillor who is a Local Member shall comply with the Public Speaking Provisions and the Code of Conduct generally. Further provisions relating to the “Local Members” role are also contained in the next following section.

**Non Planning Sub-Committee /Local Ward Member role**

5.69. Subject to the provisions of the Code of Conduct generally a Councillor who is not a Member of the Planning Sub-Committee (whether or not he/she plays or intends to play the role of “Local Member”) will be free to:

- discuss any planning application with the applicant / agent / objector / lobby group;
- attend any locally organised meeting concerning the application;
- attend any meeting concerning the application and speak about the application (including expressing a view either for or against the application relay relevant information about the application to a planning officer;
- seek information/clarification about the application from a planning officer; and
- should follow the rules on lobbying in accordance with this Protocol.

**Effect of Prejudicial etc Interests**

5.70. Where a Member of the Planning Sub-Committee has had any personal involvement with an applicant, agent or interested party, whether or not in connection with a particular application before the Planning Sub-Committee, or any other personal interest which an observer knowing the relevant facts would reasonably regard as so significant that it was likely to prejudice the member’s judgement of the public interest, then the Member will declare a prejudicial interest in accordance with the provisions of the Code of Conduct (Part 5 Section A of the Council’s Constitution). The Member must abstain from discussion and voting on the matter and leave the room while that application or other matter is under discussion except as provided below. The Member must also avoid any attempt to influence the decision improperly.

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5.71. A Member declaring a prejudicial or any other interest that precludes their determination of an item may attend during that item but only for the purposes of making representations about the matter, answering questions or giving evidence about it and then only when the meeting is open to the public. Otherwise the Member must leave the room while that application or other matter is under consideration.

**Social Contacts**

5.72. Members of the Planning Sub-Committee will minimise their social contacts with known developers and agents and refrain altogether from such contacts when developments are known to be contemplated or applications are being proposed, or where controversial decisions are likely to be needed.

**Hospitality**

5.73. Members of the Planning Sub-Committee will reject any offers of gifts, hospitality or future favours made personally or by way of deals for the Council or the community, from lobbyists. Any such improper approach will be reported immediately to the Chief Executive.

**Residents/Local Groups/ Other Occupiers**

5.74. If a Member of the Planning Sub-Committee is approached by local residents, business or other occupiers in relation to an application, which the residents or others wish to object to or support, the Member will listen to the views but will take care not to give any commitment, or the impression of a commitment that they hold any particular final view on the application.

5.75. Members of the Planning Sub-Committee will:

- (a) Encourage the interested party to contact another Ward Member or other elected Member who is not a Member of the Planning Sub-Committee;
- (b) In the case of significant meetings on planning matters keep an adequate written record so as to enable the Member to disclose the fact of such an approach if and when the application or proposals is considered by the Planning Sub-Committee; and
- (c) Disclose the fact and nature of significant discussions at and relevant meeting of the Planning Sub-Committee.

In this context "significant" would include any meetings or discussions which consider the merits or demerits of the particular proposals extended beyond simple information.

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- 5.76. Meetings and discussions with constituents are an important part of a Ward Member's functions, and this Protocol is not intended to harm those contacts unnecessarily. Members of the Planning Sub-Committee should avoid taking an active role in meetings to promote residents' objections to applications. Nothing in this Protocol prevents Members from listening to local concerns, giving factual information about an application or the planning process, or from directing residents to other sources of information or assistance.
- 5.77. Where a Member of the Planning Sub-Committee receives written representations directly in relation to a planning application, the Member will pass the correspondence to the Assistant Director, Planning/Head of Development Management in order that those representations may be taken into account in any report to the Planning Sub-Committee.

**At Committee**

- 5.78. The responsibilities of Members of the Planning Sub-Committee in considering planning matters are set out above. At the Sub-Committee, Members will, in particular, avoid expressing any view on the matters under consideration until the report has been presented, any other relevant advice is given, and all oral representations have been heard. In order to participate and determine an item, Members must be present for the entire duration and not miss any part of that item.

**Decisions contrary to officer recommendation and/or the Plan**

- 5.79. Decisions on planning proposals have to be taken in accordance with the development plan unless material considerations indicate otherwise. In determining planning and other applications the Committee is entitled to decide the weight to be attached to the various planning considerations which are relevant to the application. This can lead to a decision which is contrary to the recommendation of the Officers. The Committee can for example decide:
- to refuse planning permission where officers have recommended approval;
  - agree with officers that permission should be refused but for different reasons; or
  - grant permission subject to different conditions or legal requirements than those recommended.
- 5.80. Where any Members are proposing to put forward a motion contrary to the officer recommendation, the Committee Chair will ensure that the planning reasons are apparent before a vote is taken. In order to do this the Chair will ensure that:

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- The planning officer/legal officer is given an opportunity to explain to the Sub-Committee the implications of their decision; and
- Where the Sub-Committee wish to add or amend conditions the planning officer is given the opportunity to draft the condition(s) and refer to appropriate Members, for approval.

When the Planning Sub-Committee makes a decision which is contrary to the recommendation of the planning officers, whether the decision is one of approval or refusal, a detailed minute of the Sub-Committee's reasons for its decision will be made. A copy of the minute will be kept on the application file.

- 5.81. When a decision is made which is contrary to the Plan the material considerations which led to this decision and the reason(s) why they are considered to override the development plan will be clearly identified and minuted.

**Council Owned Land**

- 5.82. The Planning Sub-Committee from time to time considers applications involving land owned or recently owned by the Council. Members will consider carefully whether they should take part in the deliberations of the Sub-Committee on an application, involving that land, where they took part in any decision of the Cabinet or other Council body in relation to the land. They will take into account whether an observer with knowledge of all the relevant facts would suppose that there might be any possibility that the involvement in the decision on the land could amount to reaching prior conclusions on the planning issues, or other-wise adversely affect the Member's judgement in any way.
- 5.83. Any Member, whether or not a Member of the Cabinet, will take great care in the consideration of applications, or local plan proposals, affecting land owned or recently owned by the Council to ensure that the planning decision is made and seen to be made solely on planning grounds.

**Legal Advice**

- 5.84. The Assistant Director of Corporate Governance and Monitoring Officer will ensure that a suitably experienced legal officer is present at all Sub-Committee meetings to give legal, governance and procedural advice.
- 5.85. Members need to be mindful of the rules on declarations of interests and if Sub-Committee Members or other Members require advice about possible disclosable pecuniary interests or other interests or if Sub-Committee Members are in any doubt as to whether they have expressed a view that could give rise to the appearance of bias or that they have pre-determined a matter they may seek advice from the Monitoring Officer in advance of the Sub-Committee meeting. If that has not proved possible they should seek advice from the legal officer to the Sub-

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Committee before the meeting starts. Once advice has been given, it is up to the Member to make their own decision on whether or not they have a declarable interest and whether or not they can participate in the decision.

**6. MEMBERS NOT ON PLANNING SUB-COMMITTEE**

- 6.01. The Code of Conduct applies to all Members of Council. The parts of the Protocol which will be particularly kept in mind as a general context for the exercise of planning functions are set out above.
- 6.02. Where any Member submits representations in writing or orally in relation to any matter before the Sub-Committee those representations will be recorded for inclusion in the officer's report.
- 6.03. Councillors who are not Members of the Planning Sub-Committee may attend meetings of the Sub-Committee, and may address the Sub-Committee, the Committee Procedure Rules (Part 4 Section B of the Council's Constitution) will apply. This requires the Member to give written notice to the Chair of the Sub-Committee of his/her attendance, preferably before the meeting but in any event as soon as the Member arrives at the meeting. In order to promote efficient business of the Sub-Committee, and in order to give certainty to the applicant of the time available for speaking, Members are asked to register their intentions to speak by midday on the working day prior to committee with the Committee Clerk.
- 6.04. Where a Councillor who is not a Member of the Planning Sub-Committee has had any personal involvement with an applicant, agent or interested party, whether or not in connection with a particular application before the Planning Sub-Committee, or has any other personal interest which an observer knowing the relevant facts would reasonably regard as so significant that it was likely to prejudice the Member's judgement of the public interest then the Member will declare a prejudicial interest in accordance with the provisions of the Code of Conduct. The Member may only attend the meeting as provided in paragraph 6.05 below. The Member must also avoid any attempt to influence the decision improperly.
- 6.05. A Member declaring a prejudicial interest may attend the meeting but only for the purposes of making representations for or against the relevant application, answering questions or giving evidence about it and only when the meeting is open to the public. Otherwise the Member must leave the room while that application or other matter is under consideration.
- 6.06. Where an approach has been received by an elected Member (not being a Member of Planning Sub-Committee) from an applicant, agent or other interested party in relation to a planning application, that Member will, in any informal discussions with any Member of the Planning Sub-

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Committee, disclose the fact and nature of such an approach and have regard to the matters set out at paragraph 7.01 below.

## **7. OTHER CONDUCT OUTSIDE COMMITTEES**

7.01. In discussions between Members generally and Members of the Planning Sub-Committee (at party group meetings or other informal occasions) Members will have regard to: -

- (a) the principles governing the conduct of Members set out in the Code of Conduct.
- (b) the principles governing the conduct of Members of Planning Sub-Committee set out in this Protocol.
- (c) the obligations placed on Members of the Planning Sub-Committee not to give commitments in relation to any planning application prior to consideration of the full officer report, advice and representations at the Sub-Committee meeting dealing therewith.

## **8. SANCTIONS**

8.01. Please refer to the Complaints Against Members Protocol for the complaint procedure against Members and possible sanctions where there is an alleged breach of this Protocol and the Code of Conduct.

## **9. MEMBERS AND OFFICERS OF THE COUNCIL**

### **The role of elected Members**

9.01. In respect of any planning application Members will:

- declare any pecuniary or non-pecuniary interest and take no part or a restricted part, as appropriate, in the processing and determination of the planning application;
- act impartially and honestly;
- approach each application with an open mind;
- take into account and carefully weigh up all relevant issues;
- determine each application on its own merits and in accordance with the requirements of planning law and the guidance of planning policy;
- avoid inappropriate contact with interested parties (see also the section on lobbying); and
- ensure the reasons for their decision are recorded in writing.

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**The role of officers**

9.02. Officers in their role of advising and assisting elected Members in their determination of planning applications will provide:

- impartial and professional advice;
- consistency of interpretation of the planning policies; and
- complete written reports which will include:
  - a clear and accurate analysis of the issues in the context of the relevant development plan policies and all other material considerations;
  - the substance of the representations, objections, and views of all those who have been consulted;
  - a clear written recommendation of action and where that recommendation is contrary to the development plan, the material considerations which justify the departure; and
  - all necessary information for the decision to be made.

9.03. Members should not put any pressure on officers for a particular recommendation and, as required by the Code of Conduct or the Protocol on Member/ Officer Relations (Part Five Section B of the Council's Constitution), should not do anything which compromises, or is likely to compromise, their impartiality. Members should recognise that officers are part of a management structure and should address any concerns which they may have about the handling of a planning application to a departmental manager at the appropriate level of seniority. In general, however, officers and Members should adopt a team approach to the determination of planning proposals, and should recognise and respect each other's different roles

9.04. In common with Members generally, all Members of the Planning Sub-Committee may contact the relevant Planning Officer to seek information in relation to any planning application.

9.05. Members of Planning Sub-Committee will not attempt in any way to influence the contents of the Officer's report or the recommendation made on any matter. Representations made by Members whether or not in writing will be recorded by the relevant officer and included in the report.

9.06. Any criticism of Planning Officers by Members of the Planning Sub-Committee shall be made in writing, to the Director of Regeneration, Planning and Development or the Assistant Director, Planning and not to the Officer concerned. Members will endeavour to avoid any public criticism of officers but this does not prevent Members asking officers proper questions.

**Contact between Members and officers**



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9.07. Involving Members early and throughout the application and determination process leads to better committee meetings, better decisions and better developments. Pre-committee meetings between officers and the Chair and other senior Members can enable strategic applications to be highlighted and procedural committee issues agreed. Other contact is described elsewhere in this protocol including planning committee briefings.

## **10. PROTOCOL FOR HEARING REPRESENTATIONS AT PLANNING SUB-COMMITTEE**

### **General Principles**

10.1. The Planning Sub-Committee will operate this Protocol with two particular aims regarding representations:

- (a) to allow those who have applied to make representations to be heard by the Sub-Committee on items on the agenda for the meeting; and
- (b) to get through the agenda expeditiously to avoid delay to applications and wasted journeys by the public.

10.2. Objectors or supporters, including Ward or other Members where possible, should advise the Council by noon on the working day immediately prior to the Sub-Committee meeting (for a Monday meeting this would be by noon on the Friday prior to the Sub-Committee) in order to allow appropriate administrative arrangements to be put in place. The number of speakers will usually be limited to two speaking against the proposal with a time limit of 3 minutes each i.e. a maximum of 6 minutes. Members will have a time limit of 3 minutes each. Those supporting a proposal will be given the same time as those speaking against (including time taken by any Members objecting less any time by Members supporting).

10.3. Speaking should take place immediately before the Sub-Committee debates a particular application (see running order for the sub-committee) and after the planning officer has set the scene and updated the meeting on any late matters not dealt with in the published report.

10.4. The circulation of materials will not normally be accepted during the meeting. If new or further material is to be allowed following the publication of the Sub-Committee papers it should be received in advance of the meeting so that it can be circulated to Members of the Sub-Committee.

10.5. Speakers should not be allowed to engage in discussion with Members of the Sub-Committee during public speaking or the Sub-Committee deliberations, to avoid any risk of accusation of bias or personal interest.

### **The procedure for addressing the Sub-Committee**

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- 10.6. Although the Committee Procedure rules allow for Members not on the Planning Sub-Committee, or officers outside the Planning Service who wish to address the Sub-Committee, to give written notice of their attendance to the Chair of the Sub-Committee rather than inform the committee clerk by 12 noon on the working day prior to committee Members and Council Officers are asked to inform the committee clerk by 12 noon on the working day prior to committee where possible.
- 10.7. The Chair will allow those persons outside the Council completing the form to address the Sub-Committee except where there are several people applying to speak, in which case there will be a limit as shown below. The right to speak shall be on a first come first served basis.
- 10.8. For any issue which is within the Sub-Committee's terms of reference, but for which there is not a report on the agenda, members of the public may use the Deputations Procedure in accordance with the Committee Procedure Rules to make their representations to the Sub-Committee.
- 10.9. With respect to Petitions, for this Sub-Committee the requirement in the Council Procedure Rules for 5 days' notice will not apply so that members of the public may submit petitions (without addressing the meeting) on any issue which is within the Sub-Committee's terms of reference at any meeting without giving due notice.

### Running order for planning applications

- 10.10. Declarations of interest will be taken at the start of the meeting (Members will be invited to *clearly state their interest in an item and whether they believe it to be personal, prejudicial (including bias and predetermination) or pecuniary. To include whether they will leave, stay, refrain from debate and whether they will vote*).

(a)	Announce application and give description.
(b)	Name the public speakers.
(c)	<i>Advise the meeting of the declarations of interest that have been made in relation to the item</i>
(d)	Local Member declaration to represent their constituents or vote ( <i>Where a local Member sits on the Sub-Committee they should state whether they intend to vote on the application or instead to represent their constituents. If representing their constituents they should move to the area reserved for speakers and remain there as applicable e.g. until the end of their contribution subject to then leaving the room</i> ).
(e)	Planning officer presents case including update of any late representations or new issues, with possible supplementary presentation from other officers.
(f)	Speaking arrangements Objectors - up to 2 speakers with a total time of 3 minutes each.

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(g)	Any interested Councillors who have informed the committee clerk or the Chair in advance of the meeting may address the Sub-Committee for up to 3 minutes each.
(h)	The Applicant and any supporters of the proposal will have the right to speak if there are any speakers against the proposal and then will be allowed to speak for an equivalent length of time as given to those objecting to the application i.e. maximum of 6 minutes (subject to any Members' speaking time) the total time to be divided between them. For each speaker clarification questions from Members should be made through the Chair and should be points of fact relating to material planning considerations only. Questions regarding policy or guidance or law and its interpretation should only be dealt with by Council officers. It is expected that most speakers will require no clarification.
(i)	Debate – Members through Chair with support from officers / legal providing clarification. Sub-Committee Members debate the case and consider the recommendation including conditions.
(j)	Summing up – Chair brings discussion to conclusion and seeks a decision on the recommendation/alternative recommendation proposed.
(k)	Vote and explicitly record decision s), taking vote(s) as necessary. Following the vote, there will be no further discussion of the item.
(For certain cases the procedure may be varied to allow for adjournments for confidential legal advice.)	
The Sub-Committee will be aware that some parties listed as "objectors" can be overall in support of a development but be looking, for example, for some amendment or condition to protect their amenity.	

**For applications which are considered but deferred**

10.11 Normally, the Sub-Committee will hear representations on both / all sides before they make a decision to defer for any reason. When the application is re-submitted to the Sub-Committee, further representations will normally only be allowed if some fresh matter has arisen since the first Sub-Committee meeting. If this further submission is exceptionally allowed, the number of people speaking will be limited to one objector for a further 3 minutes. The applicant/supporter will have a right to reply of 3 minutes.

**For larger or more contentious applications**

- 10.12. (a) In relation to larger and/or more controversial applications (as agreed by the Sub-Committee), the Chair may allow double the number of speakers, with double the total length of time to be divided between them).
- (b) For example: in relation to para. 10.2 above this would be four speakers with a total of 12 minutes divided between them.

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- (c) The applicant and any supporters will normally have a right to reply of the same length of time as taken by the objectors.

10.13. The Sub-Committee will aim to deal with all applications, except those of exceptional significance, within one hour, and the Chair will take active steps to keep to these time-scales in the interests of all participants. Members will also act to deal fairly and expeditiously and will therefore commit not to repeat questions. It is expected that there will be a maximum of 30 minutes of questions and comments for any one application.

### **Equal Opportunities**

10.14. The adoption and publication of a Protocol giving clear information about planning procedures and getting involved in decisions would improve access to the system by all communities in the Borough, as well as potential investors. Arrangements will be put in place to make the policy principles within this protocol available in pamphlets in different languages and in larger print.

## **11. CODE OF CONDUCT FOR MEMBER SITE VISITS**

### **Background**

- 11.01. At the Sub-Committee meeting site maps, scheme drawings and sometimes photographs are on display and available. Officers' reports describe relevant site characteristics, following their own site visits. Officer visits are not routinely made to the homes / premises of objectors, as adequate technical assessments can usually be made from maps, drawings and by visiting the application site.
- 11.02. This site knowledge and information will usually be sufficient for the Sub-Committee to reach a decision on applications and accompanied Committee site visits will not automatically be required for all items. .
- 11.03. The Assistant Director, Planning/Head of Development Management, in consultation with the Chair of the Sub-Committee, will decide which cases require a site visit according to the criteria set out below: Examples where a site visit would not normally be appropriate include where:
1. purely policy matters or issues of principle are at issue;
  2. the report, together with drawings, photographs and other material is sufficient to provide the context; or
  3. where Councillors have already visited the site within the last 12 months.

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11.04. Site visits where required will be normally be scheduled during daylight hours for the week before the Sub-Committee meeting at which the application is to be discussed.

**The purpose of site visits**

11.05. The purpose of such site visits is for the Members of the Sub-Committee to see the site in order to reach an informed decision. It is not intended to provide a separate opportunity for objectors, supporters, applicants or others to lobby the Members, to argue their case or discuss the merits of the application.

11.06. It is essential that fairness and probity are safeguarded in all the proceedings of the Planning Sub-Committee. This means preventing even the appearance of undue or unfair influence, or biased behaviour.

11.07. In accordance with the Protocol, Members must avoid being involved in lobbying for or against an application, or reaching a firm view on an application before final determination at Sub-Committee. The proper place for discussion and presentation of views is therefore at the Sub-Committee meeting itself.

11.08. On site, without some safeguards, there is a serious risk of breaching the principles of fair hearings. Individual Members can hear different arguments from different people, and all sides are not heard equally.

11.09. To ensure fairness and probity, therefore the Sub-Committee will observe the following Protocol for site visits. The on-site procedures are based on those followed by the national Planning Inspectorate.

**Site Visit Protocol**

11.10. Access to the site will be arranged with the site owners or their agent. In some cases arrangements will also have to be made with adjoining properties which have to be entered.

11.11. Procedure on Site: The planning officer(s) will show the Members round the site(s) / area, showing relevant scheme drawings, and pointing out significant features. Some practical assistance from the owner / agent may be necessary. Members may ask officers or others factual questions, but will not otherwise discuss the application. An attendance list of the site visit should be recorded.

11.12. In a few cases the Assistant Director, Planning/Head of Development Management, in consultation with the Chair of the Sub-Committee, may decide to invite particular local residents or objectors / supporters to attend a site visit for the purpose of ensuring access, pointing out specific matters or answering factual questions. Normally, neither objectors nor supporters will be invited to site visits.

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- 11.13. If a site visit becomes the occasion for lobbying by numbers of people or for demonstrations, the visit may have to be adjourned and rearranged as a more private visit.
- 11.14. As a result of the visit, the Members of the Sub-Committee may ask the officers to address some specific issue in the presentation to the Sub-Committee.
- 11.15. Any Member of the Sub-Committee who is unable to attend the official site visit should endeavour to visit the site him / herself before the meeting and will avoid any discussion of the merits of the application while at the site.
- 11.16. Members of the Sub-Committee have to come to an independent view on an application, taking into account all relevant facts and views. If a Member of the Sub-Committee is unable to attend the site visit, this does not disqualify him / her from taking part in the final decision. The Member will, however, listen very carefully to the views of those Members who benefited from the visit. In some cases the Member may decide it would be better not to take part in the decision.

**Site visits by individual Members of the Planning Sub Committee**

- 11.17. Many Members will already be familiar with sites which are subject to applications but not in all cases. It is normal and proper for Members in these circumstances to visit a site themselves before the committee meeting. Where individual Members of the committee wish to undertake their own site inspection, prior to the committee meeting, these should be conducted unannounced and from a public vantage point. Members of the committee should not arrange to meet applicants/agents or third parties for the purpose of a site inspection
- 11.18. If a committee member is approached on site by any applicant/agent, objector or other third party interest they should seek to avoid discussion of the application and should ensure they do not give any indication of their views or the likely decision of committee. Where it is not practical to avoid some discussion the member should note that it took place and pass the information to the officers, so that it can be recorded at Sub-Committee.

**12.0 REVIEW OF THE PROTOCOL**

12.01. The protocol will be regularly reviewed to take account of:

- new planning legislation;
- changes to national codes of conduct; and
- emerging examples of good practice.