Planning Protocol 2026

Section	Title	Page
1	**PURPOSE OF THE PROTOCOL**	**3**
2	**PLANNING FUNCTIONS**	**3**
	Administration of Planning Functions in Haringey	**4**
	Planning Applications by Councillors or Officers of the Council	**4**
	Planning Applications by the Council	**5**
	Referring applications to the Planning Sub-Committee	**5**
3	**THE MEMBERS' CODE OF CONDUCT**	**6**
4	**CONDUCT OF MEMBERS OF PLANNING SUB-COMMITTEE**	**6**
	Training	**6**
	Open and fair decisions	**6**
	General Principles including Bias and Predetermination	**6**
	Declaring an interest	**8**
	Disclosable pecuniary interests	**8**
	Other interests	**9**
	Council Owned Land	**9**
	Consistency	**10**
	Party political whips	**10**
	Members' engagement with planning decisions	**10**
	Discussions and negotiations while the application is current but prior to determination	**11**
	Approaches by applicants to Members	**11**
	Lobbying and representations	**12**
	Residents/Local Groups/Other Occupiers	**13**
	'Decision Maker' role	**14**
	'Local Member' role of a Planning Sub-Committee Member	**14**
	Non Planning Sub-Committee /Local Ward Member role	**14**
	Effect of Prejudicial etc Interests	**15**
	Social Contacts	**15**
	Hospitality	**15**
5	**MEETINGS AND BRIEFINGS**	**16**

Section	Title	Page
	Briefings to Members from applicants	**16**
	Planning Forum	**19**
	Quality Review Panel	**22**
6	**MEMBERS NOT ON PLANNING SUB-COMMITTEE**	**22**
7	**OTHER CONDUCT OUTSIDE COMMITTEES**	**23**
8	**SANCTIONS**	**23**
9	**MEMBERS AND OFFICERS OF THE COUNCIL**	**24**
	The role of elected Members	**24**
	The role of officers	**24**
	Contact between Members and officers	**25**
10	**PROTOCOL FOR PLANNING SUB-COMMITTEE MEETINGS**	**25**
	At Committee	**25**
	Legal Advice	**25**
	The Sub-Committee meeting	**26**
	General Principles for hearing representations and petitions	**26**
	The procedure for addressing the Sub-Committee	**27**
	Running order for planning applications	**28**
	Motions and decisions contrary to officer recommendation	**29**
	Deferrals	**30**
	For larger or more contentious applications	**31**
	Equal Opportunities	**31**
11	**SITE VISITS**	**32**
	Procedure	**32**
	Procedure for individual Members	**32**
12	**REVIEW OF THE PROTOCOL**	**33**

1. PURPOSE OF THE PROTOCOL

1.01. This Protocol has been adopted by Haringey Council to explain and supplement the Members' Code of Conduct in relation to planning matters.

1.02. Consistency, fairness and openness are important qualities for any regulatory function in the public eye and are vital to the discharge of the Council's planning functions, which adherence to the Protocol is intended to build public confidence in.

1.03. The purpose of the Protocol is:

(a) to explain how Members of the Planning Sub-Committee should exercise the discharge of the Council's 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 matters 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 is supplementary to The Members' Code of Conduct in Part Five Section A of the Council's Constitution, which shall all continue to have full force and effect.

1.05. Copies of this Protocol will be made publicly available online and will be kept under review.

2. PLANNING FUNCTIONS

2.01. 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 the NPPF, in assessing and determining development proposals, LPAs should apply the presumption in favour of sustainable development.

2.02. 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.

2.03. The planning system does not exist to protect the interests of one person against the activities of another. The issue 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 amenities and the existing use of land and buildings which ought to be protected in the public interest.

Administration of Planning Functions in Haringey

2.04. The performance of the Council's planning function is largely delegated to officers of the Council pursuant to arrangements made under Section 101 of the Local Government Act 1972 and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (See table below). 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 proposals.

2.05. 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.

Planning Applications by Councillors or Officers of the Council

2.06. When a planning application is submitted by a serving member; or senior officers (Senior Leadership Structure); or officers within the Planning & Building Standards directorate; or by a close relative or a close friend of either an officer or member; or by a member acting as agent for the applicant, the member or officer concerned will:

- take no part in the processing and determination of the application; and
- advise the Monitoring Officer and the Director/Head of Service of the application.

2.07. The report of the Director/Head of Service will include confirmation from the Monitoring Officer that these requirements have been met.

Planning Applications by the Council

2.08. 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.

Schedule 1 and Schedule 2 and Own -Interest Applications

2.09. All Members of the Council receive copies of the weekly list detailing which applications have been received. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 requires applications identified in Schedule 1 to the Regulations summarised in the table below to be determined by officers and Schedule 2 also summarised below, unless the Nominated Member (Chair or in their absence the Vice-Chair of the Planning Sub-Committee) and the Nominated Officer (Head of Development Management and Planning Enforcement or in their absence the Director of Built Environment & Highways or one of the team managers within the Development Management Service) agree that the application should be referred to Planning Sub Committee.

Category	**Delegated to**	**Application type**
Schedule 1	Officers	1. Certificates of **appropriate alternative development** 2. An application made under section 26H (1) of the Listed Buildings Act (**certificate of lawfulness** of proposed works) 3. A **householder** application 4. A **minor commercial** application (floorspace less than 1,000 sq,m. on a site less than 1 hectare) 5. A **minor residential** application (between one and 9 dwellings on a site less than 0.5 hectare)

		6. An application for **permission in principle** 7. An application made under section 73(1) of Town and Country Planning Act (TCPA) 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 1 planning permission – i.e. **material amendments** 8. An application made under section 96A (4) of TCPA 1990 (non-material changes to planning permission or permission in principle) i.e. **non-material amendments** 9. In respect of a **planning obligation** that the authority considers is connected with a Schedule 1 approval— (a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations) (b) an application to modify or discharge that obligation under section 106A (3) of TCPA 1990 (modification and discharge of planning obligations) 10. An application made under section 191(1) of TCPA 1990 (**certificate of lawfulness of existing use or development**) 11. An application made under section 192(1) of TCPA 1990 (**certificate of lawfulness of proposed use or development**) 12. The submission of a **biodiversity gain plan** under paragraph 13(2)(a) of Schedule 7A to TCPA 1990 13. **A reserved matters approval application** in respect of an outline

		planning permission, other than a large outline permission 14. An application made under article 27 (1) of the Development Management Procedure Order (applications made under a **planning condition**) 15. An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015(**21**) for— (a) **prior approval**, or (b) a **determination as to whether prior approval is required**.
Schedule 2	Officers **UNLESS** the Chair of the Planning Sub-committee and the Director of Built Environment & Highways (or their substitute(s)) decide the application should be referred to a planning committee'	1. **An application for listed building consent** made under section 10(1) of the Listed Buildings Act (making of applications for listed building consent).* 2. An application made under section 19(1) of the Listed Buildings Act (**variation or discharge of conditions of listed building consent**).* 3. An application for planning permission that the authority considers is connected with an application specified in 1 or 2. **4.** An application for planning permission that is **not—** **(a) a householder application,** **(b) a minor commercial application, or** **(c) a minor residential application.** 5. An application made under section 73(1) of TCPA 1990 i.e. **material amendment application** (application to develop land without compliance

		with conditions previously attached) in respect of which the original planning permission was a Schedule 2 planning permission. 6. An application made under section 73A (1) of TCPA 1990 i.e. **material amendment application** (planning permission for development already carried out) 7. In respect of a **planning obligation** that the authority concerned considers is connected with a Schedule 2 approval— (a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations); (b) an application to modify or discharge that obligation under section 106A (3) of TCPA 1990 (modification and discharge of planning obligations). 8. **A reserved matters approval application** in respect of a large outline permission (at least 500 homes and/or 50,000m2 floorspace created) 9. An application made under regulation 9 (1) of the Town and Country Planning (**Control of Advertisements**) (England) Regulations 2007 (application for express consent to display advertisement)* 10. An application made under regulation 16 (1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (**application**

		for consent under tree preservation order)*
Own-interest applications	Officers. **UNLESS** the Chair of the Planning Sub-committee and the Director of Built Environment & Highways (or their substitute(s)) decide the application should be referred to a planning committee	Schedule1 and/or Schedule 2

Gateway Test

2.10. Deciding which Schedule 2 or Own-Interest applications are to be referred to Planning Sub Committee is referred to in the statutory guidance issued by the Secretary of State, which states that regard must be had to the 'Gateway Test'.

The matters for consideration at the Gateway Test are whether the application raises:
(a one or more issues of economic, social or environmental significance to the local area, OR
(b) one or more significant planning matters having regard to the development plan and any other material consideration

The statutory guidance provides that the following circumstances are unlikely to raise a significant planning matter:
1. where the application for development broadly complies with a detailed site allocation and other relevant policies set out in a local or neighbourhood plan and national decision-making policies set out in the National Planning Policy Framework. Significant planning matters may arise if new material considerations are raised by the application;

2. where a specific planning matter (e.g. highways or flood risk) was initially raised by a statutory consultee as a concern, but the development proposal has been modified to make it acceptable in the view of the statutory consultee (unless the Nominated Officer has compelling reasons to consider otherwise).

Gateway Request

2.11. For Schedule 2 applications (* with the exception of applications for Advertisement Consent, Listed Building Consent, applications to vary/modify applications to discharge conditions for a listed building consent, works to a tree protected under a TPO and works to a tree located within a conservation area) any Member of the ward within which the application site is situated may make a 'Gateway Request', asking that the application be considered by the Nominated Member and Nominated Officer against the Gateway Test. The request must be in writing within the statutory consultation period for the application, and set out the planning reasons why it is considered that the matter should be referred to the Planning Sub Committee for decision. A Gateway Request does not confer any entitlement for the application to be referred to Planning Sub Committee and does not constitute a member call-in. The Nominated Member and Nominated Officer shall determine whether referral is justified having regard to the Gateway Test.

Own- Interest Applications

2.12. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 do not require that the Nominated Member and Nominated Officer consider the Gateway Test when deciding whether a Schedule 1 or 2 application made by or on behalf of the Council, a member or officer or the Council, a member or an officer has an interest in should be referred to the Planning Sub-committee, but the statutory guidance provides that such applications may be referred in the interests of transparency and public accountability.

3. THE MEMBERS' CODE OF CONDUCT

3.01. The Members' Code of Conduct ("the Code of Conduct" Part 5 Section A) applies to Members of the Planning Sub-Committee as to all Members of the 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.

4. CONDUCT OF MEMBERS OF PLANNING SUB-COMMITTEE

Training

4.01. No Member of the Planning Sub-Committee nor any substitute Member shall attend a meeting of the Sub-committee as a voting member unless

training regarding the planning system has been undertaken and thereafter at least 5 hours of training is undertaken per municipal year.

Open and fair decisions

4.02. 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;
- Previous decisions may be a material consideration; and
- The reasons for the decisions should be clearly set out.

General Principles including Bias and Predetermination

4.03. With regard to decision making:

4.04. Do comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

4.05. Do consider open and impartial professional advice from their Planning Officers. Do make planning decisions having considered the written officers' report and their advice at the Sub-committee.

4.06. Do come to your decision only after due consideration of all of the information reasonably required upon which to base a decision.

4.07. Don't take a decision regarding a planning application with a closed mind or inclination or prejudice for or against a party or interest to avoid legal challenges on the ground that a Member had pre-determined their decision or where perceived to be or where biased.

4.08. Do be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the law. Your prior observations, apparent favouring or objections in respect of a particular outcome will not on their own normally suffice to make a decision unlawful and have it quashed, but you must never come to make a decision with a closed mind.

4.09. Where any Member makes representations in support or objection 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 closed mind on the development, the Member will not take part in the deliberations of the Sub-Committee but may exercise the rights of a Ward Member. Where you do:

- advise the proper officer or Chair that you wish to speak in this capacity before commencement of the item;
- remove yourself from the seating area for members of the Committee for the duration of that item;
- remove yourself from the room when you are not exercising your speaking rights or answering questions from Committee members; and
- ensure that your actions are recorded in accordance with the Authority's committee procedures.

4.10. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies provided that you have considered all material considerations and have given fair consideration to relevant points raised.

4.11. 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.

4.12. 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.

4.13. 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

4.14 Members shall declare any disclosable pecuniary interest or prejudicial interest in any application on the agenda for a Planning Sub-committee meeting before any application is considered at a meeting like at other Council committee meetings and shall withdraw from the meeting room as it is not possible to participate in any discussion or vote on an application if a Member has such interest as set out in paragraphs 9.3 and 10.1 of the code.

4.15. When declaring an interest a Member must describe the nature of that interest and how it relates to an application as outlined in See paragraphs 4, 6, 7 and 8 of the code.

Disclosable pecuniary interests

4.16. '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.

4.17. 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

4.18. A Member may have other interests such as 'Personal' interests which it is 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.

4.19. All Members who are not members of the Planning Sub-committee shall, if in attendance at a meeting of the Planning Sub-committee, declare any disclosable pecuniary interest or prejudicial interest in an application on the agenda for a meeting.

4.20. Members should seek advice from the Monitoring Officer in advance of a Planning Sub-Committee meeting if they are not clear whether a declaration of interest should be made at a meeting of the Sub-committee or where that is not possible, advice should be sought from the legal officer in attendance at the Planning Sub-committee meeting so that they can decide whether or not they have an interest which means they cannot

participate in the consideration of a planning application which the interest relates to.

Council Owned Land

4.21. 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.

4.22. 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.

Consistency

4.23. Previous decisions may be a material consideration. The Sub-Committee report will set out the relevant considerations and will draw attention to decisions on any other similar cases where appropriate.

Party political whips

4.24. Planning decisions cannot be made on a party political basis. The use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration. Political Meetings can never dictate how Members vote on a planning issue.

Members' engagement with planning decisions

4.25. 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 Planning Forum meetings, ask questions there; and
- raise issues important to local people and to the applicants.

4.26. 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".

4.27. 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 and should not do anything which compromises, or is likely to compromise, the officers' impartiality or professional integrity.

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

Discussions and negotiations while the application is current but prior to determination

4.29. 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.

4.30. 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.

Approaches by applicants to Members

4.31. 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.

4.32. 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.

4.33. 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 Director/Head of Service in order that those representations may be taken into account in any report to the Planning Sub-Committee.

Lobbying and representations

4.34. The proper place for supporters to make comments or 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 Sub-Committee Members not to do or say anything that could be construed as bias or pre-determination.

4.35. Where Sub-Committee Members receive lobby material through the post or by email they should forward it to the Director/Head of Service. 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 Director/Head of Service.

4.36. 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.

4.37. 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.

4.38. 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 maker.

Residents/Local Groups/Other Occupiers

4.39. 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.

4.40. 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.

4.41. 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.

4.42. 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 Director/Head of Service in order that those representations may be taken into account in any report to the Planning Sub-Committee.

'Decision Maker' role

4.43. 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.

4.44. 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

4.45. 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

4.46. 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

4.47. 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

4.48. 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.

4.49. 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

4.50. Members of the Planning Sub-Committee will minimise their social contacts with known applicants 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

4.51. 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.

5. MEETINGS AND BRIEFINGS

Briefings to Members from applicants

5.01. Enabling an applicant 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, the Local Government Association Planning Advisory Service guidance on Probity in Planning (2019) and the Royal Town Planning Institute Practice Advice on Probity and the Professional Planner (2020).

5.02. Haringey proposes to achieve this objective through formal briefings of relevant Cabinet Members and the Planning Sub-Committee in accordance with procedures set out in this Protocol. Cabinet and Sub-Committee Members taking part in such briefings should do so in their strategic borough-wide capacity rather than in their local 'ward' capacity. 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.

5.03. The purpose of briefings are:

- To enable Members to provide observations that support the development of high quality development through the pre-application process, and avoid potential delays at later stages;
- To enable Members to highlight strategic Council and Local Plan objectives and requirements set out in planning policy or guidance that are particularly relevant to an application;
- 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.

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

- Presentations on proposed large-scale developments of more than 50 homes, or 5,000 sq m of commercial or other floorspace or which includes significant social, community, health or education facilities, or where the Director/Head of Service considers early discussion of the issues would be useful; and
- Presentations on other significant applications, such as those critical to the Council's placemaking programmes, significant Council developments, or those requested by the Chair of the Sub-Committee.

Applicant's briefings to relevant Cabinet Members and the Chair "Strategic Planning Briefings"

5.05. Frequency and timings of meetings

As required by agreement with the Leader of the Council / Cabinet Member with responsibility for Planning and Director/Head of Service.

5.06. Invitees to meetings

- Relevant Cabinet Members which could include:
  - The Leader of the Council;
  - The Cabinet Member with responsibility for Planning;
  - The Cabinet Member with responsibility for Placemaking;
  - Other relevant Cabinet Members;
- Chair of the Planning Sub-Committee;
- Director of Planning & Building Standards;
- Head of Service;
- Other relevant officers.

5.07. Format of the meetings

- The meeting will be chaired by either the Leader of the Council or the Cabinet Member with responsibility for Planning who will ask Members attending to disclose any relevant interests; and
- The applicant will supply presentation materials including any models;
- Officers to introduce the proposal and advise of issues arising from the Planning Forum (where this has taken place):
- The applicant will be invited to make a presentation of up to 15 minutes;
- Members will be able to highlight strategic objectives of the Local Plan and ask questions to the applicant 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;
- Summary of the comments raised.

5.08. These meetings would not be held in public to respect the confidentially of the pre-application process and protect applicants' commercial interests but a short note of the meeting summarising Members' comments would be made. If and when a planning application relating to the proposal discussed is submitted, the note of the meeting would be published as part of the publicly-accessible planning application file and reported to the Planning Sub-Committee when any subsequent proposal is submitted for determination. This is to ensure transparency and full consideration of the facts when a decision is made.

Applicant's briefings to Planning Sub-Committee "Pre-application briefings to Committee"

5.09. Frequency and timings of meetings

Once a month or by agreement with the Chair and Director/Head of Service.

5.10. Invitees to meetings

- All Members of the Planning Sub-Committee;
- Relevant Cabinet Members;
- Ward Members;
- Local amenity groups;
- Director;
- Head of Service;
- Other relevant officers.

5.11. 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 applicant will supply presentation materials including any models;
- Officers to introduce a report, the proposal and advise of issues arising from the Planning Forum (where this has taken place):
- The applicant will be invited to make a presentation of up to 15 minutes or longer if agreed by the Chair due to the scale or complexity of the proposal;
- 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 a maximum of three minutes each.
- Members of the Planning Sub-Committee will be able to highlight strategic objectives of the Local Plan and ask questions to the applicant 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.

5.12. These meetings are held in public and are webcast although there are no public speaking rights including amenity groups.

5.13. A short note of the meeting summarising Members' comments would be made. If and when a planning application relating to the proposal discussed is submitted, the note of the meeting would be published as part of the publicly-accessible planning application file and reported to the Planning Sub-Committee when any subsequent proposal is

submitted for determination. This is to ensure transparency and full consideration of the facts when a decision is made.

5.14. Applicant participation in the Applicants' briefings to Planning Sub-Committee would not normally happen prior to a Planning 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.

5.15. 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.

Planning Forum

5.16. The Council has established a Planning 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.

<u>What applications does the forum consider?</u>

5.17. 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 50 homes or over 5,000 sq m of floor space;
- Those that do not meet the threshold above but are likely to generate significant local interest
- Those applications that involve a major departure from the Council's planning policy; or
- Those applications that involve tall buildings i.e. over 6 storeys.

5.18. 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.

5.19. A forum meeting will be held when the Director/Head of Service, 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 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 Statement of Community Involvement (SCI) in force at the time as part of the consultation on the planning application.

Who can attend?

5.20. 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.

5.21. 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. Planning officers provide information on the progress 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.
- The applicant responds to questions from Members of the Planning Sub-Committee, ward councillors and local business and residents.

5.22. An attendance record is kept and a note of the meeting is made. If and when a planning application relating to the proposal considered by a Planning Forum is submitted the note of the meeting would be published as part of the publicly-accessible planning application file and is reported to the Planning Sub-Committee when any subsequent proposal is submitted for determination. This is to ensure transparency and full consideration of the facts when a decision is made.

All Members

5.23. All Members can attend Planning 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.

5.24. 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.

5.25. All Members can:

- use the meeting to understand the development, the issues important to local people and to the applicant, 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.

5.26. 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 applicants and officers in order to fully understand issues before the forum.

Ward Members

5.27. 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 applicants or local people about who speaks for the Council in negotiations or about the Council's negotiating position.

Quality Review Panel

5.28. 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 applicant to improve upon the quality of the scheme as it evolves.

5.29. 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.

5.30. If and when a planning application relating to the proposal presented to the Quality Review Panel is submitted, the note of the meeting would be published as part of the publicly-accessible planning application file and reported to the Planning Sub-Committee when any subsequent proposal is submitted for determination. This is to ensure transparency and full consideration of the facts when a decision is made.

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 Sub-Committee with the Sub-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-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.

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 or the Head of Service 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

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 PLANNING SUB-COMMITTEE MEETINGS

At Committee

10.01. 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.

Legal Advice

10.02. The Director of Legal and Governance / Monitoring Officer will ensure that a suitably experienced legal officer is present at all Sub-Committee meetings to give legal, governance and procedural advice.

10.03. 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-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.

The Sub-Committee meeting

10.04. 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.

10.05. 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 i.e. at least 3.

10.06. 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.

General Principles for hearing representations and petitions

10.07. 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.

10.08. 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).

10.09. 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.

10.10. 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 and the detail considered by officers and members.

10.11. For petitions, as per the Committee Procedure Rules, the Democratic Services Manager or Committee Clerk should be notified of any petitions by 10 a.m. five clear days[1] in advance of the Committee meeting. The petition will be handed to the Chair, and recorded as received by the Democratic Services Manager or Committee Clerk. If the petition is accepted, the Chair shall invite officers to advise the Planning Sub-Committee regarding planning policies and material considerations raised in the petition which may be debated by Members. If the petition is not considered at the meeting, the Chair shall report the response to the petition at the next ordinary meeting of the Committee.

10.12. 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

10.13. 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 Sub-Committee Clerk by 12 noon on the working day prior to Committee Members and Council Officers are asked to inform the Sub-Committee Clerk by 12 noon on the working day prior to Committee where possible.

10.14. 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.

10.15. 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.

[1] Five clear days does not include weekends or national holidays and excludes both the day of the meeting and the day on which notice of the meeting is given

Running order for planning applications

10.16. 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 a summary of the description and recommendation.
(b)	Name the public speakers.
(c)	Advise the meeting of the declarations of interest that have been made in relation to the item
(d)	Local Member declaration to represent their constituents or vote *(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).*
(e)	Planning officer presents case including update of any late representations or new issues, with possible supplementary presentation from other officers.
(f)	Members ask any clarification questions of the planning officer This should be through the Chair, relating to points of fact relating to material planning considerations only
(g)	Speaking arrangements Objectors - up to 2 speakers with a total time of 3 minutes each.
(h)	Members ask any clarification questions of the objectors This should be through the Chair, relating to points of fact relating to material planning considerations only
(i)	Any interested Councillors who have informed the Sub-Committee Clerk or the Chair in advance of the meeting may address the Sub-Committee for up to 3 minutes each.
(j)	Members ask any clarification questions of the Councillors This should be through the Chair, relating to points of fact relating to material planning considerations only
(k)	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.
(l)	Debate – Members through Chair with support from officers / legal providing clarification. Sub-Committee Members debate the case and consider the recommendation including conditions.
(m)	Summing up – Chair brings discussion to conclusion and seeks a decision on the recommendation/alternative recommendation proposed.
(n)	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.

Motions and decisions contrary to officer recommendation

10.17. Decisions on planning proposals have to be taken in accordance with the development plan[2] 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[3] but for different reasons; or
- grant permission subject to different conditions or legal requirements than those recommended.

10.18. Where any Committee Member puts forward a motion, the following process is to be followed:

- Members, through the Chair, at any time, may ask planning & legal officers for clarification on planning policies, material considerations & implications of their reasons and decisions, to inform a potential motion
- The Chair may ask Members if there are any other issues or reasons which may be relevant to inform a potential motion, and ask for officer clarification regarding these too
- The Member proposing a motion should state and explain their reasons and relevant planning policies and material considerations
- Another Member must second the motion, otherwise the motion falls away
- The Chair will restate the motion and reasons to Sub-Committee
- The Chair shall invite the planning and legal officers to advise the Sub-Committee regarding the relevant planning policies, material considerations and implications (if any) of approving the motion
- The Chair may adjourn the meeting so that reasons for approving the motion can be considered and/or drafted by officers
- The Chair will restate the motion and reasons to Sub-Committee
- The Members will debate the motion

[2] And National Development Management Policies when the relevant provisions come into force

[3] Although noting that applications that are to be refused by officers under delegated authority will not normally be determined at Planning Sub-Committee

- Following the debate, the Chair will ask for the affirmative votes, the negative votes, then abstentions
- The Chair will announce the result of the voting, instruct the relevant officers to take the necessary action and introduce the next item of business

10.19. 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 and any changes to conditions of obligations will be made. A copy of the minute will be kept on the application file.

10.20. 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.

Deferrals

10.21. It should only be in exceptional circumstances that an item is deferred to a future meeting. It is Committee's role to make decisions on items presented to it. It should not be expected that there will be changes made to a proposal during a deferment, as Committee must make a decision on the item presented to it and not any other hypothetical proposal. The NPPF states that there is a presumption in favour of sustainable development and that for decision-making this means "approving development proposals that accord with an up-to-date development plan without delay" (emphasis added).

10.22. Once an item is published as part of an agenda for a Sub-Committee meeting it must be heard and can only be deferred at the meeting itself. Normally, the Sub-Committee will hear representations on both / all sides before they make a motion and decision to defer for any reason. Where any Committee Member puts forward a motion, the process to be followed is the same as that set out earlier on in paragraph 10.18 of this Protocol.

10.23. In order to take part in the discussion regarding, and be able to vote upon, an application, a Councillor must be present throughout the whole of the Committee's consideration of an application including the officer introduction to the matter. If an application has previously been deferred then the same Councillors will be asked to reconsider the application when it is returned to Committee. Where an application is deferred and its consideration recommences at a subsequent meeting only Members who were present at the previous meeting will be able to vote. If this renders the Committee inquorate then the item will have to be reconsidered afresh.

10.24. Officers may also change the recommendation from a recommendation to approve to a recommendation to defer if there are exceptional

circumstances that occur between a Sub-Committee agenda and reports being published and the meeting taking place.

10.25. When a deferred 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

10.26. (a) In relation to larger and/or more controversial applications (as agreed by the Sub-Committee), the Chair may allow more speakers, with the equivalent of the total length of time to be divided between them) if they consider it necessary to hear a wider range of views.
(b) For example: in relation to para. 10.2 above this would be four speakers with a total of 12 minutes divided between them.
(c) The applicant and any supporters will normally have a right to reply of the same length of time as taken by the objectors.

10.27. 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

10.28. 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. SITE VISITS

11.01. The Director/Head of Service, in consultation with the Chair of the Sub-Committee, will decide which planning applications require a site visit which will be scheduled during daylight hours for the week before the Sub-Committee meeting at which an application will be determined. Examples of when a site visit would not normally be appropriate for a planning application include where:

1. purely policy matters or issues of principle are to be determined;
2. the report, together with drawings, photographs and other material is sufficient to provide the necessary information regarding a proposed development; or
3. Councillors have already visited the site within the last 12 months.

11.02. To ensure Members of the Sub-Committee are able to see a site in order to reach an informed decision whilst maintaining fairness and probity, the following procedures will be followed.

Procedure

11.03. Access to the site will be arranged with the site owners or their agent and adjoining owners where necessary by planning officers.

11.04. Planning officer(s) will show the Members around the site(s) / area / adjoining properties, showing relevant scheme drawings, or any other material and pointing out significant features attached to/identified in the Sub-committee report. If the applicant's or agent's presence is required at the site, it will be solely to provide access to the site. An attendance list of the Members attending a site visit should be recorded.

11.05. A site visit will be adjourned and rearranged where the Director and/or Head of Service consider that Members of the Sub-committee are being lobbied/Members safety is at risk due to demonstrations at a site.

11.06. Members of the Sub-Committee may ask planning officers to provide further information regarding a planning application as part of the presentation for that application to the Sub-Committee.

11.07. If a Member of the Sub-Committee is unable to attend a site visit organised by planning officers, they may determine a planning application at the Sub-committee meeting if they consider they have all relevant information regarding the site, because it is a site they are familiar with/they have viewed the site from a public vantage point.

Procedure for individual Members

11.08. Where a Member is unable to attend a site visit organised by planning officer they may wish to undertake a site visit on their own from a public vantage point before the Sub-Committee meeting. A Member of the Sub-

Committee should not arrange to meet site owners or their agents or neighbouring owners at the site visit.

11.09. If a Sub-Committee Member is approached at their site visit by any party they should seek to avoid discussion of the planning application for the site and not give any indication of their views or the likely decision of Sub-Committee regarding the application. Where it is not practical to avoid some discussion the Member should make a note of what was discussed and with whom and pass that information to planning officers, so that it can be made available at the Sub-Committee meeting.

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.