

Report for: Regulatory Committee

Title: Revised Planning Protocol 2016

Report authorised by : Stephen Kelly

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Ward(s) affected: All

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

1. Describe the issue under consideration

1.1 Under the Localism Act 2011 the Council is required to adopt a local code of conduct for Members. A Members' Code of Conduct is set out within the Council's constitution and deals with, among other things, the declaration of interests both personal and pecuniary. The purpose of the planning protocol is to provide more detailed guidance on the standards to be followed in relation to planning matters which supplements the Members' Code of Conduct. A revised Planning Protocol was adopted in June 2014 with a commitment to review this protocol after a year of operation. This report seeks approval to adopt a revised version of this protocol taking account of the lessons learnt in its first year of operation and the comments made by Members of the Planning Committee and other Members.

Purpose of the Planning Protocol

- 1.2 The Council originally produced the updated protocol to accompany the ongoing improvement project in the Development Management service and to set out the commitments being made during the planning process. Quality decision making is a three way process involving a partnership between the Council, the local community and the business/development industry. All parties need to recognise and acknowledge the others' responsibilities. The aim of the protocol is to ensure that in the performance of its statutory planning function, the Council gives no grounds for suggesting that a decision has been biased or partial.
- 1.3 The Council wants to ensure that everyone participating in the planning process in Haringey can understand and navigate their way successfully through the process and understand the role that they play. For Members and officers of the Council especially, the protocol aims to provide a clear statement of their role and responsibilities – including provision for Members' participation in pre application advice. For others wishing to participate, the protocol sets out new arrangements for public speaking at meetings, and explains more clearly the process the Council will follow in such circumstances. The objectives of the protocol are to complement the improvements elsewhere within the service to support high quality development in the borough through an inclusive, open and fair process. To succeed all parties must play a part. If the protocol is followed

it will help the Council to deliver a high quality service and to make decisions in a timely manner.

Outcome of the review

- 1.4 A workshop to discuss the operation of the Planning Protocol, open to all Members was held on 5 October 2015. The main matter raised was the potential for the inclusion of speaking rights for ward Members and the Cabinet Member for Planning at pre-application briefing meetings of Planning Committee. These are included at 3 minutes each in the proposed revised protocol.
- 1.5 Further additional changes are proposed which result from reflections on the operation of the protocol since its adoption in June 2014:
 - the removal of reference to the weekly list of planning applications as this is being phased out as a list, by ward, and can be run from the website at any time
 - clarification that if an application is recommended for refusal a request for referral to Planning Sub-Committee will not be accepted
 - clarification that there are no public speaking rights at pre-application briefings to committee
 - the introduction of the opportunity for Ward Members or Cabinet Members to speak for three minutes at pre-application briefing meetings to Planning sub-committee
 - Encouraging Ward Members to register their intention to speak at pre-application briefing meetings or at planning sub-committee by midday on the working day prior to the Planning Sub-Committee meetings in order to manage the efficient operation of the Planning Sub-Committee (this cannot be required because of the Committee Procedure rules which allow for any member to speak at the Chair's discretion).
 - Clarification that proposals should go before the Quality Review Panel prior to presentation at pre-application committee briefing meetings unless scheduling and programming prevents this.
 - Changing references to the Design Review Panel to its replacement the Quality Review Panel
 - Clarifying that the applicant has a right to reply of the equivalent length of time of the objectors and any objecting ward councillors.

2. Recommendations

- 3.1 (i) That the Regulatory Committee adopt the revised planning protocol;
- (ii) That the Regulatory Committee requires that the Planning Sub-Committee implement the provisions of the revised planning protocol; and
- (iii) That the Regulatory Committee authorises the Assistant Director Corporate Governance in consultation with the Assistant Director Planning to make

any consequential amendments to the protocol arising out of any changes made to the Council's constitution or scheme of delegation

3. Other options considered

4.1 The revised procedures and recommendations developed within the proposed protocol have been reached after consideration of best practice in other local authorities and advice from national organisations.

4. The Planning Protocol

6.1 The proposed planning protocol for adoption is set out in Appendix 1 to the report.

5. Comments of the Chief Finance Officer and financial implications

7.1 The Head of Finance has been consulted and has commented that the costs of implementing the revised planning protocol can be met within the existing approved budget.

6. Comments of the Assistant Director of Corporate Governance and legal implications

8.1 The Assistant Director of Corporate Governance has been consulted on the preparation of this report, and makes the following comments:

8.2 The adoption of the updated and revised planning protocol will undoubtedly assist the Council deliver an improved, effective, transparent and inclusive development management service for the benefit of all stakeholders.

8.3 Adherence to and compliance with the updated and revised planning protocol will greatly assist the Council to resist unmeritorious legal challenges to its planning decision making process.

7. Equalities and Community Cohesion Comments

9.1 There are no specific equalities implications

8. Head of Procurement Comments

10.1 Not applicable

9. Policy Implications

11.1 It is intended that the revised Planning Protocol will contribute and add value to the work of the Council and its partners in meeting locally agreed priorities.

10. Appendices

12.1 Appendix 1 – Planning Protocol 2015

11. Local Government (Access to Information) Act 1985

Background Documents

The Council's Constituion and Committee procedure rules.