

Report for: Standards Committee

Title: Adoption of Planning Protocol (2017) into the Constitution

Report authorised by : Emma Williamson – Assistant Director Planning x5507

Lead Officer: Ben Burgerman – Regeneration Lawyer, x4631

Ward(s) affected: N/A

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

1. Describe the issue under consideration

1.1 The Council Constitution governs the organisation of Council decision making. It is kept under review and when necessary, amendments are proposed to Standards Committee for consideration and recommendation on to Full Council, in accordance with Article 14.03 (Changes to the Constitution).

1.2 This report proposes change to the Constitution by the addition of the Planning Protocol.

1.3 This report asks members to agree this change and to recommend that Full Council resolve to adopt the Planning Protocol as part of the Constitution.

2. Cabinet Member Introduction

Not applicable

3. Recommendations

3.1 That the Standards Committee recommend Full Council adopt the Planning Protocol as part of the Constitution.

4. Reasons for decision

4.1 The proposed change to the Council Constitution seeks to ensure that:

- a) by becoming part of the Constitution the Planning Protocol will carry greater weight and will enable efficient, open, accountable and lawful decision-making by the Planning Sub-Committee;
- b) the Planning Sub-Committee procedures will be more transparent; and
- c) it will be easier for members and the public to find the Planning Protocol and understand how it operates in relation to the rest of the Constitution and in particular the Members' Code of Conduct

4.2 Councils are required to have and maintain a Constitution. Failure to make this change to keep the Constitution up to date could lead to confusion around the procedures, processes and authority for Planning Sub-Committee decisions and those decisions being challenged in court.

5. Alternative options considered

5.1 The option of making no change was considered i.e. leaving the Planning Protocol outside the Constitution. However, since it is important that the governance and processes of the Council are transparent and understood by those making the decisions and those impacted by them this alternative option was not considered appropriate.

6. Background information

6.1 Consistency, fairness and transparency are essential in maintaining public confidence in any regulatory function, The purpose of the Planning Protocol is to:

- (a) state how members of the Planning Sub-Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties;
- (b) ensure a consistent and proper approach by all members in the exercise of the planning functions;
- (c) ensure applicants and their agents, residents and other third parties are dealt with by members consistently, openly and fairly
- (d) ensure probity of planning transactions and the highest standards of conduct expected in public office;
- (e) ensure planning decisions are made openly, fairly and in the public interest, in accordance with legislation and guidance; and
- (f) state how the Planning Sub-Committee meeting runs including speaking arrangements.

6.2 The Planning Protocol is intended to be supplementary to the Members' Code of Conduct (Part Five of the Constitution). The purpose of the Protocol is to provide more detailed guidance as to the how the standards of conduct expected of members apply within a planning context, for instance detailing interaction between members of the Planning Sub-Committee and developers and objectors to planning applications.

6.3 Given the complexities of and many changes to planning law it has been necessary to update the Planning Protocol nearly every year. This year very minor changes were made to it as endorsed by the Regulatory Committee at meetings on 6 and 31 July 2017. The length and procedures of the Planning Protocol remain unaffected by these changes. These changes made the existing procedures clearer and included deleting an erroneous reference to a separate complaints procedure as such a procedure is in fact the same as used for the Members' Code of Conduct, to which the Planning Protocol is subordinate. Several typos and out of date references were also corrected.

6.4 It is expected that if included within the Constitution the Planning Protocol will remain subject to regular review, with the changes having to be approved and adopted by Full Council as part of its regular constitutional review and update.

6.5 As the Planning Protocol was not part of the Constitution there has been some confusion as to its actual status and the weight it should be accorded. There has been the problem that as it is not listed on the Council's Constitution webpage it has been difficult to find.

6.6 It is also noted that most other authorities have their equivalent of the Planning Protocol included as part of their constitutions. It is important that the governance and processes of the Council are transparent and understood both by those making the decisions and those impacted by them. Therefore, as best practice and in light of the above, it is recommended that the Planning Protocol be adopted by Full Council as part of the Constitution.

7. Contribution to strategic outcomes

7.1 The Council's Constitution supports the governance of the Council and its decision making thereby assisting the Council to meet its strategic outcomes.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1 Finance and Procurement

8.2 No financial implications arise from this report.

8.3 Legal

8.4 The Assistant Director of Corporate Governance has been consulted on and involved in the preparation of this report with assistance from officers in departments. Legal comments are included in the body of the report where appropriate.

8.5 Equality

8.6 There are no equality matters in this report, given it relates to how the Constitution sets out the Council's structure and operations.

9. Use of Appendices

9.1 The Appendix below sets out the Planning Protocol (2017), with agreed insertions shown as underlined and highlighted text, and proposed deletions shown as struck through.

Appendix 1 – Planning Protocol (2017).

10. Local Government (Access to Information) Act 1985

10.1 The Council Constitution which can be found at;

<http://www.haringey.gov.uk/local-democracy/about-council/council-constitution>