

WEST OXFORDSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE

MONDAY 25 APRIL 2016

AMENDMENTS TO THE PLANNING GOOD PRACTICE GUIDANCE

REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING

(Contact: Phil Shaw, Tel: (01993 861687))

(The Committee decision on this matter will be a resolution)

1. PURPOSE

To enable Members to consider some key issues that will need to be included in any refreshed protocol/guidance and advise as to any further areas where they would want additional guidance.

2. RECOMMENDATIONS

- (a) That the Committee endorses the key heads of terms set out at paragraph 4.1 below as being areas where guidance is required; and
- (b) That the Committee advises of any further areas not mentioned where guidance would be welcomed/required.

3. BACKGROUND

- 3.1. The Planning system operates very largely in the public domain, there are winners and losers for most decisions made and planning decisions often have substantial financial consequences. As such it is essential that the system operates in an open and transparent manner that gives confidence to all parties that they have been treated equitably and applications are properly assessed and determined solely on their planning merits and in accordance with the relevant legislation. It is also important for Members and Officers to know that if they have followed protocols that they will be protected to some degree from allegations of malpractice etc. In that regard the Council has historically produced a protocol for the assistance of both the public and Officers/ Members setting out the key principles to be applied when dealing with planning applications.
- 3.2. However, as part of its reforms the last Government substantially amended the laws regarding such matters as pre-determination, and the registration and disclosure of interests, as well as abolishing the Standards Board for England and introducing the ability for members of the public to record and film local authority meetings, including planning meetings. Thus the previously adopted protocol had to be withdrawn. This is far from ideal in that periodically the Ombudsman or persons with a complaint will seek to ensure that proper protocols have been followed by Officers or the Sub-Committees and there is at present no readily available reference to give a context for a response. Thus as the Council year comes to a close Officers considered that it would be a useful opportunity to sound out Members using the experience of the retiring committee to inform the debate as to what a new protocol should cover with a view to creating some new guidance early in the new council year.

4. ASSESSMENT

4.1. Your Officers would envisage any refresh of the previous document would cover the following matters:

- Appropriate training for both Officers and Members
- Officers/members as applicant
- Lobbying
- Protocols regarding Member referral of applications to committee
- Registering to speak at the meetings
- The order of public speakers and who is allowed to speak
- Use of the half hour slot before meetings to clarify matters with Officers
- Chairman's role in relation to opening address, control of speakers, ensuring speaking time limits are adhered to, control of interruptions, control of filming and recording etc
- Declaration of interests
- Chairman's discretion to allow additional speakers
- Questions allowed of public speakers- what is clarification and what is new debate?
- Chairman's decisions to bring applications out of schedule order
- Which member speaks first to the application?
- Should the Officer response be 'question by question' or grouped?
- Officer ability to correct matters of law or policy
- Should ward members be allowed to vote on applications in their ward?
- Role of Chairman when application is in their ward
- Protocol for going into private session
- Protocol for Member overturns
- Protocol for referral to DC committee
- Protocol for requiring a site visit
- Conduct of site visits
- General conduct expected of officers and members when determining applications
- Bias and pre determination
- Members as advocate/agent/ward member/applicant/lobbyist
- Voting powers of cabinet members

4.2. Your officers hope that the above list covers most matters that are likely to need guidance but if members have any additional suggestions then officers would be pleased to consider them for inclusion in the new guidance. When finalised it is anticipated that the final version will be brought back to members as early as possible in the new council year for sign off and adoption.

5. ALTERNATIVES

Members could decide not to consider re-introducing a protocol. However this would leave the potential for complaints against the operation of the system or individual participants and could open the Council to potentially adverse Ombudsman decisions/compensation. Public confidence in the system could also be undermined. It should also, of course, be remembered that a protocol is intended to help and support members and officers of the Council.

6. FINANCIAL IMPLICATIONS

This report has no financial implications.

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Background Papers:

None