



Report to Planning Committee 8 May 2025

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<b>Report Summary</b>	
<b>Report Title</b>	Excepted Applications under the Protocol for Planning Committee
<b>Purpose of Report</b>	<p>The report provides:</p> <p>(a) Additional wording for insertion into the Protocol for Planning Committee to provide clarification on existing provisions for dealing with Officer, Member and Council applications.</p>
<b>Recommendations</b>	<p>It is recommended that:</p> <p>1) Committee approves the additional wording at 6.6 of the appendix for insertion to the Protocol for Planning Committee.</p>

### **Background**

- 1.1 The Planning Committee have adopted the Protocol for Planning Committee (the “Protocol”) and the Planning Scheme of Delegation (the “Scheme”) which require review on an annual basis. The Protocol and Scheme allow for the delegation of decisions and circumstances when matters should be reserved to Planning Committee for decision.
- 1.2 The last full review of the Protocol and the Scheme was undertaken and approved by Planning Committee in March 2025 but the amendments have not yet been implemented and will be subject to the outcome of this recommendation.
- 1.3 The Council have received applications from a relative of a current Ward Member, one for a lawful development certificate and the other for works to a tree in a conservation area. Both of which are exceptions under the referral process in the Protocol. These exceptions are applications which are subject to strict time limits and are often not open to discretion but are matters which are determined as a matter of fact or subject to expert opinion. Examples of these applications include works to trees in a conservation area, prior approvals and lawful development certificates.

- 1.4 Under the current adopted Protocol, Member, Officer and Council planning applications should be reported to the planning committee but this is not an absolute requirement. The current Scheme does not reserve these matters to the planning committee and therefore can be dealt with under delegated powers.
- 1.5 The Scheme approved by the Planning Committee in February includes the following wording reserving these applications to the Planning Committee:
  - 1.9(i) *Any planning related application, other than Excepted Applications within the Protocol for Planning Committee, submitted to the Council by the Council, Officers or Members or their close associates who would be involved in the decision-making process.*
- 1.6 To provide clarity in the Protocol for applications by Members, Officers and the Council which are excepted applications (as defined by the Protocol) and to align with the wording at paragraph 1.5 of this report, it is recommended that the proposed wording at paragraph 6.6 shown in red in the appendix is inserted into the Protocol.

## **2.0 Implications**

- 2.1 In writing this report and in putting forward recommendation's officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.
- 2.2 **Legal Implications – LEG2425/8941**
- 2.3 Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972. Any documents that contain confidential information or personal information about individuals should not be included in this list.

## **Appendix**

Extract from the Protocol for Planning Committee:

### **6 Consideration of matters reserved to Planning Committee**

- 6.1. The responsibility for functions for Planning Committee is contained within the Council's Constitution. The Planning Scheme of Delegation delegates responsibility to Council Officers with certain exceptions which are reserved to Planning Committee.
- 6.2. Proposals submitted by serving and former Members, Officers or their close associates and relatives can easily give rise to suspicions of impropriety. Proposals could be planning applications or local plan proposals.

- 6.3. Such proposals must be handled in a way that gives no grounds for accusations of favouritism. In particular: -
- If a Member or Officer submits their own proposal to the Council, they should play no part in its consideration.
  - The Council's Monitoring Officer should be informed of any proposal submitted by any Member, or any Officer employed by the Council on the grade of Business Manager or above or any Officer who could otherwise have been involved in processing or determining the application.
  - Such proposals should be reported to the Planning Committee and not dealt with by Officers under delegated powers.
- 6.4 A Member will have a disclosable pecuniary interest in their own application and should not participate in its consideration. They have the same rights as any applicant in seeking to assist in the consideration of their application and public speaking but the Member, as applicant, should also not seek to improperly influence the decision.
- 6.5 Proposals for the Council's own development should be treated with the same transparency and impartiality as those of private developers.
- 6.6 For the avoidance of doubt, Member, Officer and Council applications which are Excepted Applications from the referrals process (paragraph 8.2 of this Protocol) should be dealt with under delegated powers by officers and a report for noting will be presented to the Planning Committee for transparency.