

**Planning Committee Procedures – Protocol for the Submission of  
Additional Information for Consideration by Members and Officers**  
Report by Director of Planning and Resources

<b>Summary:</b>	At the last Planning Committee, Members asked Officers to prepare a protocol that covers the procedure for the submission of additional information (post agenda publication) from relevant parties including landowners, applicants, and third parties. This paper considers a draft protocol for Members' consideration that will form an additional section within the Code of Conduct for Planning Committee Members and Officers, between Section 10 (Lobbying of and by Members) and Section 11 (Public Speaking at Planning Committee). It is also proposed that relevant changes are made to the "Speaking at Planning Committee Leaflet".
<b>Recommendation</b>	Members' Views on the proposed Protocol in Section 3 are requested.

## **1 Background**

- 1.1 At the last Planning Committee, members asked officers to prepare a protocol that covers the procedure for the submission of information (post agenda publication) from landowners, applicant and third parties This followed from a situation where additional information relating to applications and enforcement items had been sent to members for their consideration, (some less than 24 hours before the Committee and some that had not been made available to officers). Members were concerned that they had not had enough time to read it properly let alone receive any advice from officers. This paper introduces a draft protocol for Members' consideration.

- 1.2 Draft minute 13/8 and 9 refers:

*"Members noted that there were procedures in place concerning receipt of additional information in relation to planning applications in accordance with the Code of Conduct and, these needed to be adhered to if members are to have sufficient time to consider all relevant information. Members agreed that this should be expanded to include Enforcement matters to ensure that no additional papers or information was provided after a cut off day eg: three days before the Meeting when the item was to be considered. In addition, any correspondence sent to Members of the Authority must be copied to officers in order that professional advice could be provided. A failure to follow this*

*procedure may result in items in the future either being deferred or for late information to be discounted.”*

## RESOLVED

that protocols for dealing with information provided to the Committee in the week before the meeting be reviewed and tightened.

## 2 Current Position

- 2.1 The Broads Authority publishes on the website a leaflet that sets out the procedures for public speaking at Planning Committee. This can be found here: [Planning Committee](#). The guidance specifically states that new information should be received a minimum of three days in advance of the committee meeting, to enable information to be circulated to members and for officers to provide a considered response. Whilst this procedure is clearly laid out, the timescales have not always been adhered to and because this is only guidance there has been some debate around its implementation and the Chairman's discretion has been employed a number of times. The submission of late information, depending on who it has been submitted by can disadvantage many parties e.g. applicants, objectors, members and officers and can offend rules of natural justice if there is no proper opportunity for response.
- 2.2 In addition, this timescale only refers to the consideration of applications and not enforcement items. It should be noted that at the last Committee two Enforcement items were deferred specifically because information had been circulated to members at a late stage and members felt that they needed to have longer to consider the information and for officers to have the opportunity to advise.
- 2.3 It has also been noted that there has been an increase in occasions where information is being sent straight to Planning Committee Members via email and not to officers, often the evening before a meeting. Officers therefore in some instances have been unaware that additional information or lobbying requests have been made until shortly before the Committee meeting and therefore have not always had the time to address issues raised as fully as they might like. In some cases objectors have tabled information on the day as part of their 5 minutes public speaking that neither members, officers nor the applicant have previously seen. The public speaking leaflet also states the following:  
  
*“if new evidence is brought to the Committee which could significantly influence a decision, the application will be deferred to the next meeting for officers/members to make a full assessment of the case”.*
- 2.4 To date very few applications have been deferred for this reason and officers have generally managed to make a quick assessment about the significance and/or relevance of late information. However this does impact upon the smooth running of the Committee and is a situation that should be avoided.

### **3 Way Forward**

- 3.1 In looking at this issue, the constituent District Councils have been contacted about their existing arrangements. Whilst inevitably they all have slightly different arrangements, the three days' notice for the submission of additional information is consistent with the approach taken by the majority. In respect of applications it is worth noting that a number of the Districts are taking a tough stance on the enforcement of their respective time limits as they are aware that objectors to controversial schemes can take the opportunity of deliberately sending in late information in order to force an application to be deferred so that the LPA does not risk a legal challenge. Whilst many do not have a specific cut-off date for enforcement items they can see that there is a benefit to using the same as that employed for applications– this would again help to mitigate against landowners being tempted to submit late information as a tactic for having a report that may potentially be recommending enforcement action against them deferred.
- 3.2 All District Councils contacted specifically mentioned the frustration caused by late information being sent to members and not to officers and the additional work related to that if officers are required to consider the significance of something at short notice, sometimes immediately before a committee meeting. There is also additional work required if a matter is deferred, as a further revised report must be prepared for the next meeting.
- 3.3 As a public body the Broads Authority is required to publish Committee information at least five working days in advance of that meeting date. Planning Committee agendas and reports are published usually the Thursday or Friday in the week before the meeting date. Officers notify applicants and objectors when an application is likely to be considered by Committee so the meeting date may well be known some time in advance of the publication of the agenda although clearly the precise report's content is not available until that time.
- 3.4 In the case of Enforcement items, the fact that an item is to be considered by Committee invariably means that attempts to resolve the matter have already been taken (in line with the Enforcement Plan) and that formal action is seen as the next stage in seeking to resolve the matter. In these cases the landowner will clearly be aware that the Authority's officers consider there to be a breach of planning control and that negotiations or other solutions have either failed or broken down. In such cases officers will advise the landowner that a report to Committee members is the proposed course of action, in advance of beginning to write a report and will also notify them again in the week that the agenda is published so that whilst they may not know the specific detailed words of the report they will be aware of the recommendation.
- 3.5 Therefore, having considered the above, the following draft protocol is recommended, which in turn requires an additional section to be inserted in the Code of Conduct for Planning Committee Members (Appendix 1) and

Officers and also for relevant amendments to be made to the “Speaking at Planning Committee” leaflet:

### **Protocol on Submission of Additional Information for Consideration by Members and Officers**

Once a Planning Committee agenda has been published, all interested parties will be able to ascertain the recommended course of action for that item – this includes planning applications and also enforcement reports. Interested parties such as applicants, objectors, supporters, Ward members, Parish Councils and additionally in the case of reports on enforcement matters, landowners may wish to submit additional information to support their view or explain their position.

- This information should be sent to officers a minimum of three days before the relevant Committee date
- Officers will arrange for this information to be circulated to Committee members
- The three days cut off period applies to all interested parties e.g. applicants and/or their agents, landowners, objectors, supporters, Parish Councils, Ward members. The “Speaking at Planning Committee” leaflet will make this clear. In addition there is also the opportunity under the public speaking arrangements for third parties and applicants to address the Committee directly as the application is being considered.
- If parties lobby members directly they should also send the information to relevant officers. The public speaking leaflet will be amended to make this clear.
- The three day cut off period for the submission of additional information also relates to Enforcement Items and relevant landowners will be made aware of this prior to the publication of the Agenda. The reference to Enforcement matters in the relevant Committee leaflet will be amended to make this clear.
- The responsibility for enforcing compliance with this protocol rests with the Chairman, Members of the Committee and relevant officers.

Background papers: None

Author: Andrea Long  
Date of report: 4 July 2016

Appendices: [APPENDIX 1 – Code of Conduct for Planning Committee Members and Officers](#)