



REPORT of THE OVERVIEW AND SCRUTINY COMMITTEE WORKING GROUP

to
OVERVIEW AND SCRUTINY COMMITTEE
4 SEPTEMBER 2025

COUNCIL CONSTITUTION – PLANNING APPEALS PROTOCOL

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to present to the Committee and revised and strengthened version of this document.

2. RECOMMENDATION

- (i) That the Committee endorses the revised and strengthened version of the Planning Appeals Protocol;

To the Performance, Governance and Audit Committee:

- (ii) that the Planning Appeals Protocol (**APPENDIX A**) is adopted for inclusion in the Council's Constitution.

3. SUMMARY OF KEY ISSUES

- 3.1 The Planning Appeals Protocol is an appendix to the Planning Guidance document in the Council's Constitution. In two scrutiny items recently considered by the Working Group and the subject of separate reports to this meeting of the Committee reference has been made to the protocol. Apart from the fact that it was evident that the nominating a Member or Members to assist in the appeals process had not been a regular practice by the Planning Committees, greater clarity and understanding of the Member role was required. Another issue requiring greater clarity and understanding, in the context of Officers' role in managing the appeals process, was the position Planning Officers faced in defending a Committee decision contrary to their own professional opinion and recommendation, which potentially placed them in conflict with the Code of Conduct of their own professional body (The Royal Town Planning Institute). The Working Group concluded in both scrutiny items that a revised and strengthened Planning Appeals Protocol was required, and Officers were asked to bring this to the Committee.
- 3.2 A revised version of the Protocol has been prepared and is at **APPENDIX A** to this report. It was produced in time for the Working Group to have sight of it at its July meeting and was endorsed. The revised version addresses the points referred to in 3.1 above and additionally provides some commentary which acknowledges the potential value of the Nominated Member(s) being involved in any discussion / consultation undertaken as part of any Emergency Action / Decision required during the appeal process. While this cannot override what the Constitution separately provides in the Scheme of Delegation for such action / decisions, it may help raise the profile of the Nominated Member's involvement in future similar situations.

- 3.3 The Working Group agrees with Officers the profile of the Protocol itself will be raised by the refresh that adoption of a revised and strengthened version will provide. If the Committee endorses this it will need to be referred to the Performance, Governance and Audit Committee with a recommendation that it is adopted and added to the Council's Constitution.

4. CONCLUSION

- 4.1 The Working Group has concluded, as an outcome from two scrutiny reviews, that it would be beneficial for a revised and strengthened Planning Appeals Protocol to be included in the Council's Constitution.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2025 - 2028

5.1 Delivering good quality services.

- 5.1.1 Thorough scrutiny processes support improved performance and efficiency which in turn will contribute to the quality of services provided, and functions undertaken by the Council.

6. IMPLICATIONS

- (i) **Impact on Customers** – Individual scrutiny reviews will enable the impact on customers to be assessed. The subject of this particular scrutiny request directly relates to the experience of customers of leisure facilities provided on behalf of the Council.
- (ii) **Impact on Equalities** – Equalities are considered as part of the reporting on review work undertaken by Officers.
- (iii) **Impact on Risk (including Fraud implications)** – Scrutiny reviews enable potential Corporate Risks to the organisation and their mitigation to be identified.
- (iv) **Impact on Resources (financial)** – Scrutiny reviews offer the potential for an assessment of financial impact to the organisation.
- (v) **Impact on Resources (human)** – Scrutiny reviews offer the potential for an assessment of any resource impact to the organisation.
- (vi) **Impact on Devolution / Local Government Re-organisation** – None.

Background Papers: None.

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