



## REPORT of CHIEF EXECUTIVE

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to  
PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE  
18 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 a reference and recommendation from the Overview and Scrutiny Committee.

#### 2. RECOMMENDATION

That the Committee endorses the revised and strengthened version of the Planning Appeals Protocol and adopts it for inclusion in the Council's Constitution.

#### 3. SUMMARY OF KEY ISSUES

- 3.1 The Overview and Scrutiny Committee at its meeting on 4 September 2025 received and considered reports from its Working Group on two scrutiny reviews of a planning nature. In both cases, the relevance and profile of the Planning Appeals Protocol was raised and the need for a strengthening of the Protocol featured in the Working Group's conclusions together with a recommendation that the Committee endorses a revised and strengthened Protocol for adoption and inclusion in the Council's Constitution. These recommendations were accepted by the Overview and Scrutiny Committee for reference to this Committee.
- 3.2 The Planning Appeals Protocol is an appendix to the Planning Guidance document in the Council's Constitution. The need for its strengthening of the Protocol centred on two main areas. First, 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 Nominated Member role was felt to be required. Another issue requiring greater clarity and understanding, in the context of Officers' role in managing and their involvement in 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 (RTPI)).
- 3.3 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 issues raised in the two scrutiny reviews referred to 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. The Overview and Scrutiny Committee Members agreed with Officers that the profile of the Protocol itself will be raised by the refresh that adoption of a revised and strengthened version will provide.

#### **4. CONCLUSION**

- 4.1 The Overview and Scrutiny Committee has endorsed the conclusions of its Working Group, 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 and has referred the matter to this Committee accordingly.

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

##### **5.1 Delivering good quality services**

- 5.1.1 Thorough good governance, improved decision-making, performance and efficiency will in turn will contribute to the quality of services provided, and functions undertaken by the Council.

#### **6. IMPLICATIONS**

- (i) **Impact on Customers** – None directly other than the implications of decisions on planning applications and resulting appeals.
- (ii) **Impact on Equalities** – Not applicable.
- (iii) **Impact on Risk** – Scrutiny reviews enable potential Corporate Risks to the organisation and their mitigation to be identified.
- (iv) **Impact on Resources (financial)** – Good governance in relating to planning decision-making will help minimise the risk of the award of costs against the Council associated with planning appeals being upheld.
- (v) **Impact on Resources (human)** – Not applicable.
- (vi) **Impact on Devolution / Local Government Re-organisation** – None.

Background Papers: None

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