

STOCKTON-ON-TEES BOROUGH COUNCIL

CABINET RECOMMENDATIONS

PROFORMA

Cabinet Meeting11th September 2008

1. Title of Item/Report

Alterations to the Constitution - Decisions made Contrary to Officer Recommendation and Informal Hearings

2. Record of the Decision

Cabinet considered a report relating to decisions made contrary to officer recommendation at Planning Committee and informal hearings.

It was explained that following several recent cases where applications contrary to officer recommendation had been the subject of informal hearings through the appeals process, it was considered that it would be beneficial to establish an agreed protocol, clearly setting out the roles and responsibilities of Members and Officers throughout this process. To inform this proposal, benchmarking took place with other authorities, and a number of scenarios were assessed, along with examination of the Royal Town Planning Institute (RTPI) code of professional code and planning advice notes on the matter.

Cabinet were informed that in addition to this, there were increasing concerns about the number of planning decisions which were being made contrary to officer recommendation in cases where the planning merits clearly did not support the decisions which Members wished to make and the risk that this posed to the authority both in terms of reputation and of potential costs. It was proposed to introduce a new procedure prior to the determination of such applications.

Cabinet considered information relating to both issues and proposed alterations to the constitution in line with the recommendations made.

It was noted that Members of Planning Committee had been consulted and a suggestion had been made that a review of the appeal process should be undertaken one year after implementation of the protocol for appeal hearings and inquiries made contrary to officer recommendation.

RECOMMENDED to Council that:-

1. The alterations to the Constitution and Protocol for planning appeals be approved.
2. The necessary changes to the Constitution be made and the Planning Code of Conduct be updated to incorporate the Protocol.
3. A review be undertaken by the Head of Planning and the Chair of Planning Committee in consultation with the Cabinet Member for Regeneration & Transport one year after the implementation of the protocol for appeal hearings and inquiries made contrary to officer recommendation.

3. Reasons for the Decision

This report is presented to Cabinet to clarify the method by which the Council will deal with planning appeals and to alter the constitution with regards to decisions made contrary to officer recommendation by Planning, in order to make a more transparent, streamlined and efficient service, consistent with the ambition and aspiration of excellence embedded into Stockton on Tees Borough Council.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

Not applicable.

7. Date and Time by which Call In must be executed

Not applicable.

Proper Officer
15 September 2008