

Stirling Council

Agenda Item No.4

Planning & Regulation Panel

Date of Meeting: 8 September 2020

Not Exempt

## Protocol for Site Visits

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### Purpose & Summary

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To note the new protocol for the Planning & Regulation Panel (“the Panel”) to agree and conduct site visits in respect of planning applications.

### Recommendations

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The Planning & Regulation Panel is asked to:

1. to note the protocol for site visits set out in Appendix 1.

### Resource Implications

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The protocol seeks to regulate the conduct of site visits by the Panel in respect of planning applications by ensuring that such visits are held only when necessary and in an effective and efficient manner. As such this is an operational issue and is being brought to the Panel for their information and awareness prior to the next site visit.

### Legal & Risk Implications and Mitigation

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Site visits, when held, are part of the Panel’s formal procedure for determining planning applications. Any procedural unfairness arising from the visit could therefore undermine the fairness of the determination and may leave the decision vulnerable to challenge. Risk will be mitigated by having an agreed protocol that sets out how and in what circumstances such visits will be conducted. The protocol is also designed to assist Panel Members in ensuring that their participation in any site visit accords with their duties under the Code of Conduct for Councillors 2018.

# 1. Background

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- 1.1. The determination of planning applications is a quasi-judicial function, and decisions must be taken lawfully, fairly and transparently. Panel procedures are governed by Stirling Council's Standing Orders and Scheme of Delegation, and the Planning Toolbox available on the Council's website. The proposed protocol supplements these governance documents by bringing together provisions relevant to site visits, and clarifying requirements in greater detail.
- 1.2. In addition, general responsibilities of Panel Members when determining regulatory applications are set out in Section 7 of the Code of Conduct for Councillors 2018. This emphasises the need to ensure a proper and fair hearing, and to avoid any impression of bias in relation to statutory decision-making processes – to not only act fairly but also to be seen as acting fairly. Improper conduct in the course of a site visit may be grounds for sanction by the Standards Commission as well as providing a ground of appeal to an applicant against an adverse decision.

## 2. Considerations

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- 2.1. The Protocol for Site Visits aims to establish agreed criteria for determining:
  - 2.1.1. The purpose of site visit.
  - 2.1.2. When a site visit is appropriate.
  - 2.1.3. Who may request a site visit.
  - 2.1.4. Who may participate in a site visit.
  - 2.1.5. How visits will be arranged and conducted.
  - 2.1.6. The relationship between the site visit and final determination of the planning application.
- 2.2. The protocol is designed to benefit all parties by improving transparency, consistency and fairness within the process for determining planning applications.

## 3. Implications

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### **Equalities Impact**

- 3.1. The section is not applicable.

### **Fairer Scotland Duty**

- 3.2. The contents of this report were considered in terms of the Fairer Scotland Duty and were determined not to be of strategic importance.

### **Sustainability and Environmental**

- 3.3. This section is not applicable.

### **Other Policy Implications**

- 3.4. None identified.

### **Consultations**

- 3.5. None.

## 4. Background Papers

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- 4.1. Stirling Council Standing Orders.
- 4.2. Stirling Council Scheme of Delegation.
- 4.3. Stirling Council Planning Toolbox.
- 4.4. Code of Conduct for Councillors 2018.

## 5. Appendices

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- 5.1. Appendix 1 –Protocol for Planning & Regulation Panel Site Visits.

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Approved by:

Julia McAfee  
Chief Officer - Governance

Date: 25 August 2020

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Details of Convener(s), Vice Convener(s),  
Portfolio Holder and Depute Portfolio Holder  
consulted on this report:

Cllr Alasdair MacPherson  
Cllr Danny Gibson

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Wards affected:

N/A

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Key Priorities:

N/A

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Key Priority Considerations:

N/A

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Stirling Plan Priority Outcomes:  
(Local Outcomes Improvement Plan)

N/A

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