



**REPORT of
CHIEF EXECUTIVE**

to
PLANNING AND LICENSING COMMITTEE
13 JUNE 2017

**CODE OF GOOD PRACTICE AND GUIDANCE ON THE CONDUCT OF
PLANNING MATTERS**

1. PURPOSE OF THE REPORT

- 1.1 To seek endorsement of the above document for recommendation to the Council for adoption as part of its Constitution.

2. RECOMMENDATIONS

- (i) that this document is endorsed and the Council is recommended to adopt it as an annexe to the Constitution.
- (ii) that the Committee considers whether to recommend to the Council further action in respect of the last three bullet points in paragraph 3.4 of this report.

3. AREA FOR DECISION / ACTION

- 3.1 It is common practice now for local authorities to establish and publish as part of their constitutional documentation guidance on the conduct of planning matters. Alongside the need to ensure greater consistency and understanding of the various Planning processes, there is good reason to demonstrate to the public how the Council goes about fulfilling this role.
- 3.2 The intention of a Code of Good Practice/Guidance document is not only to set the scene but also to provide a framework for drawing together all relevant guidance, advice and adopted protocols relative to the Planning function. It is a reference document for both Members and Officers and will sit above the Manual / Toolkit being developed as an internal service document, the concept for which was established in the previous Planning Services Improvement Plan.
- 3.3 The proposed document is now attached as **APPENDIX 1** and is presented to the Committee for endorsement and recommendation to Council. The various appendices referred to in it already exist and will be added for publication purposes.
- 3.4 While for the most part the document draws on a range of advice issued centrally or by the Monitoring Officer, particularly on probity, and cross-references to the adopted

Local Code of Conduct for Councillors, there a few provisions that are worthy of emphasis or may require additional action -

- The overriding duty of Members to all the people of the District and to ensure that planning decisions reflect the interests of the District community as a whole.
- The issues of pre-determination and pre-disposition – the former to reflect the position as clarified in the Localism Act 2011.
- The need to confine declarations of interests to only those covered by the Local Code of Conduct.
- Clarity of the process to be followed where Members are minded to overturn an Officer recommendation.
- A provision that unless a Member has been present for the entire debate he/she should not vote on the matter. The Committee, if endorsing this, may wish to recommend to the Council that this provision is strengthened by a reference in Procedure Rules.
- Clarity of process around finalisation of the terms of reasons for refusal or conditions of approval after the meeting. It has been highlighted that there can be the need to review the precision of conditions in the event of the passage of time between a Committee decision and the issue of a decision notice consequent upon the completion of a Section 106 agreement (planning obligation). A suitable provision to cover these circumstances ought to be included in the Scheme of Delegation.
- The need to treat the Council's own planning applications or applications affecting Council-owned land as any other and without any regard to any other interest the Council may have. In the light of this, the requirement that such applications be determined by the Council in the event of a proposed refusal seems to have little foundation and should be recommended for change in the Scheme of Delegation.

4. IMPACT ON CORPORATE GOALS

- 4.1 The updating of the corporate governance and associated arrangements underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to the Corporate Goal of aiming to be an organisation that delivers good quality cost effective and valued services in a transparent way.

5. IMPLICATIONS

- Impact on Customers** – This documentation will help demonstrate how the Council's planning processes operate and how decisions are taken.
- Impact on Equalities** – None identified.
- Impact on Risk** – None identified.
- Impact on Resources (financial)** – None identified.

- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None identified.

Background Papers: None.

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