



**REPORT of
CHIEF EXECUTIVE**

to
PLANNING AND LICENSING COMMITTEE
16 NOVEMBER 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 Code of Practice and Guidance on the Conduct of Planning Matters (**APPENDIX 1**) for recommendation to the Council for adoption as part of its Constitution in the light of further revision.

2. RECOMMENDATIONS

To the Council:

- (i) that the Code of Practice and Guidance on the Conduct of Planning Matters (**APPENDIX 1**) is endorsed and the Council is recommended to adopt it as an annexe to the Constitution;
- (ii) that the changes to constitutional arrangements as set out in paragraph 3.11 of this report, be agreed.

3. AREA FOR DECISION / ACTION

- 3.1 This matter was considered by the Committee at its meetings on 13 June and 14 September 2017. Following the first occasion, it was agreed that the Chairman and Vice-Chairman of the Committee together with the Leader and Deputy Leader of the Council in consultation with Officers to agree the final version of the Code of Good Practice / Guidance document. The updated document was brought back to the Committee at its last meeting for endorsement and recommendation to the Council for adoption. At the meeting of the Council on 2 November 2017, given the lack of clarity as to the proposed revisions, it was agreed that the matter be referred back to this Committee for further consideration and recommendation.
- 3.2 The updated document incorporating the agreed changes is attached at **APPENDIX 1**. It appears that this is the same version as that considered by the Committee at its last meeting. The various appendices referred to in it will be added when published.
- 3.3 With particular reference to Member training on planning matters, while the intention is that training is 'mandatory', this document remains primarily of a guidance/good practice nature. On training, it points to what arrangements will be put in place and

the expectation on Members in this respect. It is proposed that revisions be made to the Procedure Rule on voting to provide the complementary sanction where Members have not undertaken the requisite training. It was the intention that the training programme be introduced prior to the start of the new Council in May 2019.

- 3.4 As stated before, 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.
- 3.5 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.
- 3.6 The updated draft document addresses the issue of Member Training and includes the expectation that it will become mandatory for all Members who sit on a Planning Committee. It is not for the document to detail how and when such training will be delivered. What is envisaged however is that in preparation for and consequent upon a newly-elected Council coming into office, a comprehensive training programme will be in place as part of the induction arrangements. This would be refreshed as necessary throughout Councillors' terms of office, and supplemented by briefings at Committee meetings on key topics such as new policy, guidance and legislation. As identified by the Committee at its last meeting, the sanction for not having undergone the fundamental training once it is introduced will be that although a Councillor may attend a meeting and speak, he or she would not be able to vote. This can be reinforced through an addition to the Council and Committee Procedure Rules.
- 3.7 Given that the present Council is halfway through its term of office, it is proposed to deal with training in a positive way in the interim and Officers will be looking to work with the Chairman and Vice-Chairman, Leader and Deputy Leader to agree a programme in September for early delivery.
- 3.8 Another proposed change consequent upon is how applications by the Council and affecting Council-owned land are dealt with. On the basis that the Guidance document lays emphasis on the fact that these applications will be treated no differently to any other, it is proposed to delete the current provision that requires such applications to be referred to the Council where there is a recommendation or a Committee inclination to refuse.
- 3.9 At the last meeting also, the Committee supported the introduction of a provision that unless a Member has been present for the entire debate on a planning application 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.
- 3.10 The final proposed consequential change seeks to improve clarity of process around finalisation of the terms of reasons for refusal or conditions of approval after the

meeting. It has been highlighted that on occasions there can be the need to review the precision of conditions agreed by a Committee in the event of the passage of time between the 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 is proposed to be included in the Scheme of Delegation.

- 3.11 The actual proposed changes to the Constitution arising from the issues covered in paras. 3.6-3.10 above are as follows:

Procedure Rule 13 – Voting

Add to (1) – If a Member has not been present at the meeting for the whole of the consideration of a planning application or related matter, or has not undergone fundamental induction training once such a programme has been introduced he/she shall not vote on the matter.

Planning and Licensing Committee Scheme of Delegation

To the Chief Executive (Director) –

In consultation with the Chairman of the Committee, to review the accuracy of agreed planning conditions due to the passage of time between the Committee decision and the issue of a decision notice consequent upon the completion of a S106 planning obligation.

Terms of Reference of Area Planning Committees

Delete provision (a) – To consider and report to the Council
Amend existing para. (b)(i)11 by the deletion of “The approval of”

- 3.12 In the further discussions Members also discussed arrangements for site visits and the updated Guidelines, which include provision for an organised site visit to take place between publication of an agenda and the actual meeting date is attached as **APPENDIX 2** as background information.

5. IMPACT ON CORPORATE GOALS

- 5.1 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.

6. IMPLICATIONS

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

- (iii) **Impact on Risk** – None identified.
- (iv) **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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