

Revision to Constitution - Model Code of Practice for Members in respect of Planning Matters

Report of the:	Chief Legal Officer
Contact:	Fiona Cotter
Annexes/Appendices (attached):	Annexe 1: Model Code of Practice for Members adopted by Planning Committee
Other available papers (not attached):	Report and Minutes to the Planning Committee dated 18 January 2018

Report summary

The report recommends that the Constitution be updated to include the revised Model Code of Practice for Members in respect of Planning Matters adopted by the Planning Committee at its meeting on 18 January 2018.

Recommendation (s)

That the revised Model Code of Practice for Members in respect of Planning Matters attached at Annexe 1 be included in the Constitution, to supercede the (ACSeS) Model Code of Good Practice currently contained therein

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 Sound and defensible planning decisions reflect the Council's core values.

2 Background

- 2.1 The Planning Committee agreed a Planning Improvement Action Plan at a Special Meeting on 13 November 2017. The Plan contained a number of actions to implement changes to the practices and procedures relating to the consideration and determination of planning applications.
- 2.2 The Committee was asked to consider updated versions of the Code of Conduct and Delegation Scheme, which had been revised taking into account comments and recommendations from the Planning Peer Challenge report, changes in law and best practice guidance from the Local Government Association and the Planning Advisory Service.

3 Proposals

- 3.1 Council has delegated decisions on the Scheme of Delegation in relation to planning matters to the Planning Committee. Council is requested to consider the inclusion of the revised Model Code of Practice in the Constitution. The Code attached at **Annexe 1** has been amended.

4 Financial and Manpower Implications

- 4.1 There are no financial or manpower implications for the purposes of this report.
- 4.2 **Chief Finance Officer's comments:** *None for the purposes of this report.*

5 Legal Implications (including implications for matters relating to equality)

- 5.1 The revised Model Code of Conduct has been revised to bring it in line with current best practice, the Localism Act and National Planning Guidance in particular. The opportunity has also been taken to refresh the processes around the use of the local convention of "call in" i.e. the ability of councillors to require an application to be considered by the Planning Committee.
- 5.2 **Monitoring Officer's comments:** *the proposed Model Code of Practice accords with current legislation and best practice.*

6 Sustainability Policy and Community Safety Implications

- 6.1 There are no implications for the purposes of this report.

7 Partnerships

- 7.1 The revised Model Code recognises the need for more collaborative working with applicants within the appropriate bounds of probity and recognises the need to engage with all stakeholders earlier in the planning process

8 Risk Assessment

- 8.1 The revised Model Code is designed to mitigate the risk of the perception of impropriety on the part of members when engaging in the planning process. The benefit of this detailed Code is that it sets out clear lines of engagement and expectations for all parties involved, including members of the public and developers.

Council
20 February 2018

9 Conclusion and Recommendations

- 9.1 The Council's Constitution is regarded as a key document in the Council's Corporate Governance Framework. Inclusion of this Code of Conduct within the Constitution not only demonstrates the Council's commitment to good corporate governance but also promotes openness and transparency.

Ward(s) Affected: (All Wards);