

CONSTITUTION REVIEW: PLANNING CODE OF PRACTICE

Head of Service/Contact: Amardip Healy, Chief Legal Officer
Urgent Decision?(yes/no) No
If yes, reason urgent decision required:
Annexes/Appendices (attached): Annex – draft Planning Code of Practice (to follow)
Other available papers (not attached):

Report summary

This report presents the recommendations of Standards Committee on proposed changes to the Part 5, Section 8 of the Constitution, with the adoption of a new 'Planning Code of Practice'.

Recommendation (s)

That Council approve:

- (1) the revision to Part 5, Section 8 of the Constitution, with the adoption of a new Planning Code of Practice, as set out in the Annex;**
- (2) that authority be delegated to the Monitoring Officer to make any further changes as may be necessary arising out of this report, in consultation with the Chairman of the Standards Committee.**

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

- 1.1 Good Corporate Governance underpins delivering the Council's Key Priorities.

2 Background

- 2.1 A comprehensive review of the current Constitution is currently underway to ensure that it complies with all relevant statutory requirements, and its processes and procedures meet the needs for organisational efficiency and achieve good governance.
- 2.2 The Constitution sets out how the Council operates, how decisions are made, the procedures which need to be followed to ensure business is conducted in an efficient, transparent, and accountable manner. Some of

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the content of the Constitution is required by law; the remainder is for the Council itself to determine. The Monitoring Officer has a duty to keep the Constitution under review and has delegated authority to amend the Constitution where there has been a change in law, job title, and structure, rearrangement of job responsibilities or for general administrative convenience. All extensive changes to the Constitution, however, must be approved by Full Council.

- 2.3 By way of background to the planning code of conduct, 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, with one action to update the Planning Code of Conduct.
- 2.4 At the time, the revised Model Code of Conduct brought practice into line with the Localism Act and National Planning Guidance. It was agreed by Members that a review of the Code would continue in line with the process of continuous improvement of process and procedures. The new draft Planning Code has been the subject of consultation and discussion by officers within both the Council's Planning Service and Leadership Team, to ensure it remains a focussed and effective. It was then considered by the Standards Committee at its meeting on the 19th November 2019, where it was agreed the new Code would be referred to the January Council meeting for approval.

3 Proposals

- 3.1 Following a detailed review of the current Model Code, along with consideration of the issues needing to be addressed, it was concluded that a new document was needed as opposed to an updating of the old.
- 3.2 The new draft Planning Code of Practice, attached to this report as an Annex, is a very different type of document from its predecessor. It has been developed following the Member training program on planning and an updating of the Members' Code of Conduct. Both have helped in securing a different context to what had existed previously. Therefore a document which specifically deals with planning matters as opposed to restating generally the contents of the Members Code of Conduct, is more relevant now.
- 3.3 At the same time of setting out a new planning code of practice for members, it was also useful to set out a process and procedure for both public speaking the conduct of Planning Committee. The aim of this is to help with both transparency of the Council's processes to the public as well as help with the public's understanding of the arrangements for a Planning Committee and also how the Planning Committee makes decisions.

4 Financial and Manpower Implications

- 4.1 There are no financial 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 Section 37 of the Local Government Act 2000 and the guidance issued under it requires the Council to keep the Constitution up to date and regularly review it. There are no specific equality implications from the proposed change.
- 5.2 **Monitoring Officer's comments:** It is important to note that the Local Government Act 2000 requires the Council to have and maintain a Constitution. The process of updating the Constitution will ensure it fulfils its stated purpose, as set out in Article 1 of Part 2 of the Constitution. The Planning Code of Practice is a document which is included within the Constitution and therefore it is important to review it regularly.

6 Sustainability Policy and Community Safety Implications & Partnerships

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

7 Risk Assessment

- 7.1 The Council needs a sound Constitution, which is kept up-to-date and is fit for purpose. By adhering to the rules and guidance set out in the Constitution, Officers and Members alike protect themselves from risk of challenge.

8 Conclusion and Recommendations

- 8.1 Council is asked to approve the adoption of the new Planning Code of Practice at Part 5 Section 8 of the Constitution.

Ward(s) Affected: (All Wards);