

DEVELOPMENT CONTROL COMMITTEE - 24TH APRIL 2006

**JOINT REPORT OF THE DIRECTOR OF LAW AND PROPERTY AND THE
DIRECTOR OF THE URBAN ENVIRONMENT**

MEMBERS' PLANNING CODE OF GOOD PRACTICE

Purpose of Report

1. To consider a draft Members' Planning Code of Good Practice.

Background

2. Some years ago the Council adopted a Code of Practice for Members and Officers Dealing with Planning Matters, and this Code is now a part of the Constitution.
3. The existing Code is now out of date. However, within the last 6 months a new model Members' Planning Code of Good Practice has been published by my professional association, the Association of Council Secretaries and Solicitors, in consultation with the:-
 - Local Government Association
 - District Audit Service
 - Local Government Ombudsman
 - Standards Board for England.
4. In consultation with the Cabinet Member for Economic Regeneration and the Chairman of the Development Control Committee, we have adapted the national model for use by the Council and a copy of the draft Members' Planning Code of Good Practice is attached at Appendix 1.
5. The only significant part of the national model which is not included in the draft relates to members of the Development Control Committee who may wish to speak on a planning application in their capacity as ward member. The national model would allow this but in our view it would create a perception of bias if a member temporarily stepped down as a decision maker on the Development Control Committee to speak as a ward member on a particular application. Accordingly, this part of the national model has been omitted from the draft.

6. We have retained the following sections of the existing Code of Practice in the draft:-
- 11 – Committee Reports
 - 12 – Delegation of Decision Making
 - 14 – Review of Committee Decisions
 - Appendix – Public Speaking at Development Control Committee

Finance

7. There are no financial implications arising from this report.

Law

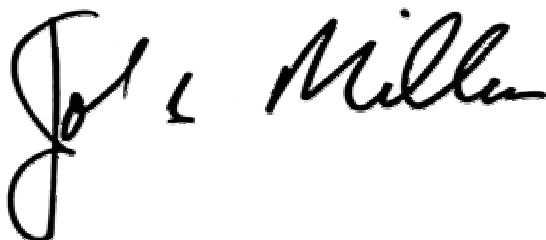
8. Section 111 of the Local Government Act 1972 enables the Council to do any thing which is calculated to facilitate or is conducive or incidental to the discharge of the Council's functions as local planning authority.
9. The draft Members' Planning Code of Good Practice will also be considered by the Standards Committee and a final decision on its inclusion in the Constitution will be taken by the Council at its meeting in July.

Equality Impact

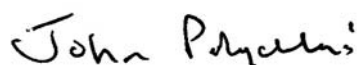
10. The draft Members' Planning Code of Good Practice complies fully with the Council's policies with regard to equality and diversity
11. The draft does not have any direct implications for children and young people within the borough.

Recommendation

12. It is recommended that the Committee consider the draft Members' Planning Code of Good Practice and submit a recommendation to the Standards Committee and Full Council regarding the adoption of the Members' Planning Code of Good Practice as part of the Constitution to replace the existing Code of Practice.



J Millar - Director of The Urban Environment



J. Polychronakis - Director of Law and Property

Contact Officer: John Polychronakis.
Telephone: 01384 (81)5300
Email: john.polychronakis@dudley.gov.uk

List of Background Papers

1. ACSeS model of Members' Planning Code of Good Practice
2. Internal e-mails regarding draft documentation.