

## **Meeting of the Council – 24<sup>th</sup> July, 2006**

### **Report of the Standards Committee**

### **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 The existing Code is now out of date.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 nine months or so a new model Members' Planning Code of Good Practice has been published by the Association of Councils' 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, officers 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 the view of both the Development Control Committee and the Standards Committee is that this 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. The following sections of the existing Code of Practice have been retained in the draft:-
- 11 – Committee Reports
  - 12 – Delegation of Decision Making
  - 14 – Review of Committee Decisions
  - Appendix - Public Speaking at Development Control Committee.
7. The draft was considered by the Development Control Committee at its meeting on the 24<sup>th</sup> April 2006, when it was approved without amendment.
8. At its meeting on the 22<sup>nd</sup> June 2006, the Standards Committee also considered the draft together with further amendments proposed by the Director of Law and Property and the Director of the Urban Environment. These amendments, which are highlighted in bold italics in the draft, relate to:-
- the position of members who act as an agent for a planning applicant
  - ward members who wish to speak on an application at a meeting of the Development Control Committee
  - a more specific requirement for objectors or ward members to notify the Council in advance if they wish to speak at the Development Control Committee.
9. The recommendation of the Standards Committee is that the Council adopt the Members' Planning Code of Good Practice as set out in Appendix 1.

### **Finance**

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

### **Law**

11. 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.
12. If approved by the full Council, the draft Members' Planning Code of Good Practice will be included in the Constitution.

### **Equality Impact**

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

**Recommendation**

15. It is recommended that the Council adopt the Members' Planning Code of Good Practice as part of the Constitution to replace the existing Code of Practice.

A handwritten signature in black ink, appearing to read 'D Walker', with a stylized flourish at the end.

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**Right Reverend David Walker.**  
Chairman of the Standards Committee.