

**REVIEW OF CODE OF PRACTICE FOR PLANNING
PROCEDURES**

Report of the Director of Environment

Author:- Brian Owen

Tel: 01992 556255

1. Purpose of Report

To review the operation of the Code of Practice for Planning Procedures since the last review date of June 1999.

2. Summary

2.1 The County Council adopted a Code of Practice for Planning Procedures ("the Code of Practice") in June 1998 and reviewed this a year later in June 1999. The Code of Practice sets out the conduct of the County Council for dealing with planning applications that are determined by the County Council. The Code of Practice covers member training, pre-application/post-application discussions, site visits, lobbying, officer reports, presentation by interested parties, conduct at committee, declarations of interest, delegations, availability of information relating to planning applications, monitoring of development, planning gain and guidance for determining applications under delegated authority.

2.2 The County Council adopted a local Code of Conduct for councillors following the Local Government Act 2000. The proposed changes as set out in Appendix 1 take account of these changes and generally review the Code of Practice.

3. Conclusion

The report concludes that:

- i) the Committee should adopt the Code of Practice with the amendments as set out in Appendix 1 to this report;
- ii) the Code of Practice should be reviewed by the Director of Environment in consultation with the spokespersons of both the Environment Scrutiny and Development Control Committee in one year's time;
- iii) the Director of Environment should notify all district and parish councils of the amendments to the existing Code of Practice.

1. Proposed amendments to the Code of Practice
- 1.1 The Local Government Act 2000 introduced a new ethical framework to local government, including a Model Code of Conduct for Councillors. The County Council has adopted a local Code of Conduct in line with this (Appendix 2 to this report).
- 1.2 This local Code of Conduct provides for conduct of Councillors across all the business of the County Council. The Code of Practice relates to conduct for councillors specifically in relation to planning procedures and also conduct for officers involved in the planning process.
- 1.3 Appendix 1 sets out the proposed changes to the Code of with the existing code shown in ordinary typeface, any proposed deletions shown as ~~strikethrough~~ and the recommended amendments in *italics*.
- 1.4 Many of the amendments are minor and help with the interpretation of the old code.
- 1.5 The following comments are made in respect of the more significant proposed amendments within the report.
- 1.6 Paragraph 1.2
Provides clarification of issues to be considered with regard to reaching decisions on planning matters.
- 1.7 Paragraph 1.7
This amendment extends the requirements of the Royal Town Planning Institute (RTPI) Code of Conduct to officers dealing with planning matters who are not members of the RTPI. This requirement may involve additional training of non-RTPI officers in order to ensure they meet the Continual Professional Development requirements of the RTPI.
- 1.8 Paragraph 2.2
This clarifies the requirement for substitute members to have undertaken basic planning training prior to sitting on the planning committee.
- 1.9 Paragraphs 5.6 and 9.1-9.6
The local Code of Conduct sets out the expectations as to the conduct of elected and co-opted members of local authorities in the conduct of their business. The core provision of the local Code of Conduct is the separation of private and public interests, i.e. registration and declaration of interests etc, it also includes provisions relating to actions bringing the authority in disrepute; relations with other members, the public and staff; and the treatment of confidential information that go beyond a strict interpretation of matters of probity. Members are expected to comply with the spirit of the code and not just its letter.
- 1.10 The Code of Practice relates these requirements specifically to planning to provide more guidance for conduct in this area. The Code is intended to preserve the integrity of the planning system as being open and fair to all. The two documents do overlap but have different targets.

1.11 The proposed changes to the local Code of Conduct introduces the concepts of 'personal' and 'prejudicial' interest and defines these interests. The proposed Code of Practice provides clarification for members who serve on other committees (including those of other organisations) which make recommendations on planning proposals and these proposals are subsequently before the County Council's Development Control Committee. In these instances, members may be considered to have a prejudicial interest. However the exceptions that apply to the Local Code of Conduct would generally apply in such a case, though members must declare their interest. However, members should consider carefully whether, in any individual case, their interest in a particular is significant and so they should consider withdrawing. The test to apply here would be whether they have avoided forming a fixed view on a matter and/or whether a member of the public with knowledge of the facts would reasonably regard the interest as being so significant that it is likely to prejudice the member's judgement of the public interest.

1.12 Section 7

This clarifies the position with respect to applicants, objectors and other interested parties (such as district councils, or district councillors) who wish to address the Committee. The County Council currently allows up to three interested parties to make presentations to the Development Control Committee (under the Presentation Procedure). The amendment clarifies that this would include district councils and/or district councillors and that they would have preference, along with the local parish council, any local action group and/or residents association and the developer. The requirement that at least one presentation supports the proposal and one opposes remains, unless no such person wants to speak. The Code of Practice requires that speakers must give seven days notice of their intention to make a presentation to the Committee.

Note:- Standing Orders cover petitions and conduct for addressing the Committee with this regard.

4. Conclusions

4.1 The report concludes that the Committee should adopt the Code of Practice with the amendments as set out in Appendix 1 to this report.

4.2 The Code of Practice should be reviewed by the Director of Environment in consultation with the spokespersons of both the Environment Scrutiny and Development Control Committee in one year's time.

4.3 The Director of Environment should notify all district and parish councils of the amendments to the existing Code of Practice.

5. Financial implications

5.1 The costs of revising the Code of Practice and costs arising from its implementation can be met from existing budgets

Background information used by the author in compiling this report

Report to Environment Committee 15 June 1999 – Code of Practice for Planning Procedures: One Year On

Local Government Association:- Probity in Planning (Update) – The Role of Councillors and Officers

Hertfordshire County Council Code of Conduct for Councillors

RTPI: Code of Professional Conduct