

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **STANDARDS COMMITTEE**
DATE: **MONDAY, 2 DECEMBER 2013**
REPORT BY: **MONITORING OFFICER**
SUBJECT: **PLANNING CODE OF PRACTICE**

1.00 PURPOSE OF REPORT

1.01 To consider whether a review of Flintshire's Planning Code of Practice is appropriate at the present time.

2.00 BACKGROUND

2.01 The Nolan Committee on Standards in Public Life led to the creation in the Local Government Act 2000 of the ethical framework for Members including the creation of Standards Committees and Codes of Conduct for Members. One recommendation of the Nolan Committee that was not subsequently enshrined in the new ethical framework was that planning authorities should have their own code of practice relating to the planning process.

2.02 Flintshire has had such a planning code in place for many years and it is incorporated into the Constitution. It is due for review by the Committee this month as part of the Committee's work programme. The original planning code was devised by a working group of members advised by senior officers from Planning and Legal. It has subsequently been amended and updated by that same working group. The contents of the code are shown in appendix 1.

2.03 The working group that created the planning code has continued to exist with widened terms of reference and is now known as the Planning Strategy Group. At its meeting on the 21 November 2013 the Planning Strategy Group received a report from the Head of Planning on a recent Welsh Government study into the operation of Planning Committees in Wales.

2.04 Recommendation 2 of the Welsh Government study was that a National Planning Committee Protocol should be established, regularly reviewed, applied to each local planning authority and incorporated into its Constitution. The protocol should cover:- The Members' Code of Conduct; the involvement of Members in pre-application discussions; distinguish between the decision making and local representative roles at committee; set training obligations; set

out site visit procedures; clarify the role of Members when an appeal is lodged against officer recommendations; establish the decision making process, public speaking arrangements and customer care issues.

2.05 At its meeting on the 21 November the Planning Strategy Group decided to await the publication of the Planning Reform Bill and White Paper in the near future rather than undertaking a review of Flintshire's Planning Code of Practice at the present time.

2.06 The Council's Constitution Committee is in the second year of a 3 year agreed programme to review all parts of the Council's Constitution. The Planning Code of Practice is scheduled for review by that Committee in the last year of the programme (May 2013 to April 2014).

3.00 CONSIDERATIONS

3.01 Flintshire has had a Planning Code of Practice for many years unlike some planning authorities in Wales. Flintshire's existing code covers each of the areas referred to in the recommendation in the Welsh Government study except for where the area is already covered in the Members' Code of Conduct. The Standards Committee may therefore consider there is no urgent need to review Flintshire's Planning Code of Practice at the present time but to await progress with the national proposals.

3.02 The Council's officers do intend to keep abreast of the emerging national proposals contained in the Planning Reform Bill, White Paper and National Planning Committee Protocol. There will also be continuing liaison between Council officers and the Planning Officers' Society Wales, the Welsh Local Government Association and within the Council reports to the Planning Strategy Group, and during 2014/15 to the Constitution Committee. The Committee may therefore consider an update report to a future meeting of the Committee in a few months time would be useful.

4.00 RECOMMENDATIONS

4.01 To note the contents of the report and to receive a further report in a few months time when the national proposals should have progressed.

5.00 FINANCIAL IMPLICATIONS

5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 None as a result of this report.

12.00 APPENDICES

12.01 Appendix 1 – Contents of Planning Code of Practice

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

Welsh Government study report of July 2013

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