

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **STANDARDS COMMITTEE**

DATE: **MONDAY, 1 SEPTEMBER 2014**

REPORT BY: **MONITORING OFFICER**

SUBJECT: **REVIEW OF THE FLINTSHIRE PLANNING CODE OF PRACTICE**

1.00 **PURPOSE OF REPORT**

1.01 For the Standards Committee to be consulted on the review of the Flintshire Planning Code of Practice.

2.00 **BACKGROUND**

2.01 The Nolan Committee's report on standards in public life led to the introduction of the new ethical framework for Members introduced in the Local Government Act 2000. One chapter of the Nolan Committee's report related to Member involvement in the planning process and recommended that each local planning authority should introduce its own planning code to improve practices in this area.

2.02 Early in the life of Flintshire County Council a Planning Protocol Group of members was formed to formulate Flintshire's code of practice which was subsequently agreed by County Council and incorporated into the Council's Constitution.

2.03 The Constitution Committee is currently in the third year of a 3 year programme of reviewing all parts of the Council's Constitution and this year's programme includes the Flintshire planning code. The guiding principles of this review are to ensure the various parts of the Constitution are up-to-date, unambiguous and easy to understand. Following consideration by the Standards Committee the review of the code will be considered by the Planning Strategy Group and then by the Constitution Committee.

2.04 The review of the Flintshire planning code has been led by the Democracy & Governance Manager who has consulted with the Monitoring Officer and the Chief Officer, Planning & Environment prior to consideration by Members. Attached as Appendix 1 is the Flintshire planning code with proposed alterations shown as tracked changes and comments showing the reason for the proposed alterations.

3.00 CONSIDERATIONS

- 3.01 The main proposed alterations to the planning code are detailed in the following paragraphs.
- 3.02 Section 3 of the planning code relates to Member training on planning. Paragraph 3.1 is proposing to widen the requirement for core planning training beyond members of the Planning and Development Control Committee to all members of the Council as all members of the Council are consulted on planning applications affecting their ward. For members of the committee and named substitutes it is being suggested that the 75% minimum attendance at planning training topics should be an ongoing requirement during the life of the current County Council rather than being over a period of 2 years. It is also proposed that the Planning Strategy Group should have the ability to grant an exception to this requirement where there is good reason for a Member temporarily failing to meet this requirement. This follows discussion at the last meeting of the Planning Strategy Group.
- 3.03 The issue of pre-determination has been given its own section (see section 4.4) rather than part of the paragraphs concerning personal interests so as to give more prominence to this issue.
- 3.04 Paragraph 9.3.1. concerning site visits has been expanded to make clear that the public have no right to attend the site visit itself. If the public lobby Members on their way to or way from a site visit any documentation they wish to submit should be done formally to the Planning Department and the paragraph has been expanded to include this.
- 3.05 Section 11 of the Code deals with where as part of the democratic process Members reach a decision contrary to the Officer recommendation. It is important that in such situations the reasons are clearly stated and recorded in the minutes of the meeting. Paragraphs 11.4 and 11.5 have been amended to reflect current practice in relation to this.

4.00 RECOMMENDATIONS

- 4.01 For the Standards Committee to give its observations on the proposed alterations to the Flintshire planning code prior to its consideration by the Planning Strategy Group.

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 With Chief Officer, Planning & Environment.

11.00 CONSULTATION UNDERTAKEN

11.01 With Chief Officer, Planning & Environment.

12.00 APPENDICES

12.01 Appendix 1 – Flintshire’s Planning Code of Practice

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

Observations of Mr Robert Dewey dated 25 June 2014.

Contact Officer: Peter Evans
Telephone: 01352 702304
Email: peter.j.evans@flintshire.gov.uk